

**AN ORDINANCE OF THE MACON COUNTY BOARD OF COMMISSIONERS FOR  
AN AMENDED AND RESTATED "BUILDING HEIGHT ORDINANCE OF THE  
COUNTY OF MACON, NORTH CAROLINA"**

**WHEREAS**, the Macon County Board of Commissioners originally adopted the Building Height Ordinance of the County of Macon, North Carolina on June 18, 2007; and

**WHEREAS**, the same has been amended and/or restated from time to time in order to make changes to the same; and

**WHEREAS**, the Board of Commissioners wishes to make certain specific amendments to the Ordinance in order to bring the Ordinance into compliance with G.S. 160D, and restate such Ordinance in its entirety as set forth hereinafter; and

**WHEREAS**, the Board of Commissioners has the authority to make such amendments to the Ordinance pursuant to G.S. 160D-601; and

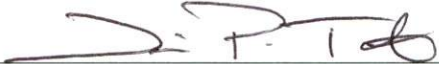
**WHEREAS**, the required Notice of Public Hearing has been duly given and duly published in accordance with the law and the required Public Hearing in connection with such amendments has been duly held in accordance with law.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon County Board of Commissioners that:

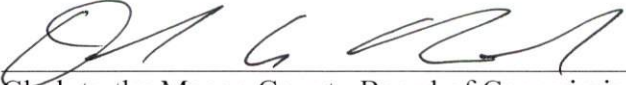
The Building Height Ordinance of the County of Macon, North Carolina, originally adopted on June 18, 2007 and which has been amended and/or restated from time to time is hereby amended and restated so that the same will hereafter read as follows:

See Exhibit A attached hereto which is incorporated herein by reference as if more fully set forth herein.

This the 8<sup>th</sup> day of March, 2022.

  
\_\_\_\_\_  
Chairman, Macon County Board of Commissioner

ATTEST:

  
\_\_\_\_\_  
Clerk to the Macon County Board of Commissioners



## AMENDED AND RESTATED BUILDING HEIGHT ORDINANCE

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## GENERAL PROVISIONS

### **§159.01 TITLE**

This ordinance shall be known and may be cited as the Building Height Ordinance of Macon County, North Carolina, and may be referred to as the Height Regulations.

### **§159.02 AUTHORITY**

The Board of Commissioners of Macon County does hereby ordain and enact into law the provisions of this ordinance pursuant to the authority conferred by Chapter 153A-121, of the General Statutes of North Carolina.

### **§159.03 JURISDICTION**

The provisions of this ordinance shall apply to all unincorporated areas of Macon County lying outside of the corporate limits and the extraterritorial jurisdiction of any municipality. Municipalities within Macon County may elect to allow this ordinance to be effective within their corporate limits and extraterritorial jurisdiction in accordance with G.S. 160D-202.

### **§159.04 PURPOSE**

The purpose of this ordinance is to regulate the height of structures in such manner as to promote the public health, safety and welfare. This purpose is achieved by allowing construction of buildings to a maximum height of 48 feet to the eave or four stories above the foundation, whichever is less, with no habitable space located above the 48 feet maximum height.

### **§159.05 DEFINITIONS**

***Building.*** Any structure built for support, shelter, or enclosure for any occupancy or storage.

- Eave.** The lower edge of a sloping or flat roof that projects beyond the face of the wall.
- Habitable.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
- Height.** The vertical distance from the top of a building's foundation to the eave of the building.
- Ordinance Administrator.** The Macon County Planner or his or her designee as assigned by the Board of Commissioners to enforce this ordinance.
- Story.** That portion of a building included between the surface of a floor and the upper surface of the floor or roof next above.
- Foundation.** That portion of a load-bearing wall below the level of the adjoining grade, or below the first floor beams or joists.

## REGULATIONS

### §159.06 MAXIMUM HEIGHT

The maximum habitable building height on any building, structure, or unit within the jurisdiction of Macon County shall not exceed 48 feet or four (4) stories, whichever is less. The maximum height shall not apply to water, radio, telephone, or television towers or any equipment for the transmission of electricity or communications or both; structures of a relatively slender nature and minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or windmills; or buildings and structures designated as National Historic Sites on the National Archives Registry.

### §159.07 APPLICATION TO EXISTING BUILDINGS

No addition, expansion, or reconstruction of an existing building may exceed the maximum height. No building permit shall be issued for any modification to an existing building that would bring it into non-compliance with the height restrictions of this ordinance.

### §159.08 ISSUANCE OF BUILDING PERMITS

No building permit shall be issued for any new building or structure that exceeds the maximum height.

### §159.09 PROJECTS IN PROGRESS

These regulations shall not apply to projects for which a building permit has already been issued prior to the date of adoption of this ordinance, (i.e. June 18, 2007).

**§159.10 APPEALS**

In the event that such a permit is denied by the Ordinance Administrator, then the applicant shall have the right to appeal the decision to the Macon County Planning Board. Notice of an appeal to the Planning Board shall be in writing, shall state the grounds for the appeal with specificity, and shall be submitted to the Clerk of the Planning Board within thirty (30) calendar days from the receipt of the written decision by the Ordinance Administrator. Notice given pursuant to G.S. 160D-403(b) by first class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. The Ordinance Administrator shall forthwith transmit to the Planning Board all the papers constituting the record upon which the action appealed was taken.

The Chairman of the Macon County Planning Board shall fix a reasonable time and date and time for hearing, give notice thereof to the parties, and shall hear and decide the matter within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney. Hearings shall be held in accordance with G.S. 160D-406. The Planning Board shall give written notice of its decision in accordance with G.S. 160D-406(j).

**§159.11 JUDICIAL REVIEW**

Appeals from the Planning Board must be filed with the Superior Court of Macon County in accordance with G.S. 160D-406(k) and subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

Adopted June 18, 2007

Amended March 9, 2009

Amended March 8, 2022