

AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING SECTION 117-99 OF THE NIXA CITY CODE AS THEY RELATE TO PET GROOMING AND KENNELING

Background:

Nixa Planning & Development recently received an application for a pet grooming and kenneling business. During the review process staff found that Section 117-99 - Table of Approved Uses, as it was adopted in 1997, relating to pet grooming and kenneling appears to be erroneous.

Analysis:

The Current code language makes Kenneling & Grooming uses two separate use categories, however in the definitions section they are combined as the same use. The zoning where each is allowable is identical, this amendment proposes to combine the two uses to match the definitions section. The Table of Approved Use differentiates between these services to be with and without outdoor runs, which staff feels is appropriate. However, in the actual table the uses are oddly listed (See table), which resulted in what we assume to be an error. The adopted table allows for kenneling and grooming with outdoor runs in certain zoning districts by right, but without outdoor runs requires a Special Use Permit (SUP) or is not allowable.

Staff examined ordinances from surrounding communities and found pet grooming and kenneling was generally an approved use in all commercial districts. Staff proposes to amend the Table of Approved Uses to allow this type of business as a right without the time and expense of acquiring a Special Use Permit in most cases. The exception being that outdoor runs in Neighborhood Commercial zoning would require a SUP. The amendment also proposes to remove this as an approved use in M-1 (light manufacturing) zoning districts. The table would be amended as follows:

Section 117-99 – Table of Approved Uses.

Current Code

II. Business, Professional, & Personal Services

Use Description	NC	O	GC	HC	M-1	M-2
Kennels (Without Outdoor Runs)			X	X	X	
Kennels (With Outdoor Runs)	S		S	S	X	
Pet Grooming Services (With outdoor Runs)			X	X	X	
Pet Grooming Services (Without Outdoor Runs)	S		S	S	X	

Proposed Amendment

II. Business, Professional, & Personal Services

Use Description	NC	O	GC	HC	M-1	M-2
Pet Grooming/Kenneling (Without Outdoor Runs)	X		X	X		
Pet Grooming/Kenneling (With Outdoor Runs)	S		X	X		

Planning and Zoning Commission:

A public hearing for this item was held at the regularly scheduled July Planning and Zoning Commission meeting. No one approached the Commission to speak on this item. The P&Z Commission voted unanimously (6-0) to recommend approval to the Nixa City Council.

Amendment:

During the first reading of this agenda item at the July 8th City Council meeting, City Council raised concerns about allowing outdoor runs in the NC zoning district. Concerns varied from the number of dogs allowed, to setback concerns for the outdoor runs. The current code language for special use permits doesn't have specific review criteria related to the land use that is being applied for, that staff can use to make a recommendation. The proposed amendment would remove the "S" for Pet Grooming/Kenneling (With Outdoor Runs) from the table of approved uses. This will allow staff to come back, at a later date, with changes to the special use permit code language that would provide staff specific review criteria for each land use that requires a special use permit and add also add the "S" back into the NC district for this land use.

Recommendation:

This code change would closely mirror the surrounding communities and help to expand locations where these types of businesses can operate without the extra time and cost of obtaining an SUP in most cases. Additionally, the code change would serve to clarify and streamline adopted code language. Staff recommends approval of this code amendment.

MEMO SUBMITTED BY:

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

Supplemental Memorandum Regarding Amended Council Bill No. 2025-22.**Background:**

At the City Council's July 8, 2025, regular meeting, Council Bill No. 2025-22 (the "Bill") was presented by staff and had its first reading by the Council. The Bill, if approved, would modify the City Code to allow pet grooming and pet kenneling uses in certain zoning districts.

During the Bill's first reading, Council raised concerns about allowing outdoor runs in Neighborhood Commercial zoning districts. In the interim period between the Bill's first and second reading, staff have prepared Amended Council Bill No. 2025-22 (the "Amended Bill").

Analysis:

The Amended Bill does not allow for pet grooming or pet kenneling uses in Neighborhood Commercial districts with outdoor runs – these uses would not be permitted by right or permitted by special use permit.

Recommendation:

Staff have prepared a motion to amend Council Bill No. 2025-22.

To effectuate this proposed amendment, any member of Council may move for the adoption of Amendment No. 1. If the Amendment is approved by the Council, then the Council may proceed with the approval of the Amended Bill.

Should any member of Council desire to adopt Amendment No. 2, the following motion can be made: **"I move to adopt Amendment No. 1 to Council Bill 2025-22."** This motion would need to be seconded and then approved by a majority vote of those members of City Council present at the meeting.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Amendment No. 1 (Motion to amend); and
Amended Council Bill No. 2025-22.

