



PLANNING BOARD MEETING

Monday, April 03, 2023 at 5:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

PUBLIC NOTICE OF MEETING

AGENDA

Planning Board will consider/discuss the following items and take any action deemed necessary.

MEETING PROCEDURE

CITY OF PORT LAVACA is inviting you to a scheduled Zoom meeting.

Topic: April Planning Board

Time: Apr 3, 2023 05:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81908489954?pwd=aXBxUFlrYzJKTndlcVklL3pQNEUyZz09>

Meeting ID: 819 0848 9954

Passcode: 231445

One tap mobile

+13462487799,,81908489954#,,, *231445# US (Houston)

Dial by your location

+1 346 248 7799 US (Houston)

ROLL CALL

CALL TO ORDER

APPROVAL OF MINUTES

ACTION ITEMS - *Council will consider/discuss the following items and take any action deemed necessary*

1. Consider and discuss a Variance Request to the Manufactured Home ordinance.
2. Consider and discuss approval of a conceptual apartment complex. To be located on 206 Bonorden St. The legal description for the lot is Blasingim Subd (PL), Lot 1, Acres 1.599. Property identification #: 81143.
3. Review and discuss proposed additions and updates to the current sign ordinance.
4. Review and discuss the addition of a landscaping ordinance for non-residential and multi-family occupancies.

COMMENTS FROM THE PUBLIC

** (Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

ADJOURN**CERTIFICATION OF POSTING NOTICE**

This is to certify that the above notice of a regular meeting of The Planning Board of The City of Port Lavaca, scheduled for **Monday, April 03, 2023**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Friday, March 31, 2023**.

Derrick Smith, *Director of Development Services*

ADA NOTICE

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

COMMUNICATION

SUBJECT: Consider and discuss a Variance Request to the Manufactured Home ordinance.

INFORMATION:

CITY OF PORT LAVACA

MEETING: April 31, 2023 **AGENDA ITEM** _____

DATE: 03/31/2023

TO: PLANNING BOARD

FROM: Derrick Smith, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider and Discuss a Variance Request for a manufactured home to be placed on 515 S Ann, Lot 2.

Chapter 26 – Manufactured housing

Sec. 26-4 (2) c.

HUD-Code manufactured housing shall be installed only in a manufactured housing park, manufactured housing subdivisions or other property approved by the building official as described in the remainder of this subsection. A HUD-Code manufactured home will be permitted to be installed on any lot on which a manufactured home was situated in the past 180 days.

Sylvia Chapa owns 515 S Ann, which is a 2 lot parcel of land. Ms. Chapa is requesting a variance to the ordinance to be placed on lot 2. The manufactured home currently sits on the same street.

Department Comments:

Development Service: If the Planning Commission approves this variance request to Chapter 26 Manufactured Housing Sec 26.4(2)(c), the applicant must ensure all installation permits and inspections are administered and followed.

Attachments:

- Variance request
- Calhoun CAD map

City of Port Lavaca Request for Variance

Date: 3-29-23

Name: Sylvia Chapa

Address:

Variance being requested: Manufactured Home Placement

Reason for
request:

I purchased mobile home from the
county and was told I would be able
to relocate the mobile home just
2 block down from where it is now.
It current is located at 579 S. Ann St
and I would like to move it 2 block
down to the vacant lot next to 575 S. Ann St.

Sylvia Chapa
Signature

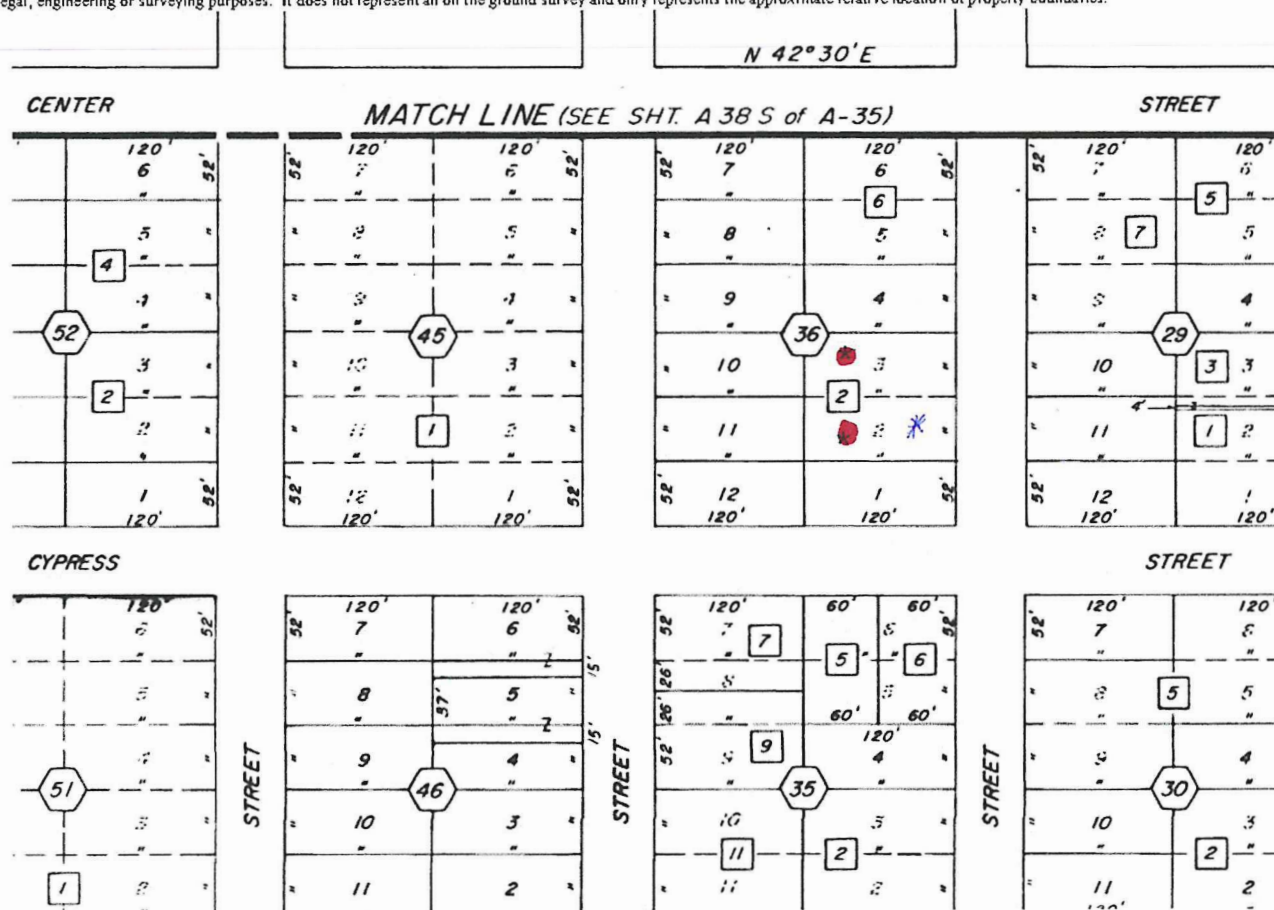
504-187-5112
Phone number

Date of Planning Board: April 3, 2023

Received by: Cara Sachy
3/29/23

TAX MAP: ORIGINAL TOWNSITE BLOCK 36 LOTS 2 & 3

** DISCLAIMER ** Geospatial or any map data maintained by the Calhoun County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on the ground survey and only represents the approximate relative location of property boundaries.





COMMUNICATION

SUBJECT: Consider and discuss approval of a conceptual apartment complex. To be located on 206 Bonorden St. The legal description for the lot is Blasingim Subd (PL), Lot 1, Acres 1.599. Property identification #: 81143.

INFORMATION:

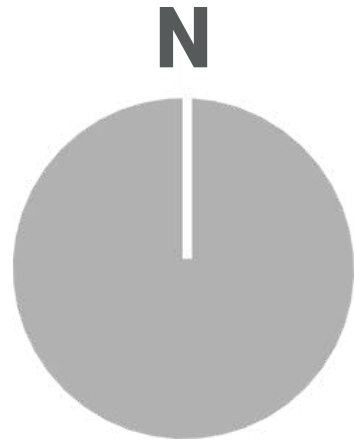


ARCHITECTURAL PROJECT

DESILOS
REAL ESTATE
LIVING



Geographical Location



Program of Needs

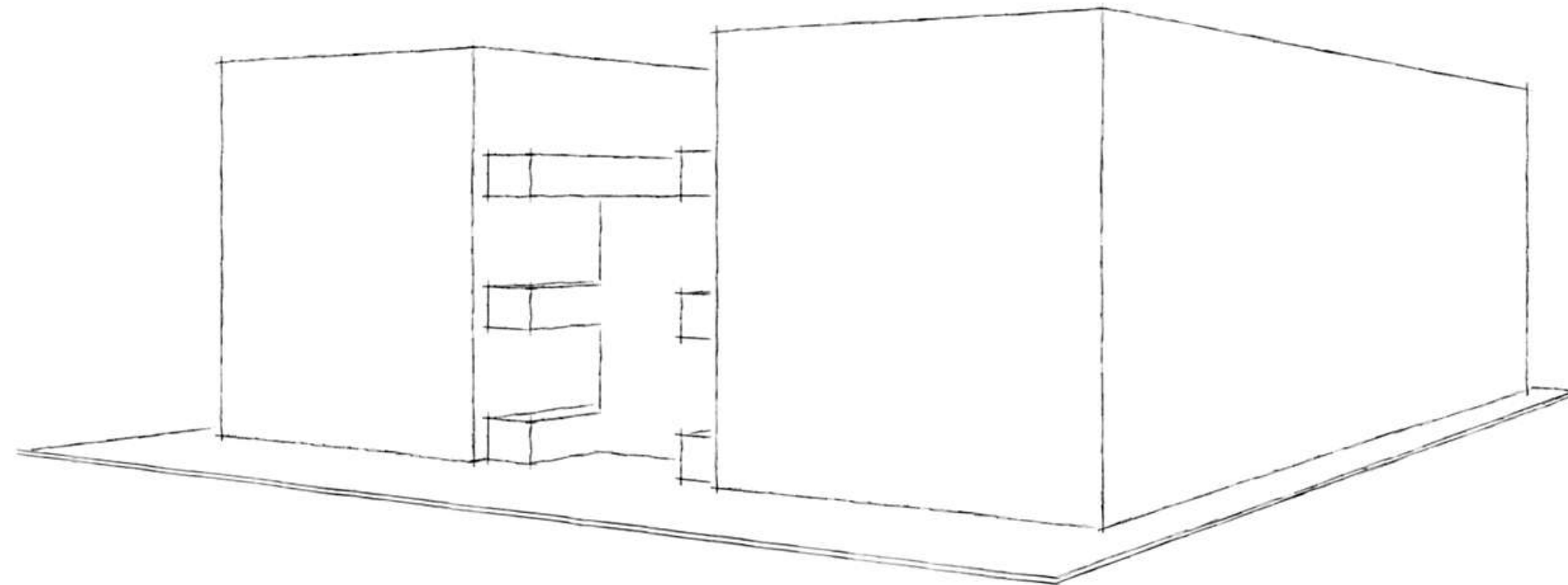
The Program of Needs is the most important part of the project, as it focuses on the central part of the project. The main objective is to satisfy the client's needs with solutions that are in line with the analyses carried out. These solutions must also be of the highest standards.

List of Needs:

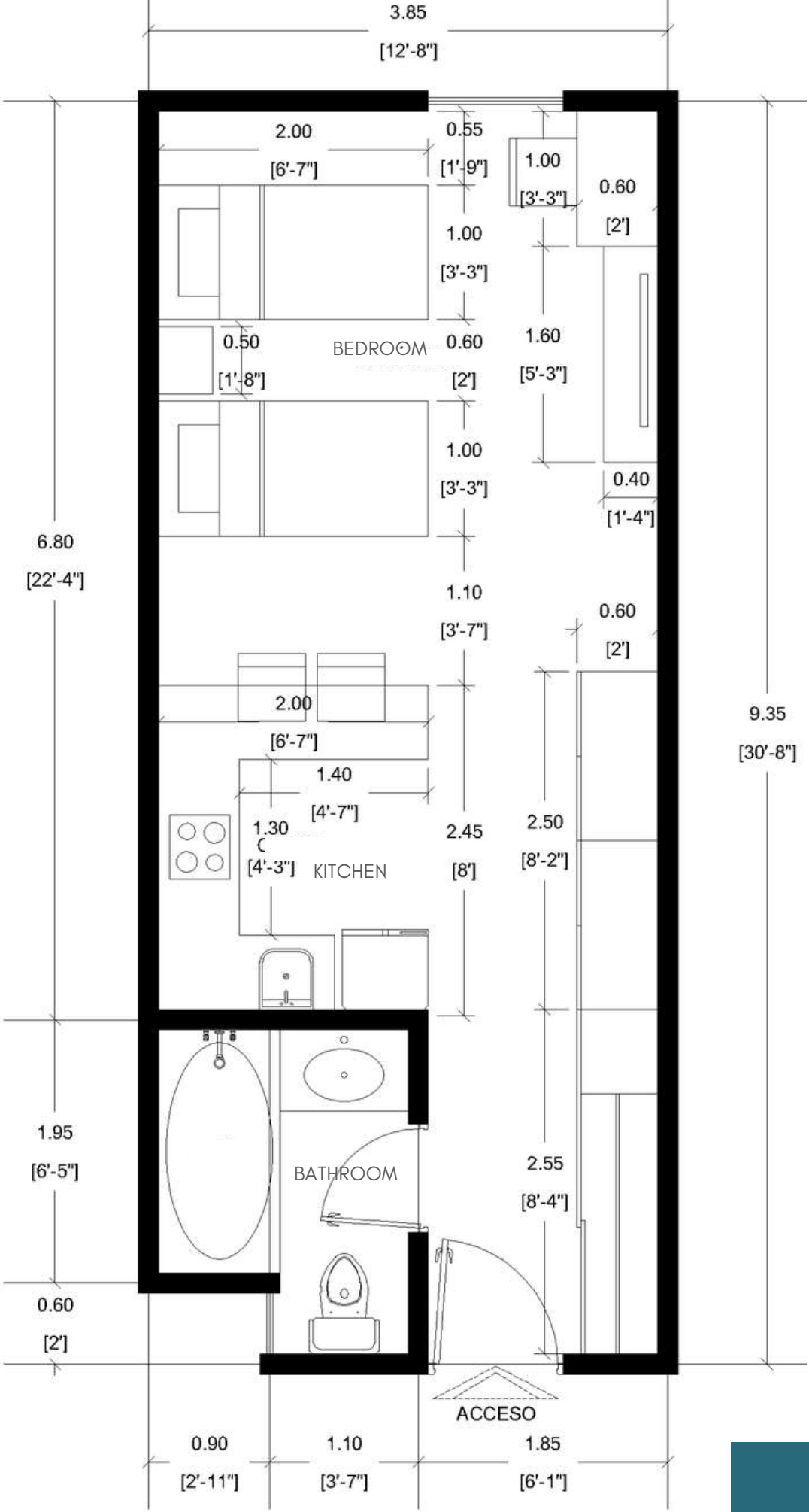
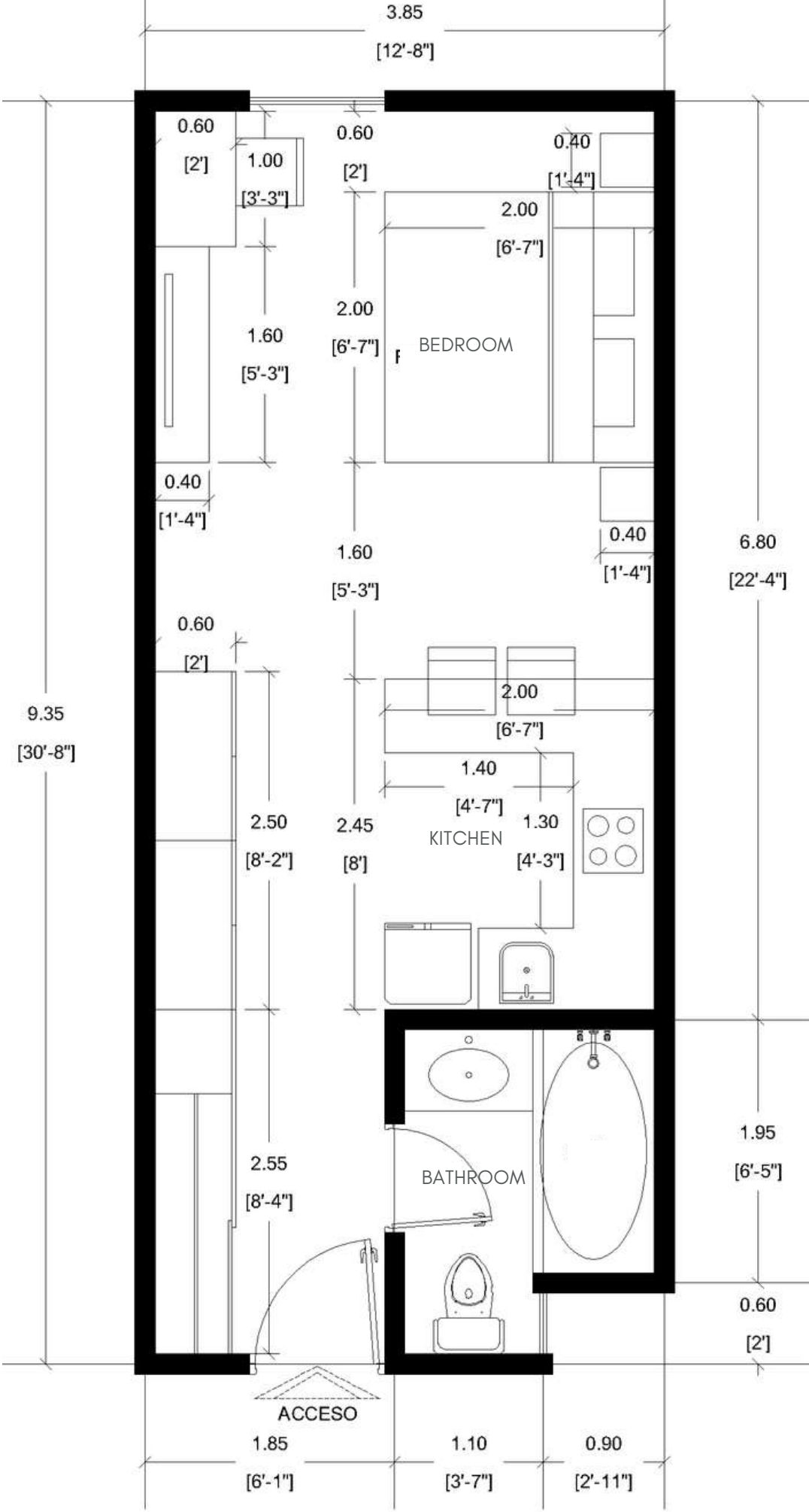
- Loft-type apartment
 - Full bathroom
 - Kitchenette
 - King or single bed
- Reception – Access control
- Laundry
- Common areas
- Parking

Explanatory Sketch

In the sketches, free and conceptual experimentation can be observed. This is the part where, accompanied by 3D study models, a series of sketches are made that allow us to see through them a free evolution of the preliminary project. In this particular case, experimentation with sketches was intense in order to have a clear idea of the main idea of the preliminary project.



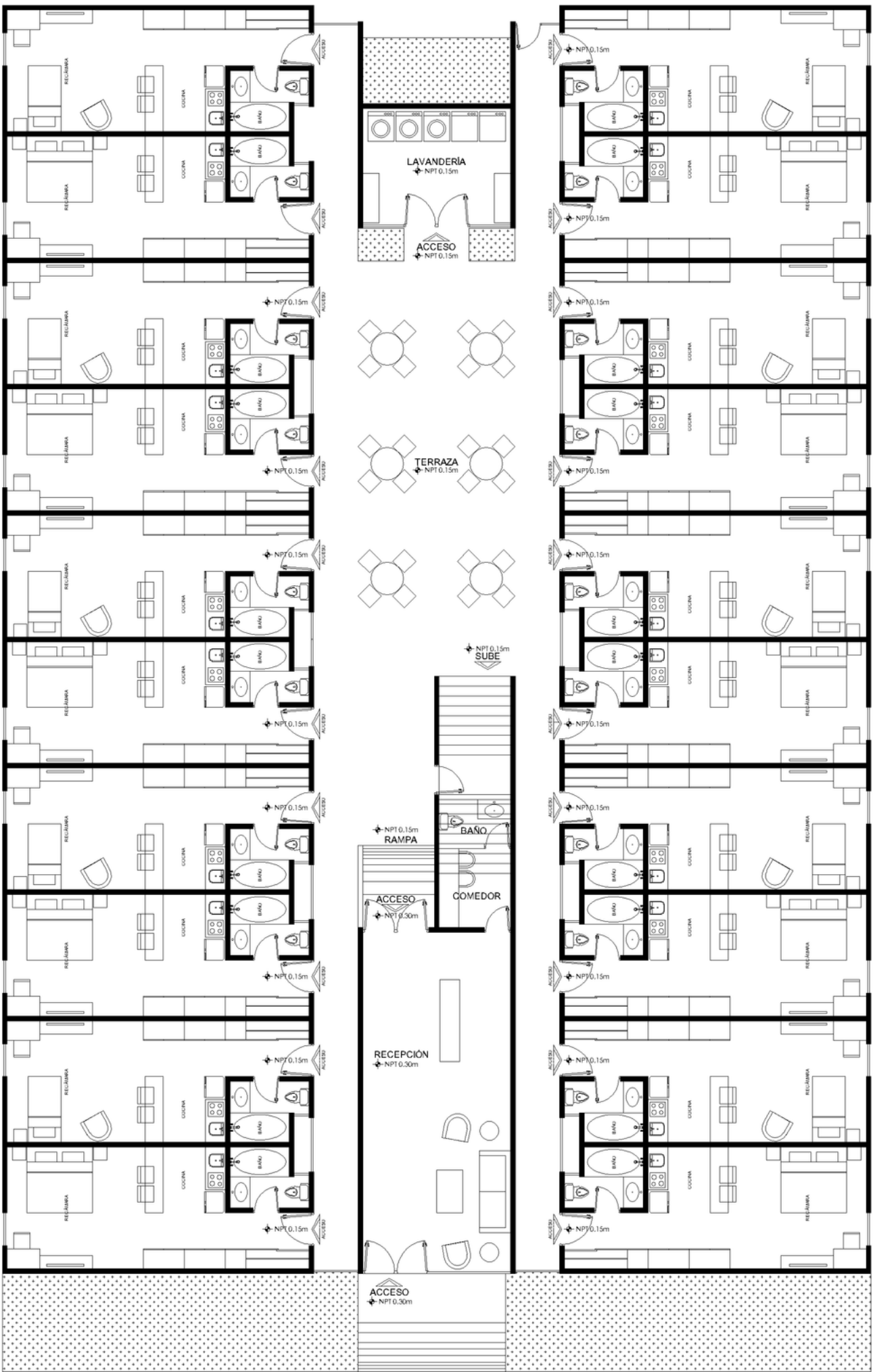
APARTMENT TYPE FLOOR PLAN



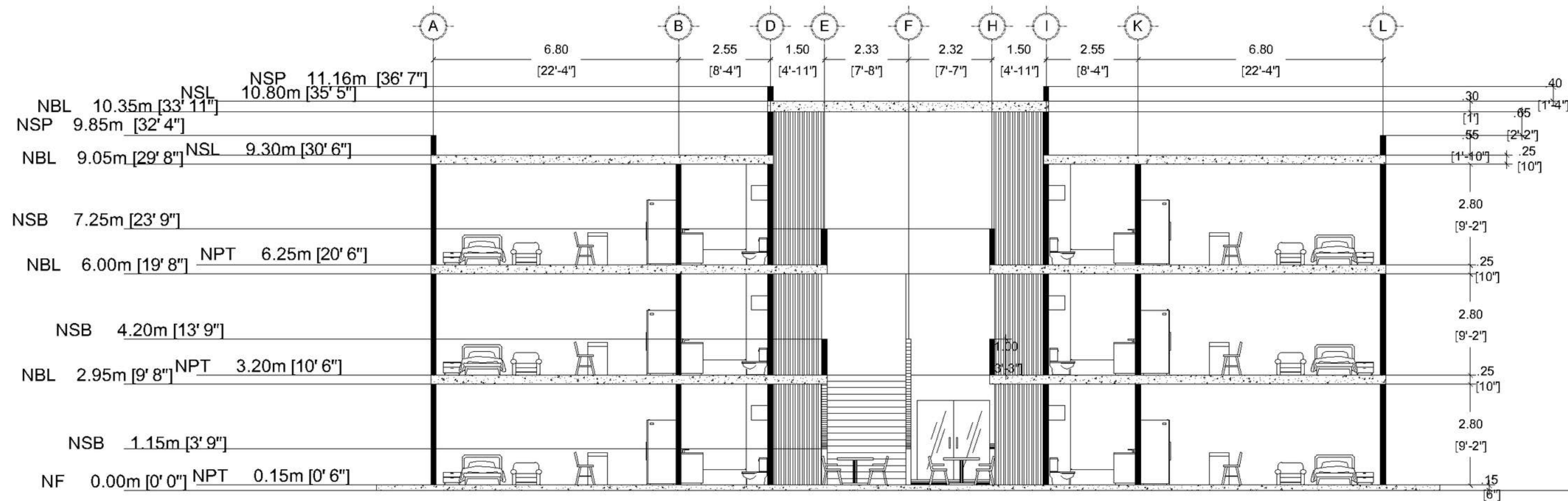
Item 2.

This floor plan shows a 1000 sq. ft. apartment. The layout includes a kitchen with a refrigerator, stove, and sink; a living area with a sofa and coffee table; a dining area with a table and chairs; a bedroom with a bed; a bathroom with a toilet, sink, and shower; and a storage area. The apartment is accessed through a door labeled 'ACCESS'.

GROUND FLOOR



SCHEMATIC CUT



Analysis of Areas

RENTABLE AREA

Typical Apartment
353.48 ft2

→

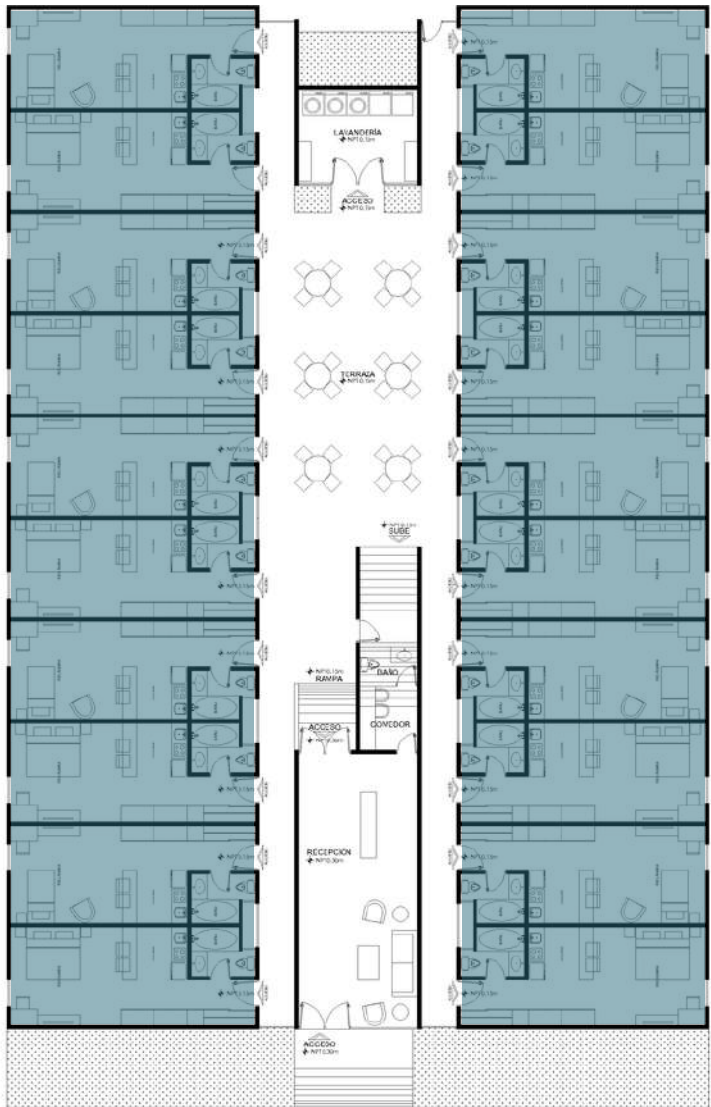
10 Apartments on
each level per tower
3,534.80 ft2

→

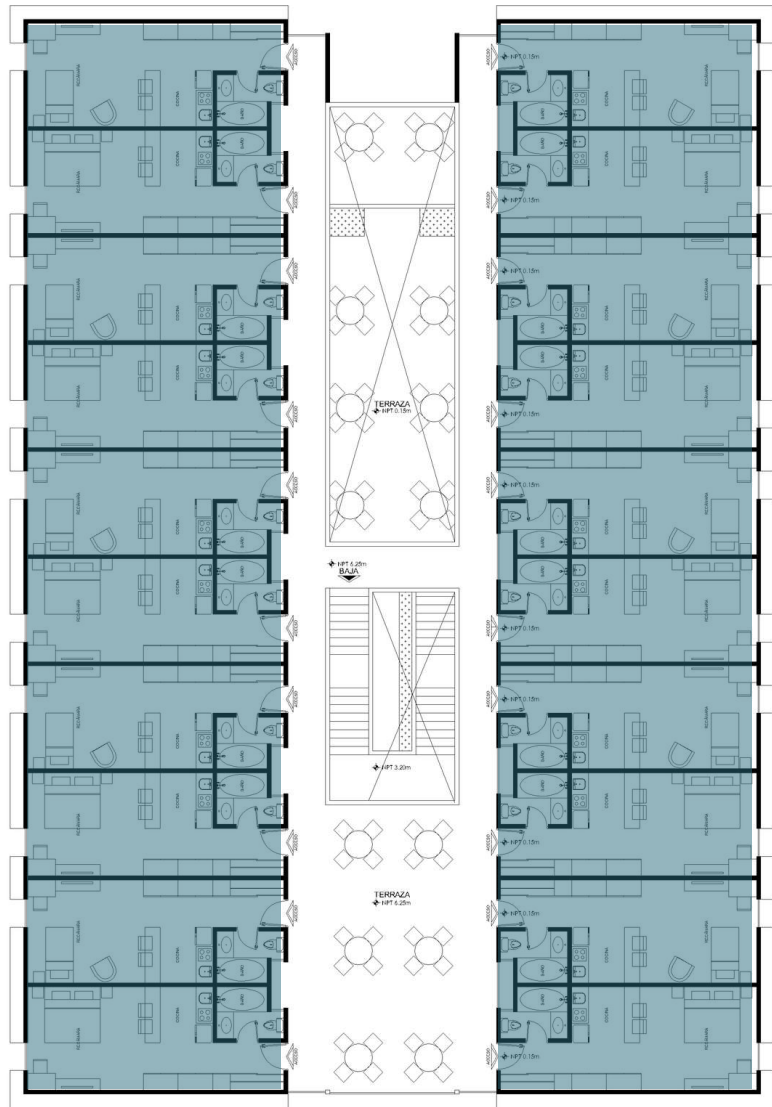
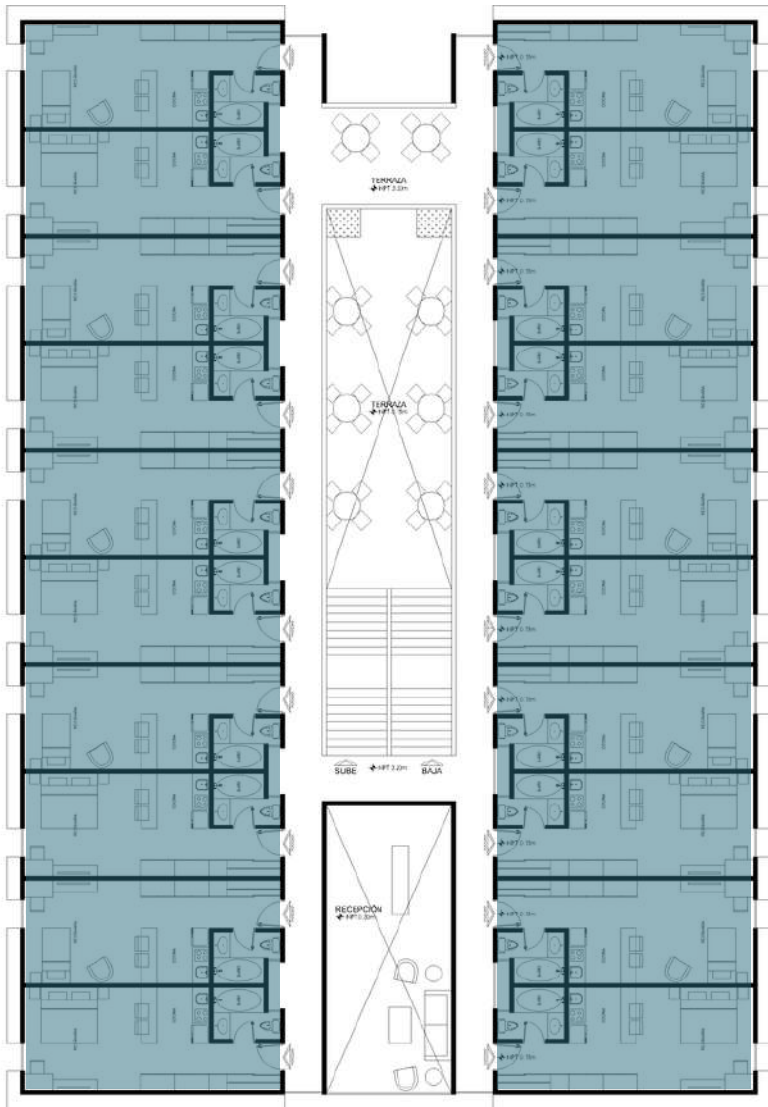
30 Apartments per
tower
10,604.40 ft2

→

TOTAL
60 Apartments
21,208.80 ft2

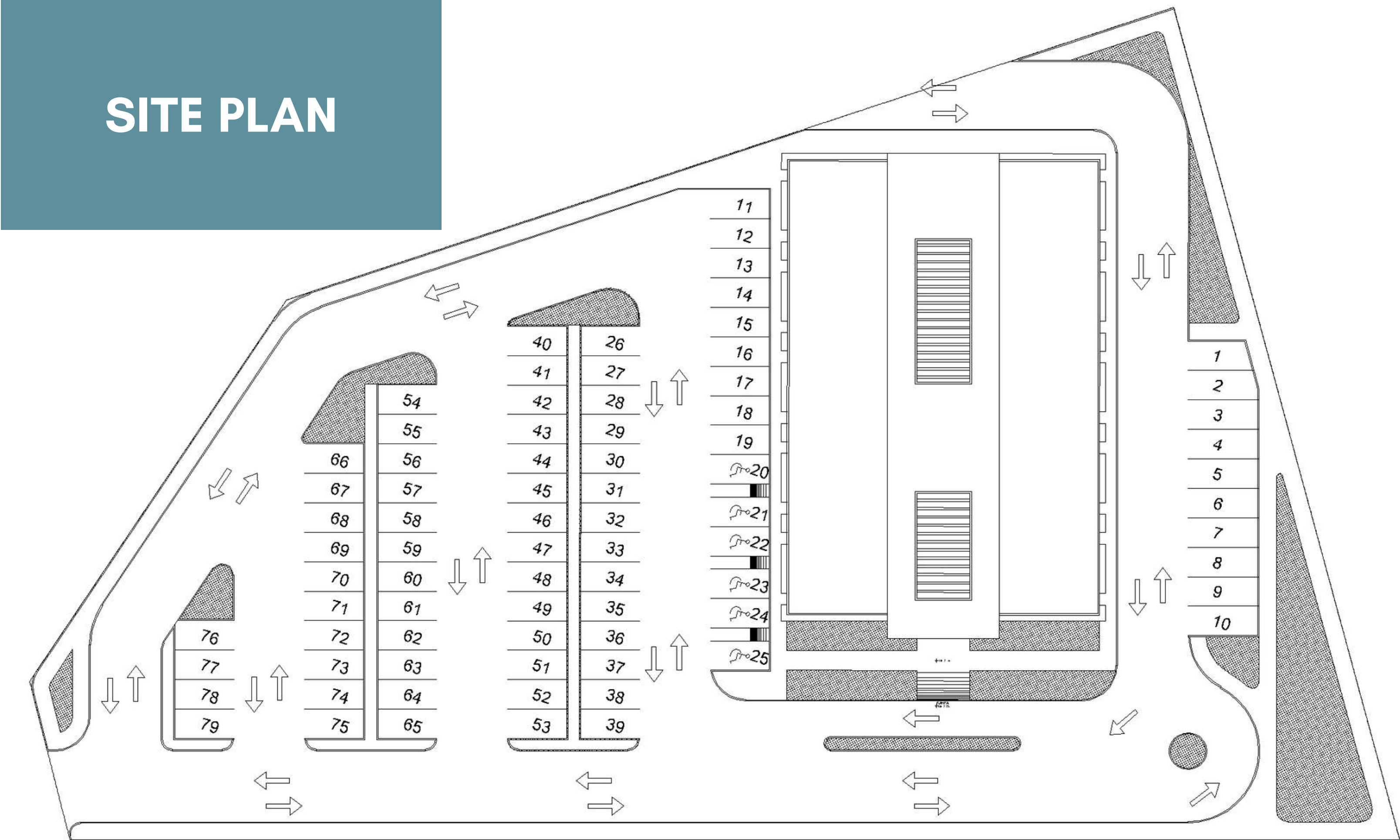


ARCHITECTURAL PROJECT



DESILOS REAL ESTATE LIVING

SITE PLAN



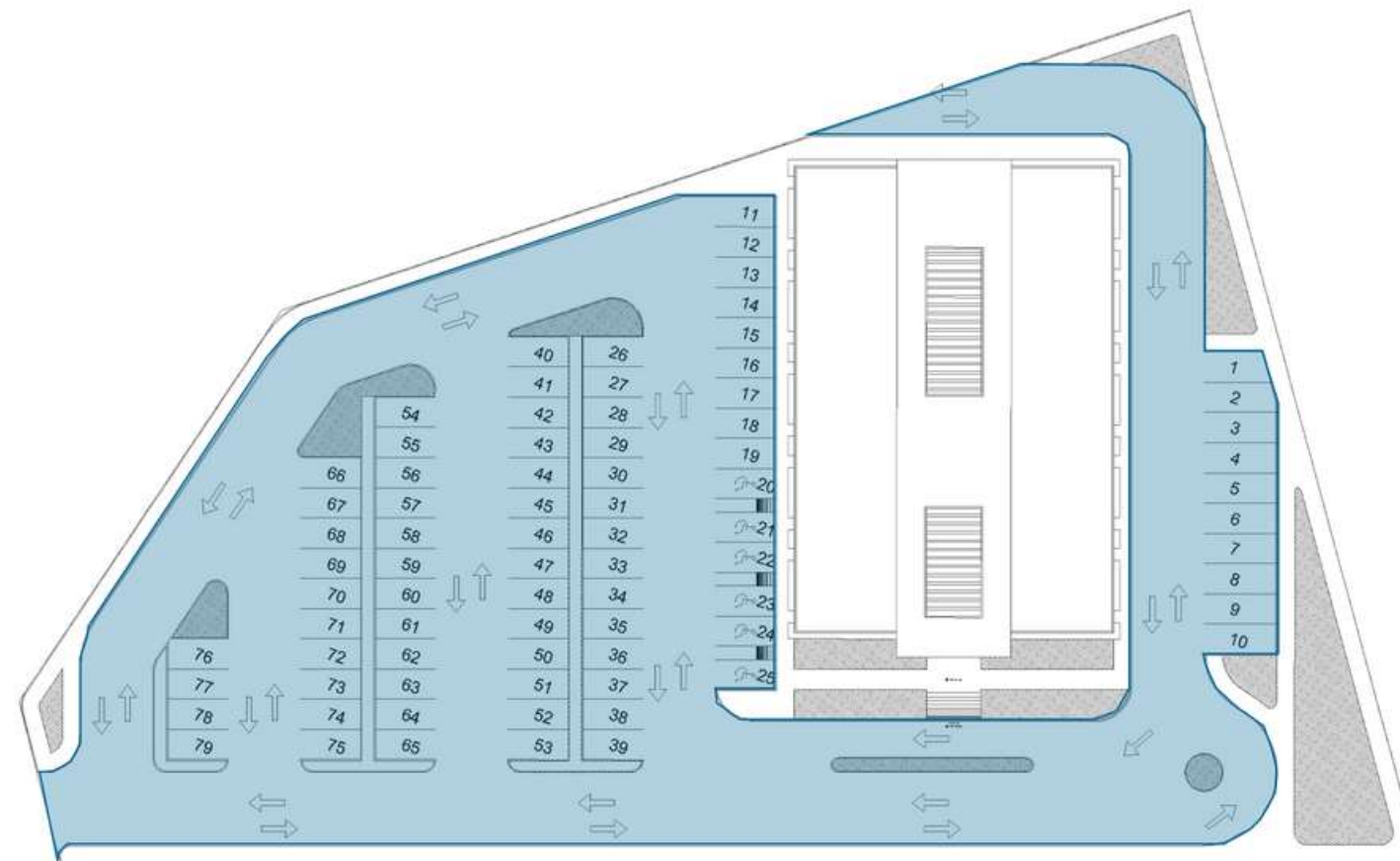
PC PLANTA DE CONJUNTO
1:150

Analysis of Areas

Item 2.

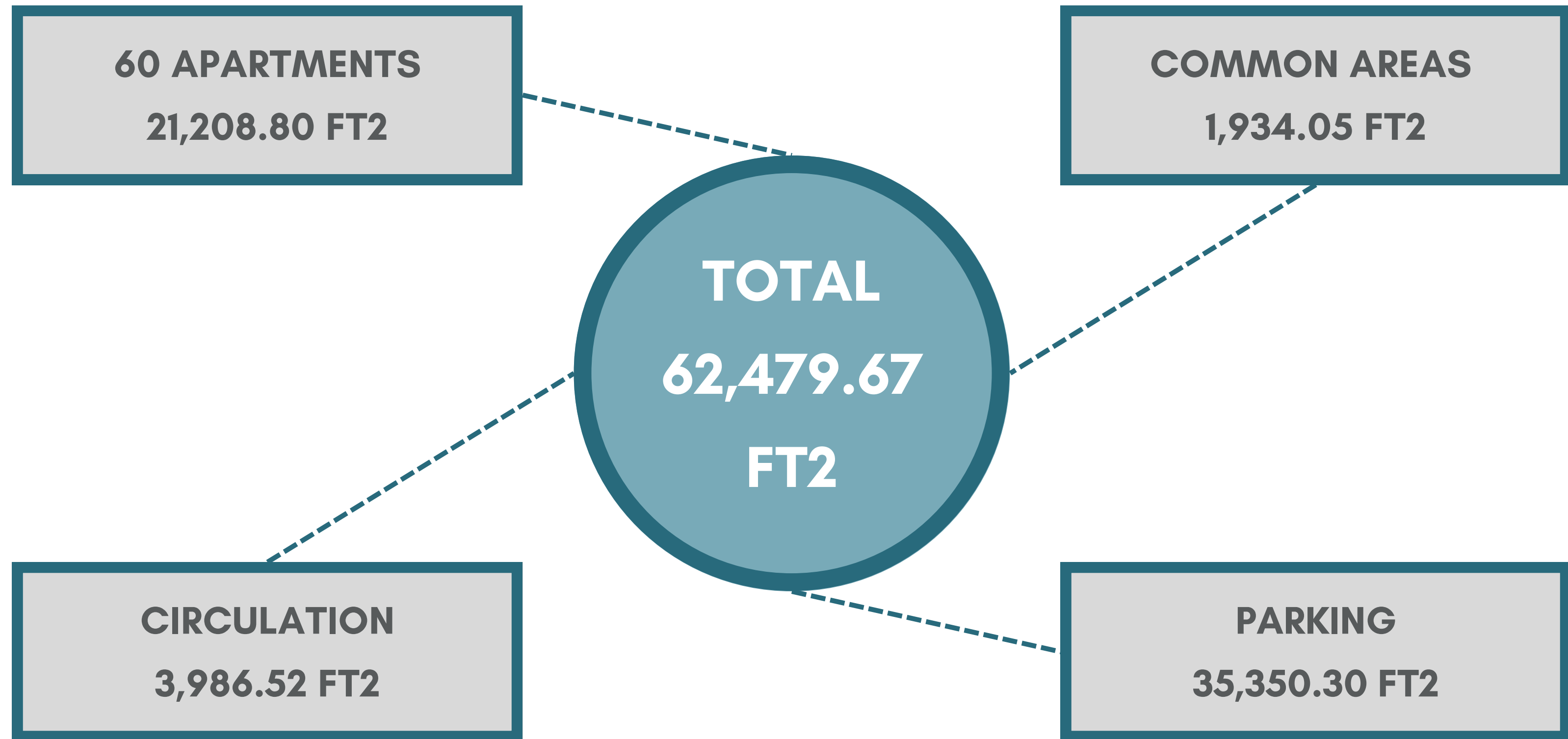
PARKING

6 Parking spaces → for people with disabilities → **60 Parking spaces** → for tenants (1 space per Apartment) → **13 Parking spaces** → for visitors or staff → **TOTAL 35,350.30 ft²**



Analysis of Areas

Item 2.

























¡Thank You!



@ @octa.projects

Monterrey, Nuevo León, México

Property Identification #: 81143	Property Information: 2023	Owner Identification #: 78218
Geo ID: S0027-00000-0001-00 Situs Address: 206 BONORDEN ST PORT LAVACA, TX 77979 Property Type: Real State Code: F1	Legal Description: BLASINGIM SUBD (PL), LOT 1, ACRES 1.599 Abstract: S0027 Neighborhood: PORT LAVACA COMMERCIAL Appraised Value: N/A Jurisdictions: G05, NV6, S01, C04, FML, CAD, GWD	Name: DESILOS MARIO H Exemptions: DBA: COASTAL R V SALES & SERVICE



Calhoun CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Calhoun County Appraisal District expressly disclaims any and all liability in connection herewith.

COMMUNICATION

SUBJECT: Review and discuss proposed additions and updates to the current sign ordinance.

INFORMATION:

Chapter 36 SIGNS¹

Sec. 36-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign. A temporary, freestanding sign, consisting of two (2) message panels attached by a hinge or similar device along their top edge, which is placed on the ground with the base of each panel separated by a sufficient distance to allow the sign to stand upright without other support. For the purposes of this definition, A-frame signs include single message panels that are mounted on a wood or metal base which provides the stability and support necessary for the sign to stand upright without attachment to a structure.

Abandoned sign means a sign that advertises to direct persons to any business, commercial transaction or activity, goods, products or services that were once, but are no longer offered, available, or located at the advertised premises. A sign that has not been used for advertising for one year to identify or advertise a bona fide business, lessor, service, owner, product, or activity; and/or for which no legal owner can be found.

Advertise means promoting, identifying, or calling attention to a business, product, service, or activity, through use of words, symbols, figures, or similar means.

Area means the projected area of the face of the sign and any border, frame, or support attached to the edges. For figuring maximum area, only one side of a double-sided sign will be used.

Banner sign means any temporary sign other than a pennant, which is made from a lightweight material.

Billboard means a sign, which directs attention to a business, product, service, or activity that is not offered, sold, or conducted on the same lot upon which the sign is displayed.

Building code means the nationally recognized standards adopted by the city to regulate building within the city and its extraterritorial jurisdiction.

Building frontage means the length of an exterior building wall or structure of a single premises oriented to the public way or other properties it faces.

Building site means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as a required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

Canopy sign means any sign that is attached or is part of an awning, canopy or other fabric, plastic or structural protective covering over a door, window or outdoor service area.

Construction sign means a sign placed by a company participating in the construction or financing on the property on which the sign is placed.

Digital Sign means an on-premises sign or billboard on which the message or copy can be electronically changed by remote or automatic means. Such sign shall be considered an on-premises sign if all of the messages displayed on the sign relates to on-premises activities.

¹State law reference(s)—Regulation of signs by municipalities, V.T.C.A., Local Government Code Ch. 216.

Directional sign means an on-premises sign giving directions, instructions, or facility information, such as parking or exit and entrance signs.

Easement means a strip of land granted by the property owner for use by the general public, utility companies, or private individuals.

Effective area/face means the area of the sign, which contains the advertisement, excluding any framing, trim or supporting structure.

Electrical sign means a sign or sign structure that incorporates electrical wiring, connections, lights or fixtures.

Electronic messaging sign means a sign in which the wording, symbols or figures change automatically no less than once every three seconds. This type of sign may be considered a billboard if 50 percent of the messages relate to off-premises activities.

Erect means to build, construct, assemble, emplace, affix or any other way to bring into being or establish.

Face means the entire advertising area of a sign excluding framing, trim, or supporting structure.

Financing sign means a sign identifying a financial institution participating in development of the property on which it is located.

Flag means a type of wind device that is specifically designed for display by attaching it to the lanyard of a flagpole.

Flagpole means a freestanding pole with an attached lanyard that is permanently affixed to the ground or a building and is designed for and is intended to be for the display of one or more flags.

Freestanding sign means any sign that is self-supporting as a result of being permanently affixed to the ground. This type of sign shall not be attached to any building or other structure.

Glare means an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.

Governmental sign means any sign erected, placed or constructed by any federal, state or local governmental agency.

Ground sign means a sign in which the bottom of the face is no more than one foot above the ground.

Height means the vertical distance measured between the tallest part of the sign or its structure which ever is taller and the average ground level beneath the sign.

Monument sign means a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick, and is not supported by a pole or poles.

Multifaced sign means a sign with three or more faces.

Off-premises sign means an outdoor sign displaying advertising that pertains to a certain entities or activities not principally located on the premises on which the sign is located.

On-premises sign means a sign that advertises a business, product, services or activity offered, sold or conducted on the premises on which it is located.

Pennant Sign means any piece or series of similar pieces of lightweight plastic, fabric, or other material, whether or not containing a message of any kind attached to a structure, rope, wire, or string, designed to move in the wind and attract attention to a business, product, service, or activity. Structures that are erected for the sole purpose of erecting pennant signs or that are an integral part of any pennant sign shall not be allowed; all pennant signs shall be suspended from existing on-site structures having received prior approval of the Building Official.

Portable sign means any sign that is not permanently affixed to the ground or to a building, which is designed to permit removal and reuse.

Premises means:

- (1) For any developed property, the area of real property, which encompasses all the buildings, structures, appurtenances and contiguous land devoted to a common use and not separated by a public street, such as a shopping center or mall.
- (2) For undeveloped property, the area of real property designated as a lot on a plat approved in accordance with law and filed with the county clerk's office, or an unplatted tract of land as conveyed by deed of operation of the law and recorded in the county records as a deed.

Projecting sign means a sign that is attached to a building wall or other structure that runs perpendicular to the wall or structure to which it is attached.

Realty sign means a temporary sign used to advertise a real estate development site or to advertise that real estate is for sale, rent or lease.

Right-of-way means the land opened, reserved, or dedicated for a street or roadway, sidewalk, drainage area, railroad or other public purpose.

Roof sign means any sign affixed to the roof of a building

Setback means the horizontal distance from the property line to the closest part of the sign.

Sign means any object, device, display, or part thereof, visible from a public street, which is used to advertise a business, product, service, or activity.

Temporary means a period not to exceed 30 days per year.

Temporary or portable sign means any sign that is not permanently attached to the ground or to a building, or that is not designed to be permanently attached to the ground or building, including, but not limited to torpedo signs, A-frame signs, inflatable device signs, wind-driven signs, real estate signs, temporary directional signs, promotional posters, banners, and political signs as herein defined.

Wall sign means any sign affixed flat against and parallel to a building wall.

Wind sign means any flag, banner, pennant, streamer, balloon or similar sign made of cloth, canvas, plastic or other flexible material, with or without a frame or supporting structure, that moves or is designed or intended to blow in the wind.

Window/door sign means any lettering be it painted or adhesively affixed to a door or window.

(Ord. No. G-5-05, § 2, 6-27-2005)

Sec. 36-2. Applicability.

- (a) This section shall apply to all signs located within the corporate city limits ~~and extraterritorial jurisdiction,~~ except as provided in subsection (b) of this section.
- (b) Any sign that already exists and is in good repair shall be allowed to remain as long as it remains in good repair. If any existing sign should fall into disrepair to the point of being a danger to the safety of the property owner or the general public, the sign shall be removed or made to come into compliance with the provisions of this chapter. Should a property owner want to replace an existing sign, the new sign shall be in compliance with the provisions of this chapter. Any portable sign shall be removed within 30 days of the effective date of the ordinance from which this chapter is derived. Persons having portable signs may apply for a permit to maintain such sign for a period of no more than 30 days.

(Ord. No. G-5-05, § 1, 6-27-2005)

Sec. 36-3. Requirements generally.

- (a) No sign, sign structure or sign support shall be placed nearer to the property line than 10 feet and shall not be upon or project over any public property, right-of-way, easement or abutting property.
- (b) No sign shall be erected, constructed, or maintained as to obstruct any means of egress, or any opening necessary for required light, ventilation or firefighting or escape from the premises, or as to prevent free passage from of the roof to any other part thereof.
- (c) No sign shall be attached to any exterior stairway, fire escape, firewall or balcony serving as a horizontal exit.
- (d) No sign will obstruct the use of any window above the first story that is a required means of egress to a fire escape.
- (e) All signs shall be constructed and erected as to prevent the accumulation of rainwater in the sign.
- (f) The ground under and adjacent shall be kept free of weeds, high grasses, and trash.
- (g) Should more than one sign-related definition apply to a proposed sign the owner may choose the definition that is to apply; however, all of the regulations for that type of sign shall be met without exception. If one of the definitions is a prohibited sign it shall remain a prohibited sign.
- (h) All signs constructed, or erected shall comply with the building code that is in effect at the time of the application for a permit.
- (i) All sign plans shall have affixed to it a professional engineer's seal, however, an exception exists for flags, banners and pennants, which do not require a professional engineer's seal.
- (j) All signs shall match the color scheme of the business, which they are advertising. For example, if the building is brick then the sign shall be constructed of the same type of brick, or if the building is constructed of other materials and painted the sign shall match the buildings paint color.
- (k) All signs shall identify individual business, residential, and public use without creating confusion, unsightliness, or visual obscurity.

(Ord. No. G-5-05, § 3, 6-27-2005)

Sec. 36-4. Prohibited signs.

The following signs shall be prohibited:

- (1) Signs with flashing, blinking or traveling lights which are located within 100 feet of any street right-of-way or 1,000 feet of any intersection, except for time, temperature and electronic messaging signs;
- (2) ~~Sandwich or A-frame signs~~, sidewalk or curb signs;
- (3) Signs upon trees, rocks, bridges, street sign poles, or utility poles, or signs utilizing such objects for all or part of their support;
- (4) Off-premises signs, unless otherwise authorized by this ordinance;
- (5) Portable signs, unless otherwise authorized by this ordinance;
- (6) Billboards;

- (7) Any sign that is painted, or attached to any fence, railing or wall that is not a structural part of a building except for signs that are commonly associated with safeguarding the use of the occupancy, such as "no trespassing" and "beware of dog" signs;

- (7) Projecting signs;

- (8) Signs made of cardboard; and

- (9) Abandoned signs

(Ord. No. G-5-05, § 4, 6-27-2005)

Sec. 36-5. Permits.

- (a) *Required.* All signs shall require a building permit. It is an offense for any person to erect, construct, install, place, relocate, maintain or alter, within the City, any sign for which a Sign Permit is required without first obtaining a Sign Permit and paying the necessary fees.

- (i) A Sign Permit is not required for repair, repainting, or maintenance that does not entail structural or electrical change

- (b) Inspections required. All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction.

- (b) *Criteria.* The following will be needed to obtain a permit:

- (1) Two sets of plans approved by a professional engineer registered in the state. The sign must be rated to meet the wind code;
 - (2) Site plan;
 - (3) Completed application for permit; and
 - (4) Proper city and or state licenses.

- (c) *Exception for plans.* Banners, flags and pennants do not require plans.

(Ord. No. G-5-05, § 5, 6-27-2005)

Sec. 36-6. On-premises signs.

- (a) Freestanding signs shall be subject to the following:

- (1) Only one freestanding sign will be allowed on each lot that front only one public street. For lots fronting more than one public street a freestanding sign will be allowed for each street.
 - (2) The maximum allowable effective area for freestanding signs will be 60 square feet.
 - (3) Multifaced signs shall have a maximum effective area of 180 square feet.
 - (4) The maximum allowable height shall not exceed 20 30 feet.
 - (5) Such signs may not rotate.
 - (6) Such signs shall meet the setback requirements of section 36-3(a).

- (b) Wall signs shall be subject to the following:

- (1) Such signs shall not project from the wall more than two feet.

- (2) The maximum area of such signs shall not exceed 30 percent of the area of the wall on which it is mounted. In multi-tenant buildings on the same lot the wall sign area shall not exceed 30 percent of the tenants wall area on which the sign is to be mounted.
- (c) Canopy signs shall be subject to the following:
 - (1) Such signs shall not extend beyond any edge of the canopy.
 - (2) One sign may be hung under the canopy providing that it is no closer to the ground than eight feet. In buildings with multi-tenant buildings each tenant may have one canopy sign.
- (d) Permits for Roof signs shall be subject to the following:
 - (1) Such signs shall not project beyond any exterior wall of the building on which such signs are mounted.
 - (2) Such signs may rotate not more than 6 revolutions per minute.
 - (3) The maximum height of such signs shall be 15 feet above the building upon which such signs are mounted.
- (e) *Electronic Signs*
 - (1) Electronic Message Signs with a static message shall not change more than once every 5 seconds and the message in its entirety must change within one second. Electronic Message Signs with scrolling messages shall scroll the entirety of the message within 3 seconds. No portion of the message shall blink or flash.
 - (2) Digital Signs shall display only a static image consisting of a message and background, including all graphics. The static image shall not change more than once every five seconds and the message in its entirety must change within one second. No portion of the message shall blink or flash.
- (g) Directional signs shall conform to the following:
 - (1) Such signs shall have a height no greater than three feet and a width no greater than three feet.
 - (2) Such signs may be placed no closer than five feet to the property line.

(Ord. No. G-5-05, § 6, 6-27-2005)

Sec. 36-7. Temporary signs.

- (a) Construction signs shall conform to the following:
 - (1) Such signs shall be located on premises no more than 30 days prior to the start of construction and removed no later than 15 days after construction is completed.
 - (2) Signs that have an area of 32 square feet or more must be constructed and tied down to meet the wind code. Signs that have less square footage may sit on the ground and be held in place by sand bags.
 - (3) One (1) construction sign may be used on a lot; corner lots are allowed one sign per street
 - (4) Permit not required
- (b) Realty signs shall conform to the following:
 - (1) If on a site being developed it shall be the same as subsection (a)(1) of this section.
 - (2) If located on a property for sale or lease, the sign may remain on the premises until the new owner or renter takes possession of the property.

(3) Permit not required

(c) Political signs shall conform to the following:

- (1) Such signs shall not be placed in public rights-of-way except at polling places.
- (2) Such signs shall be removed no later than 15 days following the election for which they are posted, except signs at polling places, which shall be removed immediately after the polling place closes.
- (3) Such signs shall be placed a minimum of 25 feet apart.
- (4) Signs with an effective area greater than 36 square feet shall not be placed within the city limits any sooner than 60 days prior to the election.
- (5) Such signs shall not be restricted on private real property except as permitted by V.T.C.A., Local Government Code § 216.903.

(6) Permit not required

(d) A-frame signs shall conform to the following:

(1) Where allowed. A-frame signs may be approved if

- (i) The business is within a structure that is located more than thirty (30) feet from a public street frontage, the site is developed with all other signs allowed by this section, and the business entry and the other exterior signs allowed for the business by this article are not visible from the public street; or
- (ii) The space occupied by the business within a building has no exterior wall adjacent to or visible from a public street.

(2) Placement. An approved A-frame sign shall conform to the following placement standards;

- (i) Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas).
- (ii) The sign may not obstruct pedestrian or ADA access from the sidewalk to transit stop areas, designated ADA accessible parking spaces, ADA accessible ramps or building exits including fire escapes. Signs may not impede or hinder the vision of drivers or bicyclists.
- (iii) The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices.

(3) Time limit. An approved A-frame sign shall only be placed within the working business hours of the business for which the sign is identifying.**(4) Permit required.**

(e) Banners, flags, pennants and **inflatables** shall conform to the following:

(1) Such signs shall be allowed for 180 days

- (2) Such signs shall not be torn, tattered, ripped or faded.
- (2) ~~Such signs are only to be attached to poles or other permanent fixtures owned and maintained by the owner of the premises.~~
- (3) ~~A permit will be issued yearly for this type of sign. These permits will expire December 31 of every year.~~

- (2) Such signs hung inside a place of business shall not constitute a sign
- (4) Such signs and inflatables shall not encroach any public right of way, shall not create a sight obstruction for vehicular or pedestrian traffic and shall not be attached to any public or franchised utility pole, support wire or tree.
- (5) One (1) banner sign and 1 inflatable may be used per place of business
- (6) One (1) pennant sign may be allowed every 20 feet per building frontage, corner lots are allowed one (1) pennant sign every 20 feet per street frontage.
- (7) No more than one advertising flag shall be allowed on each lot on which flag is advertising
- (8) Permit required.

(Ord. No. G-5-05, § 7, 6-27-2005)

Sec. 36-8. Signs on vehicles.

- (a) No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease unless such property is on the premises where the owner of such property advertised for sale or lease resides or conducts business or is on the premises of a business establishment engaged in the rental, sale, or lease of such property.
- (b) A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (c) Any vehicle containing advertising must be parked in an approved parking space. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (d) No person shall operate or park a vehicle on a street nor shall the owner of a vehicle permit the vehicle to be operated or parked on a street for the primary purpose of advertising.

Sec. 36-9. Existing signs.

All existing or legally permitted signs will be allowed to remain until such a time that they become unsafe, the business closes or has to be replaced for whatever reason. An exception exists for all portable signs, which shall be removed no later than 60 days following the adoption of the ordinance from which this chapter is derived.

(Ord. No. G-5-05, § 8, 6-27-2005)

Sec. 36-10. Administration.

The administration of this chapter shall be by the building official, or his designee, except that the removal of signs may be by other duly authorized persons.

(Ord. No. G-5-05, § 9, 6-27-2005)

COMMUNICATION

SUBJECT: Review and discuss the addition of a landscaping ordinance for non-residential and multi-family occupancies.

INFORMATION:

Definitions.

Building site means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as a required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

Buffer yard An area of land along the perimeter of a lot or parcel of land not constituting any part of a required yard and not on any portion of an existing right-of-way having thereon specified dimension, types and amounts of vegetation, or structures which may be required to reduce or eliminate the effects of land uses upon adjoining land uses or thoroughfares.

Intrusive/invasive species: Weeds, undesirable natural and/or nuisance plants or aggressive species

Open space: Area, excluding parking or paved area but including any side, rear or front yard or any unoccupied space on the lot, that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

Permeable/pervious area: An area having pores or openings that allow water to pass through that is sufficient to foster plant maturity, health, and absorbability.

Street yard means the portion of a lot between the street right-of-way, or easement, or common access drive, and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way.

Yard: An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward.

General Requirements.

- A. *Irrigation.* All landscaped areas shall be irrigated by means of a subsurface irrigation system for nonresidential, mixed-use, and multi-family lots that require continued or periodic watering to be sustained.
- B. *Clear view.* All landscaping shall be located so as to not interfere with the act of parking, so as to not create traffic hazard by obscuring driver or pedestrian vision of intersections, walkways, driveways, and streets or a combination thereof.
- C. *Time allowance.* All approved vegetative landscaping, including screening and irrigation systems, shall be in place prior to the issuance of a certificate of occupancy, or if reasonable considerations prohibit completion of the planting of landscape material, a temporary certificate of occupancy may be issued for such time as is reasonable.
- D. *Maintenance.* It is the responsibility of the owner, tenant, or anyone exercising control of the premises, and their agents and employees, shall be responsible for the placement and maintenance of all landscaping required herein, including irrigation systems; and to keep same in good condition as to present a healthy, neat and orderly appearance free of debris.
- E. *Requirements.* Requirements for the removal and/or planting of all landscape material is set out in this article. The minimum landscape surface ratio (LSR) is combined with

this Section, in addition to other applicable requirements of this article, to determine the type, quality, quantity, and location of required landscape material on a parcel proposed for development.

Purpose and Intent.

The purpose of this article is to establish landscaping standards that protect and preserve the appearance and character of the City, improve the compatibility of abutting uses, protect the health and quality of life of the residents through the preservation of protected trees on property within the City, and conserve scarce water resources by promoting the planting of native and drought-resistant trees and shrubs. In establishing these standards, it is the City Council's intent to encourage the preservation of trees and their value to the community, increase the compatibility of abutting uses, aid in energy conservation and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an adjoining or nearby use.

Applicability of Standards.

This article applies to all new development, redevelopment, and substantial improvements in the city, and where specifically indicated, to existing trees and landscaping.

A. Exceptions. The following are exceptions to the standards of this article:

1. Individual existing lots of record that are used for existing single-family detached or attached dwellings, or duplexes.
2. Modifications to nonresidential buildings where the building expansion or redevelopment does not exceed the gross floor area of the existing building by more than 10 percent or 3,000 square feet, whichever is less.
3. Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping in compliance within this article would be impractical or unreasonable, in which case the Pre-Development Committee may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided.

Landscape Plan.

A landscape plan is required where this article specifies below and shall apply to all building sites within the city limits where any of the following conditions are present:

(a) *New construction:*

- a. Any new building construction for which a building permit is required.
- b. Any construction of a new parking lot or parking area.

- (b) *Additions/renovations*: Any building addition or renovation exceeding fifty (50) percent of the existing building area or existing building value as defined by the footprint of the existing building for which the building permit is required.
 - (c) *Parking lot additions*: Any parking lot addition on an existing or legal non-conforming property by more than one thousand (1,000) square feet or ten (10) percent in area of the existing parking lot must add landscaping in conformance with the provisions of this article.
- A. The landscape plan shall have the following information and must be submitted concurrently with and approved as a part of the application for building permit:
 - a. A planting plan of landscape material identifying location, size and quantity and labeled by its scientific and common names.
 - b. Plans with dimensions and elevations, where appropriate, of special structural elements such as fences, walls, planters, fountains, berms, walkways, irrigating systems, and other elements included as special features to the landscape plant material. For the purposes of evaluating the effectiveness of proposed screening, site sections may be required.
 - c. Building outlines, parking areas and arrangements, fences, monument signs and other structural features to be constructed on the site.
 - d. Dimensions and locations of sight distance triangles.
 - B. *Changes to the landscape plan*. Prior to alteration, enlargement, or change to an approved landscape plan, an amended plan shall be submitted to and approved by the Director of Development Services and shall be submitted in accordance with the provisions of this article.
 - C. *Required Landscape Surface Ratio*. A minimum of 10 percent of the total building site, as defined herein, shall be devoted to landscaping; except that the square footage of all portions of the building site covered by buildings footprints or areas designated as fenced and secured storage areas shall be subtracted from the building site area prior to making the 10 percent calculation. At least 70 percent of the required landscaped area shall be located within the street yard. For multiple-family developments, where it would be more desirable to disperse the landscaping throughout the site, the percentage of landscaping to be located in the street yard may be reduced by the approval of the Pre-Development Committee.

General Landscape Area Requirements.

- A. Landscape areas shall meet the following requirements:
 - 1. Only approved landscape plants count towards the landscape requirements of this Article. Such plants shall be suitable for the City's region in accordance with the most current U.S. Department of Agricultural Hardiness Zone Map.
 - 2. Plants that are not suitable for the City's region are allowed, but they are not counted towards compliance with this Article.

3. Plant species that are listed as *Invasive and Noxious Weeds* list for the State of Texas by the United States Department of Agriculture or on the *Texas Noxious and Invasive Plants* list by the Texas Department of Agriculture, are not allowed in the City.
4. Landscaped areas shall include a combination of the following types of materials: trees, shrubs, annual and/or perennial plants, vines, grass, and/or groundcover. Nonliving, durable materials commonly used in landscaping, such as, but not limited to organic mulches, rocks, pebbles, sand, walls and fences, but excluding paved surfaces, may also be utilized in landscaped areas. Pervious, decorative paving materials and brick pavers may be included in the form of walkways or driveways through landscaped areas; however, off-street parking areas paved with such materials shall not be considered as landscaped areas.
5. All landscaped areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to and encroachment of these areas.
6. At least one tree shall be provided per 800 square feet of landscaped area required by the provisions of this section. A landscaped area of at least five feet by five feet shall be provided surrounding each tree. shall be a minimum caliper of two (2) inches and a minimum height of five (5) feet when planted. Outdoor car lots and other exhibitors of merchandise will be exempt from the tree requirement on any part of the landscaped areas that directly abut the show or display area.
7. Shrubs, annual and/or perennial plants, vines, grass, and ground cover planted to meet the requirements of this section shall be good, healthy nursery stock. Shrubs shall be a minimum of one (1) foot in height or width when planted.
8. Grass areas shall be planted in species normally grown as permanent lawns in The City of Port Lavaca. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in the right-of-way, street yard and swales or other areas subject to erosion.

Planting Locations.

In addition to the other requirements of this Article, the following rules apply to the installation of plants.

1. Restrictions.

- a. Trees, shrubs and other landscape materials which will exceed 2 feet in height shall not be installed in public right-of-way.
- b. The City shall not be responsible for the maintenance of landscaping installed in public right-of-way. Nor will the City be responsible for the replacement of landscape materials or irrigation which must be removed during the repair or maintenance of utilities or other public improvements.

2. Distance from Utilities.

- a. No street trees or large trees shall be planted under or within 10 lateral feet of any overhead utility lines.
- b. No trees, except street tree species that are approved by the City, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the specific easement.

3. Sight Distance Triangles. Trees or hedges shall not be installed in locations where there is a substantial likelihood that the mature form of the tree would have to be materially compromised in order to maintain sight distance triangles at the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.

Completion of Landscape Improvements.

1. Buffer yard and Street Trees. Buffer yard and street tree landscaping must be completed prior to a certificate of occupancy being issued. If this requirement would result in the installation of landscaping during an inappropriate season, then the City may:

- a. Allow the site plan to be recorded upon condition that security is provided for the installation of the required landscaping during planting season; or
- b. Issue a temporary certificate of occupancy, on the condition that a permanent certificate of occupancy will not be issued unless the required landscaping is installed.

2. All Other Landscaping. All other landscaping must be installed before issuance of a permanent certificate of occupancy. A temporary certificate of occupancy may be issued if necessary to allow for the planting of landscaping improvements during an appropriate season or weather condition.

J. Maintenance.

a. For a period of one year from the issuance of a certificate of occupancy, maintenance of the landscape areas and plantings required by this Article shall be maintained and all plant materials that die shall be replaced by the owner/operator.

b. The City may inspect each site periodically after issuance of the certificate of occupancy to ensure compliance with the Article.