



Planning & Zoning Commission July 13, 2026

Notice is hereby given of a regular meeting of the Nacogdoches Planning and 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. There will be an opportunity for the public to comment on agenda items in person. A live stream and video archive link of the meeting will be available at <https://www.nactx.us/21>.

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 limit remarks to no more than three (3) minutes.
4. CONSENT AGENDA.
 - A. Consider approval of minutes from the Planning and Zoning Commission meeting held on June 8, 2026.
5. REGULAR AGENDA.
 - A. **Public Hearing:** Discuss and consider action on Specific Use Permit Case SUP2026-05 regarding a Specific Use Permit request for a Radio, TV, Microwave, or Cellular Transmission Tower (Commercial), in a R-1, Single Family district on one (1) parcel of land approximately 40.66 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26160; and generally located on the south side of SE Stallings Drive approximately one-half mile south of East Main Street, Nacogdoches, Texas.
 - B. **Public Hearing:** Discuss and consider action on Zoning Case ZON2026-04 for a Comprehensive Plan amendment to update the Nacogdoches Future Land Use Plan by adding a Two Family Mixed Residential future land use class, which is compatible with Single-Family, Two-Family, and Manufactured Home residential land uses in certain areas within the city limits of Nacogdoches, Texas.
 - C. **Public Hearing:** Discuss and consider action on amendments to the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118 "Zoning", Article I "In General", Section 118-1 "Definitions"; Article III "District Regulations"; and Article IV "Supplementary District Regulations", Section 118-317 "Manufactured housing" to establish a new residential zoning district which provides for manufactured home land uses and to update supplemental regulations.



- D. **Public Hearing:** Discuss and consider action on Zoning Case ZON2026-05 for a zone change from R-3, Two Family (Duplex), to R-3M, Two Family (Mixed), for platted properties in the Millard's Apple Park Subdivision, Sections 1-8, consisting of approximately 30.10 acres and 69 lots, generally located near the intersection of Woden Road and Apple Boulevard, Nacogdoches, Texas.

6. FUTURE AGENDA ITEMS.

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 on or before July 7, 2026, and remained posted until the meeting convened.

Juan Pollette, City Planner



Planning and Zoning Commission

Date: July 13, 2026

Agenda Item: 4.A.

PRESENTER:

ITEM/SUBJECT: Consider approval of minutes from the Planning and Zoning Commission meeting held on June 8, 2026.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT:

ATTACHMENTS: 1. P&Z Minutes 06.08.2026



**Regular Meeting Minutes
Nacogdoches Planning and Zoning Commission
June 08, 2026 – 5:00 p.m.**

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

Commissioners present: Lily Phou, Bridget Arrant, and Charles Zemanek

1. CALL TO ORDER. Vice Chair Phou called the meeting to order at 5:07 p.m.

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- a. Consider approval of minutes from the Planning and Zoning Commission meeting held on April 13, 2026.

Commissioner Arrant moved to approve the minutes as presented. Commissioner Zemanek seconded. The motion passed (3-0).

4. REGULAR AGENDA:

- a. Presentation on the extraterritorial jurisdiction of a municipality.

City Planner, Juan Pollette presented an overview of the extraterritorial jurisdiction (ETJ) of municipalities including its legislative history, municipal authority, recent legislative changes, and its continued relevance to the City of Nacogdoches. Pollette explained the purpose of the ETJ and reviewed the City's authority related to subdivision regulation, plat review, infrastructure planning, and utility coordination. He noted that the City's current ETJ extends approximately two miles beyond city limits.

Chair Phou asked questions regarding potential challenges and future considerations related to the City's ETJ. Executive Director of Development and Infrastructure Mike Neu discussed previous experiences with ETJ agreements and annexation practices in other municipalities and explained that recent legislative changes have reduced municipal authority related to annexation. Neu emphasized the importance of the ETJ in coordinating infrastructure improvements, utility planning, and future development.

Commissioners discussed utility rate structures, subdivision development within the ETJ, coordination with Nacogdoches County, and the potential impacts of future population growth on ETJ boundaries. Neu also discussed recent legislation related to annexation and de-annexation, the process for annexing property into the City, and the City's role in evaluating subdivision infrastructure requirements, including surety and performance bond provisions. Discussion also included the potential impacts of future commercial and industrial development within the ETJ and importance of keeping the Commission informed of legislative changes affecting municipal planning and zoning authority.

5. Zoning Ordinance Subcommittee Report

Neu presented an update from the Zoning Ordinance Subcommittee regarding HUD-Code manufactured housing. Neu explained that the subcommittee met on three occasions and reviewed the requirements of Senate Bill 785, which requires municipalities with zoning regulations to allow HUD-code manufactured housing as a by-right in at least one residential district.

Neu discussed the subcommittee's review of existing residential zoning districts, compatibility considerations, supplemental development standards, and potential amendments to the City's Comprehensive Plan and Zoning ordinance. He reviewed the possibility of creation a new R-3M zoning district for HUD-Code manufactured housing and discussed Millard's Apple Park Subdivision as a potential area for rezoning. Additional discussion included development standards, permanent foundation requirements, housing affordability, neighborhood compatibility, and opportunities for redevelopment and infill housing.

Commissioner Zemanek commented that the proposed amendments could provide opportunities for housing and reinvestment in areas with aging housing stock. Commissioners discussed development standards, lot size requirements, and implementation considerations for a potential new zoning district.

Neu stated that neighborhood and community meetings would be conducted before proposed amendments are brought before the Planning and Zoning Commission for consideration. He noted that future action may include amendments to the Comprehensive Plan, zoning regulations, and related development standards.

6. FUTURE AGENDA ITEMS.

No future agenda items were requested. Commissioners briefly discussed planning and zoning training opportunities and upcoming Planning and Zoning commission vacancies.

7. ADJOURN.

Vice Chair Phou adjourned the meeting at 6:09 p.m.

Video Archive: A video recording of the Planning and Zoning Commission regular meeting held on June 08, 2026, may be viewed online at <https://www.youtube.com/watch?v=HiTGIEnvA2Q>.

Lily Phou, Vice Chair
Planning and Zoning Commission
City of Nacogdoches

ATTEST:

Juan Pollette, City Planner
City of Nacogdoches

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Specific Use Permit Case SUP2026-05 regarding a Specific Use Permit request for a Radio, TV, Microwave, or Cellular Transmission Tower (Commercial), in a R-1, Single Family district on one (1) parcel of land approximately 40.66 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26160; and generally located on the south side of SE Stallings Drive approximately one-half mile south of East Main Street, Nacogdoches, Texas.

OVERVIEW:

The applicant, Cody Cogdill of The Towers of Texas, LLC., representing Verizon Wireless, is requesting approval of a Specific Use Permit (SUP) to allow the construction of a 195-foot Radio, TV, Microwave, or Cellular Transmission Tower (Commercial) on a $\pm$ 40.66-acre tract located on the south side of SE Stallings Drive, approximately one-half mile south of East Main Street.

The subject property is currently zoned R-1, Single-Family Residential and was approved for a Specific Use Permit in 2010 to allow an Oil & Gas Field Services use. The property is an undeveloped flag lot consisting of a large open area surrounded by dense vegetation and mature tree cover along much of its perimeter. The proposed telecommunications facility will occupy a 60-foot by 60-foot lease area located near the front of the property. The facility will consist of a 195-foot monopole tower, a fenced equipment compound, and associated ground-mounted equipment typical of wireless telecommunications facilities.

Access to the site will be provided by an existing driveway from SE Stallings Drive, with an access drive extending to the tower compound. The lease area will be enclosed by an 8-foot chain-link security fence and includes proposed landscape screening around the perimeter. Existing vegetation surrounding the site provides natural screening and further reduces the visual impact of the proposed tower from adjacent properties. Because commercial communication towers are not permitted by right within the R-1 zoning district, a Specific Use Permit is required to evaluate the appropriateness of the proposed use at this location, including its compatibility with surrounding properties, potential visual impacts, and compliance with the applicable development standards of the Zoning Ordinance.

Adjacent Land Use & Zoning

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

Direction	Comprehensive Plan	Zoning	Land Use
North	Rural Development & Single Family	B-2, General Business	Public School

South	Rural Development & Single Family	Outside City Limits & R-1, Single Family	Undeveloped
East	Single Family Residential	Outside City Limits	Undeveloped
West	Single Family Residential	R-4, Multi-Family	Undeveloped

The surrounding area consists primarily of large undeveloped tracts of land. McMichael Middle School is located immediately north of the subject property, while undeveloped land lies to the south and east. The subject property borders the city limits along its eastern and southern boundaries, with land outside the city remaining largely rural in character.

STAFF REVIEW:

Per Section 118-173 of the Zoning Ordinance, a Specific Use Permit may be approved if all the following conditions have been found:

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 tower will be located on a 40.66-acre tract in an area consisting primarily by undeveloped land and low-intensity uses. McMichael Middle School is located immediately north of the subject property, while the properties to the south and east are largely undeveloped, with the city limits bordering the site along its eastern and southern boundaries. The tower will occupy only a small leased area within the larger tract and will be accessed by an existing driveway from SE Stallings Drive. Existing vegetation surrounding portions of the property and the proposed landscape screening will help reduce visual impacts. Staff finds that the size of the property, the location of the proposed tower, and the surrounding land use pattern minimize potential impacts on adjacent properties and support compatibility with the surrounding 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 tower will occupy a small leased area near the front of the 40.66-acre tract, leaving the remainder of the property available for future development. The surrounding area consists primarily of undeveloped land, and the proposed facility is located near the front of the property with direct access from SE Stallings Drive. The subject property's location adjacent to the city limits and the limited footprint of the proposed facility allow for continued development of the surrounding area in a manner consistent with their intended use.

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

The proposed communications tower is a low-intensity use that requires minimal supporting infrastructure. Access to the site will be provided from SE Stallings Drive via an existing driveway, with a proposed access drive extending to the telecommunications compound. The facility will be served by the utility services necessary for its operation. The project is not anticipated to place significant demand on public infrastructure or municipal services. Any

required drainage, utility extensions, and site improvements will be addressed at the time of development in accordance with applicable 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 public or adjacent developments;

The proposed communication tower is a low-traffic use that does not generate regular vehicular or pedestrian activity. Access to the site will be provided from SE Stallings Drive and is intended primarily for periodic maintenance vehicles.

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

The proposed communication tower is a low-intensity use that does not typically generate offensive odors, fumes, dust, or vibration. Operations are limited to passive equipment housed onsite, with only occasional maintenance activity.

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

The owner is not proposing any additional lighting.

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

The submitted site plan includes landscape screening around the perimeter of the telecommunications compound, and existing vegetation surrounding much of the property will provide additional natural screening. Together, these measures will help minimize the visual impact of the proposed facility and promote compatibility with the surrounding area.

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

The Future Land Use Map designates the front portion of the subject property as Single-Family Residential and the rear portion as Rural Development. These designations are intended to accommodate low-density development patterns while preserving the character of the surrounding area. The proposed communications tower is a low-intensity use that does not generate traffic or demand on public services comparable to traditional residential or commercial development. Due to the size of the tract and the limited footprint of the proposed facility, the use is not anticipated to interfere with the long-term development potential of the property under either future land use designation. Additionally, the Comprehensive Plan emphasizes the importance of coordinating land use with infrastructure and supporting essential services. The proposed facility contributes to the City's communications infrastructure and supports broader community needs. Based on these factors, staff finds that the proposed use is in general conformance with the goals and intent of the Comprehensive Plan.

SUP Conditions:

No additional conditions are proposed for the Specific Use Permit.

Public Engagment:

- June 23, 2026 – Staff mailed thirteen (13) neighborhood meeting notice postcards to

property owners within 500 feet.

- July 8, 2026 – Staff coordinated a neighborhood meeting in the city hall council chambers on behalf of the applicant to receive input from surrounding property owners. None of the neighboring residents attended the meeting.
- June 23, 2026 – Staff mailed thirteen (13) public meeting notice letters to property owners within 500 feet. No responses were received in favor or opposition of the request.
- June 28, 2026 – Legal ad published in the Daily Sentinel newspaper.

This item is scheduled to be heard by the City Council on Tuesday, August 4, 2026.

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 Exhibit
6. Site Photos

SUP2026-05 Aerial Map

LT RESERVED BK 64

LT 3R BK 64

4317 LT 2 BK 64

LT 1 BK 64

LT 5 BK 64

4330

LT 5 BK 64

LT 12 BK 64

SE STALLINGS DR

4000

LT 18-B BK 64 LT BK

LT 18 BK 64

LT BK

LT 18-A BK 64

LT 18 BK 64

LT 18-B BK 64 LT BK

LT BK

LT BK

LT BK

LT BK

Location Map

Legend

- Buildings
- City Limit
- Parcels
- Area of Interest

0 140 280 420 560 Feet

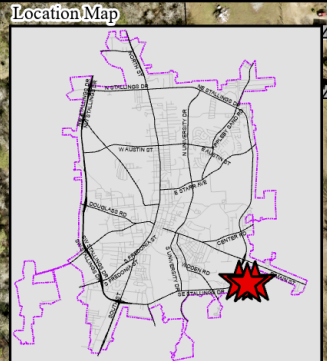
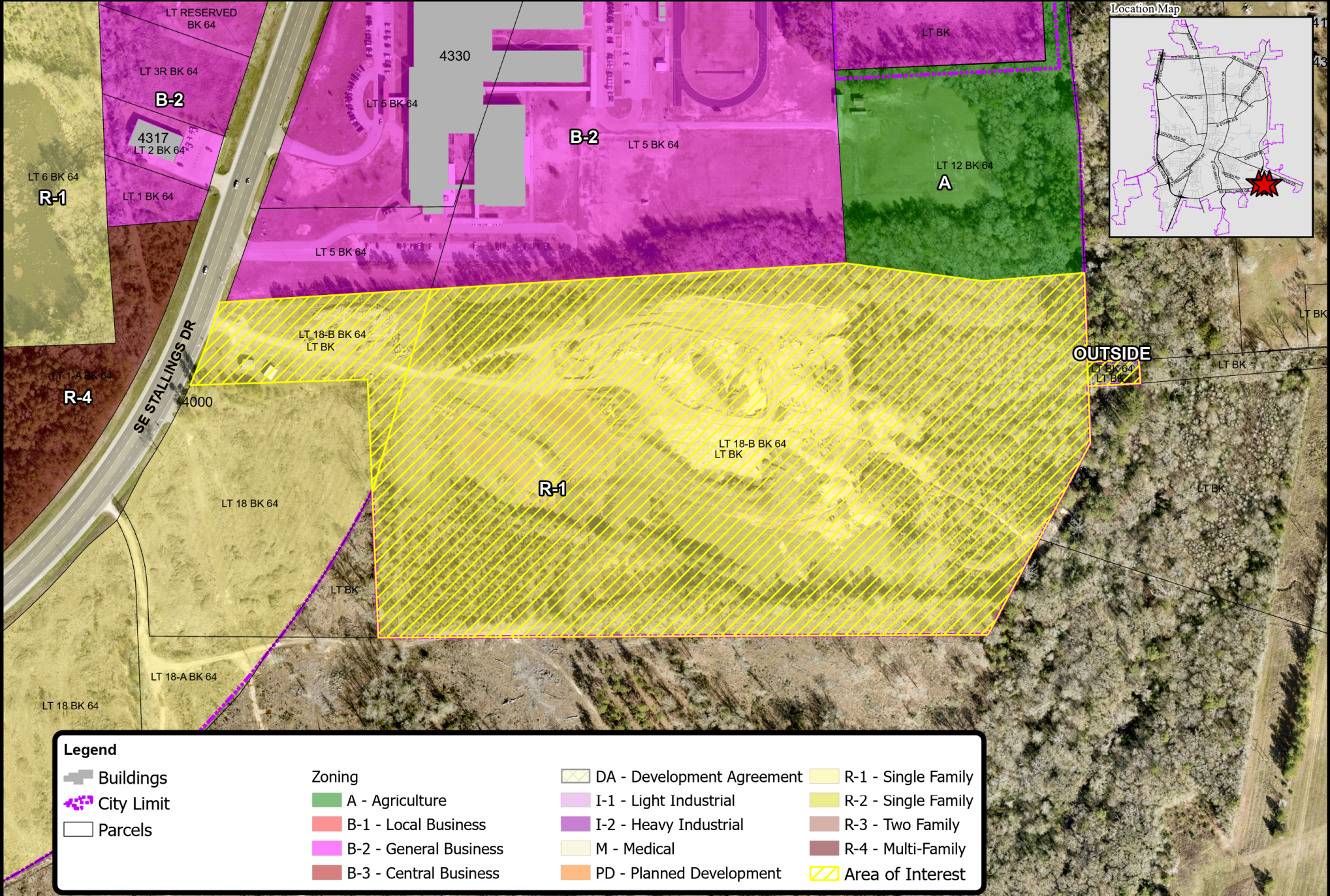
Date Created: 06/12/26 16:01 | ArcGIS Pro 3.2.2

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.

Nacogdoches
Engineering Department
City of Nacogdoches

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SUP2026-05 Zoning Map

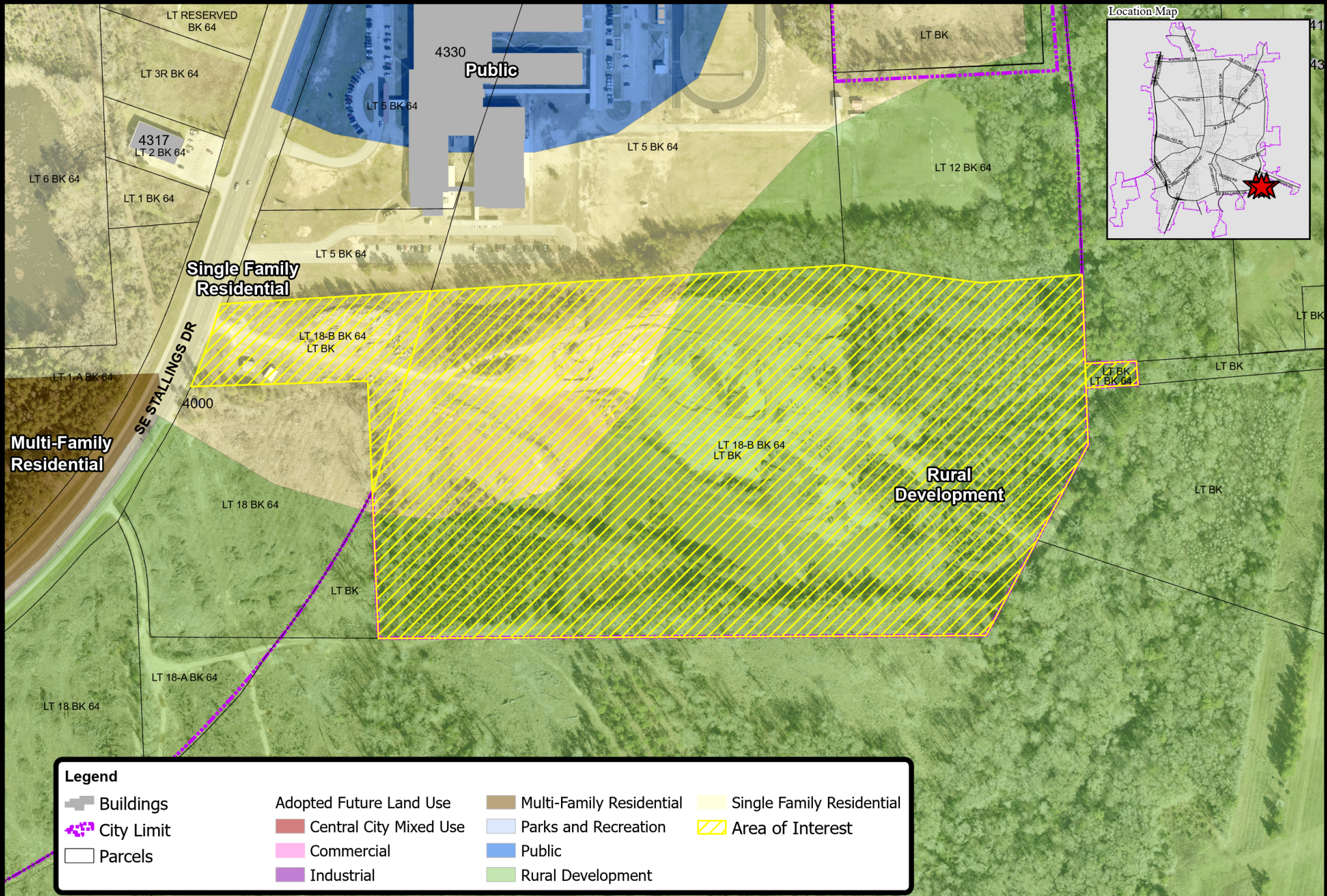


0 140 280 420 560 Feet

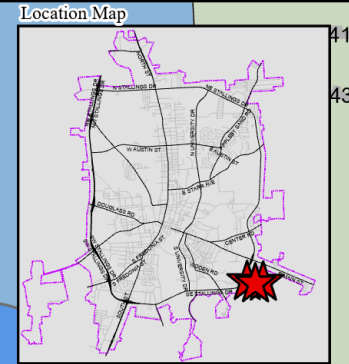
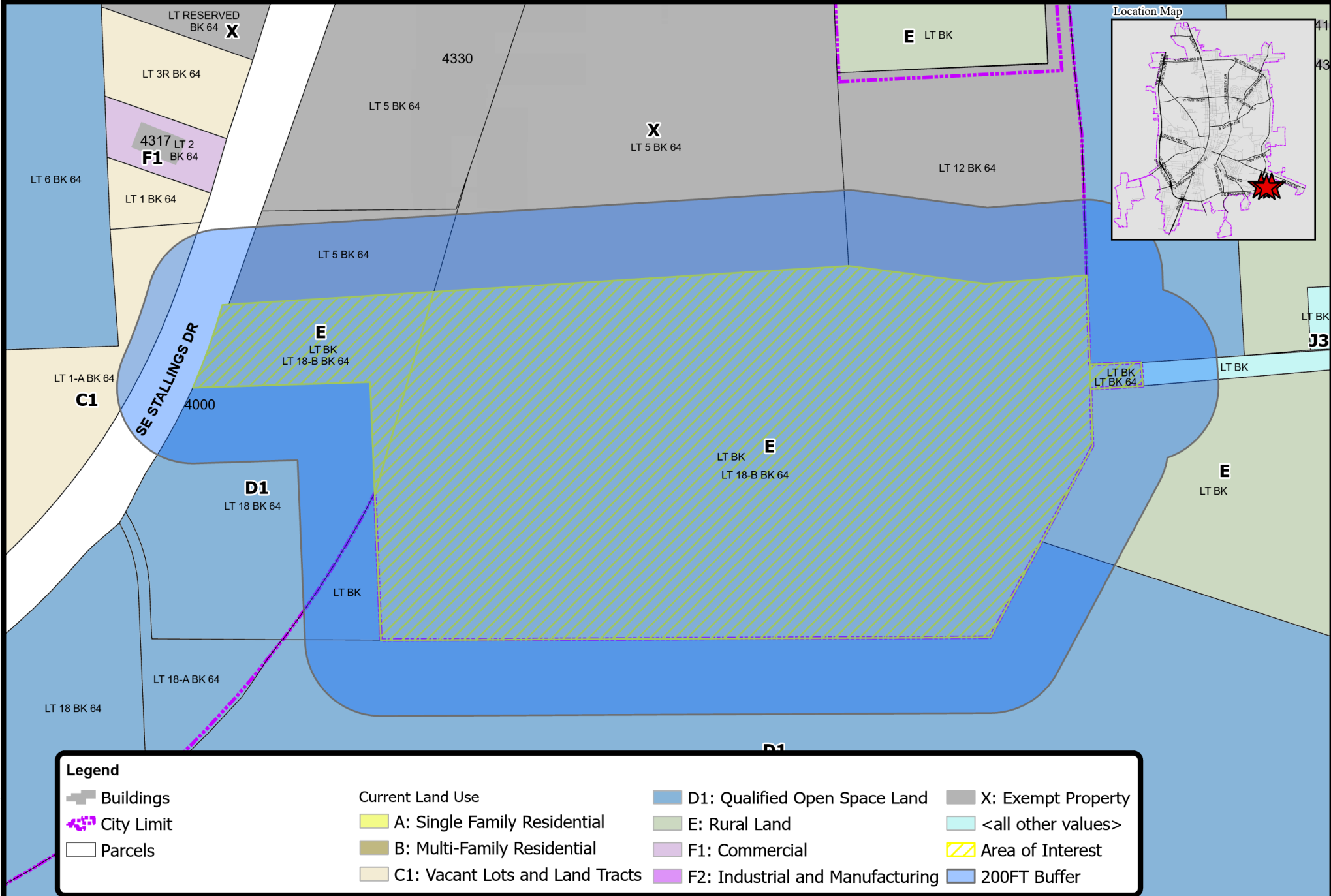
Date Created: 06/12/26 16:02 | ArcGIS Pro 3.2.2

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SUP2026-05 Future Land Use Map



SUP2026-05 Notification Map



0 140 280 420 560 Feet

Date Created: 06/12/26 16:02 | ArcGIS Pro 3.2.2

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VERITCAL BRIDGE'S LEASE AREA = 3600 SQ. FT.
VERIZON'S LEASE AREA = 500 SQ.FT.

V.B. PAVED AREA = 3728 SQ. FT. TOTAL
2500 SQ. FT. SITE
1228 SQ. FT. SQ. FT. DRIVE

VZW UNDERGROUND POWER TO ILC = 60'±

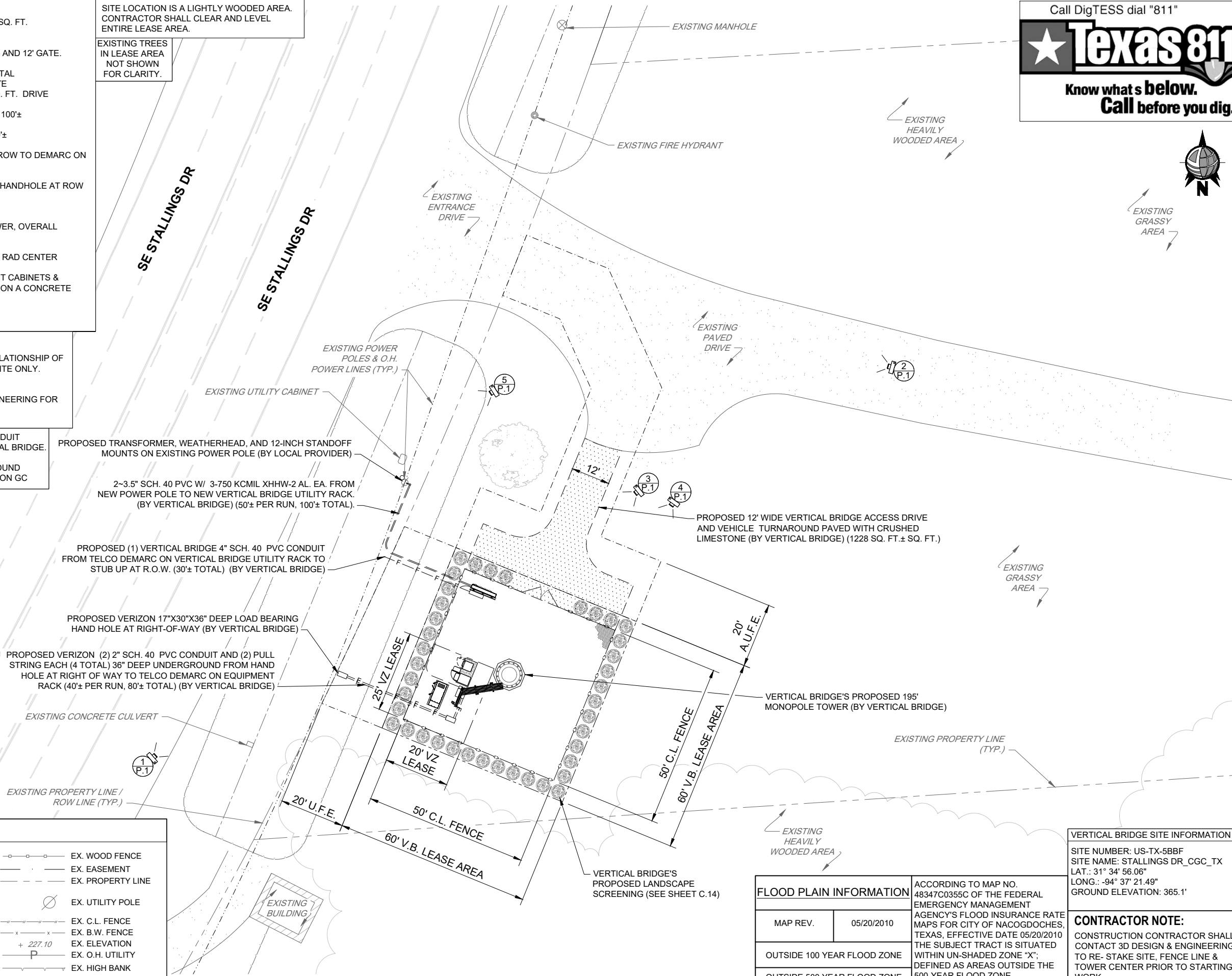
VZW UNDERGROUND FIBER = 80'± FROM HANDHOLE AT ROW
TO DEMARC ON VZW EQUIPMENT RACK.

VZW EQUIPMENT = OUTDOOR EQUIPMENT CABINETS &
OUTDOOR DIESEL FUELED GENERATOR ON A CONCRETE
PAD.

REFER TO SURVEY BY: 3D DESIGN & ENGINEERING FOR
COMPLETE SITE INFORMATION.

VERIZON EQUIPMENT RACK, AWNING, GROUND
CABINETS AND ANTENNA ARRAY BY VERIZON GO

EXISTING TREES
IN LEASE AREA
NOT SHOWN
FOR CLARITY.



	LESSEE'S PREMISES		EX. WOOD FENCE
	LESSEE FENCE		EX. EASEMENT
	LESSEE EASEMENT		EX. PROPERTY LINE
	LESSEE FIN. GRADE		EX. UTILITY POLE
	LESSEE PAVING		EX. C.L. FENCE
	LESSEE UTILITY POLE		EX. B.W. FENCE
	LESSEE PAVEMENT		EX. ELEVATION
	LESSEE U.G. TELCO		EX. O.H. UTILITY
	LESSEE U.G. POWER		EX. HIGH BANK
	LESSEE O.H. UTILITY		

FLOOD PLAIN INFORMATION		ACCORDING TO MAP NO. 48347C0355C OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR CITY OF NACOGDOCHES, TEXAS, EFFECTIVE DATE 05/20/2010 THE SUBJECT TRACT IS SITUATED WITHIN UN-SHADED ZONE "X"; DEFINED AS AREAS OUTSIDE THE 500-YEAR FLOOD ZONE.
MAP REV.	05/20/2010	
OUTSIDE 100 YEAR FLOOD ZONE		
OUTSIDE 500 YEAR FLOOD ZONE		

VERTICAL BRIDGE SITE INFORMATION

SITE NUMBER: US-TX-5BBF
SITE NAME: STALLINGS DR_CGC_TX
LAT.: 31° 34' 56.06"
LONG.: -94° 37' 21.49"
GROUND ELEVATION: 365.1'

CONTRACTOR NOTE:
CONSTRUCTION CONTRACTOR SHALL
CONTACT 3D DESIGN & ENGINEERING
TO RE- STAKE SITE, FENCE LINE &
TOWER CENTER PRIOR TO STARTING
WORK.


verticalbridge
THE TOWERS, LLC
22 W ATLANTIC AVE SUITE 310
DELRAY BEACH, FL 33444
PHONE: (561) 948-6367

verizon ✓
14123 CICERO ROAD
HOUSTON, TX 77095
PHONE: (713) 507-1650
FAX: (713) 507-1618



ENGINEERING INC.
CIVIL STRUCTURAL &
GEOTECHNICAL ENGINEERING
21502 E WINTER VIOLET CT
CYPRESS, TX. 77433
PHONE: 832-510-9621
www.3ddne.com
INFO@3DDNE.COM
FIRM# F-13381

REVISIONS		BY
0	PCDs INITIAL RELEASE 12-23-25	PDM
1	PCDs NEW VZW EQ STANDARDS 05-12-26	DCJ
2	FCDS FOR ZONING 6-8-26	PDM

OVERALL SITE PLAN

**VERTICAL BRIDGE - TEXAS AREA
STALLINGS DR**

4024 SE STALLINGS DR
NACOGDOCHES, TX 75961
(US-TX-5BBF)



3D Design & Engineering, Inc.
Registration # F-13381

DRAWN BY: DCJ

CHECKED BY: NM

DATE: 05-12-2026

SHEET #:	REV. #
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C1	2
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- ① AIO CABINET
- ② FUTURE BATTERY CABINET
- ③ OVP-12 CIRCUITS (1 TOTAL)
(INSIDE AIO CABINET)
- ④ 2' WIDE ICE BRIDGE
- ⑤ ILC CABINET (WITH CAMLOCK IF
NEEDED)
- ⑥ METER & DISCONNECT
- ⑦ DARK FIBER JUNCTION BOX (2'X2' MIN
- VERIFY SIZE WITH FIBER PROVIDER
WITH (2) 2" CONDUIT WITH (2) PULL
STRINGS
- ⑧ 50KW DIESEL FUELED GENERATOR
- ⑨ GPS ANTENNA (MOUNTED ON POST)

CONSTRUCTION CONTRACTOR SHALL
CONTACT 3D DESIGN & ENGINEERING TO
RE-STAKE SITE, FENCE LINE & TOWER
CENTER PRIOR TO STARTING WORK.

NOTE:

1. CONTRACTOR IS TO REPAIR ALL DAMAGE RESULTING FROM CONSTRUCTION BACK TO PRE-CONSTRUCTION CONDITION AT COMPLETION OF WORK.
2. CONTRACTOR SHALL COORDINATE SITE ACCESS TIMES AND EQUIPMENT STAGING LOCATIONS WITH LANDLORD
3. ICE BRIDGE LENGTH SHOWN IS RELATIVE. LENGTH AND EXACT ALIGNMENT WITH FOUNDATION MAY VARY FROM DRAWING DIMENSIONS. ICE BRIDGE WILL APPROACH TOWER AS SHOWN.
4. TOWER IS TO BE SET ON IDENTIFIED CENTER POINT.

SITE LOCATION IS A LIGHTLY WOODED AREA.
CONTRACTOR SHALL CLEAR AND LEVEL
ENTIRE LEASE AREA.

Call DigTESS dial "811"



Know what's below.
Call before you dig.

VERIZON EQUIPMENT FOUNDATIONS, CONDUIT
PLUMBING, AND GROUND RING BY VERTICAL BRIDGE

VERIZON EQUIPMENT RACK, AWNING, GROUND
CABINETS AND ANTENNA ARRAY BY VERIZON G

FLOOD PLAIN INFORMATION

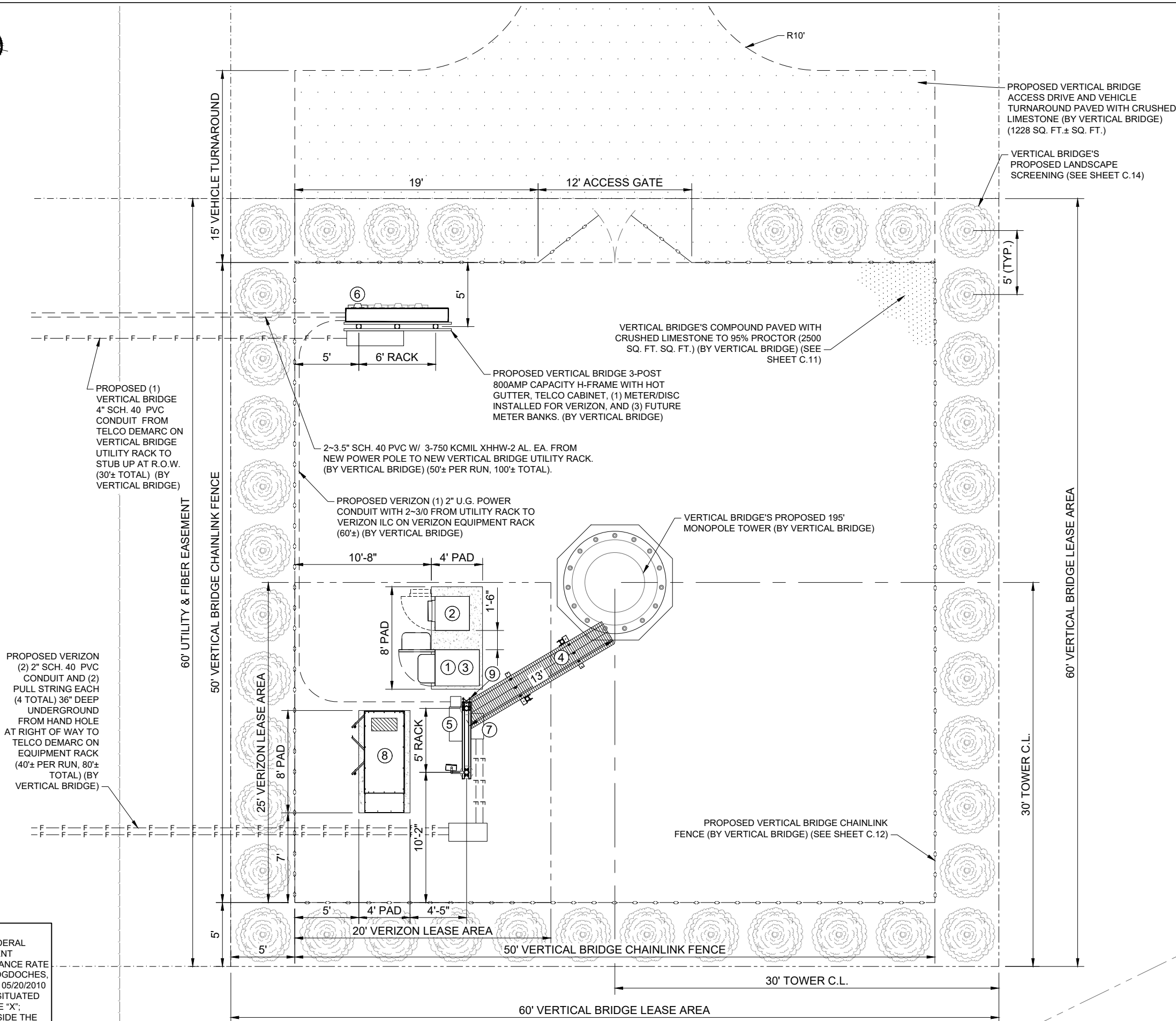
ACCORDING TO MAP NO.
48347C0355C OF THE FEDERAL
EMERGENCY MANAGEMENT
AGENCY'S FLOOD INSURANCE RATE
MAPS FOR CITY OF NACOGDOCHES,
TEXAS, EFFECTIVE DATE 05/20/2010
THE SUBJECT TRACT IS SITUATED
WITHIN UN-SHADED ZONE "X";
DEFINED AS AREAS OUTSIDE THE
500-YEAR FLOOD ZONE.

MAP REV.	05/20/2010
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OUTSIDE 100 YEAR FLOOD ZONE

OUTSIDE 500 YEAR FLOOD ZONE

1 | ENLARGED SITE PLAN



THE TOWERS, LLC
22 W ATLANTIC AVE SUITE 310
DELRAY BEACH, FL 33444
PHONE: (561) 948-6367



14123 CICERO ROAD
HOUSTON, TX 77095
PHONE: (713) 507-1650
FAX: (713) 507-1618



**3D DESIGN &
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FIRM# F-13381

REVISIONS		BY
0	PCDs INITIAL RELEASE 12-23-25	PDM
1	PCDs NEW VZW EQ STANDARDS 05-12-26	DCJ
2	PCDs FOR ZONING 6-8-26	PDM

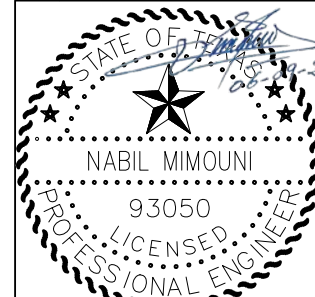
ENLARGED SITE PLAN

**VERTICAL BRIDGE - TEXAS AREA
STALLINGS DR**

4024 SE STALLINGS DR

NACOGDOCHES, TX 75961

(US-TX-5BBF)



3D Design & Engineering, Inc.
Registration # F-13381

DRAWN BY: DCJ

CHECKED BY: NM

DATE: 05-12-2026

SHEET #:	REV. #
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C.2

2

- NOTES:
- CONTRACTOR IS TO REPAIR ALL DAMAGE RESULTING FROM CONSTRUCTION BACK TO PRE CONSTRUCTION CONDITION AT COMPLETION OF WORK.
 - CONTRACTOR SHALL COORDINATE SITE ACCESS TIMES AND EQUIPMENT STAGING LOCATIONS WITH LANDLORD.
 - CONTRACTOR SHALL VERIFY ALL WORK WITH LESSEE PRIOR TO STARTING PROJECT.
 - CONTRACTOR TO VERIFY ALL EXISTING EQUIPMENT, COAX & ANTENNAS THAT ARE INSTALLED PRIOR TO START OF CONSTRUCTION. NOTIFY RF IF SCOPE OF WORK DIFFERS FROM VERIZON RFDS.

PROPOSED TOWER LOADING:

PIPE POSITION	ANTENNA MODEL & AZIMUTH	RRH MODEL
1	ANDREW NN-65C-HG-R1B (0°, 120°, 240°)	SAMSUNG RF4461D-13A
2	SAMSUNG MF3208D (0°, 120°, 240°)	UNUSED
3	SAMSUNG MT6433-77A (0°, 120°, 240°)	UNUSED
4	UNUSED	UNUSED
OVP	(1) RAYCAP OVP-12	

CABLE & LENGTHS:

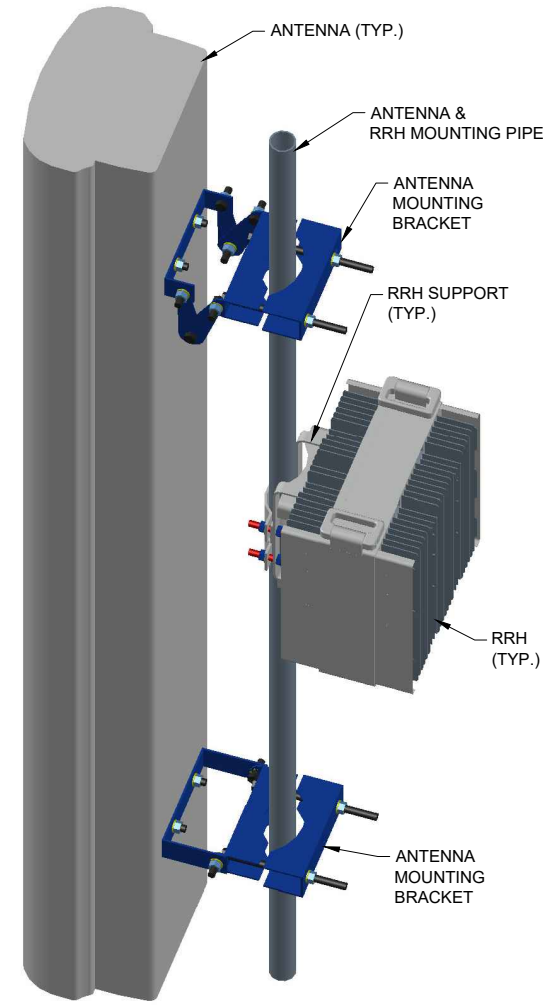
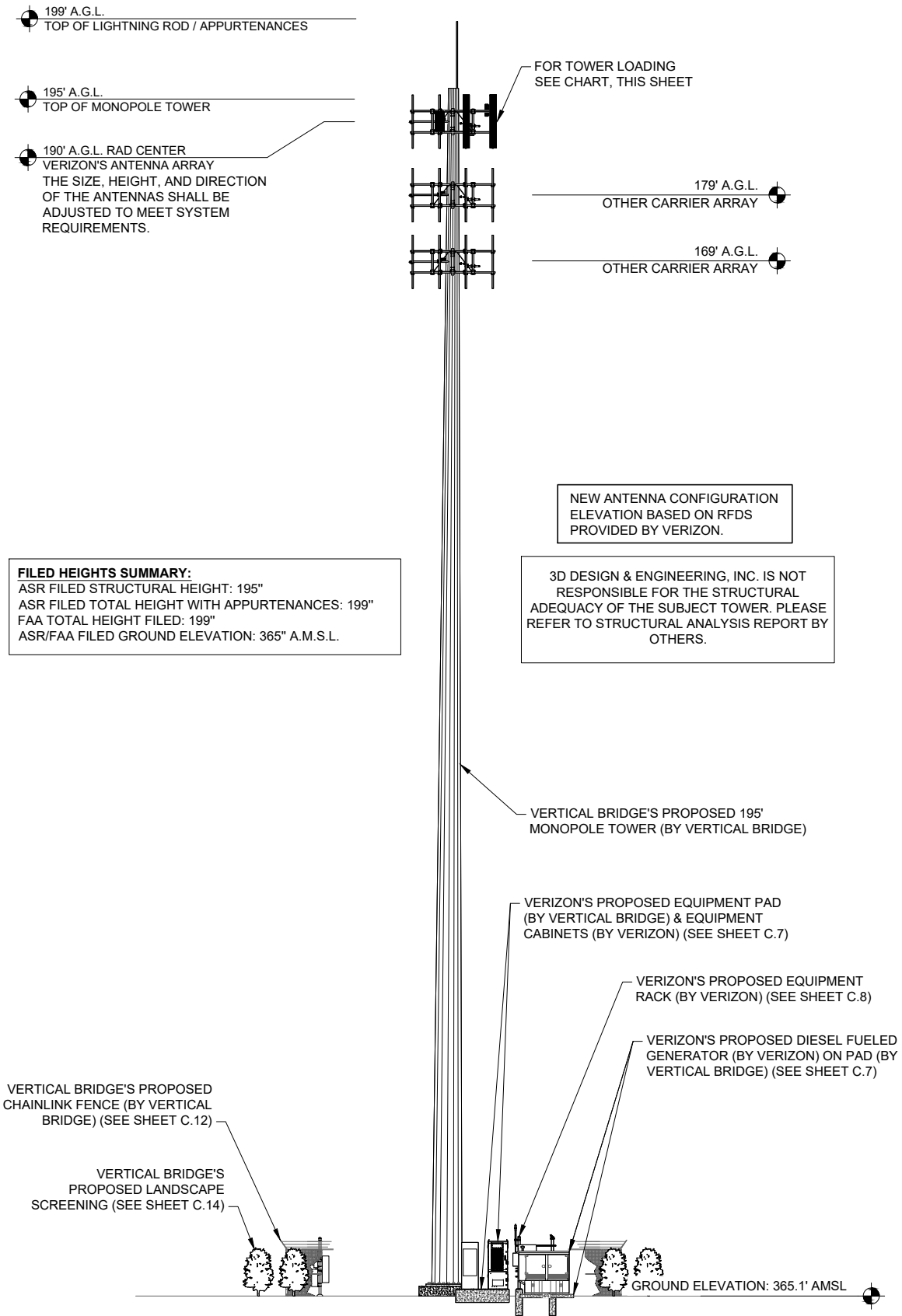
CABLE TYPE	QUANTITY	LENGTH
12X24 HYBRID	N/A	N/A
6X12 HYBRID	1	240'± EA. / 240'± TOTAL
3X6 HYBRID	2	240'± EA. / 480'± TOTAL
		TOTAL CABLE LENGTHS: 1440'±

ANTENNA INSTALLATION NOTES:

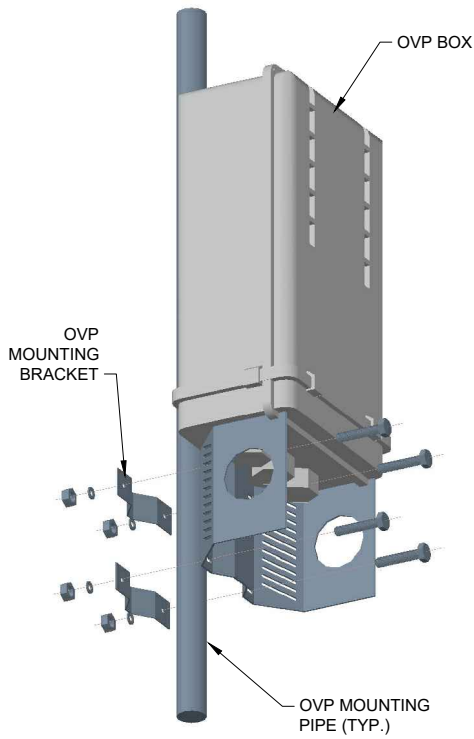
- FOR TYPICAL ANTENNA AZIMUTHS SEE ANTENNA CHART, BUT CONTRACTOR IS TO VERIFY RF INFORMATION WITH VERIZON WIRELESS BEFORE INSTALLATION.
- CABLES ARE TO BE MARKED WITH VINYL TAPE CORESPONDING TO THE COLOR CODING CHART. CABLES SHALL BE MARKED AT BOTH ENDS AND MARKS SHALL BE VISIBLE FROM THE GROUND. MARKING BANDS AT THE TOP SHALL BE 2" WIDE AND SHALL BE 1" WIDE AT THE BOTTOM.
- CONTRACTOR SHALL VERIFY THE NUMBER AND SPACING REQUIRED FOR THE ANTENNAS IN EACH SECTOR WITH VERIZON WIRELESS AND SHALL ALLOW FUTURE SPACING AS DIRECTED.
- GPS ANTENNA CABLE SHALL ENTER THE SHELTER THROUGH AN INDEPENDENT PORT.

COAX JUMPER NOTES:

- MAXIMUM RF JUMPER LENGTH SHALL NOT EXCEED 15' FOR EITHER 700 LTE OR 1900 AWS.
- IF EXISTING JUMPERS ARE USED, CONTRACTOR SHALL ENSURE COMPLIANCE WITH NOTE 1.
- CONSULT WITH VERIZON PERSONNEL TO VERIFY IF CSRF IS TO BE USED.
- THE MAXIMUM DIFFERENCE IN JUMPER LENGTH FROM ANTENNA TO RRH SHALL BE 9'. I.E., IF THE SHORTEST JUMPER USED IS 6' IN LENGTH THAN THE LONGEST JUMPER MUST BE 15' OR LESS IN LENGTH. CONTRACTOR SHALL ASSESS FIELD CONDITIONS AND ADJUST JUMPER LENGTH ACCORDINGLY.
- ALL RF JUMPERS SHALL BE PRE-MADE WITH PRE-INSTALLED CONNECTORS ON BOTH ENDS. NO FIELD ADJUSTMENTS IN LENGTH ARE TO BE MADE.
- ALL RF JUMPERS SHALL BE EITHER LDF OR LCF12 JUMPERS FROM AN APPROVED JUMPER MANUFACTURER.
- ALL JUMPER CONNECTIONS SHALL HAVE THE PROPER TORQUE AND BE FULLY WEATHERPROOFED.
- CONTRACTOR SHALL PERFORM RF SWEEP ON ALL JUMPERS.
- ALL FIBER JUMPERS FROM THE RAYCAP BOX TO THE RRH SHALL BE THE SAME LENGTH. ANY EXCESS FIBER TO BE COILED INSIDE THE RAYCAP BOX USING PROPER RADIUS RESTRICTIONS.
- ALL JUMPERS SHALL BE ROUTED SUCH THAT THESE WILL BE SUPPORTED AT INTERVALS NOT TO EXCEED 3'.
- LOCATION DETAILS IN THESE DRAWINGS ARE DIAGRAMMATIC. CONTRACTOR SHALL LOCATE ALL ITEMS SUCH AS TO SATISFY ALL NOTES AND THE DIRECTION OF VERIZON.



3 ANTENNA & RRH MOUNTING SCALE: N.T.S.



4 OVP MOUNTING SCALE: N.T.S.

verticalbridge

THE TOWERS, LLC
22 W ATLANTIC AVE SUITE 310
DELRAY BEACH, FL 33444
PHONE: (561) 948-6367

verizon

14123 CICERO ROAD
HOUSTON, TX 77095
PHONE: (713) 507-1650
FAX: (713) 507-1618

3DD&E

3D DESIGN & ENGINEERING INC.
CIVIL, STRUCTURAL & GEOTECHNICAL ENGINEERING
21502 E WINTER VIOLET CT
CYPRESS, TX 77433
PHONE: 832-510-9621
www.3ddne.com
INFO@3DDNE.COM
FIRM# F-13381

REVISIONS	BY
0 PCDs INITIAL RELEASE 12-23-25	PDM
1 PCDs NEW VZW EQ STANDARDS 05-12-26	DCJ
2 FCDS FOR ZONING 6-8-26	PDM

SITE ELEVATION

VERTICAL BRIDGE - TEXAS AREA
STALLINGS DR
4024 SE STALLINGS DR
NACOGDOCHES, TX 75961
(US-TX-5BBF)

STATE OF TEXAS
NABIL MIMOUNI
93050
PROFESSIONAL ENGINEER

3D Design & Engineering, Inc.
Registration # F-13381

DRAWN BY: DCJ
CHECKED BY: NM
DATE: 05-12-2026
SHEET #: C.5
REV. # 2

SUP2026-05 Site Photos

Subject property



Cell tower location



PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Zoning Case ZON2026-04 for a Comprehensive Plan amendment to update the Nacogdoches Future Land Use Plan by adding a Two Family Mixed Residential future land use class, which is compatible with Single-Family, Two-Family, and Manufactured Home residential land uses in certain areas within the city limits of Nacogdoches, Texas.

OVERVIEW:

The proposed amendment is a City-initiated request to update the Future Land Use Plan and Map components of the Nacogdoches Comprehensive Plan. In 2025, the 89th Texas Legislature enacted major changes to manufactured housing regulations, primarily through Senate Bill (SB) 785, which takes effect September 1, 2026. Specifically, SB 785 mandates that local governments allow installation of new HUD-code manufactured homes in at least one residential zoning classification or district within their jurisdiction. SB 785 also prohibits requiring specific use permits for HUD-code manufactured homes in residential zones where other housing types do not face such requirements. The bill also exempts historic districts and properties under deed restrictions that predate January 2, 2025.

Requested updates to the Future Land Use Plan and Map include the establishment of a Two-Family Mixed Residential land use class in certain areas within Nacogdoches city limits that primarily consist of neighborhood areas in existing R-3 residential zoning districts with a mixture of single-family detached dwellings, duplexes, and HUD-code manufactured homes on individual residential lots. Manufactured home parks and other higher-density residential developments are not intended under this future land use classification.

In consideration of this request, the Zoning Ordinance Subcommittee and Staff evaluated several residential neighborhood areas throughout the city where the proposed designation would be compatible with existing development patterns, and particularly where infill development could improve vacant or underdeveloped lots. Four areas were identified based on several planning considerations, including the presence of existing HUD-code manufactured homes, existing two-family residential zoning, compatibility with surrounding land uses, availability of public infrastructure, and opportunities for infill residential development. Large undeveloped areas were primarily avoided in order to preserve flexibility for future growth and neighborhood planning.

Please note: The proposed amendment is a policy change to the Comprehensive Plan and does not change the zoning classification of any property. Future zoning changes associated with this Future Land Use designation would require separate public hearings and action by the Planning and Zoning Commission and City Council.

STAFF REVIEW:

The Nacogdoches Comprehensive Plan provides guidance for evaluating proposed amendments to the Future Land Use Map. The Plan states that amendments should be evaluated based on the

appropriateness of the proposed land use with respect to:

- Compatibility with surrounding land uses;
- Utilities availability and system impacts;
- Potential drainage concerns and stormwater management needs; and
- Traffic and parking impacts.

Because this is a City-initiated amendment establishing a new future land use classification, rather than a site-specific development proposal, staff also evaluated the proposed amendment for consistency with the Comprehensive Plan housing and land use goals, as well as applicable State law.

Compatibility with Surrounding Land Uses.

The proposed Two Family Mixed Residential future land use designation has been applied only to areas where existing development patterns support compatibility with the proposed land use. Staff evaluated residential neighborhoods throughout the city and identified areas that are characterized by existing two-family residential zoning, established residential development, and concentrations of existing HUD-code manufactured homes. These areas provide opportunities for compatible infill development while minimizing impacts to surrounding neighborhoods.

Utilities Availability and System Impacts.

All proposed Future Land Use Map amendment areas are located within the incorporated city limits and are served by existing municipal infrastructure, including public water and wastewater systems. Staff does not anticipate that the proposed amendment will create utility demands beyond those normally associated with residential development. Future development within these areas will remain subject to all applicable subdivision, utility, and development regulations.

Drainage Concerns and Stormwater Management.

The proposed amendment is a policy change to the Comprehensive Plan and does not authorize physical development or alter existing drainage patterns. Any future development occurring within the proposed future land use areas will remain subject to the City's drainage, stormwater management, floodplain, and engineering requirements during the development review process.

Traffic and Parking Impacts.

The proposed amendment does not increase allowable residential density or authorize new development. As a result, staff does not anticipate immediate traffic or parking impacts associated with this action. Any future development resulting from subsequent zoning amendments or building permits will be required to comply with applicable access, parking, and transportation standards contained within the City's development regulations.

Consistency with the Comprehensive Plan.

The proposed amendment is consistent with the goals and policies of the Nacogdoches Comprehensive Plan. The Plan encourages providing a variety of residential housing types and densities, identifying appropriate residential development areas based on site suitability and available infrastructure, maintaining the Future Land Use Map consistent with development trends, and supporting compatible infill development. The Residential Land Use Policies further state that, *"Manufactured homes should be located at appropriate sites within the City where there are similar homes."* The proposed Two Family Mixed Residential future land use designation directly implements this policy by identifying areas where existing development patterns already include HUD-code manufactured homes and compatible residential uses. Additionally, the Comprehensive Plan recognizes manufactured housing as a viable and

affordable homeownership option when appropriate standards related to location, appearance, function, and quality are applied. Staff finds that the proposed amendment is consistent with the Comprehensive Plan and supports the City's long-range planning objectives.

Compliance with State Law.

The proposed amendment assists the City in implementing Senate Bill 785, which becomes effective September 1, 2026, and requires municipalities with zoning regulations to allow HUD-code manufactured homes by right in at least one residential zoning district. By establishing a new future land use designation and identifying areas appropriate for future consideration of this housing type, the City positions itself to comply with state law while continuing to promote compatibility with surrounding neighborhoods through future zoning regulations and development standards. A subsequent P&Z Commission recommendation and City Council action to establish and change the zoning classification of at least one residential area will also be required to achieve full compliance.

FINDINGS:

Based on the review criteria above, staff finds that the proposed Comprehensive Plan amendment:

- Is compatible with the existing development patterns of the designated areas.
- Can be adequately served by existing public infrastructure.
- Does not create adverse drainage, traffic, or parking impacts.
- Is consistent with the housing and land use goals of the Nacogdoches Comprehensive Plan.
- Promotes orderly infill development while preserving neighborhood compatibility.
- Supports implementation of Senate Bill 785 through a strategic, compatibility-based approach to future land use planning.

ZONING ORDINANCE SUBCOMMITTEE:

- March 31, 2026 – Discussed manufactured home restrictions in zoning ordinance, SB 785 requirements, and related Texas regulations.
- May 7, 2026 – Reviewed HUD-code manufactured home definitions, related building code requirements, and supplementary regulations.
- May 28, 2026 – Reviewed existing Manufactured Home Park properties, active and expired Manufactured Home SUP properties, and previous ordinance changes regarding Manufactured Homes.

PUBLIC ENGAGEMENT:

- June 2, 2026 – Staff presented information regarding Comprehensive Plan amendment options to City Council.
- June 23, 2026 – Staff mailed three hundred ninety-two (392) neighborhood meeting notice postcards to property owners in the four identified areas.
- July 1, 2026 – Staff coordinated a neighborhood meeting in the recreation center to receive input from surrounding property owners. Fifteen (15) property owners attended the meeting. Most questions centered on what the proposed Two Family Mixed Residential designation would allow and why the proposed geographic areas were selected.

- June 28, 2026 – Legal ad published in the Daily Sentinel newspaper.

This item is scheduled to be heard by the City Council on Tuesday, August 4, 2026.

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

ATTACHMENTS:

1. Comprehensive Plan redlines
2. FLUP Proposed Map
3. Map Areas

- ◆ Potential for long-term redevelopment and enhancement of the North Street corridor (as was discussed by the Comprehensive Plan Advisory Committee using **Figure 5.2**).
- ◆ Industrial development focus on the City's north side.
- ◆ Gradual attraction of development to the West Austin Street corridor.
- ◆ Continued residential development activity outside the existing city limits, particularly along Appleby Sand Road and Loop 224.
- ◆ Increased demand for affordable off-campus student housing with renewed enrollment growth at Stephen F. Austin State University.
- ◆ Continued potential for "strip" development along the major corridors leading in and out of Nacogdoches.
- ◆ Continued challenge of housing conditions and neighborhood quality in older, lower-income areas of Nacogdoches.
- ◆ More aggressive trail system development and linking of parks.
- ◆ An amphitheatre/festival park or other major public improvement near downtown that periodically draws many residents and visitors to the area.
- ◆ Continued challenge of neighborhood integrity in areas with greater student presence.
- ◆ Potential for larger master-planned developments, especially for retirement-age population.

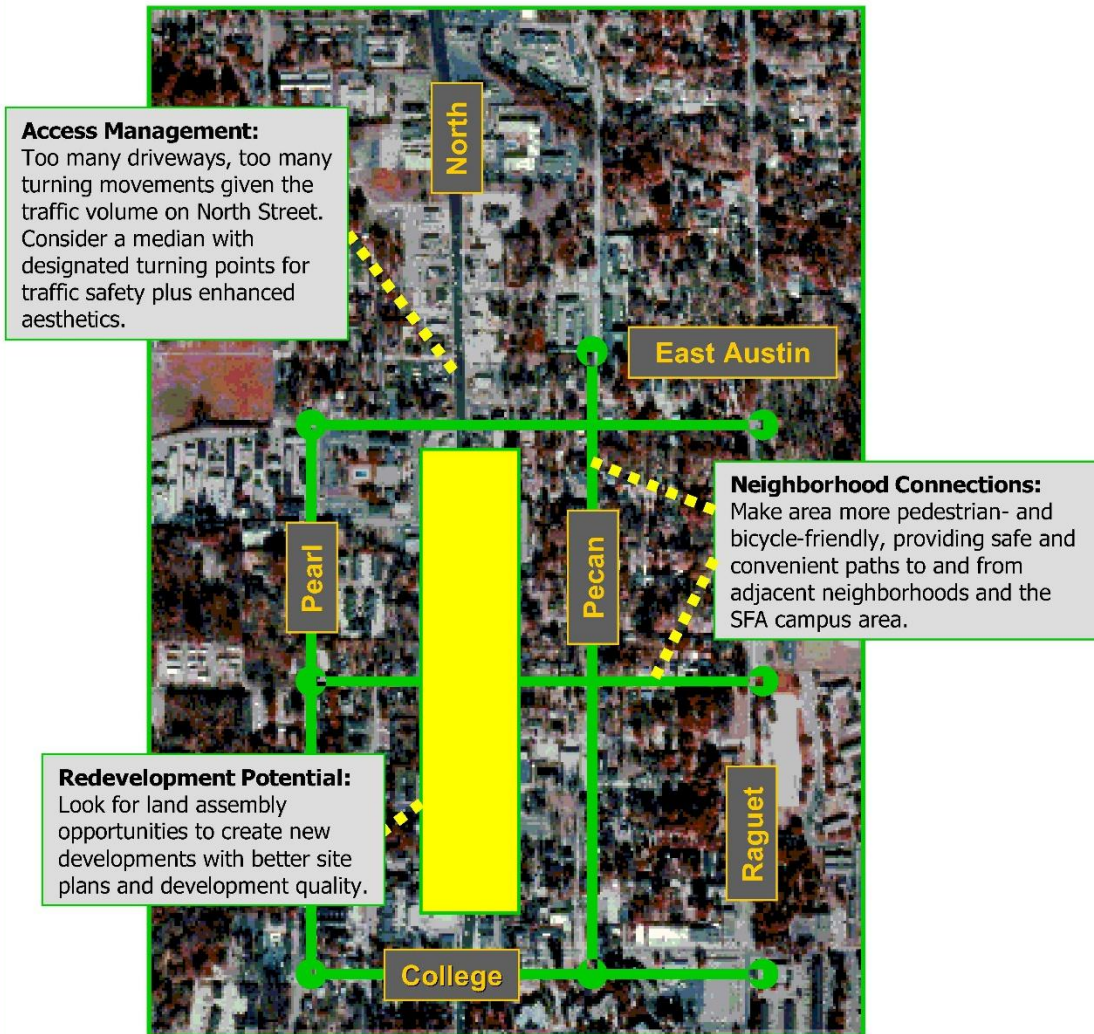
Future Land Use Plan

The Future Land Use Plan, as displayed in **Figure 5.3**, is the City's general guide for managing growth in terms of the location, type, scale and density of land development and redevelopment. One purpose of the Future Land Use Plan is to capture and build into City policies and regulations the community's values regarding how, when and where Nacogdoches should develop in the future. This is significant since the findings and recommendations contained in the City's Comprehensive Plan provide the legal basis for various development ordinances, which are the major tools available for implementing the City's plan and achieving an efficient and desirable land use pattern. The plan also includes considerations related to the City's future annexation policy and planning.

However, the generalized plan map does not constitute zoning regulations nor establish zoning districts. The graphic representation on the Future Land Use Plan map is intended only to help the City's elected and appointed officials and residents visualize the desired future land development pattern in the community. It is not a rigid, parcel-specific mandate for how land shall be developed. When proposed development differs somewhat from the generalized land use pattern depicted for an area, it is the responsibility of the Planning and Zoning Commission, supported by City staff, to determine whether the development will otherwise be in keeping with the goals and objectives of the City's Comprehensive Plan, as well as the Land Use Policies included later in this chapter.

In considering potential amendments to the Future Land Use Plan, evaluation factors should include the appropriateness of the use for the proposed site in terms of compatibility with surrounding land uses, utilities availability and system impacts, potential drainage concerns and storm water management needs, and

FIGURE 5.2
North Street Corridor Enhancement
 Nacogdoches Comprehensive Plan Update
 Nacogdoches, Texas



traffic and parking impacts. For example, since the location and timing of apartment development is highly market-driven and difficult to reflect on the Future Land Use Plan map, a proposed multi-family residential development could receive a favorable review even if the potential site is not depicted as such on the general plan map. This plan element also highlights the buffering and neighborhood protection measures that should be applied to all such developments to ensure land use compatibility.

Land Use Classifications

The land use categories displayed on the Future Land Use Plan differ from the City's Official Zoning District Map. The categories are intentionally different to avoid confusion since the land use map is solely for planning guidance and is not the equivalent of the City's adopted zoning map. The following categories are used in Figure 5.3:

- ◆ Single-Family Residential (Yellow): Conventional one-family detached dwellings and attached duplex and townhome dwellings.
- ◆ Two-Family Mixed Residential (Bright Yellow): Conventional one-family detached dwellings, attached duplex and townhome dwellings, and manufactured home dwellings.
- ◆ Multi-Family Residential (Orange): Attached dwellings with three or more units, including apartments, townhouses, condominiums, patio homes, rooming/ boarding houses, and nursing homes and assisted-living developments.



- ◆ Commercial (Red): Shopping and service facilities for the sale of goods and services, including small shops and larger retail stores and centers, restaurants, hotels and motels, service stations, and various other customer-oriented establishments. Also stand-alone offices as well as larger office buildings and planned developments (such as "business parks") involving professional and administrative functions versus retail sales activities. Also appropriate for places of worship and other non-government facilities where people frequently gather (private schools, lodges, meeting halls).
- ◆ Industrial (Purple): Lower-intensity manufacturing and/or assembly/warehousing/distribution/maintenance of products. Also larger-scale manufacturing and/or processing/distribution activities, often accompanied by outdoor activity areas or storage.
- ◆ Public (Blue): Government buildings, offices, facilities and non-park properties (including public cemeteries) and public schools and other institutions (university campus).
- ◆ Central City Mixed Use (Brown): Central core of the City, in and around the traditional downtown, where a mix of retail, office, residential and public uses is permitted and encouraged subject to development and compatibility standards.

- ◆ **Parks and Recreation (Dark Green):** Public parks and trails, other public and private recreation areas and facilities, golf courses, and undeveloped reserves and greenways.
- ◆ **Rural Development (Light Green):** Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry, resource extraction, widely-scattered homesteads and business establishments, natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development.

Key Features of the Future Land Use Plan

Some highlights and priorities of the new Future Land Use Plan include:

- ◆ Ensuring adequate acreage in appropriate locations for a range of needed housing types, from single-family residential to multi-family developments (including development potential along the West Austin Street corridor and near the new middle school on the southeast side; upper University Drive and Park Street for additional higher-density housing; and, around existing developed neighborhoods to minimize scattered, stand-alone subdivision development).
- ◆ Reducing the “strip commercial” potential along the City’s major roadway corridors compared to the 1994 plan and the current zoning map, instead encouraging clusters and nodes of commercial development within convenient distance of residential population concentrations and at major highway interchanges (this will also avoid “dilution” of the City’s existing commercial districts, such as the North Street and University Drive corridors as well as the Central Business District downtown).
- ◆ Encouraging a vibrant and walkable Central City area that includes a mix of compatible retail, office, residential and public uses while preserving the traditional character of downtown and protecting nearby residential neighborhoods from encroachment and adverse impacts.
- ◆ Making a significant commitment to planned industrial development by designating substantial acreage on the north and south sides of the City, close to major highways and rail access, for industrial park uses and light industrial development.
- ◆ Expanding the City’s parks and trails system to serve a growing population and newer residential development as outlined in more detail in the Parks and Recreation element (and protecting the 100-year floodplain from further urban encroachment whenever possible).
- ◆ Classifying significant acreage within the city limits as Rural Development to preserve environmental resources and maintain a reserve of vacant land and green open space within the incorporated city, particularly where development and utility extension constraints are greatest.
- ◆ Keeping as much future, urban-scale residential development within or near the Loop as possible versus mostly low-density, truly “rural development” in the ETJ.

The scope of the Comprehensive Plan study did not allow for the same detailed scrutiny of existing and projected population and land use in the Nacogdoches ETJ and long-range planning area as was completed for the city limits and existing developed areas. However, the plan recognizes that some unincorporated portions of Nacogdoches County are experiencing steady population growth as indicated by increased traffic and the pace of subdivision and land development activity. More detailed study of future land use in the larger planning area will occur as the Comprehensive Plan is updated over time to keep pace with the City's growth and in preparation for future annexation initiatives.

The application of the City's zoning authority over an expanded area through municipal annexation activities is the most direct means of regulating the long-term development pattern in areas currently outside the City's jurisdiction. In the meantime, and given the more challenging annexation situation for Texas cities since passage of Senate Bill 89 in 1999 by the Texas Legislature, the City can exert some influence through its subdivision review authority in the ETJ, utility extension and capacity financing policies, capital improvement strategy, and through ongoing coordination and communication with property owners and potential developers regarding the City's outlook and intentions. Even though formal land use plans are much more difficult to accomplish in areas outside the corporate limits, it is prudent to attempt to guide how such areas will develop to plan effectively for the future extension of public services and infrastructure improvements and to encourage high-quality, sustainable development in areas that could eventually be incorporated into the community.

Land Use Policies

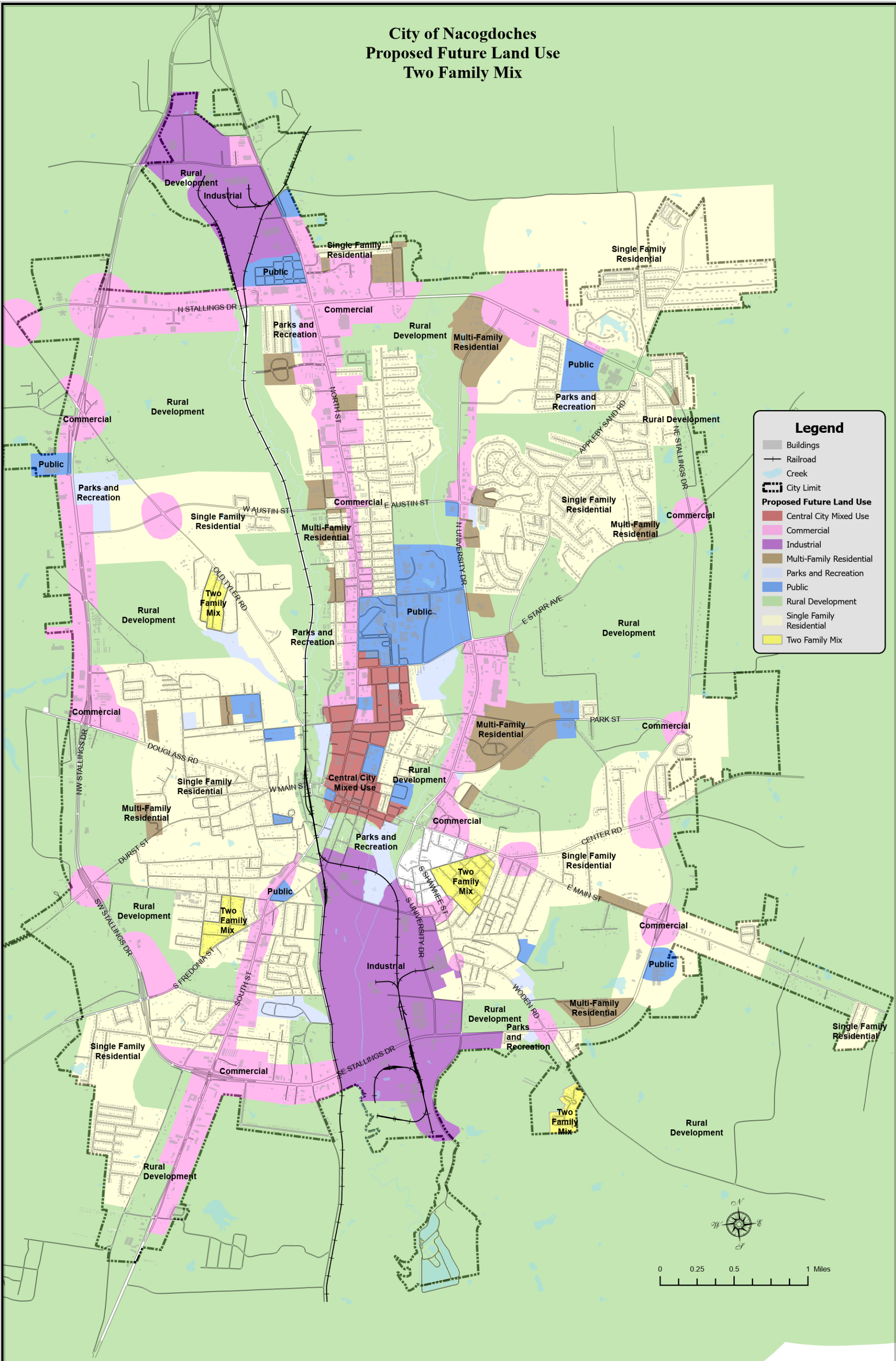
Communities across the country are attempting to achieve "Smart Growth." While the name is somewhat new, this is really nothing more than the fundamentals of sound urban planning. A community can grow sensibly by balancing economic development and environmental protection, focusing new development where public services and utilities are already available, actively supporting redevelopment of older areas and vacant buildings, valuing its traditional downtown and vibrant mixed-use areas, maintaining an efficient street network and infrastructure systems, providing convenient neighborhood shopping and attractive parks, and ensuring pedestrian-friendly commercial districts and walking connections between neighborhoods, parks and schools. Through effective land use planning and urban design, a city fulfills its paramount responsibility to promote the public health, safety and welfare while also providing predictability in the development process.

Policies serve as a guide and reference for planning officials and City staff and should be utilized when making decisions regarding future development within the City and ETJ. In particular, policies should be utilized in implementing goals, objectives and actions, and in reviewing zoning classification changes or amendments to the land use plan. The following policy statements reflect sound land use planning practices and are intended to supplement the Future Land Use Plan map.

In General

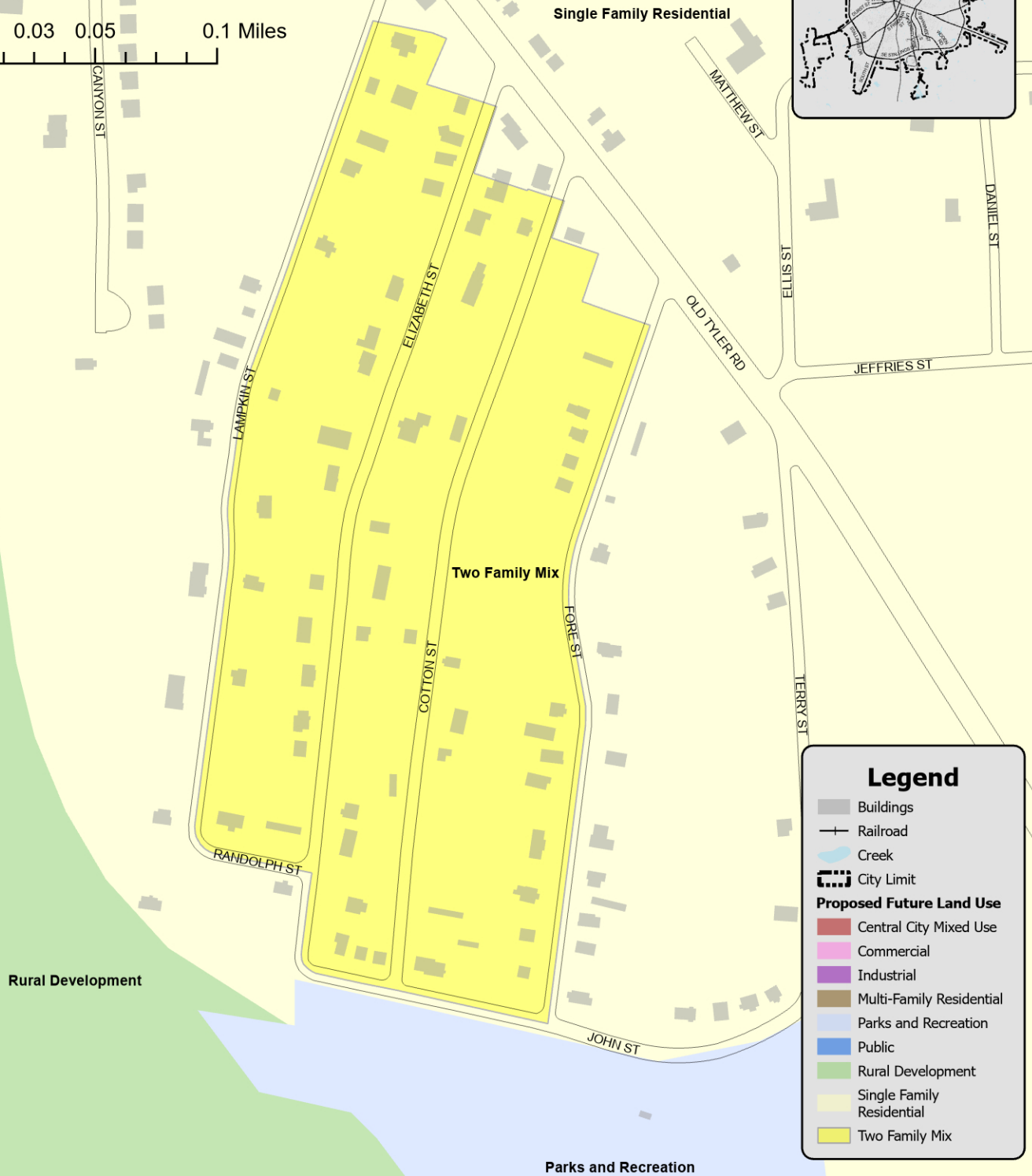
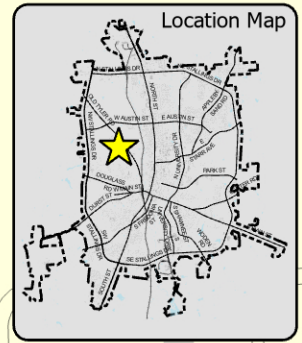
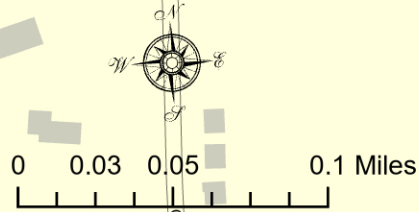
- ◆ Neighboring land uses should not detract from the enjoyment or value of properties.

City of Nacogdoches
Proposed Future Land Use
Two Family Mix



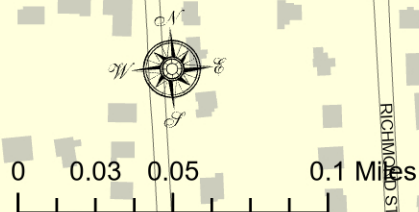
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Proposed Future Land Use Two Family Mix Location

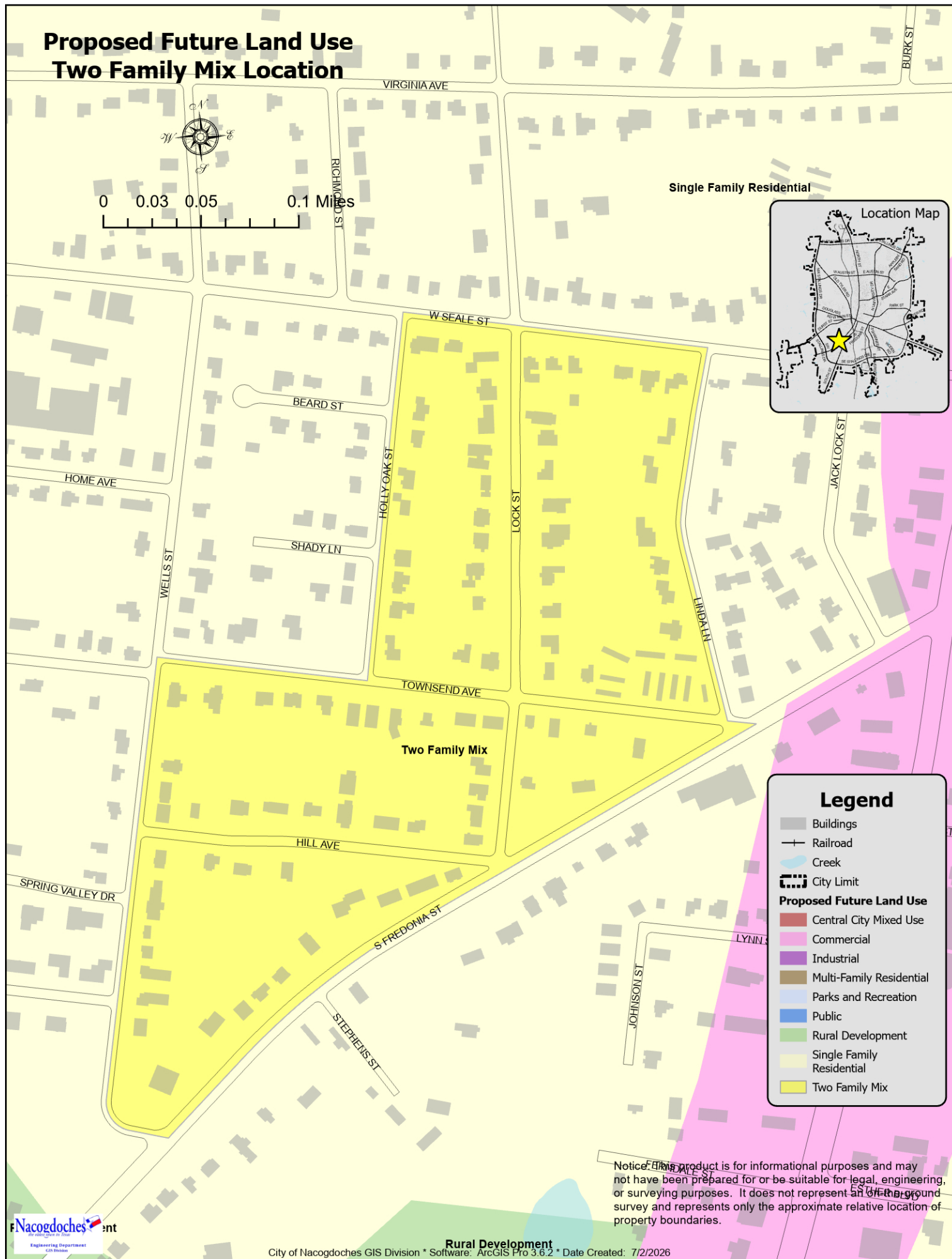
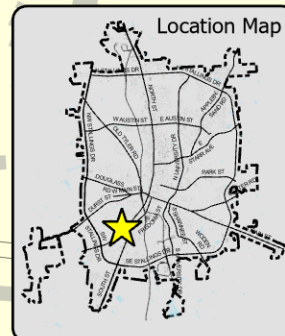


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Proposed Future Land Use Two Family Mix Location



Single Family Residential



Two Family Mix

Legend

- Buildings
- Railroad
- Creek
- City Limit
- Proposed Future Land Use**
- Central City Mixed Use
- Commercial
- Industrial
- Multi-Family Residential
- Parks and Recreation
- Public
- Rural Development
- Single Family Residential
- Two Family Mix

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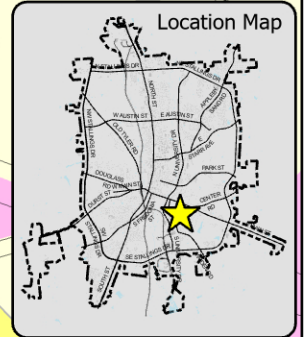
Proposed Future Land Use Two Family Mix Location



0 0.03 0.05 0.1 Miles

Commercial

Single Family Residential



Single Family Residential

Commercial

Two Family Mix

Legend

- Buildings
Railroad
Creek
City Limit
- Proposed Future Land Use**
- Central City Mixed Use
Commercial
Industrial
Multi-Family Residential
Parks and Recreation
Public
Rural Development
Single Family Residential
Two Family Mix

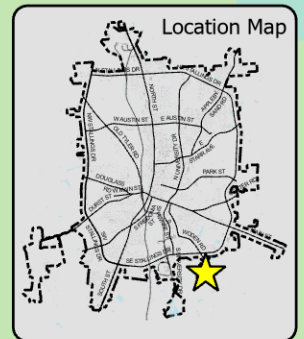
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Proposed Future Land Use Two Family Mix Location



0 0.03 0.05 0.1 Miles

Single Family Residential



Rural Development

Two Family Mix

Legend

- Buildings
- Railroad
- Creek
- City Limit
- Proposed Future Land Use**
 - Central City Mixed Use
 - Commercial
 - Industrial
 - Multi-Family Residential
 - Parks and Recreation
 - Public
 - Rural Development
 - Single Family Residential
 - Two Family Mix

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PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Public Hearing: Discuss and consider action on amendments to the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118 “Zoning”, Article I “In General”, Section 118-1 “Definitions”; Article III “District Regulations”; and Article IV “Supplementary District Regulations”, Section 118-317 “Manufactured housing” to establish a new residential zoning district which provides for manufactured home land uses and to update supplemental regulations.

OVERVIEW: The proposed ordinance amendments are in conjunction with other agenda items pertaining to the City's request to amend the Nacogdoches Comprehensive Plan and achieve compliance with State law effective September 1, 2026. Since 2004, the [Zoning Ordinance](#) has not allowed for the placement of manufactured homes on individual lots, and manufactured homes may only be placed within established Manufactured Home Park areas which are designated by specific use permit.

In consideration of changes to the Zoning Ordinance, the Zoning Ordinance Subcommittee and Staff evaluated several residential neighborhood areas throughout the city where establishment of a new or modified zoning district would be compatible with existing development patterns, and particularly where infill development could improve vacant or underdeveloped lots. Four areas were identified based on several planning considerations, including the presence of existing HUD-code manufactured homes, existing two-family residential zoning, compatibility with surrounding land uses, availability of public infrastructure, and opportunities for infill residential development. Large undeveloped areas were primarily avoided in order to preserve flexibility for future growth and neighborhood planning.

The establishment of a new R-3M, two-family mixed, residential zoning district is proposed, which allows for single-family, two-family (duplex), and manufactured home uses. These allowable uses are intended to mirror most R-3 (two family) uses, as the district's future locations are approximate to R-3 districts, which also serve to buffer from other surrounding districts.

Previous Discussions:

- March 31, 2026 – Zoning Ordinance Subcommittee discussed manufactured home restrictions in the Zoning Ordinance, SB 785 requirements, and related Texas regulations.
- May 7, 2026 – Zoning Ordinance Subcommittee reviewed HUD-code manufactured home definitions, related building code requirements, and supplementary regulations.
- May 28, 2026 – Zoning Ordinance Subcommittee reviewed existing Manufactured Home Park properties, active and expired Manufactured Home SUP properties, and previous ordinance changes regarding Manufactured Homes.
- June 2, 2026 – Council received a workshop presentation on Zoning Ordinance options for HUD-code manufactured housing. [read more](#)

STAFF REVIEW:

Staff seeks a Commission recommendation of approval of this item.

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

ATTACHMENTS: 1. Zoning Ordinance redlines

ARTICLE I. IN GENERAL

Sec. 118-1. Definitions.

- (c) *Words and terms defined.* The definitions in this subsection supplement, restrict, and define the meaning and intent of the use regulations as set forth in this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

.....

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

.....

ARTICLE III. DISTRICT REGULATIONS

Sec. 118-268. List of districts.

- (a) *Base zoning districts.* For the purpose of this chapter, the city is divided into ~~12~~13 zoning districts which shall be known and cited as follows:

FIGURE 1 ZONING DISTRICTS

Abbreviated Designation	Zoning District Name
A	Agricultural district
R-1	Single-family district
R-2	Single-family district
R-3	Two-family district
<u>R-3M</u>	<u>Two-family mix district</u>
R-4	Multifamily district
B-1	Local business district
B-2	General business district
B-3	Central business district
I-1	Light industrial district
I-2	Heavy industrial district
MD	Medical use district
PD	Planned development (PD) district

- (b) *Zoning overlay districts.* In addition to the base zoning districts, the following zoning overlay districts may be applied to properties within the city:

FIGURE 2 ZONING OVERLAY DISTRICTS

Abbreviated Designation	Zoning Overlay District Name
H	Historic overlay district
UC	Urban Core

(Ord. No. 1130, art. II, § 3.1, 11-3-1998; Ord. No. 1350-2-04, 2-3-2004; Ord. No. 1720-9-16, § 2, 9-20-2016)

Sec. 118-269. Purpose of zoning districts.

- (a) Zoning districts comprise the base standards by which any property may be developed. They establish such standards as allowable land uses, maximum density or development and minimum building setbacks, among other things. Each zoning district established in this chapter is provided for a specific purpose in accordance with a comprehensive plan for the location of various types of uses throughout the city as follows:

-
- (1) *A agriculture district.* The agriculture district is intended for the following:

- a. Land which is presently used for agricultural purposes;
- b. Land which has been newly annexed into the city;
- c. Land which is used for open space purposes; and
- d. Land which is not yet ready for development due to unavailability of urban services or a lack of a market for development.

These lands should appropriately continue to be used for agriculture purposes until such time as they are needed for urban purposes in conformity with the comprehensive plan and orderly growth of the city. The uses permitted in this district are intended to accommodate normal agricultural activities.

- (2) *R-1 single-family dwelling district.* The R-1 district is intended as an area for low density single-family use. Lots in this area must be 8,250 square feet and larger.

- (3) *R-2 single-family dwelling district.* The R-2 district is intended to provide for slightly higher density residential areas. Lots in this area must be 6,000 square feet or larger.

- (4) *R-3 duplex dwelling district.* This classification creates a residential district which is appropriate for single-family housing and two-family (duplex) housing.

- (5) *R-3M two-family mix dwelling district.* This classification creates a residential district which is appropriate for single-family housing, two-family (duplex) housing, and HUD-code manufactured housing.

- (5) *R-4 multiple-family dwelling district.* This district is intended for higher density residential areas which may contain a mixture of single-family, two-family, and multiple-family dwellings. District regulations are designed to protect residential characteristics of the area and to prevent the overcrowding of land. For the purposes of this chapter, R-4 is considered a commercial zoning district in locating and mapping this district, and in determining residential adjacency.

- (6) *B-1 local business district.* This district is intended to accommodate those business activities supplying the day-to-day commercial needs of nearby residents. The types and intensity of uses allowed in this district are limited so as to not adversely affect neighboring residential areas.

- (7) *B-2 general business district.* This district is intended to accommodate those business activities that are oriented toward the automobile, or whose operations may require limited truck access. Generally this district is located along major traffic arteries where strip business development exists.

- (8) *B-3 central business district.* This district is intended to accommodate and enhance commercial activities in the central area of the city, and to promote the downtown as a pedestrian-oriented destination for residents and visitors. This district is intended to build on the area's historic heritage and character.

- (9) *I-1 light industrial district.* This district is intended to accommodate light industrial and heavy commercial uses which may be characterized as having regular truck traffic, large amounts of storage, higher levels of noise, or some other impact on surrounding properties and the roadway system. In addition, the district also includes certain support services for industrial development such as office, commercial, personal and professional services, and retail.

- (10) *I-2 heavy industrial district.* This district provides for a wide range of industrial activities, some of which may generate objectionable or hazardous conditions and therefore are not compatible with nonindustrial land uses. Allowed uses include manufacturing, processing, slaughtering, warehousing, outside storage, and distribution.

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- (11) *MD medical use district*. This district is intended to accommodate those business activities associated with, or related to, the medical profession.
- (12) *PD planned development district*. The purpose of the planned development (PD) district is to:
- Provide greater flexibility in land use, density, and other regulations, and more closely reflect special conditions of development sites in a manner which is consistent with the comprehensive plan and community objectives;
 - Preserve the natural amenities and environmental assets of the land, and character of the community;
 - Provide an appropriate balance between intensity of development and the ability to provide adequate supporting facilities and services; and
 - Facilitate a more effective arrangement of buildings, land uses and utilities, and protect contiguous land uses.

Any use or combination of uses listed in the land use schedule may be permitted within a planned development (PD) district. The uses to be permitted in any specific planned development (PD) district shall be enumerated in the ordinance which creates such a district.

Each planned development (PD) district shall constitute an amendment to this chapter. Certain maximum and minimum standards will be specified for various use categories, and certain provisions such as yards, coverage, and building spacing are to be determined by the particular design.

(Ord. No. 1130, art. II, § 3.2, 11-3-1998)

Sec. 118-273. Land use schedule.

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

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

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S			S	S	Halfway House/Community Residential Facility	S	P	P	S		
					Hotel or Motel	S	P	P	P	P	
S					Orphanage	S	P	P	S		
S			P	P	Recovery House/Sober Living Home	P	P	P	P		
P	P	P	P	P	Residential Child-Care Facility	P	P	P	P		
					Retirement Home	P	P	P	P		
					AMUSEMENT/RECREATION USES						
					General Recreation						
					Amusement, Commercial - Indoors*		P	P		P	
					Amusement, Commercial - Outdoors		S	S			
					Billiard Parlor or Pool Hall*		P	P		P	
S					Carnival or Circus (Temporary)		S	S		S	S
S	S	S	S	S	Country Club (Private Membership)	S	P	P		P	S
S					Fairground*		P			P	P
P	S	S	S	S	Golf Course (Public or Private)	P	P			P	P
P	S	S	S	S	Golf Driving Range	P	P			P	P
					Health Club or Studio	P	P	P	P	P	A
					Ice or Roller Skating Rink*	S	P	P		P	P
					Night Club or Dance Hall*		P	P		P	
S					Race Track		S			P	
S	S	S	S	S	Recreation Club or Area (Private)*		P	P		P	
S	S	S	S	S	Recreation Facility (Public)	P	P	P	P	P	
					Teen Club*	S	P	P			
					Tennis Court (Lighted)	S	P	P		P	
A	A	A	A	A	Tennis Court (No Lights)	P	P	P		P	
					Theater - Movie or Live (Enclosed)	S	P	P		P	
S					Zoo, Zoological Park, Animal Park, or Aviary		S				
					Adult Recreation						
					Adult Arcade*						P
					Adult Book Store or Video Store*						P
					Adult Cabaret*						P
					Adult Motel*						P
					Adult Motion Picture Theater*						P
					Adult Theater*						P
					Escort Agency*						P
					Nude Model Studio*						P
					Sexual Encounter Center*						P
					INSTITUTIONAL, UTILITY and GOVERNMENTAL USES						

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						Government/Utility						
						Energy Storage System – Industrial (ESS-I) *						S
P	P	P	P	P	P	Government Facility	P	P	P	P	P	P
P					P	Library, Art Gallery or Museum (Public)	P	P	P	P	P	
						Post Office	S	P	P	P	P	
						Postal Distribution Facility		P			P	P
S						Radio or TV Trans. Station (Commercial)	S	P	P	P	P	P
S	S	S	S	S	S	Radio Tower (Non-Commercial)*	P	P	P	P	P	P
S	S	S	S	S	S	Radio, TV, Microwave, or Cellular Transmission Tower (Comm.)*	P	P	P	P	P	P
A	A	A	A	A	A	Satellite Dish*	P	P	P	P	P	P
P	S	S	S	S	S	Utility Facilities (Major)	S	P	P	P	P	P
P	P	P	P	P	P	Utility Lines and Transmission	P	P	P	P	P	P
						Schools/Organizations						
P	S	S	S	S	S	College or University	S	P	P	P	S	S
P	P	P	P	P	P	Daycare - 3 or less Attendees	P	P	P	P	P	
S	S	S	P	P	P	Daycare - 4-6 Attendees	P	P	P	P	P	
S			S	S	S	Daycare Center - 7 or more Attendees	S	P	P	P	P	
S						School - Vocational	S	P	P	P		
P	P	P	P	P	P	School, K-12 (Public or Private)	P	P	P	P	S	
P	P	P	P	P	P	Church or Place of Worship	P	P	P	P	P	
S						Club, Private	P	P	P	P	P	S
	S	S	S	S	P	Community Center - Private	P	P	P	P	P	
P	S	S	P	P	P	Community Center - Public	P	P	P	P	P	
					S	Fraternity/Sorority House	S	S				
						Lodge or Fraternal Organization	S	P	P	S	P	P
						OFFICE AND PROFESSIONAL						
						Office - General						
						Advertising Agency		P	P	P		
						Architectural/Engineering Services	P	P	P	P	P	
						Banks and Financial Institutions	P	P	P	P	P	
						Banks with Drive In Facilities	S	P	P	P	P	
						Legal Services	P	P	P	P		
						Offices - General or Professional	P	P	P	P	P	P
						Medical/Healthcare						
S						Animal Hospital or Clinic		P	P		P	P
S						Animal Hospital or Clinic w/Outside Pens					S	P
						Animal Pound (Public or Private)					S	P

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						Emergency Ambulance Service		P	P	P	P	
					S	Hospice	P	P	P	P	S	
						Hospital - Acute Care	S	P	P	P	P	
						Hospital - Chronic Care	S	P	P	P		
						Medical or Dental Office or Clinic	P	P	P	P	P	
					P	Nursing/Convalescent Home	S	P	P	P		
						Psychiatric Hospital or Institution		S		P		
S						Veterinary Office (No Hosp. or Clinic)	P	P	P	P	P	P
						Business or Personal Services						
S						Auction - Goods & Equipment (Indoors)		P	P		P	P
						Beauty Parlor/Barbershop	P	P	P	P	P	
						Cabinet and Woodwork Shop (Custom)	S	P	P		P	
P					P	Caretaker/Security Quarters	P	P	P	P	A	A
S	S	S	S	S	S	Cemetery or Mausoleum	P	P	P	P	P	P
						Communications/Electronics Equipment - Installation and Repair	S	P	P		P	
						Conventions, Trade Shows or Exhibits	S	P	P	S	S	
						Exterminator Service	S	P			P	P
						Exterminator Service Storage					P	P
						Household Appliance and Equipment Repair	S	P	P		P	P
						Information Processing		P	P	P	P	
						Laundry/Dry Cleaning - <3,000 s.f. w/ Customer Service		P	P	P	P	
						Laundry/Dry Cleaning - >3,000 s.f.				A	P	P
						Laundry/Dry Cleaning - Drop Off/Pick Up	P	P	P	P	P	
					A	Laundry/Dry Cleaning -Self Service	P	P	P	P	P	
						Locksmith	P	P	P		P	P
						Mailing Service (Private)	P	P	P	P	P	
						Mortuary or Funeral Home		P	P	P	P	P
						Photocopying or Duplicating Services	S	P	P	P	P	P
						Photographic Studio	P	P	P		P	
						Sewing and Millinery (Custom)	P	P	P		P	
						Shoe Repair	P	P	P		P	
						Studio - Art, Drama, Dance, Music - Performing Arts	P	P	P		P	
						Tailor Shop	P	P	P	S	P	
						Tattoo Salon/Piercing Studio	S	S	S	S	P	
						Taxidermist		S	S		P	P

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P	P	P	P	P	P	Temporary Field or Construction Office	P	P	P	P	P	P
						Temporary Retail Use	S	S	S	S	S	
						Travel Agency	P	P	P	P		
						Upholstery Shop or Furniture Repair (non-Auto)		P	P		P	P
						Food and Beverage Services						
						Club (Private)*	S	P	P	S	S	P
						Catering Service	S	P	P	P	P	P
						Eating Place w/ Drive-thru	S	P	S		P	P
						Eating Place w/o Drive-thru	P	P	P	P	P	P
						Food Preparation or Food Service	P	P	P	P	P	P
						Liquor By the Drink*	S	P	P	S	S	P
						Retail						
						Alcohol Sales - Off Premise Consumption	P	P	P		P	P
						Antique Shop	P	P	P		P	
						Art Dealer	P	P	P			
						Art Gallery	P	P	P			
						Bait or Tackle Shop	S	P	P		P	
						Bakery Shop	P	P	P	P	P	
						Bicycle Sales or Repair	P	P	P		P	
						Book or Stationery Shop	P	P	P	P		
						Building Material Sales (Outside Storage)		P			P	P
						Camera or Photographic Supply Shop	P	P	P	P	P	
						Cloth or Fabric Store	S	P	P			
						Clothing Store	P	P	P	P		
						Confectionery Shop	P	P	P	P		
						Consignment Shop	P	P	P		P	
						Convenience Store	P	P	P			
						Department Store		P	P			
						Drapery Shop	S	P	P			
						Drug Store or Pharmacy	P	P	P	P		
						Farmers Market - Outdoor	S	P	P		P	P
						Flea Market - Outdoor	S	P	P		P	P
						Florist Shop	P	P	P	P		
						Furniture Sales - New (Indoor Only)	S	P	P		P	
P						Garden Shop & Plant Sales - Display or Greenhouse	S	P	P		P	P
						Grocery	P	P	P			
						Hardware Store	S	P	P		P	

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					Hobby, Handicraft or Art Supplies	P	P	P	P		
					Lawnmower Sales or Repair	S	P	P		P	
					Major Appliance Sales (Indoor)	S	P	P		P	
					Mobile/Manufactured Home Dealer (Sales Only)		S			P	P
					Monument Sales Yard		P	P		P	P
					Optical Shop	P	P	P	P		
					Paint and Wallpaper Store	P	P	P	S	P	
					Pawn Shop*		P			P	
					Pet Shop	S	P	P		P	
					Plumbing Shop (Retail & Wholesale)		P	P		P	P
					Retail or Convenience Store with Gasoline	P	P	P	P	P	P
					Sporting Goods		P	P			
					Swimming Pool Sales & Supply		P	P		P	P
					Used Merchandise - Furniture, Rummage, Second Hand Store (Inside)	S	P	P		P	
					TRANSPORTATION, AUTOMOBILE and MARINE USES & SERVICES						
					Automobile Related						
					Auto Brake, Muffler, Glass, Seat Covers or Tire Sales & Service		P			P	P
					Auto Dealer - Primarily New/Used Autos		P			P	
					Auto Dealer - Primarily Used Autos		P			P	
					Auto Interior Shop		P			P	
					Auto Paint/Body Repair		S			P	P
					Auto Rental		P	P		P	
					Auto Repair - General		P			P	P
					Auto Storage or Auction					P	P
					Auto Supply - Used Parts Store with no On-Site Salvage		P	S		P	P
					Auto Supply Store for New and Rebuilt Parts		P	P		P	
					Auto Wrecker Service		A	A		P	
					Auto/Truck Parts and Accessories		P	P		P	
					Car Wash		P			P	P
					Drag Strip or Commercial Racing						P
					Parking - Accessory to Another Use		A	A	A	A	A
					Parking - Commercial Lot or Garage		P	P	P	P	
					Lube/Oil Change		P			P	P

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

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

						Fabricated Metal Products Manufacturing					S	P
						Fur Dressing & Dying						P
						Jewelry, Silverware & Plateware Mfg.					P	P
						Laboratory - Medical or Dental		P	P	P	P	P
						Laboratory - Scientific Testing		P	P	P	P	P
S						Land Fill (Private or Municipal)						S
						Light Manufacturing/Assembly		S	S		P	P
						Linoleum, Asphalt - Felt Base & Other Hard Surfaced Floor Covering Mfg.						P
						Machine Shop					P	P
						Match Manufacturing						P
						Musical Instruments & Parts Mfg.					P	P
						Paper and Allied Products Manufacturing						P
						Pens, Pencils & Other Office & Artists' Materials Mfg.					P	P
						Printing Publishing and Allied Industries		P	P		P	P
						Professional, Scientific & Controlling Instruments; Photographic & Optical Goods; Watches & Clocks Mfg.					P	P
						Rubber and Misc. Plastics Manufacturing						P
						Salvage and Reclamation (Enclosed)					P	P
						Sign & Advertising Display Manufacturing					P	P
						Textile Mill Product Manufacturing						P
						Tobacco Products Mfg.						P
						Toys, Amusement, Sporting & Athletic Goods Mfg.						P
						Welding Shop					P	P
						Natural Resources						
						Lumber and Wood Products Manufacturing						P
S	S	S	S	S	S	Oil & Gas Extraction	S	S		S	S	P
S	S	S	S	S	S	Oil & Gas Field Services	S	S		S	S	P
						Petroleum Refining and Related Industries						P
						Primary Metal Products Manufacturing						P
						Stone, Clay, Glass & Concrete Products Manufacturing						P

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S	S	S	S	S	S	Stone, Sand, Gravel & Mineral Extraction	S	S		S	S	S
						Stone, Sand, Gravel or Earth Sales and Storage					S	P

(Ord. No. 1130, art. III, § 1, 11-3-1998; Ord. No. 1184-12-99, 12-7-1999; Ord. No. 1185-12-99, 12-7-1999; Ord. No. 1204-5-00, 5-16-2000; Ord. No. 1329-9-03, 9-2-2003; Ord. No. 1350-2-04, 2-3-2004; Ord. No. 1431-8-06, 8-1-2006; Ord. No. 1439-10-06, 10-3-2006; Ord. No. 1516-5-09, 5-5-2009; Ord. No. 1560-10-10, 10-19-2010; Ord. No. 1626-5-13, 5-7-2013; Ord. No. 1676-7-14, 7-15-2014; Ord. No. 1721-10-16, § 2, 10-18-2016; Ord. No. 2020-11-24, § II, 11-5-2024; Ord. No. 2034-03-25, § II, 3-18-2025)

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 118-317. Manufactured housing.

In addition to the other specific requirements indicated in this chapter, manufactured homes shall only be used for residential purposes and shall have the following requirements:

- (1) Manufactured homes shall be ~~secured to the ground through the appropriate use of tie downs as required by the Manufactured Housing Construction and Safety Standards of the Department of Housing and Urban Development.~~ securely and permanently anchored to a foundation designed and inspected by a licensed professional engineer to verify it meets the specific structural standards of the U.S. Department of Housing and Urban Development Permanent Foundations Guide for Manufactured Housing.
- (2) Manufactured homes shall be skirted with suitable, weatherized material similar in type of material and color to the siding of the manufactured home.
- (3) A manufactured home installed in any zoning district, as allowed in this chapter, shall be a new manufactured home. A "new manufactured home" means a manufactured home which has not been occupied for any use, but in no event shall the date of its manufacture exceed the minimum age requirement of two (2) years from the date of permit application for installation. This includes all replacement manufactured homes.

(Ord. No. 1130, art. III, § 18, 11-3-1998; Ord. No. 1350-2-04, 2-3-2004)

Editor's note(s)—Ord. No. 1265-9-01, adopted Sept. 4, 2001 amended the Standard Building Code to International Building Code.

Cross reference(s)—Manufactured homes, mobile homes and parks, ch. 66.

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Zoning Case ZON2026-05 for a zone change from R-3, Two Family (Duplex), to R-3M, Two Family (Mixed), for platted properties in the Millard's Apple Park Subdivision, Sections 1-8, consisting of approximately 30.10 acres and 69 lots, generally located near the intersection of Woden Road and Apple Boulevard, Nacogdoches, Texas.

OVERVIEW: The City of Nacogdoches is requesting a city-initiated zoning map amendment to rezone the properties within Millard's Apple Park Subdivision, Sections 1–8, from R-3, Two-Family (Duplex), to the newly established R-3M, Two-Family Residential (Manufactured) zoning district. The proposed rezoning is intended to implement the recently adopted Two Family Residential Mixed Future Land Use designation and assist the City in complying with Senate Bill 785, which requires municipalities with zoning regulations to permit HUD-code manufactured homes by right in at least one residential zoning district. Millard's Apple Park Subdivision was selected because it is a fully platted residential subdivision consisting of individually owned lots that are currently zoned R-3.

The subdivision also contains an established pattern of residential development and is located within an area where existing HUD-code manufactured homes are already present, making it compatible with the proposed zoning district. The proposed rezoning is intended to provide additional homeownership opportunities through the placement of individual HUD-code manufactured homes while maintaining neighborhood compatibility through the development standards established within the R-3M zoning district. Unlike a manufactured home park, the proposed R-3M district is intended to allow one principal dwelling on each platted residential lot in accordance with the City's zoning and subdivision regulations. The proposed zoning district does not permit the development of a manufactured home park or multiple manufactured homes on a single lot. The proposed amendment applies only to the properties within Millard's Apple Park Subdivision and does not affect surrounding residential neighborhoods.

Adjacent Land Use & Zoning

The subject properties are zoned R-3, Two Family and are developed as residential. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Rural Development	R-3, Two Family (Duplex)	Undeveloped
South	Rural Development	Outside City Limits	Undeveloped
East	Rural Development	Outside City Limits	Undeveloped

West	Rural Development	R-3, Two Family (Duplex)	Undeveloped
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The subject properties are mainly surrounded by undeveloped land used for agricultural purposes.

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;

Millard's Apple Park Subdivision is an established residential subdivision consisting of individually owned lots within an area where HUD-code manufactured homes already exist, making the proposed zoning compatible with the existing development pattern. The proposed R-3M district is intended to accommodate one principal dwelling on each platted lot and does not permit manufactured home parks or multiple manufactured homes on a single lot. In addition, the district includes development standards related to permanent foundations, setbacks, lot size, skirting, and other site requirements intended to promote compatibility with surrounding residential development. Staff does not anticipate that the proposed zoning amendment will significantly diminish or impair property values within the immediate vicinity.

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

Millard's Apple Park Subdivision is an existing platted residential subdivision served by public infrastructure and surrounded by established residential development. The proposed rezoning is intended to provide an additional homeownership option within an existing neighborhood. Because the proposed district applies only to individually platted residential lots and permits one principal dwelling per lot, the amendment is compatible with the existing subdivision pattern and supports orderly residential infill consistent with the City's Comprehensive Plan.

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

Millard's Apple Park Subdivision is an existing platted residential subdivision located within the city limits and served by public streets, water, wastewater, drainage, and other municipal infrastructure. The proposed zoning amendment does not increase the permitted residential density of the subdivision or require the extension of public utilities or roadways. Any future development within the R-3M district will remain subject to applicable subdivision, engineering, building, and utility requirements to ensure adequate public facilities are maintained.

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 zoning amendment does not alter the existing street network or establish the location or design of driveways or parking areas. Millard's Apple Park Subdivision is an existing platted subdivision with frontage on public streets, and any future residential development will be required to comply with the City's driveway, access, and off-street parking requirements at the time of permitting. Therefore, staff does not anticipate that the proposed zoning amendment will adversely affect adjacent properties or the general public with respect to traffic circulation or

parking.

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

The district is limited to residential uses and is intended to accommodate individual HUD-code manufactured homes on platted residential lots. Any future development within the district will remain subject to applicable City ordinances governing nuisance conditions, property maintenance, and building standards.

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

As a single-family residential use, any exterior lighting installed on the property will be typical of residential development and is not expected to adversely affect neighboring properties. Any lighting fixtures will be required to be directional or shielded as necessary to minimize glare and prevent light spillover onto adjacent properties, ensuring compatibility with the surrounding residential and mixed-use context.

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

Staff finds that the proposed R-3M zoning district is consistent with the recently adopted Two Family Residential Mixed Future Land Use designation for the subject property. The Comprehensive Plan amendment identifies this area as appropriate for a mixture of single-family detached dwellings, duplexes, and HUD-code manufactured homes based on compatibility with the surrounding development pattern, availability of public infrastructure, and the City's long-range housing objectives. The proposed zoning amendment implements the Comprehensive Plan by establishing a zoning district consistent with the adopted future land use designation and supports the City's efforts to comply with Senate Bill 785 while maintaining neighborhood compatibility through appropriate development standards.

PUBLIC ENGAGEMENT:

- June 23, 2026 – Staff mailed sixty-five (65) neighborhood meeting notice postcards to property owners within 500 feet of the Millard's Apple Park Subdivision.
- June 30, 2026 – Staff coordinated a neighborhood meeting in the city council chambers to receive input from surrounding property owners. One (1) property owner attended the meeting and had no objections.
- July 1, 2026 - Staff coordinated a neighborhood meeting for the comprehensive plan amendment at the Recreation Center to receive input from surrounding property owners. Fifteen (15) property owners attended the meeting. Most questions centered on what the proposed Two Family Mixed designation would allow and why those particular areas were selected.
- June 28, 2026 – 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 to be heard by the City Council on Tuesday, August 4, 2026.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map (proposed)
4. Millards Apple Park covenants

ZON2026-05 Aerial Map



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 CAD Parcels

 City Limits



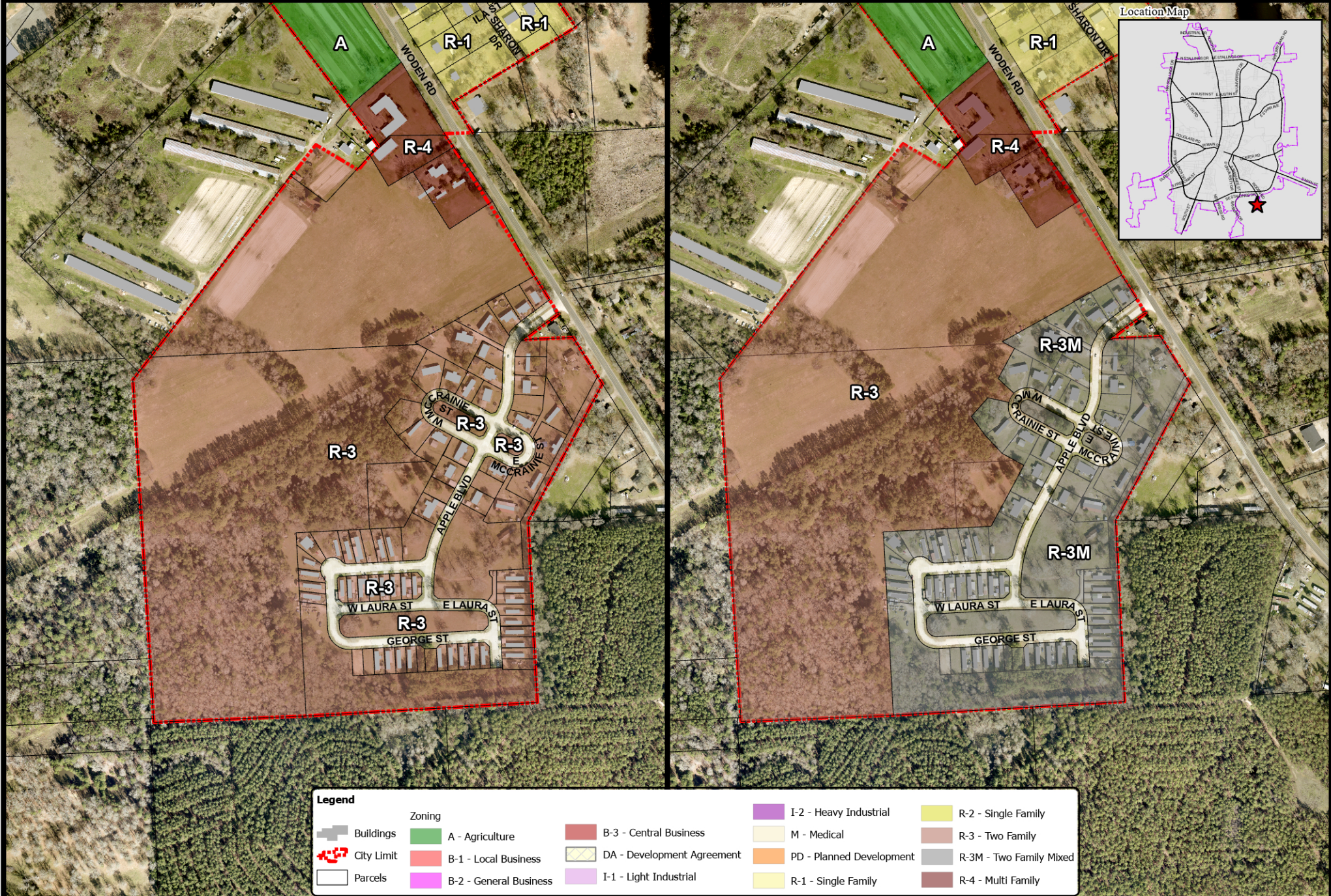
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Existing Zoning

R-3M

Proposed Zoning

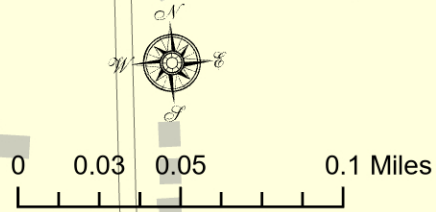


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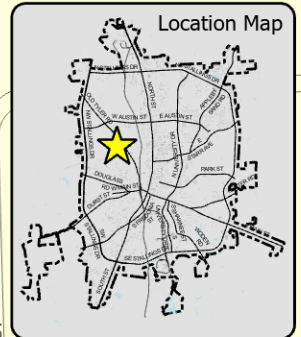
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Proposed Future Land Use Two Family Mixed Residential Location



Single Family Residential



Two Family Mixed Residential

Rural Development

Parks and Recreation

Legend

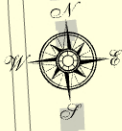
- Buildings
- Railroad
- Creek
- City Limit

Proposed Future Land Use

- Central City Mixed Use
- Commercial
- Industrial
- Multi-Family Residential
- Parks and Recreation
- Public
- Rural Development
- Single Family Residential
- Two Family Mixed Residential

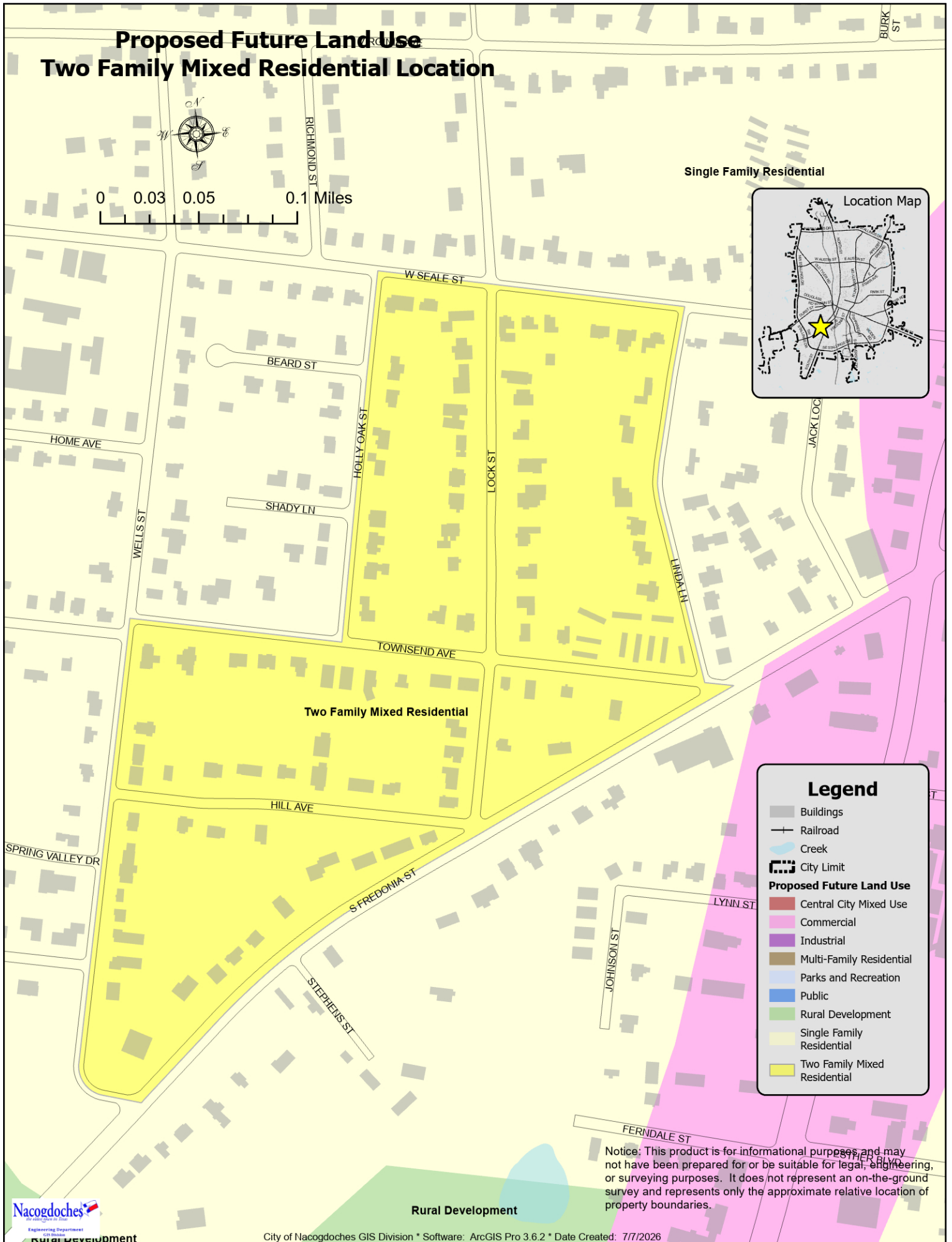
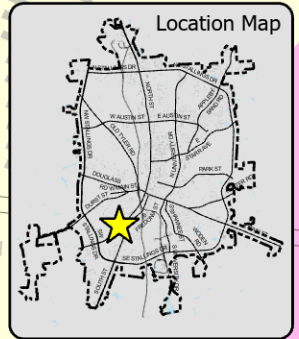
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Proposed Future Land Use Two Family Mixed Residential Location



0 0.03 0.05 0.1 Miles

Single Family Residential



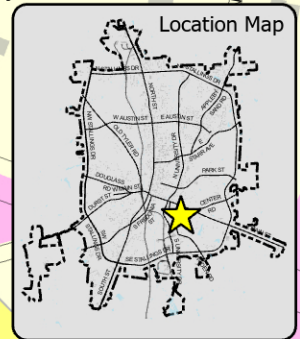
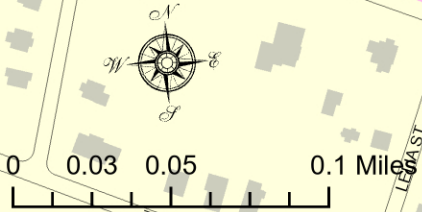
Two Family Mixed Residential

Legend

- Buildings
- Railroad
- Creek
- City Limit
- Proposed Future Land Use**
- Central City Mixed Use
- Commercial
- Industrial
- Multi-Family Residential
- Parks and Recreation
- Public
- Rural Development
- Single Family Residential
- Two Family Mixed Residential

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Proposed Future Land Use Two Family Mixed Residential Location



Two Family Mixed Residential

Legend

- Buildings
- Railroad
- Creek
- City Limit

Proposed Future Land Use

- Central City Mixed Use
- Commercial
- Industrial
- Multi-Family Residential
- Parks and Recreation
- Public
- Rural Development
- Single Family Residential
- Two Family Mixed Residential

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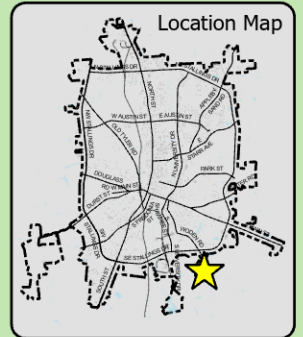
Proposed Future Land Use Two Family Mixed Residential Location



0 0.03 0.05 0.1 Miles

Single Family Residential

Rural Development



Legend

- Buildings
- Railroad
- Creek
- City Limit
- Proposed Future Land Use**
 - Central City Mixed Use
 - Commercial
 - Industrial
 - Multi-Family Residential
 - Parks and Recreation
 - Public
 - Rural Development
 - Single Family Residential
 - Two Family Mixed Residential

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DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

Preamble

This Declaration of Covenants, Conditions, and Restrictions is made on the 22nd day of October, 2002, at Nacogdoches, Texas, by George H. Millard, Jr. ("Declarant"), whose mailing address is P. O. Box 630022, Nacogdoches, Texas 75963-0022.

Recitals

1. Declarant is the owner of all that certain real property ("the Property") located in Nacogdoches County, Texas, described on Exhibit A attached hereto and incorporated herein and commonly known as MILLARD'S APPLE PARK.

2. The Declarant has devised a general plan for the entire Property as a whole, with specific provisions for particular parts and parcels of the Property. This general plan provides a common scheme of development designed to protect and safeguard the Property over a long period.

3. This general plan will benefit the Property in general, the parcels and lots that constitute the Property, the Declarant, and each successive owner of an interest in the Property.

4. Therefore, in accordance with both the doctrines of restrictive covenant and implied equitable servitude, the Declarant desires to restrict the Property according to these covenants, conditions, and restrictions in furtherance of this general development plan.

NOW, THEREFORE, it is declared that all of the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions.

ARTICLE 1
Definitions

Developer

1.01. "Developer" means Declarant and his heirs and assigns.

Lot

1.02. "Lot" means any of the plots of land shown on the plat and subdivision map recorded in Volume 8, Pages 56-57 of the Official Public Records of Nacogdoches County, Texas (the "Map"), and portions of the Property subsequently platted and designated as a part of Millard's Apple Park, on which there is or will be built a single family dwelling, townhome, zero lot line home, planned development, or other similar single family residence permitted by the City of Nacogdoches or installed a HUD code Manufactured home, or modular housing. The term "Lot" does not include the Common Area.

Owner

1.03. "Owner" means the record owner or owners of the fee simple title to any Lot or portion of a Lot in the Property on which there is or will be built a detached single family dwelling, townhome, zero lot line home, planned development, or other similar single family residence permitted by the City of Nacogdoches or a HUD code manufactured home or modular housing installed. "Owner" includes contract sellers but excludes persons having only a security interest.

Qualified Person

1.04. A "qualified person" means a person who is a member of the Board or other person appointed by Developer.

Common Area

1.05. "Common Area" means the entire Property except the Lots, subject to all easements and rights described in this Declaration.

Association

1.06. "Association" means an incorporated association consisting of all Owners, which shall have the duty of maintaining, operating, and managing the Common Area as provided in this Declaration. Each Owner shall become a member of the Association contemporaneously with acquiring a Lot, without any further documentation of any kind.

Board

1.07. "Board" means the Board of Directors of the Association.

ARTICLE 2

Architectural Control

Architectural Control Committee

2.01. Developer shall designate and appoint an Architectural Control Committee consisting of not less than three qualified persons, which shall serve at the pleasure of the Developer. After the Developer no longer owns any Lot, the Architectural Control Committee shall serve at the pleasure of the Board.

Approval of Plans and Specifications

2.02. The Architectural Control Committee must review and approve in writing all of the following projects on the Property:

- (a) Construction of any building, fence, wall, or other structure.

(b) Any exterior addition, change, or alteration in any building, fence, wall, or other structure.

(c) Any landscaping or grading of any Lot or Lots by persons other than the Developer.

Application for Approval

2.03. To obtain approval to do any of the work described in Paragraph 2.02, an Owner must submit an application to the Architectural Control Committee showing the plans and specifications for the proposed work. Such plans and specifications shall detail the nature, shape, height, materials, colors, and location of the proposed work.

Standard for Review

2.04. The Architectural Control Committee shall review applications for proposed work in order to (1) ensure conformity of the proposal with these covenants, conditions, and restrictions and (2) ensure harmony of external design in relation to surrounding structures and topography. An application can be rejected for providing insufficient information. The Committee shall have broad, discretionary authority to interpret and apply these standards. In rejecting an application, the Committee should detail the reasons for rejection and suggest how the applicant could remedy the deficiencies.

Failure of Committee to Act

2.05. If the Architectural Control Committee fails either to approve or reject an application for proposed work within thirty (30) days after submission, then Committee approval shall not be required, and the applicant shall be deemed to have fully complied with this Article.

ARTICLE 3 Exterior Maintenance

3.01. If an Owner of any Lot fails to maintain the premises in a neat and orderly manner, the Developer or the Architectural Control Committee shall have the right, through its agents and employees, to enter the Lot in order to repair, maintain, and restore the Lot, including landscaping, and the exterior of any buildings and other improvements located on the Lot, all at the expense of the Owner.

ARTICLE 4 Use Restrictions and Architectural Standards

Residential Use Only

4.01. All Lots shall be used for single-family residential purposes only. Single family use consists of use as a dwelling by two or more natural persons who are related by

marriage or kinship or by not more than four (4) natural persons who are not related by marriage or kinship. However, Developer, as well as any other person engaged in the construction and sale of residences on the Property, shall have the right, during the construction and sales period, to use facilities as may be reasonably necessary or convenient for its business purpose of constructing and selling residences on the Property.

Type of Buildings Permitted

4.02. No building shall be erected, altered, or permitted on any Lot other than one detached single-family dwelling, a HUD code manufactured home or modular housing not to exceed two stories in height, with a private garage for not more than three automobiles. However, Developer, as well as any other person engaged in the construction and sale of residences on the Property, shall have the right, during the construction and sales period, to construct and maintain such facilities as may be reasonably necessary or convenient for its business of constructing and selling dwelling units on the Property, including, but not limited to, offices and storage areas. Construction of a residence or building shall be deemed to include moving and installing HUD code manufactured homes and modular housing on to a site.

Design, Minimum Floor Area, and Exterior Walls

4.03. Any residence constructed on or moved onto a Lot must have a ground floor area of not less than 1,200 square feet, exclusive of open or screened porches, terraces, patios, driveways, carports, and garages. The exterior building design shall be aesthetically pleasing. All roofs shall be constructed of fireproof materials. All exterior colors, textures, and materials must be compatible not only with this specified design motif but also with adjacent and surrounding Lots, and over-all community appearance.

Setbacks

4.04. No building shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building setback lines shown on the Map or as required by the zoning ordinance of the City of Nacogdoches. For purposes of this covenant, eaves, steps, and open porches other than front porches shall not be considered as a part of the building; provided, however, that this shall not be construed to permit any portion of the building on any Lot to encroach upon another Lot. If two or more Lots, or portions of two or more Lots, are consolidated into a building site in conformity with Paragraph 4.05, these building setback requirements shall apply to the resulting building site as if it were one original, platted Lot.

Resubdivision or Consolidation

4.05. No Lot shall be resubdivided or split except as follows. Any person owning two or more adjoining Lots may subdivide or consolidate those Lots into building sites, with the privilege of constructing improvements, as permitted by this Declaration, on each

resulting building site, provided that such subdivision or consolidation does not result in any building site having a front Lot line of less than as permitted by the Ordinances of the City of Nacogdoches.

Easements

4.06. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the Map. No utility company, water district, political subdivision, or other authorized entity using these easements shall be liable for any damage done by them or their assigns, agents, employees, or servants, to shrubbery, trees, flowers, or to other property of the Owner situated in the easement.

Noxious or Offensive Activities Prohibited

4.07. No noxious or offensive activity shall be conducted on any Lot that may be or may become an annoyance or nuisance to the neighborhood.

Prohibited Residential Uses

4.08. No structure not approved for residential use by the Architectural Control Committee, including but not limited to non HUD code trailers, mobile homes, motor homes, tents, shacks, garages, and other outbuildings and accessory structures, shall be used on any Lot at any time as a residence, either temporarily or permanently.

Signs

4.09. No signs of any type shall be allowed on any Lot except one sign of not more than five square feet advertising the property for sale or rent. However, Developer, as well as any other person engaged in the construction and sale of residences on the Property shall have the right, during the construction and sales period, to construct and maintain signs advertising the construction and sale.

Oil Development and Mining Prohibited

4.10. No oil well drilling, development, or refining, and no mineral quarrying or mining operations of any kind shall be permitted on any Lot. No oil well, tank, tunnel, mineral excavation, or shaft shall be permitted on any Lot. No derrick or other structure designed for use in boring for oil, natural gas, or other minerals shall be erected, maintained, or permitted on any Lot.

Rubbish, Trash and Garbage

4.11. No Lot shall be used or maintained as a dumping ground for rubbish or trash. All garbage and other waste shall be kept in sanitary containers. There shall be no burning or incineration of trash, garbage, leaves, brush, or other debris.

Sewage Disposal

4.12. No individual sewage-disposal system shall be permitted on any lot unless the system is designed, located, and constructed in accordance with the requirements, standards, and recommendations of the appropriate authorities of the City of Nacogdoches and the Developer. Approval of the system as installed shall be obtained from those authorities.

Water Supply

4.13. No individual water-supply system shall be permitted on any lot.

Protective Screening

4.14. No building or structure, except a screen fence or wall, or facilities for utilities or drainage, shall be placed or permitted to remain in the side or rear yard setbacks. No vehicular access over the areas shall be permitted except for the purpose of installation and maintenance of screening, utilities, and drainage facilities.

Slope Control Areas

4.15. No structure, planting, or other material shall be placed or shall be permitted to remain and no other activities shall be permitted to be undertaken that may damage or interfere with established slope ratios, create erosion or sliding problems, change the direction of flow of drainage channels, or obstruct or retard the flow of water through drainage channels. The slope control areas of each affected Lot, and all improvements located in those areas, shall be maintained continuously by the owner of the affected Lot, except for those improvements for which a public authority or utility company is responsible.

Sight Distance at Intersections

4.16. No fence, wall, hedge, or shrub planting that obstructs sight lines at elevations between two and eight feet above the roadway shall be placed or permitted to remain on any corner lot in the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the side street property lines as extended. The same sight-line limitations shall apply on any Lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of intersections unless the foliage line is maintained to meet the sight line requirements set forth above.

Land Near Parks and Water Courses

4.17. No building shall be placed, nor shall any material or refuse be placed or stored, on any lot within 20 feet of the property line of any park or edge of any open water.

course, identified on the Map. However, clean fill may be placed in that setback area if the natural water course is not altered or blocked by the fill.

Animals

4.18. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that a reasonable number of dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose.

Fences, Walls, Hedges, and Utility Meters

4.19. No fence, wall, hedge, or electric or gas utility meter shall be placed, or permitted to remain, on any Lot nearer to the street or streets adjoining such Lot than is permitted for the main residence on such Lot, except for decorative subdivision entry fences.

Trucks, Buses, and Trailers

4.20. No truck or bus (except a passenger van for personal use) or trailer shall be left parked in the street in front of any Lot, except for construction and repair equipment while a residence or residences are being built or repaired in the immediate vicinity. No truck or bus (except a passenger van for personal use) or boat or trailer shall be parked other than on the driveway of the Lot or in a garage or carport..

Prohibited Activities

4.21. No professional, business, or commercial activity to which the general public is invited shall be conducted on any Lot.

Wood-Burning Stoves and Fireplaces

4.22. No fireplace or wood-burning stove shall be installed or used on any Lot unless it meets the requirements, standards, and recommendations of local environmental or air pollution control authority.

Satellite Dishes

4.23. No satellite dishes greater than 24 inches in diameter shall be installed on any Lot unless within the envelope of a building approved by the Architectural Control Committee.

Landscaping

4.24. Each Owner shall spend all reasonable amounts necessary for ornamental plants, trees, shrubs, ground cover, lawns, and flowers to attractively landscape their Lot and to maintain same.

**ARTICLE FIVE
Easements**O
P
R**Reservation of Easements**

5.01. All easements and all alleys for the installation and maintenance of utilities and drainage facilities are reserved as shown on the Map. No shrubbery, fence, or other obstruction shall be placed in any easement or alleyway. Right of use for ingress and egress shall be available at all times over any dedicated easement or alleyway for purposes of installing, operating, maintaining, repairing, or removing any utility or any obstruction placed in such easement or alleyway that would interfere with the installation, maintenance, operation, or removal of such utility.

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2**Underground Electrical System**

5.02. An underground electricity distribution system shall be installed to serve all Lots in the subdivision. The Owner of each Lot, at the Owner's cost, shall furnish, install, and maintain (all in accordance with the requirements of local governmental authorities and the National Electrical Code) an underground service cable and appurtenances from the meter installed on the Lot by the electric company to such point as may be designated by the company on the property line of the Lot. The company furnishing electric service shall make the necessary connection at the property line and at the meter. Each Owner, at the Owner's cost, shall install, furnish, and maintain a meter loop (in accordance with then-current standards and specifications of the electric company) for the residence constructed on the Lot. For as long as underground service is maintained, the electric service to each Lot shall be uniform in character and exclusively of the type known as single-phase 120/240 volt, 3-wire, 60-cycle alternating current.

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8**ARTICLE SIX
Association****Creation**

6.01. The Owners shall constitute the Association. Each Owner of a Lot, including Developer, shall automatically be a member of the Association. Association membership shall be appurtenant to ownership of a Lot. Ownership of a Lot is the sole criterion for membership in the Association.

Transfer of Membership

6.02. Association membership can be transferred to the grantee of a conveyance of a Lot in fee. Membership shall not be assigned, pledged, or transferred in any other way. Any attempt to make a prohibited transfer shall be void.

Management of Association

6.03. The Association shall be incorporated as a nonprofit corporation. The Association shall be managed by the Board pursuant to the procedures set forth in the Association's articles of incorporation and bylaws, subject to this Declaration.

Membership Voting, Elections, and Meetings

6.04. Each Owner shall have one vote per lot except Developer shall have two votes per lot. There shall be at least one meeting of the membership each year. At that meeting, the Owners shall elect a Board consisting of three directors, vote on any other matters the Board chooses to place before the membership, and discuss any matter of Association business that the Board or any Owner wishes to bring before the entire membership.

Duties and Powers of Board

6.05. Through the Board, the Association shall have the following powers and duties:

- (a) To adopt rules and regulations to implement this Declaration and the Association's bylaws.
- (b) To enforce this Declaration, the bylaws, its rules and regulations.
- (c) To elect officers of the Board and select members of the Architectural Control Committee when that power devolves to the Board.
- (d) To delegate its powers to committees, officers, or employees.
- (e) To prepare a balance sheet and operating income statement for the Association and deliver a report to the membership at its annual meeting.
- (f) To establish and collect regular assessments to defray expenses attributable to the Association's duties, to be levied against each Owner, including Developer.
- (g) To establish and collect special assessments for capital improvements or other purposes.
- (h) To file liens against unit owners because of nonpayment of assessments duly levied and to foreclose on those liens.
- (i) To receive complaints regarding violations of this Declaration, the bylaws, or the rules and regulations.
- (j) To hold hearings to determine whether to discipline Owners who violate this Declaration, the bylaws, or the rules and regulations.

(k) To give reasonable notice to all Owners of all annual meetings of the membership and all discipline hearings.

(l) To hold regular meetings of the Board at least quarterly

(m) To manage and maintain all of the Common Area in a state of high quality and in good repair.

(n) To pay taxes and assessments that are or could become a lien on the Common Area.

(o) To pay the costs of any liability insurance and fire insurance on the Common Area and any liability insurance for members of the Board.

ARTICLE SEVEN General Provisions

Enforcement

7.01. The Developer or the Association or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and reservations imposed by this Declaration. Failure to enforce any covenant or restriction shall not be deemed a waiver of the right of enforcement either with respect to the violation in question or any other violation. All waivers must be in writing and signed by the party to be bound.

Severability

7.02. Invalidity of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

Covenants Running With the Land

7.03. These easements, restrictions, covenants, and conditions are for the purpose of protecting the value and desirability of the Property. Consequently, they shall run with the real property and shall be binding on all parties having any right, title, or interest in the Property in whole or in part, and their heirs, successors, and assigns. These easements, covenants, conditions, and restrictions shall be for the benefit of the Property, each Lot, and each Lot Owner.

Duration and Amendment

7.04. The covenants, conditions, and restrictions of this Declaration shall be effective for a term of 20 years from the date this Declaration is recorded, after which period the covenants, conditions, and restrictions shall be automatically extended for successive periods of 10 years subject to termination by an instrument signed by more

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than 50 percent of the Owners. The covenants, conditions, and restrictions of this Declaration may be amended by an instrument signed by more than 75 percent of the Owners. Neither any amendment nor any termination shall be effective until recorded in the Official Public Records of Nacogdoches County, Texas, and all requisite governmental approvals, if any, have been obtained.

Attorneys' Fees

7.05. If any controversy, claim, or dispute arises relating to this instrument, its breach, or enforcement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees, and costs.

Liberal Interpretation

7.06. This Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the Property.

This Declaration is executed this 22 day of October, 2002, at Nacogdoches, Texas.

Grantor's Signature:

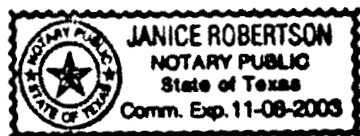
George H. Millard, Jr.
GEORGE H. MILLARD, JR.

ACKNOWLEDGMENT

STATE OF TEXAS X

COUNTY OF NACOGDOCHES X

This instrument was acknowledged before me on the 22 day of October, 2002, by GEORGE H. MILLARD, JR., Grantor and Developer.



Janice Robertson
NOTARY PUBLIC, STATE OF TEXAS
Filed for Record in:
Nacogdoches County

On: Oct 22, 2002 at 12:20PM

As a
Recording

Document Number 42407

Amount 29.00

Receipt Number - 29614
By,
Carol Wilson, County Clerk

Jan\REMillard\CC&Rs

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