



March 18, 2025

Notice is hereby given of a Nacogdoches City Council Work Session starting at 4:00 p.m. and a Regular City Council Meeting starting at 5:30 p.m., of the Nacogdoches City Council to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, for the purpose of considering the following agenda items.

Some City Council Members may attend via videoconference but a quorum of the City Council and the Presiding Officer will be present at the above-stated physical location. The meeting will be streamed live at: <https://www.nactx.us/21>. There will be an opportunity for the public to comment on agenda items in person in Council Chambers.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. CALL TO ORDER. WORK SESSION STARTING AT 4:00 P.M.
2. PLEDGE OF ALLEGIANCE.
3. OPEN FORUM.
4. WORK SESSION.
 - A. Discuss possible regulation of short-term rental properties.
5. ADJOURN.
6. CALL TO ORDER. REGULAR MEETING AGENDA STARTING AT 5:30 P.M.
7. AWARDS AND RECOGNITIONS:
 - A. Receive a presentation and read a proclamation declaring the month of March as The American Red Cross Month. (Mayor)
8. OPEN FORUM. Open Forum is an opportunity for citizens to address the City Council about items listed on the agenda, as well as on matters that are not specifically listed on the agenda. Alternatively, a citizen may address the City Council about an agenda item when the item comes up for consideration during the meeting. In order to address the City Council, please complete the Public Comment Form and submit it to the City Secretary prior to the start of the meeting. In accordance with the Texas Open Meetings Act, the City Council will not discuss, deliberate, or make any decisions on items not listed on the agenda. Comments are limited to 3 minutes per person.
9. ITEMS TO BE REMOVED FROM CONSENT AGENDA.
10. CONSENT AGENDA: Items included under Consent Agenda require little or no deliberation

by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.

- A. Consider Resolution No. 1387-04-25 authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Downtown Revitalization Program. (Community Services Director)
- B. Consider approval of a quote from Iteris, Inc. for the replacement of a traffic signal at Park Street and Tower Road, utilizing BuyBoard contract #695-23, for a not-to-exceed amount of \$49,519.00. (Public Works Operations Manager)
- C. Consider approval of minutes for the March 4, 2025, Regular City Council Meeting.

11. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.

- A. **Public Hearing:** Discuss and consider action regarding Zone Change Case ZON2025-01 for a zone change from A- Agricultural to R-4, Multi-Family district for two parcels of land approximately 0.38 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel(s) 2889; and generally located on the south side of W. Seale Street, approximately 215 feet from the W. Seale & Reedy Street intersection. (Executive Director of Development & Infrastructure)
- B. **Public Hearing:** Discuss and consider action regarding Zone Change Case ZON2025-02 for a zone change from A- Agricultural to R-4, Multi-Family district for two parcels of land approximately 0.37 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel(s) 28788 & 28790; and generally located on the southwest corner of the West Seale and Reedy Street intersection. (Executive Director of Development & Infrastructure)
- C. **Public Hearing:** Discuss and consider action regarding Special Use Permit Case SUP2025-01 for an Accessory Apartment in an R-1 Single-Family district on one parcel of land approximately 1 acre $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District as Parcel 26489; and located at 521 East Parker Road, Nacogdoches, Texas. (Executive Director of Development & Infrastructure) ***This item has been postponed until the May 6, 2025, Regular City Council Meeting.***
- D. **Public Hearing:** Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118- "Zoning", Article I. – "In General," Section 118-1 – "Definitions" to revise and clarify the definitions of housing types and adding definitions related to group homes, Article II. – "Administration", Division 3.- "Board of Adjustment" Section 118-97 – "Officers and compensation" to remove compensation provisions and add the position of vice chair and remove the position of secretary, Article II. – "Administration", Division 3.- "Board of Adjustment", Section 118-98 – "Procedures" to recognize City Council approval of adopted procedural rules, Article II. – "Administration", Division 3.- "Board of Adjustment", Section 118-

99 – “Powers” to add language related to special exceptions and clarification of procedures for variances, Article III. – “District Regulations”, Section 118-273 – “Land Use Schedule” to update housing types in accordance with the correct definitions, and Article VI – “Development Standards”, Section 118-429 – “Commercial Sites with Residential Adjacency” to authorize the Zoning Board of Adjustment rather than the Planning & Zoning Commission to hear requests for fence exceptions. (Executive Director of Development & Infrastructure)

- E. Consider approval of an ordinance of the City of Nacogdoches, Texas, amending Chapter 102 – “Traffic and Vehicles”, Article V. – “Stopping, Standing and Parking”, Sec. 102-167 – “Trailers and semitrailers”, of the Code of Ordinances of the City of Nacogdoches, Texas; providing a Severability Clause; providing a Continuation Clause; providing a Repeal Clause; and providing an Effective Date. (City Attorney)
- F. Consider approval of an ordinance of the City of Nacogdoches, Texas, adding a Master Fee Schedule to the Code of Ordinances of the City of Nacogdoches, Texas; providing a Severability Clause; providing a Continuation Clause; providing a Repeal Clause; and providing an Effective Date. (City Attorney)
- G. Receive and accept the Annual Financial Audit for the fiscal year ending September 30, 2024, prepared by independent auditors Pattillo, Brown & Hill, LLP. (Pattillo, Brown & Hill, LLP)

12. EXECUTIVE SESSION: Executive Sessions are for City Council to receive information and deliberate on matters specified in Subchapter D of the Texas Open Meetings Act. Council may reconvene in open session to vote on the matter.

A. Deliberation regarding Economic Development negotiations under Government Code Section 551.087 as follows:

- 1. Discuss or deliberate regarding commercial or financial information the governmental body has received from business prospects that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and
- 2. Deliberate the offer of financial or other incentives to business prospects described by Subdivision 1 above (Executive Director of Economic Development).

B. Deliberation regarding Real Property under Government Code Section 551.072 is as follows:

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

13. Open for action, if any, on Executive Session item(s).

14. ADJOURN.



Rhonda Lewis
City Secretary



This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at (936) 559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

This meeting will be conducted pursuant to Chapter 551 of the Texas Government Code. The Council reserves the right to adjourn into Executive Session at any time during the meeting to discuss any of the above posted agenda, as authorized by Texas Local Government Code Sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [prospective gift to city], 551.074 [certain personnel deliberations], 551.076 [deployment/implementation of security personnel or devices], or 551.087 [deliberations regarding economic development negotiations]. The City of Nacogdoches is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications may be provided upon request. Please contact the City Secretary at (936) 559-2506 for information. I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961, on March 14, 2025, by 1:00 p.m., pursuant to Chapter 551 of the Texas Government Code.

Rhonda Lewis, City Secretary

PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Discuss possible regulation of short-term rental properties.

SUMMARY/BACKGROUND: The increasing prevalence of short-term rental (STR) properties operating within the city of Nacogdoches has prompted Staff to seek Council input on local regulations that might address key issues related to the remittance of hotel occupancy taxes and the sustainability of residential neighborhood character. Currently, the City does not regulate residential properties utilized as short-term rentals.

The term STR is not defined in state statute, but it broadly refers to private homes, condos, or apartments leased for short periods of time as an alternative to traditional hotel or motel lodging. Generally, a rental of a dwelling for less than 30 consecutive days is considered an STR, and these properties are often promoted through web-based platforms such as VRBO, Airbnb, HomeAway, and others.

Data collected by the Nacogdoches Convention and Visitors Bureau identifies at least 74 STR properties that are actively renting within the city limits as of March 2025. This is a 37% increase from the 54 STR properties identified in March 2024. In this workshop, Staff seeks Council input on whether STR regulations should be considered, related policy goals, and possible next steps. A draft ordinance is enclosed to assist Council in discussion.

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Mike Neu, Executive Director of Development and Infrastructure
neum@nactx.us
(936) 559-2522

ATTACHMENTS:

1. Short-Term Rental Presentation
2. Short-Term Rental Draft Ordinance

Short-Term Rentals

Council Workshop

Mike Neu, Executive Director of Development & Infrastructure

Jerry Baker, City Attorney

Ashley Morgan, CVB Executive Director

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March 18, 2025

Short-Term Rentals

What are they?

- The term “short-term rental” (STR) is not defined in state statute.
- STR broadly refers to private homes, condos, or apartments leased for short periods of time as an alternative to traditional hotel or motel lodging.
- Generally, a rental of a dwelling for less than 30 consecutive days is considered an STR.
- STRs are often promoted by owners through web-based platforms such as VRBO, Airbnb, HomeAway, and many others.

Short-Term Rentals

What's the issue?

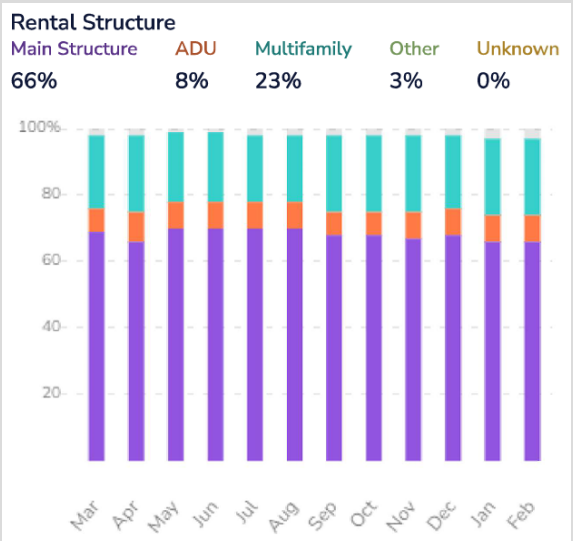
- Nationwide, the number of STR homes has grown to 4+ million, a 10-fold increase over the last 5 years.
- **Anticipated university growth and robust tourism could exacerbate the expansion of STR properties in Nacogdoches.**
- STRs compete against hotel, motel, and B&B properties for lodging revenue.
- Some STR owners fail to remit Hotel Occupancy taxes that are required by law.
- STR renters may not know (or follow) local rules, resulting in public safety risks, noise, trash, and parking problems for residential neighbors.

Short-Term Rentals

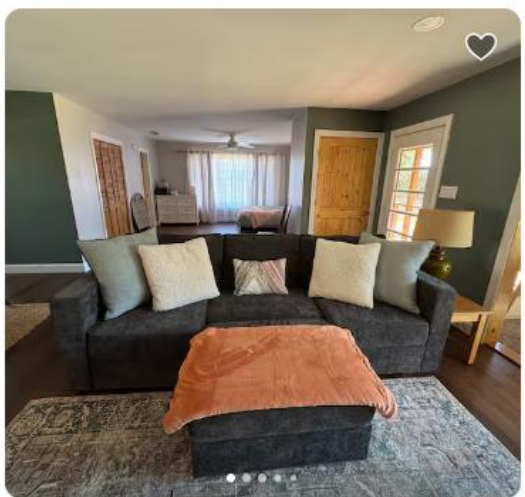


Nacogdoches, Texas (city)

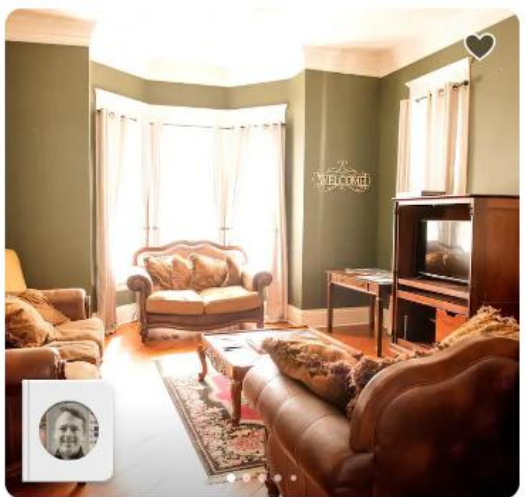
- 54 STRs in March 2024
- 74 STRs in March 2025



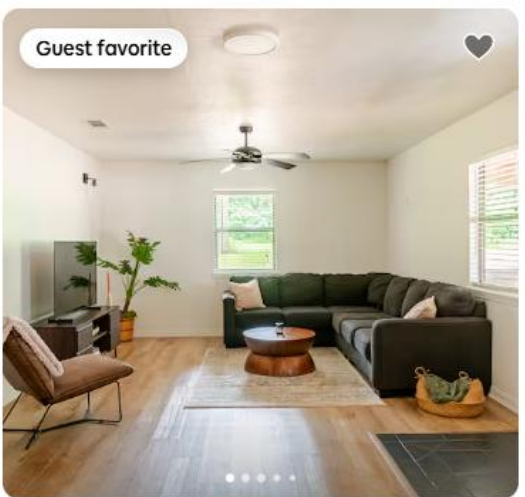
38 places in Nacogdoches



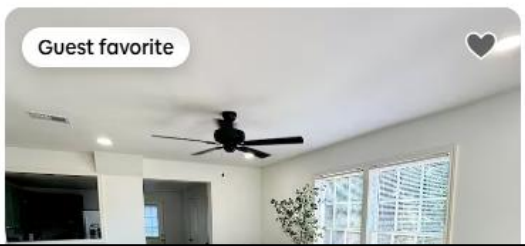
Home in Nacogdoches
Haleigh's Hideaway
1 bed
★ New
\$79 night · \$90 total



Room in Nacogdoches
Stay with Brent David · Hosting for 4 years
The Virginia Room at Haden Edwards House
★ 4.75 (190)
\$59 night · \$107 total



Home in Nacogdoches
An Ode to Nacogdoches
1 king bed
★ 4.93 (108)
\$90 night · \$148 total



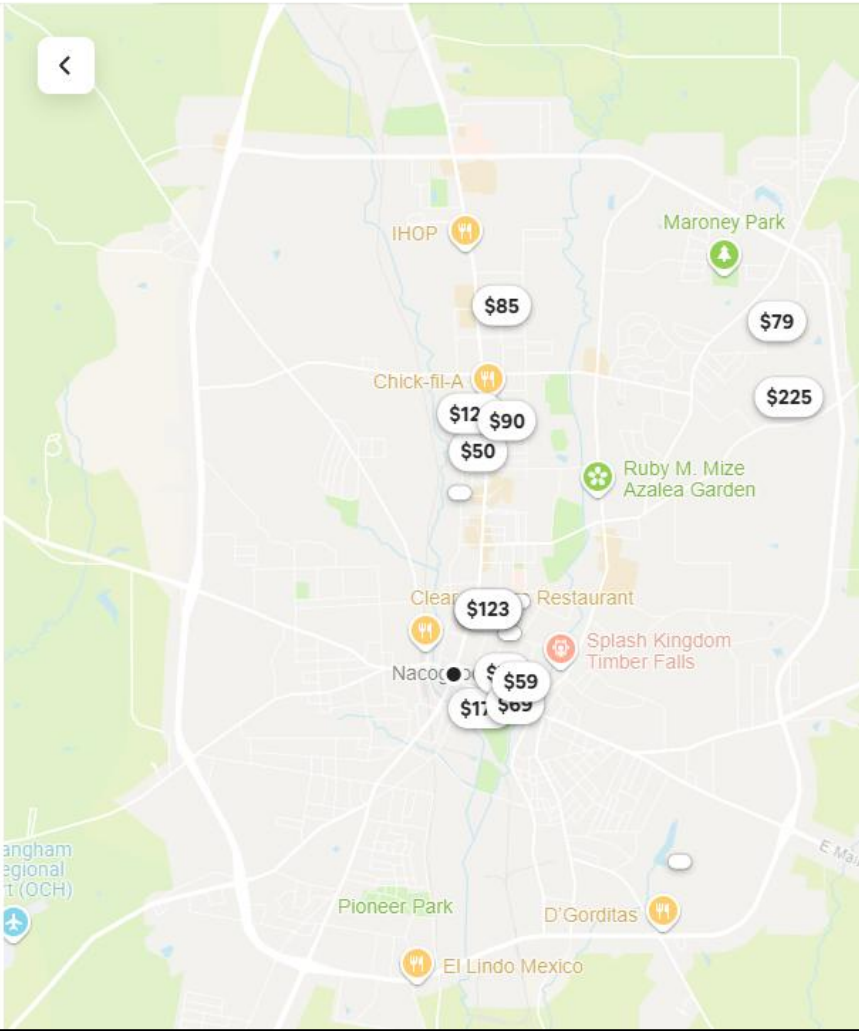
Guest favorite



Guest favorite



Guest favorite



Short-Term Rental Regulation

What is recommended?

- **Policy Goals** – Note the top city priorities that may dovetail with priorities for STRs. Without a clear end goal, cities can pass regulations that may not align with community priorities.
- **Early Regulation** – The STR industry is rapidly growing. Be proactive and establish regulations before short-term rentals have a negative impact on the community. **Craft simple ordinances that are clear about policy goals.**
- **Permit Requirement** – Allows local governments to create and maintain a database of units and contact information for STR properties.

Short-Term Rental Regulation

What is recommended?

- **Gather Data** – How many STRs are operating? What neighborhoods are affected?
- **Dedicate Resources to Enforcement** – Could be revenue neutral or positive for municipalities when license, permit and tax revenue offsets costs.
- **Ensure Extensive Communication and Marketing** – Clear communication will support the ordinance's success and is key to preventing community backlash.
- **Move Registration and Administration Systems Online** – Cities should limit the administrative burden on City staff and users.
- **Establish a Feedback Loop** – Be intentional about setting metrics of success.

Short-Term Rental Regulation

What have we done so far?

- **CVB** – Uses an online platform to identify current STRs. Deckard Technologies specializes in STR compliance and monitoring software for government.
- **City staff** – Analyzed recent and pending case law on STR regulations.
- **City staff** – Created draft ordinance language for review and discussion.
- **Zoning Ordinance Subcommittee** – Discussed STR regulation on February 25.
- **P&Z Commission** – Received an update from City staff regarding Subcommittee discussion on March 10.

Short-Term Rental Regulation

Potential policy goals

- Preserve the residential quality of our neighborhoods.
- Balance the needs and rights of our property owners and neighbors.
- Ensure the health and safety of our guests and residents.
- Ensure that tax revenue is being collected.

Discussion: Keep or change?

CHAPTER 18 – BUSINESSES

ARTICLE IV. LODGING ESTABLISHMENTS AND INSTITUTIONS

DIVISION 3. SHORT-TERM RENTALS

PROPOSED ADDITION TO CODE OF ORDINANCES

SEC. 18-150 – DEFINITIONS.

- *Short-term rental* means all or a portion of a residential property that is rented for consideration for a period of less than thirty (30) consecutive days. The following are not included in this definition: Hotels/motels; bed and breakfast establishments, boarding houses, rooming houses; fraternity/sorority houses; dormitories; hospitals; hospice facilities; nursing and convalescent homes; retirement homes; psychiatric hospitals or institutions; foster homes; halfway houses; orphanages; convents, monasteries, or such housing operated or used exclusively for religious purposes; and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

SEC. 18-151 – SHORT-TERM RENTAL PERMIT REQUIRED.

Short-term rental permit: It shall be unlawful for any person or entity to advertise, rent, or offer to rent a residential property located within the city limits as a short-term rental without first obtaining a valid short-term rental permit from the city.

Permit number: unique permit number.

Term of permit: one year.

Hotel occupancy tax: has paid and remains current on the payment of all hotel occupancy taxes owed to the City.

SEC. 18-152 – PERMIT APPLICATION.

- Non-refundable permit application fee;
- Proof of ownership;
- Operator;
- Local contact person;
- All or a portion of the residential property;
- Duty to update (The permit holder shall provide updated information.)

SEC. 18-153 – INSPECTION.

- **Initial inspection** - an on-site inspection of the short-term rental unit;
- **Re-inspection deficiencies** - a re-inspection fee;
- **Renewal certification** – nonrefundable renewal fee.

SEC. 18-154. - RESTRICTIONS ON SHORT-TERM RENTALS.

- **Parking:** Complies with Chapter 102 of the Code of Ordinances.
- **Posting requirements:**
 - Owner's or operator's name and permit number;
 - Local contact person's name and phone number;
 - Off-street parking requirements;
 - overnight and daytime occupancy limits set by the fire marshal;
 - Local contact person; shall designate a local contract person;

LOCAL CONTACT & COMPLIANCE

- **A designated contact person must address complaints.**
 - Should a law enforcement or code enforcement officer respond to a complaint regarding a short-term rental and issue a citation or warning for any violation of city ordinances or other law, the local contact person shall immediately contact the current occupants to resolve the complaints.
- **Owners/operators are responsible for ensuring compliance with city laws.**
- **Violations can result in permit revocation or fines.**

SEC. 18-155. - INSURANCE REQUIREMENTS.

- General liability insurance required.
- Proof of insurance needed for application and renewal.

SEC. 18-156. - PERMIT DENIAL OR REVOCATION.

(a) Reasons for denial or revocation. The application shall be denied, or a permit may be revoked, if the city finds:

- 1.) The property in question is not in compliance with the applicable zoning requirements;
- 2.) Any statement made in the application for a short-term rental permit which is false or misleading;
- 3.) Three (3) or more substantiated violations of this chapter within a twelve (12) month period;
4.) Violations of any applicable federal, state, or local law which would preclude the applicant from operating a short-term rental; or
- 5.) Failure to pay all hotel occupancy taxes in accordance with Texas Tax Code §§351.001 et seq. and Chapter 94, Article IV of the Code of Ordinances.

(CONT....)

SEC. 18-156. - PERMIT DENIAL OR REVOCATION.

(b) Appeal –

- Made to the city manager;
- Secretary no later than ten(10) days from the date of the notification;
- May uphold, reverse, or modify the decision of the building official or other designated city staff. The city manager's decision shall be final.
- Waiting period after revocation for a period of twelve (12) months.

SEC. 18-157 – PENALTIES.

- Fine established in Sec. 1-14 of the Code of Ordinances.

Short-Term Rental Regulation

Potential ordinance sections

- Permit and fee requirement.
- Inspection requirement.
- Posting requirement.
- Insurance requirement.
- Permit denial or revocation procedures.
- Penalties for violation.

Discussion: Keep or change?

Short-Term Rental Regulation

Potential follow-up actions

- Identify platform for turn-key STR registration, permitting, and tax remittance.
- Cross reference STR data with code and police complaints.
- Establish a plan for informing the community on new regulation.
- Seek additional input from stakeholders.

Discussion: Keep or change?

Questions?

FOR DISCUSSION PURPOSES ONLY

Chapter 18 – BUSINESSES

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ARTICLE IV. - LODGING ESTABLISHMENTS AND INSTITUTIONS

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Secs. 18-143—18-149. – Reserved.

DIVISION 3. – SHORT-TERM RENTALS

Sec. 18-150 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel occupancy tax means tax paid in accordance with Texas Tax Code §§351.001 et seq. and Chapter 94, Article IV of the Code of Ordinances.

Local contact person means the owner, operator, or other such person designated by the owner or the operator, who shall be available twenty-four (24) hours per day for the purpose of responding to concerns or requests for assistance related to a short-term rental.

Operator means the owner or the owner's authorized representative who is responsible for compliance with this chapter while advertising and/or operating a short-term rental.

Owner means the person or entity that holds legal and/or equitable ownership or title interest to real property.

Short-term rental means all or a portion of a residential property that is rented for consideration for a period of less than thirty (30) consecutive days. The following are not included in this definition: Hotels/motels; bed and breakfast establishments, boarding houses, rooming houses; fraternity/sorority houses; dormitories; hospitals; hospice facilities; nursing and convalescent homes; retirement homes; psychiatric hospitals or institutions; foster homes; halfway houses; orphanages; convents, monasteries, or such housing operated or used exclusively for religious purposes; and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

Short-term rental permit means a permit issued by the city that authorizes the use of a residential property as a short-term rental.

Sec. 18-151. - Short-term rental permit required.

- (a) *Short-term rental permit.* It shall be unlawful for any person or entity to advertise, rent, or offer to rent a residential property located within the city limits as a short-term rental without first obtaining a valid short-term rental permit from the city.
- (b) *Permit non-transferable.* A permit issued under this article may not be transferred and does not convey with the property upon sale. Each new owner of a permitted or previously permitted short-term rental must apply for a short-term rental permit to rent property under the short-term rental guidelines.
- (c) *Permit number.* Each short-term rental shall be issued a permit with a unique permit number.
- (d) *Term of permit.* A permit is valid for a one year from the date of issuance and may be renewed by applying in accordance with this article.
- (e) *Hotel occupancy tax.* It is a condition of the initial and continued validity of a short-term rental permit that the operator has paid and remains current on the payment of all hotel occupancy taxes owed to the City under the Texas Tax Code.

Sec. 18-152. - Permit application.

- (a) *Application requirements.* Each application for a permit shall be accompanied by a non-refundable permit application fee and shall include the following information:
 - 1) Proof of ownership of the short-term rental property, along with the name, address, phone number, and e-mail address of the property owner;
 - 2) The name, address, phone number, and e-mail address of the operator;
 - 3) The name, address, phone number, and e-mail address of the local contact person;
 - 4) Acknowledgement of whether all or a portion of the residential property will be used for short-term rental occupancy. If only a portion, the application must identify the number of bedrooms used for the purposes of a short-term rental; and
 - 5) The owner's and/or operator's agreement to comply with all provisions of this chapter as a condition to issuance of a permit.
- (b) *Separate applications.* A separate short term rental application and permit fee must be submitted for each property address.

- (c) *Permit fee.* An applicant for a short-term rental permit shall pay to the city a permit fee of \$_____.
- (d) *Duty to update.* The permit holder shall provide updated information to the city of any changes to the name, address, and telephone number of the local contact person who is responsible and authorized to respond to complaints concerning the short-term rental.

Sec. 18-153. - Inspection.

- (a) *Initial inspection.* Before issuing a short-term rental permit, the operator must allow, with reasonable notice, an on-site inspection of the short-term rental unit by the City Building Official or designee ensuring compliance with minimum health and safety requirements for use and occupancy.
- (b) *Re-inspection deficiencies.* If, upon completion of the initial inspection, the premises are found to be deficient in one or more provisions of this section, the city shall provide written notice of such deficiencies. It shall be the responsibility of the applicant to schedule a re-inspection of the premises, and a permit shall not be issued until the premises passes inspection. A re-inspection fee shall be charged for each subsequent inspection due to deficiencies.
- (c) *Renewal certification.* Each owner shall annually pay a nonrefundable renewal fee and certify in writing that the premises complies with the initial inspection occupancy standards of this subsection prior to the issuance of each renewal permit.
- (d) *Additional inspections authorized.* The city may, at its sole discretion, perform additional inspections of a permitted short-term rental as determined to be necessary for renewal of a permit.

Sec. 18-154. - Restrictions on short-term rentals.

- (a) *External signage.* There shall be no external advertising signs or displays indicating a property is a short-term rental.
- (b) *Parking.* Guests that park in the public right-of-way shall do so in a manner that preserves the ingress and egress of adjacent and neighboring properties and complies with Chapter 102 of the Code of Ordinances.
- (c) *Advertisements.* Any advertisement of a property as a short-term rental including any posting on internet booking sites shall contain language that specifies the following information:
 - 1) The short-term rental permit number;
 - 2) The maximum permitted occupancy limits set by the fire marshal;

- 3) The off-street parking requirements;
 - 4) Notification that the guests are responsible for compliance with all applicable laws, rules, and regulations related to the use and occupancy of the short-term rental, including the including the City of Nacogdoches' noise ordinance.
- (d) *Posting requirements.* The owner or operator shall post the following information in a prominent location within the short-term rental:
- 1) The owner's or operator's name and permit number;
 - 2) The local contact person's name and phone number;
 - 3) Off-street parking requirements, and the location of parking spaces available for guests;
 - 4) The overnight and daytime occupancy limits set by the fire marshal;
 - 5) Instructions to guests concerning disposal of garbage and handling of garbage containers; and
 - 6) Notification that the guests are responsible for compliance with all applicable laws, rules, and regulations related to the use and occupancy of the short-term rental, including the City of Nacogdoches' noise ordinance.
- (e) *Local contact person.* The property owner shall designate a local contract person, which may include the owner, operator, or other such person designated for this purpose. Should a law enforcement or code enforcement officer respond to a complaint regarding a short-term rental and issue a citation or warning for any violation of city ordinances or other law, the local contact person shall immediately contact the current occupants to resolve the complaints.
- (f) *Compliance with other laws.* The owner, operator, local contact person, visitors, and guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a short-term rental. The owner of the short-term rental shall not be relieved from any civil or criminal liability for a violation of this chapter, regardless of whether such violation is committed by the owner, operator, local contact person, visitor, or guest of the short-term rental.
- (g) *Effect on restrictive covenants.* Nothing in this chapter shall be construed to provide any property owner with the right or privilege which may otherwise violate any private conditions, covenants, or restrictions applicable to the owner's property which may prohibit the use of such property as a short-term rental.

Sec. 18-155. - Insurance Requirements.

The owner or operator of a short-term rental shall maintain general liability insurance coverage in the amount specified by the city manager. Proof of insurance shall be required at the time of application and renewal, and notice of cancelation of insurance must be made to the city within thirty (30) days of cancelation.

Sec. 18-156. - Permit denial or revocation.

The building official or other designated city staff may determine that a short-term rental permit should be denied or revoked. Notice of the denial or revocation shall be provided to the applicant or permit holder, along with a copy of the reasons for the denial or revocation, and a statement informing the applicant or permit holder of the right to appeal the decision in the manner set out below.

- (a) *Reasons for denial or revocation.* The application shall be denied, or a permit may be revoked, if the city finds:
 - 1) The property in question is not in compliance with the applicable zoning requirements;
 - 2) Any statement made in the application for a short-term rental permit which is false or misleading;
 - 3) Three (3) or more substantiated violations of this chapter within a twelve (12) month period;
 - 4) Violations of any applicable federal, state, or local law which would preclude the applicant from operating a short-term rental; or
 - 5) Failure to pay all hotel occupancy taxes in accordance with Texas Tax Code §§351.001 et seq. and Chapter 94, Article IV of the Code of Ordinances.
- (b) *Appeal.* If an application for a short-term rental permit is denied or a permit that has been issued is subsequently revoked for any reason, an appeal of the decision may be made to the city manager. The decision of the building official or other designated city staff shall be final unless the applicant/permit holder timely appeals the decision.
 - 1) The appeal to the city manager shall be filed with the city secretary no later than ten (10) days from the date of the notification of the decision to deny or revoke the short-term rental permit.
 - 2) The appeal must be presented in writing, and specify the decision being appealed and the grounds for the appeal.
 - 3) The city manager, after hearing the appeal, shall make written findings as to whether or not grounds exist for the denial or revocation of the permit, and may uphold, reverse,

or modify the decision of the building official or other designated city staff. The city manager's decision shall be final.

- (c) *Waiting period.* An applicant or permit holder whose permit is revoked may not reapply for a new permit for a period of twelve (12) months following the final decision to revoke the permit.

Sec. 18-157. - Penalties.

- (a) *General penalty.* Any person who violates any subsection of this chapter shall be punishable by a fine not to exceed the fine established in Sec. 1-14 of the Code of Ordinances. Prosecution under this chapter shall not require the pleading or proving of any culpable mental state.
- (b) *Continuing violations.* Each day the subject property is used or advertised as a short-term rental in violation of this chapter shall constitute a separate offense.

Secs. 18-158—18-170. – Reserved.

PRESENTER:

ITEM/SUBJECT: Receive a presentation and read a proclamation declaring the month of March as The American Red Cross Month. (Mayor)

SUMMARY/BACKGROUND: The tradition of March being declared Red Cross Month began in 1943 with a proclamation from President Franklin D. Roosevelt and, for more than 75 years, all U.S. presidents have designated this month. This March, we are honored to recognize all those who have answered the call to help others under our Red Cross emblem that continues to stand for help and hope during the most challenging of times.

We salute all of our volunteers and employees who make a difference in their communities by donating blood or platelets; volunteering to help people affected by a disaster; taking a first aid or CPR class to help in an emergency; or providing comfort to a member of the military, a veteran or their family.

Kimberly Cline, Executive Director of the Southeast Deep East Chapter of the Red Cross, kindly asks that you help observe this month by proclaiming March, American Red Cross month.

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Rhonda Lewis, City Secretary
lewisl@nactx.us
(936) 559-2506

ATTACHMENTS:

PRESENTER: Jessica Sowell, Community Services Director

ITEM/SUBJECT: Consider Resolution No. 1387-04-25 authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Downtown Revitalization Program. (Community Services Director)

SUMMARY/BACKGROUND: The Downtown Revitalization Program is a part of the TxCDBG grant program administered by the Texas Department of Agriculture. Nacogdoches qualifies for the Main Street Set-aside portion of the grant as a city under 50,000 in population with an active Main Street Program. Many eligible activities could qualify under the “Benefit to Low- to Moderate Income Communities” category of the grant. These include sidewalk rehabilitation, pedestrian walkway improvements, pedestrian lighting improvements, permanently installed streetscapes, outdoor public event space improvements, and street reconstruction. In the first step of the application process, staff will outline several potential uses for the funding, including sidewalk restoration, street rehabilitation, streetscapes, and outdoor event space improvements in certain areas of downtown.

This grant provides funding of up to one million dollars (\$1,000,000.00) (with less funding available for certain categories), and it requires a minimum of a \$20,000 match from the applicant. Match amounts at or above \$30,000 receive points on their applications depending on the size of the match. The City's match amount will come from funds which are already budgeted for downtown handrails, as handrails are one of the project elements being included in the grant application.

The community application phase is due April 3, 2025, and this phase requires a resolution from the city council stating our intention to apply and provide matching funds. The highest scoring communities will be invited to complete project applications with specific project funding requests. The final project application will be due on September 30, 2025, with the grant period beginning in February 2026. This year, all applications selected to complete the project application will receive funds for their projects.

FINANCIAL:

Item is budgeted:

Amount: \$30,000

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Downtown Entertainment and Destination District
Community Engagement/Diverse Environment

CITY CONTACT: Jessica Sowell, Community Services Director
sowellj@nactx.us

(936) 559-2935

ATTACHMENTS: 1. CDBG Resolution 1387-04-25

RESOLUTION NO. 1387-04-25

A RESOLUTION OF THE CITY COUNCIL OF NACOGDOCHES, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN REVITALIZATION PROGRAM.

WHEREAS, the City Council of the City of Nacogdoches desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, it is necessary and in the best interests of the City of Nacogdoches to apply for funding under the Texas Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NACOGDOCHES, TEXAS,

1. That a Texas Community Development Block Grant Program application for the Downtown Revitalization Program is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture, and to be placed in competition for funding under the Downtown Revitalization Program .
2. That the City of Nacogdoches requests to be considered for the Main Street Set-Aside and commits to selecting a project in coordination with the Texas Historical Commission, consistent with the current Main Street Program documentation and meets either the National Program Objective to Eliminate Slum and Blighted Conditions or to Benefit Low- to Moderate-Income Persons.
3. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
4. That the City of Nacogdoches is committing to provide \$30,000.00 in matching funds toward the application's activities, with the specific usage and funding source to be determined prior to any award of grant funding.

