



Planning and Development Division
3015 Market Street, Galveston, TX 77550

ADMINISTRATIVE LICENSE TO USE DEVELOPMENT SERVICES DEPARTMENT

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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. Merchandise Displays
7. Minimal Residential Encroachments (ex: porches and stairs on older houses)
8. Potted Plants
9. Public Art – Tree Sculpture
10. Residential ADA Ramps
11. Street Furniture (ex: benches, bike racks, etc.)
12. Subdivision Improvements
13. Subdivision or Neighborhood Identification Signage
14. Surreys
15. Tables and Chairs
16. 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.

Sec. 32-5. - Placement of items within the city right-of-way.

(a) Except as provided in subsection (e) below, it shall be unlawful for any person to encumber any portion of the street right-of-way in any manner without first obtaining a license to use the city right-of-way.

(b) Definitions.

Nonpermanent: An obstruction of the public right-of-way for a private purpose for a period not to exceed sixty (60) days.

Permanent: An obstruction of the public right-of-way for a private purpose for a period in excess of sixty (60) days.

(c) Permanent license to use.

(1) All requests for a permanent license to use, prior to a decision being made, shall first be reviewed by the following:

a. City departments.

1. Development services department including the building division.

2. Public works department including the engineering, traffic, and municipal utilities divisions.

3. Fire chief.

4. Fire marshal.

b. Private utility companies as listed below or their successors.

1. AT&T.

2. Center Point Energy.

3. Comcast.

4. Texas Gas Service.

c. Subsections (c)(4)a., b., c., d., and e. shall be exempt from the review requirements in subsections (c)(1)a. and b.

d. Any other agencies that may need to review the proposed application in order to make the appropriate determination.

e. The landmark commission or historic preservation officer as appropriate, shall approve a certificate of appropriateness, when the request is within a designated historic district.

f. The planning commission shall hold a public hearing and may either fully approve, approve with conditions/modifications, or deny the license to use when:

1. The proposed project does not comply with subsection (c)(4);
2. An objection is received from any of the reviewing bodies listed in subsections (c)(1)a. and b.; or
3. The director of development services shall reserve the right to forward any application to the planning commission for review. In those circumstances when a public hearing is not required, the director of development services shall approve the license to use.

(2) All requests for a license to use shall be subject to the following:

a. The applicant shall obtain an application and required attachments list from the development services department.

b. An applicant who is not the legal owner of the adjacent property or properties, shall supply the development services department with authorization from the legal owner or owners designating the applicant as authorized agent.

c. The applicant shall provide a site plan and/or building elevation, or any other documents necessary, to adequately describe the location of the requested of the city right-of-way and its appearance when the work is finished.

(3) Conditions of approval for all licenses to use.

a. The license and all of licensee's rights granted are conditioned that owners of utility facilities, whether publicly or privately owned, have at all times access to the property made subject of the license, together with the right to enter the property and excavate for the purpose of repairing, replacing, locating and maintaining such utility facilities, if any.

b. The license is granted upon the express condition that licensee undertake and promise in writing to hold the city harmless and to indemnify it against all suits, judgments, costs, expenses and damages that may arise or grow out of the use of said street right-of-way and/or the city's granting of the license.

c. The city does retain the right and option to cancel the license and terminate all rights of the license upon ninety (90) days' written notice of such cancellation and termination, sent to licensee at the last known mailing address; and, licensee agrees and shall be obligated to vacate the property made subject of the license and to remove all improvements and/or obstructions located thereon at licensee's own expense prior to the expiration of said 90-day notification period.

d. The licensee shall apply for and receive the appropriate permit from the building department, if required.

(4) Specific conditions of approval by license to use type.

a. *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 p.m., 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.

b. Potted plants.

1. The licensee shall maintain a minimum of five (5) feet of unobstructed pedestrian access within the subject city right-of-way;

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.

c. 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 p.m., whichever is earlier.

d. 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 seven (7) surreys. The staff shall only grant one (1) license to use per business premises;

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;

4. Licensee shall agree to secure all surreys when not in use.

e. 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 (2) feet and the height of the sign shall not exceed four (4) feet;

3. Signs may not be illuminated shall be removed from the right-of-way every night at the close of business or by 11:00 p.m., 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;

5. The licensee shall maintain a minimum of five (5) feet of unobstructed pedestrian access within the subject city right-of-way;

f. *Street furniture, such as 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.

g. *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 ten (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](#) are met; and,

6. Dumpsters shall be placed in alley right-of-ways only and not in street right-of-ways.

h. *Architectural features, such as 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.

i. *Underground foundations.*

1. The construction drawings shall be reviewed and approved by the city engineer prior to submission; 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. Licensee will promptly repair any damage to the right-of-way be damage.

j. *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 (5) 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 is acceptable.

k. *Public art—Tree sculpture.*

1. In order to maintain visibility at street corners, tree sculpture shall not be located within forty-five (45) feet of an intersection with a traffic control sign or within thirty (30) feet of an intersection without a traffic control sign. The tree sculpture shall not be located within fifteen (15) feet of an alley or within ten (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.

l. *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.

m. *Subdivision or neighborhood identification signage.*

1. The licensee shall conform to this [section 32-5](#) and any regulations regarding sight triangles;

2. If applicable, the licensee shall pay for the use of paid parking spaces as determined by the finance department;

n. Construction items and safety fencing.

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.

o. 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 (5) feet of unobstructed pedestrian access within the subject city right-of-way.

p. 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 (50) years or greater;

2. The licensee shall maintain a minimum of five (5) 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.

(5) Fees.

a. The applicant fee shall be fifty dollars (\$50.00) and shall be submitted to the development services department along with the completed application form. If the application requires review by the planning commission, an additional fee of seventy-five dollars (\$75.00) will be required.

b. For subsections (c)(4)f., g., h., i., and k., the licensee shall pay to the city a one-time fee for the licensee to use city right-of-way. The fee shall be fifty dollars (\$50.00) for the first one thousand dollars (\$1,000.00) of work valuation and twenty-five dollars (\$25.00) for each additional one thousand dollars (\$1,000.00) of work valuation or fraction thereof.

c. Annual renewal permit fees shall be ten dollars (\$10.00) for the first ten (10) linear feet or fraction thereof plus one dollar (\$1.00) for each additional linear foot or fraction thereof. Any renewal fee less than fifty dollars (\$50.00) shall be automatically waived, by the director of development services. The licensee for a permit or extension of a permit shall not be entitled to a refund of any portion of the permit fees in the event the permit application or application for extension is rejected, or in the event the permit is revoked. This section shall not apply to renewal fees for canopies.

d. Annual renewal permit fees for canopies shall be fifty dollars (\$50.00).

(6) Renewal permit.

a. The licensee shall submit the renewal fee, if required, on an annual basis to the department of development services. The renewal fee shall be due on the anniversary of the date of the issuance of the license to use. The provisions of this subsection (5) shall not apply to licenses-to-use agreements issued before October 1, 1998. Each license-to-use agreement shall be valid for one (1) year from the date of issuance. Not less than thirty (30) days, nor more than sixty (60) days, before the expiration of the permit, the licensee must apply for an extension of the permit. The application for extension shall be submitted to and in the manner prescribed by the development services department. The extension must be accompanied by the applicable permit renewal fee. Upon approval, the development services department shall issue a renewal permit, which shall be valid for one (1) year from the date of issuance, or such other time as may be provided by state law.

b. The city shall automatically revoke any permit that is not renewed timely as set forth in this section within sixty (60) days of the due date. In the event a license-to-use is revoked for failure to timely renew the license, the applicant must apply for a new permit, as if a permit had never been issued.

(7) Revocation.

a. If the director of development services determines that a licensee has failed to comply with the terms of the license, the licensee shall be given a reasonable period of time in order to comply, not to exceed sixty (60) calendar days. The director of development services shall notify the licensee in writing of the failure to comply and the timeframe for compliance.

b. If the licensee fails to comply within the allotted timeframe, the director will revoke the license to use. The licensee shall be responsible for the removal of all items located in the right-of-way upon revocation of the license to use.

c. The director of development services shall notify the licensee in writing of the revocation and include in the notice the reason for the revocation, the date the revocation is effective, and a statement informing the licensee of the requirement that all items be removed from the right-of-way.

d. If the licensee fails to remove the items from the right-of-way upon revocation, per [section 32-8](#) of this Code, the city may remove any items unlawfully located in the right-of-way. The cost of the removal of the items from the right-of-way by the city shall be the responsibility of the licensee.

(8) Appeal.

a. Appeals from final decisions of city staff regarding permanent licenses to use are heard by the planning commission.

b. Appeals from final decisions of the planning commission shall be heard by the city council.

c. Appeals must be filed with the director of development services or designee within ten (10) calendar days of the denial.