

AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING CHAPTER 111 ARTICLE V SECTION 111-207(A) OF THE NIXA CODE OF ORDINANCES AS THEY RELATE TO APPROVED HARD SURFACES FOR VEHICLE ACCOMMODATION

Background:

The current code language in the above referenced section of the Nixa code of ordinances states; "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 hard surface materials."

Planning staff has recently fielded inquiries about what alternative types of hard surface materials are allowable for commercial parking lots in the city of Nixa, citing the "other hard surface" language in the code. The proposed changes set a minimum standard that any proposed hard surface must accommodate emergency response vehicles and requires approval of the Director of Planning & Development.

Analysis:

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.**
 - 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.**

Planning and Zoning Commission:

A public hearing for this item was held at the April 2nd 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.

Recommendation:

The proposed changes serve to reduce ambiguity in the code, while creating a process for allowing alternative hard surface materials. Staff recommend approval of this code amendment.

MEMO SUBMITTED BY:

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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.**

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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

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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

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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

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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

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

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

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

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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.):

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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.

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.

ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

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94 APPROVED AS TO FORM:

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97 _____
CITY ATTORNEY