Passed and approved this 18th day of March, 2025.

CITY OF NACOGDOCHES

By: _____
Randy Johnson, Mayor

ATTEST:

Rhonda Lewis, City Secretary

APPROVED AS TO FORM:

Jerry Baker, City Attorney

PRESENTER: Cary Walker, Public Works Manager

ITEM/SUBJECT: Consider approval of a quote from Iteris, Inc. for the replacement of a traffic signal at Park Street and Tower Road, utilizing BuyBoard contract #695-23, for a not-to-exceed amount of \$49,519.00. (Public Works Operations Manager)

SUMMARY/BACKGROUND: The traffic signal at Park Street and Tower Road in front of Mike Moses Middle School is owned and maintained by the City and continues to fail, with no replacement parts manufactured any longer. School zones no longer communicate, causing timing concerns for reduced speed limits in the area. The cabinet and all components are in need of upgrade. Replacement of this signal would also include traffic cameras that can be monitored remotely through software included in this upgrade.

Staff has procured a quote for this replacement from Iteris, Inc. in the amount of \$49,519.00. They are under a BuyBoard cooperative purchasing contract (BuyBoard Contract #695-23) which is exempt from the competitive bidding process under Texas Local Government Code Section 252.022(a)(12)(D). This is a budgeted item in the FY24-25 budget for capital equipment.

FINANCIAL:

Item is budgeted:

Account No.: 01.86 680.34

Account Name: *Committed Reserves*

Amount: \$ 49,519.00

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Infrastructure

CITY CONTACT: Cary Walker, Public Works Operations Manager
walkercl@nactx.us
(936) 559-2582

ATTACHMENTS:

1. it.eris Quote
2. Capital Equipment Budget

iteris®

Kirk Barnes
1700 Carnegie Ave. Suite 100
Santa Ana, CA 92705-5551
979-571-6120

email: keb@iteris.com, web site: www.iteris.com

EQUIPMENT QUOTE
Quote #: 102224-1

Iteris, Inc.
1700 Carnegie Ave, Suite 100,
Santa Ana, CA 92705-5551

iteris
Vantage NEXT
Vantage Apex



Agency: NACOGDOCHES, TX
Project Name: Cab, Vantage Connect, PTZ
End User: NACOGDOCHES, TX

October 22, 2024

ITEM #	DESCRIPTION	NOTES	QTY	SUPPLIER	UNIT PRICE	EXT. PRICE
TS2-16-GROUND MOUNT(TXDOT)	TXDOT NEMA TS2 16 POSITION GROUND MOUNT CONTROLLER CABINET WITH		1		\$16,875.00	\$16,875.00
2562101213	CONTROL CABINET:5116,TXD4,NO CONT,NOPT,S		1			
8132-0000-153	M60 NEMA LINUX 5.4.4		1			
ABW12027P001	CBL, TYPE 2 TO TYPE 1 ADPTR		1			
NEXT-CCU-SM4-TS2-PAK	Vantage Next CCU, Shelf-Mount Unit, for TS2 applications. Supports up to 4 sensors, no separate rack-mount processors required. Includes CCU-SM-TS2-SHIPKIT (external din-rail power supply, 2.4GHz rubber duck antenna, USB optical mouse, 6 ft. HDMI cable, 5 ft. Cat5e patch cable, screwdriver)		1		\$8,900.00	\$8,900.00
NEXT-CAM-PAK	Vantage Next WDR Camera. Includes NEXT-CAM-SHIPKIT (pedestal-mount bracket assembly, 2 shielded RJ45 connectors)		2		\$1,315.00	\$2,630.00
VECTOR-NEXT	Vantage Vector Sensor Unit for VantageNext Platform; NTSC/PAL 115/230VAC, integrated sensor that includes a compact color wide dynamic range zoom camera and radar unit. Pole mount bracket also included.		2		\$4,000.00	\$8,000.00
MON-8HDMI	8" Color LCD Monitor, 1 composite video input, 1 VGA input, 1 HDMI input, High 700:1 contrast ratio, brightness 500 nits (cd/m2). (NTSC/PAL)		1		\$195.00	\$195.00
AS-0175-74-62-PNC	Camera Bracket, 1-Piece Adjustable Stellar, 74" Tube, 62" Galv Cable, Alum		2		\$197.00	\$394.00
CAT5E-SHLD-CABLE-SHIREEN	Outdoor, UV Resistant, CAT5E Bulk Cable, 1,000 FT REEL		1		\$385.00	\$385.00
VANTAGECONNECT+3YR	3 YR per intersection cabinet connectivity with user remote monitoring and control of cabinet equipment includes cabinet hardware for connectivity and software for monitoring		1		\$3,750.00	\$3,750.00
XNP-6550RH	OUTDOOR PTZ 2MP 1080P IP CAM FULL HD, H.265, 60FPS 55X ZOOM WISENET, 120DB WDR		2		\$3,900.00	\$7,800.00
SS-SBC90-PEN	PENDENT MOUNT		2		\$295.00	\$590.00



Kirk Barnes
1700 Carnegie Ave. Suite 100
Santa Ana, CA 92705-5551
979-571-6120

EQUIPMENT QUOTE
Quote #: 102224-1

email: keb@iteris.com, web site: www.iteris.com

Iteris, Inc.
1700 Carnegie Ave, Suite 100,
Santa Ana, CA 92705-5551



Agency: NACOGDOCHES, TX
Project Name: Cab, Vantage Connect, PTZ
End User: NACOGDOCHES, TX

October 22, 2024

Fax or email Purchase Orders to: Marilyn Holden, (949) 270-9441, RS-Sales-Support@iteris.com, please include quote number on your purchase order

Quote Terms: Net 30 days, subject to credit approval and Iteris Standard Terms & Conditions unless negotiated in writing with Iteris, Inc. prior to purchase.

Prices are valid for 30 days from the date of quote unless extended in writing.

FOB Destination, freight included, does not include insurance. Equipment from this quote may only be installed in the State of Texas.

This quotation and any resulting order are subject to Iteris' Roadway Sensor Products Standard Terms and Conditions of Sale attached hereto or available at <http://www.iteris.com/RS-Std-TC.pdf>, which are incorporated herein by this reference.

SUBTOTAL	\$49,519.00
FREIGHT	PPD
TAX	0.00%
DISCOUNT	0.00%
TOTAL	\$49,519.00

Prices consistent with BuyBoard Contract 695-23

City of Nacogdoches
2024 / 2025 General Fund Reserves Expenditures

Description	Reserves
Capital Improvements:	
Parks & Cemetery - Parking Lot Repaving Program	\$ 170,000
Parks & Cemetery - Pioneer Park Bridge	\$ 120,000
Parks & Cemetery - Festival Park Electrical Service	\$ 324,000
Parks & Cemetery - Sidewalks Improvement Program	\$ 25,000
Parks & Cemetery - Mill Pond Parking Lot	\$ 130,000
Parks & Cemetery - TPWD Boating Access Grant Match	\$ 26,000
Parks & Cemetery - Soccer Drainage and Field Improvements Phase II	\$ 75,000
Parks & Cemetery - Softball/Baseball Complex Feasibility Study	\$ 75,000
Parks & Cemetery - Pine Grove Cemetery Expansion	\$ 90,000
Downtown - Downtown Handrails	\$ 25,000
Facilities - Police Department Roof	\$ 25,000
Facilities - Fire Station 4 Renovation	\$ 415,000
Facilities - Fire Station 1, 3, 4 Maintenance	\$ 539,000
Streets - Fleet Maint Access Rd	\$ 300,000
Streets - Annual Rehab	\$ 250,000
Streets - Earnest McClain Upgrade	\$ 450,000

Capital Improvements Total \$ 3,039,000

Capital Equipment/Projects:

Historic Sites - Texas Preservation Trust Fund Grant Match	\$ 38,500
Recreation - Automatic Door Locks	\$ 14,000
Recreation - Ceiling Repairs	\$ 20,000
Fleet Maintenance - Truck Crane	\$ 14,600
Bldg. Maint - City Hall Electronic Locking System	\$ 7,500
Bldg. Maint - Pickup with Utility Bed and Ladder Rack	\$ 60,000
Parks & Cemetery - Pine Grove Entrance Arch	\$ 4,000
Parks & Cemetery - Banita Creek Park Fence	\$ 6,800
Parks & Cemetery - Cemetery Flag Pole & Light	\$ 7,780
Parks & Cemetery - Oak Grove Fence	\$ 19,140
Parks & Cemetery - 2024 F150	\$ 52,560
Streets - Utility Trailer	\$ 7,000
Streets - Park St Traffic Signal	\$ 50,000
Streets - Backhoe	\$ 190,000
Streets - Concrete Saw	\$ 10,000

Capital Eq/Projects Total \$ 501,880

Grand Total \$ 3,540,880



City Council Meeting

Date: March 18, 2025

Agenda Item: 10.C.

PRESENTER: Rhonda Lewis, City Secretary

ITEM/SUBJECT: Consider approval of minutes for the March 4, 2025, Regular City Council Meeting.

SUMMARY/BACKGROUND:

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Rhonda Lewis, City Secretary
lewisi@nactx.us
(936) 559-2506

ATTACHMENTS: 1. City Council Meeting Minutes 03.04.25



Regular Session
Nacogdoches City Council
March 4, 2025 – 5:30 p.m.

City Council Chambers
202 E. Pilar Street, Nacogdoches, TX



City Council present: Mayor Randy Johnson; Council Members, Kathleen Belanger; Blane Williams; Brad Maule; and Chad Huckaby

1. Called to order at 5:30 p.m.
2. Pledge of Allegiance.
3. Open Forum:

Robert McCandliss addressed Council presenting his idea to bring revenue and tourism to the downtown area. He stated that pickleball is the fastest growing sport in the nation and that the parks that have pickleball courts are frequented by over 500 times a week by nearly a thousand pickleball players.

4. ITEMS TO BE REMOVED FROM THE CONSENT AGENDA:

No items were removed from the Consent Agenda.

5. CONSENT AGENDA:

Councilman Huckaby made a motion to approve the Consent Agenda. Councilman Williams duly seconded the motion and the motion carried unanimously.

6. REGULAR AGENDA:

- F. Consider Resolution No. 1386-03-25 supporting the interpretation, site development, partnership and funding opportunities for the Eyes of Father Margil site located at 800 East Main Street.

Jessica Sowell, Community Services Director, asked Council to consider supporting this resolution. Ms. Sowell clarified some points of the resolution regarding opportunities for partnerships, funding opportunities, ownership transfers and joint management. She stated the ultimate goal is to restore the Eyes of Father Margil.

Mr. David Gabler, addressed Council and spoke on the local landmark, Lanana Creek, and the miracle performed there by Father Margil.

Ms. Peggy Jasso, expressed her appreciation to Council and their consideration in accepting the resolution.

Mr. Chris LaBauve, stating that the site is one of the most historic landmarks and the oldest in Nacogdoches. He also stated that Father Margil performed one of the only Vatican approved miracles in the United States. Mr. LaBauve shared that the Catholic Church is working to promote his cause for sainthood and Father Margil is known by some as the Patron Saint of Texas.

Councilwoman Belanger thanked those who spoke about F. Margil and for providing information to our Representative, Joanne Shofner, to secure funding for this cause.

Councilwoman Belanger made a motion to approve the resolution. Councilman Maule seconded the motion and the motion carried unanimously.

- A. Consider approval of a contract by and between the City of Nacogdoches and Duplichain Contractors, LLC for the 2025 Ridgebrook Drive Drainage Improvements Project for a not-to-exceed amount of \$263,060.00.

Case Opperman, City Engineer, presented this item, stating that his department plans to use ARPA funding to place 660 linear feet of pipe and inlets on Ridgebrook Drive for the drainage improvements.

Councilwoman Belanger asked if this project would cover other issues on the street. Mr. Opperman was not certain if this project would, but stated his staff would look into alleviating some of the other issues in relation to the Ridgebrook Drive.

Mayor Johnson made a motion to approve Item 6.A. Councilman Maule duly seconded the motion and the motion carried unanimously.

- B. Consider approval of a contract by and between the City of Nacogdoches and McKinney & Moore of Texas, LLC for SWTP Filter 1 Rehabilitation Project for a notto-exceed amount of \$361,243.38.

Case Opperman, City Engineer, brought this contract to Council for approval, for a filter rehab for the surface water treatment plant, known as the Lake Water Plant.

Mayor Johnson made a motion to approve Item 6.B. on the agenda. Councilman Maule duly seconded the motion and the motion carried unanimously.

- C. Consider approval of a contract by and between the City of Nacogdoches and SCS Engineers for professional engineering services on Landfill Block O, Cells 3 and 4 Construction for a not-to-exceed amount of \$149,500.00

Jason Vickery, Assistant City Engineer, stated that this item was brought forth to improve the lifetime expectancy of the City's landfill.

Councilman Huckaby made a motion to approve the contract in Item 6.C. Councilman Williams duly seconded the motion and the motion carried unanimously.

- D. Discuss and consider adoption of an ordinance of the City of Nacogdoches, Texas, Amending Chapter 74 – “Parks and Recreation” and Adding Article IV – “Special Events”, of the Code of Ordinances of the City of Nacogdoches, Texas; Providing a Severability Clause; Providing a Continuation Clause; Providing a Repeal Clause; and Providing an Effective Date.

Jerry Baker, City Attorney, referred Council to the work session from February 12, 2025, which was the topic of discussion, Special Events Permitting, was discussed. He stated that staff had a few items to modify and bring back for clarification with Council. Mr. Baker went over those changes.

Anne Keehnen addressed Council on this item stating that she wanted to hear from the public and any organizations that would be affected by the proposed updates to the ordinance.

Mr. Baker stated that the ordinance would give Council the rule making abilities and the authorization for the City to implement fees.

Councilman Maule made a motion to adopt the ordinance amending Chapter 74. Councilman Huckaby duly seconded the motion and the motion carried unanimously.

- E. Discuss and consider adoption of the proposed City of Nacogdoches Special Event Guidelines and Special Event Fee Structure.

Jessica Sowell, Community Services Director, clarified some of the guidelines and rules on special events and regularly scheduled events. She stated that the intent of the special events guidelines was for Council and the community to understand what city staff needs from them and what city staff can offer to the public.

Brigitte Kozash, expressed her support for the special events guidelines and stated that it is important for community organizers to have this protocol and checklist in place.

Councilwoman Belanger made a motion to adopt the special event guidelines effective immediately, and the special events fee structure for all new applicants. Councilman Williams

duly seconded the motion. The motion carried by a vote of 4 ayes (Belanger; Williams; Johnson and Huckaby), to 1 nay (Maule).

7. EXECUTIVE SESSION:

Council concluded the regular agenda and convened in Executive Session at 7:04 p.m.

Council reconvened in regular session at

8. **ADJOURNED:** 8:15 p.m.

A full recording of the Regular City Council Meeting for March 4, 2025, may be viewed here: [Regular City Council Meeting - 20250304](#)

ATTEST:

Mayor, Randy Johnson
City Council
City of Nacogdoches

Rhonda Lewis, City Secretary

PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Public Hearing: Discuss and consider action regarding Zone Change Case ZON2025-01 for a zone change from A- Agricultural to R-4, Multi-Family district for two parcels of land approximately 0.38 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel(s) 2889; and generally located on the south side of W. Seale Street, approximately 215 feet from the W. Seale & Reedy Street intersection. (Executive Director of Development & Infrastructure)

SUMMARY/BACKGROUND: The request is for a zone change from A, Agricultural, to R-4, Multi-Family for two lots totaling approximately 0.38 acres $\pm$ in size located on the south side of West Seale Street, approximately 215 feet west of the West Seale and Reedy Street intersection. The R-4, Multi-Family District allows for higher-density residential development which may contain a mixture of single-family, two-family, and multiple-family dwellings. Lots in the R-4 district must be a minimum of 5,000 square feet. The subject properties are currently developed with a single-family residence. The applicant intends to demolish the current structure and develop the lots with single-family attached (townhouse) structures.

Adjacent Land Use & Zoning

The subject property is zoned A- Agricultural and is currently developed with a single-family home. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (Across W. Seale)	Single Family Residential	R-4, Multi-Family	Single Family/Agricultural
South	Rural Development	A, Agricultural	Single Family
East	Rural Development	A, Agricultural	Vacant
West	Rural Development	R-4, Multi-Family	Single Family
Northeast (across W. Seale St. & Reedy St.)	Single Family Residential	R-2, Single Family	Single Family

The adjacent area is zoned multi-family and agricultural and is developed primarily with single family homes with the exception of light industrial to the east across Reedy Street.

Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The area contains a mix of zoning districts, including Agricultural, Residential, Multi-Family, and Light Industrial. The immediate vicinity consists primarily of single-family detached residences and the Bright Coop Inc. industrial complex to the east. Staff believes the proposed Multi-Family zoning is compatible with the surrounding area as it serves as an appropriate transition between single-family residential and industrial uses. Additionally, multi-family development can provide a buffer between existing homes and industrial activity, helping to mitigate land use conflicts. Given the presence of existing multi-family zoning in the area, this change is not expected to significantly diminish or impair property values.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The agricultural district is intended for (a) Land which is presently used for agricultural purposes; (b) Land which has been newly annexed into the city; (c) Land which is used for open space purposes; and (d) land which is not yet ready for development due to unavailability of urban services or a lack of a market for development. The surrounding properties are mostly developed, including a large tract to the north across West Seale Street that is being used for agricultural purposes. The proposed rezoning would not hinder the orderly growth of adjacent properties. Additionally, agricultural zoning regulations require a minimum lot size of two (2) acres for residential development. As the total area of the subject properties is less than two (2) acres, it cannot be developed under its existing zoning classification.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject properties take direct access from West Seale Street, which is a local street with a right-of-way (ROW) of approximately 60 feet. Both lots have access to public utilities with 6-inch water and sewer mains located along West Seale Street.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

Future development will meet all current driveway and parking requirements.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

Future development will comply with City regulations regarding the prevention of offensive odor, fumes, dust, noise, and vibrations.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards, which require light fixtures to utilize a down lighting design and prohibit fixtures that directly project light in all directions.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

If developed as Multi-Family, the properties will be required to comply with the City's commercial district landscaping and screening regulations.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan.

Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Rural Development*. This FLUP category is described as, “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry, resource extraction, widely-scattered homesteads and business establishments, natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development.” This category includes sparsely populated areas with limited development but also acknowledges areas that are gradually transitioning into urban uses. Given the presence of a mix of nearby residential, multi-family, and industrial zoning, this area is already experiencing a shift toward urbanization. The proposed multi-family zoning aligns with this transition by allowing for higher-density housing while maintaining compatibility with existing and planned land uses.

Land Use Policies, Goals & Objectives

This rezoning is a response to current needs for residential growth and therefore fits into the goals of the Comprehensive Plan; specifically, the goal to encourage *Growth Inward* – Long-term growth in appropriate areas to achieve an efficient, diverse and balanced pattern of land uses both within the City and urbanizing portions of its extraterritorial jurisdiction. Some of the targeted objectives include:

- Encourage infill development where appropriate (utilities, compatibility, etc.).
- Plan for mixing and/or separation of land use types based on desired location, density and pattern of development.
- Promote growth where adequate infrastructure exists.

This request also furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically:

- Compatibility with existing uses should be maintained. Well-planned, mixed uses which are compatible are to be encouraged.
- Schools, parks, and community facilities should be located close to or within residential neighborhoods.

Staff finds that while the request may be neutral with respect to the FLUP, future development of the properties could further the stated Goals and Objectives of the 2003 Comprehensive Plan.

PUBLIC ENGAGEMENT:

- January 23, 2025 – Staff mailed sixteen (16) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- February 11, 2025 – Staff coordinated a neighborhood meeting at City Hall on behalf of the applicants to receive input from surrounding property owners. One (1) of neighboring residents attended the meeting in opposition of the zone change with concerns about an increase in taxes, affordability, and the timing of the development.
- February 18, 2025 – Staff mailed nine (9) public meeting notice letters to property owners within 200 feet and seven (7) notice postcards to property owners within 200-500 feet. Staff has not received any letters in opposition or in favor of the request from the neighboring residents.
- February 23, 2025 – Legal ad published in the Daily Sentinel newspaper.
- March 10, 2025 - Planning & Zoning Commission heard this item and voted unanimously (3-0) to recommend approval of the zone change from A, Agricultural to R-4, Multi-

Family.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

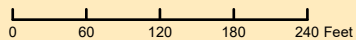
Not applicable

CITY CONTACT: Mike Nue, Executive Director of Development & Infrastructure
neum@nactx.us
(936) 559-2506

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Site Photos
6. Ordinance

ZON2025-01 Aerial Map



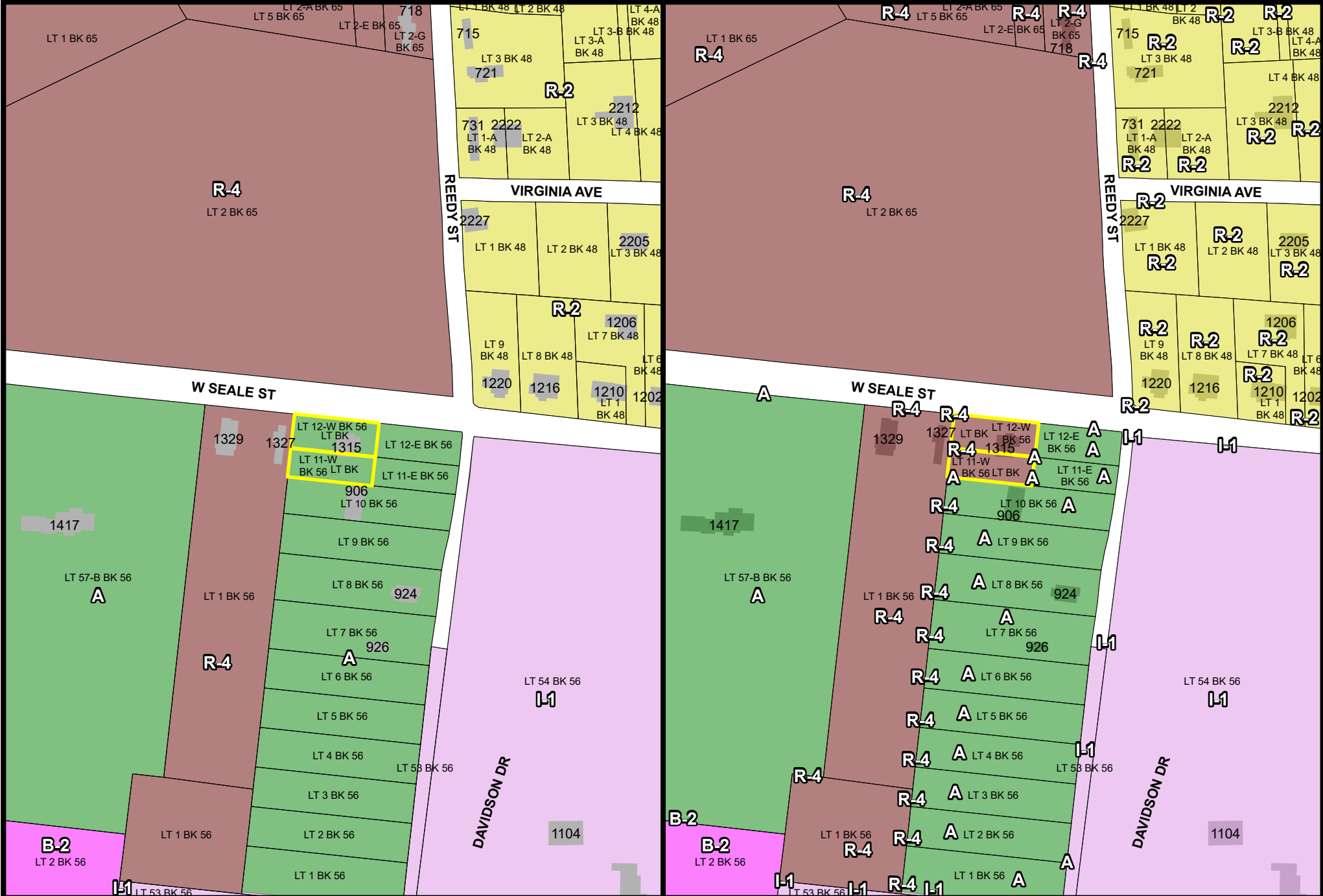
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Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

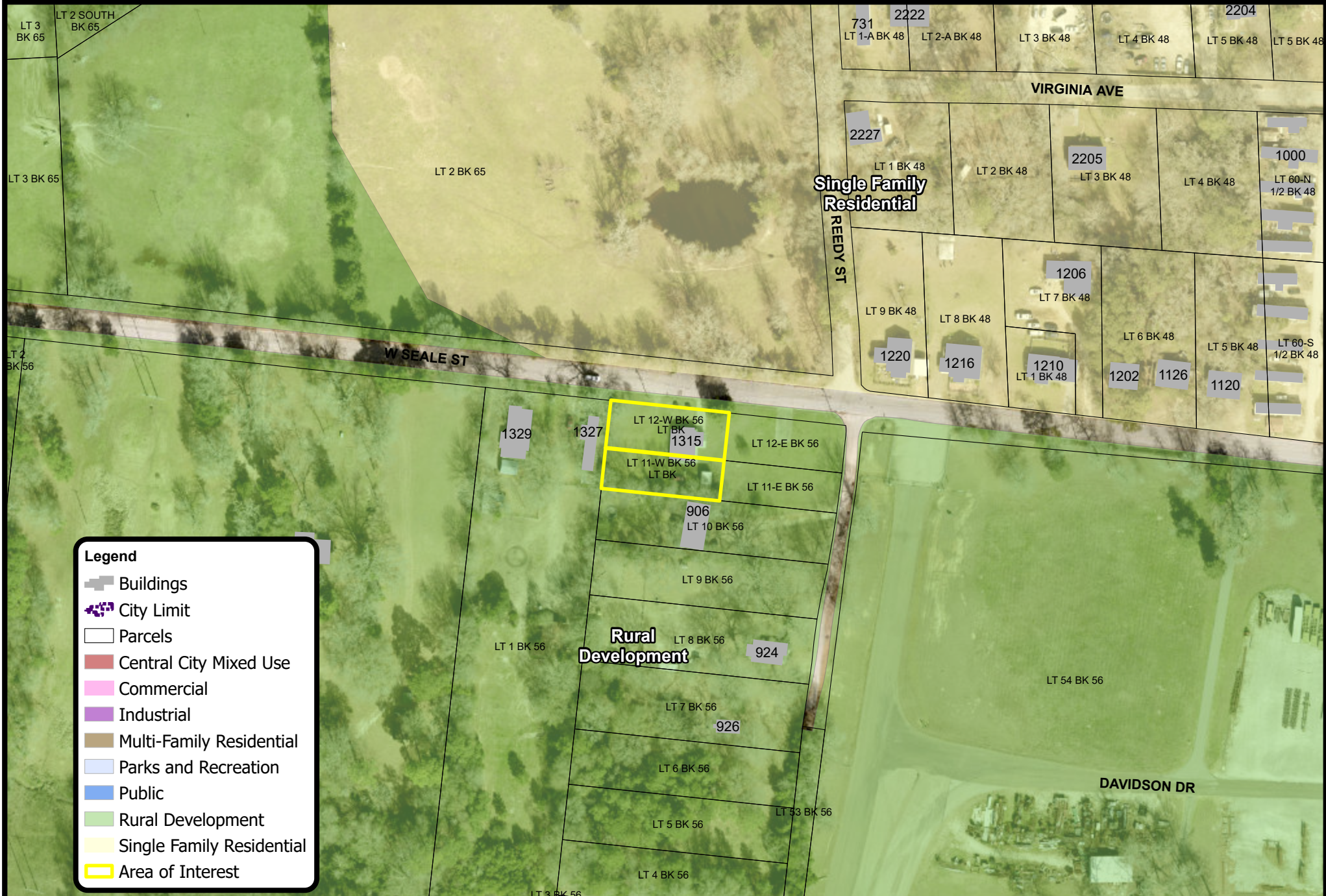
Existing Zoning

ZON2025-01

Proposed Zoning



ZON2025-01 Future Land Use Map

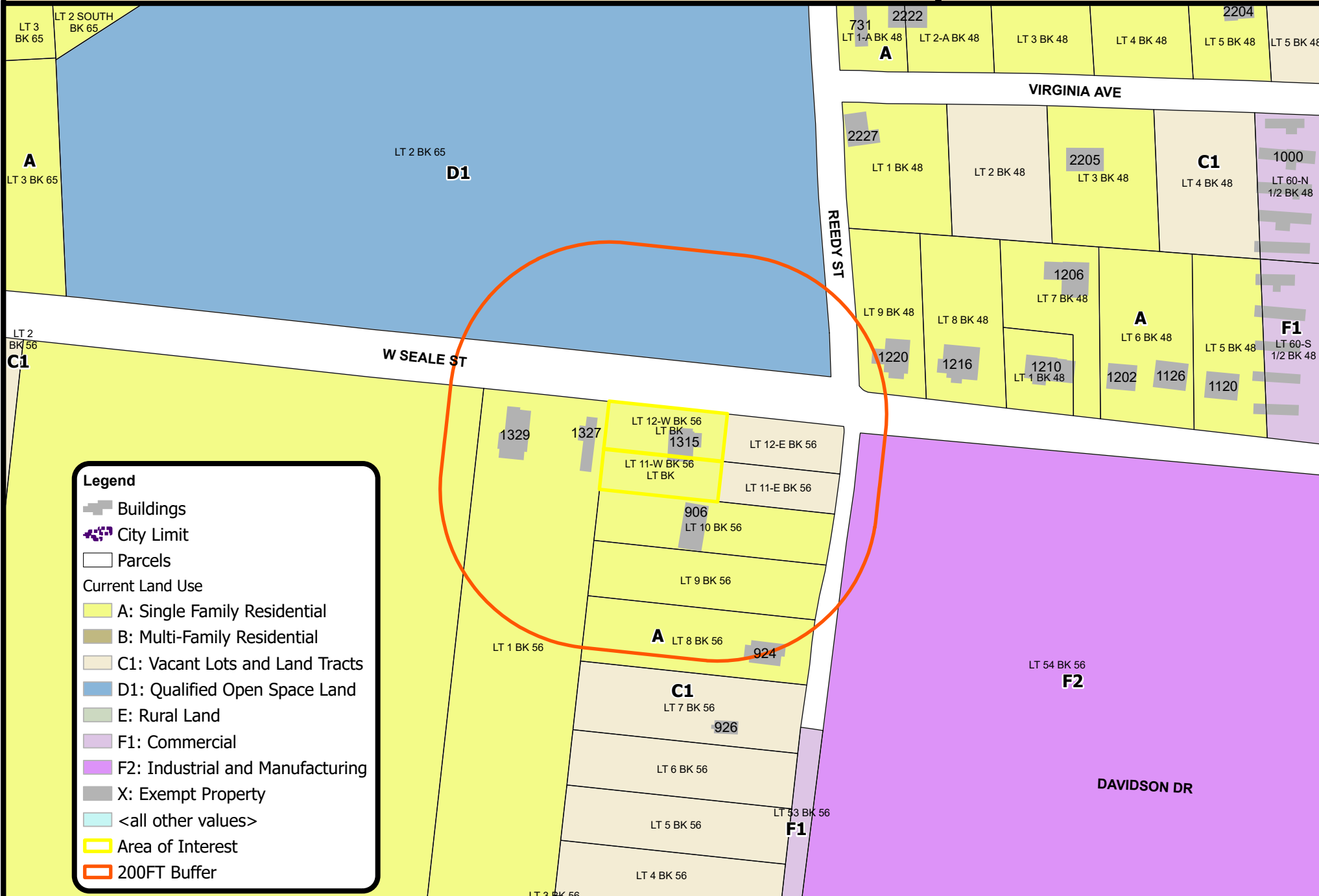


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Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZON2025-01 Notification Map



0 60 120 180 240 Feet

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ZON2025-01 Site Photos

View of subject property



View of adjacent properties



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM A, AGRICULTURE TO R-4, MULTI-FAMILY LEGALLY DESCRIBED APPROXIMATELY 0.38 ACRES ± IN SIZE, MORE PARTICULARLY DESCRIBED BY THE NACOGDOCHES COUNTY APPRAISAL DISTRICT PARCEL 28789; AND GENERALLY LOCATED ON THE SOUTH SIDE OF W. SEALE ST., APPROXIMATELY 215 FEET FROM THE W. SEALE & REEDY STREET INTERSECTION, LOCATED IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned A, Agriculture; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to R-4, Multi-Family; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such a requested change in classification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from A, Agriculture to R-4, Multi-Family is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of March 2025, by a vote of ____ (*ayes*) to ____ (*nays*) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____

RANDY JOHNSON, Mayor

ATTEST:

APPROVED AS TO FORM:

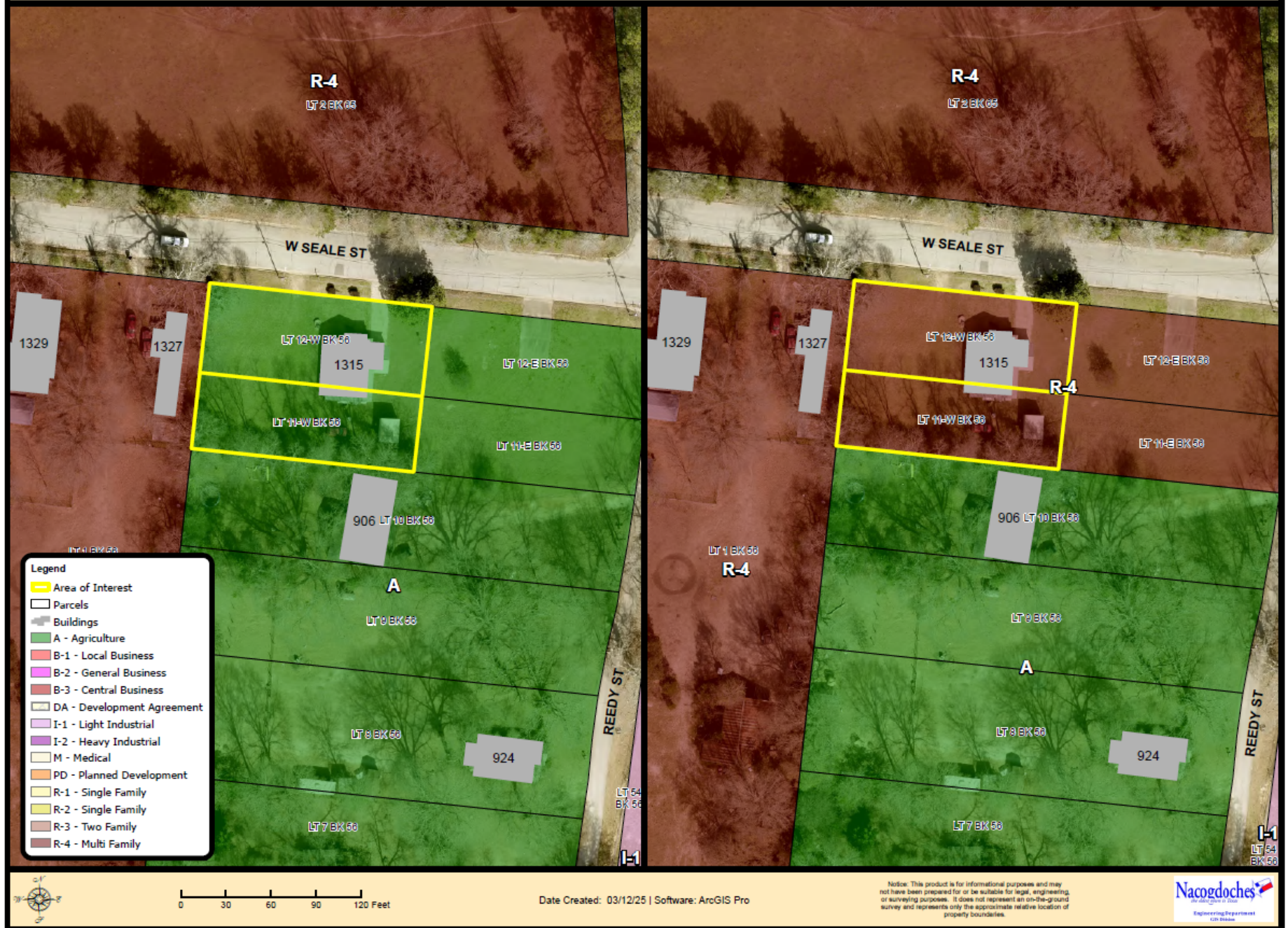
RHONDA LEWIS, City Secretary

JERRY BAKER, City Attorney

APPROVED AS TO CONTENT:

JUAN POLLETTE, Interim City Planner

EXHIBIT A



PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Public Hearing: Discuss and consider action regarding Zone Change Case ZON2025-02 for a zone change from A- Agricultural to R-4, Multi-Family district for two parcels of land approximately 0.37 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel(s) 28788 & 28790; and generally located on the southwest corner of the West Seale and Reedy Street intersection. (Executive Director of Development & Infrastructure)

SUMMARY/BACKGROUND: The request is for a zone change from A, Agricultural, to R-4, Multi-Family on two adjacent lots approximately 0.37 acres $\pm$ in size, located on the southwest corner of the intersection of West Seale Street and Reedy Street. The R-4, Multi-Family District allows for high-density residential development which may contain a mixture of single-family, two-family, and multi-family dwellings. Lot areas in the R-4 district must be a minimum of 5,000 square feet. The subject properties are currently vacant. However, previous structures included a single-family home, which was removed from the property sometime before 2013. The applicant has proposed to redevelop the lots with single-family attached (townhouse) structures.

