



February 12, 2024

Planning & Zoning Commission

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

The City of Nacogdoches Planning & Zoning meeting will be deemed as being conducted via teleconference or video conference. However, some board members may attend virtually, while others may be present in the above-stated physical location. Regardless, the meeting will be streamed live at www.nactx.us. There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers.

Members of the public who wish to submit comments by telephone on a listed agenda item must contact the Planning and Zoning office by email at pz@nactx.us or by calling 936-559-2574 and providing their name, telephone number, and relevant agenda item upon which they wish to speak. All requests to make comments via telephone must be received by 12:00 p.m. on February 12, 2024. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

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

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. Open Forum: In addition to public comment on agenda items, the Commission offers an open forum whereby citizens may comment on governance issues over which the City of Nacogdoches has domain. In accordance with the Texas Open Meetings Act, members of the Commission shall not discuss, deliberate, or make any decisions on topics not posted as an agenda item. Speakers should address all remarks to the Commission and limit your remarks to no more than 3 minutes.
4. **CONSENT AGENDA:**
All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.
 - A. Approval of Minutes: Consider approval of minutes from the December 11, 2023, Planning & Zoning Commission meeting.

City of Nacogdoches Planning Department
202 E. Pilar – PO Box 635030 – Nacogdoches, TX 75963
936-559-2574 □ Fax 936-559-2912 □ www.nactx.us
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5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.
- A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.
 - B. **Public Hearing:** Consider approval for a Specific Use Permit to operate a Halfway House in an R-4, Multi-Family District, on Lot 8, Block 3 of the Banita Subdivision, located at 2019 Pearl Street. This request has been submitted by New Hope Communities of Texas, Inc. Case Number 2024-01.
6. **WORK SESSION:**
- A. Discuss amending Chapter 118-141(b), "Zoning," Article II, "Administration", Division 4, "Generally," of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.
 - B. Discuss amending Chapter 118, "Zoning," Article IV, "Development Standards", Division II, "Off-Street Parking Standards," of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.
 - C. Discuss amending Chapter 118-1, "Definitions," Article 1, of the City of Nacogdoches, Texas Code of Ordinances, "In General", clause; providing a repeal clause; and providing an effective date.
 - D. Discuss amending Chapter 118, "Zoning," Article II, "Administration", Division 3 and 4, "Board of Adjustment and Amendment Procedure," of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.
 - E. Discuss amending Chapter 118-427, "Zoning," Article VI, "District Development Standards" of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.
 - F. Discuss amending Chapter 118. "Zoning," Article II, Division 5, "Administration", "Nonconforming Structures and Uses," of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.
 - G. Discuss amending Chapter 118, "Zoning," Article V, "Planned Developments" of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal



clause; and providing an effective date.

- H. Discuss land use options, zoning districts, density, and other additional options including but not limited to Cluster Development. High-level discussion on expanding options in the ordinance for more dense development.
- 7. City Council Decisions on Planning & Zoning cases: On December 5, 2023, City Council took the following action on the items listed below:
 - A. Approved 4-0: Request for approval of a Specific Use Permit to operate a Tattoo Salon/Piercing Studio in a B-2, General Business District, on Lot 16-H, City Block 50, located at 2311 North Street.
 - B. Approved 4-0: Request for approval of a Zone Change from R-4, Multi-Family to R-1, Single-Family for approximately 0.5 acres, being Lot 12, City Block 40 located at 803 North Mound Street.
- 8. Discussion and possible action on future agenda items: A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
- 9. ADJOURN.

Aimee Cloutier

Aimee Cloutier, Planning Coordinator

The City Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Planning Department at (936) 559-2574 or FAX (936) 559-2910 for further information.

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

CERTIFICATION

I certify the notice of the meeting was posted in the directory outside of City Hall, 202 E. Pilar Street,

City of Nacogdoches Planning Department
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Nacogdoches, Texas on February 7, 2023, by 3:00 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Planning Coordinator



**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
DECEMBER 11, 2023, AT 5:00 P.M.
REGULAR HYBRID MEETING**

MEMBERS PRESENT: Shannon Conklin; Lily Phou; Ruth Carroll; Matt Perry; Margaret Forbes;

MEMBERS ABSENT: None

STAFF PRESENT: Planning Coordinator, Aimee Cloutier; Interim City Planner, Juan Pollette;

OTHERS PRESENT (Via Remote): Applicant Murtaza Doctor; James Harris with Victory Signs; Michael Haggerty with Wakefield Signs;

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:01 p.m.
2. **Pledge of Allegiance:** Chairman Conklin led the Pledge of Allegiance.
3. **Open Forum:** Chairman Conklin opened the floor for public comment. There were no comments from the public.
4. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be a separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda, it may be moved to the Regular Agenda for further consideration.
 - A. **Approval of Minutes:** Consider approval of minutes from the November 13, 2023 Planning and Zoning Commission meeting.

Commissioner Forbes moved to approve the minutes from the November 13, 2023, meeting as written. Commissioner Perry seconded the motion, and the minutes were approved unanimously (4-0).

5. **REGULAR AGENDA:**
 - A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.
 - B. **Sign Variance:** Consider a variance to Section 78-101 of the sign ordinance for an existing legal nonconforming freestanding sign that fails to meet the minimum sign setback requirements for a property located at 1028 South Street. This request has been submitted by Wakefield Sign Service Case File SVO2023-04.

Interim City Planner (ICP), Juan Pollette presented the variance to the Commission stating the building was constructed in the 70's, and the original pole sign was placed on the property in the 90's before the sign ordinance. ICP Pollette stated the applicant wants to re-install the sign for Family Dollar that was removed in 2008. ICP Pollette stated the current sign is 15 feet from the street curb and with the sign being 32 feet tall, it would require the sign to be placed 48 feet from the street curb requiring a 33-foot variance. ICP Pollette stated staff recommends approval of the variance.

Commissioner Perry asked if there were any known issues with the previous sign and the setbacks before removing it after 2008, and ICP Pollette stated no.

Applicant, Michael Haggerty with Wakefield Signs addressed the Commission stating the old sign was illuminated and the new sign will not be.

Chairman Conklin opened the hearing for public comment. There were no comments made from the public.

Commissioner Forbes moved to approve the variance as presented. Commissioner Carroll seconded the motion, and the variance was approved unanimously (5-0).

- C. Sign Variance:** Consider a variance to Section 78-101 of the sign ordinance for a freestanding sign that exceeds the maximum allowed height requirements, maximum sign area requirements, and minimum sign setback requirements for property located at 1304 NW Stallings Drive. This request has been submitted by Murtaza Doctor, of Victory Signs & Imaging. Case File SVO2023-05.

ICP Pollette presented the variance stating the applicant is requesting three separate variances for height, setbacks, and area of a freestanding sign. ICP Pollette stated the building plans for the On the Road mini truck stop have already been approved. ICP Pollette stated the maximum height allowed for the freestanding sign is 50 feet tall, the maximum area allowed is 225 square feet, and the minimum setback is 105 feet from the back of the curb. ICP Pollette stated the applicant is proposing the sign be 70 feet tall, 585 square feet in area, and setback 69 feet from the back of the curb. ICP Pollette stated there are elevation gains on both sides of the property and with the construction of the I-69 bypass, that section of the highway will become a major freeway which will increase traffic. ICP Pollette expressed that if the sign is allowed as presented, it will increase visibility and allow for safe lane changes for vehicles entering the gas station. ICP Pollette stated staff recommends approval of all three variances as presented.

There was discussion amongst the Commission and Staff regarding previous sign variances that were approved for truck stops in the area over the last two years.

There was discussion amongst the Commission and Staff regarding the right of the way, proposed frontage roads, and required setbacks for the future of the I-69 corridor.

Commissioner Forbes asked if there was a reason the sign could not be set back further from the proposed position.

Representative James Harris with Victory Signs stated the visibility will decrease as the building will be blocking it if the setback is greater than what is being proposed.

Applicant Murtaza Doctor stated in his previous experience with the extension of roads, it all depends on the certain department handling the right of way but usually, there is a written plan and there is not one at this time.

Chairman Conklin opened the hearing for public comment. There were no comments from the public.

Planning Coordinator Aimee Cloutier stated she spoke with the City Engineer, Case Opperman and he stated the right-of-way and frontage roads have not been established and are currently still being studied.

Commissioner Carroll moved to approve all three variances as presented with Chairman Conklin seconding the motion. All three variances were approved unanimously (5-0).

- 6. Discussion and possible action on future agenda items: A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.**

Commissioner Forbes asked how the presentation was going regarding the subdivision and cottage housing. ICP, Pollette stated that Planning Consultant, Nathan Dietrich was working on it and would like to speak with the Commissioners to see if anything else may need to be discussed for the future workshop.

7. Adjourn

Chairman Conklin adjourned the meeting at 5:38 p.m.

Chairman Shannon Conklin

Attest: Aimee Cloutier, Planning Coordinator

PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Consider approval for a Specific Use Permit to operate a Halfway House in an R-4, Multi-Family District, on Lot 8, Block 3 of the Banita Subdivision, located at 2019 Pearl Street. This request has been submitted by New Hope Communities of Texas, Inc. Case Number 2024-01.

OVERVIEW:

The request is for a Specific Use Permit (SUP) to operate a Halfway House at 2019 Pearl Street. The property is zoned R-4, Multi-Family, and is surrounded by multifamily apartments. Per the Zoning Ordinance, a Halfway House is permitted in the R-4, Multi-Family zoning district with the approval of a SUP. The SUP process allows staff, the Commission, and the City Council the opportunity to review and impose reasonable conditions, if necessary, on the development.

The applicant is proposing to utilize the existing 3,150-square-foot building located on the southwest corner of West College Street and Pearl Street. The house was constructed in 2012 for East Texas Behavioral Resources Inc. and was operated by the Burk Center as a Family Group Home for high-functioning people with Intellectual or Developmental Disabilities until the middle of last year. Family Group Home is a permitted land use by right in an R-4 zoning district and did not need the approval of an SUP at the time that it was approved, since that land use was allowed by right. The residents were required to maintain gainful employment, pay rent, and provide for themselves. The house has two levels with nine bedrooms, 3.5 bathrooms, and parking in the back for 10 vehicles.

Adjacent Land Use & Zoning

The subject property is zoned R-4, Multi-Family, and is currently developed as commercial, multi-family. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Multi-Family Residential	R-4, Multi-Family	Commercial
South	Single-Family Residential	R-4, Multi-Family	Commercial
East	Single-Family Residential	R-4, Multi-Family	Commercial
West	Rural Development	R-4, Multi-Family	Commercial

The surrounding areas are zoned and developed as Multi-Family properties with single-family development to the south and a major commercial corridor one block to the east. The proposed SUP will

not change the allowed uses permitted under the current R-4 zoning district.

STAFF REVIEW:

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

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

The proposed SUP is located one block west of the city's main commercial corridor and is surrounded by multi-family developments. The central location allows for close proximity to the commercial corridor and provides convenient access to employment, public transportation, retail, entertainment, and other essential services. The goal of this land use is to help people transition from temporary into long-term housing. Additionally, the program provides skills and support for this transition to occur. The home will utilize the existing 3,150-square-foot multi-room house that fronts Pearl Street.

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

The proposed SUP will be located in an existing 3,150-square-foot building and all of the surrounding properties are fully developed. Again, this location was used and built for a similar use. The approval of the SUP would not impede the normal development of the surrounding properties.

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

The subject property takes direct access from West College Street, a collector street that functions as the primary access for the property. The roadway is adequate to accommodate the proposed use.

Drives and Parking: The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments; The new use will not require a redesign of any driveways or parking. The existing parking area has ten (10) spaces and is adequate for the proposed use.

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

The proposed use should not create any nuisances to adjacent properties. The house was originally constructed for a similar use in 2012 and since then, there have not been any major incidents at that location. Staff verified this with the Code Enforcement and Police Records Department.

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

There is no new lighting proposed with this SUP. Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only down lighting with no spillover onto neighboring properties.

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

This proposed use is located within an existing commercial property and no renovations or expansions are being proposed requiring the installation of commercial district landscaping.

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

The 2003 Comprehensive Plan designates this area as *Single-Family Residential* in the Future Land Use Plan (FLUP). This Land Use category is defined as “Conventional one-family detached dwellings (also includes duplexes)”.

Staff believes that although the FLUP designation is not consistent with the current underlying R-4 Multi-Family zoning, because the house has multiple bedrooms that share a common space, the house could be used as a single-family home in the future. Approval of the SUP will not change the land uses permitted by the R-4 zoning district.

NOTICES:

Staff mailed out 15 notices to property owners within 200 feet of the subject property. Since the time of this report, Staff has received three (3) written responses in opposition of the request stating that they were concerned about the safety of their tenants. In light of these comments, staff contacted both the Police and Code Enforcement departments and inquired to see if there was elevated nefarious activity or a correlation between these types of land uses to not meeting City codes. There were no code violations or elevated police activity in these areas.

This zoning application was also subject to the additional noticing practices that were approved by the City Council in January 2021. These include a zoning notice sign located on the subject property; notices published on the City’s webpage and social media platforms; and, mailed courtesy notices to property owners within 500 feet of the subject property.

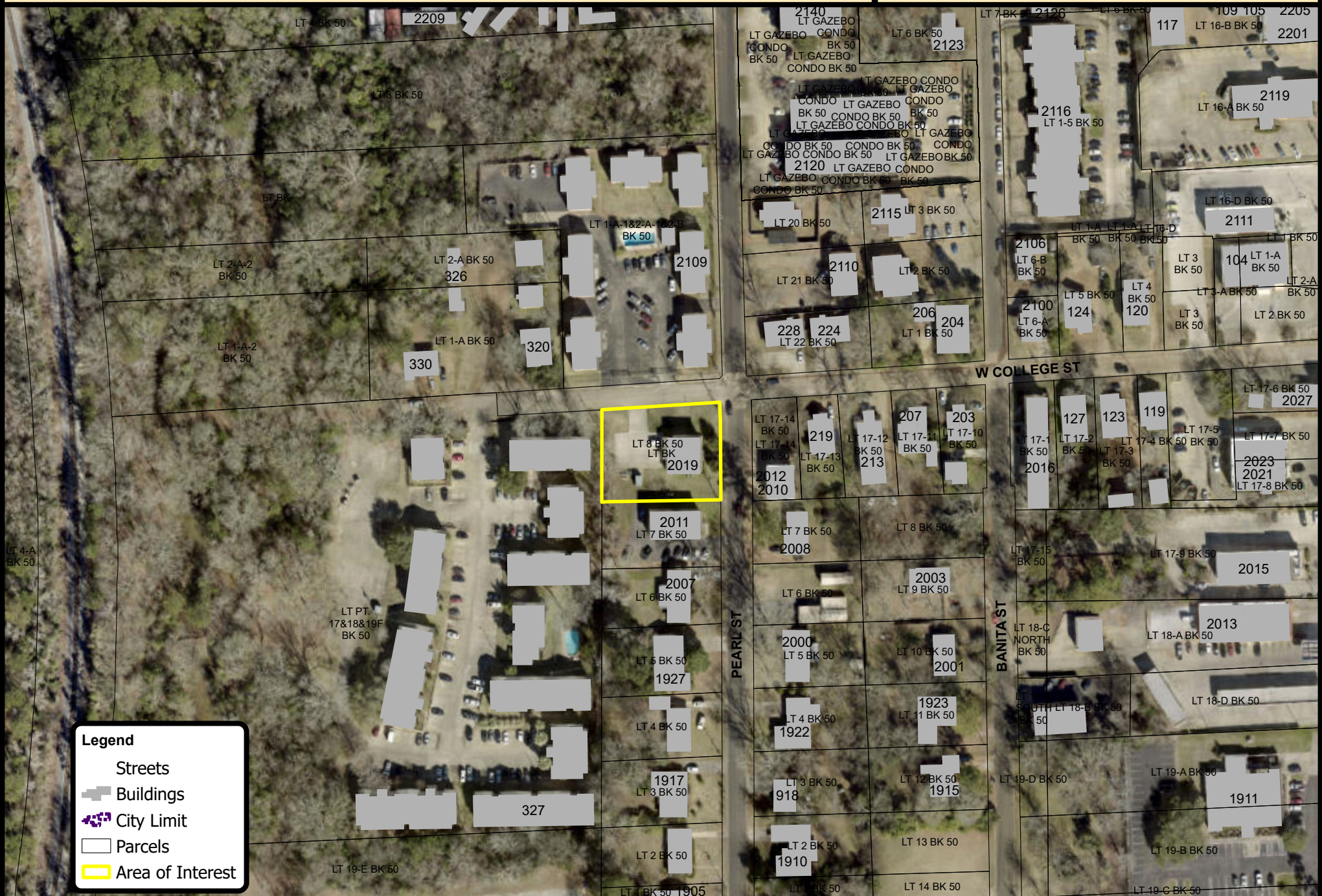
Staff held a neighborhood meeting for the property owners within 500 feet on January 23, 2024, to discuss and answer questions about the request. None of the surrounding property owners attended the meeting.

