

## Sec. 21-90. Purpose and applicability.

(a) *Purpose.* The purpose of this division is to supplement the regulations in previous sections of this chapter. Specific references have been made to this division for greater clarification, amplification, and specification. A violation of these supplemental regulations shall be a violation of the Subdivision and Development ordinance.

(b) *Applicability.* These supplemental regulations shall apply to all land located within the corporate limits of the City of Victoria, including land which was platted, subdivided, and/or developed prior to the effective date of this ordinance. The regulations shall be made applicable at such times and under such conditions as are described in the appropriate sections of this ordinance.

## Sec. 21-91. Site plan.

(a) *Generally.* Until a site plan meeting the requirements of this section is reviewed and approved, no building permit or off-street parking facility permit shall be issued for any of the following:

- (1) Any new commercial, industrial, other non-residential, multiple-family, townhouse, or manufactured home park development;
- (2) The construction of any new off-street parking, loading or storage facility; the expansion of any existing off-street parking, loading or storage facility; or the surfacing of any existing, unpaved off-street parking, loading or storage facility.

(b) *Site plan requirements.* When a site plan is required by this ordinance, it shall be drawn on sheets 24 by 36 inches, to a minimum scale of one (1) inch to fifty (50) feet, except where variations are approved by the Director of Development Services. The site plan shall consist of, at minimum, the following submittals:

- (1) A general plan, which shall include the following information:
  - (a) The name, location, owner and designer of the proposed development, including the owner's home or business address and telephone number;
  - (b) Date, north arrow and scale;
  - (c) The locations and dimensions of all property lines, rights-of-way and easements; and the existing and proposed topographic characteristics of the site;
  - (d) The location and dimensions of all existing and proposed driveways, parking facilities, maneuvering areas, loading areas, commercial garbage dumpster pads

and related screening, sidewalks, curbs, gutters, buildings, structures, screening fences and other walls and fences, and exterior lighting; and

- (e) Information and calculations necessary to verify compliance with the off-street parking and loading regulations, including land use, gross floor area, gross leasable area, number of dwelling units, seating capacity, projected number of employees and/or any other appropriate data.
  - (f) All information required to comply with the Stormwater Drainage Master Plan, Design Manual and Maps, and the location of any property rights to be dedicated to the City pursuant to said documents.
- (2) An infrastructure plan, which shall include the following information:
    - (a) All existing and proposed utilities;
    - (b) Existing drainage facilities and plans for proposed drainage improvements and surface materials.
    - (c) All existing and proposed driveways.
  - (3) A landscape plan meeting the requirements of Sec. 21-101(k) of this ordinance. If the landscape plan can be clearly indicated on the general plan the two may be combined.
  - (4) A signage plan meeting the requirements of Chapter 5, which shall include the location and height of existing and proposed on-premise signs.

(c) *Review and approval.* Two (2) complete sets of site plans shall be submitted to the Director of Development Services on or before the date of any site plan submittal deadline, as established by a schedule to be prepared and distributed by the Development Services Department. No site plan will be accepted for review which does not clearly and satisfactorily contain the information listed in Section 21-91(b) above. The Director of Development Services shall coordinate the review of site plans by the Department of Public Works, Fire Marshall's Office, and other appropriate departments.

Within ten (10) working days after the date of application, the site plans shall be returned to the applicant with staff analysis and commentary. Once corrections have been made by the applicant, six (6) corrected sets of site plans shall be submitted to the Director of Development Services. Within five (5) working days after the date of resubmittal, the Director of Development Services shall review the final plans and either approve, disapprove or conditionally approve the plans. No building permit will be issued until the site plan has been approved by the Director of Development Services. No Certificate of Occupancy shall be granted unless and until all construction conforms to the approved site plan.

(d) *Effective Period.* The approval of a site plan shall be effective for a period of two (2) years. If construction has not commenced within such time, the site plan shall be deemed null and void.

**Sec. 21-92. Off-street parking requirements, general.**

(a) *Off-street parking required.* At the time that any building, use or structure is initiated, erected, enlarged or converted from one land use to another land use which requires an increase in the number of parking spaces, off-street parking facilities shall be provided in accordance with these regulations for the use of occupants, employees, visitors and patrons.

Off-street parking facilities shall be maintained and continued as long as the building, use or structure is continued. No person shall utilize such building, use or structure without providing the required off-street parking facilities. In addition, it shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use or structure, without establishing alternative off-street parking facilities which meet these requirements. The provisions of this section shall not apply to properties located within the designated Downtown Business District, as described in Section 5-147 of the City Code.

(b) *Amount of off-street parking spaces required.* The required number of off-street parking spaces for any building, use or structure shall be determined by the list of land use classifications and corresponding parking standards contained in Table 3.1, of this ordinance. Such parking standards shall be applied subject to the following subsections:

- (1) *Seating capacity.* Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity permitted by the fire code and approved by the Fire Marshall's office. When determining seating capacity for a building, use or structure utilizing bench seating, each twenty-two (22) inches of bench shall be considered one (1) seat.
- (2) *Fractions.* Fractional numbers shall be increased to the next whole number if the fraction is five-tenths (0.5) or more, and when the fraction is less than five-tenths (0.5), the next lower whole number shall apply.
- (3) *Unlisted uses.* The off-street parking requirements for any use not specifically listed in Table 3.1 shall be the same as those for the use most similar to the proposed use, as determined by the Director of Development Services.
- (4) *Mixed uses.* For mixed uses, the parking requirements shall be tabulated separately for each use within the development, using the specific standards listed in Table 3.1. Mixed uses regulated under separate parking requirements shall not be combined to achieve a larger square footage total that would result in a reduced parking requirement. If any part of a mixed use is converted to another use category, then the parking requirements shall be recalculated based on the new square footage figure.
- (5) *Large-scale developments.* When the developer of a large-scale development can demonstrate that such development will require fewer parking spaces than required by the standards contained herein, the Director of Development Services may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional traffic engineer or professional transportation planner and submitted to the

Director of Development Services. This provision shall not be used as a means to reduce the size of a parcel of land needed to accommodate a development. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or under-estimated parking demand.

- (6) *Working shifts.* Where a Manufacturing/Industrial use has more than one working shift of employees, parking facilities should be adequate to accommodate overlap requirements during transition periods.
- (7) *Historic structures.* When the parking standards of Table 3.1 are applied to a historic structure, as defined herein, and such requirements would detrimentally affect the historic character of the property, the Director of Development Services may reduce the parking requirement. Such reduction may only be allowed if the Director of Development Services, in consultation with the Director of Public Works, determines that on-street parking in the vicinity of the use will not create a hazardous condition or detrimentally affect traffic movements, applying the criteria listed in Section 21-94(a)(1)-(2).

**TABLE 3.1  
OFF-STREET PARKING STANDARDS**

<u>LAND USE</u>	<u>PARKING STANDARD</u>
<b>Residential Land Use</b>	
Single Family	2 spaces per dwelling unit
Two, Three, and Four Family	2 spaces per dwelling unit
Multiple Family:	
Efficiency	1 space per dwelling unit
1 bedroom	1.5 spaces per dwelling unit
2 or more bedrooms	2 spaces per two bedroom unit + additional 0.5 space for each bedroom in excess of 2
Elderly housing	1 space per dwelling unit
Group residential	1.5 spaces per rental sleeping unit
Manufactured home	2 spaces per dwelling unit
Rooming, Lodging, Boarding house	1.5 spaces per rental sleeping room
Townhouse	2.5 spaces per dwelling unit
<b>Civic Land Use</b>	
Church, Temple, Synagogue	1 space per 4 seats in auditorium/chapel
Community center, Club, Lodge, etc.	1 space per 4 seats or 1 space per 300 sq. ft. of gross floor area, whichever is greater
Game court (tennis, racquetball, etc.)	4 spaces per court
Golf course	6 spaces per hole + 1 space per 200 sq. ft. of gross floor area of public building(s)

**TABLE 3.1 (Continued)**  
**OFF-STREET PARKING STANDARDS**

<u>LAND USE</u>	<u>PARKING STANDARD</u>
<b>Civic Land Use (Continued)</b>	
Hospital, Sanitarium	1.5 spaces per bed + 1 space per 500 sq. ft. of gross floor area of emergency room and outpatient care
Library, Museum	1 space per 400 sq. ft. of gross floor area
Nursing home, Rest home, Convalescent center	1 space per 3 beds
Park, Playground, Play-field	2 spaces per acre
School:	
Kindergarten, elementary	1 space per teacher and staff + 1 space per 12 seats in auditorium/assembly area
Junior high, middle school	1 space per teacher and staff + 1 space per 8 seats in auditorium/assembly area
High school	1 space per 4 students
Swimming pool	1 space per 150 sq. ft. of pool area
<b>Commercial Land Use</b>	
Automobile and equipment sales and rentals:	
For showroom/office area	1 space per 300 sq. ft. of gross floor area
For outside lot	1 space per 2,500 sq. ft. of paved storage/display area
For service area and body shop	4 spaces per bay and working area
Bank	1 space per 300 sq. ft. of gross floor area
Bed and breakfast	1 space per guest room + 2 spaces per owner's unit
Building equip./Construction sales & services:	
For showroom area	1 space per 300 sq. ft. of gross floor area
For outside lot	1 space per 2,500 sq. ft. of storage/ display area
Convenience store	1 space per 250 sq. ft. of gross floor area
Day care center	1 space per 10 children enrolled + 1 space per employee
Flea market	1 space per 150 sq. ft. of display area
Funeral home/Mortuary	1 space per 5 seats in the auditorium(s)
Furniture store	1 space per 500 sq. ft. of gross floor area space
Horticulture/Nursery	1 space per 300 sq. ft. of gross floor area + 1 space per 2,500 sq. ft. of greenhouse and yard storage areas
Kennel	1 space per 400 sq. ft. of kennel area
Laundry, Dry cleaning services	1 space per 300 sq. ft. of customer service area + 1 space per 500 sq. ft. of remaining gross floor area
Manufactured Home Sales Lot:	
For office	1 space per 300 sq. ft. of gross floor area
For manufactured home sales/display area	1 space per 10,000 sq. ft. of area devoted to the sale, display or storage of manufactured homes
Motel, Hotel	1.1 spaces per motel/hotel unit + the number of spaces required by this section for any bar, restaurant, meeting room or other related facility

