



EXHIBIT B

ISSUE STATEMENT: PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE PROPOSED AMENDMENT TO SECTION 117-94 – ACCESSORY USES OF THE NIXA CITY CODE RELATING TO THE ALLOWABLE NUMBER OF GARAGE SALES IN A 12 MONTH PERIOD.

DATE: APRIL 1ST, 2024

SUBMITTED BY: PLANNING AND DEVELOPMENT DEPARTMENT

PRESENTED BY: PLANNING AND DEVELOPMENT DEPARTMENT

Background

Nixa has long supported a city-wide garage sale event over Mother's Day weekend. Due to the popularity and success of this city-wide event, In August 2022 Nixa City Council approved an amendment to Chapter 12, Article IV, Section 12-85 which authorized a second city-wide garage sale during the 4th weekend in September annually.

Analysis

Approval of this amendment caused a conflict with Chapter 117, Article IV, Section 94, (c)4. This provision of the Accessory Use code allows for the city-wide garage sale held over Mother's Day weekend to be an exception to the limit of two garage sales over a 12-month period. The language of this section was never updated to account for the addition of a 2nd city-wide garage sale.

Recommendation

This code amendment would serve to eliminate redundancy and contradiction in the code and staff recommends approval.

Sec. 117-94. Accessory uses.

(C) Without limiting the generality of subsections (a) and (b) of this section, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses.

Current Code:

(4) Yard sales or garage sales, so long as such sales **are not conducted on the same lot for more than three days (whether consecutive or not). Only two yard sales per year not including the city-wide garage sale event.**

Proposed Amendment:

(4) Yard sales or garage sales, so long as such sales **comply with the provisions of Chapter 12, Article IV of the Nixa City Code.**

Chapter 12:

ARTICLE IV. GARAGE SALES

Sec. 12-82. – Definitions of Section 101-2 to apply.

For purposes of this article the definitions contained in Section 101-2 of the Nixa City Code shall also apply to this article, except where the context clearly indicates otherwise.

Sec. 12-83. – Written notice of sale required.

No person shall advertise, conduct, carry on or permit any garage, patio, yard or other similar sale upon the grounds of or within any dwelling or accessory structure to a dwelling located in a residential district without first submitting to the city clerk in writing the name of the person holding or conducting such sale, the location of such sale, and the dates when such sale is to be held.

Sec. 12-84. – Limit on number of sales.

No person shall conduct or permit more than two sales of the type required to be registered by section 12-83 on the same premises within any 12-month period, nor shall any such sale continue for more than three days.

Sec. 12-85. – City-wide garage sale – Authorized.

Notwithstanding the provisions of this Article to the contrary, persons are authorized to conduct, carry on or permit any garage, patio, yard or other similar sale upon the grounds of or within any dwelling or accessory structure to a dwelling located in a residential district, without providing written notice as required by Section 12-83 of the Nixa City Code for sales occurring on the second Friday, Saturday and Sunday of May and occurring on the last consecutive Friday, Saturday and Sunday occurring in September. Additionally, sales occurring during the periods described herein shall not count against the limits established in Section 12-84 of the Nixa City Code.