CITY CONTACT: Juan Pollette, Interim City Planner
pollettej@nactx.us
(936) 559-2559

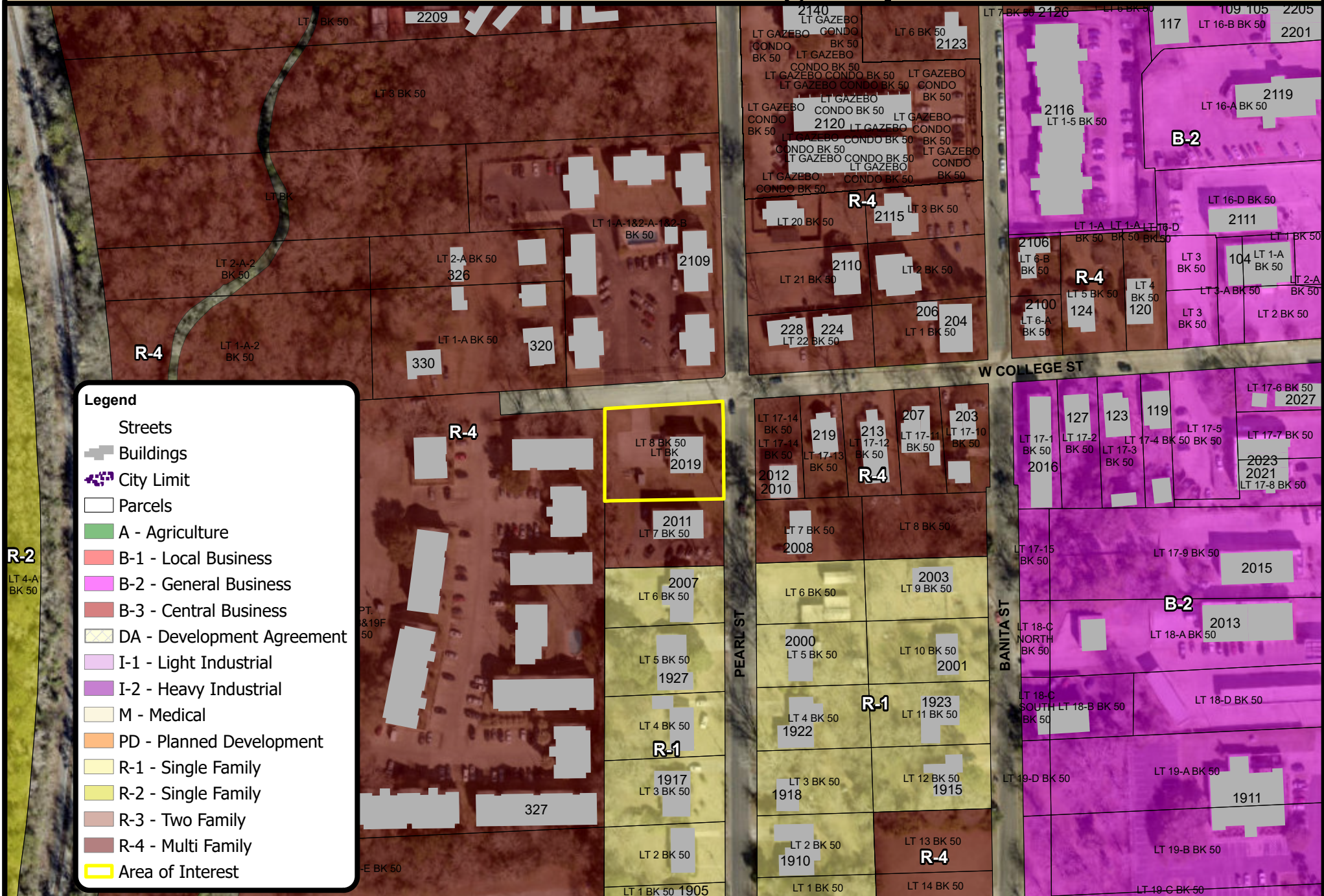
ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Site Photos
6. Property Owner Consent Form
7. Response Forms

SUP2024-01 Aerial Map

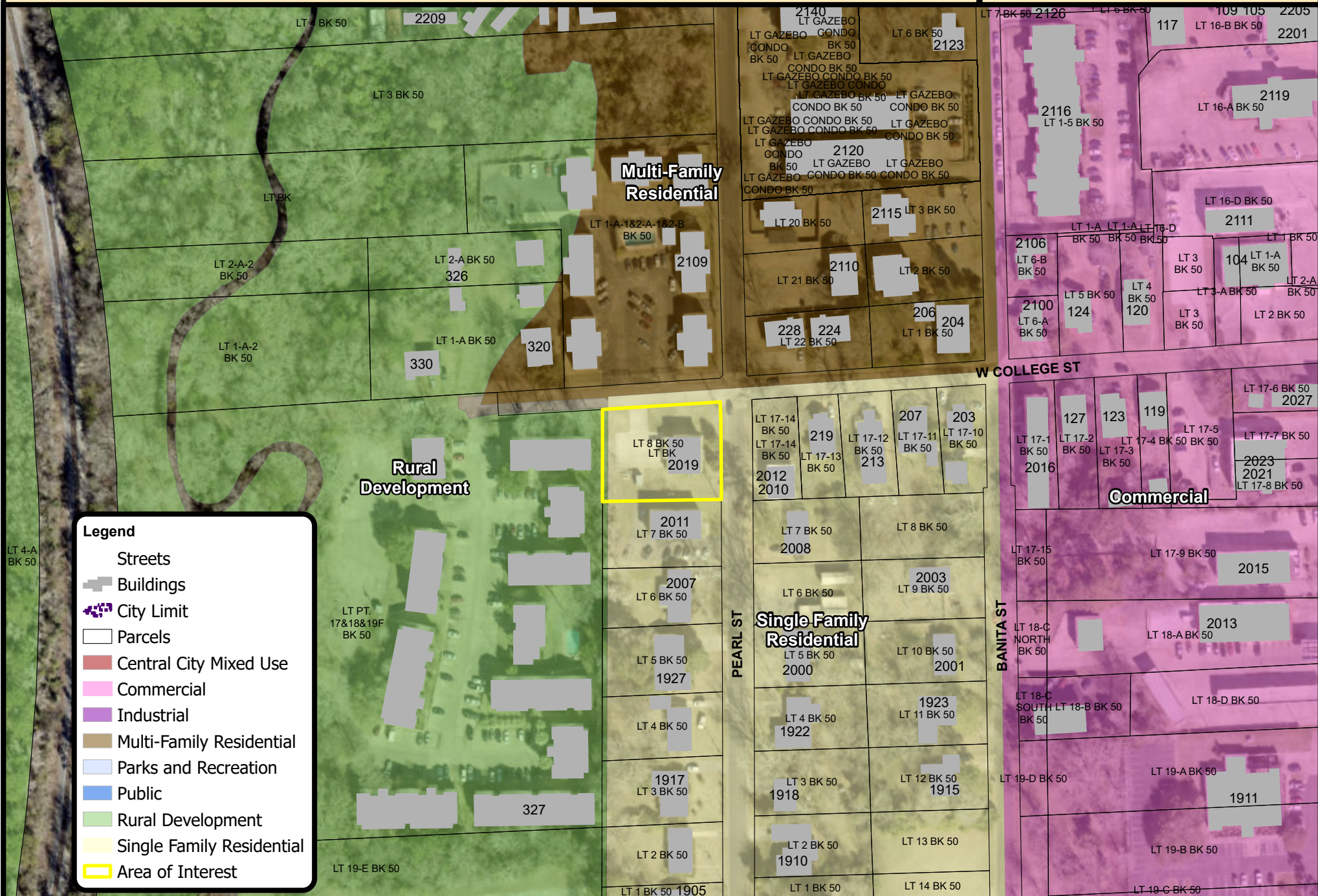


SUP2024-01 Zoning Map



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.

SUP2024-01 Future Land Use Map



200 Foot Notification Map

SUP2024-01: 2019 Pearl Street

Legend

 200 Foot Buffer

 Proposed SUP

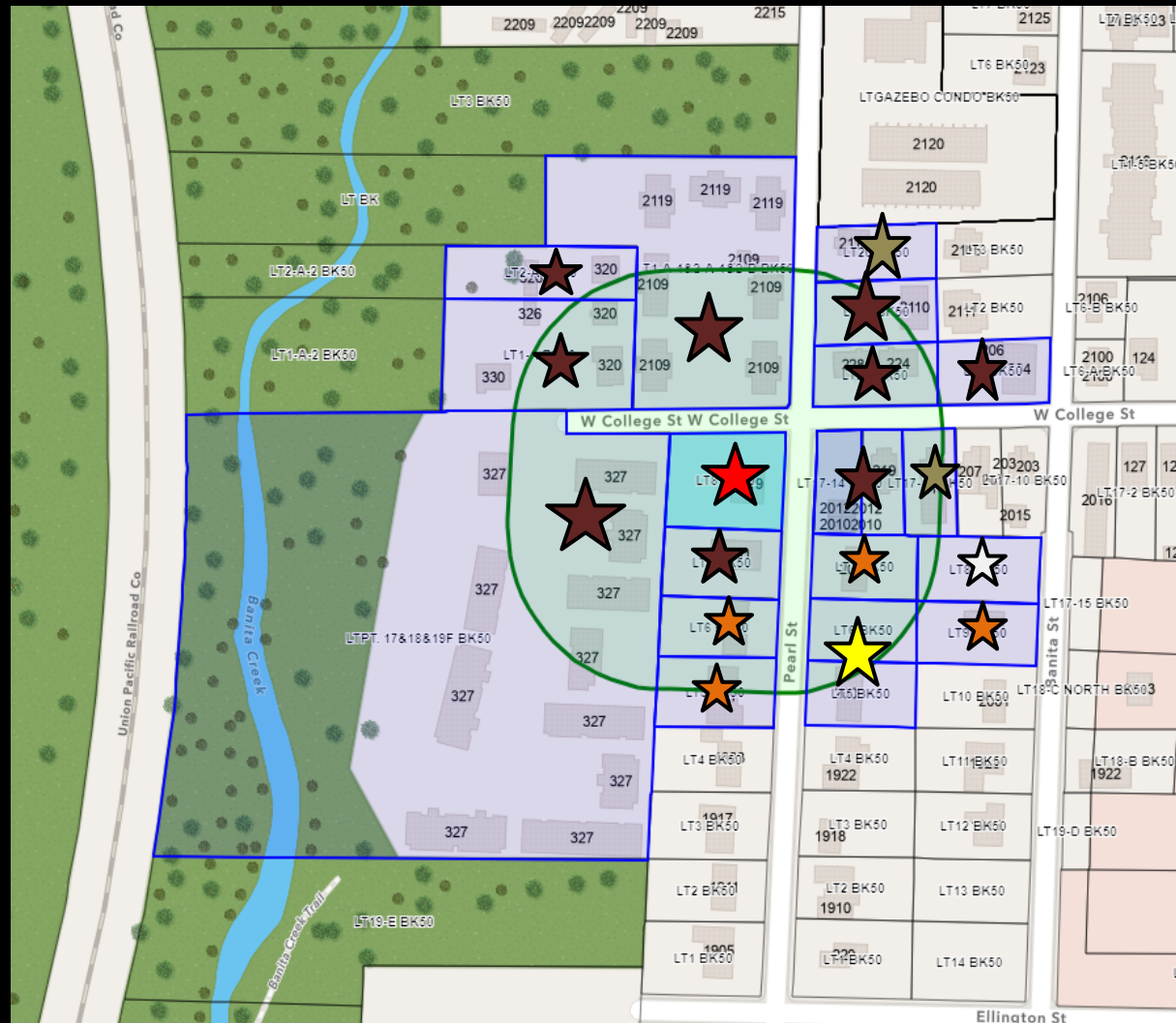
 Single Family- Rental

 Single Family-
Owner Occupied

 Vacant

 Duplex- Rental

 Multi-Family



SUP2024-01 Site Photos

Subject property view from
Pearl Street.





Subject Property view
from W. College St.

Banita Creek Apts. view
from W. College St.





Multi-family adjacent
to the south

Heritage Arms Apts. to
the north





Multi-family to the east





PROPERTY OWNER CONSENT LETTER FOR SPECIFIC USE PERMIT

I _____, am the owner of the property located at
(Property owner)

2019 Pearl St. Nacogdoches, Texas. I have granted
(Property address)

DAVID RHODES of NEW HOPE COMMUNITIES, consent to
(Applicant) (Applicant's business name)

open and operate a REHAB HALFWAY HOUSE at this
(Type of operation requiring permit)

location.

Solely for the purposes of the application for a Specific Use Permit, I
designate _____ as my authorized representative
(Name of applicant)

as provided under the City of Nacogdoches Zoning Ordinance Section
118-137.

[Signature]

Property Owner Signature

1/17/2024

Date



Response Form

Project Number: SUP2024-01
2019 Pearl Street (Halfway House)

You may make your views known by completing this form and returning it to the Planning & Zoning Department. You may also make your views known in person by attending the public hearings. **All response forms and written protests must be submitted no later than Monday, February 12, 2024, at 12:00 p.m. Protests and responses submitted after this deadline will not be accepted.**

Please complete and return the form to:

City of Nacogdoches Planning & Zoning Department
Attn: Aimee Cloutier
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Aimee Cloutier at pz@nactx.us

Project Number: SUP2024-01

Please circle one: ☐ In favor of request ☒ Opposed to request

Comments:

This type of zoning is not appropriate so close to SFASU. Further, I am next door and I'll have to explain to my tenants 1/2 way house parolles are next door? Don't we have more rural areas to zone for this purpose?

Signature: *BLOVE*

Printed Name: *BRUCE LOVE*

Street Address: *~~2011 Pearl St~~ or 1503 S 1st St. Lufkin TX 75901*

City, State and Zip Code: *LUFKIN TX 75901*

Phone Number: *936 631-3110*

Email Address: *bllove@dpsol.com*

Physical Address of Property within 200 Feet: *2011 Pearl St. Nac. 75961*

City of Nacogdoches

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Nacogdoches, TX 75963

You may also email a copy to Aimee Cloutier at pz@nactx.us

Project Number: SUP2024-01

Please circle one: ☐ In favor of request ☒ Opposed to request

Comments:

We purchased our property for our daughter to live in while attending SFA. We lease out two rooms ^{and} are concerned for the safety of our student tenants. We are not comfortable

Signature: *with the unknown risk of reformed criminals living so close.*

Printed Name: *We are worried how this would impact our property value.*

Street Address: *Elisabeth Downey Elizabeth Downey 1927 Pearl St.*

City, State and Zip Code: *Nacogdoches, TX 75965*

Phone Number: *713-828-2811*

Email Address: *elizabeth@navarroig.com*

Physical Address of Property within 200 Feet: *1927 Pearl St.*

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Response Form

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Nacogdoches, TX 75963

You may also email a copy to Aimee Cloutier at pz@nactx.us

Project Number: SUP2024-01

Please circle one:

☐ In favor of request

☒ Opposed to request

Comments:

I am concerned for the safety of my tenants at Heritage Arms with a halfway house across the street.

Signature: _____

Printed Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number: _____

Email Address: _____

Physical Address of Property within 200 Feet: _____

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Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.A.

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT: Discuss amending Chapter 118-141(b), “Zoning,” Article II, “Administration”, Division 4, “Generally,” of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS: 1. Sec. 118_141. ___Protest_of_proposed_change_in_zoning. (Final)
(1)

PART II - CODE OF ORDINANCES Chapter 118 - ZONING ARTICLE II. -
ADMINISTRATION DIVISION 4. - AMENDMENT PROCEDURE Subdivision I. In General

Sec. 118-141. Protest of proposed change in zoning.

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

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



Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.B.

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT:

Discuss amending Chapter 118, “Zoning,” Article IV, “Development Standards”, Division II, “Off-Street Parking Standards,” of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS: 1. DIVISION 2. OFF STREET PARKING STANDARDS
Nathan Redline 1.28.2024

DIVISION 2. - OFF-STREET PARKING STANDARDS^[7]

Footnotes:

--- (7) ---

Cross reference— Stopping, standing and parking, § 102-151 et seq.

Sec. 118-461. - Purpose.

The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Construction of bicycle parking may be substituted for some required parking on a site to encourage alternative forms of transportation.

(Ord. No. 1130, art. V, § 1, 11-3-1998; Ord. No. [1720-9-16](#), § 2, 9-20-2016)

Sec. 118-462. - Applicability.

- (a) *Construction or creation of use.* Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this division.
- (b) *Change of use.* Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this division.
- (c) *Expansion of existing use.* If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.
- (d) *Renovation or redevelopment.* Notwithstanding subsection (b) of this section, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed 50 percent of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this division shall be made conforming.

(Ord. No. 1130, art. V, § 2, 11-3-1998)

Sec. 118-463. - Calculation of parking spaces.

- (a) *Fractional number of spaces.* In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.
- (b) *Parking structures excluded.* Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.
- (c) *Requirements for uses not listed.* The off-street parking requirements for a use not specifically listed in the parking requirement schedule shall be the same as required for a use of a similar nature as determined by the city planner.

(Ord. No. 1130, art. V, § 3.1, 11-3-1998)

Sec. 118-464. - Location of parking and loading spaces.

The required off-street parking and loading spaces shall be located on the same lot as the building or use served, except off-street parking may also be located as follows:

- (1) *Off-site location.* When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 300 feet from an institutional building served or 500 feet from any other nonresidential building served; provided, however, that a written agreement thereto is properly executed and filed as provided in this section. The distance from the land use requiring parking to the off-site parking site shall be measured along the shortest legal pedestrian path between one site and the other.

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- (2) *Joint use of parking.* Parking adjustments may be allowed according to the following percentages by time of day:

FIGURE 1 PARKING ADJUSTMENT PERCENTAGES BY TIME OF DAY

Time of Day	Office	Retail	Restaurant	Theater	Hotel
6:00 a.m.—12:00 noon	1.00	0.97	0.50	0.30	1.00
12:00 noon—1:00 p.m.	0.90	1.00	0.70	0.70	0.30
1:00 p.m.—4:00 p.m.	0.97	0.97	0.60	0.70	0.45
4:00 p.m.—6:00 p.m.	0.47	0.82	0.90	0.80	0.70
6:00 p.m.—8:00 p.m.	0.07	0.89	1.00	1.00	1.00
8:00 p.m.—12:00 midnight	0.03	0.61	1.00	1.00	1.00

FIGURE 2 JOINT USE PARKING EXAMPLE:

1.	A sample mixed use Development comprised of	Office at 50,000 sf
		Retail at 20,000 sf
		Restaurant at 8,000 sf

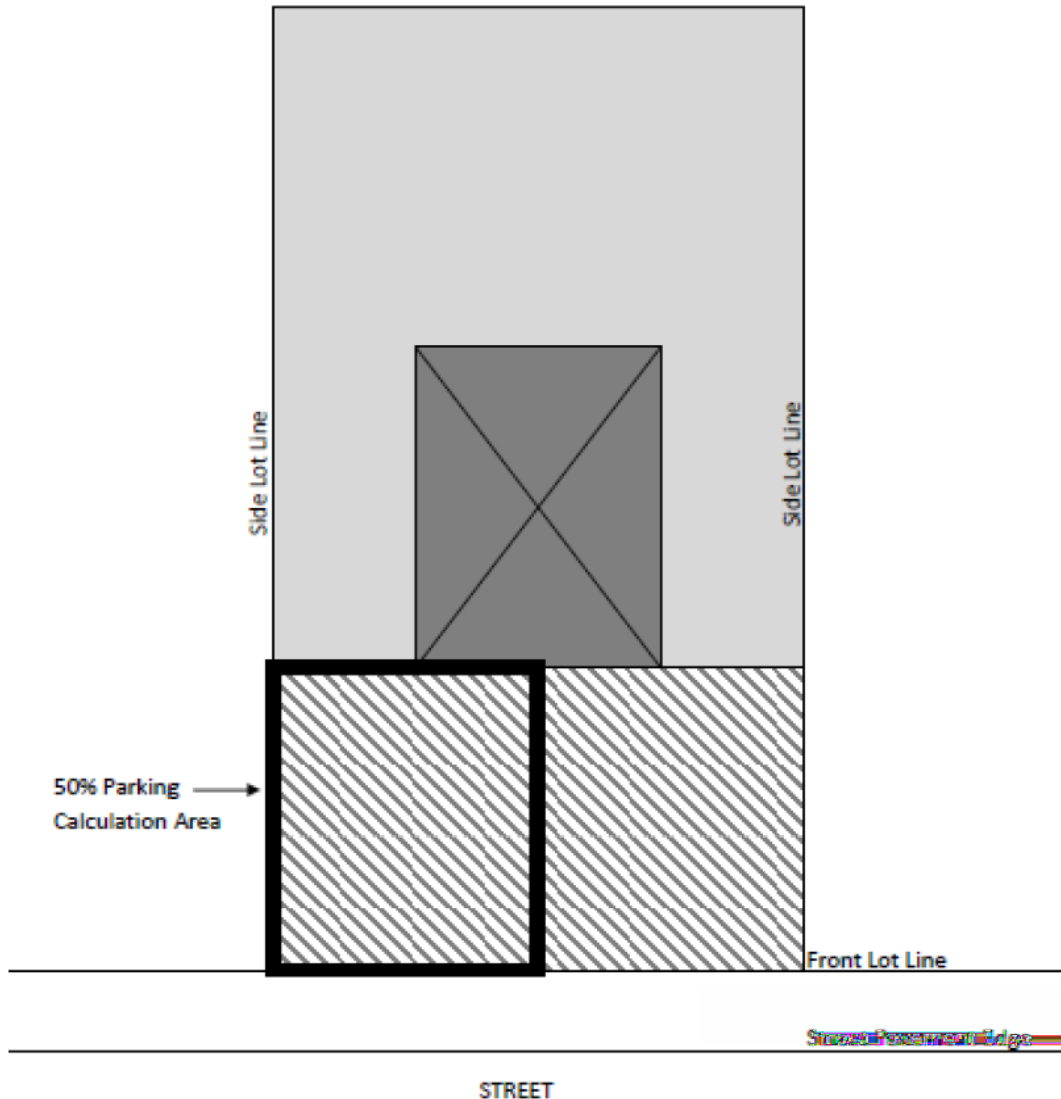
2.	Individual Parking Requirements =	
	Office at 1 space per 300 = 50,000 / 300 =	167
	Retail at 1 space per 200 = 20,000 / 200 =	100
	Restaurant at 1 space per 45 = 8,000 / 45 =	<u>178</u>
		445
3.	Shared Parking Requirement =	

Time of Day	Office	Retail	Restaurant	TOTAL
6 AM - 12 Noon	1.00 X 167= 167	0.97 X 100= 97	0.50 X 178= 89	353
12 Noon - 1 PM	0.90 X 167= 150	1.00 X 100= 100	0.70 X 178= 125	375
1 PM - 4 PM	0.97 X 167= 162	0.97 X 100= 97	0.60 X 178= 107	366
4 PM - 6 PM	0.47 X 167= 78	0.82 X 100= 82	0.90 X 178= 160	320
6 PM - 8 PM	0.07 X 167= 12	0.89 X 100= 89	1.00 X 178= 178	279
8 PM - 12 Midnight	0.03 X 167= 5	0.61 X 100= 61	1.00 X 178= 178	344
4. Parking Required = 375 spaces. (Highest total for any time period.) This is a reduction of 70 spaces (15.7%) over the individual parking requirements.				

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- (3) *Off-site parking agreement.* When the required off-street parking spaces are not located on the same lot with the building or use served or when the required off-street parking spaces are provided collectively or used jointly by two or more establishments, a written agreement which ensures the retention of such spaces for this purpose, and for a period of not less than two years, shall be drawn and executed by the parties concerned, approved as to form by the city attorney, and filed with the application for a building permit or certificate of occupancy if a change in use is

involved. If the off-site parking is terminated for any reason, alternative parking meeting the standards of this division shall be acquired, or the property shall lose its certificate of occupancy.

- (4) *Parking in front yards of residential and agriculture districts.* ~~The~~No required off-street parking space ~~may~~shall be located in any area located in front of the primary structure not to exceed a size equivalent to fifty (50) percent of the front area. The front area is defined as the area of the lot within the side lot lines, the front plane of the primary structure and the public right-of-way (see graphic below). The driveway area shall be included in this calculation. in the required front yard in any residential or agricultural district.



- a) When existing residential parking is expanded in front of the structure, it shall not exceed a size equivalent to fifty (50) percent of the front area as described above.

- (5) *Parking in front yards of nonresidential districts.* In any nonresidential district, the required off-street parking space may be located in the required front yard. However, off-street parking spaces shall be located one foot behind the property line or 12 feet behind the back of curb of the adjacent street, whichever is greater.

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

Sec. 118-465. - Lighting of parking and loading areas.

- (a) *Spillover lighting.* All lighting facilities for off-street parking shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of one footcandle at ground level, and shall distribute not more than two-tenths of one footcandle of light upon any adjacent residential property.
- (b) *Nuisance or safety hazard.* All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way.

(Ord. No. 1130, art. V, § 3.3, 11-3-1998)

Sec. 118-466. - Off-street parking requirements.

- (a) *Schedule of off-street parking.* The schedule of off-street parking requirements in this section establishes parking requirements for all zoning districts except the B-3 central business district.
- (b) *CBD parking requirements.* In the B-3 central business district, off-street parking space for all buildings shall be provided at the ratio of one space for each 2,000 square feet of floor area; provided, however, if the computed number of required off-street parking spaces is less than ten spaces, no off-street parking spaces need be provided.
- (c) *Urban core parking requirements.* In the urban core overlay, off street parking requirements as described in section 118-467 shall be decreased by ten percent in total.

FIGURE 3 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Permitted Use	Parking Requirement
AGRICULTURAL USES	
Farm, Ranch, Garden or Orchard	No Requirement
Farm or Ranch for live stock and Animal Specialties	No Requirement
Feed Store and Tack for live Stock - No Mill	1 for each 1,000 sf
Livestock Auction Pens or Sheds	1 for each 1,000 sf of auction area
Poultry Hatchery	1 for each 300 sf of office space
Stables (Commercial)	1 per each 2 stalls
RESIDENTIAL USES	

Household Units	
Home Occupation	N/A
Multifamily - Apartments	1 for each bedroom + 5% additional for visitors
Single Family Attached	2 for each dwelling unit
Single Family Detached	2 for each dwelling unit
Single Family Zero Lot Line	2 for each dwelling unit
Duplex , Two Family Dwelling	2 for each dwelling unit
Special Unit Types	
Industrialized Housing*	2 for each dwelling unit
Manufactured Home	2 for each dwelling unit
Mobile Home (House Trailer, Camp)	N/A
Manufactured Home Park	2 for each lot, plot, or stand
Mobile Home Park	N/A
Travel Trailer/RV Park	1 for each lot, plot, or stand
Lodging/Group Quarters	
Bed and Breakfast* - 4 or Less Patrons	1 for each guest room or residence unit
Bed and Breakfast* - 5—8 Patrons	1 for each guest room or residence unit
Boarding or Rooming House	1 for each guest room or residence unit
Accessory Apartment*	1 for each bedroom
Convent or Monastery	1 for each 3 residents, minimum 2

Family Group Home	2 spaces, and 0.3 for each client
Family Home	2 for each dwelling unit
Foster Home	2 for each dwelling unit
Guest House (Detached)	1 for each bedroom
Half-way House - Criminal	1 for each bedroom
Hotel or Motel	1 for each guest room + 5% additional for visitors
Orphanage	1 for each employee on largest shift
Retirement Home	1 for each bedroom
Pool House	N/A
AMUSEMENT/RECREATION USES	
General Recreation	
Amusement, Commercial - Indoors*	1 for each 100 sf
Amusement, Commercial - Outdoors	1 for each 1,000 sf of site area
Billiard Parlor or Pool Hall*	1 for each 100 sf
Carnival or Circus (Temporary)	1 for each 1,000 sf of site area
Country Club (Private Membership)	3 for each game court, 5 for each golf green, and 1 for each 250 sf of assembly area, 25% of required parking may be on a pervious surface
Fairground*	1 for each 1,000 sf of site area, parking surface may be pervious
Golf Course (Public or Private)	5 for each golf green

Golf Driving Range	1 for each tee box + 1 for each employee on largest shift
Health Club or Studio	3 for each Game Court, and 1 for each 200 sf of remaining area
Ice or Roller Skating Rink*	1 for each 100 sf of skating area
Night Club or Dance Hall*	1 for each 100 sf
Race Track	1 for each 4 seats and 1 for each employee on largest shift
Recreation Club or Area (Private)*	3 for each game court and 1 for each 200 sf of remaining area
Recreation Facility (Public)	3 for each game court and 1 for each 200 sf of remaining area
Teen Club*	1 for each 100 sf
Tennis Court (Lighted)	4 per court and 1 for each 4 fixed seats
Tennis Court (No Lights)	4 per court and 1 for each 4 fixed seats
Theater - Movie or Live (Enclosed)	1 for each 2 fixed seats
Zoo, Zoological Park, Animal Park, or Aviary	1 for each 1,000 square feet of site area
Adult Recreation	
Adult Arcade*	1 for each 100 sf
Adult Book Store or Video Store*	1 for each 250 sf
Adult Cabaret*	1 for each 100 sf
Adult Motel*	2 for each guest room

Adult Motion Picture Theater*	1 for each 2 fixed seats
Adult Theater*	1 for each 2 fixed seats
Escort Agency*	1 for each 300 sf
Nude Model Studio*	1 for each 300 sf
Sexual Encounter Center*	1 for each 100 sf
INSTITUTIONAL, UTILITY and GOVERNMENT USES	
Government/Utility	
Government Facility	As determined by the city planner
Library, Art Gallery or Museum (Public)	1 for each 500 sf, 5 minimum
Post Office	1 for each 300 sf of office and customer service area, 5 minimum
Postal Distribution Facility	1 for each 1,000 sf
Radio or TV Trans. Station (Commercial)	1 for each 1,000 sf
Radio Tower (Non-Commercial)*	No requirement
Radio, TV, Microwave, or Cellular Transmission Tower (Comm.)*	No requirement
Satellite Dish*	No requirement
Utility Facilities (Major)	As determined by the city planner
Utility Lines and Transmission	As determined by the city planner
Schools/Organizations	
College or University	1 for each 2 students and staff

Daycare - 3 or less Attendees	As determined by the city planner
Daycare - 4—6 Attendees	1 for each 10 pupils
Daycare Center - 7 or more Attendees	1 for each 10 pupils
School - Vocational	1 for each student + 1 for each staff
School, K-12 (Public or Private)	1/25 elementary students, 1/18 junior high students, 1/5 high school students
Church or Place of Worship	1 for each 2.5 seats in sanctuary
Club, Private	1 for each 200 sf
Community Center - Private	1 for each 250 sf of assembly area
Community Center - Public	1 for each 250 sf of assembly area
Fraternity/Sorority House	1 for each resident, and 6 for each 100 sf of assembly area
Lodge or Fraternal Organization	1 for each 100 sf
OFFICE AND PROFESSIONAL	
Office - General	
Advertising Agency	1 for each 300 sf
Architectural/Engineering Services	1 for each 300 sf
Banks and Financial Institutions	1 for each 300 sf
Banks with Drive In Facilities	1 for each 300 sf
Legal Services	1 for each 300 sf
Offices - General or Professional	1 for each 300 sf

Medical/Healthcare	
Animal Hospital or Clinic	1 for each 300 sf
Animal Hospital or Clinic w/Outside Pens	1 for each 300 sf
Animal Pound (Public or Private)	1 for each 300 sf
Emergency Ambulance Service	2 for each ambulance
Hospice	1 for each 6 beds and 1 for each employee on the largest shift
Hospital - Acute Care	In accordance with statutory regulations of Texas Department of Health
Hospital - Chronic Care	In accordance with statutory regulations of Texas Department of Health
Medical or Dental Office or Clinic	1 for each 200 sf
Medical or Dental Office or Clinic with In-House Lab	1 for each 150 sf
Nursing/Convalescent Home	1 for each 6 beds and 1 for each employee on largest shift
Psychiatric Hospital or Institution	1 for each 6 beds and 1 for each employee on largest shift
Veterinary Office (No Hosp. or Clinic)	1 for each 300 sf
Business or Personal Services	
Auction - Goods & Equipment (Indoors)	1 for each 250 sf
Beauty Parlor/Barbershop	1 for each 250 sf
Cabinet and Woodwork Shop (Custom)	1 for each 300 sf
Caretaker/Security Quarters	1 per bedroom

Cemetery or Mausoleum	2 spaces
Communications/Electronics Equipment - Installation and Repair	1 for each 250 sf
Conventions, Trade Shows or Exhibits	1 for each 1,000 sf of public area
Exterminator Service	1 for each 300 sf
Exterminator Service Storage	1 for each 1,000 sf
Household Appliance and Equipment Repair	1 for each 250 sf
Information Processing	1 for each 300 sf
Laundry/Dry Cleaning - <4,000 s.f. w/Customer Service	1 for each 300 sf
Laundry/Dry Cleaning - >4,000 s.f.	1 for each 300 sf
Laundry/Dry Cleaning - Drop Off/Pick Up	1 for each 250 sf
Laundry/Dry Cleaning -Self Service	1 for each 250 sf
Locksmith	1 for each 300 sf
Mailing Service (Private)	1 for each 300 sf
Mortuary or Funeral Home	1 for each 100 sf of assembly area
Photocopying or Duplicating Services	1 for each 250 sf
Photographic Studio	1 for each 300 sf
Sewing and Millinery (Custom)	1 for each 250 sf
Shoe Repair	1 for each 250 sf
Studio - Art, Drama, Dance, Music - Performing Arts	1 for each 200 sf

Tailor Shop	1 for each 250 sf
Tattoo Salon/Piercing Studio	1 for each 250 sf
Taxidermist	1 for each 250 sf
Temporary Field or Construction Office	N/A
Temporary Retail Use	1 for each 250 sf of site area
Travel Agency	1 for each 300 sf
Upholstery Shop or Furniture Repair (non-auto)	1 for each 250 sf
Food and Beverage Services	
Club (Private)	1 for each 100 sf
Catering Service	1 for each 300 sf
Eating Place	1 for each 100 sf
Eating Place - Drive-thru only	1 for each employee on largest shift (min. 4 spaces)
Food Preparation or Food Service	1 for each 100 sf
Liquor By the Drink*	1 for each 100 sf
Retail	
Alcohol Sales - Off Premise Consumption	1 for each 250 sf
Antique Shop	1 for each 250 sf
Art Dealer	1 for each 250 sf
Art Gallery	1 for each 500 sf
Bait or Tackle Shop	1 for each 250 sf

Bakery Shop	1 for each 250 sf
Bicycle Sales or Repair	1 for each 250 sf
Book or Stationery Shop	1 for each 250 sf
Building Material Sales (Outside Storage)	1 for each 250 sf
Camera or Photographic Supply Shop	1 for each 250 sf
Cloth or Fabric Store	1 for each 250 sf
Clothing Store	1 for each 250 sf
Confectionery Shop	1 for each 250 sf
Consignment Shop	1 for each 250 sf
Convenience Store	1 for each 250 sf
Department Store	1 for each 250 sf
Drapery Shop	1 for each 250 sf
Drug Store or Pharmacy	1 for each 250 sf
Farmers Market - Outdoor	2 for each vendor stall
Flea Market - Outdoor	1 for each 1,000 sf of site area
Florist Shop	1 for each 250 sf
Furniture Sales - New (Indoor Only)	1 for each 1,000 sf
Garden Shop and Plant Sales - Display or Greenhouse	1 for each 1,000 sf of site area
Grocery	1 for each 250 sf
Hardware Store	1 for each 250 sf

Hobby, Handicraft or Art Supplies	1 for each 250 sf
Lawnmower Sales or Repair	1 for each 250 sf
Major Appliance Sales (Indoor)	1 for each 1,000 sf
Mobile/Manufactured Home Dealer (Sales Only)	1 space for each 5,000 sf of site area
Monument Sales Yard	1 for each 250 sf
Optical Shop	1 for each 250 sf
Paint and Wallpaper Store	1 for each 250 sf
Pawn Shop*	1 for each 250 sf
Pet Shop	1 for each 250 sf
Plumbing Shop (Retail and Wholesale)	1 for each 250 sf
Retail or Convenience Store with Gasoline	1 for each 250 sf
Sporting Goods	1 for each 250 sf
Swimming Pool Sales and Supply	1 for each 250 sf
Used Merchandise - Furniture, Rummage, Secondhand Store (Inside)	1 for each 250 sf
<u>Shopping Center*</u>	<u>1 for each 250 sf</u>
TRANSPORTATION	
Automobile Related	
Auto Brake, Muffler, Glass, Seat Covers or Tire Sales and Service	1 for each 200 sf of retail area plus 1 for each bay
Auto Dealer - Primarily New/Used Autos	1 for each 200 sf of retail area plus 1 for each bay

Auto Dealer - Primarily Used Autos	1 for each 250 sf
Auto Interior Shop	1 for each 250 sf of retail area plus 1 for each bay
Auto Paint/Body Repair	1 for each 250 sf of retail area plus 1 for each bay
Auto Rental	1 for each 250 sf
Auto Repair - General	1 for each 250 sf of retail area plus 1 for each bay
Auto Storage or Auction	Auction - 1 for each 5,000 sf of site area storage - N/A
Auto Supply - Used Parts Store with No On-Site Salvage	1 for each 250 sf
Auto Supply Store for New and Rebuilt Parts	1 for each 250 sf
Auto Wrecker Service	1 for each 250 sf office area
Auto/Truck Parts and Accessories	1 for each 250 sf
Car Wash	Self-service - 1 per wash bay
Drag Strip or Commercial Racing	1 for each 4 fixed seats
Parking - Accessory to Another Use	N/A
Parking - Commercial Lot or Garage	N/A
Lube/Oil Change	2 for each oil change bay, and 1 for each employee on largest shift
Service Station	2 for each repair bay, and 1 for each employee on largest shift
State Vehicle Inspection	1 for each 300 sf of office and customer service area
Bus or Truck Related	

Bus or Truck Parking or Storage	N/A
Bus Station and Terminal	As determined by the city planner
Truck Stop, Including Gas Sales	1 for each 250 sf
Truck/Heavy Equipment Driving School	2 for each student during peak hour
Truck/Recreation Vehicle Sales	1 for each 300 sf
Truck/Trailer Rental	1 for each 300 sf
Trucking Company	1 for each 300 sf
Railroad or Airport Related	
Airport or Landing Field	As determined by the city planner
Railroad Freight Depot	1 for each 1,000 sf
Railroad Passenger Station	As determined by the city planner
Railroad Yard and Shops	1 for each 1,000 sf or 1 for each employee, whichever is greater
Vehicle - General	
Boat Dealer - Sales Only	1 for each 300 sf
Boat Repair or Storage	1 for each 250 sf customer service area plus 1 per bay
Go Cart Track	1 for each 2,000 sf site area
Motorcycle Sales or Service	1 for each 250 sf office area plus 1 per each 1,000 sf service area
Transfer/Storage Terminal	1 for each 1,000 sf
Vehicle Maintenance - Private	N/A

Vehicle Wash - Private	N/A
WHOLESALE TRADE and STORAGE	
Wholesale Trade	
Apparel, Piece Goods, Notions - Wholesale	1 for each 1,000 sf
Groceries/Related Products - Wholesale	1 for each 1,000 sf
Heavy Machinery Sales	1 for each 1,000 sf
Lumber Sales - Wholesale	1 for each 1,000 sf
Paper or Paper Products - Wholesale	1 for each 1,000 sf
Petroleum Products Storage and Wholesale	1 for each 1,000 sf
Tool or Equipment Rental - Indoor	1 for each 300 sf
Tool or Equipment Rental - Outdoor	1 for each 5,000 sf of site area
Storage	
Contractor or Maintenance Yard	As determined by the city planner
Hazardous Gases/Chemicals Storage	As determined by the city planner
Mini Warehouse	1 for each 300 sf of office area. Units must have ample space for temporary parking in drive area
Open Storage (No Enclosure)	As determined by the city planner
Open Storage (Screened)	As determined by the city planner
Warehouse/Storage (Inside)	1 for each 1,000 sf
Wrecking, Junk, Salvage or Reclamation Yard	1 for each 300 sf office area
MANUFACTURING and MINING USES	

Food-Related Products	
Animal or Poultry Slaughtering	1 for each 1,000 sf
Bakery Products; Manufacturing	1 for each 1,000 sf
Beverage Manufacturing	1 for each 1,000 sf
Bottling or Canning of Soft Drinks and Carbonated Water	1 for each 1,000 sf
Bottling Works	1 for each 1,000 sf
Canned, Frozen, and Preserved Fruits, Vegetables and Other Foods	1 for each 1,000 sf
Dairy Products - Processing or Manufacturing	1 for each 1,000 sf
Fats and Oils Manufacturing or Processing	1 for each 1,000 sf
Grain Mill Products; Processing and Manufacturing	1 for each 1,000 sf
Ice Manufacturing	1 for each 1,000 sf
Meat Products; Processing or Manufacturing - Not Including Slaughtering	1 for each 1,000 sf
Sugar and Confectionery Products, Manufacturing	1 for each 1,000 sf
Sugar Manufacturing	1 for each 1,000 sf
Articles and Equipment	
Apparel Manufacturing	1 for each 1,000 sf
Broom and Brush Manufacturing	1 for each 1,000 sf
Cabinet and Woodworking Manufacturing	1 for each 1,000 sf
Chemical and Allied Products Manuf.	1 for each 1,000 sf

Concrete or Asphalt Batch Plant - Temp.	N/A
Costume Jewelry, Novelties, Buttons and Misc. Notions Mfg.	1 for each 1,000 sf
Fabricated Metal Products Manufacturing	1 for each 1,000 sf
Fur Dressing and Dying	1 for each 1,000 sf
Jewelry, Silverware and Plateware Mfg.	1 for each 1,000 sf
Laboratory - Medical or Dental	1 for each 200 sf
Laboratory - Scientific Testing	1 for each 300 sf
Land Fill (Private or Municipal)	1 for each 200 sf of building area
Light Manufacturing/Assembly	1 for each 1,000 sf
Linoleum, Asphalt - Felt Base and Other Hard Surfaced Floor Covering Mfg.	1 for each 1,000 sf
Machine Shop	1 for each 1,000 sf
Match Manufacturing	1 for each 1,000 sf
Musical Instruments and Parts Mfg.	1 for each 1,000 sf
Paper and Allied Products Manufacturing	1 for each 1,000 sf
Pens, Pencils and Other Office and Artists' Materials Mfg.	1 for each 1,000 sf
Printing Publishing and Allied Industries	1 for each 1,000 sf
Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks Mfg.	1 for each 1,000 sf
Rubber and Misc. Plastics Manufacturing	1 for each 1,000 sf

Salvage and Reclamation (Enclosed)	1 for each 1,000 sf
Sign and Advertising Display Manufacturing	1 for each 1,000 sf
Textile Mill Product Manufacturing	1 for each 1,000 sf
Tobacco Products Mfg.	1 for each 1,000 sf
Toys, Amusement, Sporting and Athletic Goods Mfg.	1 for each 1,000 sf
Welding Shop	1 for each 1,000 sf
Natural Resources	
Lumber and Wood Products Manufacturing	1 for each 1,000 sf
Oil and Gas Extraction	N/A
Oil and Gas Field Services	1 for each 200 sf of building
Petroleum Refining and Related Industries	1 for each 1,000 sf
Primary Metal Products Manufacturing	1 for each 1,000 sf
Petroleum Products Storage and Warehouse	1 for each 1,000 sf
Stone, Clay, Glass and Concrete Products Manufacturing	1 for each 1,000 sf
Stone, Sand, Gravel and Mineral Extraction	N/A
Stone, Sand, Gravel or Earth Sales and Storage	1 for each 5,000 sf of site area

* A shopping center is a building or unified development with two (2) or more stores, shops, or commercial enterprises, and which has shared parking facilities or access. The minimum number of parking spaces for a shopping center shall be calculated at a rate of 1:250 regardless of the composing uses unless otherwise determined by the City Planner that such composing uses require a modification to the applicable requirements.

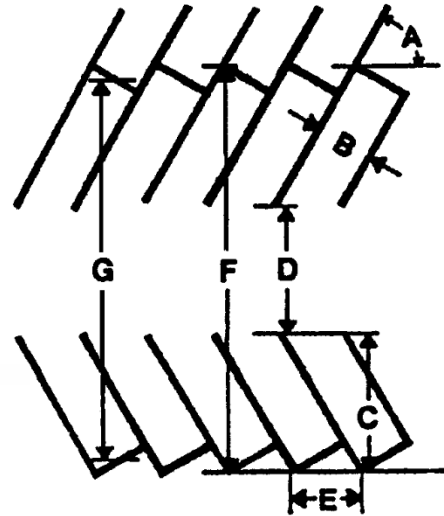
(Ord. No. 1130, art. V, § 4.1, 11-3-1998; Ord. No. 1185-12-99, 12-7-1999; Ord. No. 1588-2-12, 2-7-2012; Ord. No. 1626-5-13, 5-7-2013; Ord. No. [1720-9-16](#), § 2, 9-20-2016)

Sec. 118-467. - Off-street parking standards.

- (a) *Head-in parking.* An off-street parking space shall not be located on a public street or alley. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street shall not be allowed in nonresidential zoning districts nor shall it be allowed in conjunction with multifamily residential land uses.
- (b) *Parking spaces and aisle surfaces.* All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.
- (c) *Parking space and aisle dimensions.* All parking spaces and aisle dimensions shall conform to Figure 5, Off-Street Parking Standard Diagram, unless specifically approved by the building official.
- (d) *Site access for vehicles.* Access to a lot or tract shall conform to the access control guidelines in the city's comprehensive plan. A driveway conforming to city driveway standards shall be constructed for each approved access point. A permit must be obtained from the city to construct a driveway within the city.

**FIGURE 5 OFF-STREET PARKING
STANDARDS DIAGRAM**

A	B	C	D	E	F	G
0°	9'0"	9.0	12.0	23.0	30.0	-
	9'6"	9.5	12.0	23.0	32.0	-
	10'0"	10.0	12.0	23.0	32.0	-
20°	9'0"	15.0	11.0	26.3	41.0	32.5
	9'6"	15.5	11.0	27.8	42.0	33.1
	10'0"	15.9	11.0	29.2	42.8	33.4
30°	9'0"	17.0	11.0	27.7	42.0	33.4
	9'6"	17.8	11.0	19.0	46.6	38.4
	10'0"	18.2	11.0	20.0	47.4	38.7
45°	9'0"	19.8	13.0	12.7	52.5	46.5
	9'6"	20.1	13.0	13.4	53.3	46.5
	10'0"	20.5	13.0	14.1	54.0	46.9
60°	9'0"	21.0	18.0	10.4	60.0	55.5
	9'6"	21.2	18.0	11.0	60.4	55.6
	10'0"	21.5	18.0	11.5	61.0	56.0
70°	9'0"	21.0	19.0	9.6	61.0	57.9
	9'6"	21.2	18.5	10.1	60.9	57.7
	10'0"	21.2	18.0	10.6	60.4	57.0
80°	9'0"	20.3	24.0	9.1	64.3	62.7
	9'6"	20.4	24.0	9.6	64.4	62.7
	10'0"	20.5	24.0	10.2	65.0	63.3
90°	9'0"	19.0	24.0	9.0	62.0	-
	9'6"	19.0	24.0	9.5	62.0	-
	10'0"	19.0	24.0	10.0	62.0	-



- A. Stall Angle
- B. Stall Width
- C. Vehicle Projection for 19' Stall Length
- D. Aisle Width
- E. Curb Length Per Car
- F. Wall to Wall Width for Double Aisle
- G. Overlap Center to Overlap Center Width for Double Aisle

(Ord. No. 1130, art. V, § 4.2, 11-3-1998)

Sec 118-468. - Parking lot accessibility.

All parking lots shall conform to Texas accessibility standards.

(Ord. No. [1720-9-16](#), § 2, 9-20-2016)

Editor's note— Ord. No. [1720-9-16](#), § 2, adopted Sept. 20, 2016, amended § 118-468 in its entirety to read as set out herein. Former § 118-468 pertained to handicapped parking and derived from Ord. No. 1130, art. V, § 4.3, adopted Nov. 3, 1998.

Sec. 118-469. - Reductions in required parking.

(a) *Landscaping credit for off-street parking.*

- (1) The minimum off-street parking requirement may be reduced a maximum of ten percent for those parking facilities where a percentage of the total required parking spaces has been retained and/or developed as landscaped open space. The area to be retained and/or developed shall be equal or larger than the area of the number of parking spaces reduced.
- (2) A minimum of one tree shall be retained or planted on the site for each 300 square feet or portion thereof of landscaped open space. Acceptable tree species are indicated in section 118-431. The property owner or agent shall maintain trees in a healthy condition. Removed trees shall be replaced as necessary to maintain the credit.
- (3) If the property owner or the owner's agent does not replace dead or removed trees within 30 days of notification by the city planner or his or her designee, the parking credit shall be lost and the otherwise required parking shall be provided within 90 days.

(b) *Bicycle parking.*

- (1) For every five bicycle parking spaces provided, the vehicle parking space requirement is reduced by one space, up to ten percent of the original required parking.
- (2) Existing vehicle parking may be converted to take advantage of this provision.
- (3) To utilize this exemption, the property must provide bicycle racks and must meet the following requirements:
 - a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.
 - b. A space two feet by six feet must be provided for each bicycle parking space, so a bicycle six feet long can be securely held with its frame supported so the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

(c) *Motorcycle parking.*

- (1) Motorcycle parking may substitute for up to five percent of required parking.
- (2) For every five motorcycle parking spaces provided, the vehicle parking space requirement is reduced by one space.
- (3) To utilize this exemption, the property must provide motorcycle parking spaces meeting the following standards:
 - a. A space two feet by six feet must be provided for each motorcycle space.
 - b. All motorcycle spaces shall be located on a paved surface.

(d) Alternative Parking Plans.

1. Scope.

An "Alternative Parking Plan" represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in Sec. 118-466. - Off-street parking requirements.

2. Applicability.

Applicants who wish to provide fewer or more off-street parking spaces than allowed above shall be required to secure approval of an Alternative Parking Plan, in accordance with the standards of this Section. The City Planner may require that an Alternative Parking Plan be submitted in cases where the City Planner deems the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.

3. Contents.

Alternative Parking Plans shall be submitted in a form established by the City Planner and made available to the public. At a minimum, such plans shall detail the type of alternative proposed and the rationale for such a proposal.

4. Review and Approval Procedure.

The City Planner and City Engineer shall be authorized to approve Alternative Parking Plans. Appeals of the City Planner and City Engineer's decision may be made to the Planning and Zoning Commission.

5. Recording.

An attested copy of an approved Alternative Parking Plan shall be submitted to the County Clerk's office for recordation on forms made available in the Planning & Zoning office. Proof of recordation of the agreement shall be presented to the City Planner prior to issuance of a Building Permit. An approved Alternative Parking Plan may be amended by the City Planner and City Engineer.

6. Eligible Alternatives.

A number of specific parking and access alternatives are described below. The City Planner and City Engineer shall, however, be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, City-wide traffic circulation, and urban design ~~thanthat~~ wouldwith strict compliance ~~with otherwisewould not meet~~ applicable off-street parking standards.

a. Demand-Based Parking.

When the developer of a non-residential or multi-family development can demonstrate that such development will require fewer parking spaces than required by the standards of this Section, the City Planner and City Engineer may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified by the applicant through the development of a parking study prepared by a professional engineer or transportation planner siting shared parking per land uses and highest time usage per that use and submitted to the City Planner. Duplex, townhomes and single family attached and detached developments are not eligible for the demand-based parking option.

(Ord. No. [1720-9-16](#), § 2, 9-20-2016)

Editor's note— Ord. No. [1720-9-16](#), § 2, adopted Sept. 20, 2016, amended § 118-469 to read as set out herein. Former § 118-469 pertained to landscaping credit for off-street parking and derived from Ord. No. 1130, art. V, § 4.4, adopted Nov. 3, 1998.

Sec. 118-470. - Off-street loading requirements.

Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements:

- (1) *Retail, commercial and industrial uses.*

FIGURE 6 COMMERCIAL OFF-STREET LOADING REQUIREMENTS

Gross Floor Area (s.f.)	Minimum Required Loading Spaces
-------------------------	---------------------------------

0 to 10,000	None
10,001 to 50,000	1
50,001 to 100,000	2
100,001 to 200,000	3
Each additional 100,000	1 additional

(2) *Auditoriums, exhibitions halls, hotels, restaurants and sports arenas.*

FIGURE 7 RESTAURANTS AND PUBLIC FACILITIES LOADING REQUIREMENTS

Gross Floor Area (s.f.)	Minimum Required Loading Spaces
0 to 10,000	None
10,000 to 150,000	2
150,001 to 300,000	4
300,001 to 600,000	5
Each additional 100,000	1 additional

(Ord. No. 1130, art. V, § 5.1, 11-3-1998)

Sec. 118-471. - Off-street loading standards.

Loading spaces shall be a minimum of 12 feet in width, 65 feet in length, and 14 feet in height except as required for kindergartens, day care centers or similar child training and care establishments.

(Ord. No. 1130, art. V, § 5.2, 11-3-1998)

Sec. 118-472. - Dumpster screening requirements.

- (a) *Screening required.* Dumpster enclosures shall be screened from view from a public right-of-way. The dumpster area shall be in a location accessible to city sanitation vehicles and constructed according to the standards shown in figures 8 and 9.

FIGURE 8 DUMPSTER PAD DIAGRAM

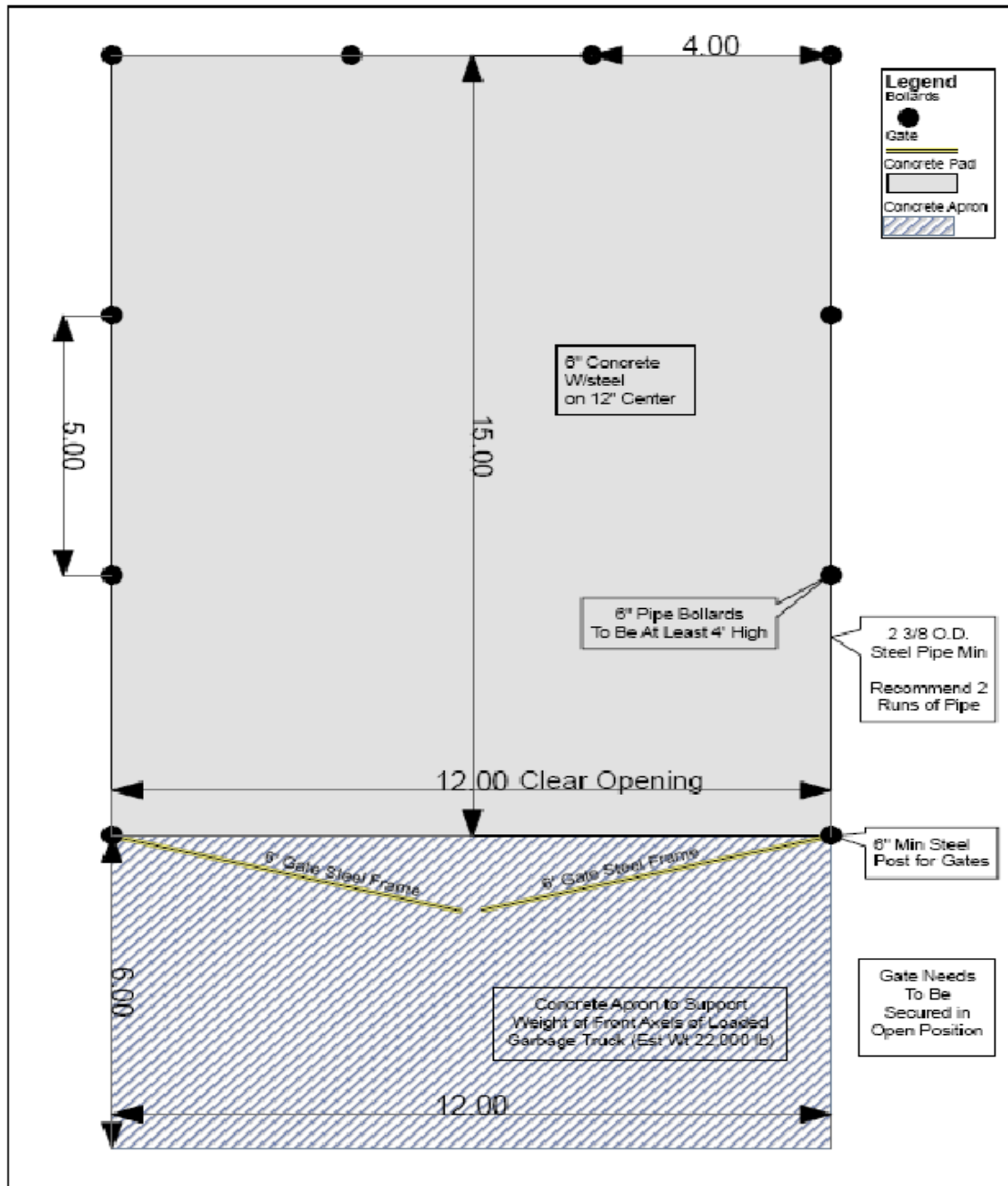
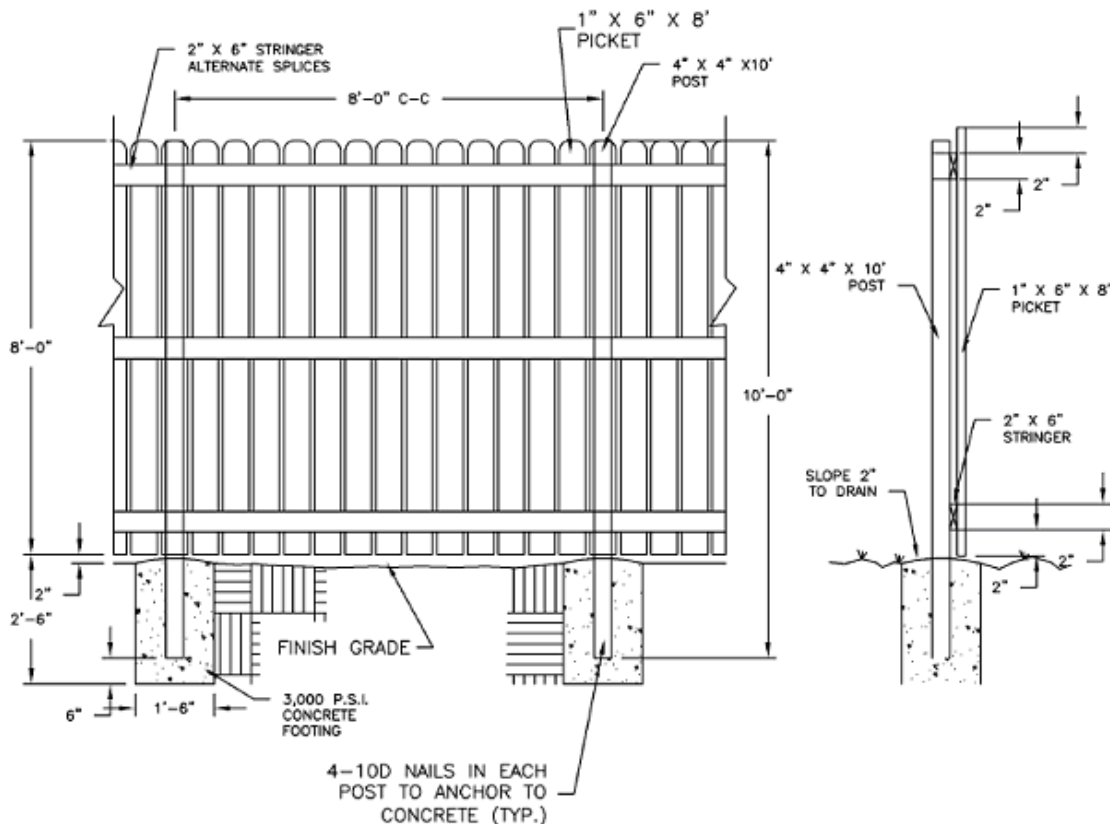


FIGURE 9 DUMPSTER SCREENING DIAGRAM



- (b) *Maintenance of screening.* It shall be the responsibility of the property owner to maintain the screening wall in a good condition at all times.
- (c) *Alternative methods and construction of screening.* The city manager or his designee may grant approval of screening materials and construction methods provided in this section.
- (d) *Variances to screening requirements.* The board of adjustment may grant variances to this section upon finding that:
 - (1) Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter;
 - (2) Such variance will not adversely affect the health, safety or general welfare of the public;
 - (3) The variance sought is due to unique circumstances affecting the property or the owner's use of the property. Financial consideration alone shall not be grounds for a variance; and
 - (4) The owner has made provisions for alternative screening reasonably equivalent in value and utility to the requirement sought to be varied.

(Ord. No. 1478-2-08, 2-5-2008)

Secs. 118-473—118-500. - Reserved.



Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.C.

PRESENTER: Nathan Dietrich, Planning Dietrich

ITEM/SUBJECT: Discuss amending Chapter 118-1, "Definitions," Article 1, of the City of Nacogdoches, Texas Code of Ordinances, "In General", clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS: 1. CON Sec._118_1.____Definitions. Duplex

Sec. 118-1. Definitions.

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

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

Accessory use means a structure or use that:

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

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

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

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

- (1) Hot-mixed asphaltic concrete:
 - a. Surface: 1.5 inches of type D or type C material.
 - b. Base: six inches of compacted iron ore gravel or the equivalent flexible base, or four inches of compacted hot sand asphaltic base.
- (2) Portland cement concrete:
 - a. Surface: five inches of class A, 3,000 psi concrete, reinforced with WWF 6 × 6, W 2.9 - 2.9.

-
- b. Base: four inches of compacted granular material.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Community center (private) means:

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

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

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

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

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

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

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

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

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

Density means as follows:

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

~~*Dwelling unit* means a building or portion of a building which is arranged, occupied or intended to be occupied as a single living quarters and includes facilities for food preparation and sleeping.~~

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

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

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

~~*Dwelling, multiple-family, means three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. The term "dwelling, multiple-family," includes three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments.*~~

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

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

Dwelling, duplex or two-family means two attached dwellings in one structure under one common ownership, each side designed to be occupied by one family.

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

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

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

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

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

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

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

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

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

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

Farm, ranch, garden or orchard means an area of three acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage

to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by city ordinance or law.

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

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

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

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

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

Foster home means a facility or area providing full-time parental care for six or more unrelated minor children for which compensation or fee is received in return for such services. This must comply with statutory licensing requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Microbrewery means a business which:

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

~~*Mobile home* means a structure that was constructed before June 15, 1976, or one constructed after this date that does not meet the rules of the United States Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent~~

~~chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public right-of-way (public street) means that land dedicated for public use commonly as a street, roadway, alley, bridge, or thoroughfare, and most often extends the entire width between property lines of any roadway, street, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Street - means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A "street" is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements. A "street" does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

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

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

Teen club means a nightclub that caters to teenage patrons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 1130, art. III, 11-3-1998; Ord. No. 1185-12-99, 12-7-1999; Ord. No. 1350-2-04, 2-3-2004; Ord. No. 1351-2-04, 2-3-2004; Ord. No. 1439-10-06, 10-3-2006; Ord. No. 1516-5-09, 5-5-2009; Ord. No. 1535-11-09, § 3, 11-17-2009; Ord. No. 1626-5-13, 5-7-2013; Ord. No. 1708-6-16, § 2, 6-21-2016)

Cross reference(s)—Definitions generally, § 1-2.



Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.D.

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT: Discuss amending Chapter 118, “Zoning,” Article II, “Administration”, Division 3 and 4, “Board of Adjustment and Amendment Procedure,” of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS:

1. DIVISION_3.____BOARD_OF_ADJUSTMENT (1)
2. DIVISION_4.____AMENDMENT_PROCEDURE

DIVISION 3. BOARD OF ADJUSTMENT¹

Sec. 118-96. Organization.

The board of adjustment shall be composed of five members and may have a maximum of ~~four~~four alternate members to ensure a quorum if a member is not available for the meeting. Appointments to the board of adjustment shall be for staggered terms of two years. Alternate members shall serve in the absence of one or more regular board members when required to do so by the mayor or city manager. The city council may remove a member or alternate member of the board for cause, as found by the city council on a written charge, after a public hearing. Vacancies shall be filled for the unexpired term of any member, or alternate member, whose term becomes vacant for any cause.

(Ord. No. 1130, art. X, § 1, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 118-97. Officers and compensation.

The board of adjustment shall meet and organize as soon as practicable, shall elect one of its members as chair, and vice-chair and shall have a board secretary. The members of the board and the secretary shall receive such compensation as may be determined and fixed by the city council.

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

Sec. 118-98. Procedures.

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

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

¹Cross reference(s)—Boards, committees and commissions, § 2-201 et seq.

State law reference(s)—Board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.011.

Sec. 118-99. Powers.

The board of adjustment shall have the following powers:

- (1) *Decide appeals of city planner's decisions.* The board of adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the city planner in the enforcement of this chapter and city rules and regulations.
- (2) *Variances to chapter.*
 - a. *Findings.* The board of adjustment, pursuant to the powers conferred upon it by state law, the city ordinances, and this article, may grant variances ~~and exceptions~~ to the sections of this chapter upon finding that:
 1. Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter;
 2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;
 3. Such variance will not adversely affect the health, safety or general welfare of the public;
 4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located;
 5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located; and
 6. The variance is not a self-created hardship.
 - b. *Variances.* The board of adjustment may permit in any district such modification of the requirements of the district regulations as the board may deem necessary to secure an appropriate development of a lot where adjoining such lot on two or more sides there are lots occupied by buildings which do not conform to this chapter.
 - c. *Decision.* The concurring vote of at least four members of the board of adjustment shall be necessary to authorize a variance.
 - d. *Application for variance.* Variances to be considered by the board of adjustment may be initiated by the owner of the affected property or the owner's authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by a decision of an administrative officer with authority over any matter appealable to the city council, or by an officer or appropriate board of the city.

(2) Exceptions to chapter.

(a) Scope. Special exceptions are deviations from otherwise applicable operational performance standards and compatibility standards where development is proposed that would be:

(b) Permit criteria. To approve an application for a special exception permit, the board of adjustment shall make an affirmative finding that granting the special exception will:

1. Such Exception is in harmony with the intent and purpose of the comprehensive plan and this chapter;

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2. Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use;
 3. Such exception will not adversely affect the health, safety or general welfare of the public or property values in any material way;
 4. Such exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located;
 5. The plight of the owner of the property for which the exception is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located; and
- b. Exception. The board of adjustment may permit in any district such modification of the requirements of the district regulations as the board may deem necessary to secure an appropriate development of a lot where adjoining such lot on two or more sides there are lots occupied by buildings which do not conform to this chapter.
 - c. Decision. The concurring vote of at least four members of the board of adjustment shall be necessary to authorize a exception.
 - d. Application for Exception. Exceptions to be considered by the board of adjustment may be initiated by the owner of the affected property or the owner's authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by a decision of an administrative officer with authority over any matter appealable to the city council, or by an officer or appropriate board of the city.

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

Sec. 118-100. Appeal of decisions made by city officers.

- (a) *Appeal of city planner's decision.* Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department or board of the city affected by any decision of the city planner. Such appeal shall be taken within a reasonable time, not to exceed 90-20 days, by filing with the city planner and with the board of adjustment a notice of appeal, which shall specify the grounds thereof. The city planner shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed was taken.
- (b) *Appeal stays city planner and building official action.* An appeal from the action of the city planner shall stay all proceedings in furtherance of such action unless the city planner certifies to the board that a stay would, in his opinion, cause imminent peril to life or property. If the city planner shall make and file such certificate, that action shall not be stayed unless by a restraining order which may be granted by the board, or by a court of record, upon application of the party aggrieved by the action of the city planner, and after notice to the city planner.
- (c) *Hearing.* The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and may authorize city staff to do such. The board of adjustment shall decide such appeal at the next meeting for which notice can be provide following the

~~hearing and not later than the 60th day after the date the appeal is filed. within a reasonable time.~~ Upon hearing of such appeal, any interested party may appear in person or by an agent or attorney.

- (d) *Powers.* In exercising the powers set out in this section, the board of adjustment may, in conformity with the provisions of state law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the city planner from whose action the appeal is taken.
- (e) *Decision.* Decisions of the board of adjustment shall be as follows:
 - (1) *Required vote.* A reversal by the board of any order, requirement, decision, or determination of the city planner against the applicant, and a finding in favor of the applicant by the board, shall require the concurring vote of four members of the board of adjustment.
 - (2) *Lapse of order.* Any reversal by the board of adjustment shall lapse after the expiration of 90 days where action by the appellant is not taken pursuant thereto within such period. This subsection shall not apply when the applicant has presented to the board of adjustment a development plan which requires a length of time greater than 90 days, in which event the board of adjustment may grant a greater length of time. In no event, however, shall such time granted exceed two years.

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

Sec. 118-101. Appeal to courts.

Any person jointly or severally aggrieved by any decision of the board of adjustment, any taxpayer or any city officer, department or board may present any such matter to a court of record for review, after the final action of the board thereon, and in the manner and upon the terms provided by state law in V.T.C.A., Local Government Code § 211.0011.

(Ord. No. 1130, art. X, § 5, 11-3-1998)

Secs. 118-102—118-130. Reserved.

DIVISION 4. AMENDMENT PROCEDURE~~s~~

Subdivision I. In General

Sec. 118-131. Applicability.

This division applies to all changes to visioning documents, and zoning. For historic designations and certificates of appropriateness, see article II of chapter 50 pertaining to historic preservation.

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

Sec. 118-132 Preapplication conference.

- a) It is required that the applicant for any zoning-related change(rezoning, planned development, SUP), Special Exceptions or variance have a pre-application conference with the city planner prior to incurring substantial expense in preparing plans, surveys and other data.
- b) At the preapplication conference, the applicant should present a draft concept with as much detail as possible.
- c) Based on the information presented, the city planner will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the formal planned development application.

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

Sec. 118-13~~32~~. Notice of public hearings.

- (a) Publication of ~~A~~notice for planning and zoning commission public hearing. Before the tenth day before the date of the planning and zoning commission hearing, written notice of each public hearing before the planning and zoning commission on a proposed change in a zoning classification shall be sent to each owner indicated by the most recently approved municipal tax role, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the United States mail.
- (b) Publication of notice for city council ~~or Board of Adjustment~~ public hearing. Before the 15th day before the date of the ~~city council~~ hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the city.

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

Sec. 118-13~~4~~3. Joint public hearings.

The planning and zoning commission and the city council may, from time to time, hold joint public hearings to consider a zoning or planning-related matter. However, the city council shall not take action until it has received the recommendation of the planning and zoning commission. The notice for such hearings shall ~~meet~~ follow the ~~minimum-maximum~~ requirements for City councila public hearing established in section 118-132.

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

Sec. 118-13~~5~~4. Computation of time.

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

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

Sec. 118-13~~6~~5. Zoning upon annexation.

- (a) *Newly annexed territory.* Shall automatically be zoned to AG (agricultural). ~~However, t~~The planning and zoning commission shall, as soon as practicable, either during or after annexation of any territory, recommend to the city council a plan for zoning the newly annexed area. The procedure to be followed for adoption shall be the same as is established in this division for a change in zoning and should follow the direction of the Comprehensive plan (Future Land Use Plan).
- (b) *Issuance of permits in newly annexed areas.* No permits for the construction of a building or a use of land other than types of buildings or land use allowed in an AG agriculture district under this chapter shall be issued by the building official until such land has been zoned to a district which permits such a use.

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

~~Sec. 118-136. Review of specific use permit applications.~~

- ~~(a)—Planning and zoning commission action. The planning and zoning commission shall conduct a public hearing and make a recommendation to the city council on any application for a specific use permit.~~
- ~~(b)—City council action. The city council shall conduct a public hearing and make a determination on the application for a specific use permit.~~
- ~~(c)—City council approval or denial. Following the closure of the public hearing, the city council may take the following actions on any specific use permit applications:~~
 - ~~(1)—Approval. The city council may approve the request as presented, or make it subject to such appropriate conditions as are allowed by law. Such approval of any request for a specific use permit shall be granted only if the city council determines that the request is consistent with the comprehensive plan and the purposes of this chapter.~~
 - ~~(2)—Approval with conditions. In authorizing a specific use permit, the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.~~

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

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

Sec. 118-13~~87~~⁹⁷. Initiation of administrative procedures.

- (a) *Application required.* All zoning and site plan requests to be considered by the planning and zoning commission and/or the city council, shall be initiated by filing an application with the city. The applications required by this section shall be on forms supplied by the ~~city, and~~city and shall be available in the offices of the city.
- (b) *Submittal and acceptance.* No application shall be processed until such application is complete and the fee established by the city council for processing the application has been paid.
- (c) *Authority to initiate request.* The following shall have authority to initiate a request:
 - (1) *Zoning map amendments.* All zoning-map amendment applications may be initiated by the owner of the affected property or his/her authorized representative who files the required application and pays the appropriate fee for the request, or by action of the city council, planning and zoning commission or the city planner.
 - (2) *Zoning ordinance text amendments.* Amendments to the text of this chapter shall be initiated only by action of the city council, the planning and zoning commission or the city planner.
- (d) *Application withdrawal.* Procedures for withdrawal of an application are as follow:
 - (1) *Submittal of application for withdrawal.* Any request for withdrawal of an application must be submitted in writing to the city planner.
 - (2) *Timing for application for withdrawal.* Once an application for a zoning-related item to be considered by the planning and zoning commission and/or city council or a variance, special exception or appeal going before the ~~city council~~board of adjustment has been published in a newspaper or notifications of public hearing, if any, have been mailed, such request for withdrawal must be placed on the public hearing agenda and acted upon by the applicable body.
 - (3) *Refund of fees.* Application fees are not refundable except when the city planner determines that an application was accepted in error, or the fee paid exceeded the amount due under city council policy or city ordinance, in which case the amount of the overpayment may be refunded to the applicant.

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

Sec. 118-13~~98~~⁹⁸. Review of Comprehensive Plan, Major Thoroughfare, Planned Developments, Specific Use, Rezoning/ zoning-related items.

- (a) *Planning and zoning commission actions.* Actions of the planning and zoning commission on zoning-related items are as follow:
 - (1) *Recommendations.* The planning and zoning commission shall conduct a public hearing and make recommendations to the city council on the following matters:

-
- a. Text amendments to this chapter.
 - b. Zoning changes and map amendments, including reclassification of the zoning designations on land, planned developments (PD), and overlay districts.
 - c. Amendments to the comprehensive plan.
 - d. Amendments to the thoroughfare plan.
 - e. Specific use permit applications.
- (2) *Final determinations.* The planning and zoning commission shall conduct a public hearing and make final ~~determinations~~ recommendations on detailed site plans for planned development districts.
- (b) *City council actions.* The city council shall conduct a public hearing and make determinations on the following matters:
- (1) Text amendments to this chapter.
 - (2) Zoning changes and map amendments, including reclassification of the zoning designations on land, and planned developments (PD).
 - (3) Amendments to the comprehensive plan.
 - (4) Amendments to the thoroughfare plan.
 - (5) Specific use permit applications.
- (c) *City council approval or denial.* Following the closure of the public hearing, the city council may take the following actions on any zoning-related applications:
- (1) *Approval.* The city council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law in order to implement the policies of the city's comprehensive plan and in order to safeguard the public safety and welfare of the citizens and to protect properties from adverse impact and incompatibilities. Approval of any request for a text amendment to this chapter or a zoning change and map amendment shall be granted only if the city council determines that the request or amendment is consistent with the comprehensive plan and the purposes of this chapter. If the request or amendment concerns a text amendment to this chapter or a zoning change and map amendment, the city council shall enact an ordinance amending this chapter or amending the official zoning map, whichever is applicable.
 - (2) *Approval with conditions.* In approving a planned development district, the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.
 - (3) *Denial with prejudice.* The city council may deny the request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one year only if the new request is for a more restrictive or less intense use or development. Unless the new proposal is more restrictive or less intense than the previously denied proposal, no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land or any portion thereof for a period of one year from the date of its denial by the city council. If a request or amendment is denied by the city council without an indication of "with" or "without" prejudice, the action shall be considered to be "denied with prejudice."
 - (4) *Denial without prejudice.* The city council may deny the request or amendment without prejudice, in which case an application for a change in zoning and map amendment other than that which was requested on the original application may be filed at the applicant's discretion.

-
- (5) *Submission of subsequent rezoning request.* A proposal to rezone a tract or parcel of land which has been previously rejected by the city council only may be resubmitted within one year only if there is an actual change in conditions relating to zoning principles of the tract or parcel of land or the property surrounding it. In that event, the applicant must submit to the city planner, in writing, a description of such changed conditions. The city planner shall investigate the property or cause such an investigation to be made and shall report to the planning and zoning commission whether or not such changed conditions exist. Upon hearing such report, the planning and zoning commission shall either grant or deny the request to refile the proposal for rezoning.

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

Sec. 118-14039. Conditions for approval.

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

- (1) *Compatibility.* The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
- (2) *Orderly growth and development.* The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- (3) *Supporting facilities.* Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
- (4) *Drives and parking.* The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
- (5) *Nuisances.* Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- (6) *Lighting.* Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
- (7) *Landscaping.* Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided; and
- (8) *Comprehensive plan.* The proposed use is in accordance with the comprehensive plan.

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

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

- (a) New matters of evidence not presented to the planning and zoning commission in zoning-related hearings may or may not, in the discretion of the city council, be heard or considered by the city council in its public hearings related to amendments to this chapter and maps to the city.
- (b) If new evidence develops between the date of the hearing by the planning and zoning commission and the hearing of the city council on any zoning change, or if for any other valid reason a person wishes to present evidence to the city council which had not been presented to the planning and zoning commission, the city council may hear and consider the evidence or refer the case back to the planning and zoning commission for further hearings to consider the new evidence.

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- (c) Nothing contained in this section shall be construed to prohibit anyone from speaking in the public hearing related to changes in zoning.

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

Sec. 118-14~~21~~. Protest of proposed change in zoning.

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

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

Sec. 118-14~~32~~. Building permits and certificates of occupancy.

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

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

Secs. 118-14~~43~~—118-170. Reserved.

Subdivision II. Application for Rezoning or Special Use Permit

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

- ~~(a) It is recommended that the applicant for a zoning-related change have a preapplication conference with the city planner prior to incurring substantial expense in preparing plans, surveys and other data.~~
- ~~(b) An applicant for a zoning change is encouraged to request a preapplication conference with the city planner prior to formal application.~~
- ~~(c) At the preapplication conference, the applicant should present a draft concept with as much detail as possible.~~
- ~~(d) Based on the information presented, the city planner will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the formal planned development application.~~

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

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

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

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

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

- (1)—*Compatibility*. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
- (2)—*Orderly growth and development*. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- (3)—*Supporting facilities*. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
- (4)—*Drives and parking*. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
- (5)—*Nuisances*. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- (6)—*Lighting*. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
- (7)—*Landscaping*. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided; and
- (8)—*Comprehensive plan*. The proposed use is in accordance with the comprehensive plan.

(Ord. No. 1130, art. VIII, § 1.3, 11-3-1998)

~~Sec. 118-174. Specific use permit (SUP).~~

- (a)—*Application procedures*. An application for a specific use permit shall follow the procedure for general zoning applications except as set out in this section.
- (b)—*Specific use permit site plan*. The completed application shall be accompanied by a site plan which, along with the application, will become a part of the specific use permit, if approved. The accompanying site plan shall provide the following information:
 - (1)—Data describing all the processes and activities involved with the proposed use;
 - (2)—Boundaries of the area covered by the site plan;
 - (3)—The location of each existing and proposed building and structure in the area covered by the site plan; and
 - (4)—The location and dimensions of all curb cuts, public and private streets, and parking and loading areas.
- (c)—*Notice of public hearings*. Notice of public hearings shall be given as follows:

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- (1) *Notice for planning and zoning commission public hearing.* Before the tenth day before the date of the hearing, written notice of each public hearing before the planning and zoning commission on a specific use permit application shall be sent to each owner indicated by the most recently approved municipal tax role, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the United States mail.
- (2) *Publication of notice for city council public hearing.* Before the 15th day before the date of the city council hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the city.
- (d) *Joint public hearings.* The planning and zoning commission and the city council may, from time to time, hold joint public hearings to consider a specific use permit application. However, the city council shall not take action until it has received the recommendation of the planning and zoning commission. The notice for such hearings shall meet the minimum requirements for a public hearing established in subsection (c) of this section.
- (e) *Computation of time.* Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, a Sunday or a legal holiday as observed by the city, that day shall be excluded. Whenever a person has the right or is required to perform some act within the prescribed period, after the service of a notice or other paper upon him and the notice or paper is served by mail, three calendar days shall be added to the prescribed time, unless otherwise specifically provided.
- (f) *Time limit.* A specific use permit issued under this section shall be valid for a period of 180 days from the date of issuance and shall become null and void unless construction or use is substantially underway during such 180-day period, or unless an extension of time is approved by the city council. A specific use permit issued by the city council shall become null and void if the land use for which it was issued has been closed, vacated, abandoned, or changed to a different use for a period of 180 or more days.
- (g) *Revocation.* A specific use permit may be revoked or modified by the city council, after notice to the property owner and a hearing, for any of the following reasons:
- (1) The existence of any material error or misrepresentation in the application required in this section;
 - (2) The specific use permit was obtained or extended through misrepresentation or deception; or
 - (3) One or more of the conditions imposed by the permit has not been met or has been violated.
- (h) *Amendments.* No building, premises, or land use under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the original specific use permit has been obtained. The procedure for amendment of a specific use permit shall be the same as for a new application.
- (Ord. No. 1130, art. VIII, § 2, 11-3-1998; Ord. No. 1431-8-06, 8-1-2006; Ord. No. 1535-11-09, § 3, 11-17-2009)

Secs. 118-175—118-200. Reserved.



Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.E.

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT: Discuss amending Chapter 118-427, "Zoning," Article VI, "District Development Standards" of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS: 1. Sec._118_427.___District_development_standards^ (1)

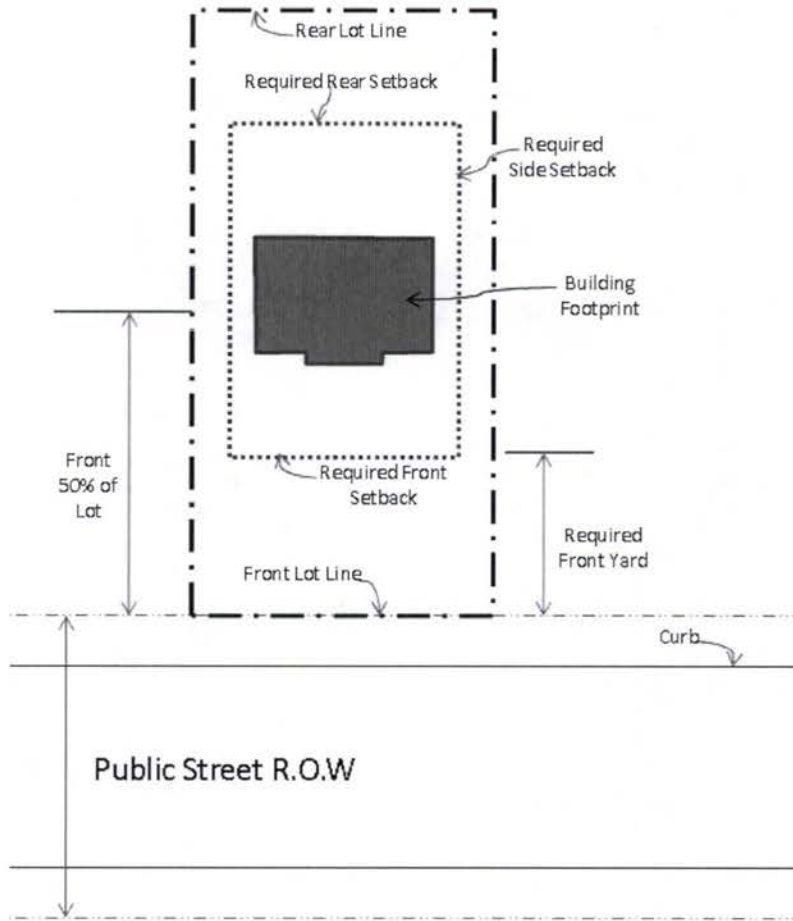
Sec. 118-427. District development standards.

(a) District development chart.

Figure 3 District Development Standards Chart

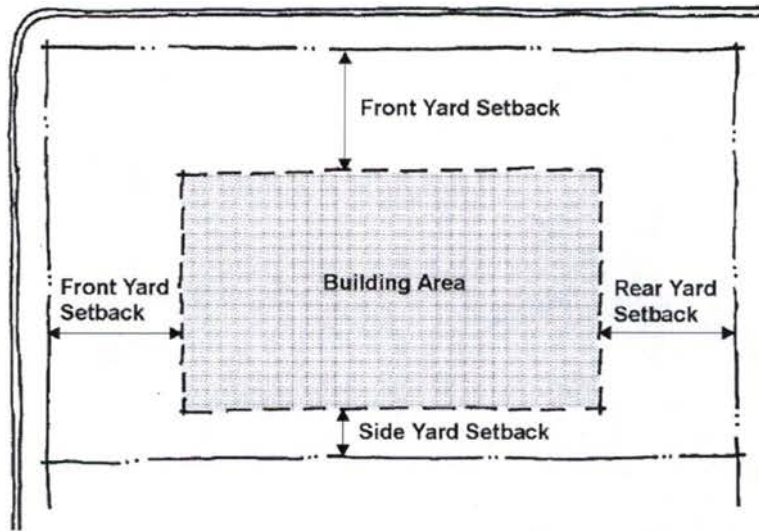
Zoning District		Density		Lot Width *	Lot Depth *	Minimum Setbacks		
		Residential Min. Lot Size (ft. ² /du)	Non- Residential Max (FAR)			Front	Rear	Side
A	Agricultural	2 ac		75	110	25	20	6
R-1	Single Family	8,250		75	110	25	20	6
R-2	Single Family	6,000		60	100	20	15	6
R-3	Two Family				100	20	10	6
	—Single Family Detached	5,000		50				
	—Single Family Attached	2,500		25				
	—Duplex	3,000		50				
R-4	Multi-Family				100	20	10	6
	—Single Family Detached	5,000		50				
	—Single Family Attached	2,000		20				
	—Duplex	2,500		50				
	—Multi-Family	1,500		50				
B-1	Local Business	1,500		50	100	10	10	6
B-2	General Business	1,500		50	100	20	10	0, 10
B-3	Central Business	1,500	10:01	50	100	0	10	0
MD	Medical	1,500		50	100	20	10	6
I-1	Light Industrial		2:01	50	100	20	20	20
I-2	Heavy Industrial		4:01	50	100	20	20	20

* + Exception for lot width and lot depth when it comes to lots that have been in existence prior to the adoption of the ordinance. Exceptions for both lot depth and width can be approved by the City Planner when either lot depth or width is within 5% of that lot dimension. Additionally, the lot must meet all other minimum development standards (ie lot size, setbacks etc) *****Provide illustrations*****



(b) *Front yard setbacks.*

- (1) *Building lines established by ordinance.* Where a building line has been established by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building is located, the minimum required front yard shall comply with the building line so established by such ordinance.
- (2) *Platted building line.* Where a building line is shown on a subdivision plat recorded with the county clerk prior to the effective date of the ordinance from which this chapter derives and such building line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the subdivision is located, the building lines as so shown on the plat shall be interpreted as establishing the minimum front yard requirement for lots in the subdivision.
- (3) *Double frontage lots.* Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets.



- (4) *Service station canopy.* An unenclosed canopy for a gasoline service station may extend into the required front yard, provided such extension shall not be closer than ten feet to the front lot line.
- (5) *Fences.* No fence shall be constructed closer than 12 feet from the back of a curb where a curb exists, or 12 feet from the central flow line of a ditch paralleling such uncurbed streets, or behind the property line, whichever is greater.
- (c) *Side yard setbacks.*
 - (1) *Side yard abutting a street.* Single-family attached dwellings need not provide a side yard, except that where such side yard abuts a street, a minimum side yard of 20 feet shall be provided.
 - (2) *Duplex and multi-family dwelling units.* For the purpose of applying side yard requirements, two-family and multi-family dwelling units covered by a continuous roof shall be considered as one building occupying a lot.
- (d) *Maximum density; parking structures excluded.* The floor area of structures used for the off-street parking of vehicles shall be excluded in computing the floor area ratio of a structure.
- (e) *Accessory uses and structures in residential districts.*
 - (1) *Accessory uses in main building.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side, and rear yard requirements as the main building.
 - (2) *Accessory buildings in front half of lot.* Detached accessory buildings within the front 50 percent of the lot shall observe the same front and side yard requirements as the main building.
 - (3) *Accessory buildings near residential.* Detached accessory buildings shall not be located nearer than ten feet to a residential structure.
 - (4) *Accessory buildings near rear lot line.* Detached accessory buildings shall not be located nearer than ten feet to any rear lot line.
 - (5) *Accessory buildings on corner lot.* Detached accessory buildings on a corner lot shall not be located nearer the side lot line along the side street than the main building.
 - (6) *Accessory buildings near interior side lot line.* Detached accessory buildings shall not be located nearer than five feet to any interior side lot line.

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- (7) *Emergency access.* No off-street parking areas shall be so located or arranged so as to obstruct direct fire protection and emergency access to any multiple-family dwelling.

(Ord. No. 1708-6-16 , § 2, 6-21-2016)



Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.F.

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT: Discuss amending Chapter 118. "Zoning," Article II, Division 5, "Administration", "Nonconforming Structures and Uses," of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS: 1. DIVISION_5.____NONCONFORMING_STRUCTURES_AND_USES
(1)

PART II - CODE OF ORDINANCES
Chapter 118 - ZONING
ARTICLE II. - ADMINISTRATION
DIVISION 5. NONCONFORMING STRUCTURES AND USES

DIVISION 5. NONCONFORMING STRUCTURES AND USES

Sec. 118-201. Applicability.

- (a) *Nonconformity.* If the city or other governmental agency takes an act or action which transforms a previously conforming structure or lot of record in terms of the city's previous ordinance, or the minimum requirements in this division or in division 1 of article VI of this chapter, such structure or lot shall be deemed to be in conformance with this division and article VI of this chapter.
- (b) *Creation of nonconformity.* No lot or structure existing on the effective date of the ordinance from which this chapter derives shall be reduced below the minimum requirements set forth in this chapter, except as otherwise provided.
- (c) *Change in district boundaries.* Whenever a nonconformity is created by changing the boundaries of a zoning district and transferring an area from one district to another district, or when the boundaries of districts are changed as the result of annexation of new territory, or changes in the regulations or restrictions of this chapter, this division shall apply.

(Ord. No. 1130, art. IV, § 2.1, 11-3-1998)

Sec. 118-202. Continuing nonconforming use or structure. (There is a mixing of use and structure throughout this section. I would like to separate these two completely separate things. Non-conforming use and structure how these are viewed really is separate.

The lawful use of any building, structure or land existing on the effective date of the ordinance from which this chapter derives may be continued, even though such use does not conform to the sections of this chapter; provided, however, the right to continue such nonconforming use or structure shall be subject to the following:

- (1) *Nonconforming buildings.* A nonconforming building or structure may be occupied as follows:
 - a. *Repairs and alterations.* Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made except those required by law or ordinance, or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms or the footprint of habitable structure with conditioned or enclosed walls.
 - b. *Enlargement.* Unless otherwise provided, a nonconforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements are made to conform to all of the requirements of the district in which such building structure is located. This expansion consideration would be similar to a porch (covered or not), deck, pool, storage structure or carport.
 - c. *Relocating a nonconforming structure.* A nonconforming building or structure shall not be moved in whole or in part, unless every portion of such building or structure is made to conform to all regulations of the district in which it is to be located.

-
- d. *Reconstruction of damaged building.* If a nonconforming building or structure is damaged or destroyed to an extent less than 60 percent of its fair market value by fire, explosion, act of God, or the public enemy, restoration or new construction shall be permitted. If destruction is greater than 60 percent of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the district in which it is located, and it shall be treated as a new building.
 - e. *Unoccupied nonconforming structures.* A nonconforming building or structure lawfully constructed may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period 180 days after the effective date of the ordinance from which this chapter derives. The use of a nonconforming building or structure lawfully constructed, which becomes unoccupied after the effective date of the ordinance from which this chapter derives, may also be occupied by the use for which the building or structure was designed or intended, if so occupied within a period of 180 days after the building or structure becomes vacant.
 - f. *Manufactured home.* A manufactured home on an existing lot lawfully in place at the time of the adoption of this section may remain in use, provided that it does not remain vacant for more than 180 days. Once a manufactured home is removed from a lot, another manufactured home may be placed on the lot, if placed no more than 180 days from the date of the removal of the original manufactured home, provided it meets the applicable requirements of the underlying zoning district.
- (2) *Nonconforming use of building.* The nonconforming use of a building or structure may be continued as follows:
- a. *Changing use of nonconforming structure.* The nonconforming use of a building or structure may be changed to a use of the same or more restrictive classification. Where the nonconforming use of a building or structure is changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of less restrictive classification.
 - b. *Changing or expanding nonconforming use.* A nonconforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.
- (3) *Nonconforming use of lands.* The nonconforming use of land existing at the time of the effective date of the ordinance from which this chapter derives may continue as follows:
- a. *Expansion of nonconforming use of land.* A nonconforming use of land shall not be expanded or extended.
 - b. *Discontinuance of nonconforming use of land.* If a nonconforming use of land, or any portion thereof, is voluntarily discontinued for a period of 180 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.
- (4) Single Family residential Use and structure. Any legal non-conforming single family residential structure may continue to be used if created by the changing of the overall zoning from its original district. These single-family uses may be expanded with improvements that would not be expansion of the overall footprint of the conditioned air space of the house. These improvements could be similar to a porch (covered or not), deck, pool, storage structure or carport.

Commented [ND1]: Need to check this with the occupational code of the TGLC

(5) *Single-family residential.* Any legal nonconforming single-family residential structure damaged or destroyed by fire, explosion, act of God, or the public enemy, or is the subject of a city-approved housing rehabilitation or reconstruction program may be reconstructed or repaired, with the following conditions:

- a. A building permit is issued for the reconstruction or repair within 180 days of the occurrence of the damage or destruction.
- b. The repairs or replacement structure shall not increase the extent of the nonconformity or the nature of the nonconforming activity.
- c. The replacement structure shall meet the minimum required building setbacks of the zoning district.

(Ord. No. 1130, art. IV, § 2.2, 11-3-1998; Ord. No. 1350-2-04, 2-3-2004; Ord. No. 1547-7-10, 7-20-2010)

Sec. 118-203. Abandonment of nonconforming use.

A nonconforming use of a building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

- (1) The intent of the owner to discontinue the use is apparent;
- (2) The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 180 days;
- (3) A nonconforming building, structure, or land, or portion thereof which is or becomes vacant and remains unoccupied for a period of 180 days; or
- (4) A nonconforming use has been replaced by a conforming use.

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

Secs. 118-204—118-230. Reserved.



Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.G.

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT: Discuss amending Chapter 118, "Zoning," Article V, "Planned Developments" of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS: 1. ARTICLE_V.___PLANNED_DEVELOPMENTS (1)

ARTICLE V. PLANNED DEVELOPMENTS

Sec. 118-386. Purpose.

The purpose of this article is to provide for the creation of planned development zoning districts. These districts are intended to provide for the development of land as an integral unit for single or mixed use in accordance with a plan that may vary from the established regulations of other zoning districts. The planned development (PD) district is intended to implement the goals and objectives of the city's comprehensive plan or with sound planning practice. It is also meant to encourage flexible and creative planning to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to provide for a development that is superior to what could be accomplished in other zoning districts by meeting one or more of the more than one of the following purposes:

- (1) Provides for a superior design of lots or buildings.
- (2) Provides for increased recreation and/or open space opportunities for public use.
- (3) Provides amenities or features that would be of special benefit to the property users or community.
- (4) Protects or preserves natural amenities and environmental assets such as trees, creeks, ponds, floodplains, and slopes or hills.
- (5) Protects or preserves existing historical buildings, structures, features or places.
- (6) Provides an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.
- (7) Implements the goals and objectives of the comprehensive plan better than would standard zoning districts.

The more of these purposes that the plan meets the more interested the Commission and Council will be willing to approve the proposed district.

(Ord. No. 1130, art. VIII, § 3.1.A, 11-3-1998)

Sec. 118-387. Nature of district and plans required.

There are three-two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

- (1) Concept plan. This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land uses and intensities, thoroughfare locations, open space and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- (2) Development plan. This plan is intended to be used most often as the second step of the planned development process. The development plan contains all the information of a concept plan, but includes more detailed information as to the specific land uses and their boundaries. The purposes of a development plan are to ensure that the development project proceeds in orderly fashion, consistent with the approved concept plan and to ensure that the standards applicable within the district are

reviewed to ensure that they meet for each phase of the project (if phased). A development plan may also be used to establish the district.

- (3) — *Planned development site plan.* The planned development site plan is the final step of the planned development process. The purposes of a planned development site plan are to ensure that the development of individual building lots, parcels or tracts within a project are consistent with the approved development plans and to ensure that the standards applicable within the district are met for each individual building site and parcel.

(Ord. No. 1130, art. VIII, § 3.1.B, 11-3-1998)

Sec. 118-388. Notice, hearing, and written protests.

Approval of ~~concept plans and~~ development plans are considered amendments to this chapter. The provisions of V.T.C.A., Local Government Code ch. 211 relating to notices, public hearings, and written protests for changes in zoning districts or regulations shall apply to requests for approval or amendment of ~~concept plans and~~ development plans.

(Ord. No. 1130, art. VIII, § 3.1.C, 11-3-1998)

Sec. 118-389. Compliance with approved plan.

No development shall begin and no building permit shall be issued for any land within a planned development district until a ~~planned development site plan that is consistent with the concept plan and the~~ development plan for the tract has been approved. All districts shall be developed, used and maintained in compliance with the ~~approved planned development generally approved site development~~ plan for the district. Compliance with standards and conditions set forth in the ordinance establishing the district, the ordinance approving the development plan and attached to the planned development site plan shall be construed as conditions precedent to granting of a certificate of occupancy.

(Ord. No. 1130, art. VIII, § 3.1.D, 11-3-1998)

Sec. 118-390. Permitted uses.

Any use or combination of uses approved by the city council may be permitted within a planned development district. However, no land use may be authorized which is not generally consistent with the land use ~~element~~ of the city's comprehensive plan unless demonstrated differently. The uses to be permitted in any specific planned development district shall be enumerated in the ordinance that establishes the district.

(Ord. No. 1130, art. VIII, § 3.1.E, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 118-391. Variances or Special Exceptions.

Amendment of planned development district standards and plans shall be in accordance with subsection 118-392(d). The board of adjustment may not grant a variance or special exception within a planned development district. The district itself would need to be resubmitted and approved with any changes. Small minor variances that does not impact more than 5 percent of the requirement may be requested through the City Planner.

(Ord. No. 1130, art. VIII, § 3.1.F, 11-3-1998)

Commented [ND1]: Need to discuss if the Planned development will have an underlying zoning district that it shall meet those requirements and the planned development shall just discuss the areas that it would deviate in the ordinance. This just allows for the areas it would like to deviate show as the changes instead of having a whole new ordinance written including all development standards.

Sec. 118-392. Procedures.

(a) *Establishment of district.* Procedures for establishment of a planned development district are as follows:

(1) *Zoning amendment.* An application for establishment of a planned development district shall be made to the planning and zoning commission and shall be considered an application for a zoning amendment pursuant to subdivision II of division 4 of article II of this chapter.

(2) ~~*Concept plan.* An application for establishment of a planned development district shall be accompanied by a concept plan or, at the applicant's option, a development plan, which shall be processed simultaneously with the zoning amendment application. If the zoning amendment application is approved, the concept plan or development plan shall be incorporated within such amendment. Where establishment of the district is to be based on a development plan, in addition to the considerations for establishment of the district in this subsection, the development plan must meet the criteria specified in subsection (a)(5) of this section and must include the elements set forth in subsection (b) of this section.~~

a. ~~*Concept plan graphics.* The concept plan shall graphically depict the following elements at a scale of 1"=100':~~

- ~~1. The configuration of proposed and existing land uses by category for each tract or subarea to be developed.~~
- ~~2. Proposed density by type of residential uses, including maximum numbers of dwelling units for the project.~~
- ~~3. Proposed total floor area or floor area ratios by category of nonresidential land uses.~~
- ~~4. Proposed open space.~~
- ~~5. Proposed and existing thoroughfares, boulevards and large streets.~~
- ~~6. Land uses by zoning district, together with existing and planned thoroughfare extensions, for adjoining land.~~

b. ~~*Informational statement.* The concept plan shall be accompanied by an informational statement containing the following:~~

- ~~1. A general statement setting forth how the proposed district will relate to the adopted comprehensive plan elements and the degree to which it is or is not consistent with that plan.~~
- ~~2. The total acreage within the proposed district.~~
- ~~3. If the project is to be developed in phases, a proposed phasing plan that identifies the general sequence of development and a time schedule including the general sequence for installation of major capital improvements to serve the development.~~
- ~~4. A metes and bounds description shown on the boundaries of the plan map.~~

~~The informational statement shall not be considered part of the concept plan or the ordinance establishing the district. The property owner shall update the phasing plan from time to time, but in any event concurrent with any change to the concept plan and with each development plan submitted.~~

c. ~~*Complete application.* No application for establishment of a planned development district shall be deemed to be filed with the city until the concept plan or development plan has been determined to be complete by the city planner.~~

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(Supp. No. 44)

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- (3) *Planning and zoning commission recommendation.* The planning and zoning commission, after the required notice and public hearing procedures, shall formulate its recommendation with respect to establishment of the district, including any conditions to be applied. The recommendation of the commission shall be forwarded to the city council for decision.
- (4) *City council decision.* Following receipt of the planning and zoning commission's recommendation, the city council shall conduct a public hearing and shall approve, approve with conditions, or deny the application for establishment of the planned development district.
- (5) *Approval criteria for planned development district.* Based upon the concept plan or development plan, the planning and zoning commission in making its recommendations to the city council, and the city council, in determining whether the planned development district should be established, shall consider whether the following criteria have been met:
- a. The plan of development is generally consistent with the future land use policies and map in the adopted comprehensive plan.
 - b. Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses.
 - c. The general arrangement of streets conforms to the adopted thoroughfare plan.
 - d. Proposed uses and development densities and intensities are consistent with the purposes and standards of the planned development district regulations.
 - e. The proposed plan for development furthers the public health, safety and general welfare of the community.
- (6) *Conditions.* The planning and zoning commission may recommend and the city council may require such conditions and modifications of the concept plan or development plan, where applicable, such as are reasonably necessary to ensure that the approval criteria are met, including but not limited to conditions related to the extent of the property for which the concept plan is proposed, the size of the project, and the timing of development within the district.
- (7) *Adopting ordinance.* The ordinance establishing a planned development district shall incorporate a concept plan or development plan, which shall be attached as an exhibit to the ordinance, and shall set forth the following:
- a. A statement as to the purpose and intent of the district.
 - b. The uses authorized for each tract or subarea in the district, by use category, the location of such uses, and the residential densities and nonresidential intensities associated with phases of the project, in conformance with the approved concept plan or development plan.
 - c. The conditions applicable to development within the district, as established by the city council.
- The graphic depiction of these features on the incorporated concept plan or development plan shall be considered as regulatory standards applicable within the district. Change or modification to such features shall be in accordance with the procedures in subsection (d) of this section.

(b) *Development plans.* Procedures for development plans are as follows:

- (1) *Following establishment of a planned development district.* ~~The~~ If a district is established based upon a concept plan, the city council ~~may will~~ thereafter approve by ordinance a development plan for all or part of the district, a copy of which shall also be attached to the ordinance creating the district. Approval of the development plan shall be in accordance with procedures for amending this chapter and shall be considered as an amendment to the planned development district that supplies additional standards and conditions which must be met prior to approval of a detailed planned development site

plan and prior to approval of any building permit or certificate of occupancy within that part of the district subject to the development plan.

(2) ~~Substitution for concept plan. The developer may submit a development plan in substitution for a concept plan in conjunction with an application for establishment of the planned development district. In such a case, approval of the development plan shall be in accordance with the criteria set forth in subsection (a)(5) of this section for establishment of the planned development district, subject to the additional standards in this article. A development plan may be prepared and submitted for the entire development at one time or for individual phases of development.~~

(3) *Submittal requirements for development plan.* Submittal requirements for the development plan shall be as follows:

- a. *Graphic elements.* The development plan shall include the following information:
 1. Site boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross streets.
 2. Location map, north arrow, title block and site data summary table.
 3. The boundaries of the different land uses and the boundary dimensions.
 4. Preliminary building locations and footprints.
 5. Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography.
 6. Drainageways, creeks, and limits of the 100-year floodplain and floodway as shown on current Federal Emergency Management Agency mapping or the city's adopted master drainage plan, including location and acreage, together with a general plan for accommodating floodwaters and drainage.
 7. Proposed and existing land uses and zoning classifications on adjacent properties.
 8. Proposed parking areas and structures for multifamily and nonresidential uses, including areas for off-site parking.
 9. Proposed buffers from existing uses.
 10. A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access.
 11. Any amenities proposed for purposes of achieving density or intensity bonuses.
- b. *Informational statement.* The development plan shall be accompanied by an informational statement containing the following:
 1. Name and address of the landowner and date of preparation of the plan.
 2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.
 3. A table listing the specific permitted uses proposed for the property, or specific areas of the property, as appropriate.
 4. Development standards for each proposed land use, as follows:
 - i. Minimum lot area.
 - ii. Minimum lot width and depth.
 - iii. Minimum front, side, and rear yard areas.

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- iv. Maximum height of buildings.
 - v. Minimum parking standards for each general multifamily and nonresidential land use if they vary from the provisions of division 2 of article VI of this chapter.
5. A detailed description of how open space requirements will be satisfied for the phase of development represented by the development plan, including any proposed dedications of open space to the public or a private maintenance organization.
6. ~~If the development plan is a phase of the project authorized by the concept plan,~~ depiction of the area subject to the development in relation to subsequent phases of the development the current phasing plan, together with any proposed changes to updates of the current phasing plan ~~that was submitted with the concept plan as part of the applicant's original informational statement.~~
- (4) *Planning and zoning commission recommendation.* Upon determination by the city planner that the application for the development plan is complete, the planning and zoning commission shall determine whether the development plan is in accordance with the ~~approved concept plan,~~ the standards set forth in the ordinance establishing the planned development district, and with the standards generally applicable to development plans. The commission, following notice and a public hearing, shall make its recommendations to the city council for approval, approval with modifications, or disapproval of the development plan.
- (5) *City council decision.* Upon receipt of the planning and zoning commission's recommendation, and following a public hearing thereon, the city council shall approve, approve with modifications or disapprove the development plan.
- (6) *Approval standards.* The planning and zoning commission, in making its recommendations to the city council, and the city council, in acting upon the development plan, shall determine whether the plan meets the following general standards for the phase of the project to which the development plan is applicable:
- a. ~~The development plan generally is consistent with the approved concept plan and the standards and conditions set forth in the adopting ordinance.~~
 - a) ~~b.~~ The plan provides for a compatible arrangement of buildings and land uses within the project.
 - b) ~~c.~~ The general plan for traffic circulation and pedestrians provides for adequate and safe circulation inside and external to the development, consistent with the adopted thoroughfare plan.
 - c) ~~d.~~ The general plan for accommodation of floodwaters and drainage is adequate.
 - d) ~~e.~~ The plan does not adversely affect adjoining neighborhoods or properties outside the plan, taking into consideration proposed buffers.
 - e) ~~f.~~ The amenities proposed in the development plan application, ~~if any,~~ are sufficient to justify increased densities or intensities on the site.
 - f) ~~g.~~ The sequence of development and timing of the phases are consistent with the overall phasing of capital facilities intended to serve the site and with the city's overall growth.
- (7) *Conditions.* The planning and zoning commission may recommend and the city council may require such conditions and modifications of the development plan as are reasonably necessary to ensure that the approval criteria are met.

(8) *Approving ordinance.* The ordinance approving the development plan shall set forth the following standards. The ~~concept plan or~~ development plan shall be incorporated as an exhibit to the ordinance as described in (b)(3):

- a. ~~A table of the specific land uses permitted in the area subject to the development plan, together with a description of the tracts or subareas to which such uses are restricted;~~
- b. ~~The residential densities and nonresidential intensities of each permitted land use;~~
- c. ~~A table showing the dimensions of each permitted land use, including the following information:~~
 - 1. ~~Minimum lot area;~~
 - 2. ~~Minimum lot width and depth;~~
 - 3. ~~Minimum front, side, and rear yard areas;~~
 - 4. ~~Maximum height of buildings;~~
 - 5. ~~Minimum parking standards for each general multifamily and nonresidential land use;~~
- d. ~~A description of the elements of the general circulation plan to serve the development;~~
- e. ~~Provisions governing amenities, if any, to serve the area subject to the development plan; and~~
- f. ~~Such additional conditions as are applicable to development within the area subject to the development plan, as established by the city council.~~

(c) *Planned development site plans.* Procedures for planned development site plans are as follows:

- (1) *Delegation to planning and zoning commission and city planner.* The planning and zoning commission is delegated the authority to approve or deny a planned development site plan or the amendment of a planned development site plan for property for which a development plan has been approved by the city council, except for landscaping matters under subsection (Be)(32)f of this section which are delegated to the city planner.
- (2) *Submittal requirements.* The following information shall be submitted with the application for planned development site plan approval:
 - a. *Size.* Required site plans shall be prepared on a standard sheet size of 30" x 42" or 24" x 36", and at an engineering scale of 1" = 50' or larger. Required site plans shall be prepared by registered engineer, architect or landscape architect. The required site plan may be submitted on one or more sheets.
 - b. *General information required.*
 - 1. North arrow;
 - 2. Total site acreage;
 - 3. Submission date;
 - 4. Scale (written and graphic);
 - 5. Vicinity map;
 - 6. Names, addresses and telephone numbers of designer, engineer, developer and owner;
 - 7. Accurate survey of the boundaries of the site with the location of proposed land uses;
 - 8. Adjacent subdivision names and property lines; and
 - 9. Adjacent land uses and structures.

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- c. Structures.
 - 1. Location, dimensions and use of all existing facilities and proposed building sites.
 - 2. Setback and separation distances between building sites.
 - 3. Proposed construction type and facade materials for all nonresidential buildings. The commission may require elevations and perspective drawings.
 - 4. Proposed density of each use.
 - 5. Proposed location of screening along the collector roadways shown on the thoroughfare plan.
 - d. Streets and sidewalks.
 - 1. Location and width of all rights-of-way and easements;
 - 2. Location and dimensions of all pavement and curbing;
 - 3. Location and width of all sidewalks;
 - 4. Location and width of all ingress/egress points;
 - 5. Location and width of all medians and median breaks; and
 - 6. Location of any special traffic regulation facilities.
 - e. Off-street parking and loading areas.
 - 1. Number, location and dimension of spaces;
 - 2. Type of surface material of parking facility;
 - 3. Dimension of aisles, driveways, maneuvering areas and curb return radii;
 - 4. Distance between spaces and adjacent rights-of-way;
 - 5. Location of all existing and proposed fire lanes and hydrants;
 - 6. Proposed lighting diagram is required if not in accordance with division 2 of article VI pertaining to parking and loading standards; and
 - 7. Location and type of trash receptacle screening.
 - f. Landscaping.
 - 1. Location and size of proposed plant materials to be used for street tree planting or screening against adjacent single-family residential property.
 - 2. Number and type of each landscape element.
 - 3. Height and type of all fencing or buffering.
 - 4. Location of visibility triangles where required.
 - g. All items submitted as part of the development plan approval, but in final form and meeting all applicable city ordinances or developmental plan deviations as expressed as part of the district.
 - h. The acreage in the plan and metes and bounds description shown on the plan, as certified by a registered surveyor.
 - i. Accurate outlines of proposed dedications and reservations of land for public or common use, including but not limited to rights-of-way, easements, parkland, open space, drainageways, floodplains, and facility sites.

j. Any other features necessary to satisfy conditions stated in the ordinance approving the development plan.

k. All proposed signage within the development including ground, wall, temporary and directional signage.

(3) ~~Decision by City Planner by planning and zoning commission.~~ The city planner shall review the planned development site plan application for completeness. ~~Thereafter and, the planning and zoning commission shall approve, approve subject to modification or deny the planned development site plan.~~

(4) ~~Approval criteria.~~ The ~~planning and zoning commission~~ the city planner in will ~~approveing,~~ conditionally ~~approveing or denying a~~ planned development site plan shall consider based off offer the following criteria:

a. The plan complies with the development plan approved for that portion of the planned development district;

b. The plan complies with all standards and conditions set forth in the ordinance approving the development plan;

c. Unless modified by the ordinance approving the development plan, the plan complies with the following additional standards generally applicable to development within the city, as set forth in this chapter:

1. Performance standards as set forth in article VII of this chapter pertaining to performance standards; and

2. Setback, landscaping and off-street parking and loading standards;

d. The plan provides for appropriate ingress and egress points for access, parking and loading, including existing and proposed ingress/egress/access easements, queuing and internal circulation;

e. The plan provides for fire safety and adequate measures for fire control and dealing with fire or explosive hazard; and

f. The plan provides for adequate utilities, roads, drainage, and other infrastructure, as required by the city's subdivision regulations.

(5) ~~Conditions. The planning and zoning commission, or the city council on appeal, may establish such conditions and may require such modifications to ensure that the planned development site plan is consistent with the approved development plan and the approval criteria set forth in this section.~~

(6) ~~Appeal from planning and zoning commission action. If the planning and zoning commission disapproves a planned development site plan, or imposes conditions, the applicant may appeal the decision to the city council by filing a written request with the city secretary within ten days of the decision.~~

(7) ~~Appeal from planning director. If the city planner disapproves landscaping in a PD site plan, or imposes conditions, the applicant may appeal the decision to the zoning board of adjustment by filing a written request with the city secretary within ten days of the decision.~~

(d) *Amendment of plans.* Procedures for amendment of plans shall be as follows:

(1) ~~Concept and d~~ Development plans. Any changes to the standards or conditions in the ordinance this establishing the planned development district ~~or the regulatory standards depicted on the concept plan; and any changes to the standards or conditions in the ordinance approving the development plan~~ or the regulatory standards depicted on the development plan, require enactment of an amendatory ordinance pursuant to the procedure for changing zoning districts.

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(Supp. No. 44)

- (2) *Planned development site plans.* Upon request of the applicant, the city planner may authorize minor amendments, correct errors, or correct omissions to a planned development site plan so long as such minor amendments do not necessitate a change to the ordinance establishing the planned development district or the regulatory standards depicted on the ~~concept development~~ plan, or a change to the standards or conditions in the ordinance approving the development plan or the regulatory standards depicted on the development plan.

(Ord. No. 1130, art. VIII, § 3.2, 11-3-1998; Ord. No. 1490-5-08, 5-6-2008; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 118-393. Expiration of plans and rezoning.

- (a) ~~*Failure to submit development plan.* A development plan shall be submitted for approval within three years from establishment of the planned development district for a portion or all of the area within the district, unless otherwise provided by the ordinance establishing the district. If a development plan for all or a portion of the project is not submitted within such period, the authority to submit such development plan shall lapse pending action by the city council, and the planning and zoning commission or the city council may institute proceedings to determine whether the land should be rezoned. In such event, the planning and zoning commission shall deliver its recommendation, with a copy to the owner of the affected land, to the city council, who shall conduct a public hearing on such recommendation and shall determine what action is to be taken with respect to the planned development district and whether to revoke or reinstate the developer's authorization to submit development plans.~~
- (b) ~~*Failure to submit planned development site plan.* A planned development site plan shall be submitted for approval within four years from approval of the applicable development plan. If a planned development site plan is not submitted within such period, the authorization to submit such planned development site plan shall lapse pending action by the city council, and the planning and zoning commission or the city council may institute proceedings to determine whether the development plan for the property should be modified or the property subject to the development plan should be rezoned, and whether to revoke or reinstate the developer's authorization to submit a site plan.~~
- (c) ~~*Expiration of planned development site plan plan.* For any planned development site plan approved in accordance with this article, if any building permit has not been obtained within two years following such approval for a use authorized thereunder, the site plan shall automatically expire and no longer be valid and revert back to the original zoning district prior to the PD approval. This request shall be brought before City Council in order to memorialize the action and approve the reversion of the Planned Development to the original zoning district.~~
- (d) *Extension of planned development site plan.* The planning and zoning commission may, prior to expiration of a planned development site plan, for good cause shown and upon written application submitted prior to expiration of the planned development site plan, extend the time for which the planned development site plan is valid. The request for extension shall be considered by the planning and zoning commission in the same manner as for approval of the planned development site plan, and the planning and zoning commission may attach additional conditions to the extension of the plan. If no extension is granted, the planning and zoning commission or city council may institute proceedings in order to determine what actions should be taken with respect to the development plan in the manner provided in subsection (b) of this section.
- (e) *Project review.* If the city council finds that conditions imposed on development of the project have not been timely fulfilled, or for any other reasons related to reasonable exercise of the powers conferred by V.T.C.A., Local Government Code ch. 211 or successor statute that zoning for the planned development district should be reexamined, the city council may initiate review of the district in order to determine whether the authorized uses, standards and conditions applicable to development within the district should be changed for part or all of the undeveloped land within the district. If the city council makes such determination, it

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shall refer the matter to the planning and zoning commission for its recommendation and thereafter shall take appropriate action to modify the uses, standards or conditions applicable to development within the district in accordance with procedures applicable to zoning amendments.

(Ord. No. 1130, art. VIII, § 3.3, 11-3-1998; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 118-394. Effect on existing planned developments.

- (a) *Site plans.* For any planned development district established under prior planned development regulations, for which at least one site plan has been approved pursuant to such regulations, the sections of this article and subdivision II of division 4 of article II of this chapter shall not apply, except that procedures related to approval of site plans pursuant to subsection 118-392(c)(4) and provisions relating to expiration and extension of site plans pursuant to subsections 118-393(c) and (d) shall apply to any complete application for site plan approval filed more than 30 days after the effective date of the amended planned development regulations in this article and subdivision II of division 4 of article II of this chapter.
- (b) *District amendments.* Developments can change from time to time, and minor amendments to the design layout and materials used may occur. In order to provide flexibility to development and reasonable changes and that are still within the overall general intent of the planned development can occur at the staff level allowing the Planning Development Director approval authority for these changes as long as they are not more than a 10% deviation of the original plan. Any amendments to greater than this 10% deviation a concept or development plan, or to the ordinance establishing the planned development district, approved under prior planned development regulations which are proposed after the effective date of the amended will need to follow the regular amendment procedures. Planned development regulations in this article and subdivision II of division 4 of article II of this chapter shall be subject to the procedures for approval stated in this article and subdivision II of division 4 of article II of this chapter.

(Ord. No. 1130, art. VIII, § 3.4, 11-3-1998)

Secs. 118-395—118-420. Reserved.

Commented [ND2]: We need to discuss the matter in which the extension is completed, less involvement the better. I would recommend just staff and possibly the P&Z.

Commented [ND3]: Do we also want the opportunity



Planning and Zoning Commission

Date: February 12, 2024

Agenda Item: 6.H.

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT: Discuss land use options, zoning districts, density, and other additional options including but not limited to Cluster Development. High-level discussion on expanding options in the ordinance for more dense development.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT: Nathan Dietrich, Planning Consultant
dietrichn@nactx.us

ATTACHMENTS: