

SUPPLEMENTAL MEMORANDUM REGARDING AN AMENDMENT TO COUNCIL BILL NO. 2026-17

Background:

Staff is proposing a code amendment to create a new Downtown Overlay (DTO) District. Staff identified language and standards in the proposed language that could prove to be problematic.

Analysis:

Staff has revised Section j of the Downtown Overlay (DTO) District. This section covers building setbacks. The amended language attempts to clarify building setbacks for freestanding buildings. Staff also reorganized the same section to group setback standards for freestanding and buildings that will be connecting to neighboring structures.

Recommendation:

The amended language should provide clarification to setback standards within the DTO. Staff recommend approval of this amendment to Council Bill #2026-17.

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development
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AMENDMENT NO. 1 TO COUNCIL BILL NO. 2026-17

A MOTION TO AMEND SAID COUNCIL BILL BY:

- 1.** Deleting the following language in subparagraph (j) of Section 117-27 from line 291 through 321:

(j) Dimensional Regulations. The following minimum dimensional standards shall apply to property located within the Downtown Overlay (DTO) district:

(1) Buildings constructed or placed shall have a front yard setback of at least the following:

a. Detached structures shall be located at least fifteen (15) feet from the front property line; or,

b. Where a proposed structure abuts an existing structure, the required fifteen (15) foot front yard setback may be reduced to match the existing structure's setback in order to maintain continuity of the street façade.

(2) Buildings constructed or placed shall have a rear yard setback of at least the following:

a. Zero (0) feet when abutting a commercial or manufacturing zoning district.

b. Fifteen (15) feet when abutting a residential or agricultural zoning district.

(3) Buildings constructed or placed shall have a side yard setback of at least the following:

a. Zero (0) feet when abutting a commercial or manufacturing zoning district.

b. Five (5) feet when abutting a residential or agricultural zoning district.

c. Ten (10) feet when adjacent to a side street.

(4) No minimum lot size, no minimum lot width, nor any minimum open space requirements shall be imposed.

(5) The maximum building height shall be four (4) stories.

(6) For outdoor seating areas located in the DTO district, no setback requirements shall apply. Outdoor seating areas must be established so as not to impede pedestrian circulation.

(7) Any front, side, or rear setback shall be measured from the nearest point on the foundation wall to the property line.

- 2.** Adding a new subparagraph (j) to Section 117-27 with the following language in its place:

(j) Dimensional Regulations. The following minimum dimensional standards shall apply to property located within the Downtown Overlay (DTO) district:

(1) Proposed buildings that would be attached to neighboring structures shall be subject to the following minimum setback requirements:

a. Front yard setback is fifteen (15) feet, this may be reduced to match the abutting existing structure's setback in order to maintain continuity of the street façade.

b. Rear yard setback is twenty (20) feet, this may be reduced to match the abutting existing structure's setback.

c. Both side yard setbacks are zero (0) feet, when abutting an existing structure.

d. The side yard setback when adjacent to a street is ten (10) feet.

(2) Proposed buildings that would be freestanding shall be subject to the following minimum setback requirements:

a. Front yard setback is ten (10) feet.

b. Rear yard setback is fifteen (15) feet.

c. Side yard setback is five (5) feet.

d. The side yard setback when adjacent to a street is ten (10) feet

(3) No minimum lot size, no minimum lot width, nor any minimum open space requirements shall be imposed.

(4) The maximum building height shall be four (4) stories.

(5) For outdoor seating areas located in the DTO district, no setback requirements shall apply. Outdoor seating areas must be established so as not to impede pedestrian circulation.

(6) Any front, side, or rear setback shall be measured from the nearest point on the foundation wall to the property line.

Said Amendment was adopted by the required majority of City Council on the 28th day of July, 2026, and said Council Bill was therefore amended and modified as set forth herein.

PRESIDING OFFICER

ATTEST:

ACTING CITY CLERK

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 117, ARTICLE II TO ADD SECTION 117-27 ESTABLISHING THE DOWNTOWN OVERLAY DISTRICT (DTO) TO THE CITY'S ZONING DISTRICTS.

