

ORDINANCE NO. 23-01-19-02

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS,
AMENDING SECTIONS 11.60 AND 13.40 OF CHAPTER 14 OF THE LAGO
VISTA CODE OF ORDINANCES REGARDING PROCEDURES FOR
SPECIAL EXCEPTION APPROVALS FOR INCREASED HEIGHT,
INCLUDING REQUESTS INVOLVING PROPERTY WITHIN THE 100-YEAR
FLOODPLAIN; AND PROVIDING FOR RELATED MATTERS.**

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously specified the procedures for the approval of special exceptions to increase the maximum height of a building within the jurisdiction in Chapter 14, the Zoning Ordinance; and

WHEREAS, those procedures included approval standards within Section 11.60(b) that limited applications, including those within the 100-year floodplain, to those that would not exceed a maximum height of thirty-five feet above the ground when measured from the geometric center of the proposed foundation; and

WHEREAS, it was subsequently discovered that the precise wording of this provision would preclude a special exception application for some properties within the City of Lago Vista; and

WHEREAS, the potential unintended consequence of this provision might be zoning variance applications for additional height at any location within the jurisdiction that might instead be approved without the benefit of the intended standards and procedures within Chapter 14; and

WHEREAS, it was also determined that having all current and future special exception requests considered by the Board of Adjustment rather than the Planning and Zoning Commission would be more efficient and consistent with the intent of the *Texas Local Government Code*; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and conducted a public hearing at their meetings between June 9, 2022, and September 8, 2022, and again on December 8, 2022; and

WHEREAS, the proposed changes should yield results that are more aligned with the expectations of the residents and property owners of the City of Lago Vista; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista forwarded a recommendation to the City Council to amend those requirements contained within Sections 11.60 and 13.40 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on January 5, 2023, reviewed the recommendation, and found the changes to be warranted.

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Sections 11.60 and 13.40 of Chapter 14 of the Lago Vista Code of Ordinances as shown in Exhibit "A."

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 19th day of January 2023.


Ed Tidwell, Mayor

ATTEST:


Lucy Aldrich, City Secretary

On a motion by Councilor Sullivan, seconded by Councilor Marion, the above and foregoing ordinance was passed and approved.



EXHIBIT “A”

CHAPTER 14

ZONING

11.60 Special Exception Approvals

- (a) Purpose. Except as specifically described elsewhere herein, these land use regulations are based upon the division of the City of Lago Vista into zoning districts, within which the treatment of land and improvements is substantially uniform. It is recognized, however, that there are certain improvements that, because of their unique characteristics or circumstances, must be considered individually to address the impact on neighboring land and the community while considering a specific need at a particular location. As such, the Board of Adjustment may approve a special exception in accordance with the various specific procedures described in this section. Such approval, with or without conditions, shall be based on the standards described below.
- (b) Generally.
 - (1) Application and Fee. An application for a special exception approval in accordance with the provisions of this chapter shall be made in writing to the City using a form prescribed by the City Manager or their designee and shall be accompanied by the application fee prescribed by ordinance. Applications shall also include all documents required to describe relevant aspects of the proposed construction and additional information as may be requested to facilitate a proper and complete evaluation. Such information shall include, but not be limited to site plans, surveys of existing improvements and protected trees, topographic information, and accurate building plans drawn to scale.
 - (2) Public Hearing. The Board of Adjustment shall hold a public hearing prior to consideration of any special exception application.
 - (A) Notice requirements for a public hearing by the Board of Adjustment for a special exception approval shall meet the standards in Section 13.40.
 - (B) The public hearing to consider a special exception application shall be held at a regularly scheduled Board of Adjustment meeting. The Board may adjourn the public hearing and reopen the hearing on the site seeking the special exception approval at a time announced during the meeting that includes the original public hearing.
 - (C) Board of Adjustment members shall adequately prepare to make the required determinations, including studying the application material and visiting the site, subject to compliance with the City’s ethics policy and in the absence of a disability. Board members who have not adequately prepared may not vote on the consideration of a special exception application.

- (3) Appeal. Any individual or group jointly or severally aggrieved by a decision of the Board of Adjustment related to a special exception application may present that matter to a court provided under state law.
- (4) Term. As opposed to a variance approval, a special exception approval shall expire in one calendar year if not incorporated in a building permit. However, the City Manager or their designee may approve a maximum of two extensions of six months each (a total maximum of one year) upon a showing of hardship received prior to the expiration. Special exception approvals also expire upon abandonment, either voluntary or involuntary, of one calendar year or longer. A new special exception application and approval is required for any approval that has expired or for extensions beyond a term of three years.

(c) Special Exception to Height Standards.

- (1) Approval Standards. Provided the applicant has fully complied with all requirements, the Board of Adjustment may approve an increase to the maximum height of a principal building, an accessory building, or an addition to a principal or accessory building, if it finds there is no significant adverse impact on the view, as defined in Section 2.10, of another property owner or the architectural context of the surrounding neighborhood created by the proposed additional height. The approval may include whatever conditions might be required to ensure compliance with the standard, but in no case shall it allow an absolute height in excess of 35 feet above the ground measured from the geometric center of the lowest proposed foundation or for more than two stories, outside of the 100-year floodplain. Within the 100-year floodplain, the maximum height above the ground measured from the geometric center of the lowest proposed foundation shall be 45 feet with no more than one floor level above the floodplain. Approvals for a height greater than 35 feet from the geometric center of the lowest proposed foundation shall also be required to demonstrate an “unnecessary hardship” as defined in Section 11.20 and 11.30 above.

(2) Process.

- (A) Ridgepole. Prior to submitting the required application documents specified below, the applicant shall erect one or more ridgepoles, that clearly and visibly indicate, as prescribed below, both the proposed maximum “building height” and the maximum “building height” allowed by right in the development standards for the zoning district in which the property is located. The ridgepole shall also include clear and visible marking of the reference points described below that are related to the proposed maximum “building height.” Required height indication markings shall be the top edge of a minimum 2-inch-wide, brightly colored, high adhesion tape around the circumference of the ridgepole. Both the pole and markings shall be visible from the street that fronts the property.

The proposed maximum “building height” shall be indicated by an orange or red mark that is coincidental to the top of the ridgepole. The maximum “building height” allowed by right in the development standards for the zoning district in which the property is located shall be indicated on the ridgepole by a green mark. Each primary finish floor level of the proposed residence shall be indicated on the ridgepole by a blue mark. If the highest undisturbed natural grade on the property is at least foot or above the federally designated 100-year floodplain, that height shall be indicated on the ridgepole by a yellow mark. Otherwise, one foot above the federally designated 100-year floodplain shall be indicated on the ridgepole by a yellow mark.

The ridgepole shall be placed at the approximate location of the highest peak or the center of the highest ridgeline and be constructed of such sturdiness as to remain within five degrees of a true vertical position throughout the application and hearing process. The Board of Adjustments may require additional ridgepoles and that a registered professional land surveyor certify the location and heights of all ridgepoles and markings in a stamped report.

All required ridgepoles shall remain in place and their condition maintained through the end of the public hearing process. Unless otherwise directed because of pending or anticipated litigation, the ridgepoles shall be removed no later than two weeks after the final decision by the Board of Adjustments.

