



Planning & Zoning Commission October 13, 2025

Notice is hereby given of a Regular Meeting of the Nacogdoches Planning & Zoning Commission to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 5:00 p.m. for the purpose of considering 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 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 found to be in compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations.
 - A. Approval of minutes for the Planning and Zoning Commission meeting held on September 8, 2025.
 - B. Approval of an extension to the expiration of Subdivision Case SD2025-12 regarding 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). (City Planner)
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:** Consider and make a recommendation concerning an Ordinance of the City of Nacogdoches, Texas, Amending Chapter 34—"Environment", Article V—"Noise and Vibrations", and Chapter 118— Zoning", Article VII—"Performance Standards", 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)
 - B. **Public Hearing:** Discuss and consider action on Zone Change Case ZON2025-12 regarding a zone change from A, Agriculture to B-2, General Business district on two (2) parcels of land approximately 3.04 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 1000016787 & 81263; and generally located north and south of 200 North East Stallings Drive, Nacogdoches, Texas. (City Planner)



- C. **Public Hearing:** Discuss and consider action on Zoning Case PD2025-02 regarding an amendment to the Kenbrook North Townhouse Subdivision zoned Planned Development, for two (2) parcels of land approximately 0.18 acres ± in size, for the construction of one (1) single-family residence. The subject property is more particularly described as Nacogdoches Central Appraisal District Parcels 85345 & 85344; and located at 1723 and 1725 Maroney Drive, Nacogdoches, Texas. (City Planner)

- D. Receive a presentation on the Floodplain Management Ordinance. (Director of Public Works/City Engineer)

- 6. Future Agenda Items. A Commissioner may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

- 7. ADJOURN.

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 meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961 by 5:00 p.m. on October 7, 2025, and remained posted until the meeting convened.

Jasmine Flores, Planning Coordinator



Regular Meeting Minutes
Nacogdoches Planning and Zoning Commission
September 8, 2025 – 5:00 p.m.
City Council Chambers, 202 E. Pilar Street, Nacogdoches, TX

Commissioners present: Shannon Conklin, Lily Phou, Charles Zemanek, Matthew Perry, Bridget Arrant

1. CALL TO ORDER.

Commissioner Conklin called the meeting to order at 5:05 p.m.

2. PLEDGE OF ALLEGIANCE

3. Administration of Oath of Office – Planning and Zoning Commission Members

City Planner Juan Pollette administered the Oath of Office to Commissioners Bridget Arrant, Shannon Conklin, and Lily Phou.

4. OPEN FORUM

There were no public comments.

5. CONSENT AGENDA

Commissioner Phou moved to approve the consent agenda. Commissioner Zemanek seconded. The motion passed unanimously (5-0).

6. REGULAR AGENDA:

- A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.

No action.

- B. Discuss and consider action on Subdivision Case SD2025-01 regarding the Park Hill Subdivision Final Plat for three (3) parcels of land approximately 42.5 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 26834, 24677 and 24696; and generally located south of the intersection of Park Street and Martinsville Street.

Pollette presented the item, noting that the preliminary plat was approved by the Commission in July with conditions. The proposed final plat contains the required information, including a note specifying that prior to construction of any improvements on lots within the subdivision, building permits must be obtained to ensure topographical considerations are addressed. Although the public sewer utility line extension had not been completed at the time of consideration, a public utility easement is identified along Park Street. Staff determined the final plat meets ordinance requirements and recommended approval. The applicant's engineer, Michael Delaney of Two Fifteen Consulting, stated that the existing sanitary sewer system has the capacity to serve approximately 600 additional residents and that gravity flow limitations restrict immediate service to about 12–15 acres of the site. The system is adequate to serve the proposed subdivision. City Engineer Case Opperman confirmed staff's review and support of the utility design.

Commissioner Zemanek moved to approve the plat as presented. Commissioner Perry seconded. The motion passed unanimously (5-0).

- C. Discuss and consider action on Subdivision Case SD2025-03 regarding the Final Plat for Lots 2R & 3, Block 1, Nacogdoches Industrial Park West Subdivision for two (2) parcels of land approximately 23.74 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 26671 & 216635; and generally located on the southeast corner of US Highway 59 North and Ernest McLain Road, Nacogdoches Texas.

Pollette presented the item, noting that the subdivision divides the property into two industrial lots. The preliminary plat was approved in October 2024, and the final plat includes all required certificates and dedications. Since agenda posting, one change was made: the sanitary sewer easement shown in green on the plat is now dedicated as a public easement instead of private. Other improvements include a 20-foot drainage easement, water line utilities, and the construction of Wildcreek Road with associated improvements to Ernest McLain Road.

Executive Director of Development and Infrastructure Mike Neu explained that infrastructure alignments and easements are discussed during the platting process to ensure City access and long-term maintenance. Dedicated easements allow the City to maintain water and sewer lines in perpetuity while surface maintenance remains with the property owner.

Commissioner Phou raised questions regarding easement enforceability, drainage widths, utility overlaps, and future connectivity. Staff confirmed easements are legally enforceable. Opperman noted a traffic impact analysis had been conducted due to the projected trip generation, with review by both City staff and TxDOT. Coordination is ongoing to mitigate routing errors and ensure adequate ingress and egress for heavy truck traffic.

The applicant's representative, Jason Jorgensen, 4707 Preston Park Blvd, Plano TX, addressed drainage and sewer easements, stating they were designed to respect existing drainage flow and facilitate connections to the north. Commissioners also discussed long-term planning considerations for industrial growth, road expansions, and potential impacts to the City's infrastructure system.

Commissioner Perry move to approve the item as presented. Commissioner Zemanek seconded. The motion passed unanimously (5-0).

- D. Discuss and consider action to appoint one (1) Planning and Zoning Commission member to serve on the City of Nacogdoches Zoning Ordinance Subcommittee.

Neu reported that the Zoning Ordinance Subcommittee was formed in late 2024 following a City Council workshop to review proposed zoning ordinance changes. The subcommittee includes members from the Planning and Zoning Commission, Zoning Board of Adjustment, and City Council. The group meets as needed, generally monthly, and serves as a recommending body only; all recommendations return to the Commission and City Council for final action. Commissioners discussed the value of the subcommittee in addressing outdated ordinance provisions and preparing recommendations in coordination with staff.

Commissioner Phou made a motion to appoint Commissioner Arrant to serve on the Subcommittee. Commissioner Zemanek seconded. The motion passed unanimously (5-0).

- E. Discuss the scheduling and content of future agenda items previously requested by the Commission.

Neu presented reviewed topics previously requested by the Commission and recommended scheduling. He stated that at the October regular meeting staff will provide a presentation on the Floodplain Ordinance, including background from the 2010 flood study, ordinance requirements, and FEMA considerations. At a

future meeting staff will schedule a workshop on developer responsibilities regarding road maintenance, heavy truck traffic, and thresholds for traffic impact analyses. He noted that a general Planning and Zoning Commission orientation will not be scheduled as a formal agenda item. Instead, staff will continue to provide one-on-one sessions with commissioners as needed, while comprehensive plan and capital improvement planning topics will be addressed in full commission meetings. Commissioners discussed the proposed schedule and emphasized the importance of reviewing floodplain management, developer responsibilities, and long-term infrastructure planning. No additional items were requested.

No action.

7. FUTURE AGENDA ITEMS

No items requested.

8. ADJOURN.

Chair Conklin adjourned the meeting at 5:46 p.m.

Video Archive: A video recording of the Planning and Zoning Commission regular meeting held on September 8, 2025, may be viewed online at <https://youtu.be/G62moi0Wr1U>.

ATTEST:

Shannon Conklin, Chair
Planning and Zoning Commission
City of Nacogdoches

Jasmine Flores, Planning Coordinator
City of Nacogdoches



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Approval of an extension to the expiration of Subdivision Case SD2025-12 regarding 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). (City Planner)

OVERVIEW:

The applicant, Eddie Aguilar, of EGA Consultants, LLC, is requesting an extension of the expiration date of the preliminary plat for the Majestic Oaks Subdivision, which is a 25.35-acre subdivision consisting of thirty-seven (37) residential lots. The subject property is in the extra territorial jurisdiction (ETJ) and is located on the east side of US 259 in the Central Heights community.

Article II, Sec. 90-92 (j) of the Nacogdoches Subdivision Ordinance includes the following provisions.

(j) Conditional approval of a preliminary plat will expire six months from the date of approval by the planning and zoning commission. However, if the subdivider shall apply in writing prior to the end of such six-month period, stating the reasons for needing an extension, this period may be extended for another six months, but not beyond a total of one year.

The applicant is requesting a six (6) month extension of the preliminary plat in order to complete construction of the infrastructure. The preliminary plat was originally approved by the Planning & Zoning Commission on April 14, 2025. This request will extend the expiration date to April 14, 2026.

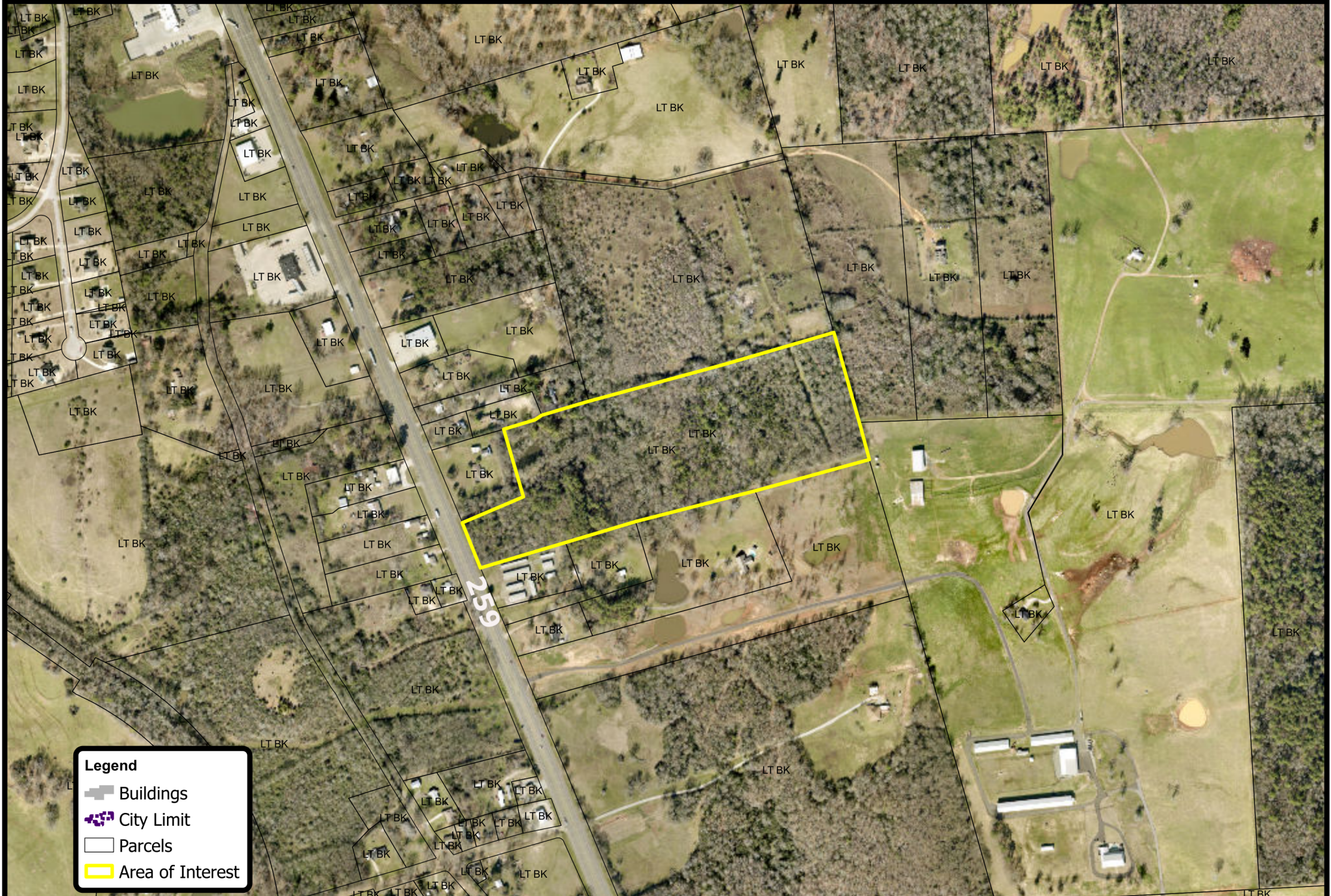
STAFF REVIEW:

Staff finds that this request is congruent with the extension requirements outlined in this chapter and recommends approval of the extension.

CITY CONTACT: Juan Pollette, City Planner

- ATTACHMENTS:**
1. Aerial Map
 2. Location Map
 3. Extension Request
 4. Majestic Oaks Subdivision

Majestic Oaks Subdivision Aerial Map



Legend

- Buildings
- City Limit
- Parcels
- Area of Interest

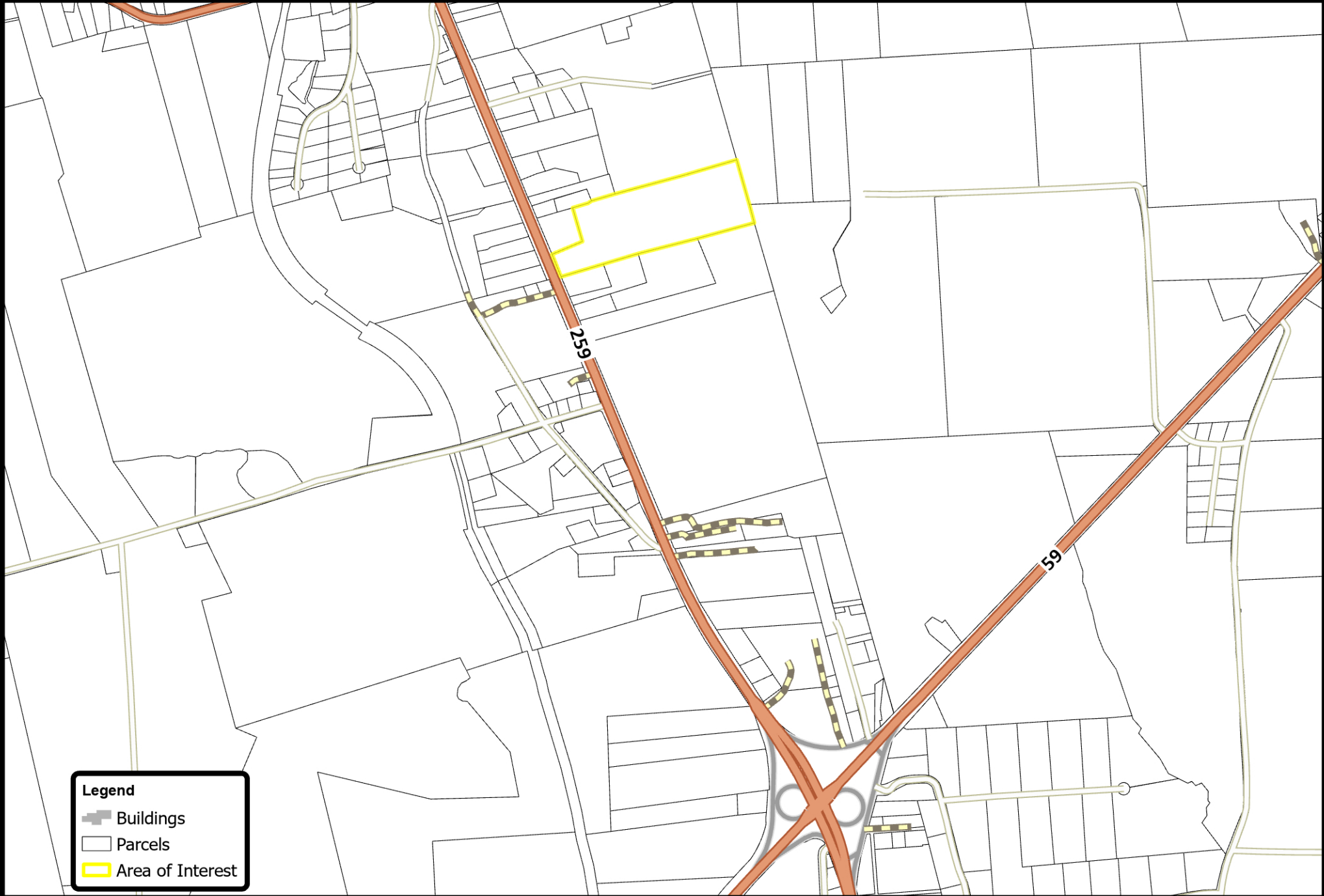


0 260 520 780 1,040 Feet

Date Created: 04/08/25 09:07 | 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.

Majestic Oaks Subdivision Location Map



Legend

- Buildings
- Parcels
- Area of Interest



0 520 1,040 1,560 2,080 Feet

Date Created: 4/8/2025 | 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.

September 19, 2025

Planning & Zoning Commission

City of Nacogdoches

P.O. Box 635030

Nacogdoches, Texas 75963

RE: Request for Extension of Preliminary Plat Approval

Subdivision Name: Majestic Oaks Subdivision

Case/File No.: NA

Dear Commissioners:

In accordance with **Section 90-92 of the City of Nacogdoches Subdivision Ordinance**, I respectfully request an extension of the approval period for the **Preliminary Plat** of the above-referenced subdivision.

The Preliminary Plat was originally approved by the Planning & Zoning Commission on **April 14, 2025**. Per the ordinance, preliminary plat approval is valid for six months from the date of approval, with the possibility of one six-month extension upon written request.

Due to **additional time required to complete construction**, an extension of time is required before submission of the final plat.

I am therefore requesting that the Planning & Zoning Commission grant a **six-month extension**, extending the validity of the preliminary plat approval to **April 14, 2026**.

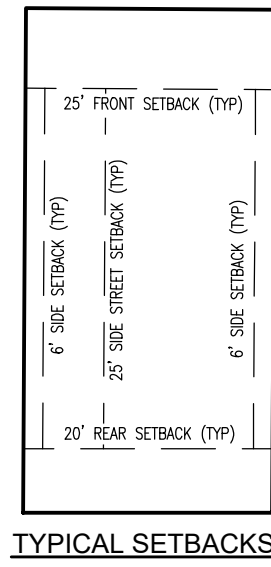
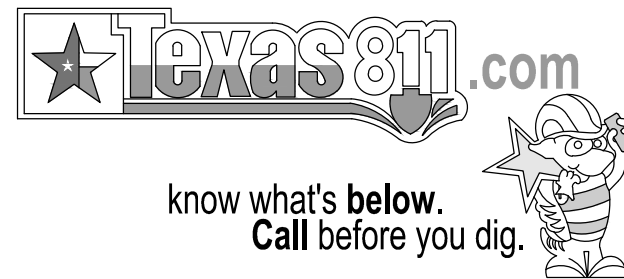
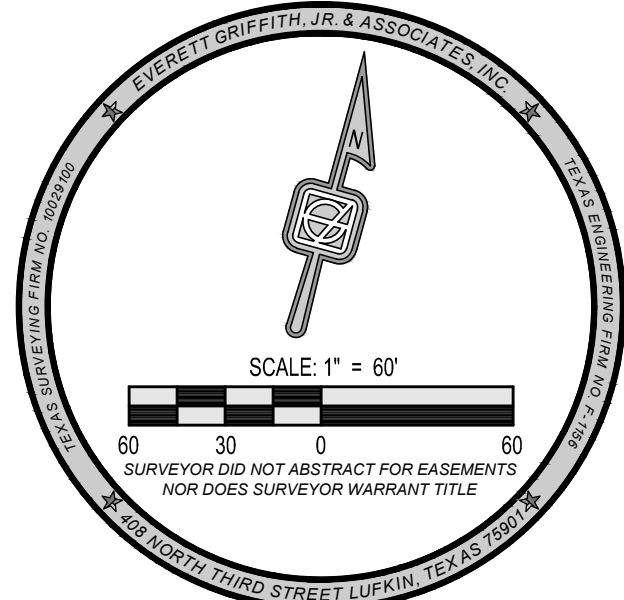
Thank you for your consideration of this request. Please let me know if any additional information or documentation is needed. You may contact me at (936) 634-5528 or email me at eaguilar@ega-llc.com.

Sincerely,
EGA Consultants, LLC

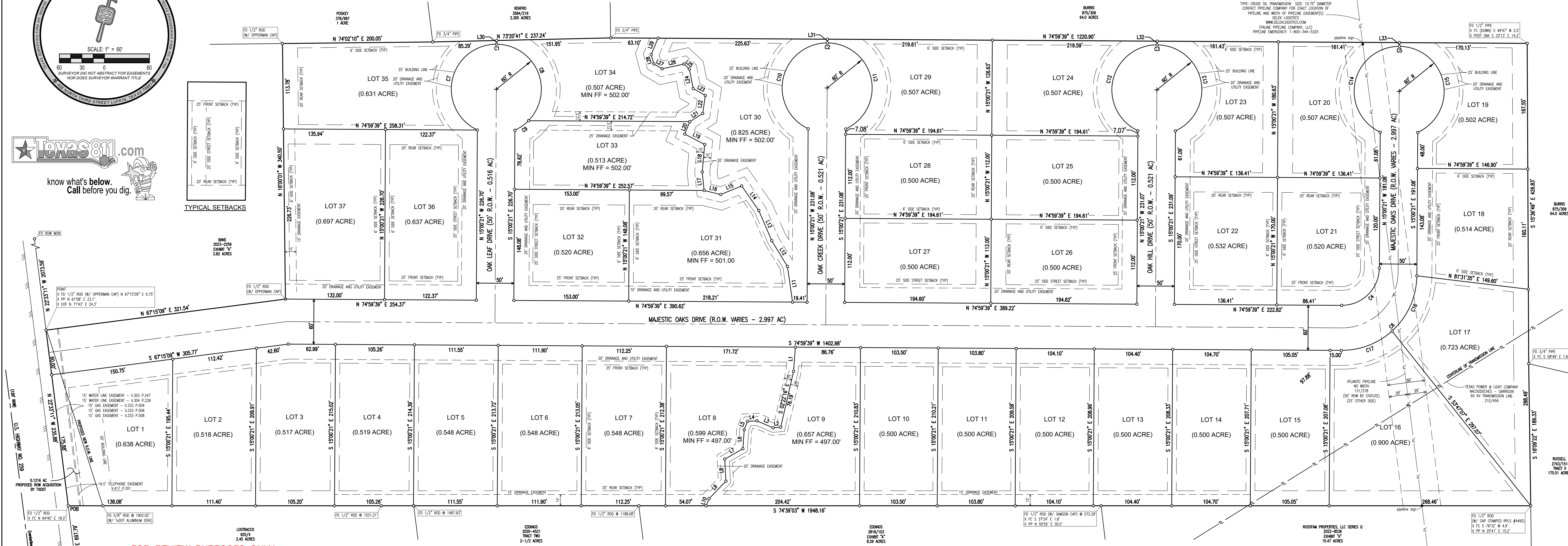


Eddie Aguilar, P.E.

MAJESTIC OAKS SUBDIVISION



TYPICAL SETBACKS



FOR REVIEW PURPOSES ONLY

PRELIMINARY
THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE

ERROL A. COLLINS, R.P.L.S. 5412

DATE: FEBRUARY 20, 2025

The MAJESTIC OAKS SUBDIVISION LLC, is the owner of the property subdivided in the above and foregoing map of MAJESTIC OAKS SUBDIVISION. I, Errol A. Collins, do hereby make subdivision of said property according to the lines, lots, and easements thereon shown, and designate said subdivision as MAJESTIC OAKS SUBDIVISION in the JOHN KIRBY SURVEY, ABSTRACT NO. 36, Nacogdoches County, Texas, and dedicate to public use, as such, the parks and easements shown thereon forever, and do hereby bind ourselves, our successors and assigns, to warrant and forever defend the title to the land so dedicated.

Witness my hand in Nacogdoches, Nacogdoches County, Texas, this _____ day of _____, 2025.

Authorized Representative for MAJESTIC OAKS SUBDIVISION, LLC

STATE OF TEXAS
COUNTY OF NACOGDOCHES

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein set forth.

Given under my hand and seal of office, this _____ day of _____, 2025.

Notary Public, in and for Nacogdoches County, Texas

CERTIFICATE OF REGISTRATION

I, Errol A. Collins, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the above plat and field note description of the MAJESTIC OAKS SUBDIVISION in the JOHN KIRBY SURVEY, ABSTRACT NO. 36, are true and correct, and were prepared from a survey made by me, on the ground, on the 24th day of April 2024.

STATE OF TEXAS
COUNTY OF ANGELINA

BEFORE ME, the undersigned authority, on this day personally appeared Errol A. Collins, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein set forth.

Given under my hand and seal of office, this _____ day of _____, 2025.

Notary Public, in and for Angelina County, Texas

THE STATE OF TEXAS,
COUNTY OF NACOGDOCHES:

BEING all that certain tract of land lying and situated in the Extra Territorial Jurisdiction of the City of Nacogdoches, Nacogdoches County, Texas, out of the JOHN KIRBY SURVEY, ABSTRACT NO. 36 and being a part or portion of that certain 25.35 acre tract described in a deed conveyed from Sandra Rene Bane, et al to Majestic Oaks Subdivision, LLC dated May 10, 2024 and recorded in Document # 2024-3183 of the Official Public Records of Nacogdoches County, Texas, to which reference is hereby made for any and all purposes, and the said tract or parcel being described by metes and bounds as follows, to wit:

BEGINNING at a 3/4" iron rod, on the East Right-of-Way line of U. S. Highway No. 259 (120 feet wide ROW), for the Southwest corner of the address referred to 25.35 acre tract and the Northwest corner of that certain 2.45 acre tract described in a deed conveyed from Mary Jane Staker, et al to Thomas C. Lostracco dated July 20, 1995 and recorded in Volume 925 on Page 4 of the Real Property Records of the said County, from which a fence corner post bears N 64° 40' E at 18.0 feet and a concrete ROW monument found for reference bears S 22° 33' 11" E at 697.79 feet;

THENCE, along the most Southerly West boundary line of the said 25.35 acre tract and along the said East ROW line of U.S. 259, N 22° 33' 11" W at 235.88 feet a point for the most Southerly Northwest corner of the said 25.35 acre tract and the Southwest corner of the said 2.82 acre tract-EXHIBIT A described in a deed conveyed from Patsy B. Bane, Independent Executive of the Estate of Victor C. Bane, Deceased to Patsy B. Bane dated March 29, 2023 and recorded in Document # 2023-2259 of the said Official Public Records, from which a power pole bears N 61° 08' E at 23.1 feet, an end-of-fence post bears N 71° 43' E at 24.3 feet and a concrete ROW monument found (broken) for reference bears N 22° 33' 11" W at 2073.59 feet;

THENCE, along the common boundary lines of the said 25.35 acre tract and the said 2.82 acre tract, the following two courses:

1) N 67° 15' 09" E, at 0.75 feet pass on line a 3/4" iron rod found (w/ Oppeman cap) found for the Northeast corner of a proposed 0.1216 acre tract-Parcel ID: P00086821 (to be severed from the 25.35 acre tract - for additional Right-of-Way of U. S. Highway No. 259 per TxDOT letter, addressed to Majestic Oaks Subdivision, LLC, dated December 18, 2024), at a total distance of 321.54 feet a 3/4" iron rod found (w/ Oppeman cap) for an interior corner of the said 25.35 acre tract and the Southeast corner of the said 2.82 acre tract;

2) N 16° 00' 01" W at 340.50 feet a 3/4" iron rod found (w/Oppeman cap) for the most Northerly Northwest corner of the said 25.35 acre tract and the Northeast corner of the said 2.82 acre tract, on the South boundary line of that certain 1 acre tract described in a deed conveyed from Sam Harvey, et al to Franklin Poskey, et al dated October 31, 1972 and recorded in Volume 378 on Page 687 of the Deeds Records of the said County;

THENCE, in part along the most Easterly North boundary line of the said 25.35 acre tract and in part along the South boundary line of the said 1 acre tract, N 74° 02' 10" E at 200.05 feet a 3/4" iron pipe found for the Southeast corner of the said 1 acre tract and the most Easterly Southwest corner of that certain 2.305 acre tract described in a deed conveyed from Thomas N. Wiggins, et al to Arlan Renfro, et al dated August 19, 2011 and recorded in Volume 3584 on Page 219 of the said Official Public Records;

THENCE, in part along the most Easterly North boundary line of the said 25.35 acre tract and along the most Easterly South boundary line of the said 2.305 acre tract, N 73° 20' 41" E at 237.24 feet a 3/4" iron pipe found for the Southeast corner of the said 2.305 acre tract and the most Northerly Southwest corner of that certain 64.0 acre tract described in a deed conveyed from Gerald W. Robinson, et al to Robert P. Burris, et al dated March 2, 1994 and recorded in Volume 875 on Page 309 of the said Official Public Records;

THENCE, in part along the most Easterly North boundary line of the said 25.35 acre tract and along the most Westerly South boundary line of the said 64.0 acre tract, N 74° 59' 39" E at 1220.90 feet a 3/4" iron pipe found for the recognized Northeast corner of the said 25.35 acre tract and an interior off corner of the said 64.0 acre tract, from which a fence corner (down) bears S 49° 47' W at 2.5 feet and a Post Oak for witness bears S 33° 13' E at 14.2 feet;

THENCE, in part along the East boundary line of the said 25.35 acre tract and along the most Southerly West boundary line of the said 64.0 acre tract, S 15° 36' 49" E at 426.83 feet a 3/4" iron pipe found for the most Southerly Southwest corner of the said 64.0 acre tract and the Northeast corner of that certain 175.51 acre tract-TRACT II described in a deed conveyed from Robert M. Cummings, et al to Marion Daniel Russell, et al dated October 26, 2007 and recorded in Volume 2743 on Page 151 of the said Official Public Records, from which a fence corner post bears S 58° 49' E at 1.6 feet;

THENCE, in part along the East boundary line of the said 25.35 acre tract and in part along the West boundary line of the said 175.51 acre tract, S 16° 09' 22" E at 189.33 feet a 3/4" iron rod found (w/ cap stamped RPLS # 4492) for the recognized Southeast corner of the said 25.35 acre tract and the Northeast corner of that certain 15.47 acre tract-EXHIBIT A described in a deed conveyed from William Boyer, et al to Russett Properties, L.L.C. Series Q dated September 30, 2022 and recorded in Document # 2022-8536 of the said Official Public Records, from which a fence corner post bears S 76° 32' W at 4.9 feet and a power pole bears N 25° 41' E at 15.2 feet;