AMENDMENT NO. 1 TO COUNCIL BILL NO. 2025-22

A MOTION:

To amend Council Bill No. 2025-22 by striking out the following language appearing at or on line 51 through 53 of said Bill:

“and as a special use with a special-use permit obtained from the City Council in the Neighborhood Commercial (NC) zoning district”

so that Section 1(1)(c) of said Bill shall read as follows after said amendment:

- c. A use entitled “Pet grooming/kenneling (with outdoor runs)” shall be added to the “II. BUSINESS, PROFESSIONAL, & PERSONAL SERVICES” section of the table of approved uses and such use shall be authorized as a permitted use within the General Commercial (GC) and Highway Commercial (HC) zoning districts.

and further amending said Bill by replacing “Resolution Exhibit A,” which is attached to the Bill, with the amended “Resolution Exhibit A,” which is attached to this Motion and incorporated herein by this reference.

Said Motion was provided to the City Council for review prior to the July 22, 2025, Council meeting and was published as part of the agenda for the July 22, 2025, City Council meeting. Further, said Motion was adopted by the required majority of City Council on the 22nd day of July 2025 and said Council Bill was therefore amended and modified as set forth herein.

PRESIDING OFFICER

ATTEST:

CITY CLERK

COUNCIL BILL EXHIBIT A

II. BUSINESS, PROFESSIONAL, & PERSONAL SERVICES

USE DESCRIPTION	AGR-1	R-4	R-3	R-5	CC	NC	O	GC	HC	M-1	M-2	R-MHS	R-MHC
Pet grooming\kenneling (without outdoor runs)						X		X	X				
Pet grooming/kenneling (with outdoor runs)								X	X				

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 117,
2 ARTICLE IV, SECTION 117-90, PART II OF THE NIXA CITY CODE FOR THE
3 PURPOSE OF CLARIFYING AND STANDARDIZING THE TABLE OF APPROVED
4 USES AS TO PET GROOMING AND KENNELING BUSINESSES.

5
6 **WHEREAS** the City has received an application for a pet grooming and kenneling
7 business; and

8
9 **WHEREAS** the Table of Approved Uses in Nixa City Code Section 117-99 treats
10 pet grooming businesses and kenneling businesses separately while they are treated
11 together in the definitions section; and

12
13 **WHEREAS** City Staff recommends this amendment to the Nixa City Code Section
14 117-99 to more accurately reflect how pet grooming businesses and kenneling
15 businesses should be treated in the Table of Approved Uses; and

16
17 **WHEREAS** the Planning and Zoning Commission, at their most recent meeting on
18 July 1, 2025, recommend to City Council to amend Nixa City Code Section 117-99 as set
19 forth herein; and

20
21 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

22
23 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
24 **NIXA, AS FOLLOWS, THAT:**

25
26 **SECTION 1:** Chapter 117, Article IV, Section 117-99 of the Nixa City Code should
27 be amended as set forth herein: (Explanation: Language in bold-face type (e.g., **thus**) is
28 language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted
29 and is intended to be omitted or deleted.)

30
31 Sec. 117-99. Table of Approved Uses.

32
33 (1) The following use descriptions are modified as follows:

- 34
35 a. The uses titled "Kennels (without outdoor runs)", "Kennels (with outdoor
36 runs)", "Pet grooming services (with outdoor runs)", and "Pet grooming
37 services (without outdoor runs)" contained within the "II. BUSINESS,
38 PROFESSIONAL, & PERSONAL SERVICES" section of the table of
39 approved uses shall be removed.
- 40
41 b. A use entitled "Pet grooming/kenneling (without outdoor runs)" shall be
42 added to the "II. BUSINESS, PROFESSIONAL, & PERSONAL SERVICES"
43 section of the table of approved uses and such use shall be authorized as
44 a permitted use within the Neighborhood Commercial (NC), General
45 Commercial (GC), and Highway Commercial (HC) zoning districts.
- 46

- c. A use entitled “Pet grooming/kenneling (with outdoor runs)” shall be added to the “II. BUSINESS, PROFESSIONAL, & PERSONAL SERVICES” section of the table of approved uses and such use shall be authorized as a permitted use within the General Commercial (GC) and Highway Commercial (HC) zoning districts.

- (2) The Table of Approved Uses shall show the designations for the uses added in subparagraphs (b) and (c) above as is set forth in Council Bill Exhibit A, attached hereto and incorporated herein by reference.

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

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

SECTION 4: 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 5: 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 6: 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.

[Remainder of page intentionally left blank. Signatures page follows.]

ADOPTED BY THE COUNCIL THIS 29th DAY OF July 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

COUNCIL BILL EXHIBIT A

II. BUSINESS, PROFESSIONAL, & PERSONAL SERVICES

USE DESCRIPTION	AGR-1	R-4	R-3	R-5	CC	NC	O	GC	HC	M-1	M-2	R-MHS	R-MHC
Pet grooming\kenneling (without outdoor runs)						X		X	X				
Pet grooming/kenneling (with outdoor runs)								X	X				