Adjacent Land Use & Zoning

The subject property is zoned A- Agricultural and is currently vacant. The surrounding zoning and land uses are as follows:

Direction		Comprehensive Plan - Future Use	Current Zoning	Current Land Use
North (Across W. Seale St.)		Single Family Residential	R-4, Multi-Family	Single Family/Agricultural
South		Rural Development	A, Agricultural	Single Family
East (Across Reedy St.)		Rural Development	I-1, Light Industrial	Industrial
West		Rural Development	A, Agricultural	Single Family
Northeast (Across W. Seale St. & Reedy St.)		Single Family Residential	R-2, Single Family	Single Family

The adjacent area is zoned with a mix of multi-family, industrial and agricultural and is

developed primarily with single-family homes, as well as light industrial to the east across Reedy Street.

Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The area contains a mix of zoning districts, including Agricultural, Residential, Multi-Family, and Light Industrial. The immediate vicinity consists primarily of single-family detached residences and the Bright Coop Inc. industrial complex to the east. Staff believes the proposed Multi-Family zoning is compatible with the surrounding area as it serves as an appropriate transition between single-family residential and industrial uses. Additionally, multi-family development can provide a buffer between existing homes and industrial activity, helping to mitigate land use conflicts. Given the presence of existing multi-family zoning in the area, this change is not expected to significantly diminish or impair property values.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The agricultural district is intended for (a) Land which is presently used for agricultural purposes; (b) Land which has been newly annexed into the city; (c) Land which is used for open space purposes; and (d) land which is not yet ready for development due to unavailability of urban services or a lack of a market for development. The surrounding properties are mostly developed, including a large tract to the north across West Seale Street that is being used for agricultural purposes. The proposed rezoning would not hinder the orderly growth of adjacent properties. Additionally, agricultural zoning regulations require a minimum lot size of two (2) acres for residential development. As the total area of the subject properties are less than two (2) acres, it cannot be developed under its existing zoning classification.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject properties take direct access from West Seale Street and Reedy Street. West Seale Street is a local street with approximately 60 feet of right-of-way (ROW) and Reedy Street is a local street with approximately 20 feet of ROW. Both lots have access to public utilities with 6-inch water and sewer mains located along West Seale Street.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

Future development is required to meet all current driveway and parking requirements.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

Future development is required to comply with City regulations regarding the prevention of offensive odor, fumes, dust, noise, and vibrations.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards, which require light fixtures to utilize a down lighting design and prohibit fixtures that directly project light in all directions.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

If developed as multi-family, the properties will be required to comply with the City's commercial district landscaping and screening regulations.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan.
Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Rural Development*. This FLUP category is described as, “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry, resource extraction, widely-scattered homesteads and business establishments, natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development.” This category includes sparsely populated areas with limited development but also acknowledges areas that are gradually transitioning into urban uses. Given the presence of a mix of nearby residential, multi-family, and industrial zoning, this area is already experiencing a shift toward urbanization. The proposed multi-family zoning aligns with this transition by allowing for higher-density housing while maintaining compatibility with existing and planned land uses.

Land Use Policies, Goals & Objectives

This rezoning is a response to current needs for residential growth and therefore fits into the goals of the Comprehensive Plan; specifically, the goal to encourage *Growth Inward* – Long-term growth in appropriate areas to achieve an efficient, diverse and balanced pattern of land uses both within the City and urbanizing portions of its extraterritorial jurisdiction. Some of the targeted objectives include:

- Encourage infill development where appropriate (utilities, compatibility, etc.).
- Plan for mixing and/or separation of land use types based on desired, location, density and pattern of development.
- Promote growth where adequate infrastructure exists.

This request also furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically:

- Compatibility with existing uses should be maintained. Well-planned, mixed uses which are compatible are to be encouraged.
- Schools, parks, and community facilities should be located close to or within residential neighborhoods.

Staff finds that while the request may be neutral with respect to the FLUP, future development of the properties could further the stated Goals and Objectives of the 2003 Comprehensive Plan.

PUBLIC ENGAGEMENT:

- January 23, 2025 – Staff mailed sixteen (16) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- February 11, 2025 – Staff coordinated a neighborhood meeting at City Hall on behalf of the applicants to receive input from surrounding property owners. One (1) of neighboring residents attended the meeting in opposition of the zone change with concerns of an increase in taxes, affordability, and the timing of the development.
- February 18, 2025 – Staff mailed nine (9) public meeting notice letters to property

owners within 200 feet and seven (7) notice postcards to property owners within 200-500 feet. Staff has not received any letters in opposition or in favor of the request from the neighboring residents.

- February 23, 2025 – Legal ad published in the Daily Sentinel newspaper.
- March 10, 2025 - Planning & Zoning Commission heard this item and voted unanimously (3-0) to recommend approval of the zone change from A, Agricultural to R-4, Multi-Family.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Mike Nue, Executive Director of Development & Infrastructure
neum@nactx.us
(936) 559-2522

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Site Photos
6. Ordinance

ZON2025-02 Aerial Map



Legend

- Buildings
- City Limit
- Parcels
- Area of Interest



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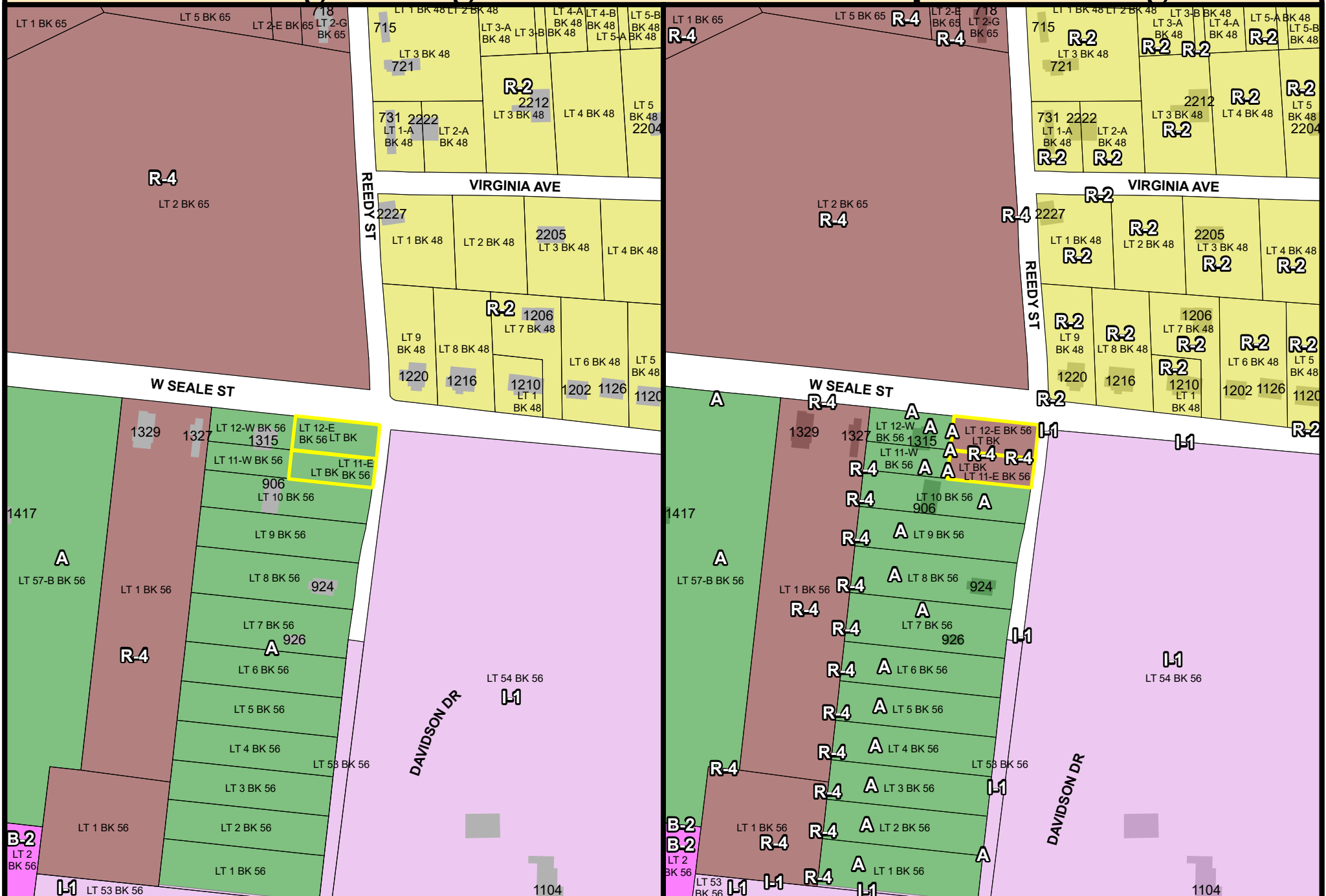
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



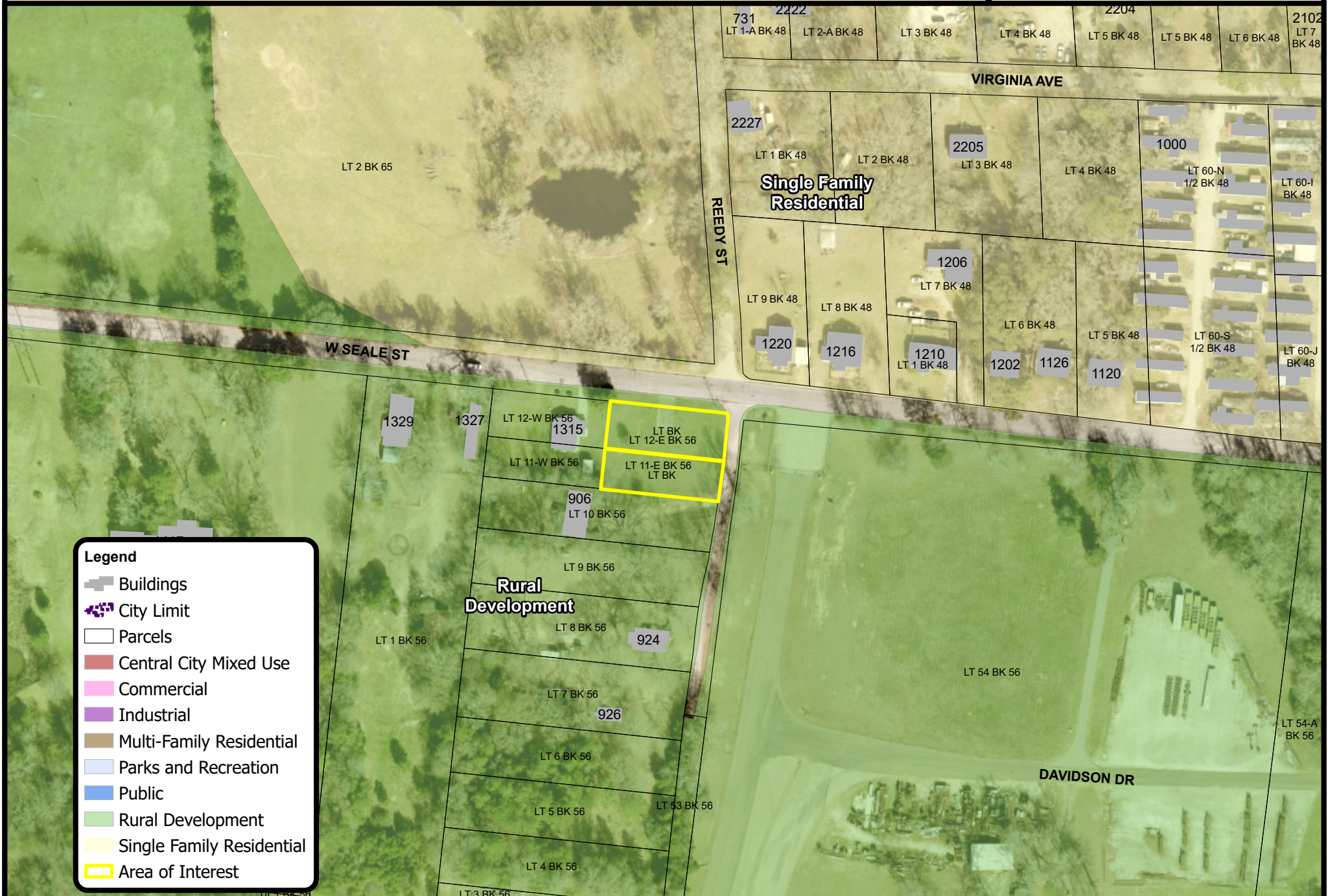
Existing Zoning

ZON2025-02

Proposed Zoning



ZON2025-02 Future Land Use Map

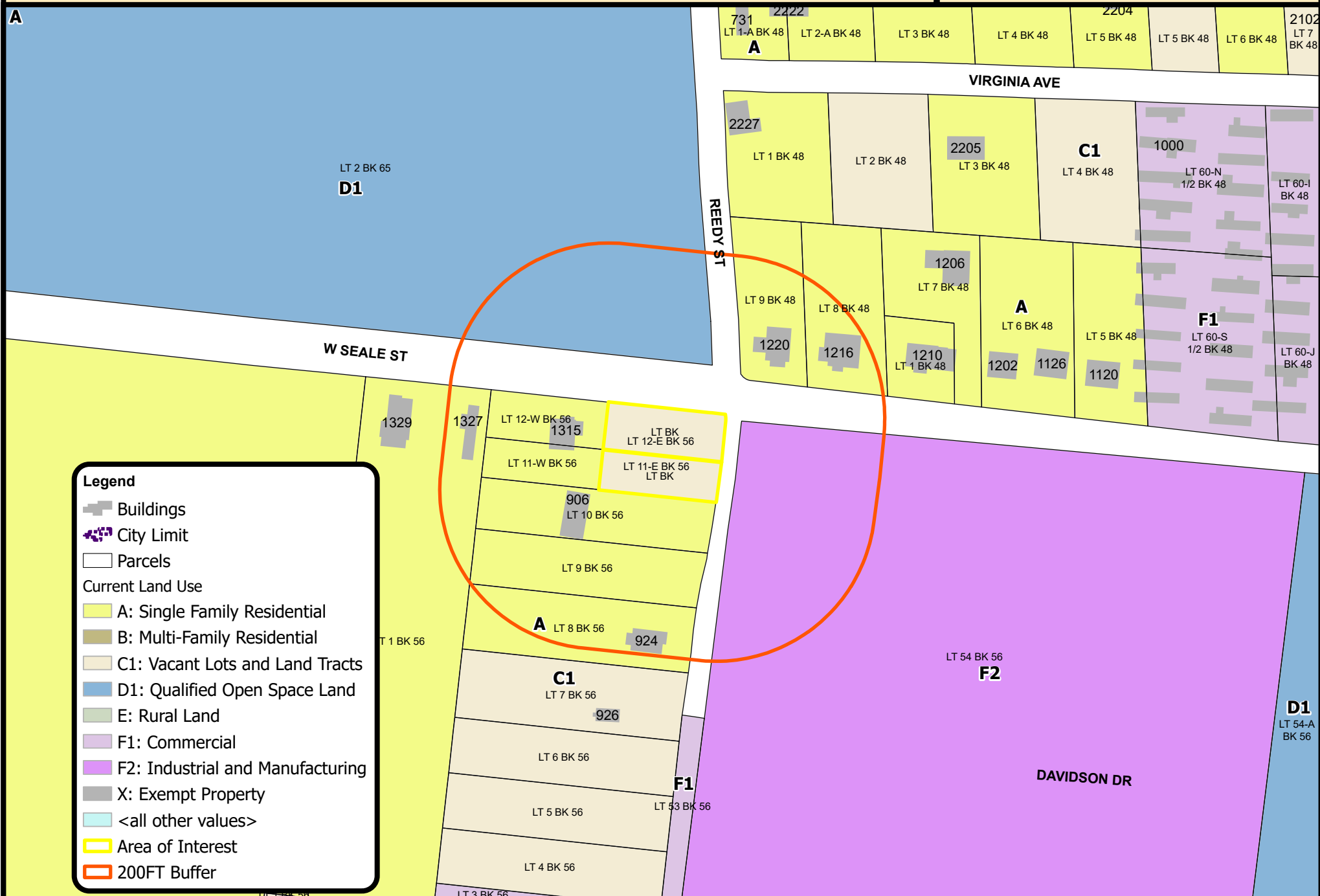


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Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZON2025-02 Notification Map



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Date Created: 02/10/25 11:49 | Document Generated Automatically

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZON2025-02 Site Photos

View of subject property



View of adjacent properties



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM A, AGRICULTURE TO R-4, MULTI-FAMILY LEGALLY DESCRIBED APPROXIMATELY 0.37 ACRES ± IN SIZE, MORE PARTICULARLY DESCRIBED BY THE NACOGDOCHES COUNTY APPRAISAL DISTRICT PARCEL(S) 28788 & 28790; AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE W. SEALE STREET & REEDY STREET INTERSECTION, LOCATED IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned A, Agriculture; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to R-4, Multi-Family; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such a requested change in classification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from A, Agriculture to R-4, Multi-Family is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of March 2025, by a vote of ____ (*ayes*) to ____ (*nays*) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____

RANDY JOHNSON, Mayor

ATTEST:

APPROVED AS TO FORM:

RHONDA LEWIS, City Secretary

JERRY BAKER, City Attorney

APPROVED AS TO CONTENT:

JUAN POLLETTE, Interim City Planner

EXHIBIT A



0 30 60 90 120 Feet

Date Created: 03/12/25 | Software: ArcGIS Pro

Notice: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



PRESENTER:

ITEM/SUBJECT: Public Hearing: Discuss and consider action regarding Special Use Permit Case SUP2025-01 for an Accessory Apartment in an R-1 Single-Family district on one parcel of land approximately 1 acre $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District as Parcel 26489; and located at 521 East Parker Road, Nacogdoches, Texas. (Executive Director of Development & Infrastructure) ***This item has been postponed until the May 6, 2025, Regular City Council Meeting.***

SUMMARY/BACKGROUND: ***This item has been postponed until the May 6, 2025, Regular City Council Meeting.***

The request is for a Specific Use Permit (SUP) for an Accessory Apartment at 521 East Parker Road. The property is zoned R-1, Single Family, and is developed as a single family residence with a detached guest house. Per the Zoning Ordinance, an Accessory Apartment is allowed in the R-1, Single Family zoning district with approval of an SUP. The SUP process allows Staff, the Commission, and the City Council the opportunity to review, and impose conditions if necessary on such development.

The purpose of the request is to repair and remodel an existing guest house that was damaged by a fallen tree and convert it into an accessory apartment. The difference between a guest house and an accessory apartment is that the accessory apartment has a stove for food preparation. The existing guest house is 510 square feet with an attached 169 square foot lean-to roof for storage on the east side of the structure. The structure is located to the east of the main house with a carport connecting the two. There is also a storage/shop building on the northeast corner of the lot. The applicant is proposing to repair the guest house and enclose the 169 square foot attached lean-to roof for a total of 679 square feet of livable square footage. The applicant also plans to add a 142 square foot screened in porch to the south side of the accessory apartment. There will be no separate utility meters or connections for the new dwelling unit. The applicants have stated that they plan to use the accessory apartment for their parents.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family and is currently developed as Single Family Residential. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Future Land Use
North	Single Family Residential	R-1, Single Family	Single Family
South	Single Family Residential	R-1, Single Family	Single Family
East	Single Family Residential	R-1, Single Family	Single Family

West	Single Family Residential	R-1, Single Family	Single Family
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The surrounding areas are zoned and developed as single family residences. The proposed SUP will not change the uses permitted under the current R-1 zoning district.

STAFF REVIEW

Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for a Specific Use Permit:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The existing guest house will be converted into an accessory apartment, maintaining its current location east of the main home. The property itself is approximately 1 acre, well exceeding the minimum lot size required for a single dwelling in the R-1 zoning district. Given this substantial lot size, the addition of an accessory dwelling unit will not meaningfully increase density or alter the neighborhood's established development pattern.

Additionally, because the unit is accessory in nature, it remains secondary to the principal single-family home and will not introduce a new independent use. The existing neighborhood consists of single-family homes, and the proposed suite is consistent with that pattern while providing a practical housing option for extended family members.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
There is no surrounding vacant property.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject property takes direct access from East Parker Road, a local street with a 20-foot right-of-way, which functions as primary access for the property. The roadway is adequate to accommodate the accessory dwelling unit.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

The applicant is maintaining the carport between the primary residence and the accessory apartment, which can accommodate three covered off-street parking spaces. Two for the primary residence and one for the accessory apartment.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

The proposed Accessory Apartment will be single story and adjacent to the existing carport, which will be surrounded by existing vegetation.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only downlighting, no spillover lighting onto neighboring properties.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

The property has several large mature trees in the front and back yards. Single family development is not required to comply with commercial district landscaping requirements.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan.

The proposed Specific Use Permit for an accessory dwelling unit aligns with the Comprehensive Plan's designation of this area for single-family residential use.

Future Land Use

The Future Land Use Map designates this area for single-family residential development, and the existing R-1 zoning is consistent with this designation. An accessory apartment serves as an accessory residential use that supports the primary dwelling without altering the predominant land use pattern.

Furthermore, the Comprehensive Plan encourages well-planned mixed uses which are compatible within established neighborhoods to meet the evolving needs of residents. This proposal achieves that goal by allowing an extended family living arrangement while maintaining the integrity of the surrounding single-family neighborhood.

PUBLIC ENGAGEMENT:

- January 21, 2025 – Staff mailed thirty-seven (37) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- February 5, 2025 – Staff coordinated a neighborhood meeting at City Hall on behalf of the applicants to receive input from surrounding property owners. Two (2) of neighboring residents attended the meeting with general questions but were not opposed to the request.
- February 18, 2025 – Staff mailed nine (9) public meeting notice letters to property owners within 200 feet and twenty-eight (28) notice postcards to property owners within 200-500 feet. Staff has not received any letters in opposition or in favor of the request from the neighboring residents.
- February 23, 2025 – Legal ad published in the Daily Sentinel newspaper.
- **March 10, 2025 - Item consideration was postponed by the Planning and Zoning Commission until the next regular meeting on Monday, April 14, 2025.**

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT:

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map

4. P&Z Exhibit
5. Notification Map
6. Site Photos

SUP2025-01 Aerial Map

Legend

- Buildings
- City Limit
- Parcels
- Area of Interest

Scale: 0 to 280 Feet

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Nacogdoches Engineering Department
420 Division
Page 70 of 106

SUP2025-01 Zoning Map

Legend

- Buildings
- City Limit
- Parcels
- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi-Family
- Area of Interest

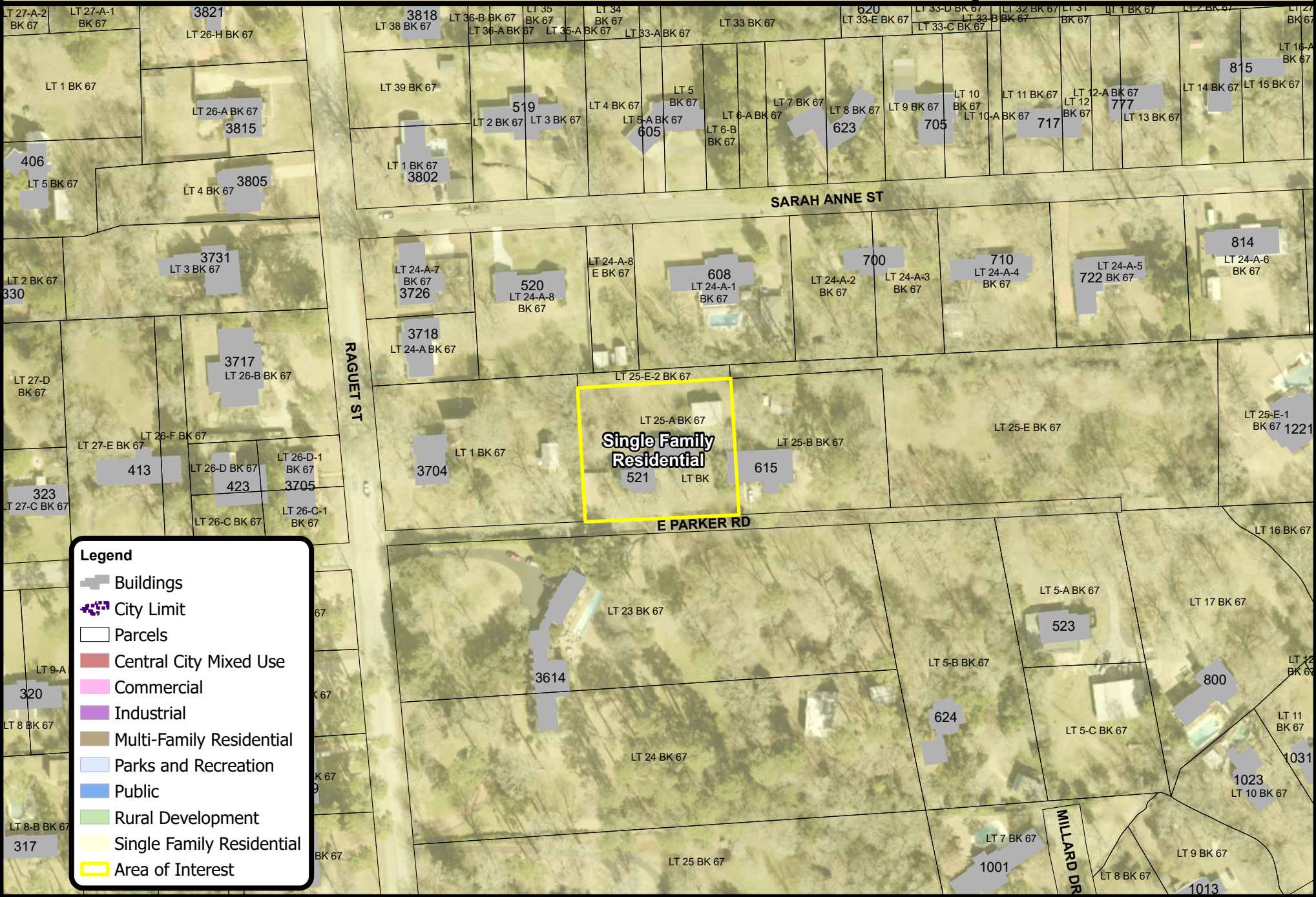
Map Labels:

Streets: SARAH ANNE ST, RAGUET ST, E PARKER RD, MILLARD DR

Parcels and Buildings:

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SUP2025-01 Future Land Use Map



Legend

- Buildings
- City Limit
- Parcels
- Central City Mixed Use
- Commercial
- Industrial
- Multi-Family Residential
- Parks and Recreation
- Public
- Rural Development
- Single Family Residential
- Area of Interest

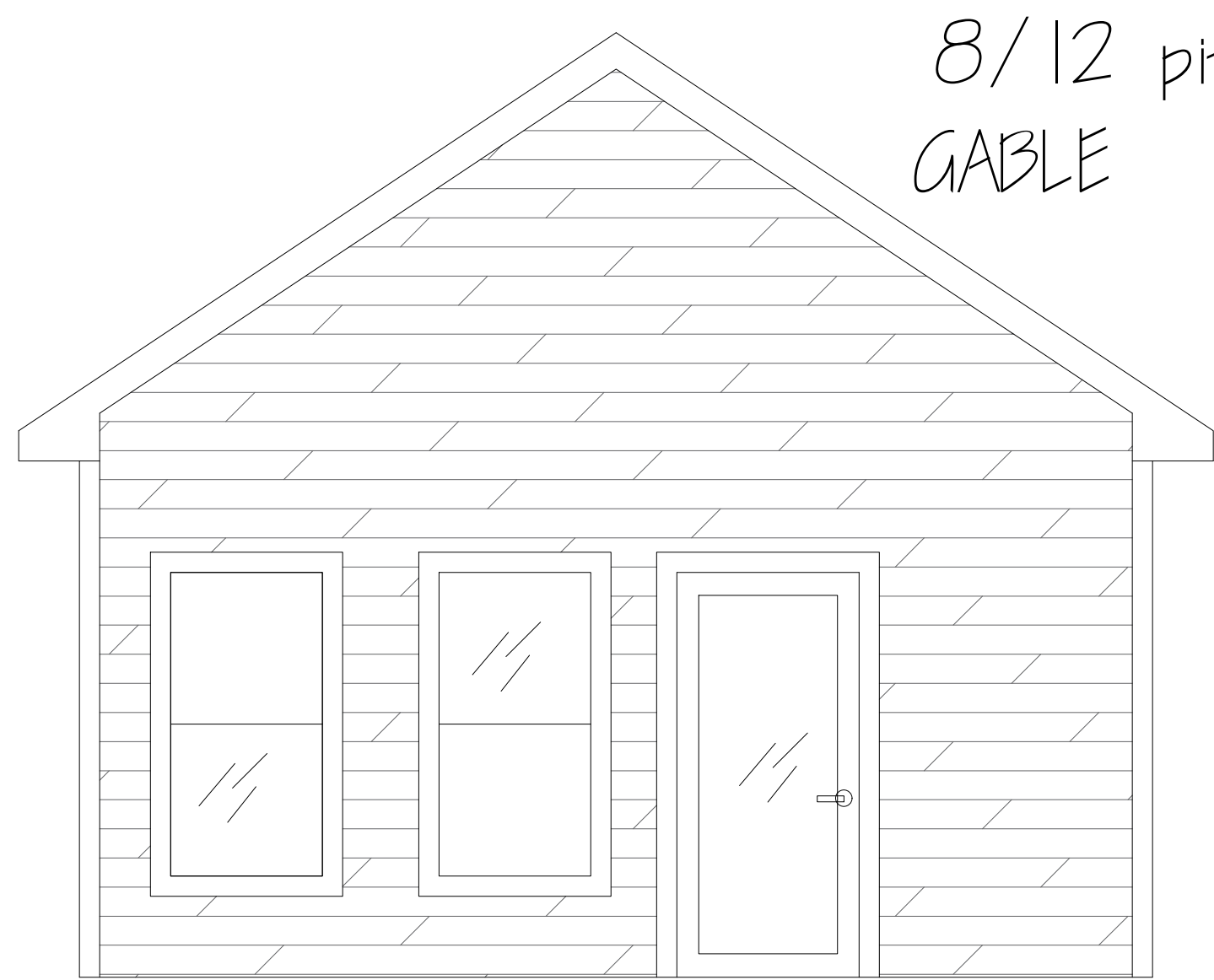


0 70 140 210 280 Feet

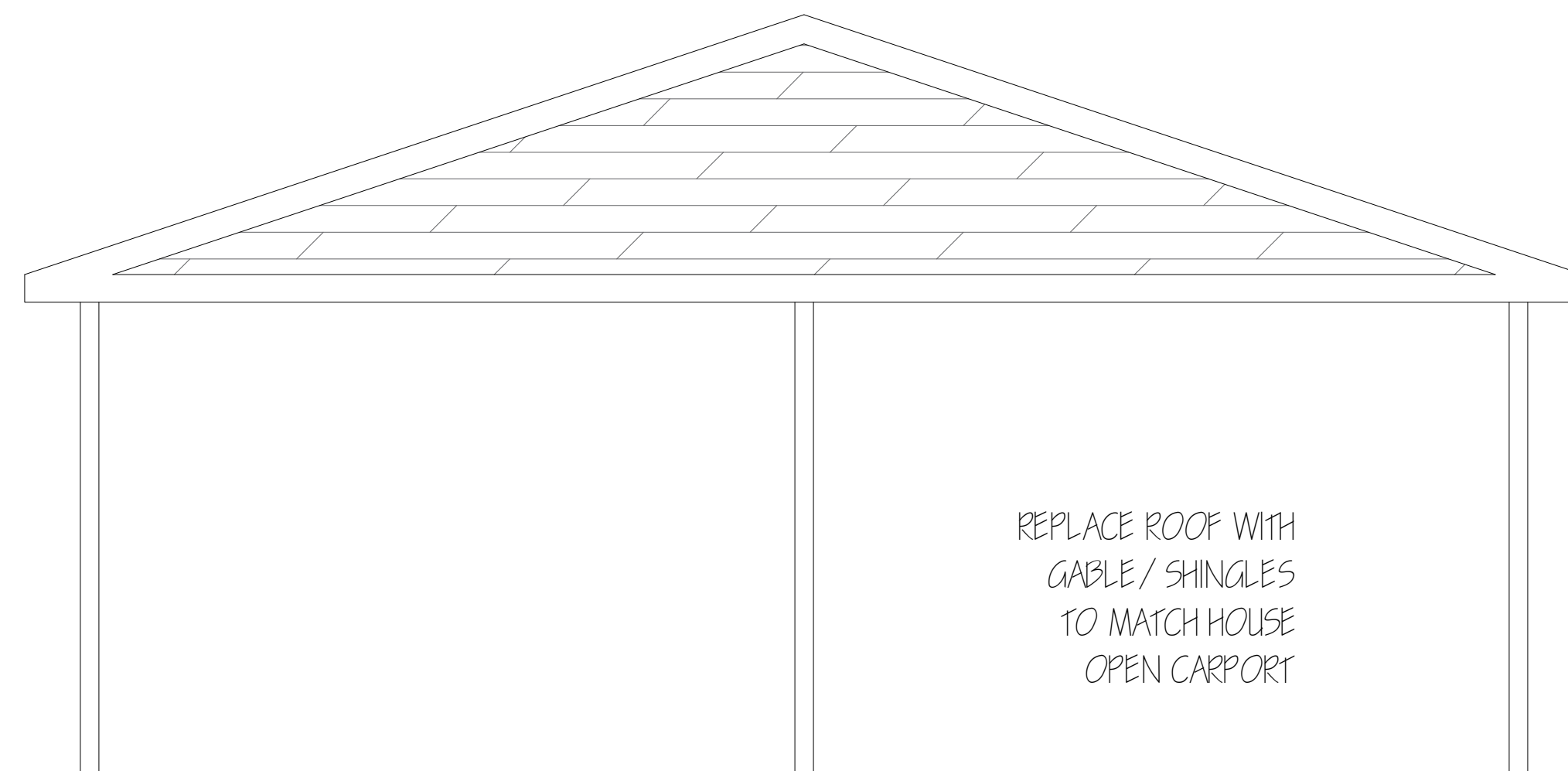
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Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





FRONT ELEVATION INSIDE PORCH



CARPORT

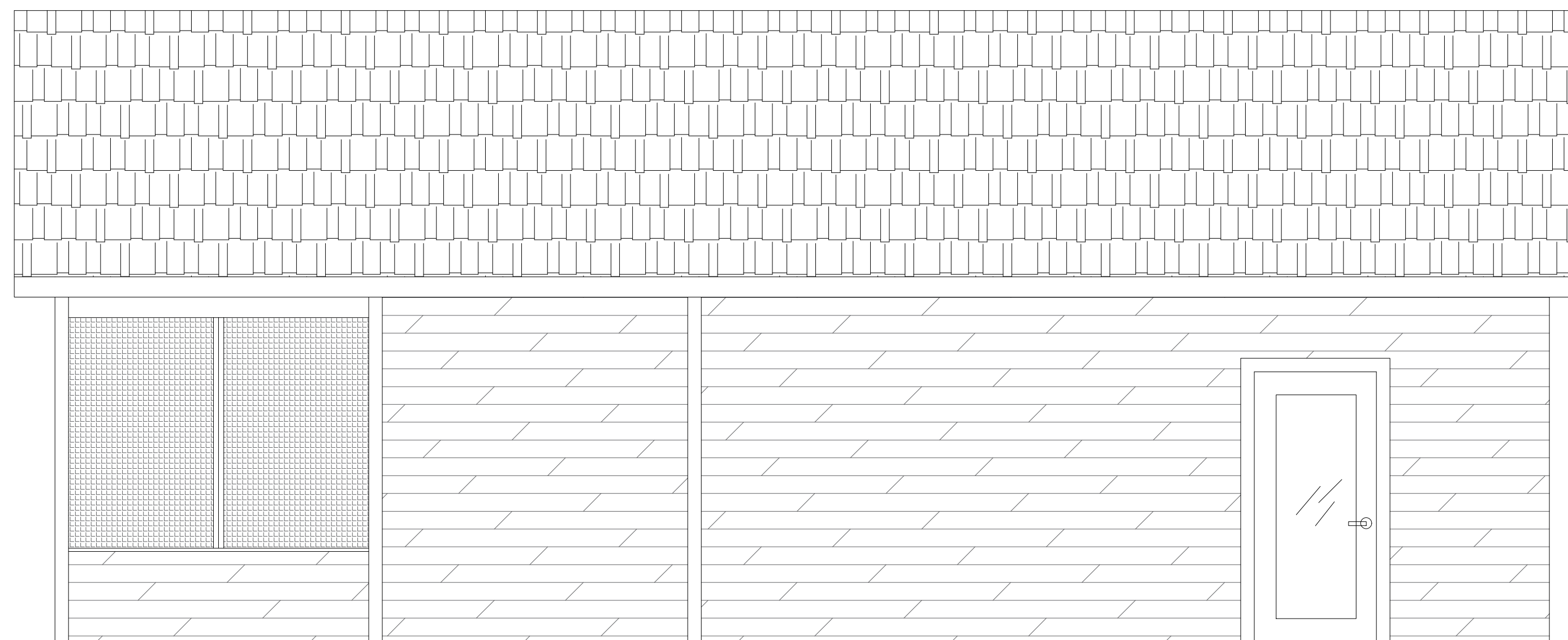
REPLACE ROOF WITH
GABLE / SHINGLES
TO MATCH HOUSE
OPEN CARPORT

DATE: 1/ 29/ 25
679 S.F. HEATED & COOLED EXTERIOR WALL LEDGE
142 SQ. FT. ADDED CONCRETE FOR SCREENED PORCH
821 SQ FT COVERED FOUNDATION

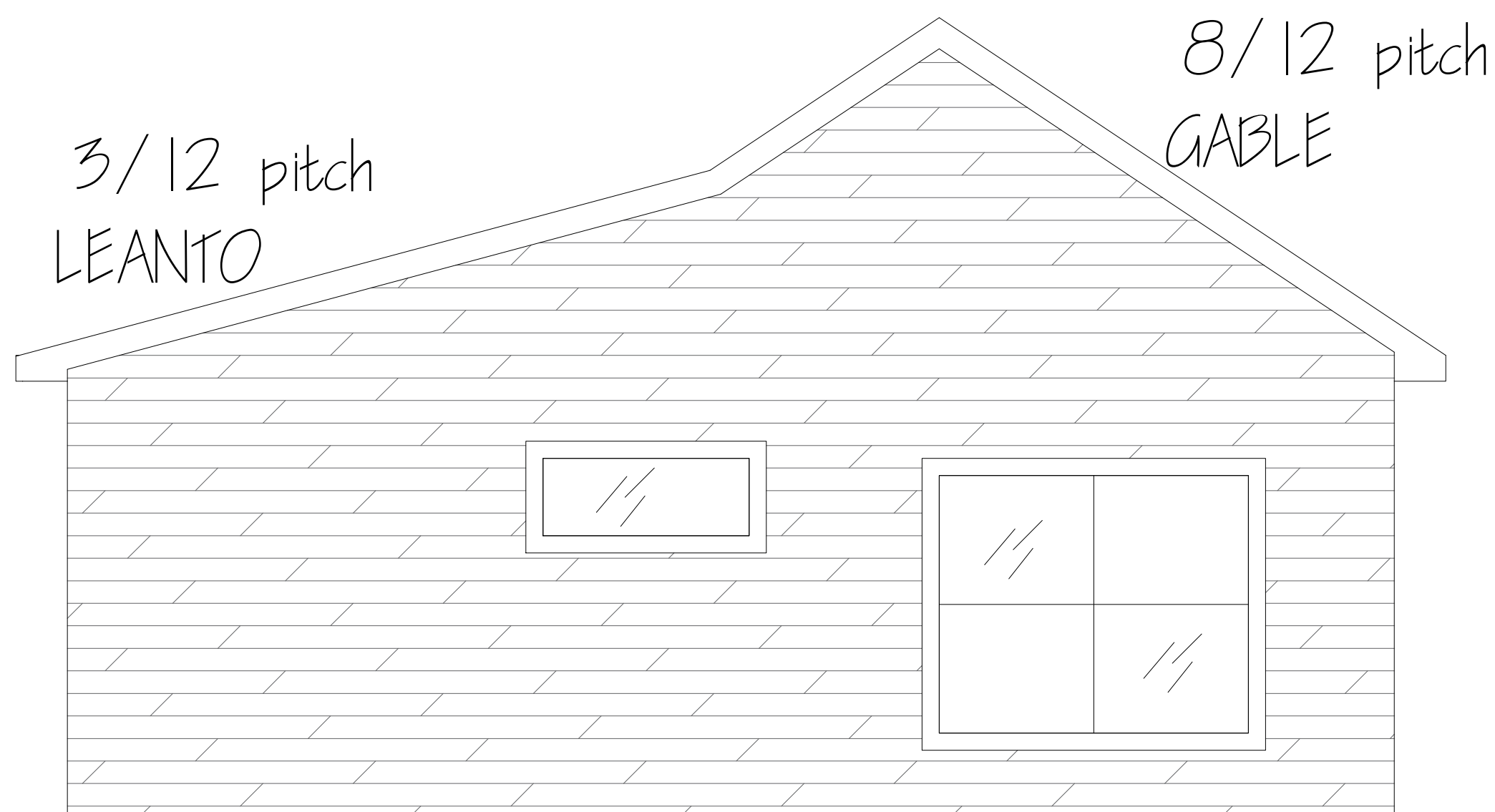
REMODEL EXISTING BUILDING PER FLOOR PLAN
REPLACE VINYL SIDING WITH HARDIE, NEW DOORS, NEW WINDOWS
NEW ROOF DO TO STORM DAMAGE 30 YR SHINGLES



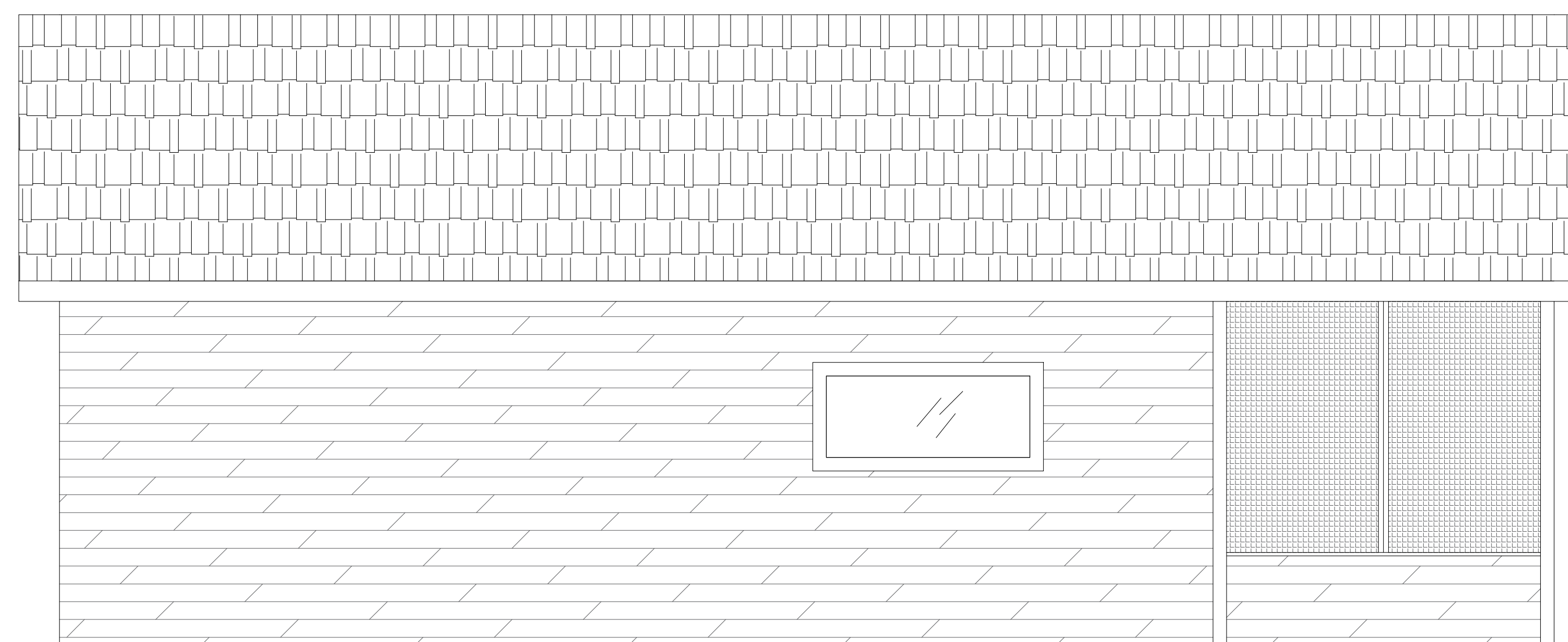
FRONT ELEVATION



LEFT ELEVATION



BACK ELEVATION



RIGHT ELEVATION

JC DESIGN WORKS
JAIME CARRILLO 956-715-5853

DATE: 1/ 29/ 25

521 E PARKER ROAD

KEN JURIST
KRISTINE SUTTON
GUESTHOUSE

A-2 **ELEVATION**
Scale: 1/2" = 1'-0"

STORAGE WITH LEANTO ROOF
169 SQ FT

20'-2"

7'-8"

CLOSET

28'

[illegible]

		vent	
refrigerator		stove	

LOCATION

PLUMBER

9' VAULTED CEILING

8'-0" / 2"

THE SLAB INTO EXISTING FOUNDATION

	SINGLE POLE SWITCH
	MOTION SENSOR
	DIMMER SWITCH
	3-WAY SWITCH
	4-WAY SWITCH
	TIMER SWITCH
	DUPLEX OUTLET
	FOURPLEX OUTLET
	DUPLEX OUTLET GROUND FAULT INTERRUPT
	DUPLEX OUTLET WATER PROOF GROUND FAULT INTERRUPT
	220V DUPLEX RECEPTACLE
	DUPLEX OUTLET @ FLOOR
	FOURPLEX OUTLET @ FLOOR
	TELEPHONE OUTLET
	CABLE OUTLET
	DATA OUTLET
	TV JACK
	SMOKE DETECTOR / CARBON MONOXIDE SENSOR
	SMOKE DETECTOR
	HOSE BIB
	WATER LINE
	GAS OUTLET
	HVAC - WALL / CEILING REGISTER
	HEAT LIGHT FAN
	EXHAUST FAN
	LIGHT FAN
	CEILING FAN
	RECESSED CEILING LIGHT
	WATER PROOF EXTERIOR RECESSED CEILING LIGHT
	SCONCE
	WATER PROOF EXTERIOR DECORATIVE SCONCE
	VANITY LIGHT
	CHANDELIER
	MOTION SENSOR / SECURITY LIGHT
	UNDERCABINET STRIP LED LOW VOLTAGE

JAIME CARRILLO 936-715-5853

521 E PARKER ROAD

KEN JURIST
KRISTINE SUTTON
GUESTHOUSE

A-1 **REMODEL**
Scale: 1/2" = 1'-0"

EXISTING LEANTO
OPEN CARPORT
W/ METAL ROOF

REPLACE ROOF WITH
GABLE / SHINGLES
TO MATCH HOUSE

OPEN CARPORT

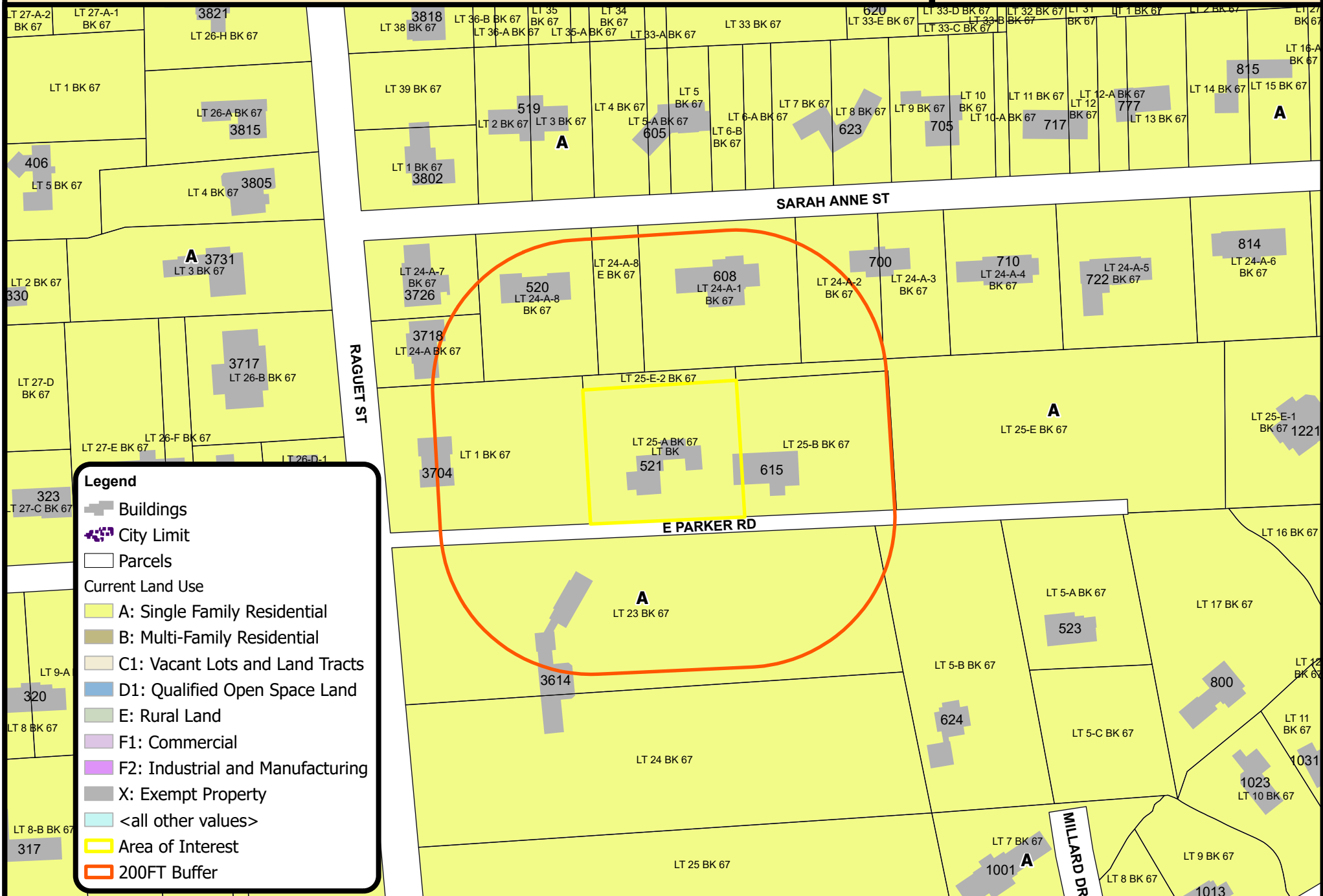
4/12 pitch

GABLE

DATE: 1/29/25
679 S.F. HEATED & COOLED EXTERIOR WALL LEDGE
142 SQ. FT. ADDED CONCRETE FOR SCREENED PORCH
821 SQ FT COVERED FOUNDATION

REMODEL EXISTING BUILDING PER FLOOR PLAN
REPLACE VINYL SIDING WITH HARDIE, NEW DOORS, NEW WINDOWS
NEW ROOF DO TO STORM DAMAGE 30 YR SHINGLES

SUP2025-01 Notification Map



0 70 140 210 280 Feet

Date Created: 02/10/25 11:22 | Document Generated Automatically

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SUP2025-01 Site Photos

View of subject property





View looking along E.
Parker Rd.



PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Public Hearing: Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118- “Zoning”, Article I. – “In General,” Section 118-1 – “Definitions” to revise and clarify the definitions of housing types and adding definitions related to group homes, Article II. – “Administration”, Division 3.- “Board of Adjustment” Section 118-97 – “Officers and compensation” to remove compensation provisions and add the position of vice chair and remove the position of secretary, Article II. – “Administration”, Division 3.- “Board of Adjustment”, Section 118-98 – “Procedures” to recognize City Council approval of adopted procedural rules, Article II. – “Administration”, Division 3.- “Board of Adjustment”, Section 118-99 – “Powers” to add language related to special exceptions and clarification of procedures for variances, Article III. – “District Regulations”, Section 118-273 – “Land Use Schedule” to update housing types in accordance with the correct definitions, and Article VI – “Development Standards”, Section 118-429 – “Commercial Sites with Residential Adjacency” to authorize the Zoning Board of Adjustment rather than the Planning & Zoning Commission to hear requests for fence exceptions. (Executive Director of Development & Infrastructure)

SUMMARY/BACKGROUND: Staff may propose changes to local ordinances in response to Council direction, or to comport with current state or federal law, to address various needs within the municipality. On August 22, 2024, members of the Council and Planning and Zoning Commission (P&Z) held a workshop to discuss possible zoning ordinance updates. Most recently, Council amended City code Chapters 118, 46, and 78 on November 5, 2024. During that month, a subcommittee consisting of Council, P&Z, and Zoning Board of Adjustment (ZBA) members was also established to facilitate recommendations for additional amendments. Following subcommittee recommendations, proposed ordinance amendments will be presented to their respective governing bodies for action.

This agenda item proposes amendments to various sections of the City's zoning ordinance, Chapter 118, which provides for (1) updated definitions of housing types and group homes; (2) changes to Zoning Board of Adjustment officers and procedures; (3) updates to the Land Use Schedule in accordance with new definitions; and (4) changes to allow fence exceptions to be heard by ZBA rather than P&Z. Subcommittee draft minutes from meetings held in December, January, and February are attached. Amended sections include:

- Sec. 118-1 – “Definitions”
- Sec. 118-97 – “Officers and compensation”
- Sec. 118-98 – “Procedures”
- Sec. 118-99 – “Powers”
- Sec. 118-273 – “Land Use Schedule”
- Sec. 118-429 – “Commercial Sites with Residential Adjacency”

P&Z Recommendation

Commissioners recommended approval of the amendments as presented on March 10, 2025.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

N/A

CITY CONTACT: Mike Neu, Executive Director of Development and Infrastructure
neum@nactx.us
(936) 559-2522

ATTACHMENTS:

1. Item Presentation
2. Ordinance with Redlines
3. Ordinance w/out Redlines_Final
4. Subcommittee Minutes Dec-Feb

Agenda Item 7D

Proposed Ordinance Amendments Chapter 118 – Zoning

Prior Discussions & Actions

Aug. 22, 2024	Council, P&Z Workshop on zoning ordinance
Nov. 5, 2024	Council amends Ch. 118 (BOA, Procedure); Ch. 46 (Smoke Shops), Ch. 78 (Signs)
Nov. 2024	Council, P&Z, ZBA choose two members each to serve on the Zoning Ordinance Subcommittee
Dec. 12, 2024	Subcommittee 1st meeting
Jan. 29, 2025	Subcommittee 2nd meeting
Feb. 25, 2025	Subcommittee 3rd meeting

Recent Ordinance Changes

ORDINANCE	CODE SECTION	SUBJECT	ADOPTED	EFFECTIVE
2023-11-24	Ch 34 - Environment; Ch 14 - Unsafe Structures	Provides collection fee for expenses incurred by the City to bring lien property into code compliance.	11-19-2024	12-04-2024
2019-11-24	Ch 78 - Feather Signs	Provides a definition and regulates the use of Feather Signs	11-05-2024	11-20-2024
2020-11-24	Ch 46 - Health; Ch 118 - Retail tobacco/vapor/smoke store	Provides a definition and regulation for "Retail tobacco/vapor/smoke store"	11-05-2024	11-20-2024
2021-11-24	Ch 118 - Zoning Protests	Applies distance requirement to protest eligibility and minimum percentage of property owner endorsement to require supermajority vote.	11-05-2024	11-20-2024
2022-11-24	Ch 118 - Zoning Appeals	Regulates who is permitted to appeal decisions made by the city planner and reduces the timeframe for filing an appeal from 90 days to 20 days as stated by state law.	11-05-2024	11-20-2024
1966-04-23	Ch 118 - Permitted Uses	Provides for permitted use of "Distillation of Liquors, Spirits, etc. - Craft" in the Land Use Schedule	04-18-2023	05-03-2023

www.nactx.us/1590/Recent-Ordinance-Changes

Proposed Ordinance Changes

Sec. 118-1. Definitions

- Use “Dwelling” to consolidate residential unit types
- Use “Group home” to consolidate other home-type facilities and reference State requirements, if applicable

Sec. 118-97. Officers (ZBA)

- Identify “vice-chair” designation for officers and remove compensation reference

Sec. 118-98. Procedures (ZBA)

- Confirm Council’s authority to approve Rules of Procedure

Proposed Ordinance Changes

Sec. 118-99. Powers (ZBA)

- Remove references that may be construed to expand authority outside of zoning ordinance
- New special exceptions section to distinguish from variances

Sec. 118-273. Land use schedule

- Confirm* guidelines that match the terms used in revised Definitions section **does not alter existing permitted uses*

Sec. 118-429. Commercial sites with residential adjacency

- Assign ZBA as review authority for fence exceptions

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 – “ZONING”; ARTICLE I-SECTION 118-1-“DEFINITIONS”; ARTICLE II-SECTION 118-97-“OFFICERS AND COMPENSATION”; SECTION 118-98-“PROCEDURES”; AND SECTION 118-99-“POWERS”; ARTICLE III-SECTION 118-273-“LAND USE SCHEDULE”; AND ARTICLE VI-SECTION 118-429-“COMMERCIAL SITES WITH RESIDENTIAL ADJACENCY”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is authorized under Chapter 211 of the Texas Local Government Code to adopt zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural significance; and

WHEREAS, the City Council of the City of Nacogdoches has adopted ordinances for the purpose of promoting health, safety, and the general welfare of the City, with reasonable consideration of the character of each zoning district, its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, in order to further these objectives, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 118 – “ZONING”, ARTICLE II. – “IN GENERAL, “SECTION 118-1-“DEFINITIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-1. – Definitions

- (a) *Word interpretations.* Interpretations of certain words used in this chapter shall be as follows:
 - (1) All words used in the present tense shall include the future.

-
- (2) All words in the singular number include the plural number, and all words in the plural number include the singular number.
 - (3) The term "structure" includes the word "building," and the term "dwelling" includes the terms "residence" and "place of habitation."
 - (4) The term "person" includes corporation, copartnership, association, and individual.
 - (5) The term "shall" is mandatory and not discretionary.
- (b) *Undefined terms.* Terms not defined in this section shall have the meanings assigned to them in the city building codes. Terms not defined in this section or in the building codes shall have the customary meaning assigned to them.
- (c) *Words and terms defined.* The definitions in this subsection supplement, restrict, and define the meaning and intent of the use regulations as set forth in this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory apartment means an accessory dwelling for the use and occupancy by any person employed on the premises on a full-time basis for domestic or medical help or family members to the second degree of consanguinity and affinity. Such dwelling shall not have separate utility services or meters. This may also include an accessory dwelling located in a commercial or industrial district for the use of any person employed by the business or property owner to provide management, maintenance or security for the property.

Accessory use means a structure or use that:

- (1) Is clearly incidental to and customarily found in connection with a principal building or use.
- (2) Is subordinate to and serves a principal building or a principal use; is subordinate in area, extent, or purpose to the principal building or principal use served.
- (3) Is located on the same lot as the principal building or use served.

Accessory use (residential) means a subordinate use which is detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

Airport or landing field means a landing facility for fixed wing aircraft containing a minimum of 60 acres.

All-weather surface means a hard smooth paved surface of either hot-mixed asphaltic concrete (HMAC) or Portland cement concrete (PCC) and the appropriate base material, meeting the following minimum specifications:

- (1) Hot-mixed asphaltic concrete:
 - a. Surface: 1.5 inches of type D or type C material.

-
- b. Base: six inches of compacted iron ore gravel or the equivalent flexible base, or four inches of compacted hot sand asphaltic base.
- (2) Portland cement concrete:
- a. Surface: five inches of class A, 3,000 psi concrete, reinforced with WWF 6 × 6, W 2.9 - 2.9.
 - b. Base: four inches of compacted granular material.

Material shall conform to city and state department of transportation specifications. Other possible types of paved surfaces will be considered on a case-by-case basis by the city's planning and engineering departments.

Amusement, commercial (indoor) means an amusement enterprise wholly enclosed in a building, including but not limited to a bowling alley, bingo parlor or amusement arcade, but not including a billiard parlor or pool hall.

Amusement, commercial (outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range, and miniature golf course.

Animal hospital or clinic means a facility for the treatment or care of domestic animals, which includes a veterinarian's office, and may include overnight stays, but does not include outside pens.

Animal pound. See *Animal hospital or clinic* with outside pens.

Antique shop means an establishment offering for sale articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as result of age, design or sentiment; and when all such items displayed or offered for sale are housed within a building and there is no exterior display except the usual sign or advertising.

~~*Apartment* means a dwelling unit in a multiple-family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family. See Dwelling Multifamily; (apartments). See Dwelling, Multi-family.~~

Area of lot means the square-foot area of a lot within the bounding property lines and exclusive of dedicated streets or alleys.

Artificial lot means an area within a platted lot, for the purpose of satisfying the requirements of this chapter, that is delineated on the building site plan and the landscape plan and approved by the city planner.

Arts school or studio means a school for instruction and practice of the performing, visual or martial arts.

Banks and financial institutions means activities and institutions for the extension of credit and the custody, loan or exchange of money.

Bed and breakfast establishment means a private single-family residence in which lodging for one or more nights and breakfast is provided by the resident owner for compensation.

Billiard parlor or pool hall means a facility for the playing of billiards and pool. Food service may be allowed as an ancillary use.

Block means an area enclosed by streets, or if such word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest street and the end of such dead-end street.

Board means the board of adjustment as provided for in division 3 of article II of this chapter.

Boardinghouse ~~or roominghouse~~ means a building, other than a hotel, ~~or multiple-family dwelling, or fraternity/sorority house~~ where lodging is provided for five or more persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boardinghouse.

Building means any structure designed, built or intended for the shelter or enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition includes structures wholly or partly enclosed with an exterior wall.

Building line means a line established, in general, parallel to the front property line, over which no part of a building shall project, except as otherwise provided in this chapter.

Building and landscape materials and lumber sales (outside sales) means a facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials. The facility may include outside sales.

Cabinet and woodwork shop (custom) means a shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planing mill or similar woodworking plant.

Carnival or circus (temporary) means a temporary traveling show or exhibition usually housed in tents, and which has no permanent structure or installation.

Carwash means a facility or area for the cleaning or steam cleaning, washing, polishing or waxing of passenger vehicles by machine or hand-operated facilities. A carwash may be a single unit, multiple single washing units, or a tunnel type which can wash several vehicles in tandem.

Cemetery means a land use intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Chemical and allied products includes the manufacturing of industrial inorganic and organic chemicals, plastics materials, and synthetic resins, synthetic rubber, synthetic and other manmade fibers; drugs; soap, detergents, cleaning preparations, perfumes, and other toilet preparations; paints, varnishes, lacquers, enamels, and allied products; gum and wood products; agricultural chemicals; and other chemical and allied products.

Church or place of worship means a facility or area for people to gather together for public worship, religious training, or other religious activities including a temple, mosque, synagogue or other structure, together with its customary accessory structures and uses, including a parsonage or rectory. This does not include home meetings or other religious activities conducted in a privately occupied residence.

City council means the official governing body of the City of Nacogdoches.

Club, private means a clubroom or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

College or university means an institution of higher learning beyond the level of a secondary school.

Community center (private) means:

- (1) A building or group of rooms designed and used as an integral part of a residential or apartment project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project.
- (2) A private nonprofit community center operated as a boys' or girls' club or similar use. A private community center shall not be operated as a place of public meetings, or as a business.

Community center (public) means a building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the surrounding community.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with such and having a gross floor area of less than 7,500 square feet.

Convent or monastery means the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

Contractor or maintenance yard means an open storage yard for supplies and operational equipment, including buildings, but not constituting a junkyard, wrecking yard or salvage yard.

Country club (private membership) means an area of 20 acres or more containing a golf course and a clubhouse and available only to a private specific membership. Such a club may contain as adjunct facilities a private club and dining room, swimming pool, tennis courts and similar recreation facilities.

Coverage means the percent of a lot area which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of two feet, and ordinary projections from the building not exceeding 12 inches, shall not be counted in computing coverage.

Custom sewing and millinery means custom making of items of apparel and millinery, by a seamstress, but not involving a factory.

Day care means a facility or area used regularly to provide daytime care, training, education, custody, treatment or supervision to more than four children, adults or elderly in other than a family setting for less than 24 hours a day, whether for compensation or not. This definition includes preschools, private kindergartens, nurseries and other similar uses not listed elsewhere in this chapter.

Density means as follows:

- (1) *Residential density* means the relationship of dwelling units or rooms to the area of the lot or tract upon which a residential structure is located or erected, and is expressed in "units per acre."
- (2) *Nonresidential density* means the ratio of the area of the building to the area of the site. See *Floor area ratio (FAR)*.

Dwelling unit means a building or portion of a building which is arranged or, occupied ~~or intended to be occupied~~ as ~~a single~~ living quarters for one family, and includes facilities for food preparation and sleeping. One dwelling unit occupied by one family has a common entrance, utilities, kitchen and food preparation facilities and sleeping and restroom facilities accessible by all.

Dwelling, Industrialized Housing means a residential structure that is designed for the use and occupancy of one or more families, that is constructed according to the rules of the state department of labor and standards in one or more modules, or constructed according to the rules of the state department of labor and standards in one or more modules, or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation. The term includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Manufactured, means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Mobile Home, means a structure that was constructed before June 15, 1976, or constructed after this date that does not meet the rules of the United States Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems.

Dwelling, Multi-family, means three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or

motels. The term “dwelling, multi-family,” may include condominiums, two or more duplexes, three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments or rental communities.

Dwelling, sSingle-family attached or tTownhome, means a dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

Dwelling, sSingle-family detached, means a dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility and is utilized as one living quarters.

Dwelling, tTwo-family (dDuplex), means two attached dwellings in one structure, each designed to be occupied by one family.

Dwelling, zZero-lot-line or pPatio hHome, means a single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

Eating place with drive-in or curb service means an establishment offering food for sale to customers in automobiles and wherein the food for sale is to customers in automobiles and wherein the food service is to the automobile.

Eating place without drive-in or curb service means any eating establishment, cafeteria, restaurant or inn where food service is offered to the customers not in automobiles.

Emergency ambulance service means a facility for the operation and dispatch of emergency medical vehicles. Typically this operation is ancillary to a hospital or a fire station, but it may also be a primary use on a property.

Escort agency means a person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for fee, tip or other consideration.

Fabricated metal products includes the manufacturing of ordnance and accessories; machinery, equipment and supplies; transportation equipment; and other fabricated metal products.

Fairground means a specific facility that hosts special indoor and outdoor events including exhibits or competitions of agricultural products, livestock, machinery, etc.; a large exhibition or show of products from various countries; an exhibition or sale of fancywork or other items for the benefit of some cause; or a gathering of buyers or sellers of some product or service.

Family means any number of individuals living together as a single housekeeping unit, in which not more than two individuals are unrelated by blood, marriage or adoption.

~~Family home and family group home means a community-based residential home licensed by the state department of mental health and mental retardation providing food and shelter, personal guidance, care, rehabilitation services, or supervision. Family homes shall have a maximum of six clients plus two staff members residing in a house. Family group homes shall have a minimum of seven and a maximum of 15 clients plus staff residing in a house.~~

Farm, ranch, garden or orchard means an area of three acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by city ordinance or law.

Farmers' market means the retail sale of farm products by individual vendors either within a building or outside. Items sold may include fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey. The sale of new and used household goods, personal effects, tools, artwork, small household appliances and similar merchandise are not included.

Feed store, retail (livestock, no mill) means an establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Flea market means a building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for the sale of articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the retail selling of goods by businesses or individuals who are generally engaged in retail trade. This does not include garage sales.

Floor area means the total square-foot area of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

Floor area ratio (FAR) means the ratio between the total square feet of floor area in the building to the total square feet of land in the lot or tract; e.g., "2:1" means that the building contains twice the amount of area as there is in the lot.

~~Foster home. (See Group home, Residential Child-Care Facility.) means a facility or area providing full-time parental care for six or more unrelated minor children for which compensation or fee is received in return for such services. This must comply with statutory licensing requirements.~~

Fraternity/sorority house means any building occupied and maintained by a social association of college students, or where organization-sponsored functions are regularly held.

Garage or estate sale: means a sale for the purpose of offering clothing, household furniture or appliances belonging to the residents may be conducted as home occupation provided that no such sale may be held on any lot or premise more often than twice in each calendar year, and not to exceed three days during each sale.

Garden shop and plant sales (display or greenhouse) means an enclosed or open area for the retail sale of plants and gardening products, including fertilizers, soil and gardening implements.

Golf course (public or private) means a golf course owned or controlled publicly or privately. This includes such uses as a clubhouse, food service, retail, and other customary accessory uses.

Golf driving range means a facility for the organized practice of golf techniques. It may include a practice green for putting, a clubhouse and other minor ancillary uses.

Government facility means a facility for public purposes, owned or operated by the city, county, state or federal government. These typically include city hall, courthouse, police and fire stations, public library or museum.

Grain mill products includes the manufacturing of flour and other grain mill products, feeds for animals and fowl, cereal preparations, rice milling, blending and preparing flour, and wet corn milling.

Guesthouse (detached) means a secondary structure on a lot or tract containing dwelling accommodations but excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not rented or used for permanent occupancy.

Group home means a facility which provides residential living arrangements for unrelated persons who may need specialized care, treatment, or stability, and is authorized and governed under state and federal law. Types of group homes include:

Assisted living facility means a licensed facility which complies with and is operated under the authority of the Assisted Living Facility Licensing Act, Texas Health and Safety Code §§247.001 et seq., and as may be amended.

Boarding home facility means a facility which provides services for persons with disabilities or elderly persons and complies with Texas Health and Safety Code §§260.001 et seq., and as may be amended, as well as any permitting requirements implemented by the city.

Community home means a facility which provides services to persons with cognitive or physical disabilities and complies with the Community Homes for Disabled Persons Location Act, Texas Human Resources Code §§123.001 et seq., and as may be amended.

Halfway house/Community residential facility means a transitional facility associated with the Texas Department of Criminal Justice and authorized under Texas Government Code §§508.118-508.119, and as may be amended.

Recovery house (or sober living home) means a shared living facility which complies with Texas Health and Safety Code §§469.001 et seq., and as may be amended. Oxford houses are included in this definition.

Residential child-care facility means a facility licensed or certified by the Department of Family and Protective Services which complies with Texas Human Resources Code §§42.001 et seq., and as may be amended. Foster homes are included in this definition.

~~*Halfway house (criminal)* means a facility for the housing, rehabilitation, and training of persons on probation or parole from correctional institutions, or other persons found guilty of criminal offenses.~~

Health club or studio means a wholly enclosed facility for fitness training and practice.

Height means the vertical distance from the average grade of the finish ground level at the center of all walls to the highest finished roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

Home occupation means an occupation carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling; without the display or advertising of any commodity or service for sale on the premises; without the employment of any persons other than members of the immediate family; without the use of any sign, lighting or display; without the use of other than domestic or household equipment or appliances; and the conduct of which does not generate noise, odor, fumes, vibration, additional vehicle traffic or any other condition visible, obnoxious or detrimental to abutting or adjacent properties.

Hospice means a facility for the terminally ill, where patients are under the supervision of a doctor, but undergo limited curative treatment, and which is licensed by the state.

Hospital (chronic care) means an institution where those persons suffering from generally permanent types of illnesses, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the state.

Hospital (general acute care) means an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

Hotel or motel means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of 20 individual guestrooms or units and shall furnish the customary hotel services such as linen, maid service, telephone, use and upkeep of furniture, and the accommodations shall not be designed as permanent dwelling units.

Household appliance and equipment repair means a shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools, and similar items, where all such items are stored within a building or a storage area surrounded by a solid fence, wall or screen.

Ice or roller skating rink means a facility for the practice of ice or roller skating. Accessory uses may include food service and other indoor amusements, contained entirely within the primary structure.

~~*Industrialized housing* means a residential structure that is designed for the use and occupancy of one or more families, that is constructed according to the rules of the state~~

~~department of labor and standards in one or more modules, or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation. The term includes the plumbing, heating, air conditioning, and electrical systems. See *Dwelling, Industrialized Housing*.~~

Laundry or dry cleaning, self-service, means an establishment providing facilities for washing or dry cleaning garments and similar items and where the customer may personally supervise and handle the cleaning operation.

Legal height means the maximum height of a building imposed by the Federal Aviation Administration for the airport, this chapter, the building code, or any other legal ordinance or code.

Library, art gallery or museum (public) means any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasipublic agency and which institution is open and available to the general public.

Livestock auction pens or sheds means a facility or area for the auction of livestock. Accessory uses may include but are not limited to feed pens, stalls, and outside pens or runs.

Lot means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot, corner, means a lot situated at the intersection of two dedicated streets and having frontage along both streets extending from the intersection.

Lot, double frontage, means a lot having frontage on two or more dedicated streets other than a corner lot.

Lot lines means the property or lease lines bounding a lot or tract.

Lot line, interior, means a lot line delineating the division between two contiguous lots on the interior of a block and not adjacent to a street.

Lot of record means a lot which is part of a subdivision plat which has been recorded in the office of the county clerk or a tract of land described by metes and bounds, the description of which is recorded in the office of the county clerk.

Lot width means the width of a lot at the required front yard line or at the building line if such is established at a greater distance from the street than the required front yard line.

Lumber and wood products manufacturing includes logging camps and contractors; sawmills and planing mills; and the manufacturing of millwork, veneer, plywood, prefabricated structural wood products, wood furniture; and other lumber and wood products.

Main building means the building on a lot which is occupied by the primary use.

Manufactured ~~h~~Home ~~means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in~~

~~one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. See Dwelling, Manufactured Home.~~

*Manufactured **hH**ome park* means a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate manufactured homes for permanent duration.

Meat products processing or manufacturing includes meat, poultry, and small game packing and the manufacturing of sausages and other prepared meat products, but not including the slaughtering of animals or poultry.

Microbrewery means a business which:

- (1) Operates under a manufacturer's license, as described in V.T.C.A., Alcoholic Beverage Code, ch. 62, issued by the Texas Alcoholic Beverage Commission ("T.A.B.C.");
- (2) May operate, but is not required to operate under a brewer's permit as described in V.T.C.A., Alcoholic Beverage Code, ch. 12, issued by T.A.B.C.;
- (3) Has a total maximum production per year of beer, malt liquor and ale of not more than 15,000 barrels (or 465,000 standard gallons); and
- (4) Does not produce or generate any generally obnoxious odors.

~~*Mobile **hH**ome* means a structure that was constructed before June 15, 1976, or one constructed after this date that does not meet the rules of the United States Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. See Dwelling, Mobile Home.~~

*Mobile **hH**ome park* means a unified development of mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate mobile homes for a permanent duration.

~~*Multifamily (apartments)* means any building or portion thereof which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families. See Dwelling, Multi-family.~~

Nightclub or dancehall means an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

-
- (1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians;
 - (2) Dancing; or
 - (3) Any combination of subsections (1) and (2) of this definition.

This does not include theaters, auditoriums and stadiums with fixed row seating; private clubs; bars; teen clubs; or any establishment defined elsewhere in this chapter as an adult entertainment establishment.

~~*Nursing and convalescent homes means an establishment which furnishes, in single or multiple facilities, food and shelter to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment and, in addition, provides minor treatment under the direction and supervision of a physician, or services which meet some need beyond the basic provision of food, shelter and laundry.*~~

Office (general and professional) means a facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this chapter.

Open space means an area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves, and is exclusive of driveways or parking areas.

Open storage (no enclosure) means storage in the open of vehicles, machinery or any equipment or commodity where permitted as a primary use of land and accessory storage in the open of commercial and industrial products where such storage is not enclosed by a fence, wall or building.

Open storage with visual screen means the permitted storage of any equipment or commodity in a open area which is enclosed by a fence or wall, as defined in this chapter, or surrounded by a building so as to create an effective visual screening of the storage from the adjacent property.

Orphanage means an institution for the care of orphans or other abandoned children.

Paper and allied products manufacturing includes the manufacture of pulp, paper, paperboard, converted paper and paperboard products, paperboard containers and boxes, building paper and building board.

Pawnshop means a building or premises, other than a bank, savings and loan or mortgage banking company, used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a certain price within a certain period of time, and licensed by the state to conduct such a business.

Pet shop means a place for the display and sale of small animals and birds as pets, such as dogs, cats, parakeets or canaries, but not involving the boarding or treating of dogs or similar pets.

Petroleum refining and related industries includes the refining of petroleum and the manufacturing of paving and roofing materials; lubricating oils and greases and other petroleum and coal products.

Piercing studio means any establishment that performs any type of body piercing.

Pool house (detached) means a secondary structure on a lot with a swimming pool, excluding separate utility services or meters, and intended for temporary recreation use and not used as a permanent occupancy.

Poultry hatchery means a commercial facility for the hatching and raising of domestic fowl, including a research facility for such activity.

Primary metal products manufacturing includes blast furnaces, steel works and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of nonferrous metals and alloys, rolling, drawing and extruding of nonferrous metals; and nonferrous foundries.

Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks manufacturing includes the manufacturing of engineering, laboratory and scientific and research instruments and associated equipment; instruments for measuring, controlling, and indicating physical characteristics; optical instruments and lenses; surgical, medical, and dental instruments and supplies; ophthalmic goods; photographic equipment and supplies; and watches, clocks, clockwork-operated devices and parts.

Psychiatric hospital or institution means a facility or area for providing health services primarily for inpatient medical care for alcoholic, narcotic, or psychopathic patients, and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities. This includes a substance abuse and rehabilitation facility.

Racetrack means an indoor or outdoor facility for the recreational or competitive racing of horses, canines, or motor vehicles, including the necessary accessory uses such as retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Radio or television transmission station (commercial) means a facility used for the production and transmission of programming by radio or television to the general public. Included are commercial, religious, educational and other stations.

Radio, television, microwave or cellular communication tower (commercial) means structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Radio tower (noncommercial) means a radio tower located on a residential property which is for home use, only, and which is not taller than 15 feet above the maximum building height allowed in the district.

Recreation club or area (private) means a building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the normal active and passive facilities as provided in a park or playground, or public recreation facility.

Recreation facility (public) means a facility or area sponsored by a public entity and devoted to sports, entertainment, games of skill or recreations to the general public. This may include swimming pools, tennis courts, playgrounds, community clubhouses, park facilities and other similar uses.

Retirement home means a residential facility principally designed for persons 55 years of age or older. Dwelling units may include full kitchen facilities, and recreational, social, nursing or other services may be available. This does not include a nursing or convalescent home.

Rubber and miscellaneous plastics manufacturing includes the reclaiming of rubber and the manufacture of tires and innertubes; rubber footwear; plastic products; and other fabricated rubber products.

Satellite dish means the dish and its structural elements that is commonly used in the reception of television signals from orbiting satellites.

School, K—12, public or private, means a school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

School, vocational means a business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, commercial art school; or offering instruction and training in a trade such as welding, bricklaying, machinery operation and other similar manual trades. This does not include truck or heavy equipment driving schools.

Service station means any facility where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include facilities where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work are conducted.

~~*Single-family dwelling (attached)* means a dwelling unit on a separately owned lot which is joined to another dwelling unit on one or more sides by a party wall or abutting separate walls and occupied by not more than one family.~~

~~*Single-family dwelling (detached)* means a detached building having a single dwelling unit and occupied by not more than one family.~~

~~*Single-family dwelling (zero lot line)* means a dwelling unit on a separately owned lot on which one wall of the principal dwelling is located within one foot of the side property line of an adjacent residential lot, and the other side yard meets or exceeds the minimum required side yard for the district.~~

~~*Single-family. See Dwelling, Single-family.*~~

Stable, commercial, means a facility housing horses or mules which are boarded or rented to the public or any stable other than a private stable; but not including a sales barn, auction, or similar trading activity.

Stable, private, means a facility or area for keeping horses, mules or other domestic animals for the private use of the property owner.

Stone, clay, glass and concrete products manufacturing includes the manufacturing of glass; flat glass and glassware; cement; structural clay products; pottery and related products; concrete, gypsum and plaster products; cut stone and stone products; and abrasive, asbestos and other nonmetallic mineral products.

Studio (art, drama, speech, or dance) means a building or rooms in a building used for the instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

Tattoo salon means an establishment or facility in which tattooing is performed.

Teen club means a nightclub that caters to teenage patrons.

Tennis court (lighted) means an outside tennis court with elevated lighting for nighttime play.

Tennis court (no lights) means an outside tennis court without elevated lighting for nighttime play.

Textile mill products manufacturing includes the manufacturing of woven fabrics, knit goods, rugs, carpets, yarns, and threads, and other textile goods; and the dyeing and finishing of textiles.

Theater, movie or live (enclosed) means a facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tobacco products manufacturing includes the manufacturing of cigarettes, cigars, chewing and smoking tobacco, snuff; tobacco stemming and redrying.

Travel trailer/RV park means any lot upon which two or more travel trailer or other recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a shortterm basis by campers, vacationers, and travelers.

Truck or heavy equipment driving school means a type of vocational school where education is provided behind the wheel of trucks or heavy equipment.

~~*Two-family dwelling* means a detached building having two dwelling units and occupied by not more than two families.~~

Use, nonresidential, means any use other than a one- or two-family residence, or a ~~roominghouse or~~ boardinghouse, and their bona fide accessory uses.

Use, residential, means a one- or two-family residence, or a ~~roominghouse or~~ boardinghouse, together with bona fide accessory uses.

Utility facilities (major) includes such uses as electrical substations, wastewater treatment plants, elevated water storage and water treatment plants.

Utility lines and transmission includes local utilities such as electric power, telephone, gas, water, sewer, and air monitoring stations. It also includes inline facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company. It does not include major utility facilities.

Veterinary office (no hospital or clinic) means a facility for the diagnosis and treatment of animals, without an overnight stay.

Warehouse/storage (inside) means a building or group of buildings providing enclosed shelter and protection for commodities stored therein. No open or unenclosed storage shall be classified as a warehouse.

Wrecking yard, junkyard, salvage yard or reclamation yard means a yard or building where automobiles, machinery, appliances or other used commodities and equipment are stored, dismantled, and/or offered for sale as whole units or as salvaged parts.

Yard means an open space on the lot on which a building is situated and which is open and unobstructed to the sky.

Yard, front, required, means a yard facing and abutting a street and extending across the front of the lot between the side lot lines and having a minimum horizontal depth measured from the street equal to the depth of the minimum front yard specified for the district in which the lot is located. The required front yard line represents the line in front of which no building or structure may be erected.

Yard, rear, required, means a yard extending across the rear of the lot between side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located.

Yard, side, required, means a yard located on a lot and extending from the required front yard to the required rear yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located. Any lot line which is not a rear or front line shall be deemed a side lot line.

Zoning district map means the official, certified map upon which the boundaries of the various zoning districts are shown and which are an integral part of this chapter and, together with the zoning text in this chapter, make up the zoning ordinance for the city.

Zoo, zoological park, animal park, or aviary means an institution which owns and maintains captive wild animals and under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis for the purposes of education, conservation, scientific study and recreation.

CHAPTER 118 – “ZONING”, ARTICLE II “ADMINISTRATION”, Division 3. – “BOARD OF ADJUSTMENT” – SECTION 118-97 – “OFFICERS AND COMPENSATION”; SECTION 118-98 – “PROCEDURES”; AND SECTION 118-99 – “POWERS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-97. Officers ~~and compensation.~~

The board of adjustment shall meet and organize as soon as practicable, shall elect one of its members as chair, and one of its members as vice-chair~~shall have a secretary. The members of~~

~~the board and the secretary shall receive such compensation as may be determined and fixed by the city council.~~

(Ord. No. 1130, art. X, § 2.1, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 118-98. Procedures.

- (a) *Adopting procedural rules.* The board of adjustment, by majority vote, shall adopt such procedural rules as are necessary to execute its duties with the approval of the City Council.
- (b) *Quorum.* All cases before the board of adjustment must be heard by at least four members.
- (c) *Calling meetings.* Meetings of the board shall be held at the call of the chair, and at such other times as the board may determine. Such chair, or in the chair absence the vice-acting chair, shall administer oaths and compel attendance of witnesses.
- (d) *Meetings open to the public.* All meetings of the board shall be open to the public.
- (e) *Keeping of minutes.* The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the board and shall be a public record.

(Ord. No. 1130, art. X, § 2.2, 11-3-1998)

Sec. 118-99. Powers.

The board of adjustment shall have the following powers:

- (1) *Decide appeals of city planner's decisions.* The board of adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the city planner in the enforcement of this chapter ~~and city rules and regulations~~.
- (2) *Variances to chapter.*
 - a. *Findings.* The board of adjustment, pursuant to the powers conferred upon it by state law, the city ordinances, and this article, may grant variances ~~and exceptions~~ to the sections of this chapter upon finding that:
 - 1. Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter;
 - 2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;
 - 3. Such variance will not adversely affect the health, safety or general welfare of the public;

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located;
5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located; and
6. The variance is not a self-created hardship.

~~b. *Variances.* The board of adjustment may permit in any district such modification of the requirements of the district regulations as the board may deem necessary to secure an appropriate development of a lot where adjoining such lot on two or more sides there are lots occupied by buildings which do not conform to this chapter.~~

~~b.e. *Decision.* The concurring vote of at least four members of the board of adjustment shall be necessary to authorize a variance.~~

~~c.d. *Application for variance.* Variances to be considered by the board of adjustment may be initiated by the owner of the affected property or the owner's authorized representative ~~or any aggrieved party~~ who files the required application and pays the appropriate fee, ~~or by any person aggrieved by a decision of an administrative officer with authority over any matter appealable to the city council, or by an officer or appropriate board of the city.~~~~

(3) *Special Exceptions*

~~a. *Findings.* The board of adjustment may grant special exceptions upon finding that:~~

- ~~1. Such special exception is specifically provided for and defined in this zoning ordinance;~~
- ~~2. Such special exception is consistent with the general purpose and intent of the comprehensive plan and this chapter;~~
- ~~3. Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district; and~~
- ~~4. Such special exception will not adversely affect the health, safety or general welfare of the public.~~

~~b. *Conditions.* In granting special exceptions, the board of adjustment may impose such conditions and safeguards as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare.~~

~~c. *Decision.* The concurring vote of at least four members of the board of adjustment shall be necessary to authorize a special exception.~~

d. *Application for special exception.* A special exception to be considered by the board of adjustment may be initiated by the owner of the affected property or the owner's authorized representative who files the required application and pays the appropriate fee.

(Ord. No. 1130, art. X, § 3, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

CHAPTER 118 – “ZONING”, ARTICLE III. – “DISTRICT REGULATIONS”, SECTION 118-273 – “LAND USE SCHEDULE” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-273. Land use schedule.

- (a) *Use of land and buildings.* Buildings, structures and land shall be used only in accordance with the uses permitted in the following land use schedule, subject to all other applicable requirements of this chapter. The following symbols are used in the land use schedule:
- (1) The symbol "P" shall mean that the use is permitted as a principal use in that zoning district by right.
 - (2) The symbol "S" shall mean that the principal use is permitted in that zoning district only after first obtaining a specific use permit.
 - (3) The symbol "A" shall mean that this use is specifically permitted as an accessory use to a principal use in the district. This does not exclude other land uses which are generally considered ancillary to the primary use.
 - (4) An asterisk (*) indicates that the use has special standards or requirements listed in this section, which it must meet in order to be allowed.
 - (5) A blank square shall mean that the use is not allowed in that zoning district.
 - (6) Italicized words are defined in article IV of this chapter or under section 118-1 containing definitions.
- (b) *Organization of land use schedule; category grouping.* Uses are grouped into general categories such as "agriculture" and "residential," and then further organized into subcategories. This organization of land uses is for ease of reference only.

LAND USE SCHEDULE										
(*) Signifies Uses with Special Guidelines <i>Guidelines</i> (Italic) Signifies a Defined Term										
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1 I-2
					AGRICULTURAL USES					
P	P	P	P	P	Farm, Ranch, Garden or Orchard		S			P P

P	P	P	P	P	Farm or Ranch for live stock and Animal Specialties		S			P	P
P					Feed Store and Tack for live Stock - No Mill		P			P	P
S					Livestock Auction Pens or Sheds						P
S					Poultry Hatchery						P
S					Stables (Commercial)						P
					RESIDENTIAL USES						
					Household Units						
P	P	P	P	P	Home Occupation	P	P	P	P		
				P	Multifamily -- Apartment Multi-Family	S	P	P	P		
			P	P	Single-Single-F family A attached or Townhome						
P	P	P	P	P	Single-Single-F family D detached						
			P	P	Single-Single-F family Zero-Lot Line Zero-lot-line or Patio Home						
			P	P	Two-Family Dwelling Two-family (Duplex)						
A	A	A	P	P	Pool House (Detached)*	P	P	P	P		
					Special Unit Types						
P	P	P	P	P	Industrialized Housing*						
					Manufactured Home						
				S	Manufactured Home Park		S				
					Mobile Home (House Trailer, Camp)						
				S	Mobile Home Park		S				
				S	Travel Trailer/ RV Park	S	S			S	
					Lodging/Group Quarters						
S	S	S	S	P	Bed and Breakfast* - 4 or Less Patrons	P	P	P	P		
				P	Bed and Breakfast* - 5-8 Patrons	S	P	P	P		
				<u>P</u>	<u>Assisted Living Facility</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>		
				P	Boarding or Rooming House Home Facility	S	P	P	S		
				<u>S</u>	<u>Boardinghouse</u>	<u>S</u>	<u>S</u>				
S	S	S	S	P	Accessory Apartment*	P	P	P	P		
S	S	S	S	P	Convent or Monastery	S	P	P	S		
<u>S</u>				<u>P</u>	<u>Family Group Home</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>		
P	P	P	P	P	Family <u>Community</u> Home	P	P	P	P		

<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Foster Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
P	A	A	P	P	Guest House (Detached)	P	P	P	P		
S			S	S	Half-way House/ <u>Community Residential Facility –Criminal</u>	S	P	P	S		
					Hotel or Motel	S	P	P	P	P	
S				P	Orphanage	S	P	P	S		
<u>S</u>			<u>P</u>	<u>P</u>	<u>Recovery House/ Sober Living Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Residential Child-Care Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
				P	Retirement Home	P	P	P	P		
					AMUSEMENT /RECREATION USES						
					General Recreation						
					Amusement, Commercial - Indoors*		P	P		P	
					Amusement, Commercial - Outdoors		S	S			
					Billiard Parlor or Pool Hall*		P	P		P	
S					Carnival or Circus (Temporary)		S	S		S	S
S	S	S	S	S	Country Club (Private Membership)	S	P	P		P	S
S					Fairground*		P			P	P
P	S	S	S	S	Golf Course (Public or Private)	P	P			P	P
P	S	S	S	P	Golf Driving Range	P	P			P	P
				A	Health Club or Studio	P	P	P	P	P	A
					Ice or Roller Skating Rink*	S	P	P		P	P
					Night Club or Dance Hall*		P	P		P	
S					Race Track		S			P	
S	S	S	S	A	Recreation Club or Area (Private)*		P	P		P	
S	S	S	S	A	Recreation Facility (Public)	P	P	P	P	P	
					Teen Club*	S	P	P			
				A	Tennis Court (Lighted)	S	P	P		P	
A	A	A	A	P	Tennis Court (No Lights)	P	P	P		P	
					Theater - Movie or Live (Enclosed)	S	P	P		P	
S					Zoo, Zoological Park, Animal Park, or Aviary		S				
					Adult Recreation						
					Adult Arcade*						P
					Adult Book Store or Video Store*						P
					Adult Cabaret*						P

					Adult Motel*						P
					Adult Motion Picture Theater*						P
					Adult Theater*						P
					Escort Agency*						P
					Nude Model Studio*						P
					Sexual Encounter Center*						P
					INTITUTIONAL, UTILITY and GOVERNMENTAL USES						
					Government / Utility						
P	P	P	P	P	Government Facility	P	P	P	P	P	P
P				P	Library, Art Gallery or Museum (Public)	P	P	P	P	P	
					Post Office	S	P	P	P	P	
					Postal Distribution Facility		P			P	P
S					Radio or TV Trans. Station (Commercial)	S	P	P	P	P	P
S	S	S	S	S	Radio Tower (Non-Commercial)*	P	P	P	P	P	P
S	S	S	S	S	Radio, TV, Microwave, or Cellular Transmission Tower (Comm.)*	P	P	P	P	P	P
A	A	A	A	A	Satellite Dish*	P	P	P	P	P	P
P	S	S	S	S	Utility Facilities (Major)	S	P	P	P	P	P
P	P	P	P	P	Utility Lines and Transmission	P	P	P	P	P	P
					Schools / Organizations						
P	S	S	S	S	College or University	S	P	P	P	S	S
P	P	P	P	P	Daycare - 3 or less Attendees	P	P	P	P	P	
S	S	S	P	P	Daycare - 4-6 Attendees	P	P	P	P	P	
S			S	S	Daycare Center - 7 or more Attendees	S	P	P	P	P	
S					School - Vocational	S	P	P	P		
P	P	P	P	P	School, K-12 (Public or Private)	P	P	P	P	S	
P	P	P	P	P	Church or Place of Worship	P	P	P	P	P	
S					Club, Private	P	P	P	P	P	S
	S	S	S	P	Community Center - Private	P	P	P	P	P	
P	S	S	P	P	Community Center - Public	P	P	P	P	P	
				S	Fraternity / Sorority House	S	S				
					Lodge or Fraternal Organization	S	P	P	S	P	P
					OFFICE AND PROFESSIONAL						

					Office - General						
					Advertising Agency		P	P	P		
					Architectural / Engineering Services	P	P	P	P	P	
					Banks and Financial Institutions	P	P	P	P	P	
					Banks with Drive In Facilities	S	P	P	P	P	
					Legal Services	P	P	P	P		
					Offices - General or Professional	P	P	P	P	P	P
					Medical/Healthcare						
S					Animal Hospital or Clinic		P	P		P	P
S					Animal Hospital or Clinic w/Outside Pens					S	P
					Animal Pound (Public or Private)					S	P
					Emergency Ambulance Service		P	P	P	P	
				S	Hospice	P	P	P	P	S	
					Hospital - Acute Care	S	P	P	P	P	
					Hospital - Chronic Care	S	P	P	P		
					Medical or Dental Office or Clinic	P	P	P	P	P	
				P	Nursing/Convalescent Home	S	P	P	P		
					Psychiatric Hospital or Institution		S		P		
S					Veterinary Office (No Hosp. or Clinic)	P	P	P	P	P	P
					Business or Personal Services						
S					Auction - Goods & Equipment (Indoors)		P	P		P	P
					Beauty Parlor/Barbershop	P	P	P	P	P	
					Cabinet and Woodwork Shop (Custom)	S	P	P		P	
P				P	Caretaker/Security Quarters	P	P	P	P	A	A
S	S	S	S	S	Cemetery or Mausoleum	P	P	P	P	P	P
					Communications/Electronics Equipment - Installation and Repair	S	P	P		P	
					Conventions, Trade Shows or Exhibits	S	P	P	S	S	
					Exterminator Service	S	P			P	P
					Exterminator Service Storage					P	P
					Household Appliance and Equipment Repair	S	P	P		P	P
					Information Processing		P	P	P	P	
					Laundry/Dry Cleaning - <3,000 s.f. w/ Customer Service		P	P	P	P	

					Laundry/Dry Cleaning - >3,000 s.f.				A	P	P
					Laundry/Dry Cleaning - Drop Off/Pick Up	P	P	P	P	P	
				A	Laundry/Dry Cleaning -Self Service	P	P	P	P	P	
					Locksmith	P	P	P		P	P
					Mailing Service (Private)	P	P	P	P	P	
					Mortuary or Funeral Home		P	P	P	P	P
					Photocopying or Duplicating Services	S	P	P	P	P	P
					Photographic Studio	P	P	P		P	
					Sewing and Millinery (Custom)	P	P	P		P	
					Shoe Repair	P	P	P		P	
					Studio - Art, Drama, Dance, Music - Performing Arts	P	P	P		P	
					Tailor Shop	P	P	P	S	P	
					Tattoo Salon/Piercing Studio	S	S	S	S	P	
					Taxidermist		S	S		P	P
P	P	P	P	P	Temporary Field or Construction Office	P	P	P	P	P	P
					Temporary Retail Use	S	S	S	S	S	
					Travel Agency	P	P	P	P		
					Upholstery Shop or Furniture Repair (non-Auto)		P	P		P	P
					Food and Beverage Services						
					Club (Private)*	S	P	P	S	S	P
					Catering Service	S	P	P	P	P	P
					Eating Place w/ Drive-thru	S	P	S		P	P
					Eating Place w/o Drive-thru	P	P	P	P	P	P
					Food Preparation or Food Service	P	P	P	P	P	P
					Liquor By the Drink*	S	P	P	S	S	P
					Retail						
					Alcohol Sales - Off Premise Consumption	P	P	P		P	P
					Antique Shop	P	P	P		P	
					Art Dealer	P	P	P			
					Art Gallery	P	P	P			
					Bait or Tackle Shop	S	P	P		P	
					Bakery Shop	P	P	P	P	P	
					Bicycle Sales or Repair	P	P	P		P	

					Book or Stationery Shop	P	P	P	P		
					Building Material Sales (Outside Storage)		P			P	P
					Camera or Photographic Supply Shop	P	P	P	P	P	
					Cloth or Fabric Store	S	P	P			
					Clothing Store	P	P	P	P		
					Confectionery Shop	P	P	P	P		
					Consignment Shop	P	P	P		P	
					Convenience Store	P	P	P			
					Department Store		P	P			
					Drapery Shop	S	P	P			
					Drug Store or Pharmacy	P	P	P	P		
					Farmers Market - Outdoor	S	P	P		P	P
					Flea Market - Outdoor	S	P	P		P	P
					Florist Shop	P	P	P	P		
					Furniture Sales - New (Indoor Only)	S	P	P		P	
P					Garden Shop & Plant Sales - Display or Greenhouse	S	P	P		P	P
					Grocery	P	P	P			
					Hardware Store	S	P	P		P	
					Hobby, Handicraft or Art Supplies	P	P	P	P		
					Lawnmower Sales or Repair	S	P	P		P	
					Major Appliance Sales (Indoor)	S	P	P		P	
					Mobile/Manufactured Home Dealer (Sales Only)		S			P	P
					Monument Sales Yard		P	P		P	P
					Optical Shop	P	P	P	P		
					Paint and Wallpaper Store	P	P	P	S	P	
					Pawn Shop*		P			P	
					Pet Shop	S	P	P		P	
					Plumbing Shop (Retail & Wholesale)		P	P		P	P
					Retail or Convenience Store with Gasoline	P	P	P	P	P	P
					Sporting Goods		P	P			

					Swimming Pool Sales & Supply		P	P		P	P
					Used Merchandise - Furniture, Rummage, Second Hand Store (Inside)	S	P	P		P	
					TRANSPORTATION, AUTOMOBILE and MARINE USES & SERVICES						
					Automobile Related						
					Auto Brake, Muffler, Glass, Seat Covers or Tire Sales & Service		P			P	P
					Auto Dealer - Primarily New/Used Autos		P			P	
					Auto Dealer - Primarily Used Autos		P			P	
					Auto Interior Shop		P			P	
					Auto Paint/Body Repair		S			P	P
					Auto Rental		P	P		P	
					Auto Repair - General		P			P	P
					Auto Storage or Auction					P	P
					Auto Supply - Used Parts Store with no On-Site Salvage		P	S		P	P
					Auto Supply Store for New and Rebuilt Parts		P	P		P	
					Auto Wrecker Service		A	A		P	
					Auto/Truck Parts and Accessories		P	P		P	
					Car Wash		P			P	P
					Drag Strip or Commercial Racing						P
					Parking - Accessory to Another Use		A	A	A	A	A
					Parking - Commercial Lot or Garage		P	P	P	P	
					Lube/Oil Change		P			P	P
					Service Station	S	P		P	P	P
					State Vehicle Inspection		P			P	P
					Bus or Truck Related						
					Bus or Truck Parking or Storage		S	S		P	P
					Bus Station and Terminal		S	S		S	

					Truck Stop, Including Gas Sales		P			P	P
					Truck/Heavy Equipment Driving School		S			P	P
					Truck/Recreational Vehicle Sales		S			P	P
					Truck/Trailer Rental		P			P	P
					Trucking Company		S			P	P
					Railroad or Airport Related						
					Airport or Landing Field		S			S	S
					Railroad Freight Depot		S			P	P
					Railroad Passenger Station		P			P	
					Railroad Yard & Shops					P	P
					Vehicle - General						
					Boat Dealer - Sales Only		P			P	
					Boat Repair or Storage		P			P	
					Go Cart Track					S	P
					Motorcycle Sales or Service		P			P	
					Transfer/Storage Terminal		S			P	P
					Vehicle Maintenance - Private		A	A		P	P
					Vehicle Wash - Private		A	A		P	P
					WHOLESALE TRADE and STORAGE USES						
					Wholesale Trade						
					Apparel, Piece Goods, Notions - Wholesale		P	P		P	
					Groceries/Related Products - Wholesale		P	P		P	
					Heavy Machinery Sales					P	P
					Lumber Sales - Wholesale					P	P
					Paper or Paper Products - Wholesale		P	P		P	P
					Petroleum Products Storage & Wholesale					P	P
					Tool or Equipment Rental - Indoor		P	P		P	P
					Tool or Equipment Rental - Outdoor		P	S		P	P
					Storage						
					Contractor or Maintenance Yard		P			P	P
					Hazardous Gases/Chemicals Storage					S	P
					Mini Warehouse	S	S			P	P

					Open Storage (No Enclosure)					P	P
					Open Storage (Screened)		P	S		P	P
					Petroleum Products Storage and Warehouse		S			P	P
					Warehouse/Storage (Inside)		P	P	P	P	P
					Wrecking, Junk, Salvage or Reclamation Yard					S	S
					MANUFACTURING and MINING USES						
					Food-Related Products						
					Animal or Poultry Slaughtering						P
					Bakery Products; Manufacturing					P	P
					Beverage Manufacturing						P
					Bottling or Canning of Soft Drinks & Carbonated Water					P	P
					Bottling Works					P	P
					Canned, Frozen, and Preserved Fruits, Vegetables and Other Foods						P
					Dairy Products - Processing or Manufacturing					P	P
					Fats and Oils Manufacturing or Processing					S	P
					Grain Mill Products; Processing and Manufacturing						P
					Ice Manufacturing					P	P
					Meat Products; Processing or Manufacturing - Not Including Slaughtering					P	P
					Microbrewery		S	S		P	P
					Sugar and Confectionery Products, Manufacturing					P	P
					Sugar Manufacturing						P
					Articles and Equipment						
					Apparel Manufacturing					P	P
					Broom & Brush Manufacturing					P	P
					Cabinet & Woodworking Manufacturing		P			P	P
					Chemical and Allied Products Manuf.						P

S					Concrete or Asphalt Batch Plant - Temp.	S	S			S	P
					Costume Jewelry, Novelties, Buttons & Misc. Notions Mfg.					P	P
					Fabricated Metal Products Manufacturing					S	P
					Fur Dressing & Dying						P
					Jewelry, Silverware & Plateware Mfg.					P	P
					Laboratory - Medical or Dental		P	P	P	P	P
					Laboratory - Scientific Testing		P	P	P	P	P
S					Land Fill (Private or Municipal)						S
					Light Manufacturing/Assembly		S	S		P	P
					Linoleum, Asphalt - Felt Base & Other Hard Surfaced Floor Covering Mfg.						P
					Machine Shop					P	P
					Match Manufacturing						P
					Musical Instruments & Parts Mfg.					P	P
					Paper and Allied Products Manufacturing						P
					Pens, Pencils & Other Office & Artists' Materials Mfg.					P	P
					Printing Publishing and Allied Industries		P	P		P	P
					Professional, Scientific & Controlling Instruments; Photographic & Optical Goods; Watches & Clocks Mfg.					P	P
					Rubber and Misc. Plastics Manufacturing						P
					Salvage and Reclamation (Enclosed)					P	P
					Sign & Advertising Display Manufacturing					P	P
					Textile Mill Product Manufacturing						P
					Tobacco Products Mfg.						P

					Toys, Amusement, Sporting & Athletic Goods Mfg.						P
					Welding Shop					P	P
					Natural Resources						
					Lumber and Wood Products Manufacturing						P
S	S	S	S	S	Oil & Gas Extraction	S	S		S	S	P
S	S	S	S	S	Oil & Gas Field Services	S	S		S	S	P
					Petroleum Refining and Related Industries						P
					Primary Metal Products Manufacturing						P
					Stone, Clay, Glass & Concrete Products Manufacturing						P
S	S	S	S	S	Stone, Sand, Gravel & Mineral Extraction	S	S		S	S	S
					Stone, Sand, Gravel or Earth Sales and Storage					S	P

(Ord. No. 1130, art. III, § 1, 11-3-1998; Ord. No. 1184-12-99, 12-7-1999; Ord. No. 1185-12-99, 12-7-1999; Ord. No. 1204-5-00, 5-16-2000; Ord. No. 1329-9-03, 9-2-2003; Ord. No. 1350-2-04, 2-3-2004; Ord. No. 1431-8-06, 8-1-2006; Ord. No. 1439-10-06, 10-3-2006; Ord. No. 1516-5-09, 5-5-2009; Ord. No. 1560-10-10, 10-19-2010; Ord. No. 1626-5-13, 5-7-2013; Ord. No. 1676-7-14, 7-15-2014; Ord. No. 1721-10-16, § 2, 10-18-2016)

CHAPTER 118 – “ZONING”, ARTICLE VI – “DEVELOPMENT STANDARDS”, SECTION 118-429 – “COMMERCIAL SITES WITH RESIDENTIAL ADJACENCY” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

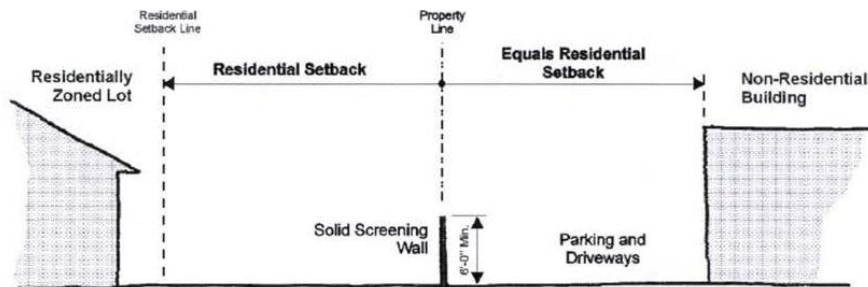
Sec. 118-429. Commercial sites with residential adjacency.

- (a) *Applicability.* Where nonresidential sites are immediately adjacent to residentially zoned properties, including adjacencies where there is an intervening alley, the standards of this section shall apply.
- (b) *Exceptions to required fences.* An exception to the screening fence requirement may be granted by the ~~planning and zoning commission~~ Zoning Board of Adjustment based on a recommendation from the city planner. One or more of the following conditions must be present or apply for consideration of an exception:
 - (1) The required fence or wall and buffer yard is adjacent to a natural feature, such as a creek or FEMA designated floodway. Under this provision the requirement for a fence may be waived if a 30-foot landscape buffer is provided and preserved in its natural state between the developed area and the natural feature. In addition, one tree shall be provided for each 25 feet of common adjacency. The tree shall be a preserved tree or, if

a newly planted tree, shall be a minimum container size of five gallons at the time of planting.

- (2) Vegetation exists which is at least six feet high and non-transparent year-round, and visibly separates one use from another and shields or blocks noise, glares, or other nuisances. The existing vegetation shall consist of canopy and non-canopy trees which are shown through a tree survey, and is protected in accordance with Section 118-431(c), Tree planting equivalency credits, of this zoning ordinance. Landscape buffer yards under this provision shall be a minimum of 15 feet wide.
- (c) *Building setback.* Minimum building setbacks on side and rear yards of nonresidential properties, which are immediately adjacent to residential properties, shall be the more restrictive of either the nonresidential zoning district, or the adjacent residential zoning district.

Figure 6 Building Setback Adjacent to Residential District



- (d) *Screening.* Screening shall be in accordance with the following:
 - (1) *Generally.* A solid screening wall shall be constructed on the nonresidential property in close proximity to the residential property line in order to screen views and windblown trash and debris. In addition, a ten-foot wide landscaped buffer with one tree for each 25 feet of common adjacency shall be provided. The tree shall be a preserved tree or, if a newly planted tree, shall be a minimum container size of five gallons at the time of planting.
 - (2) *Screening wall standards.* The screening wall shall be constructed of solid masonry material on a concrete foundation, or solid wood fence with metal structural supports to a minimum height of six feet tall. The finished side of the wall shall be constructed to face the residential property. All screening walls shall be constructed according to minimum specifications approved by the building official. Buffer plantings may be reduced by half if providing a masonry wall instead of a wooden fence.
 - (3) *Screening tree standards.* Required trees shall be non-deciduous in order to provide year-round screening and shall be of a type and species listed in subsection 118-430(f)(2) below.
 - (4) *Maintenance of screening.* It shall be the responsibility of the nonresidential property owner to maintain the screening wall in good condition and to maintain the screening trees in a healthy condition at all times. This may include the installation of an

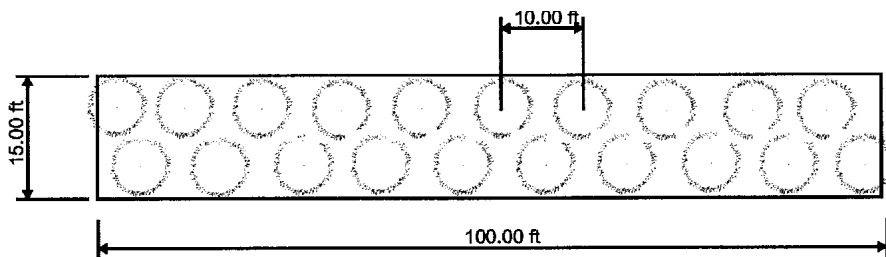
irrigation system if conditions warrant. Screening trees shall be replaced with new trees as the trees die or are removed.

- (5) *Easement reduction.* Where utility or drainage easements or other similar situations exists in the required buffer yard, the buffer yard may be reduced by the width of the easement; however, an additional five to ten feet may be required beyond the width of the easement in these situations to allow for the required plantings and fence or wall. All new plantings and irrigation shall be located outside of the easement. The required fence or wall may be located within the easement with the approval of the city planner and city engineer.

(6) *Substitutions.*

- a. Living screens may be substituted for the required fence or wall and landscape buffer, subject to the following provisions:
1. *Evergreen buffer.* Shall consist of a 15-foot landscape buffer with two rows of triangular spaced evergreen trees (minimum six feet in height at time of planting) to create a solid screen along the common property line. Double rows of evergreen trees shall be staggered and planted no more than ten feet apart in each row.

Figure 6.1 Evergreen Buffer Diagram



2. *Hedge wall.* Fences and walls may be substituted with a solid plant or hedge wall that is greater than six feet in height with approximately 100 percent opacity. All plantings for a hedge wall must be a minimum of 15 gallons each. The solid plant or hedge wall must be evergreen. Landscape buffer yards under this provision shall be 15 feet wide.
- b. Evergreen trees planted in accordance with this subsection shall be comprised of the following as listed in subsection 118-430(f): cherry laurel, yaupon, wax myrtle, American holly, eastern red cedar, and Arizona cypress.

(Ord. No. 1708-6-16, § 2, 6-21-2016; Ord. No. 1827-05-20, § II, 5-19-2020)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other

provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the _____ day of March, 2024, by a vote of _____ (ayes) to _____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

Jerry Baker, City Attorney

APPROVED AS TO CONTENT:

Juan Pollette, Interim City Planner

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 – “ZONING”; ARTICLE I-SECTION 118-1–“DEFINITIONS”; ARTICLE II-SECTION 118-97–“OFFICERS AND COMPENSATION”; SECTION 118-98–“PROCEDURES”; AND SECTION 118-99–“POWERS”; ARTICLE III-SECTION 118-273–“LAND USE SCHEDULE”; AND ARTICLE VI-SECTION 118-429–“COMMERCIAL SITES WITH RESIDENTIAL ADJACENCY”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is authorized under Chapter 211 of the Texas Local Government Code to adopt zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural significance; and

WHEREAS, the City Council of the City of Nacogdoches has adopted ordinances for the purpose of promoting health, safety, and the general welfare of the City, with reasonable consideration of the character of each zoning district, its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, in order to further these objectives, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 118 – “ZONING”, ARTICLE II. – “IN GENERAL, “SECTION 118-1-“DEFINITIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-1. – Definitions

- (a) *Word interpretations.* Interpretations of certain words used in this chapter shall be as follows:
 - (1) All words used in the present tense shall include the future.

-
- (2) All words in the singular number include the plural number, and all words in the plural number include the singular number.
 - (3) The term "structure" includes the word "building," and the term "dwelling" includes the terms "residence" and "place of habitation."
 - (4) The term "person" includes corporation, copartnership, association, and individual.
 - (5) The term "shall" is mandatory and not discretionary.
- (b) *Undefined terms.* Terms not defined in this section shall have the meanings assigned to them in the city building codes. Terms not defined in this section or in the building codes shall have the customary meaning assigned to them.
- (c) *Words and terms defined.* The definitions in this subsection supplement, restrict, and define the meaning and intent of the use regulations as set forth in this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory apartment means an accessory dwelling for the use and occupancy by any person employed on the premises on a full-time basis for domestic or medical help or family members to the second degree of consanguinity and affinity. Such dwelling shall not have separate utility services or meters. This may also include an accessory dwelling located in a commercial or industrial district for the use of any person employed by the business or property owner to provide management, maintenance or security for the property.

Accessory use means a structure or use that:

- (1) Is clearly incidental to and customarily found in connection with a principal building or use.
- (2) Is subordinate to and serves a principal building or a principal use; is subordinate in area, extent, or purpose to the principal building or principal use served.
- (3) Is located on the same lot as the principal building or use served.

Accessory use (residential) means a subordinate use which is detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

Airport or landing field means a landing facility for fixed wing aircraft containing a minimum of 60 acres.

All-weather surface means a hard smooth paved surface of either hot-mixed asphaltic concrete (HMAC) or Portland cement concrete (PCC) and the appropriate base material, meeting the following minimum specifications:

- (1) Hot-mixed asphaltic concrete:
 - a. Surface: 1.5 inches of type D or type C material.

-
- b. Base: six inches of compacted iron ore gravel or the equivalent flexible base, or four inches of compacted hot sand asphaltic base.
- (2) Portland cement concrete:
- a. Surface: five inches of class A, 3,000 psi concrete, reinforced with WWF 6 × 6, W 2.9 - 2.9.
 - b. Base: four inches of compacted granular material.

Material shall conform to city and state department of transportation specifications. Other possible types of paved surfaces will be considered on a case-by-case basis by the city's planning and engineering departments.

Amusement, commercial (indoor) means an amusement enterprise wholly enclosed in a building, including but not limited to a bowling alley, bingo parlor or amusement arcade, but not including a billiard parlor or pool hall.

Amusement, commercial (outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range, and miniature golf course.

Animal hospital or clinic means a facility for the treatment or care of domestic animals, which includes a veterinarian's office, and may include overnight stays, but does not include outside pens.

Animal pound. See *Animal hospital or clinic* with outside pens.

Antique shop means an establishment offering for sale articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as result of age, design or sentiment; and when all such items displayed or offered for sale are housed within a building and there is no exterior display except the usual sign or advertising.

Apartment. See *Dwelling, Multi-family*.

Area of lot means the square-foot area of a lot within the bounding property lines and exclusive of dedicated streets or alleys.

Artificial lot means an area within a platted lot, for the purpose of satisfying the requirements of this chapter, that is delineated on the building site plan and the landscape plan and approved by the city planner.

Arts school or studio means a school for instruction and practice of the performing, visual or martial arts.

Banks and financial institutions means activities and institutions for the extension of credit and the custody, loan or exchange of money.

Bed and breakfast establishment means a private single-family residence in which lodging for one or more nights and breakfast is provided by the resident owner for compensation.

Billiard parlor or pool hall means a facility for the playing of billiards and pool. Food service may be allowed as an ancillary use.

Block means an area enclosed by streets, or if such word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest street and the end of such dead-end street.

Board means the board of adjustment as provided for in division 3 of article II of this chapter.

Boardinghouse means a building other than a hotel, multi-family dwelling, or fraternity/sorority house where lodging is provided for five or more persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boardinghouse.

Building means any structure designed, built or intended for the shelter or enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition includes structures wholly or partly enclosed with an exterior wall.

Building line means a line established, in general, parallel to the front property line, over which no part of a building shall project, except as otherwise provided in this chapter.

Building and landscape materials and lumber sales (outside sales) means a facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials. The facility may include outside sales.

Cabinet and woodwork shop (custom) means a shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planing mill or similar woodworking plant.

Carnival or circus (temporary) means a temporary traveling show or exhibition usually housed in tents, and which has no permanent structure or installation.

Carwash means a facility or area for the cleaning or steam cleaning, washing, polishing or waxing of passenger vehicles by machine or hand-operated facilities. A carwash may be a single unit, multiple single washing units, or a tunnel type which can wash several vehicles in tandem.

Cemetery means a land use intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Chemical and allied products includes the manufacturing of industrial inorganic and organic chemicals, plastics materials, and synthetic resins, synthetic rubber, synthetic and other manmade fibers; drugs; soap, detergents, cleaning preparations, perfumes, and other toilet preparations; paints, varnishes, lacquers, enamels, and allied products; gum and wood products; agricultural chemicals; and other chemical and allied products.

Church or place of worship means a facility or area for people to gather together for public worship, religious training, or other religious activities including a temple, mosque, synagogue or other structure, together with its customary accessory structures and uses, including a parsonage

or rectory. This does not include home meetings or other religious activities conducted in a privately occupied residence.

City council means the official governing body of the City of Nacogdoches.

Club, private means a clubroom or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

College or university means an institution of higher learning beyond the level of a secondary school.

Community center (private) means:

- (1) A building or group of rooms designed and used as an integral part of a residential or apartment project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project.
- (2) A private nonprofit community center operated as a boys' or girls' club or similar use. A private community center shall not be operated as a place of public meetings, or as a business.

Community center (public) means a building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the surrounding community.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with such and having a gross floor area of less than 7,500 square feet.

Convent or monastery means the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

Contractor or maintenance yard means an open storage yard for supplies and operational equipment, including buildings, but not constituting a junkyard, wrecking yard or salvage yard.

Country club (private membership) means an area of 20 acres or more containing a golf course and a clubhouse and available only to a private specific membership. Such a club may contain as adjunct facilities a private club and dining room, swimming pool, tennis courts and similar recreation facilities.

Coverage means the percent of a lot area which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of two feet, and ordinary projections from the building not exceeding 12 inches, shall not be counted in computing coverage.

Custom sewing and millinery means custom making of items of apparel and millinery, by a seamstress, but not involving a factory.

Day care means a facility or area used regularly to provide daytime care, training, education, custody, treatment or supervision to more than four children, adults or elderly in other than a family setting for less than 24 hours a day, whether for compensation or not. This

definition includes preschools, private kindergartens, nurseries and other similar uses not listed elsewhere in this chapter.

Density means as follows:

- (1) *Residential density* means the relationship of dwelling units or rooms to the area of the lot or tract upon which a residential structure is located or erected, and is expressed in "units per acre."
- (2) *Nonresidential density* means the ratio of the area of the building to the area of the site. See *Floor area ratio (FAR)*.

Dwelling unit means a building or portion of a building which is arranged or occupied as living quarters for one family, and includes facilities for food preparation and sleeping. One dwelling unit occupied by one family has a common entrance, utilities, kitchen and food preparation facilities and sleeping and restroom facilities accessible by all.

Dwelling, Industrialized Housing means a residential structure that is designed for the use and occupancy of one or more families, that is constructed according to the rules of the state department of labor and standards in one or more modules, or constructed according to the rules of the state department of labor and standards in one or more modules, or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation. The term includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Manufactured, means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Mobile Home, means a structure that was constructed before June 15, 1976, or constructed after this date that does not meet the rules of the United States Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems.

Dwelling, Multi-family, means three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. The term "dwelling, multi-family" may include condominiums, two or more duplexes, three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments or rental communities.

Dwelling, Single-family attached or Townhome, means a dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

Dwelling, Single-family detached, means a dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility and is utilized as one living quarters.

Dwelling, Two-family (Duplex), means two attached dwellings in one structure, each designed to be occupied by one family.

Dwelling, Zero-lot-line or Patio Home, means a single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

Eating place with drive-in or curb service means an establishment offering food for sale to customers in automobiles and wherein the food for sale is to customers in automobiles and wherein the food service is to the automobile.

Eating place without drive-in or curb service means any eating establishment, cafeteria, restaurant or inn where food service is offered to the customers not in automobiles.

Emergency ambulance service means a facility for the operation and dispatch of emergency medical vehicles. Typically this operation is ancillary to a hospital or a fire station, but it may also be a primary use on a property.

Escort agency means a person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for fee, tip or other consideration.

Fabricated metal products includes the manufacturing of ordnance and accessories; machinery, equipment and supplies; transportation equipment; and other fabricated metal products.

Fairground means a specific facility that hosts special indoor and outdoor events including exhibits or competitions of agricultural products, livestock, machinery, etc.; a large exhibition or show of products from various countries; an exhibition or sale of fancywork or other items for the benefit of some cause; or a gathering of buyers or sellers of some product or service.

Family means any number of individuals living together as a single housekeeping unit, in which not more than two individuals are unrelated by blood, marriage or adoption.

Farm, ranch, garden or orchard means an area of three acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also including the necessary accessory uses for raising, treating, and storing products raised

on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by city ordinance or law.

Farmers' market means the retail sale of farm products by individual vendors either within a building or outside. Items sold may include fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey. The sale of new and used household goods, personal effects, tools, artwork, small household appliances and similar merchandise are not included.

Feed store, retail (livestock, no mill) means an establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Flea market means a building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for the sale of articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the retail selling of goods by businesses or individuals who are generally engaged in retail trade. This does not include garage sales.

Floor area means the total square-foot area of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

Floor area ratio (FAR) means the ratio between the total square feet of floor area in the building to the total square feet of land in the lot or tract; e.g., "2:1" means that the building contains twice the amount of area as there is in the lot.

Foster home. See *Group home, Residential child-care facility.*

Fraternity/sorority house means any building occupied and maintained by a social association of college students, or where organization-sponsored functions are regularly held.

Garage or estate sale: means a sale for the purpose of offering clothing, household furniture or appliances belonging to the residents may be conducted as home occupation provided that no such sale may be held on any lot or premise more often than twice in each calendar year, and not to exceed three days during each sale.

Garden shop and plant sales (display or greenhouse) means an enclosed or open area for the retail sale of plants and gardening products, including fertilizers, soil and gardening implements.

Golf course (public or private) means a golf course owned or controlled publicly or privately. This includes such uses as a clubhouse, food service, retail, and other customary accessory uses.

Golf driving range means a facility for the organized practice of golf techniques. It may include a practice green for putting, a clubhouse and other minor ancillary uses.

Government facility means a facility for public purposes, owned or operated by the city, county, state or federal government. These typically include city hall, courthouse, police and fire stations, public library or museum.

Grain mill products includes the manufacturing of flour and other grain mill products, feeds for animals and fowl, cereal preparations, rice milling, blending and preparing flour, and wet corn milling.

Guesthouse (detached) means a secondary structure on a lot or tract containing dwelling accommodations but excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not rented or used for permanent occupancy.

Group home means a facility which provides residential living arrangements for unrelated persons who may need specialized care, treatment, or stability, and is authorized and governed under state and federal law. Types of group homes include:

Assisted living facility means a licensed facility which complies with and is operated under the authority of the Assisted Living Facility Licensing Act, Texas Health and Safety Code §§247.001 et seq., and as may be amended.

Boarding home facility means a facility which provides services for persons with disabilities or elderly persons and complies with Texas Health and Safety Code §§260.001 et seq., and as may be amended, as well as any permitting requirements implemented by the city.

Community home means a facility which provides services to persons with cognitive or physical disabilities and complies with the Community Homes for Disabled Persons Location Act, Texas Human Resources Code §§123.001 et seq., and as may be amended.

Halfway house/Community residential facility means a transitional facility associated with the Texas Department of Criminal Justice and authorized under Texas Government Code §§508.118-508.119, and as may be amended.

Recovery house (or sober living home) means a shared living facility which complies with Texas Health and Safety Code §§469.001 et seq., and as may be amended. Oxford houses are included in this definition.

Residential child-care facility means a facility licensed or certified by the Department of Family and Protective Services which complies with Texas Human Resources Code §§42.001 et seq., and as may be amended. Foster homes are included in this definition.

Health club or studio means a wholly enclosed facility for fitness training and practice.

Height means the vertical distance from the average grade of the finish ground level at the center of all walls to the highest finished roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

Home occupation means an occupation carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling; without the display or advertising of any commodity or service for sale on the premises; without the employment of any persons other than members of the immediate family; without the use of any sign, lighting or display; without the use of other than domestic or household equipment or

appliances; and the conduct of which does not generate noise, odor, fumes, vibration, additional vehicle traffic or any other condition visible, obnoxious or detrimental to abutting or adjacent properties.

Hospice means a facility for the terminally ill, where patients are under the supervision of a doctor, but undergo limited curative treatment, and which is licensed by the state.

Hospital (chronic care) means an institution where those persons suffering from generally permanent types of illnesses, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the state.

Hospital (general acute care) means an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

Hotel or motel means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of 20 individual guestrooms or units and shall furnish the customary hotel services such as linen, maid service, telephone, use and upkeep of furniture, and the accommodations shall not be designed as permanent dwelling units.

Household appliance and equipment repair means a shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools, and similar items, where all such items are stored within a building or a storage area surrounded by a solid fence, wall or screen.

Ice or roller skating rink means a facility for the practice of ice or roller skating. Accessory uses may include food service and other indoor amusements, contained entirely within the primary structure.

Industrialized Housing. See *Dwelling, Industrialized Housing.*

Laundry or dry cleaning, self-service, means an establishment providing facilities for washing or dry cleaning garments and similar items and where the customer may personally supervise and handle the cleaning operation.

Legal height means the maximum height of a building imposed by the Federal Aviation Administration for the airport, this chapter, the building code, or any other legal ordinance or code.

Library, art gallery or museum (public) means any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasipublic agency and which institution is open and available to the general public.

Livestock auction pens or sheds means a facility or area for the auction of livestock. Accessory uses may include but are not limited to feed pens, stalls, and outside pens or runs.

Lot means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot, corner, means a lot situated at the intersection of two dedicated streets and having frontage along both streets extending from the intersection.

Lot, double frontage, means a lot having frontage on two or more dedicated streets other than a corner lot.

Lot lines means the property or lease lines bounding a lot or tract.

Lot line, interior, means a lot line delineating the division between two contiguous lots on the interior of a block and not adjacent to a street.

Lot of record means a lot which is part of a subdivision plat which has been recorded in the office of the county clerk or a tract of land described by metes and bounds, the description of which is recorded in the office of the county clerk.

Lot width means the width of a lot at the required front yard line or at the building line if such is established at a greater distance from the street than the required front yard line.

Lumber and wood products manufacturing includes logging camps and contractors; sawmills and planing mills; and the manufacturing of millwork, veneer, plywood, prefabricated structural wood products, wood furniture; and other lumber and wood products.

Main building means the building on a lot which is occupied by the primary use.

Manufactured Home. See *Dwelling, Manufactured Home*.

Manufactured Home park means a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate manufactured homes for permanent duration.

Meat products processing or manufacturing includes meat, poultry, and small game packing and the manufacturing of sausages and other prepared meat products, but not including the slaughtering of animals or poultry.

Microbrewery means a business which:

- (1) Operates under a manufacturer's license, as described in V.T.C.A., Alcoholic Beverage Code, ch. 62, issued by the Texas Alcoholic Beverage Commission ("T.A.B.C.");
- (2) May operate, but is not required to operate under a brewer's permit as described in V.T.C.A., Alcoholic Beverage Code, ch. 12, issued by T.A.B.C.;
- (3) Has a total maximum production per year of beer, malt liquor and ale of not more than 15,000 barrels (or 465,000 standard gallons); and
- (4) Does not produce or generate any generally obnoxious odors.

Mobile Home. See *Dwelling, Mobile Home*.

Mobile Home park means a unified development of mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate mobile homes for a permanent duration.

Multifamily (apartments). See *Dwelling, Multi-family*.

Nightclub or dancehall means an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

-
- (1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians;
 - (2) Dancing; or
 - (3) Any combination of subsections (1) and (2) of this definition.

This does not include theaters, auditoriums and stadiums with fixed row seating; private clubs; bars; teen clubs; or any establishment defined elsewhere in this chapter as an adult entertainment establishment.

Office (general and professional) means a facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this chapter.

Open space means an area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves, and is exclusive of driveways or parking areas.

Open storage (no enclosure) means storage in the open of vehicles, machinery or any equipment or commodity where permitted as a primary use of land and accessory storage in the open of commercial and industrial products where such storage is not enclosed by a fence, wall or building.

Open storage with visual screen means the permitted storage of any equipment or commodity in a open area which is enclosed by a fence or wall, as defined in this chapter, or surrounded by a building so as to create an effective visual screening of the storage from the adjacent property.

Orphanage means an institution for the care of orphans or other abandoned children.

Paper and allied products manufacturing includes the manufacture of pulp, paper, paperboard, converted paper and paperboard products, paperboard containers and boxes, building paper and building board.

Pawnshop means a building or premises, other than a bank, savings and loan or mortgage banking company, used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a certain price within a certain period of time, and licensed by the state to conduct such a business.

Pet shop means a place for the display and sale of small animals and birds as pets, such as dogs, cats, parakeets or canaries, but not involving the boarding or treating of dogs or similar pets.

Petroleum refining and related industries includes the refining of petroleum and the manufacturing of paving and roofing materials; lubricating oils and greases and other petroleum and coal products.

Piercing studio means any establishment that performs any type of body piercing.

Pool house (detached) means a secondary structure on a lot with a swimming pool, excluding separate utility services or meters, and intended for temporary recreation use and not used as a permanent occupancy.

Poultry hatchery means a commercial facility for the hatching and raising of domestic fowl, including a research facility for such activity.

Primary metal products manufacturing includes blast furnaces, steel works and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of nonferrous metals and alloys, rolling, drawing and extruding of nonferrous metals; and nonferrous foundries.

Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks manufacturing includes the manufacturing of engineering, laboratory and scientific and research instruments and associated equipment; instruments for measuring, controlling, and indicating physical characteristics; optical instruments and lenses; surgical, medical, and dental instruments and supplies; ophthalmic goods; photographic equipment and supplies; and watches, clocks, clockwork-operated devices and parts.

Psychiatric hospital or institution means a facility or area for providing health services primarily for inpatient medical care for alcoholic, narcotic, or psychopathic patients, and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities. This includes a substance abuse and rehabilitation facility.

Racetrack means an indoor or outdoor facility for the recreational or competitive racing of horses, canines, or motor vehicles, including the necessary accessory uses such as retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Radio or television transmission station (commercial) means a facility used for the production and transmission of programming by radio or television to the general public. Included are commercial, religious, educational and other stations.

Radio, television, microwave or cellular communication tower (commercial) means structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Radio tower (noncommercial) means a radio tower located on a residential property which is for home use, only, and which is not taller than 15 feet above the maximum building height allowed in the district.

Recreation club or area (private) means a building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the normal active and passive facilities as provided in a park or playground, or public recreation facility.

Recreation facility (public) means a facility or area sponsored by a public entity and devoted to sports, entertainment, games of skill or recreations to the general public. This may include swimming pools, tennis courts, playgrounds, community clubhouses, park facilities and other similar uses.

Retirement home means a residential facility principally designed for persons 55 years of age or older. Dwelling units may include full kitchen facilities, and recreational, social, nursing or other services may be available. This does not include a nursing or convalescent home.

Rubber and miscellaneous plastics manufacturing includes the reclaiming of rubber and the manufacture of tires and innertubes; rubber footwear; plastic products; and other fabricated rubber products.

Satellite dish means the dish and its structural elements that is commonly used in the reception of television signals from orbiting satellites.

School, K—12, public or private, means a school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

School, vocational means a business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, commercial art school; or offering instruction and training in a trade such as welding, bricklaying, machinery operation and other similar manual trades. This does not include truck or heavy equipment driving schools.

Service station means any facility where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include facilities where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work are conducted.

Single-family. See *Dwelling, Single-family*.

Stable, commercial, means a facility housing horses or mules which are boarded or rented to the public or any stable other than a private stable; but not including a sales barn, auction, or similar trading activity.

Stable, private, means a facility or area for keeping horses, mules or other domestic animals for the private use of the property owner.

Stone, clay, glass and concrete products manufacturing includes the manufacturing of glass; flat glass and glassware; cement; structural clay products; pottery and related products; concrete, gypsum and plaster products; cut stone and stone products; and abrasive, asbestos and other nonmetallic mineral products.

Studio (art, drama, speech, or dance) means a building or rooms in a building used for the instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

Tattoo salon means an establishment or facility in which tattooing is performed.

Teen club means a nightclub that caters to teenage patrons.

Tennis court (lighted) means an outside tennis court with elevated lighting for nighttime play.

Tennis court (no lights) means an outside tennis court without elevated lighting for nighttime play.

Textile mill products manufacturing includes the manufacturing of woven fabrics, knit goods, rugs, carpets, yarns, and threads, and other textile goods; and the dyeing and finishing of textiles.

Theater, movie or live (enclosed) means a facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tobacco products manufacturing includes the manufacturing of cigarettes, cigars, chewing and smoking tobacco, snuff; tobacco stemming and redrying.

Travel trailer/RV park means any lot upon which two or more travel trailer or other recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a shortterm basis by campers, vacationers, and travelers.

Truck or heavy equipment driving school means a type of vocational school where education is provided behind the wheel of trucks or heavy equipment.

Use, nonresidential, means any use other than a one- or two-family residence, or a boardinghouse, and their bona fide accessory uses.

Use, residential, means a one- or two-family residence, or a boardinghouse, together with bona fide accessory uses.

Utility facilities (major) includes such uses as electrical substations, wastewater treatment plants, elevated water storage and water treatment plants.

Utility lines and transmission includes local utilities such as electric power, telephone, gas, water, sewer, and air monitoring stations. It also includes inline facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company. It does not include major utility facilities.

Veterinary office (no hospital or clinic) means a facility for the diagnosis and treatment of animals, without an overnight stay.

Warehouse/storage (inside) means a building or group of buildings providing enclosed shelter and protection for commodities stored therein. No open or unenclosed storage shall be classified as a warehouse.

Wrecking yard, junkyard, salvage yard or reclamation yard means a yard or building where automobiles, machinery, appliances or other used commodities and equipment are stored, dismantled, and/or offered for sale as whole units or as salvaged parts.

Yard means an open space on the lot on which a building is situated and which is open and unobstructed to the sky.

Yard, front, required, means a yard facing and abutting a street and extending across the front of the lot between the side lot lines and having a minimum horizontal depth measured from the street equal to the depth of the minimum front yard specified for the district in which the lot is located. The required front yard line represents the line in front of which no building or structure may be erected.

Yard, rear, required, means a yard extending across the rear of the lot between side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located.

Yard, side, required, means a yard located on a lot and extending from the required front yard to the required rear yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located. Any lot line which is not a rear or front line shall be deemed a side lot line.

Zoning district map means the official, certified map upon which the boundaries of the various zoning districts are shown and which are an integral part of this chapter and, together with the zoning text in this chapter, make up the zoning ordinance for the city.

Zoo, zoological park, animal park, or aviary means an institution which owns and maintains captive wild animals and under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis for the purposes of education, conservation, scientific study and recreation.

CHAPTER 118 – “ZONING”, ARTICLE II “ADMINISTRATION”, Division 3. – “BOARD OF ADJUSTMENT” – SECTION 118-97 – “OFFICERS AND COMPENSATION”; SECTION 118-98 – “PROCEDURES”; AND SECTION 118-99 – “POWERS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-97. Officers

The board of adjustment shall meet and organize as soon as practicable, shall elect one of its members as chair, and one of its members as vice-chair.

(Ord. No. 1130, art. X, § 2.1, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 118-98. Procedures.

- (a) *Adopting procedural rules.* The board of adjustment, by majority vote, shall adopt such procedural rules as are necessary to execute its duties with the approval of the City Council.
- (b) *Quorum.* All cases before the board of adjustment must be heard by at least four members.
- (c) *Calling meetings.* Meetings of the board shall be held at the call of the chair, and at such other times as the board may determine. Such chair, or in the chair absence the vice- chair, shall administer oaths and compel attendance of witnesses.
- (d) *Meetings open to the public.* All meetings of the board shall be open to the public.
- (e) *Keeping of minutes.* The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the board and shall be a public record.

(Ord. No. 1130, art. X, § 2.2, 11-3-1998)

Sec. 118-99. Powers.

The board of adjustment shall have the following powers:

- (1) *Decide appeals of city planner's decisions.* The board of adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the city planner in the enforcement of this chapter.
- (2) *Variances to chapter.*
 - a. *Findings.* The board of adjustment, pursuant to the powers conferred upon it by state law, the city ordinances, and this article, may grant variances to the sections of this chapter upon finding that:
 1. Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter;
 2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;
 3. Such variance will not adversely affect the health, safety or general welfare of the public;
 4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located;
 5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located; and
 6. The variance is not a self-created hardship.
 - b. *Decision.* The concurring vote of at least four members of the board of adjustment shall be necessary to authorize a variance.
 - c. *Application for variance.* Variances to be considered by the board of adjustment may be initiated by the owner of the affected property or the owner's authorized representative who files the required application and pays the appropriate fee.
- (3) *Special Exceptions*
 - a. *Findings.* The board of adjustment may grant special exceptions upon finding that:
 1. Such special exception is specifically provided for and defined in this zoning ordinance;
 2. Such special exception is consistent with the general purpose and intent of the comprehensive plan and this chapter;

3. Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district; and
 4. Such special exception will not adversely affect the health, safety or general welfare of the public.
- b. *Conditions.* In granting special exceptions, the board of adjustment may impose such conditions and safeguards as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare.
 - c. *Decision.* The concurring vote of at least four members of the board of adjustment shall be necessary to authorize a special exception.
 - d. *Application for special exception.* A special exception to be considered by the board of adjustment may be initiated by the owner of the affected property or the owner's authorized representative who files the required application and pays the appropriate fee.

(Ord. No. 1130, art. X, § 3, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

CHAPTER 118 – “ZONING”, ARTICLE III. – “DISTRICT REGULATIONS”, SECTION 118-273 – “LAND USE SCHEDULE” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-273. Land use schedule.

- (a) *Use of land and buildings.* Buildings, structures and land shall be used only in accordance with the uses permitted in the following land use schedule, subject to all other applicable requirements of this chapter. The following symbols are used in the land use schedule:
 - (1) The symbol "P" shall mean that the use is permitted as a principal use in that zoning district by right.
 - (2) The symbol "S" shall mean that the principal use is permitted in that zoning district only after first obtaining a specific use permit.
 - (3) The symbol "A" shall mean that this use is specifically permitted as an accessory use to a principal use in the district. This does not exclude other land uses which are generally considered ancillary to the primary use.
 - (4) An asterisk (*) indicates that the use has special standards or requirements listed in this section, which it must meet in order to be allowed.
 - (5) A blank square shall mean that the use is not allowed in that zoning district.
 - (6) Italicized words are defined in article IV of this chapter or under section 118-1 containing definitions.
- (b) *Organization of land use schedule; category grouping.* Uses are grouped into general categories such as "agriculture" and "residential," and then further organized into subcategories. This organization of land uses is for ease of reference only.

LAND USE SCHEDULE											
(*) Signifies Uses with Special Guidelines (Italic) Signifies a Defined Term											
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
					AGRICULTURAL USES						
P	P	P	P	P	Farm, Ranch, Garden or Orchard		S			P	P
P	P	P	P	P	Farm or Ranch for live stock and Animal Specialties		S			P	P
P					Feed Store and Tack for live Stock - No Mill		P			P	P
S					Livestock Auction Pens or Sheds						P
S					Poultry Hatchery						P
S					Stables (Commercial)						P
					RESIDENTIAL USES						
					Household Units						
P	P	P	P	P	Home Occupation	P	P	P	P		
				P	–Multi-Family	S	P	P	P		
			P	P	Single-family attached or Townhome						
P	P	P	P	P	Single-family detached						
			P	P	Single-family Zero-lot-line or Patio Home						
			P	P	Two-family (Duplex)						
A	A	A	P	P	Pool House (Detached)*	P	P	P	P		
					Special Unit Types						
P	P	P	P	P	Industrialized Housing*						
					Manufactured Home						
				S	Manufactured Home Park		S				
					Mobile Home (House Trailer, Camp)						
				S	Mobile Home Park		S				
				S	Travel Trailer/ RV Park	S	S			S	
					Lodging/Group Quarters						
S	S	S	S	P	Bed and Breakfast* - 4 or Less Patrons	P	P	P	P		
				P	Bed and Breakfast* - 5-8 Patrons	S	P	P	P		

				P	Assisted Living Facility	S	P	P	P		
				P	Boarding Home Facility	S	P	P	S		
				S	Boardinghouse	S	S				
S	S	S	S	P	Accessory Apartment*	P	P	P	P		
S	S	S	S	P	Convent or Monastery	S	P	P	S		
P	P	P	P	P	Community Home	P	P	P	P		
P	A	A	P	P	Guest House (Detached)	P	P	P	P		
S			S	S	Halfway House/ Community Residential Facility	S	P	P	S		
					Hotel or Motel	S	P	P	P	P	
S				P	Orphanage	S	P	P	S		
S			P	P	Recovery House/ Sober Living Home	P	P	P	P		
P	P	P	P	P	Residential Child-Care Facility	P	P	P	P		
				P	Retirement Home	P	P	P	P		
					AMUSEMENT /RECREATION USES						
					General Recreation						
					Amusement, Commercial - Indoors*		P	P		P	
					Amusement, Commercial - Outdoors		S	S			
					Billiard Parlor or Pool Hall*		P	P		P	
S					Carnival or Circus (Temporary)		S	S		S	S
S	S	S	S	S	Country Club (Private Membership)	S	P	P		P	S
S					Fairground*		P			P	P
P	S	S	S	S	Golf Course (Public or Private)	P	P			P	P
P	S	S	S	P	Golf Driving Range	P	P			P	P
				A	Health Club or Studio	P	P	P	P	P	A
					Ice or Roller Skating Rink*	S	P	P		P	P
					Night Club or Dance Hall*		P	P		P	
S					Race Track		S			P	
S	S	S	S	A	Recreation Club or Area (Private)*		P	P		P	
S	S	S	S	A	Recreation Facility (Public)	P	P	P	P	P	
					Teen Club*	S	P	P			
				A	Tennis Court (Lighted)	S	P	P		P	
A	A	A	A	P	Tennis Court (No Lights)	P	P	P		P	
					Theater - Movie or Live (Enclosed)	S	P	P		P	

S					Zoo, Zoological Park, Animal Park, or Aviary		S				
					Adult Recreation						
					Adult Arcade*						P
					Adult Book Store or Video Store*						P
					Adult Cabaret*						P
					Adult Motel*						P
					Adult Motion Picture Theater*						P
					Adult Theater*						P
					Escort Agency*						P
					Nude Model Studio*						P
					Sexual Encounter Center*						P
					INTITUTIONAL, UTILITY and GOVERNMENTAL USES						
					Government / Utility						
P	P	P	P	P	Government Facility	P	P	P	P	P	P
P				P	Library, Art Gallery or Museum (Public)	P	P	P	P	P	
					Post Office	S	P	P	P	P	
					Postal Distribution Facility		P			P	P
S					Radio or TV Trans. Station (Commercial)	S	P	P	P	P	P
S	S	S	S	S	Radio Tower (Non-Commercial)*	P	P	P	P	P	P
S	S	S	S	S	Radio, TV, Microwave, or Cellular Transmission Tower (Comm.)*	P	P	P	P	P	P
A	A	A	A	A	Satellite Dish*	P	P	P	P	P	P
P	S	S	S	S	Utility Facilities (Major)	S	P	P	P	P	P
P	P	P	P	P	Utility Lines and Transmission	P	P	P	P	P	P
					Schools / Organizations						
P	S	S	S	S	College or University	S	P	P	P	S	S
P	P	P	P	P	Daycare - 3 or less Attendees	P	P	P	P	P	
S	S	S	P	P	Daycare - 4-6 Attendees	P	P	P	P	P	
S			S	S	Daycare Center - 7 or more Attendees	S	P	P	P	P	
S					School - Vocational	S	P	P	P		
P	P	P	P	P	School, K-12 (Public or Private)	P	P	P	P	S	
P	P	P	P	P	Church or Place of Worship	P	P	P	P	P	
S					Club, Private	P	P	P	P	P	S
	S	S	S	P	Community Center - Private	P	P	P	P	P	

P	S	S	P	P	Community Center - Public	P	P	P	P	P	
				S	Fraternity / Sorority House	S	S				
					Lodge or Fraternal Organization	S	P	P	S	P	P
					OFFICE AND PROFESSIONAL						
					Office - General						
					Advertising Agency		P	P	P		
					Architectural / Engineering Services	P	P	P	P	P	
					Banks and Financial Institutions	P	P	P	P	P	
					Banks with Drive In Facilities	S	P	P	P	P	
					Legal Services	P	P	P	P		
					Offices - General or Professional	P	P	P	P	P	P
					Medical/Healthcare						
S					Animal Hospital or Clinic		P	P		P	P
S					Animal Hospital or Clinic w/Outside Pens					S	P
					Animal Pound (Public or Private)					S	P
					Emergency Ambulance Service		P	P	P	P	
				S	Hospice	P	P	P	P	S	
					Hospital - Acute Care	S	P	P	P	P	
					Hospital - Chronic Care	S	P	P	P		
					Medical or Dental Office or Clinic	P	P	P	P	P	
				P	Nursing/Convalescent Home	S	P	P	P		
					Psychiatric Hospital or Institution		S		P		
S					Veterinary Office (No Hosp. or Clinic)	P	P	P	P	P	P
					Business or Personal Services						
S					Auction - Goods & Equipment (Indoors)		P	P		P	P
					Beauty Parlor/Barbershop	P	P	P	P	P	
					Cabinet and Woodwork Shop (Custom)	S	P	P		P	
P				P	Caretaker/Security Quarters	P	P	P	P	A	A
S	S	S	S	S	Cemetery or Mausoleum	P	P	P	P	P	P
					Communications/Electronics Equipment - Installation and Repair	S	P	P		P	
					Conventions, Trade Shows or Exhibits	S	P	P	S	S	

					Exterminator Service	S	P			P	P
					Exterminator Service Storage					P	P
					Household Appliance and Equipment Repair	S	P	P		P	P
					Information Processing		P	P	P	P	
					Laundry/Dry Cleaning - <3,000 s.f. w/ Customer Service		P	P	P	P	
					Laundry/Dry Cleaning - >3,000 s.f.				A	P	P
					Laundry/Dry Cleaning - Drop Off/Pick Up	P	P	P	P	P	
				A	Laundry/Dry Cleaning -Self Service	P	P	P	P	P	
					Locksmith	P	P	P		P	P
					Mailing Service (Private)	P	P	P	P	P	
					Mortuary or Funeral Home		P	P	P	P	P
					Photocopying or Duplicating Services	S	P	P	P	P	P
					Photographic Studio	P	P	P		P	
					Sewing and Millinery (Custom)	P	P	P		P	
					Shoe Repair	P	P	P		P	
					Studio - Art, Drama, Dance, Music - Performing Arts	P	P	P		P	
					Tailor Shop	P	P	P	S	P	
					Tattoo Salon/Piercing Studio	S	S	S	S	P	
					Taxidermist		S	S		P	P
P	P	P	P	P	Temporary Field or Construction Office	P	P	P	P	P	P
					Temporary Retail Use	S	S	S	S	S	
					Travel Agency	P	P	P	P		
					Upholstery Shop or Furniture Repair (non-Auto)		P	P		P	P
					Food and Beverage Services						
					Club (Private)*	S	P	P	S	S	P
					Catering Service	S	P	P	P	P	P
					Eating Place w/ Drive-thru	S	P	S		P	P
					Eating Place w/o Drive-thru	P	P	P	P	P	P
					Food Preparation or Food Service	P	P	P	P	P	P
					Liquor By the Drink*	S	P	P	S	S	P
					Retail						
					Alcohol Sales - Off Premise Consumption	P	P	P		P	P

				Antique Shop	P	P	P		P	
				Art Dealer	P	P	P			
				Art Gallery	P	P	P			
				Bait or Tackle Shop	S	P	P		P	
				Bakery Shop	P	P	P	P	P	
				Bicycle Sales or Repair	P	P	P		P	
				Book or Stationery Shop	P	P	P	P		
				Building Material Sales (Outside Storage)		P			P	P
				Camera or Photographic Supply Shop	P	P	P	P	P	
				Cloth or Fabric Store	S	P	P			
				Clothing Store	P	P	P	P		
				Confectionery Shop	P	P	P	P		
				Consignment Shop	P	P	P		P	
				Convenience Store	P	P	P			
				Department Store		P	P			
				Drapery Shop	S	P	P			
				Drug Store or Pharmacy	P	P	P	P		
				Farmers Market - Outdoor	S	P	P		P	P
				Flea Market - Outdoor	S	P	P		P	P
				Florist Shop	P	P	P	P		
				Furniture Sales - New (Indoor Only)	S	P	P		P	
P				Garden Shop & Plant Sales - Display or Greenhouse	S	P	P		P	P
				Grocery	P	P	P			
				Hardware Store	S	P	P		P	
				Hobby, Handicraft or Art Supplies	P	P	P	P		
				Lawnmower Sales or Repair	S	P	P		P	
				Major Appliance Sales (Indoor)	S	P	P		P	
				Mobile/Manufactured Home Dealer (Sales Only)		S			P	P
				Monument Sales Yard		P	P		P	P
				Optical Shop	P	P	P	P		
				Paint and Wallpaper Store	P	P	P	S	P	
				Pawn Shop*		P			P	

					Pet Shop	S	P	P		P	
					Plumbing Shop (Retail & Wholesale)		P	P		P	P
					Retail or Convenience Store with Gasoline	P	P	P	P	P	P
					Sporting Goods		P	P			
					Swimming Pool Sales & Supply		P	P		P	P
					Used Merchandise - Furniture, Rummage, Second Hand Store (Inside)	S	P	P		P	
					TRANSPORTATION, AUTOMOBILE and MARINE USES & SERVICES						
					Automobile Related						
					Auto Brake, Muffler, Glass, Seat Covers or Tire Sales & Service		P			P	P
					Auto Dealer - Primarily New/Used Autos		P			P	
					Auto Dealer - Primarily Used Autos		P			P	
					Auto Interior Shop		P			P	
					Auto Paint/Body Repair		S			P	P
					Auto Rental		P	P		P	
					Auto Repair - General		P			P	P
					Auto Storage or Auction					P	P
					Auto Supply - Used Parts Store with no On-Site Salvage		P	S		P	P
					Auto Supply Store for New and Rebuilt Parts		P	P		P	
					Auto Wrecker Service		A	A		P	
					Auto/Truck Parts and Accessories		P	P		P	
					Car Wash		P			P	P
					Drag Strip or Commercial Racing						P
					Parking - Accessory to Another Use		A	A	A	A	A
					Parking - Commercial Lot or Garage		P	P	P	P	

					Lube/Oil Change		P			P	P
					Service Station	S	P		P	P	P
					State Vehicle Inspection		P			P	P
					Bus or Truck Related						
					Bus or Truck Parking or Storage		S	S		P	P
					Bus Station and Terminal		S	S		S	
					Truck Stop, Including Gas Sales		P			P	P
					Truck/Heavy Equipment Driving School		S			P	P
					Truck/Recreational Vehicle Sales		S			P	P
					Truck/Trailer Rental		P			P	P
					Trucking Company		S			P	P
					Railroad or Airport Related						
					Airport or Landing Field		S			S	S
					Railroad Freight Depot		S			P	P
					Railroad Passenger Station		P			P	
					Railroad Yard & Shops					P	P
					Vehicle - General						
					Boat Dealer - Sales Only		P			P	
					Boat Repair or Storage		P			P	
					Go Cart Track					S	P
					Motorcycle Sales or Service		P			P	
					Transfer/Storage Terminal		S			P	P
					Vehicle Maintenance - Private		A	A		P	P
					Vehicle Wash - Private		A	A		P	P
					WHOLESALE TRADE and STORAGE USES						
					Wholesale Trade						
					Apparel, Piece Goods, Notions - Wholesale		P	P		P	
					Groceries/Related Products - Wholesale		P	P		P	
					Heavy Machinery Sales					P	P
					Lumber Sales - Wholesale					P	P
					Paper or Paper Products - Wholesale		P	P		P	P
					Petroleum Products Storage & Wholesale					P	P
					Tool or Equipment Rental - Indoor		P	P		P	P

					Tool or Equipment Rental - Outdoor		P	S		P	P
					Storage						
					Contractor or Maintenance Yard		P			P	P
					Hazardous Gases/Chemicals Storage					S	P
					Mini Warehouse	S	S			P	P
					Open Storage (No Enclosure)					P	P
					Open Storage (Screened)		P	S		P	P
					Petroleum Products Storage and Warehouse		S			P	P
					Warehouse/Storage (Inside)		P	P	P	P	P
					Wrecking, Junk, Salvage or Reclamation Yard					S	S
					MANUFACTURING and MINING USES						
					Food-Related Products						
					Animal or Poultry Slaughtering						P
					Bakery Products; Manufacturing					P	P
					Beverage Manufacturing						P
					Bottling or Canning of Soft Drinks & Carbonated Water					P	P
					Bottling Works					P	P
					Canned, Frozen, and Preserved Fruits, Vegetables and Other Foods						P
					Dairy Products - Processing or Manufacturing					P	P
					Fats and Oils Manufacturing or Processing					S	P
					Grain Mill Products; Processing and Manufacturing						P
					Ice Manufacturing					P	P
					Meat Products; Processing or Manufacturing - Not Including Slaughtering					P	P
					Microbrewery		S	S		P	P
					Sugar and Confectionery Products, Manufacturing					P	P
					Sugar Manufacturing						P

					Articles and Equipment						
					Apparel Manufacturing					P	P
					Broom & Brush Manufacturing					P	P
					Cabinet & Woodworking Manufacturing		P			P	P
					Chemical and Allied Products Manuf.						P
S					Concrete or Asphalt Batch Plant - Temp.	S	S			S	P
					Costume Jewelry, Novelties, Buttons & Misc. Notions Mfg.					P	P
					Fabricated Metal Products Manufacturing					S	P
					Fur Dressing & Dying						P
					Jewelry, Silverware & Plateware Mfg.					P	P
					Laboratory - Medical or Dental		P	P	P	P	P
					Laboratory - Scientific Testing		P	P	P	P	P
S					Land Fill (Private or Municipal)						S
					Light Manufacturing/Assembly		S	S		P	P
					Linoleum, Asphalt - Felt Base & Other Hard Surfaced Floor Covering Mfg.						P
					Machine Shop					P	P
					Match Manufacturing						P
					Musical Instruments & Parts Mfg.					P	P
					Paper and Allied Products Manufacturing						P
					Pens, Pencils & Other Office & Artists' Materials Mfg.					P	P
					Printing Publishing and Allied Industries		P	P		P	P
					Professional, Scientific & Controlling Instruments; Photographic & Optical Goods; Watches & Clocks Mfg.					P	P
					Rubber and Misc. Plastics Manufacturing						P

					Salvage and Reclamation (Enclosed)					P	P
					Sign & Advertising Display Manufacturing					P	P
					Textile Mill Product Manufacturing						P
					Tobacco Products Mfg.						P
					Toys, Amusement, Sporting & Athletic Goods Mfg.						P
					Welding Shop					P	P
					Natural Resources						
					Lumber and Wood Products Manufacturing						P
S	S	S	S	S	Oil & Gas Extraction	S	S		S	S	P
S	S	S	S	S	Oil & Gas Field Services	S	S		S	S	P
					Petroleum Refining and Related Industries						P
					Primary Metal Products Manufacturing						P
					Stone, Clay, Glass & Concrete Products Manufacturing						P
S	S	S	S	S	Stone, Sand, Gravel & Mineral Extraction	S	S		S	S	S
					Stone, Sand, Gravel or Earth Sales and Storage					S	P

(Ord. No. 1130, art. III, § 1, 11-3-1998; Ord. No. 1184-12-99, 12-7-1999; Ord. No. 1185-12-99, 12-7-1999; Ord. No. 1204-5-00, 5-16-2000; Ord. No. 1329-9-03, 9-2-2003; Ord. No. 1350-2-04, 2-3-2004; Ord. No. 1431-8-06, 8-1-2006; Ord. No. 1439-10-06, 10-3-2006; Ord. No. 1516-5-09, 5-5-2009; Ord. No. 1560-10-10, 10-19-2010; Ord. No. 1626-5-13, 5-7-2013; Ord. No. 1676-7-14, 7-15-2014; Ord. No. 1721-10-16, § 2, 10-18-2016)

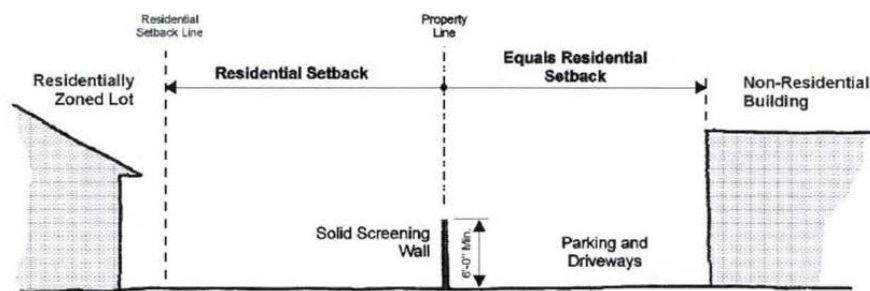
CHAPTER 118 – “ZONING”, ARTICLE VI – “DEVELOPMENT STANDARDS”, SECTION 118-429 – “COMMERCIAL SITES WITH RESIDENTIAL ADJACENCY” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-429. Commercial sites with residential adjacency.

- (a) *Applicability.* Where nonresidential sites are immediately adjacent to residentially zoned properties, including adjacencies where there is an intervening alley, the standards of this section shall apply.

- (b) *Exceptions to required fences.* An exception to the screening fence requirement may be granted by the Zoning Board of Adjustment based on a recommendation from the city planner. One or more of the following conditions must be present or apply for consideration of an exception:
- (1) The required fence or wall and buffer yard is adjacent to a natural feature, such as a creek or FEMA designated floodway. Under this provision the requirement for a fence may be waived if a 30-foot landscape buffer is provided and preserved in its natural state between the developed area and the natural feature. In addition, one tree shall be provided for each 25 feet of common adjacency. The tree shall be a preserved tree or, if a newly planted tree, shall be a minimum container size of five gallons at the time of planting.
 - (2) Vegetation exists which is at least six feet high and non-transparent year-round, and visibly separates one use from another and shields or blocks noise, glares, or other nuisances. The existing vegetation shall consist of canopy and non-canopy trees which are shown through a tree survey, and is protected in accordance with Section 118-431(c), Tree planting equivalency credits, of this zoning ordinance. Landscape buffer yards under this provision shall be a minimum of 15 feet wide.
- (c) *Building setback.* Minimum building setbacks on side and rear yards of nonresidential properties, which are immediately adjacent to residential properties, shall be the more restrictive of either the nonresidential zoning district, or the adjacent residential zoning district.

Figure 6 Building Setback Adjacent to Residential District

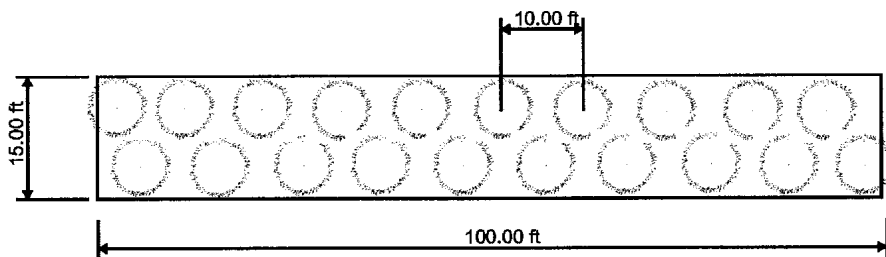


- (d) *Screening.* Screening shall be in accordance with the following:
- (1) *Generally.* A solid screening wall shall be constructed on the nonresidential property in close proximity to the residential property line in order to screen views and windblown trash and debris. In addition, a ten-foot wide landscaped buffer with one tree for each 25 feet of common adjacency shall be provided. The tree shall be a preserved tree or, if a newly planted tree, shall be a minimum container size of five gallons at the time of planting.
 - (2) *Screening wall standards.* The screening wall shall be constructed of solid masonry material on a concrete foundation, or solid wood fence with metal structural supports to a minimum height of six feet tall. The finished side of the wall shall be constructed to face the residential property. All screening walls shall be constructed according to

minimum specifications approved by the building official. Buffer plantings may be reduced by half if providing a masonry wall instead of a wooden fence.

- (3) *Screening tree standards.* Required trees shall be non-deciduous in order to provide year-round screening and shall be of a type and species listed in subsection 118-430(f)(2) below.
- (4) *Maintenance of screening.* It shall be the responsibility of the nonresidential property owner to maintain the screening wall in good condition and to maintain the screening trees in a healthy condition at all times. This may include the installation of an irrigation system if conditions warrant. Screening trees shall be replaced with new trees as the trees die or are removed.
- (5) *Easement reduction.* Where utility or drainage easements or other similar situations exists in the required buffer yard, the buffer yard may be reduced by the width of the easement; however, an additional five to ten feet may be required beyond the width of the easement in these situations to allow for the required plantings and fence or wall. All new plantings and irrigation shall be located outside of the easement. The required fence or wall may be located within the easement with the approval of the city planner and city engineer.
- (6) *Substitutions.*
 - a. Living screens may be substituted for the required fence or wall and landscape buffer, subject to the following provisions:
 1. *Evergreen buffer.* Shall consist of a 15-foot landscape buffer with two rows of triangular spaced evergreen trees (minimum six feet in height at time of planting) to create a solid screen along the common property line. Double rows of evergreen trees shall be staggered and planted no more than ten feet apart in each row.

Figure 6.1 Evergreen Buffer Diagram



2. *Hedge wall.* Fences and walls may be substituted with a solid plant or hedge wall that is greater than six feet in height with approximately 100 percent opacity. All plantings for a hedge wall must be a minimum of 15 gallons each. The solid plant or hedge wall must be evergreen. Landscape buffer yards under this provision shall be 15 feet wide.

- b. Evergreen trees planted in accordance with this subsection shall be comprised of the following as listed in subsection 118-430(f): cherry laurel, yaupon, wax myrtle, American holly, eastern red cedar, and Arizona cypress.

(Ord. No. 1708-6-16, § 2, 6-21-2016; Ord. No. 1827-05-20, § II, 5-19-2020)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the _____ day of March, 2024, by a vote of _____ (ayes) to _____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Juan Pollette, Interim City Planner

ZONING ORDINANCE SUBCOMMITTEE
DRAFT MINUTES
Meeting on February 25, 2025 at 4 p.m.
Nacogdoches City Hall, Conference Rm 203, 202 E. Pilar St.

Members Present:

Brad Maule, Blane Williams, Rhonda Ward, Margaret Forbes, Charles Zemanek, Ruth Carroll

Staff Present:

- Juan Pollette, Interim City Planner
- Jerry Baker, City Attorney
- Mike Neu, Executive Director of Development & Infrastructure

Agenda:

A. Final review of Zoning Ordinance amendment in preparation for P&Z and Council consideration in March/April 2025.

Members recommended bringing current redlines to the P&Z Commission for consideration.

B. Review redlines to the Zoning Board of Adjustment Rules of Procedure.

Members recommended "Option 3" for determining rank order of alternate ZBA members in Sec. 2.3; striking "a total of four (4)" from Sec. 5.7; correcting capitalizations to be consistent in language; and to bring these changes and other redlines to ZBA for consideration in April.

C. Review new Short-Term Rental draft ordinance.

Neu said the draft policy was proposed to address two items of concern: remittance of hotel occupancy taxes and code enforcement in residential neighborhoods. Members questioned if the STR policy and subsequent inspections would overly burden City staff. Neu said Fire Department and Building Inspections staff would conduct the inspections and each inspection would take about 30 minutes or less. Members recommended changing the waiting period in Sec. 18-156(c) to apply only to revocations, which would allow reapplications after a permit denial without delay. Members also recommended the City provide a flexible grace period to allow for compliance, if approved. Neu said feedback would be shared with Council during a workshop on STRs later in March.

D. Review new definitions for Tattoo Salons and Beauty Parlor/ Barbershop.

Neu said this item is being presented because City staff could not clearly distinguish between Tattoo Salons and Beauty Parlors (i.e. permanent cosmetics) in requests for zoning verification, and the zoning ordinance does not define Beauty Parlor at all. Members recommended City staff to prepare draft definitions similar to the City of McKinney definition for tattoos and the City of Longview definition for Barber Shop. Neu said draft definitions will be presented at the next Subcommittee meeting.

E. Continue review of conclusions from the Joint Workshop on August 22, 2024.

- 1. Amendment procedure**
- 2. District development standards**
- 3. Nonconforming structures and uses**

4. Parking

5. Planned Developments

Members agreed to review the remaining agenda items and a future meeting. Staff will poll members to determine dates for the March and April meetings.

The meeting was adjourned at 6:15 p.m.

DRAFT

ZONING ORDINANCE SUBCOMMITTEE

DRAFT MINUTES

Meeting on January 29, 2025, at 4 p.m. (Rescheduled from January 23)
Nacogdoches City Hall, Conference Rm 203, 202 E. Pilar St.

Members Present: Brad Maule, Blane Williams, Rhonda Ward, Margaret Forbes

Members Absent: Charles Zemanek, Ruth Carroll

Staff Present: Aimee Cloutier, Planning Coordinator
Juan Pollette, Interim City Planner
Jerry Baker, City Attorney
Mike Neu, Executive Director of Development & Infrastructure

Definitions (Sec. 118-1)

Members recommended to obtain recommendation from Planning & Zoning Commission with current redlines and additions to include:

- **Apartments:** Replace "multiple-family" with "multi-family" and rename as "Dwelling, Multi-Family."
- **Boardinghouse:** Remove "home facility" and "roominghouse" from definition and add "fraternity/sorority house" to excluded types.
- **Dwelling, Multi-Family:** Correct typos and include "two or more duplexes" in definition.
- **Foster Home:** Modify definition to "See Residential Child-Care Facility" and remove remaining text.
- **Dwelling, Single-Family Detached:** Correct to "one living quarters."

Land use Schedule (Sec. 118-273)

Members recommended to obtain recommendation from Planning & Zoning Commission with current redlines.

Officers and Compensation (Sec. 118-97)

Members recommended to obtain recommendation from Planning & Zoning Commission with current redlines and additions to include removing the word "compensation" from the title.

Procedures (Sec. 118-98)

Members recommended to obtain recommendation from Planning & Zoning Commission with current redlines and additions to include replacing the term "acting chair" with "vice chair" in part (c).

Powers (Sec. 118-99)

Members recommended to obtain recommendation from Planning & Zoning Commission with current redlines and additions to include:

- 118-99(2)(a): Do not remove "pursuant to the powers..." phrase.
- 118-99(2)(d): Strike "any aggrieved party" from phrase.
- Adjust alphabetical sequence under 118-99(2).

Commercial Sites with Residential Adjacency (Sec. 118-429)

Members recommended to obtain recommendation from Planning & Zoning Commission with current redlines.

Next Meetings

Members agreed to review remaining agenda items at a future meeting. Staff will poll members to determine a February meeting date.

Meeting Adjourned: 6:07 p.m.

ZONING ORDINANCE SUBCOMMITTEE
DRAFT MINUTES
Meeting on December 12, 2024, at 4 p.m.
Nacogdoches City Hall, Conference Rm 203, 202 E. Pilar St.

Members Present:

Brad Maule, Charles Zemanek, Ruth Carroll, Rhonda Ward, Margaret Forbes

Members Absent:

Blane Williams

Staff Present:

- Aimee Cloutier, Planning Coordinator
- Juan Pollette, Interim City Planner
- Jerry Baker, City Attorney
- Mike Neu, Executive Director of Development & Infrastructure

Discussion:

Members discussed expectations to ensure productive outcomes in future meetings. Neu provided an overview of the categories for future amendments, which were identified in previous workshops led by former contract planner Nathan Dietrich.

Definitions for Residential

Members discussed revising the definition of "duplex" to exclude ownership references and possibly rename it "two-family dwelling." It was also suggested that duplexes could be moved to the multi-family category in the comprehensive plan through an amendment. A definition for "condominium" was proposed for inclusion, along with grouping all dwelling types in a centralized section of the ordinance. The term "intended" was recommended to be removed from the definition of dwelling. Concerns were raised about common nuisances in single-family neighborhoods and how single-family designations might help curb them. Examples given were parking in yards, increased street traffic, and noise. Neu proposed to bring more information about how other cities address common nuisances from a zoning perspective for review at a future meeting.

Definitions for Group Housing

Baker recommended further research and discussion on group housing, given its complexity. Members recommended further review at a future meeting.

ZBA Rules of Procedure

Neu informed members that future Zoning Board of Adjustment agendas now include a footer statement about executive session consultation with legal counsel. Members recommended further discussion on the order of alternate ZBA members. Other concerns specific to ZBA agenda item requests and virtual participation will be proposed by staff directly with ZBA at a future ZBA meeting. Members also recommended (1) removing "compensation" language from Sec. 118-97; (2) removing the term "secretary" from Sec. 118-97; and (3) adding a vice-chair position to the board makeup. Forbes asked staff to provide the state law reference which preempts the requirement for Council approval of ZBA rules of procedure.

Special Exceptions

Baker suggested adding descriptions and requirements for special exceptions to Section 118-99, as well as

striking all language in Sec. 118-99(2)(d) after “appropriate fee” to align with other code sections. Members also recommended changing the granting authority from P&Z Commission to ZBA for exceptions described in Sec. 118-429.

Next Meetings

Members recommended to finish discussion of previous workshop items at the next meeting. Members agreed to meet once per month at around 4-6 p.m. in the afternoon. Staff will poll members to determine the January meeting date.

DRAFT

PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: Consider approval of an ordinance of the City of Nacogdoches, Texas, amending Chapter 102 – “Traffic and Vehicles”, Article V. – “Stopping, Standing and Parking”, Sec. 102-167 – "Trailers and semitrailers", of the Code of Ordinances of the City of Nacogdoches, Texas; providing a Severability Clause; providing a Continuation Clause; providing a Repeal Clause; and providing an Effective Date. (City Attorney)

SUMMARY/BACKGROUND: The proposed amendment is in response to a recent concern which was raised about the ability of the City and Nacogdoches Police Department to enforce restrictions related to the long-term parking of commercial vehicles on city streets, particularly in residential districts. Similar to the recent amendment approved for long-term parking of recreational vehicles on public streets and right-of-ways, this amendment seeks to address a similar concern related to commercial vehicles.

Pursuant to Texas Transportation Code §311.001, the City of Nacogdoches possesses exclusive control over the public highways, streets, and alleys located within the City limits, including the ability to control, regulate, or remove an encroachment or obstruction on such rights-of-way. Moreover, Article II, §20 of the Charter grants the City the power to control, regulate, and remove all obstructions, encroachments, and encumbrances on any public street, right-of-way, avenue, or alley.

The City Council has exercised such authority and adopted Chapter 102, Article V of the Code of Ordinances for the City of Nacogdoches, which specifically regulates parking on its public streets and rights-of-way. Specifically, Section 102-167 provides restrictions on the parking of trailers and semitrailers on public streets for periods of time in excess of thirty minutes. However, there is some uncertainty concerning the application of these restrictions to commercial motor vehicles.

The proposed amendment would clarify that the prior restrictions applicable to trailers and semitrailers extend to commercial vehicles, as well as create a distinction between the parking of such commercial motor vehicles, trailers, and/or semitrailers in residential and non-residential districts. Additionally, as with the recent amendment to RV parking, this amendment would also provide law enforcement with the authority to require commercial vehicles, trailers, and semitrailers to be moved if it is determined that they would interfere with the free movement of traffic or otherwise create a hazardous condition, irrespective of the time period they may be stopped or parked.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Jerry Baker, City Attorney
bakerj@nactx.us
(936) 559-2503

ATTACHMENTS: 1. Ordinance_102-167_rev_Commercial Vehicles

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 102 – “TRAFFIC AND VEHICLES”, ARTICLE V. – “STOPPING, STANDING AND PARKING”, SECTION 102-167. – “TRAILERS AND SEMITRAILERS”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, Texas Transportation Code §311.001 provides that a home-rule municipality, like the City of Nacogdoches, has exclusive control over and under the public highways, streets, and alleys located within the City, which includes the ability to control, regulate, or remove an encroachment or obstruction on City streets; and

WHEREAS, the City of Nacogdoches is further authorized under Article II, §20 of its Charter to exercise the power to control, regulate, and remove all obstructions, encroachments, and encumbrances on any public street, right-of-way, avenue, or alley; and

WHEREAS, the City Council of the City of Nacogdoches has exercised such authority and adopted ordinances which govern the operation of vehicles within its jurisdictional limits, to include parking on its public streets and rights-of-way; and

WHEREAS, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 102 – “TRAFFIC AND VEHICLES”, ARTICLE V. – “STOPPING, STANDING AND PARKING”, SECTION 102-167. – “TRAILERS AND SEMITRAILERS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to include the following:

Sec. 102-167. Commercial motor vehicles, Trailers and semitrailers.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial motor vehicle means a motor vehicle or combination of motor vehicles intended primarily for the transport of passengers or property, whether a Combination Vehicle

(Group A), Heavy Straight Vehicle (Group B), or Small Vehicle (Group C), as those groups of vehicles are further defined under 49 C.F.R. §383.5, as it may be amended, regardless of whether the vehicle is being utilized for a commercial purpose.

Semitrailer means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

Trailer means every vehicle designed or used to carry its load wholly on its own structure and drawn by a motor vehicle.

- (b) It shall be unlawful for the owner to permit or for the person in charge or the operator of ~~any commercial motor vehicle~~, trailer, ~~or~~ semitrailer, ~~or any combination thereof~~ to park or leave standing such ~~commercial motor vehicle~~, trailer, or semitrailer upon any portion of ~~any~~ public street ~~or right-of-way located in a residential district~~ for one continuous period of over 30 minutes without authority from the chief of police.
- (c) ~~It shall be unlawful for the owner to permit or for the person in charge or the operator of a commercial motor vehicle, trailer, or semitrailer, or any combination thereof to park or leave standing such commercial motor vehicle, trailer, or semitrailer upon any portion of a public street or right-of-way located in a non-residential district for one continuous period of over two (2) hours without authority from the chief of police.~~
- (d) ~~Notwithstanding any permission which may be granted herein, a police officer may require the owner or operator to move a commercial motor vehicle, trailer, or semitrailer if it is determined that the stopping or parking of the such commercial motor vehicle, trailer, or semitrailer on a public street or right-of-way interferes with the free movement of traffic or otherwise creates a hazardous condition. Failure to obey such a request constitutes a violation of this chapter.~~

(Code 1971, § 29-68)

State law reference(s)—Overnight parking of commercial vehicles, V.T.C.A., Transportation Code § 545.307.

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 102 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the ____ day of _____, 2025, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Scott Weems, Chief of Police

PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: Consider approval of an ordinance of the City of Nacogdoches, Texas, adding a Master Fee Schedule to the Code of Ordinances of the City of Nacogdoches, Texas; providing a Severability Clause; providing a Continuation Clause; providing a Repeal Clause; and providing an Effective Date. (City Attorney)

SUMMARY/BACKGROUND: Pursuant to the authority granted by its Charter, the City of Nacogdoches has, through its governing body, enacted a Code of Ordinances which includes, among other things, the provision of fees and expenses associated with the issuance of permits and performance of services by the City. The fees approved by the City have historically been found in the various sections of the Code or in schedules maintained by the City Secretary or in the various departments of the City.

Based on discussions by City staff and members of the community, a proposal was made to create a centralized fee schedule which would specify the current fees being charged by the City of Nacogdoches. It was felt that the consolidation of the fees into a “Master Fee Schedule” was in the best interests of the City, its staff, and the residents of the City. The establishment of a Master Fee Schedule is intended to promote efficiency in providing services and in protecting the public health, safety, and quality of life in the City.

The proposed Master Fee Schedule is attached as an exhibit to this ordinance, and is intended to be incorporated as an Addendum to the Code of Ordinance. It is organized in the same manner as the Code of Ordinances, and includes cross-references to the specific sections within the Code granting authority for the fees, a brief description of the fee, and the amount of the current fee that is being assessed by the City.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Jerry Baker, City Attorney
bakerj@nactx.us
(936) 559-2503

ATTACHMENTS:

1. Ordinance_Fee Schedule
2. Exhibit A - Master Fee Schedule

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, ADDING A MASTER FEE SCHEDULE TO THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is a Texas home-rule city acting under its Charter adopted pursuant to Article XI, Section 5, of the Texas Constitution, which, among other things, provides authority to the governing body to assess fees related to permits and services provided by the City; and

WHEREAS, the City Council desires to provide a “Master Fee Schedule” identifying the current fees being charged by the City of Nacogdoches; and

WHEREAS, the proposed Master Fee Schedule is attached hereto as Exhibit “A” and incorporated herein as a part of this Ordinance; and

WHEREAS, the proposed Master Fee Schedule is intended to be incorporated as an Addendum to the Code of Ordinances; and

WHEREAS, the City Council has determined that the establishment of a Master Fee Schedule will promote efficiency in providing services to the residents of the City, and that the rules, regulations, and provisions of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life in the City of Nacogdoches; and

WHEREAS, the City Council has determined that adopting the Master Fee Schedule is in the best interests of the City and its residents.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

The City of Nacogdoches hereby adopts the Master Fee Schedule, attached hereto as Exhibit “A”, and it shall be incorporated as an Addendum to the Code of Ordinances of the City of Nacogdoches, Texas.

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other

provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the ____ day of _____, 2025, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

Jerry Baker, City Attorney

Exhibit A

CODE OF ORDINANCES CITY OF NACOGDOCHES, TEXAS

Addendum A

Master Fee Schedule

Chapter 6 – ANIMALS

Ordinance Reference	Description	Fee
Sec. 6-75	Registrations and Permits:	
	Altered dog and cat registration	\$5.00/year
	Unaltered dog and cat registration	\$15.00/year
	Dangerous dog	\$100.00
	Kennel, pet shop, commercial sales permit	\$150.00/year
	Limited breeder permit	\$25.00
	Multi-pet permit fee	\$25.00
	Reclaiming Animals from Animal Services Facility	
	Altered:	
	1 st impoundment	\$30.00/animal
	2 nd impoundment	\$60.00/animal
	3 rd impoundment	\$90.00/animal
	Unaltered:	
	1 st impoundment	\$45.00/animal
	2 nd impoundment	\$100.00/animal
	3 rd impoundment	\$150.00/animal
	Boarding fee	\$10.00/day
	Micro chipping fee	\$20.00
	Rabies quarantine fee	\$100.00
	Small animals (sheep, goats, etc.):	
	Capture and impoundment, per head	\$25.00/week
	Boarding, per head	\$10.00/day
	Large animals (cattle, horses, etc.):	
	Capture and impoundment, per head	\$25.00/week
	Boarding fee, per head	\$10.00/day
	Adopting Animals from Animal Services Facility	
	Dogs, cats, ferrets, reptiles, birds, other	\$20.00 (plus cost of spay/neuter, rabies vaccination)
	Already altered pets	\$30.00

	Euthanasia fee (no livestock)	\$35.00/animal
	Surrender fee	\$15.00/adult animal (plus \$5.00 for a litter)

Chapter 10 – AVIATION

Ordinance Reference	Description	Fee
<u>Sec. 10-3</u>	Application fees:	
	Airport variance	\$0
	Appeal of airport manager decision	\$0

Chapter 14 – BUILDINGS AND BUILDING REGULATIONS

Ordinance Reference	Description	Fee
<u>Sec. 14-31</u>	New construction permit fee:	
	Residential	Based on square footage
	Commercial	Based on valuation
	New construction permit fee (swimming pool):	
	Residential	Based on valuation
	Commercial	Based on valuation
	Plan review fee:	
	Residential	\$0
	Commercial	100% of original permit fee
	Re-inspection fee	\$25.00
	Premature work fee (commencing work prior to issuance of permit)	Double original permit fee
	Permit renewal fee	100% of original permit fee
	Renovation permit fee:	
	Residential	Based on valuation
	Commercial	Based on valuation
	Demolition permit fee:	
	Residential	\$50.00

	Commercial	\$50.00
	Portable building permit	\$25.00
	Accessory Building	\$25.00
	Carport	\$25.00
	Tent permit	\$25.00
	Driveway curb cut fee:	
	Residential	\$25.00
	Commercial	\$25.00
Sec. 14-33	Contractor/builder license fee	\$25.00/year
Sec. 14-128	Electrical permit fees:	
	Base permit fee	\$25.00
	Temporary Service	\$5.00 each
	Permanent Service	\$5.00 each
	Branch Circuits	\$5.00 each
	Range/cook top/microwave	\$5.00 each
	Dryer/clothes washer	\$5.00 each
	Water heater	\$5.00 each
	Dishwasher/disposal	\$5.00 each
	Room air conditioner	\$5.00 each
	Motors	\$5.00 each
	Gasoline pumps	\$5.00 each
	Space heat	\$2.00 each
	Central air conditioning	\$2.00 each
	Sign circuit	\$2.00 each
	Transformer	\$5.00 each
	Elevator/escalator	\$20.00 each
	Ceiling or attic fans	\$0.50 each
	Yard or flood lights	\$0.50 each
	Pool/spa	\$5.00 each
	Low voltage	\$5.00 each
	Alarm system fire/burglar	\$15.00 each
	Others	\$5.00 each
	Re-inspection fee	\$25.00
	Premature work fee (commencing work prior to issuance of permit)	Double original permit fee
	Permit renewal fee	100% of original permit fee
Sec. 14-200	Reciprocal licensing fee	\$0
Sec. 14-237	Plumbing permit fees:	
	Base permit fee	\$2.50 each
	Water closets (toilets)	\$2.50 each
	Bathtub/shower	\$2.50 each

	Lavatory/hand sink	\$2.50 each
	Shower	\$2.50 each
	Kitchen sink & disposal	\$2.50 each
	Dishwasher	\$2.50 each
	Clothes washer	\$2.50 each
	Water heater	\$2.50 each
	Urinal	\$2.50 each
	Drinking fountain	\$2.50 each
	Floor sink and/or floor drain	\$2.50 each
	A/C drain	\$2.50 each
	Ice machine	\$5.00 each
	Water system	\$2.50 each
	Back flow preventer (RPZ)	\$2.50 each
	Lawn sprinkler system	\$2.50 each
	Sanitary sewer system	\$5.00 each
	Sampling/lift station	\$5.00 each
	Septic tank/grease trap	\$10.00 each
	Lake sewage/disposal facility	\$40.00
	Gas system (first 5 outlets)	\$5.00
	Additional gas outlets	\$1.00 each
	Gas test	\$5.00 each
	Others	\$2.50 each
	Re-inspection fee	\$25.00
	Premature work fee (commencing work prior to issuance of permit)	Double original permit fee
	Permit renewal fee	100% of original permit fee
Sec. 14-358	Mechanical permit fee:	
	Base permit fee	\$25.00
	A/C heat unit up to 5 tons	\$10.00
	A/C heat unit 6 to 10 tons	\$15.00
	A/C unit 11 to 20 tons	\$20.00
	A/C unit over 20 tons	\$25.00
	Furnace	\$10.00 per unit
	Change out condensing units	\$2.00 per ton
	Change out evaporator coil	\$2.00 per ton
	Change out air handling unit	\$5.00
	Refrigeration units up to 5 HP	\$10.00
	Refrigeration units 6 to 10 HP	\$15.00
	Refrigeration units 11 to 20 HP	\$20.00
	Refrigeration units over 20 HP	\$25.00
	Water chillers	\$1.00 per ton

	Wall & Space Heaters	\$2.00 per unit
	Boilers 1 BHP to 10 BHP	\$15.00
	Boilers over 10 BHP	\$20.00
	Fan (supply/exhaust)	\$2.00 per unit
	VENT HOOD SYSTEM	\$5.00 per unit
	Duct system/additions	\$5.00
	General repairs	\$2.00 per thousand
	Others	\$5.00 each
	Re-inspection fee	\$25.00 each
	Premature work fee (commencing work prior to issuance of permit)	Double original permit fee
	Permit renewal fee	100% of original permit fee
Sec. 14-386	Fence permit:	
	Residential	\$25.00
	Commercial	\$25.00
Sec. 14-759	Appeal of decision of the building standards commission	\$150.00
Sec. 14-897	House-mover license fee	\$25.00/year
Sec. 14-898	Building/structure moving permit	\$25.00
Sec. 14-923	Parking lot and paving permit:	
	First 14,000 square feet	\$25.00
	14,001 to 20,000 square feet	\$50.00
	More than 20,000 square feet	\$75.00

Chapter 18 – BUSINESSES

Ordinance Reference	Description	Fee
Sec. 18-26	Local alcoholic beverage permit fee	TABC maximum local permit fee
	Local alcoholic beverage license	TABC maximum local fee license fee
Sec. 18-27	Permit for consumption, possession and/or sale of alcoholic beverages at city facilities	\$0
Sec. 18-58	Mobile food unit permit fee	\$0
	Operation on city-owned property permit fee	\$0
Sec. 18-87	Food establishment permit:	
	5 or less employees	\$50.00
	6-10 employees	\$75.00

	11-20 employees	\$100.00
	21-30 employees	\$125.00
	31-40 employees	\$150.00
	41-50 employees	\$150.00
	51+ employees	\$200.00
	Food sales permit:	
	5 or less employees	\$50.00
	6-10 employees	\$75.00
	11-20 employees	\$100.00
	21-30 employees	\$125.00
	Night club permit:	
	5 or less employees	\$150.00
	6-10 employees	\$150.00
	11-20 employees	\$200.00
	over 20 employees	\$200.00
	Roadside vendor permit	\$100.00
	Temporary (less than 14 days) food permit	\$75.00
	Temporary food permit for charitable event	\$10.00
	Food manufacturing	\$350.00
Sec. 18-142	Health care permit	\$75.00
	Bed and breakfast permit	\$50.00
	Daycare permit	\$100.00
	Nursing home permit	\$150.00
	Lodging permit	\$150.00
Sec. 18-197	Public or semipublic pool permit	\$100.00
Sec. 18-263	Itinerant merchant license	\$25.00
	Open air vendor license	\$100.00
Sec. 18-374	Massage establishment license	\$0
Sec. 18-447	Sexually oriented business license	\$0
Sec. 18-483	Alarm registration	\$30.00
	Alarm registration renewal fee	\$30.00
Sec. 18-484	Alarm registration reinstatement fee	\$30.00
	Alarm registration late fee	\$20.00
Sec. 18-492	Alarm registration late fee	1/2 of fine

Chapter 22 – CEMETERIES

Ordinance Reference	Description	Fee
Sec. 22-57	Sunset Memorial Park	

	Single Space:	
	Flat Marker Section	\$600.00/space
	Cremation Section	\$300.00/space
	Family Plot:	
	Flat Marker Section	\$600.00/space; minimum of 2 spaces required
	Upright Marker Section	\$700.00/space; minimum of 2 spaces required
	Single Space:	
Sec. 22-77	Pine Grove Cemetery	
	Single Space:	
	Flat Marker Section	\$500.00/space
	Family Plot:	
	Flat Marker Section	\$500.00/space; minimum of 2 spaces required
	Upright Marker Section	\$600.00/space; minimum of 2 spaces required

Chapter 26 – CHARITABLE SOLICITATIONS

Ordinance Reference	Description	Fee
Sec. 26-32	Registration statement fee	\$0

Chapter 28 – TAXICABS

Ordinance Reference	Description	Fee
Sec. 28-57	Inspection fee	\$25.00
Sec. 28-81	Chauffeur's license fee	\$10.00
Sec. 28-84	Chauffeur's license renewal fee	\$5.00

Chapter 38 – FIRE PROTECTION AND PREVENTION

Ordinance Reference	Description	Fee
Sec. 38-93	Fire alarm permit (new installation)	\$40.00
	Fire sprinkler	Based on valuation
	Hood system permit	\$40.00
	Underground/above-ground storage tank installation permit	\$100.00
	Underground storage tank removal	\$100.00
	Commercial outdoor burn permit	\$25.00

[Chapter 62 – LIBRARY](#)

Ordinance Reference	Description	Fee
Sec. 62-117	Library card replacement fee	\$1.00
Sec. 62-118	Late fees:	
	DVDs and VHS	\$1.00/day (\$5.00 max)
	Library of Things items	\$1.00/day (\$5.00 max)
	Books and audio books	\$0.10/day
Sec. 62-119	Lost or damaged materials:	
	Lost/Damaged Fees	Price listed in the catalog record, or \$20.00 if not listed
	Processing Fees:	
	Hardback books, audio books, VHS, and DVDs	\$10.00
	Paperbacks and graphic novels	\$5.00
Sec. 62-120	Interlibrary loans processing fee	\$3.00 per item
Sec. 62-122	Library related services:	
	Printing	\$0.15/page
	Copying:	
	Black and white:	
	8.5"x11"	\$0.20/page per side
	Larger than 8.5"x11	\$0.20/page per side
	Color (any size)	\$1.00/page per side
	Scan to email	\$0

Chapter 72 – OIL AND GAS WELLS

Ordinance Reference	Description	Fee
Sec. 72-21	Filing fee for permit to drill/operate well	\$500.00
Sec. 72-22	Permit processing fee	\$100.00
Sec. 72-26	Filing fee (supplemental permit)	\$500.00

Chapter 74 – PARKS AND RECREATION

Ordinance Reference	Description	Fee
Sec. 74-66	Recreational facility rentals:	
	Gymnastics Birthday Party	\$75.00/less than 12 \$125.00/up to 24 \$10.00 for extra set up time
	Park Pavilion	\$10.00/hour; \$50.00/day
	Liberty Hall	\$140.00/4 hours week day; \$280.00/Saturday, Sunday; Deposit: \$100.00 or \$500.00 w/alcohol
	Zion Hill Baptist Church:	
	Complete Building (Weekend)	\$2400.00 Deposit: \$800.00
	Complete Building (One-Day)	\$1200.00 Deposit: \$800.00
	Complete Building (Evening)	\$800.00 Deposit: \$800.00
	Basement Rental (Evening)	\$50.00/hour
	Washer board rental	\$15.00/set (comes with 6-8 washers) per day
	Pickleball nets, balls, rackets/whiffle ball bases, bat, ball/disc golf discs/badminton nets and racket set	\$0
	Recreation classes:	

	Adult Swing Dance Class	\$5.00/day
	Aikido	\$5.00/day; \$60.00/scan card
	Bodyweight Burn	\$5.00/day
	Clogging	\$7.00/day; \$60.00/scan card
	Fencing	\$50.00/month (4 classes)
	Gymnastics/ Ninja	\$35/month (4 classes)
	Judo	\$5.00/day; \$15.00/month (4 classes)
	Sign Language	\$5.00/day
	Table Tennis	\$2.00/day
	Tai Chi	\$0
	Twirling	\$35.00/month (4 classes)
	Youth Dance	\$35.00/month (4 classes)
	Zumba	\$5.00/day; \$60.00/scan card
	Zumbini	\$10.00/day
	Gym Membership daily/monthly	\$2.00/day; \$20.00/month
	Open gymnastics	\$5.00/day
	Tumble Tots/ homeschool open gym	\$5.00/day per family; \$60.00/scan card
	Sports Leagues:	
	Adult Softball	\$385.00/team
	Adult Soccer	\$450.00/team; \$45.00/individual
	Adult Futsal	\$175.00/team; \$25.00/individual
	Youth Basketball	\$60.00/player; \$10.00 registration late fee
	Youth Volleyball	\$60.00/player; \$10.00 registration late fee

Chapter 78 – SIGNS

Ordinance Reference	Description	Fee
Sec. 78-4	Sign redemption fee	\$0
	Sign storage fee	\$0/day
Sec. 78-9	Sign contractor's license fee	\$25.00/year
Sec. 78-36	Sign variance application fee	\$150.00
Sec. 78-79	Sign permit fees:	
	Banner signs	\$10.00
	Temporary changeable advertisements	\$25.00
	Pole banners	\$25.00
	Balloon or inflatable signs	\$25.00
	Pennants and festoons	\$25.00
	Feather flags	\$25.00
Sec. 78-134	Temporary overhead street banners	\$200.00
	Re-inspection fee	\$25.00
	Premature work fee (commencing work prior to issuance of permit)	Double original permit fee
	Permit renewal fee	100% of original permit fee

Chapter 82 – SOLID WASTE

Ordinance Reference	Description	Fee
Sec. 82-4	Hauling permit fee	\$24.00/year
Sec. 82-131	Residential waste collection: (Note: fuel adjustments shall be added to the fee amounts below)	
	One container	\$24.77/month
	Two containers	\$41.39/month
	Three containers	\$63.08/month
	Dumpster service	\$19.89/month
	Containerized collection	\$5.04/cubic yard, per collection
	Commercial, industrial, institutional and similar non-residential waste collection:	

	(Note: fuel adjustments shall be added to the fee amounts below)	
	Minimum charge	\$28.64
	Multiple carts/collections:	
	One cart	\$28.64/day of collection
	Two carts	\$28.64/day of collection
	Three carts	\$44.11/day of collection
	Four carts	\$59.67/day of collection
	Dumpster service:	
	Front load dumpsters	\$5.04/cubic yard, per collection
	City-owned roll-off dumpsters:	
	Initial 3-day rental period	\$140.29
	Each additional 3-day rental period	\$70.15
	Disposal rate	\$13.48/cubic yard, per dumpster, per collection
	Privately-owned roll-off dumpsters:	
	Non-compacted waste/refuse	\$5.04/cubic yard, per collection
	Compacted waste/refuse	\$5.55/cubic yard, per collection
	Special waste collection fee:	
	Personnel	
	1 man	\$29.58/hour
	2 men	\$40.71/ hour
	Truck with operator	
	Pick-up	\$20.75/ hour
	Dump truck	\$37.51/ hour
	Loader/backhoe	
	With operator	\$45.37/ hour
	City landfill fees:	
	Appliances:	
	Large	\$14.82
	Small	\$8.25
	Small dead animals (no larger than a dog)	\$14.82 each
	Large dead animals	\$76.43 each
	Special waste:	
	City resident	\$14.82/cubic yard

	Non-resident	\$27.08/cubic yard
	Tires	Assessed in accordance with the State's recycling fee schedule
	Household garbage, rubbish, waste and brush:	
	City resident:	
	Non-compacted	\$6.77 /cubic yard (\$14.82 minimum)
	Compacted	\$7.44/cubic yard (\$14.82 minimum)
	Non-resident (brush not accepted):	
	Non-compacted	\$13.36/cubic yard (\$29.53 minimum)
	Compacted	\$14.65 /cubic yard (\$29.53 minimum)
	Commercial brush/yard waste	\$8.01/cubic yard (\$18.03 minimum)
Sec. 82-158	Commercial recyclable waste hauler permit	\$250.00

Chapter 86 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Ordinance Reference	Description	Fee
Sec. 86-61	Excavation and grading permit fees:	
	101 to 1000 cubic yards	\$25.00
	1,001 to 10,000 cubic yards	\$30.00
	10,001 to 100,000 cubic yards	\$35.00 for first 10,000 CY + \$10.00 for each additional 10,000 CY or fraction thereof
	101,000 to 200,000 cubic yards	\$110.00 for first 100,000 CY + \$6.00 for each additional 10,000 CY or fraction thereof

	200,001 or more cubic yards	\$170.00 for first 200,000 CY + \$3.00 for each additional 10,000 CY or fraction thereof
	Re-inspection fee	\$25.00
	Premature work fee (commencing work prior to issuance of permit)	Double original permit fee
	Permit renewal fee	100% of original permit fee
Sec. 86-93	Permit fee for opening street, sidewalk, or driveway/break curb or gutter	\$25.00

Chapter 90 – SUBDIVISIONS

Ordinance Reference	Description	Fee
Sec. 90-8	Subdivision variance application fee	\$0
Sec. 90-92	Plat filing fees:	
	Preliminary plat	\$100.00
	Final plat	\$325.00
	Administrative (minor) plat	\$100.00
Tex. Local Gov't Code §212.013	Vacate plat	\$100.00
Sec. 90-123	Plat recordation fee	As set by the Nacogdoches County Clerk's fee schedule

Chapter 98 – TELECOMMUNICATIONS

Ordinance Reference	Description	Fee
Sec. 98-88	Wireless telecommunications system permit request fee	As determined by the PUC
	Wireless telecommunications system permit fee	As determined by the PUC
	Wireless revenue fee	As determined by the PUC

	Private telecommunications system permit request fee	As determined by the PUC
	Private telecommunications system permit fee	As determined by the PUC
	Private revenue fee	As determined by the PUC
Sec. 98-110	Network node application fee:	
	Initial 5 network node applications	\$250.00/application
	Additional network node application	\$125.00/application
	Public right-of-way rate fee	\$250.00/network node
	Network support pole application fee	\$500.00
	Transfer facility rental rate	\$28.00/month, per network node site
	Collocation of network nodes	\$20.00/year, per service pole
	City-owned pole attachment rate	\$0/year, per foot

Chapter 102 – TRAFFIC AND VEHICLES

Ordinance Reference	Description	Fee
Sec. 102-370	Tow truck permit fee	\$30.00/year per tow truck
Sec. 102-382	Non-consent tow fees:	
	Light-duty tow trucks:	
	Incident management	\$150.00
	Private property tow	\$150.00
	Drop fee	\$75.00
	Stand-by time (over 1 hour)	\$125.00/additional hour
	Heavy-duty tow trucks:	
	Incident management	\$500.00
	Private property tow	\$500.00
	Drop fee	\$250.00
	Stand-by time (over 1 hour)	\$250.00/additional hour

Chapter 106 – UTILITIES

Ordinance Reference	Description	Fee
Sec. 106-67	Industrial wastes discharge permit fee	\$0
Sec. 106-321	Water/sewer connection fees	
	Original service connect fee	\$25.00
	Transfer of service fee	\$25.00
	Re-connect service fee:	
	Regular work hours (8:00 a.m. to 5:00 p.m.)	\$25.00
	After regular work hours	\$45.00
Sec. 106-393	Industrial wastes collection and treatment charge	
	BOD & TSS Charges:	
	BOD	\$0.2002 per 100 mg/liter
	TSS	\$0.1127 per 100 mg/liter
	Penalty fees:	\$25.00
	Significant users	Minimum of \$200.00/day (not to exceed \$1,000.00/day)
	Grease trap	\$25.00/day for each grease trap
Sec. 106-395	Pretreatment fees	
	Annual permit fee	Based on average daily sewered water usage for preceding calendar year
	New/reactivated permit	Based on permitted average daily flow, or estimated average flow for minor users
	Inspection fee	\$0
Sec. 106-396	Hauled-in septage, sludge, and/or grease trap wastes license fee	\$50.00/year
	Inspection fee	\$10/day
	Treatment charges:	
	Grease trap waste	\$0.13/gallon
	Septage/sludge waste	\$5.00/100 gallons
	Manifest (Trip book)	\$16.00/unit

Sec. 106-397	Service charge		
	Reconnection of separate water meter		\$0
	Delinquent fee		10% of bill
Sec. 106-463	Tap Fees		
	Water tap fees:		
	Normal use (3/4-inch service line)		\$470.00
	Lawn sprinkler (1-inch service line)		\$575.00
	Fire protection:		
	1.5-inch service line		\$795.00
	2-inch service line		\$975.00
	>2-inch service line		\$
	Sewer tap fees:		
	4-inch service line		\$355.00
	6-inch service line		\$430.00
	Manhole		\$
	Connect fee		\$25.00
	Split tap fees:		
	<u>Original tap</u>	<u>1st split</u>	
	3/4-inch	3/4-inch	\$115.00
	1-inch	3/4-inch	\$145.00
		1-inch	\$185.00
	1.5-inch	3/4-inch	\$235.00
		1-inch	\$265.00
		1.5-inch	\$295.00
	2-inch	3/4-inch	\$255.00
		1-inch	\$285.00
		1.5-inch	\$485.00
		2-inch	\$515.00
Sec. 106-697	Irrigation permit fee		\$50.00
Sec. 106-724	Application fee for municipal setting designation		\$2,000.00
Sec. 106-752	Roadway maintenance fee		
	Single family residential		\$5.00/month, each property
	Multi-family residential		\$2.50/month, each dwelling unit
	Commercial		\$7.50/month, each property
	Industrial		\$15.00/month, each property
	Bulk water sales		
	First 10,000 gallons		\$3.35/1000 gallons

	> 10,000 gallons	\$3.62/1000 gallons
	Hydrant rentals	\$1,750.00/rental
	First 10,000 gallons	\$3.35/100 gallons
	> 10,000 gallons	\$3.62/100 gallons

Chapter 110 – VEHICLES FOR HIRE

Ordinance Reference	Description	Fee
Sec. 110-129	Inspection fee	\$25.00
Sec. 110-235	Chauffeur's license fee	\$10.00
Sec. 110-238	Chauffeur's license renewal fee	\$5.00
Sec. 110-374	Carriage permit fee	\$0

Chapter 114 – WATERWAYS

Ordinance Reference	Description	Fee
Sec. 114-91	Commercial license fee	\$0
	Concession business license fee	\$0
Sec. 114-148	Fishing tournament permit	\$0

Chapter 118 – ZONING

Ordinance Reference	Description	Fee
Sec. 118-5	Application fees:	
	Zone change	\$300.00
	Specific use permit	\$300.00
	Historic overlay	\$0
	Zoning variance	\$350.00
	Special exception	\$350.00
	Appeal of City Planner's decision	\$350.00
Sec. 118-67	Public hearing postponement fee	\$0
Sec. 118-325	Sidewalk installation alternative fee	\$0
Sec. 118-392	Planned Developments:	

	Concept plan	\$350.00
	Development plan	\$350.00
	Site plan	\$350.00



City Council Meeting

Date: March 18, 2025

Agenda Item: 11.G.

PRESENTER: Pattillo, Brown & Hill LLP

ITEM/SUBJECT: Receive and accept the Annual Financial Audit for the fiscal year ending September 30, 2024, prepared by independent auditors Pattillo, Brown & Hill, LLP. (Pattillo, Brown & Hill, LLP)

SUMMARY/BACKGROUND:

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Todd Simoneaux, Interim Finance Director
simoneauxt@nactx.us
(936) 559-2506

ATTACHMENTS: