

EXHIBIT A

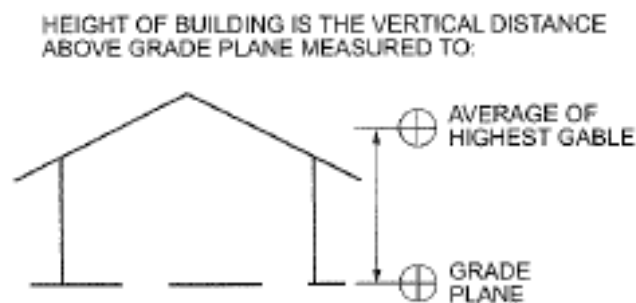
ISSUE STATEMENT:	PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE PROPOSED AMENDMENTS TO CHAPTER 117 ARTICLE VII OF THE NIXA CODE OF ORDINANCES RELATING TO BUILDING HEIGHT AND REQUIRED SETBACKS
DATE:	December 2 nd , 2024
SUBMITTED BY:	PLANNING AND DEVELOPMENT DEPARTMENT
PRESENTED BY:	PLANNING AND DEVELOPMENT DEPARTMENT

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.

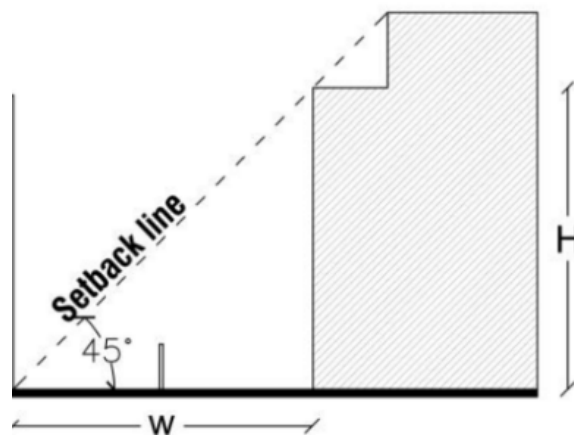
Terms

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.



Commentary Figure R202(11)
HEIGHT OF BUILDING

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.

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 home & property owners, while still offering development-friendly guardrails. Staff recommend approval of this code amendment.