



Issue: **AN ORDINANCE OF THE CITY COUNCIL FO THE CITY OF NIXA, MISSOURI AMENDING CHAPTER 117, ARTICLE VII OF THE NIXA CITY CODE TO MODIFY THE CITY’S DENSITY AND DIMENSIONAL REGULATIONS**

Date: May 10, 2021

Submitted By: Garrett Tyson, Director of Planning and Development

Background

The City’s current zoning regulations concerning density and dimensional requirements, such as minimum lot area, minimum yards, maximum building heights, etc., are structured in a way that causes confusion. In particular, the building setback requirements are structured such that in certain commercial districts, depending on how you interpret the language, the setback distances would be prohibitive to development on smaller tracts (especially if located at street intersections). Additionally, the same regulations contain multiple errors and omissions that also make the regulations difficult to apply.

Analysis

The result of the confusion and difficulty caused by the many errors and confusing language is that interested persons are likely to not feel confident that they are applying the regulations correctly. Upon an initial reading of the regulations, one is likely to assume (perhaps correctly) that commercial setback distances are unusually large and making certain commercial zones of the City relatively unattractive for improvement.

Because real property in Nixa exists within a broader regional market for land, it should be assumed that there are many substitute “products” available. If Nixa’s dimensional standards are confusing or unnecessarily prohibitive, it is likely that land affected by the problematic regulations may be less competitive within that market.

To address that concern, one must consider whether the dimensional standards are serving an important public interest. In the case of building setbacks and other dimensional standards, there are now many other regulatory provisions contained in the building and fire codes that are likely to require setbacks as large or larger than zoning setbacks. In the case of the dimensional standards that Nixa applies, staff believes that many of the setbacks can be appropriately reduced while still serving the fundamental purposes of the regulations as set forth in state statute and elsewhere.

The bill that is the subject of this memorandum restructures, simplifies and significantly reduces certain setback dimensions (particularly in the commercial and industrial districts). One of the goals in drafting this amendment was to not make a change that would cause non-conformities, so no dimensional standards were enlarged.



A comparison of the existing and proposed setback distances to each other as well as other municipalities in the local region and other areas of the state is included below for reference.

City	Residential			General Commercial			Light Industrial			Heavy Industrial		
	Front	Side	Rear	Front	Side	Rear	Front	Side	Rear	Front	Side	Rear
<i>Nixa (current)</i>	<i>25</i>	<i>5</i>	<i>20</i>	<i>40</i>	<i>15</i>	<i>20</i>	<i>30</i>	<i>10</i>	<i>25</i>	<i>40</i>	<i>25</i>	<i>25</i>
Ozark	25	7	20	25	5	30	35	20	35	-	-	-
Republic*	25	6	25	15	6	15	15	15	15	15	15	30
Springfield*	15	5	10-20	20	0	0	15 or 25	10	10	15 or 25	0	0
Columbia	25	6	25	25	0	0	25	0	10	-	-	-
Independence*	25	5	20	15	0	0	25	0	0	25	35	35
Blue Springs	25	8	15	20	20	25	0-45	10	10	40	20	20
Fenton	30	6	30	20	10	10	50	15	15	-	-	-
<i>Nixa (proposed)</i>	<i>25</i>	<i>5</i>	<i>20</i>	<i>20</i>	<i>10</i>	<i>20</i>	<i>20</i>	<i>10</i>	<i>20</i>	<i>25</i>	<i>25</i>	<i>25</i>

* measured to "drip edge"

Recommendation

Staff recommends the approval and passage of this bill. The Planning and Zoning Commission voted unanimously to recommend the approval and passage of this bill.

