

CHAPTER 159: BUILDING HEIGHT ORDINANCE

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GENERAL PROVISIONS

§ **159.01 TITLE.** This chapter 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 Chapter pursuant to the authority conferred by Chapter 153A-121, of the General Statutes of North Carolina.

§ **159.03 JURISDICTION.** The provisions of this chapter 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 chapter to be effective within their corporate limits and extraterritorial jurisdiction.

§ **159.04 PURPOSE.** The purpose of this Chapter 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.

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Height. The vertical distance from the top of a building's foundation to the eave of the building.

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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

§ ~~159.1006~~ **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 ~~greater~~less. ~~For the purposes of this section, building height shall mean the vertical distance measured from the top of the foundation of said building, structure or unit to the uppermost point of said building, structure or unit.~~ 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.

§ ~~159.1107~~ **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.

§ ~~159.12-08~~ **ISSUANCE OF BUILDING PERMITS.** No building permit shall be issued for any new building or structure that exceeds the maximum height.

§ ~~159.12-09~~ **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.

Adopted June 18, 2007

Amended March 9, 2009