(B) Other Application Requirements. In addition to the form referenced in Section 11.60(b)(1) above, the application package shall include the following:

- (i) Site Plan. Accurately scaled drawings that indicate the location of the proposed building footprint and all ridgepoles shall be accurately represented. Topographic information is required for the purpose of accurately determining the proposed “building height” and the maximum “building height” permitted by the applicable development standards and as defined in Section 2.10. Both heights shall be specifically included and described on the application form and clearly distinguished from any other referenced heights.
- (ii) Depiction of proposed height. Requirements include some form of accurate scaled depiction, typically building elevations, indicating the proposed maximum “building height” as defined in Section 2.10 and the proposed absolute building height as measured from the top of the geometric center of the lowest proposed foundation. The depiction shall include all ancillary information relevant to the evaluation such as relevant finish grade elevations, finish floor elevations, ceiling heights, framing depth and the proposed pitch of any sloped roof.

13.40 Procedures for Public Hearings

The Council and Commission shall hold at least one (1) public hearing on all proposed zoning classification changes, special uses, conditional uses, amendments to the comprehensive plan, and general amendments to this chapter. The Board shall hold a public hearing on all appeals and requests for a variance or special exception to this chapter.

- (a) Notice.
 - (1) Written Notice to Property Owners.
 - (A) Written notice of a proposed zoning change, comprehensive plan amendment, special use, conditional use, special exception, or variance request shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property included within the request. Such notice shall be mailed, first class, not less than fifteen (15) days prior to the date set for Commission, Council and Board hearings to all property owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a request is pending and shall include the date, time,

and place of the Commission or Board meeting and a description of the matter under consideration. However, in accordance with Section 13.20(e)(3)(B)(iii) above, only the written protests received from the owners of property in accordance with state statutes will be considered in determining whether the affirmative vote of at least three-fourths of all members of the governing body shall be required for a proposed zoning change.

- (B) A copy of the notice may be delivered to the person to be served, or to his duly authorized agent either in person or by mail to his last known address, or it may be given in such other manner reasonably calculated to give notice and approved by the City.
- (C) The City shall complete and mail the individual notices.

- (2) By Publication. The City shall publish at least one notice of a proposed Commission, Board, or Council hearing in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the Council, Commission or Board meeting and a description of the matter under consideration.

- (b) Signs Required for Proposed Change. At least fifteen (15) days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:
 - (1) Each sign shall be erected on the property for which an application has been filed. For the purposes of this requirement, separate contiguous tracts or lots that are part of the same application shall be considered a single property. The sign shall be placed at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. A sign shall be placed on each non-contiguous street frontage that cannot be seen from a single vantage point. Additional signs shall be placed at approximately equal intervals along the street frontage of large properties to help ensure visibility. However, only one (1) sign shall be required for any frontage less than or equal to three hundred feet in length and no more than three (3) signs shall be required for any contiguous property frontage that is part of an application.
 - (2) All required signs shall remain on the property until final disposition of the action is determined.

CHAPTER 14

ZONING

11.60 Special Exceptions To Height Standards Approvals

(a) **Purpose.** Except as specifically described elsewhere herein, these land use regulations are based upon the division of the City of Lago Vista into zoning districts, within which the treatment of land and improvements is substantially uniform. It is recognized, however, that there are certain improvements ~~or uses~~ that, because of their unique characteristics or circumstances, must be considered individually to address the impact on neighboring land and the community while considering a specific need at a particular location. As such, ~~the Planning and Zoning Commission, or~~ the Board of Adjustment ~~upon appeal,~~ may approve ~~an increase in the maximum “building height” as defined in Section 2.10 and established in the development standards for each zoning district~~ a special exception in accordance with the various specific procedures described in this section. Such approval, with or without conditions, shall be based on the standards described below.

(b) **Approval Standards Generally.** ~~Provided the applicant has fully complied with all requirements, the Planning and Zoning Commission, or the Board of Adjustment upon appeal, may approve an increase to the maximum height of a principal building or an addition to a principal building, if it finds there is no significant adverse impact on the view, as defined in Section 2.10, of another property owner or the architectural context of the surrounding neighborhood created by the proposed additional height. The approval may include whatever conditions might be required to ensure compliance with the standard, but in no case shall it allow an absolute height in excess of 35 feet above the ground measured from the geometric center of the proposed foundation or for more than two stories.~~

(1) **Application and Fee.** An application for a special exception approval in accordance with the provisions of this chapter shall be made in writing to the City using a form prescribed by the City Manager or their designee and shall be accompanied by the application fee prescribed by ordinance. Applications shall also include all documents required to describe relevant aspects of the proposed construction and additional information as may be requested to facilitate a proper and complete evaluation. Such information shall include, but not be limited to site plans, surveys of existing improvements and protected trees, topographic information, and accurate building plans drawn to scale.

(2) **Public Hearing.** The Board of Adjustment shall hold a public hearing prior to consideration of any special exception application.

(A) Notice requirements for a public hearing by the Board of Adjustment for a special exception approval shall meet the standards in Section 13.40.

(B) The public hearing to consider a special exception application shall be held at a regularly scheduled Board of Adjustment meeting. The Board may adjourn the public hearing and reopen the hearing on the site seeking the special exception approval at a time announced during the meeting that includes the original public hearing.

(C) Board of Adjustment members shall adequately prepare to make the required determinations, including studying the application material and visiting the site, subject

to compliance with the City's ethics policy and in the absence of a disability. Board members who have not adequately prepared may not vote on the consideration of a special exception application.

- (3) Appeal. Any individual or group jointly or severally aggrieved by a decision of the Board of Adjustment related to a special exception application may present that matter to a court provided under state law.
- (4) Term. As opposed to a variance approval, a special exception approval shall expire in one calendar year if not incorporated in a building permit. However, the City Manager or their designee may approve a maximum of two extensions of six months each (a total maximum of one year) upon a showing of hardship received prior to the expiration. Special exception approvals also expire upon abandonment, either voluntary or involuntary, of one calendar year or longer. A new special exception application and approval is required for any approval that has expired or for extensions beyond a term of three years.

(c) Process Special Exception to Height Standards.

- (1) Ridgepole Approval Standards. ~~Prior to submitting the required application documents specified below, the applicant shall erect one or more ridgepoles, that clearly and visibly indicate, as prescribed below, both the proposed maximum "building height" and the maximum "building height" allowed by right in the development standards for the zoning district in which the property is located. The ridgepole shall also include clear and visible marking of the reference points described below that are related to the proposed maximum "building height." Required height indication markings shall be the top edge of a minimum 2 inch wide, brightly colored, high adhesion tape around the circumference of the ridgepole. Both the pole and markings shall be visible from the street that fronts the property.~~ Provided the applicant has fully complied with all requirements, the Board of Adjustment may approve an increase to the maximum height of a principal building, an accessory building, or an addition to a principal or accessory building, if it finds there is no significant adverse impact on the view, as defined in Section 2.10, of another property owner or the architectural context of the surrounding neighborhood created by the proposed additional height. The approval may include whatever conditions might be required to ensure compliance with the standard, but in no case shall it allow an absolute height in excess of 35 feet above the ground measured from the geometric center of the lowest proposed foundation or for more than two stories, outside of the 100-year floodplain. Within the 100-year floodplain, the maximum height above the ground measured from the geometric center of the lowest proposed foundation shall be 45 feet with no more than one floor level above the floodplain. Approvals for a height greater than 35 feet from the geometric center of the lowest proposed foundation shall also be required to demonstrate an "unnecessary hardship" as defined in Section 11.20 and 11.30 above.

~~The proposed maximum "building height" shall be indicated by an orange or red mark that is coincidental to the top of the ridgepole. The maximum "building height" allowed by right in the development standards for the zoning district in which the property is located shall be indicated on the ridgepole by a green mark. Each primary finish floor level of the proposed residence shall be indicated on the ridgepole by a blue mark. If the highest undisturbed natural grade on the property is at least foot or above the federally designated 100 year floodplain, that height shall be indicated on the ridgepole by a yellow mark. Otherwise, one foot above the federally designated 100 year floodplain shall be indicated on the ridgepole by a yellow mark.~~

~~The primary ridgepole shall be placed at the approximate location of the highest peak or the center of the highest ridgeline and be constructed of such sturdiness as to remain within five degrees of a true vertical position throughout the application and hearing process. The Planning~~

~~and Zoning Commission or the Board of Adjustments on appeal, may require additional ridgepoles and that a licensed surveyor certify the location and heights of all ridgepoles and markings in a stamped report.~~

~~All required ridgepoles shall remain in place and their condition maintained through the end of the public hearing process. Unless otherwise directed, the ridgepoles shall be removed no later than two weeks after the final decision by the Planning and Zoning Commission or the Board of Adjustments, upon appeal.~~

(2) ~~Application Process. Applications shall be made on a form provided by the city and are accepted provisionally, pending an inspection of all required ridgepoles. In addition to the form, the application package shall include the following:~~

(A) ~~Site Plan Ridgepole. Drawings preferably sealed, that indicate the location of the proposed building footprint and all ridgepoles shall be accurately represented. Topographic information is required for the purpose of accurately determining the proposed “building height” and the maximum “building height” permitted by the applicable development standards and as defined in Section 2.10. Both of these heights shall be specifically included and described on the application form and clearly distinguished from any other referenced heights. Prior to submitting the required application documents specified below, the applicant shall erect one or more ridgepoles, that clearly and visibly indicate, as prescribed below, both the proposed maximum “building height” and the maximum “building height” allowed by right in the development standards for the zoning district in which the property is located. The ridgepole shall also include clear and visible marking of the reference points described below that are related to the proposed maximum “building height.” Required height indication markings shall be the top edge of a minimum 2-inch-wide, brightly colored, high adhesion tape around the circumference of the ridgepole. Both the pole and markings shall be visible from the street that fronts the property.~~

The proposed maximum “building height” shall be indicated by an orange or red mark that is coincidental to the top of the ridgepole. The maximum “building height” allowed by right in the development standards for the zoning district in which the property is located shall be indicated on the ridgepole by a green mark. Each primary finish floor level of the proposed residence shall be indicated on the ridgepole by a blue mark. If the highest undisturbed natural grade on the property is at least foot or above the federally designated 100-year floodplain, that height shall be indicated on the ridgepole by a yellow mark. Otherwise, one foot above the federally designated 100-year floodplain shall be indicated on the ridgepole by a yellow mark.

The ridgepole shall be placed at the approximate location of the highest peak or the center of the highest ridgeline and be constructed of such sturdiness as to remain within five degrees of a true vertical position throughout the application and hearing process. The Board of Adjustments may require additional ridgepoles and that a registered professional land surveyor certify the location and heights of all ridgepoles and markings in a stamped report.

All required ridgepoles shall remain in place and their condition maintained through the end of the public hearing process. Unless otherwise directed because of pending or anticipated litigation, the ridgepoles shall be removed no later than two weeks after the final decision by the Board of Adjustments.

(B) Depiction of proposed height Other Application Requirements. Some form of accurate depiction is required, typically building elevations, indicating the proposed maximum "building height" as defined in Section 2.10 and the proposed absolute building height as measured from the top of the geometric center of the proposed foundation. In addition to the form referenced in Section 11.60(b)(1) above, the application package shall include the following:

- (i) Site Plan. Accurately scaled drawings that indicate the location of the proposed building footprint and all ridgepoles shall be accurately represented. Topographic information is required for the purpose of accurately determining the proposed "building height" and the maximum "building height" permitted by the applicable development standards and as defined in Section 2.10. Both heights shall be specifically included and described on the application form and clearly distinguished from any other referenced heights.
- (ii) Depiction of proposed height. Requirements include some form of accurate scaled depiction, typically building elevations, indicating the proposed maximum "building height" as defined in Section 2.10 and the proposed absolute building height as measured from the top of the geometric center of the lowest proposed foundation. The depiction shall include all ancillary information relevant to the evaluation such as relevant finish grade elevations, finish floor elevations, ceiling heights, framing depth and the proposed pitch of any sloped roof.

(C) Fee. Fees shall be the same as for a variance to the zoning ordinance.

(3) Public Hearing. The Planning and Zoning Commission shall hold a public hearing prior to consideration of any special exception application.

- (A) Notice requirements for a public hearing by the Planning and Zoning Commission shall meet the standards in Section 13.40.
- (B) The public hearing to consider a special exception application shall be held at a regularly scheduled Planning and Zoning Commission meeting. The Commission may adjourn the public hearing and reopen the hearing on the site seeking the special exception approval at a time announced during the meeting that includes the original public hearing.
- (C) Commissioners should visit the site. If the Commission's decision is appealed in accordance with the requirements included herein, the Board of Adjustments members should visit the site. Commissioners or Board members who have not visited the site may not vote on the consideration of a special exception application.

(4) Appeal. An applicant or any aggrieved person, as defined in section 2.10, may appeal the final decision of the Planning and Zoning Commissions to the Board of Adjustments in accordance with the requirements of section 11.50.

(5) Term. Absent a formal written request alleging hardship to the City Manager or his designee for an extension, a special exception approval shall expire in one calendar year if not incorporated in a building permit. Special exception approvals also expire upon abandonment, either voluntary or involuntary, of one calendar year or longer. Extensions beyond a term of three years would require a new special exception application and approval.

13.40 Procedures for Public Hearings Conducted By The Council, Commission Or Board

The Council and Commission shall hold at least one (1) public hearing on all proposed zoning classification changes, ~~special uses, conditional uses, amendments to the comprehensive plan~~, and general amendments to this chapter. The Board shall hold a public hearing on all ~~appeals and~~ requests for a variance or special exception to this chapter.

(a) Notice.

(1) Written Notice to Property Owners.

- (A) Written notice of a proposed zoning change, ~~comprehensive plan amendment, special use, conditional use, special exception~~, or variance request shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property ~~to be developed, zoned, or rezoned~~ included within the request. Such notice shall be mailed, first class, not less than ~~ten~~ fifteen (10 15) days prior to the date set for Commission, Council and Board hearings to all property owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a ~~zoning change proposal or variance~~ request is pending and shall include the date, time, and place of the Commission or Board meeting and a description of the matter under consideration. However, in accordance with Section 13.20(e)(3)(B)(iii) above, only the written protests received from the owners of property ~~within the municipal limits in accordance with state statutes~~ will be considered in determining whether the affirmative vote of at least three-fourths of all members of the governing body shall be required for a proposed zoning change.
- (B) A copy of the notice may be delivered to the person to be served, or to his duly authorized agent either in person or by mail to his last known address, or it may be given in such other manner reasonably calculated to give notice and approved by the City.
- (C) The City shall complete and mail the individual notices.

(2) By Publication. The City shall publish at least one notice of a proposed Commission, Board, or Council hearing in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the Council, Commission or Board meeting and a description of the matter under consideration.

(b) Signs Required for Proposed ~~Zoning~~ Change. At least fifteen (15) days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:

- (1) Each sign shall be erected on the property for which ~~a zoning change or variance~~ an application has been filed. For the purposes of this requirement, separate contiguous tracts or lots that are part of the same application shall be considered a single property. The sign shall be placed at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. A sign shall be placed on each non-contiguous street frontage that cannot be seen from a single vantage point. Additional signs shall be placed at approximately equal intervals along the street frontage of large properties to help ensure visibility. However, only one (1) sign shall be required for any frontage less than or equal to three hundred feet in length and no more than three (3) signs shall be required for any contiguous property frontage that is part of an application.

- (2) All required signs shall remain on the property until final disposition of the action is determined.