2
3 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA
4 AMENDING CHAPTER 117, ARTICLE VII OF THE NIXA CITY CODE TO
5 MODIFY THE CITY’S DENSITY AND DIMENSIONAL REGULATIONS.
6

7
8 WHEREAS City staff has proposed certain amendments to Chapter 117, Article
9 VII of the Nixa City Code related to the City’s density and dimensional regulations; and

10
11 WHEREAS density and dimensional regulations include requirements such as
12 minimum lot area, minimum yard size, maximum building heights, and established
13 certain setbacks; and

14
15 WHEREAS upon review of the regulations set forth in Chapter 117, Article VII
16 staff has determined that the current regulations are confusing and difficult to apply; and

17
18 WHEREAS the Planning and Zoning Commission, at their May 3, 2021 meeting,
19 considered the revisions proposed by staff and recommend approval of said revisions;
20 and

21
22 WHEREAS City Council, having considered the revisions, desires to implement
23 these revisions and adopt an Ordinance accordingly.

24
25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 NIXA, AS FOLLOWS, THAT:

27
28 SECTION 1: Chapter 117, Article VII of the Nixa City Code is hereby amended
29 by repealing Article VII and adopting in lieu thereof a new Article VII. Said Article shall
30 read as follows:

31
32 (Note: Language to be added is underlined. Language to be removed is stricken.)

33
34 ARTICLE VII. – DENSITY AND DIMENSIONAL REGULATIONS

35
36 Sec. 177-275 – Applicability of Article.

37
38 The requirements and conditions set forth in this article shall apply to the subdivision of
39 land and the construction of buildings and structures. No subdivision, building, or
40 structure shall be approved by the City except in compliance with this article.

41
42 Sec. 117-276 – Buildings set back from street centerlines.

43
44 To ensure the full development of public transportation thoroughfares, buildings shall be
45 set back from the centerline of all streets adjoining the lot in which the building is

46 located as based on the classification of that street as indicated in the City Council's
47 adopted transportation plan as set forth in the table provided below.

<u>Local</u>	<u>Collector</u>	<u>Secondary</u> <u>Arterial</u>	<u>Primary</u> <u>Arterial</u>	<u>Expressway</u>	<u>Freeway</u>
<u>25 feet</u>	<u>35 feet</u>	<u>40 feet</u>	<u>55 feet</u>	<u>90 feet</u>	<u>125 feet</u>

49
50 Sec. 117-277 – Minimum Dimensional Standards.

51
52 (a) The following minimum dimensional standards shall apply in each respective zoning
53 district:

54
55 (1) Lots zoned as AG district (agricultural) shall comply with the following
56 dimensional requirements:

- 57
- 58 a. The minimum lot area shall be no less than 20,000 square feet,
- 59 b. The minimum lot width shall be no less than 100 feet,
- 60 c. No building shall be constructed or placed which exceeds 35 feet in height,
- 61 d. Buildings constructed or placed shall have a front yard setback of at least 25
62 feet,
- 63 e. Buildings constructed or placed shall have a rear yard setback of at least 25
64 feet,
- 65 f. Buildings constructed or placed shall have a side yard setback of at least 5
66 feet as measured from the nearest point on the foundation wall to the property
67 line,
- 68 g. When the side yard of any building on a lot is adjacent to a street the building
69 shall be setback at least 12 feet from the property line adjacent to the street,
- 70 h. The maximum allowed number of dwelling units shall not exceed 2.18
71 dwelling units per acre.

72
73 (2) Lots zoned as R-1 district (single-family residential) shall comply with the
74 following dimensional requirements:

- 75
- 76 a. The minimum lot area shall be no less than 6,600 square feet,
- 77 b. The minimum lot width shall be no less than 60 feet,
- 78 c. No building shall be constructed or placed which exceeds 35 feet in height,
- 79 d. Buildings constructed or placed shall have a front yard setback of at least 25
80 feet,
- 81 e. Buildings constructed or placed shall have a rear yard setback of at least 20
82 feet,
- 83 f. Buildings constructed or placed shall have a side yard setback of at least 5
84 feet as measured from the nearest point on the foundation wall to the property
85 line,
- 86 g. When the side yard of any building on a lot is adjacent to a street the building
87 shall be setback at least 12 feet from the property line adjacent to the street,

88 h. The maximum allowed number of dwelling units shall not exceed 6.60
89 dwelling units per acre.

90

91 (3) Lots zoned as R-4 district (two-family) shall comply with the following
92 dimensional requirements:

93

94 a. The minimum lot area shall be no less than 8,000 square feet for two-family
95 residential dwellings (“duplexes”) and no less than 4,000 square feet for
96 attached single-family residential dwellings (“townhomes” or “zero lot line”).