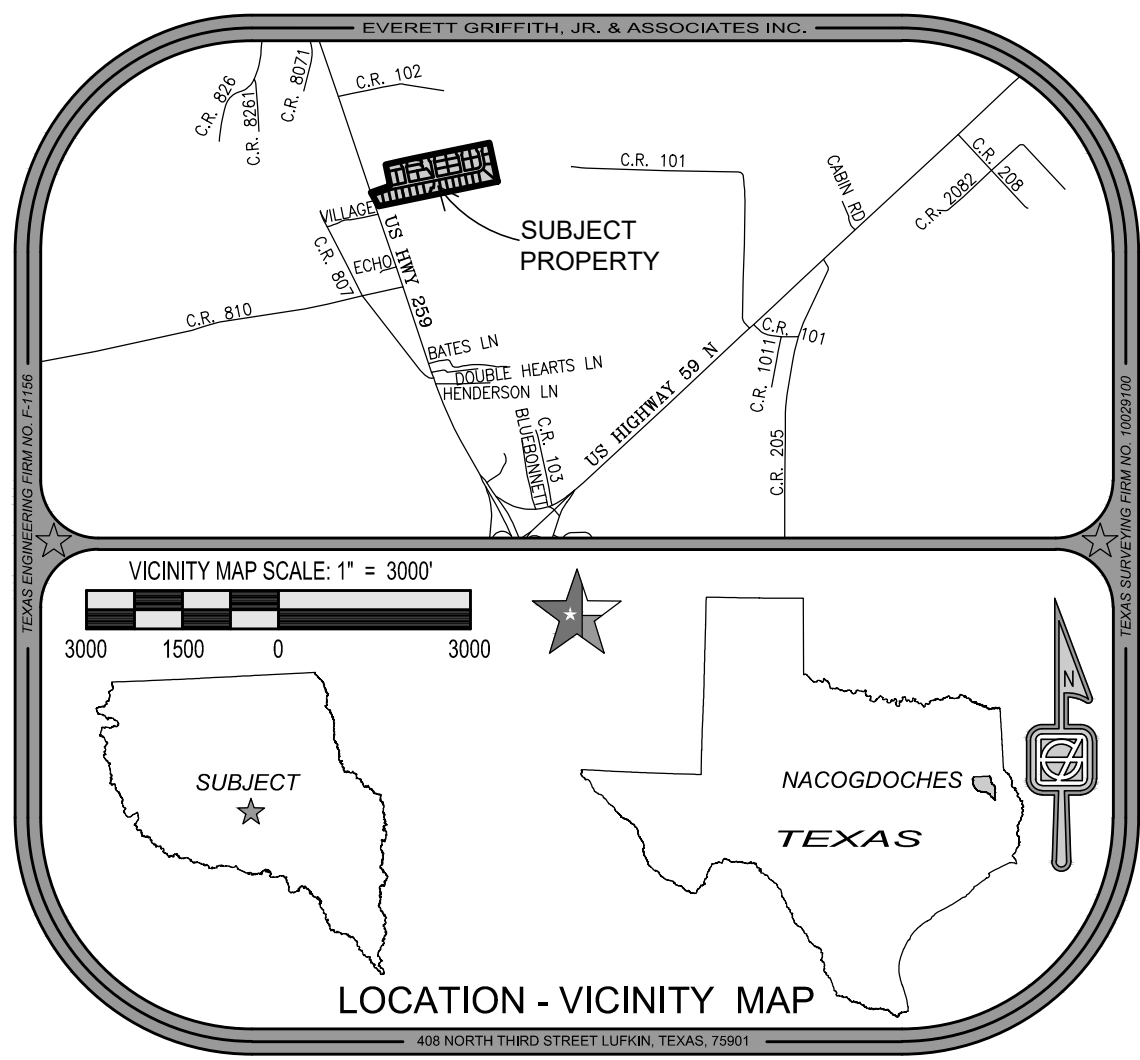
THENCE, along the South boundary line of the said 25.35 acre tract, along the most Westerly North boundary line of the said 15.47 acre tract, along the most Westerly North boundary line of that certain 8.29 acre tract-EXHIBIT A described in a deed conveyed from James Alford Eddings, et al to Nash Eddings, et al dated March 4, 2008 and recorded in Volume 2818 on Page 103, along the most Westerly North boundary line of that certain 2-1/2 acre tract-TRACT TWO described in a deed conveyed from James A. Eddings, et al to Nash Michael Eddings dated July 21, 2020 and recorded in Document # 2020-4521, both of the said Official Public Records and along the North boundary line of the said 2.45 acre tract, S 74° 39' 03" W, at 572.29 feet pass on line a 3/4" iron rod found (w/ SAMSON CAP) for the most Easterly Northwest corner of the said 15.47 acre tract and the Northeast corner of the said 8.29 acre tract (from said 3/4" iron rod, a fence corner post bears S 37° 24' E at 1.8 feet and a power pole bears N 50° 26' E at 30.5 feet), at 1188.08 feet pass on line a 3/4" iron rod found for the most Easterly Northwest corner of the said 8.29 acre tract and the Northeast corner of the said 2-1/2 acre tract, at 1487.93 feet pass on line a 3/4" iron rod found for the most Easterly Northwest corner of the said 2-1/2 acre tract and the Northeast corner of the said 2.45 acre tract, at 1531.21 feet pass on line a 3/4" iron rod found for reference, at 1902.02 feet pass on line a 5/8" iron rod found (w/ TxDOT aluminum disk) found for the Southeast corner of a proposed 0.1216 acre tract-Parcel ID: P00086821 (to be severed from this 25.35 acre tract - for additional Right-of-Way of U. S. Highway No. 259 per TxDOT letter, addressed to Majestic Oaks Subdivision, LLC, dated December 18, 2024), at a total distance of 1948.16 feet the POINT AND PLACE OF BEGINNING and containing 25.35 acres of land, more or less.

Basis of Bearings: The Texas State Plane Coordinate System, Central Zone (4203), NAD 83, International Survey Foot.

CURVE	LONG CHORD	RADIUS	ARC LENGTH	DELTA
C1	N 74°59'39" E 50.00'	60.00'	325.42'	310°45'05"
C2	N 74°59'39" E 50.00'	60.00'	325.42'	310°45'05"
C3	N 74°58'15" E 50.00'	60.00'	325.42'	310°45'05"
C4	N 74°59'39" E 50.00'	60.00'	325.42'	310°45'05"
C5	N 29°59'39" E 70.71'	50.00'	78.54'	90°00'00"
C6	S 29°59'39" W 141.42'	100.00'	157.08'	90°00'00"
C7	N 02°41'37" W 117.24'	60.00'	162.71'	155°22'32"
C8	S 38°02'40" E 110.43'	60.00'	140.24'	133°55'21"
C9	S 39°38'36" W 22.33'	60.00'	22.47'	212°71'11"
C10	N 02°41'37" W 117.24'	60.00'	162.71'	155°22'32"
C11	S 27°19'04" E 117.24'	60.00'	162.71'	155°22'32"
C12	N 02°42'19" W 117.25'	60.00'	162.73'	155°23'57"
C13	S 27°19'47" E 117.23'	60.00'	162.68'	155°21'08"
C14	N 02°41'37" W 117.24'	60.00'	162.71'	155°22'32"
C15	S 27°19'04" E 117.24'	60.00'	162.71'	155°22'32"
C16	S 08°48'33" W 80.76'	100.00'	83.13'	47°37'47"
C17	S 53°48'33" W 72.28'	100.00'	73.95'	42°22'13"

LINE	DIRECTION	DISTANCE
L1	S 11°06'54" E	32.52'
L2	S 70°10'06" W	10.28'
L3	N 82°00'47" W	23.27'
L4	S 72°19'11" W	12.70'
L5	S 05°37'32" E	12.14'
L6	S 11°21'48" E	25.31'
L7	S 44°44'00" W	27.80'
L8	S 18°06'54" E	29.43'
L9	S 28°31'39" W	32.40'
L10	S 07°04'55" W	10.13'
L11	N 23°27'54" W	47.89'
L12	N 46°41'40" W	40.20'
L13	N 38°31'53" W	43.83'
L14	N 50°13'32" W	39.88'
L15	S 52°31'37" W	30.20'
L16	S 88°25'20" W	22.70'
L17	N 21°16'02" W	24.82'

LINE	DIRECTION	DISTANCE
L18	N 10°11'23" W	36.68'
L19	N 77°44'20" W	30.16'
L20	N 07°04'11" E	17.83'
L21	N 42°10'34" E	20.31'
L22	N 07°03'23" W	24.27'
L23	N 75°40'39" W	18.60'
L24	N 26°21'58" W	26.55'
L25	N 62°36'14" W	9.81'
L26	S 62°07'11" W	29.77'
L27	N 75°02'43" W	12.92'
L28	N 30°36'39" W	12.95'
L29	N 07°20'34" E	23.70'
L30	S 15°00'21" E	5.01'
L31	S 15°00'21" E	5.01'
L32	S 15°00'21" E	5.00'
L33	S 15°00'21" E	5.00'



EVERETT GRIFFITH, JR. & ASSOCIATES, INC.
ENGINEERS - SURVEYORS
408 NORTH THIRD STREET
LUFKIN, TEXAS, 75901
TEKAS ENGINEERING FIRM NO. F-1156 936-634-5528

FINAL PLAT
MAJESTIC OAKS SUBDIVISION
A SUBDIVISION OF 25.35 ACRE
OWNERS: MAJESTIC OAKS SUBDIVISION, LLC
MARIO WESLEY
JOHN KIRBY SURVEY, ABSTRACT NO. 36
NACOGDOCHES COUNTY, TEXAS

Sheet
1
of
1



PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: Public Hearing: Consider and make a recommendation concerning an Ordinance of the City of Nacogdoches, Texas, Amending Chapter 34—"Environment", Article V—"Noise and Vibrations", and Chapter 118— Zoning", Article VII—"Performance Standards", 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)

OVERVIEW:

This is a proposed amendment to the City's current noise ordinance. The primary purpose of the amendment is to clarify inconsistent and potentially confusing language in the current Code of Ordinance provisions for noise and vibration violations in the City.

Currently, there are separate ordinances governing noise violations, which are located in Chapters 34 and 118. The amendment seeks to consolidate these provisions under Chapter 34 and remove the sections in Chapter 118 altogether. As indicated in the redline changes in the attached ordinance, the amendment would distinguish and clarify specific violations related to sound equipment in vehicles and at specific property locations, clarify the applicable presumptions for property owners and the rebuttal process, and update the available affirmative defenses to an alleged violation of the ordinance. The amendment also proposes to remove the language of Sec. 118-504 and 118-507 in their entirety and reserve these sections.

As part of this amendment affects sections found in the zoning ordinance, a recommendation from the Planning & Zoning Commission as required under Sec. 118-139.

STAFF REVIEW:

CITY CONTACT: Jerry Baker, City Attorney
(936) 559-2503
bakerj@nactx.us

ATTACHMENTS: 1. Ordinance_34-151 and 118-504, 507_Noise

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 34 – “ENVIRONMENT”, ARTICLE V. – “NOISE AND VIBRATIONS”, AND CHAPTER 118 — “ZONING”, ARTICLE VII. – “PERFORMANCE STANDARDS”, 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 Penal Code §48.05 makes it an offense of disorderly conduct for a person who makes unreasonable noise in a public place; and

WHEREAS, the City of Nacogdoches is authorized under Article II, § 22[10] of its Charter “...to restrain, regulate and prohibit the ringing of bells, or blowing of horns, bugles and whistles, crying of goods and all other noises, practices and performances tending to the collection of persons in the streets or tending, unnecessarily, to interfere with the peace and quietude of the inhabitants of said City, and to suppress and regulate all necessary noises”; and

WHEREAS, as authorized thereunder, the City Council of the City of Nacogdoches has exercised such authority and adopted ordinances concerning the regulation of unreasonably loud noises and vibrations within the city limits; 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 34 – “ENVIRONMENT”, ARTICLE V. – “NOISE AND VIBRATIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to include the following:

Sec. 34-151. Prohibited acts.

A person commits an offense if he makes or causes to be made an unreasonably loud and disturbing noise or vibration in the city that is offensive to the ordinary sensibilities of persons in the city.

(Ord. No. 1573-5-11, § 2, 5-17-2011; Ord. No. 1934-10-22 , § II, 11-15-2022)

Sec. 34-152. Violations.

The following acts, among others, are declared to be unreasonably loud disturbing noises and vibrations and are presumed to be offensive to persons of ordinary sensibilities in the city in violation of this article, unless an exemption exists as provided in section 34-157, but such enumeration shall not be deemed to be exclusive:

(1) *Operation of vehicles.*

a. For purposes of this article,

~~“vehiele~~**Vehicle**” means automobile, motorboat, motorcycle, streetcar, truck, trailer, all-terrain vehicle or any other vehicle equipped with a motor to propel the vehicle and occupants or cargo.

“Plainly audible” means any sound that can be detected by a reasonable person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

- b. The sounding of any horn or signaling device on any vehicle on any street or public place of the city, except as a danger warning as required by law; the sounding of any such device unnecessarily or for an unreasonable period of time; or use of any horn, whistle or other device operated by engine exhaust.
- c. The use of any vehicle so out of repair, or loaded, or operated to create loud or unnecessary noises (such as, but not limited to, spinning or squealing tires, grating, grinding, rattling, engine braking, engine revving or other noises).
- d. The discharge into the open air of the exhaust of any internal combustion engine, steam engine, stationary engine, or vehicle except through a muffler or other effective noise suppression system in good working order.
- e. Use of a muffler cut out, bypass or similar device on a vehicle.
- f. Use of a compression release brake sometimes called engine braking, or jake braking.
- g. Operating an on-highway motorcycle manufactured after December 31, 1985 not equipped with exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle’s model year, stating that the exhaust system meets the 80 dBA standard at 50 feet, as set out in the Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.
- h. Operating an all-terrain vehicle or off-highway motorcycle manufactured after December 31, 1985 not equipped with exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle’s model year, stating that the exhaust system meets the 82 dBA standard at 50 feet, as set out in the Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.

i. Operating sound equipment connected to or incorporated in a vehicle which is plainly audible or causing vibration more than 30 feet from the vehicle. The fact that the sound is plainly audible at a distance of 30 feet from the vehicle is prima facie evidence of a violation of this chapter.

(2) *Operation of sound equipment.* The use, ~~or~~ operation ~~or permitting to be played, used or operated~~ of any sound equipment, including any radio receiving set, musical instrument, stereo, tape, or disc player, digital device, loud speaker, or any other machine or device for the amplifying, producing, or reproducing of sound, which ~~is~~:

a. ~~Is plainly audible between the hours of 9:00 p.m. and 6:00 a.m. at a distance of 50 feet from the building, structure, or place in which the device is located; or~~

b. ~~Is is plainly audible, as defined above, or causing vibration within a building or structure located more than 30-100 feet or more from the vehicle in which the device is located; where the sound is being generated.~~

e. ~~Is for the purposes of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons;~~

d. ~~Unreasonably disturbs the peace, quiet, or comfort of another person.~~

~~Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.~~

(3) *Yelling, shouting, etc.* Loud and raucous yelling, shouting, hooting, whistling, or singing on the public streets or property or on private property at any time or place which injures, endangers or disturbs the comfort, repose, health, peace, or safety of persons of ordinary sensibilities in the vicinity.

(4) *Hawkers, peddlers.* The loud and raucous shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of reasonable persons of ordinary sensibility.

(5) *Animals, birds, etc.* The keeping of any animal or bird which, by causing frequent or long continued loud and raucous noise, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons of ordinary sensibilities in any office, dwelling, hotel or other type of residence, or of such persons in the vicinity.

(6) *Loading, unloading, opening boxes.* The creation of a loud and raucous or excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(7) *Pile drivers, hammers, etc.* The operation between the hours of 9:00 p.m. and 6:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.

(8) *Leaf or grass blowers, lawnmowers and other lawn or landscape maintenance equipment.* The operation between the hours of 9:00 p.m. and 6:00 a.m. of any noise-creating blower, power fan, any internal combustion engine, electric powered trimmer or chain saw the operation of which causes noise due to the explosion of operating gases or fluids, or the spinning of a motor or string or chain, unless the noise from such equipment is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(9) *Schools, courts, churches, hospitals.* The creation of any loud and raucous noise on any street or public way adjacent to any school, institution of learning, church or court while such is in use, or adjacent to any hospital, which materially interferes with the workings of such institution or which disturbs, injures or endangers patients in the hospital, ~~provided conspicuous signs are displayed on any such street indicating that the street is a school, hospital or court street.~~

(10) *Construction or repairing of buildings.* The erection including excavation, demolition, alteration or repair of any building other than between the hours of 6:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 6:00 a.m. and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 9:00 p.m. and 6:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(Code 1971, § 19-14(b); Ord. No. 1456-4-07, 4-17-2007; Ord. No. 1573-5-11, §§ 3—7, 5-17-2011; Ord. No. 1662-3-14, § 3, 3-4-2014; Ord. No. 1934-10-22 , § II, 11-15-2022)

Sec. 34-153. Penalty.

Any person violating any of the sections of this article shall, upon conviction, be fined as provided in section 1-14.

(Code 1971, § 19-14(c); Ord. No. 1934-10-22 , § II, 11-15-2022)

Sec. 34-154. Declaration of nuisance.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any section of this article and which disturbs reasonable persons of ordinary sensibilities or which endangers or injures the comfort, repose, health, safety or peace of such persons shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Code 1971, § 19-14(d); Ord. No. 1934-10-22 , § II, 11-15-2022)

Sec. 34-155. Speech or other communication violations.

(a) If conduct that would otherwise violate this article consists of speech or other communication or of gathering with others to hear or observe such speech or communication or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the actor must be ordered to move, disperse, or otherwise remedy the violation prior to his arrest if he has not yet intentionally harmed the interest of others.