**TABLE 3.1 (Continued)**  
**OFF-STREET PARKING STANDARDS**

<u>LAND USE</u>	<u>PARKING STANDARD</u>
<b>Commercial Land Use (Continued)</b>	
Nightclub, Bar, etc.	1 space per 100 sq. ft. of gross floor area
Offices:	
Business, Professional, Governmental	1 space per 350 sq. ft. of gross floor area
Medical	1 space per 250 sq. ft. of gross floor area
Personal services (beauty salon, etc.)	3 space per chair or work station
Recreation and Entertainment:	
Amusement park	1 space per 300 sq. ft. of gross floor area + 1 space per 300 sq. ft. for outdoor facilities
Arcade	1 space per 300 sq. ft. of gross floor area
Bowling alley	5 spaces per lane
Billiard parlor	1 space per 250 sq. ft. of gross floor area
Dance/Gymnastics Studio	1 space per 400 sq. ft. of gross floor area
Dance hall	1 space per 4 seats
Drive-in theater	1 space per employee in addition to the spaces provided for viewing
Gaming Room/Amusement Center	1 space per 3 machines
Golf driving range	1 space per driving station
Health club	1 space per 250 sq. ft. of gross floor area
Miniature golf	1 space per hole + 1 space per employee
Skating rink	1 space per 200 sq. ft. of gross floor area
Sports arena, Stadium, Gymnasium, etc.	1 space per 4 seats
Theater	1 space per 4 seats
Restaurant	1 space per 3 seats
Restaurant, fast food	1 space per 100 sq. ft. of gross floor area
Retail sales and services:	
Hardware/Paint/Home improvement	1 space per 400 sq. ft. of gross floor area
Outdoor sales	1 space per 500 sq. ft. of outdoor sales area
General Retail <30,000 sq.ft.	1 space per 250 sq. ft. of gross floor area
General Retail >30,000 sq.ft.	1 space per 350 sq. ft. of gross floor area
Self-storage/Mini-storage	1 space per 20 storage stalls + 1 space per 300 sq. ft. of gross floor area of office space
Service station, oil change shop	4 spaces per bay and working area
<b>Industrial Land Use</b>	
Industrial, Manufacturing, Fabricating, Finishing, Printing	1 space per 650 sq. ft. of gross floor area
Recycling operation	1 space per 500 sq. ft., with a minimum of 3 spaces
Research laboratory	1 space per 500 sq. ft. of gross floor area
Scrap operation, Junk yard	1 space per employee + 2 spaces per acre

TABLE 3.1 (Continued)  
**OFF-STREET PARKING STANDARDS**

<u>LAND USE</u>	<u>PARKING STANDARD</u>
<b>Industrial Land Use (Continued)</b>	
Warehousing, Shipping, Receiving	1 space per 1,000 sq. ft. of gross floor area
Wholesaling, Storage distribution	1 space per 1,000 sq. ft. of gross floor area

(c) When a building, use, or structure's off-street parking demand exceeds the minimum standards of this ordinance or the capacity of the paved surfaces on site, the Director of Development Services may require additional paved parking areas to accommodate the demand. It is an offence to allow parking on unpaved areas of the property. The property owner shall prevent parking on unpaved surfaces.

**Sec. 21-93. Off-street parking requirements, site plan required.**

(a) *Site plan required.* A site plan shall be required for the construction of any off-street parking lot required by the terms of these regulations. In addition, a site plan shall be required for the surfacing of an existing, unpaved parking lot, and/or the expansion of an existing parking lot. No site plan will be required for the resurfacing of an existing, paved parking lot, provided that the area of the parking lot is not being increased and no new driveways are being added.

(b) *Construction.* Construction of off-street parking facilities shall not commence until a site plan for said facilities has been reviewed and approved in the manner prescribed in Section 21-91, Site Plans.

(c) *Certificate of Occupancy.* No Certificate of Occupancy shall be issued until all off-street parking and loading facilities have been constructed in conformance with the approved site plan.

**Sec. 21-94. Off-street parking requirements, location and design.**

(a) *Location.* The off-street parking facilities required by this section shall be located on the same lot or parcel of land as the building, use or structure to which they are accessory. In the event of practical difficulties in providing the off-street parking facilities on the same parcel of land, the Director of Development Services may permit such parking facilities on another lot or parcel, provided that the straight line distance between the two parcels shall not exceed 300 feet, and provided further that a shared parking agreement is in place. However, under the following conditions, a proposed use or current tenancy of an existing structure shall only be required to provide the maximum number of off-street parking spaces that can be arranged for functional parking use on the space available on the subject lot or parcel:

(1) The full amount of required facilities cannot be provided on the same lot or parcel of land as the structure because existing structure(s) consume space that would otherwise be available for functional parking; and,

(2) The Director of Development Services determines that on-street parking in the area of the proposed use will not create a hazardous condition or detrimentally affect traffic movements, based on the application of the following criteria to the adjacent street(s):

(a) Whether the adjacent street width is adequate for parking;

- (b) Parking regulations on the adjacent street;
- (c) Speeds on the adjacent street; and
- (d) Volume of traffic on the adjacent street.

(b) *Design requirements.*

- (1) An off-street parking space shall be an all-weather surfaced area constructed of concrete or asphalt not in a street or alley, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by an all-weather concrete or asphalt aisle and/or driveway which affords unobstructed ingress and egress to each space.
- (2) Each parking space shall be accessible from a street or alley through aisles and or driveways, except that tandem parking arrangements are permitted for single family, duplex and mobile home residential uses. With the exception of single-family and duplex parking spaces on local and collector streets, off-street parking facilities shall be so arranged that in order to depart from the premises it shall not be necessary that any automotive vehicle be backed into any public right-of-way.
- (3) Circulation within a parking area with more than one (1) aisle shall be such that a vehicle need not enter the street in order to reach another aisle within the same parking area. Dead-end aisles are not permitted for parking spaces with angles greater than zero (0) degrees and less than 90 degrees unless adequate turnarounds, as described in the City's Engineering Design Standards, are provided. All circulation and maneuvering of vehicles shall occur without encroaching any right-of-way or adjacent property, except as allowed in Section 21-97 of this ordinance.
- (4) All parking spaces shall be clearly marked on the pavement with yellow or white traffic paint or raised pavement markers approved by the Director of Development Services.
- (5) A parking lot shall be designed to physically prevent any portion of a vehicle from encroaching or overhanging any public right-of-way line or private property line through the installation of a permanent curb, wall or other physical barrier. Such physical barrier shall be located a minimum of two (2) feet from the right-of-way or property line.
- (6) All driveways shall meet the applicable driveway requirements in Chapter 20 of the City Code.
- (7) All parking spaces and aisles shall meet the minimum standards of Figure 3.1 of this ordinance.

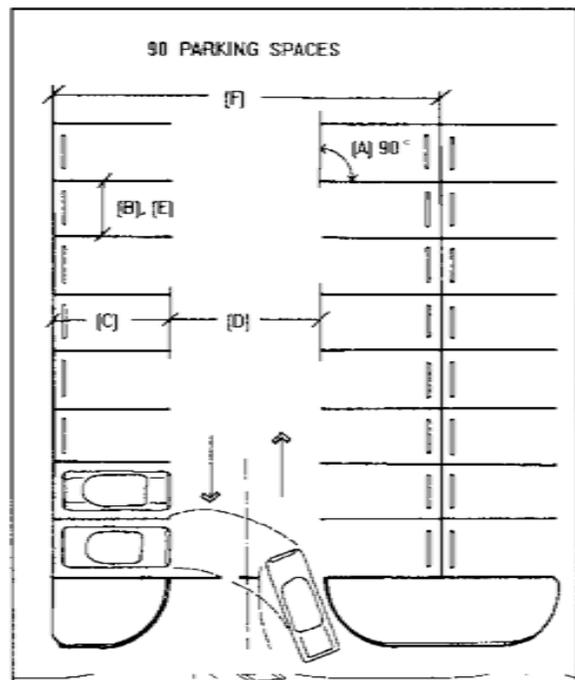
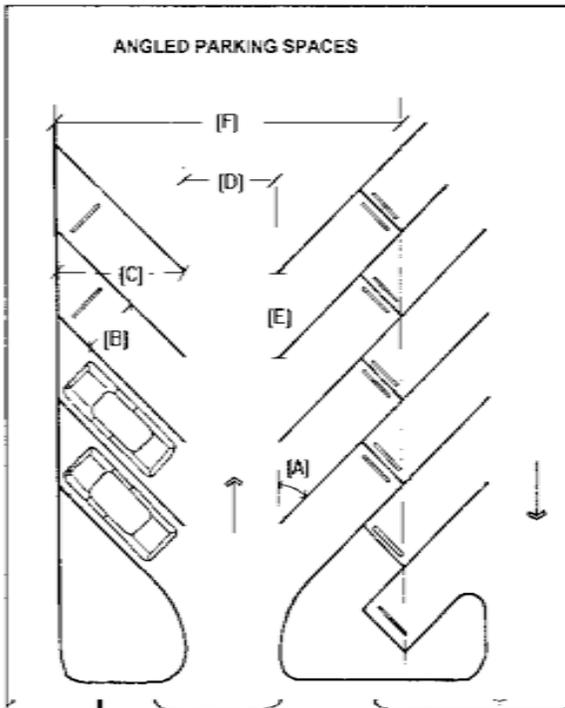
(c) *Surface requirements.*

- (1) *Purpose.* It is the purpose of these surfacing requirements to promote the health, safety and general welfare of the citizens of Victoria. More specifically, the purposes of these requirements are:

**FIGURE 3.1  
PARKING SPACE AND AISLE DIMENSIONS**

NOTE: The following Table and Figures provide the minimum standards for two parking stall width options: 9' wide spaces or 10' wide spaces.

A Angle of Parking (Degrees)	B Width of Stall	C Depth of Stall 90 Degrees to Aisle	D Width of Aisle		E Width of Stall Parallel to Aisle	F Module Width	
			One Way	Two Way		Module Width	
						One Way	Two Way
45	9	21.1	12	20	12.7	54.2	62.2
45	10	21.1	12	20	14.1	54.2	62.2
60	9	22.3	15	--	10.4	59.6	--
60	10	22.3	14	--	11.6	58.6	--
90	9	20	--	25	9	--	65
90	10	20	--	24	10	--	64
Parallel	9	9 (width)	12	24	22	30	42



- (a) The abatement of dust, standing water and the associated health and safety risks resulting from unpaved parking and vehicular use facilities;
- (b) To prevent the tracking of gravel and mud onto public streets from unpaved parking and vehicular use facilities, which may result in unsafe driving conditions and unnecessary deterioration of public improvements; and
- (c) To protect and enhance property values and public and private investment, and enhance the overall appearance of the City.

(2) *Minimum standards.* All off-street parking facilities, including those in excess of the minimum required as well as the minimum required, and including all access aisles, driveways and maneuvering areas, shall be surfaced with concrete or asphalt. Such concrete and asphalt surfacing shall meet the specifications of the City's Engineering Design Standards. All such surfacing shall be maintained in good condition at all times.

(d) *Exception.* The surfacing requirements described herein shall not apply to a proposed use or new tenancy of an existing building, use or structure under the following conditions:

- (1) The use does not require more than five (5) off-street parking spaces, as determined by Table 3.1, of this ordinance;
- (2) The use has an existing parking area at least sufficient in size for the proposed use, that is surfaced with gravel, crushed rock or similar materials placed, compacted and maintained in such a manner that it will not produce dust or mud, track onto the street from traffic movements, or erode from rainfall; and
- (3) The parking area boundaries and stalls are clearly defined by the use of logs, concrete curb stops or other similar means approved by the Director of Development Services.

Provided further, that this exception shall not apply to any expansion of an existing building, use or structure which requires more than five (5) parking spaces. In these cases, the entire required parking area shall be surfaced with asphalt or concrete, as described in Section 21-94(c).

(e) *Alternative paving materials.* Alternative paving materials, including, but not limited to, brick pavers, concrete pavers and permeable concrete may be utilized in off-street parking facilities. Additionally, concrete ribbons may be utilized for residential off-street parking facilities. Individual ribbons shall measure between 30 to 36 inches in width with a maximum internal median of 48 inches. An alternative paving material must provide an all-weather, hard surface. The use of any such material is subject to the approval of the Director of Development Services.

(f) *Drainage.* All off-street parking facilities shall be suitably sloped and drained so as not to cause any nuisance to adjacent or public property. The design of all parking lot drainage shall conform to the City of Victoria Storm Drainage Manual and Engineering Design Standards.

**Sec. 21-95. Handicapped parking.**

(a) *Generally.* Handicapped parking spaces accessible to disabled persons shall be provided in accordance with this section, and as may be applicable, the Americans with Disabilities Act and any federal regulations promulgated thereunder.

(b) *Number.* The number of required handicapped parking spaces for any building, use and structure shall be based on the function of the building or facility, but at a minimum, shall conform to the following:

<u>TOTAL PARKING SPACES</u>	<u>REQUIRED HANDICAPPED SPACES</u>
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
OVER 500	2% OF TOTAL

(c) *Minimum standards.* Handicapped parking facilities shall conform to the minimum standards set forth in the Texas Accessibility Standards promulgated by the Texas Department of Licensing and Regulation pursuant to the Texas Architectural Barriers Act, Article 9102, Texas Civil Statutes.

(d) *Restrictions.* The following restrictions upon the use of accessible handicapped spaces shall apply to spaces which are identified and reserved for the handicapped by use of handicapped parking signs.

- (1) It shall be unlawful for a person who is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person to park a vehicle displaying a disabled person identification card or sticker in a parking space or parking area designated specifically for the disabled.
- (2) It shall be unlawful for a person to park a vehicle displaying neither a disabled person identification card or sticker in a parking space or parking area designated specifically for the disabled.

Peace officers, members of the Fire Marshall's office, and persons designated by the City Manager to enforce parking regulations may enforce the provisions of this subsection.

(e) *Compliance within one year.* Owners or persons in control of off-street parking areas in existence as of the effective date of this ordinance shall designate accessible parking spaces in accordance with this section within one (1) year of such date.

#### Sec. 21-96. Queuing spaces.

Uses which have drive-through window services shall provide queuing spaces. A fast-food restaurant with drive-through services shall provide a minimum of 5 queuing spaces. For other uses with drive-through services, the minimum number of queuing spaces required shall be determined by the Director of Development Services. Where such queuing spaces are provided, they shall conform to the following standards:

- (1) No queuing space may occupy any portion of a public right-of-way;
- (2) Each queuing lane shall be a minimum of 10 feet in width and 20 feet in length;
- (3) Queuing spaces may not be used to satisfy any of the off-street parking or loading requirements of these regulations;
- (4) Queuing lanes shall not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveways; and
- (5) A 12-foot-wide by-pass lane may be required adjacent to queuing lanes to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.

#### Sec. 21-97. Joint parking facilities.

Required off-street parking for any number of separate uses may be combined in a joint parking facility under the conditions of this section, subject to the approval of a joint parking facility plan by the Director of Development Services. Such joint parking facility plan shall be reviewed for conformance with this section.

- (1) *Joint Parking Facilities Permitted.* Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex the parking requirements may be complied with by providing a permanent, common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The joint parking facility shall be located within the required distance defined in Section 21-94(a) from all uses, and shall not be separated from such uses by arterial streets. The total number of spaces provided shall not be less than the sum of the individual requirements for all uses, unless otherwise permitted in these regulations. Spaces provided for any permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers, and service.
- (2) *Multiple Ownerships or Structures.* Where buildings, uses or structures participating in a joint parking facility are owned by multiple owners, each owner shall provide evidence of a permanent, legal instrument, approved by the City Attorney, which guarantees such owner's rights to the use of the parking facility. Any termination of or amendment to such an agreement shall be subject to the approval of the City.
- (3) *Churches.* Churches may establish joint parking facilities with other uses that do not have a time conflict in parking demand. However, only 50 percent of a church's required parking spaces may be provided in this manner. In addition, such joint parking facilities shall be located no more than 400 feet from the church sanctuary. Churches using joint parking facilities shall also guarantee the

permanency of the agreement through the use of a legal instrument, as described in Section 21-97(b) above.

**Sec. 21-98. Off-street loading requirements, generally.**

(a) At the time that any building, use or structure is instituted, erected, enlarged or converted from one land use to another land use which requires off-street loading spaces, off-street loading facilities shall be provided in accordance with these regulations. Such facilities shall be provided for the purposes of loading and unloading materials, goods or merchandise, and for delivery and shipping in order that vehicles for these services may use such spaces without encroaching on or interfering with the public use of streets, alleys and sidewalks. If space is not available on the site of an existing structure for off-street loading facilities, such structure will be allowed to be used without the provision of off-street loading facilities.

(b) Off-street loading facilities required by this section shall be maintained as long as the building, use or structure remains. Off-street loading spaces shall not be used to meet off-street parking requirements, nor shall off-street parking facilities be used to meet off-street loading requirements. Off-street loading facilities, along with the necessary calculations and information necessary to determine compliance with these regulations, shall be included in the site plan required by Section 21-93(b).

**Sec. 21-99. Off-street loading requirements, number and design.**

(a) *Minimum number of off-street loading spaces required.* Off-street loading facilities shall be provided in accordance with the minimum requirements prescribed in Table 3.2, of this ordinance, subject to the following standards:

- (1) For purposes of this section, requirements shall be based on gross floor area, but shall not include enclosed or covered areas used for off-street parking or loading; and
- (2) Where mixed uses or multiple occupancies are located in the same building, or are situated on the same site in such a manner that all uses can be equally and conveniently served by a common loading space, the schedule may be applied to the entire building and to the combination of buildings or uses so situated, in lieu of application of the schedule to each individual use or occupancy. For this purpose, the schedule applicable to the use having the greatest requirement shall be utilized.
- (3) For the purposes of this section, each two (2) square feet of exterior site area used by commercial and industrial uses shall be considered equivalent to one square foot of enclosed floor area.

(b) *Design requirements.* Off-street loading spaces shall meet the following design requirements:

- (1) Each off-street loading space shall be a minimum of twelve (12) feet in width and forty-five (45) feet in length, with a vertical clearance of at least fifteen (15) feet. Such spaces shall be at grade level and on the same parcel of land as the corresponding building, use or structure;

**TABLE 3.2**  
**MINIMUM NUMBER OF OFF-STREET LOADING SPACES REQUIRED**

**SCHEDULE A.** Retail and Wholesale Businesses, Warehouses and Industrial Uses:

GROSS FLOOR AREA IN SQUARE FEET	NUMBER OF REQUIRED LOADING SPACES
Less than 10,000	0
10,000 - 50,000	1
50,001 - 100,000	2
Each additional 100,000	1

**SCHEDULE B.** Office, Medical and Research Facilities, Auditoriums, Arenas, Convention/Exhibit/Meeting Halls, Hospitals, and Hotels/Motels:

GROSS FLOOR AREA IN SQUARE FEET	NUMBER OF REQUIRED LOADING SPACES
Less than 10,000	0
10,000 - 100,000	1
100,001 - 200,000	2
Each additional 100,000	1

- (2) Off-street loading spaces shall meet the surfacing and drainage requirements of Sections 21-94(c) and 21-94(f); and
- (3) Adjacent public rights-of-way and private properties shall not be used for maneuvering. All maneuvering shall be contained on-site. Maneuvering areas for loading facilities shall not conflict with parking spaces or with the maneuvering areas for parking spaces. In order to ensure that all maneuvering is contained on-site, the following requirements must be met:
  - (a) A physical barrier, as described in Section 21-94(b)(5), shall be constructed to separate off-street loading spaces from adjacent public rights-of-way and private properties.
  - (b) Rear-loading freight docks are preferred to side-loading docks. For such rear-loading docks, truck circulation patterns and dock positions should be designed for left-side, back-in maneuvers to allow for better driver visibility (see Figure 3.2). The maneuvering area should be adequate to allow the truck to back in and pull out in one (1) maneuver. Maneuvering and circulation areas shall be designed to accommodate the size of vehicles expected to use the loading spaces, and shall conform to the appropriate diagram in Figures 3.3 - 3.5. Final determination of the size of vehicles expected to use the loading spaces shall be made by the Director of Development Services.

FIGURE 3.2  
TRUCK CIRCULATION FOR LEFT-SIDE, BACK-IN MANEUVERS

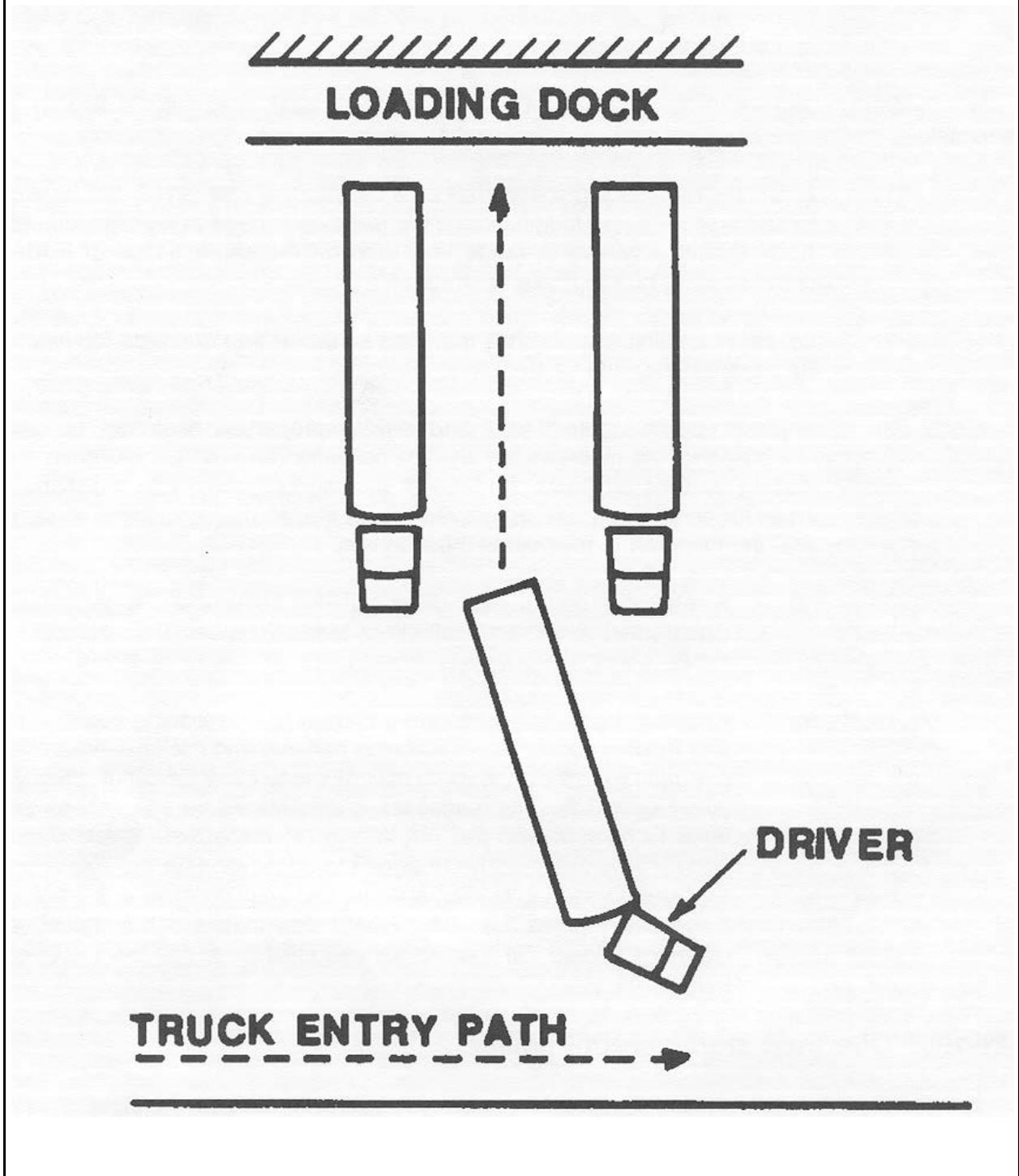


FIGURE 3.3  
TURNING DIAGRAM FOR SINGLE UNIT TRUCK OR BUS

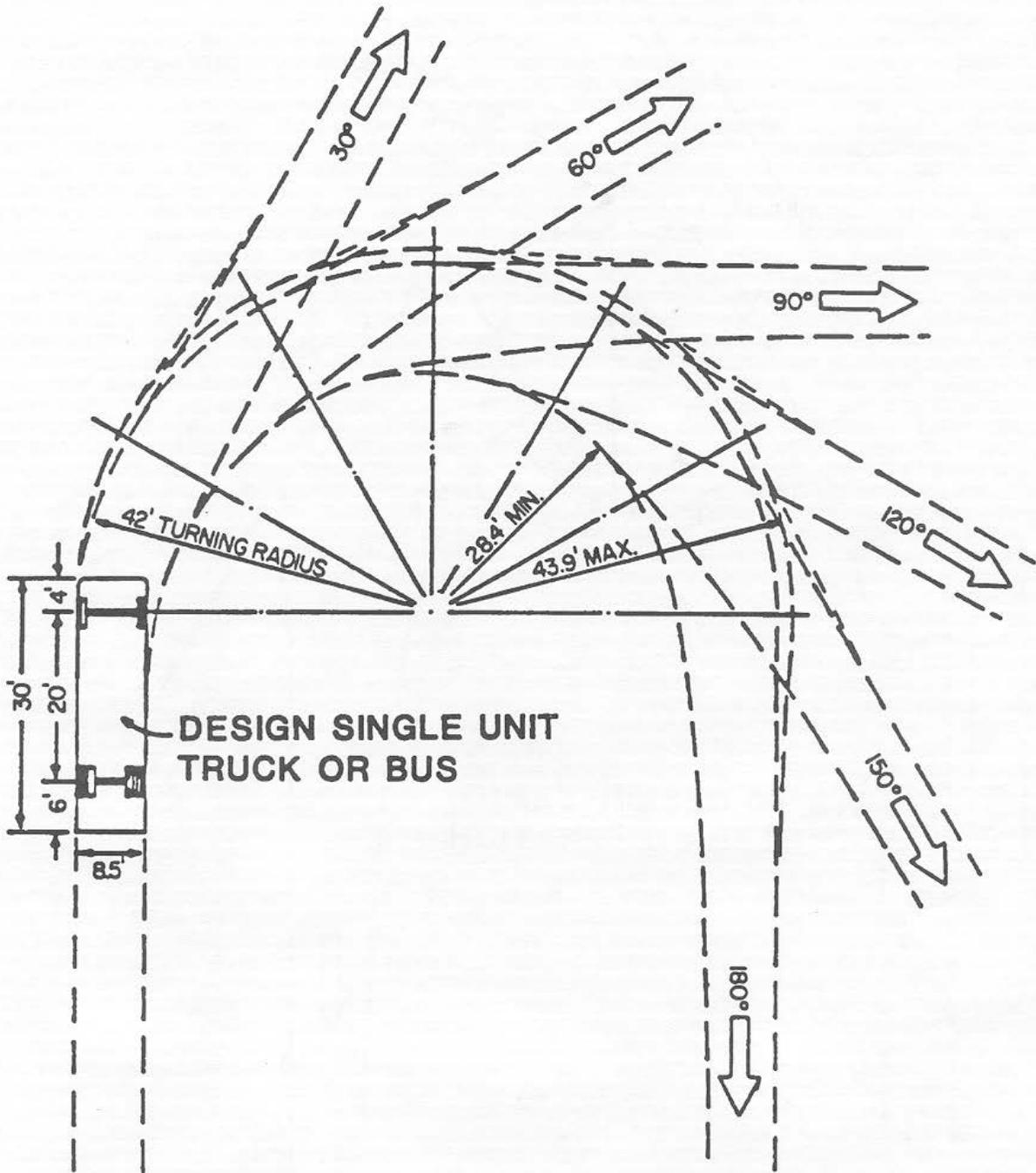


FIGURE 3.4  
TURNING DIAGRAM FOR WB-40 DESIGN VEHICLE

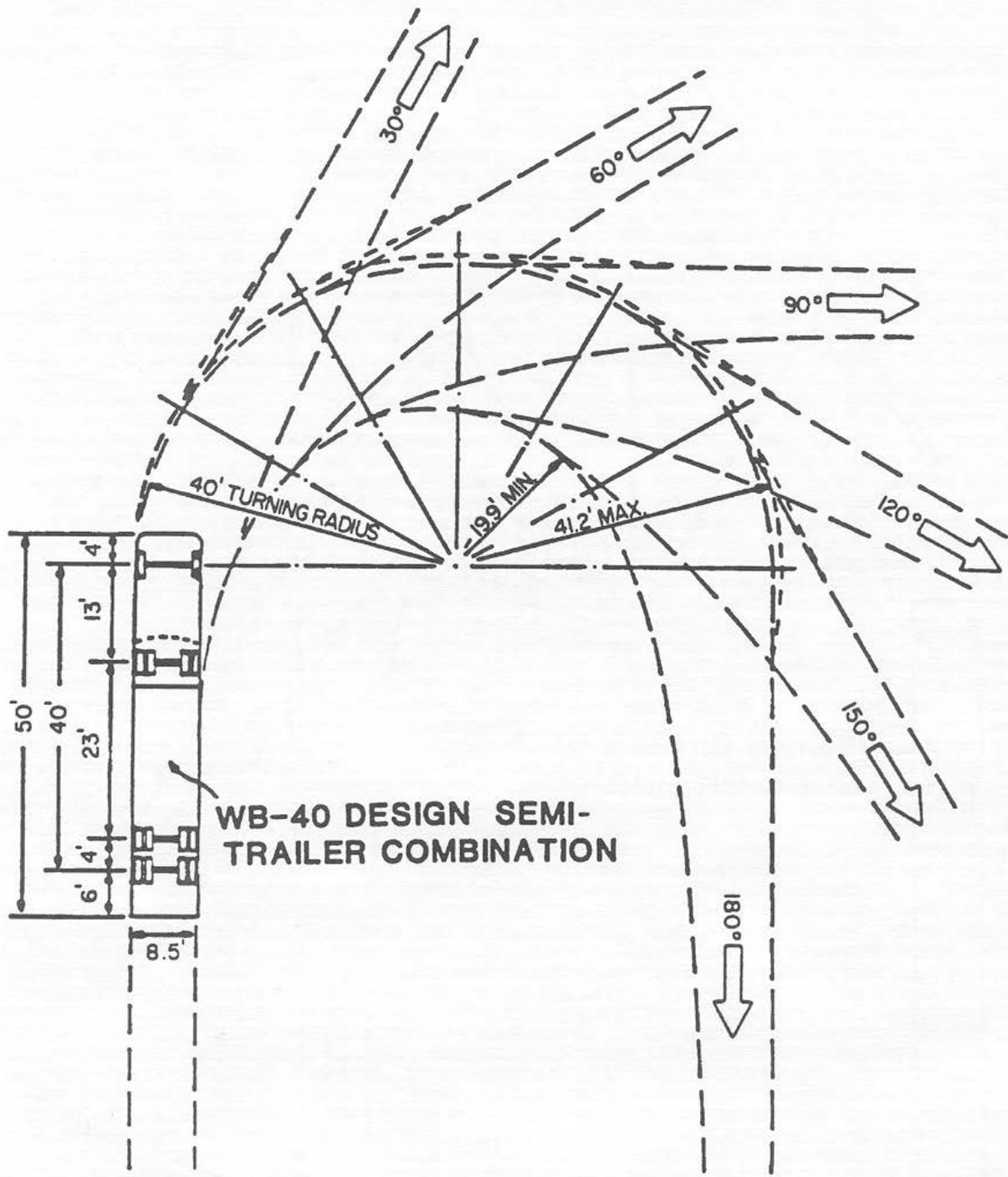
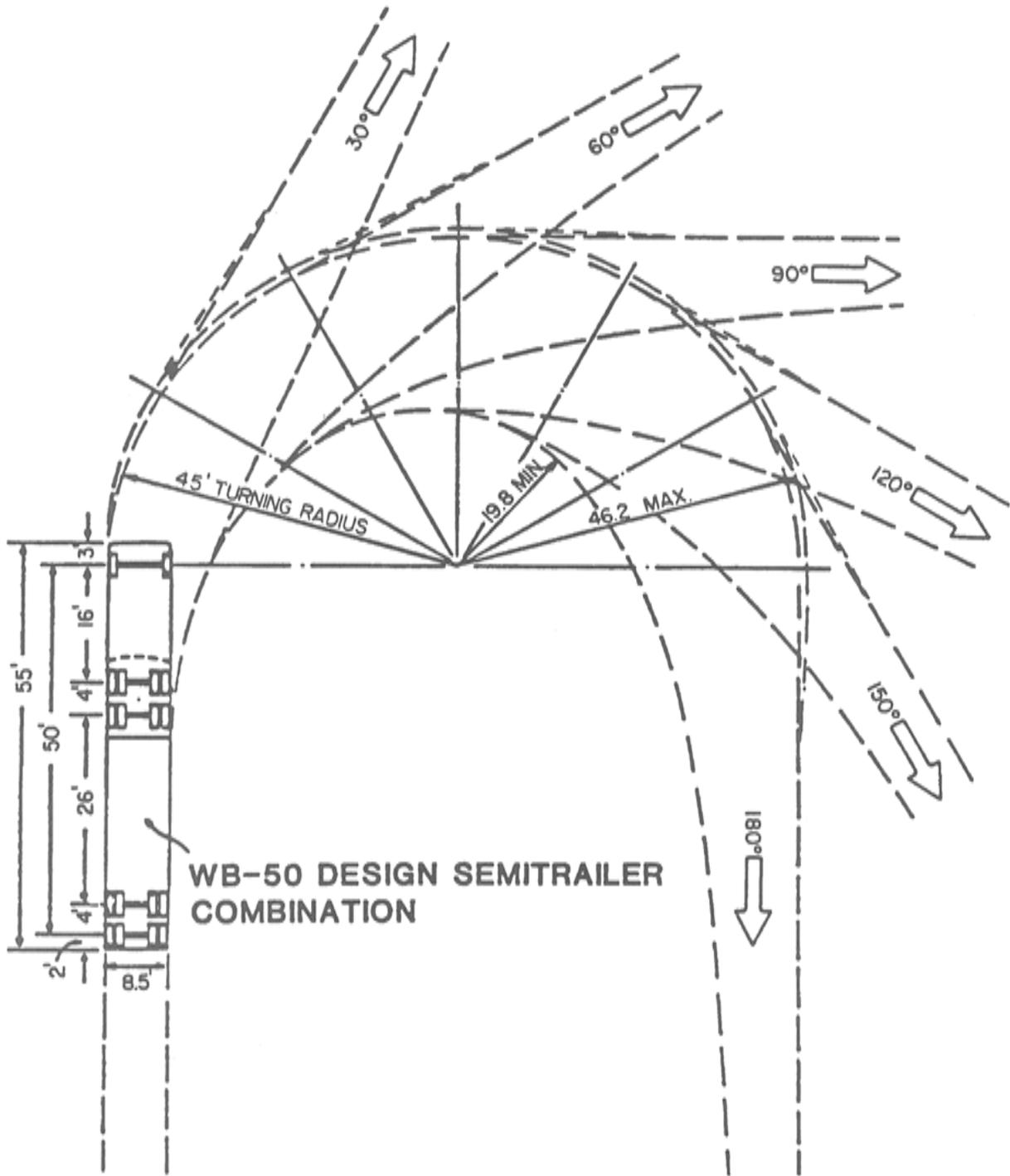


FIGURE 3.5  
TURNING DIAGRAM FOR WB-50 DESIGN VEHICLE



## Sec. 21-100. Off-street storage requirements.

(a) At the time that any building, use or structure is instituted, erected, enlarged or converted from one land use to another land use which utilizes outside space for the storage or display of motor vehicles, equipment or materials, off-street storage facilities shall be provided in accordance with these regulations. Such areas shall be provided in order that such vehicles, equipment or materials may be displayed or stored without encroaching on public right-of-way or interfering with the public use of streets, alleys, fire lanes, sidewalks, or required off-street parking areas.

(b) All off-street storage facilities to be used for the display of equipment, materials, motor vehicles, or other motor-driven equipment, including access aisles, driveways and maneuvering areas, shall meet the surfacing and drainage requirements in Sections 21-94(c) and 21-94(f).

(c) For off-street storage facilities to be used for the storage of equipment, materials, motor vehicles, or other motor-driven equipment, the surfacing requirements may be reduced or waived, provided that driveways/approaches from the right-of-way to the storage yard are paved, the storage areas are located behind the principal structure, the storage areas are not located within the required setbacks, and the storage areas are screened from any public right-of-way by a minimum 8-foot tall screening fence. Alternative screening fence materials are subject to the approval of the Director of Development Services.

(d) Wrecker storage yards and junk yards as otherwise regulated by City Code are excluded from the requirements of this section.

## Sec. 21-101. Landscaping.

(a) *Purpose.* The purpose of this section is to establish requirements for the installation and maintenance of landscaping on developed properties in order to improve, protect and preserve the appearance, character and value of such properties and their surrounding neighborhoods, and thereby promote the public health, safety and general welfare of the citizens of Victoria. More specifically, it is the purpose of this section to:

- (1) Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, storm water runoff retardation and ground water recharge;
- (2) Aid in the abatement of noise, glare and heat;
- (3) Aid in energy conservation;
- (4) Provide visual buffering, and provide contrast and relief from the built-up environment; and
- (5) Protect and enhance property values and public and private investment, and enhance the beautification of the City.

(b) *Applicability of section.* The provisions of this section shall apply to any development located within the city limits of Victoria at such time as an application is made for any of the following:

- (1) A building permit for a new structure;
- (2) A building permit for the renovation, remodeling or expansion of an existing structure that increases the gross floor area by twenty-five (25) percent or more.
- (3) A building permit for the renovation, remodeling or expansion of an existing residential structure that results in the land use of such structure being changed to a non-residential use.
- (4) The construction of a new off-street parking facility or the expansion of an existing off-street parking facility that increases the paved area by twenty-five (25) percent or more.

(c) *Exceptions.* The provisions of this section shall not apply to applications for the following:

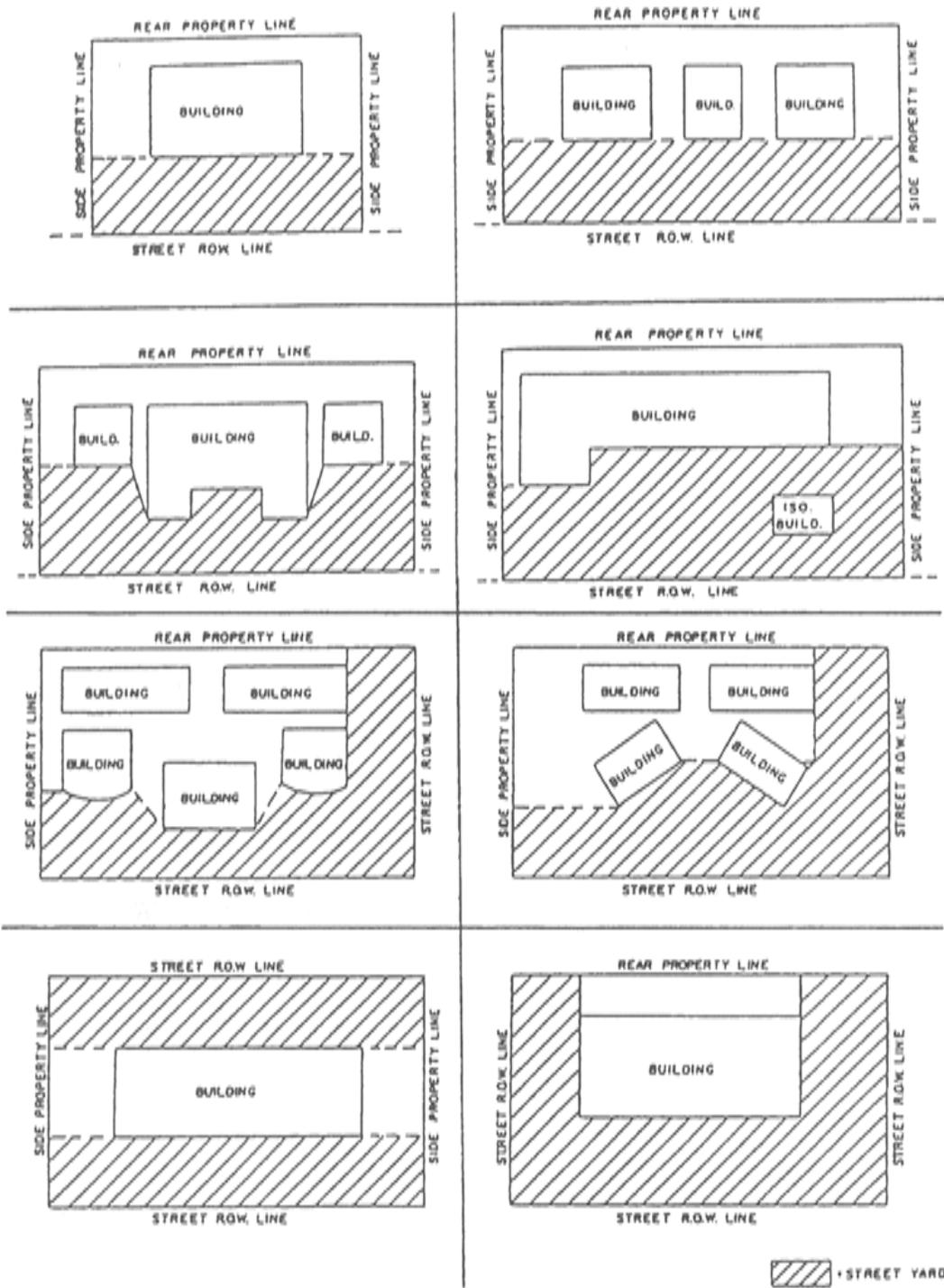
- (1) A building permit for a single family or duplex;
- (2) A building permit for the restoration, within twelve (12) months, of a building that has been damaged or destroyed by fire, explosion, storm or accident of any kind; and
- (3) A building permit for the renovation, remodeling or expansion of an existing structure that does not increase the floor area or off-street parking area by twenty-five (25) percent or more.

(d) *Landscaped area required.* A minimum of ten (10) percent 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 footprints or areas designated as fenced and secured storage areas shall be subtracted from the building site area prior to making the ten (10) percent calculation. At least seventy (70) percent of the required landscaped area shall be located within the street yard, as illustrated in Figure 3.6 of this ordinance. 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 Development Services.

(e) *General requirements for landscaped areas.* Landscaped areas shall meet the following general requirements:

- (1) Landscaped areas shall include a combination of the following types of materials: trees, shrubs, annual and/or perennial plants, vines, grass, and/or groundcover. Nonliving, durable materials commonly used in landscaping, such as, but not limited to organic mulches, rocks, pebbles, sand, walls and fences, but excluding paved surfaces, may also be utilized in landscaped areas. Pervious, decorative paving materials and brick pavers may be included in the form of walkways or driveways through landscaped areas; however, off-street parking areas paved with such materials shall not be considered as landscaped areas. The use of nonliving materials shall not exceed fifty (50) percent of the required landscape area, except where the xeriscape principles described in Section 21-101(m) are followed;

FIGURE 3.6  
STREET YARD ILLUSTRATIONS



- (2) All landscaped areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to and encroachment of these areas; and
- (3) A landscaped area shall have a minimum dimension of three (3) feet on any side.

(f) *Landscaping in off-street parking areas.* If a site which is subject to this section includes an off-street parking area which is 50 parking spaces or larger in size, twenty (20) percent 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 (5) feet on any side. The requirements of this subsection 21-101(f) shall not apply to outdoor display areas, as defined in this chapter.

(g) *Tree requirements.* At least one (1) 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 (5) feet by five (5) 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.

(h) *Credit for preservation of existing trees.* The developer will receive credit towards the tree requirements of Section 21-101(g) for the preservation of existing trees, as outlined in the following schedule:

<u>Existing Trees</u>	<u>Tree Credit</u>
1 tree, 1" to 6" in caliper	1
1 tree, > 6" to 12" in caliper	2
1 tree, >12" to 15" in caliper	3
1 tree, greater than 15" in caliper	4

The following conditions shall be met in order for these tree credits to apply:

- (1) Each existing tree shall be in a healthy and growing condition;
- (2) During site preparation and construction, each existing tree shall be protected by the placement of a barrier around the area below the drip line;
- (3) A minimum of seventy-five (75) percent of the area below the drip line of an existing tree shall be maintained as a permanent, landscaped area at grades existing prior to site development unless special provisions are made for the protection and survival of the tree. Such special provisions, including but limited to the use of permeable paving materials, shall be subject to the approval of the Director of Development Services.
- (4) Should any tree for which credit is received under the provisions of this subsection die at any time, the owner shall, within ninety (90) days, replace the tree with the equivalent species or a tree which will obtain the same height, spread and growth characteristics. The replacement tree shall have a minimum caliper of three (3) inches when planted.

(i) *Landscaping within public right-of-way.*

- (1) *Landscaping required.* The unpaved portions of the public right-of-way abutting the entire frontage of a lot shall be landscaped with live vegetative cover.
- (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 twenty-five (25) percent of the required landscaped area for the site.
- (3) *Restrictions.*
  - (a) Trees, shrubs and other landscape materials which will exceed two (2) feet in height shall not be installed in public right-of-way.
  - (b) Portions of right-of-way to be improved in future street widening projects shall not be credited for landscaping purposes. For streets which have not been developed to their ultimate width, only the areas outside of the ultimate edge of street improvements, as determined by the Director of Development Services, shall be credited.
  - (c) The City shall not be responsible for the maintenance of landscaping installed in public right-of-way. Nor will the City be responsible for the replacement of landscape materials which must be removed during the repair or maintenance of utilities or other public improvements.
  - (d) Underground sprinkler systems shall not be installed within street right-of-way, except upon written agreement between the City and the property owner upon terms and conditions set by the Director of Development Services which shall include an acknowledgement by the owner that no compensation shall be paid to owner for any damages to or relocation costs of the sprinkler system resulting from future public work within the rights-of-way.

(j) *Visibility.* Landscaping shall not obstruct the visibility of motor vehicles at all street or private drive intersections. A traffic visibility triangle in accordance with Section 22-21 shall be maintained where no landscaping which exceeds an elevation of the top-of-curb plus two (2) feet will be allowed in such areas, except for single trunk trees pruned to a height of seven (7) feet. These trees are to be of such size and so spaced that no visual obstruction that represents a traffic hazard is created.

(k) *Landscape plan.* Prior to the issuance of a building permit on any site to which these landscaping provisions apply, a landscape plan shall be required. If the required landscaping is part of a development for which a site plan is required, the landscape plan shall be a part of the site plan submittal, as described in Section 21-91 of this ordinance. If the landscape plan is submitted independent of a site plan, it shall be submitted to the Director of Development Services. Landscape plans shall be reviewed by to determine whether they meet the requirements of

this section. The time periods allowed for review shall be the same as those for site plans, outlined in Section 21-91(b), of this ordinance. Landscape plans shall be drawn to a minimum scale of one (1) inch to fifty (50) feet, and shall provide the following information:

- (1) Date, scale, north arrow, name and location of the development, and the names of the owner and the person preparing the plan;
  - (2) The locations and dimensions of all property lines, adjacent streets and rights-of-way, traffic visibility triangles, significant drainage features, buildings and structures, off-street parking, loading and vehicular use areas, driveways, and underground and/or overhead lines. The landscape plan shall also address the relationship between the drainage of landscaped areas and the drainage of the remaining features of the site;
  - (3) The landscaped areas on the site, including:
    - (a) Locations, dimensions and square footage of all landscaped areas;
    - (b) Types of landscape materials (i.e. grass, shrubs, groundcover, trees, etc.);
    - (c) The species, number, size and locations of all required trees; and
    - (d) The species, location and caliper of any existing trees to be preserved;
  - (4) A description of proposed watering methods; location of hose bibs must be shown on the plan if that is the selected method;
  - (5) A description of how existing trees proposed to be preserved will be protected during site preparation and construction; and
  - (6) All calculations necessary to confirm that the plan meets the requirements of Sections 21-101(d) through (i).
- (l) *Planting criteria.*
- (1) *Trees.* Trees planted to meet the requirements of this section shall have a minimum caliper of two (2) inches and a minimum height of five (5) feet when planted.
  - (2) *Shrubs, annual and/or perennial plants, vines, grass, and groundcover.* Such materials planted to meet the requirements of this section shall be good, healthy nursery stock. Shrubs shall be a minimum of one (1) foot in height or width when planted.
  - (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, swales or other areas subject to erosion.

(m) *Water conservation (xeriscape) principles.* Developers are encouraged to follow xeriscape, or water conservation principles, in meeting the requirements of this Section. Xeriscape principles include the use of mulches, native and adapted lower water demand plants, limited turf areas, and efficient watering methods; resulting in significantly lower water use and decreased maintenance. The xeriscape principles are outlined in a booklet entitled "Landscape Water Conservation... Xeriscape" by Douglas F. Welsh, William C. Welch and Richard L. Duble, published by the Texas Agricultural Extension Service. Copies of the booklet may be obtained from the Development Services Department. If a landscape plan is developed using the xeriscape principles, the provision in Section 21-101(e)(1), which requires living materials to predominate over nonliving materials, may be reduced to allow for the use of additional mulched areas.

(n) *Alternative compliance.* Under the specific conditions listed below, the Director of Development Services may review and approve an alternative compliance landscape plan upon determining that such plan meets the general intent and purpose of this section. An alternative compliance plan may only be submitted under one of the following specific conditions when such condition inhibits creative site design or poses unnecessary constraints to appropriate development as a result of strict compliance with the requirements set forth in this section:

- (1) Unique natural features such as soil characteristics, topography, geological characteristics, water features, and significant existing vegetation;
- (2) Peculiarly-shaped lots;
- (3) Lots where space limitations exist as a result of the locations of existing structures, paved areas and other built features;
- (4) Lots in excess of fifteen (15) acres in size; or
- (5) Lots with structures listed as low, medium or high priority in the Historic Resources Survey of Victoria, Texas, and which meet the criteria outlined in the survey at the time of application.

(o) *Appeals.* Appeals which allege error in any order, requirement, decision or determination made by the Director of Development Services in the interpretation of the provisions in this section shall be heard by the Planning Commission. The developer shall notify the Director of Development Services of the decision to appeal. The Development Services Department will review the appeal and/or the landscape plan and make a recommendation to the Planning Commission. The Planning Commission shall make a decision to either approve or deny the appeal. If the Planning Commission denies the appeal, the applicant may make a final appeal to the City Council. The City Council shall make the final decision to either approve or deny the appeal on the basis of public health, safety, welfare, and aesthetics of the appeal.

(p) *Installation.* All landscaping shall be installed in a sound workmanship-like manner, and according to accepted good planting procedures.

(q) *Completion.* A Certificate of Occupancy for any building, use or structure to which this section applies until the landscaping has been installed in accordance with the approved landscape plan. However, if the property owner/developer provides the Director of Development Services with documented assurance that the

landscape materials will be completed within a specified period of time, the Director of Development Services may issue a Certificate of Occupancy prior to completion of landscape installation. For purposes of this subsection, "documented assurance" shall mean a letter, co-signed by the property owner/developer and the contractor responsible for the installation of landscaping, which provides assurance that the required landscaping will be installed by a specific date. A copy of a valid contract to install the landscaping or proof of purchase of the required landscape materials shall be attached to the letter. The amount of time allowed to bring the premises into compliance shall be determined by the Director of Development Services, and shall not exceed sixty (60) days.

(r) *Irrigation.* The irrigation of all landscaped areas shall be provided for by one of the following methods: A fully automatic or manual underground irrigation system, or a hose attachment within one hundred (100) feet of all landscaped materials.

(s) *Maintenance.* The property owner shall be responsible for the maintenance of all landscaping. This shall include watering, mowing, edging, pruning, weeding, fertilizing, and other such activities common to the maintenance of landscaping. In addition, landscape materials shall be maintained in such a manner that they meet the requirements of Section 21-101(j), Visibility. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials that are not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material which dies shall be replaced with plant material of similar variety and size within ninety (90) days.

#### **Sec. 21-102. Screening fences.**

(a) *Generally.* In the event that any multiple-family or nonresidential land use sides or backs to an existing or proposed single family and/or duplex residential land use, or in the event that any nonresidential land use sides or backs to an existing or proposed multiple-family residential land use, an opaque screening fence of eight (8) feet in height shall be erected along the property line(s) separating these uses. The purpose of the screening fence is to provide a visual barrier between the properties. The owner of such nonresidential or multiple-family property shall be responsible for the construction and maintenance of the screening fence along the property line(s) separating his/her property from the residential property. No certificate of occupancy shall be issued for a use until the Director of Development Services issues a Certificate of Approval indicating that the requirements of this section have been met. For the purposes of this section, a 'proposed' residential use is defined as follows:

- (1) Property located in a recorded subdivision which is restricted to residential use by a land use designation on the face of the plat;
- (2) Property located in a recorded subdivision which has no land use designation on the face of the plat, but which has been developed primarily for residential purposes;
- (3) Property for which preliminary plat and construction plan approvals have been given, and/or construction has commenced on public or private improvements for residential development.

(b) *Applicability.* The requirements of this section shall be applied in the following conditions:

- (1) A screening fence shall be constructed prior to the institution of, the conversion to, or a change in land use by any nonresidential or multiple-family use covered by Section 21-

102(a) above. For purposes of this section, a change in land use shall be a change from one nonresidential land use to a higher intensity nonresidential land use. The determination as to whether there is an increase in land use intensity shall be made by the Director of Development Services. For a shopping or business center which has multiple occupancies, the following procedure shall apply. The first time after the effective date of this ordinance that a change in land use occurs in the center, the owner shall be made aware of the screening fence requirements. At such time, the owner shall be notified that the next change in land use in the center will trigger the enforcement of the screening fence requirements for the entire facility. No Certificate of Occupancy shall be issued for the latter occupancy until such time as the screening fence is installed for the entire center.

- (2) A screening fence shall be constructed when the premises of any nonresidential or multiple family use covered by Section 21-102(a) above are improved or remodeled, and the cost of such improvement or remodeling exceeds fifty (50) percent of the value of the premises according to the current records of the county appraisal district.

(c) *Materials.* Screening fences erected to meet the requirements of this section shall be constructed of conventional, opaque fencing materials to be approved by the Director of Development Services. Acceptable fences include, but are not limited to, solid wood fences made of treated pine, cedar or redwood, or masonry walls. Unacceptable materials include, but are not limited to, plywood, corrugated steel sheets and chain link fence with weave.

(d) *Height restrictions.* Screening fences located to the rear of the minimum required front building setback line shall be eight (8) feet in height. The maximum height of a screening fence located forward of the minimum required front building setback line shall be three (3) feet. For screening fences which cross a minimum required front building setback line, an eight (8) foot transition area shall be provided between the eight (8) foot and three (3) foot sections of the fence. Such eight (8) foot transition section shall begin at the minimum required building setback line and extend toward the front of the property. For existing subdivisions which do not have platted building setback lines, a twenty (20) foot setback shall apply for the purposes of this subsection.

(e) *Maintenance.* All screening fences provided to meet the requirements of this article shall be maintained in good condition.

- (1) The fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence.
- (2) Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) having a combined total area of twenty (20) square feet or more of said fences shall be replaced or repaired within thirty (30) days of notification of non-compliance.

(f) *Waiver procedure.* In cases where the owner(s) of a site for which a screening fence is required and all owners of adjacent residential property agree that the screening the fence would be undesirable or unnecessary, such owners may make a written request to waive the requirement. The request may be for a total waiver of the requirement, or for a partial waiver of the requirement as to height. However, there shall not be a partial waiver as to the length of the screening fence. In order for the screening fence requirement to be waived, the owners

of all affected properties must join in the request for waiver. In the event of a change in land use on the premises of a nonresidential use, a waiver becomes void and a new waiver is required.

A request for a screening fence waiver shall be made on forms provided by the Director of Development Services. The completed form(s) shall be signed by the residential property owner(s), notarized, and submitted to the Director of Development Services for review and approval.

#### **Sec. 21-103. Commercial refuse storage containers.**

If a site plat is required by this chapter, the following commercial refuse storage container requirements shall apply:

(a) *Placement.*

- (1) Commercial refuse storage containers shall be located in the rear yard out of view from street right-of-way. Where site constraints and access make rear yard locations infeasible, containers may be placed in unobtrusive locations in side yards with appropriate screening.
- (2) Openings into enclosures shall be positioned so that view of the containers from the street right-of-way is eliminated.
- (3) Containers shall be located in such a manner that they can be serviced by a refuse hauling vehicle without such vehicle encroaching on or interfering with the public use of streets or sidewalks, and without such vehicle backing out of the property onto public right-of-way.
- (4) Containers shall be placed on a paved surface of either concrete or asphalt.

(b) *Screening.* Containers visible from the street right-of-way view shall be screened with a structural screen of wood or masonry enclosure. Enclosure shall extend at least one (1) foot above the container top. The Director of Development Services shall determine when container visibility requires screening measures to be employed.

#### **Sec. 21-104. Fences and walls in residential areas.**

(a) Fences and walls will be allowed in any required yard or along the edge of any yard of an interior lot in a residential land use area; provided that no opaque fence or wall located in front of the front building line shall exceed three (3) feet in height, and no other wall or fence in a residential area shall exceed eight (8) feet in height. On corner lots, fences and walls shall not encroach front or exterior side building lines.

(b) For screening fences which cross a minimum required front building setback line, an eight (8) foot transition area shall be provided between the eight (8) foot and three (3) foot sections of the fence. Such eight (8) foot transition section shall begin at the minimum required building setback line and extend toward the front of the property. For existing subdivisions which do not have platted building setback lines, a twenty (20) foot setback shall apply for the purposes of this section.

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

**Sec. 21-105. Maximum building height.**

(a) *Residential.* The maximum building height for all residential uses is forty (40) feet. However, additional height may be permitted at a ratio of one additional foot of height for every one (1) foot of additional building setback over the minimum requirements from all property lines.

(b) *General commercial and office uses.*

(1) If not adjacent to existing or proposed residential land uses - no restrictions.

(2) If adjacent to existing or proposed residential land use - forty (40) feet. However, additional height may be permitted at a ratio of one additional foot of height for every one (1) foot of additional building setback over the minimum requirements from all residential property lines.

(c) *Planned shopping center.* The maximum building height for all planned shopping center uses is forty (40) feet.

(d) *Industrial.*

(1) If not adjacent to existing or proposed residential land uses - no restriction.

(2) If adjacent to existing or proposed residential land use - forty (40) feet. However, additional height may be permitted at a ratio of one additional foot of height for every two (2) feet of additional building setback over the minimum requirements from all residential property lines.

**Sec. 21-106. Lighting.**

If a site plan is required by this chapter, the following lighting requirements shall apply if any multiple-family or non-residential land use is adjacent to an existing or proposed single-family or duplex residential land use:

(a) All parking lot and ground lighting shall be directed away from adjacent residential property.

(b) All exterior lighting shall be hooded or otherwise shielded so that the light source is not directly visible from adjacent residential property.

**Sec. 21-107. Manufactured home parks, recreational vehicle parks, and manufactured home sales lots.**

(a) *Generally.* It shall be unlawful for any person to maintain or operate a manufactured home park, manufactured home sales lot, or recreational vehicle park within the city limits until a plat and site plan meeting the requirements of this chapter is reviewed and approved as provided by this chapter.

(b) *Manufactured home parks and recreational vehicle parks.*

(1) *Density.* Maximum density permitted in a manufactured home park shall not exceed 9 spaces per acre.

(2) *Paving.* Interior streets or drives in either a manufactured home or recreational vehicle

parks shall not be less than 20 feet in width and shall be paved with concrete or asphalt.

- (3) *Street Access.* All manufactured home and recreational vehicle spaces shall abut on a private interior street or drive to the extent necessary to provide access for the installation or removal of a manufactured home or recreational vehicle, as appropriate, as well as access for the required off-street parking. No manufactured home park or recreational vehicle space shall be designed for direct access to a public street or highway.
- (4) *Parking.* Each manufactured home or recreational vehicle space shall provide sufficient parking and maneuverability space so the parking, loading or maneuvering or recreational vehicles incidental to parking shall not necessitate the use of any public street, sidewalk, or right-of-way or any private property not part of the park.
- (5) *Lighting.* Entrances and interior streets of manufactured home and recreational vehicle parks shall be provided with luminaries capable of producing not less than 7,000 lumens and installed not more than 300 feet apart.
- (6) *Utilities and Drainage.* All utilities and drainage in manufactured home and recreational vehicle parks shall conform to all applicable codes and ordinances of the City and meet the standards provided below:
  - a. *Water.* An adequate supply of potable water for domestic and fire protection purposes shall be supplied to meet the requirements of the park. All manufactured home spaces shall be provided with a water hookup at least 4" above finished ground level and a hose bib for grounds maintenance. Fire hydrants shall be installed so that no mobile home space is over 500 feet from a hydrant. In the event a public water supply is not available, the proposed system shall be approved by the city-county health department as well as the Director of Public Works.
  - b. *Sanitary sewer.* All sewage and wastes from showers, sinks, bathtubs, laundry facilities, and similar facilities shall be provided with a sanitary sewer hookup at least 4" above finished ground level. In the event public sewer facilities are not available or cannot be provided, waste shall be collected and treated by a private treatment facility; such waste treatment facility shall be subject to approval by the city-county health department as well as the Director of Public Works.
  - c. *Gas.* Gas shall not be furnished by a private system involving the use of butane or propane, though these fuels may be used on an individual basis provided the installation and use conforms to all applicable codes and ordinances.
  - d. *Drainage.* Drainage facilities shall be provided to adequately serve the area in accordance with the Master Drainage Plan adopted by the city.
- (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.

(c) *Manufactured home sales lots.* The following requirements shall apply to manufactured home sales lots in addition to the other requirements of the codes of ordinances of the City:

- (1) An office shall be designated.
- (2) The site shall be designed with a paved, internal circulation drive and maneuvering areas that provide paved access to all storage and display spaces. The spaces where manufactured homes are parked may be unpaved. All off-street parking, ingress, egress, and maneuvering areas shall be paved surfaces.
- (3) The site shall be of adequate size, shape and design to ensure:
  - a. All maneuvering of inventory will be contained on-site;
  - b. No inventory will be backed onto the site from public right-of-way;
  - c. All on-site maneuvering shall occur without encroaching adjacent property lines or right-of-way lines; and
  - d. Manufactured homes will be maneuvered without conflicting with vehicular parking or maneuvering areas.

If the Director of Development Services determines the site plan presents a substantial risk of violation of any of the requirements of this subsection, the Director may require the construction of fencing, berms, landscaping, or pipe bollards as the Director finds are appropriate to prevent such violations.

- (4) Drainage shall be provided in accordance with the Master Drainage Plan.

#### **Sec 21-108. Telecommunication Towers.**

- (a) *Definitions.* The following definitions shall apply to this Section:

- (1) *Telecommunications tower* shall mean any structure erected for the purpose of supporting equipment that serves as a telecommunications relay point for cellular telephones, personal communications services (PCS), digital communications, or similar service that is regulated by the 1996 Federal Telecommunications Act.
- (2) *Stealth tower* shall mean a tower that is camouflaged to be unrecognizable as a telecommunications facility and shall include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structures, antennas integrated into architectural elements such as church spires or window walls, and antenna structures designed to resemble light poles, flag poles or trees.
- (3) *Monopole tower* shall mean a self-supporting structure composed of a single vertical pole, fixed to the ground and/or attached to a foundation with no guy wires containing one or more mounted antennas and associated equipment.

(b) *Location.* Telecommunication towers located within a historic district shall be stealth towers. Telecommunications towers constructed elsewhere in the City of Victoria may be monopole towers. Towers secured by guy wires and lattice style towers are expressly prohibited.

(c) *Setback from residential structures.* All telecommunications towers shall be set back from any residential structures a distance of at least 10 feet plus one foot for each foot of height of the tower.

(d) *Co-location encouraged.* The Director of Development Services shall maintain a list of available telecommunications sites that are owned by the City and other owners of existing structures, such as towers, buildings, windmills, poles, etc. who wish to make their structures available for placement of telecommunications facilities thereon. Lease or use rates may be provided on this list.

(e) *Site plan requirements.* In addition to the requirements of Section 21-91 of this code, a site plan for a telecommunications tower shall be accompanied by a drawing and any supporting documents that identify the type and height of the proposed facility.

(f) *Tower removal.* A removal deposit in the amount of \$100 for each foot in height of a proposed telecommunications tower from its base (if ground based) or mount (if mounted on another structure) shall accompany an application for a telecommunications tower permit. The amount shall be held by the City and shall be refundable to the owner of the property upon which the tower is located, after the owner has removed the tower in accordance with all City requirements. If the deposit is returned to the owner, it shall be returned with accumulated interest at the rate received by the City, less a City processing fee of 10% of the aggregated amount of the deposit and interest. Upon written request, the Director of Development Services shall lower the tower removal deposit to a level proven by an applicant to be sufficient to cover the estimated probable cost of removing the tower. The Director's actions in failing to lower such removal deposit in accordance with a request may be appealed to the Planning Commission.

(g) *Exemptions.* This section shall apply to the renovation, modification, or installation of any telecommunication tower, except for the following facilities, which shall be exempt from the requirements of this section:

- (1) Structures intended only for and capable only of use as amateur radio facilities;
- (2) Ground based telecommunications towers that do not exceed a height of 40 feet from the base of the tower that are not lattice style towers or towers secured by guy wires;
- (3) Telecommunications facilities and tower structures that are attached to, placed upon, or constructed on top of a building, provided the height of the tower structure does not exceed 20 feet above the height of the building upon which the tower is constructed and the tower structure is not a lattice style tower or tower secured by guy wires;
- (4) Towers or other facilities placed on land or right-of-way owned by the federal government, the State of Texas or the City of Victoria;
- (5) Telecommunications equipment that is mounted on a pre-existing operational telecommunications facility, light mast, or operational engineered structure other than a telecommunications facility, such as a sign; and
- (6) Telecommunications towers that were constructed prior to the date of approval of this ordinance, except that this ordinance shall apply to the renovation, modification or repair of any telecommunication tower where the anticipated cost of the renovations, modifications or repairs exceeds the percentage of the original cost of the tower (as said cost is shown in the permit application) by more than the amount provided by the following schedule:

<u>DATE OF RENOVATION, MODIFICATION OR REPAIR OF TOWER</u>	<u>PERCENTAGE OF COST OF TOWER</u>
between January 1, 2002 and January 1, 2003	90% of the original cost
between January 1, 2003 and January 1, 2004	80% of the original cost
between January 1, 2004 and January 1, 2005	70% of the original cost
between January 1, 2005 and January 1, 2006	60% of the original cost
between January 1, 2006 and January 1, 2007	50% of the original cost
between January 1, 2007 and January 1, 2008	40% of the original cost
between January 1, 2008 and January 1, 2009	30% of the original cost
between January 1, 2009 and January 1, 2010	20% of the original cost
after January 1, 2010	10% of the original cost

### **Sec 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.

### **Sec 21-110. Barbed Wire Fences.**

Barbed wire fences are prohibited on or around any property; except with the following conditions:

- (1) Up to three (3) strands of barbed wire shall be permitted on top of a six (6) foot or taller high security-type fence on non-residential uses, provided the barbed wire is upright or projecting over the owner's property and not over abutting property, or
- (2) Properties with an agricultural use exemption of five (5) acres or greater.

### **Secs. 21-111 - 119. Reserved.**