97 b. The minimum lot width shall be no less than 60 feet,

98 c. No building shall be constructed or placed which exceeds 35 feet in height,

99 d. Buildings constructed or placed shall have a front yard setback of at least 20
100 feet,

101 e. Buildings constructed or placed shall have a rear yard setback of at least 15
102 feet,

103 f. Buildings constructed or placed shall have a side yard setback of at least 6
104 feet as measured from the nearest point on the foundation wall to the property
105 line,

106 g. When the side yard of any building on a lot is adjacent to a street the building
107 shall be setback at least 12 feet from the property line adjacent to the street,

108 h. The maximum allowed number of dwelling units shall not exceed 5.45
109 dwelling units per acre.

110

111 (4) Lots zoned as R-5 district (medium density multifamily) shall comply with the
112 following dimensional requirements:

113

114 a. No building shall be constructed or placed which exceeds 35 feet in height,

115 b. Buildings constructed or placed shall have a front yard setback of at least 20
116 feet,

117 c. Buildings constructed or placed shall have a rear yard setback of at least 12
118 feet,

119 d. Buildings constructed or placed shall have a side yard setback of at least 8
120 feet as measured from the nearest point on the foundation wall to the
121 property line,

122 e. When the side yard of any building on a lot is adjacent to a street the building
123 shall be setback at least 12 feet from the property line adjacent to the street,

124 f. The maximum allowed number of dwelling units shall not exceed 8.71
125 dwelling units per acre.

126

127 (5) Lots zoned as R-3 district (multifamily) shall comply with the following
128 dimensional requirements:

129

130 a. No building shall be constructed or placed which exceeds 35 feet in height,

131 b. Buildings constructed or placed shall have a front yard setback of at least 20
132 feet,

- 133 c. Buildings constructed or placed shall have a rear yard setback of at least 12
134 feet.
135 d. Buildings constructed or placed shall have a side yard setback of at least 8
136 feet as measured from the nearest point on the foundation wall to the
137 property line.
138 e. When the side yard of any building on a lot is adjacent to a street the building
139 shall be setback at least 12 feet from the property line adjacent to the street.
140 f. The maximum allowed number of dwelling units shall not exceed 14.52
141 dwelling units per acre.
142

143 (6) Lots zoned as R-MHS district (residential modular home) shall comply with the
144 following dimensional requirements:
145

- 146 a. The minimum lot area shall be no less than 6,000 square feet.
147 b. The minimum lot width shall be no less than 60 feet.
148 c. The minimum lot depth shall be no less than 100 feet.
149 d. No building shall be constructed or placed which exceeds 35 feet in height.
150 e. Buildings constructed or placed shall have a front yard setback of at least 6
151 feet.
152 f. Buildings constructed or placed shall have a rear yard setback of at least 6
153 feet.
154 g. Buildings constructed or placed shall have a side yard setback of at least 6
155 feet.
156 h. When the side yard of any building on a lot is adjacent to a street the building
157 shall be setback at least 12 feet from the property line adjacent to the street.
158 i. The maximum allowed number of dwelling units shall not exceed 7.26
159 dwelling units per acre.
160

161 (7) Lots zoned as R-MHC district (residential manufactured home community) shall
162 comply with the following dimensional requirements:
163

- 164 a. The minimum lot area shall be no less than 4,000 square feet.
165 b. The minimum lot width shall be no less than 40 feet.
166 c. No building shall be constructed or placed which exceeds 35 feet in height.
167 d. Buildings constructed or placed shall have a front yard setback of at least 6
168 feet.
169 e. Buildings constructed or placed shall have a rear yard setback of at least 6
170 feet.
171 f. Buildings constructed or placed shall have a side yard setback of at least 6
172 feet.
173 g. When the side yard of any building on a lot is adjacent to a street the
174 building shall be setback at least 12 feet from the property line adjacent to
175 the street.
176 h. The maximum allowed number of dwelling units shall not exceed 10.89
177 dwelling units per acre.
178

179 (8) Lots zoned as CC district (center city commercial) shall comply with the following
180 dimensional requirements:

- 181
- 182 a. Buildings constructed or placed shall have a front yard setback of at least 25
- 183 feet.
- 184 b. Buildings constructed or placed shall have a rear yard setback of at least 20
- 185 feet.
- 186 c. Buildings constructed or placed shall have a side yard setback of at least 10
- 187 feet.
- 188 d. When the side yard of any building on a lot is adjacent to a street the
- 189 building shall be setback at least 15 feet from the property line adjacent to
- 190 the street.

