



Special Exception – Application Checklist

Incomplete submissions will NOT be accepted

For Office Use
Case No. _____

Application Completeness Requirements:

- Development Application signed by owner
- This checklist (signed by applicant or authorized representative)
- Proof of ownership – including but not limited to certified tax certificate, copy of deed, etc.
- Application fees in the form of a check made payable to City of Live Oak (Special Exception = \$500)
- A letter addressed to the Board of Adjustment, signed by the property owner and requesting the desired special exception as permitted by Section 24-139 of the City’s Code of Ordinances and prepared in accordance with the criteria below
- 14 copies of a Site Plan drawn to scale and formatted to 11” by 17” or 8½” by 11”, showing all existing and proposed improvements, setbacks from property lines, and building elevations (if applicable)
- Digital copy in .pdf format of entire application submission (application, checklist, exhibits, etc.) on CD or USB drive
- Any additional information deemed necessary for processing and evaluating this request

Special Exception Eligibility

Pursuant to code of ordinances section 24-139 the following special exceptions may be requested:

1. The reconstruction of a building occupied by a nonconforming use, provided such reconstruction does not prevent the eventual return of such property to a conforming use.
2. The enlargement or extension of a nonconforming use.
3. Modifications of yard, open space, parking lot area or lot size regulations of a minor nature that is necessary to secure appropriate development of a parcel of land where such parcel was separately owned at the time of the passage of this ordinance and is of such restricted area where the shape of the lot is such that it cannot be appropriately developed without such modification.
4. Reduce required off-street parking if it can be shown that the required minimum as herein established will not at any time be necessary because of the character of the proposed uses at a probable limited quantity of employees, clients, customers or tenants.
5. Reduce, substitute or allow alternative screening and buffering between districts when the proposed alternative provides equal or greater mitigation of nuisances created by the nonresidential or multi-family development and result in an equal or greater level of compatibility between the uses.
6. Reduce, substitute or allow alternative screening for residential developments adjacent to major and secondary roadways, when the proposed development is located adjacent to an existing residential development which was constructed prior to the adoption of the screening along major and secondary roadway requirements.
7. Reduce, substitute or allow for alternative landscaping if the aesthetic, buffering and environmental intent of this chapter is met.
8. Approval of special exceptions under Chapter 24 Article IX, Wireless antennas and antenna facilities.
9. The board may grant such other special exceptions as may be provided for elsewhere in Chapter 24, subject to the terms and conditions therein set out.

Request Letter Criteria

The letter describing the request shall include the specific section from the code of ordinances that the special exception is being sought and include a justification for the special exception addressing all of the following:

1. In granting the special exception, the public convenience and welfare will be substantially served;
2. In granting the special exception, the appropriate use of neighboring property will not be substantially or permanently injured;
3. The granting of the special exception will not adversely affect the public health, convenience, safety or general welfare.

Additional information regarding special exceptions may be found in the City's Code of Ordinances Sec. 24-139 *Special exceptions*.

Submittal Information

- INCOMPLETE APPLICATIONS AND SUBMITTALS WILL BE REJECTED; an application may be deemed incomplete after initial staff review.

Questions shall be directed to, and complete applications shall be submitted in person to the following:

City of Live Oak
Planning Department
8001 Shin Oak Dr.
Live Oak, TX 78233
planning@liveoaktx.net

Appearance at Meetings

It is strongly advised that the applicant or applicant's authorized agent be represented at the public hearing and Board of Adjustment meeting where this request will be heard.

Preparer's Certification

I hereby certify that the information provided is true and correct to the best of my knowledge.

Preparer's Signature: _____ Date: _____

Printed Name: _____

Company Name: _____