



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **June 21, 2016, beginning at 5:30 p.m.** in the Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

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

1. Call to order.
2. Open Forum.
3. Items to be removed from Consent Agenda.
4. **CONSENT AGENDA:** Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Consider approval of minutes from June 7, 2016 regular session.
 - B. Consider entering into an Airport Project Participation Agreement with Texas Department of Transportation to install perimeter fencing at A.L. Mangham Jr. Regional Airport.

REGULAR AGENDA:

5. **Public Hearing:** Consider request for zone change from R-4, Multi-Family Residential, to B-2, General Business, for Lot 3, Lacy Hunt Subdivision, City Block 50, located at 2111 North Street. Request submitted by Larae Tucker – ZON2015-03. (Municipal Services Director)
6. **Public Hearing:** Consider an ordinance amending Chapter 118 “Zoning”, Article I “In General”, Section 118-1 and Article VI “Development Standards, Division 1 “Generally”, Section 118-421 through 118-432 of the Code of Ordinances of the City of Nacogdoches, Texas, to alter the commercial district landscaping requirements and update development standards. (Municipal Services Director)
7. Receive annual report from the Nacogdoches Youth Soccer Association. (Community Services Director and Michael Montes, NYSA)
8. Consider bid award for Hurricane Ike/Dolly Recovery 2.2, Phase 2 Water and Public Facility Generator Project. (City Engineer)
9. Consider selection and award of Professional Engineering Contract to KSA Engineering for engineering consulting services for Martinsville Road and Beulahland Elevated Storage Tank Rehabilitation Project. (Assistant City Engineer)
10. Consider contract award for 2016 Paving Project. (City Engineer)

11. Receive FY 2016-2017 budget presentation. (City Manager)

For the convenience of the audience, Council may conduct Executive Session deliberation in the first floor conference room, Room 112, of City Hall. Reconvening open session for action, if any, on Executive Session items will be in City Council Chambers. Regular Session agenda items appropriate for Executive Session consideration may be moved into Executive Session for deliberation, but not action, upon proper announcement at the meeting by the presiding officer.

12. **EXECUTIVE SESSION:**

- A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:
1. Discuss or deliberate regarding commercial or financial information the City received from business projects the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and
 2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.

13. Open for action, if any, on Item 12-A-1.

14. Open for action, if any, on Item 12-A-2.

15. Adjourn.



Jan Vinson, City Secretary

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 the Attorney General of Texas at 1-800-252-8011; the City Secretary at 936/559-2506 or visit the City of Nacogdoches web site at www.ci.nacogdoches.tx.us.

Nacogdoches City Council Chambers are 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 Secretary's office at (936) 559-2506 or FAX (936) 559-2912 for further information.

CERTIFICATION

I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on June 14, 2016 at 5:00 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary

ITEM/SUBJECT: CONSENT AGENDA - Consider approval of minutes from regular session of June 7, 2016.

SUMMARY/BACKGROUND:

FINANCIAL:

- There is no financial impact associated with this item
 Item is budgeted: (____ - ____ - ____) In the amount of \$_____
 Item is not budgeted (Budget Amendment required; please attach BA ordinance)
Amount: \$_____ GL Account #: _____
 Item is estimated to generate additional revenue: _____

CITY CONTACT: Jan Vinson, City Secretary
936-559-2506
vinsonj@ci.nacogdoches.tx.us

ATTACHMENTS: Minutes

MINUTES
Regular Session
Nacogdoches City Council
June 7, 2016 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street

DRAFT

Regular Session:

Those Present: Mayor Roger Van Horn, Council Members Shelley Brophy, Roy Boldon, Mike Keller, David Norton and City Attorney Jeff Davis.

City Secretary Jan Vinson administered Oath of Office to Council Member Roy Boldon and Council Member David Norton on May 24, 2016.

1. Mayor Van Horn called meeting to order at 5:31 p.m.

2. Open Forum.

Michelle Cox, Park Advocacy League (PAL) President, discussed need for shade structures at Temple Spray Park and fencing that encompasses the whole park to protect children. Ms. Cox expressed a need for an economic study to be completed in order to assess the economic impact of City parks.

3. Items to be removed from Consent Agenda.

None.

4. CONSENT AGENDA: Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.

- A. Consider approval of minutes from May 17, 2016 regular session.**
- B. Consider rescinding award for gym floor in the C.L. Simon Recreation Center.**

Council Member Norton moved to approve consent agenda as presented. Motion seconded by Council Member Keller and unanimously passed.

REGULAR AGENDA:

5. Public Hearing: Consider request for zone change from A, Agricultural and PD, Planned Development to B-1, Local Business for parts of Lots 44-D, 44-F, 44-I, and Reserved Lot A, Block 1, Village Gate Subdivision, City Block 54, located at the intersection of Park Street and Northeast Stallings Drive. Submitted by Andrew Middlebrook. ZON2016-01 (Municipal Services Director)

May 25, 2016 property owner Andrew Middlebrook, City Attorney Jeff Davis, Municipal Services Director Larissa Philpot and City Engineer Steve Bartlett met with members of the Village Gate Homeowners Association to discuss the zone change request which was postponed from the May 17, 2016 City Council meeting. Village Gate homeowners association requested only the two corner lots on the west side of the NE Stallings Drive at Park Street intersection be rezoned.

Dennis Eby, Village Gate homeowner, spoke in support of rezoning northwest and southwest lots at the intersection of Park Street and NE Stallings Drive

Matt Moore spoke against the zone change proposing to rezone only the lot being developed at this time. Mr. Moore asked Council to consider establishing a twenty five foot buffer zone of native vegetation along Loop 224 and Parks Street, and only permit the developer's specific requested land use.

Mayor Van Horn closed the public hearing.

Council Member Brophy moved to approve zone change for the two lots on the west side of the intersection of Parks Street and Northeast Stallings Drive as presented. Motion seconded by Council Member Keller and unanimously passed.

Mayor Van Horn encouraged the City to look at overlay districts restricting land uses as part of the zoning ordinance.

Minutes unofficial until approved by City Council

6. Consider ordinance authorizing issuance of tax notes for public safety radio system.

City Manager Jim Jeffers reminded Council they would be considering issuing debt only and tax rate would be considered during budget process which would be presented to Council in September/October 2016.

John Martin, Hilltop Security Managing Director, reported seven bids were received by an independent third party; BB&T was the lowest bidder at 1.490% interest rate. Mr. Martin reviewed bid tabulations, project cost, issuance cost, principal and interest requirements, tax note and term. Mr. Martin recommended Council adopt the ordinance authorizing issuance of tax notes to BB&T.

Council Member Keller made a motion adopt the ordinance as presented. Motion seconded by Council Member Boldon and unanimously passed.

7. Consider approval of Deep East Texas Self Insurance Fund proposed renewal of Workers' compensation coverage for the next three (3) years beginning October 1, 2016.

The City has had its Worker's Compensation Insurance with Deep East Texas Self Insurance Fund (DETSIF) since 2001 as reported by Human Resources Director Stephen Pearl. The City's current agreement with DETSIF terminates September 30, 2016. Mr. Pearl is proposing the City enter into a new agreement with DETSIF at a savings of \$180,300 over the next three years.

Council Member Norton moved to approve the workers' compensation insurance renewal as presented. Motion seconded by Council Member Brophy and unanimously passed.

8. Consider purchase of new gym floor at C.L. Simon Recreation Center.

Community Services Director Brian Bray requested approval to award bid for new gym floor to PTI Sports and Recreation Construction for \$52,000. PTI Sports and Recreation Construction submitted a bid through TIPS (The Interlocal Purchasing System) which is in compliance with State Procurement Procedures.

Council Member Keller moved to approve purchase of gym floor as presented. Motion seconded by Council Member Norton and unanimously passed.

9. Consider annual appointment of Mayor Pro Tempore and Vice Mayor Pro Tempore.

Mayor Van Horn made a motion to reappoint Shelley Brophy as Mayor Pro Tem and Roy Boldon as Vice Mayor Pro Tem. Motion seconded by Council Member Keller and unanimously passed.

10. EXECUTIVE SESSION:

A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:

- 1. Discuss or deliberate regarding commercial or financial information that the City has received from business projects that the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and**
- 2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.**

No executive session was held.

11. Open for action, if any, on Item 10-A.

No action taken.

12. Adjourn.

Mayor Van Horn adjourned meeting at 6:13 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

PRESENTER: Mary Uresti, Airport Manager

ITEM/SUBJECT: **CONSENT AGENDA:** Consider entering into an Airport Project Participation Agreement with Texas Department of Transportation to install perimeter fencing at the A.L. Mangham Jr. Regional Airport.

SUMMARY/BACKGROUND: The Federally Assisted Airport Development Grant is a 90/10 grant match program. The airport perimeter fencing design phase cost estimation is \$58,750 with \$5,875 being required for the City's 10% match. The airport perimeter fencing project will improve safety and security around the airport property boundary. The construction phase is estimated to cost \$657,477 and will be awarded in a separate grant.

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|---------------------------------------|------------|--|
| Design (Engineering/Surveying) Phase: | | |
| Grant Match | \$ 52,875 | |
| City Match | \$ 5,875 | |
| Design Total | \$ 58,750 | |
| | | |
| Construction Phase/Closeout: (Future) | | |
| Grant Match | \$ 591,729 | |
| City Match | \$ 65,748 | |
| Construction Total | \$ 657,477 | |

FINANCIAL:

- There is no financial impact associated with this item
- Item is budgeted: (~~14-13-680.00~~) In the amount of \$ \$5,875
- Item is not budgeted (Budget Amendment required; please attach BA ordinance)
 Amount: \$ _____ GL Account #: _____
- Item is estimated to generate additional revenue: _____

CITY CONTACT: Mary Uresti, Airport Manager
 (936) 560-9567
muresti@ci.nacogdoches.tx.us

ATTACHMENTS: TxDOT Airport Project Participation Agreement (Federally Assisted Airport Development Grant) may be reviewed in the City Manager's office.

PRESENTER: Larissa Philpot, Director of Municipal Services

ITEM/SUBJECT: Public Hearing - Consider request for Zone Change from R-4, Multi-Family Residential, to B-2, General Business, for Lot 3, of the Lacy Hunt Subdivision, City Block 50, located at 2111 North Street. Request submitted by Larae Tucker.ZON2016-03.

SUMMARY/BACKGROUND: This property has been zoned R-4, Multi-Family Residential since the adoption of zoning in 1970. It has been a commercial parking lot for many years, likely since before the adoption of the zoning ordinance.

The applicants have a contract on the adjacent property, to the north (2111 North Street), north of Jamie Rodriguez's State Farm office, with plans to redevelop both 2111 North Street and the lot subject to this request.

