



## **EXHIBIT B**

**ISSUE STATEMENT:** PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE PROPOSED AMENDMENTS TO SECTION 117-99 OF THE NIXA CITY CODE RELATING TO THE OPERATION OF DAYCARES IN COMMERCIAL ZONED DISTRICTS

**DATE:** MARCH 4<sup>th</sup>, 2024

**SUBMITTED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

**PRESENTED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

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### **Background**

Nixa Planning & Development recently received an application for a Daycare business to be located in General Commercial zoning. During the review process staff found that Section 117-99 - Table of Approved Uses, does not allow daycares in any commercially zoned districts, except for Neighborhood Commercial with an approved special use permit. Further research showed that in the past Special Use Permits (SUPs) had been approved to allow Daycares to operate in commercial zoning. Approving SUPs to allow this use in commercial zoned districts is not an option with the current code language.

### **Analysis**

In the time since these SUPs were granted, current staff is not aware of any objections or concerns resulting from the Daycares that received SUP's. Staff has examined ordinances from surrounding communities and found that in all cases Daycare centers were an approved use in all commercially zoned districts. Staff proposes to amend the Table of Approved Uses to allow this type of business practice as a right without the time and expense of acquiring a Special Use Permit. The proposed amendments will remove a similar use (child care homes) that is not defined by the city and replace it with a use (child day-care center) that is defined by the city. This amendment will also remove the requirement for daycares to acquire a special use permit in order to operate in residential zoned districts. This will conform with Missouri HB-1662, which restricts a political subdivisions ability to regulate home occupations.



**Sec. 117-99. - Table of approved uses.**

	AG	R-1	R-4	R-3	R-5	CC	NC	O	GC	HC	M-1	M-2	R-MHS	R-MHC
I. RESIDENTIAL														
Child care homes		§	§	§	§		§							

	AG	R-1	R-4	R-3	R-5	CC	NC	O	GC	HC	M-1	M-2	R-MHS	R-MHC
II. BUSINESS, PROFESSIONAL, & PERSONAL SERVICES														
Child Day-Care Center							X		X	X				

**Recommendation**

Staff recognizes the need for day care options in Nixa, this amendment would mirror the surrounding communities and help to expand locations where daycares can operate. Staff recommends approval of this code amendment.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING SECTIONS  
2 101-102 AND 117-99 OF THE NIXA CITY CODE TO MODIFY PROVISIONS RELATING  
3 TO DAY CARE USES.

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6 WHEREAS; and

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8 WHEREAS this Council Bill, if approved, would modify the City Code to [redacted];  
9 and

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11 WHEREAS City staff is proposing to modify the City Code to authorize staff to  
12 perform the test and charge the customer for the reasonable expenses of performing the  
13 test; and

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15 WHEREAS the Planning and Zoning Commission held a public hearing to consider  
16 the amendments contained herein at their [redacted], regular meeting; and

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18 WHEREAS after said public hearing, the Commission recommended approval of  
19 said amendments; and

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21 WHEREAS the City Council desires to adopt the amendments contained herein.

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

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26 SECTION 1: Chapter 117, Article IV, Section 117-99 of the Nixa City Code is  
27 hereby amended as set forth herein:

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29 (1) The following use descriptions are modified as follows:

- 30 a. The "Child care homes" use shall be deleted from the table of approved uses.
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- 32 b. The "Child day-care center" use shall be added to the "Business, Professional,  
33 & Personal Services" section of the table of approved uses and such use shall  
34 be authorized within the NC, GC, and HC zoning districts.
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- 36

37 SECTION 2: Aside from the modifications described in Section 1, all other portions  
38 of Section 117-99 of the Nixa City Code shall remain unmodified.

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40 SECTION 3: The City Attorney, when codifying the provisions of this Ordinance, is  
41 authorized to provide for different section numbers, subsection numbers, and different  
42 internal citation references than those provided herein when such section numbers,  
43 subsection numbers, or internal citation references are in error or are contrary to the intent  
44 of this Ordinance.

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

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

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

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63 ADOPTED BY THE COUNCIL THIS \_\_\_ DAY OF \_\_\_\_\_, 2024.

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ATTEST:

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68 \_\_\_\_\_  
PRESIDING OFFICER

68 \_\_\_\_\_  
CITY CLERK

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71 APPROVED BY THE MAYOR THIS \_\_\_ DAY OF \_\_\_\_\_, 2024.

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ATTEST:

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76 \_\_\_\_\_  
MAYOR

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CITY CLERK

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APPROVED AS TO FORM:

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81 \_\_\_\_\_  
CITY ATTORNEY