

AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING SECTIONS OF CHAPTER 117 AS THEY RELATE TO REGULATIONS REGARDING MODULAR HOMES

Background:

After an evaluation of the residential zoning code, Nixa planning staff has determined the R-MHS (Residential – Modular Homes Subdivision) is an unnecessary zoning district. The intent of the R-MHS zoning district was to separate Modular Homes from homes constructed with standard methods. A finished modular home is required to conform to the same building codes and regulations as traditional construction methods. With the advancements in the modular home industry, there is no discernable visual difference between the finished product of either construction type.

Analysis:

The intent of this code amendment is to eliminate the R-MHS zoning district and all languages related to, redefine Modular Homes, eliminate R-MHS from the table of approved uses, and allow for Modular Structures in R-1 zoning districts.

Nixa city code currently defines modular homes as “a factory built transportable structure, which does not have its own running gear and bears the seal of the state public service commission or is built to the international residential code (IRC) as adopted by the city and is designed to be used for residential occupancy.”

Division II of Chapter 117 has separate development standards for Manufactured homes (Mobile) and Modular homes (non-mobile). This amendment would eliminate the separate development standards for modular homes only. Modular homes, while constructed off site and transported to a construction site, are ultimately fixed and secured to a permanent foundation, in the same method as homes built on site. The primary intent of the zoning code is not to address construction methods, but rather land use, density, and classification in this case mobile vs non-mobile.

Modular Home changes:

Sec. 117-23.

(2) The R-1 district is designed primarily to accommodate single-family detached residential uses (other than mobile homes) at lower densities in areas served by public water and sewer facilities. **Modular homes are allowed in the R-1 district.** The R-1 zone districts have a minimum lot size requirement of 6,600 square feet.

Sec. 117-27.

Modular home means a factory-built transportable structure transported in modules and constructed or assembled on site, which does not have its own running gear or chassis and bears the seal of the state public service commission or is ~~[built to the International Residential Code (IRC) as]~~ constructed in accordance with all building codes adopted by the city and is designed to be used for residential occupancy when attached to a permanent foundation and connected to required utilities.

Sec. 117-130.

The following zoning ~~[districts are]~~ district is established for the placement of factory-built housing:

~~[(1)R-MHS (residential modular home subdivision). The residential modular home subdivision zoning district is established to accommodate the placement of factory-built modular homes designed for residential occupancy under the guidelines established in this article. Subdivision design and review are subject to procedures established in article III of chapter 101 and this chapter.~~

~~(2)~~R-MHC (residential manufactured home community). The residential manufactured home community zoning district is established to accommodate the placement of manufactured and mobile homes intended for residential occupancy under the guidelines established in this article. Subdivision design and review are subject to procedures established in article III of chapter 101 and this chapter.

117-159 through 117-161 Repealed (Modular homes division)

117-277(a)(g) Repealed (Dimensions for R-MHS)

Section 117-99 – Table of Approved Uses.

Current Code

USE DESCRIPTION	AG	R-1	R-4	R-3	R-5	CC	NC	O	GC	HC	M-1	M-2	R-MHS	R-MHC
I. RESIDENTIAL														
A. Single-family residences														
Single-family detached lot, one dwelling unit per lot	X	X												
Modular structures													X	
Single-family attached, patio homes			X											
Mobile home park (only location for mobile homes)														X

Proposed Amendment

USE DESCRIPTION	AG	R-1	R-4	R-3	R-5	CC	NC	O	GC	HC	M-1	M-2	R-MHS	R-MHC
I. RESIDENTIAL														
A. Single-family residences														
Single-family detached lot, one dwelling unit per lot	X	X												
Modular Structures Homes		<u>X</u>											X	
Single-family attached, patio homes			X											
Mobile home park (only location for mobile homes)														X

Planning and Zoning Commission:

A public hearing for this item was held at the regularly scheduled November Planning and Zoning Commission meeting. No one approached the Commission to speak on this item. The P&Z Commission voted unanimously (5-0) to recommend approval to the Nixa City Council.

