

RE: AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE CITY'S ZONING REGULATIONS AS THEY RELATE TO SELF-STORAGE LAND USES

Background:

The city has received an influx of inquiries about possible development of self-storage land uses inside city limits in commercial zoned property. Currently self-storage land uses are a permitted use in Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), and industrial zoned districts (M-1 and M-2).

At the September 14, 2022, City Council meeting, staff present, and Council approved a resolution for an administrative delay on applications and permits for self-storage land uses located in commercial zoned districts. The administrative delay is set to expire December 31, 2022.

At the October 11, 2022, City Council meeting, staff presented a discussion topic about three possible code amendments for self-storage land uses. Council and staff agreed that to preserve the commercial zoned property along the major commercial corridors, the best code amendment at this time would be to only allow self-storage land uses in the industrial / manufacturing zoned districts of M-1 and M-2.

Analysis:

The proposed amendment for self-storage land use is to ensure that the commercial corridors within the city are preserved for sales tax generating land uses, while still allowing for self-storage land uses to be developed within the city.

This code amendment has the potential to be temporary because the city has included in the 2023 budget, funds to start a new comprehensive plan process in 2023. The current comprehensive plan for the City of Nixa is from the early 2000's and is towards the end of its usefulness. The discussion topic of Self-storage land uses and their approved zoning locations can be further examined at that time. This process can help determine the best location for self-storage land uses and update the codes that regulate them.

Staff is proposing to remove self-storage land uses from the following zoning districts, Highway Commercial (HC), General Commercial (GC), and Neighborhood Commercial (NC). Self-storage land uses will remain a permitted use in M-1 and M-2 zoning districts.

The result will protect commercial corridors within the city, until such time that further research and discussion can occur regarding self-storage land uses.

Planning and Zoning Commission:

A public hearing was held November 7, 2022, at the regular meeting of the Planning and Zoning Commission. During the public hearing, property owner Steve Eoff spoke in opposition of the code amendment. He mentioned a potential land sale to a developer of self-storage facilities and that they have already spent a sum of money prior to purchasing the commercial property in front of the Tiffany Highlands Subdivision. Prior to the sale of the property Mr. Eoff call City staff to confirm that self-storage was an approved use in General Commercial zoning, this was before the administrative delay had been discussed. The Planning and Zoning Commission expressed concerns about overregulating commercial developments. The Planning and Zoning Commission unanimously opposed this code amendment and does not recommend approval to City Council.

Recommendation:

Staff recommends approval of this code amendment.

MEMO SUBMITTED BY:

Scott Godbey | Planning and Development Director

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1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**
2 **117, ARTICLE IV, SECTION 117-99 BY REMOVING SELF STORAGE LAND USES**
3 **AS PERMITTED USES FROM COMMERCIAL DISTRICTS.**
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5
6 **WHEREAS** under the City’s current zoning regulations, self-storage land uses are
7 authorized within the Neighborhood Commercial (NC), General Commercial (GC),
8 Highway Commercial (HC), and the M-1 and M-2 Industrial zoning districts; and
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10 **WHEREAS** at the September 14, 2022, City Council meeting, City Council adopted
11 an administrative delay (Resolution 2022-094) on the application and issuance of permits
12 for self-storage land uses located in commercially zoned districts; and
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14 **WHEREAS** the administrative delay was established to allow time for City staff to
15 propose amendments to the City’s zoning regulations to preserve the City’s commercial
16 corridors from self-storage land uses; and
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18 **WHEREAS** at the October 11, 2022, City Council meeting, staff presented several
19 options to the Council to address the concern of preserving commercially zoned
20 properties for commercial activity which generates sales tax; and
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22 **WHEREAS** direction was given to staff to draft amendments which would remove
23 the self-storage land uses from the City’s commercial zoning districts; and
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25 **WHEREAS** the Planning and Zoning Commission held a public hearing to consider
26 the amendments contained herein at their November 7, 2022, regular meeting; and
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28 **WHEREAS** after said public hearing, the Commission recommended denial of said
29 amendments; and
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31 **WHEREAS** the City Council desires to adopt the amendments contained herein to
32 preserve the City’s limited commercial corridors for sales tax generating commercial
33 activity while allowing self-storage land uses to continue in the more appropriate industrial
34 districts.
35

36 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
37 **NIXA, AS FOLLOWS, THAT:**
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39 **SECTION 1:** Chapter 117, Article IV, Section 117-99 of the Nixa City Code is
40 hereby amended by removing the use “Self Storage (no outside storage)” from the NC
41 (neighborhood commercial), GC (general commercial), and HC (highway commercial)
42 zoning districts.
43

44 **SECTION 2:** Chapter 117, Article IV, Section 117-99 of the Nixa City Code is
45 hereby amended by removing the use “Self Storage (with outside storage)” from the GC

46 (general commercial), with a special use permit, and HC (highway commercial) zoning
47 districts.

48
49 **SECTION 3:** Aside from the removal of the above described uses from the
50 above-described districts, all other portions of Section 117-99 of the Nixa City Code
51 shall remain unmodified.

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53 **SECTION 4:** Savings Clause. Nothing in this Ordinance shall be construed to
54 affect any suit or proceeding now pending in any court or any rights acquired, or liability
55 incurred nor any cause or causes of action occurred or existing, under any act or
56 ordinance repealed hereby.

57
58 **SECTION 5:** Severability Clause. If any section, subsection, sentence, clause, or
59 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
60 the validity of the remaining portions of this Ordinance. The Council hereby declares that
61 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
62 phrase thereof, irrespective of the fact that any one or more sections, subsections,
63 sentences, clauses, or phrases be declared invalid.

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65 **SECTION 6:** This Ordinance shall be in full force and effect from and after its final
66 passage by the City Council and after its approval by the Mayor, subject to the provisions
67 of section 3.11(g) of the City Charter.

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69
70 **ADOPTED BY THE COUNCIL THIS _____ DAY OF _____, 2022.**

71
72 ATTEST:

73
74 _____
75 PRESIDING OFFICER

76
77 _____
78 CITY CLERK

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80 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2022.**

81
82 ATTEST:

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84 _____
85 MAYOR

86
87 _____
88 CITY CLERK

89
90 APPROVED AS TO FORM:

91
92 _____
93 CITY ATTORNEY