(b) The order required by this section may be given by a peace officer, a firefighter, a person with authority to control the use of the premises, or any person directly affected by the violation.

(c) It is a defense to prosecution under this section that:

- (1) In circumstances in which this section requires an order, no order was given;
- (2) An order, if given, was manifestly unreasonable in scope; or
- (3) An order, if given, was promptly obeyed.

(Code 1971, § 19-14(e); Ord. No. 1934-10-22 , § II, 11-15-2022)

Sec. 34-156. Presumption.

(a) ~~It is presumed that the property owner or the operator of a business or building in which offending equipment, animal, or device is located is the person who committed the violation, either personally or through an agent or employee. A person uses or operates the equipment, animal, operation or device if the person actually manipulates or operates the device, owns or manages the business or building in which equipment, animal, operation or device is located, or drives the vehicle in which the device is located.~~

(b) Whenever a vehicle is involved in a violation of any portion of section 34-151 or 34-152 of this chapter, and the identity of the operator of the vehicle is not ascertained, it may be presumed that the registered owner of the vehicle is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of registration of the vehicle with the state department of transportation showing the name of the person to whom state licenses were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(c) These presumptions may be rebutted by the affidavit of the property owner ~~of the building~~, business owner, or the registered owner of the vehicle, if a vehicle is involved, as to the correct identity of the animal owner or operator of the equipment, device, or vehicle at the time of the violation ~~or by other clear and convincing evidence unless the operator is an~~

~~employee or child of the owner sufficient to demonstrate the violation was committed by another party.~~

(Ord. No. 1573-5-11, § 8, 5-17-2011; Ord. No. 1934-10-22 , § II, 11-15-2022)

Sec. 34-157. Affirmative defenses.

It is an affirmative defense to prosecution under this article that the prohibited conduct was done by:

- (1) An employee of a governmental agency engaged in the employee's official duty;
- (2) A ~~person~~ spectator or participant of a lawfully scheduled event at a stadium, sports field, or ballpark ~~during an event~~;
- ~~(3) A spectator or participant person at a parade, festival, street special event, or outdoor music event or other celebration of a political subdivision, school, or bona fide religious organization permitted-authorized under chapter 74 of the this Code of Ordinances, unless the conduct involves operation of sound equipment without a permit;~~
- ~~(3)(4) The operation sound equipment under a permit issued in relation to a special event authorized under chapter 74 of the Code of Ordinances.~~
- ~~(4)(5) TheA person ringing of a bell or other on-site call to religious activity;~~
- ~~(5)(6) Protests or demonstrations permitted under this Code of Ordinances;~~
- ~~(67) A person operating an An emergency vehicle or emergency warning siren; or~~
- ~~(78) A person operating The operation of an audible warning device on a vehicle or train as required by law.~~

(Ord. No. 1573-5-11, § 8, 5-17-2011; Ord. No. 1629-5-13, § 2, 5-21-2013; Ord. No. 1934-10-22 , § II, 11-15-2022)

SECTION III

CHAPTER 118 — “ZONING”, ARTICLE VII. – “PERFORMANCE STANDARDS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to include the following:

Sec. 118-504. Noise Reserved.

- ~~(a) — *Measurement.* Measurement of noise shall be made at the residential property line with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association.~~
- ~~(b) — *Noise levels at residential property lines.* Standards for noise levels at residential property lines shall be as follows:
 - ~~(1) — *Nighttime noise level.* Noise levels shall not exceed 49 dBA at a residential property line between 7:00 p.m. and 7:00 a.m.~~~~

(2) ~~Daytime noise level.~~ Noise levels shall not exceed 56 dBA at a residential property line.

(3) ~~Octave band standards.~~ Noise in any octave band shall not exceed standards set out in the following chart:

FIGURE 1 NOISE STANDARDS

At no point along the bounding property line of any lot or parcel in a residential district shall the sound pressure level of any operation or activity exceed the decibel limits specified in the octave band groups designated in the following table:

Octave Band Range (cps)	Decibel Band Limit (dB re 0.0002 microbar)
37—75	80
75—150	68
150—300	61
300—600	55
600—1200	51
1200—2400	48
2400—4800	45
4800—9600	43
A scale (for monitoring purposes only)	56

Noise level adjustments:

~~Nighttime noise—between 7:00 p.m. and 7:00 a.m.—Subtract 7 dB~~

~~Impulsive noise—Subtract 7 dB~~

~~(Meter reading changes at a rate greater than 10 dB per second)~~

~~(1) Higher ambient noise levels. Where ambient noise levels from traffic or multiple sources already exceed the standards, the subject source may not increase that existing noise level.~~

~~(2) Public facilities and activities excluded. Public facilities and activities are excluded from this standard. Such activities may include the following:~~

~~a. Any activity the city or its agents conduct in pursuit of its usual activities such as trash removal, police and fire protection.~~

~~b. Any public event which may occur from time to time such as concerts and other events sponsored by a public or nonprofit organization, excluding fraternities and sororities.~~

~~(Ord. No. 1130, art. VI, § 4, 11-3-1998)~~

...

Sec. 118-507. Vibration Reserved.

~~No use in districts subject to this article shall at any time create earthborne vibration which, when measured at the boundary property line of the source operation, exceed the limits of the following displacement:~~

FIGURE 2 VIBRATION STANDARDS

Frequency (cycles per second)	Displacement (inches)
0—10	0.010
10—20	0.007
20—30	0.005
30—40	0.004
40 and over	0.003

~~(Ord. No. 1130, art. VI, § 7, 11-3-1998)~~

SECTION IV

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 V

Continuation. All provisions of Chapters 34 and 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION VI

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 VII

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

SECTION VIII

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 IX

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

Karen Hadnot, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Scott Weems, Chief of Police



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Zone Change Case ZON2025-12 regarding a zone change from A, Agriculture to B-2, General Business district on two (2) parcels of land approximately 3.04 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcels 1000016787 & 81263; and generally located north and south of 200 North East Stallings Drive, Nacogdoches, Texas. (City Planner)

OVERVIEW:

The applicant, Becky McMorries, representing Regents Academy, is requesting a zoning change from A, Agriculture, to B-2, General Business for two parcels located north and south of the existing Regents Academy campus. The subject parcels are currently within the City’s extraterritorial jurisdiction (ETJ) and currently do not have a zoning designation. However, upon annexation, they would be initially zoned A, Agriculture. An annexation request is scheduled to be heard by City Council on October 21, 2025. Approval of this zoning case is contingent upon approval of the annexation request.

The applicant intends to construct a new gymnasium on the north parcel. The south parcel is partially located within the city limits; annexation of the remainder will align the zoning boundary with the property boundary. At this time, there are no development plans for the south parcel.

The requested B-2 zoning is consistent with the existing zoning of the Regents Academy campus and surrounding development along North East Stallings Drive, which includes a mix of B-1, Local Business, and B-2, General Business districts. Undeveloped parcels to the east remain outside the city limits.

Adjacent Land Use & Zoning

The subject properties are currently located outside the city limits and undeveloped with the exception of a portion of the north parcel that is developed for parking. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Current Zoning	Land Use
North	Rural Development	Outside City Limits	Commercial
South	Rural Development	Outside City Limits	Undeveloped
East	Rural Development	Outside City Limits	Undeveloped
West	Rural Development	B-2, General Business & B-1, Local Business	Commercial & Church

The subject properties are located adjacent to a commercial zoning area and undeveloped property outside the city limits.

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;

The proposed B-2, General Business zoning for the subject parcels is compatible with the surrounding land uses and zoning. The existing Regents Academy campus, which will be expanded by this request, is currently zoned B-2 and fronts North East Stallings Drive. The immediate area along Stallings Drive includes a mixture of B-1, Local Business, and B-2, General Business zoning districts that accommodate institutional and commercial uses. The proposed zoning would not be injurious to surrounding properties, as it continues the established pattern of business zoning along the loop corridor and aligns with the current use of the site.

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 requested B-2, General Business zoning will not impede the normal and orderly development of surrounding vacant property. The subject parcels are located along North East Stallings Drive, a major thoroughfare that already supports a mixture of commercial and institutional uses. Rezoning the parcels to B-2 is consistent with the established development pattern along the corridor and will provide for the expansion of the existing Regents Academy campus.

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

Adequate utilities and supporting infrastructure are available to serve the subject property. A 12-inch water main and a 6-inch sewer main are located adjacent to the site and provide sufficient capacity to support the proposed zoning and intended development. North East Stallings Drive, which fronts the Regents Academy campus and has a 160-foot right-of-way, provides adequate access to the site and is designed to accommodate anticipated traffic volumes.

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;

Any future development on the subject properties will be required to meet City standards for driveways and parking, ensuring safe and convenient access. No adverse impacts to the general public or adjacent properties are anticipated as a result of the proposed zoning change.

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

Any future development will be required to comply with all applicable City codes related to nuisance prevention and property maintenance, ensuring compatibility with surrounding uses.

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

Any outdoor lighting associated with future development on the subject parcels will be required to comply with City standards to ensure it is directed downward and away from adjacent properties. This will minimize light spillover and prevent adverse impacts on neighboring uses. Lighting for the proposed gymnasium expansion will not disturb or negatively affect surrounding properties.

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

Landscaping and screening requirements will be addressed at the time of site development to ensure compatibility with adjacent properties. Compliance with these requirements will ensure the proposed zoning is compatible with surrounding development.

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 *Rural Development*. This FLUP category is described as “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. It also includes areas that are gradually transitioning into urban uses and development.”

The requested B-2, General Business zoning represents a variation from the Rural Development designation; however, the subject parcels are located along North East Stallings Drive, a major arterial corridor that has developed with a mixture of institutional and commercial uses. The proposed zoning is consistent with the existing development pattern along the corridor and with the current B-2 zoning of the Regents Academy campus. Staff believes the request is compatible with the Comprehensive Plan’s intent to guide transitional areas into appropriate urban uses.

PUBLIC ENGAGEMENT:

- August 22, 2025 – Staff mailed five (5) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- September 3, 2025 – Staff coordinated a neighborhood meeting at the C.L. Simon Recreation Center on behalf of the applicant to receive input from surrounding property owners. None of the neighboring residents attended the meeting.
- September 24, 2025 – Staff mailed five (5) public meeting notice letters to property owners within 500 feet. Staff has not received any letters in opposition or in favor of the request from the neighboring property owners.
- September 28, 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 October 21, 2025.

CITY CONTACT:

- ATTACHMENTS:**
1. Aerial Map
 2. Zoning Map
 3. Future Land Use Map
 4. Notification Map 200ft
 5. Site Photos

ZON2025-12 Aerial Map



Legend

- Buildings
- City Limit
- Parcels
- Area of Interest

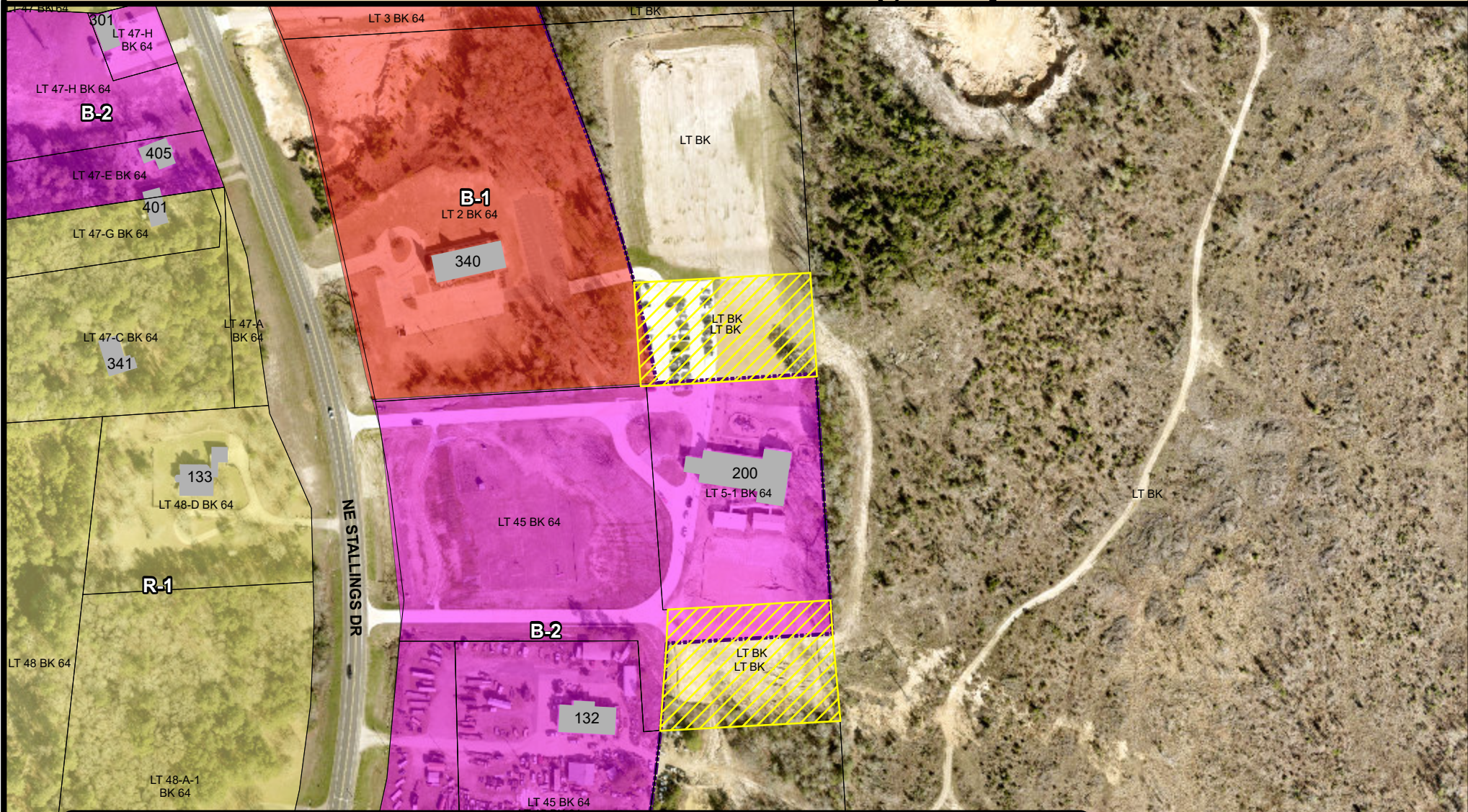


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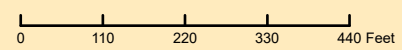
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZON2025-12 Zoning Map



Legend

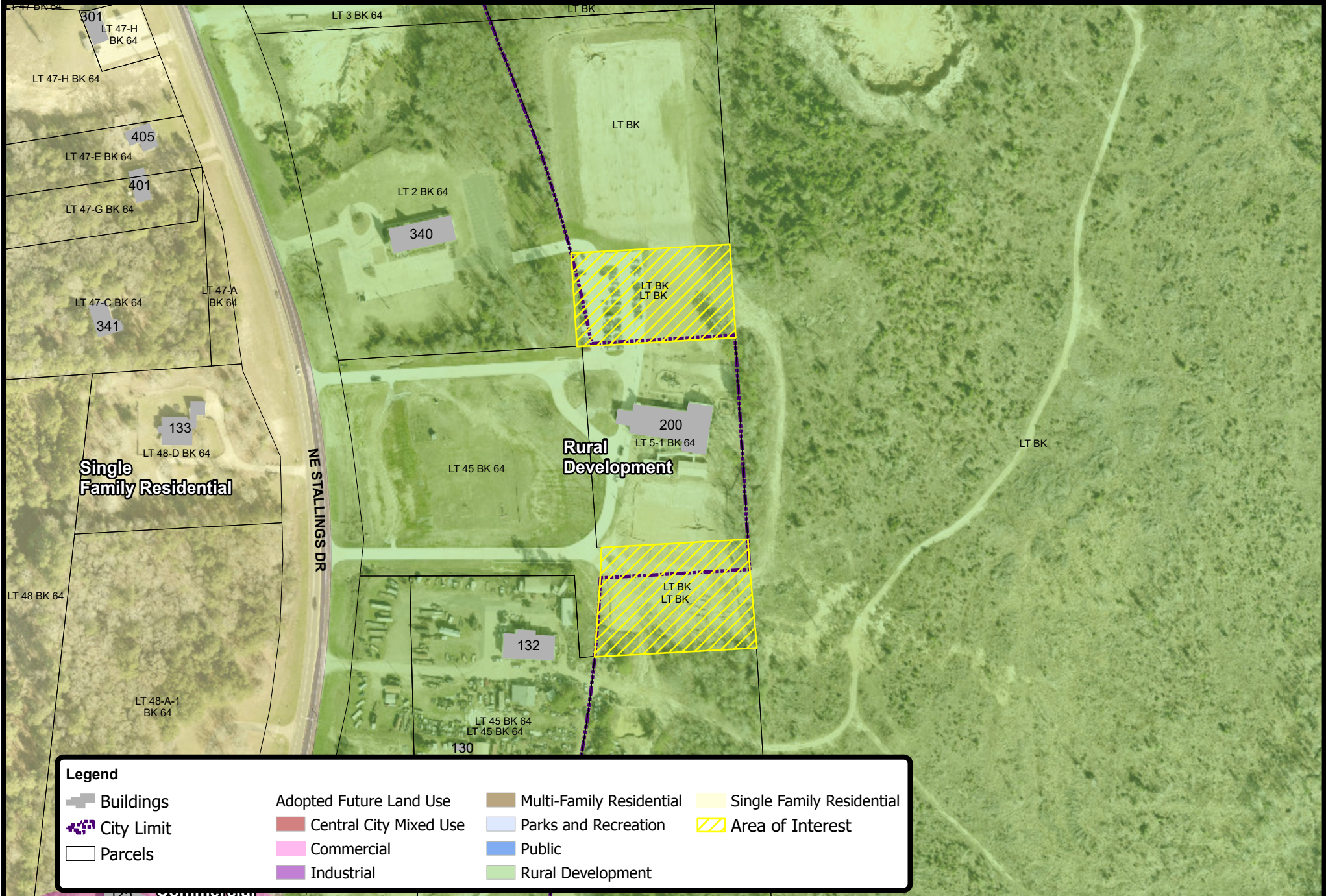
Buildings	Zoning	DA - Development Agreement	R-1 - Single Family
City Limit	A - Agriculture	I-1 - Light Industrial	R-2 - Single Family
Parcels	B-1 - Local Business	I-2 - Heavy Industrial	R-3 - Two Family
	B-2 - General Business	M - Medical	R-4 - Multi-Family
	B-3 - Central Business	PD - Planned Development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



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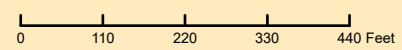
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZON2025-12 Future Land Use Map



Legend

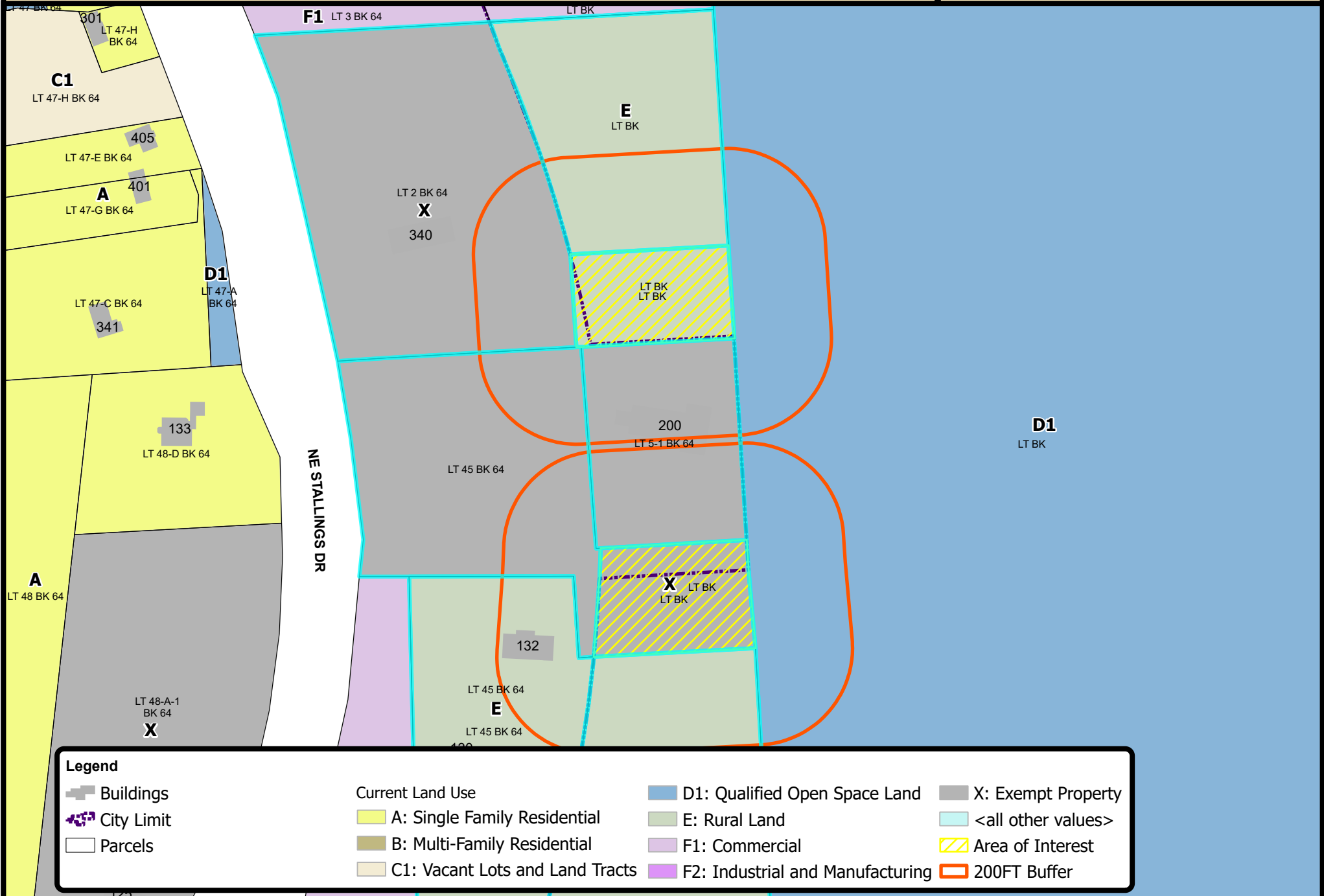
Buildings	Adopted Future Land Use	Multi-Family Residential	Single Family Residential
City Limit	Central City Mixed Use	Parks and Recreation	Area of Interest
Parcels	Commercial	Public	
	Industrial	Rural Development	



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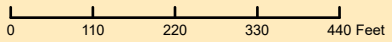
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ZON2025-12 Notification Map



Legend

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



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ZON2025-12 Site Photos

Subject property



North parcel



South parcel



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Zoning Case PD2025-02 regarding an amendment to the Kenbrook North Townhouse Subdivision zoned Planned Development, for two (2) parcels of land approximately 0.18 acres ± in size, for the construction of one (1) single-family residence. The subject property is more particularly described as Nacogdoches Central Appraisal District Parcels 85345 & 85344; and located at 1723 and 1725 Maroney Drive, Nacogdoches, Texas. (City Planner)

OVERVIEW: The owners, Glenda & Dennis Higenbotham, representing GAFD Inc., are requesting an amendment to the PD, Planned Development, to allow the construction of a single-family residence in place of the last remaining townhouse units. The amendment would permit the development of one (1) single-family dwelling by combining two (2) lots, approximately 0.18 acres, into a single lot for the new home. The subject lots represent the last remaining undeveloped lots within the PD, and if approved, will be replatted into a single lot to accommodate the proposed residence. The Kenbrook North Townhouse Subdivision Planned Development (PD) was originally approved in 1979 to allow townhome development. The current owners re-platted the lots from nine (9) Lots to (8) Lots and began construction of the townhomes in October 2021.

The proposed home will be a single-story, three-bedroom residence, and approximately 1,800 square feet. It will follow the same building setbacks and be designed to blend in with the existing townhomes, ensuring compatibility with the surrounding residential neighborhood.

Adjacent Land Use & Zoning

The subject properties are zoned PD, Planned Development and are currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Current Zoning	Land Use
South (Across Maroney Dr.)	Single Family Residential	R-1, Single Family	Residential
East	Single Family Residential	PD, Planned Development	Residential
West	Single Family Residential	PD, Planned Development	Residential
North	Single Family Residential	R-1, Single Family	Residential

The subject properties are located within a Planned Development originally approved for townhomes, with existing townhomes to the east and west. The surrounding zoning and land uses are single-family residential, and there are no undeveloped lots remaining in the immediate area.

STAFF REVIEW:

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

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 proposed amendment would allow the development of a detached single-family residence in place of the last remaining townhouse units within the Kenbrook North Townhouse PD. The surrounding area is fully developed with single-family residential uses and no undeveloped lots remain. A single-family dwelling is consistent with the character of the neighborhood and is not anticipated to be injurious to adjacent properties or diminish 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 subject properties are located within a fully developed residential subdivision, and no vacant lots remain in the immediate vicinity. Allowing the construction of a single-family residence in place of the planned townhouse units will complete the build-out of the subdivision and will not impede the normal or orderly development of surrounding properties.

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

The properties have direct access to Maroney Drive, a designated collector roadway with a 60-foot right-of-way. Public utilities are available, including an 8-inch water main and a 6-inch sanitary sewer main located along Maroney Drive. Adequate facilities and services exist to serve the proposed residence.

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 proposed single-family residence will provide off-street parking consistent with the requirements for detached dwellings. Driveway access will be taken from Maroney Drive, similar to the existing townhomes in the subdivision. The design and location of the driveway and parking spaces are expected to provide safe and convenient access without adversely affecting traffic flow or adjacent properties.

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

The proposed use as a single-family residence is not expected to generate offensive odors, fumes, dust, noise, or vibration. No additional nuisance-prevention measures are anticipated to be necessary beyond compliance with existing City codes and ordinances.

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

Any exterior lighting associated with the proposed residence will be typical of single-family development and is expected to be residential in scale. Lighting will be directed downward or shielded to avoid disturbing or adversely affecting neighboring properties.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with

adjacent property exists or will be provided;

The City of Nacogdoches does not currently require specific landscaping or screening standards for single-family residential development.

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 property as *Single Family Residential*. The *Single Family Residential* FLUP category is described as, “Conventional one-family detached dwellings (also includes duplexes).”

The request to replace the last remaining townhouse units with a detached single-family residence aligns with this designation and supports the long-term vision for the neighborhood.

Staff believes the FLUP designation of the property is consistent with the proposed amendment, and the request is in compliance with the Comprehensive Plan.

PUBLIC ENGAGEMENT:

- September 6, 2025 – Staff mailed out fifty-six (56) neighborhood meeting notice postcards to property owners within 500 feet of the subject property.
- September 17, 2025 - Staff coordinated a neighborhood meeting at the City Council Chambers on behalf of the applicant to receive input from surrounding property owners. Six (6) neighboring residents attended the meeting with general questions about the proposed development. All the attendees were in support of the request.
- September 24, 2025 - Staff mailed twenty-seven (27) public meeting notice letters to property owners within 200 feet and twenty-nine (29) 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.
- September 28, 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 October 21, 2025.

CITY CONTACT: Juan Pollette, City Planner

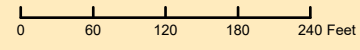
- ATTACHMENTS:**
1. Aerial Map
 2. Zoning Map
 3. Future Land Use Map
 4. Notification Map 200ft
 5. Site Plan
 6. Front Elevation/Floorplan Exhibit
 7. Site Photos

PD2025-02 Aerial Map



Legend

- Buildings
- City Limit
- Parcels
- Area of Interest



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PD2025-02 Zoning Map



Legend

- Buildings
- City Limit
- Parcels

Zoning

- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business

Zoning

- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development

Zoning

- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi-Family
- Area of Interest

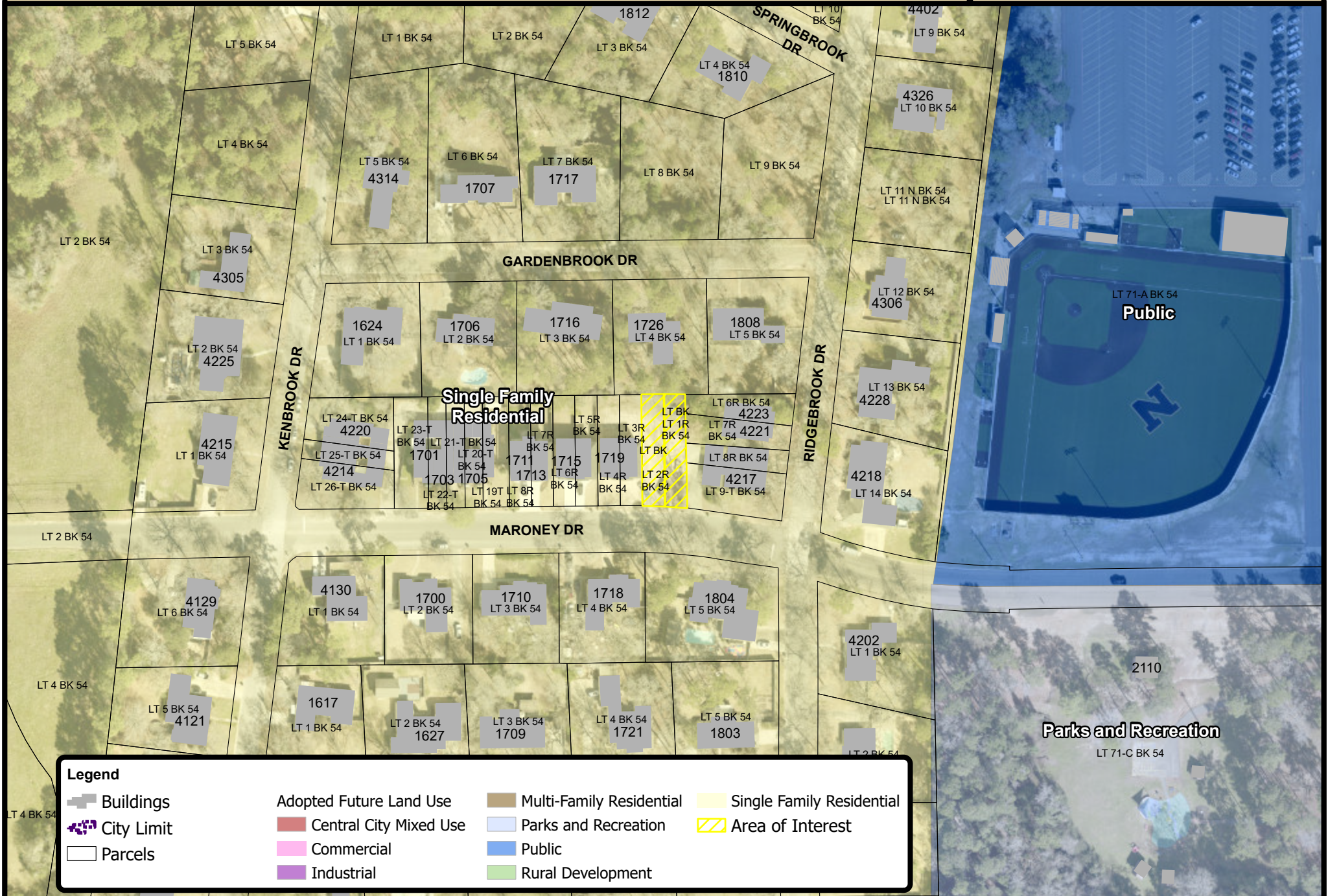


0 60 120 180 240 Feet

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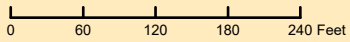
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PD2025-02 Future Land Use Map