Recommendation:

There is currently no property within the Nixa city limit that has the R-MHS zoning designation so there would be no non-conforming situations created with the passage of this amendment. Allowing Modular Homes in R-1 zoning by right has many benefits: shorter construction times, fewer required inspections, lessening the impact of construction on the surrounding area, reduced liabilities, and has the potential to provide more affordable housing options. Staff recommend approval of this code amendment.

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development
sgodbey@nixa.com | 417-725-5850

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING SEVERAL**
2 **PROVISIONS OF CHAPTER 117 FOR THE PURPOSE OF AUTHORIZING THE USE**
3 **OF MODULAR HOMES IN THE R-1 RESIDENTIAL ZONING DISTRICTS.**
4

5 **WHEREAS** the current zoning code restricts modular homes to a district
6 specifically zoned for modular homes, R-MHS; and
7

8 **WHEREAS** since the R-MHS zoning district was allowed by the Nixa City Code
9 there have been no R-MHS districts in the City; and
10

11 **WHEREAS** eliminating the R-MHS zoning district and allowing modular homes in
12 a R-1 zoning district would be consistent with a goal of the 2045 Comprehensive Plan to
13 bring more affordable housing to the City of Nixa; and
14

15 **WHEREAS** City staff recommends approval of these changes.
16

17 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
18 **NIXA, AS FOLLOWS:**
19

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

26 Sec. 117-23. Residential districts established.
27

28 The following residential districts are hereby established: AG, R-1, R-4, R-3, and
29 R-5. Each of these districts is designed and intended to secure for the persons who reside
30 there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered
31 from incompatible and disruptive activities that properly belong in nonresidential districts.
32 Other objectives of some of these districts are explained in the remainder of this section.
33

34 (1) The Agricultural (AG) District is designed to accommodate single-family residential
35 development areas in the city limits that are not yet served by public water or sewer
36 facilities and that are not yet appropriate for development at higher densities. Once
37 public water and sewer facilities have been made available, residences in this district
38 will be able to hook on by following the requirements. This area is also more suitable
39 for uses that would have a negative impact on more dense residential areas. Mobile
40 home parks are permissible in this district with a special use permit.
41

42 (2) The R-1 district is designed primarily to accommodate single-family detached
43 residential uses (other than mobile homes) at lower densities in areas served by public
44 water and sewer facilities. **Modular homes are allowed in the R-1 district.** The R-1
45 zone districts have a minimum lot size requirement of 6,600 square feet.
46

(3) The R-4 district is designed to accommodate single-family attached (patio homes with zero lot lines) and two-family. Multifamily uses can occur only in the form of planned residential or planned unit developments. The "4" stands for 4,000 square feet minimum lot size per family.

(4) The R-3 district is designed primarily to accommodate higher density multifamily developments. Single-family attached and two-family uses can occur only in the form of planned residential or planned unit developments. The "3" stands for 3,000 square feet minimum lot size per family.

(5) The R-5 district is designed primarily to accommodate medium density multifamily townhouse developments. Single-family attached and two-family uses can occur only in the form of planned residential or planned unit developments. The "5" stands for 5,000 square feet minimum lot size per family.

SECTION 2: Chapter 117, Article V, Section 117-27 of the Nixa City Code is hereby amended by modifying the following definition as set forth below (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

Sec. 117-127. Definitions.

Modular home means a factory-built transportable structure **transported in modules and constructed or assembled on site**, which does not have its own running gear **or chassis** and bears the seal of the state public service commission or is ~~[built to the International Residential Code (IRC) as]~~ **constructed in accordance with all building codes** adopted by the city and is designed to be used for residential occupancy **when attached to a permanent foundation and connected to required utilities**.

SECTION 3: Chapter 117, Article II, Section 117-130 of the Nixa City Code is hereby amended by repealing said Section in its entirety and adopting in lieu thereof a new section, which said section shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

Sec. 117-130. Zoning **district** ~~[districts]~~ established.

The following zoning **district** ~~[districts are]~~ **is** established for the placement of factory-built housing:

~~[(1) R-MHS (residential modular home subdivision). The residential modular home subdivision zoning district is established to accommodate the placement of factory-built modular homes designed for residential occupancy under the guidelines established in this article. Subdivision design and review are subject to procedures established in article III of chapter 101 and this chapter.]~~

92 [(2)] R-MHC (residential manufactured home community). The residential
93 manufactured home community zoning district is established to accommodate the
94 placement of manufactured and mobile homes intended for residential occupancy
95 under the guidelines established in this article. Subdivision design and review are
96 subject to procedures established in article III of chapter 101 and this chapter.
97

98 **SECTION 4:** Chapter 117, Article V, Division 2 of the Nixa City Code is hereby
99 amended by repealing said Section in its entirety and adopting in lieu thereof a new
100 section, which said section shall read as follows (Explanation: Language in bold-face type
101 (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not
102 enacted and is intended to be omitted or deleted.):
103

104 ~~[DIVISION 2. DEVELOPMENT STANDARDS FOR THE R-MHS RESIDENTIAL~~
105 ~~MODULAR HOME SUBDIVISION DISTRICT]~~
106

107 ~~[Sec. 117-159. District regulations.]~~
108

109 ~~[This division applies to the R-MHS Residential Zoning District. Such district is~~
110 ~~established for the placement of modular housing intended for single-family occupancy.~~
111 ~~Modular structures shall be placed on permanent foundations meeting the single-family~~
112 ~~foundation building requirements adopted by the city.]~~
113

114 ~~[Sec. 117-160. Use limitations.]~~
115

116 ~~[The following limitations apply to uses in the R-MHS Residential District:]~~
117

118 ~~[(1) Recreational vehicles shall not be setup or occupied as a dwelling.]~~
119

120 ~~[(2) Modular or manufactured home sales lot shall not be permitted.]~~
121

122 ~~[(3) One principal single-family structure per lot.]~~
123

124 ~~[Sec. 117-161. General requirements.]~~
125

126 ~~[In addition to the subdivision design requirements found in article III of chapter~~
127 ~~101 and in this chapter, development applications submitted for a modular home~~
128 ~~subdivisions must comply with the following requirements:]~~
129

130 ~~[(1) All modular homes shall be placed on a permanent foundation in compliance with~~
131 ~~the adopted building code of the city.]~~
132

133 ~~[(2) The side of the residential unit that is the widest must face the front of the~~
134 ~~subdivision lot.]~~
135

136 ~~[(3) The minimum size of a tract of land to be subdivided as a modular home~~
137 ~~subdivision shall not be less than two acres.]~~

~~[(4) Each lot shall contain an area of not less than 6,000 square feet.]~~

~~[(5) Each lot shall front upon a public street right-of-way in accordance with this chapter 115.]~~

~~[(6) No lot shall be less than 60 feet in width; corner lots shall not be less than 70 feet in width.]~~

~~[(7) No lot shall be less than 100 feet in depth.]~~

SECTION 5: Chapter 117, Article IV, Section 117-99 of the Nixa City Code shall be amended by deleting the column titled “R-MHS” from the Table of Approved Uses in its entirety.

SECTION 6: Chapter 117, Article IV, Section 117-99 of the Nixa City Code shall be amended by deleting the use titled “Modular Structures” from the Section labeled as “I. RESIDENTIAL, Paragraph A. Single-family residences” from the table of approved uses and adopting in lieu thereof a new use titled “Modular Homes” in the labeled as “I. RESIDENTIAL, Paragraph A, Single-family residences” which said use shall have an “X” in the R-1 column.

SECTION 7: Chapter 117, Article II, Section 117-277 of the Nixa City Code is hereby amended by repealing said Section in its entirety and adopting in lieu thereof a new section, which said section shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

Sec. 117-277. Minimum dimensional standards.

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

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

- a. The minimum lot area shall be no less than 20,000 square feet.
- b. The minimum lot width shall be no less than 100 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 25 feet.

- 183 e. Buildings constructed or placed shall have a rear yard setback of at least
184 25 feet.
185
- 186 f. Buildings constructed or placed shall have a side yard setback of at least
187 seven feet as measured from the nearest point on the foundation wall to the
188 property line.
189
- 190 g. When the side yard of any building on a lot is adjacent to a street the building
191 shall be setback at least 12 feet from the property line adjacent to the street.
192
- 193 h. The maximum allowed number of dwelling units shall not exceed 2.18
194 dwelling units per acre.
195
- 196 (2) Lots zoned as R-1 district (single-family residential) shall comply with the
197 following dimensional requirements:
198
- 199 a. The minimum lot area shall be no less than 6,600 square feet.
200
- 201 b. The minimum lot width shall be no less than 60 feet.
202
- 203 c. Buildings which are constructed or placed which exceed 35 feet in height
204 shall be subject to the bulk plane regulations set forth in section 117-277(c)
205 of this Code. Buildings which are constructed or placed which do not exceed
206 35 feet in height shall comply with the following:
207
- 208 1. Buildings constructed or placed shall have a front yard setback of at
209 least 25 feet.
210
- 211 2. Buildings constructed or placed shall have a rear yard setback of at least
212 20 feet.
213
- 214 3. Buildings constructed or placed shall have a side yard setback of at least
215 seven feet as measured from the nearest point on the foundation wall to
216 the property line.
217
- 218 d. When the side yard of any building on a lot is adjacent to a street the building
219 shall be setback at least 12 feet from the property line adjacent to the street.
220
- 221 e. The maximum allowed number of dwelling units shall not exceed 6.60
222 dwelling units per acre.
223
- 224 (3) Lots zoned as R-4 district (two-family) shall comply with the following
225 dimensional requirements:
226

- 227 a. The minimum lot area shall be no less than 8,000 square feet for two-family
228 residential dwellings ("duplexes") and no less than 4,000 square feet for
229 attached single-family residential dwellings ("townhomes" or "zero lot line").
230
- 231 b. The minimum lot width shall be no less than 60 feet.
232
- 233 c. Buildings which are constructed or placed which exceed 35 feet in height
234 shall be subject to the bulk plane regulations set forth in section 117-277(c)
235 of this Code. Buildings which are constructed or placed which do not exceed
236 35 feet in height shall comply with the following:
237
- 238 1. Buildings constructed or placed shall have a front yard setback of at
239 least 20 feet.
240
- 241 2. Buildings constructed or placed shall have a rear yard setback of at least
242 15 feet.
243
- 244 3. Buildings constructed or placed shall have a side yard setback of at least
245 seven feet as measured from the nearest point on the foundation wall to
246 the property line.
247
- 248 d. When the side yard of any building on a lot is adjacent to a street the building
249 shall be setback at least 12 feet from the property line adjacent to the street.
250
- 251 e. The maximum allowed number of dwelling units shall not exceed 5.45
252 dwelling units per acre.
253
- 254 (4) Lots zoned as R-5 district (medium density multifamily) shall comply with the
255 following dimensional requirements:
256
- 257 a. Buildings which are constructed or placed which exceed 35 feet in height
258 shall be subject to the bulk plane regulations set forth in section 117-277(c)
259 of this Code. Buildings which are constructed or placed which do not exceed
260 35 feet in height shall comply with the following:
261
- 262 1. Buildings constructed or placed shall have a front yard setback of at
263 least 20 feet.
264
- 265 2. Buildings constructed or placed shall have a rear yard setback of at least
266 12 feet.
267
- 268 3. Buildings constructed or placed shall have a side yard setback of at least
269 12 feet as measured from the nearest point on the foundation wall to the
270 property line.
271