191

192 (9) Lots zoned as O district (transitional office) shall comply with the following
193 dimensional requirements:

- 194
- 195 a. Buildings constructed or placed shall have a front yard setback of at least 15
- 196 feet.
- 197 b. Buildings constructed or placed shall have a rear yard setback of at least 15
- 198 feet.
- 199 c. Buildings constructed or placed shall have a side yard setback of at least 10
- 200 feet.
- 201 d. When the side yard of any building on a lot is adjacent to a street the
- 202 building shall be setback at least 15 feet from the property line adjacent to
- 203 the street.

204

205 (10) Lots zoned as NC district (neighborhood commercial) shall comply with
206 the following dimensional requirements:

- 207
- 208 a. Buildings constructed or placed shall have a front yard setback of at least 15
- 209 feet.
- 210 b. Buildings constructed or placed shall have a rear yard setback of at least 15
- 211 feet.
- 212 c. Buildings constructed or placed shall have a side yard setback of at least 10
- 213 feet.
- 214 d. When the side yard of any building on a lot is adjacent to a street the
- 215 building shall be setback at least 15 feet from the property line adjacent to
- 216 the street.

217

218 (11) Lots zoned as GC district (general commercial) shall comply with the
219 following dimensional requirements:

- 220
- 221 a. Buildings constructed or placed shall have a front yard setback of at least 20
- 222 feet.
- 223 b. Buildings constructed or placed shall have a rear yard setback of at least 20
- 224 feet.

- 225 c. Buildings constructed or placed shall have a side yard setback of at least 10
226 feet.
227 d. When the side yard of any building on a lot is adjacent to a street the
228 building shall be setback at least 15 feet from the property line adjacent to
229 the street.

231 (12) Lots zoned as HC district (highway commercial) shall comply with the
232 following dimensional requirements:

- 233
234 a. Buildings constructed or placed shall have a front yard setback of at least 20
235 feet.
236 b. Buildings constructed or placed shall have a rear yard setback of at least 20
237 feet.
238 c. Buildings constructed or placed shall have a side yard setback of at least 10
239 feet.
240 d. When the side yard of any building on a lot is adjacent to a street the
241 building shall be setback at least 20 feet from the property line adjacent to
242 the street.

243
244 (13) Lots zoned as M-1 district shall comply with the following dimensional
245 requirements:

- 246
247 a. Buildings constructed or placed shall have a front yard setback of at least 20
248 feet.
249 b. Buildings constructed or placed shall have a rear yard setback of at least 20
250 feet.
251 c. Buildings constructed or placed shall have a side yard setback of at least 10
252 feet.
253 d. When the side yard of any building on a lot is adjacent to a street the
254 building shall be setback at least 10 feet from the property line adjacent to
255 the street.

256
257 (14) Lots zoned as M-2 district shall comply with the following dimensional
258 requirements:

- 259
260 a. Buildings constructed or placed shall have a front yard setback of at least 25
261 feet.
262 b. Buildings constructed or placed shall have a rear yard setback of at least 25
263 feet.
264 c. Buildings constructed or placed shall have a side yard setback of at least 25
265 feet.
266 d. d. When the side yard of any building on a lot is adjacent to a street the
267 building shall be setback at least 25 feet from the property line adjacent to
268 the street.

269

270 (b) Residential side yards adjacent to a collector, arterial, expressway or freeway class
271 thoroughfare shall be setback 20 feet.

