



EXHIBIT A

ISSUE STATEMENT: PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE PROPOSAL TO MODIFY CHAPTER 117 OF THE NIXA CODE OF ORDINANCES TO ESTABLISH A DOWNTOWN OVERLAY DISTRICT

DATE: JULY 7, 2026

SUBMITTED BY: PLANNING AND DEVELOPMENT DEPARTMENT

PRESENTED BY: PLANNING AND DEVELOPMENT DEPARTMENT

Background

The current code language relating to zoning and land development are not conducive to development activities in a typical downtown environment. Recently, a few buildings in disrepair have been demolished in the downtown area, in order for those lots to be redeveloped in a manner that keeps the feel of the existing downtown area, new code language had to be created. The creation of the Downtown Overlay (DTO) District is a collaboration between city staff and the Southwest Missouri Council of Governments (SMCOG), with the heavy lifting being performed by SMCOG.

Analysis

The DTO is an overlay district designed to reduce certain land development regulations for the area that it covers. The main regulations addressed in the DTO relate to parking requirements, building setbacks, placement of signs, and land uses allowed within the district.

Land Use

Permitted uses within the DTO are similar to what the underlying zoning would allow. The permitted uses section is written in a way to give staff more flexibility when interpreting requested land uses. Rather than listing specific land uses like our current Table of Approved Uses, land uses are grouped in generalized categories such as, General Commercial, Food and Beverage, Personal Services, Business and Professional Services, Cultural Facilities, Residential Uses, and the introduction of Mixed Uses. Special Use permits will be required for industrial uses. New single-family land uses are not allowed within the DTO, but existing single-family homes within the DTO can continue to be used and sold as single-family residences until they lose their non-conforming status.

Signs

This section lines out the types of signs that can be located within the DTO. The regulations are similar to our current sign code, except that it expands on the regulations for types of signage commonly used in downtown environments.



Building Setbacks

Building setbacks in the downtown area has been a common topic of concern for those that would like to build in a downtown environment. Under existing code language, building setbacks would greatly reduce the buildable area of lots. When that is paired with smaller lots, building in the downtown area is almost impossible, unless the applicant wanted to jump through some additional hoops. The intent of the DTO is to make building easier in the downtown area. If your building project abuts an existing structure, you can match their front setback. New buildings that are not adjacent to existing structures that sit on property lines, will have to adhere to the setbacks listed in the DTO.

Parking Requirements

The downtown area has a limited number of public parking spaces available. Redevelopment of small commercial lots cannot afford to lose buildable space to onsite parking requirements. Business owners in the DTO are encouraged to seek out satellite parking agreements with other property owners that have available parking in the area. The DTO does allow business owners within 200 feet of a municipal owned parking lot, to count the spaces in that lot towards their required parking stall totals. The spaces in the municipal lots cannot be reserved for specific businesses, as these parking lots are there to serve the public. This language is an effort to reduce onsite parking requirements.

The Downtown Overlay District is meant to change and evolve overtime as redevelopment needs and patterns start to emerge.

Recommendation

The proposed code update serves to provide an easier path for redevelopment activities to occur in the downtown area. Staff recommend approval of this code amendment.

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) *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.
- (d) *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.
- (e) *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.
- (f) *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.
- (g) *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.
- (h) *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 used for promotional purposes 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.
- (i) *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.

(j) *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.