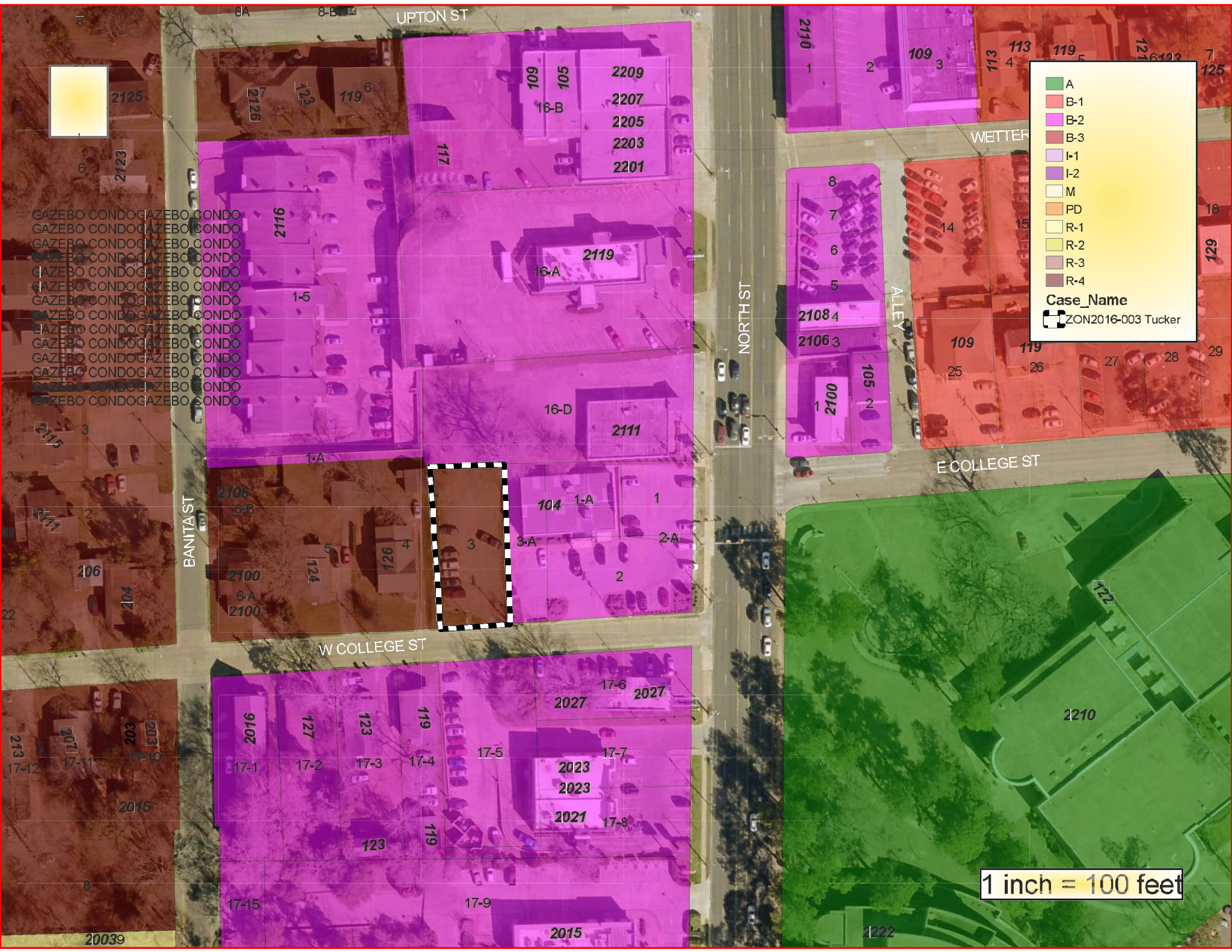
The Planning and Zoning Commission voted unanimously to recommend approval of this request.

FINANCIAL:

- There is no financial impact associated with this item
 Item is budgeted: (_____) In the amount of \$ _____
 Item is not budgeted (*Budget Amendment required see attached*)
Amount: \$ _____ GL Account #: (XX-XXX-XX)
 Item is estimated to generate additional revenue: \$ _____

CITY CONTACT: Larissa Philpot, Director of Municipal Services
philpotl@ci.nacogdoches.tx.us
559-2572

ATTACHMENTS: Zoning map
Future Land Use map
Aerial photo



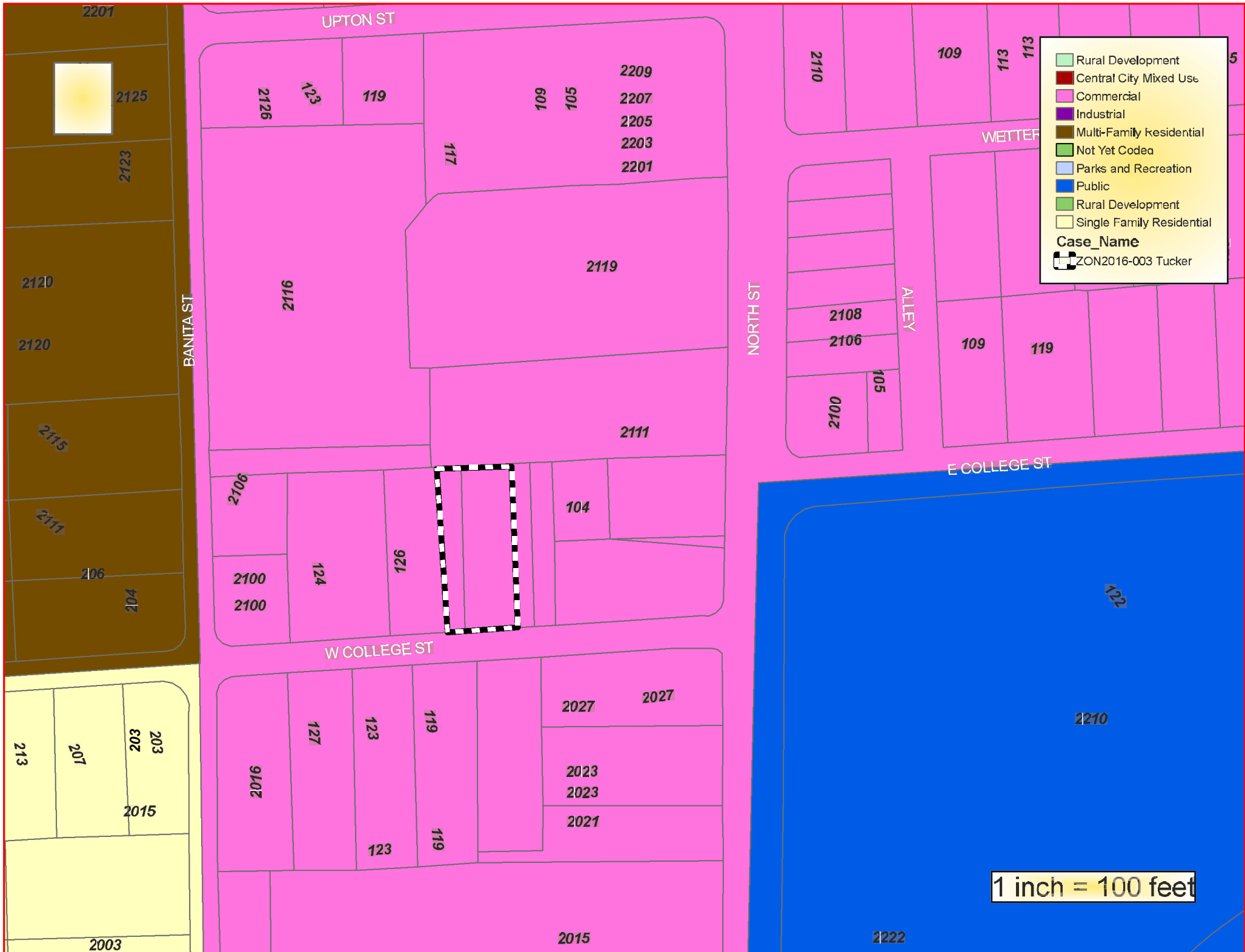
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| Red | B-1 |
| Pink | B-2 |
| Light Purple | B-3 |
| Light Blue | I-1 |
| Blue | I-2 |
| White | M |
| Orange | PD |
| Yellow | R-1 |
| Light Green | R-2 |
| Grey | R-3 |
| Brown | R-4 |

Case_Name

- ZON2016-003 Tucker

1 inch = 100 feet



UPTON ST

BANITA ST

NORTH ST

W COLLEGE ST

E COLLEGE ST

WITTER ST

ALLEY

2209
2207
2205
2203
2201

2119

2111

104

2210

2027 2027
2023 2023
2021

1 inch = 100 feet

2125

2120

2120

2115

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206

203
202
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2003

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123

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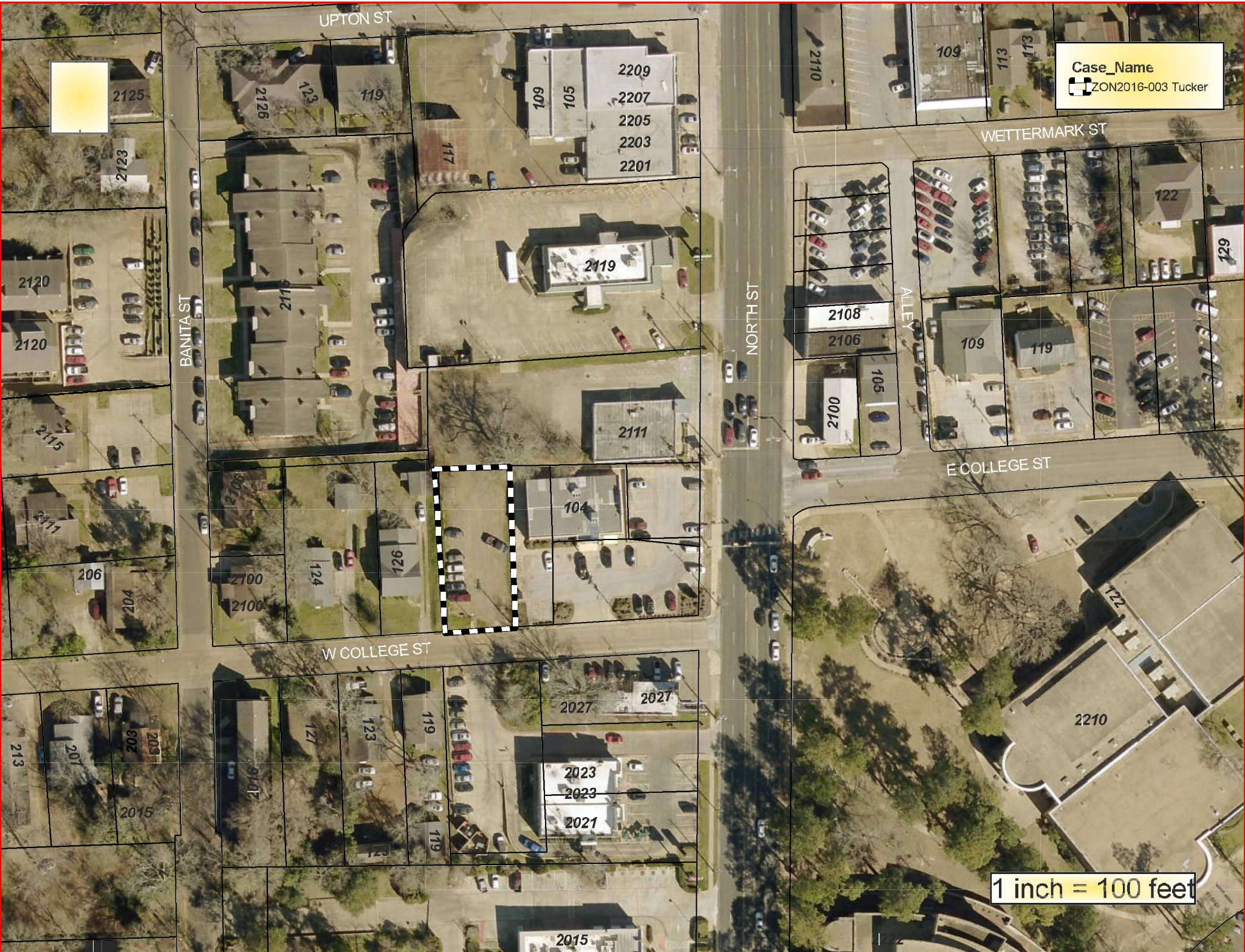
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Case_Name
ZON2016-003 Tucker

1 inch = 100 feet

UPTON ST

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2027

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2015

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ALLEY

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2210

PRESENTER: Larissa Philpot, Director of Municipal Services

ITEM/SUBJECT: Public Hearing - Consider an amendment to Chapter 118 Zoning Article I General Section 118-1 and Article VI Development Standards Division 1 Generally Section 118-421 through 118-432 of the Code of Ordinances of the City of Nacogdoches.

SUMMARY/BACKGROUND: This zoning ordinance amendment serves two primary purposes:

1. Update and clean up the development standards section
2. Increase commercial district standards.

The following changes were made to clean up the development standards section of the zoning ordinance:

- i A purpose section was added which expresses goals and reasons for this section. This is important if the standards are ever legally challenged.
- i Removed sections which were covered by other codes and ordinances such as required separation between two buildings. This is covered by fire and building codes and is a duplicate and possibly conflicting provision.
- i Removed sections which have not ever been implemented due to their complexity. This includes things such as average building setbacks. The current zoning ordinance allows a property to average the as built setbacks of the properties on the street to determine their required setback. This was likely included in the original zoning ordinance to allow some flexibility for infill development. To the best of my knowledge, this section has never been implemented by any project. Additionally, implementing this section would prove difficult as it would require a survey of each structure on the block.
- i Updated versions of figures and tables are included. I would like to continue to refine these figures so they are drawn in a more cohesive style, but the substance will not change. A few new figures were added for clarity.

