

ORDINANCE NO. 2003- 7

An ordinance amending various sections of Chapter 21, "Subdivision and Development", of the Victoria City Code, involving requirements for utility placement, street design, side-yard setback, driveway width, screening fences, manufactured home parks, RV parks, landscaping, on-premise signs, and residential fences, repealing all conflicting ordinances, providing for severability, providing a savings clause, providing for codification, providing a penalty not to exceed \$500 upon conviction, providing for publication, and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Table 2.1 of the City of Victoria Street Standards of Section 21-54 of the Victoria City Code is amended to read as follows:

TABLE 2.1
CITY OF VICTORIA STREET STANDARDS

Element	Primary Arterial	Secondary Arterial	Collector	Local
Design Speed	45 mph	35 mph	30 mph	30 mph
Minimum centerline radius	1,200 ft.	700 ft.	90 ft.	66 ft.
Desirable minimum grade	0.3%	0.3%	0.3%	0.3%
Minimum grade	0.2%	0.2%	0.2%	0.2%
Stopping sight distance	400 ft.	250 ft.	200 ft.	200 ft.
Number of traffic lanes	6	4	2	2
Street width (front to front)	94 ft.	64 ft.	48 ft.	36 ft / 30 ft *
Right-of-way width	120 ft.	90 ft.	75 ft.	60 ft.

*Local streets in proposed subdivisions must have at least a 36 foot pavement width at any point on a street in which the Director of Planning calculates an expected average daily traffic count of 500 vehicles. The Director of Planning shall base his calculation of the average daily traffic count on the *Trip Generation Handbook: An ITE Recommended Practice*, 2001 Edition, published by the Institute of Transportation Engineers (ITE), a copy of which is on file with the City's Director of Planning. Local streets intersecting an arterial shall be 36 ft for the first 120 ft into the subdivision to accommodate 3 traffic lanes at the subdivision entrance.

2.

Section 21-55(b)(5) of the Victoria City Code is amended to read as follows:

(b)(5)Any subdivision containing more than 50 lots shall have a minimum of two points of public street access. For phased subdivisions, this requirement shall become applicable at such time as the total number of lots served by a single point of access will exceed 50. In cases where constraints on the land (i.e. existing development, inadequate frontage on perimeter streets, or topography) prevent the provision of a second entrance/exit, the planning commission may accept an alternative solution. This exception will only apply in cases where the planning commission determines that reasonable alternatives have been considered and sound planning and subdivision design principles have been applied. This exception shall not apply to any subdivision containing more than 100 lots.

3.

Chapter 21 of the Victoria City Code is amended to delete Figure 2.3.

4.

Section 21-60(a) of the Victoria City Code is amended to read as follows:

(a) *Generally*. All private, franchised utilities, including but not limited to electric lines, telephone cables, television cables and natural gas mains, shall be located underground throughout any new development; except that overhead lines may be utilized in the perimeter easements of a subdivision, where major electric transmission or feeder lines are necessary to provide services to adjacent areas. Such underground utilities shall be buried in dedicated utility easements or in street rights-of-way, as appropriate. For the purposes of this section, a new development is defined as a new subdivision of land.

5.

Section 21-82(d)(5) of the Victoria City Code is amended to read as follows:

(5) Minimum exterior side yard setback: 15 feet, measured from the unattached side wall of an end unit, to the side lot line abutting a street.

6.

Section 21-82(d)(11) of the Victoria City Code is amended to read as follows:

(11) **Parking and driveways:**

- a. Three off-street parking spaces shall be provided for each townhouse. A required parking space not located on the individual lot shall be located within 200 feet of the lot.
- b. No driveway located in front of a townhouse lot shall exceed 20 feet in width.
- c. Each building shall be directly accessible from a public street or from an unobstructed fire lane.
- d. Individual driveways shall not open onto streets with a functional classification of collector or greater. When townhouse units are located on a collector street, the driveway entrances shall be limited to providing access to a common interior driveway located at the rear of the townhouses.

7.

Section 21-82(e)(4) of the Victoria City Code is amended to read as follows:

(4) Minimum interior side yard setback. Nine feet with a 6-foot noncombustible building material easement on at least one side of each lot, and zero feet on the opposite side. All zero lot lines shall be indicated on the plat, and each lot shall have only one zero lot line. Adjoining lots shall not have common zero lot lines. A drainage, maintenance, and eave overhang easement shall be provided on the neighboring lot adjacent to each zero lot line. (see Figure 2.6)

8.

Section 21-82(f) of the Victoria City Code is amended to delete Section 21-82(f)(11).

9.

Section 21-82(j)(2) of the Victoria City Code is amended to read as follows:

(2) **Screening and landscaping.** All townhouse, manufactured home park, recreational vehicle park, multiple-family and group residential developments shall meet the landscaping and screening requirements of sections 21-101 through 21-103 of this chapter.

10.

Section 21-91(b) of the Victoria City Code is amended to add a new subsection 21-91(b)(4), which will read as follows:

(4) A signage plan meeting the requirements of Chapter 5, which shall include the location and height of existing and proposed on-premise signs.

11.

Section 21-101(d) of the Victoria City Code is amended to read as follows:

(d) *Landscaped area required.* A minimum of 10% 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 or designated as fenced and secured storage areas shall be subtracted from the building site area prior to making the 10% calculation. At

least 70% of the required landscaped area shall be located within the street yard, as illustrated in Figure 3.6 of this section. 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 director of planning.

12.

Section 21-101(f) of the Victoria City Code is amended to read as follows:

(f) *Landscaping in offstreet parking areas.* If a site which is subject to this section includes an offstreet parking area which is 50 parking spaces or larger in size, 20% of the required landscaping shall be installed in the form of landscaped islands, medians or peninsulas. These landscaped areas will serve the purposes of breaking up large expanses of pavement and guiding the circulation of vehicles and pedestrians within the parking lot. Landscaped islands, medians and peninsulas shall have a minimum dimension of five feet on any side. The requirements of this subsection 21-101(f) shall not apply to outdoor display areas, as defined in this chapter.

13.

Section 21-101(g) of the Victoria City Code is amended to read as the following:

(g) *Tree requirements.* 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. 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.

14.

Section 21-101(i)(2) of the Victoria City Code is amended to read as the following:

(2) *Credits.* The landscaped area provided within the public right-of-way shall be credited toward the overall landscaped area requirement of section 21-101(d); provided, however, that such credit shall not exceed 25% of the required landscaped area for the site.

15.

Section 21-101(l)(3) of the Victoria City Code is amended to read as the following:

(3) *Grass.* Grass areas shall be planted in species normally grown as permanent lawns in Victoria. 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.

16.

Section 21-104 of the Victoria City Code is amended to add a new Section 21-104(c) to read as follows:

(c) Fences constructed of plywood or corrugated steel sheets are prohibited.

17.

Section 21-107(b)(7) of the Victoria City Code is amended to read as follows:

(7) Every manufactured home park and recreational vehicle park shall designate and set aside a usable landscaped recreation area or areas totaling not less than 5% of the gross area of the park. Service buildings, shelters, swimming pools, and other types of service facilities may be constructed in these areas.

18.

Chapter 21 of the Victoria City Code is amended to add Section 21-109, which will read as follows:

Section 21-109. Private Utilities.

If a site plan is required by this chapter, then all private, on-site, franchised utilities, including but not limited to electric lines, telephone cables, television cables and natural gas mains, necessary to service the development shall be located underground.

19.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$500.00 as provided in Section 1-8 of the City Code.

20.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Ordinance by injunction issued by a court of competent jurisdiction.

21.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

22.

If any provision of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

23.

The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

24.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly.

25.

The City Secretary shall publish the caption or a descriptive title of this Ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, § 10 of the City Charter.

26.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas, except that, due to one of the justifications for Section 1 of this ordinance being the amelioration of increased street construction costs for small subdivisions where wide streets are not clearly necessitated for safety reasons, the change to Section 1 of this ordinance shall only be applicable to subdivisions constructed in accordance with the City of Victoria's Local and Collector Street Standards and Standard Specifications for Public Works Construction adopted by the Victoria City Council on February 19, 2002 or later.

PASSED FIRST READING, this the 15TH day of APRIL, 2003.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

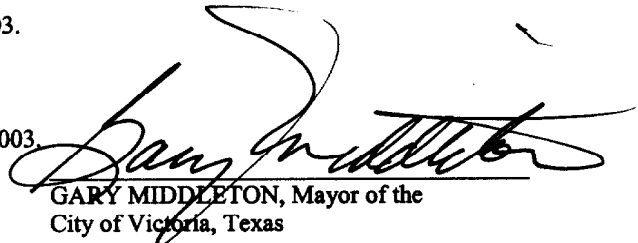
PASSED SECOND READING, this the 6TH day of MAY, 2003.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

PASSED THIRD READING, this the 20TH day of MAY, 2003.

AYES: 4
NAYS: 1
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 20TH day of MAY, 2003.


GARY MIDDLETON, Mayor of the
City of Victoria, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:


SCARLET SWOBODA, City Secretary

Distribution: Legal Department
 Planning Department
 Department of Public Works
 Department of Utilities
 The Victoria Advocate




DAVID ATMAR SMITH, City Attorney

Copies Sent: MAY 21, 2003