

Supplemental Memorandum Regarding A Proposed Amendment to Council Bill No. 2025-10.

Background:

At the City Council's April 8, 2025, regular meeting, a first reading of Council Bill No. 2025-10 (the "Bill") occurred. The Bill, if approved would modify the City's land use regulations relating to what hard surfaces may be utilized by developers for vehicle accommodation areas. During the public hearings for the Bill, Councilmember Lucas inquired as to the relation between the proposed amendment and the Americans with Disabilities Act ("ADA").

After review by Staff, it has been determined that language should be added to the Bill to better clarify the interplay between the City's vehicle accommodation area regulations and the ADA.

Analysis:

The Amended Bill adds a new subsection (c) to clarify the code requirements related to hard surface areas and the ADA. It requires areas set aside for parking for those with disabilities must be asphalt, concrete, or an approved hard surface that is firm, stable, and slip resistant.

Recommendation:

Staff have prepared a motion to amend Council Bill 2025-10. The effect of this motion will be to add the new subsection (c) to Section 111-207.

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 to approve the Bill as amended.

Should any member of Council desire to adopt Amendment No. 1, the following motion can be made: **"I move to adopt Amendment No. 1 to Council Bill No. 2025-10."** 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 to Council Bill No. 2025-10 (Motion to amend); and
Amended Council Bill No. 2025-10.

AMENDMENT NO. 1 TO COUNCIL BILL NO. 2025-10

A MOTION TO AMEND SAID COUNCIL BILL BY:

1. Adding the following language after line 57:

- (c) *Accessible Parking Surfaces.* Notwithstanding subsections (a) and (b) of this section, all parking spaces designated for use by persons with disabilities shall be surfaced with asphalt, concrete, or other approved hard surface material that provides a firm, stable, and slip-resistant surface suitable for the safe and reasonable mobility of individuals using wheelchairs, canes, walkers, and other mobility aids. The Director of Planning and Development or their designee shall have the authority to approve alternative hard surface materials that meet these requirements.

so that Section 111-207 shall read as follows after said amendment:

Sec. 111-207. Vehicle accommodation area surfaces.

- (a) Vehicle accommodation areas that include lanes for drive-in windows; or contain parking areas that are required to accommodate public vehicular traffic shall be graded and surfaced with asphalt, concrete or other approved hard surface material.
 - 1. Hard surface materials other than asphalt or concrete shall require specific approval from the Director of Planning and Development or their designee.
 - 2. To be approved, hard surface materials other than asphalt or concrete shall meet the minimum standards in the adopted version of the International Fire Code (IFC) section related to Fire Truck Apparatus Access.
- (b) All other vehicle accommodation areas shall be graded and surfaced with crushed stone, gravel or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. Bricks, stones, railroad ties, or other similar devices shall define the perimeter of such parking areas. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, to the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in the technical specifications manual for driveway openings for a distance of 15 feet back from the edge of the paved street.
- (c) *Accessible Parking Surfaces.* Notwithstanding subsections (a) and (b) of this section, all parking spaces designated for use by persons with disabilities shall be surfaced with asphalt, concrete, or other approved hard surface material that provides a firm, stable, and slip-resistant surface suitable for the safe and reasonable mobility of individuals using wheelchairs, canes, walkers, and other

mobility aids. The Director of Planning and Development or their designee shall have the authority to approve alternative hard surface materials that meet these requirements.

Said Amendment was adopted by the required majority of City Council on the 22nd day of April 2025 and said Council Bill was therefore amended and modified as set forth herein.

PRESIDING OFFICER

ATTEST:

CITY CLERK

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**
2 **111, ARTICLE V, SECTION 111-207 OF THE NIXA CITY CODE FOR THE PURPOSE**
3 **OF PROVIDING A STANDARD FOR APPROVING ACCEPTABLE HARD SURFACES**
4 **OTHER THAN ASPHALT AND CONCRETE.**

5
6 **WHEREAS** the Planning and Development Department receives requests from
7 developers to use alternatives to asphalt and concrete for use in parking lots; and

8
9 **WHEREAS** current Nixa City Code Section 111-207 allows for alternative hard
10 surfaces, but does not set a standard for what alternatives to asphalt and concrete could
11 be used; and

12
13 **WHEREAS** the City has adopted the International Fire Code (IFC) which has a
14 minimum standard for approved parking lot surfaces that staff believes is suitable for use;
15 and

16
17 **WHEREAS** Planning and Development staff recommends this amendment to Nixa
18 City Code Section 111-207 to give guidance to developers as to what alternative hard
19 surfaces will be approved by staff; and

20
21 **WHEREAS** the Planning and Zoning Commission, at their April 2nd, 2025 special
22 meeting, recommended approval of the proposed amendment; and

23
24 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

25
26 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
27 **NIXA, AS FOLLOWS, THAT:**

28
29 **SECTION 1:** Chapter 111, Article V, Section 111-207 of the Nixa City Code is
30 hereby amended by repealing said Section in its entirety and adopting in lieu thereof a
31 new Section 111-207, which said Section shall read as follows (Explanation: Language
32 in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets
33 (e.g., [**thus**]) is not enacted and is intended to be omitted or deleted.):

34
35 Sec. 111-207. Vehicle accommodation area surfaces.

36
37 (a) Vehicle accommodation areas that include lanes for drive-in windows; or contain
38 parking areas that are required to accommodate public vehicular traffic shall be
39 graded and surfaced with asphalt, concrete or other **approved** hard surface material.

40
41 **1. Hard surface materials other than asphalt or concrete shall require specific**
42 **approval from the Director of Planning and Development or their designee.**

43
44 **2. To be approved, hard surface materials other than asphalt or concrete shall**
45 **meet the minimum standards in the adopted version of the International Fire**
46 **Code (IFC) section related to Fire Truck Apparatus Access.**

(b) All other vehicle accommodation areas shall be graded and surfaced with crushed stone, gravel or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. Bricks, stones, railroad ties, or other similar devices shall define the perimeter of such parking areas. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, to the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in the technical specifications manual for driveway openings for a distance of 15 feet back from the edge of the paved street.

(c) ***Accessible Parking Surfaces.*** Notwithstanding subsections (a) and (b) of this section, all parking spaces designated for use by persons with disabilities shall be surfaced with asphalt, concrete, or other approved hard surface material that provides a firm, stable, and slip-resistant surface suitable for the safe and reasonable mobility of individuals using wheelchairs, canes, walkers, and other mobility aids. The Director of Planning and Development or their designee shall have the authority to approve alternative hard surface materials that meet these requirements.

SECTION 2: 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 3: 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 4: 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 5: 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 follow on the next page.]

ADOPTED BY THE COUNCIL THIS 22nd DAY OF April 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY