



**May 12, 2025**

## **PLANNING & ZONING COMMISSION**

Notice is hereby given of a Regular Meeting of the Nacogdoches Planning & Zoning Commission to be held on the above date beginning at 5:00 p.m. to consider the following agenda items.

Some Commission members may attend via videoconference, but a quorum of the Commission 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 at the specified location.

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

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. Open Forum: In addition to public comment on agenda items, the Commission offers an open forum whereby citizens may comment on governance issues over which the City of Nacogdoches has domain. In accordance with the Texas Open Meetings Act, members of the Commission shall not discuss, deliberate, or make any decisions on topics not posted as an agenda item. Speakers should address all remarks to the Commission and limit your remarks to no more than 3 minutes.
4. **CONSENT AGENDA:**  
All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.
  - A. Approval of Minutes: Consider approval of minutes from the April 14, 2025, meeting.
5. **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 on Zoning Case ZON2025-04 regarding a zone change from R-2, Single Family to B-2, General Business district on four (4) parcels of land approximately 2.0 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 24134, 24135, 24136, and 32772; and from B-1, Local Business to B-2, General Business district on four (4) parcels of land approximately 1.44 acres ± acres in size, more particularly described by Nacogdoches Central Appraisal District Parcels 32768, 32769, 32770, and 32771; and is generally located on the north side of West Seale Street near property located at



803 West Seale Street. (Interim City Planner)

- B. **Public Hearing:** Discuss and consider action on Zoning Case ZON2025-05 regarding a zone change from R-4, Multi-Family to I-1, Light Industrial on one (1) parcel of land approximately 0.8 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 77103; and from A, Agriculture to I-1, Light Industrial on seven (7) parcels of land approximately 3.4 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 28784 and 78740; and from R-2, Single-Family to I-1, Light Industrial on three (3) parcels of land approximately 3.0 acres ± in size, more particularly described by Nacogdoches County Appraisal District Parcels 81014, 32737, and 32738; and is generally located south of West Seale Street near property located at 803 West Seale Street. (Interim City Planner)
  
- C. **Public Hearing:** Discuss and consider action on Zoning Case ZON2025-06 regarding a zone change from B-1, Local Business to R-1, Single Family district on three (3) parcels of land approximately 0.74 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 28220, 28221, and 28222; and generally located on the north side of East Austin Street, west of the intersection of East Austin Street and Appleby Sand Road. (Interim City Planner)
  
- D. **Public Hearing:** Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118- "Zoning"; Article II. – "Administration". Division 4. "Amendment Procedure" to require pre-application meetings for all zoning-related changes, require a minimum 15-day notice for public hearings, clarify zoning designation procedures upon annexation, clarify the city council's authority to impose conditions on certain zoning actions, and improve organization and clarity of the chapter. (Executive Director of Development and Infrastructure)

6. Zoning Ordinance Subcommittee Report.

7. Future Agenda Items.

8. ADJOURN.

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Aimee Cloutier, Planning Coordinator

### CERTIFICATION

This meeting will be conducted pursuant to Chapter 551 of the Texas Government Code. The Commission 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 Government Code Section 551.071 [consultation with attorney]. 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 the meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961, on May 7, 2025, by 3:00 p.m., and remained posted until the meeting convened.

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Aimee Cloutier, Planning Coordinator



## Planning and Zoning Commission

Date: May 12, 2025

Agenda Item: 4.A.

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**PRESENTER:** Aimee Cloutier, Planning Coordinator

**ITEM/SUBJECT:** Approval of Minutes: Consider approval of minutes from the April 14, 2025, meeting.

**OVERVIEW:**

**STAFF REVIEW:**

Attached are the minutes for the regular meeting held on April 14, 2025.

**CITY CONTACT:** Aimee Cloutier, Planning Coordinator  
[cloutiera@nactx.us](mailto:cloutiera@nactx.us)

**ATTACHMENTS:** 1. P&Z Minutes 04.14.2025

**CITY OF NACOGDOCHES  
PLANNING & ZONING COMMISSION MEETING MINUTES  
APRIL 14, 2025, AT 5:00 P.M.  
REGULAR MEETING**

**COMMISSIONERS PRESENT:** Lily Phou; Ruth Carroll; Charles Zemanek; Matt Perry; Shannon Conklin

**STAFF PRESENT:** Planning Coordinator, Aimee Cloutier; Interim City Planner, Juan Pollette; Executive Director of Development and Infrastructure, Mike Neu; City Attorney, Jerry Baker

**OTHERS PRESENT:** Ken Jurist; Kristine Jurist; Brittney Holden; Brigette Kozash; Ed Pool; Clay Jones; Eddie Aguilar; Mike Parker

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:00 p.m.
2. **Pledge of Allegiance:** Chairman Conklin led the Pledge of Allegiance.
3. **Open Forum:** No one spoke under Open Forum.
4. **CONSENT AGENDA:**
  - A. Approval of the minutes for the meeting held on March 10, 2025. Commissioner Phou moved to approve the consent agenda, with Commissioner Carroll seconding. The consent agenda was approved unanimously.
5. **REGULAR AGENDA:**
  - A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.  
  
There were no items pulled from the consent agenda.
  - B. Discuss and consider approval of a Preliminary Plat for the Majestic Oaks Subdivision, consisting of approximately 25.35 acres, located on the east side of U.S. Highway 259 (US 259) approximately one mile north of U.S. Highway 59 (US 59).  
  
Interim City Planner (ICP) Juan Pollette presented the preliminary plat for the proposed Majestic Oaks Subdivision, located within the City's Extraterritorial Jurisdiction (ETJ) on approximately 25 acres on the east side of U.S. Highway 259, about one mile north of U.S. Highway 59. The development will consist of 37 single-family lots, each approximately half an acre in size. Pollette stated that the applicants are requesting two variances. The first variance is from Section 90-216 – Block Lengths for Residential Areas. Blocks 1 through 4 do not meet the minimum block length requirement of 600 feet. Specifically, Block 1 is deficient by 346 feet, Block 2 by 229 feet, Block 3 by 211 feet, and Block 4 by 300 feet. Additionally, the south side of Majestic Oaks Drive exceeds the maximum allowable block length of 1,200 feet by 203 feet. The second variance is from Section 90-181 – Projection of Streets, as the proposed subdivision does not provide any street projections to the adjoining unsubdivided areas, as typically required.

Pollette explained that the staff recommends approval of the preliminary plat and the requested variances. The site's rectangular and narrow configuration, along with a 20-foot drainage easement that runs through the center of the property, limits feasible street layout options. These constraints result in inefficient and impractical street placement under the standard requirements.

There was a discussion among the Commission and staff regarding maintenance responsibilities within the subdivision, the purpose and scope of the ETJ, and the differences between preliminary and final plat approval processes.

Public Comment: None

Commissioner Zemanek moved to approve the preliminary plat for the Majestic Oaks Subdivision with variances for block length deficiencies in Blocks 1 through 4 and excess on the south side of Majestic Oaks Drive, as well as a variance removing the requirement for street projections to unsubdivided adjoining areas. Commissioner Phou seconded the motion, and the motion passed unanimously.

- C. **Public Hearing:** Discuss and consider action regarding Specific Use Permit Case SUP2025-01 for an Accessory Apartment in an R-1, Single-Family district on one (1) parcel of land approximately one (1) acre ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26489; and located at 521 East Parker Road, Nacogdoches, Texas.

Commissioner Phou recused herself from consideration of this item.

ICP Pollette presented the request to the Commission, stating that the subject property is approximately one acre in size and currently developed with a single-family residence and a detached guest house located at the rear of the property. The applicants are seeking a Specific Use Permit to convert the existing guest house into an accessory apartment that includes cooking facilities.

Pollette explained that the existing guest house consists of 510 square feet, along with an attached 169-square-foot storage area. The applicants are proposing to combine both areas to create a total of 679 square feet of living space, which would be used to accommodate extended family members.

Notices regarding the request were sent to property owners within a 500-foot radius, and no responses were received. A neighborhood meeting was also held for nearby residents, and those in attendance did not express opposition to the request. Staff determined that the proposal meets the criteria for approval.

Public Comment: none

Commissioner Carroll moved to approve the Specific Use Permit for the accessory apartment. Commissioner Perry seconded the motion. The motion passed unanimously (4–0), with Commissioner Phou recusing herself from the vote.

- D. **Public Hearing:** Discuss and consider action on Zoning Case ZON2025-03 regarding a zone change from A, Agriculture to B-2, General Business district for two parcels of land approximately

2.27 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 81424, Lots 17 and 18, Block 72; and located at 7013 North Street, Nacogdoches, Texas.

ICP Pollette presented the request, stating that the property consists of two lots that were previously developed with a motel, which has since been demolished. He explained that the surrounding properties are developed for commercial use, and the proposed zoning is consistent with the established development pattern in the area.

Pollette noted that notices regarding the request were sent to property owners within a 500-foot radius, and no responses were received. A neighborhood meeting was also held for nearby residents, and those in attendance did not express any opposition. Staff finds that the request meets the conditions for approval.

The applicant, Ed Pool, addressed the Commission, stating that he intends to sell both tracts of land. He noted that the southern lot is already under contract for commercial use, contingent upon approval of the requested zoning.

There was no public comment.

Commissioner Phou moved to approve the zone change request, with Commissioner Zemanek seconding the motion. The request was approved unanimously.

- E. **Public Hearing:** Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118– “Zoning”; Article I-Section 118-5–“Fees”; Article II–Section 118-67–“Public Hearing Postponement, Recess and Continuations”; and Article IV– Section 118-325–“Urban Core Overlay District Sidewalks”, to clarify where the fee and fee amounts are specified in the Code of Ordinance.

City Attorney Jerry Baker presented the proposed ordinance amendments to the Commission, stating that the City Council recently adopted a master fee schedule on March 18th. He explained that the fee schedule functions as an addendum to the ordinances and includes references to specific code sections, descriptions of each fee, and the corresponding amounts. Baker noted that the proposed changes to the zoning ordinance are minimal and are intended solely to reference the master fee schedule. This ensures consistency and avoids potential discrepancies between the ordinance text and the newly adopted fee schedule.

There was no public comment.

Commissioner Perry moved to approve the ordinance amendments, with Commissioner Phou seconding the motion. The amendments were approved unanimously.

- F. **Public Hearing:** Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118– “Zoning”; including Article I, Section 118-1– “Definitions” – Adding definitions for Beauty Salon and Tattoo Studio and amending the definition for Piercing Studio., Article III, Section 118-273 – “Land Use Schedule” – Updating the classification of Beauty Salon, Body Piercing Studio, and Tattoo Studio to align with the correct definitions.

Executive Director of Development and Infrastructure Mike Neu presented the proposed ordinance amendments to the Commission. He explained that the amendments are intended to

clarify the definitions for *Tattoo and Body Piercing Studios* and to define *Beauty Salons*, as well as incorporate the new definitions into the land use chart. Neu noted that the proposed definitions align with those established by the Texas Department of Licensing and Regulation (TDLR).

**Public Comment:**

Brittney Holden expressed her support for the amendments, stating she is pleased the city is clearly defining these uses, especially since beauty shops often perform both permanent makeup and other types of tattoos.

**Public Comment Closed.**

There was additional discussion among the Commission, staff, and licensed body piercer Brittney Holden regarding the distinctions between piercings and implants.

Commissioner Zemanek moved to approve the ordinance amendments, with Commissioner Perry seconding the motion. The amendments were approved unanimously.

**6. Zoning Ordinance Subcommittee Report.**

Commissioner Carroll provided an update to the Commission, stating that the subcommittee meetings are ongoing and that they are making significant progress on proposed changes. Executive Director Mike Neu added that upcoming meetings will focus on discussions regarding parking requirements, planned developments, and district development standards. He also noted that as staff identifies issues, they will be brought before the subcommittee for further discussion and recommendations.

**7. Discussion and possible action on future agenda items.**

There was no discussion.

Chairman Conklin adjourned the meeting at 5:41 p.m.

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Chairman Shannon Conklin

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Attest: Planning Coordinator, Aimee Cloutier



**PRESENTER:** Juan Pollette, Interim City Planner

**ITEM/SUBJECT: Public Hearing:** Discuss and consider action on Zoning Case ZON2025-04 regarding a zone change from R-2, Single Family to B-2, General Business district on four (4) parcels of land approximately 2.0 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 24134, 24135, 24136, and 32772; and from B-1, Local Business to B-2, General Business district on four (4) parcels of land approximately 1.44 acres ± acres in size, more particularly described by Nacogdoches Central Appraisal District Parcels 32768, 32769, 32770, and 32771; and is generally located on the north side of West Seale Street near property located at 803 West Seale Street. (Interim City Planner)

**OVERVIEW:** The applicant, Clem Russell on behalf of Bright Coop Inc., is requesting a zone change on eight (8) adjacent parcels located north of 803 W. Seale Street. As property owner of the subject parcels and 803 W. Seale Street, Bright Coop has gradually expanded its operations in the area since 1951. The subject parcels are currently used for employee parking and are situated directly across from the company's manufacturing location. Of the eight parcels in total, four are currently zoned Single-Family Residential (R-2) and four are zoned Local Business (B-1). Bright Coop is believed to have established this location and use prior to the adoption of the City's zoning ordinance in 1970, and the applicant is requesting to rezone all eight parcels to General Business (B-2) to comply with current zoning regulations for the existing use.

Adjacent Land Use & Zoning

The subject properties are zoned B-1, General Business and R-2, Single-Family and are developed as commercial parking. The surrounding zoning and land uses are as follows:

<b>Direction</b>	<b>Comprehensive Plan</b>	<b>Current Zoning</b>	<b>Land Use</b>
<b>North</b>	Single Family Residential	R-2, Single Family	Residential
<b>South (Across W. Seale St.)</b>	Single Family Residential	I-1, Light Industrial	Industrial
<b>East</b>	Single Family Residential	R-2, Single Family	Residential
<b>West</b>	Single Family Residential	R-2, Single Family	Residential

The adjacent area is zoned with single-family and industrial and is developed primarily with single-family homes except for light industrial to the south across West Seale Street.

**STAFF REVIEW:**

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;

On the north side of W. Seale Street, the subject parcels are currently used for employee parking, which is a low-impact use. Rezoning these parcels to B-2, General Business, aligns with the current use and provides a more appropriate zoning classification that allows for stand-alone parking. The transition to B-2 zoning will not introduce new or intensified uses that would negatively affect adjacent single-family residential properties.

**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 area surrounding the subject properties is part of an established neighborhood that is largely built out, with limited remaining vacant land. On the north side of W. Seale Street, the affected parcels are already developed and used exclusively for employee parking, a low-intensity use with minimal impact on nearby properties. Rezoning these parcels to B-2, General Business, will bring the existing use into compliance while maintaining compatibility with the surrounding residential and commercial context. The change supports orderly development by aligning zoning with current land use and built infrastructure.

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

The subject properties have direct access from West Seale Street, which is a local two-lane asphalt road with a ROW of approximately 50 feet. The properties 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;

Current fencing does not conform with Sec. 118-429 *Commercial sites with residential adjacency*, which requires a six-foot-tall masonry or wooden fence with a landscape buffer where nonresidential sites are immediately adjacent to residential zoned properties. If changed to a B-2 district, the property's fence would be considered a nonconforming use and future onsite development or improvements may be required to meet current City 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 properties as *Single Family Residential*. This FLUP category is described as “Conventional one-family detached dwellings (also includes duplexes).” Although the FLUP designation does not align with the requested B-2, General Business district, the requested change reflects current, long-standing use of the properties as employee parking for Bright Coop. These parcels are not being proposed for intensive commercial development but are instead intended to support the continued use of the site as ancillary parking for an established industrial operation directly across the street. While the request does not strictly conform to the future land use designation, the proposed rezoning helps to formalize a use that has existed for many years without disrupting the overall intent of the Comprehensive Plan. Staff finds that the request is not in compliance with the Future Land Use Plan and the stated Goals and Objectives of the 2003 Comprehensive Plan. However, given the long-standing industrial presence in the area and the existing use of the property, the request may be considered a reasonable deviation that reflects current conditions and supports the continued operation of a local employer.

### **PUBLIC ENGAGEMENT:**

- March 31, 2025 – Staff mailed fifty-one (51) neighborhood meeting notice postcards to property owners within 500 feet of the subject property.
- April 16, 2025 – Staff coordinated a neighborhood meeting at City Hall on behalf of the applicants to receive input from surrounding property owners. Four (4) of the neighboring residents attended the meeting with concerns that their properties were also being rezoned. Once clarified, the residents were not opposed to the rezoning.
- April 23, 2025 – Staff mailed twenty-four (24) public meeting notice letters to property owners within 200 feet and thirty-one (31) notice postcards to property owners within 200–500 feet. Staff have not received any letters in opposition or in favor of the request from the neighboring residents.
- April 27, 2025 – Legal ad published in the Daily Sentinel newspaper.

*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.*

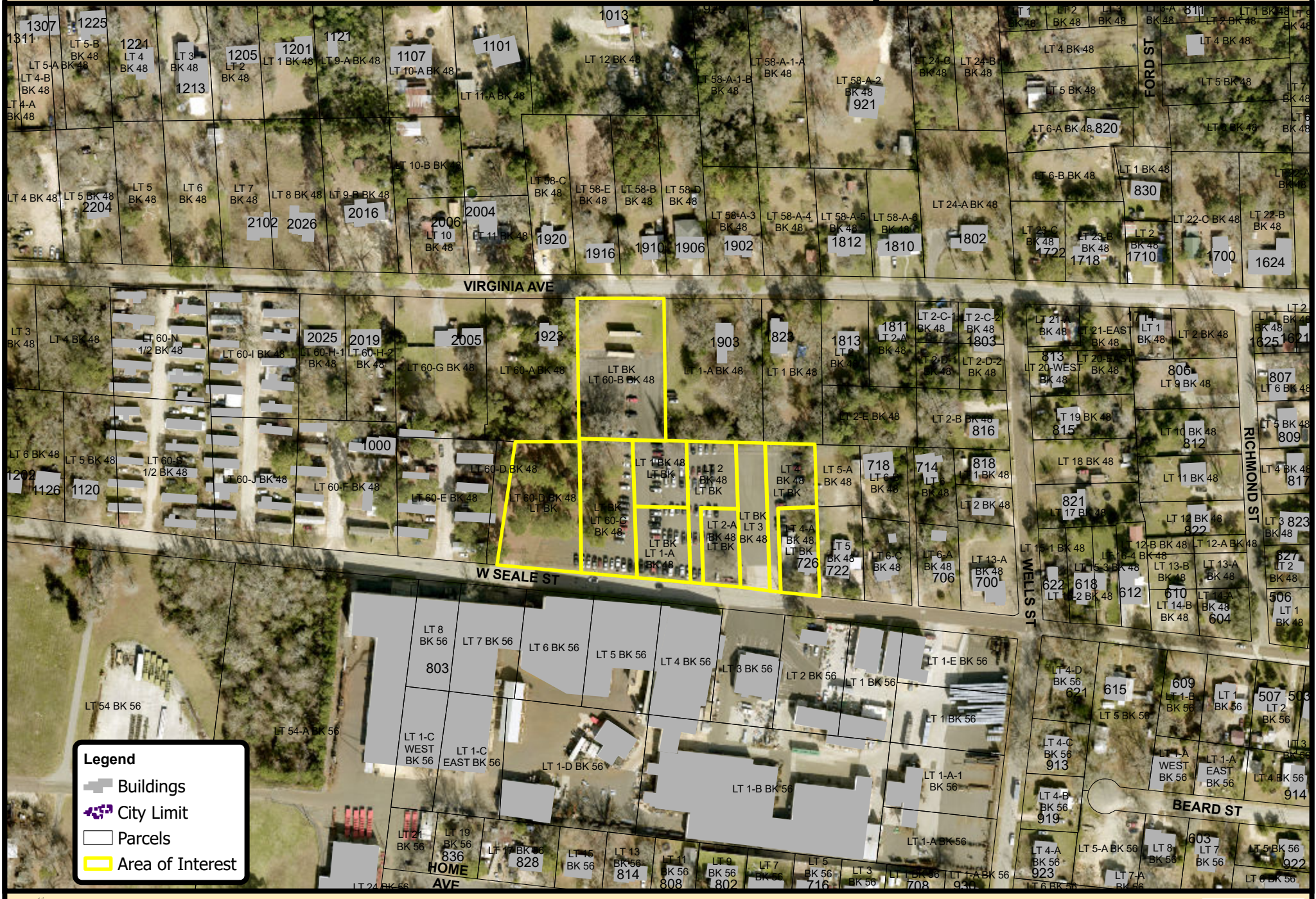
This item is scheduled for City Council consideration on Tuesday, May 20, 2025.

**CITY CONTACT:** Juan Pollette, Interim City Planner

**ATTACHMENTS:**

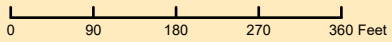
1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Site Photos

# ZON2025-04 Aerial Map



**Legend**

- Buildings
- City Limit
- Parcels
- Area of Interest



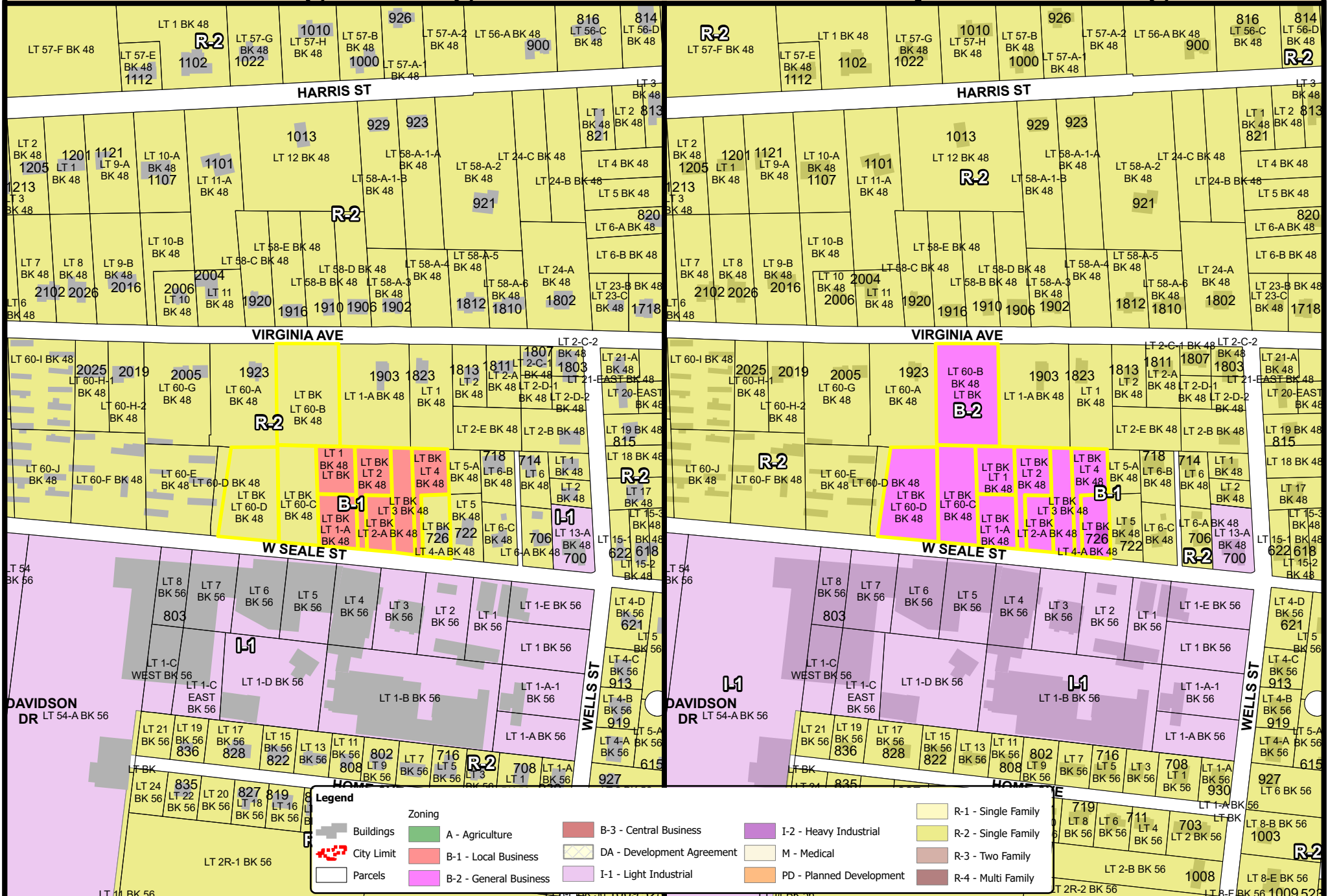
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# Existing Zoning

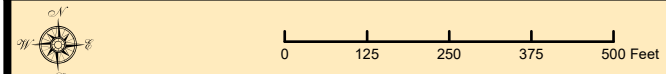
# ZON2025-04

# Proposed Zoning



**Legend**

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

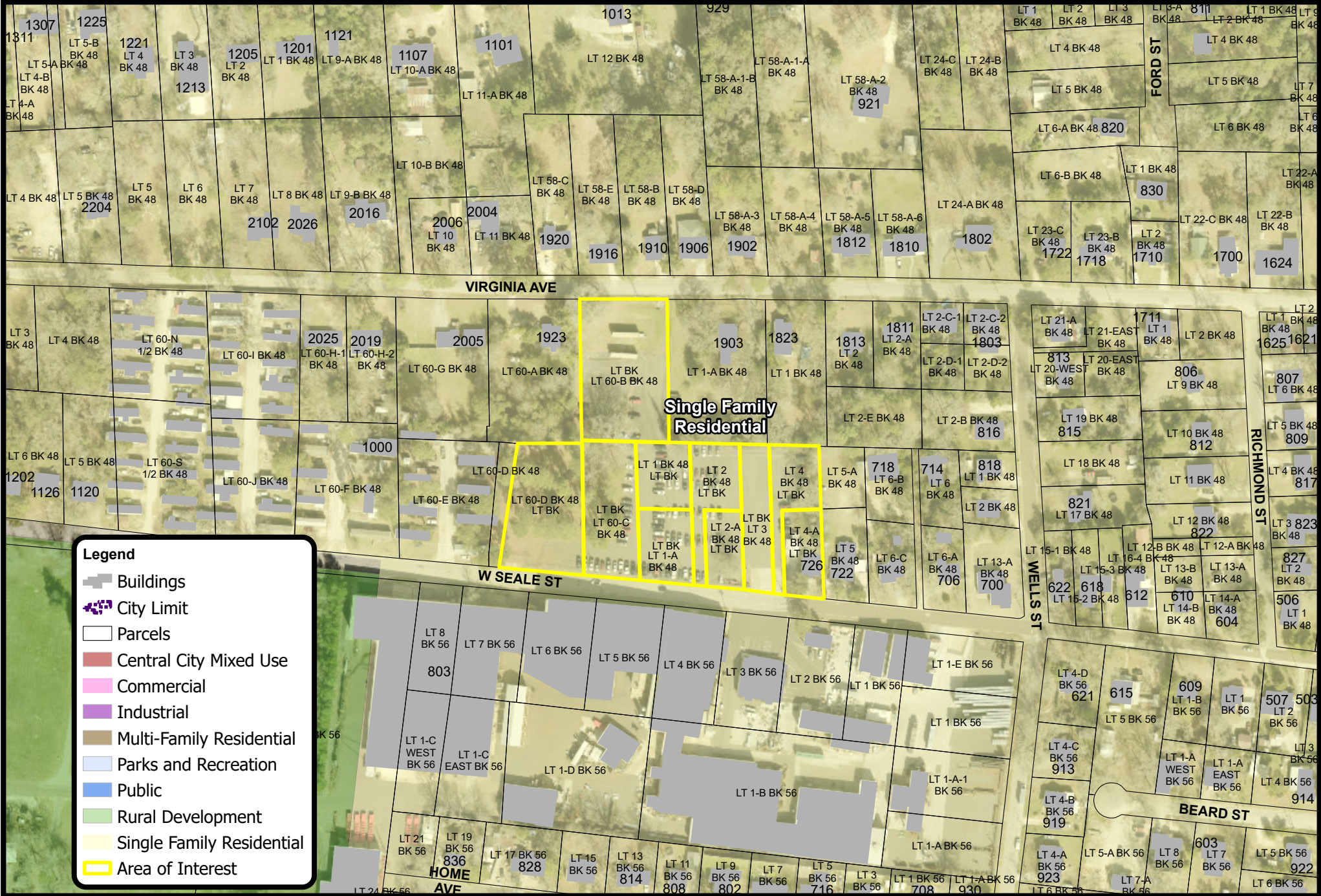


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# ZON2025-04 Future Land Use Map



### 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

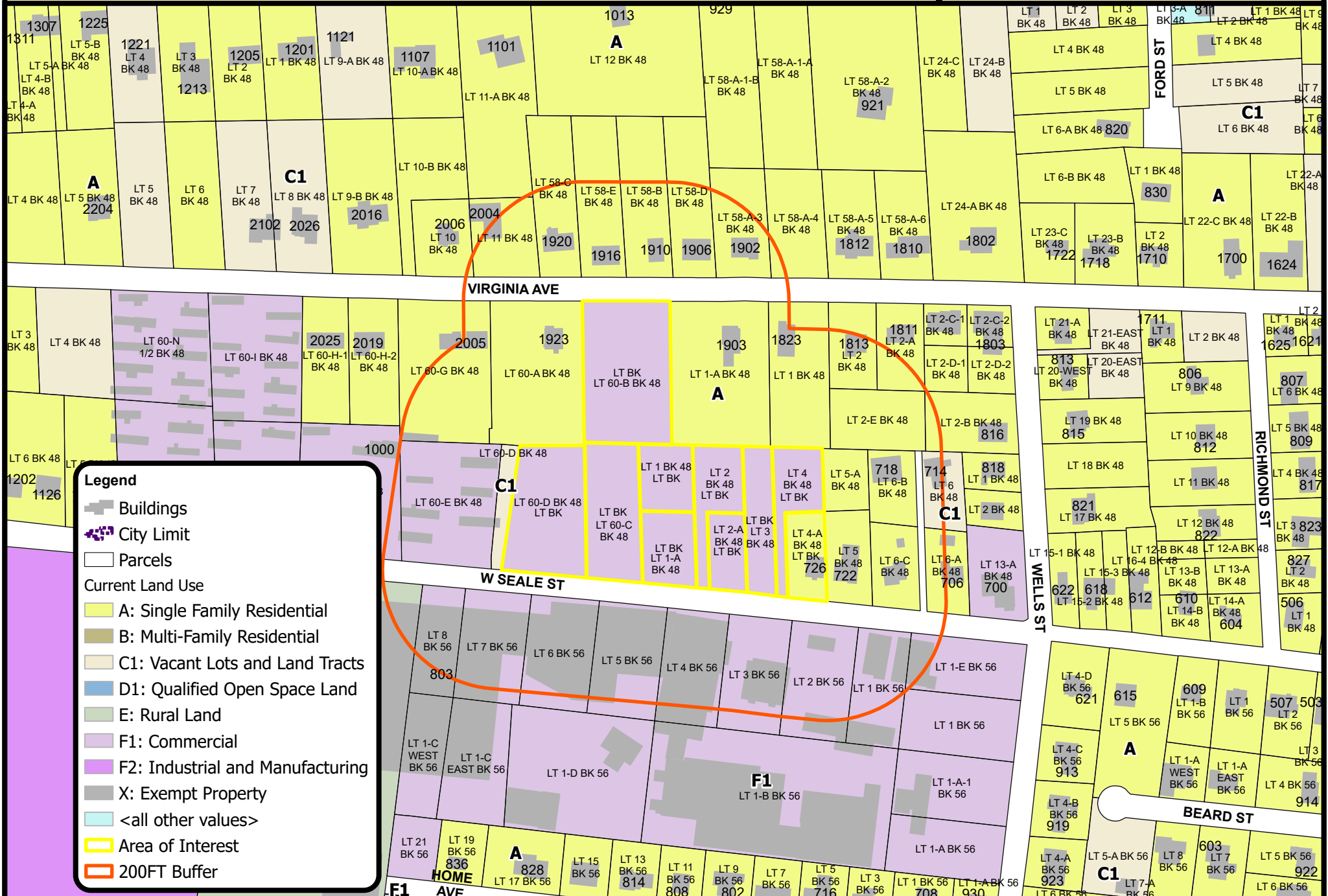


0 90 180 270 360 Feet

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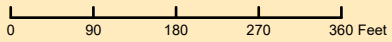
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# ZON2025-04 Notification Map



**Legend**

- Buildings
- City Limit
- Parcels
- Current Land Use
  - A: Single Family Residential
  - B: Multi-Family Residential
  - C1: Vacant Lots and Land Tracts
  - D1: Qualified Open Space Land
  - E: Rural Land
  - F1: Commercial
  - F2: Industrial and Manufacturing
  - X: Exempt Property
  - <all other values>
- Area of Interest
- 200FT Buffer



Date Created: 04/04/25 14:21 | ArcGIS Pro 3.2.2

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# ZON2025-04 Site Photos

Bright Coop's employee parking area



# View of adjacent properties

Adjacent property to the east



Adjacent property to the west





**PRESENTER:** Juan Pollette, Interim City Planner

**ITEM/SUBJECT: Public Hearing:** Discuss and consider action on Zoning Case ZON2025-05 regarding a zone change from R-4, Multi-Family to I-1, Light Industrial on one (1) parcel of land approximately 0.8 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 77103; and from A, Agriculture to I-1, Light Industrial on seven (7) parcels of land approximately 3.4 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 28784 and 78740; and from R-2, Single-Family to I-1, Light Industrial on three (3) parcels of land approximately 3.0 acres ± in size, more particularly described by Nacogdoches County Appraisal District Parcels 81014, 32737, and 32738; and is generally located south of West Seale Street near property located at 803 West Seale Street. (Interim City Planner)

**OVERVIEW:** The applicant, Clem Russell on behalf of Bright Coop Inc., is requesting a zone change on a total of 11 parcels located at or near 803 W. Seale Street. As property owner of the subject parcels, Bright Coop has gradually expanded operations in this area since 1951. Most of the property located at or near 803 W. Seale Street is currently zoned I-1, Light Industrial, which is appropriate for existing uses. At the southwest end of Reedy Street (west of the property zoned I-1), Bright Coop owns one parcel zoned R-4, Multi-Family Residential, and seven parcels zoned A, Agricultural. At the west end of Home Avenue (east of the property zoned I-1), Bright Coop owns three smaller parcels zoned R-2, Single Family Residential. In order to create a cohesive zoning designation that reflects existing and intended uses of the property, the applicant is requesting all of these parcels be rezoned to I-1, Light Industrial. This request supports the continued operations and growth of the business and aims to eliminate inconsistencies in the zoning map resulting from gradual land purchases and development over time.

Adjacent Land Use & Zoning

The subject properties are zoned I-1, Light Industrial, R-4, Multi-Family, A- Agriculture and R-2, Single Family and are currently developed with industrial use. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Current Zoning	Land Use
North (Across W. Seale)	Single Family Residential	R-2, Single Family & B-1, Local Business	Residential & Commercial
South	Single Family Residential & Commercial	B-2, General Business & R-2, Single Family	Residential & Commercial
East	Single Family Residential	R-2, Single Family & R-3, Two Family	Residential
West	Rural Development	A, Agricultural & B-2, General Business	Residential & Commercial

The adjacent area is zoned with a mix of single-family, multi-family, commercial and agricultural districts and is developed primarily with single-family homes except for commercial uses along South West Stallings Drive.

**STAFF REVIEW:**

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;

On the south side of W. Seale Street, the requested rezoning to I-1, Light Industrial, brings existing industrial operations into conformance with the zoning ordinance. The company has operated in this location since before the City's zoning ordinance was adopted in 1970, and the properties proposed for rezoning are already functioning in support of the main facility. The zone change will not alter current operations but will align zoning with the existing use, promoting regulatory consistency without introducing new incompatibilities. The surrounding land uses to the south and west, including existing General Business and Light Industrial zoning, further support the appropriateness of the request. Therefore, the proposed zone changes are not anticipated to diminish or impair property values in the area.

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

On the south side of W. Seale Street, the request to rezone multiple parcels to I-1, Light Industrial, reflects the actual use of the land as part of the Bright Coop facility. These parcels, which are adjacent to the company's main site and surrounded by other developed properties, are already integrated into the operations of the business. Bringing them under a consistent zoning designation supports logical and efficient land use without altering the established development pattern. Being that the area is mostly developed, the proposed changes will not restrict or discourage the future development of any remaining vacant land nearby.

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

The subject properties have direct access from West Seale Street, which is a local two-lane asphalt road with a ROW of approximately 60 feet. The properties 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 odors, 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;

Most of the fencing does not conform with Sec. 118-429 *Commercial sites with residential adjacency*, which requires a six-foot-tall masonry or wooden fence with a landscape buffer where nonresidential sites are immediately adjacent to residential zoned properties. If changed to a B-2 district, some of the property's fences currently surrounding the R-2 district properties along Home Avenue would be considered a nonconforming use and future onsite development or improvements may be required to meet current City 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 west half of the subject properties as *Rural Development* and the east half as *Single Family Residential*. The Rural Development 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 un-subdivided land used for agriculture, forestry, resource extraction, widely-scattered homesteads and business establishments, natural open space, or activities not requiring permanent structures or improvements. It also includes areas that are gradually transitioning into urban uses and development.” The Single Family Residential FLUP category is described as, “Conventional one-family detached dwellings (also includes duplexes).” The FLUP designates the western portion of the subject area as Rural and the eastern portion as Single Family Residential. While these designations do not align with the requested I-1, Light Industrial district, the requested zoning is consistent with Bright Coop's adjacent industrial uses. Bright Coop is believed to have been established at this location prior to the adoption of the zoning ordinance in 1970.

The proposed zoning brings these properties into alignment with adjacent industrial zoning and operations, eliminates zoning inconsistencies, and reflects a long-standing development pattern in this area. Additionally, the surrounding area includes a mix of industrial and commercial uses, especially along Loop 224, which supports the appropriateness of industrial zoning for these parcels.

Staff finds that the request is not in compliance with the Future Land Use Plan and the stated Goals and Objectives of the 2003 Comprehensive Plan. However, considering the long-established industrial use of the site and adjacent zoning and development patterns, the request may be viewed as a logical zoning adjustment reflective of existing conditions.

#### **PUBLIC ENGAGEMENT:**

- March 31, 2025 – Staff mailed sixty (60) neighborhood meeting notice postcards to property owners within 500 feet of the subject property.
- April 16, 2025 – Staff coordinated a neighborhood meeting at City Hall on behalf of the applicants to receive input from surrounding property owners. Four (4) of the neighboring residents attended the meeting with concerns that their properties were also being rezoned. Once clarified, the residents were not opposed to the rezoning.
- April 23, 2025 – Staff mailed twenty-eight (28) public meeting notice letters to property owners within 200 feet and thirty-two (32) notice postcards to property owners within 200–500 feet. Staff have not received any letters in opposition or favor of the request

from the neighboring residents.

- April 27, 2025 – Legal ad published in the Daily Sentinel newspaper.

*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.*

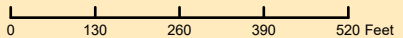
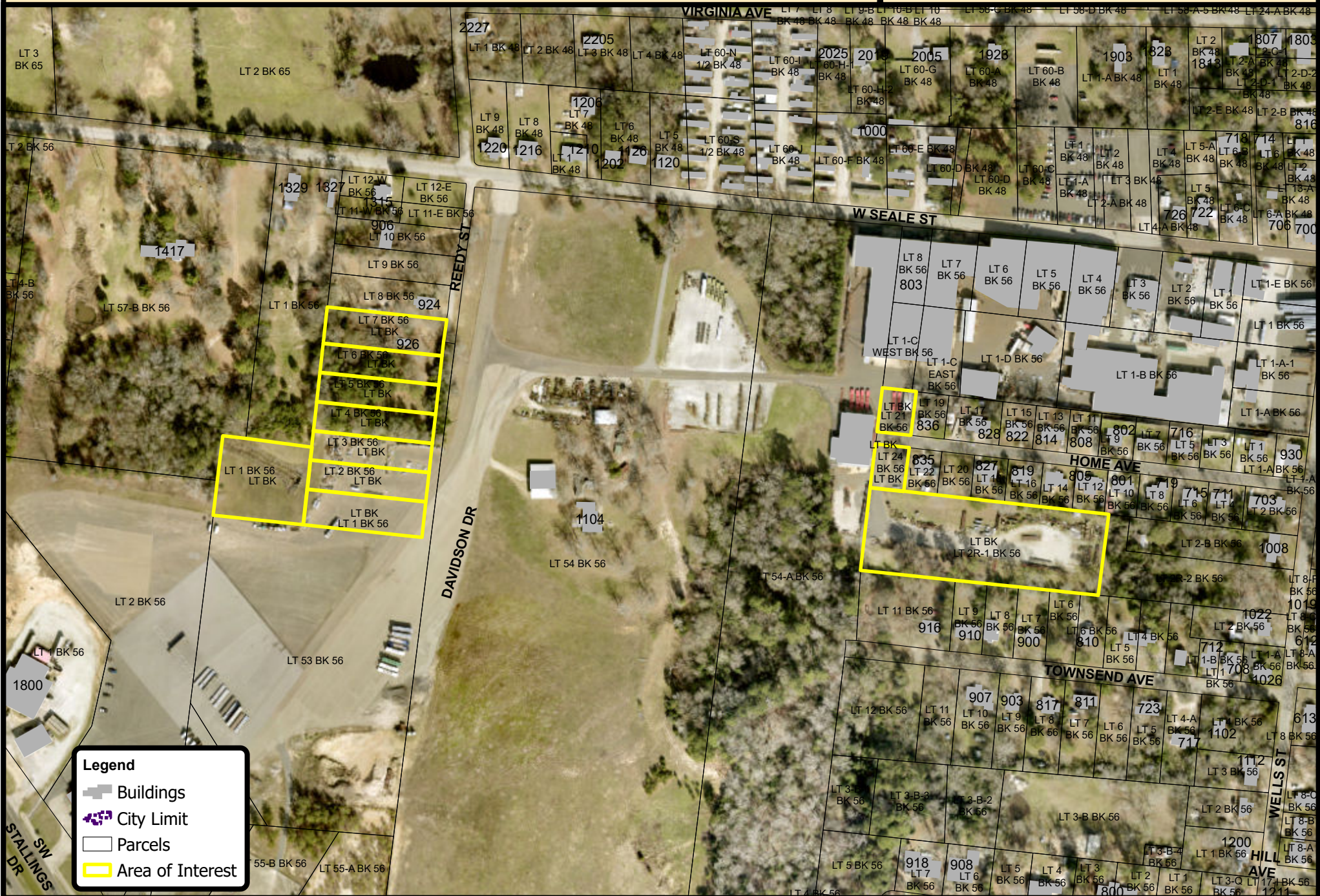
This item is scheduled for City Council consideration on Tuesday, May 20, 2025.

**CITY CONTACT:** Juan Pollette, Interim City Planner

**ATTACHMENTS:**

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

# ZON2025-05 Aerial Map



Date Created: 04/04/25 14:16 | ArcGIS Pro 3.2.2

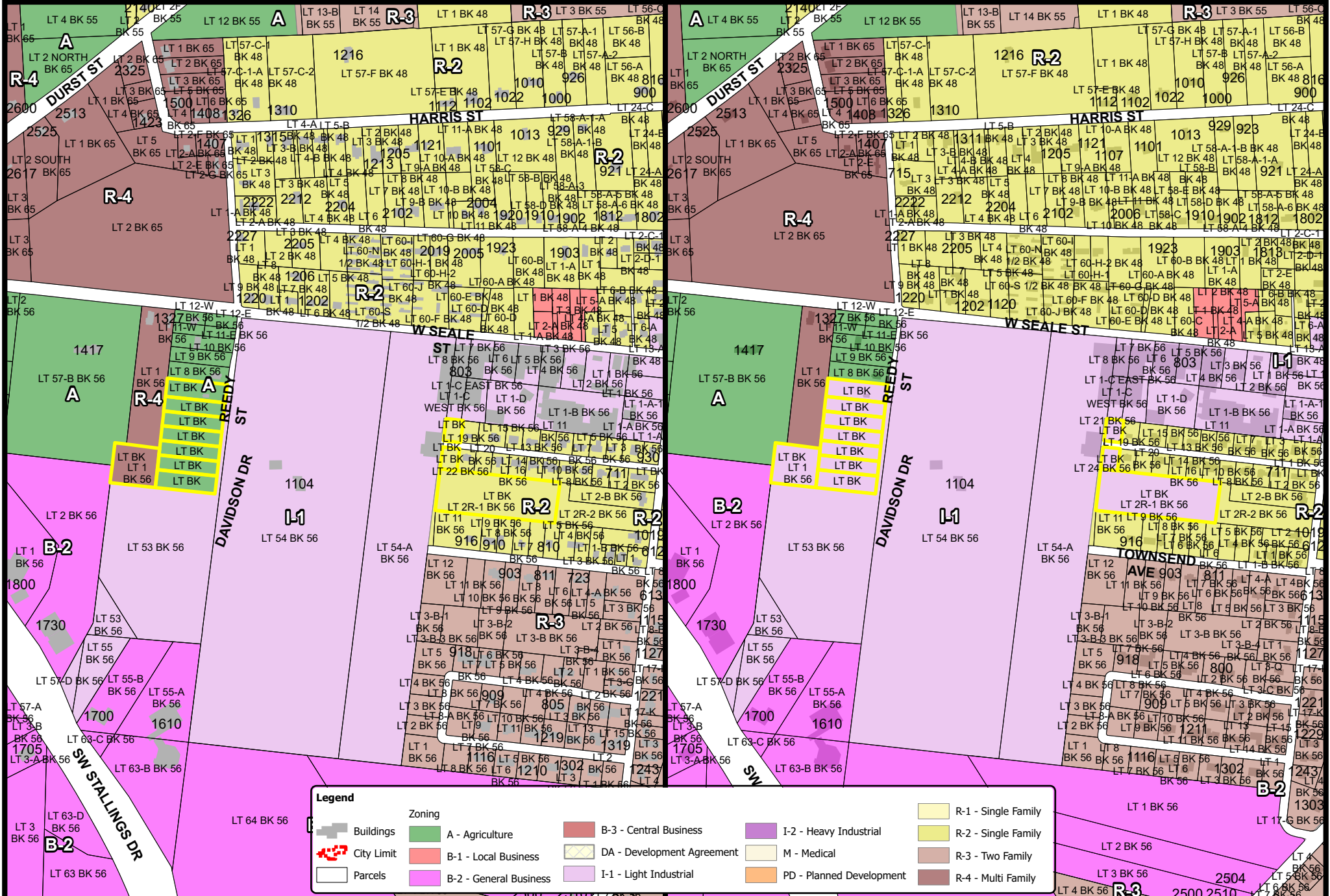
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



# Existing Zoning

# ZON2025-05

# Proposed Zoning

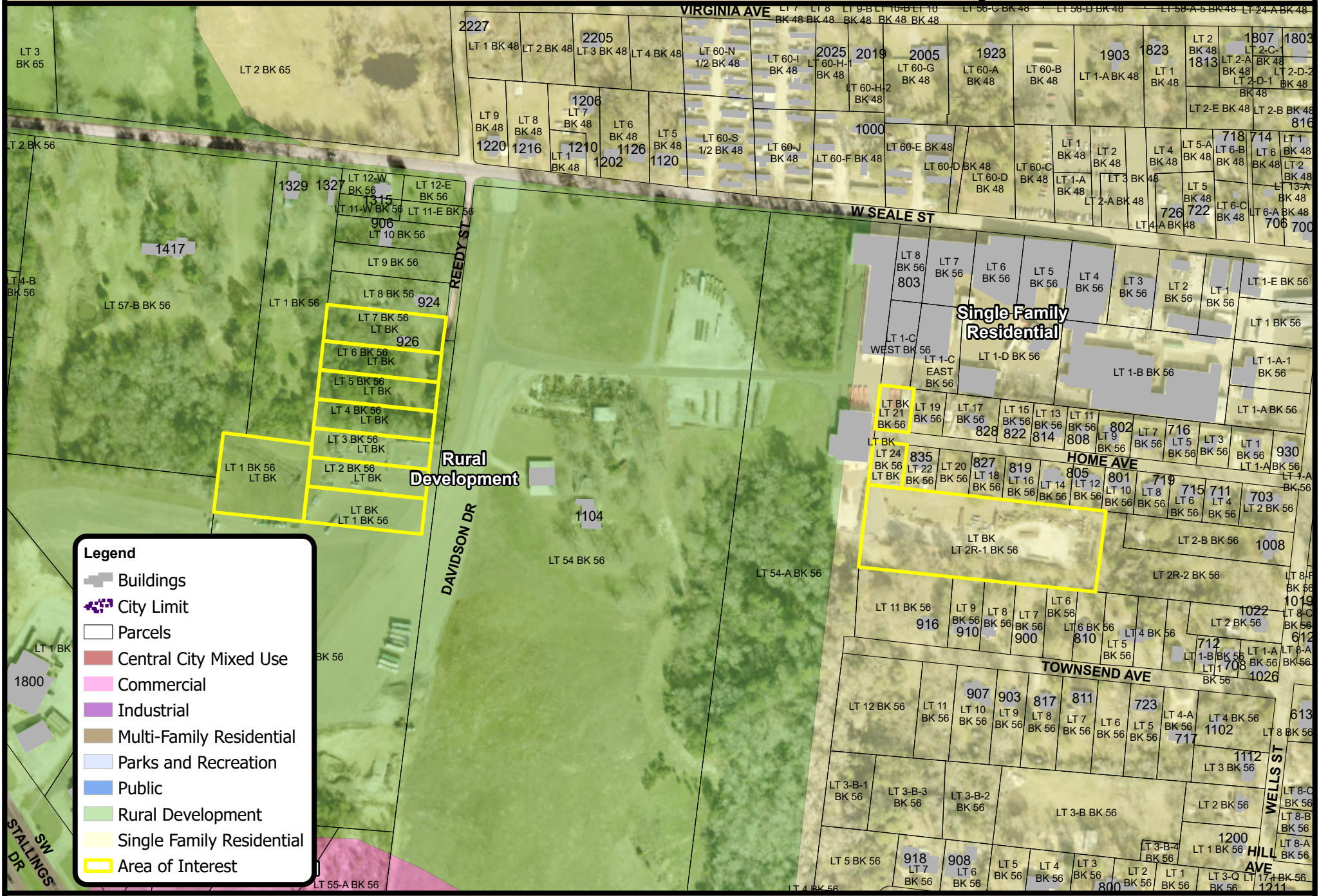


0 250 500 750 1,000 Feet

Date Created: 04/04/25 14:15 | ArcGIS Pro 3.2.2

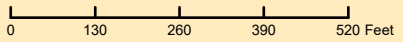
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# ZON2025-05 Future Land Use Map



**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

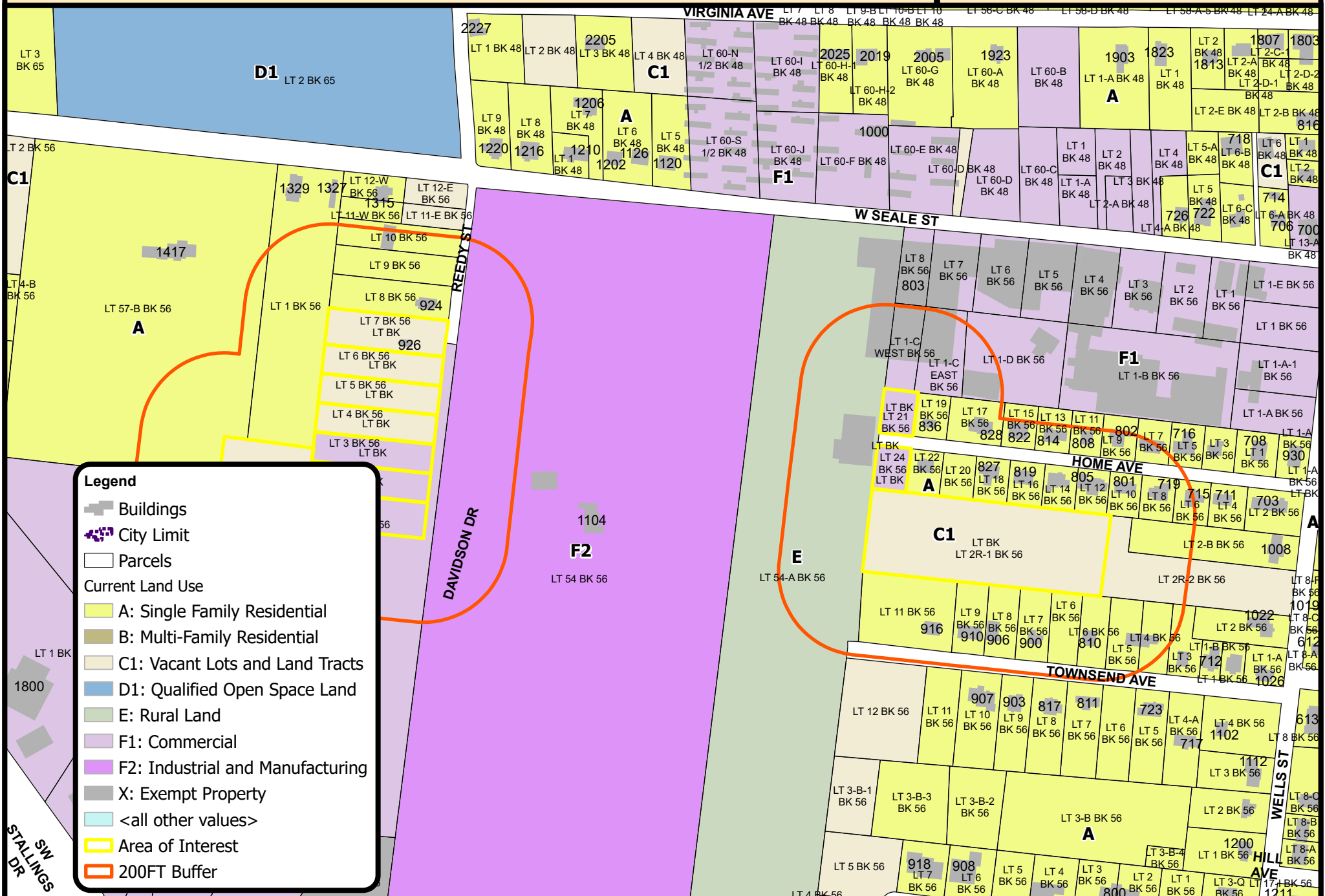


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# ZON2025-05 Notification Map



**Legend**

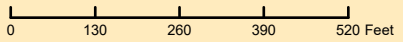
- Buildings
- City Limit
- Parcels

**Current Land Use**

- A: Single Family Residential
- B: Multi-Family Residential
- C1: Vacant Lots and Land Tracts
- D1: Qualified Open Space Land
- E: Rural Land
- F1: Commercial
- F2: Industrial and Manufacturing
- X: Exempt Property
- <all other values>

**Area of Interest**

- Area of Interest
- 200FT Buffer



Date Created: 04/04/25 14:15 | ArcGIS Pro 3.2.2

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# ZON2025-05 Site Photos

Bright Coop's main office/manufacturing area



Southern end of Reedy St.



**PRESENTER:** Juan Pollette, Interim City Planner

**ITEM/SUBJECT: Public Hearing:** Discuss and consider action on Zoning Case ZON2025-06 regarding a zone change from B-1, Local Business to R-1, Single Family district on three (3) parcels of land approximately 0.74 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 28220, 28221, and 28222; and generally located on the north side of East Austin Street, west of the intersection of East Austin Street and Appleby Sand Road. (Interim City Planner)

**OVERVIEW:** The applicant, Gary Stripling, is requesting a zone change from B-1, Local Business to R-1, Single Family district for three lots totaling approximately 0.74 acres ± in size, located on the north side of East Austin Street, near the intersection of East Austin Street and Appleby Sand Road. The R-1 district is intended as an area for low-density single-family use. Lots in this area must be 8,250 square feet and larger.

The properties are currently undeveloped, and the applicant plans to re-subdivide the parcels to create uniform lot widths and construct three (3) single-family homes.

Adjacent Land Use & Zoning

The subject properties are zoned B-1, Local Business and are undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Current Zoning	Land Use
North	Single Family Residential	R-1, Single Family & B-1, Local Business	Single Family & Commercial
South (Across E. Austin St.)	Single Family Residential	R-1, Single Family & B-1, Local Business	Single Family
East	Single Family Residential	B-1, Local Business	Commercial
West	Single Family Residential	R-1, Single Family	Single Family

The majority of the area is zoned R-1, Single Family except for Local Business to the east and Planned Development to the south.

**STAFF REVIEW:**

**REVIEW CRITERIA:** 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 properties within the immediate vicinity are primarily zoned and developed for single-family residential uses, except for the adjacent property to the east that is zoned B-1, Local Business. Staff believes that the zone change request is consistent with the existing single-family zoning and local business development pattern in the area.

**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 majority of the surrounding property is currently developed. The rezoning should not impede the orderly growth of adjacent properties.

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

The subject properties have direct access from East Austin Street. The properties have access to public utilities, with a 6-inch water main located along East Austin Street and a 6" sewer main located along the rear property line. The applicant will be required to provide water detention plans showing water runoff. The city is in the process of installing a city-initiated storm drain that will be located along the rear of the property lines to mitigate the additional water runoff to the lower elevation lots to the north.

**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 be required to meet all current driveway and parking regulations.

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

If the zone change is approved, 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 is approved, any new outdoor lighting would be subject to the City's current standards, which requires light fixtures to utilize a downcast lighting design.

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

Residential development does not require landscaping.

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

#### Future Land Use

Per the 2003 Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject properties as *Single Family Residential*. The *Single Family Residential* FLUP category is described as, "Conventional one-family detached dwellings (also includes duplexes)." R-1 meets this Comprehensive Plan designation.

#### Thoroughfare Plan

East Austin Street is a collector road that will serve as direct access to this property and the other residential uses in the area. The roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use.

#### Land Use Policies, Goals & Objectives

This rezoning is a response to the current needs for single-family residential growth and therefore Staff believes it fits into the goals of the Comprehensive Plan; specifically, the goal to encourage *Growing Inward – Long-term growth in appropriate areas to achieve an efficient, diverse and balanced patten of land uses*. Some of the targeted objectives include:

- Promote growth where adequate infrastructure exists.
- Encourage infill development where appropriate (utilities, compatibility, etc.)
- Ensure that development within targeted growth areas will not reduce the adequacy of public facilities and services.

Staff believes the FLUP designation of the properties is consistent with the proposed zoning and the request is in compliance with the Comprehensive Plan.

**PUBLIC ENGAGEMENT:**

- April 23, 2025 – Staff mailed eleven (11) public meeting notice letters to property owners within 200 feet and thirty (30) 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.
- April 27, 2025 – Legal ad published in the Daily Sentinel newspaper.

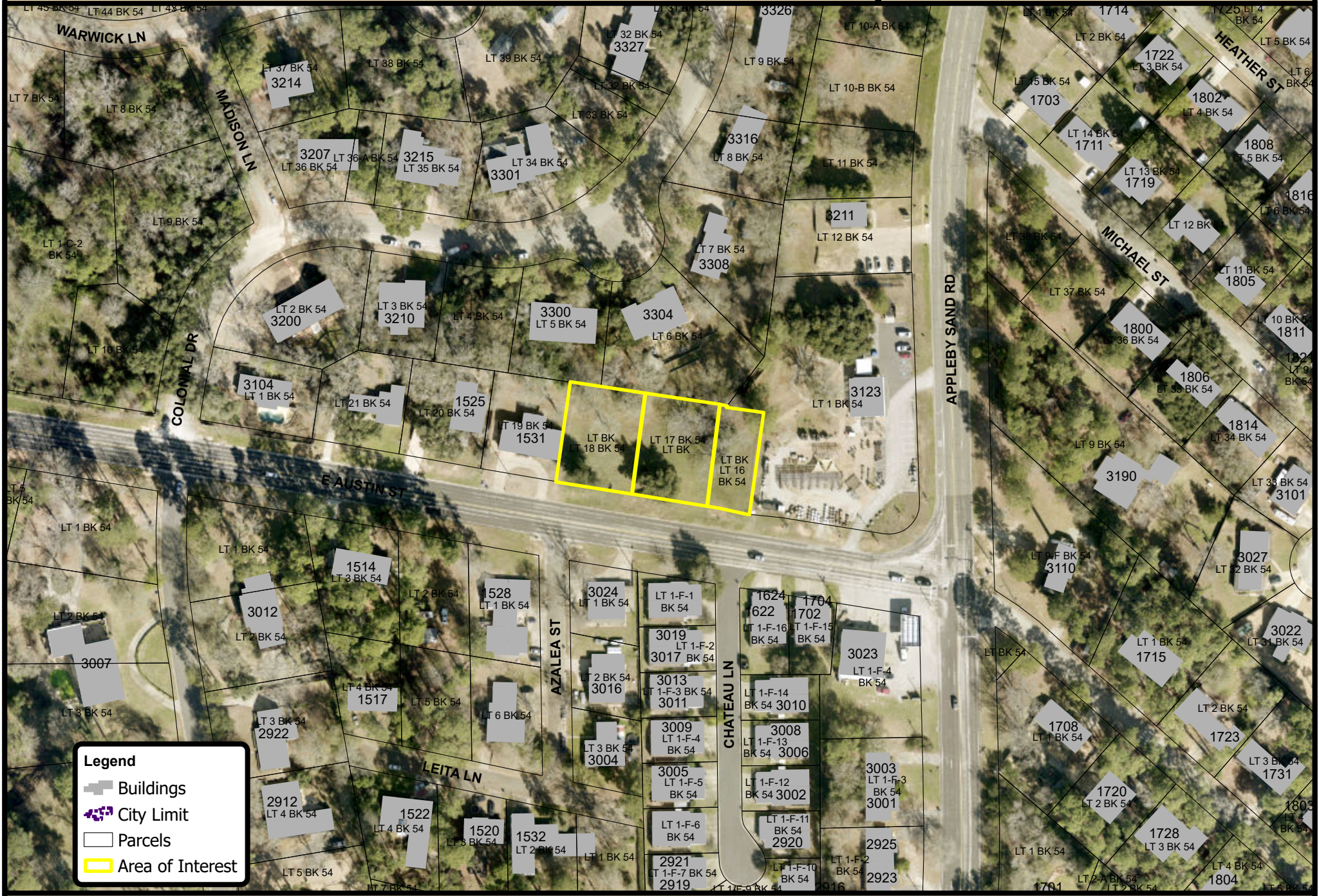
*NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.*

This item is scheduled for City Council consideration on May 20, 2025.





**CITY CONTACT:**

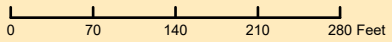
- ATTACHMENTS:**
1. Aerial Map
  2. Zoning Map
  3. Future Land Use Map
  4. Notification Map
  5. Site Photos

# ZON2025-06 Aerial Map



**Legend**

-  Buildings
-  City Limit
-  Parcels
-  Area of Interest



Date Created: 04/04/25 14:10 | ArcGIS Pro 3.2.2

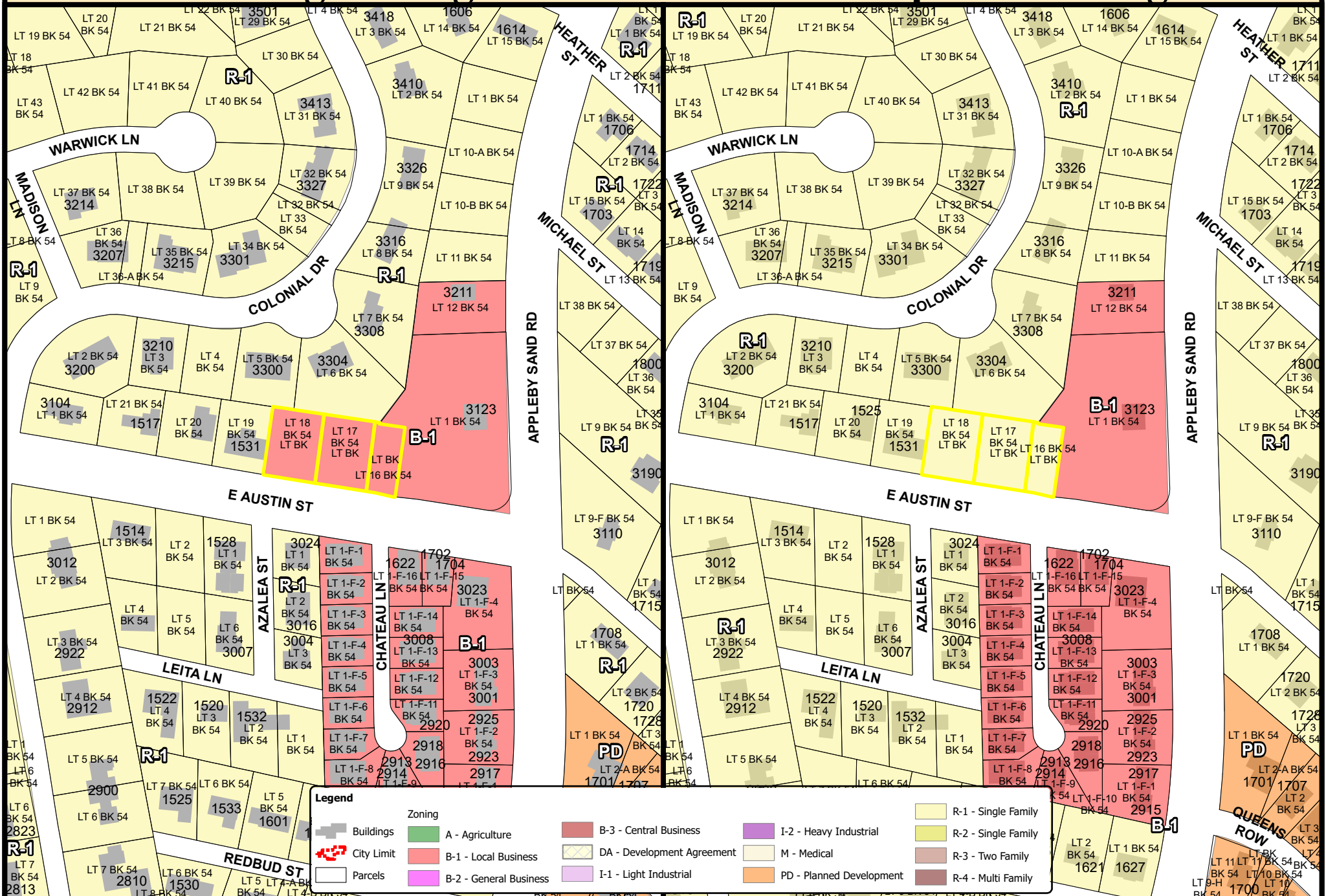
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# Existing Zoning

# ZON2025-06

# Proposed Zoning



Legend	
	Zoning
	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

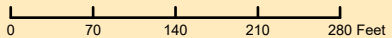


# ZON2025-06 Notification Map



## Legend

- Buildings
- City Limit
- Parcels
- Current Land Use**
- A: Single Family Residential
- B: Multi-Family Residential
- C1: Vacant Lots and Land Tracts
- D1: Qualified Open Space Land
- E: Rural Land
- F1: Commercial
- F2: Industrial and Manufacturing
- X: Exempt Property
- <all other values>
- Area of Interest
- 200FT Buffer



Date Created: 04/04/25 14:09 | ArcGIS Pro 3.2.2

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# ZON2025-06 Site Photos

## Subject Properties



# ZON2025-06 Site Photos

Adjacent residential to the west



Adjacent commercial to the east



**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 II. – “Administration”. Division 4. “Amendment Procedure” to require pre-application meetings for all zoning-related changes, require a minimum 15-day notice for public hearings, clarify zoning designation procedures upon annexation, clarify the city council’s authority to impose conditions on certain zoning actions, and improve organization and clarity of the chapter. (Executive Director of Development and Infrastructure)

**OVERVIEW:** Staff may propose changes to local ordinances in response to Council direction or to comply 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. In November 2024, a subcommittee consisting of Council, P&Z, and Zoning Board of Adjustment (ZBA) members was established to facilitate recommendations for zoning ordinance amendments. Proposals are then presented to their respective governing bodies for action following subcommittee recommendations. Amendments derived from this effort were last adopted by the Council on May 6, 2025.

This item proposes amendments to Division 4 "Amendment Procedure" of the zoning ordinance to update the administrative procedures for zoning-related items. Draft minutes of the subcommittee meeting held on March 26 and April 22, 2025, are also attached. Amended sections include:

- Sec. 118-132. Pre-application conference
- Sec. 118-133. Notice of public hearings
- Sec. 118-134. Joint public hearings
- Sec. 118-136. Zoning upon annexation
- Sec. 118-138. Initiation of administrative procedures
- Sec. 118-139. Review zoning-related items
- Sec. 118-140. Conditions for approval
- Sec. 118-171. Specific use permit (SUP)

**STAFF REVIEW:**

Staff recommends approval of the proposed amendments to the Code of Ordinances of the City of Nacogdoches, Texas.

**CITY CONTACT:** Mike Neu, Executive Director of Development and Infrastructure

**ATTACHMENTS:** 1. Ordinance with Redlines

2. Subcommittee Minutes

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 – “ZONING”; ARTICLE II.- “ADMINISTRATION”. DIVISION 4.- “AMENDMENT PROCEDURE” 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. – “ADMINISTRATION”, DIVISION 4.- “AMENDMENT PROCEDURE” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

**DIVISION 4. AMENDMENT PROCEDURES**

**Subdivision I. In General**

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Nacogdoches, Texas, Code of Ordinances

(Supp. No. 47)

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**Sec. 118-131. Applicability.**

This division applies to all changes to zoning. For historic designations and certificates of appropriateness, see Article II of Chapter 50 pertaining to historic preservation.

(Ord. No. 1130, art. VII, § 1, 11-3-1998)

**Sec. 118-132 Pre-application conference.**

(a) The applicant for any proposed zoning-related change shall schedule a pre-application conference with the city planner prior to submission of a formal application and incurring any related expense in preparing plans, surveys, and other data.

(b) At the pre-application conference, the applicant should present a draft concept with as much detail as possible.

(c) Based on the information presented, the city planner will provide initial comments concerning the merits of the proposed zoning-related change and inform the applicant of any additional requirements for preparation of the formal application.

(Ord. No. 1130, art. VIII, § 1.1, 11-3-1998)

**Sec. 118-13~~2~~2. Notice of public hearings.**

(a) Publication of n~~Notice~~ for planning and zoning commission public hearing. Prior to~~Before~~ the 15<sup>th</sup>~~tenth~~ day before the date of the planning and zoning commission hearing, written notice of each public hearing before the planning and zoning commission on a proposed change in a zoning classification shall be sent to each owner indicated by the most recently approved municipal tax role, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the United States mail.

(b) *Publication of notice for city council public hearing.* Before the 15th day before the date of the city council hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the city.

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

**Sec. 118-13~~3~~3. Joint public hearings.**

(Supp. No. 47)

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The planning and zoning commission and the city council may, from time to time, hold joint public hearings to consider a zoning or planning-related matter. However, the city council shall not take action until it has received the recommendation of the planning and zoning commission. The notice for such hearings shall ~~follow~~<sup>meet</sup> the minimum requirements for city council a public hearings established in section 118-1332 in order to meet their notification timeline.

(Ord. No. 1130, art. VII, § 2.2, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

**Sec. 118-1354. Computation of time.**

Unless otherwise specifically provided, the time within which an act is to be done pursuant to this chapter shall be computed by excluding the first and including the last day. If the last day is a Saturday, a Sunday or a legal holiday as observed by the city, that day shall be excluded. Whenever a person has the right or is required to perform some act within the prescribed period, after the service of a notice or other paper upon him and the notice or paper is served by mail, three calendar days shall be added to the prescribed time, unless otherwise specifically provided.

(Ord. No. 1130, art. VII, § 2.3, 11-3-1998)

**Sec. 118-1365. Zoning upon annexation.**

(a) *Newly annexed territory.* ~~Shall automatically be zoned to A-Agriculture. The planning and zoning commission shall, as soon as practicable, either during or after annexation of any territory, recommend to the city council a plan for zoning the newly annexed area.~~ The procedure to be followed for adoption shall be the same as is established in this division for a change in zoning- and should follow the direction of the Comprehensive Plan (Future Land Use Plan). Zoning changes shall require a separate action for newly annexed territory, and applications to request a zoning change cannot be combined with a request for annexation.

(b) *Issuance of permits in newly annexed areas.* No permits for the construction of a building or a use of land other than types of buildings or land use allowed in an AG agriculture district under this chapter shall be issued by the building official until such land has been zoned to a district which permits such a use.

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

**Sec. 118-1376. Review of specific use permit applications.**

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(Supp. No. 47)

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(a) *Planning and zoning commission action.* The planning and zoning commission shall conduct a public hearing and make a recommendation to the city council on any application for a specific use permit.

(b) *City council action.* The city council shall conduct a public hearing and make a determination on the application for a specific use permit.

(c) *City council approval or denial.* Following the closure of the public hearing, the city council may take the following actions on any specific use permit applications:

(1) *Approval.* The city council may approve the request as presented, or make it subject to such appropriate conditions as are allowed by law. Such approval of any request for a specific use permit shall be granted only if the city council determines that the request is consistent with the comprehensive plan and the purposes of this chapter.

(2) *Approval with conditions.* In authorizing a specific use permit, the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.

(3) *Denial.* The city council may deny the request. If a request is denied, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one year only if the new request is for a more restrictive or less intense use or development. Unless the new proposal is more restrictive or less intense than the previously denied proposal, no other application pertaining to a specific use permit may be submitted on the same lot or tract of land or any portion thereof for a period of one year from the date of its denial by the city council.

(Ord. No. 1130, art. VII, § 4, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

**Sec. 118-1387. Initiation of administrative procedures.**

(a) *Application required.* All zoning and site plan requests to be considered by the planning and zoning commission and/or the city council, shall be initiated by filing an application with the city. The applications required by this section shall be on forms supplied by the city, and shall be available in the offices of the city.

(b) *Submittal and acceptance.* No application shall be processed until such application is complete and the fee established by the city council for processing the application has been paid.

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(Supp. No. 47)

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(c) *Authority to initiate request.* The following shall have authority to initiate a request:

(1) *Zoning map amendments.* All zoning-map amendment applications may be initiated by the owner of the affected property or his/her authorized representative who files the required application and pays the appropriate fee for the request, or by action of the city council, planning and zoning commission or the city planner.

(2) *Zoning ordinance text amendments.* Amendments to the text of this chapter shall be initiated only by action of the city council, the planning and zoning commission or the city planner.

(d) *Application withdrawal.* Procedures for withdrawal of an application are as follow:

(1) *Submittal of application for withdrawal.* Any request for withdrawal of an application must be submitted in writing to the city planner.

(2) *Timing for application for withdrawal.* Once an application for a zoning-related item to be considered by the planning and zoning commission and/or city council or zoning board of adjustment ~~a variance, special exception or appeal going before the city council~~ has been published in a newspaper or notifications of public hearing, if any, have been mailed, such request for withdrawal must be placed on the public hearing agenda and acted upon by the applicable body.

(3) *Refund of fees.* Application fees are not refundable except when the city planner determines that an application was accepted in error, or the fee paid exceeded the amount due under city council policy or city ordinance, in which case the amount of the overpayment may be refunded to the applicant.

(Ord. No. 1130, art. VII, § 5, 11-3-1998; Ord. No. 1408-3-06, 3-21-2006; Ord. No. 1535-11-09, § 3, 11-17-2009)

**Sec. 118-13~~98~~.** Review of comprehensive plan, major thoroughfare, planned developments, specific use, rezoning/zoning-related items.

(a) *Planning and zoning commission actions.* Actions of the planning and zoning commission on zoning-related items are as follows:

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(Supp. No. 47)

- 
- (1) *Recommendations.* The planning and zoning commission shall conduct a public hearing and make recommendations to the city council on the following matters:
    - a. Text amendments to this chapter.
    - b. Zoning changes and map amendments, including reclassification of the zoning designations on land, planned developments (PD), and overlay districts.
    - c. Amendments to the comprehensive plan.
    - d. Amendments to the thoroughfare plan.
    - e. Specific use permit applications.
  - (2) *Final determinations.* The planning and zoning commission shall conduct a public hearing and make final determinations on detailed site plans for planned development districts.
  - (b) *City council actions.* The city council shall conduct a public hearing and make determinations on the following matters:
    - (1) Text amendments to this chapter.
    - (2) Zoning changes and map amendments, including reclassification of the zoning designations on land, and planned developments (PD).
    - (3) Amendments to the comprehensive plan.
    - (4) Amendments to the thoroughfare plan.
    - (5) Specific use permit applications.
  - (c) *City council approval or denial.* Following the closure of the public hearing, the city council may take the following actions on any zoning-related applications:
    - (1) *Approval.* The city council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law in order to implement the policies of the city's comprehensive plan and in order to safeguard the public safety and welfare of the citizens and to protect properties from adverse impact and incompatibilities. Approval of any request for a text amendment
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to this chapter or a zoning change and map amendment shall be granted only if the city council determines that the request or amendment is consistent with the comprehensive plan and the purposes of this chapter. If the request or amendment concerns a text amendment to this chapter or a zoning change and map amendment, the city council shall enact an ordinance amending this chapter or amending the official zoning map, whichever is applicable.

- (2) *Approval with conditions.* The city council may impose additional conditions necessary to protect the public interest and welfare of the community when ONLY in approving a planned development districts and specific use permits. ~~the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.~~
- (3) *Denial with prejudice.* The city council may deny the request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one year only if the new request is for a more restrictive or less intense use or development. Unless the new proposal is more restrictive or less intense than the previously denied proposal, no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land or any portion thereof for a period of one year from the date of its denial by the city council. If a request or amendment is denied by the city council without an indication of "with" or "without" prejudice, the action shall be considered to be "denied with prejudice."
- (4) *Denial without prejudice.* The city council may deny the request or amendment without prejudice, in which case an application for a change in zoning and map amendment other than that which was requested on the original application may be filed at the applicant's discretion.
- (5) *Submission of subsequent rezoning request.* A proposal to rezone a tract or parcel of land ~~which that~~ has been previously rejected by the city council may be resubmitted within one year only if there is an actual change in conditions relating to zoning principles of the tract or parcel of land or the property surrounding it. In that event, the applicant must submit to the city planner, in writing, a description of such changed conditions. The city planner shall investigate the property or cause such an investigation to be made and shall report to the planning and zoning commission whether or not such changed conditions

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exist. Upon hearing such report, the planning and zoning commission shall either grant or deny the request to refile the proposal for rezoning.

(Ord. No. 1130, art. VII, § 6, 11-3-1998; Ord. No. 1373-8-05, 8-2-2005; Ord. No. 1535-11-09, § 3, 11-17-2009)

**Sec. 118-14039. Conditions for approval.**

The following conditions shall be considered when reviewing an application for any zoning-related change.

- (1) *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;
- (2) *Orderly growth and development.* The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- (3) *Supporting facilities.* Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
- (4) *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;
- (5) *Nuisances.* Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- (6) *Lighting.* Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
- (7) *Landscaping.* Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided; and
- (8) *Comprehensive plan.* The proposed use is in accordance with the comprehensive plan.

(Ord. No. 1130, art. VII, § 7, 11-3-1998; Ord. No. 1432-8-06, 8-1-2006)

**Sec. 118-1410. New matters of evidence in zoning-related hearings.**

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- (a) New matters of evidence not presented to the planning and zoning commission in zoning-related hearings may or may not, in the discretion of the city council, be heard or considered by the city council in its public hearings related to amendments to this chapter and maps to the city.
  - (b) If new evidence develops between the date of the hearing by the planning and zoning commission and the hearing of the city council on any zoning change, or if for any other valid reason a person wishes to present evidence to the city council which had not been presented to the planning and zoning commission, the city council may hear and consider the evidence or refer the case back to the planning and zoning commission for further hearings to consider the new evidence.
  - (c) Nothing contained in this section shall be construed to prohibit anyone from speaking in the public hearing related to changes in zoning.

(Ord. No. 1130, art. VII, § 8, 11-3-1998; Ord. No. 1481-2-08, 2-5-2008; Ord. No. 1535-11-09, § 3, 11-17-2009)

**Sec. 118-14~~2~~<sup>1</sup>. Protest of proposed change in zoning.**

- (a) Property owners adjacent to and within a distance of 200 feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this 200-foot distance includes streets, alleys and other public rights-of-way.
- (b) Whenever such written protest is signed by the owners of 20 percent or more of the area of the lots or land included in such zoning change or of the lots or land immediately adjoining such and within the 200-foot distance, such change in zoning shall not become effective except by a favorable vote of three-fourths of all the members of the commission.
- (c) For purposes of determining representation on such written protest, the written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all owners.

(Ord. No. 1130, art. VII, § 9, 11-3-1998)

**Sec. 118-14~~3~~<sup>2</sup>. Building permits and certificates of occupancy.**

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No building permit or certificate of occupancy may be issued for a property unless it is legally zoned for that use and structure or it is a legally nonconforming use or structure as defined in this chapter.

(Ord. No. 1130, art. VII, § 10, 11-3-1998)

**Secs. 118-143~~4~~—118-170. Reserved.**

**~~Subdivision II. Application for Rezoning or Special Use Permit~~**

**~~Sec. 118-171. Preapplication conference.~~**

~~(a) — It is recommended that the applicant for a zoning-related change have a preapplication conference with the city planner prior to incurring substantial expense in preparing plans, surveys and other data.~~

~~(b) — An applicant for a zoning change is encouraged to request a preapplication conference with the city planner prior to formal application.~~

~~(c) — At the preapplication conference, the applicant should present a draft concept with as much detail as possible.~~

~~(d) — Based on the information presented, the city planner will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the formal planned development application.~~

(Ord. No. 1130, art. VIII, § 1.1, 11-3-1998)

**~~Sec. 118-172. Reserved.~~**

~~Editor's note(s) — Ord. No. 1408-3-06, adopted Mar. 21, 2006, deleted § 118-172, which pertained to applicant and derived from Ord. No. 1130, art. VIII, § 1.2, adopted Nov. 3, 1998.~~

**~~Sec. 118-173. Conditions for approval.~~**

~~A zoning change or specific use permit may be approved if all of the following conditions have been found:~~

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- (1) ~~— *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;~~
- (2) ~~— *Orderly growth and development.* The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;~~
- (3) ~~— *Supporting facilities.* Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;~~
- (4) ~~— *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;~~
- (5) ~~— *Nuisances.* Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;~~
- (6) ~~— *Lighting.* Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;~~
- (7) ~~— *Landscaping.* Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided; and~~
- (8) ~~— *Comprehensive plan.* The proposed use is in accordance with the comprehensive plan.~~
- ~~(Ord. No. 1130, art. VIII, § 1.3, 11-3-1998)~~

**Sec. 118-1714. Specific use permit (SUP).**

- (a) ~~(a)~~ *Application procedures.* An application for a specific use permit shall follow the procedure for general zoning applications except as set out in this section.
- (a)(b) *Time Limit.* A specific use permit issued under this section shall be valid for a period of 180 days from the date of issuance and shall become null and void unless construction or use is substantially underway during such 180-day period, or unless an extension of time is approved by the city council. The city planner shall determine if the construction or use made the basis of the SUP is substantially underway for purposes of this section. A specific use permit issued by the city council shall become

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null and void if the land use for which it was issued has been closed, vacated, abandoned, or changed to a different use for a period of 180 or more days.

~~(c)~~ *Specific use permit site plan.* The completed application shall be accompanied by a site plan which, along with the application, will become a part of the specific use permit, if approved. The accompanying site plan shall provide the following information:

- (1) Data describing all the processes and activities involved with the proposed use;
- (2) Boundaries of the area covered by the site plan;
- (3) The location of each existing and proposed building and structure in the area covered by the site plan; and
- (4) The location and dimensions of all curb cuts, public and private streets, and parking and loading areas.

~~(d)~~ *Notice of public hearings.* Refer to Sec. 188-133.~~Notice of public hearings shall be given as follows:~~

~~(1) — *Notice for planning and zoning commission public hearing.* Before the tenth day before the date of the hearing, written notice of each public hearing before the planning and zoning commission on a specific use permit application shall be sent to each owner indicated by the most recently approved municipal tax role, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the United States mail.~~

~~(2) — *Publication of notice for city council public hearing.* Before the 15th day before the date of the city council hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the city.~~

~~(d) — *Joint public hearings.* The planning and zoning commission and the city council may, from time to time, hold joint public hearings to consider a specific use permit application. However, the city council shall not take action until it has received the recommendation of the planning and zoning commission. The notice for such hearings shall meet the minimum requirements for a public hearing established in subsection (c) of this section.~~

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(e) *Computation of time.* ~~Refer to Sec. 118-135. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, a Sunday or a legal holiday as observed by the city, that day shall be excluded. Whenever a person has the right or is required to perform some act within the prescribed period, after the service of a notice or other paper upon him and the notice or paper is served by mail, three calendar days shall be added to the prescribed time, unless otherwise specifically provided.~~

~~(f) — *Time limit.* A specific use permit issued under this section shall be valid for a period of 180 days from the date of issuance and shall become null and void unless construction or use is substantially underway during such 180-day period, or unless an extension of time is approved by the city council. A specific use permit issued by the city council shall become null and void if the land use for which it was issued has been closed, vacated, abandoned, or changed to a different use for a period of 180 or more days.~~

(fg) *Revocation.* A specific use permit may be revoked or modified by the city council, after notice to the property owner and a hearing, for any of the following reasons:

- (1) The existence of any material error or misrepresentation in the application required in this section;
- (2) The specific use permit was obtained or extended through misrepresentation or deception; or
- (3) One or more of the conditions imposed by the permit has not been met or has been violated.

(gh) *Amendments.* No building, premises, or land use under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the original specific use permit has been obtained. The procedure for amendment of a specific use permit shall be the same as for a new application.

(Ord. No. 1130, art. VIII, § 2, 11-3-1998; Ord. No. 1431-8-06, 8-1-2006; Ord. No. 1535-11-09, § 3, 11-17-2009)

**Secs. 118-172~~5~~—118-200. Reserved.**

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### 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 that 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 May 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

\_\_\_\_\_  
Juan Pollette, Interim City Planner

**ZONING ORDINANCE SUBCOMMITTEE**  
**DRAFT MINUTES**  
**Meeting on March 26, 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, Ruth Carroll

**Staff Present:**

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

**Agenda:**

**A. Review proposed changes to Definitions, Sec. 118-1, and Land Use Schedule, Sec. 118-273, to include Tattoo Studio, Body Piercing Studio, and Beauty Salon.**

Members reviewed the proposed additions and revisions to the Definitions and Land Use Schedule to include Tattoo Studio, Body Piercing Studio, and Beauty Salon. Members recommended the proposed redlines for Planning & Zoning Commission (P&Z) consideration with the following changes:

1. Remove the sentence about “associated retail facilities” in the proposed *Body Piercing Studio* definition.
2. Remove "primarily" from the proposed *Tattoo Studio* definition.
3. Remove the current definition of *Piercing Studio* listed elsewhere in the Definitions section.

Staff agreed to make the above changes and prepare an agenda item for consideration at the next P&Z meeting.

**B. Review proposed changes to Amendment Procedure, Secs. 118-131 to -174.**

Members reviewed the proposed changes to the Amendment Procedure and provided the following feedback:

- Recommended grammatical revisions to some section headings for improved clarity and consistency.
- Requested that staff revise the language in Sec. 118-136 to improve clarity and readability.
- Requested clearer language in Sec. 118-174 and that all references to other sections within the document be updated to reflect the correct section numbers based on the new language.

Staff agreed to make the above changes and bring a new draft back to the subcommittee for review.

**C. Review proposed changes to Off-Street Parking Standards, Secs. 118-461 to -472.**

Pollette presented a summary of the revisions to the off-street parking standards previously discussed during a joint workshop on August 22, 2024. Neu initiated a discussion by asking members to share their primary concerns related to off-street parking. The following concerns were raised:

- Parking on unpaved surfaces in front yards could damage neighborhood appearance and erode lawns.

- Over-pavement of driveways and parking could damage neighborhood appearance and create potential drainage issues with too much impervious cover.

There was additional discussion regarding the possibility of restricting on-street parking to only one side of certain narrow public streets to reduce congestion and improve emergency vehicle access. Neu stated he would present proposed off-street parking changes to the City's internal traffic committee and research examples of form-based parking regulations in other cities for review prior to the next meeting.

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

- 1. District development standards**
- 2. Nonconforming structures and uses**
- 3. Planned Developments**

Members agreed to review the remaining agenda items at a future meeting.

The meeting was adjourned at 6:30 p.m.

DRAFT

**ZONING ORDINANCE SUBCOMMITTEE**  
**DRAFT MINUTES**  
**Meeting on April 22, 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, Ruth Carroll, Charles Zemanek

**Staff Present:**

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

**Agenda:**

**A. Final Review of proposed changes to Amendment Procedure, Secs. 118-131 to 174.**

Members reviewed the proposed amendments and revisions to Division 4. Amendment Procedure and recommended the proposed redlines for Planning & Zoning Commission (P&Z) consideration with the following changes:

1. In Section 118-139(2)(c)(2), the term “City Council” should be changed to lowercase (“city council”) to ensure consistency with the rest of the ordinance language.
2. In Section 118-132, the lettering should be revised to reflect the correct alphabetical sequence.

Staff agreed to make the above changes and prepare an agenda item for consideration at the next P&Z meeting.

**B. Discuss and review Off-Street Parking Standards, Secs. 118-461 to -472.**

Members reviewed the proposed changes to the off-street parking standards and provided the following feedback:

- Requested that staff revise the language in Sec. 118-464 (4) to improve clarity and readability, specifically to state that no off-street parking is permitted in front yards of properties zoned for residential and agricultural use.
- Requested that the dumpster enclosure screening requirements be amended to increase the required size of enclosures to better accommodate standard containers and the trash trucks.
- Recommended revising the off-street parking requirement for duplexes to one parking space per bedroom, along with an additional five percent to accommodate visitor parking.

There was additional discussion regarding the potential reduction of off-street parking requirements for certain commercial land uses, and consideration of incorporating increased green space or enhanced landscaping requirements as an alternative or supplement. Neu will provide the subcommittee with the parking analysis that was recently presented to the Downtown Advisory Committee at the next meeting.

Staff agreed to make the above changes and bring a new draft back to the subcommittee for review.

**C. Review current fence regulations and proposed additions, Secs. 14-386 and 828 and Sec. 118-426-429.**

Pollette presented the city's current regulations along with a summary of proposed updates, which include:

- Design standards
- Height Standards
- Maintenance requirements
- Material standards

The subcommittee agreed that the fence regulations should be updated to enhance neighborhood aesthetics while avoiding overly burdensome requirements. Staff will prepare and present a draft of the revised regulations at the next meeting for the subcommittee's review.

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

- 1. District development standards**
- 2. Nonconforming structures and uses**
- 3. Planned Developments**

Members agreed to review the remaining agenda items at a future meeting.

The meeting was adjourned at 5:58 p.m.