The following changes were made to increase the standards for commercial district landscaping:

- i Throughout the ordinance, where a tree is required to be planted, the two inch caliper minimum was changed to a five gallon minimum container. The intent of this is to better match what is available at local nurseries.
- i Section 118-429. Commercial screening when adjacent to residential properties
 - o Increased the landscaping buffer from 6 feet wide to 10 feet wide. This not only encourages more landscaping, but offers the landscaping a better chance of survival.
- i Section 118-430 (a)
 - o Clarified landscaping requirements apply only to B-1 and B-2 zoning districts. Existing ordinance only refers to commercial district landscaping, which could refer to the downtown district, where the regulations are entirely not feasible.
 - o Added triggers for the requirements.

- New construction requiring a building permit that is larger than 500 square feet or valued at more than \$2,500. This excludes small storage buildings, church playgrounds, mailboxes, etc.
- Construction of a new parking lot requiring a permit.
- Additions exceeding 50% of the existing building area
- Parking lot additions within the front half of the lot which are greater than 5,000 square feet or 10% of the existing parking lot. This would exclude expansions to parking lots located on the back half of a lot.

i Section 118-430(b)

- Included exceptions to the requirements
 - Any residential use other than multi-family apartments. This would exempt grandfathered single family homes located in commercial district.
 - Remodeling projects which do not increase the building or parking area. This allows for extensive remodeling of depressed properties such as the Austin Place Apartments, without triggering what could be a costly landscaping requirement.
 - The ordinance does not require a parking lot expansion to bring the entire parking lot (new area and existing area) into compliance regarding interior parking lot trees, but does require the entire parking lot to meet the street tree requirement. For example, the First Baptist Church new parking area would have to have included interior trees and street trees, and they would have been required to plant street trees in the existing area. They would not have been required to cut out paving to plant trees in the interior of the existing lot.

i Section 118-430(c)

- Requires submittal of a landscaping plan
- Plan may be submitted in two phases
 - Phase 1 submitted at the time of building plan/permit application and includes all the "hard lines" and site design information.
 - Phase 2 must be submitted and approved before a certificate of occupancy inspection is requested and includes the specific plant materials.
 - This allows a little flexibility, as the installation landscaper is typically not yet engaged at the time the building permits area applied for. It also allows an architect or engineer to do a basic site design for permits, and then a landscaper to complete the plan.

i Section 118-430(d)

- Similar street tree requirement as the current ordinance
- Increased planting area from 20 feet from front property line to 35 feet from front property line. Visually, this has very little impact, but allows more space to accommodate utility lines, sidewalks, and topography.

i Section 118-430 (e)

- i Added a section stating clearly this section applies only to parking lots with 200 spaces or more.
 - Completely new section requiring "pervious planting areas" within the interior of parking lots.
 - Pervious planting areas are defined as: mulch, grass, ground cover, plants, shrubs, or trees. I did not want to be more specific, as I did not want city staff to become the "landscaping police"

and monitor the health of landscaping. If a property owner is not committed to landscaping with flowers and shrubs, grass or mulch is acceptable. Bare dirt or rocks are not.

- Purpose is to decrease or at least space out impervious cover. This increases water infiltration, decreases "heat island" effect of parking lots.
 - 5% of the parking area is to be devoted to pervious planting areas.
 - Not every planting area must contain a tree. However, there shall be 1 tree for each 150 square feet of pervious planting area.
 - No parking space shall be more than 100 feet from the center of a tree. This allows for people to choose not to park near a tree.
 - The street trees required in Section 118-430(d) can be counted in this calculation. This allows more flexibility for small sites, meaning they can possibly design their site to count their street trees twice.
- i Section 118-430(f)
- List of approved trees are annotated to provide suggestions for trees near overhead utility lines. Much of North Street frontage contains overhead utility lines, which makes street tree planting difficult. This list from the Texas Forest Service assists staff in combating the "can't plant trees because of this power line" argument, where feasible.
 - This list was recently amended, at the request of the Garden Capital Committee. Dawn Stover, with the SFASU arboretum provided the list. The trees contained on the list are available locally and are well suited for our climate.
- i Section 118-431 (a)
- This section changes the variance process for appeals of the commercial landscaping ordinance from the Zoning Board of Adjustments to a staff approved variance. Upon agreement by the Building Official, City Engineer, and City Planner, "alternate methods of achieving compliance" can be approved. For example, if location of utility lines and/or topography will not allow the placement of trees within the front 35 feet of a lot as required, but the trees can be placed safely within the front 40 feet of a lot, staff can approve the variance. If staff denies a variance, the applicant can still appeal the decision through the typical ZBA process. This section also contains language directing staff to provide notice to property owners within 200 feet if an administrative request is approved, so they may have the opportunity to appeal the decision to the Zoning Board of Adjustments.
- i Section 118-431(b)
- This section allows for the issuance of a temporary certificate of occupancy to allow for deferral of planting. For example, the trees for Splash Kingdom were planted in June. This is not an ideal time to plant trees, and several, expectedly, died. This section would have allowed a deferral to plant the trees until fall, a more suitable planting time.
 - This section also clearly states a failure to comply within the expanded timeline as provided by staff is a violation subject to enforcement penalties, meaning staff can write a ticket for not planting by the deferral date, instead of attempting to revoke the temporary certificate of occupancy.
- i Section 118-431 (c)
- This section provides an incentive to plant larger than required trees.

- This section also provides a credit for preservation of existing trees.
 - This section also requires the landscaping plan describe the methods to protect trees that are to be preserved and provides a permeable surface for 50% of the dripline area of preserved trees. This is to ensure preserved trees have a better chance at survival during and after construction.
- i Section 118-431 (d)
- This section allows for the creation of artificial lots. An artificial lot can be created when a property is to be developed in phases, but is not required to be, nor it planned to be platted into individual lots. This is a current practice, but is not technically allowed under the existing ordinance. For example, if Marketplace Village were all one lot, this section would allow the developers to define a phasing plan and only install landscaping as each artificial lot is developed.
- i Section 118-431(e)
- Added spacing requirement prohibiting trees from being planted within 20 feet of underground utility lines.
 - Requires small mature height trees under overhead utility lines
 - If the required planting area for street trees completely precludes the planting of trees, this section allows the City Planner to approve a variance to plant the street trees in an area where they will not conflict with the utilities. So, if the entire 35 foot front yard is taken up with utility lines and easements, the City Planner can approve the planting of trees 40 feet from the front property line.

FINANCIAL:

- There is no financial impact associated with this item
- Item is budgeted: (_____) In the amount of \$ _____
- Item is not budgeted (*Budget Amendment required see attached*)
Amount: \$ _____ GL Account #: (XX-XXX-XX)
- Item is estimated to generate additional revenue: \$ _____

CITY CONTACT: Larissa Philpot, Municipal Services Director,
philpotl@ci.nacogdoches.tx.us
936-559-2572

ATTACHMENTS: Redlined ordinance to show changes relative to old ordinance
Clean copy of the ordinance

Article VI – Development Standards

Division 1- Generally

Section 118-421 - Purpose

1. Enhance the view and image of the community.
2. Contribute to the overall quality and visual appearance of individual developments.
3. Reduce glare from paved surfaces and break up large expanses of paving.
4. Replenish oxygen supply and provide natural air purification.
5. Provide visual relief and open space within urbanized developments.
6. Ensure that the local stock of native trees and vegetation is replenished.
7. Safeguard and enhance property values and to protect public and private investment.
8. Preserve and protect the unique identity and environment of the City of Nacogdoches and preserve the economic base attracted to the City of Nacogdoches by such factors.

~~Section 118-421~~ – Applicability

Except as provided in ~~this division~~ Section 118-430(b), no building or structure or part thereof shall be erected, altered or converted for any use unless it is in conformity with the minimum requirements specified in this division.

Section 118-422 – General requirements

(a) Requirements for a building permit. No permit for the construction of a building upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

- (1) Subdivided. The lot or tract is part of a plat of record, properly approved by the city planning and zoning commission, and filed in the plat records of the county.
- (2) Planned development (PD) district. The site, plot or tract is all or part of a site plan officially approved by the city planning and zoning commission, in accordance with subdivision II of division 4 of article II and article V of this chapter pertaining to zoning-related applications, which site plan shows all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys, and streets as are required and have been properly dedicated, and the necessary public improvements which have been provided.
- (3) Unplatted prior to ordinance or annexation. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter derives or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building may be issued on each such original separately owned parcel without first complying either subsection (a)(1) or (2) of this section.

~~(4) Previously platted commercial or industrial subdivision. The tract is not separately platted but is part of a block or tract previously platted as an industrial or commercial subdivision wherein only streets, easements and blocks are delineated and such plat has been approved by the city planning and zoning commission and filed for record, in which case no specific lot delineation shall be required.~~

(b) Single-family. Only one main building for one-family (attached or detached) or two-family dwelling purposes may be located upon a platted lot or tract except where building arrangements have been approved in accordance with subdivision II of division 4 of article II and with article V of this chapter pertaining to zoning-related applications.

(c) Multiple-family and nonresidential. More than one main building for multiple-family, office, retail, commercial, industrial or institutional use may be erected upon an officially platted lot or tract zoned R-4, Multi-Family Residential, B-1, Local Business, B-2 General Business, B-3, Central Business, M, Medical, I-1 Light Industrial, or I-2, Heavy Industrial, provided such building arrangements comply with the applicable requirements for building spacing specified herein.

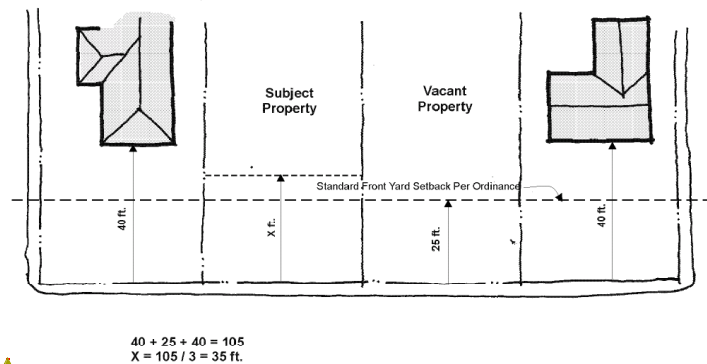
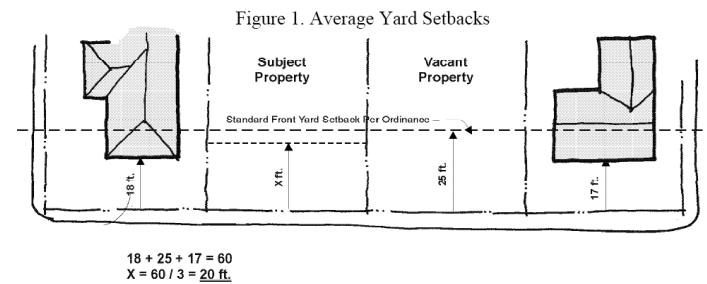
~~Two or more multiple family, office, retail, commercial, industrial or institutional buildings or structures may be constructed on a building lot; provided, however, that no structure is constructed within a required front, side or rear yard and the distance between structures is not less than ten feet, plus one foot for each two feet of building height, except the distance between windowless end walls may be reduced to ten feet.~~

- ~~(d) Measuring distance between structures. The distance between buildings or structures shall be measured from the exterior faces of the building walls or roof projections, whichever is less.~~
- (e) Multiple buildings with common roof. Two or more buildings or structures covered by a common roof shall be considered as a single building.
- ~~(f) Maximum density for multifamily and nonresidential. Where two or more multiple family dwellings, office, retail, institutional, commercial or industrial buildings are erected on a single building site, lot or tract, the maximum site coverage and floor area ratio shall not exceed that specified in this division pertaining to development standards for the district in which such buildings are located.~~

Section 118-423—Conformity with established setbacks

- ~~(a) If buildings along the frontage of any street between two intersecting streets in any zoning district have established a front, side or rear yard setback which is greater or lesser in dimension than the minimum setback required for the zoning district in which such street frontage is located, the average setback of all buildings within such zone fronting upon such streets shall establish the minimum required building setback.~~
- ~~(b) All vacant lots shall be assumed to have the minimum setback specified for the zoning district in computing the average setbacks. This subsection shall not be interpreted as requiring any building to observe a setback of more than ten feet greater than the setback on any contiguous lot, nor shall this subsection be interpreted as requiring a front yard setback greater than 25 feet.~~

FIGURE 1 AVERAGE YARD SETBACKS



Section 118-424 – Projections into set backs

Eave and roof extensions may project into the required front, side or rear yard setback for a distance not to exceed four feet. Ordinary projections of windowsills, belt courses, cornices, and other architectural features may project into the required setback for a distance not to exceed one foot.

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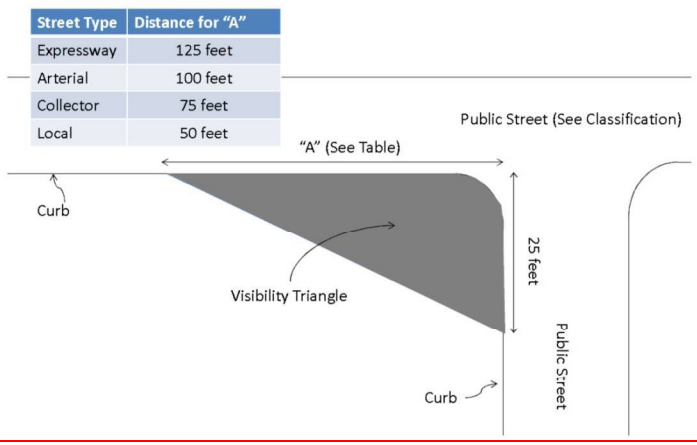
Section 118-425 – Yard requirements for planned development districts.

Minimum yard requirements in a planned development (PD) district shall be established on the site plan in accordance with the provisions for planned development (PD) districts in this chapter or by reference in the planned development ordinance to a particular zoning district.

Section 118-426 – Visibility triangles

(a) Street visibility triangles. The street visibility triangle is a triangular area formed by extending the two curblines, or edges of pavement, a designated distance based upon the street types involved from their point of intersection based upon the street types involved from their point of intersection, and connecting these points with an imaginary line, thereby creating a triangle. Figure 2-1 illustrates the required street visibility triangle.

Figure 1. Visibility Triangle

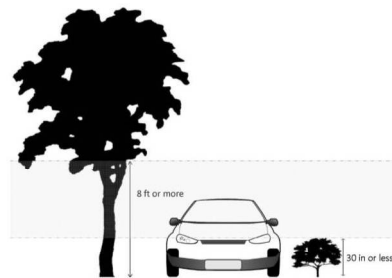


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(b) Distance requirements. The distance along the through street is determined by street type, as shown in the the Thoroughfare Plan in the City of Nacogdoches Comprehensive Plan. For arterial through streets the distance shall be 100 feet; for collector through streets the distance shall be 75 feet; and for local through streets the distance shall be 50 feet.

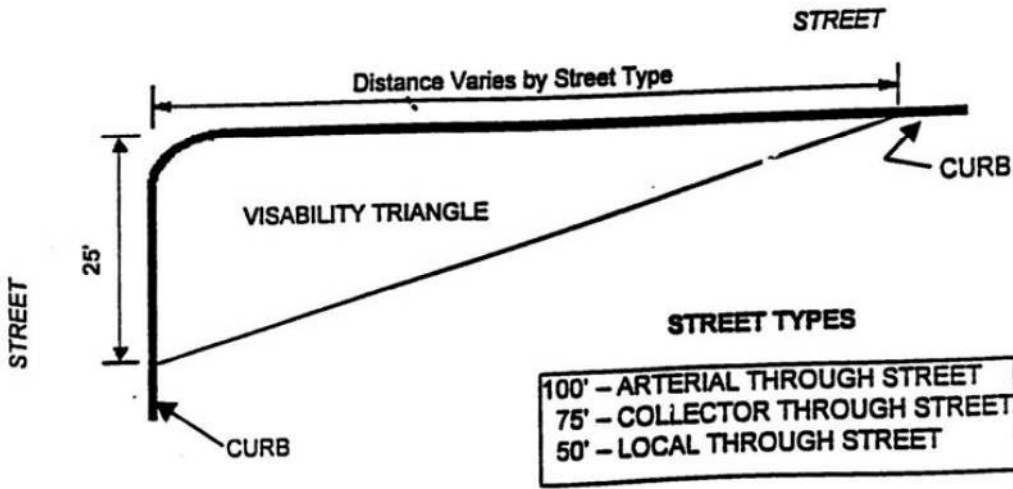
(c) Prohibitions. Fences, walls, screens, signs, structures, and parked vehicles are prohibited within the visibility triangle. No fence, wall, screen, sign, structure, parked vehicles, or foliage of hedges or trees shall be erected, planted, placed or maintained in such a manner as to obstruct or interfere with a clear line of sight for the drivers of approaching motor vehicles within the visibility triangle between 30 inches and eight feet above the average grade of the street. Foliage of hedges or trees shall be maintained in such a manner as to not obstruct or interfere with a clear line of sight for the drivers of approaching motor vehicles within the visibility triangle between 30 inches and eight feet above the average grade of the street. This shall not be interpreted to prohibit traffic signposts and control boxes, utility poles, street signs or tree trunks within the visibility triangle area.

FIGURE 2 Prohibitions within Visibility Triangle VISIBILITY TRIANGLES



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Section 118-427 – District Development Standards

(a) District development chart.

(1) The district development chart sets out minimum requirements for lot area, lot width, lot depth, front yard, side yards, rear yard and density within zoning districts in the city.

(2) The chart shall establish the minimum requirements for these elements except as follows:

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FIGURE 3 DISTRICT DEVELOPMENT STANDARDS CHART

| Zoning District | Density Resid. Min. Lot Size (FAR) | Density Non-Resid. Max (FAR) | Height | Lot Width | Lot Depth | Minimum Setbacks | | | |
|-----------------|---------------------------------------|---------------------------------|--------|-----------|-----------|------------------|------|------|--------|
| | | | | | | Front | Rear | Side | Side |
| A-1 | 2 Acres | | | 75 | 110 | 25 | 25 | 20 | 6 |
| R-1 | 8,250 | | | 75 | 110 | 25 | 25 | 20 | 6 |
| R-2 | 6,000 | | | 60 | 100 | 20 | 20 | 15 | 6 |
| R-3 | 4,000 | | | 80 | 100 | 20 | 20 | 10 | 6 |
| R-3 | 2,500 | | | 75 | | | | | |
| R-3 | 3,000 | | | 70 | | | | | |
| R-4 | 5,000 | | | 50 | 100 | 20 | 20 | 10 | 6 |
| R-4 | 2,000 | | | 50 | | | | | |
| R-4 | 2,500 | | | 50 | | | | | |
| R-4 | 1,500 | | | 50 | | | | | |
| B-1 | 1,500 | | | 50 | 100 | 20 | 20 | 10 | 6 |
| B-2 | 1,500 | | | 50 | 100 | 20 | 20 | 10 | 0, 10' |
| B-3 | 1,500 | 10:01 | | 50 | 100 | 20 | 0 | 10 | 0 |
| MD | 1,500 | | | 50 | 150 | 25 | 25 | 10 | 6 |
| I-1 | 2:01 | | | 50 | 150 | N/A | 25 | N/A | 25 |
| I-2 | 4:01 | | | 50 | 150 | N/A | 25 | N/A | 25 |

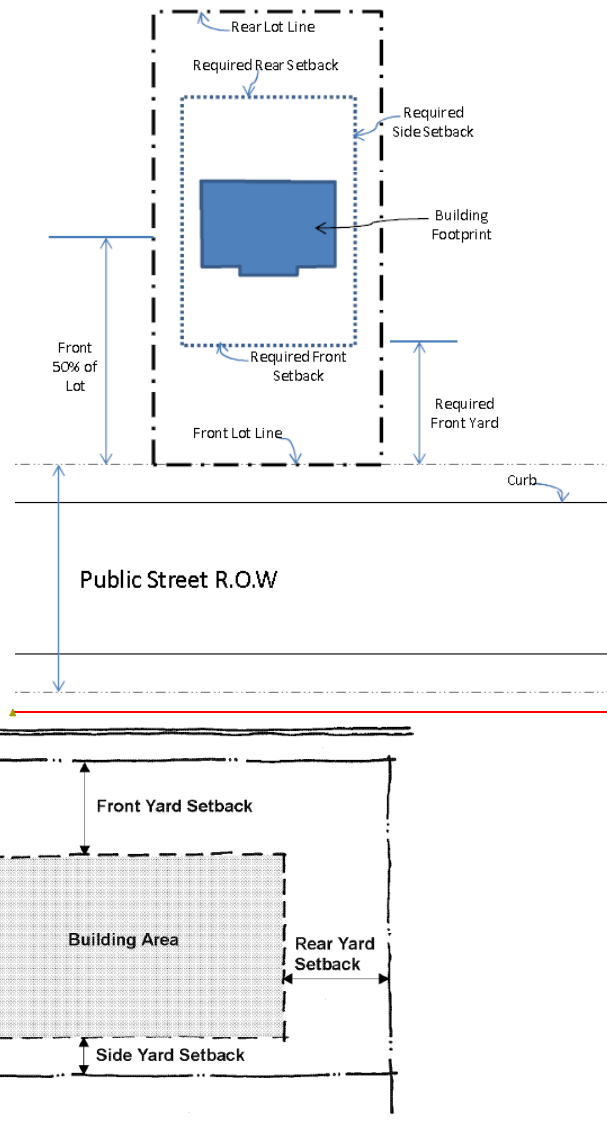
Note:
 1. If a side yard abuts a public roadway, a greater setback may be required. (See Section 3)
 2. May be modified if immediately adjacent to a residential property. (See Section 4)
 3. May be 0 or 10 feet, but at least one side yard must be 10 feet.

| Zoning District | Density Residential Min. Lot Size (ft ² /du) | Density Non- Residential Max (FAR) | Lot Width | Lot Depth | Minimum Setbacks | | |
|-----------------|--|---|--------------|--------------|------------------|------|------|
| | | | | | 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 | 5,000 | 50 | 100 | 20 | 10 | 6 |
| | --Single Family Detached | | | | | | |

| | | | | | | | | |
|------------|--------------------------|-------|-------|----|-----|----|----|-------|
| | --Single Family Attached | 2,500 | | 25 | | | | |
| | --Duplex | 3,000 | | 50 | | | | |
| R-4 | Multi-Family | | | | | | | |
| | --Single Family Detached | 5,000 | | 50 | 100 | 20 | 10 | 6 |
| | --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 |

FIGURE 4 ~~BUILDING SETBACKS DIAGRAM~~ Lot Lines and Setbacks
CORNER LOT

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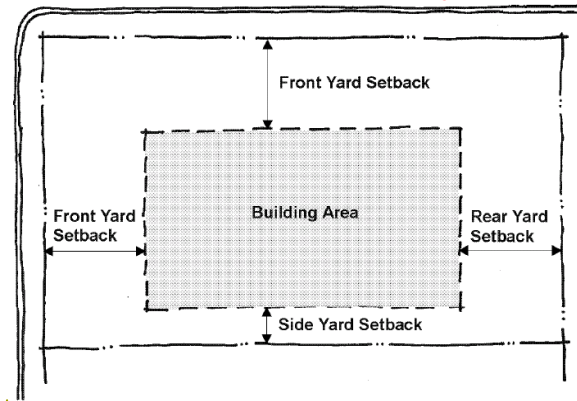
(b) Front yard setbacks. Front yard setbacks shall be as follows:

- (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 requirements for the lots in the subdivision.

~~(3) Multiple zoning districts on street face. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.~~

(43) 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.

Figure 5. Corner Lots



(54) 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.

(65) 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. Side yard setbacks shall be as follows:

- (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 multifamily dwelling units. For the purpose of applying side yard requirements, two-family and multiple-family dwelling units covered by a continuous roof shall be considered as one building occupying one lot.

~~(3) Average setback of corner lot side yard. On a corner lot used for residential purposes, the width of the side yard adjacent to the side street shall not be less than any required front yard on the same side of such street between two intersecting streets; provided, however, the buildable width of a lot shall not be reduced to less than 30 feet.~~

(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. The following shall be observed for all accessory buildings and uses located in any residential district:

- (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 are specified for 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 five 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.
- (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.

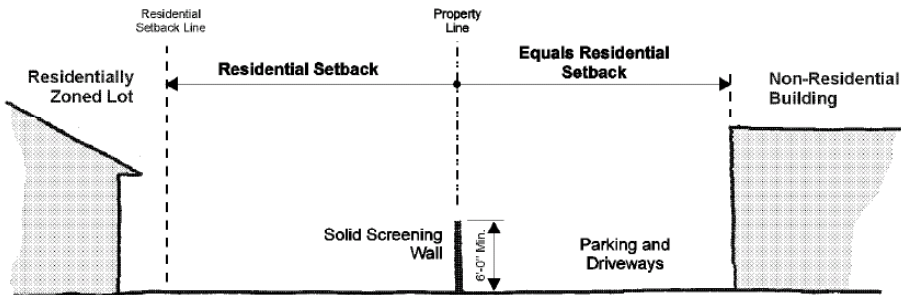
Section 118-425 – Commercial and industrial district screening from view

- (a) Required screening. Where required elsewhere in this chapter, service areas and outside storage shall be screened using the standards established in this section.
- (b) Screening. Standards and maintenance of screening shall be as follows:
 - (1) Screening wall standards. The screening wall shall be constructed of solid masonry material on a concrete foundation, or solid wood fence with metal structural supports to a minimum height of six feet tall. All screening walls shall be constructed according to minimum specifications approved by the building official.
 - (2) Maintenance of screening. It shall be the responsibility of the commercial or industrial property owner to maintain the screening wall in good repair.

Section 118-429 – Commercial sites with residential adjacency

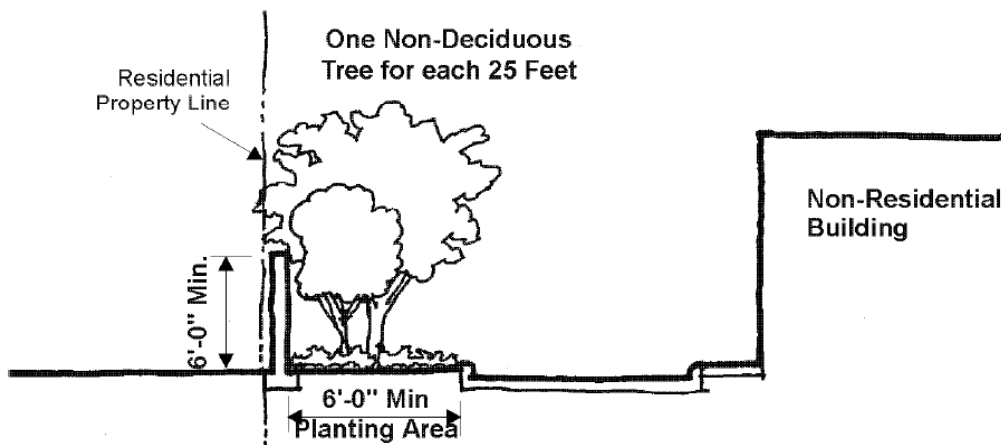
- (a) Applicability. Where nonresidential sites are immediately adjacent to residentially zoned properties, including agencies where there is an intervening alley, the standards of this section shall apply.
- (b) Building setback. Minimum building setbacks on side and rear yards of nonresidential properties, which are immediately adjacent to residential properties, shall be the more restrictive of either the nonresidential zoning district, or the adjacent residential zoning district.

FIGURE 65 BUILDING SETBACK ADJACENT TO RESIDENTIAL DISTRICT



- (c) Screening. Screening shall be in accordance with the following:
 - (1) Generally. A solid screening wall shall be constructed on the nonresidential property in close proximity to the residential property line in order to screen views and windblown trash and debris. In addition, a sixteen-foot landscaped buffer with one tree with a minimum of two inch caliper for each 25 feet of common adjacency shall be provided. The tree shall be a preserved tree, or if a newly planted tree, shall be a minimum container size of five (5) gallons a the time of planting.

FIGURE 6 SCREENING ADJACENT TO RESIDENTIAL



- (2) Screening wall standards. The screening wall shall be constructed of solid masonry material on a concrete foundation, or solid wood fence with metal structural supports to a minimum height of six feet tall. The finished side of the wall shall be constructed to face the residential property. All screening walls shall be constructed according to minimum specifications approved by the building official.
- (3) Screening tree standards. Required trees shall be non-deciduous in order to provide year round screening, and shall be of a type and species that is listed in ~~this division~~ [Section 118-430\(f\)\(2\) below](#).
- (4) Maintenance of screening. It shall be the responsibility of the nonresidential property owner to maintain the screening wall in a good condition and to maintain the screening trees in a healthy condition at all times. This may include the installation of an irrigation system if conditions warrant. Screening trees shall be replaced with new trees as the trees die or are removed.

Section 118-430 – Commercial District Landscaping

[\(a\) Applicability. This section shall apply in the B-1, Local Business and B-2, General Business Districts where any of the following conditions are present:](#)

[\(1\) New Construction](#)

- [\(i\) Any new building construction requiring a permit and is greater than 500 square feet or valued at more than \\$2,500, or](#)
- [\(ii\) Any construction of a new parking lot for which a permit is required](#)

[\(2\) Additions/renovations](#)

- [\(i\) Any building addition or renovation exceeding fifty \(50\) percent of the existing building area as defined by the footprint of the existing building for which the building permit is required.](#)
- [\(ii\) Any parking lot addition within the front fifty percent \(50%\) by more than five thousand \(5,000\) square feet or ten \(10\) percent in area of the existing parking lot whichever is greater for which a building permit is required.](#)

[\(b\) Exceptions. Exceptions to this section shall be as follows:](#)

- [\(1\) Residential uses other than multi-family apartments.](#)
- [\(2\) Exterior or interior finishing and remodeling that does not increase the existing building area or parking area of the existing development.](#)
- [\(3\) Section 118-430 \(e\) is excepted for the existing portions of parking area expansion projects as described in Section 118-430\(a\)\(2\)\(ii\).](#)

[\(c\) Landscaping Plan](#)

(1) When the requirements of this section must be met, a landscaping plan shall be submitted and must be approved by the City Planner or their designee before the issuance of a certificate of occupancy for the project. This plan may be provided as a combined exhibit for parking and landscaping. The plan shall contain the following information:

(i) Date, scale, north arrow

(ii) Location of existing boundary lines and dimensions of the lot and any artificial lot lines, street address, approximate centerline of existing watercourses and the location of the one hundred year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.

(iii) Location, height and material of proposed screening and fencing between residential and non-residential property, if such screening and fencing is required.

(iv) Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and dripline of said trees shall be protected prior to and during all construction, including dirtwork.

(v) Location of plant materials to be installed, container sizes at installation, spread, and spacing.

(vi) Identification of visibility triangles on the lot for all driveway intersections with public streets.

(vii) Complete description of plant materials to be installed, including names, locations, quantities, heights, spread, and spacing.

(viii) For plans which include trees to be preserved and be eligible for tree preservation credit under Section 118-430

(2) Phasing of landscaping plan

The landscaping plan may be submitted in two phases.

(i) Phase 1 shall be submitted at the time the building permit application and plans are submitted and shall contain items (i) through (vi) as shown in Section 118-430(c)(1) above.

(ii) Phase 2 shall be submitted prior to the request for a final certificate of occupancy inspection and shall contain all items as shown in Section 118-431(c) above.

(d) Street Landscaping Standards. Standards for commercial district landscaping shall be as follows:

(1) For each 100 feet of frontage, ~~three (3) small mature height or two (2) tall mature height trees as listed in section 118-430(f) a minimum number of street trees shall be planted anywhere between the front building setback line and the front property line and a line measured 35 feet from the front property line. The minimum number of street trees shall be determined in the following fashion: three street trees with a small mature height or two trees with a large mature height as listed in section 118-431.~~

(2) The maximum separation between trees shall be no more than 50 percent of the lot width. ~~Such trees may be deciduous or evergreen, or a combination of both, and shall be of a type and species that is listed in section 118-431. Such trees shall a minimum of a two-inch caliper.~~

~~(3) It shall be the responsibility of the property owner to maintain the street trees in a healthy condition at all times. This may include the installation of an irrigation system if conditions warrant. Street trees shall be replaced with new trees as the trees die or are removed.~~

~~(4) A tree for tree credit shall be given for existing trees located in the front setback area that are protected during site development and are maintained in a healthy condition by the property owner. Such trees shall be replaced with new trees as the trees die or are removed.~~

(e) Interior parking lot landscaping for large parking areas.

(1) Applicability

(i) Section 118-430(e)(1) shall apply to parking areas of 200 spaces or more

(2) A minimum of 5 percent of gross parking areas shall be devoted to pervious planting areas which includes mulch, grass, ground cover, plants, shrubs, or trees. Gross parking area is measured from the edge of the parking and/or driveway paving and the back of the adjacent curb or sidewalk.

(3) There shall be a minimum of one tree planted for each 150 square feet of required pervious area.

(4) Credit for trees required in this section 118-430(e) may be given for trees planted as required in Section 118-430(d) above.

(5) No parking space shall be more than 100 feet from the center point of any tree.

~~(b) Variances to landscaping requirements. The board of adjustment may grant variances to this section and sections 118-431 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 landscaping reasonably equivalent in value and utility to the requirement sought to be varied.~~

(f) Section 118-431— Tree Standards

(a1) Measurement of tree size. The caliper size of trees required by this division shall be measured at a point three feet above the ground. Trees required by this chapter shall be a minimum container size of 5 gallons.

(2b) Tree species. Trees required in order to meet the requirements of this division shall be chosen from the following list of common names.

(1) Small deciduous.

a. Chalk maple.

b. Japanese maple.

c. Redbud - *Cercis canadensis*, *Cercis Mexicana*.

d. Desert willow.*

e. American or Chinese fringe tree.*

f. Dogwood.

g. Parsley hawthorn.*

h. Mayhaw.

i. Eve's necklace.

j. American or Japanese snowbell.

k. Two-winged silverbell.

l. Chastetree.*

m. Deciduous magnolia.

n. Crape myrtle.*

o. Possumhaw holly.

p. Purple Pride plum.

q. Mexican plum.*

r. Flowering apricot.

s. Persian witch hazel.

t. Black cherry.

u. Carolina buckthorn.*

v. Mexican buckeye.*

w. Rusty blackhaw viburnum.*

(2) Large deciduous.

a. Southern sugar maple.

b. Red maple.

c. River birch.

- d. Pecan.
 - e. Shagbark hickory.
 - f. American beech.
 - g. Ginkgo.
 - h. Black gum.
 - i. Bald cypress.
 - j. Basswood.
 - k. Lacebark elm.
 - l. Japanese zelkova.
 - m. Cherrybark oak.
 - n. Mexican white oak.
 - o. Overcup oak.
 - p. Swamp chestnut oak.
 - q. Shumard oak.
 - r. White oak.
 - s. Sawtooth oak.
 - t. Nutall oak.
- (3) Small evergreen.
- a. Texas mountain laurel.
 - b. Cherry laurel.
 - c. Yaupon.*
 - d. Wax myrtle.*
- (4) Large evergreen.
- a. Southern magnolia.
 - b. Sweetbay.
 - c. American holly.
 - d. Eastern red cedar.
 - e. Southern live oak.
 - f. Longleaf pine.
 - g. Loblolly pine.
 - h. Shortleaf pine.
 - i. Arizona cypress.

Species marked with an "*" are overhead utility line compatible trees.

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118-431. Administration and Enforcement of Commercial District Landscaping

a) Exceptions

1) Administrative exception

a) The City Planner may, upon review and unanimous recommendation from the Building Official and the City Engineer, approve minor variations in the location of required landscape materials due to unusual topographic constraints, siting requirements, preservation of existing stands of native trees or similar conditions. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the City Planner and shall specify the modifications requested and present a justification for such modifications.

b) In determining the practicality and acceptability of the alternate proposal, the City Planner shall consider the following factors:

- i) The configuration of the lot or tract in question.
- ii) The square footage of the property in question.
- iii) The square footage of the property to be developed.
- iv) The zoning districts and landscaping on adjacent property.
- v) The topography and soil on the property in question.
- vi) The existing plant materials and plant materials to be preserved.
- vii) Alternate proposals of similarly situated properties, and/or
- viii) Other factors relevant or material to the circumstances of the site in question.

2) If a unanimous approval of the City Planner, City Engineer, and Building Official cannot be reached regarding a request for an administrative exception, the request for an exception shall be denied.

3) An appeal of the decision regarding an administrative exception may be made to the Zoning Board of Adjustments in accordance with the requirements and procedures in Article II, Division 3 of this Chapter.

4) Within five days following the approval of an administrative exception, written notice of the approval 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 exception is granted.

5) Within five days following the approval of an administrative exception, notice of the exception shall be posted in the agenda notification area at City Hall, and shall remain posted for ten days.

6) Variances other than those as described in Section 118-431(1)(a) above shall be requested through the Zoning Board of Adjustments as described in Article II, Division 3 of this Chapter.

The Zoning Board of Adjustments may grant variances to Section 118-430 upon finding that:

- a) Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter.
- b) Such variance will not adversely affect the health, safety, or general welfare of the public.
- c) The variance sought is due to unique circumstances affecting the property or the owner's use of the property. Financial consideration shall not be grounds for a variance; and
- d) The owner has made provisions for alternative landscaping reasonably equivalent in value and utility to the requirement sought to be varied.

b) Deferral of planting

1) If a certificate of occupancy is sought during a season in which the City Planner determines it would be impractical to install landscaping and trees, a temporary certificate of occupancy may be issued by the Building Official.

2) The temporary certificate of occupancy shall have a term of up to six (6) months.

3) Failure to comply within the temporary term of 6 months shall constitute a violation of this article and subject the owner to enforcement penalties and procedures.

c) Tree planting equivalency credits

1) Credit toward the total tree requirement shall be given for planting trees that exceed the minimum size required by this article at the rate of two trees for each tree planted with a caliper of four inches and greater, as measured 3 feet above the ground.

2) Credit for the preservation of existing on-site trees

a) Credit for the preservation of existing on-site trees may be granted when requested and depicted on the landscape plan.

b) Credit for preserving existing trees shall be granted based upon Figure 7 below.

Figure 7. Tree Preservation Credit Chart

| Caliper of tree to be preserved | Credit |
|---------------------------------|-----------|
| Less than 4" | No credit |

| | |
|------------------------|----------------|
| <u>4 " to 5.99"</u> | <u>2 trees</u> |
| <u>6" to 11.99"</u> | <u>4 trees</u> |
| <u>12" and greater</u> | <u>6 trees</u> |

c) To receive credit for trees preserved under this section, the following conditions must be met:

- i) An appropriate aeration system or alternative method of protecting the tree to be preserved must be documented in the landscaping plan and provided as designed in the landscaping plan.
- ii) At least 50% of the dripline area of the tree to be preserved must be a permeable surface.

d) Artificial lots

- 1) If a building site is over 2 acres in size, the City Planner may, upon request, designate an artificial lot to satisfy the requirements of this article.
- 2) If designated, the artificial lot shall be consistent with the purposes and policies of this chapter as determined from the criteria below. No artificial lot may be delineated by the City Planner unless it:
 - i) Wholly includes the area on which the construction work is to be done, and
 - ii) Has an area that does not exceed 50% of the area of the building site.

e) Utility lines

- 1) Trees shall be planted no closer than 20 feet from the nearest underground utility line.
- 2) Where the location of existing overhead utility lines conflict with the required street trees, planting of small mature height trees from Section 118-430(f)(2)(i) and (iii) shall be required.
- 3) Where easements containing underground utilities conflict with the area where street trees are required to be planted, the City Planner may authorize the planting of street trees outside the easement area.

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Section 118-432—Structures in floodplain areas

- (a) Confirmation of floodplain boundary. The floodplain notation on the zoning map signifies that the land within such area may be located in low-lying floodplain areas along major streams and drainageways in the city. The boundaries of such floodplain must be confirmed prior to the issuance of any building permit or permit for any significant site work. Such areas are subject to periodic inundation and are unsuitable in present form for use as building sites.
- (b) Approval of floodplain administrator required. No permanent building or structure shall be allowed to be erected on that portion of a site or tract of land which is within a floodplain overlay until such structure has been approved by the floodplain administrator who will ascertain that such building or structure would not constitute an encroachment, hazard, or obstacle to the movement of floodwaters and that such construction would not endanger the public health and welfare or value and safety of the property.

Section 118-433-432 – Historic Overlay District

All properties with a historic overlay district shall comply with the standards and requirements established in article II of [chapter 50](#) pertaining to historic preservation.

Sections 118-4334 – 118-460 – Reserved.

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 "ZONING", OF THE CODE OF ORDINANCES, CITY OF NACOGDOCHES, BY AMENDING THE DEVELOPMENT STANDARDS; INCREASING THE COMMERCIAL DISTRICT LANDSCAPING STANDARDS, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Nacogdoches has determined that quality of life, increased property values and aesthetics are important issues and concerns affecting Nacogdoches; and

Whereas, proper landscaping and irrigation will augment those qualities while helping to improve air purification, storm water run-off, noise reduction and heat abatement while conserving energy, water and other natural resources; and,

Whereas, landscape standards can enhance the quality of life and enhance the general welfare and beauty of Nacogdoches by creating and maintaining visual environmental amenities; and

Whereas, the amendments herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing, promotes economic development and enhanced quality of life for the citizens of Nacogdoches.

Whereas, after deliberation on the facts involved, the City Council of the City of Nacogdoches finds that Chapter 118 "Zoning" Article I "In General" Section 118-1 and Article VI "Development Standards" Division 1 "Generally" Sections 118-421 through 118-432 of the Code of Ordinances of the City of Nacogdoches, Texas should be amended as set forth hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

Section 1. Findings. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment. Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas is amended so that henceforth same shall read as follows:

Article I – In General

Section 118-1 - Definitions

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.

Article VI – Development Standards

Division 1 – Generally

Section 118-421 – Purpose

1. Enhance the view and image of the community.
2. Contribute to the overall quality and visual appearance of individual developments.
3. Reduce glare from paved surfaces and break up large expanses of paving.

4. Replenish oxygen supply and provide natural air purification.
5. Provide visual relief and open space within urbanized developments.
6. Ensure that the local stock of native trees and vegetation is replenished.
7. Safeguard and enhance property values and to protect public and private investment.
8. Preserve and protect the unique identity and environment of the City of Nacogdoches and preserve the economic base attracted to the City of Nacogdoches by such factors.

Section 118-422 – Applicability

Except as provided in Section 118-430(b), no building or structure or part thereof shall be erected, altered or converted for any use unless it is in conformity with the minimum requirements specified in this division.

Section 118-423 – General Requirements

- (a) Requirements for a building permit. No permit for the construction of a building upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:
 - (1) Subdivided. The lot or tract is part of a plat of record, properly approved by the city, and filed in the plat records of the county.
 - (2) Planned Development (PD) District. The site, plot or tract is all or part of a site plan officially approved by the city planning and zoning commission, in accordance with subdivision II of division 4 or article II and article V of this chapter pertaining to zoning-related applications, which site plan shows all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys, and streets as are required and have been properly dedicated, and the necessary public improvements which have been provided.
 - (3) Unplatted prior to ordinance or annexation. The plot, tract, or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter derives or prior to annexation to the city, whichever is applicable.
- (b) Single-family – Only one main building for one-family (attached or detached) or two-family dwelling purposes may be located upon a platted lot or tract zoned R-1, Single Family Residential, R-2, Single Family Residential, or R-3, Two-Family Residential, except where building arrangements have been approved in accordance with subdivision II of division IV of this chapter pertaining to zoning-related applications.
- (c) Multiple-family and nonresidential. More than one main building for multiple-family, office, retail, commercial, industrial, or institutional use may be erected upon an officially platted lot or tract zoned R-4, Multi-Family Residential, B-1, Local Business, B-2 General Business, B-3, Central Business, M, Medical, I-1 Light Industrial, or I-2, Heavy Industrial, provided such building arrangements comply with the applicable requirements for land use.
- (f) Multiple buildings with common roof. Two or more buildings or structures covered by a common roof shall be considered as a single building.

Section 118-424 – Projections into setbacks

Eave and roof extensions may project into the required front, side or rear yard setback for a distance not exceed two feet. Ordinary projections of windowsills, belt courses, cornices, and other architectural features may project into the required setback for a distance not to exceed one foot.

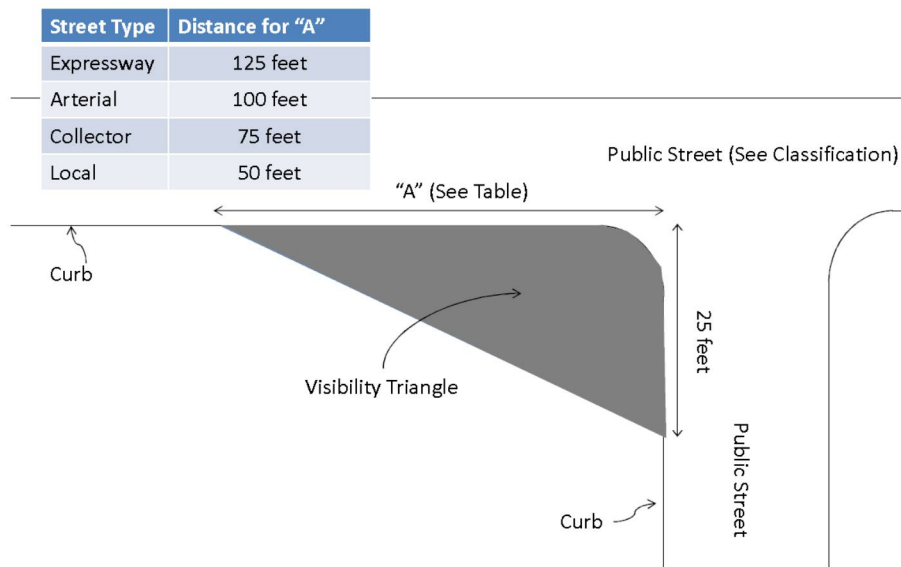
Section 118-425 – Yard requirements for planned development districts

Minimum yard requirements in a planned development district shall be established on the site plan in accordance with the provisions for planned development districts in this chapter or by reference in the planned development ordinance to a particular zoning district.

Section 118-426 – Visibility triangles

- (a) Street visibility triangles. The street visibility triangle is a triangular area formed by extending the two curblines, or edges of pavement, a designated distance based upon the street types involved from their point of intersection, and connecting these points with an imaginary line, thereby creating a triangle. Figure 1 illustrates the required street visibility triangle.

Figure 1. Visibility Triangle



- (b) Distance requirements. The distance along the through street is determined by street type, as shown in the Thoroughfare Plan in the City of Nacogdoches Comprehensive Plan. For arterial through streets the distance shall be 100 feet; for collector through streets the distance shall be 75 feet; and for local through streets the distance shall be 50 feet.

- (c) Prohibitions. Fences, walls, screens, signs, structures, and parked vehicles are prohibited within the visibility triangle. Foliage of hedges or trees shall be maintained in such a manner as to not obstruct or interfere with a clear line of sight for the drivers of approaching motor vehicles within the visibility triangle between 30 inches and eight feet above the average grade of the street. This shall not be interpreted to prohibit traffic signposts and control boxes, utility poles, street signs or tree trunks within the visibility triangle area.

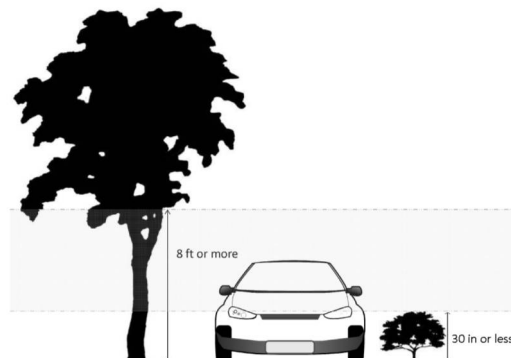


Figure 2 Prohibitions within Visibility Triangle

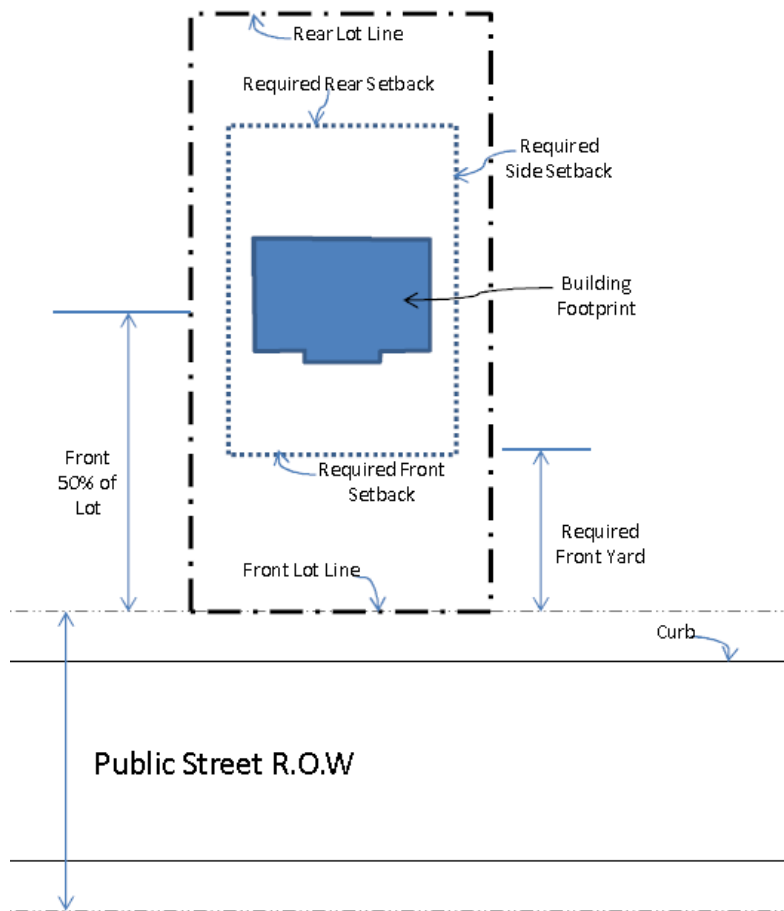
118-427. District Development Standards

(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 | | | | | | | |
| | --Single Family Detached | 5,000 | | 50 | 100 | 20 | 10 | 6 |
| | --Single Family Attached | 2,500 | | 25 | | | | |
| | --Duplex | 3,000 | | 50 | | | | |
| R-4 | Multi-Family | | | | | | | |
| | --Single Family Detached | 5,000 | | 50 | 100 | 20 | 10 | 6 |
| | --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 |

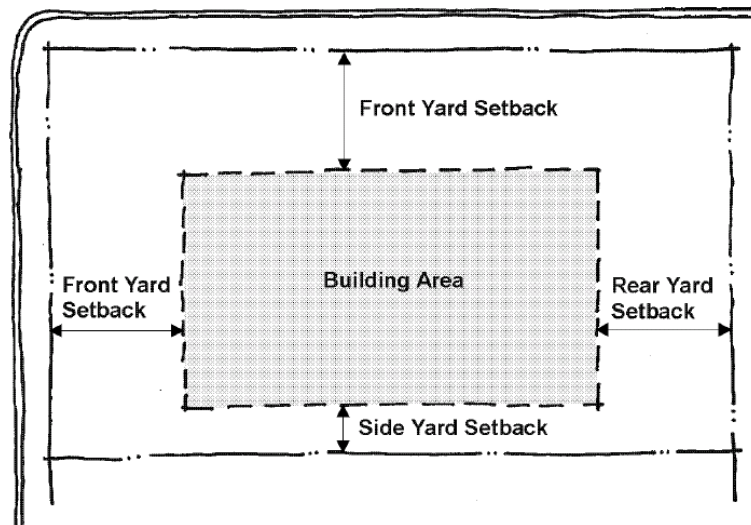
Figure 4 Lot Lines and Setbacks



(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.

Figure 5. Corner Lots



- (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.

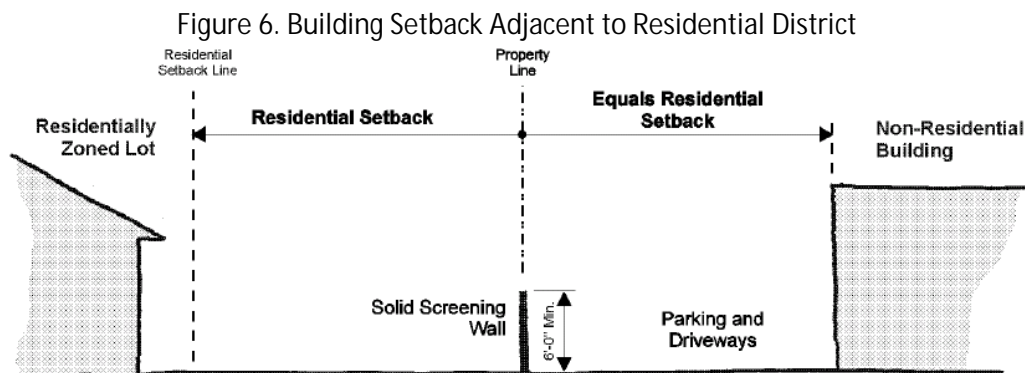
- (6) Accessory buildings near interior side lot line. Detached accessory buildings shall not be located nearer than five feet to any interior side lot line.
- (7) Emergency access. No off-street parking areas shall be so located or arranged so as to obstruct direct fire protection and emergency access to any multiple-family dwelling.

118-428. Commercial and industrial district screening from view

- (a) Required screening. Where required elsewhere in this chapter, service areas and outside storage shall be screened using the standards established in this section.
- (b) Screening. Standards and maintenance of screening shall be as follows:
 - (1) Screening wall standards. The screening wall shall be constructed of solid masonry material on a concrete foundation, or solid wood fence with metal structural supports to a minimum height of six feet tall. All screening walls shall be constructed according to minimum specifications approved by the building official.
 - (2) Maintenance of screening. It shall be the responsibility of the commercial or industrial property owner to maintain the screening wall in good repair.

118-429. Commercial sites with residential adjacency

- (a) Applicability. Where nonresidential sites are immediately adjacent to residentially zoned properties, including adjacencies where there is an intervening alley, the standards of this section shall apply.
- (b) Building setback. Minimum building setbacks on side and rear yards of nonresidential properties, which are immediately adjacent to residential properties, shall be the more restrictive of either the nonresidential zoning district, or the adjacent residential zoning district.



- (c) Screening. Screening shall be in accordance with the following:
 - (1) Generally. A solid screening wall shall be constructed on the nonresidential property in close proximity to the residential property line in order to screen views and windblown trash and debris. In addition, a ten-foot wide landscaped buffer with one tree for each 25 feet of common adjacency shall be provided. The tree shall be a preserved tree or, if a newly planted tree, shall be a minimum container size of 5 gallons at the time of planting.
 - (2) Screening wall standards. The screening wall shall be constructed of solid masonry material on a concrete foundation, or solid wood fence with metal structural supports to a minimum height of six feet tall. The finished side of the wall shall be constructed to face the residential property.

All screening walls shall be constructed according to minimum specifications approved by the building official.

- (3) Screening tree standards. Required trees shall be non-deciduous in order to provide year-round screening and shall be of a type and species listed in Section 118-430(f)(2) below.
- (4) It shall be the responsibility of the nonresidential property owner to maintain the screening wall in good condition and to maintain the screening trees in a healthy condition at all times. This may include the installation of an irrigation system if conditions warrant. Screening trees shall be replaced with new trees as the trees die or are removed.

118-430. Commercial district landscaping

- (a) Applicability. This section shall apply in the B-1, Local Business and B-2, General Business Districts where any of the following conditions are present:
 - (1) New Construction
 - (i) Any new building construction requiring a permit and is greater than 500 square feet or valued at more than \$2,500, or
 - (ii) Any construction of a new parking lot for which a permit is required
 - (2) Additions/renovations
 - (i) Any building addition or renovation exceeding fifty (50) percent of the existing building area as defined by the footprint of the existing building for which the building permit is required.
 - (ii) Any parking lot addition within the front fifty percent (50%) by more than five thousand (5,000) square feet or ten (10) percent in area of the existing parking lot whichever is greater for which a building permit is required.
- (b) Exceptions. Exceptions to this section shall be as follows:
 - (1) Residential uses other than multi-family apartments.
 - (2) Exterior or interior finishing and remodeling that does not increase the existing building area or parking area of the existing development.
 - (3) Section 118-430 (e) is excepted for the existing portions of parking area expansion projects as described in Section 118-430(a)(2)(ii).
- (c) Landscaping Plan
 - (1) When the requirements of this section must be met, a landscaping plan shall be submitted and must be approved by the City Planner or their designee before the issuance of a certificate of occupancy for the project. This plan may be provided as a combined exhibit for parking and landscaping. The plan shall contain the following information:
 - (i) Date, scale, north arrow
 - (ii) Location of existing boundary lines and dimensions of the lot and any artificial lot lines, street address, approximate centerline of existing watercourses and the location of the one hundred year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.
 - (iii) Location, height and material of proposed screening and fencing between residential and non-residential property, if such screening and fencing is required.

- (iv) Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and dripline of said trees shall be protected prior to and during all construction, including dirtwork.
 - (v) Location of plant materials to be installed, container sizes at installation, spread, and spacing.
 - (vi) Identification of visibility triangles on the lot for all driveway intersections with public streets.
 - (vii) Complete description of plant materials to be installed, including names, locations, quantities, heights, spread, and spacing.
 - (viii) For plans which include trees to be preserved and be eligible for tree preservation credit under Section 118-430
- (2) Phasing of landscaping plan
- The landscaping plan may be submitted in two phases.
- (i) Phase 1 shall be submitted at the time the building permit application and plans are submitted and shall contain items (i) through (vi) as shown in Section 118-430(c)(1) above.
 - (ii) Phase 2 shall be submitted prior to the request for a final certificate of occupancy inspection and shall contain all items as shown in Section 118-431(c) above.
- (d) Street landscaping.
- (1) For each 100 feet of frontage, 3 small mature height or 2 tall mature height trees as listed in section 118-430(f) shall be planted between the front property line and a line measured 35 feet from the front property line.
 - (2) The maximum separation between trees shall be no more than 50 percent of the lot width.
- (e) Interior parking lot landscaping for large parking areas.
- (1) Applicability**
- (i) Section 118-430(e)(1) shall apply to parking areas of 200 spaces or more.**
- (2) A minimum of 5 percent of gross parking areas shall be devoted to pervious planting areas which includes mulch, grass, ground cover, plants, shrubs, or trees. Gross parking area is measured from the edge of the parking and/or driveway paving and the back of the adjacent curb or sidewalk.
 - (3) There shall be a minimum of one tree planted for each 150 square feet of required pervious area.
 - (4) Credit for trees required in this section 118-430(e) may be given for trees planted as required in Section 118-430(d) above.
 - (5) No parking space shall be more than 100 feet from the center point of any tree.**
- (f) Tree Standards
- (1) Trees required by this chapter shall be a minimum container size of 5 gallons.
 - (2) Tree Species
 - i) Small deciduous
 - a. Chalk maple
 - b. Japanese maple
 - c. Redbud – *Cercis canadensis*, *Cercis Mexicana*
 - d. Desert willow*

- e. American or Chinese fringe tree*
 - f. Dogwood
 - g. Parsley hawthorn*
 - h. Mayhaw
 - i. Eve's necklace*
 - j. American or Japanese snowbell
 - k. Two-winged silverbell
 - l. Chastetree*
 - m. Deciduous magnolia
 - n. Crape myrtle*
 - o. Possumhaw holly
 - p. Purple Pride plum
 - q. Mexican plum*
 - r. Flowering apricot
 - s. Persian witch hazel
 - t. Black cherry
 - u. Carolina buckthorn*
 - v. Mexican buckeye*
 - w. Rusty blackhaw viburnum*
- (ii) Large deciduous
- a. Southern sugar maple
 - b. Red maple
 - c. River birch
 - d. Pecan
 - e. Shagbark hickory
 - f. American beech
 - g. Ginko
 - h. Black gum
 - i. Bald cypress
 - j. Basswood
 - k. Lacebark elm
 - l. Japanese zelkova
 - m. Cherrybark oak
 - n. Mexican white oak
 - o. Overcup oak
 - p. Swamp chestnut oak
 - q. Shumard oak
 - r. White oak
 - s. Sawtooth oak
 - t. Nutall oak
- (iii) Small evergreen
- a. Texas mountain laurel

- b. Cherry laurel
- c. Yaupon*
- d. Wax myrtle*
- (iv) Large evergreen
 - a. Southern magnolia
 - b. Sweetbay
 - c. American holly
 - d. Eastern red cedar
 - e. Southern live oak
 - f. Longleaf pine
 - g. Loblolly pine
 - h. Shortleaf pine
 - i. Arizona cypress

Species marked with an "*" are overhead utility line compatible trees.

118-431. Administration and Enforcement of Commercial District Landscaping

a) Exceptions

1) Administrative exception

- a) The City Planner may, upon review and unanimous recommendation from the Building Official and the City Engineer, approve minor variations in the location of required landscape materials due to unusual topographic constraints, siting requirements, preservation of existing stands of native trees or similar conditions. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the City Planner and shall specify the modifications requested and present a justification for such modifications.
- b) In determining the practicality and acceptability of the alternate proposal, the City Planner shall consider the following factors:
 - i) The configuration of the lot or tract in question.
 - ii) The square footage of the property in question.
 - iii) The square footage of the property to be developed.
 - iv) The zoning districts and landscaping on adjacent property.
 - v) The topography and soil on the property in question.
 - vi) The existing plant materials and plant materials to be preserved.
 - vii) Alternate proposals of similarly situated properties, and/or
 - viii) Other factors relevant or material to the circumstances of the site in question.
- 2) If a unanimous approval of the City Planner, City Engineer, and Building Official cannot be reached regarding a request for an administrative exception, the request for an exception shall be denied.
- 3) An appeal of the decision regarding an administrative exception may be made to the Zoning Board of Adjustments in accordance with the requirements and procedures in Article II, Division 3 of this Chapter.

- 4) Within five days following the approval of an administrative exception, written notice of the approval 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 exception is granted.
- 5) Within five days following the approval of an administrative exception, notice of the exception shall be posted in the agenda notification area at City Hall, and shall remain posted for ten days.
- 6) Variances other than those as described in Section 118-431(1)(a) above shall be requested through the Zoning Board of Adjustments as described in Article II, Division 3 of this Chapter. The Zoning Board of Adjustments may grant variances to Section 118-430 upon finding that:
 - a) Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter;
 - b) Such variance will not adversely affect the health, safety, or general welfare of the public;
 - c) The variance sought is due to unique circumstances affecting the property or the owner's use of the property. Financial consideration shall not be grounds for a variance; and
 - d) The owner has made provisions for alternative landscaping reasonably equivalent in value and utility to the requirement sought to be varied.

b) Deferral of planting

- 1) If a certificate of occupancy is sought during a season in which the City Planner determines it would be impractical to install landscaping and trees, a temporary certificate of occupancy may be issued by the Building Official.
- 2) The temporary certificate of occupancy shall have a term of up to six (6) months.
- 3) Failure to comply within the temporary term of 6 months shall constitute a violation of this article and subject the owner to enforcement penalties and procedures.

c) Tree planting equivalency credits

- 1) Credit toward the total tree requirement shall be given for planting trees that exceed the minimum size required by this article at the rate of two trees for each tree planted with a caliper of four inches and greater, as measured 3 feet above the ground.
- 2) Credit for the preservation of existing on-site trees
 - a) Credit for the preservation of existing on-site trees may be granted when requested and depicted on the landscape plan.
 - b) Credit for preserving existing trees shall be granted based upon Figure 7 below.

Figure 7. Tree Preservation Credit Chart

| Caliper of tree to be preserved | Credit |
|---------------------------------|-----------|
| Less than 4" | No credit |
| 4 " to 5.99" | 2 trees |
| 6" to 11.99" | 4 trees |
| 12" and greater | 6 trees |

- c) To receive credit for trees preserved under this section, the following conditions must be met:
 - i) An appropriate aeration system or alternative method of protecting the tree to be preserved must be documented in the landscaping plan and provided as designed in the landscaping plan.

ii) At least 50% of the dripline area of the tree to be preserved must be a permeable surface.

d) Artificial lots

- 1) If a building site is over 2 acres in size, the City Planner may, upon request, designate an artificial lot to satisfy the requirements of this article.
- 2) If designated, the artificial lot shall be consistent with the purposes and policies of this chapter as determined from the criteria below. No artificial lot may be delineated by the City Planner unless it:
 - i) Wholly includes the area on which the construction work is to be done, and
 - ii) Has an area that does not exceed 50% of the area of the building site.

e) Utility lines

- 1) Trees shall be planted no closer than 20 feet from the nearest underground utility line.
- 2) Where the location of existing overhead utility lines conflict with the required street trees, planting of small mature height trees from Section 118-430(f)(2)(i) and (iii) shall be required.
- 3) Where easements containing underground utilities conflict with the area where street trees are required to be planted, the City Planner may authorize the planting of street trees outside the easement area.

118-432. Historic overlay district.

All properties within a historic overlay district shall comply with the standards and requirements established in article II of chapter 50 pertaining to historic preservation.

Section 3. Continuation. All provisions of Chapter 118 of the Code of Ordinances not specifically herein repealed remain in full force and effect.

Section 4. Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

Section 5. Effective Date. This Ordinance shall take effect 60 days from its passage and publication as may be required by governing law.

Section 6. Proper Notice & Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 7. Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches and in the Official Public Records of Nacogdoches County, Texas.

PASSED AND APPROVED, this the 21st day of June, 2016, by a vote of __ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches.

CITY OF NACOGDOCHES

By: _____
Roger Van Horn, Mayor

ATTEST:

APPROVED AS TO FORM:

Jan Vinson, City Secretary

Jefferson Davis, City Attorney

APPROVED AS TO CONTENT:

Larissa Philpot, Director of Municipal Services

PRESENTER: Michael Montes, Nacogdoches Youth Soccer Association

ITEM/SUBJECT: Receive Annual Report from the Nacogdoches Youth Soccer Association.

SUMMARY/BACKGROUND: The Nacogdoches Youth Soccer Association (NYSA) has an agreement with the City for exclusive use of the Clint Dempsey Soccer Complex in exchange for operating the Youth and Adult Soccer programs. NYSA uses proceeds from each season to invest in facility improvements such as irrigation and lighting while the City provides basic services such as mowing, cleaning restrooms, a general facility maintenance. During the spring 2016 season, NYSA had 225 Recreational players between 5 and 12 years old, 190 in the competitive division between 10 and 14 years old along with 50 adults in the over 30 year league and 37 in a futsal (indoor) league.

FINANCIAL:

There is no financial impact associated with this item

Item is budgeted: (___ - ___ - ___) In the amount of \$_____

Item is not budgeted (Budget Amendment required; please attach BA ordinance)

Amount: \$_____ GL Account #: _____

Item is estimated to generate additional revenue: _____

CITY CONTACT: Brian W. Bray, Director of Community Services
936-559-2935
brayb@ci.nacogdoches.tx.us

ATTACHMENTS: None

PRESENTER: Steve Bartlett, PE, City Engineer

ITEM/SUBJECT: Consider bid award for Hurricane Ike/Dolly Recovery 2.2, Phase 2 Water and Public Facility Generator Project.

SUMMARY/BACKGROUND: On June 2, 2016, the City received seven (7) bids for construction of new generators at various public water works facilities across the City. Sites for new generators include Austin Street Elevated Storage Tank, Moore Elevated Storage Tank, Zula Street Elevated Storage Tank, Beulah Elevated Storage Tank, SFA Elevated Storage Tank and the Public Works building. Bid totals are as follows:

| | |
|------------------------------|--------------|
| Ludco, Inc. ☐ | \$379,917.00 |
| Casey Slone Construction - | \$389,323.99 |
| Timberline Constructors - | \$389,859.00 |
| Chrietzberg Electric, Inc. - | \$428,927.00 |
| Alan Fielding Electric ☐ | \$459,650.00 |
| HWH Industrial - | \$472,873.60 |
| Duplichain Contractors ☐ | \$527,310.00 |

Ludco, Inc. was found to be the qualified low bidder. Ludco is a qualified and experienced contractor with a successful history of work on similar projects both for the City and KSA.

These proposed generator sites are a utilization of remaining funds in the General Land Office (GLO) Hurricane Ike/Dolly Recovery 2.2 disaster relief program. These are grant funds and do not have a financial impact on the City budget. It is recommended that the low bid for the Hurricane Ike/Dolly Recovery 2.2, Phase 2 Water and Public Facility Generator Project be awarded to Ludco, Inc. in the amount of \$379,917.00.

FINANCIAL:

X There is no financial impact associated with this item

CITY CONTACT: Steve Bartlett, PE, City Engineer
(936) 559-2522
bartletts@ci.nacogdoches.tx.us

ATTACHMENTS: Complete bid tabulations available for review in the Engineering office.

PRESENTER: Case Opperman, Assistant City Engineer

ITEM/SUBJECT: Consider selection and award of Professional Engineering Contract to KSA Engineering for engineering consulting services concerning Martinsville Road and Beulahland Elevated Storage Tank Rehabilitation Project.

SUMMARY/BACKGROUND: KSA Engineering has proposed a preliminary opinion of probable project cost for rehabilitation of two elevated water storage tanks in our system, the Martinsville Road Elevated Tank and the Beulahland Elevated Tank. City staff recommends contracting KSA Engineering for design and construction administration on this project.

This contract with KSA will provide the City with engineered plans and specifications for painting, disinfecting and otherwise rehabilitating these two elevated storage tanks to ensure the tanks continue to function properly in the water distribution system. This agreement includes project engineering and project representative inspection during construction. This project is budgeted in the Capital Improvements Budget and will include \$46,500.00 for engineering services and \$22,500.00 for project construction inspection.

FINANCIAL:

- There is no financial impact associated with this item
- Item is budgeted: (30-179-36) In the amount of \$ 325,000 (Martinsville Road)
- Item is budgeted: (30-179-36) In the amount of \$ 400,000 (Beulahland)
- Item is not budgeted (*Budget Amendment required ☐ see attached*)
Amount: \$ _____ GL Account #: (XX-XXX-XX)
- Item is estimated to generate additional revenue: \$ _____

CITY CONTACT: Case Opperman, EIT, Assistant City Engineer
936-559-2515
oppermanc@ci.nacogdoches.tx.us

ATTACHMENTS: KSA Contract and Opinion of Probable Project Cost can be reviewed in the Engineering office.

PRESENTER: Steve Bartlett, City Engineer

ITEM/SUBJECT: Consider contract award for 2016 Paving Project.

SUMMARY/BACKGROUND: June 9, 2016, the City received bids for 2016 Street Paving Project to repair eleven (11) City streets. Ten (10) construction companies picked up plans for the project but only one chose to submit a bid. Drewery Construction submitted a bid in the amount of \$987,575.10. Drewery is an experienced paving contractor with an excellent work history on similar projects, including prior work for the City and TxDOT, the most recent being the E. Starr Avenue construction.

Most of the prospective bidders were polled to determine reason for not submitting a bid. Several indicated the project was too large for their firm or bonding capabilities, and several others indicated they had other conflicting work within the contract schedule. None of the bidders reported concerns with the scope of work or the documents presented for bidding.

After reviewing Drewery's bid, staff is satisfied that the costs are fair and reasonable. The bid amount of \$987,575.10 exceeds the current CIP Paving budget of \$977,711. Staff is recommending that Wood Creek Drive be removed from the project and deferred to a future paving project. This change order will reduce the contract to **\$900,377.10**, and bring the project within budget.

The streets selected by City staff for this project were identified as being in need of immediate or near-term repair and will include varying degrees of reconstruction dependent upon the condition of each particular street. These streets include Bailey Avenue, Devon Street, E. College Street, Greer Street, N. Fredonia Street, N. Mound Street, Raguet Street, Rusk Street, Spring Valley Drive, and Western Oak Street.

It is recommended that the low bid for this project be awarded to Drewery Construction in the amount of \$900,377.10 to include a deductive change order for the removal of Wood Creek Drive.

FINANCIAL:

 X Item is budgeted: (01.86.680.30) In the amount of \$ 900,377.10

CITY CONTACT: Case Opperman, EIT, Assistant City Engineer
(936) 559-2515
oppermanc@ci.nacogdoches.tx.us

ATTACHMENTS: Bid tabulation is available for review in the Engineering office.

PRESENTER: Jim Jeffers, City Manager

ITEM/SUBJECT: Receive FY 2016-2017 Budget Presentation

SUMMARY/BACKGROUND: A brief presentation of historical revenue data and current revenue trends as of May 31, 2016

FINANCIAL:

There is no financial impact associated with this item

Item is budgeted: (___-___-___) In the amount of \$_____

Item is not budgeted (Budget Amendment required; please attach BA ordinance)

Amount: \$_____ GL Account #: _____

Item is estimated to generate additional revenue: _____

CITY CONTACT: Jim Jeffers, City Manager
jeffers@ci.nacogdoches.tx.us
936-559-2501

ATTACHMENTS: None

ITEM/SUBJECT:

EXECUTIVE SESSION:

- A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:
 - 1. Discuss or deliberate regarding commercial or financial information the City has received from business projects the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and
 - 2. Deliberate offer of financial or other incentive to business prospects described by Subdivision 1 above