272
273 (c) Bulk Regulations. No building or structure shall be placed in an M-1 or M-2 district
274 such that the height of said building or structure is greater than the slope measured
275 from a 45-degree angle from any property line adjoining a residential district.

276
277 (d) Whenever a lot in a nonresidential district has a common boundary line with a lot in
278 a residential district, and the property line setback requirement applicable to the
279 residential lot is greater than that applicable to the nonresidential lot, then the lot in
280 the nonresidential district shall be required to observe the property line setback
281 requirement applicable to the adjoining residential lot.

282
283 (e) Structural features normally located on the roof of a building and not intended or
284 used as places of occupancy or storage are exempt from the height limitations
285 provided for in this section.

286
287 Section 117-278 – Accessory structure setback requirements.

288
289 (a) All accessory structures shall comply with the applicable setback requirements of
290 this article except that rear yard setbacks shall only be a minimum of six feet unless
291 a greater distance is required by Section 117-278(b).

292
293 (b) Where the high point of the roof or any appurtenance of an accessory building
294 exceeds 12 feet in height, the accessory building shall be set back from any
295 boundary line adjoining another residential lot by an additional two feet for every foot
296 of height exceeding 12 feet.

297
298 (c) The total area of all accessory buildings located on a single lot shall not cause the
299 total area of building coverage on the lot to exceed 40 percent of the total lot area.

300
301 (d) Unenclosed decks with no roof and structures which are flat surfaces shall not be
302 subject to the accessory structure setback requirements established herein. For
303 purposes of this section, structures which are considered flat surfaces include,
304 without limitation, patios, walkways, sidewalks, foundations, driveways, and other
305 similar structures.

306
307 (e) Notwithstanding any other provision to the contrary, swimming pools shall be
308 setback at least 5 feet from the principal building.

309
310 Section 117-279 – Density on lots where portion dedicated to city.

311
312 (a) Subject to other provisions of this section, if any portion of a tract lies within an area
313 designated on an officially adopted city plan as part of a proposed public park,
314 greenway, or bikeway, and before the tract is developed, the owner of the tract, with
315 the concurrence of the city, dedicates to the city that portion of the tract so

316 designated, then, when the remainder of the tract is developed for residential
317 purposes, the permissible density at which the remainder may be developed shall be
318 calculated in accordance with the provisions of this section.

319 (b) If the proposed use of the remainder is a single-family detached residential
320 subdivision, then the lots in such subdivision may be reduced in accordance with the
321 provisions of article VI of this chapter except that as equivalent amount of land has
322 previously been dedicated to the city in accordance with subsection (a) of this
323 section.

324
325 (c) If the proposed use of the remainder is a two-family or multifamily project, then the
326 approved use density at which the remainder may be developed shall be calculated
327 by regarding the dedicated portion of the original lot as if it were still part of the lot
328 proposed for development.

329
330 (d) If the portion of the tract that remains after dedication as provided in subsection (a)
331 of this section is divided in such a way that the resultant parcels are intended for
332 future subdivision or development, then each of the resultant parcels shall be
333 entitled to its pro rata share of the "density bonus" provided for in subsections (b)
334 and (c) of this section.

335
336 **Sec. 117-275. - Minimum lot size.**

337
338 ~~Subject to the provisions of article VI of this chapter (planned unit developments), all~~
339 ~~lots in the following zones shall have at least the amount of square footage indicated in~~
340 ~~the following table:~~

341

Zone	Minimum Square Feet
R-3	3,000
R-4	4,000
R-5	5,000
R-1	6,600
AG	20,000
CC	No minimum
NG	No minimum
O	No minimum
GC	No minimum
HC	No minimum

M-1	No minimum
M-2	No minimum

342 ~~Sec. 117-276. -- Residential density.~~

343
 344 ~~(a) Subject to subsection (b) of this section and the provisions of article VI of this chapter,~~
 345 ~~every lot developed for residential purposes shall have the number of square feet per~~
 346 ~~dwelling unit indicated in the following table. In determining the number of dwelling~~
 347 ~~units permissible on a tract of land, fractions shall be rounded to the nearest whole~~
 348 ~~number.~~

349

Zone	Lot Minimum Square Feet Per Dwelling Unit
R-3	3,000
R-4	4,000
R-1	6,600
AG	20,000
CG	N/A
NC	N/A
O	N/A

350
 351 ~~(b) Two-family conversions and primary residences with an accessory apartment shall be~~
 352 ~~allowed only on lots having at least 150 percent of the minimum square footage~~
 353 ~~required for one dwelling unit on a lot in such district. With respect to multifamily~~
 354 ~~conversions into three- or four- dwelling units, the minimum lot size shall be 200~~
 355 ~~percent and 250 percent respectively of the minimum required for one dwelling unit.~~

356

357 ~~Sec. 117-277. -- Minimum lot widths.~~

358
 359 ~~(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it~~
 360 ~~would be impracticable to construct on it a building that:~~

361
 362 ~~(1) Could be used for purposes that are permissible in that zoning district; and~~

363
 364 ~~(2) Could satisfy any applicable setback requirements for that district.~~

365
 366 ~~(b) Without limiting the generality of the foregoing standard, the following table indicates~~
 367 ~~minimum lot widths that are recommended and are deemed presumptively to satisfy~~
 368 ~~the standard set forth in subsection (a) of this section. The lot width shall be measured~~
 369 ~~along a straight line connecting the points at which a line that demarcates the required~~
 370 ~~setback from the street at which a line that demarcates the required setback from the~~
 371 ~~street intersects with lot boundary lines at opposite side of the lot.~~

372

Zone	Lot Width (in feet)
R-1	60
R-4	60
R-3	50
AG	100
CG	None
NG	None
O	None
GC	None
HG	None
M-1	None
M-2	None

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382

(c) ~~No lot created after the effective date of the ordinance from which this chapter is derived that is less than the recommended width shall be entitled to a variance from any building setback requirement.~~

~~Sec. 117-278. - Building setback requirements.~~

(a) ~~The following table shows the building setback requirements for the various zones of the city:~~

Zone	Minimum Distance From					
	Street Right-of-Way Line (in feet)		Street Centerline (in feet)		Lot Boundary Line Building & Free-standing Sign (in feet)	
	Building	Free-standing sign	Building	Free-standing sign	Rear	Side*
AG	25	40	55	50	25	5*
R-1	25	40	50	40	20	5*
R-4	20	40	50	40	15	6*
R-3	20	40	50	40	12	8*
CG	25	40	30	30	20	15

NG	15	7.5	45	37.5	15	15
Ø	15	7.5	45	37.5	15	15
GG	40	10	70	50	20	15
HC	60	15	90	60	20	20
M-1	30	10	60	45	25	10
M-2	40	15	70	50	25	25

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~~* Setback shall be measured from the property line to the foundation wall.~~

~~*Residential side yards with local street frontage must retain a 12-foot building setback from property line.~~

~~*Residential side yards with local street frontage must retain a 12-foot building setback from property line.~~

~~*Residential side yard with collector frontage must retain a 20-foot side yard building setback from property line.~~

~~(b) Subject to sections 117-279 and 117-281 and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth in this section.~~

~~(1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback line shall be measured from the street centerline.~~

~~(2) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.~~

~~(3) As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:~~

~~a. Gas pumps and overhead canopies or roofs; and~~

~~b. Privacy fences running along lot boundaries adjacent to public street rights-of-way.~~

~~(4) Reverse setbacks 30 feet if parking in rear. All front yards are to be landscaped.~~

421 ~~(c) Whenever a lot in a nonresidential district has a common boundary line with a lot in a~~
422 ~~residential district, and the property line setback requirement applicable to the~~
423 ~~residential lot is greater than that applicable to the nonresidential lot, then the lot in~~
424 ~~the nonresidential district shall be required to observe the property line setback~~
425 ~~requirement applicable to the adjoining residential lot.~~

426
427 ~~(d) Setback distances shall be measured from the property line or street right-of-way line~~
428 ~~to a point on the lot that is directly below the nearest extension of any part of the~~
429 ~~building that is substantially a part of the building itself and not a mere appendage to~~
430 ~~it (such as a flagpole, etc.)~~