WHEREAS the current zoning code language and districts are not conducive to development activities in Nixa's downtown area ; and

WHEREAS the current zoning in Nixa's downtown would make it extremely difficult to redevelop lots that have come available as a result of the demolition of a few buildings in the downtown; and

WHEREAS a new zoning district for the downtown area is necessary to provide options for redevelopment and continuing development of that area while still retaining the historic feel of Downtown Nixa; and

WHEREAS the creation of a Downtown Overlay District fulfills Goal 3.3.2 of the 2045 Comprehensive plan; and

WHEREAS this code amendment was taken before the Planning and Zoning Commission for consideration at its July 7, 2026 meeting where the Commission voted to recommend passage to Council by a 4-0 vote; and,

WHEREAS City staff recommends these changes.

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

SECTION 1: Chapter 117, Article II of the Nixa City Code shall be repealed and adopting in lieu thereof a new Chapter 117, Article II which shall read as follows: (Explanation: Language in bold-face type (e.g., thus) is language to be added. Language in bold-faced brackets (e.g., [thus]) is not enacted and is intended to be omitted or deleted.)

ARTICLE II. ZONING DISTRICTS

Sec. 117-23. Residential districts established.

The following residential districts are hereby established: AG, R-1, R-4, R-3, and R-5. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

(1) The Agricultural (AG) District is designed to accommodate single-family residential development areas in the city limits that are not yet served by public water or sewer facilities and that are not yet appropriate for development at higher densities. Once public water and sewer facilities have been made available, residences in this district will be able to hook on by following the requirements. This area is also more suitable for uses

that would have a negative impact on more dense residential areas. Mobile home parks are permissible in this district with a special use permit.

(2) The R-1 district is designed primarily to accommodate single-family detached residential uses (other than mobile homes) at lower densities in areas served by public water and sewer facilities. Modular homes are allowed in the R-1 district. The R-1 zone districts have a minimum lot size requirement of 6,600 square feet.

(3) The R-4 district is designed to accommodate single-family attached (patio homes with zero lot lines) and two-family. Multifamily uses can occur only in the form of planned residential or planned unit developments. The "4" stands for 4,000 square feet minimum lot size per family.

(4) The R-3 district is designed primarily to accommodate higher density multifamily developments. Single-family attached and two-family uses can occur only in the form of planned residential or planned unit developments. The "3" stands for 3,000 square feet minimum lot size per family.

(5) The R-5 district is designed primarily to accommodate medium density multifamily townhouse developments. Single-family attached and two-family uses can occur only in the form of planned residential or planned unit developments. The "5" stands for 5,000 square feet minimum lot size per family.

Sec. 117-24. Commercial districts established.

(a) The following commercial districts are hereby established: CC, NC, O, GC, and HC. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

(b) The City Center (CC) District is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the city's central business district.

(c) The Neighborhood Commercial (NC) District is designed to accommodate commercial development on a scale that is less intensive than the permitted CC district. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements that are more restrictive than those applicable to the CC zone. The NC district may provide a transition in some areas of the city.

(d) The Transitional Office (O) District is designed to accommodate a mixture of uses (office, clerical, research, services, etc.). It is intended that this zoning classification be applied primarily in areas that no longer are viable as single-family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as locations for office oriented developments. Such areas will also generally constitute transition or buffer zones between major arterials or more intensively developed commercial areas and residential districts.

(e) The General Commercial (GC) District is designed to accommodate the widest range of commercial activities.

(f) The Highway Commercial (HC) District is designed to accommodate commercial activities that draw business primarily from and provide services primarily to the U.S. Highway 160 and Missouri Highway 14 corridor.

Sec. 117-25. Regional commercial overlay districts established.

(a) The purpose of this district is to provide for the development of large-scale integrated retail shopping on a large site with convenient highway access. The Regional Commercial Overlay District is established as a special district which overlays the HC (Highway Commercial) zoned district.

(b) The provisions of this section are designed to ensure that all development activities associated with a regional shopping district will be carried out so as to provide for and maintain:

(1) Protection of neighboring properties against harmful effects of uses on the development site;

(2) Convenient and safe access for firefighting and emergency rescue vehicles within the development site and in relation to adjacent streets;

(3) Convenience and safety of vehicular and pedestrian movement within the development site and in relation to adjacent streets, properties or improvements;

(4) Satisfactory methods of stormwater management as provided in the city's technical specifications;

(5) Convenience and safety of off-street loading and unloading of vehicles, goods, products, materials and equipment for the operation of the establishments on the development site;

(6) Adequate off-street parking and traffic mitigation measures that will enhance the efficiency of the transportation system as provided in article V of chapter 111;

(7) Attractive and functional design with due regard to the existing conditions of the development site and the use thereof for a regional shopping center, in order to promote the interests of the city.

(c) Relationship to underlying districts and regulations.

(1) The Regional Commercial Overlay District shall overlay the HC (Highway Commercial) zoned district so that any parcel of land lying in a Regional Commercial Overlay District shall also lie in the zoning district in which it is otherwise classified by this chapter.

(2) All regulations of the underlying zoning district shall apply within the Regional Commercial Overlay District to the extent that they are not inconsistent with the specific provisions of section 117-4(a). To the extent the provisions of this section are in conflict with or are inconsistent with other provisions of this chapter, the provisions of this section shall govern and prevail even if such other provisions are more restrictive than those set forth in section 117-4(a).

(d) Regional Commercial Overlay District development regulations. Land located within the Regional Commercial Overlay District shall be subject to the dimensional controls set forth below:

(1) Minimum area of overlay district: 20 acres.

(2) Minimum lot size (individual building lots): none.

(3) Minimum side, front and rear yards (other than at the perimeter of the defined district boundaries): none.

(4) Minimum side, front and rear yard setback (at the perimeter of the defined district boundaries): 15 feet.

(e) Permitted uses.

(1) The Regional Commercial Overlay District is provided to accommodate a concentration of retail stores and entertainment service establishments, including restaurants, movie theaters and such other uses as are customarily found in a regional commercial service sector setting.

(2) Regional commercial overlay districts may be subdivided into multiple lots, however, at a minimum one lot shall be developed as a retail facility having a minimum gross square footage of not less than 40,000 square feet under single occupancy.

(3) No more than 25 percent of the total gross leasable area of all buildings located within the district shall be devoted to uses other than retail stores and entertainment service establishments.

(f) Application of requirements.

(1) A regional commercial overlay district may consist of more than a single building lot, and in such event the requirements of this subpart pertaining to parking, landscaping and signage shall not be applied to individual building lots, but shall be applied to the entire district as if the development area were a single building lot notwithstanding the fact that the building lots with the district area may be in different ownership.

(2) The Regional Commercial Overlay District may be developed in phases and may be developed and occupied under one or more building permits and occupancy permits.

Sec. 117-26. Manufacturing districts established.

(a) The following districts are hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment: M-1 and M-2.

(b) The performance standards set forth in division 1 of article VIII of this chapter place limitations on the characteristics of uses located in these districts. The limitations in the M-1 district are more restrictive than those in the M-2 district.

Sec. 117-27. – Downtown Overlay District established.

(a) Intent. The intent of the Downtown Overlay (DTO) district is to assist in the creation of a vibrant downtown area with a focus on land uses that facilitate healthier lifestyles, foster greater community interaction, and reduce the necessity for automobile use. The DTO district aims to promote economic development, encourage desirable development, enhance pedestrian environments, and preserve the unique character of the City's downtown area.

(b) Expansion. The Downtown Overlay (DTO) district is intended to be expanded to assist in redevelopment efforts. Property owners adjacent to or touching the DTO boundary, can apply for a rezone to expand the district over their property.

(c) Relationship to underlying districts. All regulations of the underlying zoning districts within the DTO district will continue to apply. The DTO district will allow an owner of property within the district the option of applying the regulations of the DTO district instead of the underlying zoning district.