- 272 b. The maximum allowed number of dwelling units shall not exceed 8.71
273 dwelling units per acre.
- 274
- 275 (5) Lots zoned as R-3 district (multifamily) shall comply with the following
276 dimensional requirements:
- 277
- 278 a. Buildings which are constructed or placed which exceed 35 feet in height
279 shall be subject to the bulk plane regulations set forth in section 117-277(c)
280 of this Code. Buildings which are constructed or placed which do not exceed
281 35 feet in height shall comply with the following:
- 282
- 283 1. Buildings constructed or placed shall have a front yard setback of at
284 least 20 feet.
- 285
- 286 2. Buildings constructed or placed shall have a rear yard setback of at least
287 12 feet.
- 288
- 289 3. Buildings constructed or placed shall have a side yard setback of at least
290 12 feet as measured from the nearest point on the foundation wall to the
291 property line.
- 292
- 293 b. The maximum allowed number of dwelling units shall not exceed 14.52
294 dwelling units per acre.
- 295
- 296 c. In the case where a building is constructed or placed on a lot and the
297 building exceeds 35 feet in height and is located on a lot that is adjacent to
298 a lot or lots which are zoned single-family (R-1) or single-family attached
299 housing (R-4) or which are utilized as a single family residence then the
300 minimum setback shall be 1.5 times the height of the building from the
301 shared property line of any adjacent lot which is zoned R-1, R-4, or utilized
302 as a single family residence.
- 303
- 304 ~~[(6) Lots zoned as R-MHS district (residential modular home) shall comply with the~~
305 ~~following dimensional requirements:]~~
- 306
- 307 ~~[a. The minimum lot area shall be no less than 6,000 square feet.]~~
- 308
- 309 ~~[b. The minimum lot width shall be no less than 60 feet.]~~
- 310
- 311 ~~[c. The minimum lot depth shall be no less than 100 feet.]~~
- 312
- 313 ~~[d. No building shall be constructed or placed which exceeds 35 feet in height.]~~
- 314
- 315 ~~[e. Buildings constructed or placed shall have a front yard setback of at least~~
316 ~~six feet.]~~
- 317

~~[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)]~~(6) 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.
- g. 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.
- h. The maximum allowed number of dwelling units shall not exceed 10.89 dwelling units per acre.

~~[(8)]~~(7) Lots zoned as CC district (center city commercial) shall comply with the following dimensional requirements:

- a. Buildings which are constructed or placed which exceed 35 feet in height shall be subject to the bulk plane regulations set forth in section 117-277(c) of this Code. Buildings which are constructed or placed which do not exceed 35 feet in height shall comply with the following:
 1. Buildings constructed or placed shall have a front yard setback of at least 15 feet.

364 2. Buildings constructed or placed shall have a rear yard setback of at least
365 15 feet.

366
367 3. Buildings constructed or placed shall have a side yard setback of at least
368 ten feet.

369
370 b. When the side yard of any building on a lot is adjacent to a street the building
371 shall be setback at least 15 feet from the property line adjacent to the street.

372
373 ~~[(9)]~~(8) Lots zoned as O district (transitional office) shall comply with the following
374 dimensional requirements:

375
376 a. Buildings which are constructed or placed which exceed 35 feet in height
377 shall be subject to the bulk plane regulations set forth in section 117-277(c)
378 of this Code. Buildings which are constructed or placed which do not exceed
379 35 feet in height shall comply with the following:

380
381 1. Buildings constructed or placed shall have a front yard setback of at
382 least 15 feet.

383
384 2. Buildings constructed or placed shall have a rear yard setback of at least
385 15 feet.

386
387 3. Buildings constructed or placed shall have a side yard setback of at least
388 ten feet.

389
390 b. When the side yard of any building on a lot is adjacent to a street the building
391 shall be setback at least 15 feet from the property line adjacent to the street.

392
393 ~~[(10)]~~(9) Lots zoned as NC district (neighborhood commercial) shall comply with the
394 following dimensional requirements:

395
396 a. Buildings which are constructed or placed which exceed 35 feet in height
397 shall be subject to the bulk plane regulations set forth in section 117-277(c)
398 of this Code. Buildings which are constructed or placed which do not exceed
399 35 feet in height shall comply with the following:

400
401 1. Buildings constructed or placed shall have a front yard setback of at
402 least 15 feet.

403
404 2. Buildings constructed or placed shall have a rear yard setback of at least
405 15 feet.

406
407 3. Buildings constructed or placed shall have a side yard setback of at least
408 ten feet.

- b. When the side yard of any building on a lot is adjacent to a street the building shall be setback at least 15 feet from the property line adjacent to the street.

~~[(11)]~~(10) Lots zoned as GC district (general commercial) shall comply with the following dimensional requirements:

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

1. Buildings constructed or placed shall have a front yard setback of at least 20 feet.
2. Buildings constructed or placed shall have a rear yard setback of at least 20 feet.
3. Buildings constructed or placed shall have a side yard setback of at least ten feet.

- b. When the side yard of any building on a lot is adjacent to a street the building shall be setback at least 15 feet from the property line adjacent to the street.

- 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.

~~[(12)]~~(11) Lots zoned as HC district (highway commercial) shall comply with the following dimensional requirements:

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

1. Buildings constructed or placed shall have a front yard setback of at least 20 feet.
2. Buildings constructed or placed shall have a rear yard setback of at least 20 feet.

3. Buildings constructed or placed shall have a side yard setback of at least ten feet.

b. When the side yard of any building on a lot is adjacent to a street the building shall be setback at least 20 feet from the property line adjacent to the street.

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.

~~[(13)]~~(12) Lots zoned as M-1 district shall comply with the following dimensional requirements:

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

1. Buildings constructed or placed shall have a front yard setback of at least 20 feet.

2. Buildings constructed or placed shall have a rear yard setback of at least 20 feet.

3. Buildings constructed or placed shall have a side yard setback of at least ten feet.

b. When the side yard of any building on a lot is adjacent to a street the building shall be setback at least ten feet from the property line adjacent to the street.

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.

~~[(14)]~~(13) Lots zoned as M-2 district shall comply with the following dimensional requirements:

- 499 a. Buildings which are constructed or placed which exceed 35 feet in height
500 shall be subject to the bulk plane regulations set forth in section 117-277(c)
501 of this Code. Buildings which are constructed or placed which do not exceed
502 35 feet in height shall comply with the following:
503
- 504 1. Buildings constructed or placed shall have a front yard setback of at
505 least 25 feet.
506
 - 507 2. Buildings constructed or placed shall have a rear yard setback of at least
508 25 feet.
509
 - 510 3. Buildings constructed or placed shall have a side yard setback of at least
511 25 feet.
512
- 513 b. When the side yard of any building on a lot is adjacent to a street the building
514 shall be setback at least 25 feet from the property line adjacent to the street.
515
- 516 c. In the case where a building is constructed or placed on a lot and the
517 building exceeds 35 feet in height and is located on a lot that is adjacent to
518 a lot or lots which are zoned single-family (R-1) or single-family attached
519 housing (R-4) or which are utilized as a single family residence then the
520 minimum setback shall be 1.5 times the height of the building from the
521 shared property line of any adjacent lot which is zoned R-1, R-4, or utilized
522 as a single family residence.
523
- 524 (b) Residential side yards adjacent to a collector, arterial, expressway or freeway class
525 thoroughfare shall be setback 20 feet.
526
- 527 (c) Bulk plane regulations. No building or structure, which is subject to the provisions of
528 this section 117-277(c), shall be placed such that the height of said building or
529 structure is greater than the slope measured from a 45-degree angle from any
530 property line.
531
- 532 (d) Whenever a lot in a nonresidential district has a common boundary line with a lot in a
533 residential district, and the property line setback requirement applicable to the
534 residential lot is greater than that applicable to the nonresidential lot, then the lot in
535 the nonresidential district shall be required to observe the property line setback
536 requirement applicable to the adjoining residential lot.
537
- 538 (e) Structural features normally located on the roof of a building and not intended or used
539 as places of occupancy or storage are exempt from the height limitations provided for
540 in this section.
541
- 542 (f) *Building height—How measured.* For purposes of the provisions of this section 117-
543 277, building height shall be measured as provided in the adopted building codes of
544 the city.

SECTION 8: Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 9: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 10: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY