



ADMINISTRATIVE LICENSE TO USE DEVELOPMENT SERVICES DEPARTMENT

Planning and Development Division
3015 Market, Galveston, TX 77550

409/797-3660

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www.galvestonTX.gov

What types of Licenses to Use (LTU) can be administratively reviewed?

1. A-Frame (Sandwich Board) Signs
2. Architectural Features (ex: awnings, cornices, and roof overhangs)
3. Canopies
4. Construction Items and Safety Fencing
5. Dumpsters in alleys, downtown only
6. Golf Carts and Neighborhood Electric Vehicles
7. Merchandise Displays
8. Minimal Residential Encroachments (ex: porches and stairs on older houses)
9. Potted Plants
10. Public Art – Tree Sculpture
11. Residential ADA Ramps
12. Street Furniture (ex: benches, bike racks, etc.)
13. Subdivision Improvements
14. Subdivision or Neighborhood Identification Signage
15. Surreys
16. Tables and Chairs
17. Underground Foundations

What are the standards for approval of an administrative LTU?

Each of the above items has specific criteria that must be met in order for an administrative LTU to be considered. Please see attached criteria list.

I. PROPERTY INFORMATION

Street Address/Location

Legal Description (Lot Number, Block Number, Subdivision)

II. APPLICANT INFORMATION

Property Owner Name

Telephone

Mailing Address

E-mail Address

Applicant/Representative Name

Telephone

Mailing Address

E-mail Address

III. DESCRIPTION OF THE REQUEST

(Please indicate which type of LTU is being requested. Attach additional pages if necessary)

IV. ACKNOWLEDGEMENTS

I certify that [] I am the legal owner on record, or [] I have secured the property owner's permission and have full authority to make this application, and that the above information is correct and complete to the best of my knowledge and ability.

Please read and initial below:

_____ I understand that all documents submitted with this application are subject to open records requests in accordance with the Open Records Act / Texas Public Information Act.

_____ I understand that receipt of an application does not constitute application completeness and that staff will review the application and return incomplete applications. I understand that application fees are non-refundable once an application has been accepted and processed.

_____ I understand that a Certificate of Appropriateness is required when the request is within a locally designated historic district.

_____ I understand that a public hearing by the Planning Commission will be required in the following circumstances and that the Planning Commission may either approve, approve with conditions or with modifications, or deny the LTU:

1. The proposed project does not conform to the attached standard criteria;
2. An objection is received from any of the reviewing bodies; or
3. The Director of Development Services Department shall reserve the right to forward any application to the Planning Commission for review.

Printed Name and Signature of Applicant

Date

Printed Name and Signature of Adjacent Property Owner

Date

V. APPLICANT CHECKLIST

- ✓ All documents should be provided in 8.5" x 11", or please fold to appropriate size if larger. All drawings must be to scale.
- ✓ Please provide electronic copies, if available. Other pertinent information to support said request should also be attached.

[] **Written Narrative** – including:

- Type of LTU requested
- Justification of request for placing items in the City right-of-way
- Narrative describing in detail the design and materials of the items to be placed in the City right-of-way
- Photographs of the proposed items, when located within a historic district

[] **Site Plan** – including:

- Scale, North Arrow, Legal Descriptions, Street Address
- Location, dimensions, and description of items currently located in the City right-of-way
- Location, dimensions, and description of all proposed items to be placed in the City right-of-way

[] **Non-Refundable Application Fee \$50.00** (payable to the City of Galveston)

Please note there are additional fees associated with the approval of a License to Use the City right-of-way, including:

- A one-time fee of \$50.00 for the first \$1,000.00 of cost for labor and materials and \$25.00 for each additional \$1,000.00. Please provide cost of work here: _____. (for street furniture, architectural features, underground foundations, canopies, and subdivision improvements only)
- Annual Renewal fee, Canopy \$50.00 or \$1.00 per linear foot of right-of-way being used (fee less than \$50.00 is automatically waived).

[] **Title Report** – if adjacent property was purchased within the last 60 days.



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The following LTU types do not require additional reviews and may be issued by the Planning and Development Division on the spot, provided all of the criteria are met:

A-Frame (Sandwich Board) Signs

1. One (1) sign per establishment, placed directly in front of the associated business, may be permitted;
2. The maximum area shall be six (6) square feet. The width of the sign shall not exceed two feet (2') and the height of the sign shall not exceed four feet (4');
3. Signs may not be illuminated and shall be removed from the right-of-way every night at the close of business or by 11:00 pm, whichever is earlier;
4. The sign frame shall be painted/stained wood, anodized aluminum or metal only. Windblown devices, including balloons, may not be attached or otherwise made part of the sign; and
5. The licensee shall maintain a minimum of five (5) feet of unobstructed pedestrian access within the subject City right-of-way.

Golf Carts and Neighborhood Electric Vehicles

1. Approval shall be limited to placement of golf carts and/or neighborhood electric vehicles in the northerly right-of-way of Seawall Boulevard and the northerly or southerly right-of-way of Broadway Boulevard;
2. The licensee shall be limited to the placement of one (1) row of no more than eight (8) golf carts and/or neighborhood electric vehicles. The staff shall only grant one (1) license to use per business premises. The license to use may include both surreys and golf carts and/or neighborhood electric vehicles. However, the total number of surreys and golf carts and/or neighborhood electric vehicles may not exceed eight (8);
3. The licensee shall designate an area for the placement of the golf carts and/or neighborhood electric vehicles. Such area shall not be located in the paved portion of the right-of-way used for vehicular travel, or parking. The designated area shall allow for free passage along the right-of-way, and ensure that the sidewalk is not blocked more than fifty (50) percent and with at least a minimum of five (5) feet of unobstructed pedestrian access within the subject right-of-way;
4. Any operation of golf cart and/or neighborhood electric vehicles within the sidewalk area shall be by employees of the rental agency only. At all times when a golf cart and/or neighborhood electric vehicle is being operated in the sidewalk area, there shall be at least two employees present. One employee shall act as a spotter. The spotter shall act as a lookout and ensure there are no conflicts with pedestrians and the movements of the golf cart and/or neighborhood electric vehicles. Golf cart and/or neighborhood electric vehicles that are for sale shall not be displayed in the right-of-way.

Merchandise Displays

1. The licensee shall maintain a minimum of five (5) feet of unobstructed pedestrian access within the subject City right-of-way;
2. The location of the merchandise shall be located adjacent to the building and may only be placed directly in front of the associated business;
3. The merchandise shall be removed from the right-of-way every night at the close of business or by 11:00 pm, whichever is earlier.

Potted Plants

1. The licensee shall maintain a minimum of five (5) feet of unobstructed pedestrian access within the subject City right-of-way and a vertical pedestrian clearance of at least eight (8) feet from the sidewalk or right-of-way surface shall be provided;
2. The vegetation shall be kept in a healthy, growing, neat and orderly condition, at all times, replacing it when necessary and keeping it free from refuse and debris; and
3. Watering of the vegetation shall not pose a hazard to pedestrians.

Surreys

1. Approval shall be limited to placement of surreys in the northerly right-of-way of Seawall Boulevard;
2. The licensee shall be limited to the placement of one (1) row of no more than eight (8) surreys. The Staff shall only grant one license to use per business premises. The license to use may include both surreys and golf carts and/or neighborhood electric vehicles. However, the total number of surreys and golf carts and/or neighborhood electric vehicles may not exceed eight (8);
3. The licensee shall designate an area for the placement of the surreys. Such area shall not be located in the paved portion of the right-of-way used for vehicular travel, or parking. The designated area must allow for free passage along the right-of-way, and ensure that the sidewalk is not blocked more than fifty (50%) percent with at least a minimum of five (5) feet of unobstructed pedestrian access within the subject right-of-way;
4. Licensee shall agree to secure all surreys when not in use.

Tables and Chairs

1. The licensee shall maintain a minimum of five (5) feet of unobstructed pedestrian access within the subject City right-of-way;
2. The location of the tables and chairs (located adjacent to the building wall or located adjacent to the curb) shall align with those on adjacent property, if applicable;
3. The tables and chairs shall be removed from the right-of-way every night at the close of business or by 11:00 pm, whichever is earlier; and
4. If the tables and chairs result in an increased parking requirement, the licensee shall provide documentation of how the increased parking spaces will be accommodated.

The following LTU types require review by additional city departments and the private utilities. The time frame for review is approximately two to three weeks:

Architectural Features (ex: awnings, cornices, and roof overhangs)

1. A vertical pedestrian clearance of at least eight (8) feet from the sidewalk or right-of-way surface shall be provided.

Canopies

1. A vertical pedestrian clearance of at least eight (8) feet from the sidewalk or right-of-way surface shall be provided;
2. The canopy poles shall be located at least two (2) feet back from the right-of-way curb. A minimum of five (5) feet of unobstructed pedestrian access within the subject City right-of-way shall be provided;
3. The base plate and nuts of the anchor bolts of the canopy columns shall remain below or flush with the top of the sidewalk elevation; and
4. A sidewalk shall be installed along adjacent streets. The width of the sidewalk underneath the canopy shall extend the full width of the right-of-way. Sidewalk areas not located underneath the canopy shall be five feet in width. The sidewalk shall be installed concurrent with the construction of the canopy. This condition may be waived, if the City Engineer determines that the condition of any existing sidewalks are acceptable.

Construction Items and Safety Fencing (Please note that the Temporary License to Use process must be exhausted prior to application for a Permanent License to Use)

1. The licensee shall adhere to the traffic control plan as approved by the City Engineer. If the entire width of the sidewalk area is to be closed to pedestrian traffic, the licensee shall provide a shielded pedestrian pathway in the parking area;
2. If applicable, the licensee shall pay for the use of paid parking spaces as determined by the Finance Department;
3. The licensee shall provide a proposed timeline for the completion of the construction project and the License to Use shall expire at the end of the proposed timeline.
4. The construction site shall be secured at the end of each work day, to prevent trespassing;
5. The licensee shall be responsible for repairing any damage to the right-of-way area caused by the installation and maintenance of the requested items. Such repairs shall be made promptly and in conjunction with applicable City departments;
6. The cleaning of debris from the site shall be the responsibility of the Licensee; and
7. The Licensee shall locate all existing utility lines located at the site, prior to the temporary closure of the sidewalk and any on-street parking. The licensee shall contact the Department of Public Works and the private utility companies for line locations, prior to any work at the site.

Dumpsters

1. Only dumpsters located within the Central Business District shall be eligible for administrative review. The Central Business District means the area North of Broadway between 19th Street and 26th Street. All other locations may apply for review by the Planning Commission.
2. The licensee shall demonstrate that locating the dumpster on private property is physically unfeasible;
3. The dumpster shall have working wheels at all times to ensure mobility;
4. A minimum of 10 feet of unobstructed right-of-way shall be maintained at all times;
5. The licensee shall ensure that all requirements of Section 15-4 of the Galveston Municipal Code are met; and
6. Dumpsters shall be placed in alley rights of way only and not in street or sidewalk rights of way.

Minimal Residential Encroachments (ex: Porches and Stairs on Older Houses)

1. The licensee shall demonstrate that the encroachment of the right-of-way has been in place for a period of fifty years or greater;
2. The licensee shall maintain a minimum of five feet of unobstructed pedestrian access within the subject City right-of-way;
3. The licensee must agree that when and if public and/or private utilities are damaged or are in need of repairs or maintenance, the responsibility to repair the items listed in this License to Use Agreement will be the Licensee's or adjacent landowner and not the City's; and
4. The licensee shall be responsible for repairing any damage to the right-of-way area caused by the installation and maintenance of the requested items. Such repairs shall be made promptly and in conjunction with applicable City departments.

Public Art – Tree Sculpture

1. In order to maintain visibility at street corners, tree sculpture shall not be located within 45 feet of an intersection with a traffic control sign or within 30 feet of an intersection without a traffic control sign. The tree sculpture shall not be located within 15 feet of an alley or within 10 feet from hydrants, utility poles, and street lights;
2. The tree sculpture shall be temporary in nature. The city reserves the right to require the licensee remove the sculpture if found to be deteriorated, vandalized or a threat to public safety;
3. Upon removal of the tree sculpture, the adjacent property owner shall be responsible for removing the tree sculpture in its entirety including the tree stump and return the site to its natural grade.

Residential ADA Ramps

1. The Licensee shall demonstrate that locating the ADA ramp on private property is physically unfeasible;
2. The ADA ramp must remain at all times bolted and secured to the adjacent structure, with the exception that the ramp is removed from the location in order to allow the property owner, City departments and/or private utility companies to gain access to the right-of-way;
3. The ADA ramp shall be constructed of wood or similar material, in order to be easily removed. The ADA ramp shall be removed at such time that it is no longer needed; and
4. The Licensee shall maintain a minimum of five feet of unobstructed pedestrian access within the subject City right-of-way

Street Furniture (ex: benches, bike racks, etc.)

1. The licensee shall maintain a minimum of five (5) feet of unobstructed pedestrian access within the subject City right-of-way;
2. The placement or the use of the items (ex: bike rack) shall not block the entrance to any adjacent land uses.
3. The street furniture shall be permanently affixed and secured in compliance with all applicable building codes.

Subdivision Improvements

1. The licensee must agree that when and if public and/or private utilities are damaged or are in need of repairs or maintenance, the responsibility to repair the items listed in this License to Use Agreement will be the Developers or the Homeowner's Association and not the City's;

2. The cost to install decorative lighting or decorative street signage shall be the developer's responsibility. The monthly costs for the electrical fees and maintenance of the decorative lighting shall be the Developer's or Homeowners' Association's responsibility.

Subdivision or Neighborhood Identification Signage

1. The licensee shall conform to Galveston City Code section 32-5 and any regulations regarding sight triangles;
2. The sign shall conform to all requirements of Section 29-82 of the Zoning Standards regarding size and height.

Underground Foundations

1. Prior to submittal, the construction drawings shall be reviewed and approved by the City Engineer; and
2. The licensee shall be responsible for any damage to the right-of-way area caused by the installation and maintenance of the underground items and should the right-of-way be damaged in any way, the licensee shall repair the area as soon as possible.