431
432 ~~(e) Whenever a private road that serves more than three lots or more than three dwelling~~
433 ~~units or that serves any nonresidential use tending to generate traffic equivalent to~~
434 ~~more than three dwelling units is located along a lot boundary, then:~~

435
436 ~~(1) If the lot is not also bordered by a public street, buildings and freestanding signs~~
437 ~~shall be set back from the centerline of the private road just as if such road were a~~
438 ~~public street.~~

439
440 ~~(2) If the lot is also bordered by a public street, then the setback distance on lots used~~
441 ~~for residential purposes (as set forth above in the column labeled "Minimum~~
442 ~~Distance from Lot Boundary Line") shall be measured from the inside boundary of~~
443 ~~the traveled portion of the private road.~~

444
445 ~~(f) Adjacent collector streets.~~

446
447 ~~(1) For lots that are adjacent to a collector street or greater, the minimum side yard~~
448 ~~setback shall be 20 feet from the street right-of-way line to the closest point of the~~
449 ~~house.~~

450
451 ~~(2) For lots that back up to a collector street or greater, the setback must be 40 feet~~
452 ~~from the street right-of-way to the closest point of the house.~~

453
454 ~~(g) Whenever a utility easement, including overhead electric lines that poses a life safety~~
455 ~~potential, is included on a lot, the setback from the easement line shall be a minimum~~
456 ~~of ten feet or the established setback for the zoning district, whichever is greater.~~

457
458 ~~Sec. 117-279. -- Accessory building setback requirements.~~

459
460 ~~(a) All accessory buildings in residential districts, i.e., those established by section 117-~~
461 ~~23, must comply with the street right-of-way and side lot boundary setbacks set forth~~
462 ~~in section 117-278, but (subject to the remaining provisions of this subsection) shall~~
463 ~~be required to observe only a six-foot setback from rear lot boundary lines on local~~
464 ~~streets.~~

465

466 ~~(b) Where the high point of the roof or any appurtenance of an accessory building exceeds~~
467 ~~12 feet in height, the accessory building shall be set back from rear lot boundary lines~~
468 ~~an additional two feet for every foot of height exceeding 12 feet except if located along~~
469 ~~street frontage.~~

471 ~~(c) Maximum lot coverage of principal and accessory buildings shall not exceed 40~~
472 ~~percent of the lot.~~

473
474 ~~Sec. 117-280. -- Building height limitations.~~

475
476 ~~(a) For purposes of this section:~~

477
478 ~~(1) The height of a building shall be the vertical distance measured from the mean~~
479 ~~elevation of the finished grade at the front of the building to the highest point of the~~
480 ~~building.~~

481
482 ~~(2) A point of access to a roof shall be the top of any parapet wall or the lowest point~~
483 ~~of a roof's surface, whichever is greater. Roofs with slopes greater than 75 percent~~
484 ~~are regarded as walls.~~

485
486 ~~(b) Subject to the remaining provisions of this section, building height limitations in the~~
487 ~~various zoning districts shall be as follows:~~

488

Zone	Height Limitation (in feet)
AG	35
R-1, R-MHS, R-MHC	35
R-4	30
R-3	35
CC	40
NC, O	35
GC, HG	50
M-1, M-2	40

489
490 ~~(c) Subject to subsection (d) of this section, the following features are exempt from the~~
491 ~~district height limitations set forth in subsection (b) of this section:~~

492
493 ~~(1) Chimneys, church spires, elevator shafts, and similar structural appendages not~~
494 ~~intended as places of occupancy or storage,~~

495
496 ~~(2) Flagpoles and similar devices,~~

497

498 ~~(3) Heating and air conditioning equipment, solar collectors, and similar equipment,~~
499 ~~fixtures, and devices.~~

500
501 ~~(d) The features listed in subsection (c) of this section are exempt from the height~~
502 ~~limitations set forth subsection (b) of this section if they conform to the following~~
503 ~~requirements:~~

504
505 ~~(1) Not more than one third of the total roof area may be consumed by such features.~~

