

ORDINANCE NO. 2003- 17

An ordinance amending Section 21-55(h) of the Victoria City Code to clarify conditions for residential subdivision access to arterials, providing for enforcement, repealing parts of conflicting ordinances, providing for severability, providing a savings clause, providing for codification, providing a penalty not to exceed \$500 upon conviction, providing for publication, declaring an emergency and declaring an effective date.

Ordinance 99-31 of the Victoria City Code, adopted on November 2, 1999, deleted the first two sentences and last two sections of Section 21-55(h) in contravention to the original intent of the Planning Commission and City Council.

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

1.

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

(h) Access to arterials. Whenever a residential subdivision of two or more lots abuts or contains an existing or proposed arterial street, direct access to such arterial street shall be prohibited. One or more of the following means shall be utilized to limit access to the residential lots:

(1) The subdivision of reverse frontage lots which back onto the arterial and front onto a parallel local street. In such cases, the words "Access Prohibited" shall be placed in the applicable areas on the face of the final plat, resulting in no access from an arterial. In addition, a setback line of at least 20 feet in excess of the required setback, shall be provided adjacent to the arterial street. The additional setback requirement shall only apply to principal structures. Accessory structures, as defined in this chapter, shall be permitted to encroach the additional setback, but shall not encroach the typical minimum rear setback line. A screening fence shall be erected along the property line of all residential lots abutting the arterial street in accordance with section 21-55(i).

(2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to a parallel local street, with the rear line of their terminal lots backing onto the arterial street. The "Access Prohibited", increased setback, and screening requirements described above shall also apply to the lots backing onto arterial streets.

(3) An access or service road separated from the arterial by a planting or grass strip and having access thereto at suitable points.

2.

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.

3.

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.

4.

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

5.

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.

6.

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. 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.

7.

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.

8.

Due to the need to ensure consistent planning policy, an emergency is hereby declared and the requirement of Article II, § 9 of the City Charter that no ordinance shall be passed finally on the date of its first reading is suspended, and this ordinance shall become effective immediately upon passage and approval by the City Council of the City of Victoria, Texas.

PASSED EMERGENCY READING, this 5th day of August, 2003.

AYES: **6**


NAYS: **0**

ABSTENTIONS: **0**

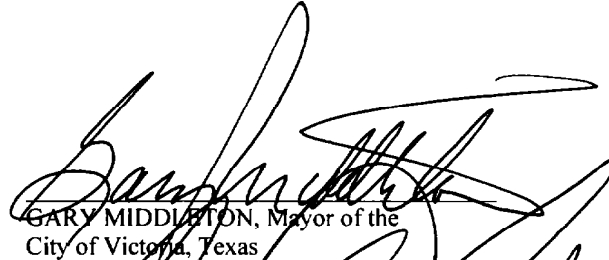
APPROVED AND ADOPTED, this the 5th day of August, 2003.

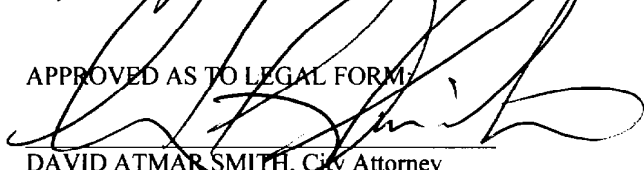


ATTEST:


SCARLET SWOBODA, City Secretary

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


GARY MIDDLETON, Mayor of the
City of Victoria, Texas


APPROVED AS TO LEGAL FORM:
DAVID ATMAR SMITH, City Attorney

Copies Sent: **AUGUST 6, 2003**