

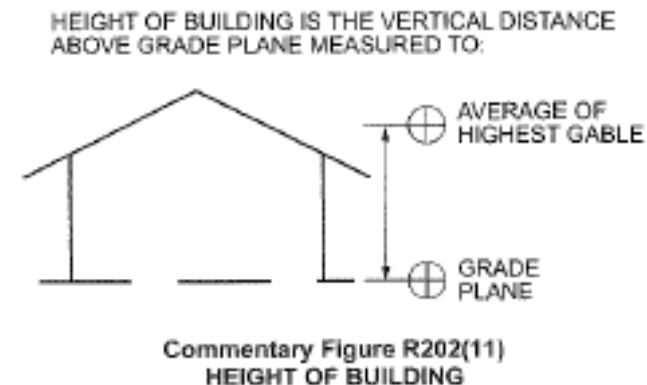
AN ORDINANCE OF THE NIXA CITY COUNCIL PROPOSING AMENDMENTS TO CHAPTER 117 ARTICLE VII OF THE NIXA CODE OF ORDINANCES RELATING TO BUILDING HEIGHT AND REQUIRED SETBACKS

Background:

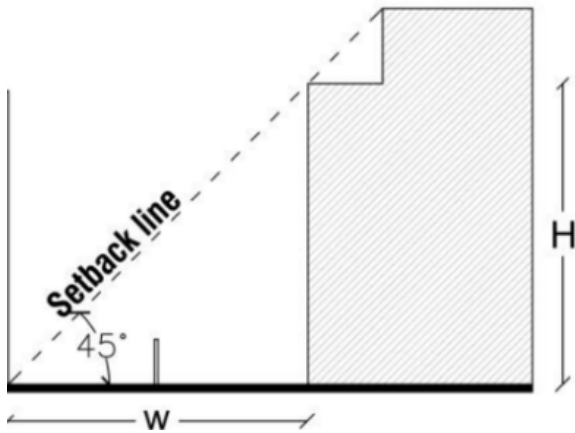
Prior to a code amendment in July of 2021 there was a uniform building height limit of 35' in all zoning districts. The passage of an amendment in July '21 removed building height restrictions in all Commercial & Industrial zoning districts and left the 35' limit in place for residential districts. Several discussions among staff and the Planning & Zoning commission resulted in re-evaluating allowable building height in all zoning districts, as well as the addition of sensible regulations to increase setbacks when exceeding 35' in height.

Terms:

Building Height – Is measured using the adopted code language from the 2018 IBC & IRC (Building Codes). Which is the vertical distance from the grade plane to the average height of the highest roof surface.



Bulk Plane – The proposed amendment would establish bulk plane regulations. These regulations, when required, would increase the building setback line to the height of the building measured at a 45° angle from any property line. Essentially the building setback would be equal to the height of the building. Thus, the size of the lot is the mechanism that dictates the maximum allowable height.



Analysis:

Residential

The proposed amendment would keep the established setbacks for buildings in residential zoning districts that are less than 35' in height. It would allow for structures in R-1 (single-family), R-4 (two-family), and R-5 (medium density multi-family) zoned districts to exceed 35' in height, however the setbacks would be subject to the Bulk Plane regulations.

Example:

Proposed building 34' tall. Current adopted setbacks would apply.

Proposed building 36' tall. Building must be setback 36' from all property lines.

The same regulations are applied to R-3 (high-density multi-family) zoning districts, with one caveat. If the building exceeds 35' **and** shares a property line with low density residential (R-1, R-4) zoning districts, a setback of at least 1.5x the height of the building along the shared property line would be required. This extra measure was considered in order to offer some protection from the impact of higher density development when immediately adjacent to a low-density development.

Example:

Proposed building 40' tall with a shared property line with R-1 zoned property. Setback will be subject to the bulk plane regulation, which will result in a 40' setback from all property lines except the shared property line with the R-1

zoned property, which will require the building be setback 60' from the property line.

Commercial/Industrial

The proposed amendment would keep the established setbacks for buildings less than 35' in height. It would allow for structures in Office (O), City Center (CC), and Neighborhood Commercial (NC) zoned districts to exceed 35' in height, however the setbacks would be subject to the Bulk Plane regulations.

The same regulations are applied to General Commercial (GC), Highway Commercial (HC), Industrial (M-1, M-2) zoning districts, with the same caveat. If the building exceeds 35' **and** shares a property line with low density residential (R-1, R-4) zoning districts, a setback of at least 1.5x the height the building along the shared property line would be required. This extra measure was considered in order to offer some additional protection from the impact of higher intensity development when immediately adjacent to a low-density development.

The proposed code amendment would dispatch the language requiring a meeting on the 1st Monday of every month at 7pm. However, meetings will still be held on a regular schedule as consistently as possible. This amendment would also allow for the scheduling of Special Meetings without a majority vote from the commission. As the code is currently written the commission is required to meet and vote on scheduling a special meeting.

Planning and Zoning Commission:

A public hearing for this item was held at the December 2nd Planning and Zoning Commission meeting. No one approached the Commission to speak on this item. The P&Z Commission voted unanimously (7-0) to recommend approval to the Nixa City Council.

Recommendation:

Building code requires more stringent fire safety measures (non-combustible building materials, sprinkler systems, etc.) for buildings over 3 stories, the Nixa Fire Protection District feels comfortable with their ability to provide service for buildings taller than 35'.

While there are no known current plans for a structure in excess of 35', this code amendment would provide a path for such a development. Bulk Plane is a common regulation nationwide as it is easy to understand and enforce. Consideration was given to low density land uses, while still offering development-friendly guardrails. Staff recommend approval of this code amendment.

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development
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1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**
2 **117, ARTICLE VII, SECTION 117-277 OF THE NIXA CITY CODE FOR THE PURPOSE**
3 **OF MODIFYING PROVISIONS RELATED TO BUILDING HEIGHT AND BUILDING**
4 **SETBACKS.**

5
6 **WHEREAS** City staff desire to modify the current regulations regarding building
7 height and building setbacks; and

8
9 **WHEREAS** to that end, staff have drafted proposed amendments to the City Code;
10 and

11
12 **WHEREAS** the Planning and Zoning Commission held a public hearing on these
13 amendments at the December 2, 2024, regular meeting; and

14
15 **WHEREAS** the Planning and Zoning Commission, after holding a public hearing
16 on the amendments issued a recommendation of approval; and

17
18 **WHEREAS** the City Council desires to adopt the amendments contained herein.

19
20 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
21 **NIXA, AS FOLLOWS, THAT:**

22
23 **SECTION 1:** Chapter 117, Article VII, Section 117-277 of the Nixa City Code is
24 hereby amended by repealing said Section in its entirety and adopting in lieu thereof a
25 new Section 117-277, which said Section shall read as follows (Explanation: Language
26 in bold-face type (e.g., **thus**) is language to be to be added. Language in bold-faced
27 brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

28
29 Sec. 117-277. – Minimum dimensional standards.

30
31 (a) The following minimum dimensional standards shall apply in each respective zoning
32 district:

33
34 (1) Lots zoned as AG district (agricultural) shall comply with the following dimensional
35 requirements:

36
37 a. The minimum lot area shall be no less than 20,000 square feet~~[.]~~.

38
39 b. The minimum lot width shall be no less than 100 feet~~[.]~~.

40
41 c. No building shall be constructed or placed which exceeds 35 feet in height~~[.]~~.

42
43 d. Buildings constructed or placed shall have a front yard setback of at least 25
44 feet~~[.]~~.

45

- 46 e. Buildings constructed or placed shall have a rear yard setback of at least 25
47 feet[;].
- 48
- 49 f. Buildings constructed or placed shall have a side yard setback of at least
50 seven feet as measured from the nearest point on the foundation wall to the
51 property line[;].
- 52
- 53 g. When the side yard of any building on a lot is adjacent to a street the building
54 shall be setback at least 12 feet from the property line adjacent to the street[;].
- 55
- 56 h. The maximum allowed number of dwelling units shall not exceed 2.18
57 dwelling units per acre.
- 58

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

- 61 a. The minimum lot area shall be no less than 6,600 square feet[;].
- 62
- 63 b. The minimum lot width shall be no less than 60 feet[;].
- 64
- 65
- 66 c. ~~[No building]~~ **Buildings which are [shall be]** constructed or placed which
67 ~~[exceeds]~~ **exceed** 35 feet in height **shall be subject to the bulk plane**
68 **regulations set forth in section 117-277(c) of the Nixa City Code.**
69 **Buildings which are constructed or placed which do not exceed 35 feet**
70 **in height shall comply with the following:**
- 71
- 72 ~~[d.]~~ **1.** Buildings constructed or placed shall have a front yard setback of at
73 least 25 feet[;].
- 74
- 75 ~~[e.]~~ **2.** Buildings constructed or placed shall have a rear yard setback of at
76 least 20 feet[;].
- 77
- 78 ~~[f.]~~ **3.** Buildings constructed or placed shall have a side yard setback of at
79 least seven feet as measured from the nearest point on the foundation wall
80 to the property line. ~~[However, buildings constructed or placed on a lot~~
81 ~~which was approved on a valid preliminary plat existing on or before May~~
82 ~~24, 2021, may have a side yard setback of at least five feet provided that~~
83 ~~said building fully complies with the city's adopted building code,]~~
- 84
- 85 ~~[g.]~~ **d.** When the side yard of any building on a lot is adjacent to a street the
86 building shall be setback at least 12 feet from the property line adjacent to the
87 street[;].
- 88
- 89 ~~[h.]~~ **e.** The maximum allowed number of dwelling units shall not exceed 6.60
90 dwelling units per acre.
- 91

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

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

98
99 b. The minimum lot width shall be no less than 60 feet~~;~~.

100
101 c. ~~[No building]~~ **Buildings which are [shall be]** constructed or placed which
102 ~~[exceeds]~~ **exceed** 35 feet in height **shall be subject to the bulk plane**
103 **regulations set forth in section 117-277(c) of the Nixa City Code.**
104 **Buildings which are constructed or placed which do not exceed 35 feet**
105 **in height shall comply with the following:**

106
107 ~~[d.]~~ **1.** Buildings constructed or placed shall have a front yard setback of at
108 least 20 feet~~;~~.

109
110 ~~[e.]~~ **2.** Buildings constructed or placed shall have a rear yard setback of at
111 least 15 feet~~;~~.

112
113 ~~[f.]~~ **3.** Buildings constructed or placed shall have a side yard setback of at least
114 seven feet as measured from the nearest point on the foundation wall to
115 the property line. ~~[However, buildings constructed or placed on a lot which~~
116 ~~was approved on a valid preliminary plat existing on or before May 24,~~
117 ~~2021, may have a side yard setback of at least five feet provided that said~~
118 ~~building fully complies with the city's adopted building code.]~~

119
120 ~~[g.]~~ **d.** When the side yard of any building on a lot is adjacent to a street the
121 building shall be setback at least 12 feet from the property line adjacent to the
122 street~~;~~.

123
124 ~~[h.]~~ **e.** The maximum allowed number of dwelling units shall not exceed 5.45
125 dwelling units per acre.

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

129
130 a. ~~[No building]~~ **Buildings which are [shall be]** constructed or placed which
131 ~~[exceeds]~~ **exceed** 35 feet in height **shall be subject to the bulk plane**
132 **regulations set forth in section 117-277(c) of the Nixa City Code.**
133 **Buildings which are constructed or placed which do not exceed 35 feet**
134 **in height shall comply with the following:**

135
136 ~~[b.]~~ **1.** Buildings constructed or placed shall have a front yard setback of at
137 least 20 feet~~;~~.

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~~[e.]~~ 2. Buildings constructed or placed shall have a rear yard setback of at least 12 feet~~[-]~~.

~~[d.]~~ 3. Buildings constructed or placed shall have a side yard setback of at least ~~[eight]~~ **12** feet as measured from the nearest point on the foundation wall to the property line~~[-]~~.

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

~~[f.]~~ b. The maximum allowed number of dwelling units shall not exceed 8.71 dwelling units per acre.

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

a. ~~[No building]~~ **Buildings which are [shall be] constructed or placed which [exceeds] exceed 35 feet in height shall be subject to the bulk plane regulations set forth in section 117-277(c) of the Nixa City Code. Buildings which are constructed or placed which do not exceed 35 feet in height shall comply with the following:**

~~[b.]~~ 1. Buildings constructed or placed shall have a front yard setback of at least 20 feet~~[-]~~.

~~[e.]~~ 2. Buildings constructed or placed shall have a rear yard setback of at least 12 feet~~[-]~~.

~~[d.]~~ 3. Buildings constructed or placed shall have a side yard setback of at least ~~[eight]~~ **12** feet as measured from the nearest point on the foundation wall to the property line~~[-]~~.

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

~~[f.]~~ b. The maximum allowed number of dwelling units shall not exceed 14.52 dwelling units per acre.

c. In the case where a building is constructed or placed on a lot and the building exceeds 35 feet in height and is located on a lot that is adjacent to a lot or lots which are zoned single-family (R-1) or single-family attached housing (R-4) or which are utilized as a single family residence then the minimum setback shall be 1.5 times the height of the building from the shared property line of any adjacent lot which is zoned R-1, R-4, or utilized as a single family residence.

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

- a. The minimum lot area shall be no less than 6,000 square feet[.].
- b. The minimum lot width shall be no less than 60 feet[.].
- c. The minimum lot depth shall be no less than 100 feet[.].
- d. No building shall be constructed or placed which exceeds 35 feet in height[.].
- e. Buildings constructed or placed shall have a front yard setback of at least six feet[.].
- f. Buildings constructed or placed shall have a rear yard setback of at least six feet[.].
- g. Buildings constructed or placed shall have a side yard setback of at least six feet[.].
- h. When the side yard of any building on a lot is adjacent to a street the building shall be setback at least 12 feet from the property line adjacent to the street[.].
- i. The maximum allowed number of dwelling units shall not exceed 7.26 dwelling units per acre.

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

- a. The minimum lot area shall be no less than 4,000 square feet[.].
- b. The minimum lot width shall be no less than 40 feet[.].
- c. No building shall be constructed or placed which exceeds 35 feet in height[.].
- d. Buildings constructed or placed shall have a front yard setback of at least six feet[.].
- e. Buildings constructed or placed shall have a rear yard setback of at least six feet[.].
- f. Buildings constructed or placed shall have a side yard setback of at least six feet[.].

229 g. When the side yard of any building on a lot is adjacent to a street the building
230 shall be setback at least 12 feet from the property line adjacent to the street~~[,]~~.

231
232 h. The maximum allowed number of dwelling units shall not exceed 10.89
233 dwelling units per acre.

234
235 (8) Lots zoned as CC district (center city commercial) shall comply with the following
236 dimensional requirements:

237
238 a. **Buildings which are constructed or placed which exceed 35 feet in**
239 **height shall be subject to the bulk plane regulations set forth in section**
240 **117-277(c) of the Nixa City Code. Buildings which are constructed or**
241 **placed which do not exceed 35 feet in height shall comply with the**
242 **following:**

243
244 1. Buildings constructed or placed shall have a front yard setback of at least
245 ~~[25]~~ **15 feet**~~[,]~~.

246
247 ~~[b.]~~ 2. Buildings constructed or placed shall have a rear yard setback of at
248 least ~~[20]~~ **15 feet**~~[,]~~.

249
250 ~~[e.]~~ 3. Buildings constructed or placed shall have a side yard setback of at
251 least ten feet~~[,]~~.

252
253 ~~[d.]~~ b. When the side yard of any building on a lot is adjacent to a street the
254 building shall be setback at least 15 feet from the property line adjacent to the
255 street.

256
257 (9) Lots zoned as O district (transitional office) shall comply with the following
258 dimensional requirements:

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260 a. **Buildings which are constructed or placed which exceed 35 feet in**
261 **height shall be subject to the bulk plane regulations set forth in section**
262 **117-277(c) of the Nixa City Code. Buildings which are constructed or**
263 **placed which do not exceed 35 feet in height shall comply with the**
264 **following:**

265
266 1. Buildings constructed or placed shall have a front yard setback of at least
267 15 feet~~[,]~~.

268
269 ~~[b.]~~ 2. Buildings constructed or placed shall have a rear yard setback of at
270 least 15 feet~~[,]~~.

271
272 ~~[e.]~~ 3. Buildings constructed or placed shall have a side yard setback of at
273 least ten feet~~[,]~~.

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275 [d.] b. When the side yard of any building on a lot is adjacent to a street the
276 building shall be setback at least 15 feet from the property line adjacent to the
277 street.

278
279 (10) Lots zoned as NC district (neighborhood commercial) shall comply with the
280 following dimensional requirements:

281
282 a. **Buildings which are constructed or placed which exceed 35 feet in**
283 **height shall be subject to the bulk plane regulations set forth in section**
284 **117-277(c) of the Nixa City Code. Buildings which are constructed or**
285 **placed which do not exceed 35 feet in height shall comply with the**
286 **following:**

287
288 1. Buildings constructed or placed shall have a front yard setback of at least
289 15 feet[.].

290
291 [b.] 2. Buildings constructed or placed shall have a rear yard setback of at least
292 15 feet[.].

293
294 [c.] 3. Buildings constructed or placed shall have a side yard setback of at least
295 ten feet[.].

296
297 [d.] b. When the side yard of any building on a lot is adjacent to a street the
298 building shall be setback at least 15 feet from the property line adjacent to the
299 street.

300
301 (11) Lots zoned as GC district (general commercial) shall comply with the following
302 dimensional requirements:

303
304 a. **Buildings which are constructed or placed which exceed 35 feet in**
305 **height shall be subject to the bulk plane regulations set forth in section**
306 **117-277(c) of the Nixa City Code. Buildings which are constructed or**
307 **placed which do not exceed 35 feet in height shall comply with the**
308 **following:**

309
310 1. Buildings constructed or placed shall have a front yard setback of at least
311 20 feet[.].

312
313 [b.] 2. Buildings constructed or placed shall have a rear yard setback of at
314 least 20 feet[.].

315
316 [c.] 3. Buildings constructed or placed shall have a side yard setback of at
317 least ten feet[.].

318

319 [d.] b. When the side yard of any building on a lot is adjacent to a street the
320 building shall be setback at least 15 feet from the property line adjacent to the
321 street.

322
323 c. **In the case where a building is constructed or placed on a lot and the**
324 **building exceeds 35 feet in height and is located on a lot that is adjacent**
325 **to a lot or lots which are zoned single-family (R-1) or single-family**
326 **attached housing (R-4) or which are utilized as a single family residence**
327 **then the minimum setback shall be 1.5 times the height of the building**
328 **from the shared property line of any adjacent lot which is zoned R-1, R-**
329 **4, or utilized as a single family residence.**

330
331 (12) Lots zoned as HC district (highway commercial) shall comply with the following
332 dimensional requirements:

333
334 a. **Buildings which are constructed or placed which exceed 35 feet in**
335 **height shall be subject to the bulk plane regulations set forth in section**
336 **117-277(c) of the Nixa City Code. Buildings which are constructed or**
337 **placed which do not exceed 35 feet in height shall comply with the**
338 **following:**

339
340 1. Buildings constructed or placed shall have a front yard setback of at least
341 20 feet[;].

342
343 [b.] 2. Buildings constructed or placed shall have a rear yard setback of at
344 least 20 feet[;].

345
346 [e.] 3. Buildings constructed or placed shall have a side yard setback of at
347 least ten feet[;].

348
349 [d.] b. When the side yard of any building on a lot is adjacent to a street the
350 building shall be setback at least 20 feet from the property line adjacent to the
351 street.

352
353 c. **In the case where a building is constructed or placed on a lot and the**
354 **building exceeds 35 feet in height and is located on a lot that is adjacent**
355 **to a lot or lots which are zoned single-family (R-1) or single-family**
356 **attached housing (R-4) or which are utilized as a single family residence**
357 **then the minimum setback shall be 1.5 times the height of the building**
358 **from the shared property line of any adjacent lot which is zoned R-1, R-**
359 **4, or utilized as a single family residence.**

360
361 (13) Lots zoned as M-1 district shall comply with the following dimensional
362 requirements:

363

364 a. **Buildings which are constructed or placed which exceed 35 feet in**
365 **height shall be subject to the bulk plane regulations set forth in section**
366 **117-277(c) of the Nixa City Code. Buildings which are constructed or**
367 **placed which do not exceed 35 feet in height shall comply with the**
368 **following:**

369
370 1. Buildings constructed or placed shall have a front yard setback of at least
371 20 feet[.].

372
373 [~~b.~~] 2. Buildings constructed or placed shall have a rear yard setback of at
374 least 20 feet[.].

375
376 [~~c.~~] 3. Buildings constructed or placed shall have a side yard setback of at
377 least ten feet[.].

378
379 [~~d.~~] b. When the side yard of any building on a lot is adjacent to a street the
380 building shall be setback at least ten feet from the property line adjacent to
381 the street.

382
383 c. **In the case where a building is constructed or placed on a lot and the**
384 **building exceeds 35 feet in height and is located on a lot that is adjacent**
385 **to a lot or lots which are zoned single-family (R-1) or single-family**
386 **attached housing (R-4) or which are utilized as a single family residence**
387 **then the minimum setback shall be 1.5 times the height of the building**
388 **from the shared property line of any adjacent lot which is zoned R-1, R-**
389 **4, or utilized as a single family residence.**

390
391 (14) Lots zoned as M-2 district shall comply with the following dimensional
392 requirements:

393
394 a. **Buildings which are constructed or placed which exceed 35 feet in**
395 **height shall be subject to the bulk plane regulations set forth in section**
396 **117-277(c) of the Nixa City Code. Buildings which are constructed or**
397 **placed which do not exceed 35 feet in height shall comply with the**
398 **following:**

399
400 1. Buildings constructed or placed shall have a front yard setback of at least
401 25 feet[.].

402
403 [~~b.~~] 2. Buildings constructed or placed shall have a rear yard setback of at
404 least 25 feet[.].

405
406 [~~c.~~] 3. Buildings constructed or placed shall have a side yard setback of at
407 least 25 feet[.].

408

409 [d.] b. When the side yard of any building on a lot is adjacent to a street the
410 building shall be setback at least 25 feet from the property line adjacent to the
411 street.

412
413 c. In the case where a building is constructed or placed on a lot and the
414 building exceeds 35 feet in height and is located on a lot that is adjacent
415 to a lot or lots which are zoned single-family (R-1) or single-family
416 attached housing (R-4) or which are utilized as a single family residence
417 then the minimum setback shall be 1.5 times the height of the building
418 from the shared property line of any adjacent lot which is zoned R-1, R-
419 4, or utilized as a single family residence.

420
421 (b) Residential side yards adjacent to a collector, arterial, expressway or freeway class
422 thoroughfare shall be setback 20 feet.

423
424 (c) *Bulk Plane Regulations.* No building or structure, which is subject to the
425 provisions of this section 117-277(c), shall be placed [~~in an M-1 or M-2 district~~]
426 such that the height of said building or structure is greater than the slope measured
427 from a 45-degree angle from any property line [~~adjoining a residential district~~].

428
429 (d) Whenever a lot in a nonresidential district has a common boundary line with a lot in
430 a residential district, and the property line setback requirement applicable to the
431 residential lot is greater than that applicable to the nonresidential lot, then the lot in
432 the nonresidential district shall be required to observe the property line setback
433 requirement applicable to the adjoining residential lot.

434
435 (e) Structural features normally located on the roof of a building and not intended or
436 used as places of occupancy or storage are exempt from the height limitations
437 provided for in this section.

438
439 (f) *Building Height – How Measured.* For purposes of the provisions of this
440 section 117-277, building height shall be measured as provided in the adopted
441 building codes of the City of Nixa.

442
443 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is
444 authorized to provide for different section numbers, subsection numbers, and different
445 internal citation references than those provided herein when such section numbers,
446 subsection numbers, or internal citation references are in error or are contrary to the intent
447 of this Ordinance.

448
449 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to
450 affect any suit or proceeding now pending in any court or any rights acquired, or liability
451 incurred nor any cause or causes of action occurred or existing, under any act or
452 ordinance repealed hereby.

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