(d) Permitted Uses – Intent. Uses permitted in the Downtown Overlay (DTO) district should be those uses which serve the needs of residents in the immediate

vicinity while also attracting and catering to visitors from a wider region. Dense residential uses like apartments and duplexes, but not including single-family residences, should be permitted to expand alternative housing options in the city. The businesses and services in the DTO district should be smaller in scale and should consist primarily of locally oriented operations. Uses that support daily needs like farmers' markets, grocery stores, and general stores should be encouraged. Mixed-use developments incorporating compatible uses within a single development or structure are strongly encouraged as a preferred form of development within the district to promote long-term economic vitality and efficient land utilization. More intense uses like manufacturing or high-traffic commercial uses should be restricted in the DTO district.

(e) Permitted Uses – Enumerated. The following uses shall be permitted uses within the Downtown Overlay (DTO) district:

(1) General Commercial includes establishments that sell goods directly to the public, with sales activities conducted primarily within an enclosed building. Examples include, but are not limited to, grocery stores, apparel sales, specialty shops, mobile retailers, and general stores.

(2) Food & Beverage Sales include establishments where food or drinks are prepared and sold for on-site consumption, take-out, or both. Examples include, but are not limited to, bakeries, bars, food halls, food trucks, restaurants, and sidewalk cafés.

(3) Personal Services include establishments that provide services directly to individuals, typically by appointment or walk-in, and operate entirely within an enclosed building. Examples include, but are not limited to, hair and nail salons, barber shops, tailoring, and laundry facilities.

(4) Business and Professional Services include establishments where administrative or professional services are provided, with activities conducted primarily within an enclosed building. Examples include, but are not limited to, offices for legal, financial, consulting, insurance, or real estate services.

(5) Cultural facilities include establishments that support arts, culture, education, or community activities and are generally open to the public. Examples include, but are not limited to, museums, libraries, performance spaces, and community gardens.

(6) Residential uses are intended to provide a comfortable, healthy, safe, and pleasant living environment for residents, and to be protected from incompatible or disruptive activities. Residential uses include, but are not limited to, duplexes, apartments, live-work units, townhouses, and loft apartments. New detached single-family dwellings shall be prohibited in the Downtown Overlay (DTO) district, unless circumstances from Sec. 101-263 exist.

(7) Mixed uses are strongly encouraged within the Downtown Overlay (DTO) district as a preferred development pattern to maximize efficient land utilization, foster a pedestrian-oriented environment, and attract investment in needed commercial, residential, and civic services. Ground floors shall be reserved for commercial activities with the upper floors consisting of residential uses.

(f) Special Uses. Uses in the Downtown Overlay (DTO) district that are more intense than what is permitted may be allowed with the approval of a Special

Use Permit granted pursuant to the provisions of Section 101-136 of the Nixa City Code. The uses granted with a Special Use Permit must not present a nuisance to the area and may be subject to additional criteria for approval.

(g) Special Uses – Enumerated. The following uses shall be special uses within the Downtown Overlay (DTO) district and shall only be authorized upon the issuance of a special use permit issued pursuant to Section 101-136 of the Nixa City Code:

(1) Manufacturing and Industrial Uses. Any principal permitted use listed in the M-1 or M-2 districts shall be allowed in the Downtown Overlay (DTO) district only upon issuance of a special use permit.

(h) Additional Use Regulations. The following additional use regulations shall apply to activities occurring within any Downtown Overlay (DTO) district:

(1) No dwelling unit shall be subject to minimum square footage requirements, provided the unit contains adequate space for comfortable use and does not pose a risk to the well-being of occupants. Shared restrooms, kitchens, and other facilities may be explored to best utilize limited space.

(2) When existing conditions prevent the introduction of landscaping, developments located in the DTO district may be exempt from the landscaping requirements established in Sections 105-26 and 105-27. This determination shall be made by the Director of Planning and Development or their designee.

(3) Loading and unloading spaces must be clearly defined and located either in the rear or to the side of the associated building. Loading and unloading operations shall not negatively impact vehicle or pedestrian circulation.

(i) Parking Requirements. The following regulations relating to parking requirements shall apply to any property located or activities occurring within the Downtown Overlay (DTO) district:

(1) Vehicle accommodation areas in the DTO district shall comply with the requirements established in Chapter 111, Article V, of the Nixa Code, unless hereinafter modified.

(2) Vehicle accommodation areas shall be located either behind or to the side of the associated operation. Parking shall not take place in front of an establishment unless a marked space exists in the right-of-way.

(3) Special Parking Provisions. Vehicle accommodation areas located within the Downtown Overlay (DTO) district shall be subject to the following provisions:

a. Property within the DTO district may be eligible for reduced parking requirements when:

i. The fee owner of the real property enters into a shared parking agreement with adjacent or nearby fee owners of real property for the purpose of sharing vehicle accommodation areas with the adjacent or nearby real property. Such shared vehicle accommodation areas shall satisfy the minimum parking requirements on a one-for-one basis. Shared parking agreements must be fully executed by all fee owner of real property subject to the agreement and the City. Said agreement shall be approved as to form by the city attorney, or designated assistant city attorney. Said agreement shall contain those provisions deemed necessary by the city attorney or their designee but shall at a minimum contain a

clause that requires the City to consent to any modification or termination of the shared parking agreement.

b. Businesses located within 200 feet of a municipal owned parking lot, are allowed to count the stalls towards their parking stall requirements. The parking stalls will not be reserved for the business and will be open to the public on a first come first serve basis.

c. No vehicle accommodation area within any city right-of-way shall be held or used as exclusive parking for any property owner. The right-of-way shall remain open for public use. Vehicles used by businesses located in the downtown district for, delivery, service, or promotional vehicles shall not park in spaces located within city right-of-way.

d. Parking spaces must comply with dimensional requirements as established in Section 111-203.

e. At the discretion of City staff, developments with existing structures may utilize Section 111-209 to reduce or waive vehicle parking requirements.

(j) Dimensional Regulations. The following minimum dimensional standards shall apply to property located within the Downtown Overlay (DTO) district:

(1) Proposed buildings that would be attached to neighboring structures shall be subject to the following minimum setback requirements:

a. Front yard setback is fifteen (15) feet, this may be reduced to match the abutting existing structure's setback in order to maintain continuity of the street façade.

b. Rear yard setback is twenty (20) feet, this may be reduced to match the abutting existing structure's setback.

c. Both side yard setbacks are zero (0) feet, when abutting an existing structure.

d. The side yard setback when adjacent to a street is ten (10) feet.

(2) Proposed buildings that would be freestanding shall be subject to the following minimum setback requirements:

a. Front yard setback is ten (10) feet.

b. Rear yard setback is fifteen (15) feet.

c. Side yard setback is five (5) feet.

d. The side yard setback when adjacent to a street is ten (10) feet

(3) No minimum lot size, no minimum lot width, nor any minimum open space requirements shall be imposed.

(4) The maximum building height shall be four (4) stories.

(5) For outdoor seating areas located in the DTO district, no setback requirements shall apply. Outdoor seating areas must be established so as not to impede pedestrian circulation.

(6) Any front, side, or rear setback shall be measured from the nearest point on the foundation wall to the property line.

(k) Sign Regulations.

(1) Any sign placed or erected in the Downtown Overlay (DTO) district must be affixed to the facade of the associated structure.

(2) Wall Signs shall be mounted flush against the façade of the associated structure and shall not protrude more than six (6) inches from façade.

(3) Projecting Signs shall be mounted to the façade of the associated structure and shall not project more than thirty-six (36) inches from façade.

(4) Freestanding Signs shall follow the regulations for the properties underlying zoning found in Section 113-52 of Nixa City Code.

(5) Off-premises signs and billboards are prohibited.

(6) Sidewalk signs and moveable signs, including A-frame and T-frame signs, may be located on sidewalks within the street right-of-way, provided that all the following criteria are met:

a. Sidewalk signs shall be limited to one (1) sign per business.

b. The maximum area of such a sign shall not exceed six (6) square feet.

c. The maximum height of such a sign shall not exceed four (4) feet.

d. Such signs shall not be artificially illuminated.

e. Such signs shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to any street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.

f. Such signs shall not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than three (3) feet.

g. Each sidewalk sign permitted under this section shall be removed each day by the close of business and be replaced or removed when the appearance or condition of the sign deteriorates through damage or weathering.

SECTION 2: 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 3: 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 4: 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.

ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2026.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2026.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY