

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 1602*
State & Local Government Committee Substitute Adopted 6/11/08

Short Title: Caswell Beach/Building Height Limit.

(Local)

Sponsors:

Referred to:

May 15, 2008

A BILL TO BE ENTITLED

1 AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF
2 CASWELL BEACH.

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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** No building erected within the corporate limits of the Town of
6 Caswell Beach may have a height that exceeds the limitation provided in this section
7 unless: (i) the building was erected before the effective date of this act, or (ii) the
8 building is a replacement structure of a similar nature, use, and height for a building that
9 was erected before the effective date of this act and was lost or significantly damaged
10 by fire, flood, hurricane, or any other act of God after the effective date of this act. For
11 purposes of this act, the term "height" means the vertical distance of a building
12 measured from the mean of the finished grade along the front of the building to: (i) the
13 midpoint between eaves and ridges or to the highest point of any architectural design
14 element extending above the ridge, including a belfry, cupola, widow's walk,
15 observation deck, or steeple, of a gable, hip, or gambrel roof; (ii) the highest point of a
16 flat roof; and (iii) the deck line of a mansard roof. The vertical distance shall not exceed
17 the higher of 26 feet above the regulatory flood protection elevation or 35 feet above the
18 mean elevation. Variances of the height limitation shall not be granted by the Town or
19 the Town Board of Adjustment.

20 **SECTION 2.** The height limitation created by Section 1 of this act does not
21 apply to functional building appurtenances, including chimneys and ventilators, that are
22 incidental to but necessary for human occupancy of the building.

23 **SECTION 3.** This act is effective when it becomes law.