



Planning & Zoning Commission November 10, 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. Consider approval of minutes from the Planning and Zoning Commission meeting held on October 13, 2025.
5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.
 - A. **Public Hearing:** Discuss and consider action on Zoning Case ZON2025-13 regarding a zone change from A, Agriculture to B-1, Local Business, on a portion of two (2) tracts of land approximately 4.31 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 24725, being Lots 44-D and 44-F, City Block 54; and generally located northwest of the intersection of Park Street and N.E. Stallings Drive, Nacogdoches, Texas.
 - B. **Public Hearing:** Discuss and consider action on Specific Use Permit Case SUP2025-05 regarding a Specific Use Permit request for the expansion of an existing Mini Warehouse Storage facility in a B-2, General Business district on one (1) parcel of land approximately 2.35 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 82326; and located at 5210 S.E. Stallings Drive, Nacogdoches, Texas.
 - C. Discuss and consider action on Sign Variance Case SV2025-02 regarding a variance to Section 78-101 of the Nacogdoches Sign Ordinance for a freestanding sign with a reduced minimum setback requirement on one (1) parcel of land approximately 2.12 acres $\pm$ in size, more particularly described



by Nacogdoches Central Appraisal District Parcel 51767; and located at 4501 North Street, Nacogdoches, Texas.

- D. 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)

6. SUBCOMMITTEE REPORT. Update on the previous Zoning Ordinance Subcommittee meeting.
7. 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.
8. 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 November 4, 2025, and remained posted until the meeting convened.

Jasmine Flores, Planning Coordinator



Planning and Zoning Commission

Date: November 10, 2025

Agenda Item: 4.A.

PRESENTER:

ITEM/SUBJECT: Consider approval of minutes from the Planning and Zoning Commission meeting held on October 13, 2025.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT:

ATTACHMENTS: 1. PZ Minutes 10.13.2025



**Regular Meeting Minutes
Nacogdoches Planning and Zoning Commission
October 13, 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.

Chair Conklin called the meeting to order at 5:07 p.m.

2. PLEDGE OF ALLEGIANCE

3. OPEN FORUM

There were no public comments.

4. CONSENT AGENDA

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

Commissioner Phou moved to approve the extension of the preliminary plat expiration for the Majestic Oaks Subdivisions as presented. Commissioner Zemanek seconded. The motion passed unanimously (5-0).

5. REGULAR AGENDA:

- 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)

City Attorney Jerry Baker presented an amendment to move all noise and vibration regulations from Chapter 118 (Zoning) to Chapter 34 (Environment) so that enforcement is handled by Police and Code Enforcement. He explained that the current split between the two chapters caused confusion and that the update removes duplicates and clarifies standards.

Commissioner Phou raised concerns about removing decibel limits, the effect on industrial versus residential zones, and losing measurable standards for enforcement. Baker said the Police Department found decibel meters unreliable and that Chapter 34 includes enforceable time and activity limits, such as those for construction or loud equipment.

Commissioners discussed enforcement responsibility, property owner liability, and why the change was brought forward. Baker stated it was a cleanup item requiring P&Z review because it amends Chapter 118.

A motion to approve failed for lack of a second. Commissioner Phou moved to table the item for further review, requesting a side-by-side comparison and Police input. Commissioner Arrant seconded to table the Item. The motion passed (4-1) with Chair Conklin opposed.

- 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)

City Planner Juan Pollette presented a request to rezone two parcels located north and south of the Regent's Academy campus along N.E. Stallings Drive. The properties are outside city limits and will automatically be zoned Agricultural upon annexation. The annexation request is scheduled for City Council consideration on October 21, 2025, and the zoning approval is contingent on that action.

Pollette explained the rezoning to B-2 General Business aligns with the surrounding commercial and institutional development along the corridor and supports the Comprehensive Plan's goal of transitioning rural areas into urban use. Staff sent notices to property owners within 500 feet and received no responses for or against. A neighborhood meeting was held, but no residents attended.

Chair Conklin opened the public hearing. There were no public comments. Chair Conklin closed the public hearing.

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

- 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)

Pollette presented a request to amend the Kenbrook North Townhouse Planned Development for two parcels at 1723 and 1725 Maroney Drive to combine the lots and allow construction of a single-family residence. The site totals approximately 0.18 acres and is located within a PD originally approved in 1979 for townhomes near Nacogdoches High School. He explained the proposed one-story home will follow the same setbacks and design as existing townhomes to fit the neighborhood pattern. Staff sent 27 notices to nearby property owners and received no opposition. A neighborhood meeting was held with six residents attending, all expressing support.

Chair Conklin opened public hearing. There were no public comments. Chair Conklin closed the public hearing.

Commissioners confirmed there were no HOA restrictions, only standard setback requirements from the original PD.

Commissioner Zemanek moved to approve the amendment to allow the single-family home as presented. Commissioner Perry seconded. The motion passed unanimously (5-0).

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

Case Opperman, Director of Public Works and City Engineer, gave a presentation on the city's Floodplain Management Ordinance. He explained how the city manages floodplain areas, issues building permits, and follows FEMA rules under the National Flood Insurance Program. The current ordinance was adopted in 2010 and sets limits on building in flood-prone areas. He went over the difference between floodways (where water moves) and floodplains (where water spreads), and how property owners can request

changes through Letters of Map Amendment (LOMA) or Letters of Map Revision (LOMR-F). Floodway building is mostly restricted unless it can be proven it won't raise water levels. Opperman said the City does maintenance to clear debris from creeks when possible but that most creeks, like Lanana and Banita, run adjacent to privately owned properties, so property owners would be responsible for their sections.

Commissioner Phou asked if the city had bought any floodplain properties or set up a fund to do so. Opperman said there are no funds for buyouts, but the City does own several properties in the floodplain, including parks and trail areas. Opperman noted that the City's goal is to balance flood safety, property rights, and tax impacts, as stated in Section 42-3 of the ordinance.

No action was taken.

6. FUTURE AGENDA ITEMS

No items were proposed.

7. ADJOURN.

Chair Conklin adjourned the meeting at 6:28 p.m.

Video Archive: A video recording of the Planning and Zoning Commission regular meeting held on October 13, 2025, may be viewed online at <https://youtu.be/5LegOAK8-UY>.

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: Public Hearing: Discuss and consider action on Zoning Case ZON2025-13 regarding a zone change from A, Agriculture to B-1, Local Business, on a portion of two (2) tracts of land approximately 4.31 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 24725, being Lots 44-D and 44-F, City Block 54; and generally located northwest of the intersection of Park Street and N.E. Stallings Drive, Nacogdoches, Texas.

OVERVIEW: The applicant, Harbor Hospice, representing HGT Group LP, is requesting a zoning change from A, Agriculture, to B-1, Local Business for a portion of two (2) tracts of land located northwest of the intersection of Park Street and N.E. Stallings Drive. The request would extend the existing B-1 zoning that currently applies to the eastern tract to include the adjoining tract to the west, aligning the zoning across both parcels under common ownership. The applicant intends to develop the combined site with an office facility for their local operations. The requested B-1 zoning aligns with the existing zoning of the adjacent western tract and the development south of Park Street.

Adjacent Land Use & Zoning

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

Direction	Comprehensive Plan	Current Zoning	Land Use
North	Commercial & Rural Development	A, Agricultural	Undeveloped & Residential
South (Across Park St.)	Commercial & Rural Development	B-1, Local Business & A, Agricultural	Commercial & Undeveloped
East (Across Stallings Dr.)	Commercial & Single Family Residential	A, Agricultural	Undeveloped
West	Rural Development	A, Agricultural	Undeveloped

The subject properties are primarily surrounded by large undeveloped Agricultural parcels with low-intensity commercial to the south and a residential Planned Development district to the southeast.

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-1, Local Business zoning is compatible with the surrounding development pattern along N.E. Stallings Drive, which functions as a transitional corridor between agricultural and residential uses. The proposed office facility is consistent with the intent of the B-1 district to accommodate low-intensity business and professional offices that serve nearby neighborhoods. Staff does not anticipate that the proposed zoning will be injurious to adjacent properties or diminish surrounding 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 proposed B-1, Local Business zoning should not impede the normal or orderly development of surrounding vacant properties. The request represents a logical extension of the existing B-1 zoning pattern along N.E. Stallings Drive, supporting the corridor's continued transition to low-intensity commercial and office uses. The proposed development would provide a compatible buffer between the commercial frontage on Stallings Drive and the largely undeveloped Agricultural parcels to the west.

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

A 6-inch water main is available along Park Street to serve the subject property. However, there are currently no public sewer lines fronting Park Street or N.E. Stallings Drive at this location. Sewer service would need to be extended by the developer to connect with existing lines located to the north or south of the property. Access to the site is through Park Street, and drainage will be reviewed during site development to ensure compliance with city standards.

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;

Specific driveway locations and parking arrangements will be reviewed at the time of site development to ensure compliance with TxDOT and city standards. The proposed B-1 zoning is intended for low-intensity commercial and office uses that typically generate minimal traffic and are compatible with surrounding development.

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 reviewed at the time of site development in accordance with the standards of the B-1, Local Business district. The city's landscaping regulations require perimeter buffers and screening where commercial zoning adjoins residential

or agricultural districts, ensuring visual compatibility and minimizing potential impacts on adjacent properties.

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) designates the subject properties as *Commercial*. This category includes retail, service, and office uses such as shops, restaurants, hotels, and professional offices, supporting low- to moderate-intensity commercial development that serves community needs.

The proposed B-1, Local Business zoning is consistent with the *Commercial* FLUP designation and aligns with the plan's goal of encouraging appropriately scaled commercial development along major corridors such as Stallings Drive.

PUBLIC ENGAGEMENT:

- September 24, 2025 – Staff mailed fifteen (15) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- October 8, 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. One (1) of the neighboring residents attended the meeting with general questions but was not opposed to the re-zone.
- October 20, 2025 – Staff mailed seven (7) public meeting notice letters to property owners within 200 feet and eight (8) 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 property owners.
- October 26, 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.

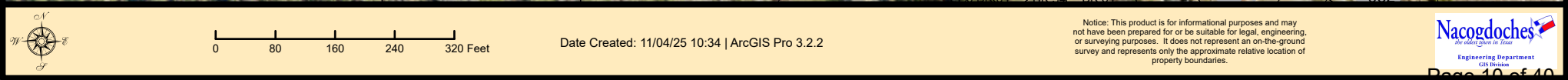
This item is scheduled for City Council consideration on November 18, 2025.

CITY CONTACT: City Planner

ATTACHMENTS:

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

ZON2025-13 Aerial Map

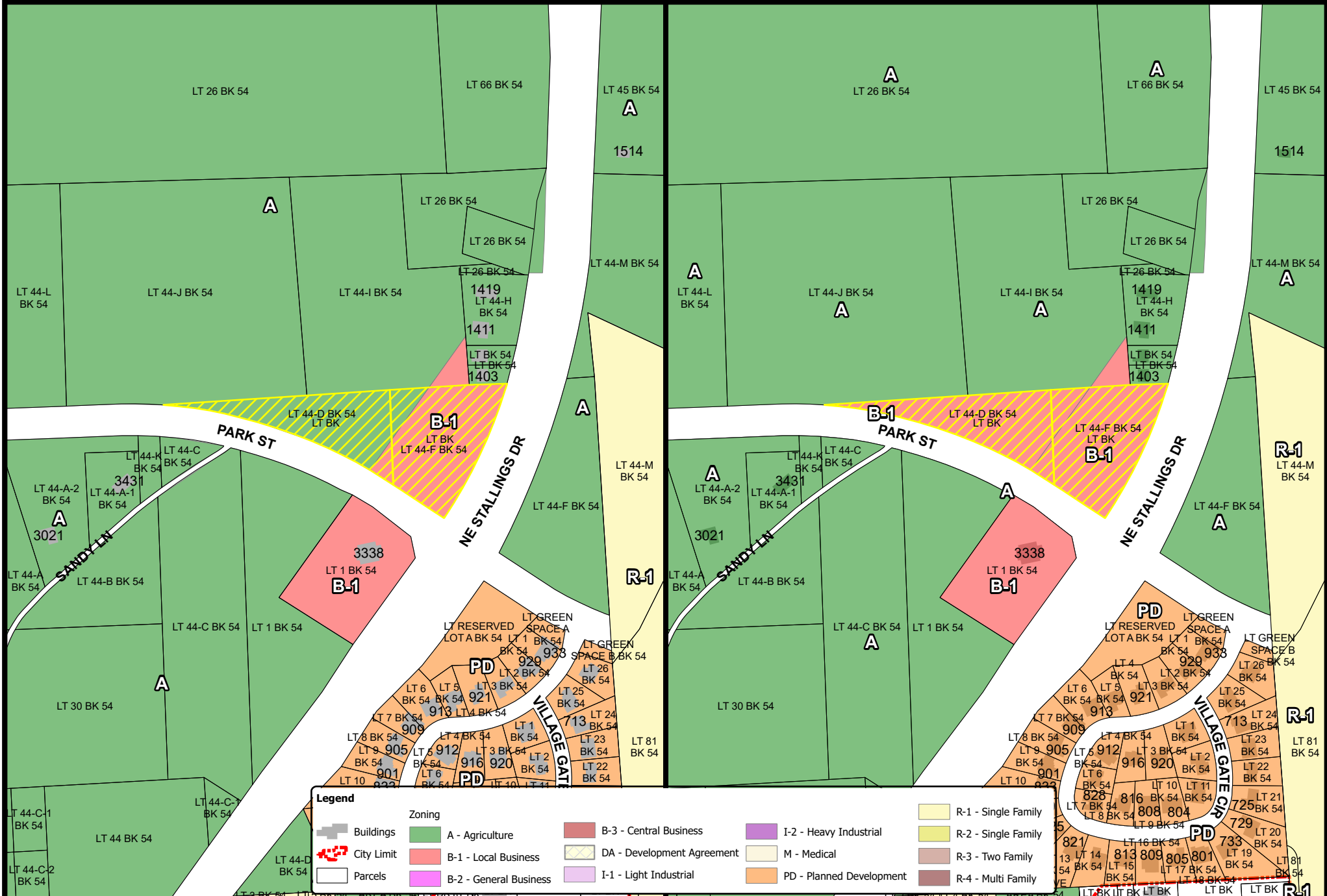


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Existing Zoning

ZON2025-13

Proposed Zoning

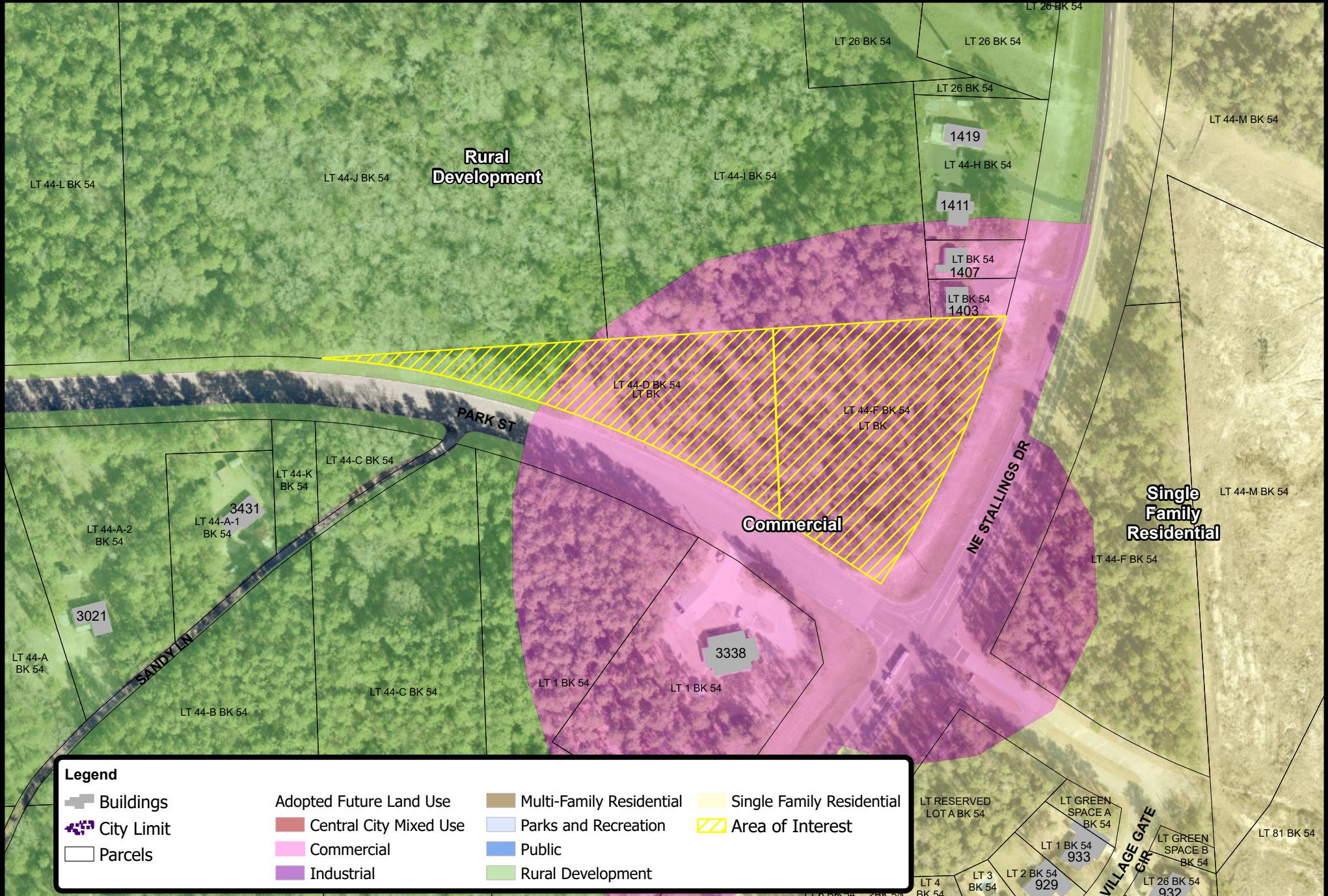


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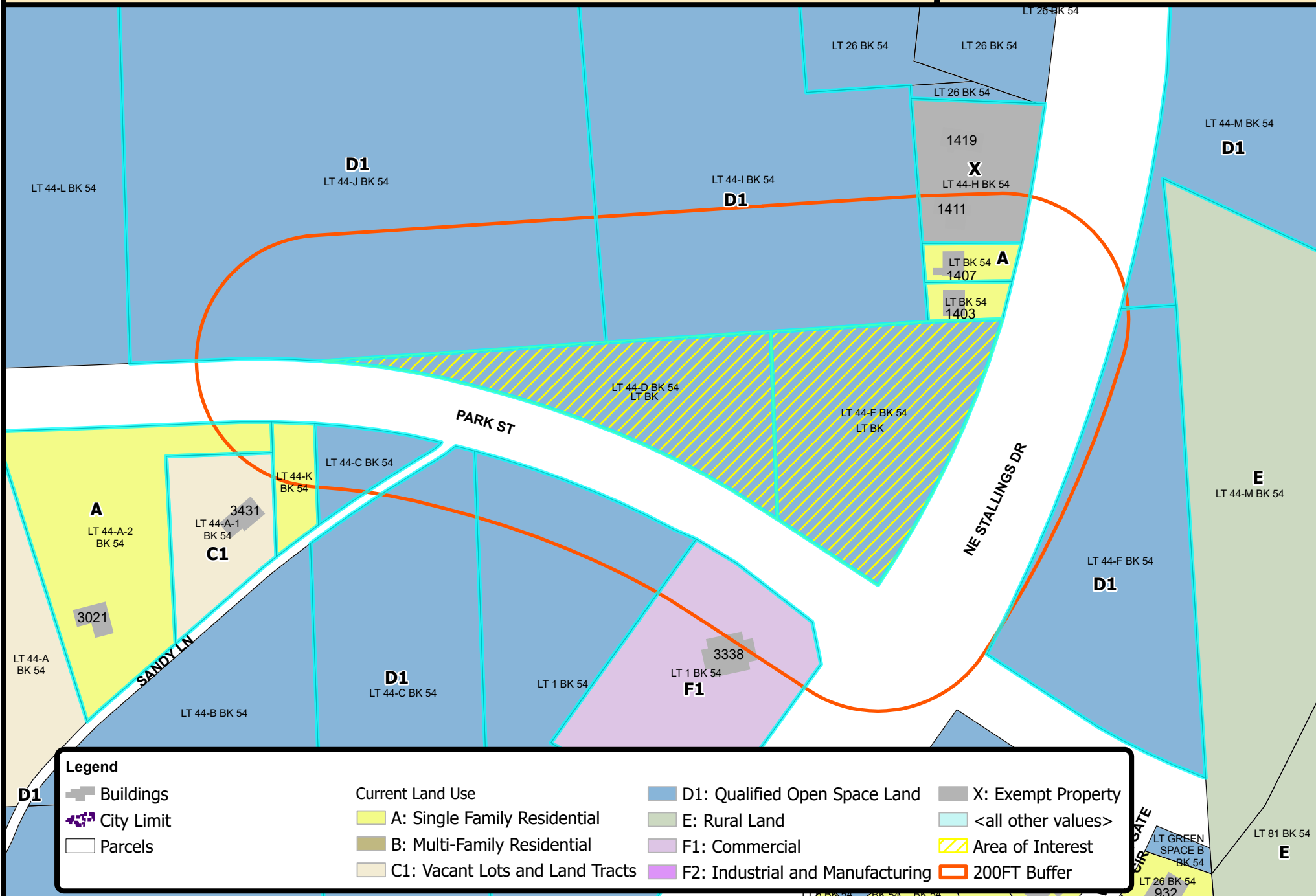
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ZON2025-13 Future Land Use Map



ZON2025-13 Notification Map



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Nacogdoches
Engineering Department
GIS Division

ZON2025-13 Site Photos

Subject property



Commercial office to the south



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Specific Use Permit Case SUP2025-05 regarding a Specific Use Permit request for the expansion of an existing Mini Warehouse Storage facility in a B-2, General Business district on one (1) parcel of land approximately 2.35 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 82326; and located at 5210 S.E. Stallings Drive, Nacogdoches, Texas.

OVERVIEW: The subject property is developed with an existing mini-warehouse storage facility that was constructed in 2017. While mini-warehouse storage facilities are permitted within the B-2 District only upon approval of a Specific Use Permit (SUP), records indicate that an SUP was not obtained prior to construction. The property owner, Stephen Cox, is now requesting a Specific Use Permit to bring the existing facility into conformance with the zoning ordinance and to allow the construction of two additional storage buildings on the site. The property was recently re-platted to add approximately 0.61 acres to the rear, increasing the total lot size to 3.10 acres to accommodate the proposed expansion. The property is located along the east side of S.E. Stallings Drive (Loop 224), just south of E. Main Street. Surrounding land uses are primarily institutional and commercial in nature. McMichael Middle School is located immediately south of the site, and Emeline Carpenter Elementary School is located across S.E. Stallings Drive to the west.

Zoning & Existing Land Use

The subject property is zoned B-2 General Business, and the surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Current Zoning	Land Use
North	Public	B-2, General Business	Undeveloped
South	Public	B-2, General Business	Public School
East	Public	B-2, General Business	Undeveloped
West (Across Stallings Dr.)	Public	B-2, General Business & R-4, Multi-Family	Public School

The subject property and surrounding area are zoned B-2 General Business. Overall, the area along this section of S.E. Stallings Drive consists primarily of public and undeveloped land uses, with limited commercial development in the immediate vicinity.

STAFF REVIEW:

Per Section 118.173 of the Nacogdoches Code of Ordinances, the following factors are to be considered when considering an SUP:

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 Specific Use Permit will allow the expansion of an existing mini-warehouse storage facility that has been in operation at this location since 2017. The surrounding area consists primarily of public and undeveloped land uses, including McMichael Middle School to the south and Emeline Carpenter Elementary School to the west. The existing facility has operated without any reported adverse impacts to adjacent properties.

The proposed expansion is consistent with the established character of the area and is not expected to generate excessive traffic, noise, or light that would be incompatible with nearby educational uses. The additional buildings will be located to the rear of the property, buffering them from public view along S.E. Stallings Drive.

Staff believes that the proposed 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 area.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The proposed expansion is a continuation of the existing use on the property and will utilize existing access and infrastructure without requiring additional roadway connections or extensions of public utilities. The site's configuration and location are appropriate for this type of low-impact commercial use.

Staff believes that the establishment of the Specific Use will not impede the normal and orderly development and improvement of surrounding vacant property.

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

The property has direct access to S.E. Stallings Drive, a major arterial roadway that provides access to the site. The existing driveway and internal circulation are sufficient to accommodate the proposed expansion.

Public water service is available to the property through an existing 6-inch water line along S.E. Stallings Drive. The site is not served by the City's sanitary sewer system; however, the proposed use does not require restroom facilities or sanitary sewer service.

Staff finds that adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided to serve the proposed use.

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 site is accessed directly from S.E. Stallings Drive by an existing driveway that serves the current storage facility. The site layout provides adequate space for vehicles and trailers without impeding access to the storage units.

No additional driveways or parking areas are proposed, and the existing configuration is adequate to serve the expanded use. The development does not generate significant traffic, and no adverse impacts to adjacent properties or the general public are anticipated.

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

Mini-warehouse storage facilities are considered low-intensity uses that typically generate minimal traffic and limited on-site activity. The proposed additional buildings will be located toward the rear of the property, further reducing visibility and potential disturbance to nearby properties. The proposed use is not anticipated to create noise, odor, vibration, or other nuisances

that would negatively impact surrounding properties.

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

All lighting for the site will be required to comply with city standards to ensure it does not create glare or spillover onto adjacent properties. Any new lighting installed for the proposed expansion will be directional and shielded downward to provide adequate illumination for security and safety while minimizing impacts on neighboring properties, including the nearby schools.

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

This development will meet the current commercial district landscaping requirements.

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

According to the 2003 Future Land Use Plan, the subject property is designated as *Public*. This category includes government buildings, offices, facilities, and non-park properties (including cemeteries), as well as public schools and other institutional uses such as university campuses. Although the existing and proposed use does not align with this designation, the property is located along a major thoroughfare that includes a mix of public and low-intensity commercial uses. The proposed Specific Use Permit will allow an existing, established use to come into conformance with the zoning ordinance and to expand in a manner that is compatible with the surrounding development pattern.

Staff finds that the proposed use is generally consistent with the goals and intent of the Comprehensive Plan by supporting orderly development along the Loop 224 corridor and is compatible with nearby uses.

PUBLIC ENGAGEMENT:

- September 24, 2025 – Staff mailed four (4) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- October 9, 2025 – Staff coordinated a neighborhood meeting in the city council chambers on behalf of the applicant to receive input from surrounding property owners. None of the neighboring residents attended the meeting.
- October 20, 2025 – Staff mailed four (4) 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.
- October 26, 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 November 18, 2025.

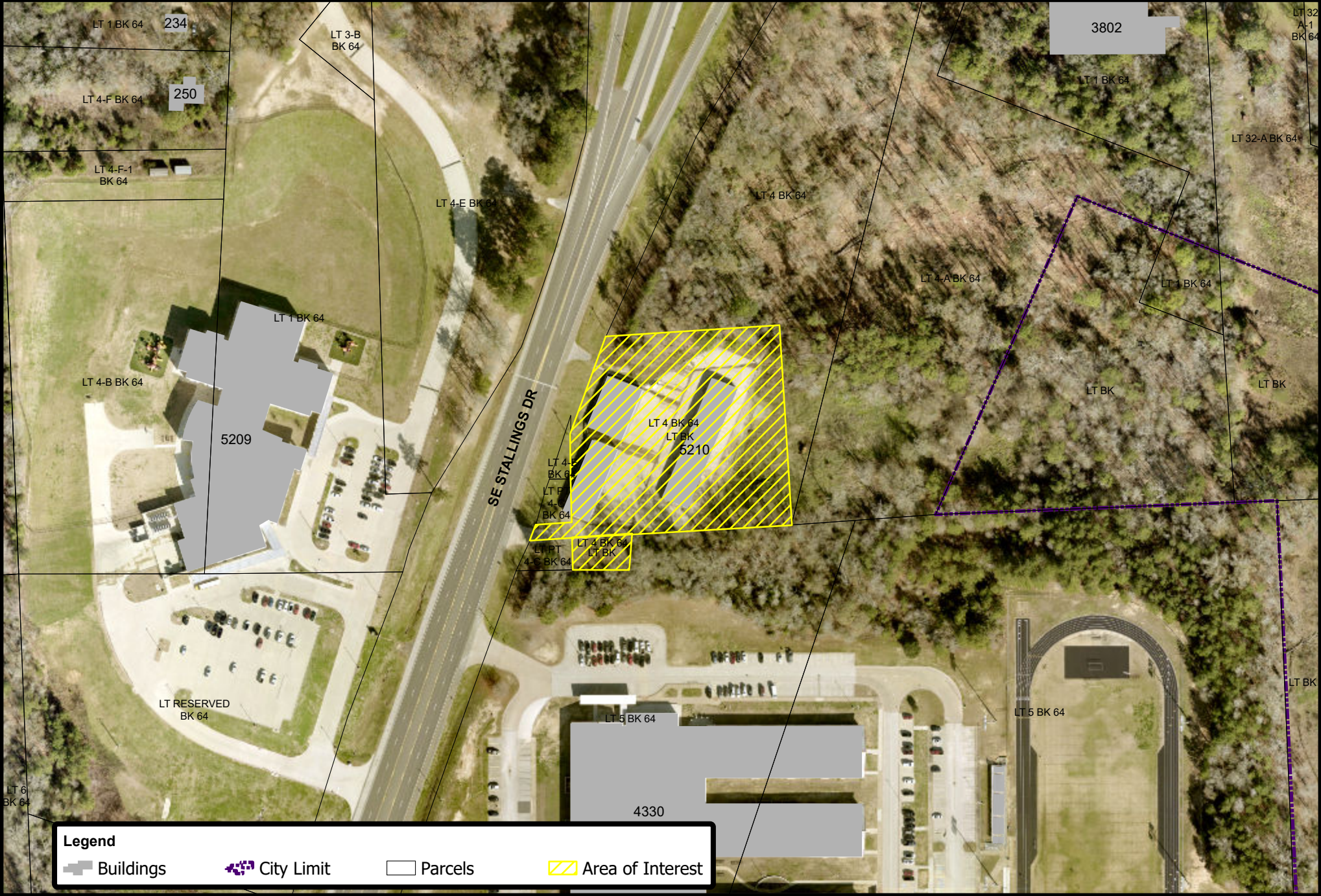
CITY CONTACT: City Planner

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map 200ft

5. Site Plan
6. Site Photos

SUP2025-05 Aerial Map



Legend

- Buildings
- City Limit
- Parcels
- Area of Interest



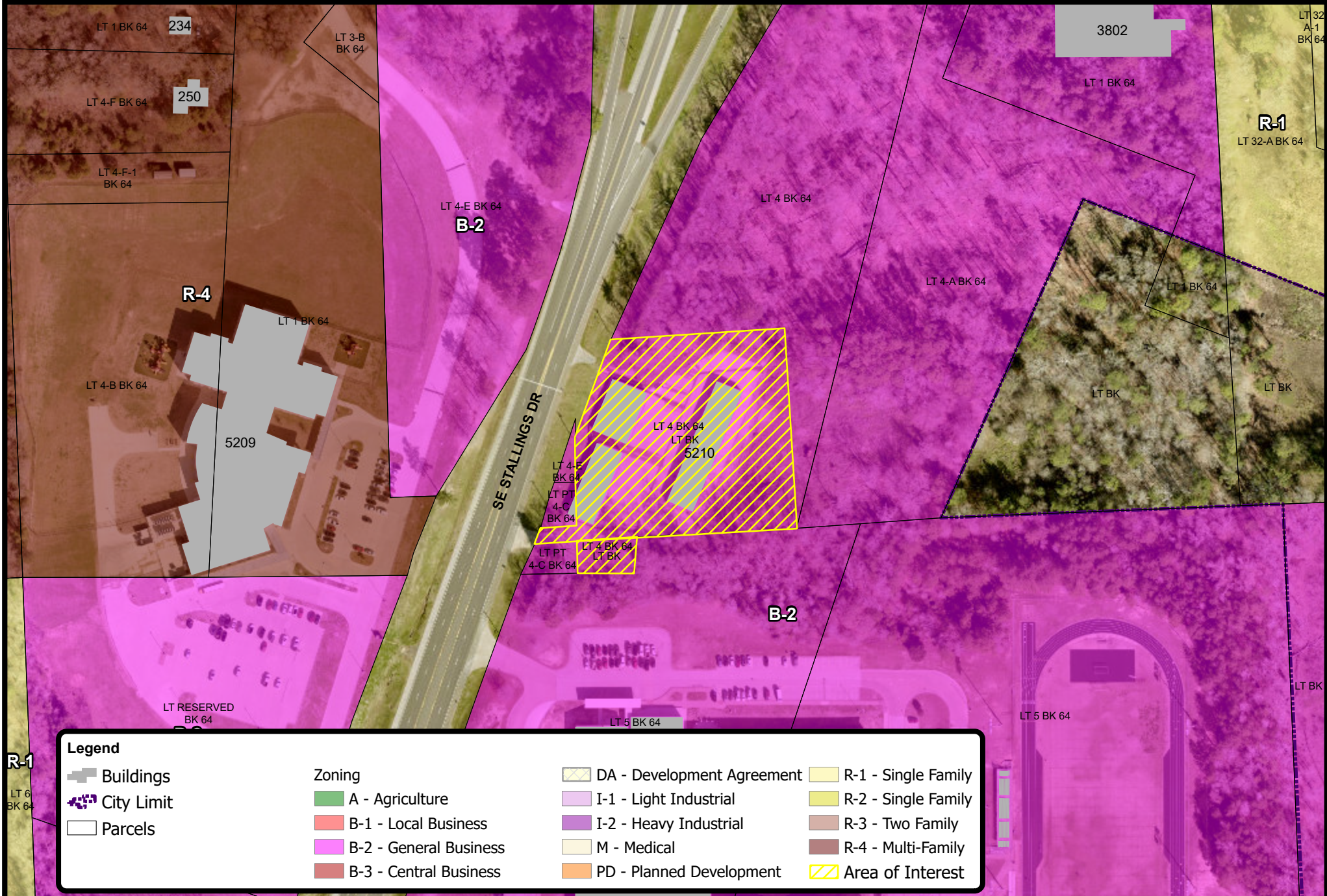
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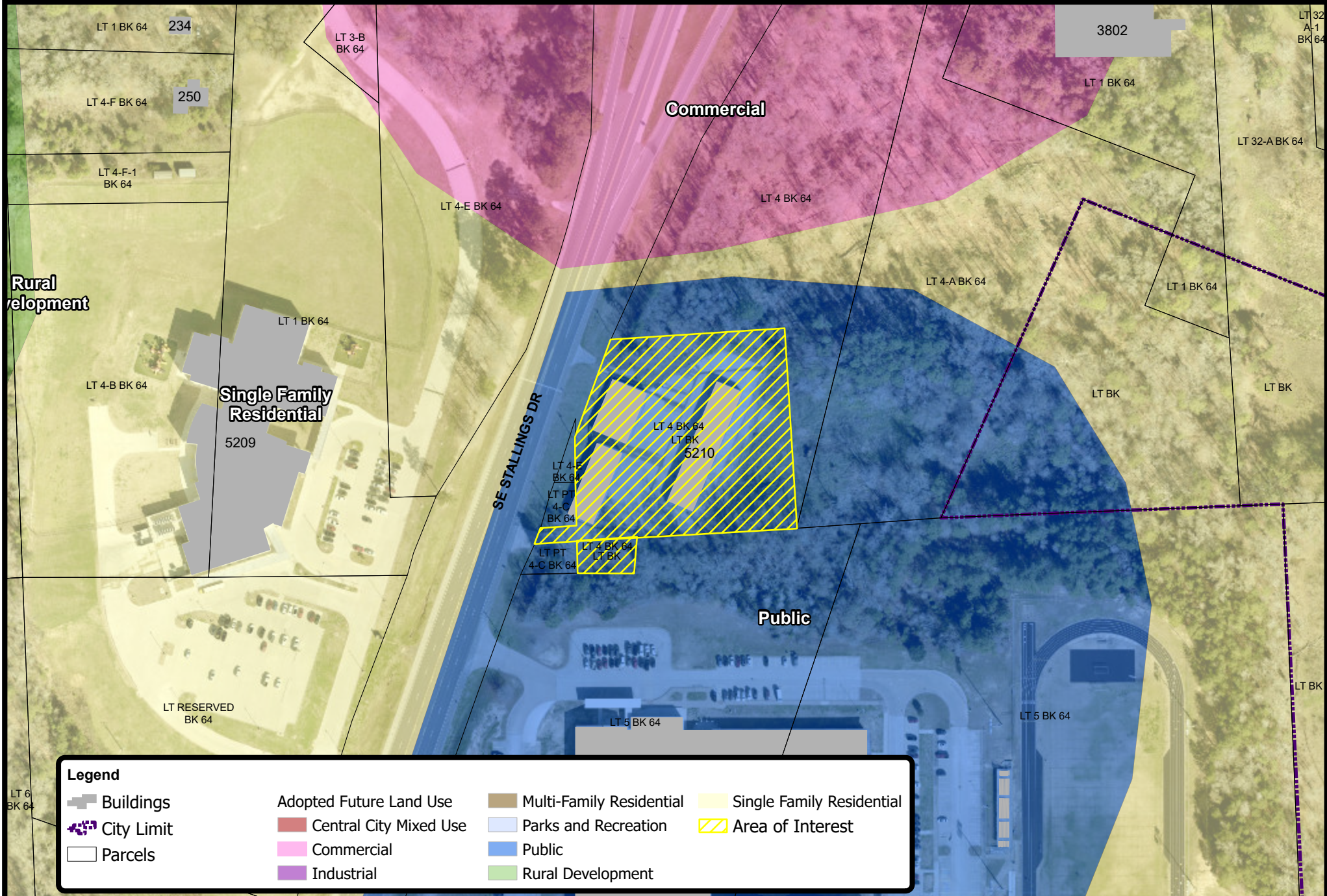
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SUP2025-05 Zoning Map



SUP2025-05 Future Land Use Map

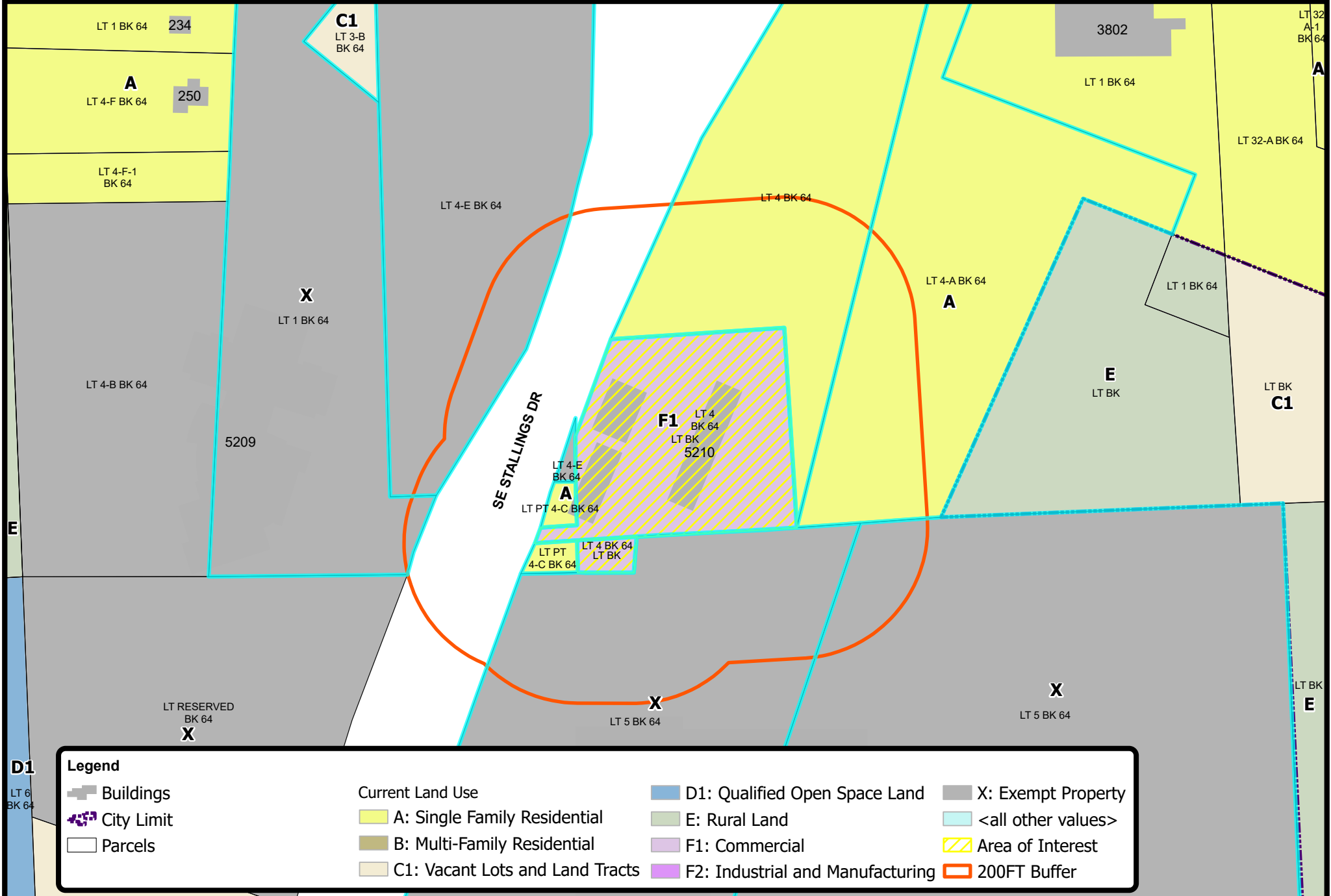


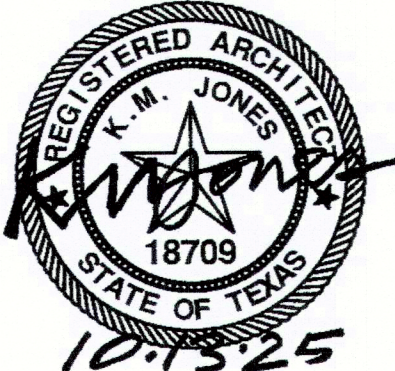
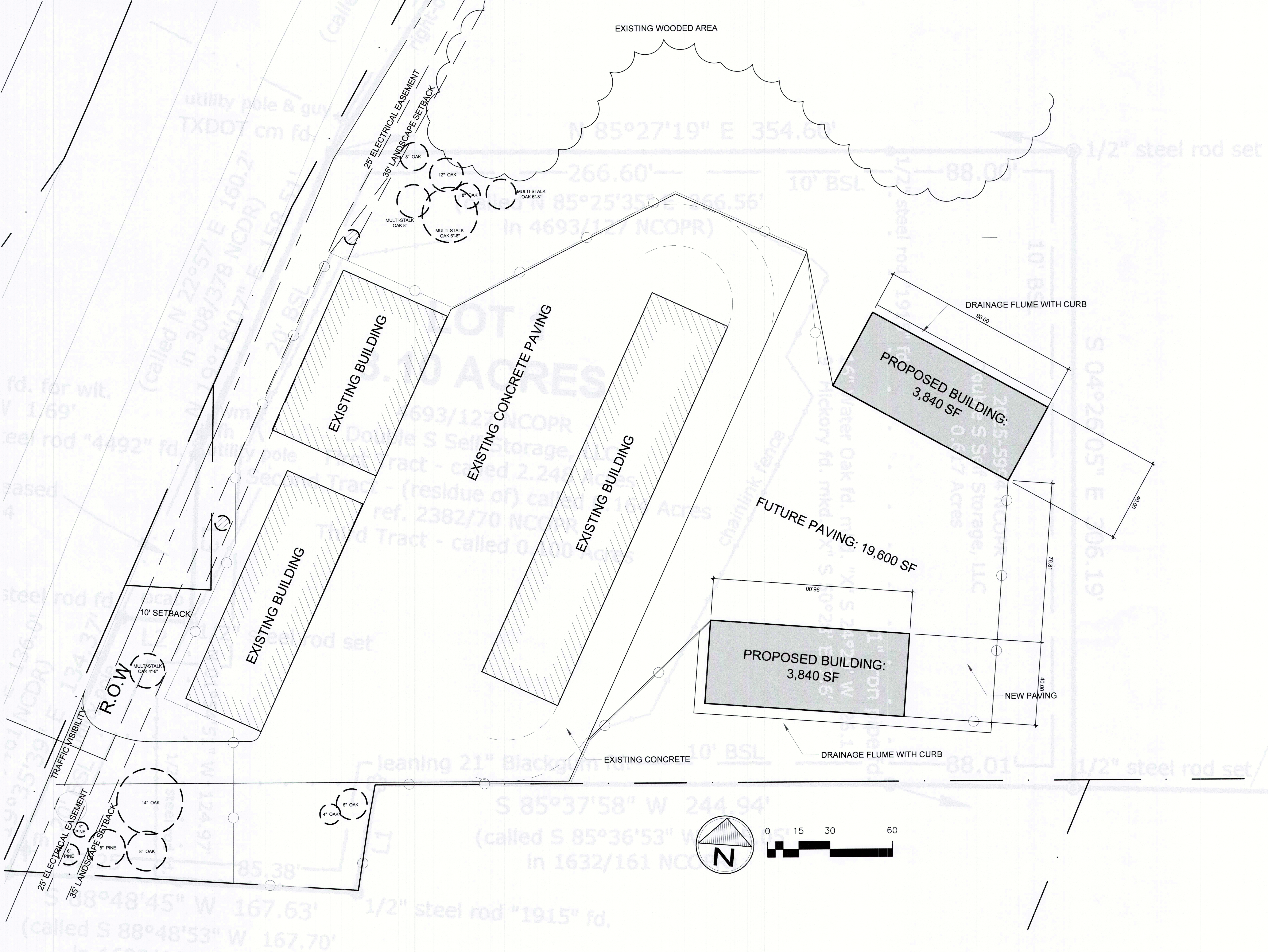
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SUP2025-05 Notification Map





SUP2025-05 Site Photos



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Discuss and consider action on Sign Variance Case SV2025-02 regarding a variance to Section 78-101 of the Nacogdoches Sign Ordinance for a freestanding sign with a reduced minimum setback requirement on one (1) parcel of land approximately 2.12 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 51767; and located at 4501 North Street, Nacogdoches, Texas.

OVERVIEW: The applicant, Cameron Ott, representing NNN Reit, LP, is requesting a variance to Sec. 78-101 of the Sign Ordinance to allow a 9.7-foot reduction from the required 52.5-foot setback from North Street, for a 35-foot-tall freestanding sign, resulting in a proposed setback of 42.67 feet from the back of curb. The request is associated with the construction of a Chick-fil-A restaurant located at 4501 North Street. According to the applicant, the variance is being requested due to the presence of an underground detention system within the front setback area, which limits the available location for the sign foundation. The applicant also notes that relocating the sign to the north side of the property would obstruct sign visibility due to an existing large tree and light pole located on the northeast corner of the property.

Variance Specifics:

Chick-Fil-A Freestanding Sign (4501 North Street)

Sign Standard	Required/Maximum	Proposed
Height	35 ft. (Max)	35 ft.
Area	300 sq. ft. (Max)	177 sq. ft.
Setback from street	52.5 ft. (Min.)	42.8 ft.

Requesting a variance to this Ordinance:

Section 78-101. No freestanding sign may be closer than one-and one-half feet from the back of the street curb for each one foot in total height of the sign. In addition, no freestanding sign may be closer than 12 feet to the back of the street curb.

Physical Characteristics:

1. **Frontage:** The subject property has approximately 635 feet of street frontage along North Street and Creek Bend Boulevard.
2. **Access:** The subject property takes access from North Street and Creek Bend Boulevard.
3. **Topography and vegetation:** The site is relatively flat, with no vegetation.
4. **Floodplain:** The subject property is not located within the FEMA regulated floodplain.

STAFF REVIEW:

(Staff comments underlined)

The Sign Ordinance states that variances should be granted where the Ordinance would create an “undue hardship for the sign user,” and several criteria are met. These criteria include:

1. A literal application of this chapter would not allow the property to be used.

If the sign variance were denied, the property could still be developed and used in compliance with the Sign Ordinance. The request pertains only to the placement of the freestanding sign and does not affect the property’s reasonable use or functionality.

2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.

Staff does not anticipate that approval of the variance would be materially detrimental to nearby property owners. The proposed sign location fronts North Street, a major commercial corridor where freestanding signs of similar scale are common. The variance request is not expected to obstruct visibility, access, or otherwise adversely affect adjacent properties or the surrounding area.

3. Any hardship is not in any way the result of the applicant’s own action or the result of a self-created or personal hardship or for financial reasons alone. Simply dividing a building into multiple occupancies shall not be sufficient grounds for granting a variance. Hardship caused to the sign user under a literal interpretation of this chapter is due to conditions unique to that property and does not apply generally to the city.

The applicant states that the hardship is due to the location of an underground detention system that limits where the sign foundation can be placed. While the detention system was installed as part of site development, its placement may have been the only feasible location to meet drainage and engineering requirements for the site.

4. The granting of the variance would not be contrary to the general objectives of this chapter.

The proposed sign location fronts North Street, a high-traffic commercial corridor where freestanding signs of similar scale are common. The variance request does not appear to create distraction or conflict with the intent of the ordinance to ensure safety and orderly development. Staff finds that granting the variance would not be contrary to the general objectives of the Sign Ordinance.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:

1. Aerial Map
2. Site Plan & Sign Specifications

SV2025-02 Aerial Map

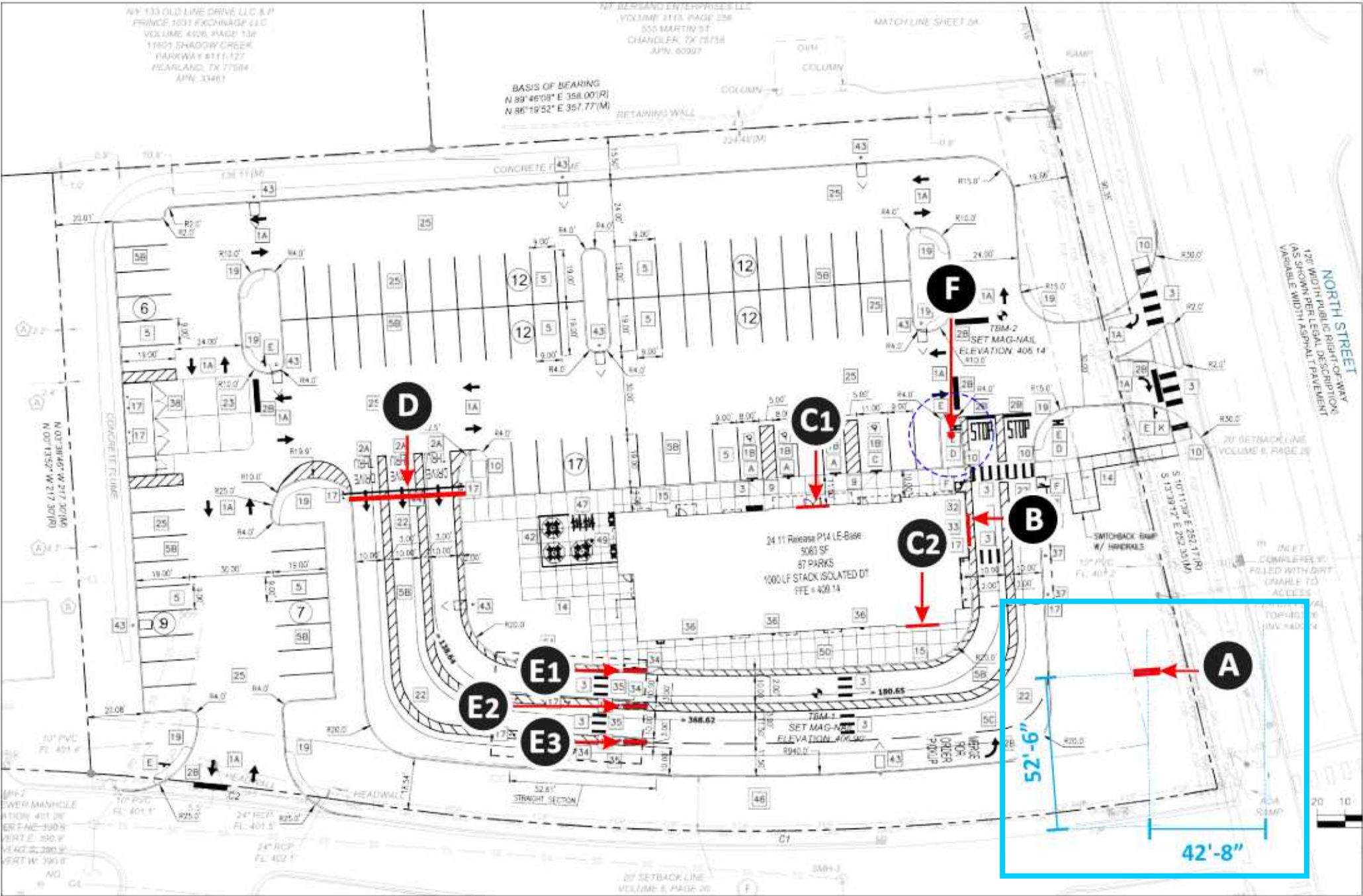


Legend

- Buildings
- City Limit
- Parcels
- Area of Interest

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.

Nacogdoches
Engineering Department
GIS Division



SITE PLAN 1 SCALE: 1/64" = 1'-0"

SIGN I-D LETTER	FACE A	FACE B
A		
B		N/A
C1-2	5'-0"	N/A
D		
E1-3		N/A
F		N/A

Project ID
0640492AR9

CFA # - 5895

4501 NORTH STREET,
NACOGDOCHES, TX

Date: 10/25/2024
SALES: ROGER GHANTOUS
PM: EMILY McDONOUGH
Designer: ANGELICA

Revision Note

R11/20/2024AM: UPDATED SP, ELEVATIONS, FLOOR PLAN, AND RCP. REVISED Pylon TO 35'. REMOVED SIGN C FROM SCOPE. UPDATED FLAGPOLE TO NEW DESIGN AND UPDATED TEAM MEMBERS ONLY VINYL.

R2/12/2025LL: UPDATED FLAGPOLE AND Pylon LOCATION

R3/21/2025LL: REMOVED A1 CHANGED LOCATION OF A. UPDATED ART STANDARDS

R4/4/2025LL: UPDATED ARCH DRAWINGS. ADDED AWNING. UPDATED FLAGPOLE TO HURRICANE

R5/05/2025AM: REVISED Pylon LOCATION ON SITE PLAN TO BE OUT OF DRAINAGE EASEMENT

R6/01/2025LL: ADDED CURBSIDE SIGNS

R7/09/2025AM: UPDATE Pylon CABINET TO 12X12

R8/10/2025AM: UPDATED Pylon TO 30FT WITH 12X12 MAIN ID CABINET

Correction10/23/2025AM: REVISED SET BACK TO 45' ON SITE PLAN FOR Pylon AND MADE READER BOARD TO BE 11' CLEARANCE

R9/10/2025LL: UPDATED Pylon DESIGN AND SETBACKS

Information Required
for Production

Customer Approval

Signature

MM/DD/YYYY

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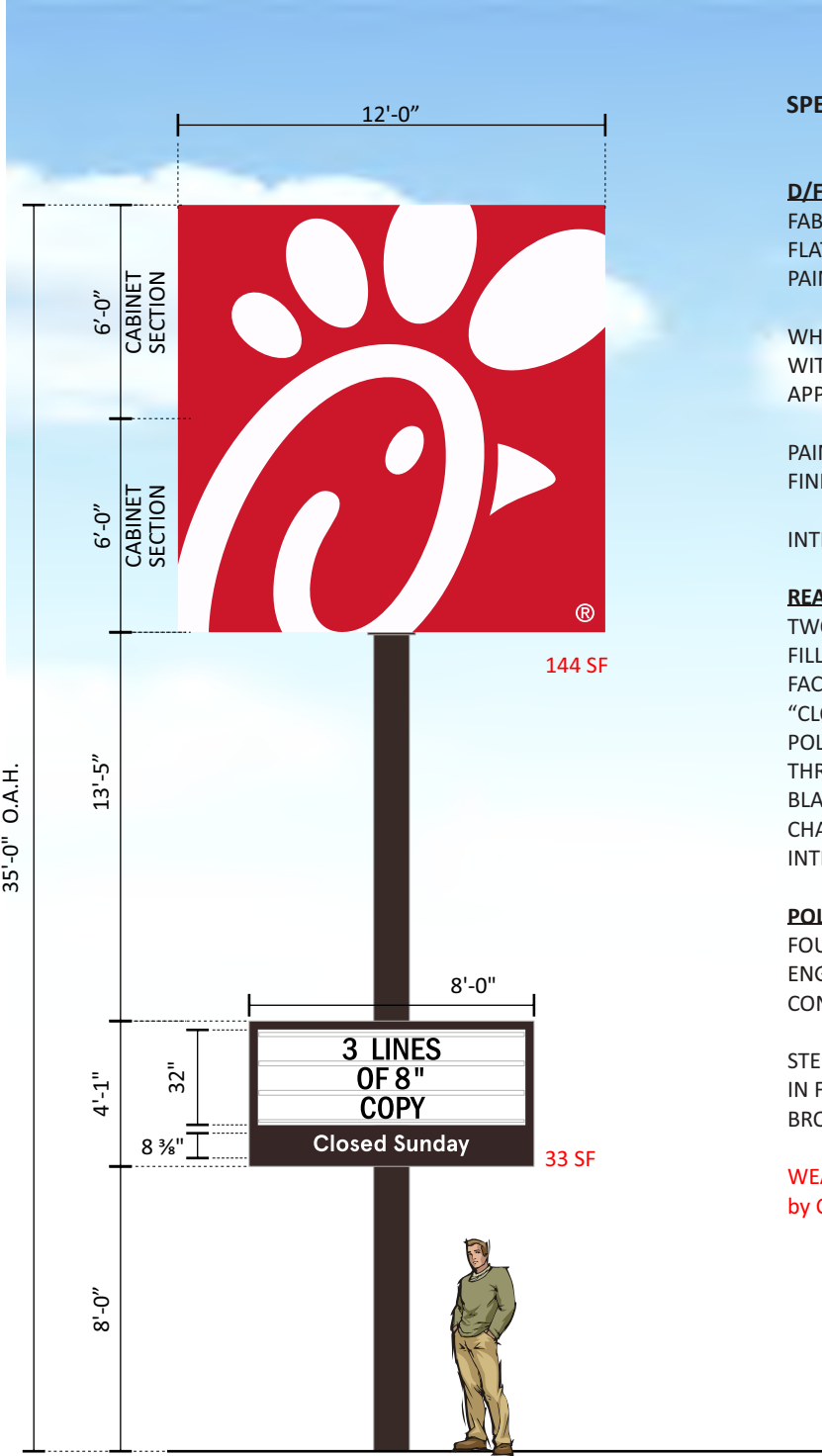
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Sign Item

SITE PLAN/KEY

Page 29 of 40



SPECIFICATIONS:

D/F MAIN ID CABINET

FABRICATED D/F ALUM. CABINET WITH SIGNCOMP RETRO FLAT BLEED FRAME AND COVER, WITH .063" ALUM. FILLER, PAINTED MATTHEWS #20181 EQUUS BRONZE, SATIN.

WHITE BLEED 3M PANOGRAPHIC III FLEX FACES DECORATED WITH 3M #3630-53 TRANSLUCENT CARDINAL RED VINYL APPLIED FIRST SURFACE. WHITE SHOW THRU GRAPHICS.

PAINT INTERIOR OF CABINETS MATTE WHITE, SEMI-GLOSS FINISH.

INTERNALLY ILLUMINATED WITH 7100K WHITE LEDS.

READER BOARD CABINET

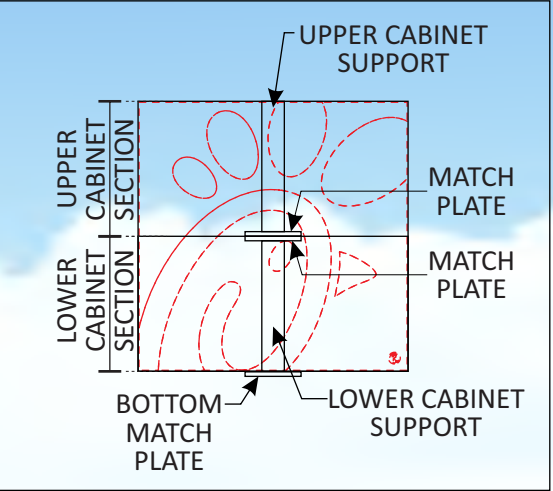
TWO (2) S/F .125" ROUTED ALUM. FACES AND COMMON FILLER PAINTED MP #20181 EQUUS BRONZE, SATIN FACE ROUTED FOR READER BOARD AND COPY READING "CLOSED SUNDAY", FACES BACKED WITH WHITE POLYCARBONATE WITH CLEAR TRACK TO ACCOMMODATE THREE (3) LINES OF CHANGEABLE 8" COPY ON 9" PANEL BLACK CFA COMMERCIAL SET OF 334 LETTERS. INCLUDE CHANGER ARM. FRANKLIN GOTHIC EXTRA COND. INTERNALLY ILLUMINATED SAME AS ABOVE.

POLE SUPPORT

FOUNDATION AND SUPPORT STEEL PER STATE STAMPED ENGINEERING BASED ON SITE SPECIFIC BASIS, LOCAL SOIL CONDITIONS AND WIND-LOAD REQUIREMENTS.

STEEL SUPPORT SHIPPED PRIMED, FINISH PAINTED IN FIELD BY INSTALLER, PAINTED MATTHEWS #20181 EQUUS BRONZE, SATIN PAINT PROVIDED BY PATTISON ID DFW

WEATHERPROOF POWER BOX PROVIDED and INSTALLED by CUSTOMER. PRIMARY ELECTRICAL by G.C.



PLEASE NOTE: CABINET WILL SHIP IN TWO(UPPER.LOWER) SECTIONS.

2" x 2" x .1875" STEEL MOUNTING ANGLE BOLTED TO REAR OF READER CABINET WELDED TO POLE

ONE (1) WEATHER-PROOF POWER BOX PROVIDED AND INSTALLED BY CUSTOMER
PRIMARY ELECTRICAL BY G.C.
- NOT INCLUDED BY CSI

PRIMARY ELECTRICAL SERVICE BY G.C.
- NOT INCLUDED BY CHANDLER SIGNS

END VIEW

A D/F PYLON WITH READERBOARD SIGN

SCALE: 3/16" = 1'-0"

ONE (1) REQUIRED - MANUFACTURE AND INSTALL

177 SF

Project ID
0640492AR9

CFA # - 5895

4501 NORTH STREET,
NACOGDOCHES, TX

Date: 10/25/2024
SALES: ROGER GHANTOUS
PM: EMILY McDONOUGH
Designer: ANGELICA

Revision Note

R11/20/2024AM: UPDATED SP, ELEVATIONS, FLOOR PLAN, AND RCP. REVISED PYLON TO 35'. REMOVED SIGN C FROM SCOPE. UPDATED FLAGPOLE TO NEW DESIGN AND UPDATED TEAM MEMBERS ONLY VINYL.
R21/20/2024LL: UPDATED FLAGPOLE AND PYLON LOCATION
R3/21/2025LL: REMOVED A1 CHANGED LOCATION OF A. UPDATED ART STANDARDS
R4/4/2025LL: UPDATED ARCH DRAWINGS. ADDED AWNING. UPDATED FLAGPOLE TO HURRICANE
R5/5/2025AM: REVISED PYLON LOCATION ON SITE PLAN TO BE OUT OF DRAINAGE EASEMENT
R6/8/2025LL: ADDED CURBSIDE SIGNS
R7/09/2025AM: UPDATE PYLON CABINET TO 12'X12'
R8/10/2025AM: UPDATED PYLON TO 30FT WITH 12'X12' MAIN ID CABINET
Correction10/23/2025AM: REVISED SET BACK TO 45' ON SITE PLAN FOR PYLON AND MADE READER BOARD TO BE 11' CLEARANCE
R9/10/2025LL: UPDATED PYLON DESIGN AND SETBACKS

Information Required for Production

Customer Approval

Signature
MM/DD/YYYY

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PAGE 6 OF 46

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A

Page 30 of 40

PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: 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. This item was previously presented at the Planning and Zoning Commission meeting held on October 13, 2025, and tabled until the next regular meeting.

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 ÷

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.~~

c. ~~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) ~~The~~ A 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. VibrationReserved.

~~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