Legend

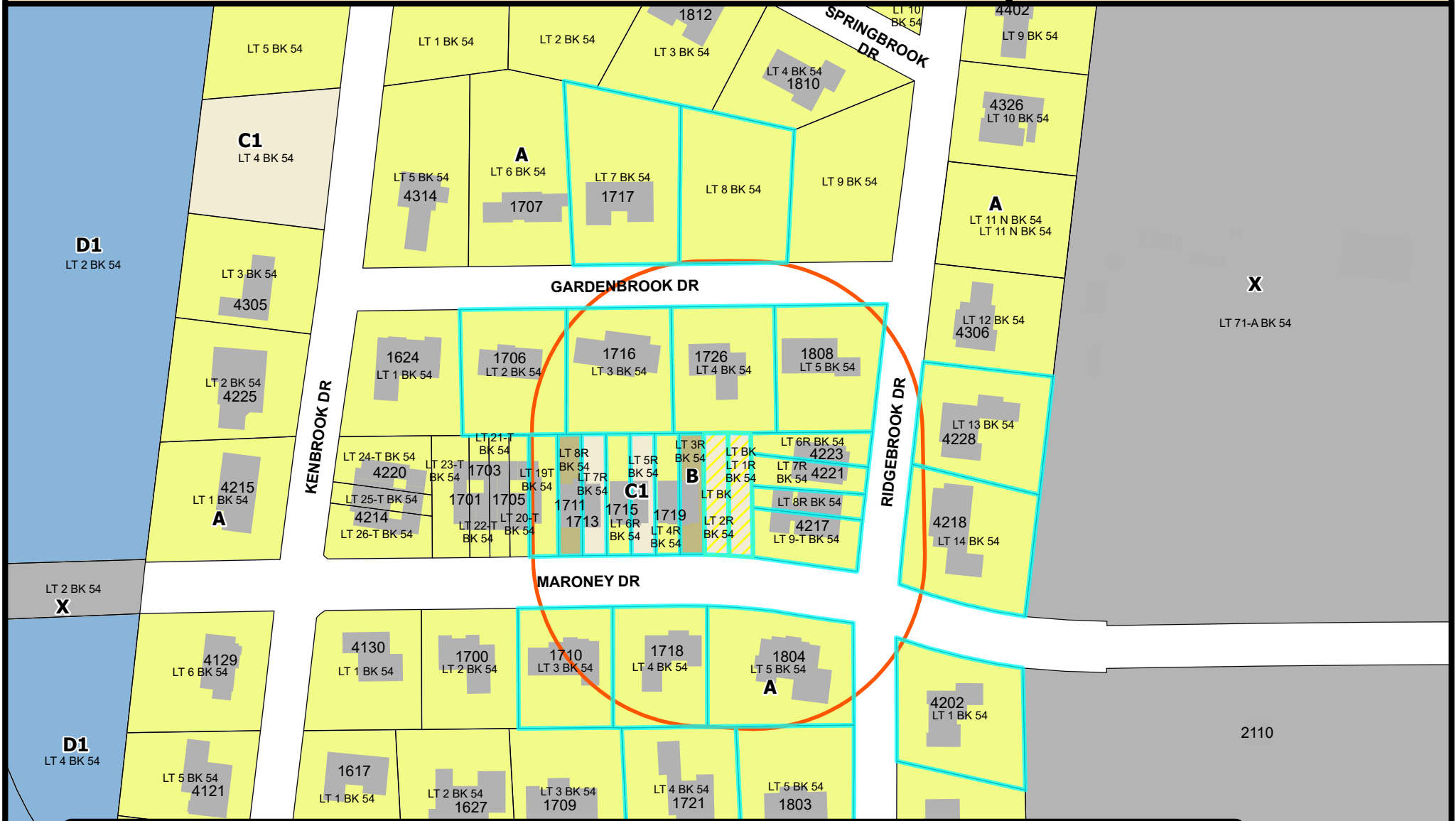
Buildings	Adopted Future Land Use	Multi-Family Residential	Single Family Residential
City Limit	Commercial	Parks and Recreation	Area of Interest
Parcels	Industrial	Public	
	Rural Development		



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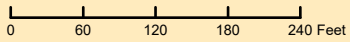
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PD2025-02 Notification Map



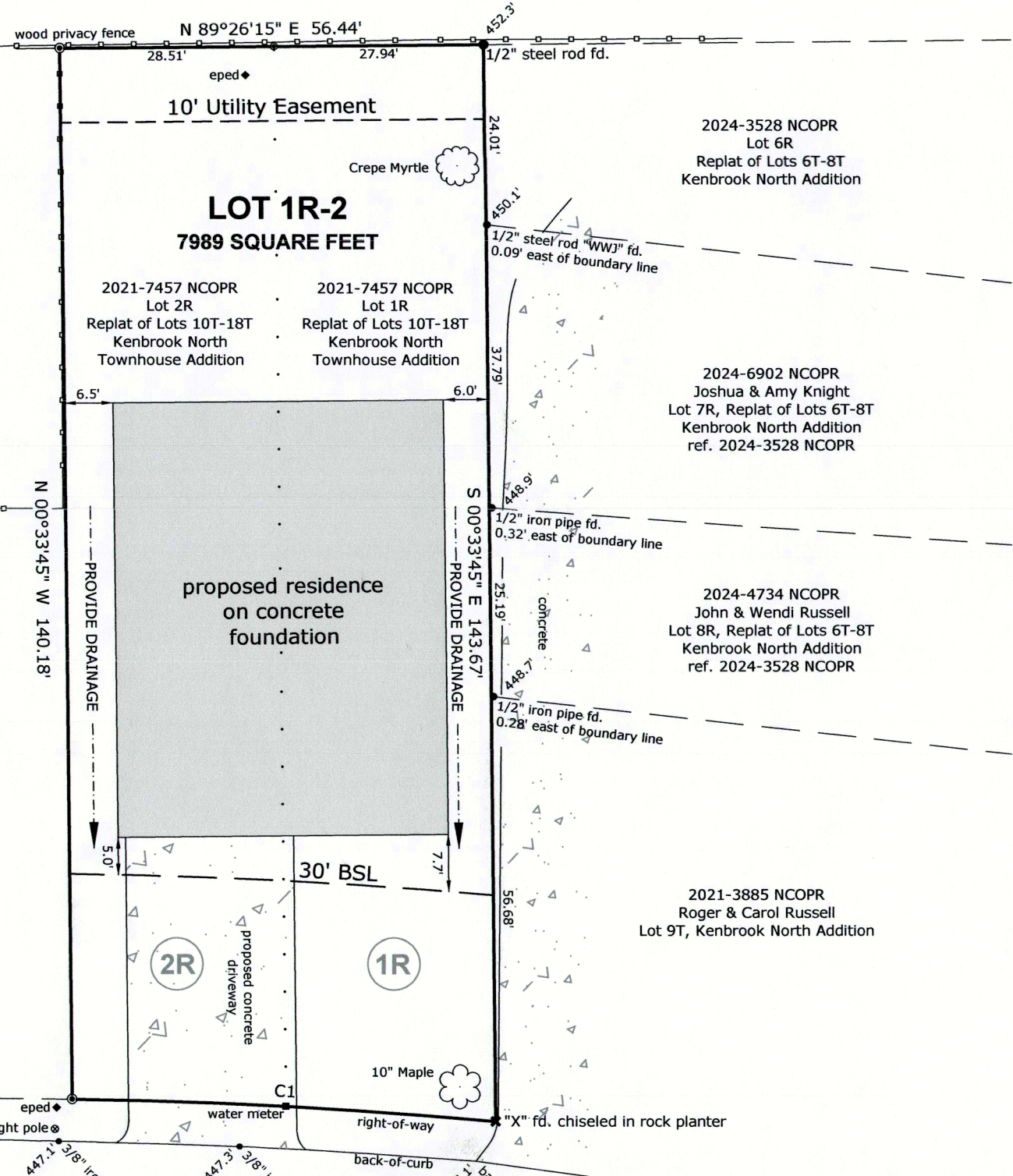
Legend

Buildings	Current Land Use	D1: Qualified Open Space Land	X: Exempt Property
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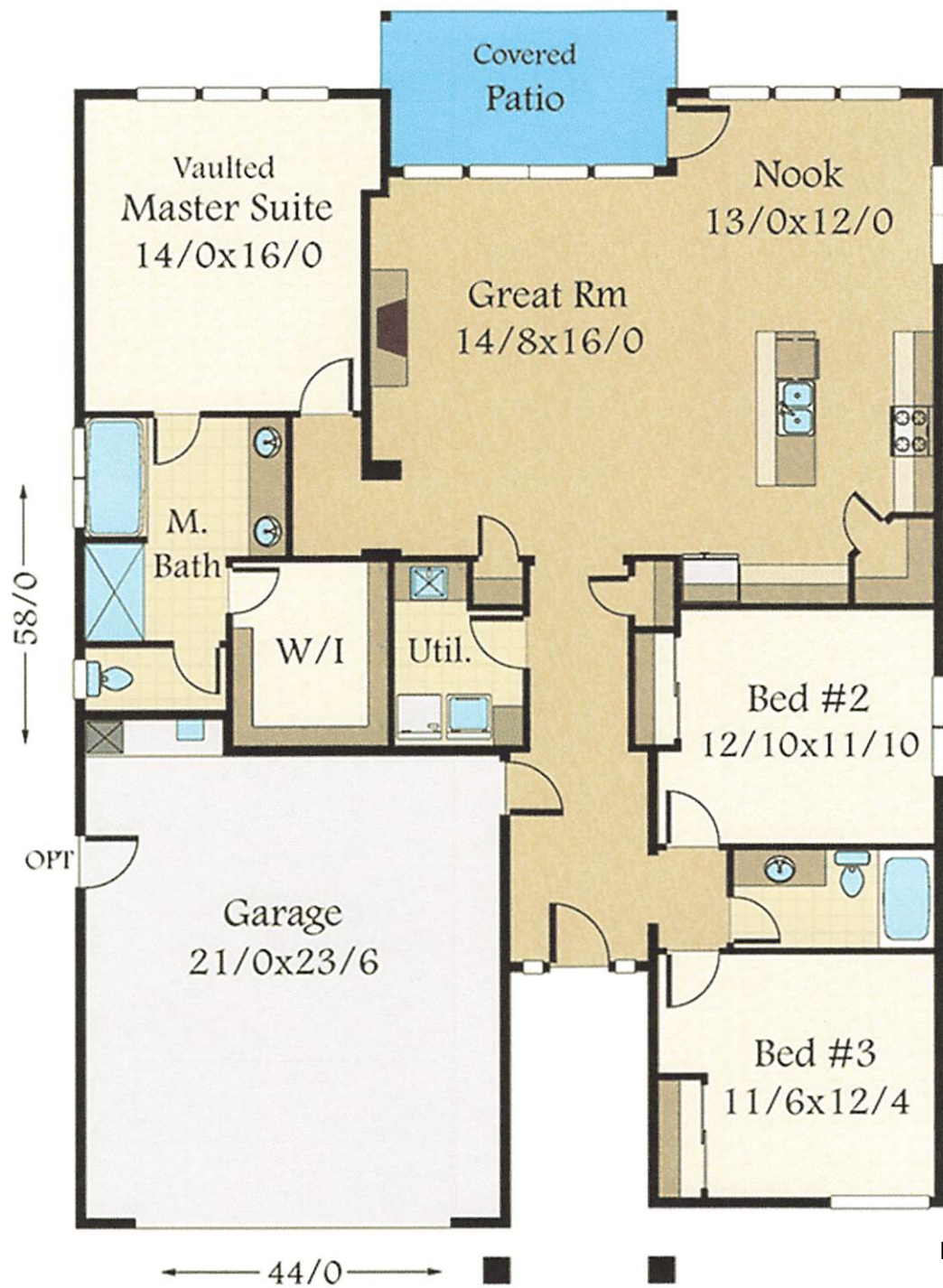


SITE PLAN FOR
LOT 1R - 2
KENBROOK NORTH TOWNHOUSE ADDITION
BEING A REPLAT OF LOTS 1R & 2R
KENBROOK NORTH TOWNHOUSE ADDITION

CITY BLOCK 54
CITY OF NACOGDOCHES
NACOGDOCHES COUNTY, TEXAS

- Plat of Lots 1R-8R Kenbrook North Townhouse Addition recorded in 2021-7457 NCOPR.
 - Plat of Kenbrook North Townhouse Addition recorded in 3/45 NCP.R.





PD2025-02 Site Photos

Subject property





PRESENTER: Case Opperman, Director of Public Works

ITEM/SUBJECT: Receive a presentation on the Floodplain Management Ordinance. (Director of Public Works/City Engineer)

OVERVIEW:

At the Commission meeting held on July 14, 2025, the Commission requested a future agenda item to receive a staff presentation on the City's floodplain management ordinance, history, and general permitting and development processes. On September 8, 2025, the Commissioners affirmed their request to receive a presentation from the City's engineering department at the next regular meeting in October.

STAFF REVIEW:

CITY CONTACT: Case Opperman – Director of Public Works/City Engineer
oppermanc@nactx.us
(936) 559-2515

ATTACHMENTS:

1. Floodplain Mgmt Presentation
2. Floodplain Mgmt Ordinance

Floodplain Management in Nacogdoches

October 13, 2025

Floodplain management history

- The Flood Control and Insurance Act (Texas Water Code, Secs. 16.311-324) delegates the responsibility of local governments to adopt regulations designed to minimize flood losses.
- Local floodplain management ordinances:
 - **1977 (Ordinance 214)**
Applied definitions found in National Flood Insurance Act of 1968. Repealed in 1987.
 - **1987 (Ordinance 695-87)**
Flood maps derived from 1981 FEMA Flood Insurance Study. Repealed in 2010.
 - **2010 (Ordinance 1539-4-10)**
Current version. Previous version repealed to meet new federal standards.

Regulatory agencies & programs

- **Federal Emergency Management Agency (FEMA)
National Flood Insurance Program (NFIP)**

FEMA maps flood zones in communities across the US, identifying areas of varying flood risk on Flood Insurance Rate Maps (FIRMs). FEMA creates FIRMs to inform flood insurance pricing in the National Flood Insurance Program (NFIP) and to guide floodplain management regulations for NFIP-participating communities.

- **Texas Water Development Board (TWDB)**

The 2019 TX Legislature greatly expanded TWDB's role in flood planning and also made a one-time transfer of \$793 million from the state's "Rainy Day" Fund to create a new flood financial assistance program to be administered by TWDB.

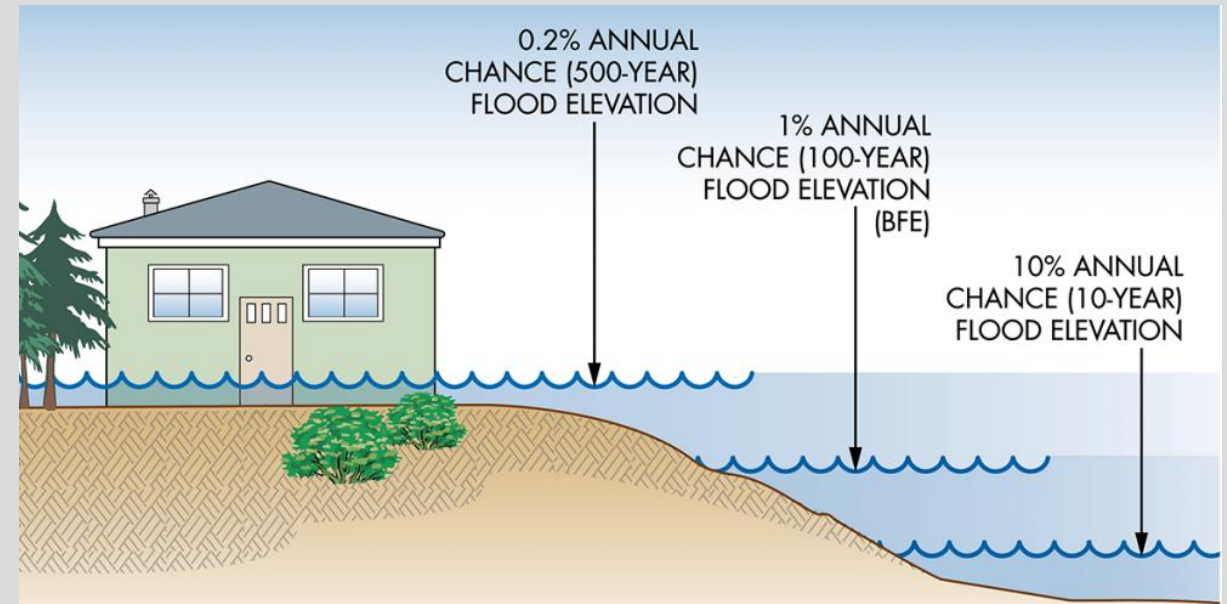
Flood frequency

“**100-yr flood**” is the metric for insurance and engineering design

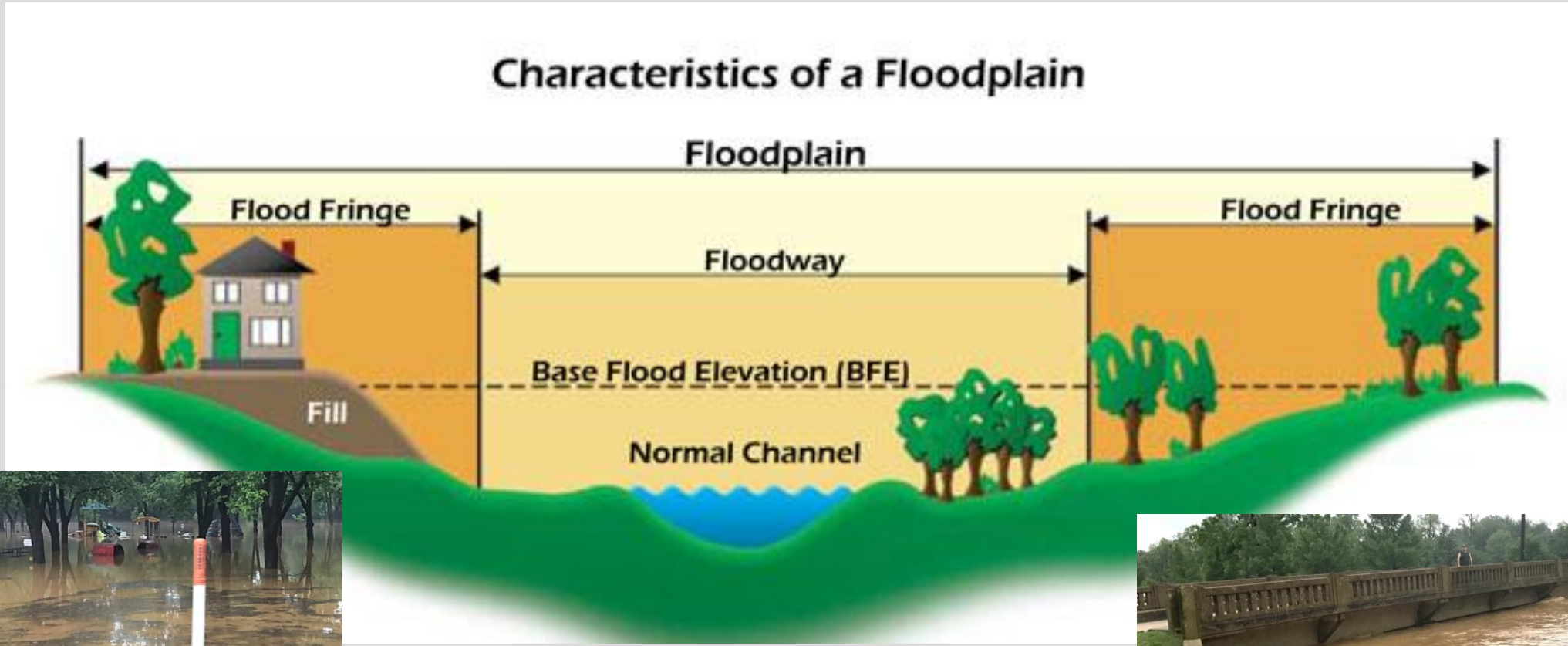
- Does NOT mean a flood happens once every 100 years
- A flood has a 1% (1/100) chance of happening in a given year
- Data is also published for 2-, 5-, 10-, 25-, 50-, and 500-year frequencies

Nacogdoches area (24 hrs):

- 10-yr storm = 6.5”
- 25-yr storm = 8.7”
- 50-yr storm = 9.0”
- 100-yr storm = 10.2”



“Floodplain” vs “Floodway”

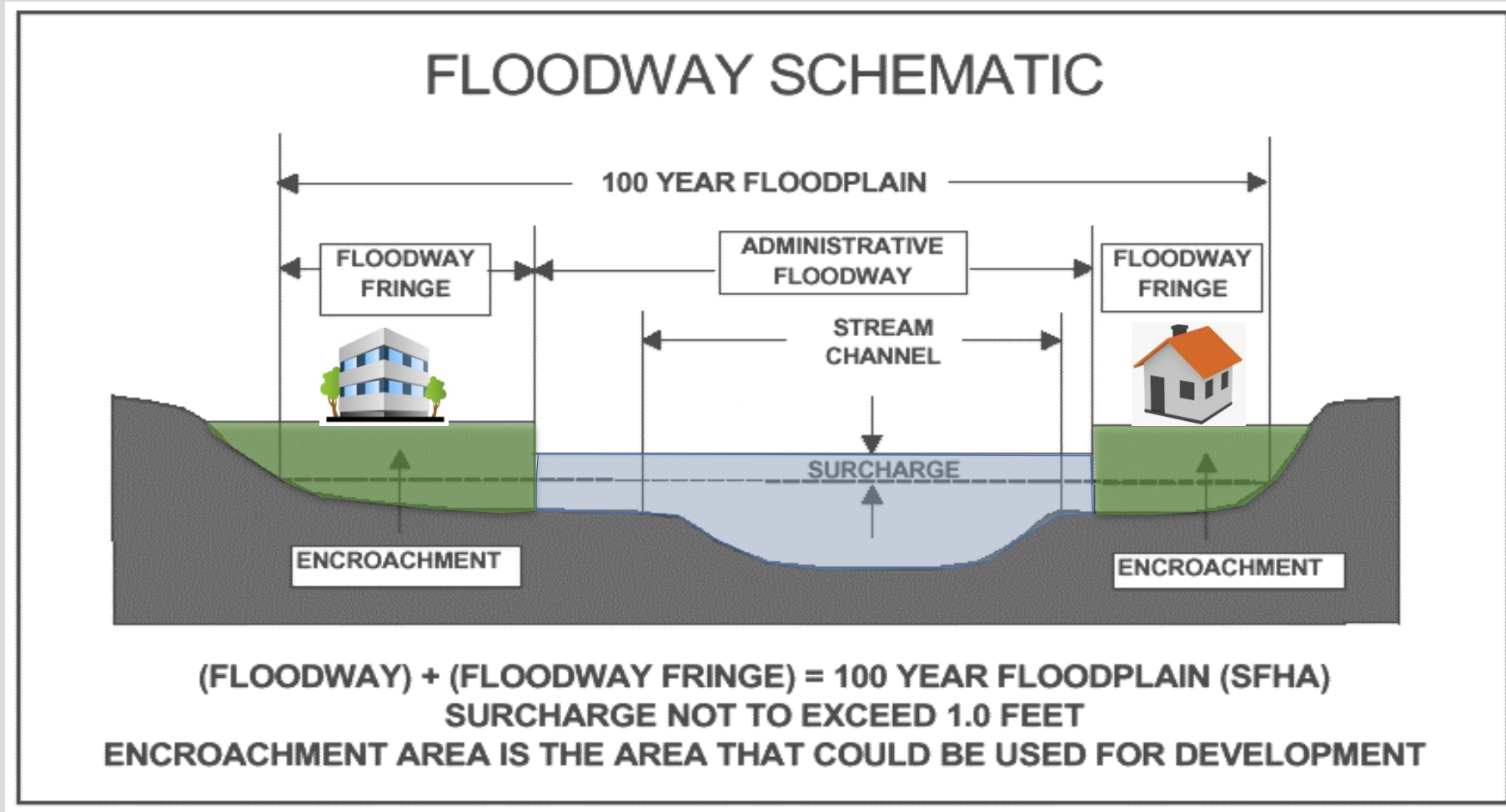


FLOOD FRINGE



FLOODWAY

One-foot rise in water surface



New development must be 1 foot above the Base Flood Elevation

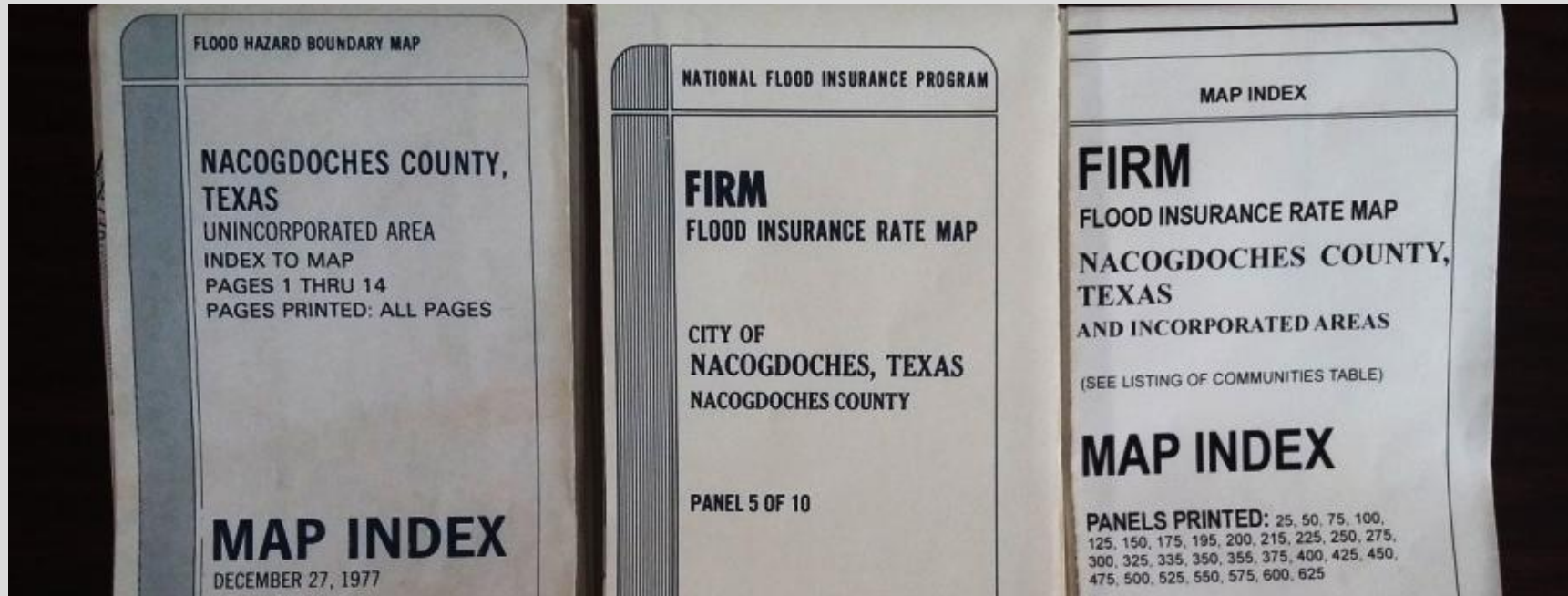
Floodway encroachments

Development prohibited unless analyses shows no increases in flooding. No fill or increase in ground elevations.

Allowed construction includes:

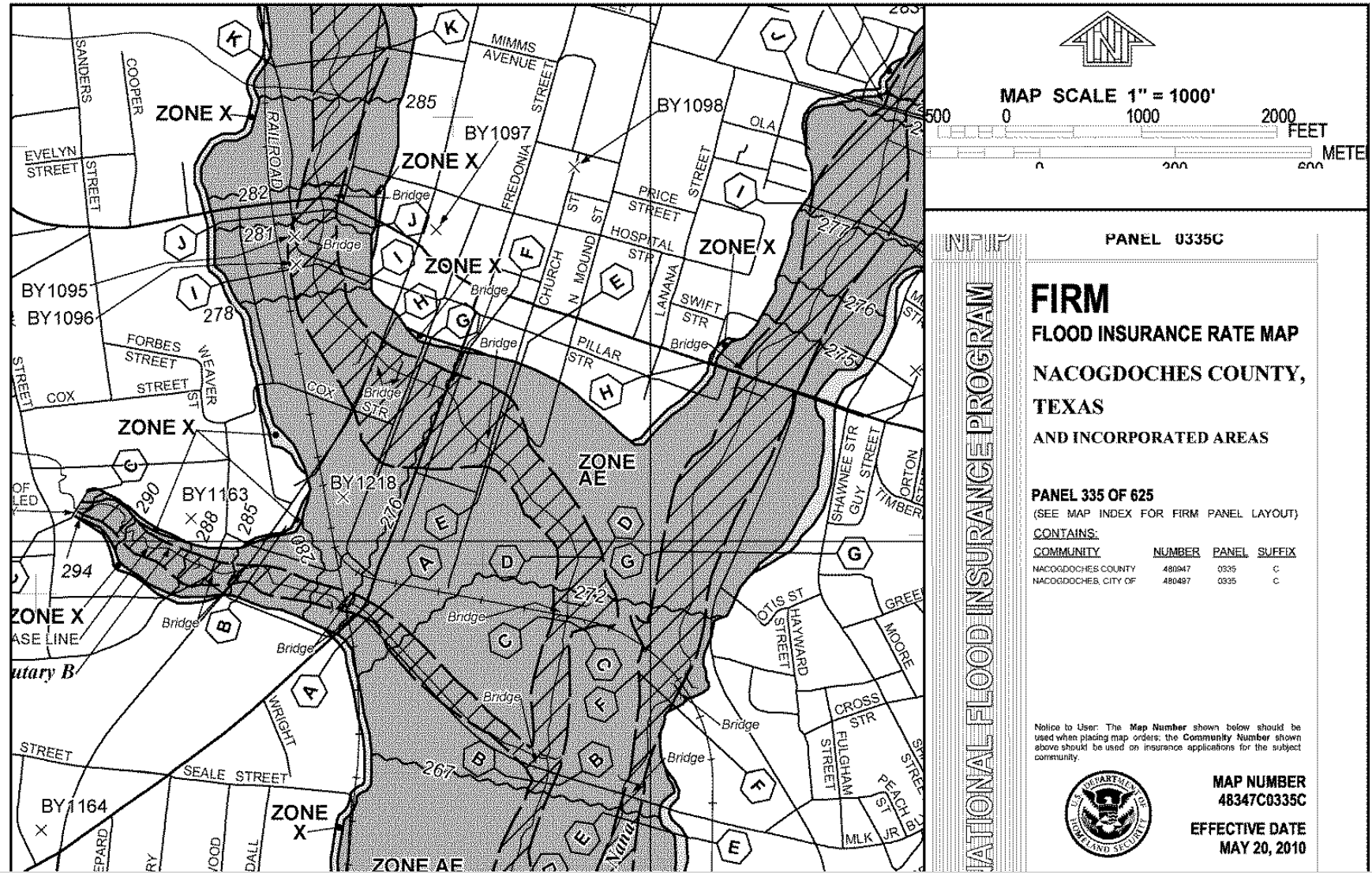
- Paving or driveways at grade
- Small obstructions: mailboxes, power poles
- Light duty fences - “breakaway”

Flood maps



- First ever flood maps for City issued in 1981
- Provided a DETAILED STUDY with flood elevations
- Floodplain and Floodway lines on a local street map
- Current maps revised in 2010

Flood insurance rate maps

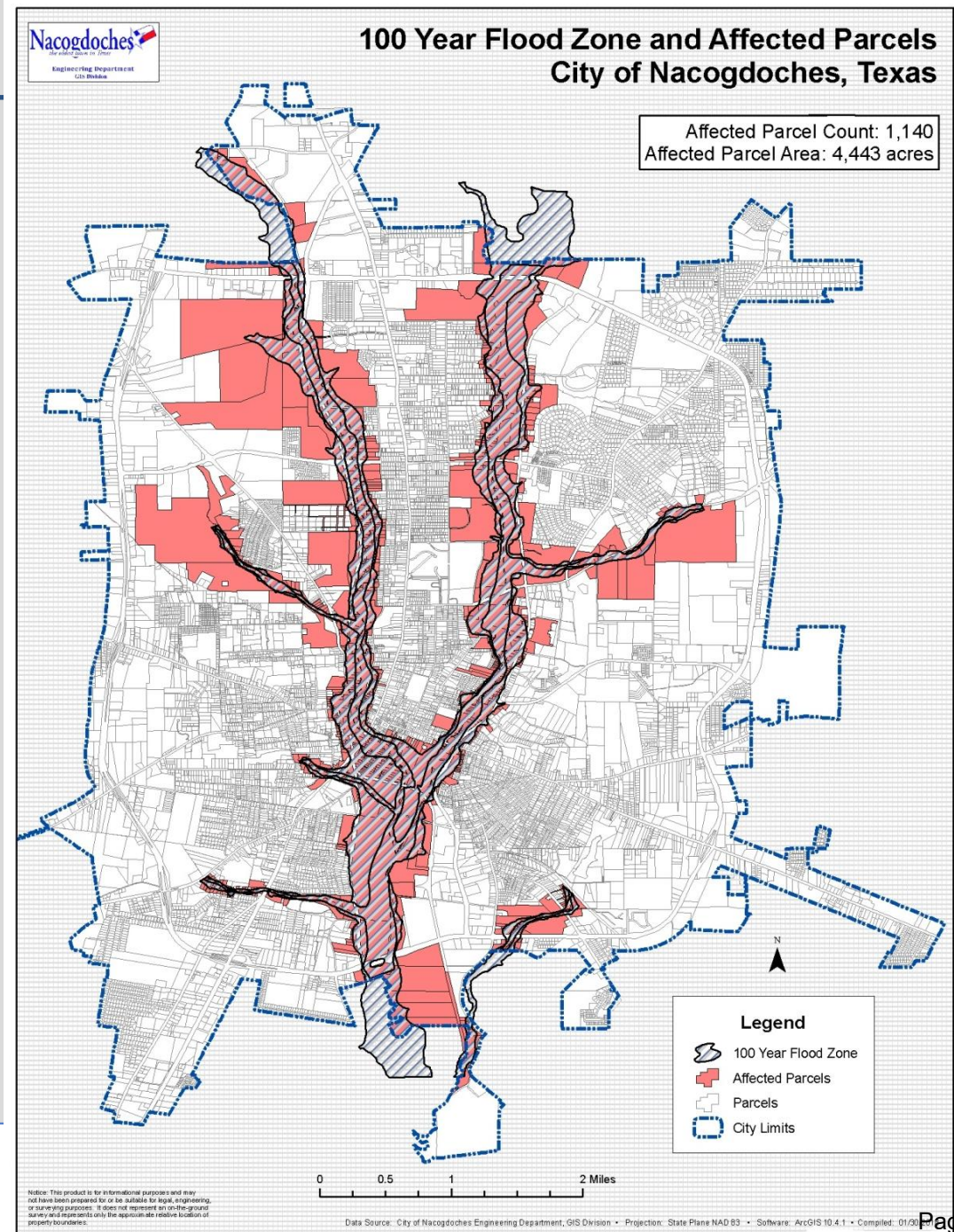


City interactive GIS map



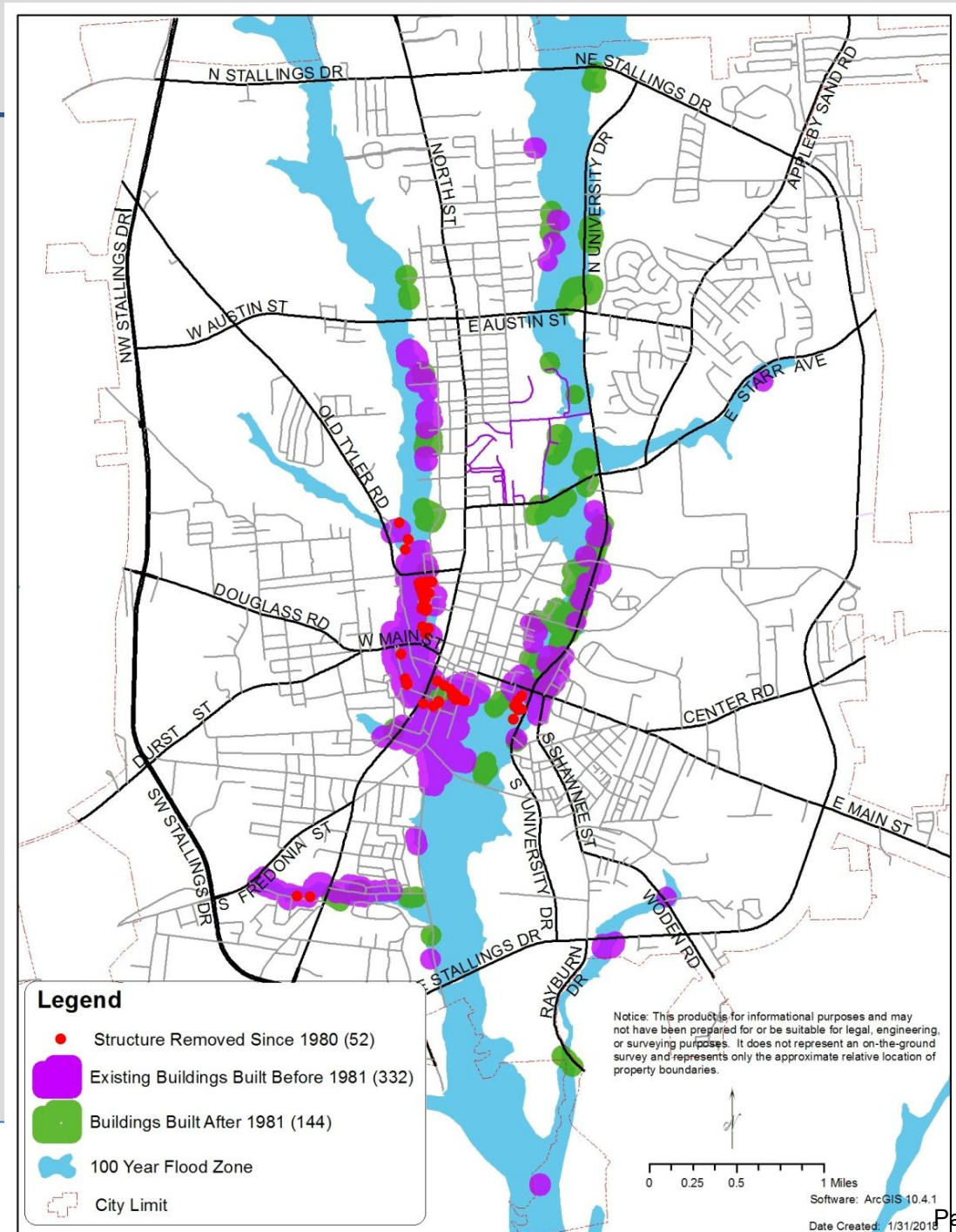
Parcels in flood areas

- 1,140 Tracts in 100-yr floodplain
- Total of 4,443 acres
- Just over 100 NFIP policies issued
- Over \$13 million in value



Structures in flood areas

- 332 buildings in flood areas before 1981 flood maps published
- 144 structures built after maps published (39 years)
- 52 buildings removed from floodplain since 1980



Properties in or removed from floodplain areas

University Drive north of MLK (70 bldgs.)

NIBCO

Texas Farm Products

Clear Springs

Lone Star Feed

Hydrex

SFA Gardens

SFA Coliseum

SFA Parking Lots

Pecan Park

Banita Creek Park Parking

Dog Park

Festival Park

Softball Complex

Soccer Complex

City Garage

City Hall Parking Lot

City Police Station

Farmers Market

RR Depot

Zion Hill Cemetery

County Annex

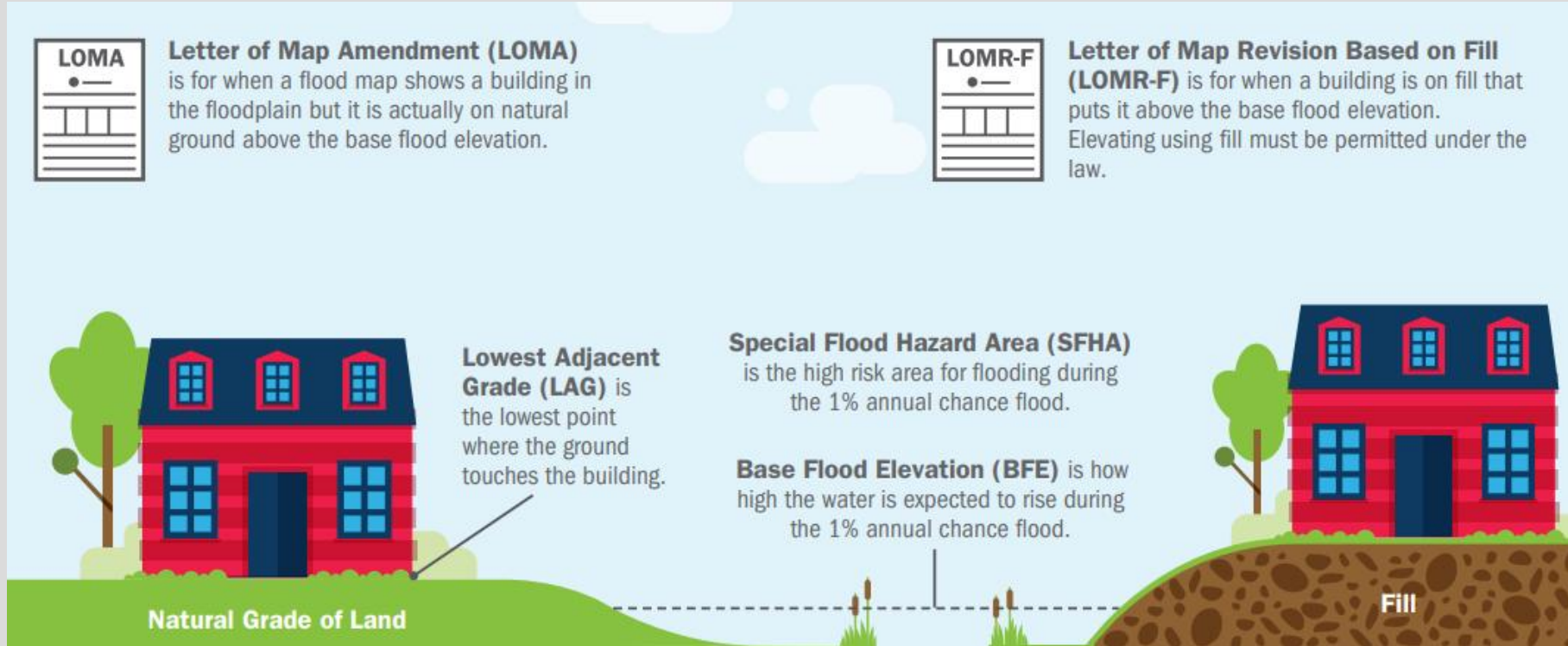
Adult Probation

Residences on Church, Pecan, S. Fredonia, Mound,
Ruby, some on Pearl

Orleans Sq Apts.

Lumberjack Lofts Apts.

FEMA map changes



Letter of Map Amendment (LOMA)

- Corrects flood map when a parcel is not in a flood area
- Cannot have been filled after flood map is issued
- Requires elevation survey for proof

Letter of Map Revision (LOMR-F)

- Removes property from flood map after revision – earthen fill (*survey required*)
- New structure is no longer in floodplain

FEMA map changes

Lumberjack Lofts

- Letter of Map Revision from Fill (LOMR-F)



Floodplain Management

According to FEMA, communities wishing to receive flood insurance must:

- Adopt floodplain development ordinance
- Review and permit construction within flood zones
- Designate a Floodplain Administrator

City Code of Ordinances, Sec. 42-4 – Methods of reducing flood losses.

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development, which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Floodplain Management in Nacogdoches

SUMMARY:

- Our City Flood Ordinance coupled with daily permit and inspection practices, follow statutory requirements and guidelines.
- City engineering staff are trained in flood hydraulics and technical staff are certified as Floodplain Managers.
- Flooding damage is uncommon and appears to be reducing with time
- Our maintenance of the creeks and streams is as diligent as it can be with most all drainage ways being privately owned.

Questions?

Chapter 42 FLOODS¹

ARTICLE I. IN GENERAL

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Sec. 42-1. Statutory authorization.

The Legislature of the State of Texas has in the Flood Control Insurance Act, V.T.C.A. Water Code, § 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Nacogdoches, Texas does ordain as follows:

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-2. Findings of fact.

- (a) The flood hazard areas of the City of Nacogdoches are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

¹Cross reference(s)—Buildings and building regulations, ch. 14; environment, ch. 34; health and sanitation, ch. 46; manufactured homes, mobile homes and parks, ch. 66; streets, sidewalks and other public places, ch. 86; subdivisions, ch. 90; utilities, ch. 106; waterways, ch. 114; zoning, ch. 118; supplementary district regulations for floodplain areas, § 118-305.

-
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future floodblight areas; and
 - (7) Insure that potential buyers are notified that property is in a flood area.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-4. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development, which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 1539-4-10, 4-6-2010)

Secs. 42-5—42-15. Reserved.

DIVISION 2. RESERVED

Secs. 42-16—42-25. Reserved.

ARTICLE II. GENERALLY

Sec. 42-26. Title.

This article shall constitute and be known and may be cited as "Floodplain Management Ordinance."

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-27. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year—also called the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a nonbasement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at

a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS)—See flood elevation study.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway—See regulatory floodway.

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

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- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light

duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area—See area of special flood hazard.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program Regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in [NFIP] Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 1539-4-10, 4-6-2010)

Secs. 42-28—42-90. Reserved.

ARTICLE III. PROCEDURES AND PERMIT REQUIREMENTS

Sec. 42-91. Lands to which this article applies.

The article shall apply to all areas of special flood hazard with the jurisdiction of the city.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-92. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Nacogdoches County, Texas and Incorporated Areas," dated May 20, 2010, with accompanying flood insurance rate maps (FIRM) dated May 20, 2010, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-93. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-94. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-95. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-96. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-97. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 1539-4-10, 4-6-2010)

Secs. 42-98—42-120. Reserved.

ARTICLE IV. ADMINISTRATION

Sec. 42-121. Designation of the floodplain administrator.

The city manager or his appointed designee is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-122. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding;
- (3) Review, approve or deny all applications for development permits required by adoption of this chapter;
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation;
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (8) When base flood elevation data has not been provided in accordance with article III, section 42-92, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and

floodway data available from a federal, state or other source, in order to administer the provisions of article V.

- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-123. Permit procedures.

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of article V., section 42-152(2);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with article IV., 42-122(1);
- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

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- (8) The necessity to the facility of a waterfront location, where applicable; and
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-124. Variance procedures.

- (a) The board of appeals, as established by the city, shall hear and render judgment on requests for variances from the requirements of this chapter.
- (b) The board of appeals shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
- (c) Any person or persons aggrieved by the decision of the board of appeals may appeal such decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 42-123(2) of this article have been fully considered. As the lot size increases beyond the ½ acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this chapter, the board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (article I, section 42-3).
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost

of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article IV, subsections 42-124(a)—(i) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 1539-4-10, 4-6-2010)

Secs. 42-125—42-150. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 42.151. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-152. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) article III, section 42-92, (ii) article IV, subsection 42-122(8), or (iii) article V, subsection 42-153(c), the following provisions are required:

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- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in article IV, subsection 42-123(a)(1), is satisfied.
 - (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.
 - (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (4) *Manufactured homes.*
 - a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:
 1. The lowest floor of the manufactured home is at or above the base flood elevation; or

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2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the City of Nacogdoches FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of article IV, subsection 42-123(a), and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-153. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with article I, sections 42-2, 42-3, and 42-4 of this chapter.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of article 3, 42-93; article IV, section 42-123; and the provisions of article V of this chapter.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to article III, section 42-92 or article IV, subsection 42-122(8) of this chapter.
- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-154. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in article III, section 42-92, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures;

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- a. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in article IV, section 42-123 are satisfied.
 - (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ord. No. 1539-4-10, 4-6-2010)

Sec. 42-155. Floodways.

Floodways: located within areas of special flood hazard established in article III, 42-92, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Article V, subsection 42-155(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article V.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 1539-4-10, 4-6-2010)