

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 359
State and Local Government Committee Substitute Adopted 5/23/07

Short Title: Atlantic Beach/Building Height Regulation.

(Local)

Sponsors:

Referred to:

February 27, 2007

A BILL TO BE ENTITLED
AN ACT RELATING TO BUILDING HEIGHT REGULATIONS FOR THE TOWN
OF ATLANTIC BEACH.

Whereas, the Town of Atlantic Beach is concerned that further high-rise development within its municipal limits may be detrimental to the health, safety, and welfare of its citizens due to increasing traffic, diminished public water access, reduction in open spaces and views, overburdening of the Town's infrastructure, and negatively affecting the environment in and around the Town; and

Whereas, the Town Council of the Town of Atlantic Beach desires to provide assurance to its citizens that future development within the Town's municipal limits will be restricted to heights that are generally the same as those allowed by the Town's current ordinances, and no more; and

Whereas, after consideration of the objectives above stated and the methods available for limiting future increased high-rise development within the Town, the Town Council of Atlantic Beach has requested the North Carolina General Assembly to pass special legislation setting maximum building heights allowed within the jurisdiction of the Town of Atlantic Beach, except for the Circle Development District, to be as defined herein below, subject to change only upon approval by public referendum of the Town's voters; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Building heights within the jurisdiction of the Town of Atlantic Beach shall be limited to no more than 60 feet in height, except for buildings located within the Circle Development District and buildings that are already erected as of the effective date of this act. Measurement of height, and the objects that are to be included or excluded in the measurement of height, will be determined in accordance with the Town's ordinances applicable at the time of such determination.

SECTION 2. The building height limitations of the Town of Atlantic Beach as described in Section 1 of this act may only be changed upon recommendation of the

1 Town Council and with approval by the qualified voters of the Town in a referendum
2 called by the governing body of the Town.

3 **SECTION 3.** A proposition to approve an ordinance amending the allowed
4 heights of buildings within the jurisdiction of the Town shall be printed on the ballot in
5 substantially the following form:

6 "Shall the ordinance (describe the effect of the ordinance) be approved?"

7 [] Yes [] No"

8 **SECTION 4.** This act is effective when it becomes law.