506
507 ~~(2) The features described in subsection (c)(3) of this section must be set back from~~
508 ~~the edge of the roof at least one foot for every foot by which such features extend~~
509 ~~above the roof surface of the principal building to which they are attached.~~

510
511 ~~(3) The permit issuing authority may authorize or require that parapet walls be~~
512 ~~constructed (up to a height not exceeding that of the features screened) to shield~~
513 ~~features listed in subsections (c)(1) and (2) of this section from view.~~

514
515 ~~(e) Notwithstanding subsection (b) of this section, in any zoning district the vertical~~
516 ~~distance from the ground to a point of access to a roof surface of any nonresidential~~
517 ~~building or any multifamily residential building containing four or more dwelling units~~
518 ~~may not exceed 35 feet unless the fire chief certifies to the permit issuing authority~~
519 ~~that such building is designed to provide adequate access for firefighting personnel~~
520 ~~or the building inspector certifies that the building is otherwise designed or equipped~~
521 ~~to provide adequate protection against the dangers of fire.~~

522
523 ~~(f) Towers and antennas are allowed in all zoning districts to the extent authorized in the~~
524 ~~table of approved uses.~~

525
526 ~~Sec. 117-281. -- Density on lots where portion dedicated to city.~~

527
528 ~~(a) Subject to other provisions of this section, if any portion of a tract lies within an area~~
529 ~~designated on an officially adopted city plan as part of a proposed public park,~~
530 ~~greenway, or bikeway, and before the tract is developed, the owner of the tract, with~~
531 ~~the concurrence of the city, dedicates to the city that portion of the tract so designated,~~
532 ~~then, when the remainder of the tract is developed for residential purposes, the~~
533 ~~permissible density at which the remainder may be developed shall be calculated in~~
534 ~~accordance with the provisions of this section.~~

535
536 ~~(b) If the proposed use of the remainder is a single-family detached residential~~
537 ~~subdivision, then the lots in such subdivision may be reduced in accordance with the~~
538 ~~provisions of article VI of this chapter except that as equivalent amount of land has~~
539 ~~previously been dedicated to the city in accordance with subsection (a) of this section.~~

540

541 ~~(c) If the proposed use of the remainder is a two-family or multifamily project, then the~~
542 ~~approved use density at which the remainder may be developed shall be calculated~~
543 ~~by regarding the dedicated portion of the original lot as if it were still part of the lot~~
544 ~~proposed for development.~~

545
546 ~~(d) If the portion of the tract that remains after dedication as provided in subsection (a) of~~
547 ~~this section is divided in such a way that the resultant parcels are intended for future~~
548 ~~subdivision or development, then each of the resultant parcels shall be entitled to its~~
549 ~~pro rata share of the "density bonus" provided for in subsections (b) and (c) of this~~
550 ~~section.~~

551
552 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance,
553 is authorized to provide for different section numbers, subsection numbers, and different
554 internal citation references than those provided herein when such section numbers,
555 subsection numbers, or internal citation references are in error or are contrary to the
556 intent of this Ordinance.

557
558 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to
559 affect any suit or proceeding now pending in any court or any rights acquired, or liability
560 incurred nor any cause or causes of action occurred or existing, under any act or
561 ordinance repealed hereby.

562
563 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or
564 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
565 affect the validity of the remaining portions of this Ordinance. The Council hereby
566 declares that it would have adopted the Ordinance and each section, subsection,
567 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
568 sections, subsections, sentences, clause, or phrases be declared invalid.

569
570 **SECTION 5:** This Ordinance shall be in full force and effect from and after its
571 final passage by the City Council and after its approval by the Mayor, subject to the
572 provisions of section 3.11(g) of the City Charter.

573
574
575 **ADOPTED BY THE COUNCIL OF THE CITY OF NIXA THIS _____ DAY OF**
576 **_____ 2021.**

577
578
579 ATTEST:

580
581 _____
582 CITY CLERK

580
581 _____
582 PRESIDING OFFICER

585 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2021.**

586

587

588 **ATTEST:**

589

590 _____

591 **CITY CLERK**

592

593

594 **APPROVED AS TO FORM:**

595

596 _____

597 **CITY ATTORNEY**

MAYOR