

AGENDA  
SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION  
CITY OF LIVE OAK  
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS  
8001 SHIN OAK DRIVE  
TUESDAY, OCTOBER 15, 2024  
IMMEDIATELY FOLLOWING THE JOINT CITY COUNCIL/PLANNING AND ZONING  
COMMISSION PUBLIC HEARING

The public may watch the meeting live at [www.liveoaktx.net](http://www.liveoaktx.net) by clicking on the “Live Meetings” button.

1. CALL TO ORDER
2. ROLL CALL
3. CONSENT AGENDA

A. Approval of Minutes

1. December 19, 2023

4. CITIZENS TO BE HEARD

**Per City of Live Oak Code of Ordinances Section 2-21.5 (1)** Live Oak Municipal Code: The rules of courtesy are adopted for persons in attendance at all meetings of Council include: “Those signed up to speak under Citizens To Be Heard shall be called upon in the order that they have registered. No personal attacks shall be allowed by any speaker.”

5. NEW BUSINESS

A. Discussion and consideration regarding a request for a comprehensive land plan amendment, amending the future land use plan in the most recently adopted 2040 Live Oak Comprehensive Plan, specifically for Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street respectively; changing the future land use designation from “Low Density Residential” to “Medium Density Residential”, and take appropriate action;

1. Staff Presentation
2. Applicant Presentation
3. Question & Comments from Commission
4. Commission Action

B. Discussion and consideration regarding a request for a zoning change from the “PD-Pre-Development District” to the “R3-Two-Family Residential District” on Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street respectively, and take appropriate action;

1. Staff Presentation
2. Applicant Presentation
3. Question & Comments from Commission

#### 4. Commission Action

C. Discussion and consideration regarding proposed revisions and updates to the City of Live Oak Code of Ordinances Chapter 21– Subdivision Regulations, as same may have heretofore been amended, modified or supplemented; amending the approval authority for plats from primarily legislative approval to primarily administrative approval in accordance with Chapter 212 of the Texas Local Government Code, and take appropriate action;

1. Staff Presentation
2. Question & Comments from Commission
3. Commission Action

D. Discussion and consideration regarding proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 Zoning Regulations, Article VIII – Signs, as same may have heretofore been amended, modified or supplemented; adopting new regulations and requirements, and take appropriate action;

1. Staff Presentation
2. Question & Comments from Commission
3. Commission Action

#### 6. ELECTION OF OFFICERS

- A. Election of Chair
- B. Election of Vice-Chair

#### 7. ADJOURNMENT

I certify that the above notice of meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, on Thursday, October 10, 2024, by 5:00 p.m.



Isa Gaytan, TRMC  
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office, for concerns or requests, at (210) 653-9140, Ext. 2213

The Planning and Zoning Commission for the City of Live Oak reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §§ 551.071 (Consultation with Attorney), and any other provision under Texas law that permits a governmental body to discuss a matter in a closed executive session.

**REQUEST ALL PHONES BE TURNED OFF, WITH THE EXCEPTION OF EMERGENCY ON-CALL PERSONNEL**

It is possible that a quorum of the Live Oak City Council, Economic Development Corporation, Parks and Recreation Commission, and Zoning Board of Adjustment could attend this meeting. The individual members will not engage in any discussion or deliberation on any matters presented by the agenda.

MINUTES  
SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION  
CITY OF LIVE OAK  
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS  
8001 SHIN OAK DRIVE  
DECEMBER 19, 2023, AT 6:00 P.M.

1. CALL TO ORDER

Meeting was called to order at 6:00 p.m. by Chairman Kochan.

2. ROLL CALL

Chairman Rebecca Kochan  
Commissioner Gary Woppert  
Commissioner Tom Kusek  
Commissioner Michael Llamas—Excused Absence  
Alt. Commissioner Angela Green  
Alt. Commissioner Janita Woodall

Staff Present

Interim City Manager Anas Garfaoui  
City Secretary Isa Gaytan

3. INVOCATION/PLEDGE OF ALLEGIANCE

Completed

5. CITIZENS TO BE HEARD

Mayor Dennis, on behalf of the City Council and all residents of Live Oak, thanked the Planning and Zoning Commission for all they do.

4. CONSENT AGENDA

- A. Approval of Minutes
  - 1. January 26, 2023

Commissioner Gary Woppert made a motion to approve the CONSENT AGENDA as presented; seconded by Commissioner Tom Kusek

**Vote FOR:** Commissioner Kusek, Chairman Kochan, Commissioner Woppert, Alt. Commissioner Green—**PASSED 4/0**

6. NEW BUSINESS

- A. Discussion and possible action regarding the Replat of Live Oak Town Center Lot 30 and 31 “Being a total of 15.872 acres, establishing lot 40, CB 5042D in Bexar County, Texas, being all of lots 30 and 31 of the Live Oak Town Center recorded

Mr. Garfaoui presented information regarding the Replat of Live Oak Town Center Lot 30 and 31 “Being a total of 15.872 acres, establishing lot 40, CB 5042D in Bexar County, Texas, being all of lots 30 and 31 of the Live Oak Town Center recorded in document number 20180232927 of the deed and plat records of Bexar County, Texas”.

Alt. Commissioner Green made a motion to approve agenda item 6A as presented; seconded by Commissioner Woppert.

**Vote FOR:** Commissioner Kusek, Chairman Kochan, Commissioner Woppert, Alt. Commissioner Green—**PASSED 4/0**

B. Discussion and possible action regarding election of Officers.

Chairman Kochan made a motion to nominate Commissioner Llamas as Vice Chairman; seconded by Commissioner Kusek.

**Vote FOR:** Commissioner Kusek, Chairman Kochan, Commissioner Woppert, Alt. Commissioner Green—**PASSED 4/0**

C. Special presentation on the recognition program from the Texas Chapter of the American Planning Association.

Mr. Garfaoui made a special presentation on the recognition program from the Texas Chapter of the American Planning Association. Mr. Garfaoui thanked the Commission and read the award.

7. ADJOURNMENT

Alt. Commissioner Green made motion to adjourn; seconded by Commissioner Kusek at 6:10 p.m.

APPROVED:

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Rebecca Kochan, Chairman

ATTEST:

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Isa Gaytan, City Secretary



# PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

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Meeting date: October 15, 2024

Agenda item: 5A

Prepared by: Ron Ruthven, ACM

Reviewed by: Isa Gaytan

Department: Planning and Zoning Commission

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### **AGENDA ITEM DESCRIPTION:**

Discussion and possible action regarding a request for a comprehensive land plan amendment, amending the future land use plan in the most recently adopted 2040 Live Oak Comprehensive Plan, specifically for Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street respectively; changing the future land use designation from “Low Density Residential” to “Medium Density Residential”.

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### **PROPERTY INFORMATION:**

**LEGAL DESCRIPTION:** Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit)  
**CURRENT ZONING:** PD PRE-DEVELOPMENT DISTRICT  
**CURRENT LAND USE:** UNIMPROVED/VACANT  
**ADJACENT ZONING:** PD PRE-DEVELOPMENT DISTRICT  
**ACREAGE:** 0.434, 0.432, and 0.53 acres (1.396 total acres)

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### **STAFF BRIEFING:**

The applicant, Octavio Viramontes, on behalf of Melbrun Construction LLC, is requesting a comprehensive land plan amendment as part of a rezoning request for the subject properties. The Live Oak zoning regulations and State law require the zoning regulations to be consistent with the comprehensive plan. In the event a zoning request is not consistent with land use plan contained in the comprehensive plan, the land use plan must first be amended before the zoning can be approved.

The Live Oak comprehensive plan currently recommends “Low Density Residential” for the subject properties. The comprehensive plan describes “Low Density Residential” as having a maximum residential density of 8 dwelling units per acre (dua) with only single family homes. The zoning requested by the applicant (R3 – Two Family Residential District) allows for a maximum residential density of 9.68 dua.

The following table shows maximum residential density by zoning district and the corresponding comprehensive plan land use category:

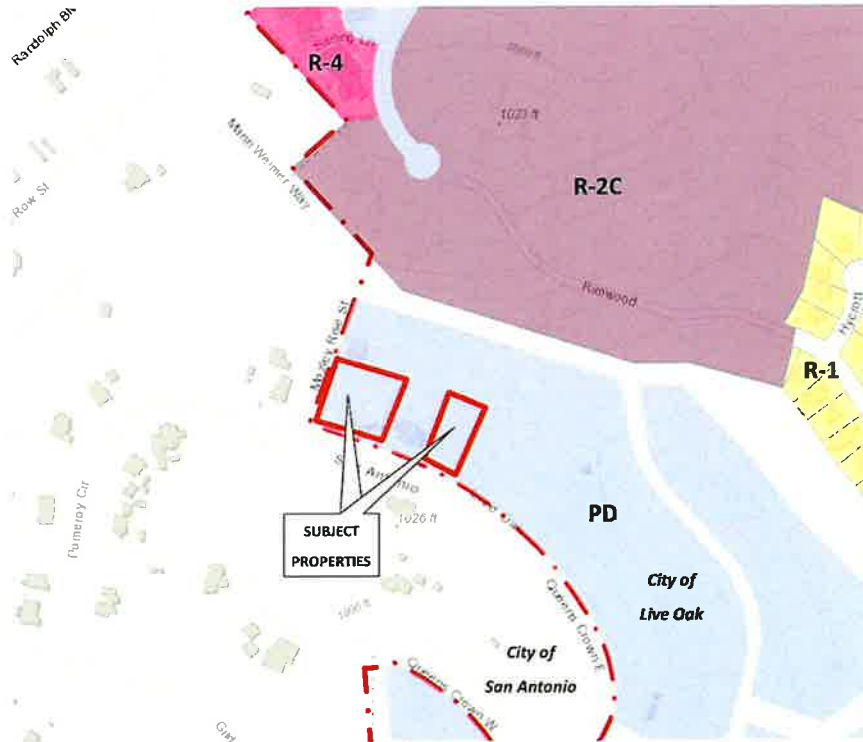


# PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

Zoning Classification	Maximum Residential Density Allowed per Zoning (based on minimum lot size)	Housing Types Permitted	Comprehensive Plan Land Use Plan Category and Maximum Density
(R-1) Single Family Residential District	6.05 dua	single family detached	Low Density Residential (8 dua max)
(R-2A) Garden Home Residential District-A	8.7 dua	single family detached, garden home	Medium Density Residential (14 dua max)
(R-2B) Garden Home Residential District-B	7.03 dua	single family detached, garden home	Low Density Residential (8 dua max)
(R-2C) Garden Home Residential District-C	8.7 dua	single family detached, garden home	Medium Density Residential (14 dua max)
(R-3) Two-Family Residential District	9.68 dua	single family detached, duplex	Medium Density Residential (14 dua max)
(R-4) Town House Residential District	17.4 dua	single family attached, duplex	High Density Residential (24 dua max)
(R-5) Apartment/Multifamily Residential District	22 dua	multifamily, boarding house, STR	High Density Residential (24 dua max)

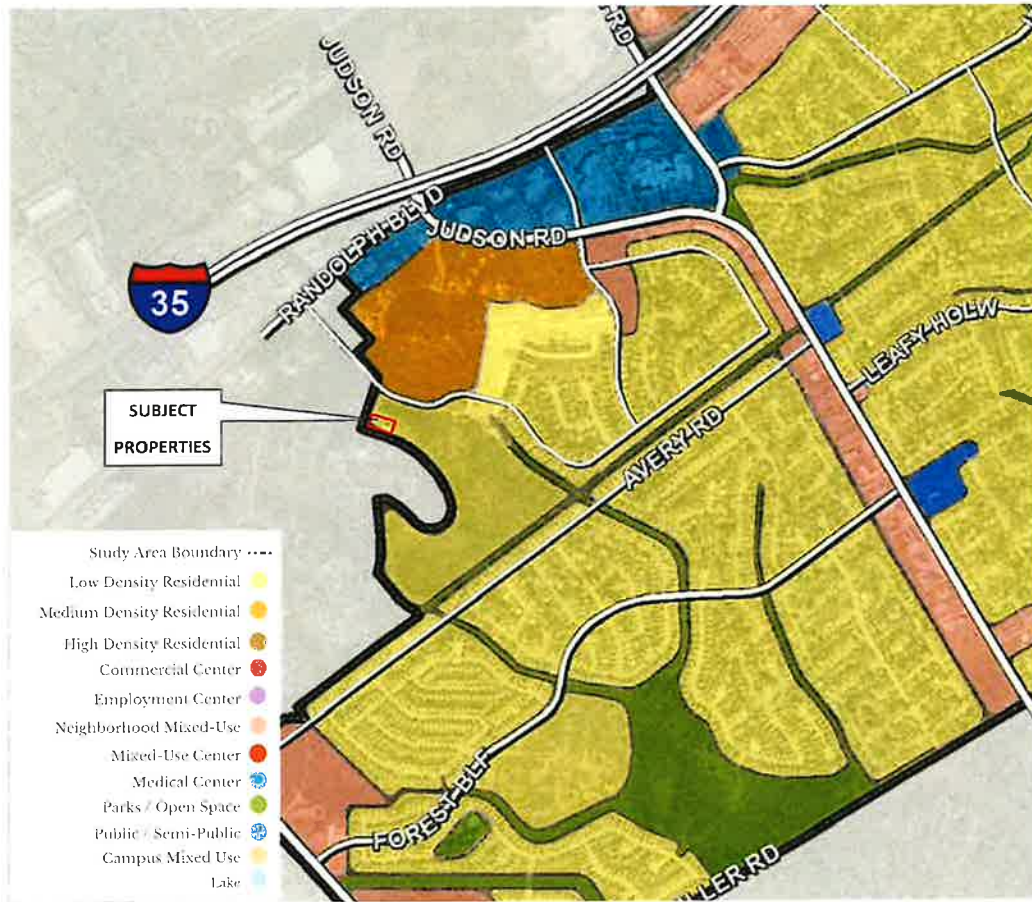
*dua = dwelling units per acre*

### LOCATION AND ZONING MAP:



# PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

## COMPREHENSIVE PLAN - LAND USE MAP:



**ACTION:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Recommendation to CC | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> SUP                             | <input type="checkbox"/> Final Plat       |
| <input type="checkbox"/> Public Hearing                  | <input type="checkbox"/> Other            |
| <input type="checkbox"/> Re-zoning                       |   |

**STAFF RECOMMENDED MOTION:**

Staff recommends denial of the request.



# Development Application

For Office Use  
Case No. CP-2024-01

Submission of an application does not indicate acceptance by the City of Live Oak.

### Type of Request:

- Annexation
- Zone Change
- Zoning Change PUD
- Zoning Variance
- Zoning Special Exception
- Specific Use Permit
- Other: Low density to medium density residential
- Plat Certification
- Preliminary Plat
- Final Plat
- Replat
- Amending Plat
- Minor Plat
- Plat Waiver

Project Name/Description: E QUEENS CROWN DUPLEX

### Site Location Information

Legal Description CB 5937 BLK 51 LOT 19,20,21,22

County Appraisal District Parcel ID # (all properties) 359993

Address: 6703 E QUEENS CROWN ST Number of Lots: 4 Acreage: 1.887

General Location of Property (if no address): \_\_\_\_\_

Subdivision Name: NA Block: 51 Lot: 19,20,21,22

School District:  JISD  NEISD  Other: \_\_\_\_\_

### Zoning Information

Current Zoning: Pre-Development District (PD) Requested Zoning (if applicable): Medium density R-3

Existing Land Use: Vacant Regular Lot Proposed Land Use (if applicable): 2 DWELING UNITS (DUPLEX) PER LOT

### Property Owner Information

Owner Name: MELBRUN CONSTRUCTION LLC

Owner Address: 17890 Blanco rd. suite 211  
(Street) (City) (State) (Zip)

Phone #: (210)861-1077 Email: mario@rodleegroup.com

### Applicant Information - Check box if same as property owner

Name: OCTAVIO A. VIRAMONTES R.A.

Address: 13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231  
(Street) (City) (State) (Zip)



Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

**Engineer/Surveyor Information** (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS  
(Company) (Contact Person)  
Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217  
(Street) (City) (State) (Zip)  
Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

**Authorized Agent Information** (if applicable)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)  
Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application and all information submitted here in is true and correct.

Signature Owner: [Signature] Date: 07/30/24  
Printed Name: Marion Lee Zamora

Office Use Only		
Received Date: <u>8/2/2024</u>	Date Application Deemed Complete: <u>8/2/2024</u>	
Case No.: <u>CP-2024-01</u>	Review By: <u>[Signature]</u>	

★ - App. is for COMPREHENSIVE LAND PLAN AMENDMENT, RR  
- No Fee, 2 included w/ RECORDING FEE.



## LETTER OF INTENT

**6703, 6707, 6715 E QUEENS CROWN ST**

LIVE OAK, TX 78233

LOT 19 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 19,20,21,22

Property ID: 359993

Vacant Regular Lot

Acres: 0.4341

Existing land use designation: Low-density residential

**Proposed land use designation: Medium-density residential**

Existing Zoning: Pre-Development District (PD)

**Proposed zoning: Two-Family Residential District (R-3)**

Lots 19-22 are on Queens Crown St (south) and Weimer Way (East). Currently, with a Low-density residential, the intent is that they become **Medium-density residential**.

Each piece of land pretenses to have a **Single building with two single-family attached residential dwellings**—Two (8) dwelling units total on all four.

Due to each lot's dimensions, .4 + acres on average is possible to allow a medium density without affecting the original intended density.

Every lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, for attached residential dwellings. The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation.

The lot widths are in average 100 + feet, exceeding the minimum 75 feet requested for an R-3; the lot's depths are 180 + feet, exceeding the requested 120 feet.

This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.

The probable reason for the lot's dimensions is the existing slope, however, this becomes favorable to resolve the lack of sewer in the area that with a single shared septic system will function properly in a large irrigation field that will result in the lower rear part of each lot.

Besides the mentioned lot's dimensions, we see the viability of this designation due to the proximity of an existing similar designation (see Figure A1 and A1 below).

An R-3 case between R-1 low density can also be seen functioning properly in the proximity of this case and between R-1 single family just as proposed ( see Figure B1 and B2).

In this case, although medium-density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will keep the characteristics of a low-density single-family use keeping the original land use intent.





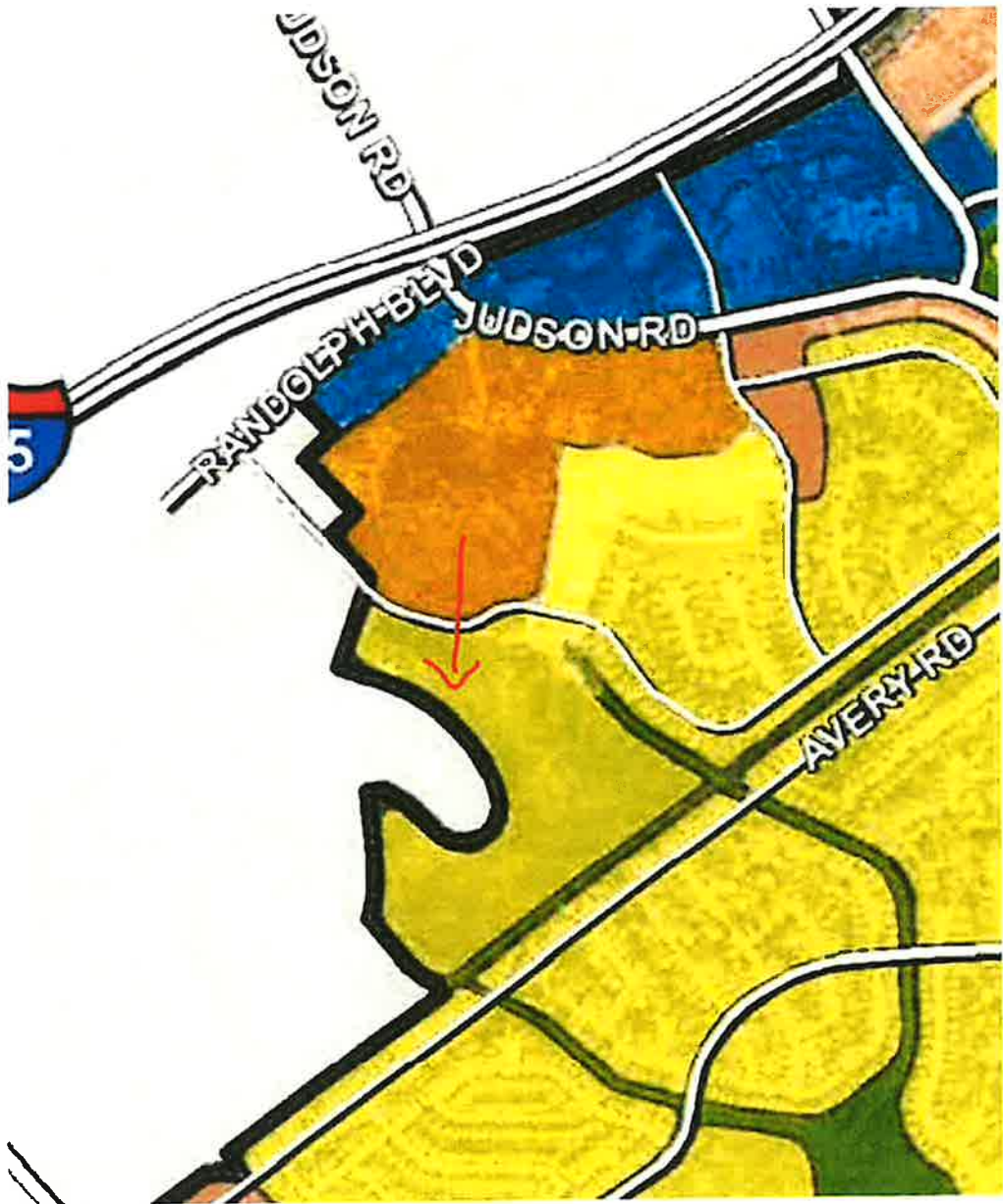


FIGURE A2





FIGURE B2



# PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

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Meeting date: October 15, 2024

AGENDA ITEM: 5B

Prepared by: Ron Ruthven, ACM

REVIEWED BY: Isa Gaytan

Department: Planning and Zoning Commission

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## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action regarding a request for a zoning change from the “PD-Pre-Development District” to the “R3-Two-Family Residential District” for property located at 6703, 6707 and 6715 Queen’s Crown Street.

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## **PROPERTY INFORMATION:**

<b>LEGAL DESCRIPTION:</b>	Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit)
<b>CURRENT ZONING:</b>	PD PRE-DEVELOPMENT DISTRICT
<b>CURRENT LAND USE:</b>	UNIMPROVED/VACANT
<b>ADJACENT ZONING:</b>	PD PRE-DEVELOPMENT DISTRICT
<b>ACREAGE:</b>	0.434, 0.432, and 0.53 acres (1.396 total acres)

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## **STAFF BRIEFING:**

The applicant, Octavio Viramontes, on behalf of Melbrun Construction LLC, is requesting a zoning change for the subject properties in order construct two-family residences (duplexes) on the subject properties. This item is a companion item to the comprehensive land plan amendment request.

The “R3-Two-Family Residential District” allows the following uses:

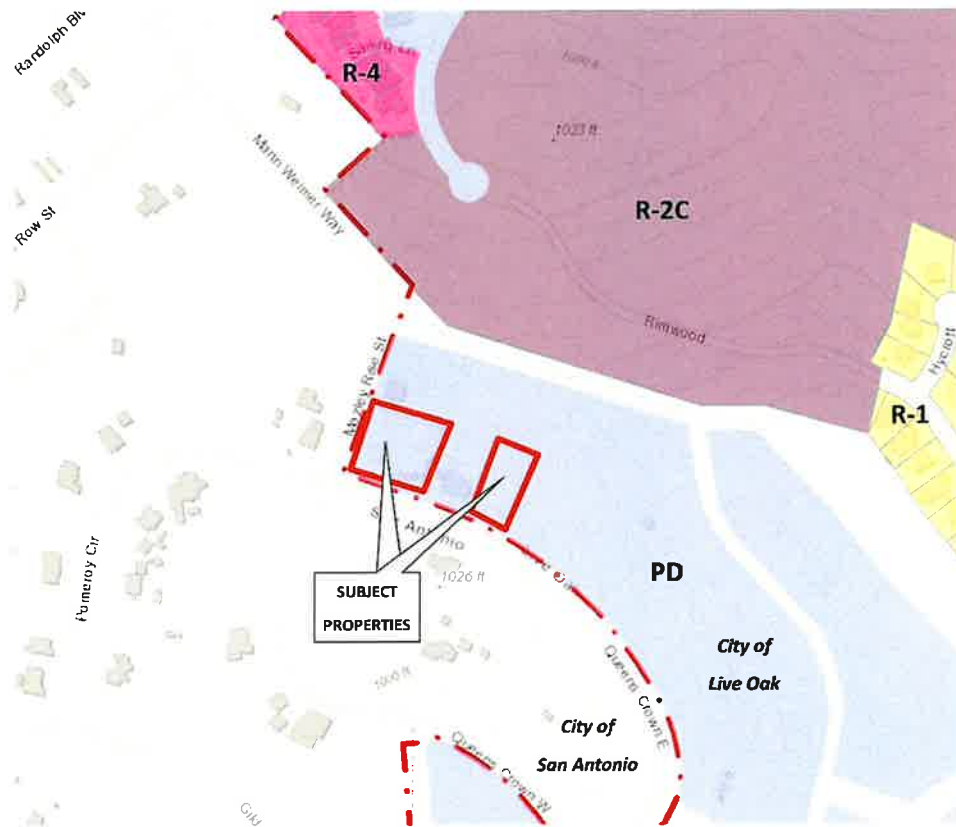
- Agricultural uses
  - Single-Family Detached Residential
  - Two-Family Residential (Duplex)
  - Religious Institution
-





# PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

## LOCATION AND ZONING MAP:



## ACTION:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Recommendation to CC | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> SUP                             | <input type="checkbox"/> Final Plat       |
| <input type="checkbox"/> Public Hearing                  | <input type="checkbox"/> Other            |
| <input type="checkbox"/> Re-zoning                       |   |

## STAFF RECOMMENDED MOTION:

Staff recommends an action consistent with the Commission recommendation regarding the companion comprehensive land plan amendment.



★ AMENDED

Development Application

For Office Use  
Case No. 2-2024-001

Submission of an application does not indicate acceptance by the City of Live Oak.

Type of Request:

- Annexation
- Zone Change
- Zoning Change PUD
- Zoning Variance
- Zoning Special Exception
- Specific Use Permit
- Other: \_\_\_\_\_
- Plat Certification
- Preliminary Plat
- Final Plat
- Replat
- Amending Plat
- Minor Plat
- Plat Waiver

Project Name/Description: 6715 E QUEENS CROWN DEUPLEX

Site Location Information

Legal Description CB 5937 BLK 51 LOT 22

County Appraisal District Parcel ID # (all properties) 359996

Address: 6715 E QUEENS CROWN ST Number of Lots: 1 Acreage: 0.5303

General Location of Property (if no address): \_\_\_\_\_

Subdivision Name: NA Block: 51 Lot: 22

School District:  JISD  NEISD  Other: \_\_\_\_\_

Zoning Information

Current Zoning: Pre-Development District (PD) Requested Zoning (if applicable): R-3

Existing Land Use: Vacant Regular Lot Proposed Land Use (if applicable): 2 DWELING UNITS (DUPLEX)

Property Owner Information

Owner Name: MELBRUN CONSTRUCTION LLC

Owner Address: 17890 Blanco rd. suite 211  
(Street) (City) (State) (Zip)

Phone #: (210)861-1077 Email: mario@rodleegroup.com

Applicant Information -  Check box if same as property owner

Name: OCTAVIO A. VIRAMONTES R.A.

Address: 13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231  
(Street) (City) (State) (Zip)

Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

**Engineer/Surveyor Information** (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS  
(Company) (Contact Person)

Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217  
(Street) (City) (State) (Zip)

Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

**Authorized Agent Information** (if applicable)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application, and all information submitted here in is true and correct.

Signature Owner: [Signature] Date: 07/30/24

Printed Name: Mario Lee Zamora

<b>Office Use Only</b>		
Received Date: <u>8/2/2024</u>	Date Application Deemed Complete: <u>8/2/2024</u>	
Case No.: <u>Z-2024-001</u>	Review By: <u>[Signature]</u>	

App. Fee Paid on 8/2/2024  
\$2000.00. Cit 117026223



## LETTER OF INTENT

### 6715 E QUEENS CROWN ST

LIVE OAK, TX 78233

LOT 22 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 22

Property ID: 359996

Vacant Regular Lot

Acres: 0.5303

SF: 23,100

Pre-Development District (PD)

**Two-Family Residential District (R-3)**

Lot 22 is a lot Located on Queens Crown St (south) and Weimer Way (East) is intended for a **Single building with two single-family attached residential dwellings**—Two (2) dwelling units total.

Each unit will average 1,800 square feet in three levels with a maximum height of 45 feet.

The front yard setback will be a minimum of 30 feet; the rear yard will have no less than 25 feet; the side yard setback will be a minimum of 10 feet and on the side with Weimer Way a 15-foot side yard setback from the street right-of-way. The projection of a roof eave into the required side yard shall not exceed 18 inches.

The lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, attached residential dwellings.

The current lack of sewer can be solved with a single septic system for both units, that will have sufficient irrigation area due to the lot's dimensions.

The lot width is 102.71 feet, exceeding the minimum 60 feet requested; the lot's depth is 197.86 feet on its shorter side and 218.97 feet on the long side, exceeding the requested 120 feet.

The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation. Due to the large lot dimensions the density is not affected and remains low.

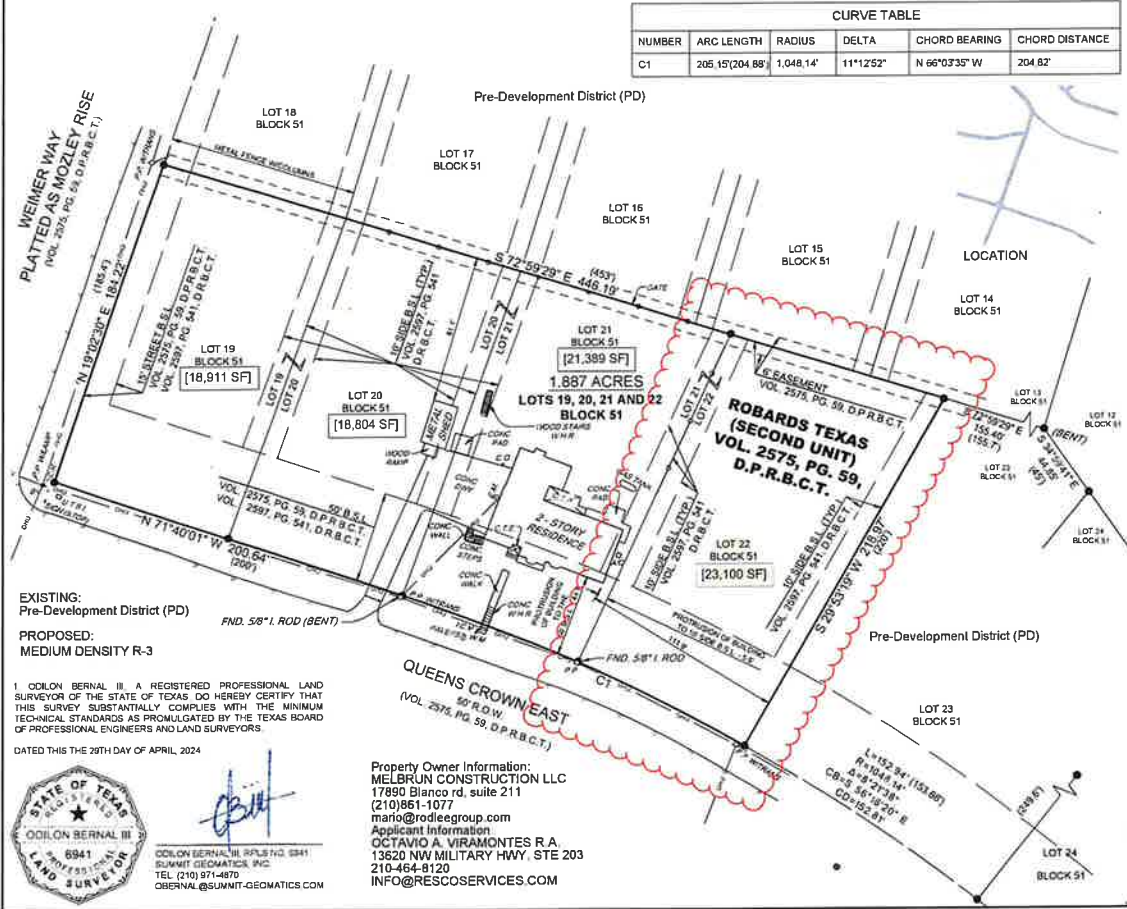
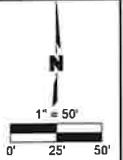
This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.

In this case despite the fact that medium density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will remain with the characteristics of a low-density single-family use.

INSURED: MD LEGACY INVESTMENTS LLC  
 ADDRESS: E. QUEENS CROWN STREET, LIVE OAK, TX 78233  
 FILE NO.: 2282035

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	205.15(204.68)	1,048.14'	11°1'25.2"	N 66°03'35" W	204.82'

- LEGEND**
- B BOLLARD
  - B.L. BUILDING SETBACK LINE
  - C.O. CLEAN OUT
  - C.C. CONCRETE
  - C.R. CONDUIT RISER
  - C.T.E. COVERED TIE ENTRY
  - C.T.P. COVERED TIE PITCH
  - D.P.R.B.C.T. DEED AND PLAT RECORDS OF BEAR COUNTY TEXAS
  - D.R.B.C.T. DEED RECORDS OF BEAR COUNTY TEXAS
  - D.V.V. DRIVEWAY
  - E.M. ELECTRIC METER
  - F.H.D. FOUND
  - H.A. HAND RAIL
  - I. IRON
  - I.C.V. IRRIGATION CONTROL VALVE
  - P.P. POWER POLE
  - R.O.W. RIGHT-OF-WAY
  - T. TRANSFORMER
  - TYP. TYPICAL
  - U.F. UTILITY EASEMENT
  - U.T.A. UNDERGROUND TELEPHONE BOX
  - V.M. VOLUME
  - W.M. WATER METER
  - FOUND 1/2" INCH I.R.O.D. (UNLESS OTHERWISE NOTED)
  - POWER POLE
  - OVERHEAD UTILITY LINE
  - CHAINLINK FENCE
  - EDGE OF ASPHALT
- CONCRETE  
 OVERHANG  
 LANDHOOK
- RECORD INFORMATION PER VOL. 2575, PG. 59, D.P.R.B.C.T.



- GENERAL NOTES**
- BEARING ORIENTATION IS BASED UPON THE TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE 494, NORTH AMERICAN DATUM OF 1983 (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.00. MEASUREMENTS ARE IN U.S. SURVEY FEET.
  - THIS SURVEY WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY UNDER FILE NO. 228035 DATED EFFECTIVE MARCH 10, 2024 AND ISSUED ON MARCH 27, 2024.
  - PROPERTY LIES IN UNSHADED ZONE "X" AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR BEAR COUNTY, TEXAS AND INCORPORATED AREAS, MAP NO. 48029C0290G, MAP DATED SEPTEMBER 29, 2010.
  - PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED VOLUME 2575, PAGE 44 AND CORRECTED IN VOLUME 2575, PAGE 59 OF THE DEED AND PLAT RECORDS, AND VOLUME 2597, PAGE 541, DEED RECORDS OF BEAR COUNTY, TEXAS.
  - THE SURVEYOR OBSERVED MULTIPLE DISCREPANCIES ON THE RECORDED PLAT. THIS SURVEY REFLECTS THE SURVEYOR'S PROFESSIONAL OPINION BASED ON HIS INTERPRETATION AND THE MONUMENTS FOUND ON THE GROUND.
  - FIELDWORK WAS COMPLETED ON APRIL 24, 2024.

EXISTING:  
 Pre-Development District (PD)

PROPOSED:  
 MEDIUM DENSITY R-3

1. OCILON BERNAL III A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

DATED THIS THE 29TH DAY OF APRIL, 2024

Property Owner Information:  
 MELBRUN CONSTRUCTION LLC  
 17890 Blanco rd, suite 211  
 (210)861-1077  
 mario@redcegroup.com

Applicant Information  
 OCTAVIO A. VIRAMONTES R.A.  
 13620 NW MILITARY HWY, STE 203  
 210-464-9120  
 INFO@RESCOSERVICES.COM

OCILON BERNAL III, REG. NO. 6941  
 SUMMIT GEOMATICS, INC.  
 TEL: (210) 971-4870  
 OBERNAL@SUMMIT-GEOMATICS.COM

SUMMIT GEOMATICS, INC.  
 1400 N STANIC PARK SUITE 134  
 LAWRENCE, TEXAS 75131  
 TEL: 214-871-4870 | www.summitgeomatics.com  
 791515 FAX NO. 210-464-9127

**SURVEY OF**  
 LOTS 22 BLOCK 51 .5303 acre  
 ROBARDS TEXAS  
 (SECOND UNIT)  
 VOL. 2575, PG. 59  
 DEED AND PLAT RECORDS  
 BEAR COUNTY, TEXAS

SCALE	JOB NO.	DATE	SHEET
1"=50'	243148	04/29/24	1 OF 1



★ AMENDED

Development Application

For Office Use  
Case No. 2-2024-002

Submission of an application does not indicate acceptance by the City of Live Oak.

Type of Request:

- Annexation
- Zone Change
- Zoning Change PUD
- Zoning Variance
- Zoning Special Exception
- Specific Use Permit
- Other: \_\_\_\_\_
- Plat Certification
- Preliminary Plat
- Final Plat
- Replat
- Amending Plat
- Minor Plat
- Plat Waiver

Project Name/Description: 6707 E QUEENS CROWN DUPLEX

Site Location Information

Legal Description CB 5937 BLK 51 LOT 20

County Appraisal District Parcel ID # (all properties) 359994

Address: 6707 E QUEENS CROWN ST Number of Lots: 1 Acreage: 0.4317

General Location of Property (if no address): \_\_\_\_\_

Subdivision Name: NA Block: 51 Lot: 20

School District:  JISD  NEISD  Other: \_\_\_\_\_

Zoning Information

Current Zoning: Pre-Development District (PD) Requested Zoning (if applicable): R-3

Existing Land Use: Vacant Regular Lot Proposed Land Use (if applicable): 2 DWELING UNITS (DUPLEX)

Property Owner Information

Owner Name: MELBRUN CONSTRUCTION LLC

Owner Address: 17890 Blanco rd. suite 211 (Street) (City) (State) (Zip)

Phone #: (210)861-1077 Email: mario@rodleegroup.com

Applicant Information -  Check box if same as property owner

Name: OCTAVIO A. VIRAMONTES R.A.

Address: 13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231 (Street) (City) (State) (Zip)

Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

**Engineer/Surveyor Information** (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS

(Company) (Contact Person)

Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217

(Street) (City) (State) (Zip)

Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

**Authorized Agent Information** (if applicable)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(Street) (City) (State) (Zip)

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application, and all information submitted here in is true and correct.

Signature Owner:  Date: 07/30/24

Printed Name: Marj Lee Zamora

<b>Office Use Only</b>		
Received Date: <u>8/2/2024</u>	Date Application Deemed Complete: <u>8/2/2024</u>	
Case No.: <u>Z-2024-002</u>	Review By: <u></u>	

APP FEE PAID ON 6/10/2024  
\$2,000.00 <sup>00</sup>XX CHK 1170200230



## LETTER OF INTENT

### **6707 E QUEENS CROWN ST**

LIVE OAK, TX 78233

LOT 20 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 20

Property ID: 359994

Vacant Regular Lot

Acres: 0.4317

SF: 18,804

Pre-Development District (PD)

### **Two-Family Residential District (R-3)**

Lot 20 is a lot Located on Queens Crown St (south) and Weimer Way (East) is intended for a **Single building with two single-family attached residential dwellings**—Two (2) dwelling units total.

Each unit will average 1,800 square feet in three levels with a maximum height of 45 feet.

The front yard setback will be a minimum of 30 feet; the rear yard will have no less than 25 feet; the side yard setback will be a minimum of 10 feet and on the side with Weimer Way a 15-foot side yard setback from the street right-of-way. The projection of a roof eave into the required side yard shall not exceed 18 inches.

The lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, attached residential dwellings.

The current lack of sewer can be solved with a single septic system for both units, that will have sufficient irrigation area due to the lot's dimensions.

The lot width is 100.43 feet, exceeding the minimum 60 feet requested; the lot's depth is 186.68 feet on its shorter side and 189.99 feet on the long side, exceeding the requested 120 feet.

The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation. Due to the large lot dimensions the density is not affected and remains low.

This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.

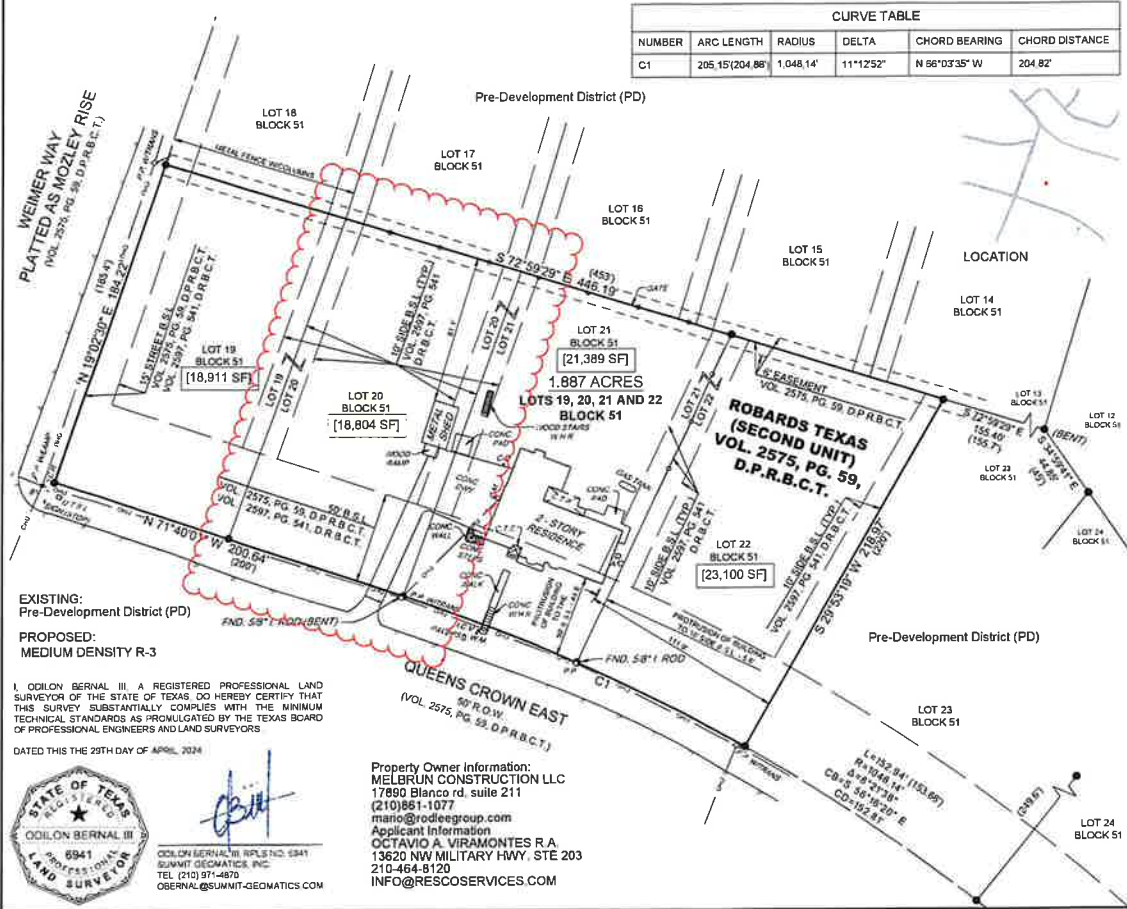
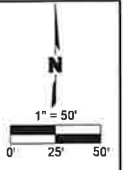
In this case despite the fact that medium density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will remain with the characteristics of a low-density single-family use.



INSURED: MD LEGACY INVESTMENTS LLC  
 ADDRESS: E QUEENS CROWN STREET, LIVE OAK, TX 78233  
 FILE NO.: 2282035

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	205.15(204.88)	1,048.14'	11°12'52"	N 56°03'35" W	204.82'

- LEGEND**
- B. BOLLARD
  - B.S.L. BUILDING SETBACK LINE
  - C.S. CROWN SUI
  - CONC. CONCRETE
  - C.F. CONCRETE FINDER
  - C.T.E. COVERED TIE ENTRY
  - C.F.P. COVERED TIE PATIO
  - D.P.R.B.C.T. DEED AND PLAT RECORDS OF BEAR COUNTY TEXAS DEED RECORDS OF BEAR COUNTY TEXAS
  - D.R.B.C.T. DEED RECORDS OF BEAR COUNTY TEXAS
  - D.W.V. DRIVEWAY
  - E.M. ELECTRIC METER
  - F.N.D. FOUND
  - H.R. HAND RAIL
  - I. IRON
  - I.C.V. IRRIGATION CONTROL VALVE
  - P.C. POWER POLE
  - P.S. POWER POLE
  - R.O.W. RIGHT-OF-WAY
  - TRANS. TRANSFORMER
  - TYP. TYPICAL
  - U.S. UTILITY CASSETT
  - U.S. UNDERGROUND TELEPHONE BOX
  - VOL. VOLUME
  - W.M. WATER METER
  - FOUND 12-INCH I.R.O.D.
  - UNDERGROUND UTILITY
  - POWER POLE
  - OVERHEAD UTILITY LINE
  - CHARLINE FENCE
  - EDGE OF ASPHALT
- GENERAL NOTES**
- BEARING ORIENTATION IS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM OF 1983 (NAD 83), 2011 ADJUSTMENT EPOCH 2010.0. MEASUREMENTS ARE IN U.S. SURVEY FEET.
  - THIS SURVEY WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY UNDER FILE NO. 2202035 DATED EFFECTIVE MARCH 10, 2024 AND ISSUED ON MARCH 27, 2024.
  - PROPERTY LIES IN UNSHADED ZONE "X" AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR BEAR COUNTY, TEXAS AND INCORPORATED AREAS MAP NO. 48029C0202G, MAP DATED SEPTEMBER 29, 2010.
  - PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED VOLUME 2575, PAGE 44 AND CORRECTED IN VOLUME 2575, PAGE 59 OF THE DEED AND PLAT RECORDS, AND VOLUME 2597, PAGE 541 DEED RECORDS OF BEAR COUNTY, TEXAS.
  - THE SURVEYOR OBSERVED MULTIPLE DISCREPANCIES ON THE RECORDED PLAT. THIS SURVEY REFLECTS THE SURVEYOR'S PROFESSIONAL OPINION BASED ON HIS INTERPRETATION AND THE MONUMENTS FOUND ON THE GROUND.
  - FIELDWORK WAS COMPLETED ON APRIL 24, 2024.



EXISTING:  
Pre-Development District (PD)

PROPOSED:  
MEDIUM DENSITY R-3

I, ODLON BERNAL III, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.


DATED THIS THE 29TH DAY OF APRIL, 2024



ODILON BERNAL III  
 6941  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 STATE OF TEXAS

ODILON BERNAL III, RPLS NO. 6941  
 SUMMIT GEOMATICS, INC.  
 TEL (210) 971-4870  
 OBERNAL@SUMMIT-GEOMATICS.COM

Property Owner Information:  
 MELBRUN CONSTRUCTION LLC  
 17890 Blanco rd. suite 211  
 (210) 861-1077  
 mario@robardsgroup.com  
 Applicant Information  
 OCTAVIO A. VIRAMONTES R.A.  
 13620 NW MILITARY HWY. STE 203  
 210-464-8120  
 INFO@RESCOSERVICES.COM



SUMMIT  
 GEOMATICS, INC.  
 4400 N. STANIS PARK SUITE 103  
 5404 W. HAYWARD, DALLAS, TX 75241  
 Tel: 214-681-4870 • www.summit-geom.com  
 TRPLS 1794 NO. 1213427

**SURVEY OF**  
 LOTS 20 BLOCK 51, 4317 acre  
 ROBARDS TEXAS  
 (SECOND UNIT)  
 VOL. 2575, PG. 59  
 DEED AND PLAT RECORDS  
 BEAR COUNTY, TEXAS

SCALE	DATE	BY	CHKD BY
1" = 50'	04/24/24	ODILON BERNAL III	ODILON BERNAL III



AMENDED  
Development Application

For Office Use 2024-003  
Case No. Z-0-003

Submission of an application does not indicate acceptance by the City of Live Oak.

Type of Request:

- Annexation
- Zone Change
- Zoning Change PUD
- Zoning Variance
- Zoning Special Exception
- Specific Use Permit
- Other: \_\_\_\_\_
- Plat Certification
- Preliminary Plat
- Final Plat
- Replat
- Amending Plat
- Minor Plat
- Plat Waiver

Project Name/Description: 6703 E QUEENS CROWN DUPLEX

Site Location Information

Legal Description CB 5937 BLK 51 LOT 19

County Appraisal District Parcel ID # (all properties) 359993

Address: 6703 E QUEENS CROWN ST Number of Lots: 1 Acreage: 0.4341

General Location of Property (if no address): \_\_\_\_\_

Subdivision Name: NA Block: 51 Lot: 19

School District:  JISD  NEISD  Other: \_\_\_\_\_

Zoning Information

Current Zoning: Pre-Development District (PD) Requested Zoning (if applicable): R-3

Existing Land Use: Vacant Regular Lot Proposed Land Use (if applicable): 2 DWELING UNITS (DUPLEX)

Property Owner Information

Owner Name: MELBRUN CONSTRUCTION LLC

Owner Address: 17890 Blanco rd. suite 211  
(Street) (City) (State) (Zip)

Phone #: (210)861-1077 Email: mario@rodleegroup.com

Applicant Information -  Check box if same as property owner

Name: OCTAVIO A. VIRAMONTES R.A.

Address: 13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231  
(Street) (City) (State) (Zip)

Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

**Engineer/Surveyor Information** (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS

(Company) (Contact Person)

Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217

(Street) (City) (State) (Zip)

Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

**Authorized Agent Information** (if applicable)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application, and all information submitted here in is true and correct.

Signature Owner:  Date: 07/30/24

Printed Name: Mario Lee Zamora

**Office Use Only**

Received Date: 8/2/2024 Date Application Deemed Complete: 8/2/2024

Case No.: 2-2024-003 Review By: 

App Fee Paid on 8/2/2024  
\$2,000.00. CTR 117020225



## LETTER OF INTENT

### **6703 E QUEENS CROWN ST**

LIVE OAK, TX 78233

LOT 19 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 19

Property ID: 359993

Vacant Regular Lot

Acres: 0.4341

SF: 18,911.00

Existing Zoning: Pre-Development District (PD)

Proposed zoning: **Two-Family Residential District (R-3)**

Lot 19 is a corner lot Located on Queens Crown St (south) and Weimer Way (East) is intended for a **Single building with two single-family attached residential dwellings**—Two (2) dwelling units total.

Each unit will average 1,800 square feet in three levels with a maximum height of 45 feet.

The front yard setback will be a minimum of 30 feet; the rear yard will have no less than 25 feet; the side yard setback will be a minimum of 10 feet and on the side with Weimer Way a 15-foot side yard setback from the street right-of-way. The projection of a roof eave into the required side yard shall not exceed 18 inches.

The lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, attached residential dwellings.

The current lack of sewer can be solved with a single septic system for both units, that will have sufficient irrigation area due to the lot's dimensions.

The lot width is 100.43 feet, exceeding the minimum 75 feet requested for an R-3; the lot's depth is 184.22 feet on its short er side and 186.68 feet on the long side, exceeding the requested 120 feet.


The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation. Due to the large lot dimensions the density is not affected and remains low.

This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.


In this case despite the fact that medium density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will remain with the characteristics of a low-density single-family use.

INSURED: MD LEGACY INVESTMENTS LLC  
 ADDRESS: E. QUEENS CROWN STREET, LIVE OAK, TX 78233  
 FILE NO.: 2282035

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	205.15/204.68'	1,048.14'	11°12'52"	N 66°03'35" W	204.82'



1" = 50'

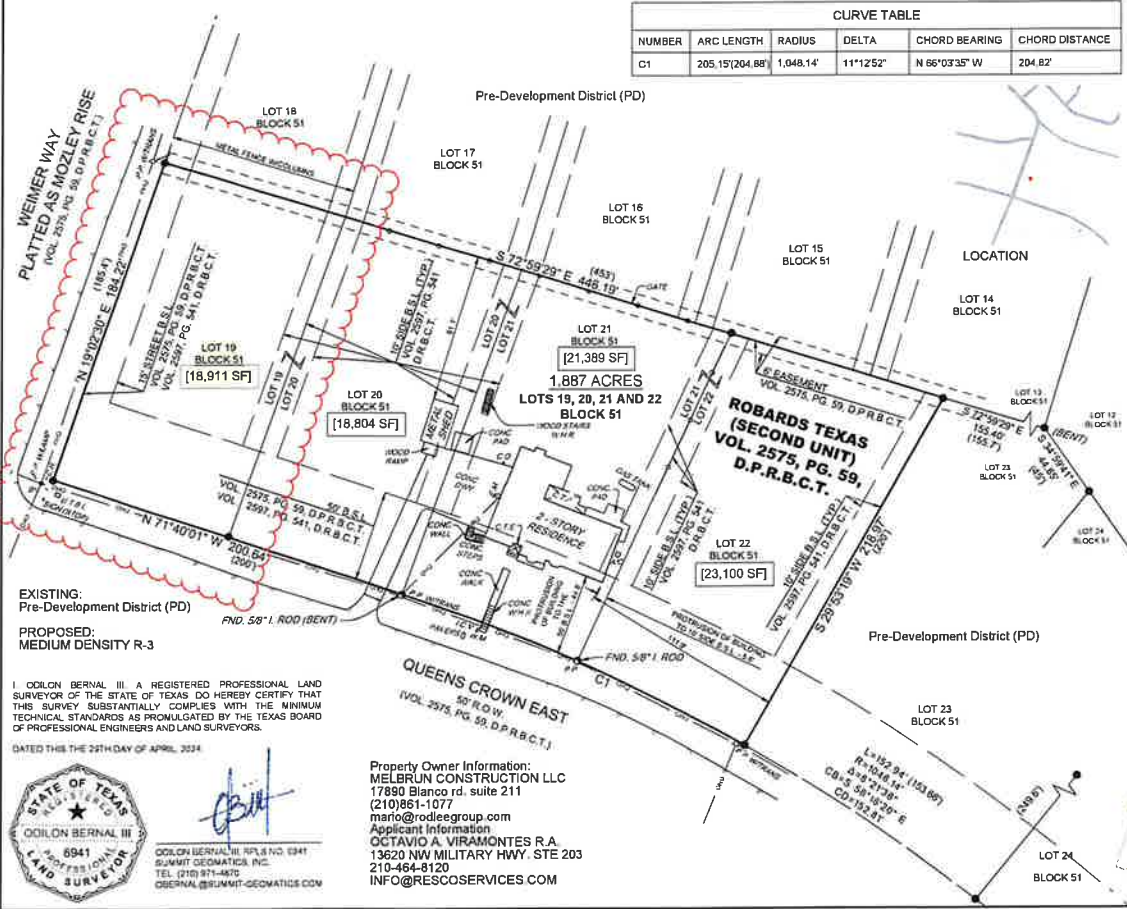


**LEGEND**

- B.S.L. BOUNDING SETBACK LINE
- C.O. CLEAN CUT
- CONC. CONCRETE
- CONC. W/REIN. CONCRETE WITH REINFORCEMENT
- C.T.E. COVERED TIE ENTRY
- C.T.F. COVERED TIE ENTRY
- D.E.D. DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS
- D.R.B.C.T. DEED RECORDS OF BEAR COUNTY, TEXAS
- D.V.W. DRIVEWAY
- E.M. ELECTRIC METER
- F.N.D. FOUND
- H.R. HAND RAIL
- I. IRON
- I.C.V. IRRIGATION CONTROL VALVE
- P.O. POWER POLE
- P.W. POWER POLE
- R.O.W. RIGHT-OF-WAY
- T.R. TRANSFORMER
- T.Y.P. TYPICAL
- U.E. UTILITY EASEMENT
- U.T.B. UNDERGROUND TELEPHONE BOX
- V.O.L. VOLUME
- W.M. WATER METER
- F.O.U.D. FOUND (HANG) I ROD
- U.N.E.S. UNLESS OTHERWISE NOTED
- P.O. POWER POLE
- O.U. OVERHEAD UTILITY LINE
- C.H.F. CHAIN LINK FENCE
- E.O.A. EDGE OF ASPHALT

**GENERAL NOTES**

- BEARING ORIENTATION IS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, NORTH AMERICAN DATUM OF 1983 (NAD 83), 2011 ADJUSTMENT, EPOCH 2010.00. MEASUREMENTS ARE IN U.S. SURVEY FEET.
- THIS SURVEY WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY UNDER FILE NO. 2282035 DATED EFFECTIVE MARCH 10, 2024 AND ISSUED ON MARCH 27, 2024.
- PROPERTY LIES IN UNSHADED ZONE "X" AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR BEAR COUNTY, TEXAS AND INCORPORATED AREAS MAP NO. 48029020200. MAP DATED SEPTEMBER 29, 2010.
- PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED VOLUME 2575, PAGE 44 AND CORRECTED IN VOLUME 2575, PAGE 59 OF THE DEED AND PLAT RECORDS AND VOLUME 2587, PAGE 541 DEED RECORDS OF BEAR COUNTY, TEXAS.
- THE SURVEYOR OBSERVED MULTIPLE DISCREPANCIES ON THE RECORDED PLAT. THIS SURVEY REFLECTS THE SURVEYOR'S PROFESSIONAL OPINION BASED ON HIS INTERPRETATION AND THE MONUMENTS FOUND ON THE GROUND.
- FIELDWORK WAS COMPLETED ON APRIL 24, 2024.



I, ODLON BERNAL III, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.


DATED THIS 22TH DAY OF APRIL, 2024.



ODILON BERNAL III, P.L.S. NO. 6341  
 SUMMIT GEOMATICS, INC.  
 TEL. (210) 971-4670  
 OBERNAL@SUMMIT-GEOMATICS.COM

**Property Owner Information:**  
 MELBRUN CONSTRUCTION LLC  
 17880 Blanco rd. suite 211  
 (210) 851-1077  
 marlo@melbrun.com

**Applicant Information:**  
 OCTAVIO A. VIRAMONTES R.A.  
 13620 NW MILITARY HWY. STE 203  
 210-464-8120  
 INFO@RESCOSERVICES.COM



**SUMMIT GEOMATICS, INC.**  
 440 N. STANLEY PARK SUITE 103  
 SAN ANTONIO, TEXAS 78217  
 TEL. 210.971.4670 • www.summit-geom.com  
 TAPES FILE NO. 1016427

**SURVEY OF**  
 LOTS 19 BLOCK 51 .4341 acre  
 ROBARDS TEXAS  
 (SECOND UNIT)  
 VOL. 2575, PG. 59  
 DEED AND PLAT RECORDS  
 BEAR COUNTY, TEXAS

SCALE	JOB NO.	DATE	SHEET
1"=50'	24-0149	04/20/2024	1 OF 1



# PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

Meeting date: October 15, 2024

Agenda item: 5C

Prepared by: Ron Ruthven, ACM

Reviewed by: Isa Gaytan

Department: Planning and Zoning Commission

### **AGENDA ITEM DESCRIPTION:**

Discussion and possible action regarding proposed revisions and updates to the City of Live Oak Code of Ordinances Chapter 21– Subdivision Regulations, as same may have heretofore been amended, modified or supplemented; amending the approval authority for plats from primarily legislative approval to primarily administrative approval in accordance with Chapter 212 of the Texas Local Government Code.

### **STAFF BRIEFING:**

Staff, working with the city attorney, is proposing amendments to the City’s subdivision regulations in response to recent changes approved by the Texas Legislature allowing cities to approve most subdivision plats administratively. Currently, many plats require final approval by the Planning and Zoning Commission. As proposed, the changes would enhance efficiency while maintaining oversight of all platting requirements, ensuring that local regulations and standards are still upheld while facilitating quicker responses to development requests.

A copy of the proposed mark-up to the regulations is attached.

### **ACTION:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Recommendation to CC | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> SUP                             | <input type="checkbox"/> Final Plat       |
| <input type="checkbox"/> Public Hearing                  | <input type="checkbox"/> Other            |
| <input type="checkbox"/> Re-zoning                       |   |

### **STAFF RECOMMENDED MOTION:**

Staff recommends approval as presented.

## EXHIBIT A

All text which is underlined denotes the addition of new text. All text which is ~~stricken through~~ denotes the removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and *italicized* is for document organization and reference only and is not intended to be adopted. The Code of Ordinances of the City of Live Oak, Texas, Chapter 21, Article II *Application and Procedures* and Sec.24-121 are hereby amended as follows:

{Revisions to Chapter 21 – Subdivision Regulations, Article II. – Applications and Procedures}

### **CHAPTER 21 – SUBDIVISION REGULATIONS**

#### **ARTICLE II. – APPLICATIONS AND PROCEDURES**

##### **Sec. 21-28. Initiation of application.**

- (a) *Application submittal.* All development applications to be considered by any board, commission or committee, ~~or by~~ the city council, or the city manager or his/her designee shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.
- (b) *Determination of application completeness.*
- (1) All submitted development applications shall be subject to a determination of completeness by the city manager or his/her designee.
  - (2) No application shall be deemed complete and accepted for filing unless it is accompanied by all documents required by and prepared in accordance with the requirements of the city and any required fees have been paid.
  - (3) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this chapter.
  - (4) Not later than the 10th business day after the date an application is submitted, the city manager or his/her designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by the city for the type of plan/plat/permit being requested have been submitted. A determination that the application is incomplete shall be sent to the applicant within such time period by email to the address listed on the application or by United States mail at the address listed on the application with the date the application was submitted. The determination shall specify the documents or other information needed to complete the application ~~and shall state that the application will expire if the documents or other information are not submitted within 45 calendar days after the date the application was submitted.~~ All incomplete applications not picked up within 10 business days may be discarded at the discretion of the city manager or his/her designee. If an application is considered incomplete, a new application package must be submitted.
  - (5) Applications which are determined to be complete shall be considered filed on the date the complete application was received by the city.

- (56) The processing of an application by any city employee other than the city manager or his/her designee prior to the time the application is officially determined to be complete shall not be binding on the city as the official acceptance of the application for filing.
- ~~(6) A development application shall be deemed to expire on the 45th calendar day after the application is submitted to the city manager or his/her designee for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this chapter or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be discarded, and a new application must be submitted.~~
- (7) No vested rights accrue solely from the submission of an incomplete application, application that has expired pursuant to this section, or from the submission of a complete application that is subsequently denied.
- (c) *Application withdrawal.* Any request for withdrawal of an application must be submitted in writing to the city manager or his/her designee. If notification is required for the application and has been properly given via publication in the newspaper and/or written notification to surrounding property owners, such application must be placed on the agenda. The staff representative shall notify the board, commission, committee or the city council of the request for withdrawal. Application fees are not refundable unless reimbursement is otherwise authorized by the city manager or his/her designee.

## **Sec. 21-31. Subdivision master plan.**

- (a) *Applicability.*
- (1) A subdivision master plan is required to provide for review of certain developments for compliance with, this chapter, any additional adopted plans (i.e. water, wastewater, transportation, drainage), the compatibility of land uses, and the coordination of improvements within and among individual parcels of land or phases of development prior to approval of a preliminary or final plat. A subdivision master plan is required for any development meeting one or more following criteria:
- The property is undeveloped and is greater than 50 acres in size;
  - The proposed subdivision of land is to occur in phases; or
  - The proposed subdivision will require off-site road, drainage or utility connections of improvements that will have a substantial impact or effect on other properties or developments.
- (2) If a preliminary plat encompasses the entire development and tract of land, a subdivision master plan will not be required.
- (b) *Application requirements.* Any request for a subdivision master plan shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
- (1) *Submittal.* An application for a subdivision master plan shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
- (2) ~~*Subdivision master plan approval Decision by planning and zoning commission.* The city manager or his/her designee may approve, approve with conditions, or disapprove a subdivision master plan. The city manager or his/her designee may, for any reason, elect to present the subdivision master plan for approval to the planning and zoning commission. The planning and zoning commission shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed subdivision master plan.~~ The city manager or his/her designee or planning and zoning commission shall



act on the plan within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a subdivision master plan that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may ~~vote to~~ approve with conditions or deny a subdivision master plan that does not satisfy all applicable regulations of the city.

(3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the subdivision master plan, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

(4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a subdivision master plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove ~~revisions required for conditional approval of the subdivision master plan.~~ The city manager or his/her designee may, for any reason, elect to present the subdivision master plan for approval to the planning and zoning commission. ~~planning and zoning commission shall determine whether to approve or deny the applicant's previously denied subdivision master plan or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the fifteenth calendar day after the date the response was submitted.

(5) Appeal to city council. Any decision to disapprove a subdivision master plan made by the city manager or his/her designee may be appealed to the city council.

~~(6)~~(5) Subdivision master plan authorization. Approval of a subdivision master plan ~~by the planning and zoning commission~~ shall be deemed as an expression of the approval of the layout submitted on the master plan as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a preliminary plat in accordance with the requirements of the city.

(d) *Criteria for approval.* The city manager or his/her designee or planning and zoning commission, in considering final action on a subdivision master plan, should consider the following criteria:

- (1) The subdivision master plan is consistent with all city requirements including zoning requirements for the property or any development regulations approved as part of a development agreement;
- (2) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve each phase of the subdivision;
- (3) The schedule of development is feasible and prudent and assures that the proposed development will progress to completion within the time limits proposed;
- (4) The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plan; ~~and-~~

(5) All applicable fees, including any city consultant fees, have been paid.

(e) *Expiration.* The approval of a subdivision master plan shall remain in effect for a period of two years after the date the application was ~~approved or conditionally~~ approved, during which period the applicant shall submit and receive approval for a preliminary plat for any portion of the land subject to the subdivision master plan. If a preliminary plat has not been approved within the two-year period, the subdivision master plan approval shall expire and the plan shall be null and void.

(f) *Revisions to an approved subdivision master plan.*

- (1) *Minor changes.* Minor changes in the design of the subdivision subject to a subdivision master plan may be incorporated in an application for approval of a preliminary plat without the necessity of filing a new application for approval of a subdivision master plan. Minor changes shall include adjustment in street or alley alignments, lengths, and adjustment of lot lines that do not result in creation of additional lots, provided that such changes are consistent with any approved prior applications.
- (2) *Major changes.* All other proposed changes to the design of the subdivision subject to an approved subdivision master plan shall be deemed major amendments that require submittal and approval of a new application for ~~approval of a revised~~ subdivision master plan before approval of a preliminary plat.

## **Sec. 21-32. Preliminary plat.**

### **(a) Applicability.**

- (1) A preliminary plat is required to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable city requirements.
- (2) A preliminary plat may be submitted for any phase of development consistent with an approved subdivision master plan. Where a subdivision master plan is not required and the area to be platted is part of a larger tract of land, the preliminary plat must encompass the entire tract of land under ownership of the subdivider applicant and shall provide a preliminary layout of streets, lots, blocks, utilities and drainage for the larger tract. A final plat may be submitted for individual lots to be platted out of the larger parcel.

### **(b) Application requirements.** Any request for a preliminary plat shall be accompanied by an application prepared in accordance with the city's development manual.

### **(c) Processing of application and decision.**

- (1) *Submittal.* An application for a preliminary plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
- (2) *Preliminary plat approval Decision by planning and zoning commission.* ~~The city manager or his/her designee may approve, approve with conditions, or disapprove a preliminary plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the~~ planning and zoning commission ~~shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed plat.~~ The city manager or his/her designee or planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a preliminary plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may ~~vote to~~ approve with conditions or deny a preliminary plat that does not satisfy all applicable regulations of the city.
- (3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
- (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval

or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, ~~approve with conditions, or disapprove~~ revisions required for conditional approval of the preliminary plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission ~~shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.

(5) Appeal to city council. Any decision to disapprove a plat made by the city manager or his/her designee may be appealed to the city council.

~~(65)~~ *Preliminary plat authorization.* Approval of a preliminary plat ~~by the planning and zoning commission~~ shall be deemed as an expression of the approval of the layout submitted on the plat as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a final plat in accordance with the requirements of this chapter.

(d) *Criteria for approval.* The city manager or his/her designee or planning and zoning commission, in considering final action on a preliminary plat, should consider the following criteria:

- (1) The plat is consistent with all city requirements including zoning requirements for the property;
- (2) The plat conforms to the general layout of the subdivision master plan (if applicable) and is consistent with the phasing plan approved therein;
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; ~~and-~~

(4) All applicable fees, including any city consultant fees, have been paid.

(e) *Expiration and extension.*

- (1) *Expiration.* The approval of a preliminary plat shall remain in effect for a period of two years after the date the application was ~~approved or conditionally~~ approved, during which period the applicant shall submit and receive approval for a final plat for any portion of the land subject to the preliminary plat. If a final plat has not been approved within the two-year period, the preliminary plat approval, unless extended, shall expire and the plat shall be null and void.
- (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of a preliminary plat may be extended by the city manager or his/her designee or planning and zoning commission for a period not to exceed six months. A preliminary plat is not subject to reinstatement following expiration.

(f) *Revisions to an approved preliminary plat.*

- (1) *Minor changes.* Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
- (2) *Major changes.* All other proposed changes to the design of the subdivision shall be deemed major changes which includes but is not limited to the reconfiguration of street or alley alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, changes to drainage. The city manager or his/her designee shall determine if a change is minor or major. Major changes shall require submittal of a revised subdivision master plan (if

applicable) and preliminary plat which is submitted and processed the same as a new subdivision master plan application and new preliminary plat application.

## Sec. 21-33. Final plat.

### (a) *Applicability.*

- (1) A final plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this chapter pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the city or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this chapter to enable initiation of site preparation activities for any lot or tract subject to the plat. Approval of a final plat shall be required prior to any non-exempt division of land and prior to any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.
- (2) A final plat may be submitted for any phase of development consistent with an approved preliminary plat.

(b) *Application requirements.* Any request for a final plat shall be accompanied by an application prepared in accordance with the city's development manual.

### (c) *Processing of application and decision.*

- (1) *Submittal.* An application for a final plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
- (2) ~~*Final plat approval Decision by planning and zoning commission.* The city manager or his/her designee may approve, approve with conditions, or disapprove a final plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to~~ The planning and zoning commission shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed final plat. The ~~city manager or his/her designee or~~ planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The ~~city manager or his/her designee or~~ planning and zoning commission must approve a final plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The ~~city manager or his/her designee or~~ planning and zoning commission may ~~vote to~~ approve with conditions or deny a final plat that does not satisfy all applicable regulations of the city.
- (3) *Conditional approval and denial.* If the ~~city manager or his/her designee or~~ planning and zoning commission conditionally approves or denies the final plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
- (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, ~~approve with conditions, or disapprove~~ ~~revisions required for conditional approval of the final plat.~~ ~~The city manager or his/her designee may, for any reason, elect to present the plat for approval to~~ ~~The planning and zoning commission shall determine whether to approve or deny the applicant's~~ ~~previously denied plat or conditionally approved, if forwarded to the planning and zoning commission~~

~~by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.

(5) Appeal to city council. Any decision to disapprove a plat made by the city manager or his/her designee may be appealed to the city council.

- (d) *Criteria for approval.* The ~~city manager or his/her designee or~~ planning and zoning commission, in considering final action on a final plat, should consider the following criteria:
- (1) The plat is consistent with all city requirements including zoning requirements for the property;
  - (2) The final plat conforms to the approved preliminary plat, except for minor changes that may be approved without the necessity of revising the approved preliminary plat; ~~and~~
  - (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; ~~and-~~
- (4) All applicable fees, including any city consultant fees, have been paid.
- (e) *Expiration and extension.*
- (1) *Expiration.* The approval of a final plat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved~~, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the final plat has not been recorded within the two-year period, the final plat approval, unless extended, shall expire and the plat shall be null and void.
  - (2) *Extension.* At the request of the property owner or their representative, the expiration date for approval of a final plat may be extended by the ~~city manager or his/her designee or~~ planning and zoning commission for a period not to exceed six months. A final plat is not subject to reinstatement following expiration.
- (f) *Revisions following approval of final plat.*
- (1) *Minor changes.* An applicant may make minor changes to an approved final plat to reflect changes arising from installation of public improvements thereafter, provided that the approved final plat has not been recorded and that approval of the revised final plat occurs prior to expiration of approval of the initial final plat application. The city manager or his/her designee is authorized to approve minor changes to an approved final plat. If the approved final plat has been recorded, an amending plat or replat must be approved and recorded. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
  - (2) *Major changes.* All other proposed changes shall be deemed major changes which includes but is not limited to the reconfiguration of street or alley alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, changes to drainage. The city manager or his/her designee shall determine if a change is minor or major. Major changes shall require submittal of a revised final plat which is submitted and processed the same as a new final plat application. Major changes may also require the submittal of a new application for approval of a preliminary plat before approval of a revised final plat.

## Sec. 21-34. Minor plat.

- (a) *Applicability.* A minor plat may be submitted for approval where the proposed division of land involves four or fewer lots fronting onto an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- (b) *Application requirements.* Any request for a minor plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
- (1) *Submittal.* An application for a minor plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant.
  - (2) *Minor plat approval.* The city manager or his/her designee may approve, approve with conditions, or disapprove a minor plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission. ~~The city manager or his/her designee shall not disapprove a minor plat and shall be required to refer any plat for which approval is refused to the planning and zoning commission.~~ The city manager or his/her designee or the planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a minor plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may approve with conditions or deny a minor plat that does not satisfy all applicable regulations of the city.
  - (3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
  - (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove ~~revisions required for conditional approval of~~ the plat. The city manager or his/her designee may, for any reason, elect to present the plat to the planning and zoning commission ~~shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.
  - (5) Appeal to city council. Any decision to disapprove a minor plat made by the city manager or his/her designee may be appealed to the city council.
- (d) *Criteria for approval.* In considering final action on a minor plat should consider the following criteria:
- (1) The plat is consistent with all city requirements including zoning requirements for the property;
  - (2) All lots to be created by the plat already are adequately served by all required public utilities and infrastructure; ~~and~~
  - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision; ~~and-~~
  - (4) All applicable fees, including any consultant fees, have been paid.
- (e) *Expiration and extension.*

- (1) *Expiration.* The approval of a minor plat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved~~ by the city manager or his/her designee or the planning and zoning commission. If the minor plat has not been recorded within the two-year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
- (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of a minor plat may be extended by the ~~city manager or his/her designee or~~ planning and zoning commission for a period not to exceed six months. A minor plat is not subject to reinstatement following expiration.

## **Sec. 21-35. Replats.**

- (a) *Applicability.* A replat is any plat that complies with V.T.C.A., Local Government Code, §§ 212.014, 212.0145, and 212.015, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat. Replatting a portion of a recorded lot is not permitted.
- (b) *Application requirements.* Any request for a replat plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
  - (1) *Submittal.* An application for a replat ~~plat~~ shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager ~~or his/her designee~~ may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
  - (2) *Notification requirements for certain replats.*
    - a. *Applicability.* An application for a replat which is also accompanied by a waiver or variance request requires a public hearing and notice if:
      - i. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
      - ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
    - b. *Public hearing notice.* Notice of the public hearing shall be given at least 16 calendar days before the date of the public hearing by:
      - i. Publication in an official newspaper or a newspaper of general circulation in Bexar County.
      - ii. Written notice with a copy of V.T.C.A., Local Government Code, sec. 212.015(c) attached, mailed to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.
    - c. *Protests.* For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the planning and zoning commission, prior to the close of the public hearing. If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the planning and zoning commission members present.

- i. In computing the percentage of land area for protest, the area of streets and alleys shall be included.
- (3) Replat approval Decision by the planning and zoning commission. The city manager or his/her designee may approve, approve with conditions, or disapprove a replat. The city manager may, for any reason, elect to present the replat for approval to the planning and zoning commission ~~shall receive the recommendation of the city manager or his/her designee and shall consider the proposed replat.~~ A public hearing shall be held if required by subsection (c)(2)a. above. The city manager or his/her designee or planning and zoning commission shall act on the replat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a replat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may ~~vote to~~ approve with conditions or deny a replat that does not satisfy all applicable regulations of the city.
  - (4) Conditional approval and denial. If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the replat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
  - (5) Applicant response to conditional approval or denial. After the conditional approval or denial of a replat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove the replat-revisions required for conditional approval of the plat. The city manager or his/her designee may, for any reason, elect to present the replat for approval to the planning and zoning commission ~~shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.
- (6) Appeal to city council. Any decision to disapprove a replat made by the city administrator may be appealed to the city council.
- (d) Criteria for approval. The city manager or his/her designee or planning and zoning commission, in considering final action on a replat, should consider the following criteria:
    - (1) The replat is consistent with all city requirements including zoning requirements for the property;
    - (2) The replat is signed and acknowledged by only the owners of the property being replatted;
    - (3) If required, a public hearing was held and parties in interest and citizens have had an opportunity to be heard;
    - (4) If required, the proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; ~~and~~
    - (5) The replat does not attempt to amend or remove any covenants or restrictions; ~~and.~~

(6) All applicable fees, including any city consultant fees, have been paid.
  - (e) Notification of approval for certain replats.
    - (1) Applicability. Notification of approval of the replat is required if:
      - a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or



- b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (2) Notification of approval of the replat is not required if the planning and zoning commission holds a public hearing and gives notice of the hearing in the manner provided above in this section.
- (3) If notification of the approval of the replat is required, the city shall, not later than the 15th calendar day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent city or county tax roll.
  - a. The notice of a replat approval must include:
    - i. The zoning designation of the property after the replat; and
    - ii. A telephone number and e-mail address an owner of a lot may use to contact the city about the replat.
- (f) *Expiration and extension.*
  - (1) *Expiration.* The approval of a replat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved by the planning and zoning commission~~. If the replat has not been recorded within the two-year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
  - (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of a replat may be extended by the city manager or his/her designee or planning and zoning commission for a period not to exceed six months. A replat is not subject to reinstatement following expiration.

**Sec. 21-36. Amending plat.**

- (a) *Applicability.* An amending plat may be submitted for approval, and if approved and recorded is controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by all owners of the property being replatted and is solely for one or more of the following purposes:
  - (1) To correct an error in a course or distance shown on the preceding plat;
  - (2) To add a course or distance that was omitted on the preceding plat;
  - (3) To correct an error in a real property description shown on the preceding plat;
  - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - (5) To show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - (6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
    - a. Both lot owners join in the application for amending the plat;
    - b. Neither lot is abolished;
    - c. The amendment does not attempt to remove recorded covenants or restrictions; and

- d. The amendment does not have a materially adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) To relocate one or more lot lines between one or more adjacent lots if:
- a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions; or
  - c. The amendment does not increase the number of lots;
- (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- a. The changes do not affect applicable zoning and other regulations of the municipality;
  - b. The changes do not attempt to amend or remove any covenants or restrictions; and
  - c. The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area;
- (11) To replat one or more lots fronting on an existing street if:
- a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions;
  - c. The amendment does not increase the number of lots; and
  - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) *Application requirements.* Any request for an amending plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
- (1) *Submittal.* An application for an amending plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant.
- (2) *Amending plat approval.* The city manager or his/her designee may approve, approve with conditions, or disapprove an amending plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission. ~~The city manager or his/her designee shall not disapprove an amending plat and shall be required to refer any plat for which approval is refused to the planning and zoning commission.~~ The city manager or his/her designee or the planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve an amending plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may approve with conditions or deny an amending plat that does not satisfy all applicable regulations of the city.
- (3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

- (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove ~~revisions required for conditional approval of~~ the plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission. ~~planning and zoning commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.
- (5) *Appeal to city council.* Any decision to disapprove an amending plat made by the city manager or his/her designee may be appealed to the city council.
- (d) *Criteria for approval.* The city manager or his/her designee or the planning and zoning commission, in considering final action on an amending plat, should consider the following criteria:
- (1) The plat is consistent with all city requirements including zoning requirements for the property;
  - (2) All lots to be created by the plat already are adequately served by all required public utilities and infrastructure; ~~and~~
  - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision; ~~and-~~
  - (4) All applicable fees, including any city consultant fees, have been paid.
- (e) *Expiration and extension.*
- (1) *Expiration.* The approval of an amending plat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved by the city manager or his/her designee or the planning and zoning commission.~~ If the amending plat has not been recorded within the two-year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
  - (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of an amending plat may be extended by the city manager or his/her designee or planning and zoning commission for a period not to exceed six months. An amending plat is not subject to reinstatement following expiration.

**Sec. 21-37. Vacating a plat.**

- (a) *Applicability.* The provisions of this section are for vacating a recorded plat.
- (b) *Application requirements.* Any request for vacating a plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
- (1) *Submittal.* An application for vacating a plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
  - (2) *Vacating plat approval Decision by the planning and zoning commission.* The city manager or his/her designee or planning and zoning commission ~~shall receive the recommendation of the city manager or his/her designee and shall consider the proposed plat vacation.~~ The planning and zoning commission may ~~vote to~~ approve, approve with conditions, or deny a request for vacating a plat.

(3) Appeal to city council. Any decision to disapprove a request to vacate a plat made by the city manager or his/her designee may be appealed to the city council.

- (d) *Criteria for approval.* The city manager or his/her designee or planning and zoning commission, in considering action on vacating a plat, should consider the following criteria:
- (1) The vacating plat is consistent with all zoning requirements for the property, all other requirements of this chapter that apply to the plat vacation, and any other applicable city requirements;
  - (2) The vacating plat is signed and acknowledged by all owners of lots in the original plat; ~~and~~
  - (3) The vacating plat is consistent with all other state requirements pertaining to vacating a plat; ~~and~~;
  - (4) All applicable fees, including any city consultant fees, have been paid.
- (e) *Effect of vacation.*
- (1) Upon the execution and recording of the vacating instrument, the previous plat shall no longer be in effect.
  - (2) Regardless of the action of the city manager or his/her designee or planning and zoning commission's ~~action~~ on the petition, the applicant will have no right to a refund of any monies, fees or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the city manager or planning and zoning commission.
  - (3) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
  - (4) The city manager or planning and zoning commission, at ~~their~~ its discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the city manager or planning and zoning commission shall consider a request for vacating a plat upon satisfactory conveyance of easements or right-of-way in a separate legal document.

### **Sec. 21-38. Recordation.**

*Recording procedures.* After approval of a final plat, minor plat, amending plat or replat and acceptance of any required public improvements or execution of a subdivision improvement agreement pursuant to this chapter, the applicant may submit all required items to the city to record the plat in the county in which the land is located. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an improvement agreement, the city manager or his/her designee shall procure the signatures of the required city officials ~~city engineer and the planning and zoning commission chairperson or his/her designee~~ on the plat and shall promptly cause the plat to be recorded. No plat will be received for recording until all back taxes owed to the city have been paid in full and a certified copy of a tax certificate from the applicable county tax office has been received for the subject property.

### **Sec. 21-39. Plat waivers.**

- (a) *General.* The planning and zoning commission may authorize waivers from the provisions of this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the planning and zoning commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the planning and zoning commission shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of

persons who will reside or work in the proposed subdivision, and the probable effect of such waivers upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

- (b) *Timing.* Plat waivers shall be submitted prior to filing a plat application. The city will not issue a certification of exhibit for any proposed subdivision plat exhibits requesting a plat waiver until the requested waiver has been approved.
- (c) *Application requirements.* Any request for a plat waiver shall be accompanied by an application prepared in accordance with the city's development manual.
- (d) *Processing of application and decision.*
  - (1) *Submittal.* An application for a plat waiver shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.
  - (2) *Decision by planning and zoning commission.* The planning and zoning commission shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed plat waiver request. The planning and zoning commission may vote to approve, approve with conditions, or deny the plat waiver request.
- (e) *Conditions.* In approving a plat waiver, the planning and zoning commission may prescribe appropriate conditions that it deems necessary or desirable to the public interest.
- (f) *Criteria for approval.* The planning and zoning commission, in considering action on a plat waiver should consider the following criteria:
  - (1) That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
  - (2) The granting of the waiver is in in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured and justice done; and
  - (3) The granting of the waiver is necessary for the preservation and enjoyment of a substantial property right; and
  - (4) There are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land; and
  - (5) The waiver request represents the minimum degree of variation, in the opinion of planning and zoning commission, of requirements necessary to meet the needs of the applicant; and
  - (6) The waiver is to a provision of this chapter; and
  - (7) That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.
- (g) *Findings.* The findings of the planning and zoning commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which such waiver is granted.
- (h) *Expiration.* Approved waivers shall expire 12 months after approval if a plat application has not been filed with the city. If a plat application is filed before the waiver expires, the approved waiver shall be incorporated into the plat application and follow the same expiration timelines as the associated plat application.
- (i) *Limitations.* The planning and zoning commission shall not authorize a waiver that would constitute a violation of a valid law, ordinance, code or regulation of the city.

- (j) *Appeals.* Any decision of the planning and zoning commission regarding waivers to the provisions of this chapter may be appealed to the city council. When considering an appeal, the city council shall consider the same standards as the planning and zoning commission as outlined above.

*{Revisions to Sec.24-121(e) Planning and Zoning Commission Powers and duties}*

**Sec. 24-121. Planning and zoning commission.**

- (e) Powers and duties. The planning and zoning commission is hereby charged with the duty and invested with the authority to:
- (1) Review and make a recommendation to the city council on the following applications:
    - a. Amendment to the comprehensive land plan;
    - b. Establish or amend a zoning district map classification, including creation or amendment of an overlay district;
    - c. Rezoning requests including an application for a specific use permit;
    - d. Amendment to the zoning and subdivision ordinances.
  - (2) Have final approval authority on the following subdivision applications:
    - a. Subdivision master plan if forwarded by the city manager or his/her designee;
    - b. Preliminary plat if forwarded by the city manager or his/her designee;
    - c. Final plat if forwarded by the city manager or his/her designee;
    - d. Amending plat if forwarded by the city manager or his/her designee;
    - e. Minor plat if forwarded by the city manager or his/her designee; ~~and~~
    - f. Replat if forwarded by the city manager or his/her designee; and-
    - ~~g. Vacating a plat if forwarded by the city manager or his/her designee.~~
  - (3) Hear and decide on plat waiver requests under chapter 21—subdivisions.
  - (4) Hear and decide on an appeal related to tree preservation removal permits.
  - (5) May serve in an advisory capacity on any planning related item(s) in the city as requested by the city council~~;~~.
  - (6) Consider and make recommendations on other matters as requested by the city council~~;~~.



# PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

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Meeting date: October 15, 2024

Agenda item: 5D

Prepared by: Ron Ruthven, ACM

Reviewed by: Isa Gaytan

Department: Planning and Zoning Commission

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## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action regarding proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 Zoning Regulations, Article VIII – Signs, as same may have heretofore been amended, modified or supplemented; adopting new regulations and requirements

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## **STAFF BRIEFING:**

Staff, working with the city attorney, is proposing amendments to the City's sign regulations. The amendments primarily involve the following changes:

- More descriptive requirements for wall signs;
- Additional restrictions on digital moving and animated signs;
- Adds painted signs, roof signs and billboards to the list of prohibited signs;
- Other minor amendments and clarifications.

A copy of the proposed mark-up to the regulations is attached.

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## **ACTION:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Recommendation to CC | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> SUP                             | <input type="checkbox"/> Final Plat       |
| <input type="checkbox"/> Public Hearing                  | <input type="checkbox"/> Other            |
| <input type="checkbox"/> Re-zoning                       |   |
- 

## **STAFF RECOMMENDED MOTION:**

Staff recommends approval as presented.

## Draft Live Oak – Sign Regulations Update

### Exhibit A

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and italicized, is for document organization and reference only and is not intended to be adopted. Code of Ordinances Chapter 24 Zoning, Article VIII Signs of City of Live Oak, Texas, is hereby amended as follows:

### ***ARTICLE VIII. SIGNS***

#### **Sec. 24-76. Purpose.**

The regulations enacted in this chapter are to promote the health, safety and general welfare of the city; and also provide in each area standards which promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability in Live Oak business, residential and cultural areas.

#### **Sec. 24-77. Objectives.**

- (a) The objectives of this article are to pursue application of specific standards as follows:
- (1) To ensure safe sign construction.
  - (2) To prevent the construction of signs that would restrict the sight distance or confuse vehicle operators and or pedestrians to proceed in a safe manner.
  - (3) To prevent the obstruction of streets, alleys and other public places by signs.
  - (4) To provide for the orderly installation and construction of signs without creating confusion, unsightliness, or visual obscurity of adjacent buildings or businesses.
  - (5) To assure that all signs in terms of brightness, size, scale, height and location are properly related to the overall adjacent land use characteristics and development lot size.
  - (6) To assure all signs, the supports and bases are, in terms of color, form, material and design, compatible with other structural forms on development lots and adjacent areas.
  - (7) To assure, by permit and inspection, the construction of safe signs thereby preventing obstruction of streets, alleys or public places and not unduly restricting the sight or safety of vehicle operators and pedestrians.

#### **Sec. 24-78. General provisions.**

- (a) A sign permit shall be obtained prior to placement or erection of any sign not exempted herein.
- (b) All signs, where applicable, shall meet the standards of the city building code.
- (c) Except as herein provided, no person or business firm, acting either as principal or agent, shall alter the copy face or lettering of any sign, (except for signs with temporary messages made from interchangeable characters attached to tracks or grooves on the sign board) either by changing the message or by renovating an existing message or shall erect any sign or sign structure until a sign permit for such work has been issued by the appropriate staff official.



- (d) No sign, sign structure, or sign support shall project over any property line or into a public right-of-way except that a sign placed flat against the wall of a building which is on the property line may project 18 inches beyond the property line over public property.
- (e) Trees, rocks, bridges, fences, towers, utility poles and dilapidated buildings shall not be used as sign supports.
- (f) Business locations shall be identified by a street number attached to the building and must be clearly visible from the street. The characters will be a minimum of six inches. Shopping malls and centers having a common address are exempt; however, the main sign for the mall or center must display the full street address.
- (g) All residences shall be identified by a street number attached to the building and clearly visible from the street. Characters shall be a minimum of three inches. Residences may also display a yard sign that includes address information not more than three and one-half feet tall or three and one-half feet in width. These yard signs shall only be made of masonry, stone, tile and ornamental metals.
- (h) In the event that more than one sign-related definition applies to an existing or proposed sign, resulting in conflicting regulations thereon, the most restrictive regulation shall apply.
- (i) Clear sight triangle, parking lot driveway. A clear sight triangle shall be formed on both sides of a driveway into a parking lot. Size shall be determined by measuring ten feet along the property line and ten feet along the driveway. No sign more than two feet in height shall be erected or placed in this triangle.
- (j) Clear sign triangle, street corner. A clear sight triangle shall be formed by measuring 2025 feet along the property line in both directions from the corner of the lot adjacent to the intersecting streets. No sign or landscaping more than two feet in height shall be erected or placed in this triangle. A single support with no sign structure or copy between a point 30 inches and 84 inches above the street grade is not considered a violation of clear sight triangle.
- (k) See Exhibit 1 in the definitions of this article for schematic of clear sight triangles.
- (l) For the purpose of this chapter and regulations within it, including digital displays and message boards, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by law, ordinance or governmental regulation, including schools, community service organizations, educational facilities and libraries. All other applicable ordinance regulations must be followed.
- (m) No sign permit shall be required for one flagpole per development lot. Flags shall be limited to no more than three per flagpole and are limited to official flags of governmental jurisdictions, flags indicating weather conditions, or flags displaying colors or designs associated with a school, sports team, or similar non-commercial flags. Other flags, or flags beyond this limit, shall be considered signs subject to freestanding sign requirements.

**Sec. 24-79. Types of signs.**

- (a) *Subdivision sign.*
  - (1) *Time.* A sign permit is required. A sign permit may not be issued until the subdivision or land development has received all required approvals from the city. These signs may remain in place until all units in the subdivision are sold.
  - (2) *Place.* The sign shall not be placed within any city easement or right-of-way or within ten feet of a property line. ~~The minimum distance between signs is 200 feet.~~
  - (3) *Manner.* Such signs shall not exceed 200 square feet in face area and may be indirectly lighted. Flashing or moving parts are not permitted.

(4) Number. Such signs shall be limited to one per street intersection at the perimeter of the subdivision, not to exceed 1 sign per 200 feet. Subdivision signs at intersections may be broken up into 2 signs, one on each side of the roadway, however the two sign areas when combined may not exceed the 200 square foot maximum.

(b) *Political signs.*

- (1) In this section, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.
- (2) *Time.* A sign permit is not required. Political signs shall be removed within ten calendar days after the election is decided.
- (3) *Place.* Political signs can only be located on private property with the consent of the property owner in any zoning district. A political sign shall not be placed or posted:
  - a. Closer than ten feet from the edge of the street pavement;
  - b. On any public property except where authorized by law; and/or
  - c. Within a designated public easement or right-of-way.
- (4) *Manner.* Political signs shall not:
  - a. Exceed eight feet in height measured from the ground to the highest point of the sign;
  - b. Exceed 36 square feet in area;
  - c. Be illuminated;
  - d. Contain any moving elements or parts; and
  - e. Shall not be dilapidated or cause a hazard. (V.T.C.A., Local Government Code, § 216.903)

(c) *Canopy signs.*

- (1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, install or place a canopy sign on a property until a site plan has received all necessary approvals by the city for development of the property and after the issuance of a building permit for a building on the property.
- (2) *Place.* Canopy signs may only be erected on the two sides of the canopy band that face a public street for non-residential and multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts.
- (3) *Manner.* Canopy signs shall be counted as part of and limited to the total square footage allowable for wall signs. Awning signs are permitted in this section. A building permit or certificate of occupancy is required for placement of a canopy sign.

~~(d) *Sloping roof signs.*~~

- ~~(1) *Time.* A sign permit is required.~~
- ~~(2) *Place.* Sloping roof signs shall not project horizontally or vertically beyond the roof line. These signs are permitted in B1, B2, B3, I1 and I2.~~
- ~~(3) *Manner.* Not more than ten percent of any sloping roof area shall be devoted to these signs.~~

(ed) *Freestanding signs.*

- (1) *Time.* A sign permit is required.
- (2) *Place.* Freestanding signs are permitted on development lots for non-residential and multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts.
- (3) *Manner.* Listed below:

- a. One freestanding sign for each freestanding building, not to exceed one freestanding sign per development lot.
- b. *Area.* The area of a freestanding sign shall not exceed 64 square feet of ~~gross face area~~ sign area. All 64 square feet may be composed of an electronic video screen and an electronic message center.
- c. *Height.* The height of a freestanding sign shall not exceed 35 feet.
- d. *Setback.* The setback of a freestanding sign shall be a minimum of ten feet from all lot lines.
- e. *Corner lots.* On corner lots the major or primary street shall be construed to be the development lot frontage, and no more than one sign shall be permitted. On a development lot located at the intersection of two major thoroughfares or two expressways or a major thoroughfare and an expressway, a freestanding sign shall be permitted on each such thoroughfare or expressway.

(f) *Temporary signs.*

- (1) *Time.* A sign permit is required.
- (2) *Place.* A temporary sign shall not be placed within a designated public easement or right-of-way, and may be placed in windows and cannot be placed closer than ten feet from the edge of the street pavement, on any public property except where authorized by law, and/or within a designated location.
- (3) *Manner.* Any sign shall have a combined area not exceeding 50 percent of the area of all the windows on the same wall; with the exception of signs listed below in subsections (5) and (6), a freestanding temporary sign shall not exceed five feet in height measured from the ground to the highest point of the sign and shall not exceed 20 square feet in area. Said sign area shall not be counted against total permitted sign area. Temporary signs shall not be illuminated, contain any moving elements or parts, be dilapidated or cause a hazard. Temporary sign may only stay up for a total period of 30 days once per calendar year.
- (4) *Banners, pennants, search lights, business flags, banner flags, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons or other inflatable objects.* These types of signs may be authorized for a period not to exceed 30 days once per calendar year and may not exceed 15 feet in height or, for signs attached to a building, the height of the building. Extensions will only be permitted to properties awaiting permanent sign fixture with proof of order. A permit must be obtained from the appropriate city official and follow the city's permitting process.
- (5) Up to two additional temporary signs may be placed on a development lot or subdivision without a permit during time periods the property on which the signs are located is for sale or lease, provided such signs shall not exceed 32 square feet in area and eight feet in height. A sign permit is not required. Signs must be removed within 14 days following the purpose or use of the sign is concerned. These signs can only be located on private property with the consent of the property owner. These signs shall not be placed or posted:
  - a. Closer than ten feet from the edge of the street pavement;
  - b. On any public property except where authorized by law; and/or
  - c. Within a designated public easement or right-of-way.

These signs must not be illuminated or have any electronic component. In areas noted in section 24-~~3081~~(c), signs may not exceed 200 square feet in face area for the proposed use of property on which they are placed. In residential areas, one unlighted sign not exceeding four square feet in face area is permitted under this section.

- (6) Up to two additional temporary signs may be placed on construction sites without a permit, provided such signs shall not exceed 64 square feet in area and eight feet in height after approval of a site plan,

plat or building permits, as applicable, and/or which do not remain erected for more than seven days after the completion of the construction project.

(ef) *Portable or wheeled signs.*

- (1) *Time.* A sign permit is required. A portable or wheeled sign is authorized for a period not to exceed 30 calendar days in any calendar year. The 30 calendar days may be broken into any combination of increments.
- (2) *Place.* A portable or wheeled signs may not be displayed on property that does not maintain a certificate of occupancy or building permit.
- (3) *Manner.* Flashing parts, moving parts, or any appurtenance causing a visual distraction to motorists or pedestrians is prohibited.

(hg) *Monument Sign.*

- (1) *Time.* A sign permit is required.
- (2) *Place.* Monument signs are permitted on development lots for non-residential or multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts.
- (3) *Manner.* Listed below:
  - a. One monument sign per development lot per street frontage.
  - b. *Area.* The area of a monument sign shall not exceed 50 square feet of gross-face area ~~sign area~~. Electronic video screen and an electronic message center are prohibited on monument signs.
  - c. *Height.* The height of a monument sign shall not exceed five feet six inches.
  - d. *Setback.* The setback of a monument sign shall be a minimum of 15 feet from all lot lines.
  - e. *Material requirements.* All monument sign bases generally should be constructed of masonry material consisting of brick, stone or split face concrete block. Alternative materials of similar quality may be allowed. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches from the outer limits of the sign structure.
  - f. *Illumination.* Monument signs shall only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting sign structure are not visible from public right-of-way.

(H) *Wall signs.*

- (1) *Time.* A sign permit is required.
- (2) *Place.* Wall signs are permitted on development lots for non-residential or multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts and shall be attached to the building face.
- (3) *Manner.* No wall sign shall exceed 64 square feet in sign area. The total of all wall signs shall not exceed 2015 percent of each building façade or 300 square feet, whichever is less. For multi-tenant buildings, wall signs for each tenancy space shall not exceed 15 percent of the façade of the individual space. Wall signs shall project no more than two feet perpendicular from the wall and not more than three feet vertically above the wall of the building. A wall sign may include neon tubing attached directly to a wall surface when forming a border for the subject matter or when forming letters, logos, or pictorial designs. No building shall have both a wall sign and any other type of sign on the same building face.

- (i) *Miscellaneous signs.* ~~Signs in residential zones shall not exceed two square feet in face area.~~ In nonresidential zones, these types of miscellaneous signs may not exceed four square feet. Signs placed with the intent of warning or advising the public of possible danger that may be encountered on private property shall not

exceed two square feet in face area in residential areas and ~~in nonresidential areas, this type of sign may not exceed four square feet in face area in nonresidential areas. An opening sign type sign may be placed in nonresidential areas provided it is the property it is placed on private property with consent of the owner and is not more than 64 square feet in face area.~~ These limits do not apply to signs placed by the city or signs for city sponsored events, as authorized by the City Manager or his/her designee

### **Sec. 24-~~9080~~. Digital display regulations.**

This section applies to electronic messaging center and electronic video screens ~~defined in sections 24-79 and 24-89 above.~~

- (1) Digital displays are restricted to the areas specified as special sign use districts in this chapter. The minimum distance between digital displays for an individual business or property shall be 200 feet.
- (2) Digital displays shall be illuminated at a level no greater than 0.3 foot-candles over ambient light levels for the location and time, and shall employ light cutoff devices such as, but not limited to, louvers to minimize light escaping above the horizontal plane. Foot-candle readings shall be measured at ground level at a distance of 100 feet from the source.
- (3) Digital displays ~~in proximity to~~ within 200 feet of residential areas shall be illuminated at a level no greater than 0.2 foot-candles as measured from the nearest residential property line.
- (4) All digital displays must be equipped with both a dimmer control and a photocell which automatically adjusts the display's intensity according to natural ambient light conditions and should be dimmed 30 minutes prior to dusk each night.
- (5) All digital displays shall contain a default mechanism to turn off the sign in case of malfunction or shall be manually turned off with 24 hours of a reported malfunction.
- (6) Digital displays, as defined, lawfully in existence prior to the effective date of this chapter are exempted from the provisions of this chapter until such time the displays are replaced.
- (7) Any sign related to a governmental function ~~described in section 24-78(k)~~ is exempt from the times requirement of these regulations.
- (8) Digital display signs must comply with all rules and regulations for electronic signs adopted by the Federal Highway Administration, United States Department of Transportation and the Texas Department of Transportation.
- (9) Digital display sign permit applicants must present a TxDOT outdoor advertising permit as outlined in the permit application and present to staff at least 15 days before installation of the sign begins.
- (10) Moving animations with flashing or traveling images on the electronic video screen are prohibited.
- (11) Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.
- (12) A permit application for a digital sign shall include a photometric plan indicating compliance with the provisions of this section.

### **Sec. 24-~~8081~~. Special district sign requirements.**

#### **(a) Residential districts.**

- (1) *Time.* No sign permit is required.
- (2) *Place.* A person having a legal home occupation may display a nameplate on the face of the building or porch. Noncommercial signs, such as but not limited to, real estate signs, garage sale signs, celebratory signs, political signs, and holiday signs, may be placed on a residential lot.

- (3) *Manner.* ~~The A home occupation~~ nameplate shall be attached directly to, and parallel to, the face of the building or porch. It shall not exceed one square foot in area, shall not be illuminated in any way, and shall project not more than six inches beyond the building or porch. ~~No electronic video screen or electronic message center sign are allowed in a residential district. Noncommercial signs may not exceed two square feet in sign area and no property shall have more than two such signs displayed.~~
- (b) *Mobile-Manufactured home park district.* A ground sign or wall sign not more than 100 square feet in total area may be erected on property of the mobile home park and may be indirectly lighted.
- (1) *Time.* A sign permit is required.
  - (2) *Place.* A mobile home park sign may be erected on property of the mobile home park.
  - (3) *Manner.* A mobile home park district sign may be a ground sign or wall sign not more than 100 square feet in total area and may be indirectly lighted.

~~(c) Office and professional districts, neighborhood service districts, general business districts, light industrial districts, medium industrial districts, apartment/multifamily residential districts. No wall sign shall exceed 64 square feet in gross face area. Wall signs shall project no more than two feet perpendicular from the wall and not more than three feet vertically above the wall of the building.~~

~~(1) Time. A sign permit is required.~~

~~(2) Place. The wall signs in these districts may be attached to buildings. Freestanding signs are permitted subject to the guidelines and regulations in article.~~

~~(3) Manner. No wall sign shall exceed 64 square feet in gross face area. Wall signs shall project no more than two feet perpendicular from the wall and not more than three feet vertically above the wall of the building. A wall sign may include neon tubing attached directly to a wall surface when forming a border for the subject matter or when forming letters, logos, or pictorial designs. No building shall have both a wall sign and any other type of sign on the same building face.~~

(~~dc~~) *Garden offices.*

- (1) *Time.* A sign permit is required.
- (2) *Place.* Any zoning district where B-1, B-2, or B-3 is permitted.
- (3) *Manner.* One pylon sign per complex may be erected advertising the total number of office tenants. If the complex is located on a corner lot, the corner lot provision contained in section 24-79 (e) shall apply. The face area of the sign may not be larger than ten feet by 30 feet, mounted six feet above the ground with a maximum height of 36 feet. The sign and the street address must have letters no less than six inches high will appear at the top of the ~~signeopy~~. There may be one sign no larger than 15 square feet in face area and placed flush on the wall near the entrance. As an alternate one hanging sign or one ground sign containing no more than six square feet in face area may be erected.

## **Sec. 24-~~8582~~. Special sign use districts.**

The following special sign use districts (SSUDs) are created with specific requirements as specified:

- (1) *SSUD-1.* The area extending 200 feet on both sides of the Toepperwein Road right-of-way from the intersection of Toepperwein Road and Miller Road west to the intersection of Toepperwein Road and Village Oak Drive is hereby designated as SSUD-1.

The following additional criteria shall apply to ~~all freestanding~~ signs in SSUD-1:

- a. Area. No sign shall exceed 64 square feet in gross face area~~sign area~~.
- b. Height. No sign shall exceed 25 feet in height.
- ~~c. Setback. All signs shall have a minimum setback of ten feet from lot lines.~~

- ~~dc.~~ All 64 square feet may be composed of an electronic video screen or an electronic message center, which must be in compliance with Section 24-80, -electronic video screen or an electronic message center must be in compliance with Sec.XXX digital display
- ~~e.~~ Sign must be equipped with an auto-dimming feature and should be dimmed 30 minutes prior to dusk each night.
- ~~f.~~ Moving animations with flashing or traveling images on the electronic video screen are prohibited.
- ~~g.~~ Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.
- ~~hd.~~ In a garden office complex, as noted in section 24-80(d), garden offices. One freestanding sign per complex may be erected to include the total number of tenants. The face area of the sign may not be larger than ten feet by 20 feet if located in SSUD-1.
- ~~ie.~~ All other nonconflicting provisions of this ~~chapter~~ article shall apply to SSUD-1.

- (2) ~~SSUD-2. In addition to all other applicable regulations provided for in the City Code, the following regulations shall apply to signs within SSUD-2.~~

The area extending 200 feet on both sides of the IH-35, Loop 1604, and Pat Booker Road rights-of-way within the city limits of the City of Live Oak is hereby designated as SSUD-2.

The following additional criteria shall apply to ~~all freestanding~~ signs in SSUD-2:

- a. Area. No sign shall exceed 400-200 square feet in ~~gross face area~~ sign area.
- b. Height. No sign shall exceed ~~60-50~~ 60 feet in height.
- c. Setback. All signs shall have a minimum setback often ten feet from all lot lines or as specified by the state department of highways and public transportation if applicable.
- ~~d.~~ Sign must be equipped with an auto-dimming feature and should be dimmed 30 minutes prior to dusk each night.
- ~~e.~~ Moving animations with flashing traveling images on the electronic video screen are prohibited.
- ~~f.~~ Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.
- ~~gd.~~ All requirements of the state department of transportation must be met, and evidence of compliance provided to the city as part of the permit process.
- ~~e.~~ All other nonconflicting provisions of this article shall apply to SSUD-2.

- (3) ~~SSUD-3. In addition to all other applicable regulations provided for in the City Code, the following regulations shall apply to signs within SSUD-3.~~

The area extending from the intersection of Hwy 218 (Pat Booker Rd.) and the Loop 1604 Eastbound access road, west 1,200 feet along both joining state roadways (Hwy 218 and Loop 1604) and connecting and encompassing the area between, within the city limits of the City of Live Oak, shall be designated as SSUD-3. Map is attached to Ord. No. 1489 and on file with the city.

The following additional criteria shall apply to all freestanding signs in SSUD-3:

- a. Area. No sign shall exceed 400-200 square feet in ~~gross face area~~ sign area. ~~Combined free standing signage cannot exceed 800-400 feet in gross square feet area.~~
- b. Height. No sign shall exceed ~~60-50~~ 60 feet in height.
- c. Setbacks. All signs shall have a minimum setback often ten feet from all lot lines or as specified by the state department of transportation as applicable.

- d. Special provisions. Development lots within SSUD-3 may have up to two freestanding-ground signs as described by section 4-5, no more than one at the frontage of each state highway.
- e. ~~The digital display regulations applicable in section 15 shall apply to SSUD-3, as well as the following regulations:~~
- f. ~~Moving animations with flashing traveling images on the electronic video screen are prohibited.~~
- g. ~~Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.~~
- h. ~~Sign must be equipped with an auto-dimming feature and should be dimmed 30 minutes prior to dusk each night.~~
- ie. All requirements of the state department of transportation must be met, and evidence of compliance provided to the city as part of the permit process.
- f. All other nonconflicting provisions of this article shall apply to SSUD-3.

**Sec. 24-~~8183~~. Prohibited signs.**

The following signs shall be prohibited in all districts:

- (a) Any signs and supports, other than those signs and supports owned or required by a governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public streets, alleys and parkways.
- (b) Signs with flashing, blinking or traveling lights.
- (c) Displays are classified as a sign and is not permitted in any residential district.
- (d) Any signs which resemble an official traffic sign or signal, or which bear the words of traffic control, except for government signs.
- (e) Signs which, by reasons of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (f) Any sign which emits sound, odor or visible matter which serves as a distraction to persons within the public right-of-way.
- (g) No signs shall be erected except as noted under this article.
- (h) Signs constructed of scrap materials, paper, tree, rock, brick, or other such fragile or materials which are non-weather resistant.
- (i) The use of fluorescent paint, metallic paint, or similar nonconventional paint emitting luminosity upon exposure to external radiation or bombardment by a stream of particles is expressly prohibited.
- (j) Any sign in apparent compliance with this chapter, but which staff deems is by design, construction or erection hazardous to persons, will require approval of council in accordance with the variance or appeal process outlined in section 24-87this article.
- (k) No electronic video screens and electronic message centers are permitted in a residential district.
- (l) Window border lights or other lighting directed to exterior of the building which outline doors, windows, attached columns or other parts of the building.
- (m) Any sign not referenced in or governed by this article.
- (n) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this chapter (if a permit was required).



- (o) Any sign erected or installed in or over a public right-of-way, utility pole, or access easement, unless permitted within this article.
- (p) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws.
- (q) Prohibited signs, if not specifically mentioned in this article otherwise are as follows:
  - (1) Abandoned sign.
  - (2) Balloons and other floating devices.
  - (3) Cloud buster balloon and air devices.
  - (4) Neglected sign.
  - (5) Bandit signs, except signs placed by the city or signs for city sponsored events, as authorized by the City Manager or his/her designee.
  - (6) Signs on public property or in the public right-of-way, including public easements, except for those specifically licensed or permitted by the city.
  - (7) Painted signs.
  - (8) Roof signs.
  - (9) Billboards.

**Sec. 24-~~828~~4. Parking of vehicles.**

No person shall park a vehicle or trailer to be used as a sign on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way, except in accordance with section 24-79(gf.). A vehicle containing advertising that is a personal vehicle or is a vehicle used regularly in the course of business is exempt provided that the vehicle is in operable condition, including valid license plate and registration, and is parked in an appropriate parking space. Such vehicle signage shall not be illuminated, shall contain no flashing or moving elements, and shall not include any type of digital display.

**Sec. 24-~~838~~5. Existing signs.**

- (a) Where existing signs are in newly annexed areas a permit shall be obtained.
- (b) Where existing signs do not comply with this chapter with respect to location, height, size, area of display, minimum ground clearance and are not a hazard or nuisance and are in good condition, an exception may be granted upon filing of an application for a permit, when required, and passage of an inspection by the city staff official or a variance may be applied for to submit to city council.
- (c) All abandoned and damaged signs and their supports shall be removed within 60 days from the date of abandonment. All damaged signs shall be repaired or removed within 60 days. The appropriate staff official shall have the authority to grant a time extension not exceeding an additional 60 days for an abandoned, nondamaged sign.
- (d) Should the responsible party or parties after due notice fail to correct a violation of this section, the appropriate staff official shall cause such signs and supports to be removed. This official, on behalf of the city, shall also take necessary action to file against the property a lien in the amount of the cost of such work if such costs are not paid by the property owner within 15 days after he is billed.
- (e) Nonconforming sign registration and amortization.
  - (1) Registration. The operator and/or owner of any nonconforming sign shall register such nonconforming sign and obtain from the city manager and/or his designee a certificate of nonconforming rights, within ten years after the sign becomes nonconforming or ten years after the date of publication of the

current version of this sign chapter, whichever occurs later. If a sign qualifies as a nonconforming sign and the operator and/or owner registers the sign with the city, the city manager or his/her designee shall issue a certificate of nonconforming rights. Failure to obtain this certificate of nonconforming rights within the requisite time shall terminate the sign's status as a nonconforming sign and such sign shall be considered an illegal sign, which must come into compliance with all current ordinances.

- (2) Amortization. Any nonconforming sign may be amortized and removed by the city in accordance with the procedural and compensation requirements specified in V.T.C.A., Local Government Code, ch. 216 and as outlined in this chapter.
- (f) Maintenance of signs and neglected and abandoned signs.
- (1) All signs, including but not limited to nonconforming signs shall be maintained to consistently have a neat appearance. Sign panels and/or sign graphics shall be secured and maintained so that they do not separate from, hang from, or fall from a sign. Sign panels and sign graphics shall not be faded, ripped, or have any other damage.
  - (2) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification by the building official or his/her designee, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten calendar days after written notification to do so by the building official or his/her representative. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the city may resort to any civil remedy available to remove or repair the sign, up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety or welfare, the city shall remove it immediately upon obtaining a written court order for such removal. Within ten calendar days of the removal of the sign, the building official shall notify the owner of the property on which the sign was located of the reason(s) for the removal of such sign.
  - (3) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under this section, the building official is hereby authorized to cause the removal and impoundment of such sign upon the issuance of a written court order authorizing the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located. The city shall invoice the owner, agent, or person having beneficial use of the land for such expenses incurred by the city associated with the removal and impoundment of such sign.

## **Sec. 24-8486. Permits.**

- (a) *Restrictions.*
- (1) Except as otherwise provided for herein, no sign shall be erected, posted, ~~painted~~ or otherwise produced, changed, reconstructed in whole or in part, retained or maintained within the City of Live Oak without first obtaining a permit. The city is authorized to charge a fee for issuance of sign permits in accordance with the city's fee schedule adopted by the city council and as amended from time to time as necessary.
  - (2) Any sign requiring a permit shall be installed or erected by an individual registered and licensed by the city for such work. No sign requiring an electrical permit or incorporating any electrical lighting or wiring shall be erected, modified, or repaired by anyone not licensed for such work in the city.
- (b) *Requirements.* A sign requiring a permit shall be inspected annually by the appropriate staff official or his duly appointed agent, assistant or deputy to ensure compliance with the provisions of this chapter and other

relevant city ordinances. Additional inspections may be conducted at the discretion of the appropriate staff official during the term of the permit to enforce the provisions of this chapter.

(c) *Issuance.*

(1) A permit shall not be issued when:

- a. An existing sign is in a deteriorated, unsafe or unsightly condition.
- b. A sign is not in compliance with or authorized under this chapter.
- c. Authorization of the property owner has not been obtained.
- d. The property at issue for the sign permit does not have either a building permit or a certificate of occupancy issued by the development services department on the property.

(2) A permit shall not be required for:

- a. Displaying street numbers.
- b. Temporary signs under section 24-79(~~fe~~)(5).
- c. Simple routine maintenance, adjustments, replacement of light globes etc. on existing signs as authorized under this article.
- d. When a sign has been damaged by fire, windstorm or other causes, immediate work to repair may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given by the property or business owner as soon as practical to the appropriate staff official to advise of such damage and repair.

(d) *Fees.*

(1) Sign permit fees shall be charged in accordance with the fee schedule adopted by the city council and as amended from time to time as necessary.

**Sec. 24-~~9187~~. Master sign plan.**

(a) *Purpose.* Master sign plans are authorized under this section to allow, within parcels as this section deems applicable, the following:

- (1) The unified presentation of signage throughout applicable parcels;
- (2) The authorization to deviate from the existing rules relating to number, height, dimensions, locations, or design characteristics of attached or freestanding signs within the master sign plan area when the design and quality components of the signs proposed in the master sign plan area exceed the existing rules in other aspects;
- (3) The flexibility to provide for unique environments; and
- (4) A pre-approval of designs and design elements process that will make subsequent applications for sign permits under an approved master sign plan more efficient.

(b) *Applicability.* An application for approval of a master sign plan ~~permit~~ is authorized only for those developments located within the General Business District (B-3) that meet the criteria that follows:

- (1) *Single-use development.* A single use development that exceeds 100,000 square feet of gross floor area; or
- (2) *Multi-tenant development.* A multi-tenant development that exceeds 150,000 square feet of gross floor area.

(c) *Definitions.* In this section, the terms below shall have the definitions that follow:

*Administrator* shall mean the city manager or his/her designee who shall be authorized to review and approve or reject master sign plan applications and have administrative authority over approved master sign plan applications.

*Applicable rules* means the city's sign rules and regulations a sign would otherwise be subject to but for its inclusion in an approved master sign plan.

*Development* means an existing or proposed single use development that exceeds 100,000 square feet of gross floor area or mulita-tenant development that exceeds 150,000 square feet of gross floor area.

*No progress* means that no sign authorized by an approved master sign plan has been installed.

~~Section means this section 24-91.~~

*Uniformed codes* means those national codes, including but not limited to the International Building Code and the International Electrical Code, that have been adopted by the city.

(d) ~~Permit Application.~~

- (1) The owner of a platted lot of real property on which a development is currently located or is proposed may submit an ~~an permit~~ application, on such form as is provided by the administrator and the ~~permit~~ application fee, as set out in the city's fee schedule adopted by city council and amended from time to time as necessary.
- (2) A master sign plan application shall include three copies of the site layout of the single-use or multi-tenant development and a narrative.
  - a. Contents of site plan. The site plan shall depict the proposed signage for the entire development. For example, shopping center master sign plans shall include all tenants and out parcels; and office or industrial parks shall include all types of signs for wayfinding and tenants or uses within the development. The site plan shall include the following:
    - i. Identification of development as single-use or multi-use with total square footage of gross floor area in the development;
    - ii. A depiction of all proposed signs that will deviate from the underlying sign regulations;
    - iii. Size, location, and number of all signs, including area, letter height, and height;
    - iv. Materials, styles (letter colors, background colors, text, fonts, etc.), and colors for all signs subject to the master sign plan, including context of where signs are to be placed on any given facade;
    - v. Proposed illumination (external, internal, etc.), including illumination levels;
    - vi. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
    - vii. Site plans for multi-tenant developments shall provide that wall signs displayed by two or more businesses using common parking facilities shall be uniform in construction (i.e. channel letters, plaques) and lighting (i.e. direct, indirect); and
    - viii. Landscaping and/or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement those proposed signs that would deviate from the underlying sign regulations.
  - b. Narrative. The application shall include a narrative explaining the reasons for any deviation under existing rules from the number, height, dimensions, locations, or design characteristics of attached or freestanding signs that is sought under the under the master sign plan. The narrative should articulate design and quality components that exceeds the requirements of the existing rules, including but not limited to the use of brick or natural stone; uniformity of sign size, style, and color across the development; use of landscaping around a sign base; use of channel

lettering; use of directional signs; greater spacing between signs along street frontages; signage in locations to assist with direction in a location not on the lot of the existing business; incorporation of retaining walls for signage; or use of entry signs. In additions the narrative should establish an integrated architectural vocabulary and cohesive theme for the applicable single-use or multitenant development.

(e) ~~Permit Approval.~~

- (1) ~~Permit~~The application shall be reviewed by the administrator. Within ten business days from the date of receipt of the application the administrator shall verify the ~~permit~~ application is administratively complete and includes the application fee. An application that is not administratively complete shall not be processed.
- (2) Upon determination that the application is administratively complete, the request shall be presented to the planning and zoning commission. The commission may approve, approve with conditions or amendments, or deny the request. administrator may issue a master sign plan permit if the administrator findsThe commission's approval of the request shall be based upon finding that the application demonstrates that the master sign plan will:
  - a. Result in a substantially improved, comprehensive, and unified use of signs within the applicable single or multi-tenant development, compared to what is allowed through strict compliance with the applicable rules; and
  - b. Provides for all signs to be architecturally integrated into or complimentary to the design of the buildings and character of the site, and use similar and coordinated design features, materials, and colors; and plans for multitenant developments provide for uniformity of signs.
- (3) The applicant may appeal a denial of a master sign plan to the city council. The council may approve, approve with conditions, or deny the request. The council's approval shall be based upon the same findings as the planning commission noted above.
- (3) ~~Permit e~~Expiration. An ~~approved permit~~approval shall expire and shall expire two years from the date of approval if no progress has been made towards completion of the placement of signs pursuant to the master sign plan. If a master sign plan ~~permit~~ expires it is of no further force and effect and a new application shall be required to implement a master sign plan for that development.

(f) *Authorized deviation from applicable rules.* The maximum deviation from the applicable rules that may be authorized under an approved master sign plan are as follows:

- (1) Maximum sign height may be increased no more than 30%;
- (2) Number of signs;
- (3) Location of signs;
- (4) Inclusion of multiple multi-tenant signs; wall signs; pylon signs; subdivision signs; and monument signs; and
- (5) Maximum sign area may be increased no more than double the normal allowance.

(g) *Prohibited signs and sign elements.*

- (1) Except as otherwise authorized in this section, signs and sign elements prohibited by the applicable rules are prohibited from inclusion in a master sign plan.
- (2) Nonconforming signs. Existing non-conforming signs are not permitted within a development that is subject of master sign plan. A master sign ~~permit issued~~approval for a development on which an existing non-conforming sign is located shall require that that the existing non-conforming sign be eliminated or brought into conformance with the standards of the approved master sign plan before the installation of any new signs under the approved master sign plan.

- (h) *Conditional approval.* ~~In issuing a permit the~~The administrator may impose reasonable conditions on the master sign plan relating to the design, materials, locations, placements, or orientations, and sign specifications; provided that such conditions are related to time, place and manner matters and does not attempted to regulate sign content. Reasonable conditions are conditions imposed on the master sign plan that promote the purpose of this section and the approval criteria set out in in this section.
- (i) *Amendment.*
- (1) A valid master sign plan may be amended upon application by the permittee and approval by the administrator. An amendment application may seek to alter the design, materials, locations, placements, orientations, and specifications of a sign or signs designated within an approved master sign plan; provided the amendment does not attempt to increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten percent.
- (2) To request an amendment the permittee shall submit a completed master plan ~~permit~~ amendment application, on such form as provided by the administrator, and a site plan and narrative as is required for a master sign plan ~~permit~~. The administrator shall review the request for administrative completeness and may issue a master plan amendment ~~permit~~ if the administrator finds the proposed amendment advances the objectives of this section and the approval criteria stated in this section. ~~the applicant may apply for.~~ The city manager or his/her designee may approve the amended master sign plan if it is consistent with this section, and does not increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten percent.
- (j) *Other permits.* The ~~issuance approval~~ of a master sign plan ~~permit~~ shall not relieve the applicant from the requirements of the uniform codes, including permitting requirements required therein.

## **Sec. 24-~~8788~~. Variance and appeal procedure.**

- (a) ~~Sign Variances~~variances.
- (1) A request for a variance of requirements as set forth in this ~~chapter~~article may be made to the board of adjustment. The variance must be made in writing at the time of the permit application. If the applicant is not the property owner, authorization from the property owner is required for the variance application.
- (2) In order to approve a request for a variance, the board of adjustment shall determine that the request meets three of the following four criteria:
- The proposed sign shall not adversely impact the adjacent property (visibility, size and the like);
  - The proposed sign shall be of a unique design or configuration;
  - The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or
  - The variance will substantially improve the public convenience and welfare and does not violate the intent of this chapter.
- (3) A variance shall not be approved for a sign that is prohibited by this chapter.
- (4) The board of adjustment's decision is final.
- (b) Appeal of a decision by city staff regarding this article may be made to the board of adjustment by notification, within ten days of the decision to the city secretary. The appeal will be placed on an agenda as soon as practical to conduct a hearing before the board of adjustment. Staff shall notify the petitioner of their right to appeal.

### **Sec. 24-8689. Penalties for violation.**

Any person or other responsible party who shall violate any provision of this article shall be charged with a misdemeanor and shall, upon conviction thereof, be assessed a fine of not less than \$10.00 nor more than \$500.00 unless it is a health and safety issue which includes a max fine of \$2,000.00. Each responsible party may be charged separately for a violation of this chapter and, if convicted, be held individually liable for resulting civil and/or criminal penalties, as applicable and in accordance with other law. The primary beneficiary of any sign installed in violation of this chapter is, until proven otherwise, presumed to have authorized or caused the installation, use or maintenance of the sign in violation of this chapter and may be charged with an offense under this section. It is a defense to prosecution that the property owner or beneficiary of a sign did not give consent for the placement of the sign.

### **Sec. 24-8890. Severability.**

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this article.

### **Sec. 24-8991. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. See below Exhibit 1 for specific graphic examples of signs:

*A-frame sign.* A temporary sign made of two pieces of wood, metal or other similar material approved by the building official connected at the top by hinges or similar device(s) and may collapse when the connecting device(s) are overextended or the two pieces of wood, metal or other similar material are against one another. Also, commonly referred to as a "sandwich board sign."

*Abandoned sign.* A sign that had a permit on a piece of property or premises, but the permit has been expired for more than one year and has become dilapidated or has ceased use in that timeframe. Abandoned signs are prohibited in the city.

*Amortization.* In terms relevant to signage and urban planning, it conveys the "grace period" beginning on the date a sign owner is notified that removal of a previously conforming sign has been ordered, and ending on the date removal is required. This process makes a sign structure, which was legally erected or placed pursuant to permit, legally nonconforming for a period of time—the amortization period. After the amortization period expires, the sign becomes illegally nonconforming and must be removed.

*Apartment sign.* A temporary stake sign made of wood, metal or other similar material approved by the building official in zoning district R5.

*Animation.* Shall mean the use of movement or some element thereof to depict action or create a special effect or scene.

*Area of sign.* Shall be the total face area which includes the message and the border of the sign. It does not include the supporting super-structure. See Exhibit 1 to this article for determining the face area of an irregular shape or other than a rectangle. Only one surface of a two-sided freestanding sign is counted if the two sides are back to back, have identical content, and are not separated by more than four feet at the widest point.

*Bandit Sign.* Any sign posted on a utility pole, street sign, or other street furniture or a sign posted on public property or public right-of-way in violation of this chapter.

*Banner.* A temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background.

Billboard

A sign which exceeds the maximum allowed area of a freestanding sign and that advertises a business, product, service, or event that is located off the property where the sign is installed.

*Canopy sign.* A sign that is applied, attached, ~~painted~~ or affixed on a canopy or other roof-like covered areas where it is intended for protection from the weather or other safety measure.

*Canopy/awning sign.* Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, patio, deck, or window, and any sign attached to a freestanding canopy structure, which may be retractable or nonretractable projection, shelter or structure. A marquee is not a canopy.

*Development lot.* Developed lot which is ground leased or which has structures in place for use and has a building permit, and/or certificate of occupancy, or a certificate of final acceptance.

*Developed.* A developed property is a nonresidential property for which a building permit or certificate of occupancy has been issued by the building official to occupy a building on the property or a residential property for which a certificate of final acceptance has been issued by the city.

*Digital conversion.* Shall mean the replacement of a previously installed static sign face with a digital display.

*Digital display.* Shall mean an electronic video screen or electronic message center.

*Dilapidated.* Any surface element, background, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly.

Distance between signs. The distance between signs shall be measured from the nearest part of each sign, including sign faces and all structural elements of the sign.

*Dwell time.* Shall mean the interval of change between each individual message. Dwell time shall include the one second or less required to change a message.

*Electronic message center.* Shall mean a sign or portion of a sign which uses LED technology to form a sign message or messages in text form, with or without fixed images, wherein the sequence of messages the rate of change is electronically programmed and can be modified by electronic processes.

*Electronic video screen.* Shall mean a sign or portion of a sign which displays an electronic video which may or may not include text including television screens, plasma screens, digital screens, flat screens, LED screens, tri-vision technology, video boards and holographic displays

*Flashing.* Shall mean a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated, employs inverse illumination, or operates with transitory bursts for periods of less than one second. This term shall include blinking, strobe, and twinkling illuminations. Animation, as defined, shall not fall under the definition of flashing.

*Foot-candle.* Shall mean a unit of light measurement equal to one lumen per square foot. Foot-candle may be abbreviated "fc."

*Freestanding sign.* Shall mean any sign supported by structures or supports that are placed on, or anchored in the ground, and that are independent from any building or other structure.

*Full-motion video.* Shall be defined as the use of live action footage shot with a video camera or similar device and sized to fit and be displayed by an electronic message sign or similar device.

*Garden office.* Business offices with multiple tenants and/or buildings, where not all the tenants front onto the street.

*Ground sign.* Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. A ground sign may be a freestanding sign or a monument sign.

*Government sign.* A sign installed, maintained, or used (i) by the city, county, state or the federal government, required or specifically authorized for the public purpose pursuant to regulations promulgated by the



state or federal government, (ii) a traffic-related sign installed by any government agency within public right-of-way, or (iii) convey information to the public regarding city, state, or federal government activities and special events.

Height of sign. The vertical distance measured from the lowest adjacent natural grade to the highest point of the sign or sign structure.

Miscellaneous sign. Permanent or temporary informational signs, such as, but not limited to, parking lot directional signs, warning signs, and holiday signs.

*Monument sign.* A sign supported from the grade to the bottom of the sign having or appearing to have a solid base.

*Moving sign.* Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves.

*Neglected sign.* A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained.

Noncommercial sign. A sign that does not contain information or advertising for any business, commodity, service, entertainment, product, or other attraction.

*Nonconforming sign.* Any sign and its supporting structure that does not conform to all or any portion of this chapter and was in existence and lawfully erected prior to the effective date of this chapter; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the city and has since been in regular and continuous use continuously existed as a nonconforming sign.

Painted sign. A sign that is painted directly on the face of a building, fence, canopy, or other structure, with the exceptions of noncommercial murals or other such artwork.

*Pole sign.* A sign erected on a vertical framework consisting of one or more uprights supported by the ground. With the exception of the pole signs specifically authorized by this chapter, pole signs are prohibited in the city. A pole sign is also freestanding sign under section 4.5.

*Portable sign(s).* Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure or is located on the ground. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising.

*Public nuisance.* Any sign or similar device that is obscene, causes a hazard or dangerous condition to the general public.

*Public right-of-way.* An area or strip of land, dedicated or conveyed for municipal public use, occupied or intended to be occupied by a street, walkway, utility line, drainage channel, or other municipal public uses as authorized by law.

*Portable sign(s).* Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure or is located on the ground. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, airborne devices, or other devices used for temporary display or advertising. Portable signs are prohibited in the city and its extraterritorial jurisdiction, except as specifically allowed by other sections of this chapter. A vehicle sign is not a portable or wheeled sign.

Responsible party. Any of the following shall be considered a responsible party, as applicable: any entity (individual person, corporation, organization, etc.) or its agent whose product, service, activity or enterprise is

announced or advertised by a sign, or whose message is carried by a sign, including other persons or entities acting on behalf of, at the direction of, or to primarily benefit said entity; the owner of the property upon which a sign is located; and/or the lessee/tenant of the property upon which a sign is located.

*Roof sign.* A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is  ~~painted directly to or~~ applied directly on the roof or top of a building or structure. A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure shall not be considered to be a roof sign.

*Sign.* Any form of an object conveying information or instruction by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of print, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or structures or supports. This definition shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or communicate information of any kind to the public.

*Subdivision.* For purposes of this chapter, the subdivision in its entirety, including all phases, sections, villages, or units under a common development plan.

*Subdivision sign.* A permanent sign identifying an entrance to a residential subdivision. A subdivision sign may be authorized for qualifying non-residential subdivisions in conjunction with the approval of a Master Sign Plan.

*Temporary sign.* Any sign used to display information with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this chapter.

*Variance.* An official written request to the city council to allow exceptions to regulations or requirements of this appendix.

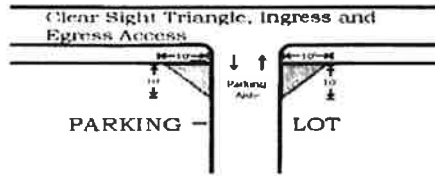
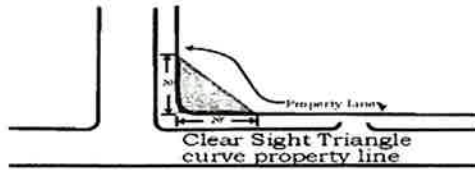
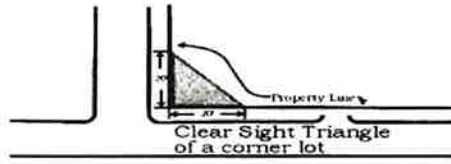
*Vehicle.* Any operable or inoperable motorized machine on wheels, treads, or runners by which any person, materials, commodity, or property is or may be transported.

*Vehicle sign.* A sign painted upon or applied directly (to include magnetic, but not signs taped to) to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle. Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

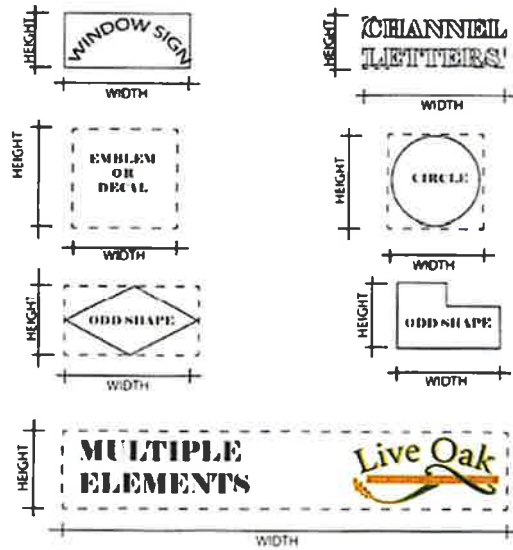
*Wall sign.* Any sign erected against an exterior wall, erected parallel to a wall or  ~~painted-applied~~ directly onto a wall. A wall sign is a sign  ~~painted-on~~ applied to or erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached, supported throughout its entire length by the building face.

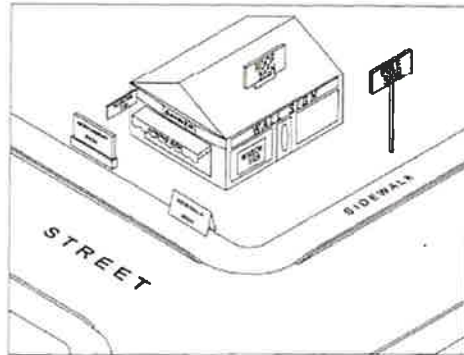
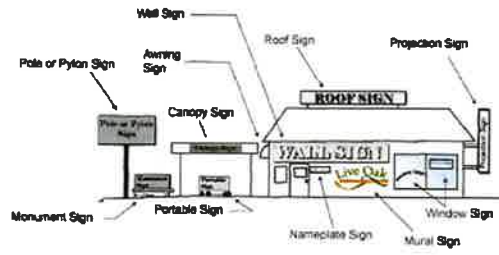
*Window sign.* Any sign, poster, window slick, or other similar displayed item, excluding banners (see "banners"), located on the internal or external surface of a window that is visible from a public street or sidewalk. A sign applied on or over a window and/or visible through a window from the exterior of a building is a wall sign. An interior sign that faces a window exposed to public view and located within three feet of the window is considered a window sign.

EXHIBIT 1



**DETERMINING THE TOTAL FACE AREA OF A SIGN**





Secs. 24-92—24-95. Reserved