

City of Victoria

# UNIFIED DEVELOPMENT ORDINANCE

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Amended January 30, 2026



# Victoria UDO As Adopted

As Amended effective January 30, 2026

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Article I. General Provisions.....	3
Division 1. Introduction .....	3
Division 2. Legal Provisions.....	4
Article II. Enforcement and Nonconformities.....	6
Division 1. General Enforcement.....	6
Division 2. Nonconformities .....	9
Article III. Building Codes and Construction Related Activities.....	16
Division 1. General .....	16
Division 2. Licenses .....	19
Division 3. Permits .....	21
Division 4. Applications.....	23
Division 5. International Residential Code.....	27
Division 6. International Building Code.....	39
Division 7. International Existing Building Code .....	42
Division 8. International Mechanical Code .....	43
Division 9. International Plumbing Code .....	44
Division 10. International Fuel Gas Code.....	45
Division 11. National Electrical Code .....	45
Division 12. Swimming Pool Code .....	50
Division 13. Property Maintenance Code (retitled from Housing Code) .....	51
Division 14. Energy Conservation Code.....	52
Division 15. Unsafe Buildings .....	55
Division 16. Landscape Irrigation Systems .....	63
Division 17. Manufactured Housing.....	65
Article IV. Land Uses.....	68
Division 1. General Provisions.....	68
Division 2. Land Use Table.....	69
Division 3. Use-Specific Standards .....	82
Division 4. Accessory Uses .....	96
Division 5. Overlays and Special Area Districts .....	102
Article V. Development Standards .....	109
Division 1. General Provisions.....	109
Division 2. Dimensional Requirements.....	110

Division 3. Parking.....	113
Division 4. Access Management .....	122
Division 5. Loading .....	138
Division 6. Landscaping.....	142
Division 7. Fences and Screening.....	149
Division 8. Refuse or Dumpster Enclosures.....	153
Division 9. Lighting .....	154
Division 10. Signs .....	155
Division 11. Private Utilities .....	170
Division 12. License to Encroach .....	170
Division 13. Sidewalks.....	171
Article VI. Subdivision Regulations .....	172
Division 1. General Provisions.....	172
Division 2. Subdivision Types.....	179
Division 3. Subdivision Design Standards and Improvement Requirements .....	195
Article VII. Flood Damage Prevention .....	213
Division 1. Statutory Authorization, Findings of Fact, Purpose, and Methods .....	213
Division 2. General Provisions.....	214
Division 3. Administration .....	215
Division 4. Provisions for Flood Hazard Reduction .....	219
Division 5. Flood Damage Prevention Supplement.....	225
Article VIII. Parkland Dedication .....	227
Division 1. General .....	227
Article IX. Procedures .....	227
Division 1. General Provisions.....	228
Division 2. Plans and Amendments.....	232
Division 3. Development Procedures .....	234
Division 4. Subdivision Procedures .....	236
Division 5. Relief Procedures .....	242
Article X. Definitions .....	246
Division 1. General .....	246
Division 2. Definitions .....	246

## **Article I. General Provisions**

### **Division 1. Introduction**

#### **Section 21-1 Preamble**

- (a) These regulations shall hereafter be known, cited, and referred to as the Unified Development Ordinance (UDO) of the city.
- (b) It is hereby declared to be the policy of the city to consider the subdivision of land and its subsequent development to be subject to control by the city pursuant to its general plans for the orderly, planned, efficient and economical development of the city. These regulations have been developed in accordance with a comprehensive planning process to provide for the city's orderly growth and development.
- (c) Land shall not be subdivided unless it is of such character that it can be used safely for its intended purpose, without endangering health or causing peril from fire, flood or other menace; and land shall not be subdivided until such public facilities and improvements which are required, are in place, or proper provision has been made for necessary improvements such as drainage, water, sanitary sewer, transportation facilities, and other municipal services.
- (d) Existing and proposed public improvements shall conform to the intent of and be properly related to the policies of the city's general plans for such public improvements and the capital improvements program of the city. It is intended that this chapter shall supplement and facilitate the enforcement of the provisions and standards contained in the city's general plans for streets, alleys, parks, drainage facilities, and public utility facilities, including the master thoroughfare plan, engineering design standards, building and housing codes, and all other related sections of the Victoria Municipal Code.

#### **Section 21-2 Purpose**

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial, and industrial uses, and for streets, alleys, schools, parks, and other public purposes will determine to a large degree the conditions of health, safety, economy, and amenity that prevail in the urban area. The quality of these conditions is of public interest. This UDO and the standards for the subdivision and improvements of land for urban use makes provisions for adequate light, air, open space, drainage, transportation, public utilities, and other needs, to ensure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resources. It is the purpose of this ordinance to implement the goals, objectives, and policies of the city's comprehensive planning process to promote orderly growth and development.

#### **Section 21-3 Authority**

This UDO is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 231, Acts of the 40<sup>th</sup> Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Chapter 212, Title 7, of the Texas Local Government Code); Texas Local Government Code Chapters 54, 211, 214, 215, 216, 217 and 243; Texas Water Code Chapter 16; other applicable chapters of the Texas Local Government Code; and the provisions of Article IX, City Planning, of the Charter of the City of Victoria. Subsequent articles of this UDO contain further specificity regarding authority and use of enabling language under the Texas Local Government Code and related codes.

### Section 21-4 Applicability

The provisions of the UDO shall apply to all public and private use and development of properties within the corporate limits of the City of Victoria, except as provided by state or federal law or as otherwise expressly stated in the UDO.

### Section 21-5 Consistency with Comprehensive Plan

The City finds that this UDO is consistent with its comprehensive plan. The comprehensive plan policies provide guidance in the evaluation of future decisions relevant to city planning.

## Division 2. Legal Provisions

### Section 21-6 Relationship to Other State, Federal, and Local Regulations

(a) Generally.

- (1) See Texas Local Government Code § 211.013 (Conflict with Other Laws). Except as provided in the above-referenced statute, if any provision of this UDO conflicts with state or federal law, state or federal law controls.

(b) Interpretation.

- (1) Specific provisions control over general provisions.
- (2) If a conflict exists between different provisions of this UDO, the most restrictive standard applies.
- (3) If there are multiple interpretations of this UDO because the meaning of a provision is unclear, the most restrictive interpretations apply.
- (4) Any reference to a number in this UDO includes a fraction of that number, unless otherwise provided.
- (5) Any reference to a building, structure, tract, block, or lot includes any portion or portions of these features, unless otherwise indicated.

(c) Plat Restrictions.

- (1) Nothing in this UDO invalidates any approved plat restriction, nor any provision of adopted building codes.

(d) Building Code Requirements.

- (1) No building setback shall be less than that specified for the type of construction proposed by adopted building codes.

### Section 21-7 Private Restrictions

This UDO does not abrogate any deed restrictions, covenants, easements, or any other private agreement or restriction on the use of land. However, if the provisions of this UDO are more restrictive or impose higher standards than any private restriction, the requirements of this UDO prevail. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this UDO, the private restrictions control if properly enforced by a person having the legal right to enforce those restrictions. The City does not enforce private restrictions.

### Section 21-8 Severability

If any portion of the UDO is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is severed from the UDO and in no way affects or diminishes the validity of the remainder of the UDO.

### Section 21-9 Repeal of Existing Ordinance

- (a) Any ordinance inconsistent with the terms and provisions of this UDO is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this UDO is cumulative of other ordinances regulating the same subject matter.
- (b) Any inconsistency does not reduce the requirements of those regulations pertaining to fire prevention, health, sanitation, or safety of persons or property enacted by the City. If any restriction, prohibition, or provision of this UDO conflicts with those provisions or any laws of the State of Texas, or with regulations of State or Federal regulatory bodies having jurisdiction:
  - (1) If the provision of this UDO is not preempted, the more restrictive restriction, regulations, prohibition, or provision applies, or
  - (2) If the state or federal law preempts a provision of this UDO, the state or federal law applies.

### Section 21-10 Effective Date

This UDO takes effect upon the adoption of the ordinance from which it is derived by the City Council, including any declared effective date established after the adoption of said ordinance. The provisions of this UDO supersede all other development regulations governing the development of land within the City. All development applications and proposals filed on or after the effective date of the ordinance from which this UDO is derived, whether for new developments or for add-ons or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures established in this UDO.

### Section 21-11 Fees

The fees to be charged for subdivision review, subdivision filing, variance processing, and any other fees required by this UDO, shall be as provided by separate ordinance.

## Article II. Enforcement and Nonconformities

### Division 1. General Enforcement

#### Section 21-12 Generally

- (a) This article establishes procedures the City uses to ensure compliance with the provisions of this UDO and obtain corrections for violations. It also institutes the remedies and penalties that apply to UDO violations.
- (b) Within the terms of the Municipal Annexation Act, the City of Victoria shall enjoin in the District Court any violation of a subdivision and platting provision of this UDO in the area outside the corporate limits of the City, but within its extraterritorial jurisdiction.
- (c) For any violation, the Director of Development Services may cause charges or a citation to be issued in Municipal Court stating the alleged violation, the date of the violation, and the section of the UDO violated. Each day during which any violation of this article occurs or continues is a separate offense and upon conviction is punishable as provided in this article.

#### Section 21-13 Violations

- (a) Any of the following violates this UDO and is subject to the remedies and penalties provided for in this Division.
  - (1) Buildings or Structures. To erect, construct, reconstruct, alter, repair, convert, or maintain a building or structure in a manner inconsistent with the requirements of this UDO or a condition of approval.
  - (2) Use of Land. To use any land or premises in a manner inconsistent with the requirements of this UDO or a condition of approval.
  - (3) Establish Use or Structure Without Permit or Approval. To establish or place any use or structure upon land that is subject to this UDO without all of the approvals required by this UDO.
  - (4) Development or Subdivision Without Permit or Approval. To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this UDO without all of the approvals required by this UDO.
  - (5) Development, Subdivision, or Use Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in those activities.
  - (6) Development, Subdivision, or Use Inconsistent with Conditions of Approval. To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
  - (7) Development or Subdivision Inconsistent with this UDO. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any subdivision, development standards, or other regulation of this UDO.
  - (8) Making Lots or Setbacks Nonconforming. To reduce or diminish any lot area so that the lot size, setbacks, or open spaces are smaller than prescribed by this UDO.

- (9) Increasing Intensity or Density of Use. To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this UDO.
- (10) Removing or Defacing Required Notice. To remove, deface, obscure, or otherwise interfere with any notice required by this UDO.
- (11) Grading Inconsistent with Flood Damage Prevention Requirements. To undergo grading, dredging, or excavation that changes grading, except in accordance with the Flood Damage Prevention Requirements of this UDO; and
- (12) Generally. Any other action, or failure to act, that does not comply with a requirement of this UDO or a lawful condition of approval.

#### Section 21-14 Responsible Persons

- (a) Any person who violates this UDO is subject to the remedies and penalties expressed in this article.
- (b) If a person causing a UDO violation is a renter, lessor, or contractor, the Director of Development Services may notify the owner and the renter, lessor, and/or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the UDO violation and the owner is ultimately responsible to ensure that the violations are corrected.

#### Section 21-15 Enforcement Responsibility

- (a) The Director of Development Services or other City officials as designated by this UDO has the authority to enforce the provisions of this UDO.

#### Section 21-16 Enforcement Procedures

- (a) Remedies and Enforcement Powers. The City has the following remedies and enforcement powers established below.
- (b) Generally. If Section 21-13. Violations applies, the City may institute any appropriate action or proceedings:
  - (1) To prevent any unlawful erection, maintenance, or use,
  - (2) To restrain, correct, or abate the violation,
  - (3) To prevent the occupancy of a building, structure, or land, or
  - (4) To prevent any illegal act, conduct, business, or use in or about the premises.
- (c) Notice of Violation.
  - (1) When any building or use is erected, constructed, built, reconstructed, altered, or maintained in violation of this UDO, the property owner, other responsible party, lessee, management, or tenant shall be served with a written notice that states the violation and requires compliance with this UDO no more than ten (10) days from service.
  - (2) The notice may be served in person or by depositing the same as certified in the United States Postal Service addressed to the property owner at the owner's address (i.e., as shown on the most current tax roll of the City), or the tenant (i.e., as shown on the utility billing records of the City). If the City mails the notice to the property owner and the U.S. Postal Office returns it as "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered delivered.

- (d) Withhold Permit.
  - (1) The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements after determining there is an uncorrected violation of a UDO provision, City Code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question.
  - (2) The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a UDO provision, City Code or a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.
  - (3) If a subdivision plat is approved, the Director of Development Services shall not issue a certificate of occupancy until all improvements are accepted by the City in writing and the approved plat is recorded.
- (e) Permits Approved with Conditions. Instead of withholding or denying a permit or other authorization, the City may grant authorization subject to a corrected violation condition.
- (f) Revoke Permits. Any development permit or other form of authorization required in this UDO may be revoked, including revocation of a certificate of occupancy.
- (g) Stop Work. With or without revoking permits, the City may stop work on any grading, building, or structure on any land on which there is an uncorrected violation of UDO provision or of a permit or other form of authorization issued, in accordance with its power to stop work under its building codes. Work may not commence until the violation is corrected and stop work order fee has been paid.
- (h) Injunctive Relief. The City may seek an injunction or other equitable relief in court to stop any violation of this UDO or of a permit, certificate, or other form of authorization granted.
- (i) Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.
- (j) Civil Action and Administrative Adjudication. The City may enforce the provisions of this UDO through civil action.
  - (1) Civil action, as per state law; and
  - (2) Administrative adjudication under Municipal Court Chapter, Article IX, as amended, and Texas Local Government Code Chapter 54, Subchapter C, as amended.
- (k) Withhold Public Services.
  - (1) The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.
  - (2) Unless a permit, plan, plat, or replat is approved in the manner and by the authorities provided for in this UDO, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the City to serve or connect that land to any public utility owned, controlled, or distributed by the City for the use of the owners or purchasers of the plat, plan, or replat.
- (l) Other Remedies. The City may have other remedies provided by law for subdivision, development standards, or related UDO provision violations.

- (m) Other Powers. In addition to the enforcement powers specified in this Division, the City may exercise any and all enforcement powers granted by law.
- (n) Continuation. Nothing in this UDO prohibits the continuation of previous enforcement actions undertaken by the City by previous and valid ordinances and laws.

### Section 21-17 Cumulative Remedies

The remedies and enforcement powers established in this Division are cumulative, and the City may exercise them in any order or combination at any time.

### Section 21-18 Penalties

- (a) Any person or corporation who violates any of the UDO provisions, fails to comply with any of the requirements, or who builds or alters any building or use in violation of any detailed statement or plan submitted and approved, is guilty of a misdemeanor punishable under this section.
  - (1) The owner or owners of any building or premises or part, where anything in violation of this UDO exists, and any architect, builder, contractor, agent, person, or corporation employed in connection and who may have assisted in the commission of any UDO violation are guilty of a separate offense punishable under this section.
  - (2) A person who violates any provision of this UDO by performing a prohibited act or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist is a separate offense.
  - (3) If the definition of an offense under this UDO does not prescribe a culpable mental state, then a culpable mental state is not required. This offense is punishable by a fine of no more than \$500. Although not required, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety or public health and sanitation, including dumping of refuse, this offense is punishable by a fine of no more than \$2,000.
  - (4) If the definition of an offense under this UDO prescribes a culpable mental state and the offense governs fire safety or public health and sanitation, including dumping of refuse, then a culpable mental state is required, and the offense is punishable by a fine of no more than \$2,000.
  - (5) Any person who violates any of the subdivision and platting regulations of this UDO is guilty of a misdemeanor and, upon conviction by the Municipal Court of Victoria, shall be fined up to \$500. Each day the violation continues is a separate offense. Prosecution or conviction under this provision does not bar any other remedy or relief for violations of this UDO.

## Division 2. Nonconformities

### Section 21-19 Purpose

This Division governs uses, buildings, structures, lots, and other situations that came into existence legally prior to the effective date of this UDO or the effective date of future amendments to this UDO, but do not comply with or conform to one or more requirements of this UDO. All such situations are collectively referred to as “nonconformities”.

### Section 21-20 General Policy

While existing legal nonconformities may continue, this Division is designed to curtail substantial investment in nonconformities to bring about their eventual improvement or elimination to preserve the

integrity of this UDO and the character of Victoria. Any existing legal nonconformity or site condition that becomes nonconforming because of any subsequent amendment to this UDO may be continued or maintained only pursuant to this Division. Also, this Division intends to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and establish requirements.

### Section 21-21 Applicability

- (a) This Division applies to any nonconformity. A “nonconformity” means any of the following on the effective date:
  - (1) Nonconforming lot (Section 21-23),
  - (2) Nonconforming structure (Section 21-24),
  - (3) Nonconforming use (Section 21-25),
  - (4) Nonconforming site modification (Section 21-26), or
  - (5) Nonconforming signs (Section 21-28).
- (b) For purpose of this Division, the “effective date” means the effective date of this UDO or any amendment to this UDO that creates a nonconformity.
- (c) Table 2-1: Permitted Application by Nonconformity Type summarizes the permissible changes and activities for nonconformities as provided in this Division.

### Section 21-22 Generally

- (a) Continuation of Nonconformities. Except provided below, the lawful use of a building or structure existing at the time of the adoption of this UDO may continue, even if the existing use, building, or structure does not conform to the provisions of this UDO in which it is located.
- (b) Removal of Building or Structure. If a nonconforming use, building, or structure is removed from a lot, the nonconformity terminates. Any use, building, or structure established or constructed after that time shall comply with the provisions of this UDO in effect at that time.
- (c) Replacing Damaged Buildings or Structures.
  - (1) If a nonconforming building or structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the UDO.
  - (2) In the case of partial destruction of a nonconforming building or structure not exceeding 50 percent of its appraised value, as determined by either a certified appraiser or the Victoria Central Appraisal District, reconstruction will be permitted by size and function, and cannot be expanded.
  - (3) A nonconforming building or structure or group of nonconforming buildings or structures that is damaged by a declared emergency, may be reconstructed or replaced subject to this Division and erected as before if:
    - a. The application for a permit is submitted within 12 months of the disaster,
    - b. The restored or reconstructed building or structure does not exceed the square footage of the area as it existed before the disaster, and
    - c. The building or structure meets the adopted building codes.
- (d) Public Services. Pursuant to Texas Local Government Code § 211.013(b), this Division does not require the removal or destruction of property that exists as of the effective date that is actually and necessarily used in a public service business. A “public service business” means a public utility or a business of like character.

- (e) Annexation. The use of land after the City annexes territory is subject to Texas Local Government Code § 43.002.
- (f) Building Line Established by Plat. If an existing building line is established by plat prior to the effective date of this UDO and is nonconforming with the minimum setback established by this UDO, the building setback shall comply with the building line on the plat.

#### Section 21-23 Nonconforming Lots

- (a) Applicability. This section applies to any nonconforming lot. A “nonconforming lot” is a lot of record that, on the effective date of this UDO or any ordinance that establishes minimum lot dimensions, which is:
  - (1) Not in compliance with the minimum or maximum lot area, frontage, or lot width,
  - (2) Lawfully existing and of record, and
  - (3) Held in separate and different ownership from any lot immediately adjoining and having continuous frontage.
- (b) New Construction. A nonconforming lot may be used as the building site for any allowed use. No newly created or platted lot shall result in a nonconforming lot.

#### Section 21-24 Nonconforming Structures

- (a) Applicability. This section applies to any nonconforming structure. A “nonconforming structure” means a building or structure that:
  - (1) Lawfully exists on the effective date of this UDO or any amendment to this UDO that would cause the building or structure not to comply with this UDO, and
  - (2) Does not conform to all of the regulations in which it is located.
- (b) Repairs or Alterations. Repairs or alterations may be made to a nonconforming structure to maintain the structure in a state of good repair, provided the nonconforming structure is not enlarged or expanded. All repairs or alterations to a nonconforming structure must meet all applicable building codes.
- (c) Continuance of Nonconforming Structures. Except as provided in Section 21-27, any nonconforming structure may be occupied and operated if maintained in a state of good repair.
- (d) Expansion. A nonconforming structure on a lot may expand one time by as much as 30 percent of the building’s square footage if the Director of Development Services approves a nonconforming site permit as provided in Section 21-27. The expansion shall conform to all subdivision regulations and development standards of this UDO and shall not create a new nonconformity.
  - (1) The Director of Development Services may approve up to a 15 percent variation to the requirements of this UDO.

#### Section 21-25 Nonconforming Uses

- (a) Applicability. This section applies to any “nonconforming use,” defined as a use that lawfully occupies a building or land on the effective date and that is no longer allowed in Victoria’s corporate limits.
- (b) Generally. No existing building, structure, or premises devoted to a use not permitted by this UDO shall be enlarged or structurally altered unless required by law or court order, except as provided in this section.

- (c) Discontinuance of Use. A building, structure, lot, or parcel where a nonconforming use is discontinued for at least one year, regardless of the intent of the owner or occupant of the premises, may not be occupied by a nonconforming use after that time.
- (d) Change in Nonconforming Uses.
  - (1) A nonconforming use may change to a conforming use. After a nonconforming use changes to a conforming use, it may not change back to a nonconforming use.
  - (2) A nonconforming use conducted in a structure may change to another use within the same definition if it is not relocated or expanded. To determine whether a use falls within the same definition, refer to the note in Table 2-1: Permitted Application by Nonconformity Type.
  - (3) A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall not change to any other nonconforming use.
  - (4) A nonconforming use of any classification shall not be added where there is already an existing nonconforming use.
- (e) Expansion or Enlargement of Nonconforming Uses. A nonconforming use may be extended only within the premises on which the nonconforming use was located on the effective date. “Premises” means the building in which the use is occurring and the accessory buildings, appurtenances, driveways, parking, and loading spaces.

#### Section 21-26 Nonconforming Site Modifications

- (a) Applicability. This section applies to any nonconforming site modifications.
  - (1) A “Nonconforming Site Modification” is a situation that occurs when, on the effective date:
    - a. An existing site modification on a lot (including but not limited to parking areas, sidewalks, and landscaping) that was in compliance with the standards at the time of its establishment but that no longer conforms to the applicable regulations of this UDO, or
    - b. The lot does not include site modifications required by this UDO for any existing use, building, or structure on the lot.
    - c. A site modification permit is only allowed once per 2 years, otherwise a full site plan shall be required.
  - (2) This section does not apply to one-time repairs and renovations of less than 10 percent of the structural value of a structure or site improvements.
- (b) Generally. On lots with nonconforming site modifications, or site improvement that modify or increases the square footage of the nonconformity by greater than 30 percent are not allowed, unless:
  - (1) The Director of Development Services approves a nonconforming site permit as provided in Section 21-27. The Director of Development Services may approve up to a 10 percent variation to the requirements of the Code.

#### Section 21-27 Nonconforming Site Permit

- (a) When an addition to, or repairs or alterations to, any structure or site modification is proposed on a lot with a nonconforming site modification, the Director of Development Services may approve a site plan allowing the addition, repairs, or renovation if:

- (1) The nonconforming site modification(s) is the only nonconformity pertaining to the property,
- (2) Compliance with the site modification requirements applicable in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site modification requirements are not reasonably possible,
- (3) The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety, and
- (4) If needed, the owner commits to other site design measures to reduce negative impacts associated with the nonconformity or to accomplish the purpose of the required site modification.

### Section 21-28 Nonconforming Signs

- (a) **Applicability.** Permanent signs that were allowed before the effective date are allowed to remain and may be maintained and repaired as necessary. Signs prohibited by this UDO shall be modified to conform, replaced with a conforming sign, or removed according to the following:
  - (1) If the lot on which the nonconforming sign is located requires any approval or permit that is subject to the Site Plan Approval process,
  - (2) If any maintenance, repair, or alteration exceeds 50 percent of the current value of the sign as of the date of alteration or repair, or
  - (3) If the use of the lot on which the sign is located has been discontinued for 30 days or longer.
  - (4) Billboards not in conformance with this chapter shall be removed when all alterations or repairs within a five year period exceeds 50 percent of the current value of the sign as of the date of the first alteration or repair.
- (b) **Exceptions.**
  - (1) **Nonconforming Subdivision Entry Signs.** A nonconforming subdivision entry sign that was first installed or erected before the effective date, may continue to be maintained in the current configuration unless the sign requires any maintenance, repair, or alteration that exceeds 75 percent of the current value of the sign as of the date of alteration or repair. Subdivision Entry signs located in the public right-of-way must be permitted with a license to encroach agreement.
  - (2) **Signs with Nonconforming Electronic Message Centers.** A sign with an electronic message center that does not conform with the area limitations or technological standards of this UDO that was first installed or erected before the effective date, may continue to be maintained, repaired, altered, or replaced so long as the modifications do not enlarge the area of the electronic message center or make it more nonconforming under the standards of this UDO.
- (c) **Sign Removal.**
  - (1) If a building, structure, or premises is vacant for a six-month period of time, the owner of the premises shall remove any sign messages located on the premises. Additionally, the facade of the building, structure, or premises shall be restored to its condition before the sign's installation.
  - (2) If the owner has not removed an abandoned sign after six months, the Director of Development Services will notify the property owner in writing that the sign must be

removed within 60 days. The notice will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the notice may be served by certified mail, return receipt requested, to the last known address of the owner. If the owner does not remove the sign or appeal within 60 days after the notice is mailed, the City may remove the sign and assess the cost of removal to the owner of the property on which the sign was placed.

- (3) The Director of Development Services will mail a statement of the costs for the removal of an abandoned sign or signs to the last known address of the owner of record of the property. The statement of costs will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the statement of costs may be served by certified mail, return receipt requested, to the last known address of the owner. If the costs are not paid within 60 days of the date the notice is mailed, the City may issue a special assessment for the cost of removal against the parcel, and the City shall certify that assessment for collection and payment to the City in the same way that other assessments and taxes are collected and paid to the City.

### Section 21-29 Effect on Applications

The City will not process applications if there is a nonconformity, unless:

- (a) The application brings the property into conformity with this UDO, or
- (b) The application is otherwise permitted by this UDO and meets the requirements of Table 2-1: Permitted Application by Nonconformity Type.

**Table 2-1: Permitted Application by Nonconformity Type**

	Nonconformity Type				
	Lot (Section 21-23)	Structure (Section 21-24)	Use (Section 21-25)	Site Modification (Section 21-26 and Section 21-27)	Sign (Section 21-28)
<b>Change of use</b>					
To a conforming use	P	P	P	P	P
To a nonconforming use defined as the same in Article IV (inside structure only)	P	P	P	P	--
To another nonconforming use that would occur outside of a structure	X	X	X	X	X
Addition of a nonconforming use	X	X	X	X	X
<b>Maintenance &amp; Alterations</b>					
Repairs and alterations or remodels to maintain in sound condition which does not expand the nonconformity	P	P	--	P	P
<b>Expansion/Enlargement</b>					
Within same or accessory structures	--	--	P	--	--
By up to 30% of the building floor area with a nonconforming site permit	--	S	--	--	--
By up to 30% of the site nonconformity outside of the structure with a nonconforming site permit	--	--	--	S	--
Key	P = Application is permitted with no additional standards necessary X = Application is not permitted S = Application is permitted, provided that it complies with any applicable UDO standards -- = not applicable				

## Article III. Building Codes and Construction Related Activities

### Division 1. General

#### Section 21-30 Title

The provisions embraced within this Article shall constitute and be known and may be cited as "The Building and Inspections Code for the City of Victoria," hereinafter referred to as "this Article" or "this code."

#### Section 21-31 Article remedial

This article is hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are health, sanitation, general public safety and welfare, by:

- (a) Buildings: Regulating the structural strength, stability, sanitation, and adequate light and ventilation of building structures, and to assure the safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, and use and occupancy of buildings, structures, or premises.
- (b) Electrical: Regulating the installation and maintenance of all electrical equipment and electrical systems.
- (c) Mechanical: Regulating the installation and maintenance of all mechanical equipment and mechanical systems.
- (d) Natural gas: Regulating the installation and maintenance of all gas piping, gas appliances, and natural gas systems.
- (e) Plumbing: Regulating the installation and maintenance of all plumbing fixtures and plumbing systems.
- (f) Swimming pools: Regulating the design, construction, installation, repair, or alteration of swimming pools and equipment related thereto.

#### Section 21-32 Maintenance of structures, etc.

All buildings or structures and mechanical, plumbing, electrical, natural gas, swimming pools, and other systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition and must meet the standards of the International Property Maintenance Code per Article III. Division 13. Property Maintenance Code. All devices or safeguards which are required by this Article shall be maintained in good working order. The owner, or a designated agent, shall be responsible for the maintenance of buildings or structures and mechanical, plumbing, electrical, swimming pools, natural gas, or other systems.

#### Section 21-33 Existing buildings

- (a) Alterations, repairs, or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of this article, provided that the alteration, repair, or rehabilitation work conforms to the requirements of this article for new construction. The Director of Development Services shall determine the extent, if any, to which the existing building shall be made to conform to the requirements of this article for new construction.
- (b) Alterations, repair, or rehabilitation work shall not cause an existing building to become unsafe under Section 21-35.

- (c) If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of this article for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder as stipulated in this article, then only such portion need be made to conform.
- (d) Repairs and alterations not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is construed.

#### Section 21-34 Special historical buildings and districts

- (a) The provisions of this Article relating to the construction, alteration, repair, enlargement, restoration, or relocation or moving of buildings or structures in whole or in part may not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic when such buildings or structures are judged by the Director of Development Services to be safe or the proposed construction, alteration, repair, enlargement, restoration, or relocation or moving of buildings is in the public interest of health, safety and welfare. However, the applicant may be required to submit to the Director of Development Services complete architectural and engineering plans and specifications bearing the seal and signature of a professional engineer or architect, registered in the state, prior to undertaking any such activity if deemed necessary.
- (b) Demolition Delay for Historic Structures
  - (1) Purpose. It is the purpose of this section to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural and cultural history of Victoria; to encourage owners of such buildings or structures to explore and develop alternatives to demolition by seeking out persons or entities who might be willing to purchase, preserve, rehabilitate, or restore such buildings and structures thereby preserving the historic resources of Victoria. This article is not intended to permanently prevent demolition, but rather to provide an opportunity to develop alternatives that preserve the historical significance and existing neighborhood character for historic properties.
  - (2) Scope of Regulations. This section shall apply to any structure located within the City of Victoria recorded as a Texas historical landmark or listed on the National Register of Historic Places. This section shall also apply to any property located within a district designated as historic by the City of Victoria deemed a contributing structure by the city's Historic Preservation Officer that was constructed prior to 1950 as reported by the Victoria Central Appraisal District or included in the Historical Resources Survey of Victoria, Texas.
    - a. This section shall regulate all activities that result or may result in the demolition or removal of an existing historic structure, except where such demolition is necessary to protect the public health, safety, and welfare, as determined by an order of the Building and Standards Commission.
    - b. Demolition is defined as any act of pulling down, destroying, razing, or a structure or any portion thereof, or substantial destruction of a structure or portion thereof, which results in or is intended to result in:
      - 1. Removal of more than 25 percent of the walls facing public streets; or
      - 2. Removal of more than 50 percent of all exterior walls and/or roofs.

- c. Moving of structures shall be exempt from the provisions of this section.
- (3) Procedure. Upon receiving a permit application to demolish or relocate a structure within the scope of this regulation, the City shall notify the applicant, and follow the procedures set out below.
- a. Automatic Stay of 60 Days. Demolition or relocation of the structure shall be automatically stayed for a period of up to sixty (60) days from the date of application to allow the property owner, staff, and other interested parties to explore alternatives to demolition.
  - b. Public Notice. Upon receipt of demolition permit application, City shall post application and notice of intent to demolish on the City's website. Notice signs shall also be placed on the subject property for the duration of the demolition delay period.
  - c. Stay Extended by City Council. Prior to the expiration of the stay period, City Council may authorize one (1) extension of the stay for structures it finds to be of high historical significance after providing notice to the applicant and a public hearing. The City Council may extend the stay only upon a finding that there are reasonable grounds for preservation as well as a reasonable expectation of preserving the structure. It shall be the responsibility of any proponent of extending the stay on a demolition permit application to demonstrate to the City Council's satisfaction that there exist reasonable grounds for preservation as well as a reasonable expectation of preserving the structure. City Council may extend the stay on one (1) occasion, after notice to the applicant and a public hearing. Any extension of the stay on a demolition permit imposed by the City Council under this provision shall not exceed an additional sixty (60) days in duration.
  - d. At the conclusion of the sixty (60) day stay or extended stay period imposed by City Council, a demolition permit will be granted for the structure.
- (4) Penalty for Demolition without a Permit.
- a. It is unlawful to demolish, raze, or remove any historic structure in violation of this article. The City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful violation and to restrain, correct, or abate such violation, to prevent any illegal act, business, or maintenance in and about such premises.
  - b. Any person who violates any provision of this section shall be punished upon conviction thereof by a fine not to exceed \$500.00.

#### Section 21-35 Unsafe buildings and installations

- (a) All unsafe structures and systems are hereby declared illegal and shall be immediately abated by repair and rehabilitation or by demolition in accordance with the provisions of this article.
- (b) The condition of buildings which are dangerous shall be remedied. The condition of mechanical, plumbing, natural gas, and electrical systems, regardless of type, which constitutes a hazard to human life, health, or welfare shall be remedied. The condition of swimming pools and signs which constitute a hazard to human life, health, or welfare shall be remedied.

### Section 21-36 Certificate of occupancy

- (a) No person shall occupy a structure, no owner of a structure shall cause or permit occupancy of such structure, and no person shall cause a change in occupancy of a structure to be made until after the Director of Development Services has issued a certificate of occupancy therefor.
- (b) Before issuing a certificate of occupancy, the Director of Development Services shall be in receipt of certificates of approval from all city departments where inspections or approvals are required by this article or other pertinent laws and ordinances.
- (c) The certificate of occupancy shall state the nature of the occupancy permitted, the number of persons allowed for each floor where limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this article.

### Section 21-37 Right-of-entry

The Director of Development Services shall impartially enforce the provisions of this article and the regulations and technical codes adopted or contained in this article and may enter any building, structure, or premises, to perform any duty imposed by this article and other provisions of this Code.

### Section 21-38 Stop work notices

- (a) When work on any building, swimming pool, sign, or other structure or on any mechanical, electrical, plumbing, natural gas, or other system is being done contrary to the provisions of this Code, in a dangerous or unsafe manner, or work is being done without a permit, or inconsistent with the scope of the issued permit, the Director of Development Services may post a written notice on the job site to stop work on the structure or system involved.
- (b) Where an emergency is found to exist in the manner of work on a structure or system, oral notice to stop work on a structure or system shall be sufficient.
- (c) No person shall perform, or cause or permit the performance of work upon a structure or system after a stop work notice is issued regarding such structure or system. Work on such structure or system may be resumed only after the deficiency has been corrected and approved on reinspection. A fee set by separate ordinance shall be charged for such reinspection.

## Division 2. Licenses

### Section 21-39 License required

No person shall, without first obtaining an annual license as hereinafter provided, engage in the business of contracting to furnish labor and materials for building or swimming pool activities for which a permit is required.

### Section 21-40 Application for Builders licenses

- (a) Every application for an original or renewal of license shall be made on a form prepared and provided by the Director of Development Services. Every application shall be accompanied by the license fee prescribed by separate ordinance by the City Council, from time to time. The license fee is refundable in the event a license is not issued to the applicant.
- (b) Builders license holders for general contracting shall submit proof of and maintain commercial liability insurance at all times during a license period. The amount of insurance shall be the smallest amount required for licensees licensed under Texas Administrative Code Title 16, Part 4, Chapter 73 or Chapter 75 (for a Class A License), or Texas Occupations Code Chapter 1301.

**Section 21-41 Exemptions—Homestead of owner and Employees on behalf of employers, Registered Builders**

- (a) The following persons are exempt from requirements of this Article and the licensing requirements of this article:
- (1) Property owners who repair or alter an existing building or structure and who perform electrical, natural gas, or other system work with their own hands in habitable single family dwelling premises owned, occupied, and used exclusively by the owners or the owners' family and declared with the tax assessor-collector of the county as the owners' homestead.
  - (2) Persons regularly employed as maintenance, construction, electrical, plumbing, or mechanical personnel on behalf of their employer, and who do not engage in the occupation of a building, plumbing, mechanical, or electrical contractor for the use and benefit of the public.
  - (3) An exemption from the license requirements of this article does not exempt a person from any requirement to obtain a permit or pay any fees required by this article.

**Section 21-42 Expiration and renewal of Builders licenses**

- (a) Builder's licenses issued under this article shall expire one (1) year from the date of issuance and may be renewed prior to expiration by filing of a renewal application and payment of the annual license fee.
- (b) An expired builder's license shall be renewed only upon payment of the annual license fee and completion of the requirements of Section 21-40.

**Section 21-43 Violation of license provisions**

- (a) It shall be unlawful for any person to do any of the following acts:
- (1) Display or have in one's possession any instrument purporting to be any license for doing of any work knowing said instrument to be fictitious or to have been suspended or revoked.
  - (2) Lend or permit the use of any license for the doing of any work to any person not entitled thereto under the provisions of this Article.
  - (3) Display or to represent as one's own, any license for doing any work when said license has not been lawfully issued to the person so displaying same.
  - (4) Refuse to surrender on demand any license which has been suspended or revoked as provided by law.
  - (5) Apply for or have in one's possession more than one current license of the same type provided for in this Article.
  - (6) Use or give a false or fictitious name or address in any application for a license, or any renewal or duplicate thereof, or knowingly make a false statement or conceal a material fact or otherwise commit fraud in making any such application.
  - (7) Perform any character of work for which a license is required, without the required license or while such license is suspended, canceled, or revoked.
  - (8) As a journeyman electrician, supervise on the job site more than five persons doing electrical work who are not journeymen or master electricians.

- (b) With the advice of the City of Victoria Building Board of Adjustments and Appeals, the Director of Development Services may establish procedures governing the suspension, revocation, and reinstatement of licenses for these and other violations of the provisions of this article.

### Division 3. Permits

#### Section 21-44 Scope of division

The provisions of this division shall apply to permits required and to the issuance of building, mechanical, plumbing, electrical, natural gas, swimming pool, and all other permits issued by the Development Services Department.

#### Section 21-45 Temporary structures

A special building permit for a limited time shall be obtained before the erection of temporary structures such as seats, canopies, tents, and structures, fences, or sheds used in construction work. Such structures shall be completely removed upon the expiration of the time limit stated in the permit. Every application for a temporary structure permit shall be accompanied by the total permit fee prescribed by separate ordinance by the City Council, from time to time, copies of which are on file in the city secretary's office. This fee is in addition to other fees required by this article and is not refundable.

#### Section 21-46 Foundation permit

When the application has been filed for a permit to erect or remodel a building other than one-family or two-family residential, the application and plan review fee paid, and pending the issuance of such permit, the Director of Development Services may issue a special permit for the foundation of such building. The holder of such a special permit shall proceed at such holder's own risk and without assurance that a permit for the superstructure will be granted.

#### Section 21-47 Action on application

- (a) The Director of Development Services shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay.
- (b) Upon the filing of an application for one-family or two-family residential construction or remodeling, the Director of Development Services shall determine whether all information required under Section 21-56(a) accompanies the application. If the application is complete in such regard, the Director of Development Services shall retain such information and shall issue a permit for such construction or remodeling.
- (c) The Director of Development Services shall act upon applications for permits for other types of construction in accordance with the following provisions:
  - (1) The Director of Development Services shall examine or cause to be examined each application for permit and the complete drawings and specifications, with computations, filed therewith and shall ascertain by such examination whether the construction and installations indicated and described are in accordance with the requirements of this article and all other pertinent laws and ordinances.
  - (2) If the Director of Development Services is satisfied that the work described in an application for permit and the drawings and specifications filed therewith conform to the requirements of this article and other pertinent laws or ordinances, the permit shall be prepared for issuance.
  - (3) If the application for a permit and the drawings filed therewith describe work which does not conform to the requirements of this article or other pertinent laws or ordinances, the

Director of Development Services shall not prepare a permit, but shall return the drawings to the applicant, listing the corrections necessary to comply with this article. If the applicant resubmits prints of the corrected original drawings or other necessary information with required corrections and they comply with this article and other pertinent laws or ordinances, the appropriate permit shall be prepared. If the drawings or other necessary information are returned to the applicant two (2) or more times for further corrections prior to the preparation and issuance of the appropriate permits, a fee, as prescribed by separate ordinance by the City Council, from time to time, copies of which are on file in the city secretary's office, will be assessed for the third and subsequent reviews of corrected original drawings or other information.

- (4) Whenever a permit is to be issued in reliance upon an affidavit as provided in Section 21-56, or whenever the work to be covered by a permit involves construction under conditions which, in the opinion of the Director of Development Services, are hazardous or complex, the Director of Development Services shall require that the architect or engineer who signed or is to sign the affidavit, or made or is to make the drawings or specifications, with computations, shall supervise such work, be responsible for its conformity with the approved drawings and forthwith upon its completion make and file with the Director of Development Services a written affidavit that the work has been done in conformity with the approved plans and with the structural provisions of this article. In the event such architect or engineer is not available, the owner shall employ in that person's stead a competent person or agency whose qualifications are approved by the Director of Development Services.
- (5) When a permit is issued, the Director of Development Services shall endorse, in writing, or stamp a duplicate set of the complete plans "Approved." A set of the approved drawings shall be retained by the Director of Development Services, and the other set shall be returned to the permit holder. The permit holder shall keep the set of approved drawings at the work site, and the drawings shall be open for inspection to the Director of Development Services .

#### Section 21-48 Off-street parking and loading provisions prerequisite to issuance of certain permits

No building permit or building moving permit shall be issued unless the planned site for the structure conforms the minimum requirements for off-street parking and loading as stipulated in Article V.

#### Section 21-49 Conditions of the permit

- (a) A permit issued shall constitute a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this article or any other pertinent laws or ordinances, nor shall such issuance of a permit prevent the Director of Development Services from thereafter requiring a correction of errors in plans, specifications, or in construction, or of violations of this article or other pertinent laws or ordinances, regardless of the origin of error.
- (b) Each permit shall be personal to the permittee and shall not be assigned or transferred to any other person. Except as otherwise provided in this article, it shall be unlawful:
  - (1) For one person to obtain a permit in the name of another person,
  - (2) For one person to cause or allow a permit to be obtained in such person's name by another person,
  - (3) For one person to do or perform any work under a permit issued to another person,

- (4) For one person to cause or allow work under a permit issued in such person's name to be performed by another person, or
- (5) For any person to commence any work on a building or structure or mechanical, plumbing, electrical, natural gas, sign, swimming pool, demolition, moving or any other installation requiring a permit before obtaining the necessary permits.

#### Section 21-50 Permit fees, as prescribed

The permit shall be issued when the total permit fee, including any additional fees for processing, increase in estimated costs, and amendments, as prescribed by separate ordinance by the City Council from time to time, copies of which are on file in the city secretary's office, shall have been paid.

#### Section 21-51 Limitations

- (a) Every permit issued shall become invalid unless the work authorized by such permit is commenced within three (3) months after its issuance; provided that, for cause, no more than two (2) extensions of time, for periods not exceeding thirty (30) days each, may be allowed, and such extensions shall be granted in writing by the Director of Development Services.
- (b) Every permit issued shall become invalid if the work authorized by such permit is suspended or abandoned for a period of three (3) months after the work is commenced; provided that, for cause, no more than two (2) extensions of time, for periods not exceeding thirty (30) days each, may be allowed, and such extensions shall be granted in writing by the Director of Development Services.
- (c) There shall be only one of the same type permit issued or outstanding at one time for any one building or structure or system installation. Any partial permits must be approved by the Director of Development Services.
- (d) If a permit holder is terminated or abandons a job before completion of the permitted work, the permit shall become invalid forty-eight (48) hours after the receipt by the Director of Development Services of a written notice from the owner, or designated agent. The original permit shall thereupon be cancelled with no refund and a new permit may be issued and a fee collected as prescribed in this article.

### Division 4. Applications

#### Section 21-52 Scope of division

The provisions of this division shall apply to the acceptance and processing of applications for building, mechanical, plumbing, electrical, natural gas, swimming pool, and all other permits issued by the Development Services Department.

#### Section 21-53 General provisions

- (a) Applications for permits shall not be accepted or processed for construction or placement of buildings or structures, or placement of manufactured homes, on tracts of land not platted in accordance with the procedures set forth in Article VI. Provided that construction, placement, or alteration of signs, in the absence of other construction or development, shall be exempted from such platting requirement.
- (b) Applications for permits shall be accepted for processing only from owners, authorized agents, or master license contractors. Master license contractors may, with the approval of the Director of Development Services, authorize specific employees to apply for permits in the contractor's

name; however, in such cases, the contractor is fully responsible for the accuracy, content, and documentation of the application.

- (c) No person shall perform construction, alteration, repair, movement, demolition, replacement, installation activities, or alteration of land therefor, within the corporate limits of the city without applying for the appropriate permits.

#### Section 21-54 Exemptions from permit requirement

- (a) The Director of Development Services may grant exemptions to the requirement for a permit under the following conditions:
- (1) Building permit. Ordinary minor repairs may be made with the approval of the Director of Development Services, provided that such repairs shall not violate any of the provisions of this article.
  - (2) Mechanical permit. Ordinary minor repairs may be made with the approval of the Director of Development Services, provided that such repairs shall not violate any of the provisions of this article. In addition, permit applications shall not be required for the following:
    - a. Any electrical portable heating appliance,
    - b. Any portable ventilation equipment,
    - c. Any portable cooling equipment,
    - d. Any steam, hot, or chilled water piping within any heating or cooling equipment regulated by this article,
    - e. Replacement of a part on equipment which does not alter the equipment's approval or make it unsafe,
    - f. Any evaporative cooler,
    - g. Any self-contained refrigeration system containing ten (10) pounds or less of refrigerant and actuated by motors of one (1) horsepower or less, and
    - h. Window-type air conditioners without duct work.
  - (3) Plumbing permit. No permit shall be required for minor repairs such as the following:
    - a. Repair or replacement of faucets, valve traps, or supplies,
    - b. Replacement of plumbing fixtures where no change of rough-in is involved, and
    - c. Repairs of water, sewer, and drain lines provided ~~the entire system~~ not more than one section of pipe (max 20') is ~~not~~ replaced.
  - (4) Electrical permit. No permit shall be required for the following:
    - a. The making of minor repairs, such as the replacement of lamps, sockets, drop cords, snap switches, or other similar items,
    - b. The connection of portable electrical equipment to suitable permanently installed receptacles,
    - c. The replacement of a motor by another motor of the same horsepower and rating, solenoid valves, low pressure controls, or other controls when the electrical supply to same is or has been properly installed by a licensed electrician,
    - d. The installation of electrical conductors or equipment by or for a public utility in the generation, transmission, sale, or use of electrical energy as outlined in their

franchises, nor for the use of such public utility in the transmission of messages, and

- e. Any work involved in the manufacturing, testing, servicing, altering, or repairing of electrical equipment or apparatus, except that this exemption shall not include permanent wiring.
- (5) Sign permit. No permit shall be required for nonelectrical signs thirty-two (32) square feet or less in area, except for pennants as provided in Article V. Division 10. Signs.

#### Section 21-55 Filing applications, when required

- (a) Applications for permits shall be filed with and processed by the Director of Development Services under the provisions of this article for the following construction activities:
- (1) Building permit applications. To construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; or to install or alter fire extinguishing apparatus, elevators, engines; or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus or other appurtenance; or to construct, install, repair, or alter swimming pools, public or private, or equipment related thereto; or to perform certain manufactured home activities as required by this article.
  - (2) Mechanical permit applications. To install mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, and appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.
  - (3) Plumbing permit applications. To connect any plumbing work with any sanitary or storm sewer, septic tank, sewage disposal system of any kind, or any other water system; or to install fixtures or appliances in new or existing systems, structures, or premises; or to repair, or add to any existing plumbing; or to install, repair, or maintain natural gas piping and appliances.
  - (4) Electrical permit applications. To install or cause to be installed, or to permit any person to install, any electrical wiring, fixtures, or equipment within or on any building, structure, or premises, publicly or privately owned; to make any alterations, additions, changes, or repairs; or to connect a meter loop to any electrical distribution service system operating in the city.
  - (5) Sign permit applications. To construct, install, or erect any electrical sign, or any nonelectrical sign more than thirty-two (32) square feet in area, or to alter the shape or size of any supporting elements of any such sign.

#### Section 21-56 Drawings required

- (a) All applications for one-family and two-family residential construction or remodeling permits shall be accompanied by one (1) set of drawings and specifications sufficient to determine compliance with this article, including, at a minimum, the following information:
- (1) Elevations of front and one other side,
  - (2) Detailed floor plan, including general layout of mechanical, plumbing, and electrical systems,
  - (3) Detailed typical wall section, and
  - (4) Foundation plan; for pre-stressed foundations, such plan shall bear the seal and signature of a professional engineer registered in the state.

- (b) All applications for permits for other types of construction shall be accompanied by the following information:
- (1) All such applications for permits shall be accompanied by drawings and specifications and other necessary information required to determine accurately the character of the work and compliance with this article. These drawings shall be drawn to scale and submitted in three (3) sets. All drawings, specifications, and accompanying data shall bear the name and address of the designer on each sheet.
  - (2) Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality and type of materials, where quality is essential to conformity with this article. Such information shall be specific, and this article shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent to be used, as a substitution for specific information.
  - (3) The director may require details, computations, stress diagrams, and other data necessary to describe the construction or installation, and they shall bear the signature and seal of a registered engineer or architect of this state as appropriate. All expenses incurred shall be the responsibility of the owner or agent.
  - (4) In the case of buildings or structures of Group E, Educational; Group I, Institutional; and Group A, Assembly Occupancy, and all buildings or structures three (3) stories or more in height or five thousand (5,000) or more square feet in area, the designer shall be an architect or engineer legally registered in the state and shall affix such person's official seal, number, and signature to each sheet of said accompanying data and drawings.
  - (5) Plans for all buildings shall indicate how required structural and fire-resistive integrity will be maintained where a penetration of a required fire-resistive wall, floor, or partition will be made for electrical, mechanical, plumbing, and communication conduits, pipes, and systems, and also indicated in sufficient detail how the fire integrity will be maintained where required fire-resistive floors intersect the exterior walls.
  - (6) The Director of Development Services may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the laws as to egress, type of construction, and general arrangement, and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of this article as to strength, stresses, strains, loads, and stability, the Director of Development Services may, without any examination or inspection, accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Director of Development Services, on the completion of the structure, a certification that the structure has been erected in accordance with the requirements of this article. Where the Director of Development Services relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of this article and other pertinent laws and ordinances.

### Section 21-57 Plot diagram

All applications for permits shall be accompanied by drawings, to scale, showing the location of the proposed building or structure and of every existing building or structure on the site or lot, including all required dimensions, offsets, and labeling. The Director of Development Services may also require a boundary line survey prepared by a qualified surveyor or engineer when a reasonable question exists as to the existence or location of a property line.

**Section 21-58 Application, plan review, and permit fees as prescribed**

- (a) For one-family and two-family residential construction and remodeling, and for construction or alteration of a sign, the permit fee shall be paid at the time of permit issuance. No separate application or plan review fees shall be charged.
- (b) For other types of construction, an application and plan review fee shall be paid at the time the application is filed.
- (c) Fees amounts shall be set by separate ordinance by the City Council from time to time, copies of which are on file in the City Secretary's office.

**Section 21-59 Limitation**

An application for a permit for any proposed work shall be deemed to have been abandoned three (3) months after the date of filing, unless before then a permit shall have been issued; provided that, for cause, no more than two (2) extensions of time for periods of not exceeding thirty (30) days each may be allowed in writing by the Director of Development Services. If a permit has not been issued within the time limits of this section, and if the applicant chooses to pursue the identical project as specified in the original application, the applicant shall re-enter the application process by filing a new and separate application as specified in this article.

**Division 5. International Residential Code**

**Section 21-60 Adoption of published code**

- (a) Adoption of Code. The City Council hereby adopts, for the purpose of establishing administrative provisions, rules, and regulations specific to one-family and two-family residential construction, alteration, enlargement, repair, equipment, use, occupancy, maintenance, location, appurtenances, and accessory structures, that certain building code known as the 2021 International Residential Code for One and Two Family Dwellings, published by the International Code Council, save and except such portions as are hereinafter deleted, modified, or amended. Copies of the aforesaid code shall be maintained on file with the city secretary and the city's department of development services. The aforesaid code is hereby adopted and incorporated as fully as it set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the construction of all one-family and two-family dwellings and other structures therein regulated within the corporate limits of the city.
- (b) Controlling Law. Compliance with the provisions of the International Residential Code in the construction or renovation of structures to which said code is applicable shall constitute a defense to a claim of noncompliance with a provision of the International Building Code adopted at Section 21-60 of this Article, the Existing Building Code adopted at Section 21-68 of this Article, the International Mechanical Code adopted at Section 21-72 of this Article, the International Plumbing Code adopted at Section 21-75 of this Article, or the National Electrical Code adopted at Section 21-82 of this Article. Compliance with the provisions of the International Building Code adopted at Section 21-64 of this Article, the Existing Building Code adopted at Section 21-68 of this Article, the International Mechanical Code adopted at Section 21-72 of this Article, the International Plumbing Code adopted at Section 21-75 of this Article, or the National Electrical Code adopted at Section 21-82 of this Article shall constitute a defense to a claim of noncompliance with a provision of the International Residential Code other than Chapter 11 of the International Residential Code.

### Section 21-61 Definition

- (a) Wherever the term "building official" is used in the International Residential Code, it shall be held to mean the director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-62 Deletions to published code

- (a) The following portions of the International Residential Code are hereby deleted:
- (1) Section R103 Department of Building Safety
  - (2) Section R105 Permits
  - (3) Section R106 Construction Documents
  - (4) Section R107 Temporary Structures and Uses
  - (5) Section R108 Fees
  - (6) Section R112 Board of Appeals
  - (7) Section R312.2.1 Window opening height
  - (8) Section R313 Automatic Fire Sprinkler Systems
  - (9) Section R322 Flood-Resistant Construction
  - (10) Section R325 Mezzanines
  - (11) Section R404.1.1 Design required
  - (12) Section R507.9.2 Lateral connection
  - (13) Section R609 Exterior Windows and Doors
  - (14) Section N1102.2 Specific insulation requirements
  - (15) Section N1102.4.6 Electrical and communication outlet boxes (air sealed boxes)
  - (16) Section N1103.3.3 (3) Ducts buried within coiling insulation
  - (17) Section N1104.2 Interior lighting controls
  - (18) Section P2723 Macerating Toilet Systems
  - (19) Section P2904 Dwelling Unit Fire Sprinkler Systems
  - (20) Section E3605.9.2 Service cable, service head or gooseneck

### Section 21-63 Amendments to published code

- (a) The following portions of the International Residential Code are hereby amended:
- (1) Section R101.2 Scope. Exception: shall be amended to read: "The following shall be permitted to be constructed in accordance with this code."
  - (2) Section R112 Board of Appeals is deleted in its entirety and replaced with the following:  
"Section R112 Right of Appeal and Provisions Inconsistent with the International Residential Code.  
  
R112.1 Right of Appeal. The Board of Adjustments and Appeals shall hear appeals and requests for variances to the provisions of this code with respect to the trades represented by the provision being appealed or varied. Said appeals and requests for variances shall be heard and recommended in accordance with Sections 2-94 and 2-95 of the City Code."

- (3) Chapter 2 Definitions is amended to add the following definition: "DECORATIVE COATING. A single coat of plaster, cementitious or other approved material applied to a concrete or masonry surface for cosmetic purposes only."
- (4) Chapter 2 Definitions is amended to add the following definition: "PROJECTION FACTOR. The ratio of the horizontal depth of an overhang, eave, or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave, or permanently attached shading device."
- (5) Table R301.2(1) Climatic and Geographic Design Criteria is amended by adding the following entries in the appropriate columns:

Ground Snow Load: Not Applicable

Wind Speed: 135 Ultimate Design Wind Speed, 85 mph/105 (fastest mile/3 second gust)  
Exposure B

Topographic effect: No

Special Wind Region: No

Wind-borne debris zone: No

Seismic Design Category: A

Subject To Damage From

Weathering: Negligible

Frost Line Depth: No — 12-inch

Termite: Yes

Winter Design Temperature

For Heating Facilities: Yes

Ice Barrier Underlayment Req'd: No

Flood Hazards:

Flood Insurance Rate Maps (FIRM)

City of Victoria

Panel Number:

480638 0005G Panel Date: July 21, 1999

480638 0010E Panel Date: August 4, 1987

480638 0015E Panel Date: August 4, 1987

480638 0005G LOMR Panel Date: Map revised July 21, 1999

480638 0010E LOMR Panel Date: Map revised August 4, 1987

City of Victoria Extra Territorial Jurisdiction (ETJ)

County of Victoria

Panel Number:

480637 0125D Panel Date: November 20, 1998

480637 0200B Panel Date: September 18, 1987

Including all Letter of Map Revisions and Letter of Map Amendments after the referenced effective panel dates.

Air Freeze Index: 1500 or less

Mean Annual Temp: 70.2

- (6) Section R301.2.1 Wind design criteria is amended to read:

Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code using the ultimate design speed in Table R301.2(1) as adopted.

- (7) Table R302.1(1). Table R302.1(1) is amended to reduce all requirements of a 5' separation distance to a 3' separation distance.

- (8) Section R302.1.1 Exterior walls on zero lot lines is added to read as follows:

"The provisions of Section 302.1 shall not apply if the approved and recorded final plat of the subdivision provides an interior side yard setback of a minimum of nine feet on one side of the lot, and the setback contains an easement at least six feet wide running along the length of the side of the lot that prohibits the construction of combustible building material in said easement."

- (9) R302.5.1 Opening protection is amended to read: Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35mm) thickness, or 20-minute fire-rated doors.

- (10) R302.6 Dwelling-garage fire separation is amended to add Exception 1: "Exception: Concrete-filled steel ally columns used in the structure supporting the separation shall not require a gypsum board application."

- (11) Section R310.1 Emergency escape and rescue opening required. The first sentence of the paragraph is amended to read; "Every sleeping room shall have at least one operable emergency escape and rescue opening." No other amendments are made to this section.

- (12) Section R311.2 Egress door is amended to read: "At least one egress door shall be provided for each dwelling unit. The egress door shall be side-hinged and shall provide a minimum clear width of 32 inches when measured between the face of the door and the stop, with the door open 90 degrees. The minimum clear height of the door opening shall not be less than 78 inches in height measured from the top of the threshold to the bottom of the stop. Other doors shall not be required to comply with these minimum dimensions."

- (13) Section R311.7.5.1 Risers. The first sentence of the paragraph is amended to read: "The maximum riser height shall be 8 inches (203 mm)."

- (14) Section R311.7.5.2 Treads. The first sentence of the paragraph is amended to read: "The minimum tread depth shall be 9 inches (229mm)."

- (15) Section R311.7.5.3 Nosings. Exception is amended to read: "A nosing is not required where the tread depth is a minimum of 10 inches."

- (16) Section R311.7.8 Handrails. All of section R311.7.8 is amended to read as follows: "Handrails shall be provided on at least one side of stairways consisting of three or more

risers. Handrails shall have a minimum height of 34 inches (864mm) and a maximum height of 38 inches (965mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel posts or safety terminals. A minimum clear space of 1-½ inches (38 mm) shall be provided between the wall and the handrail."

- (17) Section R312.1.1 Where required is amended to read: "Guards shall be located along open-sided walking surfaces of all decks, porches, balconies, stairs, ramps and landings that are located more than 30 inches measured vertically to the floor or grade below. Insect screening shall not be considered as a guard."
- (18) Section R312.2 Window fall protection shall be amended to read: "Where window fall protection devices are provided, the device shall be installed in accordance with Section R312.2.2."
- (19) Section R403.1.6 Foundation anchorage is amended to read: "Where wood sill and sole plates and cold-formed steel framed walls are supported directly on continuous foundation walls or monolithic slabs with integral footings, they shall be anchored to the foundation in accordance with this section.

Wood sole plates at all exterior walls, wood sole plates of braced wall panels at building interiors on monolithic slabs with integral footings, and all wood sill plates shall be anchored to the foundation with anchor bolts spaced a maximum of 6 feet (1829 mm) on center. Bolts shall be at least ½ inch (12.7 mm) in diameter and shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Approved foundation anchorage spaced as required to provide equivalent anchorage to ½-inch-diameter (13 mm) anchor bolts shall be permitted. Interior bearing wall sole plates on monolithic slab foundations with integral footings that are not part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318.

Exceptions:

- 1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).
- 2. Walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels shall be permitted to be connected to the foundation without anchor bolts. The wall shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).3.

Exception 3 shall be added to read: Where the basic wind speed in accordance with Figure R301.2(2) does not exceed 115 miles per hour (51m/s), the seismic design category is A or B and Method GB in accordance with Section R602.10 is used for a braced wall line on the interior of the dwelling, anchor bolts shall not be required for the wood sole plates of the braced wall panels. Positive anchorage with approved fasteners shall be provided."

- (20) Section R502.3.3 Floor cantilevers is amended to read: "Floor cantilever spans shall not exceed the nominal depth of the wood floor joist. Floor cantilevers constructed in accordance with Table R502.3.3(1) and shall be permitted when supporting a light-frame bearing wall and roof only. The ratio of backspan to cantilever span shall be at least 3 to 1."
- (21) Add new table "Table R502.3.3(2) Cantilever Spans for Floor Joists Supporting Light-Frame Exterior Bearing Wall and Roof Only" (see attached table).

**Table R502.3.3(2): Cantilever Spans for Floor Joists Supporting Light-Frame Exterior Bearing Wall and Roof Only<sup>a,b,c,f,g,h</sup>**

(Floor Live Load ≤ 40 psf, Roof Live Load ≤ 20 psf) See table below.

Member and Span	Maximum Cantilever Span (Uplift Force at Backspan Support in Lbs.) <sup>d,e</sup>											
	Ground Snow Load											
	≤ 20 psf			30 psf			50 psf			70 psf		
	Roof Width			Roof Width			Roof Width			Roof Width		
	24 ft.	32 ft.	40 ft.	24 ft.	32 ft.	40 ft.	24 ft.	32 ft.	40 ft.	24 ft.	32 ft.	40 ft.
2 x 8 @ 12"	20" (177)	15" (227)		18" (209)								
2 x 10 @ 16"	29" (228)	21" (297)	16" (364)	26" (271)	18" (354)		20" (375)					
2 x 10 @ 12"	36" (166)	26" (219)	20" (270)	34" (198)	22" (263)	16" (324)	26" (277)			19" (356)		
2 x 12 @ 16"		32" (287)	25" (356)	36" (263)	29" (345)	21" (428)	29" (367)	20" (484)		23" (471)		
2 x 12 @ 12"		42" (209)	31" (263)		37" (253)	27" (317)	36" (271)	27" (358)	17" (447)	31" (348)	19" (462)	
2 x 12 @ 8"		48" (136)	45" (169)		48" (164)	38" (206)		40" (233)	26" (294)	36" (230)	29" (304)	18" (379)

For SI: 1 in. = 25.4 mm, 1 psf = 0.0479 kN/m<sup>2</sup>

Notes:

- Tabulated values are for clear-span roof supported solely by exterior bearing walls.
- Spans are based on No. 2 Grade lumber of Douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir for repetitive (3 or more) members.
- Ratio of backspan to cantilever span shall be at least 3:1.
- Connections capable of resisting the indicated uplift force shall be provided at the backspan support.
- Uplift force is for a backspan to cantilever span ratio of 3:1. Tabulated uplift values are permitted to be reduced by multiplying by a factor equal to 3 divided by the actual backspan ratio provided (3/backspan ratio).
- A full-depth rim joist shall be provided at the cantilevered end of the joists. Solid blocking shall be provided at the cantilever support.
- Linear interpolation shall be permitted for building widths and ground snow loads other than shown.

- Section R602.8 Fireblocking required is amended to read: "In concealed spaces of stud walls and partitions, including furred spaces, at the ceiling and floor level. Batts or blankets of mineral or glass fiber or other approved non-rigid materials shall be allowed as fireblocking in walls constructed using parallel rows of studs or staggered studs or in accordance with Section R302.11".
- Section R703.7.2 Plaster is amended to add the following sentence at the end of first paragraph: "Decorative coatings applied to a concrete or masonry surface shall be installed in accordance with the manufacturer's installation instructions and are not required to comply with Table 702.1(1)."
- Section R908.3 Roof replacement is amended to read: "New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:
  - Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

2. Where the existing roof covering is wood shake, slate, clay, cement, or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
  2. Metal panel, metal shingle, and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Chapter 9 of the Victoria City Code.
  3. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings."
- (25) Section N1101.4 Above code programs is amended to read: "The building official or other authority having jurisdiction shall be permitted to deem a national, state, or local energy-efficiency program to exceed the energy efficiency require by this code. Buildings approved in writing by such an energy-efficiency program shall be considered in compliance with this code."
- (26) Section N1101.13 Application is amended to read: "Residential buildings shall comply with Section N1101.13.5 and Sections N1101.13.1, N1101.13.2, N1101.13.3, N1101.13.4 or shall meet the requirements as per Table N1102.1.3 and meet the requirements of Sections 1101 through 1104 as amended."
- (27) Section 1102.1 General is amended to read: "The building thermal envelope shall comply with the requirements of Sections N1102.1 through N1102.5 or shall meet the requirements as per Table N1102.1.3 and meet the requirements of Section 1101 through 1104 as amended."
- (28) Table N1102.1.3 Insulation Minimum R-Values and Fenestration Requirements by Component is amended to read:

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value
2	0.60	0.65	0.30	R-30	R-13	4/6	R-13

- (29) Section 1102.2.3 Eave baffle is amended to read: "For air-permeable insulation in vented attics, a baffle shall be installed adjacent to soffit and eave vents. Baffles shall maintain a net free area opening equal to or greater than the size of the vent. The baffle shall extend over the top of the attic insulation. The baffle shall be permitted to be any solid material. The baffle shall be installed to the outer edge of the exterior wall top plate so as to provide maximum space for attic insulation coverage over the top plate."
- (30) Section N1102.3 Fenestration is amended to read: "In addition to the requirements of Section N1102, fenestration shall comply with Sections N1102.3.1 through N1102.3.5 as amended or shall comply with Table N1102.1.3."
- (31) Section N1102.3.2 Glazed fenestration SHGC exception is amended to add the following paragraph and table: "In Climate Zone 2, permanently shaded vertical

fenestration shall be permitted to satisfy the SHGC requirements. The projection factor of an overhang, eave, or permanently attached shading device shall be greater than or equal to the value listed in table N1102.2.3.1 (see below) for the appropriate orientation. The minimum projections shall extend beyond each side of the glazing a minimum of 12 inches (0.3m). Each orientation shall be rounded to the nearest cardinal orientation (45 degrees or 0.79 rad) for purposes of calculation and demonstrating compliance.”

**TABLE N1102.2.3.1:  
 MINIMUM PROJECTION FACTOR REQUIRED BY ORIENTATION FOR SHGC EXCEPTION**

ORIENTATION	PROJECTION FACTOR
North	≥=0.40 <sup>a</sup>
South	≥=0.20 —
East	≥=0.50
West	≥=0.50

a. For the north orientation, a vertical projection located on the west-edge of the fenestration with equivalent PF >= 0.15 shall also satisfy the minimum projection factor requirement.

- (32) Section N1102.4 Air leakage is amended to read: “The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections N1102.4.1 through N1102.4.4.

Exception: Two family dwelling units and townhouses shall be permitted to comply with IECC Section C402.5.”

- (33) Section N1103.3.6 Duct leakage (1) is amended to read: “Rough- in test: The total leakage shall be less than or equal to 6.0 cubic feet per minute per 100 square feet of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 5 cubic feet per minute per 100 square feet or conditioned floor area.”

- (34) Amend Building Components within Table N1105.4.2(1) as follows:

**TABLE N1105.5.2(1):  
 SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS**

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Vertical fenestration other than opaque doors	Total area <sup>b</sup> =	As proposed
	Orientation: equally distributed to four cardinal compass orientations (N, E, S, & W)	As proposed
	U-factor: from Table R402.1.3 N1102.1.3	As proposed
	Interior shade fraction: 0.92 (0.21xSHGC for the standard reference design)	0.92 (0.21xSHGC as proposed)
	External shading: none	
Heating Systems <sup>d,e</sup>	Fuel type: same as proposed design	As proposed
	Efficiencies: Electric: air-source heat pump with prevailing Federal minimum standards	As proposed
	Non-electric furnaces: natural gas furnace with prevailing federal minimum standards	As proposed
	Non-electric boilers: natural gas boiler with prevailing federal minimum standards	As proposed
	Capacity: sized in accordance with Section N1103.7	As proposed
Cooling Systems <sup>d,f</sup>	Fuel type: Electric	As proposed
	Efficiency: in accordance with prevailing federal minimum standards	
	Capacity: sized in accordance with Section N1103.7	As proposed
	Fuel type: same as proposed design	As proposed

Service Water Heating <sup>d,e,f</sup>	Efficiency: in accordance with prevailing federal minimum standards	Same as standard reference
	Use: gal/day=30+10xNbr Tank temperature: 120°F	Same as standard reference

Footnotes remain unchanged.

- (35) Reserved.
- (36) Reserved.
- (37) Reserved.
- (38) Section N1110.1 General is amended to read: "Additions to an existing building shall comply with Table N1102.1.3."
- (39) Section N1110.3 Prescriptive compliance is amended to read: "Additions shall comply with Sections N1110.3.1 through N1110.3.4 or as per Table N1102.1.3."
- (40) Section N1111.1.1 Building envelope Exception 5 is amended to read: "Reroofs and roof replacements."
- (41) Section M1411.9 Locking access port caps is amended to read: "Refrigerant circuit access ports located outdoors may be fitted with locking-type tamper-resistant caps or may be otherwise secured to prevent unauthorized access."
- (42) Section M1502.4.6.1 Specified length is amended to read: "The maximum length of the exhaust duct shall be 35 feet (10,668mm) from the connection to the terminus of the transition duct from the dryer to the outlet terminal. Where fittings are utilized, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.6.1."
- (43) Table M1502.4.6.1 is amended to read:

**Table M1502.4.6.1: DRYER EXHAUST DUCT FITTING EQUIVALENT LENGTH**

<b>Maytag dryers:</b>	<b>Amana/Speed Queen dryers:</b>	<b>OLDER MODELS: Maytag, 1990</b>
65 feet with 0 elbows	44 feet with 0 elbows	50 feet with 0 elbows
54 feet with 1 elbow	34 feet with 1 elbows	42 feet with 1 elbow
44 feet with 2 elbows	26 feet with 2 elbows	34 feet with 2 elbows
36 feet with 3 elbows	20 feet with 3 elbows	26 feet with 3 elbows
28 feet with 4 elbows		
<b>Whirlpool dryers</b>	<b>Fridgidare/Westinghouse/Tappen/Gibson</b>	<b>Whirlpool, 1991</b>
64 feet with 0 elbows	60 feet with 0 elbows	58 feet with 0 elbows
54 feet with 1 elbow	52 feet with 1 elbow	48 feet with 1 elbow
44 feet with 2 elbows	44 feet with 2 elbows	38 feet with 2 elbows
34 feet with 3 elbows	32 feet with 3 elbows	29 feet with 3 elbows
27 feet with 4 elbows		
<b>Kenmore dryers</b>	<b>Magic Chef/Admiral/Norge</b>	<b>Kenmore, 1988</b>
64 feet with 0 elbows	45 feet with 0 elbows	22 feet with 3 elbows
54 feet with 1 elbow	35 with 1 elbow	
44 feet with 2 elbows	25 with 2 elbows	
34 feet with 3 elbows		
27 feet with 4 elbows		
<b>General Electric dryers:</b>	<b>Camco/Moffat/McClary</b>	<b>Throm</b>
90 feet with 0 elbows	45 feet with 0 elbows	55 feet with 0 elbows
60 feet with 1 elbow	35 feet with 1 elbow	47 feet with 1 elbow
45 feet with 2 elbows	25 feet with 2 elbows	41 feet with 2 elbows
35 feet with 3 elbows		

- (44) Section E3401.1 Applicability is amended to read: "The provisions of Chapters 34 through 43 shall establish the general scope of the electrical system and equipment requirements of this code. Chapters 34 through 43 cover those wiring methods and materials most commonly encountered in the construction of one- and two-family dwellings and structures regulated by this code. Other wiring methods, materials and subject matter covered in the most currently adopted version of the National Electrical Code (NFPA 70) as amended in Chapter 21, Article III Buildings, Construction and Related Activities, Division 11 National Electrical Code, Victoria City Code, are also allowed by this code."
- (45) Section E3401.2 Scope is amended to read: "Chapters 34 through 43 shall cover the installation of electrical systems, equipment and components indoors and outdoors that are within the scope of this code, including services, power distribution systems, fixtures, appliances, devices and appurtenances. Services within the scope of this code shall be limited to 120/240 volt, 0- to 400-ampere, single-phase systems. These chapters specifically cover the equipment, fixtures, appliances, wiring methods and materials that are most commonly used in the construction or alteration of one- and two-family dwellings and accessory structures regulated by this code. The omission from these chapters of any material or method of construction provided for in the referenced standard NFPA 70 shall not be construed as prohibiting the use of such material or method of construction. Electrical systems, equipment or components not specifically covered in these chapters shall comply with the applicable provisions of the most currently adopted version of the National Electrical Code (NFPA 70), as amended in Chapter 21, Article III Buildings, Construction and Related Activities, Division 11 National Electrical Code, Victoria City Code, are also allowed by this code."
- (46) Section E3406.3 Minimum size of conductors is amended to read: "The minimum size of conductors for feeders and branch circuits shall be No. 12 copper and No. 6 aluminum. The minimum size of service conductors shall be as specified in Chapter 36.
- Exception 1: Smoke/Carbon Monoxide detectors, where required to be hard wired, may use #14 copper conductors per Table 3702.14. Up to 12 devices may be interconnected per manufacturer instructions/NFPA 72 guidelines.
- Exception 2; Under cabinet task lighting may use #14 copper conductors per Table E3702.14."
- (47) Section E3406.8 Aluminum and copper connections is amended by adding the following sentence: "If aluminum conductors are installed, they must be terminated according to the manufacturer's recommendations and have a coating of oxidation inhibitor applied."
- (48) Section E3601.1 Scope is amended by adding the following sentence: "Meter installation and service requirements of local electric utilities may be more stringent than described herein. It is recommended that requirements be verified with the appropriate electric utility before proceeding with service installation work."
- (49) Section E3601.6.2 Service disconnect location is amended to read: "The service disconnecting means shall be installed at a readily accessible location outside of a building nearest the point of entrance of the service conductors. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside."
- (50) Section E3603.2 Ungrounded service conductors for accessory buildings and structures, Exception #3 is added to read: "For limited loads of a single branch circuit, the minimum size shall be No. 12 copper or No. 6 aluminum or copper-clad aluminum, but in no case smaller than the branch-circuit conductors."

- (51) Section E3604.2.2 Vertical clearance from grade is amended by adding item 4 to read: "Where electric utility service installation requirements are more restrictive than those shown in items 1, 2, or 3 of this section, the more restrictive requirement for service drop conductor height shall apply."
- (52) Section E3604.5 Service masts as supports is amended to read: "Where a service mast is used for the support of service drop conductors, it shall be of adequate strength or be supported by braces or guys to withstand the strain imposed by the service drop. Only raceway-type service masts shall be used, all raceway fittings shall be identified for use with service masts. Where a service mast extends through the roof, such mast shall be flashed so as to make the roof penetration watertight. In addition to the aforementioned provisions, a minimum of two (2) inch rigid conduit shall be used for service mast, which is the sole support of the service entrance conductors. Only power service drop conductors shall be permitted to be attached to a service mast."
- (53) Section E3605.7 Mounting supports is amended to read: "Cables shall be supported by straps or other approved means within 12 inches (305 mm) of every service head or connection to a raceway or enclosure and at intervals not exceeding 30 inches (762 mm)."
- (54) Section E3605.9.3 Service head location is amended to read: "Service heads shall be located above the point of attachment of the service-drop conductors to the building or other structure.
- Exception: Where it is impracticable to locate the service head above the point of attachment, the service head location shall not be more than 24 inches (610 mm) from the point of attachment."
- (55) Section E3606.5 Surge protection is amended to read: "All services supplying one-and two-family dwelling units may be provided with a surge protective device (SPD) installed in accordance with Sections E3606.5.1 through E3606.5.3."
- (56) Section E3608.1 Grounding electrode system is amended by adding the following sentence: "All new or rebuilt building services shall have installed a driven ground rod as described in Section E3608.1.4.1."
- (57) Section E3611.1 Methods of grounding conductor connection to electrodes is amended by adding item 5 to read: "All new or rebuilt services shall have a listed acorn type set screw clamp of cast bronze or brass used to clamp the grounding electrode conductor to the grounding electrode (ground rod) as required by Sections E3608.1 and E3608.1.4."
- (58) Section E3703.2 Kitchen and dining area receptacles is amended by adding the following sentence: "The branch circuits serving kitchen countertop receptacles shall comply with the maximum loads specified in Section E3702, but in no case shall such circuits have more than three (3) duplex receptacles per circuit."
- (59) Section E3703.6 Number of branch circuits is amended by adding the following sentence: "In addition to the limitations contained herein, no general purpose branch circuit shall have more than ten (10) outlets per circuit."
- (60) Section E3704.1 Conductor size is amended to read: "The size of feeder conductors shall not be less than No. 10 copper or No. 6 aluminum where the load supplied consists of any of the following number and types of circuits: (1) two or more two-wire branch circuits supplied by a two-wire feeder; (2) three or more two-wire branch circuits supplied by a three-wire feeder; or (3) two or more three-wire branch circuits supplied by a three-wire feeder."

- (61) Table E3801.4 Allowable Applications for Wiring Methods is amended by adding to the Services line a footnote L to read: "See Chapter 36 for specific service wiring method limitations."
- (62) Section E3902.3 Outdoor receptacles is amended to read: "125-volt receptacles installed outdoors and supplied by single-phase branch circuits, 15 and 20 amp receptacles, shall have ground-fault circuit-interrupter protection for personnel."
- (63) Section E3902.9 Laundry areas is amended to read: "125-volt receptacles installed in laundry areas and supplied by single-phase branch circuits, 15 and 20 amp receptacles, shall have ground-fault circuit-interrupter protection for personnel."
- (64) Add an exception to Section E3902.20 Arc-fault circuit interrupter protection to read: "Not required for installed appliances with motors and spark igniters such as but not limited to tankless gas water heater, refrigerator, exhaust equipment, food disposal."
- (65) Section E4002.14 Tamper resistant receptacles Exception 1 is amended to read: "Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing."

## Division 6. International Building Code

### Section 21-64 Adoption of published code

The City hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, ~~2021~~ **2024** Edition, published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified, or amended, of which a copy is on file with the city secretary and the city's department of development services. Said code is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures therein regulated within the limits of the city.

### Section 21-65 Definition

Wherever the term "Building Official" is used in the International Building Code, it shall be held to mean the person designated as the "Building Official" by the director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-66 Deletions to published code

- (a) The following portions of the building code are hereby deleted:
  - (1) Section 103 Code Compliance Agency
  - (2) Section 105 Permits
  - (3) Section 106 Floor and Roof Design Loads
  - (4) Section 107 Construction Documents
  - (5) Section 108 Temporary Structures and Uses
  - (6) Section 109 Fees
  - (7) Section 113 Means of Appeals
  - (8) Section 116 Unsafe Structures and Equipment
  - (9) Section 716.3.1.1 Testing under positive pressure.

- (10) Chapter 11 Accessibility
- ~~(11) Section 1504.9 Wind resistance of aggregate surfaced roofs~~
- (11) Chapter 17 Special Inspections and Tests
- (12) Chapter 27 Electrical
- (13) Chapter 31 Special Construction
- (14) Section 3109 Swimming Pools, Spas and Hot Tubs Enclosures and Safety Devices

Section 21-67 Amendments to published code

(a) The ~~2024~~ 2021 International Building Code, as adopted by the City Council of the City of Victoria, is amended as follows:

- (1) Add a new section to read: “*Sec. 102.1.1 Reconstruction and remodel.* Reconstruction and remodel. A building that is being altered, remodeled, or reconstructed where the cost of construction is equal to or greater than 50% of the assessed value of the structure, as determined by the Victoria County Appraisal District and invokes the Architect and Engineer Act, shall comply with Chapters 9 and 10 of the Victoria City Code.”
- (2) ~~Section 310.4.1 Care facilities within a dwelling is amended to read: “Section 310.4.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.”~~
- (3) ~~Section 310.4.2 Lodging houses is amended to read: “Section 310.4.2 Lodging houses. Owner-occupied lodging houses with five or fewer guest rooms shall be constructed in accordance with the International Residential Code.”~~
- (4) Section 508.5.1 Limitations
  - a. Item 1 shall be amended to read: “The live/work unit is permitted to be not greater than 5,000 square feet in area.”
  - b. Item 2 shall be amended to read: “The residential area is permitted to be not more than 25 percent of the area of each live/work unit.”
  - c. Add Item 5 to read: “Each Live/Work unit shall only contain one dwelling or sleeping unit.”
- (5) Section 508.5.2 Occupancies is amended to read: ‘Live/Work Units shall be classified as a Group R-3 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the live/work unit where the live/work unit is in compliance with Section 508.5. Nonresidential uses that would be classified as a Group A, other than A2 and A3 with occupant load of 50 or less, or Group F, H, or S occupancy shall not be permitted in a live/work unit.’
- (6) Section 508.5.7 Fire protection is amended to read: “The live/work unit shall be provided with a monitored fire alarm system.”
- (7) Section 901.6.2.3 Reports shall be added to read: “Inspection, test and maintenance records shall be submitted to the fire code official using an approved method.”
- (8) ~~Section 903.2.1.2 Group A-2 shall be amended to read: “An automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies and throughout~~

all stories from the A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).
    - a. Exception: In restaurants, cafeterias and similar dining *facilities* (including associated commercial kitchens) the allowable fire area shall be determined by calculating the sum of square footages from the dining, standing, seating, and waiting areas of the patrons and customers and shall not include the square footages from the kitchen, restrooms, office, or other accessory and/or incidental use areas.
  2. The *fire area* has an occupant load of 100 or more.
    - a. Exception: In restaurants, cafeterias and similar dining facilities (including associated commercial kitchens) where the *fire area* has an occupant load of 200 or more. Where the *fire area* has an occupant load exceeding 100, an additional emergency exit complying with Chapter 10 of the International Building code shall be installed from said area.
  3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
- (9) Section 903.2.8 Group R.is amended to add an exception to read: “Buildings with up to four dwelling units.”
- (10) Section 903.2.9.4 Group S-1 upholstered furniture and mattresses is be amended to read: “An automatic sprinkler system shall be provided throughout a Group S-1 fire area where the area used for the storage or upholstered furniture or mattresses exceeds 5000 square feet.
- Exception 1: Self service storage facilities not greater than one story above grade plane where all storage spaces can be accessed directly from the exterior.
- Exception 2: Self service storage facilities with fire area not larger than 6000 square feet.”
- (11) ~~Section 903.4.2~~ **Section 903.4.3** Alarms is amended to read: “An approved audible visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system installed, actuation of an automatic sprinkler system shall actuate the building fire alarm system. An interior audible/visual device shall be located inside the protected occupancy. It is not the intent of this section to imply the audible/visual device(s) must comply with NFPA 72 or American with Disabilities Act when the only requirement for audible/visual devices is caused by this section.”
- (12) Section 904.2.2 Commercial hood and duct systems is amended to read: “Each required new and existing commercial kitchen exhaust hood and duct system required by Section 606 to have a Type I hood shall be protected with an approved automatic fire-extinguishing system in accordance with this code.”
- (13) Section 907.5.2.4 Security Gates shall be added to read: “Fire alarm systems within gated facilities shall be connected in such a manner that the security gate(s) open(s) upon fire alarm activation.”
- (14) Section 1612 Flood Loads. All sections in this code referencing flood hazard requirements shall be amended to reference the requirements as determined by the City of Victoria Flood Plain Administrator.

(15) Appendix D, Fire Districts. Appendix D, Fire Districts shall be adopted in its entirety and amending Section D101.2 Establishment of area to read as follows:

“D101.2 Establishment of area. The Fire District shall include all of the areas within blocks 84, 86, 100, 112, 113, 114, 115, 125, 126, 127, 128, 129, 130, 142, 143, 144, and 158, Main Town, City of Victoria; all of the blocks commonly known as Academy Block, City Hall Block, and Court House Block, all in Main Town, City of Victoria; and all of that block bounded on the north by Forrest Street, on the east by Liberty Street, on the south by Constitution Street, and on the west by Main Street, within Main Town, City of Victoria.”

## Division 7. International Existing Building Code

### Section 21-68 Adoption of published code

The City hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of existing buildings and structures, the International Existing Building Code, 2021 Edition, published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified, or amended, of which a copy is on file with the city secretary and the city's department of development services. Said code is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling in the construction of all existing buildings and other existing structures therein regulated within the limits of the city.

### Section 21-69 Definition

Wherever the term "Code Official" is used in the International Existing Building Code, it shall be held to mean the person designated as the "Building Official" by the director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-70 Deletions to published code

(a) The following portions of the International Existing Building Code are hereby deleted:

- (1) Section 103 Code Compliance Agency
- (2) Section 105 Permits
- (3) Section 106 Construction Documents
- (4) Section 107 Temporary Structures and Uses
- (5) Section 108 Fees
- (6) Section 110 Certificate of Occupancy
- (7) Section 111 Service Utilities
- (8) Section 112 Means of Appeals
- (9) Section 113 Violations
- (10) Section 114 Stop Work Order
- (11) Section 115 Unsafe Buildings and Equipment
- (12) Section 116 Emergency Measures
- (13) Section 117 Demolition
- (14) Sections referencing seismic design requirements

### Section 21-71 Amendments to published code

(a) The following sections of the International Existing Building Code are amended to read:

- (1) The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition and relocations of existing buildings. The provisions as prescribed in Chapter 21, Article III. Division 1. Section 21-32 Existing Buildings of the City of Victoria Municipal Code shall be an alternative acceptable method of compliance.
- (2) Section 102.4 Referenced codes and standards.
  - a. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.
  - b. Where this code references the ICC Electrical Code, it shall be amended to reference the most currently adopted National Electrical Code.
  - c. Where this code references the ICC A117.1 Guidelines for Accessible and Usable Buildings and Facilities, it shall be amended to reference the Texas Accessibility Standards adopted by the Texas Department of Licensing & Regulation.

## Division 8. International Mechanical Code

### Section 21-72 Adoption of published code

The City hereby adopts, for the purpose of establishing rules and regulations for the safe installation and maintenance of all mechanical equipment and systems, that certain code known as the International Mechanical Code, 2024 ~~2024~~ Edition, published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified, or amended, of which a copy is on file with the city secretary and a copy is on file with the city's department of development services , and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the installation of mechanical systems therein contained within the corporate limits of the city.

### Section 21-73 Definition

Wherever the term "Code Official" is used in the mechanical code, it shall be held to mean director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-74 Deletions to published code

(a) The following portions of the mechanical code are hereby deleted:

- (1) Section 103 Code Compliance Agency
- (2) Section ~~406~~ 105 Permits
- (3) Section 444 ~~112~~ Means of Appeals
- (4) Section ~~445~~ 114 Violations

## Division 9. International Plumbing Code

### Section 21-75 Adoption of published code

The City hereby adopts, for the purpose of establishing rules and regulations for the safe installation and maintenance of all plumbing equipment and systems, that certain code known as the International Plumbing Code, 2021 ~~2021~~ 2024 Edition, published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified, or amended, of which a copy is on file with the city secretary and a copy is on file with the city's department of development services and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the installation of plumbing systems therein contained within the corporate limits of the city.

### Section 21-76 Definition

Wherever the term "Code Official" is used in the plumbing code, it shall be held to mean director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-77 Deletions to published code

- (a) The following portions of the plumbing code are hereby deleted:
  - (1) Section 103 Code Compliance Agency
  - (2) Section 406 ~~105~~ Permits
  - (3) Section 444 ~~112~~ Means of Appeals
  - (4) Section 445 ~~114~~ Violations
  - (5) ~~Section 403.2 Separate Facilities, Exception 6~~

### Section 21-78 Amendments to published code

- ~~(a) The following portions of the 2021 ~~2021~~ 2024 International Plumbing Code are hereby amended:~~

- ~~(1) Section 1003.3.5.1 Grease interceptor capacity is amended to read as follows:~~

~~Section 1003.3.5.1 Grease interceptor capacity. Grease Interceptor shall have the grease retention capacity indicated by total fixture units from Table 1003.3.5.1 and in accordance with the following:~~

$$\text{Total DFU's} \times 7.5 \text{ GPM} \times 12 \text{ MRT} = \text{IC/g}$$

~~Where:~~

~~DFU's = Drainage Fixture Units as indicated by footnote (b) in Table 1003.3.5.1~~

~~GPM = Flow rate of Gallons per minute~~

~~MRT = Minutes retention time~~

~~IC/g = Interceptor Capacity in gallons~~

- ~~(2) Table 1003.3.5.1 is amended as follows:~~

***Table 1003.3.5.1: Capacity of Grease Interceptor(a)***

Description(b)	Fixture units each
----------------	--------------------

1, 2, or 3 compartment sink	3
Dishwasher	6
Garbage grinder	4
Wok stove	4
Floor drains	3
Floor sinks	3

- ~~a. Grease interceptors shall be minimum 250 gallon and maximum 2,000 gallon per individual unit or by an approved engineer design.~~
- ~~b. Only those fixtures in use in the food preparation/clean up area shall be counted.~~

## Division 10. International Fuel Gas Code

### Section 21-79 Adoption of published code

The City hereby adopts, for the purpose of establishing rules and regulations for the safe installation and maintenance of all natural gas piping and appliances, that certain code known as the International Fuel Gas Code, 2024 ~~2021~~ Edition, published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified, or amended, of which a copy is on file with the city secretary and a copy is on file with the city's department of development services and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the installation of gas piping systems therein contained within the corporate limits of the city.

### Section 21-80 Definition

Wherever the term "Building Official" is used in the gas code, it shall be held to mean director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-81 Deletions to published code

- (a) The following portions of the gas code are hereby deleted:
  - (1) Section 103 (IFGC) Code Compliance Agency
  - (2) Section ~~406~~ 105 (IFGC) Permits
  - (3) Section 444 112 (IFGC) Means of Appeals
  - (4) Section ~~445~~ 113 (IFGC) Violations

## Division 11. National Electrical Code

### Section 21-82 Adoption of published code

The City hereby adopts, for the purpose of establishing rules and regulations for the safe installation and maintenance of electrical equipment and systems, that certain code known as the National Electrical Code, 2023 Edition, published by the National Fire Protection Association, save and except such portions as are hereinafter deleted, modified, or amended of which a copy is on file with the city secretary and a copy is on file with the city's department of development services and the same is hereby adopted and

incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the installation of electrical systems therein contained within the corporate limits of the city.

- (a) Standards and requirements. All electrical construction and all materials and appliances used in connection with the installation, maintenance, and operation of electrical wiring, apparatus or equipment for utilization of electrical energy for light, heat, or power inside the City limits of Victoria, Texas, shall conform to the rules and regulations of the National Electrical Code and the meter installation specifications of the electrical utility company as the latter two (2) exist and as they may be adopted from time to time. In the event of a conflict between this code and other codes adopted or referenced, the preference will proceed in the following order:
  - (1) Director.
  - (2) National Electrical Code.
  - (3) Specifications for electric service and meter installation, utility companies.
  - (4) Electrical Board of Adjustments and Appeals.
- (b) Unused electrical equipment. All unused electrical equipment within or on public or private building premises shall be removed if any such equipment, in the opinion of the director, constitutes a hazard or danger to life or property.

On any structure which is renovated, remodeled, or relocated, the director shall have the right of inspection as set out elsewhere herein, and if, upon inspection, the director shall discover electrical conditions hazardous to health, safety, or welfare, they may cause corrections to be made.

#### Section 21-83 Deletions to published code

- (a) The following portion of the electrical code are hereby deleted:
  - (1) Section 100-I Definitions, Qualified Person, Informational Note

#### Section 21-84 Amendments to published code

- (a) The following portions of the 2023 National Electrical Code are hereby amended:
  - (1) Section 110.8 Wiring Methods is amended by adding the following subparagraphs:
    - a. The following types of occupancies as defined in the Building Code adopted by Section 21-63 of the City Code may use any wiring method recognized as suitable by this code:
      - ~~1. Group R-2 occupancies (Multiple dwellings—not transient—and their accessory uses) that are not more than three (3) stories tall with no more than ten (10) dwelling units each.~~
      - 2. Group R-3 occupancies (1 & 2 family dwellings and their accessory uses).
      - 3. Group R-4 occupancies (Residential Care/Assisted Living Facilities).
      - 4. Group U occupancies (Utility and Miscellaneous).
      - 5. Group B occupancies (Business) (Single Occupancy Buildings under 5000 square foot that are not more than 2 stories).
    - b. The following types of occupancies as defined in the Building Code adopted by Section 21-63 of the City Code may use any wiring method recognized as suitable by this code, except those methods provided by:

1. Article 398 - Open Wiring on Insulators,
  2. Article 394 - Concealed Knob-And-Tube Wiring,
  3. Article 334 - Nonmetallic-Sheathed Cable, Type NM, NMC,
  4. Article 338 - Service-Entrance Cable Type SE, USE,
  5. Article 340 - Underground Feeder and Branch-Circuit Cable: Type UF
    - a) Group B occupancies (Business) (other than single occupancy buildings under 5000 square foot that are not more than 2 stories).
    - b) Group F occupancies (Factory-Industrial).
    - c) Group M occupancies (Mercantile).
    - d) Group R-1 occupancies (Residential - transient).
    - e) Group S occupancies (Storage).
  6. If approved by the director and conducted in compliance with any conditions imposed by him, minor repairs and extensions of not more than 10 percent of the existing wiring methods may be made to the aforementioned five types of occupancies, with the same wiring methods existing at the time of construction.
- c. The following occupancies as defined in the Building Code adopted by Section 21-63 of the City Code may use any wiring method recognized as suitable by this code, except those methods provided by;
1. Article 398 - Open Wiring on Insulators,
  2. Article 394 - Concealed Knob-And-Tube Wiring,
  3. Article 362 Type ENT - Electrical Nonmetallic Tubing, Type ENT,
  4. Article 334 - Nonmetallic-Sheathed Cable, Type NM,NMC,
  5. Article 338 - Service-Entrance Cable, Type SE,USE,
  6. Article 340 - Underground Feeder and Branch-Circuit Cable: Type UF.
    - a) Group A occupancies (Assembly)
    - b) Group E occupancies (Educational)
    - c) Group H occupancies (Hazardous)
    - d) Group I occupancies (Institutional)
  7. If approved by the director and conducted in compliance with any conditions imposed by him, minor repairs and extensions of not more than 10 percent% of the existing wiring methods may be made to the aforementioned four types of occupancies, with the same wiring methods existing at the time of construction.
- ~~(2) Section 110.14 Electrical Connections is amended by adding the following sentence at the end of the second paragraph, if aluminum conductors are installed, they must be terminated according to manufacturer's recommendations and have a coating of oxidation inhibitor applied.~~
- (3) Section 210.8 (A) Dwelling Units shall be amended to read: All 125-volt receptacles installed in the following locations and supplied by single-phase branch circuits rated

150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:

- (4) Section 210.19(D) Other Loads is amended in the first paragraph to read as follows:

Branch-circuit conductors supplying loads other than cooking appliances as covered in Section 210.19(B) and as listed in Section 210.3 shall have an ampacity sufficient for the loads served and shall not be smaller than No. 12 AWG copper or No. 6 AWG aluminum or copper clad aluminum.

Exception 1. Smoke/CO Detectors, where required to be hard wired, may use No. 14 AWG copper conductors when installed as per manufacturer instructions.

Exception 2. Under cabinet task lighting may use No. 14 AWG Copper conductors when installed as per manufacturer instructions.

- (5) Table 210.24 (1) Summary of Branch-Circuit Requirements - is amended to replace all references to size 14 (AWG) conductors with size 12 (AWG) except as per amended in Section 210.19(D).
- (6) Table 210.24 (2) Summary of Branch-Circuit Requirements - is amended to replace all references to size 14 (AWG) conductors with size 12 (AWG) except as per amended in Section 210.19(D).
- (7) Section 210.25(B) Common Area Branch Circuits is amended by adding the following sentence to the end of the first paragraph:

In addition to the limitations contained herein, no general purpose branch circuit shall have more than ten (10) outlets per circuit.

- (8) Section 210.52(b)(1) Receptacle Outlets Served is amended by adding the following sentence to the end of the first paragraph:

The branch circuits serving kitchen countertop receptacles shall comply with the maximum loads specified in Section 210.23, but in no case shall such circuits have more than three (3) duplex receptacles per circuit.

- (9) Section 230.28 Service Masts as Supports is amended to read as follows:

Where a service mast is used for the support of service-drop conductors, it shall be of adequate strength or be supported by braces or guys to withstand the strain imposed by the service drop. Only raceway-type service masts shall be used; all raceway fittings shall be identified for use with service masts. Where a service mast extends through the roof, such mast shall be flashed so as to make the roof penetration watertight. In addition to the aforementioned provisions, a minimum of two (2) inch rigid conduit shall be used for service mast, which is the sole support of the service entrance conductors. Only power service-drop conductors shall be permitted to be attached to a service mast. (Note: See Section 21-82 for additional information).

- (10) Section 230.31(a) Size and Ampacity, General is amended to read as follows:

Service-lateral conductors shall have sufficient ampacity to carry the current for the load as computed in accordance with Article 220 of this electrical code and shall have adequate mechanical strength. Service-lateral conductors located in the "Original Townsite" and served by the "Downtown Electrical Service Network", shall have copper conductors rated as required by the utility company, but in no case less than that required by the utility company, or Article 220 of this electrical code. (Note: See Article IX, Section 5-100 for additional information).

(11) Section 230.43 Wiring Methods for 1000 Volts, Nominal, or Less is amended to read as follows:

~~(12) Section 230.43 Wiring Methods for 600 Volts, Nominal, or Less.~~

Service-entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and limited to the following methods:

- a. rigid metal conduit;
- b. intermediate metal conduit;
- c. electrical metallic tubing;
- d. electrical nonmetallic tubing (ENT);
- e. auxiliary gutters;
- f. rigid non-metallic conduit;
- g. mineral-insulated, metal-sheathed cable;
- h. Type MC cable;
- i. liquidtight flexible metal conduit not over 6 ft (1.83 m) long between raceways, or between raceway and service equipment, with equipment bonding jumper routed with the flexible metal conduit or the liquidtight flexible metal conduit according to the provisions of Section 250.102 (A), (C), and (D);
- j. or liquidtight flexible nonmetallic conduit.

(13) Section 230.70(a) Location, (1) Readily Accessible Location, (2) Bathrooms, (3) Remote Control, Part VI Service Equipment - Disconnecting Means, Location is amended to read as follows:

230-70 (A) Location. The service disconnecting means shall be installed at a readily accessible location outside of a building or structure.

(14) **(Updated)** Section 250.50 Grounding Electrode System is amended by adding the following paragraph at the end of the **section Exception** and prior to Section 250.52:

All new or rebuilt services shall have a driven ground rod as described in Section 250.52 (A)(5) 92). The new or rebuilt service shall have a listed acorn type set screw clamp of cast bronze or brass used to clamp the grounding electrode conductor to the grounding electrode (ground rod).

(15) Section 310.3 (A) Minimum Size of Conductors shall be amended to read: The minimum size of conductors for voltage ratings up to and including 2000 volts shall be 12 AWG Copper or 6 AWG Aluminum or Copper-Clad Aluminum except as permitted elsewhere in this Code.

(16) Table 315.12(A) Minimum Size of Conductors is amended to have the 2001 to 8000 Voltage Rating read as follows:

Voltage Rating of Conductor	Minimum Conductor Size – AWG
<del>0 through 2000</del>	<del>12 Copper</del> <del>6 Aluminum or Copper-Clad Aluminum</del>

2001 through 8000	8 Copper 6 Aluminum or Copper-Clad Aluminum
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(17) Section 406.12 Tamper Resistant Receptacles Exception (1) is amended to read;

(1) Receptacles located more than 42" above the finished floor.

(18) Section 514.8 Underground Wiring is amended to read: All underground wiring shall comply with Sections 514.8 (A), (B), or (C). In addition to the requirements contained in this Article, a separate raceway shall run to each dispenser and fuel pump from the controller and power sources or approved box (enclosure).

### Section 21-85 Inspections

- (a) Inspections, general. A person required by Section 21-53(c) of the City Code to obtain a permit shall allow an authorized agent of the City to inspect all new electrical work and such portions as may be affected by new work and/or changes to ensure compliance with the requirements of this chapter and approved plans. A permit holder or the holder's representative may be required by the inspector to be present at all inspections.
- (b) Inspections, required. A person required by Section 21-53(c) of the City Code to obtain a permit shall allow an authorized agent of the City of Victoria to inspect:
- (1) Temporary power poles, as provided for in Article 590 of the 2023 National Electrical Code;
  - (2) Underground raceways, prior to the covering of an electrical raceway (such as those contained in a buried ditch or beneath a concrete slab-on-grade foundation);
  - (3) Rough-in, prior to covering wiring within a wall, floor or ceiling spaces;
  - (4) Any electrical raceway within a wall, floor or ceiling, prior to covering it;
  - (5) Temporary power, prior to connecting any electrical system to an energizing source, such as a utility provider or individual electrical generating system;
  - (6) All electrical work when the electrical system is completed and ready for connection to an energized source of electricity; and
  - (7) Anytime after any portion of an electrical system has been found to be in non-compliance with the 2023 National Electrical Code as amended herein.

### Section 21-86 Certificate of Approval

Upon satisfactory completion of the final inspection of an electrical permit project, the director shall issue a certificate of approval for the work authorized in the electrical permit. Electrical service shall not be connected/commenced or reinstated in a permanent manner at the project site (applicable permit location), until all required certificates of approval have been issued.

## Division 12. Swimming Pool Code

### Section 21-87 Adoption of published code

There is hereby adopted by the city for the purpose of establishing rules and regulations for the design, construction, installation, repair or alteration of swimming pools, public and private, and equipment related thereto, that certain code known as the Standard Swimming Pool Code, published by the Southern Building Code Congress International, Inc., being particularly the 1982 edition thereof, save

and except portions as are hereinafter deleted, modified or amended, or which a copy is on file with the city secretary and a copy is on file with the development services department and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall control the matters to which they relate within the corporate limits of the city.

#### Section 21-88 Definitions

- (a) Wherever the term "administration authority or building official" is used in the swimming pool code, it shall be held to mean the director, as defined in [Section 2-80](#) of the Victoria City Code.
- (b) Wherever the term "swimming pool" is used in said code, it shall be held to mean swimming pools and other constructed or prefabricated pools over eighteen (18) inches in depth designed or used for swimming, bathing, relaxation, or therapeutic purposes.

#### Section 21-89 Deletions to published code

- (a) The following portions of the swimming pool code are hereby deleted:
  - (1) Chapter I, except section 105.3 - Application for Permit, and section 106 - Inspections, which remain in effect.

#### Section 21-90 Amendments to published code

- (a) The following sections of the swimming pool code are hereby amended:
  - (1) Section 315 - Final Inspection - Enclosure Required. This section shall read as follows:  
"All swimming pool installations shall be completely enclosed with an approved wall, fence or other substantial structure not less than four (4) feet in height; provided, that where a pool is not over thirty (30) inches in depth and sixty-five (65) cubic feet in capacity, a substantial cover approved by the director equipped with child-proof locks may be substituted for such enclosure. The owner shall have ultimate responsibility for having the minimum size fence, enclosing wall, cover, or other substantial structure constructed prior to final inspection of the pool installation. A certificate of approval shall be issued for both the pool and the pool enclosure before the pool may be filled with water."

### Division 13. Property Maintenance Code (retitled from Housing Code)

#### Section 21-91 Adoption of published code

There is hereby adopted by the city for the purpose of establishing rules and regulations for the use, maintenance, and occupancy of all dwellings, dwelling units and structures, that certain code known as the 2009 International Property Maintenance Code, published by the International Code Council Inc., save and except such portions as are hereinafter deleted, modified, or amended, of which a copy is on file with the city secretary and a copy is on file with the development services department, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall control the matters to which they relate within the corporate limits of the city.

#### Section 21-92 Definition

Wherever the term "code official" is used in the International Property Maintenance Code, it shall be held to mean the director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-93 Deletions to published code

(a) The following portions of the International Property Maintenance Code are hereby deleted:

- (1) Section 103 Department of Property Maintenance Inspection
- (2) Section 111 Means of Appeal

## Division 14. Energy Conservation Code

### Section 21-94 Adoption of published code

There is hereby adopted by the city, for the purpose of establishing rules and regulations for the safe installation and maintenance of all energy conservation equipment and systems, that certain code known as the International Energy Conservation Code, ~~2021~~ **2024** edition, published by the International Code Council Inc., of which a copy is on file with the city secretary and a copy is on file with the city's department of development services and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the installation of energy conservation systems therein contained within the corporate limits of the city.

### Section 21-95 Definition

Wherever the term "Code Official" is used in the energy code, it shall be held to mean director, as defined in [Section 2-80](#) of the Victoria City Code.

### Section 21-96 Deletions to published code

(a) The following portions of the International Energy Conservation Code are hereby deleted:

- (1) **Section C103 Code Compliance Agency**
- (2) Section ~~C110~~ **C109** ~~Board~~ **Means** of Appeals
- (3) Section C403.1.2 Data centers
- (4) Section C403.5 Economizers
- (5) Section ~~C405.11~~ **C405.12** Automatic receptacle control
- (6) Section ~~C405.11.1~~ **C405.12.1** Automatic receptacle control function
- (7) **Section R103 Code Compliance Agency**
- (8) Section ~~R110~~ **R109** Means of Appeal

### Section 21-97 Amendments to published code

(a) The ~~2021~~ **2024** International Energy Conservation Code, as adopted by the city council of the City of Victoria is amended as follows:

- (1) Section C401.2 Application. Amend to read; Commercial buildings shall comply with Section C401.2.1, 401.2.2 or as amended by the City of Victoria.
- (2) Section C401.2.1 International Energy Conservation Code. Add subsection (3) to read; (3) compliance as amended by the City of Victoria.
- (3) Section C401.2.2 ASHRAE 90.1. shall be amended to read; Commercial Buildings 5000 square feet and over shall comply with the requirements of ANSI/ASHRAE/IESNA 90.1.

- (4) Section C402.1 General. Add a subsection 5 to read; Structures under 5000 square feet may be designed to meet the requirements as per Table 402.1.5 and other amendments as adopted by City Ordinance.
- (5) Section C402.1.3 Insulation component R-Value-based method. Add sentence to the last paragraph to read; Structures under 5000 square feet shall be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance
- (6) Section ~~C402.1.4~~ **C402.1.2** Assembly U-Factor, C-factor and F-factor-based method. Add sentence to the last paragraph to read; Structures 5000 square feet and under shall be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.
- (7) Section ~~C402.1.4.1.2~~ **C402.1.2.1.2** Suspended Ceilings, amend the title to read; Section C402.1.4.1.2 Suspended Ceilings in buildings 5000 square feet and over.
- (8) Section ~~402.2.1.3~~ **C402.1.3.3** Suspended Ceilings. Amend the title to read; Section 402.2.1.3 Suspended Ceilings in buildings 5000 square feet and over.
- (9) Add a new table; Table C402.1.5; Insulation Minimum R-Values, U-Factor and Fenestration (Window) Requirements by Component for structures under 5000 square feet.

Climate Zone	Window U-Factor	Skylight U-Factor	Window SHGC	Roof/Ceiling R-Value	Frame Wall R-Value	Mass Wall R-Value	Floor R-Value
2A	0.60	0.65	0.30	R-30	R-13	4/6	R-13

- (10) Section ~~C402.4~~ **C402.5** Fenestration. Amend title to read; Fenestration for structures 5000 square feet and over.
- (11) Section ~~402.4.1~~ **C402.5.1** Maximum Area. Amend title to read; Maximum area in structures 5000 square feet and over.
- (12) Section ~~402.4.2~~ **C402.5.2** Minimum skylight fenestration area. Amend title to read; Minimum skylight fenestration area for structures 20,000 square feet and over.
- (13) Section ~~402.4.3~~ **C402.5.3** Maximum U-factor and SHGC. Add sentence to the last paragraph to read; Structures under 5000 square feet shall be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.
- (14) ~~Section 402.5.1.5 Building envelope performance verification. Amend subsection 3 to read; in structures 20,000 square feet and over, a final commissioning report shall be provided for inspections completed by the registered design professional or approved agency. The commissioning report shall be provided to the building owner or owner's authorized agent. The report shall identify deficiencies found during the review of the construction documents and inspection and detail of corrective measures taken.~~
- (15) Section C405.2 Lighting Controls. Amend title to read; Lighting controls for structures over 5000 square feet.
- (16) Section ~~C405.12~~ **C405.13** Energy Monitoring. Amend section to read; New buildings with a gross conditioned floor area of 25,000 square feet or larger may be equipped to measure, monitor, record and report energy consumption date in compliance with Sections ~~C405.12.1~~ **C405.13.1** through ~~C405.12.5~~ **C405.13.6** for load categories indicated in Table C405.13.2 and Sections C405.13.7 through C405.13.11 for end-use categories indicated in Table C405.13.8.

- (17) Section C408.1 General. Amend section to read; This section covers the provision of maintenance information and the commissioning of, and the functional testing requirements for, building systems in structures 20,000 square feet and over.
- (18) Section C501.2 Compliance. Add a second exception to read; As an alternative to section C501.2, additions, alterations, repairs and changes of occupancy to, or relocation of, existing buildings and structures may be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.
- (19) Section C502.3, Compliance. Shall be amended to read; Additions shall comply with Sections C502.3.1 through C502.3.6.2, or may be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.
- (20) Section C502.3.3 Building mechanical systems. Shall be amended to read; New mechanical systems and equipment that are part of the addition and serve the building heating, cooling and ventilation needs shall comply with Section C403 as amended by City Ordinance.
- (21) Section C502.3.6 Lighting power and systems. Shall be amended to read; New lighting systems that are installed as part of the addition shall comply with Section C405 as amended by City Ordinance.
- (22) Section C503.2 Building envelope. Shall be amended to read; New building envelope assemblies that are part of the alteration shall comply with Section C402.1 through C402.5 as amended by City Ordinance.
- (23) Section C503.2.1 ~~Roof replacement.~~ **Roof, ceiling and attic alterations.** Shall be amended to read; Roof replacements shall meet requirements from Table C402.3.
- (24) Section C503.2.2 Vertical Fenestration. Shall be amended to read; The addition of vertical fenestration shall meet the requirements of Table C402.1.5 and Section 402.4 as amended by City Ordinance.
- (25) Section C503.2.3 Skylight area. Shall be amended to read; The addition of skylight shall meet the requirements of Table C402.1.5 and Section C402.4.2 as amended by City Ordinance.
- (26) Section C503.3 Heating and cooling systems. Shall be amended to read; New heating, cooling and duct systems that are part of the alteration shall comply with Section C403.1 as amended by City Ordinance
- (27) Section C503.4 Service hot water systems. Shall be amended to read; New service hot water systems that are part of the alteration shall comply with Section C404.
- (28) Section C503.5 Lighting systems. Shall be amended to read; New lighting systems that are part of the alteration shall comply with Section C405 as amended by City Ordinance.
- (29) Section C505.1 General. Add a third exception to read; As an alternative to Section C505.1, a change of use shall meet the requirements of Table C402.1.5 if the building or space is gutted down to the structural frame and being totally renovated. New heating, cooling and lighting systems shall meet the requirements of this code for new construction as amended by City Ordinance.
- (30) Section R402.1.2 Insulation and fenestration criteria. Add sentence to the last paragraph to read; Structures under 5000 square feet may be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.

- (31) Section R402.1.3 R-value alternative. Add sentence to the last paragraph to read; Structures under 5000 square feet may be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.
- (32) Section R402.1.5 ~~Total UA alternative.~~ **Component Performance Alternative.** Add sentence to the last paragraph to read; Structures under 5000 square feet may be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.
- (33) Section R501.2 Compliance. Add sentence to the last paragraph to read; As an alternative, additions, alterations, repairs and changes of occupancy to, or relocation of, existing buildings and structures under 5000 square feet may be designed to meet the requirements as per Table C402.1.5 of the amended City Ordinance.

## Division 15. Unsafe Buildings

### Section 21-98 Scope

The provisions of this article shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.

### Section 21-99 Declaration

All unsafe buildings and structures within the terms of this Division are hereby declared to be public nuisances and illegal and shall be vacated, secured, repaired, removed, demolished, or the occupants relocated as herein provided.

### Section 21-100 Enforcement official

The provisions of this article shall be enforced by the Director of the Development Services Department.

### Section 21-101 Restrictions on employees

An officer or employee connected with the department, including a member of the Commission, shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department. Nothing contained herein shall prohibit a member of the Commission from having such financial interests in buildings which are not the subject of a hearing before the Commission.

### Section 21-102 Liability

Any officer, employee, or member of the Commission charged with enforcement of this article, acting for the city in the consequent scope of his office or employment, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the consequent scope of his office or employment. Any suit brought against any officer, employee or member of the Commission because of such act performed by him in the enforcement of any provision of this article shall be defended by the city attorney until the final determination of the proceedings.

### Section 21-103 Right of entry

- (a) The director or their authorized representative may enter a building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this Division.
- (b) When entering a building, structure or premise that is occupied, the director shall first present proper identification, and request entry. If the building, structure or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and request entry. If entry is refused, the director shall have recourse to every remedy provided by law to secure entry.
- (c) No person, owner or occupant of any building or premise shall fail, after proper identification and an administrative search warrant are displayed, to permit entry into any building or onto any property by the director for the purpose of inspections pursuant to this article.
- (d) The director, the fire marshal, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

### Section 21-104 Public utilities

- (a) The director may request public utilities to be disconnected without notice to the owner where a known dangerous condition related to the type of service provided exists, for as long as such condition exists. In all other instances, public utilities may be disconnected only after the owner has received notice and an opportunity to have a public hearing on the matter.
- (b) Once utility services to a building, structure, or premises are disconnected pursuant to this article, they shall not be reconnected without an inspection and certificate of occupancy being issued by the director.

### Section 21-105 Requirements not covered by code

Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this article, shall be determined by the director.

### Section 21-106 Conditions constituting imminent danger

In cases where the condition of a building constitutes an imminent danger to the health, life, or safety of any person unless immediately vacated, repaired, or demolished, the director may cause such immediate vacation, repair, or demolition to the extent necessary to alleviate the imminent danger. The costs of such emergency repair shall be collected in the same manner as provided for in Section 21-121.

### Section 21-107 Offenses

It shall be unlawful for any person to:

- (a) Fail or refuse to comply with a lawful order of the director or the Commission;
- (b) Obstruct or interfere with the implementation of any action required by an order of the director or the Commission; or
- (c) Remove a posted unsafe building placard without the permission of the director, or to enter a posted unsafe building, except for the purposes of inspection, making required repairs, or demolishing same.

### Section 21-108 Definitions

- (a) As used in this Division, the following terms shall have the respective meaning ascribed to them:
- (1) **Building:** Any structure or part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.
  - (2) **City:** The City of Victoria, Texas.
  - (3) **City council:** The City Council of the City of Victoria.
  - (4) **Commission:** The Building and Standards Commission of the City of Victoria, as established in [Section 2-115](#) of the Victoria City Code.
  - (5) **Department:** The Department of Development Services of the City of Victoria.
  - (6) **Director:** The Director of the Department of Development Services of the City of Victoria or his designated representative.
  - (7) **Owner:** Any person, agent, firm, or corporation named in the real property records of Victoria County as owning the property or the person, agent, firm, or corporation the city may treat as the owner, as provided by V.T.C.A., Local Government Code, § 54.005.
  - (8) **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, or any part thereof.
  - (9) **Unsafe building:** Any building or structure that has been determined by the commission to be unsafe as provided herein.
  - (10) **Unoccupied building:** A building, other than a building initially constructed for storage purposes, that currently has no occupant with a legal ownership or possessory right in the building. A building initially constructed for storage purposes is an unoccupied building if it is located on the same lot as an unoccupied building that was originally constructed for purposes other than storage. If a building plumbed for water service has no active water account with the city, then it shall be presumed that said building is unoccupied by a person with a legal ownership or possessory right in the building. Such a presumption may only be rebutted by the testimony of the person who is occupying the building pursuant to a legal ownership or possessory right in the building.

### Section 21-109 Required actions

- (a) The owner, lienholder or mortgagee, as applicable, and in accordance with an order issued by the commission, is required to vacate, relocate occupants, secure, repair and/or demolish a building that is:
- (1) Dilapidated, substandard, or otherwise unfit for human habitation, and is a hazard to the public health, safety, and welfare;
  - (2) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
  - (3) Boarded up, fenced, or otherwise secured in any manner if:
    - a. The building constitutes a danger to the public even though secured from entry; or
    - b. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described in Subsection (2) above.

**Section 21-110 Hearing before commission**

- (a) The Director shall request a public hearing before the commission for the purpose of determining whether a structure is an unsafe building within the terms of this article. The Director of the Development Services Department shall present all cases before the commission.
- (b) In a public hearing to determine whether a building complies with the standards set out in this article, the owner, mortgagee, or lienholder has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
- (c) The commission may inspect any involved building, structure, or premises during the course of a hearing provided the following are complied with:
  - (1) Notice of such inspection is given to the parties involved prior to making the inspection.
  - (2) The parties are allowed to be present during the inspection.
  - (3) The facts observed and any conclusions are stated for the record.
- (d) The chair shall have the authority to grant a continuance upon good cause shown.

**Section 21-111 Notice; publication; time of notice**

- (a) The director shall issue a notice of the public hearing to the owner of the building. The notice shall be served at least ten (10) calendar days prior to the hearing date, upon the owner of record and posted on or near the front door of the building. The notice may be served either personally or by certified mail, return receipt requested. The executed return receipt shall be prima facie evidence of service.
- (b) The notice shall be published in a newspaper of general circulation in the city one time on or before the tenth calendar day before the date fixed for the hearing.
- (c) Notice shall also be provided to each mortgagee and lienholder in the same manner provided for in subsection (a) above. Notice shall also be filed in the official public records of real property in the Victoria County clerk's office.

**Section 21-112 Notice contents**

- (a) The notice must include:
  - (1) A statement that the owner, lienholder, or mortgagee, as applicable, will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work;
  - (2) The name and address of the owner of the affected property, if that information can be determined from a reasonable search of the instruments on file in the county clerk's office, a legal description of the affected property, and a description of the proceedings; and
  - (3) The following statement:

According to the real property records of Victoria County, you own the real property described in the notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the twentieth calendar day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

**Section 21-113 Affidavit of non-ownership**

- (a) The director shall provide an affidavit form with the hearing notice sent to the record owner, and a record owner who no longer owns the property shall execute the affidavit and deliver the affidavit in person or by certified mail, return receipt requested, to the department not later than the twentieth calendar day after the date the record owner receives the notice.
- (b) If the city receives an affidavit under subsection (a) above, the city shall send the appropriate notice to the person named in the affidavit as having acquired the property. A notice sent under this subsection must include the statement contained in Section 21-112.
- (c) If an affidavit is received under subsection (a) above, the city shall:
  - (1) Maintain the affidavit on file for at least two (2) years after the date the affidavit is received; and
  - (2) Deliver a copy of the affidavit to the chief appraiser of the Victoria County appraisal district.
- (d) Notice is considered to have been provided to a property owner if the notice is sent in compliance with the provisions of this Division and the city:
  - (1) Complies with Section 21-112 and an affidavit is not received from the record owner; or
  - (2) Complies with subsection (b) above and an affidavit is not received from the person to whom the notice was sent under subsection (b) above.
- (e) If the city complies with this section and with Section 21-112 and does not receive an affidavit under subsection (a) above, the record owner is presumed to be the owner of the property for all purposes to which the notice relates.

**Section 21-114 Application of standards**

- (a) The following standards shall be utilized by the commission in determining whether a building should be declared unsafe and ordered vacated, secured, repaired, removed, demolished, or the occupants relocated:
  - (1) The building, structure, or any part thereof is liable to partially or fully collapse.
  - (2) The structure or any part thereof was constructed or maintained in violation of any provision of the city's building codes, or any other applicable ordinance or law of the city, county, state or federal government.
  - (3) Any walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
  - (4) The foundation or the vertical or horizontal supporting members are twenty-five (25) per cent or more damaged or deteriorated.
  - (5) The non-supporting coverings of walls, ceilings, roofs, or floors are fifty (50) per cent or more damaged or deteriorated.
  - (6) The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.
  - (7) The structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism or other cause to such an extent that it has become dangerous to the public health, safety, and welfare.

- (8) The structure or any part thereof has inadequate means of egress as required by the city's building codes or adopted ICC codes, as applicable.
- (9) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city's building codes or adopted ICC codes, as applicable.

#### Section 21-115 Minimum standards

The minimum standards that shall determine the suitability of a building for continued use or occupancy, regardless of the date of construction, are those found in Article III of this Code as well as the [Chapter 9](#) Fire Prevention Code of the Victoria City Code.

#### Section 21-116 Commission order

- (a) If the commission determines that a building is unsafe, it shall proceed to determine whether the building should be vacated, repaired, secured, demolished and/or the occupants relocated under the standards contained herein and in accordance with the following:
  - (1) If the structure is in such a condition as to make it hazardous to the health, safety or general welfare of its occupants or the public, it shall be ordered vacated and secured, and the order may also require the occupants to be relocated.
  - (2) If the structure can be feasibly repaired or the condition remedied so that it will not longer exist in violation of the provisions of this article, it shall be ordered remedied or repaired. Repairs shall be deemed feasible only if less than fifty (50) per cent of the value or structure of the building must be repaired or replaced.
  - (3) In any case where fifty (50) per cent or more of its value or structure is damaged or deteriorated, a building shall be demolished or removed, and in all cases where a structure cannot be repaired so that it will no longer exist in violation of the provisions of this article, it shall be demolished or removed.
- (b) If the commission determines the building to be unsafe, it shall issue an order based upon this determination, requiring the owner of the building to vacate, repair, secure, demolish and/or relocate the occupants from the building. The order shall specify a reasonable time as provided by Section 21-117 for the ordered actions to be taken by the owner and an additional reasonable time as provided by Section 21-117 for the ordered actions to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided by the order. Each order requiring the repair, removal, or demolition of a building shall require that a permit for such repair or demolition be obtained by the owner prior to commencing work required by the order.
- (c) The director shall, no later than the next working day after the commission issues an order:
  - (1) Mail a copy of the order by first class mail, certified return receipt requested, to the owner and any record lienholder and mortgagee of the building; and
  - (2) Post an unsafe building placard in a conspicuous location at each entrance to the unsafe building. Such placard shall remain posted until the required action is completed.
- (d) The director shall, no later than ten (10) calendar days after the date that the commission issues an order:
  - (1) File a copy of the order in the office of the city secretary; and
  - (2) Publish in a newspaper of general circulation in the city a notice containing the street address or legal description of the property, the date of the hearing, a brief statement

indicating the results of the order, and instructions stating where a complete copy of the order may be obtained.

#### Section 21-117 Compliance time schedule

- (a) The commission in each unsafe building order shall, unless otherwise provided herein, require the owner, mortgagee or lienholder to within thirty (30) days:
  - (1) Secure the building from unauthorized entry; or
  - (2) Repair, remove, or demolish the building, unless the owner, mortgagee, or lienholder establishes at the hearing that the work required cannot reasonably be performed within thirty (30) calendar days.
- (b) If the commission allows the owner, mortgagee, or lienholder more than thirty (30) calendar days to repair, remove or demolish the building, the commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, mortgagee, or lienholder to secure the property in a reasonable manner from unauthorized entry while work is being performed, as determined by the commission.
- (c) The commission may not allow the owner, mortgagee, or lienholder more than ninety (90) calendar days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, mortgagee, or lienholder:
  - (1) Submits a detailed plan and time schedule for the work at the hearing; and
  - (2) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) calendar days because of the scope and complexity of the work.
- (d) If the commission allows the owner, mortgagee, or lienholder more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the commission shall require the owner, mortgagee, or lienholder to regularly submit progress reports to the director to demonstrate that the owner, mortgagee, or lienholder has complied with the time schedules established for commencement and performance of the work.

#### Section 21-118 Appeal

- (a) The owner, lienholder, or mortgagee of record shall have the right to appeal the decision of the commission to the City Council. A notice of appeal must be filed with the director within seven (7) calendar days from the date the commission renders its order. The City Council shall hold a hearing on the matter at its next regularly scheduled meeting, unless to do so would make it impossible for the City Council to render a decision prior to the expiration of the time frame in which to file an appeal with the district court as provided in subsection (b) below, in which case a special meeting shall be called. The City Council may reverse or affirm, in whole or in part, or modify the commission's order and make the correct order.
- (b) Notwithstanding the above, the owner, lienholder, or mortgagee of record, shall have the right to appeal the decision of the commission to district court. In addition, the owner, lienholder, or mortgagee shall have the right to appeal the decision of the commission, as reversed, affirmed, in whole or in part, or modified by the City Council, if applicable, to district court. In either event, a notice of appeal must be filed with the district court clerk within thirty (30) calendar days from the date the commission's order is mailed to the owner, lienholder and mortgagee.

#### Section 21-119 Securing unoccupied buildings

- (a) It shall be unlawful to fail to secure the windows, doors or any other opening allowing access to an unoccupied building in such a manner as to effectively bar entrance to the structure. Any

person with an ownership or possessory interest in an unoccupied building shall secure said building with plywood, lumber, steel, replacement glass, nails, screws and bolts and/or other materials approved by the director. Cardboard, tar paper, window and door screens or any other material that will not effectively prevent entrance shall not be considered to secure an unoccupied building in accordance with this article.

(b) If the director determines a building:

- (1) Violates the minimum standards of this article; and
- (2) Is unoccupied or occupied only by persons who do not have a right of possession to the building;

Then the director may secure the building or order an owner or other person with an ownership or possessory interest in the building to secure said building. It shall be unlawful for a recipient of an order described in this subsection to fail to secure the building described in said order, if that recipient has an ownership or possessory interest in the building.

(c) Before the 11th day after the director secures the building, the director shall give notice to an owner of a building determined by the director to be unsecure by:

- (1) Personally serving an owner with written notice;
- (2) Depositing the notice in the United States mail addressed to an owner at the owners' post office address;
- (3) Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owners' post office address is unknown.

(d) The notice required by subsection (c) must contain:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of the municipal standards that is present at the building;
- (3) A statement that the municipality will secure or has secured, as the case may be, the building; and
- (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the building.

(e) The director shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the director's securing of the building if, within thirty (30) days after the date the director secures the building or orders the building secured, the owner files with the municipality a written request for the hearing. The director shall conduct the hearing within twenty (20) days after the date the request is filed.

(f) The city may establish a lien for the city's expenses of securing a building. A lien is created under this section in the same manner that a lien is created under Section 21-121 and is subject to the same conditions as a lien created under that section.

(g) The authority granted by this section is in addition to that granted by the other sections of this article and shall encompass any authority to a municipality to secure buildings and enforce a lien for expenses of securing pursuant to V.T.C.A., Local Government Code, §§ 214.001 or 214.0011.

### Section 21-120 Performance of work

Work shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this article and all other applicable ordinances of the city and accepted engineering practice standards.

### Section 21-121 Abatement by city; lien for costs

- (a) If the unsafe building is not vacated, secured, repaired, removed, demolished, or the occupants are not relocated as specified in the unsafe building order within the allotted time, the director may cause the ordered action to be performed at the city's expense.
- (b) The owner of an unsafe building that is vacated, secured, repaired, removed, demolished, or the occupants are relocated by the city shall be charged for the expense of the city's work. Charges shall include, but are not limited to, the expenses of inspection or testing by third parties, photography, publication, title search, attorney's fees, labor and equipment costs for preparation of the premises, work to secure, repair, demolish, cleanup and remove debris, and landfill fees.
- (c) The director shall certify the expenses incurred in enforcing the provisions of this article. The certified expenses shall be forwarded to the finance department. The city shall assess the expenses on, and have a lien against, the property on which the structure was located, unless it is a homestead as protected by the Texas Constitution.
- (d) Notice of the lien shall be provided to the property owner and filed in the real property records of the county clerk's office on a form approved by the city attorney. The lien notice must contain the name and address of the owner if that information can be reasonably determined, a legal description of the real property on which the structure was located, the amount of expenses incurred by the city, the interest rate to be charged, and the balance due.
- (e) The city's lien is a privileged lien subordinate only to tax liens and all previously recorded "bona fide mortgage liens attached to the real property to which the city's lien attaches. Such lien shall bear interest at the rate of ten (10) percent per annum until paid.
- (f) The lien shall be extinguished and a release of lien filed in the real property records if the property owner or another person having an interest in the legal title to the property reimburses the city for the total amount due.

### Section 21-122 Other remedies

- (a) The remedies provided for herein shall be available to the city in addition to any penal or other remedy provided by law or equity which the city, state or any other person may have to remedy the unsafe building condition.
- (b) The city may direct the city attorney to bring a civil action in a court of competent jurisdiction to collect the amount due plus all associated costs and fees. The city attorney is hereby authorized to make use of whatever legal or equitable remedies are available to collect said monies due.

## Division 16. Landscape Irrigation Systems

### Section 21-123 Landscape Irrigator License Required

- (a) Unless exempted from the application of this Division, it shall be unlawful for any person to install an irrigation system unless that person holds a license issued under Section 1903.251 of the Texas Occupations Code, as amended.
- (b) The terms of this section requiring a license issued under Section 1903.251 of the Texas Occupations Code do not apply to:

- (1) irrigation or yard sprinkler work performed by a property owner in a building or on premises owned or occupied by the person as the person's home;
- (2) irrigation or yard sprinkler repair work, other than extension of an existing irrigation or yard sprinkler system or installation of a replacement system, that is:
  - a. performed by a maintenance person who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and
  - b. incidental to and on premises owned by the business in which the person is regularly employed or engaged;
- (3) irrigation or yard sprinkler work performed:
  - a. by a regular employee of a railroad who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and
  - b. on the premises or equipment of the railroad;
- (4) irrigation or yard sprinkler work performed on public property by a person who is regularly employed by a political subdivision of this state;
- (5) irrigation or yard sprinkler work performed by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land on land owned by the person;
- (6) irrigation or yard sprinkler work performed by a member of a property owners' association on real property owned by the association or in common by the association's members if the irrigation or yard sprinkler system waters real property that:
  - a. is less than one-half acre in size; and
  - b. is used for aesthetic or recreational purposes;
- (7) irrigation or yard sprinkler work performed by a person using a garden hose, hose sprinkler, hose-end product, or agricultural irrigation system;
- (8) activities involving a commercial agricultural irrigation system;
- (9) a person who assists in the installation, maintenance, alteration, repair, or service of an irrigation system under the direct supervision of an individual described by Subchapter F of Chapter 1903 of the Texas Occupations Code who is licensed under Chapter 37 of the Texas Water Code; or
- (10) an owner of a business that employs an individual described by Subchapter F of this chapter who is licensed under Chapter 37 of the Texas Water Code, to supervise the business's sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation systems.

#### Section 21-124 Landscape Irrigation Installation -Requirements

- (a) Unless exempted from the application of this article, it shall be unlawful for any person to install an irrigation system unless that person first obtains a permit to install that system from the Director. Every application for such a permit shall be accompanied by the permit fee specified by separate ordinance.
- (b) Unless exempted from the application of this article, it shall be unlawful for any person to design, install or operate an irrigation system in a manner that fails to comply with Section 1903.053 of the Texas Occupations Code and any rules adopted by the Texas Commission on Environmental Quality pursuant to Section 1903.053. The minimum standards and specifications for designing, installing, and operating irrigation systems contained in Section 1903.053 of the Texas

Occupations Code and Chapter 344 of Volume 30 of the Texas Administrative Code are hereby adopted by reference, as amended, and are deemed to be incorporated and included herein.

### Section 21-125 Applicability

- (a) The terms of this Division shall apply within the City and to the City of Victoria's extra-territorial jurisdiction.
- (b) This article shall not apply:
  - (1) to an on-site sewage disposal system, as defined by Section 366.002 of the Texas Health and Safety Code, or
  - (2) to an irrigation system:
    - a. used on or by an agricultural operation as defined by Section 251.002 of the Texas Agriculture Code, or
    - b. connected to a groundwater well used by the property owner for domestic use.

## Division 17. Manufactured Housing

### Section 21-126 Placement Permit

- (a) A placement permit issued by the city shall allow a person to place a manufactured home, industrialized building or industrialized housing at a particular location in the city. When issued for the placement of a manufactured home, a placement permit shall authorize the installation of a manufactured home for use and occupancy as a residential dwelling for purposes of the Texas Manufactured Housing Standards Act.
- (b) No person shall cause or permit the installation of a manufactured home in a manner not in conformity to a placement permit issued by the city for such structure.
- (c) No person shall make any utility connections to any manufactured home, industrialized building or industrialized housing before a placement permit has been issued.
- (d) No person shall receive a permit for a home older than twenty (20) years from the date of the application for a placement permit.
- (e) A placement permit shall be automatically approved if not denied within the forty-five (45) days after application to the Development Services Department for said permit.
- (f) Applications for placement permits shall be on a form provided by the Development Services Department which shall include the following information:
  - (1) Name of manufacturer;
  - (2) Length and width of structure when fully assembled;
  - (3) Year of manufacture;
  - (4) Electrical service capacity of structure;
  - (5) Certification number from label or seal issued by the state;
  - (6) Address and legal description of lot proposed for placement;
  - (7) Plot diagram of the planned configuration of the structure showing distance of planned structure from property lines and location of planned off-street parking facilities; and
  - (8) Type of occupancy (residential or nonresidential).

**Section 21-127 Installation of non-HUD code manufactured homes prohibited**

- (a) No person shall cause or permit the installation of a non-HUD code manufactured home within the corporate limits of the city, nor shall any person be issued a use and occupancy permit or certificate of occupancy for a non-HUD code manufactured home that was not installed prior to the effective date of this chapter. This prohibition shall not apply to a mobile home legally permitted and used or occupied as a residential dwelling in the city prior to May 1, 1999.

**Section 21-128 Certificate of Occupancy**

- (a) No person shall occupy a manufactured home, industrialized building or industrialized housing in a manner not in conformance with a certificate of occupancy issued by the city.
- (b) Upon receipt of the following items, the Development Services Department shall issue a certificate of occupancy for a manufactured home used for residential purposes:
  - (1) Certificate of approval of placement permit inspection;
  - (2) Certificates of approval on all required utility extension and connection final inspections;
  - (3) Properly completed copy of the registered installer's installation report; and
  - (4) Certificates of approval, where applicable, from other city departments.
- (c) Upon receipt of the following items, the Development Services Department shall issue a certificate of occupancy for an industrialized building or industrialized housing used for residential or nonresidential purposes:
  - (1) Certificate of approval of applicable permit inspections. In the event that the industrialized building or industrialized housing does not comply with the Texas Industrialized Housing and Buildings Act, such structure shall follow the city's standard building permit procedures.
  - (2) Certificates of approval on all required utility extension and connection final inspection.
  - (3) Certificates of approval, where applicable, from other city departments.
- (d) No manufactured home may be used for non-residential purposes unless said home complies with all applicable city codes and a certificate of occupancy appropriate for the intended use.
- (e) The following inspections shall be performed pursuant to a manufactured home occupancy permit, after which a permit shall be issued if the manufactured home complies with state and city requirements:
  - (1) Building setbacks inspection.
  - (2) Inspection of existing utility services to determine applicability of electrical, plumbing, or gas permit requirements.
  - (3) Driveway and off-street parking requirements inspection.

**Section 21-129 Parking of manufactured homes in public places prohibited**

- (a) It shall be unlawful for any person to park any manufactured home or recreational vehicle on any public street, alley, highway or other public place within the limits of the city for any of the following purposes:
  - (1) Human occupancy at any time;
  - (2) Storage for more than twenty-four (24) hours;
  - (3) Any purpose within the fire district as established by this Code; or

- (4) Any other purpose for more than forty-eight (48) hours.

**Section 21-130 One manufactured home per lot or space**

- (a) It shall be unlawful for any person to place more than one (1) manufactured home on a single lot or space.

**Section 21-131 Occupancy of recreational vehicles**

- (a) It shall be unlawful for any person to occupy a recreational vehicle for more than seven (7) consecutive days at any single location other than in an approved recreational vehicle park.
- (b) Recreational vehicles found in violation of this chapter are hereby declared to be a public nuisance and subject to Section 10-51 of this Code in the same manner as junked vehicles.
- (c) Recreational vehicles found in violation of this chapter shall be towed to a registered vehicle storage facility after notice as provided by Section 10-52. The recreational vehicle owner is responsible for all towing and storage fees.

**Section 21-132 Placement of manufactured housing outside of manufactured home parks or subdivisions**

- (a) Manufactured homes shall not be permitted to be located within the limits of the city on any space, lot or tract of land other than in a platted and approved manufactured home park or manufactured home subdivision, nor shall any private or public utilities be connected or extended, except in any one (1) or more of the following circumstances:
- (1) The manufactured home was legally in existence at such location as of August 1, 1983.
  - (2) The person who intends to occupy such manufactured home submits a copy of a duly recorded deed showing that the intended occupant owns the lot upon which the manufactured home is to be located, and the manufactured home is located outside of a Historic District as designated in Section 21-154, outside of a Neighborhood Conservation District as Designated in Section 21-155, and outside of a Design District as designated in Section 21-156. No other structure designed or to be used for human occupancy may be located on such lot.
- (b) The property owner must submit adequate proof to the Development Services Department that the aforementioned and other Code requirements have been met before a permit will be issued for the placement of the manufactured home.
- (c) Nothing provided in this section pertaining to manufactured housing shall in any way abrogate the enforceability by private parties of deed restrictions pertaining to manufactured housing.
- (d) Skirting shall be installed around all manufactured homes and maintained in good repair, except where such installation would conflict with flood plain requirements of this Code.

**Section 21-133 Maintenance of manufactured home parks, recreational vehicle parks, or manufactured home sales lots**

- (a) Any person owning or operating a manufactured home park or recreational vehicle park shall maintain such park and all facilities, fixtures and permanent equipment therein in a clean, sanitary and safe condition, in a good state of repair, and in compliance with applicable city ordinances.

## Article IV. Land Uses

### Division 1. General Provisions

#### Section 21-134 Purpose

- (a) This Article identifies the uses allowed within Victoria's corporate limits and how those uses are mitigated.

#### Section 21-135 Authority

- (a) This Article's regulations are authorized by the following chapters and sections of the Texas Local Government Code:
  - (1) 211 (Municipal Zoning Authority)
    - a. 211.001 (Purpose)
    - b. 211.002 (Adoption of Regulation or Boundary Includes Amendment or Other Change)
    - c. 211.003 (Zoning Regulations Generally)
    - d. 211.0035 (Zoning Regulations and District Boundaries Applicable to Pawnshops)
    - e. 211.004 (Compliance with Comprehensive Plan)
  - (2) 214 (Municipal Regulation of Housing and Other Structures)
  - (3) 215 (Municipal Regulation of Businesses and Occupations)
  - (4) 243 (Municipal and County Authority to Regulate Sexually Oriented Business)
- (b) The City does not invoke its authority to divide its corporate limits into districts as established in TLGC 211.005 (Districts).

#### Section 21-136 Applicability

- (a) Table 2-1: Land Use Table below lists the uses allowed within Victoria's corporate limits. All uses are defined in Article X. Definitions. Approval of a use listed in this article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this article and approved under the appropriate process is prohibited.

## Division 2. Land Use Table

### Section 21-137 Organization

The uses permitted in Victoria are established in Table 2-1: Land Use Table are defined as follows:

- (1) Land Use Table Arrangement. Table 2-1: Land Use Table is arranged into columns providing development standards related to land use, development standards and lot information for each use. Where there is information in a column, there are associated standards. Where a blank space is in a column, there is no associated standard.
  - a. Use Column. This column shows the allowed use. Each use is defined in Article X. Definitions.
  - b. Use-Specific Standards Column. This column provides an interactive reference to associated standards for certain uses.
  - c. Minimum Parking Column. This column provides the minimum amount of required parking spaces for a given use based on the gross floor area or unit as specified.
  - d. Maximum Building Height Column. This column provides the maximum height permitted for a given use.
  - e. Lot Size Column. This column provides dimensional standards for required lot dimensions. This column has additional sub-columns for lot size dimensions (minimum area, width, and depth)
  - f. Setbacks Column. This column provides setback requirements in which a land use must meet. This column has additional sub-columns for front, rear, side, and corner setbacks.
    1. Additional setback requirements are found in Section 21-163.
- (2) Unlisted Uses. If a proposed use is not specifically listed in Table 2-1: Land Use Table, the Director of Development Services shall determine the appropriate standards. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in Table 2-1: Land Use Table.
  - a. In making this determination, the Director of Development Services may consider whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use.
  - b. The Director of Development Services may also refer to empirical studies or generally accepted planning or engineering sources (e.g., American Planning Association's publication, "A Planner's Dictionary") in making this determination.
  - c. Appealing a Land Use Determination. A property owner may appeal a determination of a land use under Article IX. Division 5. Relief Procedures .

### Section 21-138 Land Use Table

- (a) Generally. This Article shall follow the requirements established in Table 2-1: Land Use Table.
- (b) Use-Specific Standards. Use-specific standards are referenced in Table 2-1: Land Use Table and are established in Division 3. Use-Specific Standards.

Table 2-1: Land Use Table

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable</b>										
<b>RESIDENTIAL</b>										
Manufactured Home (Individual; Lot)	Article IV. Division 3. Section 21-140(a)	2/Dwelling Unit	40	5,000	50	-	20	10	5	15
Manufactured Home Park	Article IV. Division 3. Section 21-140(a)	2/Dwelling Unit	40	3 acres	100	100	20	10	5	20
Manufactured Home Subdivision	Article IV. Division 3. Section 21-140(a)	2/Dwelling Unit	40	3 acres	40	-	20	10	5	15
Rural Detached Single-Family Dwelling		2/Dwelling Unit	40	1.5 acres	125	-	35	15	10	25
RV Park	Article IV. Division 3. Section 21-140(b)	1/Dwelling Unit	40	3 acres	100	100	20	10	5	20
Multi-Family Dwelling	Article IV. Division 3. Section 21-140(c)	1.5/1 Bedroom Unit; 2/2+ Bedroom Unit;	40	10,000	75	125	25	15	10	20
Cluster Home	Article IV. Division 3. Section 21-140(e)	1.5/Dwelling Unit	40	12,000	75	125	25	15	10	20
Detached Single-Family Dwelling		2/Dwelling Unit	40	5000	50	-	20	10	5	10
Patio Home or Zero Lot Line Home	Article IV. Division 3. Section 21-140(d)	2/Dwelling Unit	40	4,000	40	80	20	10	9	10
Cottage Home	Article IV. Division 3. Section 21-140(h)	2/Dwelling Unit	40	4,000	40	80	15	5	5	10

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Duplex or Tri-plex	Article IV. Division 3. Section 21-140(f)	2/Dwelling Unit	40	2,500 per unit	25 per unit	80	20	10	5	10
Townhouse	Article IV. Division 3. Section 21-140(g)	2/Dwelling Unit	40	2,500	20	80	15	10	0	10
<b>LODGING/GROUP LIVING</b>										
Bed and Breakfast Facility		1.5/ Sleeping Room	40 if located adjacent to an existing or proposed residential use	10,000	100	100	25	10	5	20
Boarding / Rooming House										
Dormitory		2/Owner's Suite								
Hotel/Motel										
<b>AUTOMOTIVE</b>										
<b>Light Automotive</b>										
Auto Dealership	Article IV. Division 3. Section 21-141(a)	1/300 SF GFA Showroom/ Office Area	40 if located adjacent to an existing or proposed residential use	10,000	100	100	25	10	5	20
Auto Parts Sales										
Light Auto Repair	Article IV. Division 3. Section 21-141(b)	1/2,500 SF Storage/ Display Area								
Car Wash	Article IV. Division 3. Section 21-141(c)									

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			Min. Corner
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
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<b>Heavy Automotive</b>										
Heavy Auto Repair	Article IV. Division 3. Section 21-141(d)	1/300 SF GFA Showroom/ Office Area	40 if located adjacent to an existing or proposed residential use	40,000	100	100	30	10	10	20
Truck Sales	Article IV. Division 3. Section 21-141(e)	1/2,500 SF Storage/ Display Area								
Truck Stop and Repair	Article IV. Division 3. Section 21-141(f)	2/ Service Bay								
<b>COMMERCIAL</b>										
<b>Service</b>										
Financial Institution		1/300 SF GFA	40 if located adjacent to an existing or proposed residential use	10,000	100	100	20	10	5	10
Animal Use	Article IV. Division 3. Section 21-142(a)									
Pay Day Loans	Article IV. Division 3. Section 21-142(c)									
Personal Services										
Postal Services										
Veterinarian Facility										

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Remainder of page intentionally left blank for readability										
<b>Retail</b>										
Convenience Store		1/300 SF GFA	40 if located adjacent to an existing or proposed residential use	10,000	100	100	25	10	10	15
Feed and Farm Supply										
Greenhouse or Nursery										
Pawn Shop	Article IV. Division 3. Section 21-142(d)									
Retail Store										
Flea Market										
<b>Office/Studio</b>										
Artist Studio		1/300 SF GFA	40 if located adjacent to an existing or proposed residential use	10,000	100	100	20	10	5	10
Medical Office										
Professional Office										
Radio / Television Studio										
<b>Consumer Amusement</b>										
Commercial Amusement (indoor)		1/300 SF GFA	40	20,000	100	100	25	10	10	15

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Commercial Amusement (outdoor)	Article IV. Division 3. Section 21-142(e)		if located adjacent to an existing or proposed residential use							
Health Club										
Sport Shooting Range	Article IV. Division 3. Section 21-142(f)									
Theater										
Sexually Oriented Entertainment										
Sexually Oriented Business	Article IV. Division 3. Section 21-142(g)	1/300 SF GFA	40 if located adjacent to an existing or proposed residential use	20,000	100	100	30	20	10	20
Food and Beverage										
Food Preparation and Sales		The lesser of 1 space per three seats of seating capacity or 1/100 SF GFA	40 if located adjacent to an existing or proposed residential use	10,000	100	100	20	5	5	10
Food Truck Park	Article IV. Division 3. Section 21-142(h)									
Restaurant										
Alcohol and Nightlife										
Bar (75% sales from alcohol)	Article IV. Division 3. Section 21-142 (j)	1/100 SF GFA	40	10,000	100	100	20	5	5	10

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Brewpub	Article IV. Division 3. Section 21-142(i)		if located adjacent to an existing or proposed residential use							
Nightclub/Lounge	Article IV. Division 3. Section 21-142(j)									
Mixed-Use										
Mixed-Use Development	Article IV. Division 3. Section 21-142(k)	1/500 SF GFA	60 if located adjacent to an existing or proposed residential use	7,500	75	100	20	15	10	20
<b>RECREATION</b>										
Amphitheater		1/4 Seats for Auditorium or Stadium Seating; 1/100 SF for unfixed seating  1/300 SF GFA Indoor Space  1/2,500 SF Outdoor Activity Space	40 if located adjacent to an existing or proposed residential use	20,000	50	100	20	10	5	10
Athletic Field										
Civic Club										
Public Community Center										
Private Community Center										
Country Club										
Fairgrounds										
Golf Course										
Park										
Event Center										

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
		6/Hole for Golf Course  2/Acre for Park/Playground								
<b>EDUCATION</b>										
College or University	Article IV. Division 3. Section 21-143(a)	Approval by Director	40 if located adjacent to an existing or proposed residential use	20,000	100	100	20	10	5	10
Library, Museum, or Art Gallery		1/500 SF GFA								
Religious Land Use		1/4 Seats								
School		Elementary/ Middle: 2:1 classroom Secondary: 4:1 classroom								
Technical School		1/400 SF GFA								
<b>INDUSTRIAL</b>										
<b>Light</b>										
Brewery / Distillery		1.5/1,000 SF GFA (excluding storage)  1/300 SF GFA for office	40 if located adjacent to an existing or proposed residential use	25,000	100	100	30	10	10	20
Commercial Kitchen										
Governmental Service Yard										
Light Industrial and Manufacturing										

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Research and Development										
Self-Storage (Mini-Warehouse)	Article IV. Division 3. Section 21-144(a)									
Warehouse, Distribution, and Wholesale										
<b>Heavy</b>										
Commercial Cleaning Facility										
Contractor's Shop and Storage Yard	Article IV. Division 3. Section 21-144(b)	1/1,000 SF GFA	40 if located adjacent to an existing or proposed residential use	40,000	100	100	35	20	10	25
Heavy Industrial and Manufacturing	Article IV. Division 3. Section 21-144(c)									
Salvage Yard	Article IV. Division 3. Section 21-144(d)									
<b>Retail</b>										
Building, Materials, and Landscaping Store		1.5/1,000 SF	40 if located adjacent to an existing or proposed residential use	25,000	100	100	35	20	10	25
Heavy Equipment Sales and Rental										
Portable Building Sales										
<b>CARETAKING SERVICES</b>										
Afterlife Care										

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			Min. Corner
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Cemetery		1/4 Seats Auditorium	40 if located adjacent to an existing or proposed residential use	20,000	100	100	20	10	5	10
Funeral Services										
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<b>Correctional Care</b>										
Correctional Facility	Article IV. Division 3. Section 21-145(a)	1/500 SF	40 if located adjacent to an existing or proposed residential use	10,000	50	100	20	10	5	10
Halfway House										
<b>Day Care</b>										
Adult Day Services		1/10 Enrolled 1/Employee	40 if located adjacent to an existing or proposed Residential use- Must comply with Sections 21-152 and 21-153.	10,000	50	100	20	5	5	10
Child Care Facility, Children's Home										
Child Care Facility, Daycare										
Child Care Home (≤ 6 Children)										
Child Care Home (≥ 7 Children)										
<b>Rehabilitative Care</b>										
Assisted Living Facility			40	10,000	80	100	25	10	5	15

Land Use Standards		Development Standards		Lot Information							
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks				
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner	
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable											
Chemical Dependency Facility		1/500 SF GFA	if located adjacent to an existing or proposed residential use								
Community Home for Persons with Disabilities											
Hospital											
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<b>TRANSPORTATION</b>											
Airport		-	40 if located adjacent to an existing or proposed residential use	10,000	-	-	20	10	5	10	
Bus Terminal											
Parking Facility											
Railroad Station and Facilities											
Transit Station											
Truck or motor freight terminal											
<b>INFRASTRUCTURE</b>											
Data Centers											
Data Centers or Crypto-Mining Farm	Article IV. Division 3. Section 21-146(e)	1/2000 SF GFA	40 if located adjacent to an existing or proposed residential use	10,000	-	-	20	10	5	10	
Communications											

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Telecommunications Tower	Article IV. Division 3. Section 21-146(a)	-	See applicable Specific Use Standards	-	-	-	-	-	-	-
<b>Waste/Energy</b>										
Power Plant	Article IV. Division 3. Section 21-146(b)	1/500 SF GFA	40 if located adjacent to an existing or proposed residential use	5 acres	100	100	50	25	20	25
Recycling Facility	Article IV. Division 3. Section 21-146(c)									
Solid Waste Facility / Landfill	Article IV. Division 3. Section 21-146(d)									
Solid Waste Transfer Station										
<b>Utilities</b>										
Electrical substation		-	40 if located adjacent to an existing or proposed residential use	5,000	-	-	-	-	-	-
Gas metering station										
Utility Shop										
<b>AGRICULTURE</b>										
Agriculture Activity	Article IV. Division 3. Section 21-147(b)	-	40	1 acre	-	-	-	-	-	-

Land Use Standards		Development Standards		Lot Information						
Use	Use-Specific Standards	Minimum Parking*	Maximum Building Height (ft)	Lot Size			Setbacks			
				Min. Area (sf)	Min. Width (ft)	Min. Depth (ft)	Min. Front	Min. Rear	Min. Side	Min. Corner
<b>Key</b>   Black Shading with White Text = Land Use Category   Grey shading with Black Text = Land Use Sub-Category   - = Not Applicable										
Agritainment	Article IV. Division 3. Section 21-147(a)		if located adjacent to an existing or proposed residential use							
Commercial Stable										
Feedlot										
<b>* Minimum parking calculations based on gross floor area shall be based on use or portion of use within the building.</b>										
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## Division 3. Use-Specific Standards

### Section 21-139 Generally

- (a) Use-specific standards are established for certain uses in each Use Category within this Division.
- (b) Proximity-based standards, such as those for separation between uses, are measured from property line to property line.
- (c) Waiver procedure
  - (1) In cases where the owner(s) of a use listed in Section 21-141 through Section 21-146 which separation from a residential use is required wish to locate such within the required separation and all owners of residential uses within the required separation agree that the separation would be undesirable or unnecessary, such owners may make a written request to waive the requirement. In order for the separation 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.
  - (2) A request for a use separation 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.

### Section 21-140 Residential

- (a) Manufactured Home.
  - (1) A Manufactured Home shall meet the requirements of this Section, as well as the requirements of Article III. Division 17. of this Chapter of the City Code. Manufactured homes are for single-family residential use only.
  - (2) A Manufactured Home is not allowed within the following areas on an individual lot or within a manufactured home park or manufactured home subdivision:
    - a. Historic Districts;
    - b. Neighborhood Conservation District; and
    - c. Any designated Design District.
  - (3) A Manufactured Home may be located on an individual lot, unless otherwise prohibited, a manufactured home park, or within a subdivision exclusively for manufactured homes, commonly referred to as a *manufactured home subdivision*.
  - (4) A Manufactured Home Park requires a:
    - a. Three (3) acre minimum property size.
    - b. One hundred (100) feet minimum frontage located on a public street or highway.
    - c. Interior lighting shall be provided every 300 feet.
    - d. Manufactured home parks over 50 spaces or lots shall have two entrances from a public right-of-way.
    - e. Demonstrated compliance with all applicable Federal and State laws, and local ordinances.

- f. Backflow prevention devices shall be installed with each meter for or within a manufactured home park.

(5) A Manufactured Home Subdivision requires a:

- a. Three (3) acre minimum property size.
- b. One hundred (100) feet minimum frontage located on a public street or highway.
- c. Four thousand (4,000) square feet minimum space or lot size for all manufactured homes except for double-wide manufactured homes.
- d. Six thousand (6,000) square feet minimum space or lot size for double-wide manufactured homes.
- e. Forty (40) feet minimum space or lot width for all manufactured homes except for double-wide manufactured homes.
- f. Fifty (50) feet minimum space or lot width for all double-wide manufactured homes.
- g. Lighting shall comply with Article V. Division 9. Lighting.
- h. Manufactured Home Subdivisions over 50 spaces or lots shall have two entrances from a public right-of-way.

(b) RV Park.

- (1) An RV Park shall meet the requirements of this article as well as the requirements of [Division 17 of Article III of this chapter](#), of the City Code.
- (2) An RV Park requires a thirty (30) foot minimum rear yard setback if abutting an arterial street or expressway.
- (3) Backflow prevention devices shall be installed with each meter for or within a RV Park.
- (4) An RV Park is not allowed in the within the following areas:
  - a. Historic District;
  - b. Neighborhood Conservation District; and
  - c. Any designated Design District.

(c) Multi-Family Dwelling

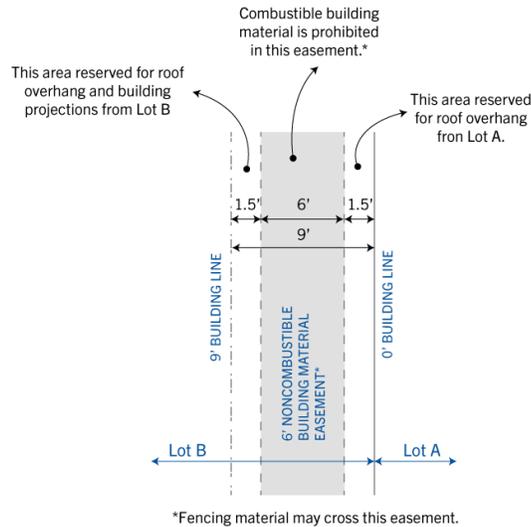
- (1) A Multi-Family Dwelling shall have a maximum of three hundred fifty (350) dwelling units for the entire development.
- (2) A Multi-Family Dwelling development of seventeen (17) or more dwelling units shall install three (3) amenities from the list below (Note: each amenity counts as one required amenity towards the requirements; however, multiples of the same amenity do not count towards the requirements):
  - a. Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
  - b. Jacuzzi or hot tub area (minimum 50 square foot area);
  - c. At least four barbeque grills with shaded seating areas;
  - d. Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet of recreation space;
  - e. Child play lot (minimum 3,000 square foot area);

- f. A splash pad (water play amenity for children) that is a minimum of 1,000 square feet in area;
- g. A dog park that is at least 5,000 square feet in area that:
  - 1. Is enclosed by a minimum five-foot tall vinyl coated chain link fence;
  - 2. Uses grass, wood chips, or a combination of the two as surface materials; and
  - 3. Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park.
- h. Regulation size volleyball, basketball, tennis, or other similarly related playing court.
- i. Golf putting green (minimum 1,000 square feet);
- j. Fitness center/weight room (minimum 500 square feet);
- k. Business center (minimum 500 square feet);
- l. Media room (minimum 500 square feet);
- m. Any other amenity that meets the intent of those established above as approved by the Director of Development Services.

(d) Patio Home.

- (1) A Patio Home requires a nine (9) foot minimum side yard setback with a 6-foot noncombustible building material easement on at least one side of each lot, and zero feet on the opposite side.
- (2) All zero lot lines shall be indicated on the plat, and each lot shall have only one zero lot line.
- (3) Adjoining lots shall not have common zero lot lines.
- (4) A minimum 9 foot drainage, maintenance access easement, and eave overhang easement shall be provided on the neighboring lot adjacent to each zero lot line (see Figure 3-1) in addition to a 5 foot public utility easement across the lot frontage, parallel to the right-of-way.
  - a. Fencing material may cross this easement.
  - b. No overhang shall exceed 1.5 feet.
- (5) At least four (4) Patio Homes are required to be located on a common open space that serves the community.

Figure 3-1: Zero-Lot Line Easement Diagram



(e) Cluster Home.

- (1) A Cluster Home development shall contain at least four (4) dwellings.
- (2) All Cluster Homes shall front a common open space that is at least five hundred (500) square feet.
- (3) No front entry parking is allowed for a Cluster Home.

(f) Duplex or Tri-plex.

- (1) A Duplex or Tri-plex may either be constructed entirely on one (1) lot or the individual dwelling units are located on multiple separate lots.
  - a. Single lot square footage shall be equal to the sum of the square footage required per unit.
- (2) For a Duplex or Tri-plex located on multiple separate lots, the two (2) or three (3) dwelling units shall be separated by a common fire-resistive wall on the common property line.

(g) Townhouse.

- (1) Each Townhouse shall be located on an individual lot.
- (2) There shall be at least four (4) connected units in each project.
- (3) There shall be a maximum of eight (8) connected units.
- (4) Each building shall be directly accessible from a public street or from an unobstructed fire lane.
- (5) Individual driveways shall not open onto streets with a functional classification of collector or greater.
- (6) 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) Required parking shall be located behind the front building line.

- (8) The end unit of an attached Townhome development shall have a minimum 5-foot side setback. If the end unit is located on a corner, the minimum corner setback requirement shall apply.

(h) Cottage Homes

- (1) Cottage Homes shall only be allowed within any of the designated historic districts established within Division 5, Section 21-154 – Historic Overlay Standards.
- (2) Cottage Homes shall provide an entry-level covered porch with a minimum depth of 5 feet along at least 50% of the front building façade.
- (3) If vehicular access is from the front, a garage must be a minimum of 7 feet behind the front building façade.

**Section 21-141 Automotive**

(a) Auto Dealership.

- (1) An Auto Dealership shall not be located within one hundred fifty (150) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.
- (2) Vehicular inventory spaces shall not count towards the minimum parking requirements.
- (3) An Auto Dealership is not allowed in any Historic Overlay, Neighborhood Conservation, or Design District.

(b) Light Auto Repair.

- (1) All Light Auto Repair activities shall take place within an enclosed space.
- (2) A Light Auto Repair facility shall not be located within one hundred fifty (150) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

(c) Car Wash.

- (1) A Car Wash shall not be located within one hundred fifty (150) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

(d) Heavy Auto Repair.

- (1) All Heavy Auto Repair activities shall take place within an enclosed space.

- (2) A Heavy Auto Repair facility shall not be located within three hundred (300) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

(e) Truck Sales.

- (1) A Truck Sales use shall not be located within three hundred (300) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

(f) Truck Stop and Repair.

- (1) A Truck Stop and Repair facility shall not be located within five hundred (500) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

**Section 21-142 Commercial**

(a) Retail – Planned Shopping Center

- (1) Parcels used and platted as Planned Shopping Centers: when some lots within the subdivision will not meet the lot width, size, depth, or setback as required, such requirements may be reduced, subject to the recommendation of the Director of Development Services and approval of the Planning Commission. A Planned Shopping Center shall be designed to provide adequate access, safe and convenient arrangement of driveway, shared access easements, pedestrian circulation and off-street parking and loading areas.

(b) Animal Use.

- (1) An Animal Use, unless wholly contained in a building or structure, shall not be located within three hundred (300) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.
  - b. Exception: The above shall not apply if an Animal Use is abutting a railroad right-of-way.

- (2) Outside runs for an Animal Use shall be operated only with an attendant present on the premises twenty-four (24) hours a day.
- (3) At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.
- (4) The maximum size for outside runs shall be no greater than 25 percent of the primary building.

(c) Pay Day Loans.

- (1) A Pay Day Loans use shall not be located within three hundred (300) feet of any other Pay Day Loans or detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above separation from detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse use shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

(d) Pawn Shop.

- (1) A Pawn Shop shall not be located within three hundred (300) feet of any other Pawn Shop or detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above separation from detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse use shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

- (2) No outdoor display is allowed.

(e) Commercial Amusement (Outdoor).

- (1) Excluding the Downtown Victoria Entertainment District established in Section 21-157, a Commercial Amusement (Outdoor) use shall not be located within three hundred (300) feet of any detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse, measured from the property lines.
  - a. Exception: The above shall not apply when the subject property meets the minimum frontage and takes primary access from an existing or proposed primary arterial or freeway/expressway as identified on the Victoria Thoroughfare Master Plan.

(f) Sport Shooting Range.

- (1) An outdoor Sport Shooting Range requires a minimum lot size of one (1) acre.
- (2) An outdoor Sport Shooting Range shall not be located within one thousand (1,000) feet of any residential use.
- (3) Outdoor Sport Shooting Range shooting lanes must be designed in an orientation where projectiles are fired away from public rights-of-ways.
- (4) The design of all shotgun trap, skeet shooting, and sporting clay ranges shall conform, as reasonably possible, to National Rifle Association (NRA), Amateur Trapshooting Association (ATA), National Skeet Shooting Association (NSSA) standards, or National Sporting Clay Association (NSCA)

- (5) The range and downrange safety area design specifications shall be in accordance with the 2012 U.S. Department of Energy - Range Design Criteria or as amended and updated by the U.S. Department of Energy.
  - (6) The range and uninhabited downrange safety area shall be under same ownership and control so as to maintain its permanency.
  - (7) The range shall be in compliance with all local noise ordinances.
  - (8) The range shall meet all other applicable state and federal regulations.
- (g) Sexually Oriented Business.
- (1) A Sexually Oriented Business shall follow the regulations established in [Chapter 14](#) of the Victoria City Code.
- (h) Food Truck Park.
- (1) All mobile vendors within a Food Truck Park must have a valid required state issued inspection permit.
  - (2) All Food Truck Parks require a Certificate of Occupancy.
  - (3) All food truck parks require an approved site plan, prior to the issuance of a Certificate of Occupancy.
  - (4) Food Truck Parks may be co-located on a property with other permanent uses
  - (5) Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets do not meet the requirements as an adequate restroom facility.
  - (6) Electrical, water, and wastewater connections shall be provided.
  - (7) Water and wastewater connections shall be prohibited unless connected to an approved central preparation facility with necessary protections against fats, oils and greases and designed for the maximum number of connections for the food truck park.
  - (8) Above ground utility point of use connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking lots.
  - (9) Food Truck Park sites shall be defined by curbs (i.e., continuous curb cuts are prohibited) to confine ingress and egress to defined access points to ensure the safety of pedestrians within the park.
  - (10) A barrier shall be located between any vehicular areas and the customer service areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material, or color; or similar treatments.
  - (11) Drive-thru operations are not permitted in conjunction with a Food Truck Park.
  - (12) Signage is allowed on the mobile vendor vehicle itself, but no detached signage is allowed.
  - (13) A waste receptacle is required for every mobile vendor and waste shall be removed daily.
  - (14) Food Truck Park sites shall only operate on concrete or asphalt. Ingress and Egress access to the food truck sites shall also be concrete or asphalt from the driveway to the food truck site. 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.

- (15) All mobile food units shall be removed from the food truck park upon closing of the park. If a central preparation facility is provided on-site and the mobile food unit has written approval to use the site's facility, then the mobile food unit will not have to be removed from the site each day, but shall be a licensed mobile food unit and demonstrate mobility upon request.
- (i) Brewpub.
    - (1) The maximum building size of a Brewpub is 10,000 square feet.
    - (2) A Brewpub shall comply with all provisions of the Texas Alcoholic Beverage Code and meet all permitting and separation requirements, as outlined in [Chapter 14](#) of the Victoria City Code.
    - (3) The restrictions in (1) and (2), above shall not apply in the Downtown Victoria Entertainment District established in Section 21-157.
  - (j) Nightclub/Lounge/Bar.
    - (1) A Nightclub/Lounge/Bar shall comply with all provisions of the Texas Alcoholic Beverage Code and meet all permitting and separation requirements, as outlined in [Chapter 14](#) of the Victoria City Code.
    - (2) The restrictions in (1), above shall not apply in the Downtown Victoria Entertainment District established in Section 21-157.
  - (k) Mixed Use Development.
    - (1) At least 25 percent of the Mixed-Use Development shall consist of retail, restaurant, or office uses.

#### Section 21-143 Education

- (a) College or University.
  - (1) For a College or University no minimum parking requirement shall apply.
  - (2) A College or University shall provide calculations for the sufficient amount of parking to be provided on the site for approval by the Director of Development Services.

#### Section 21-144 Industrial

- (a) Self-Storage (Mini-Warehouse).
  - (1) The Self-Storage (Mini-Warehouse) shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.
  - (2) A Self-Storage (Mini-Warehouse) shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.
  - (3) A Self-Storage (Mini-Warehouse) unit shall not be used for the storage of explosives, ammunition, hazardous, or flammable materials.
  - (4) Self-Storage (Mini-Warehouse) units shall be used solely for the purpose of storage of goods and possessions and shall not be used for operation of a business, hobby, band rehearsal, residential occupation or any type of activity not related to the storage of personal property of the owner or tenant of the unit.

- (5) Outdoor storage may be allowed within approved on-site areas for vehicles and recreational equipment if they are covered by an awning or canopy structure.
  - (6) The Self-Storage (Mini-Warehouse) may include an accessory on-site office and an apartment for on-site management/security.
- (b) Contractor's Shop and Storage Yard.
- (1) All outdoor storage areas shall be located at least twenty-five (25) feet from any property line.
  - (2) Outdoor storage areas shall be screened and comply with Division 7. Fences and Screening.
  - (3) Maintenance of vehicles or machinery shall be incidental to the Contractor's Shop and Storage Yard and the incidental use shall only include minor repair.
  - (4) No retail sales associated with a Contractor's Shop and Storage Yard may occur on the property unless retail sales are approved with a different use that allows retail sales.
  - (5) No on-street parking of vehicles or equipment associated with the use is allowed.
- (c) Heavy Industrial and Manufacturing.
- (1) No Heavy Industrial Manufacturing use shall be located within five hundred (500) feet of any residential use, measured from property lines.
  - (2) A Heavy Industrial and Manufacturing use requires a two (2) acre minimum property size.
- (d) Salvage Yard.
- (1) No Salvage Yard shall be located within five hundred (500) feet of any residential use, measured from property lines.
  - (2) A Salvage Yard requires a one (1) acre minimum property size.
  - (3) A Salvage Yard shall provide a minimum six (6) foot tall screening device along each property line.
  - (4) No time, product, good, debris, or junk shall be stacked higher than ten (10) feet.
  - (5) No hazardous wastes or hazardous materials shall be accepted or deposited at any Salvage Yard, except as incidental to the salvage operation.
  - (6) Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.

## Section 21-145 Institutional Services

- (a) Correctional Facility.
- (1) No Correctional Facility shall be located within one thousand (1,000) feet of any religious land use, hospital, school, park, or residential use, measured from property lines.
    - a. Exception: a correctional facility fully-owned and operated by the city, county, state or federal government is except from the above.
  - (2) No Correctional Facility shall be located within the boundaries established in Division 5.
  - (3) A Correctional Facility may place barbed wire and razored fencing on chain-link fences to act as a security feature.

## Section 21-146 Infrastructure

### (a) Telecommunication Tower.

- (1) Definitions. The following definitions shall apply to this section:
  - a. 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.
  - b. 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.
  - c. Monopole tower shall mean a self-supporting structure composed of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires containing one or more mounted antennas and associated equipment.
- (2) Location.
  - a. Telecommunication towers shall meet the requirements established in [Chapter 3 – Airports and Aircraft](#).
  - b. Telecommunication towers located within a historic area shall be stealth towers.
  - c. Telecommunication towers constructed elsewhere in the City of Victoria may be monopole towers.
  - d. Towers secured by guy wires and lattice style towers are expressly prohibited.
- (3) Setback from Residential Structures. All telecommunications towers shall be set back from any residential structures a distance of at least ten (10) feet plus one (1) foot for each foot of height of the tower.
- (4) Co-location Encouraged.
  - a. 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.
  - b. Lease or use rates may be provided on this list.
- (5) Site Plan Requirements. In addition to the requirements of Section 21-305 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.
- (6) Tower Removal
  - a. 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.
  - b. 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.

- c. 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 percent of the aggregated amount of the deposit and interest.
  - d. 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.
  - e. The Director's actions in failing to lower such removal deposit in accordance with a request may be appealed to the Planning Commission.
- (7) 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:
- a. Structures intended only for and capable only of use as amateur radio facilities;
  - b. Ground based telecommunications towers that do not exceed a height of forty (40) feet from the base of the tower that are not lattice style towers or towers secured by guy wires;
  - c. 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 twenty (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;
  - d. Towers or other facilities placed on land or right-of-way owned by the federal government, the State of Texas, County of Victoria, or the City of Victoria;
  - e. 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
  - f. Telecommunications towers that were constructed prior to the date of approval of this ordinance, except that this section 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:

<b>Date of Renovation, Modification or Repair of Tower</b>	<b>Percentage of Cost of Tower</b>
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

(b) Power Plant.

- (1) Any Power Plant shall comply with all applicable Victoria County, State of Texas, and Federal regulations and permit requirements prior to approval.
- (2) Any Power Plant, except for wind or solar power generation, shall be:
  - a. Located at least one thousand (1,000) feet from any residential use.
  - b. At least a minimum property size of twenty (20) acres.

(c) Recycling Facility.

- (1) Any Recycling Facility shall comply with all applicable Victoria County, State of Texas, and Federal regulations and permit requirements prior to approval.
- (2) Any Recycling Facility shall be:
  - a. Located at least five hundred (500) feet from any residential use.
  - b. At least a minimum property size of ten (10) acres.

(d) Solid Waste Facility/Landfill.

- (1) Any Solid Waste Facility/Landfill shall comply with all applicable Victoria County, State of Texas, and Federal regulations and permit requirements prior to approval.
- (2) Any Solid Waste Facility/Landfill shall be:
  - a. Located at least one thousand (1,000) feet from any residential use.
  - b. At least a minimum property size of ten (10) acres.

(e) Data Center or Crypto Mining Farm

- (1) Any Data Center or Crypto Mining Farm shall comply with all applicable Victoria County, State of Texas, and Federal regulations and permit requirements prior to approval.
- (2) Any Data Center or Crypto Mining Farm shall:
  - a. not produce more than fifty-five (55) decibels of sound at any time, as heard from any property line.
- (3) Crypto Mining Farms shall be located at least five hundred (500) feet from any residential use, as measured from the property line.

**Section 21-147 Agricultural**

(a) Agritainment.

- (1) An Agritainment use requires a ten (10) acre minimum property size.
- (2) All structures must be located at least one hundred (100) feet from any existing dwelling on an abutting property.
- (3) Five (5) parking spaces are required for every acre of land used on site for an Agritainment use.

- (4) An applicant must establish an operating plan in order to control fugitive dust emissions, provide sanitary and waste services for participants and spectators, and ensure that emergency medical services and fire lanes are incorporated as part of their facility's operations.
- (5) The operating plan shall include:
  - a. A site plan drawn to scale depicting activity areas, improvements, access, driveways, parking areas, and sanitary facilities;
  - b. A description of facilities for animals involved in activities on site.
  - c. The methods proposed to control dust, erosion, odor, noise, glare, waste disposal (manure, trash, etc.), and congestion;
  - d. A traffic control plan approved by Victoria County;
  - e. The hours of operation;
  - f. The projected number of people on the property during activities;
  - g. A description of any items for sale during activities (liquor and other beverages, food, souvenirs, etc.); and
  - h. Additional information that the Director of Development Services determines is needed to determine whether the use complies with this section.

(b) Agriculture Activity

- (1) A site plan is not required for primary agricultural activity holding appropriate agricultural use exemptions as reflected by the Victoria Central Appraisal District.

**Section 21-148 Downtown Business and Original Townsite Historic District Uses**

(a) Downtown Business District

- (1) For uses in the Downtown Business Historic District:
  - a. Mixed uses are permitted;
  - b. The minimum lot size shall be 4,000 sq. ft
  - c. There is no minimum parking required; and
  - d. There are no minimum required setbacks or sight visibility triangle.
  - e. There is no height limit.

(b) Original Townsite Historic District

- (1) For all uses in the Original Townsite Historic District:
  - a. Mixed uses are permitted;
  - b. The minimum lot size shall be 5,000 sq. ft
  - c. Parcels within the Original Townsite District that do not meet the lot width, size, depth, or setback as required, such requirements may be reduced, subject to the recommendation of the Director of Development Services and approval of the Planning Commission. All developments should be designed to provide adequate access, safe and convenient arrangement of driveway, shared access easements, pedestrian circulation, and off-street parking and loading areas.

## Division 4. Accessory Uses

### Section 21-149 Purpose.

This section authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards established in this section. All principal uses allowed shall be deemed to include those accessory uses, buildings, and activities typically associated with the use, unless specifically prohibited in this section.

### Section 21-150 Approval Procedure

- (a) Any of the accessory uses identified in this section may be allowed as accessory to an authorized principal use provided that:
  - (1) The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and
  - (2) The proposed accessory use or building is consistent with the general and specific standards for accessory uses in this subsection.
- (b) Simultaneously with a Principal Use. Accessory uses or buildings may be reviewed as part of review of an associated principal use.
- (c) Subsequent to a Principal Use. Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.

### Section 21-151 Interpretation of Unidentified Accessory Uses

The Director of Development Services shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:

- (a) The definition of "accessory use" in Article X. Definitions, and the general accessory use standards and limitations established in this Section;
- (b) The purpose and intent of the principle use in which the accessory use is located;
- (c) Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and
- (d) The compatibility of the accessory use with other principal and accessory uses permitted in the district.

### Section 21-152 General Standards for All Accessory Uses

- (a) All accessory uses and buildings shall be subject to the general standards in this section, as well as any applicable supplemental standards in Subsection (e) and all standards applicable to the associated principal use.
- (b) Size. All accessory uses shall:
  - (1) Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
  - (2) Not violate the bulk, density, parking, landscaping, or open space standards of this article when taken together with the principal use or structure.
  - (3) The floor area of any detached enclosed accessory building shall not exceed the square footage of the principal structure. The Director of Development Services may authorize a

building to exceed this percentage if the building is used for animal production or crop production associated with an agricultural use or is substantially open.

- (c) **Function.** All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.
- (d) **Timing.** Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.
- (e) **Height.** Accessory buildings shall not exceed the height of the primary use building unless exempted from the height requirements in this Unified Development Ordinance.
- (f) **Location.**
  - (1) Accessory uses or buildings shall be located on the same lot as the principal use or building.
  - (2) Accessory uses or buildings shall generally be located to the rear or side of the principal use or building.
  - (3) Accessory buildings shall not be located within platted or recorded easements.
  - (4) Accessory buildings shall be set back at least five (5) feet from any side lot line and ten (10) feet from any rear lot line.
  - (5) The Director of Development Services may authorize an accessory building on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use or used in conjunction with a park.

#### Section 21-153 Supplemental Standards for Accessory Use Standards

- (a) **Accessory Dwelling Unit.**
  - (1) An Accessory Dwelling Unit shall be a maximum of one (1) dwelling unit.
  - (2) A Detached Accessory Dwelling Unit shall only be located in the rear or side of a lot.
  - (3) An Accessory Dwelling Unit shall comply with all required setbacks in which the unit is located.
  - (4) An Accessory Dwelling Unit shall not exceed the height of the primary dwelling.
  - (5) An Accessory Dwelling Unit must not exceed fifty percent (50%) of gross square feet in area of the primary dwelling.
  - (6) An Accessory Dwelling Unit must connect utilities to those of the primary dwelling unless located within a historic district.
  - (7) One additional off-street parking space shall be provided for each Accessory Dwelling Unit constructed.
  - (8) The property owner must occupy the principal dwelling or Accessory Dwelling Unit as the owner's permanent residence and be declared with the tax assessor-collector of the county as the owners' homestead.
- (b) **ATM.**
  - (1) An ATM shall not be located within ten (10) feet of any side and rear property lines.
  - (2) An ATM may be attached to a building.
  - (3) An ATM may be located on a site as a standalone use.

- (4) An ATM with drive-thru service shall provide a minimum ten (10) foot wide designated service lane.
  - (5) An ATM service lane shall have a sixty (60) foot minimum length.
- (c) Donation and Collection Bin.
- (1) A Donation and Collection Bin may be located in parking spaces as long as the required parking minimums are met.
  - (2) The maximum size for a Donation and Collection Bin is 40 square feet.
  - (3) The maximum height for a Donation and Collection Bin is 5 feet.
  - (4) Donation and Collection Bin shall not be located in the front setback.
- (d) Drive Thru Window.
- (1) A Drive Thru Window shall not be located within fifty (50) feet of a residential use.
  - (2) A Drive Thru Window shall be set back at least twelve (12) feet from any rear and side property line.
  - (3) Any use with drive-thru service shall provide a minimum ten (10) foot wide designated service lane.
  - (4) The service lane, accompanied by a bypass lane, shall extend at least one hundred (100) foot deep from the point of order (speaker box, menu board, etc.) to accommodate vehicle stacking and to prevent on-site vehicular congestion.
- (e) Fuel Pumps and Canopies.
- (1) Fuel pumps shall not be located within seventeen (17) feet of any property line.
  - (2) Free standing fuel, order board, or pay station canopy overhangs shall not be located within twelve (12) feet of the property line.
- (f) Home Occupation.
- (1) No person other than members of a family who reside in the residential dwelling shall be engaged in any occupation, profession, domestic craft, or economic enterprise.
  - (2) A Home Occupation shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for that occupation, profession, domestic craft, or economic enterprise shall not exceed 40 percent of the total of the floor area of the residential dwelling.
  - (3) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
  - (4) No exterior sale, storage of material, equipment, and/or supplies used in conjunction with any occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.
  - (5) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the Home Occupation shall extend beyond the property line of the lot or tract on which the Home Occupation is being conducted.
  - (6) A Home Occupation may have a maximum of one 2-foot x 2-foot non-illuminated sign.
    - a. Temporary signage is prohibited.
  - (7) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

- (8) The following activities are prohibited:
  - a. The use of heavy machinery and equipment and large power tools,
  - b. Automotive detailing, mechanic, sales, and body services,
  - c. Lawn care services,
  - d. Equipment repair, sales, and services, and
  - e. Retail gun sales.
- (g) Wind Energy Conversion System.
  - (1) Standards. In addition to the applicable building codes, all wind energy conversion systems are subject to and must comply with the following provisions:
    - a. Setbacks. Minimum setbacks for wind turbines shall be:
      - 1. A minimum of 1.1 times the total extended height of the wind turbine – as measured from average ground level of the lot to the uppermost part of the wind turbine – from the project property lines.
      - 2. Guy wire anchors may not extend closer than 10 feet from any property line.
    - b. Number per lot or parcel. A maximum of two wind turbines per lot or parcel is permitted on lots or parcels less than one-half acre in size; a maximum of four wind turbines per acre are permitted on lots or parcels at least one-half acre in size.
    - c. Height. Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted wind energy conversion systems – as measured from average ground level of the lot to the uppermost part of the wind turbine – is 35 feet on parcels less than 5 acres in size and 70 feet on parcels 5 acres or greater. If roof mounted, the extended height shall not exceed 10 feet above the roof ridge and in no case be higher than 35 feet.
    - d. Lighting. Wind system towers shall not be artificially lighted unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.
    - e. Access. All tower-mounted wind energy conversion systems must comply with the following provisions:
      - 1. The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and
      - 2. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
    - f. Rotor safety. All wind turbines shall comply with the following rotor safety requirements.
      - 1. Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut off switch shall be included with the installation.

2. The minimum distance between the ground and any protruding blades utilized on a private wind turbine shall be 10 feet as measured at the lowest point of the arc of the blades.
  3. All blades of a wind turbine are required to be within a shroud.
- g. Noise. All wind turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe windstorms. A manufacturer's sound report shall be required with a building permit application.
1. No wind energy conversion system or combination of wind energy conversion systems on a single lot or parcel shall create noise that exceeds a maximum of 35 decibels (dBA) at any property line where the property on which the wind energy conversion system(s) is located or the abutting property is less than one acre; or a maximum of 50 decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
  2. Any wind energy conversion system(s) exceeding these levels shall immediately cease operation upon notification by the building official and may not resume operation until the noise levels have been reduced and verified by an independent third-party inspector, approved by the building official, at the property owner's expense. Upon review and acceptance of the third-party noise level report, the building official will allow operation of the affected wind energy conversion system(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by building official, after a period established by the building official.
- h. Aesthetics and Maintenance.
1. Appearance. Wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by the building official that the affected wind turbine(s) shall cease operation until a color correction has been made. If the affected wind turbine(s) are not repainted, using an approved color, within the period established by the building official, the owner shall remove the affected wind energy conversion system(s).
  2. Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.
  3. Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.
- i. Signs. Only one sign is allowed on the wind turbine, and it shall not exceed one square foot in size.
- j. Compliance with FAA regulations. All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.
- k. Certified Safe. A Texas professional engineer sealed drawing or statement shall accompany a building permit application confirming that the wind energy

conversion system(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.

- (2) Repair and Removal of Wind Turbines.
  - a. Any wind turbine found to be unsafe by the building official or fire department shall immediately cease operation upon notification by the building official or fire department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Wind turbines that are not operated for a continuous period of 12 months shall be removed by the owner of the wind turbine.
  - b. When a wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system.
- (3) Mounting of Wind Turbines. Attachment of the wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with building codes and fire codes. Galvanized steel or metal is the acceptable system for the support structures.
- (4) Compliance with Regulations.
  - a. All wind energy conversion systems shall comply with applicable fire codes and building codes.
  - b. All standards and regulations under this subsection and other applicable fire and building codes are mandatory. Once wind turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind turbine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind turbines.

## Division 5. Overlays and Special Area Districts

### Section 21-154 Historic Overlay Standards

- (a) Purpose. The purposes of the Historic Overlay Standards are as follows:
- (1) To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
  - (2) To protect and enhance the livability of the City's historic areas;
  - (3) To reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
  - (4) To stabilize property values and protect property investments; and
  - (5) To ensure the harmonious, orderly and efficient growth and redevelopment of the City's historic areas.
- (b) Applicability. These regulations apply to the five identified historic districts, any recorded Texas Historical Landmark, or any property on the National Register of Historic Places within Victoria's corporate limits.
- (1) Original Townsite Historic District: The area of Victoria bounded on the north by North Street, on the west by West Street, on the south by South Street, and on the east by East Street.
  - (2) Downtown Business District: The area of Victoria bounded on the north by Commercial Street, on the west by Moody Street, on the south by Church Street, and on the east by William Street.
  - (3) Victoria Heights Historic Area: The area of Victoria bounded on the north by Red River Street, on the west by Smith Street, on the south by North Street, on the east by Main Street.
  - (4) Nine Rivers Historic District: The area of Victoria bounded on the north by Red River Street, on the west by Smith Street, on the south by North Street and on the east by Main Street.
  - (5) College Park Historic District: The area of Victoria bounded on the north by Airline Road, on the west by Main Street, on the south by Red River Street, and on the east by Navarro Street.
  - (6) Historical Landmark Areas: Each lot or parcel within the City containing a building or structure that is (a) a recorded Texas Historical Landmark or (b) designated on the National Register of Historical Places.
- (c) Designation of Historic Landmarks
- (1) Property owners of proposed historic landmarks may request City Council designate their property as a Historic Landmark.
  - (2) City Council shall hold a public hearing within thirty (30) days from the date of submittal of designation request. Owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
  - (3) The City Council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided in the general City Code of the City of Victoria.

(d) Designation Criteria

- (1) A historic landmark may be designated if it:
  - a. Possesses significance in history, architecture, archeology, and culture.
  - b. Is associated with events that have made a significant contribution to the board patterns of local, regional, state, or national history.
  - c. Is associated with events that have made a significant in our past.
  - d. Embodies the distinctive characteristics of a type, period, or method of construction.
  - e. Represents the work of a master designer, builder, or craftsman.
  - f. Represents an established and familiar visual feature of the neighborhood/village/town/city.

(e) Standards. The following standards apply:

- (1) The following are prohibited in Historic Districts:
  - a. Manufactured Homes
  - b. RV Parks
  - c. Industrialized Buildings
- (2) The following signs are prohibited in Historic Districts:
  - a. Electronic Message Signs
  - b. Billboards.
- (3) Accessory Dwelling Units Exception. Accessory Dwelling Units may be allowed to be located on a separate service meter from the primary residence.

**Section 21-155 Neighborhood Conservation Overlay Standards**

(a) Purpose. The purposes of the Neighborhood Conservation Overlay Standards are as follows:

- (1) To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
- (2) To promote and provide for economic revitalization;
- (3) To protect and enhance the livability of the City;
- (4) To reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
- (5) To stabilize property values and protect property investments;
- (6) To provide residents and property owners with a planning tool for future development;
- (7) To promote and retain attainable housing options;
- (8) To encourage and strengthen civic pride; and
- (9) To ensure the harmonious, orderly and efficient growth and redevelopment of the City.

(b) Applicability. These regulations apply to Neighborhood Conservation Districts within Victoria's corporate limits.

(c) Initiation Procedures.

- (1) Designation as a neighborhood conservation district shall be initiated at the direction of the:
    - a. A request of owners representing sixty-six (66) percent of the land area within the proposed district, or
    - b. Request of sixty-six (66) percent of property owners within the proposed district, or
  - (2) Following initiation for designation of a neighborhood conservation district, the development services department shall develop a neighborhood conservation plan for the proposed district that follows Section 21-155(d)(3) and includes:
    - a. Maps indicating boundaries, age of structures and existing land use within the proposed district;
    - b. Maps and other graphic and written materials identifying and describing the distinct neighborhood and building characteristics of the proposed district;
    - c. A list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed district; and
    - d. Design standards.
  - (3) All property owners within the proposed district shall be afforded the opportunity to participate in drafting the neighborhood conservation plan, which will be approved as part of the ordinance creating a neighborhood conservation district.
- (d) Designation Criteria. To be designated as a neighborhood conservation district, the area must meet the following criteria:
- (1) Contain a minimum of one (1) block-face (all the lots on one (1) side of a block);
  - (2) At least seventy-five (75) percent of the land area in the proposed district was improved at least twenty-five (25) years ago, and is presently improved; and
  - (3) Possess one (1) or more of the following distinctive features that create a cohesive identifiable setting, character or association:
    - a. Scale, size, type of construction, or distinctive building materials;
    - b. Spatial relationships between buildings;
    - c. Lot layouts, setbacks, street layouts, alleys or sidewalks;
    - d. Special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping;
    - e. Land use patterns, including mixed or unique uses or activities; or
    - f. Abuts or links designated historic landmarks and/or districts.
- (e) Use Standards.
- (1) All uses are prohibited except for residential uses.
- (f) Design standards
- (1) The neighborhood conservation plan shall include design standards for new construction of any building or structure, or the relocation or rehabilitation to the street facade of an existing building or structure, but in accordance with state law, shall not include any standards or requirements relating to building materials or methods.

- (2) The neighborhood conservation plan, and requisite design standards shall not apply to those activities which constitute ordinary repair and maintenance, i.e., using the same or similar design.
  - (3) The design standards for the neighborhood conservation district must include at a minimum (or note the inapplicability), the following elements governing the physical characteristics and features of all property (public or private) within the proposed district:
    - a. Building height, number of stories;
    - b. Building size, massing;
    - c. Principal elevation features;
    - d. Lot size, coverage;
    - e. Front and side setbacks;
    - f. Off-street parking and loading requirements;
    - g. Roof line and pitch;
    - h. Paving, hardscape covering.
  - (4) In addition, the design standards may include, but shall not be limited to, the following elements:
    - a. Building orientation;
    - b. General site planning (primary, ancillary structures);
    - c. Density;
    - d. Floor area ratio;
    - e. Signage;
    - f. Architectural style and details;
    - g. Garage entrance location;
    - h. Window/dormer size and location;
    - i. Landscaping;
    - j. Fences and walls;
    - k. Entrance lighting;
    - l. Driveways, curbs and sidewalks;
    - m. Utility boxes, trash receptacles;
    - n. Street furniture;
    - o. Building relocation;
    - p. Right-of-way (exceeding public works standards).
- (g) Neighborhood Ordinance Administration. No building permit shall be issued by development services for new construction or an alteration or addition to the street facade of an existing building or structure within a designated neighborhood conservation district without the submission and approval of design plans and the issuance of a certificate of compliance by the Director of Development Services.

**Section 21-156 Design Overlay Standards**

- (a) Purpose. The Design Overlay Standards are intended to raise the level of quality for development within a specific area, as established by the City Council. These regulations foster a built environment of aesthetic and sustainable value, enhance economic development efforts, promote the designated area's unique character and natural environment, and ensure appropriate development as envisioned by the community through the adoption of the Comprehensive Plan.
- (b) Applicability. These regulations of this Division apply to the following designated design districts within Victoria's corporate limits.
  - (1) Placido Benavides Design District. This district is generally described as the tracts abutting Placido Benavides Drive right-of-way at the time the district is designated by City Council, and as those tracts may be altered or subdivided from time to time, and which is further depicted by a map adopted by City Council and maintained in the City Secretary's office.
- (c) Standards. The following standards apply:
  - (1) Underground Requirement. All private, franchised utilities, including but not limited to electrical distribution, lateral and service lines, telephone cables, television cables and natural gas mains, shall be located underground throughout the district, with no exceptions that may be authorized in other sections of this ordinance. Those underground utilities shall be buried in dedicated utility easements or in street rights-of-way, as appropriate.
  - (2) Street Lights. Street lights within a Design District must meet the standards for street lighting in Section 21-262 of this UDO along with design district standards in the standard specifications for public works construction as developed by the Department of Public Works of the City and approved by the City Council.
  - (3) Off-Street Storage and Display.
    - 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 goods, materials, motor vehicles, or equipment, off-street storage facilities shall be provided in accordance with these regulations. Such areas shall be provided in order that such goods, materials, motor vehicles, or equipment 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 goods, materials, motor vehicles, or equipment, or other motor-driven equipment, including access aisles, driveways and maneuvering areas, shall meet the surfacing and drainage requirements in Division 3. Parking.
    - c. All off-street storage facilities shall be located outside of the required minimum setbacks and screened from the public view with a screening fence, except for outside merchandise for sale. No outside merchandise for sale should be located within any required setbacks and should be located on a paved surface as required by this section.
    - d. It shall be an offense for a person to display goods, materials, motor vehicles or equipment for outside sale in a location that does not comply with the off-street storage requirements of this section.
  - (4) Landscaping within Public Right-of-Way.

- a. Required Landscaping. In addition to the landscaping requirements in Division 6. Landscaping, unpaved portions of the public right-of-way abutting the entire frontage of a lot wholly or partially shall be landscaped with live vegetative cover. Trees, shrubs and other vegetation which will exceed 2 feet in height shall not be installed in the public right-of-way.
- b. Credits. The landscaped area provided within the public right-of-way adjacent to a lot wholly or partially shall not be credited toward the overall landscaped area requirement of Section 21-199. Landscape Area Required.
- c. Restrictions. Underground sprinkler systems shall not be installed within street right-of-way adjacent to a lot wholly or partially.

#### Section 21-157 Entertainment District

- (a) Entertainment district established. The Downtown Victoria Entertainment District, referred to in this Article as "the District" is hereby created within the area of downtown Victoria, the boundaries of which are more particularly described on the map titled "Downtown Victoria Entertainment District Boundary Map" which shall be kept on file in the City Secretary's office, shall be available to the public upon request, and may be amended from time to time by the City Manager.
- (b) Use of public sidewalk.
  - (1) Notwithstanding other provisions of this Code and subject to the requirements and limitations herein provided, the public sidewalks within the District directly in front of commercial enterprises within the District may be used by proprietors of such enterprises during the hours of business operation for such uses as, but not limited to, the display of merchandise, merchandise racks, sandwich board signs, benches, tables, food service, etc., provided that prior to initiating the use of the sidewalk, the proprietor shall file with the City Secretary a certificate of insurance for general liability in the minimum coverage amount of \$500,000.00/\$1,000,000.00, combined single limit, naming the City of Victoria as an additional insured. Additionally, during the period when the sidewalk is occupied by the proprietor, the following standards shall apply:
    - a. between the curb of the street and the area of sidewalk used, the proprietor must maintain at least five (5) feet of clear ADA compliant passage for pedestrians,
    - b. tables and chairs shall not be placed within two (2) feet of an entrance or doorway,
    - c. no fences, walls, partitions, barriers, or other fixtures or objects may be placed in the sidewalk area with the exception that a removable freestanding balustrade may be used to mark the boundaries of a sidewalk cafe or food serving area, if applicable,
    - d. the proprietor must keep the sidewalk directly in front of the commercial enterprise clean of spills, debris, litter, etc.,
    - e. the property owner is responsible for the condition of the sidewalk and the making of repairs to the sidewalk area and to brick pavers. Repairs shall be made within 30 days after notice from city.
  - (2) Nothing herein shall be construed to limit or prohibit an adjacent property owner from applying for and receiving a sidewalk license to encroach agreement for commercial use of the sidewalk beyond that which is contemplated by the section.
- (c) Special Event street and public park use.

- (1) Authority is hereby delegated to the City Manager, or his designee, to undertake the following:
  - a. close the streets, or portions thereof, within the District for events that have been registered with the City or held in partnership with the City, for such times and duration as may be specified in writing to the Police Chief;
  - b. grant a temporary, exclusive use of public park space in order to facilitate such events, and promulgate performance requirements for grantees;
  - c. promulgate standards for closing such streets, for occupying and use of streets and public parks during the periods of such events, including but not limited to, the use of streets and parks for the sale and consumption of beer and wine;
  - d. enter into such rental and use agreements on behalf of the City as may be reasonably necessary to support and encourage such special events.
- (d) Alcohol possession and consumption. Notwithstanding Section 101.75, Texas Alcoholic Beverage Code, the possession and consumption of beer and wine on public property within the District is permitted. This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031 or public intoxication under section 49.02, Texas Penal Code. This section does not waive the requirements for bars and restaurants to obtain the proper permits from the Texas Alcoholic Beverage Commission that allow alcoholic beverages to leave an establishment.
- (e) Conflict with other provisions. It is the legislative intent of the City Council that conflicting provisions of this Article with other sections of this Code be read together and reconciled so as to preserve the meaning, intent and effect of each provision if possible. But should such conflicts be irreconcilable, then it is the City Council's intent that the provisions of this Article shall control to the extent necessary to resolve the conflict. Nothing herein is intended to repeal any provision of the Code unless such repeal is clearly stated herein.

## Article V. Development Standards

### Division 1. General Provisions

#### Section 21-158 Purpose

- (a) This Article provides standards applicable to the development of each land use type. These standards are intended to ensure development that reinforces the existing character and scale of neighborhoods and downtown.

#### Section 21-159 Authority

- (a) This Article's regulations are authorized by the following chapters and sections of Vernon's Annotated Codes of the State of Texas:

- (1) Texas Local Government Code Chapter(s):
  - a. 41 (Municipal Boundaries)
  - b. 54 (Enforcement of Municipal Ordinances)
  - c. 211 (Municipal Zoning Authority)
  - d. 214 (Municipal Regulation of Housing and Other Structures)
  - e. 215 (Municipal Regulation of Businesses and Occupations)
  - f. 216 (Regulation of Signs by Municipalities)
  - g. 217 (Municipal Regulation of Nuisances and Disorderly Conduct)
  - h. 243 (Municipal and County Authority to Regulate Sexually Oriented Business)

#### Section 21-160 Applicability

- (a) The regulations of this article shall apply to all uses and structures established, altered, or converted 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 chapter. The regulations shall be made applicable at such times and under such conditions as are described in the appropriate Divisions of this article.

## Division 2. Dimensional Requirements

### Section 21-161 Purpose

- (a) The purpose of the Dimensional Requirements is to establish clear guidelines for measuring applicable dimensional standards.

### Section 21-162 Applicability

- (a) All uses or structures developed or redeveloped within the City of Victoria shall conform to the requirements of this Division.

### Section 21-163 Setbacks

#### (a) Required Setbacks.

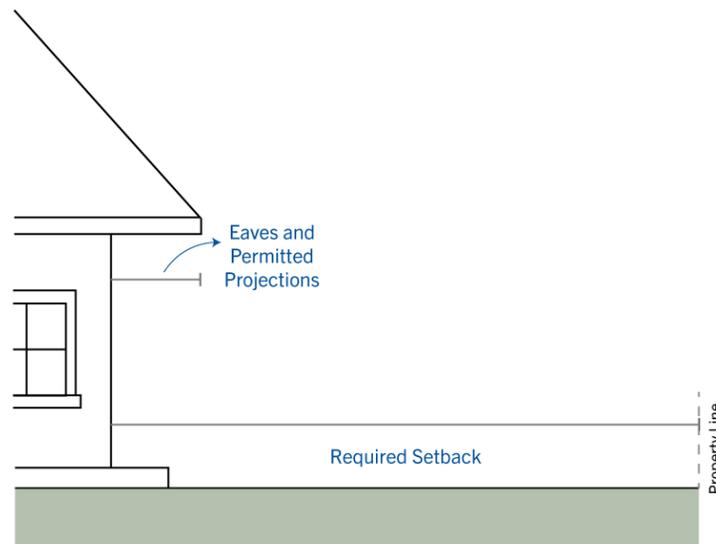
- (1) All uses and structures shall conform with setback requirements for the use as designated in Table 2-1: Land Use Table.
  - a. Existing Structures: When an existing parcel with an existing commercial structure is being platted to meet the requirements of this chapter, and such parcel does not conform to the lot size, width, depth, or setback requirements listed in Table 2-1, such requirements may be reduced, subject to the recommendation of the Director of Development Services and approval of the Planning Commission.
- (2) Required yards shall be located on the same lot or parcel as the principal structure or use.
- (3) If the right-of-way width is increased, the yards abutting the right-of-way may be reduced by the same depth and the property owner is not required to comply with the requirements of this subsection unless the property is subsequently replatted.
- (4) Where a lot, or portion of a lot is used for a permitted use without a structure, the required yards shall be provided and maintained as if the use were conducted within a structure.
- (5) Any portion of a structure, including eaves or roof overhangs, shall not extend beyond a property line or into an easement or street right-of-way, except where approved by the Director of Development Services.
- (6) Each required setback area shall be open and unobstructed from the ground upward, except as provided in this section.
- (7) Garages on corner lots facing the side street shall be setback to meet the setback standard for front setback.
- (8) Platted building lines. Building lines established by an approved and recorded subdivision plat shall apply in lieu of the general setback provisions required under the Dimensional Requirements provisions of this UDO.

#### (b) Measurement of Setbacks.

- (1) Setback measurements. All minimum setback requirements shall be measured from the outer wall of the structure to the appropriate property line.
  - a. The front setback is measured from front property line with access to the street right-of-way.
  - b. The side setback is measured from interior side property line that abuts another lot or parcel.

- c. The rear setback is measured from rear property line.
  - d. The corner setback is measured from the exterior side property line which abuts a street right-of-way and is secondary to primary access to the property.
- (2) Projections into required yards. Open eaves, cornices and windowsills may project across a setback line for a distance not to exceed two (2) feet.
- a. Patio home eaves may overhang a zero-lot line for a distance not to exceed one and a half (1.5) feet, provided that appropriate maintenance easements are established on the adjoining lots.

**Figure 2-1: Front Setback and Projections**



- (3) Established Building Lines. In a residential subdivision, where thirty (30) percent or more of the existing lots within the same block face, measured from intersection to intersection, are occupied by primary structures that do not meet the required setback for the designated use, the Director of Development Services may approve a reduced setback.
- a. The front yard setback line may fall within the average of the non-conforming properties as the established building line.
  - b. A proposed building on an infill lot must be constructed within this established front yard setback range.

### Section 21-164 Building Height

(a) Maximum Building Height.

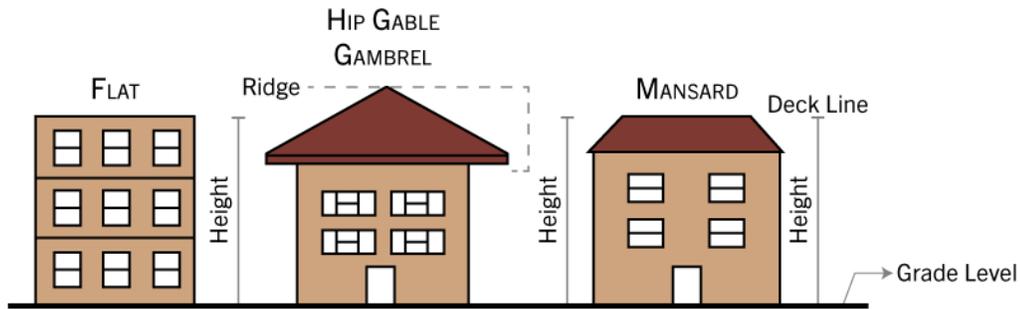
- (1) All uses and structures shall conform with the maximum height requirement for the use as designated in Table 2-1: Land Use Table.

(b) Exceptions.

- (1) For all uses, 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.

- (2) For Industrial uses, 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.
- (c) Height Measurement. The vertical distance from the grade level of that portion of the lot covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.

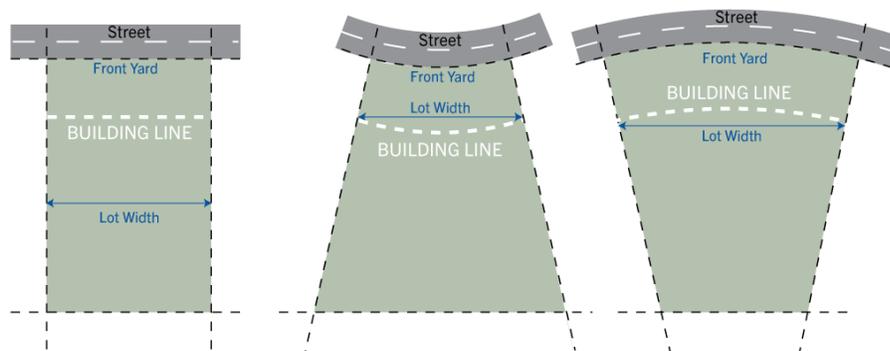
**Figure 2-2: Measuring Building Height**



**Section 21-165 Lot Width**

- (a) Lot width measurements. For the purposes of determining conformance with the lot width requirements of this chapter, lot width will be measured at the required front yard setback line; provided, however, that the width between the side lot lines measured at the point where they meet the front property line shall not be less than seventy (70) percent of the required lot width.

**Figure 2-3: Measuring Lot Width**



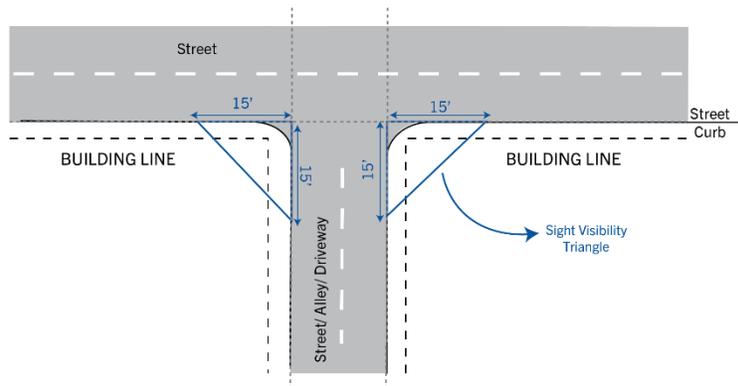
**Section 21-166 Sight Visibility Triangle**

- (a) The area designated in Figure 2-4: Sight Visibility Triangle shall be considered a "traffic visibility triangle" for an intersection between a driveway and a street, or between two streets;
- (b) Sight Visibility Triangle minimum leg dimensions shall be fifteen (15) feet, measured from the intersecting curb line.
- (c) Restrictions on placement of structures and vegetation in any traffic visibility triangle:
- (1) It shall be unlawful for any person to set out, plant, maintain, construct, or allow to be set out or maintained, any tree, shrub, plant, sign, soil, fence, retaining wall, vehicle, trailer, or any other sight obstruction having a height greater than two (2) feet, as measured

from the top-of-curb of the adjacent streets, on private property within any traffic visibility triangle;

- (2) The restrictions of this subsection shall not apply to:
- Permanent buildings and signs lawfully constructed or erected pursuant to City ordinances in effect at the time of construction or erection;
  - Structures, poles, and signs erected by governmental entities;
  - Utility poles erected by City franchisees, and
  - Trees that are trimmed at all times such that no branch or growth other than a central trunk is less than seven (7) feet above the surface of the pavement of adjacent streets.

**Figure 2-4: Sight Visibility Triangle**



### Division 3. Parking

#### Section 21-167 Purpose

- (a) The purpose of these parking standards is to establish standards for sufficient off-street parking facilities for newly developed or redeveloped buildings or tracts within the City of Victoria.

#### Section 21-168 Applicability

- (a) At the time that any building, use or structure is initiated, erected, enlarged or converted from one (1) 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.
- (b) The provisions of this section shall not apply to properties located within the Downtown Business and Original Townsite District Historic Overlay, except that detached single-family dwelling, patio home or zero lot line home, cluster home, duplex, triplex or townhouse shall still be required to meet the provisions of this section. However, off-street parking that is voluntarily provided shall meet the specifications in design and construction of this ordinance.

#### Section 21-169 Off-Street Parking Required

- (a) Off-Street Parking Required. 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.

- (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 2-1: Land Use Table, 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 occupancy granted by the Certificate of Occupancy. 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 2-1: Land Use Table 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 2-1: Land Use Table. 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 over 20 acres 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.
    - a. 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 2-1: Land Use Table 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 City Engineer, 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 21-171(a).
- (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 offense to allow

parking on unpaved areas of the property. The property owner shall prevent parking on unpaved surfaces.

#### Section 21-170 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 21-305. Site Plan .
- (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.

#### Section 21-171 Location and Design

(a) Location Requirements.

- (1) 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.
- (2) 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 (2) 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:
  - a. 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,
  - b. 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):
    - 1. Whether the adjacent street width is adequate for parking;
    - 2. Parking regulations on the adjacent street;
    - 3. Speeds on the adjacent street; and
    - 4. Volume of traffic on the adjacent street.
  - c. A sidewalk in good condition within the public right-of-way between the property shall be provided.

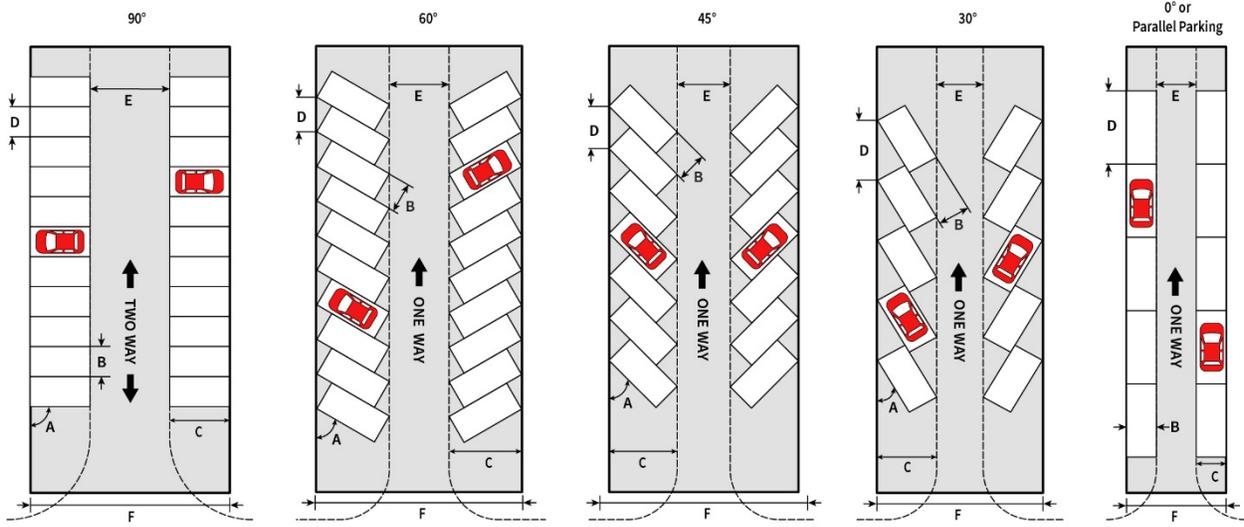
(b) Design requirements.

- (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, tri-plex and manufactured home residential uses. With the exception of single-family, duplex and tri-plex 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 21-174.
- (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 Division 4. Access Management of this Article.
- (7) All parking spaces and aisles shall meet the minimum standards of Figure 3-1: Parking Space and Aisle Dimensions this ordinance.
- (8) Residential Parking.
  - a. Each off-street residential parking space provided shall be 10' x 20'. All drives connecting the public right-of-way to any off-street parking spaces shall be paved.
  - b. Where a garage is located along the front or exterior side lot line, garages or carports must be set back a minimum 20 feet.
  - c. This residential parking requirement shall only apply to those residential developments that do not require a site plan.

Figure 3-1: Parking Space and Aisle Dimensions



A Angle of Parking	B Width of Stall	C Depth of Stall 90 Degrees to Aisle	D Width of Stall Parallel to Aisle	E Width of Aisle		F Total Width	
				One Way	Two Way	One Way	Two Way
90°	10 ft.	20 ft.	10 ft.	-	24 ft.	-	64 ft.
60°	9 ft.	22.3 ft.	10.4 ft.	16 ft.	20 ft.	60.6 ft.	64.6 ft.
60°	10 ft.	22.3 ft.	11.6 ft.	14 ft.	20 ft.	58.6 ft.	64.6 ft.
45°	9 ft.	21.1 ft.	12.7 ft.	14 ft.	20 ft.	56.2 ft.	62.2 ft.
45°	10 ft.	21.1 ft.	14.1 ft.	12 ft.	20 ft.	54.2 ft.	62.2 ft.
30°	9 ft.	17.8 ft.	18 ft.	12 ft.	20 ft.	47.6 ft.	55.6 ft.
30°	10 ft.	17.8 ft.	20 ft.	12 ft.	20 ft.	47.6 ft.	55.6 ft.
Parallel	9 ft.	9 ft.	22 ft.	12 ft.	24 ft.	30 ft.	42 ft.

(c) Surface requirements.

- (1) 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.
- (2) 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:
  - a. The use has an existing parking area at least sufficient in size for the 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.

(d) 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 located within historic districts. 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.

(e) 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 and be internally collected on-site and discharged to a point that can be captured for illicit discharge.

Section 21-172 Accessible Parking

(a) Generally. Accessible parking spaces shall be provided in accordance with this section, and as may be applicable, the Americans with Disabilities Act and any federal regulations.

- (1) Number. The number of required accessible parking spaces for any building, use and structure shall be based on the function of the building or facility, but shall conform to the

minimum number of spaces required by the currently adopted Texas Accessibility Standards pursuant to the Texas Department of Licensing and Regulation under the authority of Texas Government Code, Chapter 469. The number of required accessible parking spaces shall be calculated according to the number of spaces provided in a parking facility.

- (2) Minimum standards. Handicapped parking facilities shall conform to the minimum standards set forth in the currently adopted Texas Accessibility Standards pursuant to the Texas Department of Licensing and Regulation under the authority of Texas Government Code, Chapter 469.
  - a. Accessible parking spaces shall be at least 96 inches wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
- (b) 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.

### Section 21-173 Queuing spaces

- (a) Queuing Spaces Required. Uses which have drive-thru window services shall provide queuing spaces.
- (b) Queuing Standards. Where such queuing spaces are provided, they shall conform to the following standards:
  - (1) Queuing spaces shall be provided for each first window, order board, or other stopping point.
  - (2) No queuing space may occupy any portion of a public right-of-way;
  - (3) Each queuing lane shall be a minimum of 10 feet in width and 20 feet in length;
  - (4) Queuing spaces may not be used to satisfy any of the off-street parking or loading requirements of these regulations;
  - (5) Queuing lanes shall not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveways; and
  - (6) A 12-foot-wide by-pass lane shall be required adjacent to queuing lanes to allow vehicles an opportunity to circumvent the drive-through activity and exit the site. The Director of Development Services may waive this requirement if there are special conditions on the site preventing the provision of the required by-pass lane.
  - (7) Number of Queuing Spaces. At the time any building or structure is erected or altered, queuing spaces shall be provided in the number and manner set forth in Table 3-1: Required Queuing Spaces by Use.

**Table 3-1: Required Queuing Spaces by Use**

Use	Queuing Spaces
Restaurant with Drive Thru Window	5 stacking spaces for first window, order board, or other stopping point. One (1) additional stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle
Full-Service Car Wash	5 stacking spaces per bay
Day Care	1 stacking space per 20 students provided on a through "circular" drive
Any Other Retail or Service Use with a Drive-Thru Window	For other uses with drive-thru services, the minimum number of queuing spaces required shall be determined by the Director of Development Services.

**Section 21-174 Joint Parking Facilities**

- (a) 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.
- (b) Joint Parking Facilities Permitted.
  - (1) Joint Parking Facilities may be permitted where:
    - a. 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.
    - b. Where two (2) or more adjacent land uses that have different peak use periods to share a parking area and reduce the number of required spaces.
  - (2) Shared parking facilities for different buildings, structures, or uses, may be provided and used collectively or jointly where separate off-street parking facilities for each use would be permitted, subject to the following provisions:
    - a. The joint parking facility shall be located within the required distance defined in Section 21-174(a) from all uses, and shall not be separated from such uses by arterial streets.
    - b. 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.
    - c. Spaces provided for any permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers, and service.

- (c) 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.
- (d) Religious Land Uses. Religious land uses may establish joint parking facilities with other uses that do not have a time conflict in parking demand. However, only 50 percent of a religious land use'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 main building. Religious land uses using joint parking facilities shall also guarantee the permanency of the agreement through the use of a legal instrument, as described in Section 21-174E.

#### Section 21-175 Off-Street Vehicle Storage

- (a) Off-street storage areas shall be provided in order that such vehicles, or motor-driven equipment 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 motor vehicles, or other motor-driven equipment, including access aisles, driveways and maneuvering areas, shall meet the surfacing and drainage requirements in Section 21-171(c) and Section 21-171(e).
- (c) For off-street storage facilities to be used for the storage of 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. Required screening must meet the material requirements as identified in Section 21-210. 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 [Article VII](#) Junk And Salvage Yards of the Victoria City Code are excluded from the requirements of this section.

## Division 4. Access Management

### Section 21-176 Purpose

The purpose of this section is to:

- (a) Prohibit the indiscriminate location and spacing of driveways while maintaining reasonable vehicular access to and from the public street system;
- (b) Reduce conflicting turning movements and congestion and thereby reducing vehicular accidents and increasing safety; and
- (c) Maintain and enhance a positive image for the attraction of new, high-quality developments in the City.

### Section 21-177 Applicability

- (a) The provisions of this Division apply to all nonresidential and multi-family residential development located within the city limits of Victoria.
- (b) A person commits an offense if the person constructs, reconstructs, relocates or in any way alters the design or operation of any driveway or common access without first obtaining a permit issued by the Director.
- (c) No driveway shall be allowed or permitted if, in the determination of the City Engineer, it is detrimental to the public health, safety, and welfare of the community.

### Section 21-178 Issuance of permit

- (a) Applications for permits shall be made in writing to the director showing the location of the proposed improvements, together with a plot plan drawn to scale (or approved site plan) fully describing the nature of the proposed improvements and the locations thereof.
- (b) The director shall issue a permit if the proposed driveway conforms to the requirements of this article.
- (c) It shall be unlawful for any person to:
  - (1) Construct, reconstruct, alter, remove, or replace any driveway or curb and gutter on or across any sidewalk, parkway, or other space between any public roadway, street, or right-of-way and any private property without first obtaining a permit from the department of public works; or
  - (2) Construct, reconstruct, alter, remove, or replace any driveway or curb and gutter in any manner not in accordance with the provisions of this article and applicable construction standard specifications adopted by the City Council.
  - (3) Destroy, damage, alter, circumvent, remove or attempt to remove any barrier that the director has placed across a nonconforming driveway to block said driveway in accordance with this article.
- (d) It shall be unlawful for a person who has been issued a permit to place or allow the placement of concrete before the director has approved the excavation, forms, and placement of reinforcing steel.

### Section 21-179 Maximum number of driveways

- (a) A residential land uses shall be permitted:

- (1) One driveway per lot for each local street on which they front. Interior lots with a frontage of 125 feet or more on a local street may be permitted to have two driveways with a minimum of 40 feet of spacing between driveway curb radii.
  - (2) One driveway per lot on a collector street if the residential land use has no frontage on a local street.
  - (3) One driveway per lot on an arterial if the residential land use has no frontage on a collector or local street unless the director determines that the driveway will present a significant danger to the public traveling on the arterial. In addition, residential lots accessing arterial streets shall provide a paved turn-around area unless it is determined by the Director of Development Services that such a turnaround is physically impractical. Vehicles shall not back onto an arterial.
- (b) A commercial or multi-family land use on a street other than a freeway shall be permitted access only in accordance with the following:
- (1) A driveway onto a street from a land use with less than two hundred (200) feet of frontage on that street shall be permitted in accordance with special conditions established by the Director of Development Services in accordance with Section 21-188.
  - (2) A maximum of two (2) driveways shall be permitted on each street on which a land use has between two hundred (200) and five hundred (500) feet of frontage.
  - (3) For a street on which a land use has more than five hundred (500) feet of frontage, the land use may have no more than the number of driveways determined by rounding to the nearest whole number the result of dividing the lot's total frontage of said street by two hundred fifty (250).
  - (4) A one-way exit lane from a drive-through service lane shall not be considered a driveway for purposes of determining the number of driveways pursuant to this subsection (b) if the driveway contains features determined by the director to effectively prevent ingress into the driveway from the street and prevent use of the driveway by persons not solely using the drive-through service lane.
- (c) A driveway shall only be permitted on a freeway only in accordance with special conditions established by the Director of Development Services in accordance with Section 21-188.

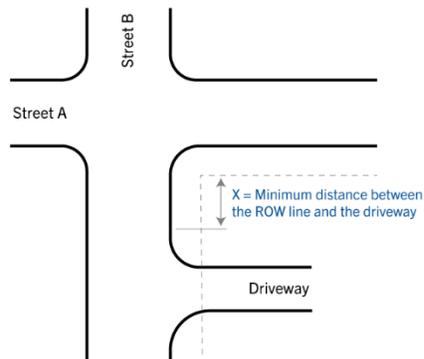
#### Section 21-180 Location of driveways

- (a) The curb return radius of driveways intersecting public streets shall be located no closer to the nearest right-of-way line of the nearest adjacent public street intersections than the minimum distances shown in Table 4-1 and in accordance with Figure 4-1.
- (1) Residential streets are exempt from the provisions of Section 21-180(a).

**Table 4-1: Minimum Driveway Clearance Table**

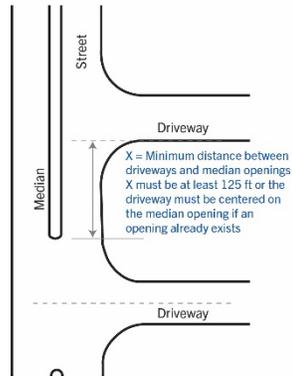
TYPE OF STREET INTERSECTED	TYPE OF ADJACENT STREET INTERSECTED	MINIMUM CLEARANCE BETWEEN DRIVEWAY AND NEAREST INTERSECTING STREET RIGHT-OF-WAY LINE
Arterial	Arterial	150 feet
Arterial	Collector	100 feet
Arterial	Local	75 feet
Arterial	Alley	40 feet
Collector	Arterial	100 feet
	Collector	75 feet
	Local	50 feet
	Alley	30 feet
Local	Arterial	50 feet
	Collector	40 feet
	Local	30 feet
	Alley	30 feet
Alley	Arterial	25 feet
	Collector	15 feet
	Local	10 feet
	Alley	Not applicable

**Figure 4-1: Minimum Distance Between Right-of-Way and Driveway**



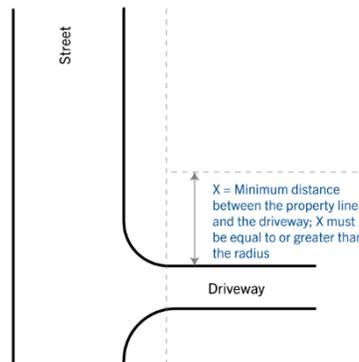
- (b) Driveways intersecting arterial streets with medians shall align with existing median openings or median opening as designated by the city's design standards or median plan or be located a minimum distance along the property line of one hundred twenty-five (125) feet from the nearest point of the median opening, as measured from the nearest median nose to the nearest curb return of the driveway, as illustrated in Figure 4-2. Median access may be achieved by means of access rights obtained by mutual agreement with an adjacent property owner with driveway access meeting these requirements.

**Figure 4-2: Minimum Distance Between Driveways and Median Openings**



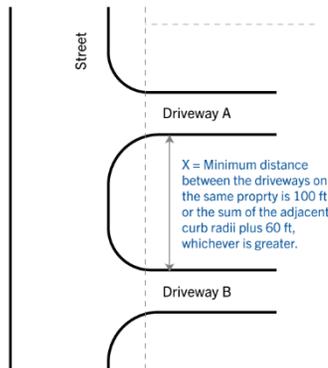
- (c) The termination of driveway curb radii, at a point of tangency essentially parallel to the street, shall not extend beyond the perpendicular projection of the intersection of the right-of-way line and the property line between two adjacent lots, tracts, or parcels, as shown in Figure 4-3.

**Figure 4-3: Minimum Distance Between Driveway and Property Line**



- (d) Successive driveways located on the same property shall be located no closer together than one hundred (100) feet as measured between the adjacent driveway throats or the sum of the adjacent curb radii of the two (2) driveways plus a sixty-foot tangent length, whichever is greater, as shown in Figure 4-4.

**Figure 4-4: Minimum Distance Between Successive Driveways**



- (e) A driveway next to an existing driveway on the property line of an adjacent lot shall be located no closer to the adjacent lot than the sum of the two (2) adjacent curb radii as measured between the adjacent driveway throat unless the driveways are constructed as a joint driveway with joint access with the adjacent property owner.
- (f) A driveway to a lot that cannot meet the requirements of this section shall be permitted only in accordance with special conditions established by the director in accordance with Section 21-188.

**Section 21-181 Driveway widths**

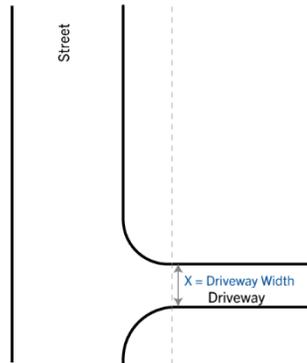
- (a) Driveway widths shall be measured between the termination of the curb radii at a point of tangency essentially perpendicular to the street as shown in Figure 4-5 and shall be in accordance with the requirements of the following table for the type of driveway and land use shown.

**Table 4-2: Maximum and Minimum Widths of Driveways**

Driveway Type	Land Use**	Minimum Width (feet)	Maximum Width (feet)
Standard	Residential	10	24*
	Commercial/Multi-family/Light Industrial	24	40
	Heavy Industrial	30	50
One-Way	Commercial/Multi-family/Light Industrial	15	24
	Heavy Industrial	15	24
Circular	Single-family residential	10	15

\*A driveway width of 32 feet is allowed if the residential property garage faces onto a public alley.  
\*\*Land use as determined by Director of Development Services

**Figure 4-5: Driveway Width Measurement**



(b) One-way/limited movement driveway pairs shall be permitted in accordance with the minimum requirements of Table 4-3.

**Table 4-3: One-Way/Limited Movement Driveway Pairs-Width**

Lane	Minimum Width (feet)	Maximum Width (feet)
Entrance lane	16	24
Exit lane	20	24
Driveway median	4	10

(c) No single commercial or multi-family lot shall be allowed a cumulative driveway width greater than fifty (50) percent of the total frontage on each street that is accessed except for alleys.

**Section 21-182 Driveway curb radii.**

(a) Driveway curb radii shall:

- (1) Meet the street edge of pavement or curb at a point of tangency;
- (2) Describe a full quarter circle arc from the street onto the property accessed (except for one-way driveways); and
- (3) Be in accordance with the following table for the type of driveway and land use in Table 4-4.

**Table 4-4: Minimum and Maximum Curb Radii\***

Driveway Type	Land Use	Minimum Radius (feet)	Maximum Radius (feet)
Standard	Single-family residential	5	15
	Commercial/Multi-family/Light Industrial	20	40
	Heavy Industrial	25	50
One-way	Commercial/Multi-family/Light Industrial	20	30
	Heavy Industrial	25	50
Circular	<b>Single-family residential:</b>		
	Outside radius	5	15
	Inside radius	5	15
*Flares are allowed for residential driveways on local streets.			

- (b) Curb radii for one-way/limited movement driveway pairs shall be constructed to serve the greater driveway volumes and/or limitation of movements. Curb radii for one-way/limited movement driveway pairs shall be a minimum of five (5) feet where turning movements are to be prohibited or discouraged and a maximum of fifty (50) feet where turning movements are allowed.

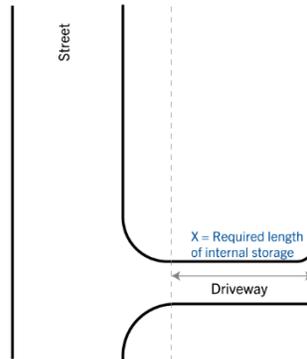
**Section 21-183 Driveway internal storage (queuing space) requirements**

- (a) To queue vehicles off-street, minimize congestion and increase safety, driveway internal storage measured from the property line shall meet the requirements of Table 4-5.

**Table 4-5: Minimum Driveway Length of Internal Storage**

Total Parking Spaces Provided	At Non-Median Opening	At Median Opening	At Non-Median Opening	At Median Opening
	Multi-family or Commercial Uses (feet)		Industrial Land Uses (feet)	
Less than 25	15	15	15	33
26 to 50	15	33	15	33
51 to 100	33	33	33	33
101 to 200	33	75	33	55
More than 200	75	75	55	75

**Figure 4-6: Driveway Internal Storage Measurement**

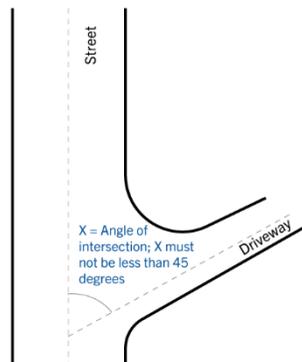


- (b) Internal storage shall be designed to prevent any obstruction or impedance of through vehicles within the driveway storage area. Obstruction of queuing areas shall be prevented by raised curbs constructed in accordance with city engineering design standards. Alternate methods must be approved before construction by the director with justification provided by the applicant to substantiate equivalency to the intent of the requirement.
- (c) The total number of parking spaces for the purpose of defining the driveway storage requirements of this section shall be the total number of parking spaces determined by the director to be served by the affected driveway after reviewing the plan of the parking lot. Should a driveway be constructed prior to the completion of the ultimate design of a site, the total number of parking spaces shall be estimated based on land use, area, and allowable densities. All driveways serving a site shall be designed to accommodate the ultimate total number of parking spaces at completion of construction of all phases of the development.

Section 21-184 Intersection angles.

All driveways shall intersect the public street at essentially right angles except that one-way driveways may intersect at angles no less than forty-five (45) degrees, as shown in Figure 4-6.

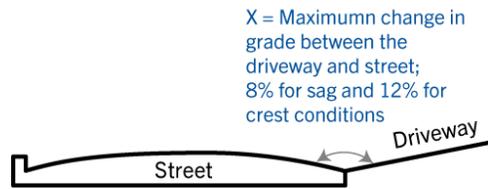
**Figure 4-6: Intersection Angles**



Section 21-185 Maximum driveway grade.

Driveways shall not exceed a grade of ten (10) percent. Maximum "break over" angles, being the algebraic difference in successive grade changes, shall be twelve (12) percent for summit conditions and eight (8) percent for sag conditions, as shown in Figure 4-7.

**Figure 4-7: Maximum Change in Grade**



**Section 21-186 One-way and circular driveways.**

- (a) One-way driveways will not be permitted unless the director finds the orientation of on-site circulation and parking layout clearly utilize the driveway for one-way movements.
- (b) Circular driveways may be permitted only for residential land uses and shall only be installed on lots with a frontage of sixty-five (65) or more feet. The inside radius of the circular driveway shall be tangent to the inside curb return radius approximately perpendicular to the street.
- (c) A single circular driveway's curb openings shall not be located on different intersecting streets.
- (d) Circular driveways may not intersect alleys.
- (e) Circular driveways shall have a minimum of twenty-five (25) feet of curb between driveway curb radii.

**Section 21-187 Nonconforming driveway.**

- (a) It is the intent of this section that nonconforming driveways be discontinued and that driveways be required to conform to the regulations prescribed herein with nonconforming status applying only under the appropriate circumstances. It is the further intent of this section that nonconforming driveways will eventually be eliminated through the natural course of application of this section and the need for repair and reconstruction or changes in use. Nonconforming status is intended to be a status to prevent a property owner from having to pay to bring a driveway into compliance with newer regulations after its original construction. Nonconforming status is not intended to guarantee a driveway will avoid alteration.
- (b) Any driveway access that does not conform to the provisions of this chapter but legally existed as a conforming driveway prior to May 1, 2010 may be permitted to continue as a nonconforming driveway until:
  - (1) A change of use occurs such that the off-street parking requirements of this Code require the addition of paved area or at least a ten (10) percent increase in required parking spaces, whichever is greater. This provision shall be cumulative for any site from January 1, 2000.
  - (2) An increase in intensity of use occurs such that the off-street parking requirements of this Code require the addition of paved area or at least a ten (10) percent increase in required parking spaces, whichever is greater. This provision shall be cumulative for any site from January 1, 2000.
  - (3) The addition of or conversion to a use for which this Code requires queuing spaces.
  - (4) A driveway is reconstructed as defined by Article X. Definitions; or
  - (5) Any development that is required by the City Code to be accompanied by a site plan.
- (c) In the event any of the above criteria are met, the nonconforming driveway shall no longer be permissible, and the director shall require driveway access to meet the requirements of this

article. No certificate of occupancy shall be issued on property containing a driveway required to be discontinued under this section, unless and until all applicable standards contained in this article are met.

- (d) Nothing in this section is intended to prevent the City, at the City's expense, from reconstructing, altering, or removing any driveway as part of a repair of public facilities or public improvement project.

**Section 21-188 Issuance of permits that do not comply with this article.**

- (a) Special conditions. If the landowner fails to qualify for a driveway pursuant to Section 21-179 or Section 21-180 of this article, the director may nevertheless issue a permit conditioned upon the landowner complying with the following or other special conditions established by the director to minimize traffic hazards:
  - (1) The owner of the lot agrees to allow vehicles to enter and exit an adjacent lot from the permitted driveway;
  - (2) The owner of the lot constructs merge lanes with the freeway and dedicates said lanes for public use;
  - (3) The owner of the lot constructs a driveway next to the property line and agrees to permit said driveway to be used by the adjacent property;
  - (4) The owner of the lot installs devices designated by the director to restrict access from streets designated by the director; or
  - (5) The owner of the lot limits access to a specified street.
- (b) The director may establish the aforementioned conditions on the approved site plan or the permit and may require the execution of any agreement or covenant necessary to ensure compliance with any such condition. If the director establishes any such condition, the director may block a driveway that is being operated in a manner not in compliance with such conditions.
- (c) Discretionary reduction in numerical requirements by ten (10) percent. If it is impossible for a property to meet the requirements for the issuance of a permit, the director, at his sole discretion, based on his determination that traffic safety will not be substantially adversely impacted, may, for purposes of issuing a permit, reduce the numerical requirements of any section of this article by up to ten (10) percent.
- (d) Historic District Reduction. The Director, at his sole discretion, based on his determination that traffic safety will not be substantially adversely impacted, may, for purposes of issuing a permit in the Historic District, reduce the required 5 ft curb return radii/flares for residential driveways to a minimum of 3 ft. The Discretionary Reduction in Numerical Requirements by 10% paragraph may not be used to further reduce the minimum 3 ft radii/flare requirements of this paragraph. The Director, at his sole discretion, based on his determination that traffic safety will not be substantially adversely impacted, may, for purposes of issuing a permit in the Historic District, reduce the numerical requirements for any section of this article by up to 15%.
- (e) Variances. Any permit applicant requesting that the provisions of this article be further varied shall file a completed variance application form, appropriate fee as specified in [Chapter 24](#), and a written request with the Director stating the circumstances to show that literal enforcement of such provisions will result in an unnecessary and extraordinary hardship. The Director shall make a recommendation on any such variance request and submit it to the Planning Commission. The Planning Commission shall either recommend approval or denial of the variance to the City Council. In the event of a recommendation of denial by the Planning Commission, the applicant shall have 7 days in which to notify the Director of an appeal to the City Council; otherwise, the

denial becomes final. The City Council may, by resolution, authorize any variance if it deems such action proper, and may establish appropriate conditions on any such variance, including a requirement for the property owner to execute a license agreement with the City permitting the City to close the driveway upon a City Council determination of adverse impact on traffic safety.

#### Section 21-189 Common Access

- (a) A common access easement is required between adjacent lots used, or planned for nonresidential and multi-family uses fronting on any street section unless the City Engineer authorizes an exemption due to site constraints.
  - (1) If the minimum driveway spacing cannot be met, then cross access will be required.
- (b) The use of common driveways shall require the dedication of a joint-use perpetual private access easement on each affected property.
- (c) Said dedication shall be provided on the Final Plat of the subject properties, or be filed by separate instrument, subject to review and approval by the City Engineer.
- (d) The plat shall state that the property owner shall maintain the easement.
- (e) The common access easement shall encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

#### Section 21-190 Driveway Design

- (a) The following standards shall be followed in the design and construction of driveways. The values in the following tables represent minimum standards to be applied in designing and locating driveways on City streets.
  - (1) Table 4-7. Dimensions for Driveways indicates the minimum dimensional values required for driveways along City/county-maintained roadways (local streets, collector streets, arterial streets).
- (b) Deceleration Lanes for Driveways on Arterial Streets Required
  - (1) When the turning volume for a driveway exceeds 60 vehicles per hour during the peak hour, a deceleration lane shall be provided on arterial streets with a posted speed of 40 mph to 45 mph.
  - (2) When the turning volume for a driveway exceeds 50 vehicles per hour during the peak hour, a deceleration lane shall be provided on arterial streets with a posted speed greater than 45 mph.
  - (3) When a posted speed is reduced in a school zone, the greater speed applies to these regulations.

**Table 4-7. Dimensions for Driveways**

CRITERIA	STREET CLASSIFICATION	NONRESIDENTIAL DRIVEWAY
<b>Driveway Throat Width</b>	Arterial Street	24-40 ft.
	Collector Street	24-40 ft.
	Local Street	24-36 ft.
<b>Driveway Curb Radius</b>	Arterial Street	20-30 ft.
	Collector Street	20 ft.
	Local Street	20 ft.
<b>Minimum Driveway Spacing Along Roadway</b>	Arterial Street	150 ft.
	Collector Street	75 ft.
	Local Street	50 ft.
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Nonresidential driveways include multi-family uses.</li> <li>2. The requirements for driveway throat width and driveway curb radius are for standard undivided two-way operation and may be varied by the City Engineer if traffic volumes, truck usage, common driveways, and other factors warranting such.</li> <li>3. Minimum driveway spacing does not implicitly determine the number of driveways allowed. Driveways served by deceleration lanes may be spaced at closer intervals if approved by the City Engineer.</li> <li>4. Distance measured from the intersection right-of-way line to the centerline of the proposed driveway.</li> <li>5. Driveway spacing applies on all roadways.</li> <li>6. Residential uses on Local Streets are exempt from the spacing requirements.</li> <li>7. If a driveway cannot meet the above standards, the Director of Development Services may approve a driveway location that is in the best interest of the public health safety and welfare.</li> <li>8. Driveways on state-maintained roadways must receive approval from both the City of Victoria and Texas Department of Transportation.</li> </ol>		

**Section 21-191 Adequate Sight Distance**

- (a) Driveways shall be prohibited where adequate sight distance is not available for the established speed limit.
- (b) Sight distances shall be calculated in accordance with Section 21-166.
- (a) If a field inspection indicates that driveway sight distance may be insufficient, the applicant will be required to submit vertical and horizontal information prepared by a registered professional engineer to the City Engineer that verifies adequate sight distance is available for the proposed driveway location.

**Section 21-192 Traffic Impact Analysis (TIA)**

- (a) The purpose of a Traffic Impact Analysis (TIA) is to assess the effects of specific development activity on the existing and planned roadway system. Development activity may include but is not limited to a site plan, plan of development approval, Preliminary plat, Final Plat, driveway permit, Certificate of Occupancy, Transportation Master Plan amendment, or by agreement.
- (b) A TIA is intended to adequately assess the traffic-related impacts of a development proposal on the existing and planned thoroughfare system. The purpose of these regulations is to:
  - (1) Provide the safest and most efficient transportation system in conjunction with the development review process;
  - (2) Inform the applicant of the City's requirements and expectations;
  - (3) Provide standard guidelines for the preparation and review of a TIA; and
  - (4) Establish equitable mitigation measures for the accommodation of identified impacts.
- (c) Pre-submission Meeting.
  - (1) After the submission of a site plan or a Preliminary Plat but prior to the commencement of a TIA, a pre-submission meeting with the City Staff is required to establish a base of communication between the City and the applicant. This meeting will define the requirements and scope relative to conducting a TIA and ensure that any questions by the applicant are addressed.
  - (2) The need for a TIA shall be determined by the City Engineer based upon the results and recommendation from a Pre-submission Meeting.
  - (3) It shall be the responsibility of the applicant to demonstrate that a TIA should not be required.
- (d) TIA Applicability
  - (1) A TIA is required for all development requests, including Site Plans, and Preliminary Plats or Final Plats, for land uses that will generate over 300 total trips during the AM or PM peak hour, or 3,000 daily trips.
  - (2) An additional separate analysis may be required when site-generated peak hour trip activity is different from that of the adjacent street (weekday 7-9am, 4-6pm), as determined by the City Engineer. Such circumstances may include, but not be limited to commercial/retail, entertainment or institutional activity.
  - (3) Development with 50-300 peak hour trips may require a TIA, as determined by the City Engineer.
  - (4) The City Engineer may waive the TIA for a Site Plan if a TIA was performed previously involving the subject property, and conditions listed in the report are current.
- (e) TIA Analysis Periods
  - (1) Analysis periods shall include build and no-build scenarios and assume full occupancy and buildout.
  - (2) The analysis periods for a development TIA with >50 peak hour drive-way trips, or 100-500 total peak hour trips, shall be existing year, opening year, and five years after opening. TIA study not required if the traffic impacts of the project are fully mitigated 10 years after opening with existing conditions plus 5-year programmed improvements.

- (3) The analysis periods for a development TIA with >500 total peak hour trips shall be existing year, opening year, 5 years after opening, and 10 years after final opening with full buildout.
- (f) Study Area
- (1) All site access drives
  - (2) All signalized intersections or major unsignalized street intersections within ½ to 1 mile of site boundary
  - (3) For certain projects the City may require an enlarged study area. Land uses within the study Area should include recently approved or pending development adjacent to site.
  - (4) Depending upon specific site development characteristics of the proposed development, one or more of the following elements may also be required by the City Engineer as part of the TIA: an accident analysis, sight distance survey, traffic simulation, queuing analysis, or turn lane analysis.
- (g) Requirements for TIA Updates. A TIA shall be updated when access is changed, such as new access or refinement of general access locations not specifically addressed in original proposed development, or trip generation increased by 10% or more. The applicant is responsible for preparation and submittal of appropriate documentation in order for City Staff to process the development Application. The City Engineer shall make the final determination as to the extent of a TIA update.
- (h) TIA Preparation
- (1) A TIA must be prepared in accordance with all the guidelines of this ordinance and submitted in accordance with the City's development review schedule.
  - (2) The responsibility for TIA preparation shall rest with the applicant and must be performed by a licensed Professional Engineer (P.E.) in the State of Texas with experience in traffic and transportation engineering.
  - (3) The final TIA report must be signed and sealed by the P.E. responsible for the analysis to be considered for review by the City.
  - (4) Application and review fees are due at the time of each submittal.
  - (5) City staff shall serve primarily in a review and advisory capacity and will only provide data to the applicant when available.
- (i) TIA Submittal
- (1) It shall be the responsibility of the applicant to submit four (4) draft TIA reports, final reports, and executive summaries with the development submission.
  - (2) The proper number of reports, the timing for submission, and the review of these reports shall be based on standard City development review procedures.
  - (3) Incomplete TIAs or failure to submit a TIA with the submission shall delay consideration of development requests.
  - (4) Should it be determined during the review of the development plans that a TIA is required, consideration shall be deferred until the applicant submits a completed TIA and the City has reviewed the assessment.
- (j) TIA Review
- (1) An initial review of the TIA by the City shall be available to the applicant nine (9) business days from the submittal date.

- (2) Should additional analysis be required of the applicant, re-submission shall be within four (4) business days from when the initial review is available.
  - (3) Incomplete TIAs or failure to submit a TIA with the submission shall delay consideration of development requests.
  - (4) Longer review periods may be needed if TxDOT is involved in the review process.
- (k) Design Level of Service. The minimum acceptable level of service (LOS) within the City shall be defined as LOS "D" in the peak hour for all critical movements and links. All development impacts on both thoroughfare and intersection operations must be measured against this standard.
- (l) Trip Generation Resources
- (1) The City's standard for trip generation rates for various land use categories shall be those found in the latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE) or other published or recognized sources applicable to the region. Alternate trip generation rates may be accepted on a case-by-case basis if the applicant can provide current supporting data substantiating that their development significantly differs from the ITE rates. The City Engineer in advance of the TIA submission must approve alternative trip generation rates in writing.
  - (2) Trip reductions for passer-by trips and mixed-use developments will be permitted, subject to analytical support provided by the applicant and approval by the City Engineer, on a case-by-case basis. Assumptions relative to auto occupancy, transit mode share, or percentage of daily traffic to occur in the peak hour must be documented and will be considered subject to analytical support provided by the applicant.
- (m) Traffic Count Resources
- The TIA may utilize traffic data from TxDOT to support preparation and analysis. If unavailable, the applicant shall be responsible for collecting necessary traffic data.
- (n) Deferred TIA. On developing corridors where multiple separate ownership of small tracts exists, the City may defer the TIA in favor of a more comprehensive corridor analysis.
- (1) The applicant will submit a proportionate cost contribution based on the ultimate development intensity of individual tracts relative to the corridor defined for analysis or as determined by the City's Fee Schedule for a traffic assessment fund for such larger study.
  - (2) Mitigation of traffic impacts may still be required but as determined from the larger TIA.
  - (3) Affected individual property owners will commit to contribution of proportionate costs for required improvements, as determined through study, for area-wide improvements.
- (o) Mitigation. Mitigation of impacts shall be required if the proposed development would cause a facility or traffic movement to exceed LOS D, or where it already exceeds LOS D and the development would contribute 5% or more of the total traffic during any projected horizon year. If mitigation is required, the applicant must only mitigate the impact of the proposed development and would not be responsible for alleviating any deficiencies in the thoroughfare system that may occur without the proposed development. Acceptable mitigation measures shall include:
- (1) Staging of development in order to relate site development to the construction of the required thoroughfare system;
  - (2) Off-site improvements, including the provision of Right-of-Way or the participation in funding for needed thoroughfare and intersection improvement projects; and
  - (3) On-site improvements, including access controls and site circulation adjustments.

- (p) Administration. The City Engineer shall be responsible for reviewing the TIA. Based on the City Engineer's recommendation, the Planning Commission, or the City Council, as appropriate based on the type of Application, shall take one or more of the following actions:
- (1) Approve the development request, if the project has been determined to have no significant impact or where the impacts can be adequately mitigated;
  - (2) Approve the development request, subject to a phasing plan;
  - (3) Recommend study of the Transportation Master Plan to determine amendments required to increase capacity;
  - (4) Recommend amendment of the City's CIP to expedite construction of needed improvements; and
  - (5) Deny the development request, where the impacts cannot be adequately mitigated.
- (q) Cost of TIA Review by City. The cost for review of TIA submittals shall be based on the parameters set forth in the City's Fee Schedule and paid in full at time of submission.

## Division 5. Loading

### Section 21-193 Purpose

- (a) The purpose of this division is to establish standards for sufficient off-street loading facilities for newly developed or redeveloped buildings for tracts within the City of Victoria.

### Section 21-194 Applicability

- (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.
- (b) 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.
- (c) 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 21-311. Site Plan.

### Section 21-195 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 5-1: Minimum Number of Off-Street Loading Spaces Required, 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.

**Table 5-1: Minimum Number of Off-Street Loading Spaces Required**

<b>SCHEDULE A. Retail and Wholesale Businesses, Warehouses and Industrial Uses</b>	
<b>GROSS FLOOR AREA IN SQUARE FEET</b>	<b>NUMBER OF REQUIRED LOADING SPACES</b>
Less than 10,000	0
10,000 - 50,000	1
50,001 - 100,000	2
Each additional 100,000	1
<b>SCHEDULE B. Office, Medical and Research Facilities, Auditoriums, Arenas, Convention/Exhibit/Meeting Halls, Hospitals, and Hotels/Motels</b>	
<b>GROSS FLOOR AREA IN SQUARE FEET</b>	<b>NUMBER OF REQUIRED LOADING SPACES</b>
Less than 10,000	0
10,000 - 100,000	1
100,001 - 200,000	2
Each additional 100,000 1	1

(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.

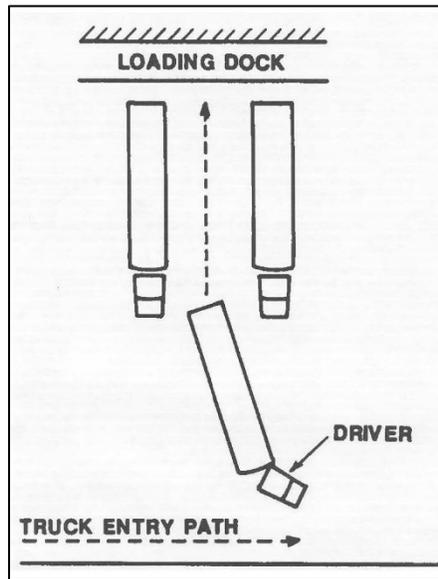
(b) Design requirements. Off-street loading spaces shall meet the following design requirements:

- (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;
- (2) Off-street loading spaces shall meet the surfacing and drainage requirements of Section 21-171(c) and Section 21-171(c); 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 21-171(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 5-1: Truck Circulation for Left-Side, Back-In Maneuvers). 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 below Figure 5-2: Turning Diagram For Single Unit Truck Or Bus, Figure 5-3: Turning Diagram For Wb-40 Design Vehicle, Figure 5-4: Turning Diagram For WB-50 Design. Final determination of the size of vehicles expected to use the loading spaces shall be made by the Director of Development Services.

- c. Maneuvering areas for lay-down and storage yards exempt from the surfacing requirements shall include a 25' x 100' shake-off area connected to an approved driveway meeting the surfacing requirements.

**Figure 5-1: Truck Circulation for Left-Side, Back-In Maneuvers**



**Figure 5-2: Turning Diagram For Single Unit Truck Or Bus**

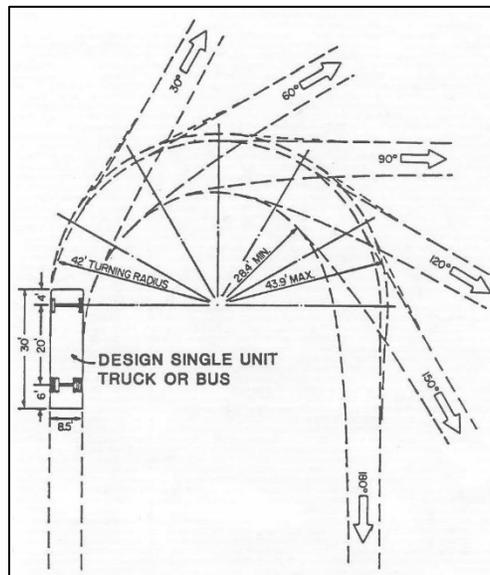


Figure 5-3: Turning Diagram For Wb-40 Design Vehicle

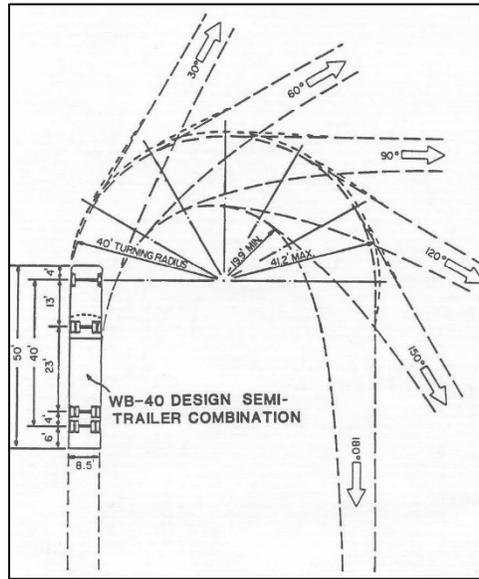
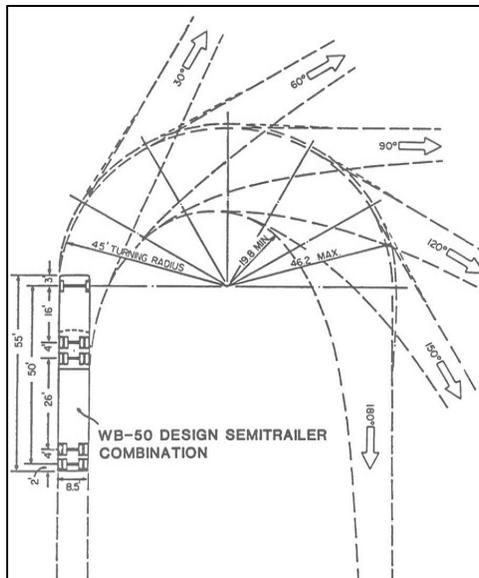


Figure 5-4: Turning Diagram For WB-50 Design



## Division 6. Landscaping

### Section 21-196 Purpose

- (a) 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.

### Section 21-197 Applicability

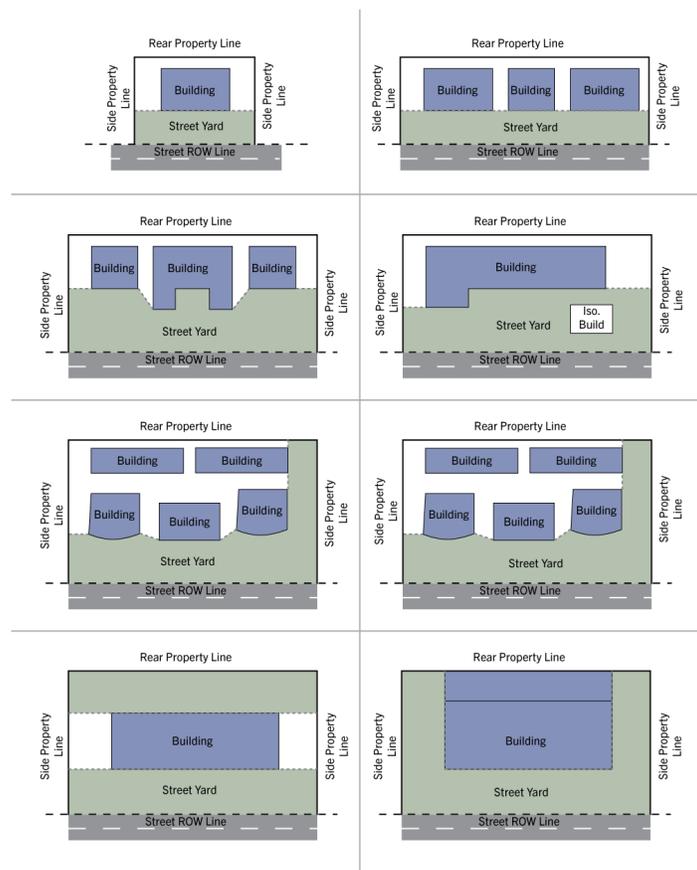
- (a) The provisions of this section shall apply to any development located within the city limits of Victoria at such time as an application is made for any of the following:
- (1) A building permit for a new structure;
  - (2) A building permit for the renovation, remodeling or expansion of an existing structure that increases the gross floor area by thirty (30) 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 thirty (30) percent or more.
  - (5) Removal or major revisions consisting of replacement or removal of 30% or more of landscaping on developed sites shall submit a landscape plan in compliance with this division.
- (b) Exceptions. The provisions of this section shall not apply to applications for the following:
- (1) A building permit for a single family, duplex or tri-plex;
  - (2) A building permit for the restoration, within twelve (12) months, of a building that has been damaged 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 thirty (30) percent or more.

### Section 21-198 Landscape Area Required

- (a) Landscaped area required. A minimum of ten (10) percent of the total building site, as defined herein, shall be devoted to landscaping.

- (1) 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. Undeveloped phases of a site may be excluded from the calculation as determined by the Director of Development Services.
- (2) At least seventy (70) percent of the required landscaped area shall be located within the street yard, as illustrated in Figure 6-1: Street Yard Illustrations of this ordinance.
- (3) 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.

**Figure 6-1: Street Yard Illustrations**



(b) 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.
  - a. Pervious, decorative paving materials and brick pavers may be included in the form of walkways through landscaped areas; however, driveways and off-street parking areas paved with such materials shall not be considered as landscaped areas. The

use of these materials shall not exceed twenty-five (25) percent of the required landscape area within the required street yard as shown in Figure 6-1;

1. All landscaped areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to and encroachment of these areas; and
  2. A landscaped area shall have a minimum dimension of three (3) feet on any side.
- (c) Landscaping in off-street parking areas. If a site that is subject to this section includes an off-street parking area which is 35 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.
- (1) Landscaped islands, medians and peninsulas shall have a minimum dimension of five (5) feet on any side. The requirements of this subsection shall not apply to outdoor display areas.
- (d) 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.
- (1) 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.
- (e) Shrub Buffer. Where parking lots, drives, and access easements abut the street right of way, Shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.
- (1) Shrubs shall be planted in planting beds.
- (f) Credit for preservation of existing trees. The developer will receive credit towards the tree requirements of Section 21-198(d) for the preservation of existing trees as outlined in the following schedule:

**Table 6-1 Tree Credits**

Existing Trees Tree Credit	Tree Credit
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

- (1) The following conditions shall be met in order for these tree credits to apply:
  - a. Each existing tree shall be in a healthy and growing condition and shall be listed as an approved plant material;
  - b. During site preparation and construction, each existing tree shall be protected by the placement of a barrier around the area below the drip line;

- c. 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.
- d. 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.

(g) 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 21-198; provided, however, that such credit shall not exceed ten (10) percent of the required landscaped area for the site.
- (3) Restrictions.
  - a. 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.

(h) Visibility

- (1) Landscaping shall not obstruct the visibility of motor vehicles at all street or private drive intersections. A traffic visibility triangle in accordance with Section 21-166 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.

### Section 21-199 Landscape Plan Required

- (a) 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 21-311 of this ordinance. Landscape plans shall be reviewed 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 21-311. Site Plan , 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 Section 21-198.

### Section 21-200 Approved Plant Materials

- (a) If more than five (5) trees are required, at least two (2) types of tree species shall be incorporated.
- (b) The Director of Development Services is authorized to limit species and placement to protect aboveground and underground infrastructure.
- (c) 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.

- (4) The following plants may not count towards tree credit to meet the landscaping requirements:
  - a. Crape Myrtle/Crepe Myrtle
  - b. Palm Trees and other tropical perennials
  - c. Mesquite Trees
  - d. Willow Trees
  - e. Huisache Trees

#### Section 21-201 Alternative Compliance

- (a) 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 by a registered Landscape Architect 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.
- (b) Xeriscape plans shall be considered an Alternative Compliance method and shall be approved by the Director of Development Services.

#### Section 21-202 Appeals

- (a) 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 Director of Development Services 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.

#### Section 21-203 Installation

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

### Section 21-204 Completion

- (a) 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.

### Section 21-205 Irrigation

- (a) 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, unless alternative is approved by Director of Development Services.

### Section 21-206 Maintenance

- (a) 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 21-198(h) 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.

## Division 7. Fences and Screening

### Section 21-207 Purpose

- (a) The purpose of this Division is to provide standards for fences and screening to provide a visual barrier in order to mitigate the effects of potential nuisances such as dirt, litter, noise, heat, and glare of lights, and to protect public and private investment. It is also the intent of this section to provide for the safe construction and maintenance of walls and fences constructed in the city limits of Victoria.

### Section 21-208 Applicability

#### (a) Residential Fences

- (1) The requirements of this division shall be applied where a fence is located on a property use for a residential use not including multi-family.

#### (b) Non-Residential Fences

- (1) The requirements of this division shall be applied in the following conditions:
  - a. Where any multiple-family or nonresidential land use sides or backs to an existing or proposed single family, duplex and/or tri-plex residential land use.
  - b. Where any nonresidential land use sides or backs to an existing or proposed multiple-family residential land use.
  - c. Where fifty (50) percent or more of a required existing screening, fence, or wall is replaced.
- (2) For the purposes of this section, a 'proposed' residential use is defined as follows:
  - a. Property located in a recorded subdivision which is restricted to residential use by a land use designation on the face of the plat;
  - b. 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;
  - c. 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.
- (3) 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.
- (4) 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.

### Section 21-209 Nonresidential, Mixed Use, and Multi-Family Screening Fences

#### (a) Placement

- (1) Opaque fences shall be prohibited between the front building face and the Right-of-Way.

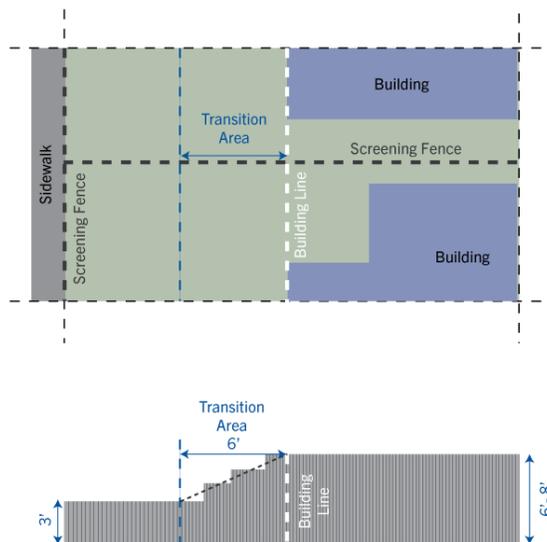
(b) Materials

- (1) 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.
  - a. Acceptable fences include, but are not limited to, vinyl/PVC or solid wood fences made of treated pine, cedar or redwood, or masonry walls.
  - b. Unacceptable materials include, but are not limited to, plywood, metal panels, corrugated steel sheets, and chain link fence with weave or fabric.
- (2) All required screening walls shall be equally finished on both sides of the wall.
- (3) Where such openings are necessary, all wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
- (4) Nonresidential fences or walls that are not required by ordinance may be constructed with an approved material listed above.
  - a. The Director of Development Services may approve the use of landscaping, vines and similar methods as equivalent, providing such materials meet performance standard of this Section within two (2) years of planting.

(c) Height restrictions

- (1) Screening fences located to the rear of the minimum required front building setback line shall be six (6) feet in height.
- (2) The maximum height of a screening fence located forward of the minimum required front building setback line shall be three (3) feet.
- (3) For screening fences which cross a minimum required front building setback line, a six (6) foot transition area shall be provided between the six (6) foot and three (3) foot sections of the fence. Such six (6) foot transition section shall begin at the minimum required building setback line and extend toward the front of the property.

**Figure 7-1: Fence Transition**



- (4) For existing subdivisions which do not have platted building setback lines, a twenty (20) foot setback shall apply for the purposes of this subsection.
- (5) The minimum setback shall conform with setback requirements for the use as designated in Table 2-1: Land Use Table.

(d) Screening of Mechanical Equipment

- (1) All non-residential uses shall screen all mechanical, heating and air conditioning equipment from public view or adjacent residential property. Public view is any area that can be seen from a public street or adjacent residential properties at six (6) feet above grade at the property line. Landscaping may be used as screening with approval by the Director of Development Services.

(e) Maintenance

- (1) All screening fences provided to meet the requirements of this article shall be maintained in good condition.
  - a. The fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence.
  - b. 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

- (1) 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.
- (2) 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.

(g) Outdoor Storage

- (1) All outdoor storage facilities which utilize outside space for the storage of goods, materials, or equipment, storage facilities shall be provided in accordance with these regulations. Such areas shall be provided in order that such goods, materials, or equipment may be 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.
- (2) All outdoor storage facilities to be used for the storage of goods, materials, or equipment, shall meet the surfacing and drainage requirements in Division 3. Parking, unless screened.
- (3) All screened outdoor storage facilities shall be located outside of the required minimum setbacks and screened from the public view with a screening fence, except for outside merchandise for sale. No outside merchandise for sale should be located within any required setbacks and should be located on a paved surface.

### Section 21-210 Residential Fences and Walls

- (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 nor shall any fence create a traffic hazard.
  - (1) On corner lots, opaque fences and walls shall not encroach front or exterior side building lines; provided that no opaque fence or wall located in front of the front building line shall exceed three (3) feet in height.
- (b) For screening fences which cross a minimum required front building setback line, a six (6) foot transition area shall be provided between the eight (8) foot and three (3) foot sections of the fence.
  - (1) Such six (6) foot transition section shall begin at the minimum required building setback line and extend toward the front of the property.
  - (2) 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) A maximum 5-foot gate shall be required on reverse frontage lots or where a lot abuts an unimproved right-of-way.
- (d) Fences constructed of plywood, metal panels, mesh, or corrugated steel sheets are prohibited.

### Section 21-211 Barbed Wire Fences

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

- (a) 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 located behind the front setback, provided the barbed wire is upright or projecting over the owner's property and not over abutting property or public right-of-way, or
- (b) Properties with an agricultural use exemption of five (5) acres or greater.

## Division 8. Refuse or Dumpster Enclosures

### Section 21-212 Purpose

- (a) The purpose of this division is to provide standards for the proper placement and screening for refuse containers for the health and safety of the City of Victoria.

### Section 21-213 Applicability

- (a) The commercial refuse storage container requirements shall apply when a site plan or Certificate of Occupancy is required for the development or redevelopment of a site, or a new solid waste provider account or service is requested. No new dumpster shall be set outside of a commercial refuse storage container.
- (b) The refuse or dumpster enclosure shall be shown on the site plan.

### Section 21-214 Standards

#### (a) Placement

- (1) Commercial refuse storage containers shall be located in the rear yard out of view from street right-of-way.
  - a. 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 the view of the containers from the street right-of-way is eliminated.
- (3) Drains located within commercial refuse storage containers are prohibited.
- (4) Commercial refuse storage containers shall not be located within the required parking area.
- (5) Commercial refuse storage containers shall not be located within the required setback.
- (6) 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.
- (7) The refuse hauling vehicle approach and refuse container pad shall be designed and constructed with paving to withstand the weight of a refuse hauling vehicle and fully loaded refuse container.
- (8) Containers shall be placed within the refuse or dumpster enclosure and in no circumstances shall containers be placed on an unpaved surface.

#### (b) Screening

- (1) Containers shall be screened with a structural screen or masonry enclosure.
  - a. The refuse container shall be screened on three (3) sides with an opaque gate at the opening for access.
  - b. The enclosure shall extend at least one (1) foot above the container top.
- (2) The Director of Development Services shall determine when container visibility requires screening measures to be employed.

## Division 9. Lighting

### Section 21-215 Purpose

- (a) The purpose of these lighting regulations is to permit the use of outdoor lighting to provide for night-time safety, minimize adverse offsite impacts, reduce light pollution and skyglow, improve the nighttime environment for astronomy, and help protect the natural environment from the adverse effects of night lighting.

### Section 21-216 Applicability

- (a) The provisions of this Division apply to all nonresidential and multi-family residential development located within the City of Victoria.

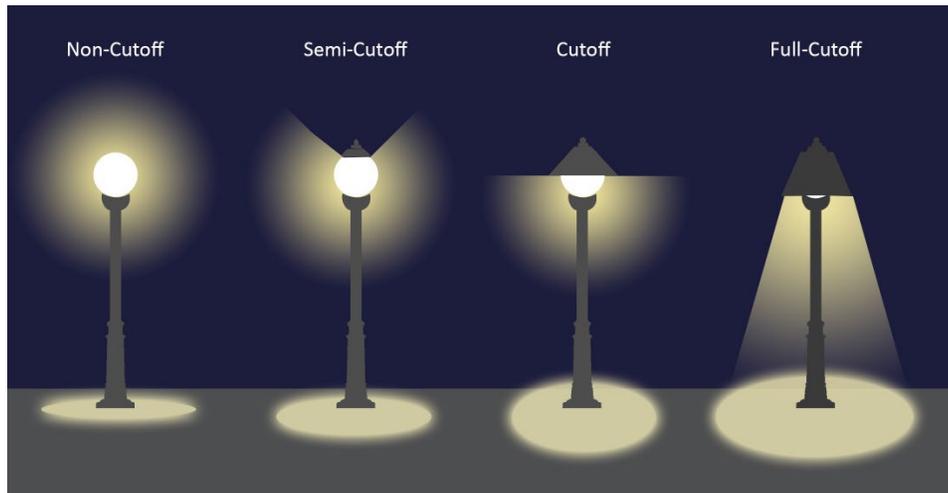
### Section 21-217 Conformance with all Applicable Codes

- (a) All outdoor lighting shall be installed in conformance with the provisions of this Section, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

### Section 21-218 Shielding and Cut-off Standards for Lighting

Unless otherwise stated in this Section, all lighting shall be fully shielded (full cutoff) and directed away from residential uses.

**Figure 9-1: Lighting Cut Off Levels**



## Division 10. Signs

### Section 21-219 Purpose

- (a) The purpose of this section is to create a clear and uniform set of sign regulations that promote the following objectives:
- (1) Protect the health, safety, and welfare of the City;
  - (2) Preserve the free speech rights of citizens and businesses in the City;
  - (3) Strengthen the economic stability and tax base of the City;
  - (4) Avoid visual clutter that is potentially harmful to automobile and pedestrian safety, property values, the appearance of the City and the effectiveness of signs as a visual medium;
  - (5) Preserve the function of signs as devices that are intended and located for maximum exposure to drivers, cyclists, and pedestrians and balance the need for exposure with the government's interest in regulating the number and size of signs;
  - (6) Promote efficient traffic movement by using signs to identify commercial and residential developments in a way that informs without causing a distraction to the public;
  - (7) Implement the standards and intent of Division 9. Lighting and preserve Victoria's commitment to reducing Light Pollution; and
  - (8) Require that signs integrate with and do not become primary features of their environment by requiring or regulating the size and scale of signs, the materials used to construct signs, and the landscaping used to beautify signs.
- (b) The City pursues these objectives in applying the standards of this section. This section is not intended to restrict speech based on content, viewpoint, speaker, or message. Any classification of signs in this section that permits commercial speech will be interpreted to also allow noncommercial speech.
- (c) To the extent that any provision or term in this section is ambiguous, the City will interpret the provision or term in a way that does not regulate the content or the speaker.
- (d) The City adopts these regulations under the authority granted to regulate signage by the State of Texas (TLGC Chapter 216.901).

### Section 21-220 Applicability

- (a) The regulations in this section are not intended to regulate religious or political speech or to impose restrictions on seasonal or religious decorations, or symbols, or any legal events or expressions protected by the First Amendment to the Constitution of the United States.
- (b) This section applies to all advertising displays in the City Limits and ETJ as authorized in TLGC Chapter 216, including any text, character, picture, or symbol used to inform the public of a product or service for sale.
- (c) Any sign made nonconforming by adoption of this section may continue in use until it is completely or partially removed, destroyed, dilapidated, abandoned, or expands in size (see Division 2. Nonconformities).

**Section 21-221 Sign Permit Required**

- (a) It is an offense for any person to erect, construct, install, place, relocate, maintain or alter, within the City, any sign for which a Sign Permit is required without first obtaining a Sign Permit and paying the necessary fees.
- (b) Signs must be installed by a licensed contractor.
- (c) Plans for signs 25' and higher must be sealed by Texas registered engineer, or equivalent.
- (d) A sign permit is not required for repair, repainting, or maintenance that does not entail structural or electrical change.
- (e) A noncommercial sign shall be allowed in any instance in which an on-premise or billboard sign is allowed within this section.
- (f) The Development Services Department, after receiving a final application for any permit, inspection, or appeal that is the subject of an application pursuant to this section, shall issue or deny such permit, perform such inspection, or make a decision on such appeal that meets the legal requirements of this section. For the purpose of this section, an application is not considered final until the applicant has made any corrections or amendments required by the Development Services Department. Failure to act within 30 days of application shall constitute a denial of the applicant's request.
- (g) The following inspections are required for the applicable sign:
  - (1) Location. A location inspection shall be conducted for each sign foundation prior to digging or drilling a foundation, hole or pier. The location shall be shown by placing a stake at the proposed foundation hole or pier designating the center line of support pole or column. A stake shall be placed showing the sign cabinet's closest edge toward the street. In concrete or asphalt areas, in lieu of stakes, the previously stated requirements may be painted on the ground showing the proposed locations using a durable paint that can withstand weather and traffic;
  - (2) Foundation. A foundation inspection shall be conducted for each sign foundation, hole, or pier prior to placing/pouring concrete. Sign pole(s) shall be verifiable on location or in the ground in place prepared for concrete. Foundations requiring reinforcement (rebar) shall have reinforcement tied and suspended in place. Anchor bolts required in foundations shall be verifiable on location or tied in place by template. The foundation shall not be poured or permanently covered before the approval has been issued by the Development Services Department;
  - (3) Electrical. New and rebuilt electrical services shall be inspected prior to permanent metered connection. New circuits from existing service panels shall be properly labeled and inspected during final inspection. Wiring shall comply with the latest City of Victoria adopted National Electrical Code; and
  - (4) Final. Final inspections shall be conducted on all signs after completion.

**Section 21-222 Exempt Signs**

- (a) The following signs are considered public signs exempt from permitting or regulation under this section:
  - (1) An official permanent sign authorized or erected by a department or agency of the City of Victoria, Victoria County, or the State of Texas;
  - (2) Temporary signs on public or private property or in a public right-of-way that are authorized or required by an ordinance or resolution of the City, statute of the State of

Texas, other government agency with jurisdiction to erect a sign, election board, or independent school district;

- (3) Signs erected by a public utility; and
  - (4) Signs that are not visible from a public right-of-way.
- (b) The following signs are exempt from permitting if they conform to the regulations of this section:
- (1) Signs listed in (a) above;
  - (2) Changing a panel on an existing sign if no new electrical components or wall penetrations are necessary;
  - (3) Bench Signs; and
  - (4) Public Art.
- (c) The following signs are exempt from regulation or permitting when erected, engraved, or applied to public or private property:
- (1) Signs other than Electronic Message Boards placed on a registered vehicle capable of movement under its own power;
  - (2) Grave markers or tombstones;
  - (3) Permanent characters engraved into marble, limestone, or granite used as a building face;
  - (4) Residential or commercial address sign; and
  - (5) Stadium signs facing the field of play.

### Section 21-223 Prohibited Signs

- (a) The following signs are prohibited within the City Limits and the ETJ of Victoria.
- (1) Abandoned Sign;
  - (2) Animated Sign;
  - (3) Balloon or Inflatable Sign;
  - (4) Bandit Sign and Snipe Sign;
  - (5) Dilapidated Sign;
  - (6) Portable Sign;
  - (7) Reflective Sign;
  - (8) Graffiti;



**Figure 10-1: Abandoned Sign Example**

- (9) Signs made of cardboard;
- (10) Off-premise signs, unless otherwise authorized by this ordinance;
- (11) Sandwich or A-frame signs, sidewalks or curb signs, except in the Downtown Central Business District;
- (12) Advertising vehicles;
- (13) Signs upon trees, rocks, bridges or utility poles, or signs utilizing such objects for all or part of their support; and
- (14) Any sign that is attached, painted or supported to any fence, railing or wall that is not a structural part of a building except a sign that is commonly associated with safeguarding the use of the occupancy, including but not limited to “no trespassing, beware of dog, no soliciting”.



**Figure 10-2: Bandit Sign and Snipe Sign Example**

### Section 21-224 Temporary Signs

The following temporary signs are regulated within the City Limits and the ETJ of Victoria as follows.

#### (a) Light Pole Mounted Banner Signs

- (1) Banners may be mounted on light poles within off-street parking, maneuvering and display areas, and shall comply with the following:
  - a. Banners shall be mounted on a frame attached to a permanently affixed light pole;
  - b. No more than two banners may be mounted on any one light pole;
  - c. Banners shall maintain a minimum clearance of eight feet from the ground to the bottom of the banner;
  - d. Banners shall not exceed three feet in width or eight feet in height; and
  - e. Banners shall not be faded, tattered or torn.

#### (b) Sign Pre-Installation Temporary Banner Signs

- (1) A holder of a valid permit to install a permanent sign that has been ordered and not yet installed may mount a sign pre-installation temporary banner on any structure or pole on the holder’s property if said holder has received a Sign Pre-Installation Temporary Banner Permit, subject to the following:
  - a. Upon written application for a Sign Pre-Installation Temporary Banner Permit, payment of the required fee, the Director’s approval of an executed copy of a valid contract for the installation of a properly permitted permanent sign, and compliance with all conditions provided in this subsection (b), the owner of a lot and each legal entity that holds a legal right to possession of a separate business on such lot shall be entitled to receive one Sign Pre-Installation Temporary Banner Permit per calendar year;
  - b. The Director of Development Services shall approve a contract for the installation of a properly permitted, permanent sign if it appears to the Director of Development Services that the document is valid, and no evidence controverts the obligation of a third party to install the aforementioned permanent sign. The Sign Pre-Installation Temporary Banner Permit applicant shall cooperate with such investigative activities as the Director of Development Services deems appropriate to verify the validity of the underlying sign, including, but not limited to, interviews, inspections,

and document review by legal counsel, and failure to cooperate with such investigative activities shall be grounds for denial of the permit. The Director of Development Services may require the applicant to present any proffered document with an affidavit affirming the document's validity;

- c. The duration of a Sign Pre-Installation Temporary Banner Permit shall be sixty (60) days but shall be renewable for up to two additional sixty-day (60) periods if the Director of Development Services determines that the sign's owner is diligently attempting to place or replace a sign on the premises; and
- d. During the valid period of a Sign Pre-Installation Temporary Banner Permit, a holder of such permit may install and maintain one sign pre-installation temporary banner on the property on which the holder's business is located.

(c) Temporary Banner and Inflatable Signs

- (1) A holder of a valid Temporary Banner and Inflatables Permit may install one temporary banner and an unlimited number of inflatables on the lot of the business to which the permit applies, subject to the following limitations:
  - a. Upon written application for a Temporary Banner and Inflatables Permit, and with payment of the required fee, the Director of Development Services shall issue a permit for a banner and/or inflatables to the owner of a lot, or to each legal entity that holds a legal right to possession of a separate business on such lot. For a business with multiple lots, the permit shall apply to the business on the lot and not each individual lot;
  - b. A Temporary Banner and Inflatables Permit shall be valid for the calendar month for which the permit is issued and shall expire at the end of the last day of the calendar month for which it is issued;
  - c. Any Banner or Inflatable that is installed prior to acquiring and posting the require permit, and any banner or inflatable that exceeds or varies from the allowable durations stated herein, will result in an investigation fee for each day investigated, plus the applicable permit fee for each month in violation;
  - d. The Temporary Banner and Inflatables Permit shall be posted in the front window of the business or near the entrance and be viewable from the street or parking lot. The permit holder is responsible for removing posted expired permits;
  - e. Banners and Inflatables shall not encroach any public right-of-way;
  - f. Banners and Inflatables shall not be attached to any public or franchised utility pole, support wire, or tree; Banners and Inflatables shall not become torn, tattered or faded, and shall remain securely fastened; and
  - g. Banner signs extending across the designated location on Main Street shall advertise only civic and nonprofit activities and shall be allowed only with the written permission of the Director of Development Services.

(d) Pennants and Streamers

- (1) A holder of a valid Pennants and Streamers Permit may erect pennants, streamers, and advertising flags on the lot to which said permit applies, subject to the following limitations:
  - a. Upon written application for a Pennants and Streamers Permit and payment of the required fee, the Director of Development Services shall issue up to two Pennants

and Streamers Permits per calendar year to the owner of a lot or to each legal entity that holds a legal right to possession of a separate business on such lot;

- b. The duration of a Pennants and Streamers Permit shall be 180 days. It shall be unlawful to maintain a pennant or streamer at any time during which the Pennants and Streamers Permit is not effective; and
- c. No more than one advertising flag shall be allowed on each lot which the permit applies, provided that if the area of such flag exceeds 40 square feet, then such area shall be included against maximum combined sign area.

(e) Construction Directional Signs

- (1) Upon satisfactory compliance with the conditions set out below as determined by the Director of Development Services, a business fronting on a City street affected by a City construction project may temporarily erect directional signs at locations approved by the Director of Development Services. Such conditions are as follows:
  - a. Each business owner/representative requesting said signs must complete a permit application to be obtained at the Department of Public Works for the placement of said signs;
  - b. The Director of Development Services will determine on a case by case basis if a business is affected by a City construction project;
  - c. The Director of Development Services will provide to each business approved for a permit the necessary specifications including but not limited to the location for each sign;
  - d. Each business permitted for said signs will be allowed two signs as specified in the Department of Public Works specification drawing;
  - e. Each business permitted for said signs must provide a current certificate of insurance in the amount of at least a combined single limit of \$500,000.00 covering any liability claim, whether personal injury or property damage, related to the placement of said signs and also must sign a statement on the permit application that the business owner will indemnify, defend and hold harmless the City and the City's contractor against all claims arising out of the placement of said signs;
  - f. The Director of Development Services will have inspectors make the final inspection prior to permit approval and during the term of the permit; and
  - g. The Director of Development Services will determine when said signs must be removed due to the business no longer being affected by a City construction project and will provide at least five (5) days' written notice of such to be the business.

(f) Construction and Realty Signs

- (1) Permits are not required for construction and realty signs, but such signs shall be subject to the following:
  - a. Such signs shall be used only temporarily during relevant periods of development or listing. Such signs become abandoned signs upon occupancy of the premises. Realty signs, when anchored or mounted securely to the ground, shall not be considered portable signs;
  - b. One construction sign up to 128 square feet, and one realty sign upon to 32 square feet, may be used on a lot; provided that on corner lots, such allowable areas may be divided between two construction and two realty signs oriented towards different

streets; and provided further that for lots with frontage exceeding 500 feet, one such realty sign may be used for each 500 feet of frontage; and

- c. Within primarily residential areas, such signs shall be subject to the provisions of Section 21-226.

### Section 21-225 Permitted Signs

#### (a) Generally

- (1) The signs allowed under (c) below are permanent signs that require secure attachment to the structure of a building or a concrete footing to withstand wind loads.
- (2) These signs are permitted in commercial areas and every other area that is not residential and the downtown business district as other regulations apply in those areas.
- (3) Where a conflict exists between this section and a land use regulation or structural requirement or specification in this UDO or another regulation adopted by the City, such as the Building Code or Fire Code, the most restrictive requirement applies.
- (4) The property owner or business must maintain any landscaping required for a sign under this section to the same standard as other required site landscaping (See Division 6. Landscaping).
- (5) The pole supporting a permanent flag must be set into a concrete footing or mounted permanently to the side of a building and may not exceed forty (40) feet in height.
- (6) Photo examples used in this section are for illustrative purposes only and should not be solely relied upon for determining whether a proposed sign meets all requirements for that sign type. The photo examples used in this section depict signs outside of Victoria and the City cannot certify that they conform in every respect to this division.
- (7) If Exempt Signs and this section are silent regarding a type of sign, the sign in question is prohibited.

#### (b) Alternative Compliance

- (1) Certain types of signs in this section contain alternative compliance measures that may be administratively approved. Other requests for a variance must be approved through an Alternative Signage Plan (Section 21-230) or Sign Variance (Section 21-324).

#### (c) Sign Types

##### (1) Wall Signs

- a. Signs shall not project more than two feet horizontally from the wall.
- b. The maximum area of such signs shall not exceed 30% of the area of the wall on which such signs are mounted.
- c. In Multi-Tenant buildings on a single lot, the wall sign area allowed for each tenant space shall not exceed 30% of each tenant's wall area on which such signs are mounted.
- d. Buildings housing multiple businesses are encouraged to use a theme for signage. A ten percent increase in allowable wall sign area is permitted for centers where every business uses a common channel lettering style and/or color, or every

**Figure 10-3: Wall Sign Example**



business uses a color-theme with not more than two colors plus white and/or black with not more than one cabinet of wall signage.

(2) Freestanding Signs

- a. One freestanding sign shall be allowed on each lot which fronts only one public street. For lots fronting on more than one public street, one sign shall be allowed for each street, with each sign to be oriented towards a different street or street corner. Businesses, entities, or tenants represented on a multi-tenant sign are prohibited from any additional freestanding signs. Where a lot has in excess of 1,000 linear feet of contiguous public street frontage, one additional freestanding sign will be allowed.
- b. The maximum cumulative area of freestanding signs shall not exceed one square foot for each linear foot of public street frontage, or 500 square feet, whichever is less.
- c. The maximum height of freestanding on-premise signs fronting roadways that are not elevated shall be thirty-five (35) feet.
- d. The maximum height of freestanding on-premise signs fronting roadways that are elevated shall not exceed a maximum height of fifty (50) feet. A highway shall be considered elevated if any point on a line drawn from the sign perpendicularly across a roadway upon which the sign fronts is elevated more than five feet above the surface of the ground upon which the sign is located.
- e. Freestanding signs shall maintain a minimum clearance of ten feet if the area beneath is subject to pedestrian traffic. A minimum clearance of eighteen (18) feet is required if the area beneath is subject to vehicular traffic.
- f. Freestanding signs may rotate not more than six revolutions per minute.
- g. Freestanding signs shall have a minimum setback of ten feet from the property line to the closest point of sign structure.
- h. A common multi-tenant sign advertising a center with multiple businesses may also receive a twenty (20) percent increase in overall area, if the business logos it contains are color-themed with not more than two colors plus white and/or black.
  1. A center shall be a planned shopping center or any lot within the same recorded subdivision, or subsequent phase of original recorded subdivision. For businesses, entities, or tenants or any occupant of a subdivision lot represented on a multi-tenant sign within a center and not located on the same lot as the sign, additional freestanding signs are prohibited.
- i. Electronic message signs with a static message shall not change more than once every five seconds and the message in its entirety must change within one second. Electronic message signs with scrolling messages shall scroll the entirety of the message within three seconds. No portion of the message shall blink or flash.

- j. Digital signs shall display only a static image consisting of a message and background, including all graphics. The static image shall not change more than once every five seconds and the message in its entirety must change within one second. No portion of the message shall blink or flash.

(3) Projecting Sign

- a. Such signs shall maintain a minimum clearance of eight feet above the ground.
- b. The combined area for all wall, roof, canopy, and projecting signs on a building shall not exceed thirty (30) percent of the area of the front of the building.

**Figure 10.4: Multi-Tenant Monument Sign Example**



(4) Roof Sign

- a. Such signs shall not project beyond any exterior wall of the building on which such signs are mounted.
- b. Such signs may rotate not more than six revolutions per minute.
- c. The maximum height of such sign shall be fifteen (15) feet above the building upon which such signs are mounted.
- d. The combined area for all wall, roof, canopy, and projecting signs on a building shall not exceed thirty (30) percent of the area of the front of the building.

**Figure 10.5: Projecting Sign Example**



(5) Canopy Sign

- a. Such signs shall not extend beyond the sides of the canopy.
- b. one sign may be hung beneath a canopy, provided such signs maintain a minimum clearance of eight feet.
- c. The combined area for all wall, roof, canopy, and projecting signs on a building shall not exceed thirty (30) percent of the area of the front of the building.

(6) Mural Sign

- a. A mural sign shall use durable, exterior grade paints and materials and weatherproof and ultraviolet-protective coatings.

(7) Window Sign

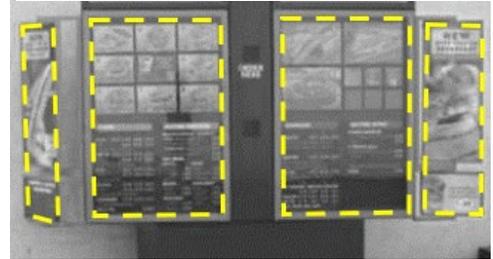
- a. A window sign's area is measured as the sum of the area of all window signs within the total window area of the same building face.
- b. A Window Sign may be used as a substitute for a Wall Sign on the same Building Elevation subject to maximum size limitations (see a. above).
- c. A window sign shall be at least six inches from another window sign.
- d. No direct illumination or reverse Lighting of a window sign is allowed.
- e. Window signs must be made of a durable material that resists warping, creasing, or fading, such as vinyl, wood, canvas, corrugated or reinforced plastic, or foamboard.
- f. If placed on the outside surface of the window, the Window Sign must be made of weather-resistant vinyl designed for outdoor use.

- g. No Window Sign or combination of Window Signs may obscure visibility through an individual window by more than thirty (30) percent.

(8) Board Sign

- a. A board sign's area is measured as the sum of the area of each panel (See Figure 10-4).
- b. No board sign is allowed more than ten feet from a public sidewalk entrance.
- c. A board sign shall not encroach upon any drive-thru lane, vehicular lane, or driveway.
- d. Board signs may utilize internal illumination.
- e. The cabinet must, at a minimum, be made of painted or rustproofed metal or painted or treated wood.
- f. Up to ten square feet of temporary or permanent ancillary signage may be placed on or within ten feet of a board sign.

**Figure 10-4: Board Sign Measurement**



(9) Directional Sign

- a. Directional signs not more than three feet in height and three feet in width may be placed within the setback outlined under freestanding signs above and shall not be counted against allowed number or area of freestanding signs.
- b. No more than one directional sign may be placed next to each curb cut.

**Section 21-226 Signs in Primarily Residential Areas**

- (a) No signs other than the following nonelectrical on-premise signs, shall be located on a lot within a primarily residential area:
  - (1) One realty sign, displayed temporarily during periods of development or listing for sale, rent, or lease; provided that banner or pennant signs may be used for such purpose for not more than three consecutive days;
  - (2) One construction sign and one financing sign, displayed temporarily during periods of development; and
  - (3) One permanent advertising sign.
- (b) All signs allowed herein, except banner or pennant signs, shall have a maximum area of eight square feet and maximum height of six feet.
- (c) Signs related to home occupations shall comply with Section 21-153(f).

**Section 21-227 Downtown Business District Signs**

- (a) The following requirements apply in the Downtown Business District. If any of the requirements of this section conflict with any other part of this division, the requirements of this section shall control to the extent of such conflict.
  - (1) Canopy Signs over Public Right-of-Way
    - a. One canopy sign may be hung beneath a canopy for each business, provided a minimum clearance of eight feet is maintained from the bottom of the sign and the ground;

- b. Canopy signs mounted perpendicular to the building face may not exceed seventy-five (75) percent of the width of the canopy;
- c. Canopy signs mounted parallel to the building face may not exceed seventy-five (75) percent of the length of the canopy;
- d. Canopy signs shall not extend beyond the sides of the canopy; and
- e. No canopy sign shall be installed within ten feet of any other canopy sign.

(2) Projecting Signs over Public Right-of-Way

- a. One projecting sign may be installed over public right-of-way on each face (wall) of a building, provided the owner of the property on which the sign is installed has entered into a License to Encroach Agreement with the City of Victoria in a form to be approved by the City Attorney's office;
- b. A projecting sign shall not extend more than three feet into the public right-of-way from the building face (wall) to which it is attached and shall not exceed twelve (12) square feet in area;
- c. Projecting signs in a public right-of-way may not extend vertically above the window sill of a second story; and
- d. A projecting sign in the public right-of-way shall maintain a minimum clearance of eight feet from the bottom of the sign and the ground.

(3) Wall Signs

- a. Wall signs are permitted for each building with a maximum total sign area of one square foot for each linear foot of building frontage;
- b. No wall sign shall project above the roof line of a building to which it is attached; and
- c. Wall signs shall be erected parallel to and extend not more than twelve (12) inches outward from the façade of any building to which it is attached.

**Section 21-228 Placido Benavides Design District**

- (a) The following requirements shall apply in the Placido Benavides Design District, including all parts of the design district located within the City of Victoria and the Extra-Territorial Jurisdiction. If any of the requirements of this section conflict with any other part of this article, the requirements of this section shall control to the extent of such conflict.

(1) Freestanding On-Premise Signs

- a. Signs shall be no taller than ten feet in height;
- b. Signs shall be detached from any building; and
- c. Signs shall have a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick, and shall not be supported by a pole or poles.

**Section 21-229 Billboards**

(a) Generally

- (1) Billboards approvals will be processed under one permit application requiring the following information for processing:

- a. Copy of the executed lease, deed, or other contract showing the applicant has permission to locate the billboard on the subject property;
- b. Scaled and dimensioned plot plan with platted setbacks/easements and sign location from front and side property lines. Plan shall also include all other signs located on the property;
- c. Billboard plans showing design of sign, height, foundation, elevation view, square footage, and engineer seal if over 25 feet tall;
- d. No billboard shall be utilized until the final inspection has been approved and either a certificate of approval or certificate occupancy has been issued;
- e. Billboard permits will expire one year after issuance; and
- f. The removal of a billboard will require a demolition permit.

(b) Distancing

- (1) Shall be measured along the right-of-way from the centerline of the supporting pole to the centerline of the other supporting pole, or nearest supporting pole if there is more than one.
- (2) No billboards shall be located:
  - a. Within 200 feet of any on-premise freestanding sign on the same side of the street. This section shall not limit the subsequent construction of on-premise freestanding signs otherwise allowed by this code;
  - b. Within 200 feet of any intersection controlled by a traffic control signal as measured from the closest point of the sign structure to the edge of the right-of-way;
  - c. Within 750 feet of any other billboard on the same side of a street other than a street designated as a "freeway" on the Master Thoroughfare plan;
  - d. Within 1,000 feet of any other billboard on the same side of a street designated as a "freeway" on the Master Thoroughfare plan;
  - e. Within a designated historic district;
  - f. Within the Placido Benavides Design District;
  - g. Within a primarily residential area;
  - h. Less than 300 feet, measured along the same side of the street, from any lot within a primarily residential area; and
  - i. Less than 100 feet, measured on a radius, from any lot within a primarily residential area.

(c) Relocation

- (1) Relocation of an existing Billboard is allowed under the following conditions:
  - a. One (1) relocation permit will be issued for every three (3) Billboards removed;
  - b. The maximum size of the sign face area of a relocated Billboard shall not exceed the average of the three removed signs as viewed from one direction;
  - c. The proposed relocation shall not include areas prohibiting Billboards, including the Historic Districts and Neighborhood Conservation Districts; and

d. The sign must meet setback requirements of other ground signs from street right-of-way and other signs. If a conflict between applicable regulations, the strictest applies.

- (2) Upon receipt of a completed application for relocation meeting these requirements, the Director of Development Services will present the application for relocation to the City Council. If approval is granted by a majority vote of the City Council, appropriate permits will be issued by the Building Official.

(d) Dimensions

- (1) Billboards shall have a maximum height of 25 feet, except that billboards within 100 feet of primary arterials and freeways shall have a maximum height of 35 feet. Billboards shall also maintain a minimum clearance of 7 feet.
- (2) The maximum area of billboards shall vary directly with the setback, in accordance with the following:

Area of Sign Face		Minimum Setback
(1)	Less than 200 square feet	15 feet
(2)	200 – 300 square feet	20 feet
(3)	More than 300 square feet	25 feet

- (3) Billboards have an absolute maximum area of 400 square feet. Extensions shall be allowed provided such extensions do not exceed 25% of the width of the sign and 40 square feet of additional area. Extensions may extend no more than 4 feet above the top of the sign face or more than 3 feet beyond either end of the sign face. Extensions shall be braced to the structural support of the sign. Extensions shall be braced to the structural support of the sign. Extensions shall not exceed the height limitations of subsection (2).
- (4) Billboards larger than 70 square feet in area shall be built on a steel frame, and mounted on a single steel pole.
- (5) Billboards may have a skirt or trim piece at the bottom of the sign. The skirt may extend the full width of the sign, but shall not exceed 36 inches in height. The skirt shall not be used for advertising purposes other than displaying the sign company's name.
- (6) All private utilities for the billboard shall be located underground.

**Section 21-230 Alternative Signage Plan**

(a) If the provisions in Division 10. Signs do not satisfactorily meet the applicant's needs, the Planning Commission may approve an Alternative Signage Plan that meets the unique advertising needs of the site, business, service or tenant and, at the same time, carries out the intent of this ordinance to balance on-site advertising needs with community appearance. The Alternative Signage Plan shall be prepared in accordance with the design principles set forth below and shall clearly detail the modifications being requested from the provisions of this Division and how they enhance the design principles.

- (1) Design Principles. To qualify for consideration, an Alternative Signage Plan shall demonstrate compliance with one or more of the following principles:

- a. Innovative use of materials and design techniques in response to unique characteristics of the specific site;
  - b. Placement of sign to preserve or incorporate existing landscape features or vegetation;
  - c. Integration of architectural features;
  - d. Integration of pedestrian-oriented signage;
  - e. Consistency with special planning or design studies; and
  - f. Preservation of historic signs based on the following criteria:
    1. Signs 40 years or older;
    2. Signs which are particularly unique in character, design, or history; or
    3. Signs that are part of the historic character of a building, business, or district.
- (2) Allowable Modifications to Standards. subject to approval, an Alternative Signage Plan may provide for the following modifications to the standards of this Division:
- a. Transfer up to 20 percent of the total sign area allowed for building mounted signs to another sign type; and
  - b. Transfer freestanding sign area to building mounted signs.
- (3) The Planning Commission has the power to grant approval of Alternative Signage Plans. Alternative Signage Plans must conform to the criteria outlined in the “Alternative Signage Plan” section. An Alternative Signage Plan, if approved, will expire one year after the date of approval by the Commission if the signage is not constructed.

## Section 21-231 Offenses

### (a) General Offenses

- (1) A person commits an offense if the person places, allows to be placed, or allows to remain on property controlled by the person any:
- a. Sign which fails to meet applicable construction standards of the International Building Code and the National Electrical Code, as adopted by the City of Victoria;
  - b. Sign, sign structure, or sign support upon or projecting over any public property or right-of-way;
    1. It is an affirmative defense to prosecution under this subsection that a wall sign affixed to a building wall located upon a property line projects no more than one foot across public property or right-of-way and maintains a clearance of at least 8 feet.
  - c. Signs or its foundation located in a public utility easement;
    1. It is an affirmative defense to prosecution under this subsection that:
      - a) Aerial encroachment of a public utility easement maintains a minimum vertical clearance of 14 feet; and
      - b) Aerial encroachment of a public utility easement maintains a minimum vertical clearance of 18 feet over an area not subject to truck traffic.

- d. Sign that obstructs any means of egress, or any opening necessary for required light, ventilation or fire-fighting, or for escape from the premises, or as to prevent free passage from one part of a roof to any other part thereof;
  - e. Sign attached to any exterior stairway, fire escape, fire tower balcony, fire wall, or balcony serving as a horizontal exit;
  - f. Sign that interferes with the operation of a counterbalanced section of a fire escape, fails to maintain a minimum of 7 feet clearance over any such counterbalanced section;
  - g. Sign that obstructs the free use of any window above the first story as required means of egress to a fire escape;
  - h. Sign which fails to prevent the accumulation of rainwater in the sign;
  - i. Sign which fails to maintain clearances from telephone, cable television, and electric power lines in accordance with utility company standards;
  - j. Electronic, message sign, or digital sign which displays light of such intensity to cause glare, impair vision, or otherwise result in a nuisance to the public;
    - 1. It is an affirmative defense to prosecution under this section that:
      - a) The maximum luminous intensity of the sign does not exceed five-thousand (5,000) nits during daylight hours or five-hundred (500) nits later than 30 minutes before sunset and earlier than 30 minutes before sunrise, as measured from the sign's surface; and
      - b) The sign is equipped with both a dimmer control or other such electronic control and a photocell or other such automatic control, which automatically produce the required illumination change according to natural ambient conditions.
- (2) A person commits an offense if the person fails to keep the ground surface area under and adjacent to signs clean of weeds, high grass, and rubbish.
- (3) A person commits an offense if the person owns a sign, uses a sign, or owns property on which a sign is located and the person:
- a. Allows the copy or face of a permanent sign to remain torn, cracked, faded, tattered or otherwise dilapidated for a period exceeding 30 days after notice by the Director of Development Services that such sign is torn, cracked or otherwise dilapidated;
  - b. Allows the copy or face of a temporary sign to remain torn, cracked, faded, tattered or otherwise dilapidated for a period exceeding 10 days after notice by the Director of Development Services that such said is torn, cracked or otherwise dilapidated;
  - c. Fails to keep the exposed surfaces of the sign or any supporting poles or structures clean and painted, for a period exceeding 30 days after notice by the Director of Development Services that such sign or any supporting poles or structures are not clean or painted;
    - 1. It is an affirmative defense to prosecution under this section that:
      - a) The finish of the sign does not require paint for proper maintenance;, and
      - b) The sign and any supporting poles or structures do not show rust, rot, cosmetic deterioration, or oxidation visible from a public right-of-way.

- c) Allows an on-premise sign to advertise a business that is not currently utilizing the premises. If a business on the premises becomes vacant, the owner of the premises shall blank the sign face out within 30 days after notice by the Director of Development Services that such sign is advertising a business that is not currently utilizing the premises; and
- d. Allows a sign or any pole or supporting structures to have rust visible from a public right-of-way for a period exceeding 30 days after notice by the Director of Development Services that such sign or any pole or supporting structures have rust visible from a public right-of-way.

## Division 11. 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.

## Division 12. License to Encroach

### Section 21-232 Purpose.

The purpose of a License to Encroach is to determine the potential impacts of proposed improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, Right-of-Way, or easement in order to maintain their safety, mobility, and operational functionality.

### Section 21-233 Applicability

- (a) A License to Encroach, in the procedures provided for in this section, is required for the following:
  - (1) New improvements, structures, facilities, and encroachments into a public street, roadway, sidewalk, or Right-of-Way within the city limits and easements located within the city limits or the extra-territorial jurisdiction.
  - (2) Existing improvements, structures, facilities and encroachments into a public street, roadway, sidewalk, or Right-of-Way within the city limits and easements located within the city limits or the extraterritorial jurisdiction.
- (b) Those improvements, as defined in (1) above, that encroach into a public street, roadway, or sidewalk shall obtain approval from the City Council, in addition to this License.

### Section 21-234 Criteria for Approval

A License to Encroach shall be issued subject to approval by the City Manager.

### Section 21-235 Submission Requirements

Staff will determine whether further studies will be required. Such studies may include, but are not limited to, an engineering study, which may be required at the determination of the City Engineer.

### Section 21-236 Responsibility for Final Action

The Director of Development Services is responsible for final action on a License to Encroach. An applicant may appeal the decision of the Director of Development Services to City Council.

### Section 21-237 Expiration

- (a) The License shall expire if the encroachment allowed per the License is not installed within 24 months of the date of License approval.
- (b) The City shall provide written notice at least 180 days in advance to the Licensee, its representatives, successors, or assigns, to take possession of and use all or any part of the licensed area in the event that such use be reasonably desired or needed by the City for street, sewer, transportation, or any other public or municipal use or purpose. During such time, it is the responsibility of the Licensee, its representatives, successors or assigns to remove the encroachment(s). In such an event, the City shall have the right to cancel the revocable license as to that portion of the licensed area so designated and required by the City.

## Division 13. Sidewalks

### Section 21-238 Sidewalks Required

- (a) The developer or lot owner shall install sidewalks in the street right-of-way along the frontage of each lot prior to the issuance of a certificate of occupancy. This requirement applies to all land uses, newly developed lots and existing lots, enforceable at the time of residential building permit or nonresidential site plan. All sidewalks shall be constructed in accordance with the City of Victoria Engineering Design Standards.
- (b) The developer shall install all required perimeter sidewalks and sidewalks on all common areas abutting a public-right-of-way within a subdivision. Such sidewalks shall be shown on the construction plans for the subdivision and shall be constructed prior to the final acceptance of the subdivision improvements by the City.
- (c) The developer of a new single-family residence in an existing, substantially built-out residential neighborhood in which sidewalks are not predominant may apply for a waiver of the requirement to install sidewalks. Additionally, a commercial or industrial developer may apply for a waiver on an open ditch, stripped-paved roadway. In any case, a parcel shall be eligible for a waiver only if the block-face on which the parcel is located is lacking continuous sidewalks, and the sidewalk required along the subject parcel would not complete the installation of sidewalks for the block-face. Such sidewalk waivers are subject to the approval of the Director of Development Services. As a condition of the waiver, the property owner(s) shall enter into a Sidewalk Agreement and Covenant with the City in the form approved by the City Attorney, which shall bind the owner(s) and subsequent owners to pay a pro-rata share of the cost of constructing a sidewalk along the street(s) adjacent to the subject property at such time in the future when the sidewalk is constructed. Once Sidewalk Agreements and Covenants have been entered into by the owners of all lots on a given block-face, or once a combination of existing sidewalks and sidewalk agreements are in place for an entire block-face, the City shall have a sidewalk installed on such block-face, and each property owner shall pay the pro-rata share of the cost of constructing such sidewalk.

## Article VI. Subdivision Regulations

### Division 1. General Provisions

#### Section 21-239 Purpose

The purpose of good subdivision design is to create a functional and attractive development, minimize adverse impacts, and to ensure a project will be an asset to the community. To promote this purpose, the subdivision shall conform to the improvement standards and design principles of this article. Improvement standards are intended to address the specific minimum engineering standards that a development must meet or the methods of construction that must be adhered to. Design principles address the planning and laying out of a development. These principles and standards are designed to result in a well-planned community without adding unnecessarily to the cost of development. They are based on scientific principles, sound professional practice and publicly adopted goals, objectives and policies of the city. It is the intent of this article to further the health, safety, efficiency, service equity and attractiveness of the community.

#### Section 21-240 Authority

(a) This Article's regulations are authorized by the following chapters and sections of Vernon's Annotated Codes of the State of Texas:

- (1) Texas Local Government Code Chapter(s):
- (2) 41 (Municipal Boundaries)
- (3) 42 (Extraterritorial Jurisdiction of Municipalities)
- (4) 54 (Enforcement of Municipal Ordinances)
- (5) 212 (Municipal Regulation of Subdivisions and Property Development)
- (6) 242 (Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction)

(b) Texas Property Code

- (1) § 12.002 (Subdivision Plat; Penalty)

#### Section 21-241 Applicability

(a) This article shall govern all subdivisions of land within the corporate limits of the city and within the city's extraterritorial jurisdiction (ETJ).

(b) No land shall be subdivided within the corporate limits or the extraterritorial jurisdiction of the municipality until:

- (1) Approval of the preliminary and final plat has been obtained from the Planning Commission; and
- (2) The approved final plat has been filed with the county clerk.

(c) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this article, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with this article.

(d) The city shall not serve or connect any land with water or sewer service, private or public services, unless the city has been presented with or otherwise holds a certificate applicable to the

land issued under Section 21-243(d) of this article. All future subdivisions of land within the City limits and extraterritorial jurisdiction (ETJ) shall be laid out subject to the approval of the City as outlined within this article, and no other subdivision will be recognized by the City.

- (1) Per the Interlocal Agreement, a property must be platted to be served by a water well or septic where permitted.
- (e) In addition to the requirements established herein, all subdivisions shall comply with the following statutes, chapters, rules and regulations:
- (1) All applicable local, state and federal ordinances, regulations, rules and statutes;
  - (2) Applicable building codes, flood protection regulations, regulations contained within this UDO, and any other applicable laws of the City or County;
  - (3) All applicable city codes, including but not limited to:
    - a. The general plans of the city;
    - b. The rules of the Victoria City/County Department of Health, Texas Department of Health, Texas Commission on Environmental Quality and other applicable agencies;
    - c. The rules of the Texas Department of Transportation if the subdivision or any lot therein abuts a state-maintained roadway;
    - d. The applicable standards and regulations adopted by all boards, agencies, and officials of the municipality relating to the subdivision of land.
- (f) All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties. Properties located outside the city limits of Victoria shall not be allowed to connect to utilities unless authorized by the City Engineer.

### Section 21-242 Interpretation

- (a) Generally
- (1) In the interpretation and application of the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (b) Conflict with public and private provisions
- (1) Public provisions. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this chapter imposes a restriction different from those imposed by any other provision of this chapter or any other ordinance, rule, regulation, or other provision of law; whichever provisions are more restrictive or impose higher standards shall prevail.
  - (2) Private provisions. This chapter is not intended to abrogate any easement, covenant, any other private agreement or restriction. Where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this chapter shall govern. Where the provisions of private easements, restrictions or covenants impose duties and obligations more restrictive, or higher standards than the requirements of this chapter, or the determinations of the Planning Commission or the municipality in approving a subdivision or in enforcing this chapter, and such private provisions are not inconsistent with this chapter or determinations thereunder, then such private provisions shall

govern. However, it is not the intent of this chapter that the enforcement of such private provisions be the responsibility of the city.

## Section 21-243 General Requirements

### (a) Subdividing.

- (1) The owner of a tract of land located within the corporate limits or in the extraterritorial jurisdiction of the city, who divides the tract into two (2) or more parts must have a plat of the subdivision prepared for review, approval and recording pursuant to this chapter. Such division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- (2) All contiguous land which is intended to be sold or developed, and which is under the ownership of the applicant, shall be included on the preliminary plat. If the applicant intends to subdivide a portion of his/her property for the purposes of sale or development, and the balance of the property is to remain undeveloped or unimproved, such remaining portion is not required to be included on the preliminary plat, unless the general plans of the city require the dedication of future right-of-way for street, drainage or other purposes on such property.

### (b) Building permits.

- (1) The owner of an unplatted tract of land located within the city limits who makes application for a building permit on such unplatted tract, shall cause the tract to be platted in conformance with this chapter before the permit can be issued. This provision shall only apply to the following classifications of building permits:
  - a. A building permit for a new structure, except that a building permit for an accessory structure, as defined herein, for a single-family residential use shall be exempt from the platting requirement;
  - b. A building permit for the renovation, remodeling or expansion of an existing structure which increases the gross floor area by thirty (30) percent or more;
  - c. A building permit for the renovation, remodeling or expansion of an existing residential structure that results in the land use of such structure to be changed to a non-residential use; or
  - d. A permit for the placement of a manufactured home or other structure.

### (c) Exemptions.

- (1) Parcels which meet the provisions of Section 21-253. Deeds, are exempt from this requirement.
- (2) The owner of two (2) adjoining residential lots within a recorded subdivision may obtain a building permit to construct a house or structure across the interior lot lines of the recorded lots without replatting the property into one (1) lot. This exception does not apply when an easement exists along a common property line.
- (3) Parcels for single-family residential use that otherwise meets the dimensional requirements as related to minimum lot size and setbacks of this chapter and have access to public utilities and abuts an improved public right-of-way shall be exempt from platting provided they submit a land survey with building permit application, subject to approval of the Director of Development Services.

- (4) Tracts over 10 acres where each part has access, and no public improvements are being dedicated. (TLGC Section 212.004)
- (d) Certification regarding compliance with plat requirements.
- (1) Upon the approval of a final plat by the Planning Commission or the approval of a minor plat by the Director of Development Services, and after the filing of the plat with the Victoria County Clerk, the Director of Development Services shall issue the subdivider a certificate stating that the plat has been reviewed and approved by the City.
  - (2) On the written request of an owner of land within the city's corporate limits or its ETJ, the Director of Development Services, acting on behalf of the Planning Commission, shall make the following determinations regarding the owner's land:
    - a. Whether a plat is required under this chapter for the land;
    - b. If a plat is required, whether one has been prepared and whether it has been reviewed and approved by the City.
  - (3) The owner's request shall identify the land that is the subject of the request by its legal description. The Director of Development Services shall make the above determination within 20 days after the date the request is received and shall issue the certificate within 10 days after the date the determination is made.
- (e) Design Principles.
- (1) It is intended that the urban area be designed as a group of integrated residential neighborhoods with appropriate commercial and industrial and public facilities. Space for religious, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood, as appropriate.
  - (2) The size of lots, blocks and other areas for residential, commercial, industrial, public and all other land uses should be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities.
  - (3) The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. The general arrangement of streets should conform to the functional street classification system. Tree masses, large individual trees and plant materials should be preserved if possible. The system of roadways and sidewalks and the lot layout should be designed to take advantage of the visual qualities of the area.
  - (4) Minimum standards for development are contained in these regulations, and in other codes and ordinances. The city's general plans may express other policies designed to achieve a high quality of development in the urban area. If only the minimum standards are followed, a standardization of development will occur. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the general plans and in this chapter, rather than be limited to the minimum standards required.
- (f) Nonresidential subdivisions.
- (1) If a proposed subdivision includes land designated for commercial, industrial, or other non-residential uses, such subdivision shall be subject to the requirements of this chapter and all other applicable city ordinances and requirements. In addition, the applicant shall demonstrate to the satisfaction of the Planning Commission, that the proposed patterns of streets, lots and blocks recognize the anticipated uses, and accounts for other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in area and dimensions for the types of industrial development anticipated, or platted into lots that shall allow combinations in area and dimensions for future types of industrial development.
  - b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of anticipated traffic. At a minimum, streets in nonresidential subdivisions shall conform to the standards for collector streets found in Table 3-1: City of Victoria Street Standards of this article.
  - c. The applicant shall make every effort to protect adjacent residential areas from potential nuisances that could be caused by a proposed commercial or industrial subdivision. Nonresidential lots lying adjacent to existing or proposed residential land uses shall meet the screening and buffering requirements of Article V. Division 7.
- (2) The applicant shall make every effort to exclude nonresidential traffic, especially truck traffic, from residential areas. Streets carrying nonresidential traffic, especially truck traffic, should not extend to the boundaries of adjacent existing or potential residential areas.

#### Section 21-244 Rural Subdivisions

- (1) Rural subdivisions are only permitted at least one mile from water and sewer lines. The purpose of this section is to allow for the development of rural subdivisions in areas that are not served by public water or sewer mains. Accordingly, the provisions of this section shall not apply to proposed subdivisions located within one mile (5,280 feet) from existing public water and sanitary sewer mains.
- (2) Streets and Drainage. The developer of a rural subdivision shall provide street and drainage facilities in accordance with the City of Victoria's Engineering Design Standards and Specifications as modified by the following specifications, Table 1-1: Rural Subdivision Street Standards, Table 1-2: Rural Subdivision Drainage Standards, and Figure 1-1: Rural Subdivision Street and Ditch Detail:
  - a. Storm sewer shall be Class III Reinforced Concrete, tongue and groove, installed with ram-nek. Closed conduits, circular, elliptical, or box, shall be selected based on hydraulic principals and economy of size and shape. 6:1 (6 feet horizontal to every 1 foot vertical) sloped-end treatments shall be placed and formed at all ends of pipe (street intersections or driveways).
  - b. Larger pipes upstream shall not flow into smaller pipes downstream unless construction constraints prohibit the use of a larger pipe downstream, or the improvements are discharging into an existing system, or the upstream system is intended for use in detention.
  - c. Crowns of pipe shall be matched at any size change unless severe depth constraints prohibit.
  - d. Storm sewers shall be located in public street rights-of-way or in approved easements. Back lot easements are discouraged and may not be utilized unless approved by the City Engineer.
  - e. Pipe located between lots or within 20 feet of an existing structure shall have rubber gasket joints.
  - f. Ditch side slopes shall be no steeper than a 3:1 slope (3 feet horizontal to every 1 foot vertical).

- g. The "n" coefficient for the ditch calculations shall be a minimum of 0.035.
- h. Erosion control methods approved by the City Engineer shall be utilized in ditch designs where velocities of flow are calculated to be greater than 5.0 feet per second or where soil conditions dictate their need.
- i. All drainage improvements installed outside the city limits of Victoria must be accepted by the County of Victoria or dedicated as common area within a Homeowners or Property Owners Association.

**Table 1-1: Rural Subdivision Street Standards**

Element	Rural Subdivision Street
Design speed	30 miles per hour
Minimum centerline	300 feet
Desirable minimum grade	0.3%
Minimum grade	0.2%
Stopping sight distance	200 feet
Minimum number of traffic lanes	2
Minimum pavement width <sup>1</sup>	26 feet
Minimum shoulder width	2 feet
Minimum right-of-way width	60 feet
<sup>1</sup> Pavement width does not include shoulder width.	

**Table 1-2: Rural Subdivision Drainage Standards**

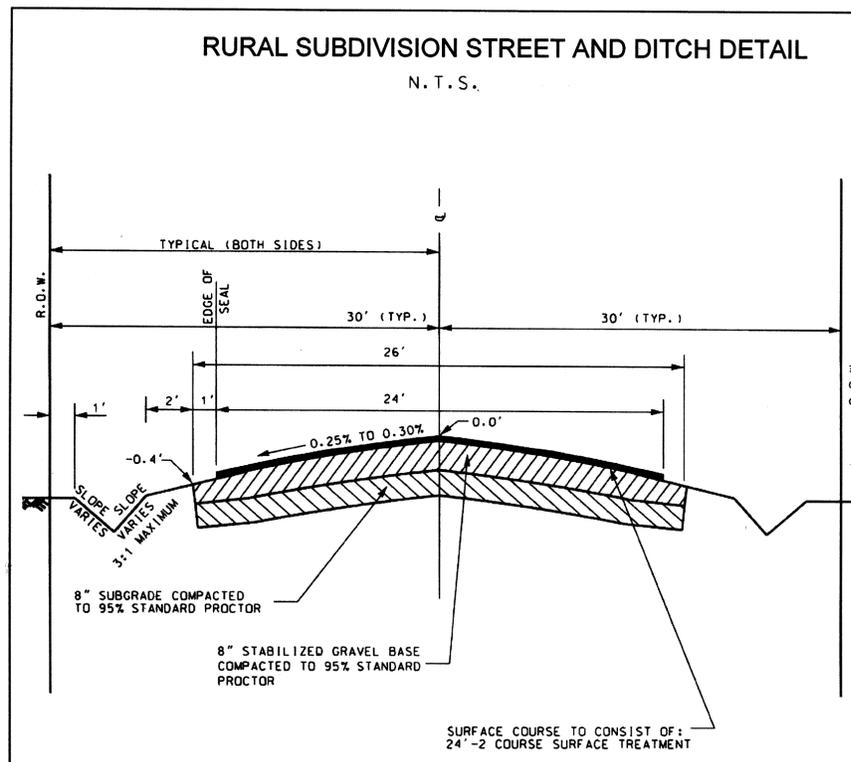
Element	Rural Subdivision Drainage
Maximum depth of water in ditch	top of ditch (5-year storm frequency)
Maximum depth of water at any point in crown of roadway	12 inches (100-year storm frequency)
Minimum size storm sewer pipe for underground drainage	18 inches
Minimum size of box culverts	2 feet × 2 feet
Maximum ditch side slope	3:1 slope
Minimum depth of ditch without City Engineer's approval	18 inches

Maximum depth of ditch without City Engineer's approval	4 feet
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- (3) Sidewalks. Sidewalks are not required on streets in rural subdivisions.
  - (4) Streetlights. Streetlights are not required within rural subdivisions. However, the developer shall dedicate easements for streetlights in accordance with the City's Engineering Design Standards and Specifications and place conduit therein in accordance with such standards and specifications.
  - (5) Private Utilities. At the developer's discretion, private franchised utilities (electric, telephone, cable television, etc.) may be placed either overhead or underground within rural subdivisions.
- (b) Lot and setback requirements. Every lot platted under this section shall meet the minimum lot size, lot width, and setback requirements of Article IV. Land Uses of this code. A commercial or industrial lot shall also meet the applicable minimum requirements of the applicable section of this code.

**Figure 1-1: Rural Subdivision Street and Ditch Detail**

*(Stabilized in accordance with City of Victoria Standard Specification Section 02241 or an alternate specification approved by the City Engineer)*



- (c) Conditions.
- (1) Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid

down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future property owners in the subdivision and of the community at large.

#### Section 21-245 Enforcement, violations, and penalties.

(a) Generally.

- (1) It shall be the duty of the Director of Development Services to enforce this chapter and to bring to the attention of the City Attorney or other appropriate authority any violations or lack of compliance herewith.
- (2) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such a parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of this chapter and filed with the county clerk.
- (3) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in this chapter.
- (4) No building permit or certificate of occupancy shall be issued for any lot or plat subdivided or sold in violation of the provisions of these regulations. Nor shall the City of Victoria serve or connect any land with water or sewer service if such land has been subdivided or sold in violation of the provisions of these regulations.

(b) Violations and penalties. Any person, firm, or corporation who fails to comply with, or violates, any part of this chapter shall be subject to the penalties pursuant to the City Code, as amended.

(c) Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy, of a building structure or premises, and these remedies shall be in addition to the penalties described above.

## Division 2. Subdivision Types

### Section 21-246 Preliminary Plat

(a) Purpose

- (1) The purpose of a preliminary plat is to determine the general layout of a subdivision, plan for adequate public facilities and to ensure compliance with the UDO as it pertains to the subdivision of land.

(b) Applicability

- (1) The subdivider shall prepare a preliminary plat for submission to the Planning Commission for all subdivisions. At the discretion of the Director of Development Services, deviations from this requirement may be allowed where the Director of Development Services determines the preliminary plat is not necessary.
- (2) The preliminary plat must meet all requirements specified by this article before the Planning Commission may commence preliminary plat review. A plat not meeting all of the requirements may be submitted, provided that subdivider presents with the plat a written request for specific variances, and enumerates in detail the reasons thereof, in conformance with Section 21-323. Subdivision Variances, of this UDO.

(c) General

- (1) The preliminary plat and all supporting maps will be prepared and submitted in the manner specified by the Director of Development Services.
- (2) The preliminary plat and all supporting maps shall be prepared at a minimum scale of 100 feet to an inch on a maximum sheet size of 24-inch x 36-inch. If more than one sheet is required, they shall be match-line sheets. An index sheet of the same dimensions, or a map insert showing the entire subdivision, shall accompany the preliminary plat.
- (3) Plats in which all lots contain a net area more than 40,000 square feet may be drawn to a scale of 200 feet to the inch. The preliminary plat and all supporting maps shall be legible, show the map scale, a north arrow and the date of preparation. At the discretion of the Director of Development Services, deviations from the requirements of this subsection as to scale, and only as to scale, may be allowed.
- (4) The preliminary plat shall be accompanied by a statement signed by the registered engineer or surveyor preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the general plans of the city, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where a variance is requested in writing and the reasons for which are clearly stated.
- (5) The preliminary plat shall be accompanied by a statement signed by the registered engineer or surveyor preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the general plans of the city, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where a variance is requested in writing and the reasons for which are clearly stated.

(d) Procedure

- (1) The plat application will be submitted, reviewed, and approved, in accordance with the procedures identified in Article IX. Procedures.

(e) Requirements

The preliminary plat shall provide the following information as applicable:

- (1) Title block, including subdivision name, block(s), lot(s), acreage, name of city, county and state, and the location and description of the property referenced to the original legal description. The subdivision name shall not duplicate any existing subdivision name. If the property is part of an existing subdivision, the existing subdivision name shall be used. If no subdivision name has been chosen, the name of the property as it is commonly or locally known shall be indicated.
- (2) Name, address, and signature of the legal owner(s) of the property included in the proposed subdivision. If the applicant is not the legal owner, a statement of the agent's authority and interest shall be submitted with the application. Such statement, which shall be signed by the legal owner(s), shall be made in the following form:

*I(we), the undersigned, being the legal owner(s) of the land shown on this plat, hereby designate (print name of agent) as my(our) agent, duly authorized to act on my (our) behalf in matters pertaining to the platting of this property.*

\_\_\_\_\_

*Owner(s)*

- (3) Name, address, and signature of the registered surveyor responsible for preparing and designing the plat and surveys. If public improvements are involved, the name, address and signature and seal of the registered engineer responsible for designing such improvements shall also be provided.
- (4) A location map at a scale of not more than one thousand (1000) feet to the inch, showing existing streets, subdivisions, and general land uses in the area surrounding the site.
- (5) The scale, north arrow, and date of original and all revisions.
- (6) The location, dimension, right-of-way width, paving width, and name of all existing or proposed streets, alleys, railroads, and other public ways within or immediately adjacent to the tract.
- (7) The location and dimensions of any existing structures, fences, paved areas, cemeteries or burial grounds, and other existing features within the proposed subdivision. Insignificant temporary improvements which will be removed during development may be omitted, except that all existing buildings, whether temporary or permanent, shall be shown.
- (8) The location of any existing or abandoned landfills, dump sites, hazardous waste dump sites, or any inventories of hazardous materials.
- (9) The location of any watercourses, water bodies, flood hazard areas, significant tree masses, slopes, or other natural features within the area to be subdivided.
- (10) Topographic information showing existing contours based on national geodetic vertical datum (NGVD), with intervals not to exceed one (1) foot, and such contour lines to be not more than one hundred (100) horizontal feet apart; however, contours of less than five-tenths (0.5) foot (six (6) inches) shall not be required.
- (11) The location and dimensions of the subdivision's boundaries; and the existing and proposed blocks, lots, setback lines, and easements, including the square footage of the lots. In lieu of providing the square footage of each lot, a statement may be placed on the plat which certifies that all lots meet the appropriate lot size requirements.
- (12) The locations, sizes, and other appropriate descriptions of the following existing utility facilities:
  - a. Water mains, service connections and any special structures such as wells, elevated storage tanks and pump stations;
  - b. Sanitary sewer mains, service connections and any special structures or facilities such as lift stations, septic systems, lagoons, oxidation ponds and package plants;
  - c. Stormwater drainage mains, channels, retention or detention ponds, and other major drainage facilities, including the area in acres served by such facilities; and special structures such as dams, spillways, dikes, or levees.
- (13) The approximate locations, sizes, and other appropriate descriptions of the following proposed utility facilities:
  - a. Water trunk mains, connections to city facilities, and special structures such as elevated storage tanks and pump stations;
  - b. Sewer trunk mains, connections to city facilities, and special structures and facilities such as lift stations, lagoons, oxidation ponds and package plants.

Additional information concerning such special structures and facilities may be required by the City Engineer prior to approval by the Planning Commission;

- c. Stormwater drainage mains, channels, retention or detention ponds, and other major drainage facilities, including the approximate area in acres served by such facilities; special structures such as dams, spillways, dikes, or levees; and the location of the regulatory floodplain upon completion of the proposed improvements, along with an engineering report on the downstream flood impacts.
- (14) The location of all existing or abandoned oil or gas wells, oil or gas pipelines and other appurtenances associated with the extraction, production and distribution of petroleum products, and all related easements on the site or on immediately adjacent property. Such facilities shall be in conformance with the Oil and Gas Wells Ordinance, Chapter 16 of the City Code.
  - (15) Conditions on immediately adjacent property that have a direct impact on the proposed development, which may include items listed in subsections (8), (9), (12) and (14) above. For the items listed in subsections (8) and (14), only those conditions on adjacent property which can be identified by physical observation from the subject property shall be noted on the preliminary plat.
  - (16) Any proposed supplemental transportation systems, showing the layout and dimensions of walkways, sidewalks, bike trails, horse trails, and other related improvements.
  - (17) The approximate location, dimension, and area of all parcels of land proposed to be set aside for park or playground use, or other public use, or for the common use of property owners in the proposed subdivision.
  - (18) The functional classification of every street within or adjacent to the subdivision, based on the proposed design. The appropriate term (expressway, primary arterial, secondary arterial, collector or local) shall either be placed directly on each street, or a list of the streets in the subdivision, with their corresponding functional classifications, shall be placed on the plat.
  - (19) The names of the owners of all parcels abutting the subject property, with deed references. If property abutting the subject property is in a platted subdivision, it may be referenced by the plat reference rather than individual deed references.
  - (20) The proposed land use of all lots as defined in Table 2-1: Land Use Table.
  - (21) The following statistical data:
    - a. The total number of gross acres;
    - b. The total number of lots;
    - c. The number of dwelling units, the acreage, and the gross residential density, by housing type;
    - d. A statement, confirmed by engineering analysis, that the existing utility mains serving a proposed subdivision are adequate. The need for additional information shall be determined as follows:
  - (22) Upon receipt of a preliminary plat, the City Engineer shall review the proposed development. They shall determine whether further study shall be required to assess the development's impact on the existing water, wastewater, and stormwater systems. If city staff determines that further study is necessary to confirm the adequacy of the existing mains to serve the new development, the plat shall be marked, identifying the point from

which the developer's engineer shall be required to confirm by analysis the adequacy of the existing system to serve the proposed development.

- (23) The city staff shall obtain the following information from the City's general plans and/or field investigation and provide such information to the developer: the size(s) and type(s) of material of the line(s), the slopes, and the flows or pressures, as appropriate.
- (24) City Plat File Number, as assigned by the Development Services Department during initial plat review.

## Section 21-247 Final Plat

### (a) Purpose

- (1) The purpose of a final plat is to ensure compliance with the UDO as it pertains to the subdivision of land and adequate public water, wastewater, street, and drainage improvements have been constructed and accepted by the City to serve the subdivision or development.

### (b) Applicability

- (1) The subdivider shall prepare a final plat for submission to the Planning Commission for all subdivisions.
- (2) The final plat shall meet all requirements specified by this article, and the subdivider shall submit all required documents as specified by this article before the final plat may be placed on the agenda of the Planning Commission.
- (3) A final plat not meeting all the requirements of these regulations may be submitted, provided the subdivider presents with the plat a written request for specific variances and enumerates in detail the reasons thereof in conformance with Section 21-323. Subdivision Variances.
- (4) A final plat must be in substantial compliance with the approved preliminary plat in order to be heard by the Planning Commission. A revised preliminary plat shall be required if the final plat deviates from the approved preliminary plat, and such deviations are considered by the Director of Development Services to be substantial. Changes which may be considered to be substantial include the following:
  - a. Change in typical lot dimensions;
  - b. Changes resulting in higher density;
  - c. Change in the traffic circulation network;
  - d. Change in drainage patterns;
  - e. Change in relationship between uses of land; and,
  - f. Land use in general.
- (5) Whenever a subdivision necessitates the installation and dedication of public streets, drainage facilities, water mains, sanitary sewer mains, and/or other public subdivision improvements, construction plans shall be required. Construction plans shall be submitted to the Director of Development Services and fully approved prior to submission of the final plat. Construction plans shall be in conformity with the approved preliminary plat. Construction plans shall be reviewed and approved as specified in Section 21-258. Construction Plans , prior to final plat review by the Planning Commission.

- (6) In no case shall permanent public improvements commence until submission and approval of construction plans and specifications have been given by the City Engineer, and the final plat has been approved by the Planning Commission.

(c) General

- (1) The final plat shall be prepared as a black-line mylar. The final plat shall be drawn at a minimum scale of 100 feet to an inch from an accurate survey on one (1) or more sheets. For the purposes of submitting copies of the final plat in accordance with the requirements of this section, the final plat shall be a black line drawing on 18-inch by 24-inch sheets. For the purpose of filing the mylar sheet(s) shall consist of an 18-inch by 24-inch drawing on a 24-inch by 36-inch sheet. The drawing surface of the plat shall have a binding margin of 2 inches at the left side of the plat, a margin of not less than one inch at the right side, and a margin of not less  $\frac{1}{2}$  inch at the top and bottom. If more than one sheet is required, they shall be match-line sheets. An index sheet of the same dimensions, or a map insert showing the entire subdivision, shall accompany the final plat. At the discretion of the Director of Development Services, deviations from the requirements of this subsection as to scale, and only as to scale, may be allowed.
- (2) The final plat and all supporting maps shall be prepared at a minimum scale of 100 feet to an inch on a maximum sheet size of 24-inch x 36-inch. If more than one sheet is required, they shall be match-line sheets. An index sheet of the same dimensions, or a map insert showing the entire subdivision, shall accompany the preliminary plat.
- (3) Plats in which all lots contain a net area more than 40,000 square feet may be drawn to a scale of 200 feet to the inch. If more than one sheet is required, an index sheet of the same dimensions or a map insert showing the entire subdivision must be filed with the final plat. At the discretion of the Director of Development Services, deviations from the requirements of this subsection as to scale, and only as to scale, may be allowed.

(d) Procedure

- (1) The plat application will be submitted, reviewed, and approved, in accordance with the procedures identified in Article IX. Procedures.
- (2) A final plat which has been approved by the Planning Commission but not recorded with the Victoria County Clerk, which is found to contain an insignificant error, may be corrected by the applicant, upon approval by the Director of Development Services. This procedure shall allow for the correction of scrivener's errors, clerical errors, or typographical errors. Other minor corrections, such as the addition, deletion or relocation of easements shall be allowed, subject to the approval of the Director of Development Services. Such corrected plats may be approved and signed by the Planning Commission officers responsible for the signing of plats, upon the recommendation of the Director of Development Services.

(e) Requirements

The final plat shall provide the following information:

- (1) Title block, including subdivision name, block(s), lot(s), acreage, name of city, county, state, and the location and description of the property referenced to the original legal description.
- (2) Name, address, and signature of the legal owner(s) of the property included in the proposed subdivision.
- (3) Name, address, and signature of the registered surveyor responsible for preparing and designing the plat and surveys. If public improvements are involved, the name, address

and signature of the registered engineer responsible for designing such improvements shall also be provided.

- (4) A location map at a scale of not more than one thousand (1,000) feet to the inch, showing existing streets and subdivisions in the area surrounding the site.
- (5) The scale, north arrow, and date of original and all revisions.
- (6) The proposed land use of all lots as defined in Table 2-1: Land Use Table.
- (7) The location and description of all permanent survey monuments in or near the tract, to at least one (1) of which the subdivision shall be referenced.
- (8) The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified.
- (9) The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names.
- (10) The lines of all proposed street rights-of-way, fully dimensioned by lengths and bearings.
- (11) The lines of all proposed alleys. Where the length or direction of an alley is not readily discernible from data given for lot and block lines, the length and bearing shall be given.
- (12) The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located.
- (13) The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except that where a lot line meets a street line at right angles, the angle value may be omitted.
- (14) The outline of any property, other than street rights-of-way or easements, which is offered for dedication to public use fully dimensioned by lengths and bearings with the area marked "Public".
- (15) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with addresses of all lots.
- (16) The location of all building setback lines, and easements for public services or utilities, with dimensions showing their location.
- (17) The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns. Distance measured along curves shall be arc lengths.
- (18) The following note shall be placed on all final plats where access to arterial and/or expressway streets has been limited: "ACCESS PROHIBITED". The lots and area affected by such limitation shall be clearly indicated.
- (19) The following note shall be placed on all private drives, private access facilities, and private common areas: "ALL MAINTENANCE OF THIS AREA SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION THROUGH THE (Name of Subdivision) PROPERTY OWNERS ASSOCIATION". The affected areas shall be clearly indicated.
- (20) The applicant shall place the following note on the city's certified copy of the final plat containing areas within the regulatory floodplain as designated within the most current FEMA study report: "FLOOD HAZARD AREA. THIS AREA HAS BEEN DESIGNATED AS SUBJECT TO INUNDATION BY THE BASE FLOOD". The affected area, according

to most current FEMA flood insurance rate map (FIRM), shall be clearly indicated, along with the panel number and the date of the FIRM.

(21) Location and description of monuments, which shall be placed in conformance with Section 21-255. Markers and Monuments.

(22) The following shall be made and shown on the mylar of the final plat:

- a. Surveyor's certificate, to be placed on the subdivision plat, along with the surveyor's seal and signature:

"KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, do hereby certify that I made an actual and accurate survey of the platted land, and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Unified Development Ordinance of the City of Victoria, Texas."

Signature of Surveyor \_\_\_\_\_

Texas Registration # \_\_\_\_\_

- b. Certificate of approval by Planning Commission (to be placed on plat):

"Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by the Victoria Planning Commission of the City of Victoria, Texas.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

- c. A certificate of ownership of all land covered by the plat and dedication of all streets, alleys, parks, easements, and other land intended for public use, signed by the owner(s), and by all other persons owning an interest in the property subdivided and platted, which shall be acknowledged in the manner prescribed by the laws of the state for conveyance of real property, in the following form:

"THE STATE OF TEXAS

COUNTY OF VICTORIA

This is to certify that I (we), [name(s) of owner(s)] , am (are) the legal owner(s) of the land shown on this plat, being the tract of land as conveyed to me (us) by deed dated (date) and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Deed Records of Victoria County, Texas, and designated herein as the (Subdivision Name) in the City of Victoria, Texas.

FURTHER, I (we), the undersigned, do hereby DEDICATE to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown on this plat for the purpose and consideration therein expressed.

\_\_\_\_\_  
Owner(s)

THE STATE OF TEXAS

COUNTY OF VICTORIA

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purpose and considerations therein stated.

Given under my hand and seal of office this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Texas"

- d. If the plat is a replat without public notice, under Section 212.014 of the Texas Local Government Code, the following paragraph shall be added to the certificate of ownership and dedication:

"FURTHER, I (we), the undersigned, do hereby certify that this replat does not attempt to amend or remove any covenants or restrictions; I (we) further certify that no lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot."

- e. If the plat is a replat under Sections 212.015 or 212.016 of the Texas Local Government Code, the following paragraph shall be added to the certificate of ownership and dedication:

"FURTHER, I (we), the undersigned, do hereby certify that this replat does not attempt to amend or remove any covenants or restrictions."

- f. Holders of all liens against the property being platted shall execute a lienholder's acknowledgement and subordination statement, which shall be in the following form:

"I (we), [Name(s) of mortgagee(s)] , owner(s) and holder(s) of a lien (or liens) against the property shown on this plat, said lien(s) being evidenced by instrument of record in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Deed Records of Victoria County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat. Further, I (we) hereby confirm that I am (we are) the present owner(s) of said lien(s) and have not assigned the same nor any part thereof.

\_\_\_\_\_  
Lienholder(s)

Note: All lienholder signatures shall be acknowledged by a Notary Public.

- g. A metes and bounds prepared by an RPLS description of the subdivision.

- (23) The following restriction, condition and covenant running with the land shall be noted on any plat of a subdivision for which approval is sought which either in part or its entirety is located in the extraterritorial jurisdiction (ETJ) of the city. Such notation shall be made in the following manner:

"RESTRICTION, CONDITION AND COVENANT  
RUNNING WITH THE LAND

This plat has been approved by the City of Victoria pursuant to the City's extraterritorial jurisdiction (ETJ) powers in effect on the approval date with the following restriction, condition and covenant which is hereby agreed to by the developer of this subdivision as well as any other present property owner in said subdivision. In the event the undersigned developer or any person, firm or corporation who shall acquire property in this subdivision subsequent to this date, shall request additional improvements to bring such subdivision or any part thereof up to subdivision standards required within the corporate limits of the city or up to greater standards than are required for a subdivision in the ETJ of the city, then one hundred (100) percent of the cost of such improvements shall be borne by the then property owners of said subdivision and this obligation regarding the cost of the additional improvements to said property of this subdivision shall be considered a restriction, condition, and covenant running with the land of all property or properties in said subdivision to bind the then owners of the property in said subdivision. Any future conveyance of property in this subdivision shall reference a statement in said conveyance setting out the aforementioned restriction, condition and covenant running with the land."

- (24) The following statistical data:
- a. The total number of acres;
  - b. The total number of lots;
  - c. The number of dwelling units, the acreage, and the gross residential density, by housing type;
  - d. The acreage allocated to parks and common residential use;
  - e. The acreage allocated to common open space; and
  - f. The lineal footage of proposed public local, collector and arterial streets.
- (25) City Plat File Number, as assigned by the Development Services Department during initial plat review.
- (26) The following statement shall be noted on any plat of a subdivision for which approval is sought which either in part or its entirety is located in the extraterritorial jurisdiction (ETJ) of the City:

"The City of Victoria does not maintain drainage systems outside the City limits. The City strongly recommends that any structures of significant value be placed with a finished floor elevation at least 22 inches above the grade of the centerline of the adjacent street, or 12 inches above the highest adjacent grade, whichever elevation is more appropriate based on the topography of the property."

### Section 21-248 Replats

(a) Purpose

- (1) The purpose of a replat is to re-subdivide any part or all of a recorded plat in accordance with TLGC Section 212.014.

(b) Requirements

- (1) A replat of all or a portion of a recorded plat may be approved in accordance with state law without vacation of the previously recorded plat, if the replat:

- a. Is signed and acknowledged by only the owners of the property being replatted;  
and
  - b. Does not propose to amend, violate, or remove any covenants or restrictions previously incorporated in the recorded plat.
- (2) All lots created by the plat must conform to the minimum lot and area regulations of the proposed use as designated in Article IV. Land Uses.
  - (3) The Director of Development Services may require the applicant to dedicate additional right-of-way with a plat to conform to the City's Thoroughfare Master Plan.
  - (4) If a replat is submitted for only a portion of a previously platted subdivision, the plat must reference the previous subdivision name and recording information. The entirety of a previously platted lot must be included in the replat.
  - (5) The applicant cannot replat only a portion of a recorded lot.
  - (6) The replat will contain the following note: "This plat does not remove any recorded covenants or restrictions filed with the property."
  - (7) The relocation and/or abandonment of any utilities shall be the responsibility of the developers and shall be provided for concurrently with the vacation procedure.
  - (8) The cost of any such relocation and/or abandonment shall be borne by the developer.
  - (9) Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land, and there are indications that such lots will eventually be resubdivided into smaller building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of utilities and adjacent streets. Provisional easements providing for the future opening of such streets and utility extensions may be made a requirement of the plat. Such easements would become effective at the time the parcel in question is resubdivided.

#### Section 21-249 Procedure

- (a) The plat application will be submitted, reviewed, and approved, in accordance with the procedures identified in Article IX. Procedures.
- (b) A replat shall be subject to the public notice requirements of Section 212.015 of the Texas Local Government Code if any lot in the preceding plat was limited to residential use for not more than two (2) residential units per lot.

#### Section 21-250 Minor Plat

- (a) Purpose
  - (1) The purpose of the minor plat process is to allow for a timelier approval process for plats of four (4) or fewer lots. The classification of a subdivision as a minor plat shall not be construed as a waiver of any other requirement of the subdivision and development chapter, or any other ordinance or statute pertaining to the platting of property.
- (b) Applicability
  - (1) Whenever a tract of land is to be platted, subdivided or resubdivided into four (4) or fewer lots, the subdivision may be exempt from the procedural provisions of formal Planning Commission plat approval, and may be approved administratively, through the minor plat process.

- (2) A minor plat shall be defined as a plat of a tract of land which includes four (4) or fewer lots, which also meets the following conditions:
  - a. Each lot of the subdivision shall have frontage on an existing public street and shall not necessitate the creation of any new street, or the extension of any existing street.
  - b. The subdivision shall be served by existing municipal utilities of adequate capacity and shall not necessitate the extension of any municipal utilities.
    1. The installation of service lines to the property may or may not exist and is not a requirement of a Minor Plat

(c) Procedure

- (1) The plat application will be submitted, reviewed, and approved, in accordance with the procedures identified in Article IX. Procedures.

(d) Minor plat contents.

- (1) The minor plat shall meet the requirements of Section 21-246. Preliminary Plat if one is present and shall meet all other applicable requirements of this article, and the requirements of any ordinance or statute governing the subdivision of land in the City.
- (2) The final plat shall meet the requirements of Section 21-247. Final Plat of this chapter, and shall meet all other applicable requirements of this article, and the requirements of any other ordinance or statute governing the subdivision of land.
- (3) Instead of the certificate of approval by Planning Commission, the following certificate of approval by the Director of Development Services shall be placed on the final plat:

Approved this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_, as a Minor Plat, by the Director of Development Services of the City of Victoria, Texas, as authorized by Section 21-250 of the City of Victoria Code, and Section 212.0065 of the Texas Local Government Code.

\_\_\_\_\_  
Director of Development Services

(e) Other requirements.

- (1) A subdivision shall not be processed as a minor plat if its approval would require the granting of a variance.
- (2) Land subdivided through the minor plat process shall not be resubdivided or replatted by amendment or otherwise for a period of one year from the approval of the original minor plat unless it is approved by the Planning Commission.
- (3) Whenever a minor plat includes one or more lots containing more than one acre of land, and where there are indications that such lots may eventually be resubdivided, the Director of Development Services may refer the plat to the Planning Commission.
- (4) For purposes of keeping the Planning Commission and the general public informed of platting activity, the regular monthly Planning Commission agenda shall include an agenda item reporting all minor plats processed during the preceding month.

## Section 21-251 Amending Plat

(a) Purpose

- (1) The purpose of an amending plat is to provide a means of making minor plat revisions to a recorded plat consistent with the provisions of TLG Section 212.016.

(b) Applicability

(1) The amending plat may be used for one or more of the following actions:

a. Error Corrections or Administrative Adjustments

1. Correct an error in a course or distance shown on the preceding plat.
2. Add a course or distance that was omitted on the preceding plat.
3. Correct an error in a real property description shown on the preceding plat.
4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.
6. Correct any other type of surveyor or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, lot frontage, and identification of adjacent recorded plats.
7. Correct an error in courses and distances of lot lines between two adjacent lots if:
  - a) Both lot owners join in the application for amending the plat;
  - b) Neither lot is abolished;
  - c) The amendment does not attempt to remove recorded covenants or restrictions; and
  - d) The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

b. Relocate Lot Lines

1. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
2. Relocate one or more lot lines between one or more adjacent lots if:
  - a) The owners of all those lots join in the application for amending the plat;
  - b) The amendment does not attempt to remove recorded covenants or restrictions; and
  - c) The amendment does not increase the number of lots.

(c) Procedure

(1) The plat application will be submitted, reviewed, and approved, in accordance with the procedures identified in Article IX. Procedures.

**Section 21-252 Vacating Plat**

(a) Purpose

(1) The purpose of a plat vacation is to provide an expeditious means of vacating recorded plat in its entirety, consistent with state law.

(b) Applicability

(1) Initiation by owner

- a. The owners of land covered by a plat may vacate the plat at any time before any lot in the plat is sold. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of lots in the plat.

(2) Initiation by City Council

- a. If the City Council, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety, and welfare of the community; and:
  1. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or
  2. The property owner has breached a development agreement, and the City is unable to obtain funds with which to complete construction of Public Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
  3. The plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare of the community, except that the vacation shall apply only to lots owned by the property owner or its successors.

(c) Procedure.

- (1) The plat application will be submitted, reviewed, and approved, in accordance with the procedures identified in Article IX. Procedures.

**Section 21-253 Deeds**

(a) Purpose

- (1) The purpose of the deed approval process is to provide for a method of approving the issuance of building permits on existing, unplatted parcels, in cases where platting is neither necessary nor productive. The deed approval process shall only apply to parcels which have not been subdivided or resubdivided since the adoption of original subdivision regulations by the city adopted on January 30, 1956, and all required public facilities are existing.

(b) Applicability

- (1) Under certain circumstances, approval may be given for the issuance of building permits on existing unplatted parcels, through the deed approval process. In order to be approved through the deed approval process, a parcel shall meet the following conditions:
  - a. The subject parcel shall not have been subdivided or resubdivided since the date of the original adoption of subdivision regulations by the City of Victoria, January 30, 1956;
  - b. No new lot(s) may be created by the deed approval; and
  - c. Deed approval shall not be granted for any parcel which would require the extension of any street(s) or municipal utilities to be dedicated to and maintained by the city.

- d. Deed approval shall only be granted for the issuance of single-family residential, manufactured home placement, duplex and tri-plex building permits. Deed approval may not be granted for nonresidential uses.

(c) Procedure

- (1) The plat application will be submitted, reviewed, and approved, in accordance with the procedures identified in Article IX. Procedures.

(d) Determination

- (1) In Accordance with Section 21-243(d) the Director of Development Services shall make a determination regarding compliance with plat requirements.

## Division 3. Subdivision Design Standards and Improvement Requirements

### Section 21-254 Lots

- (a) Generally. All lots shall be designed and arranged to comply with:
  - (1) Article IV. Land Uses, as to lot sizes and dimensions;
  - (2) Needs for convenient access, circulation, control, and safety of street traffic; and
  - (3) Limitations and opportunities of topography.
- (b) Length. Blocks for residential use shall not be longer than eighteen hundred (1,800) feet or shorter than three hundred (300) feet in length. Block length is measured along the centerline of the block (along the rear property lines), except in the case of a one tier block, where block length is measured along the front property lines. Wherever practical, blocks along arterial streets shall not be less than one thousand (1,000) feet in length.
- (c) Width. Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted for blocks adjacent to major streets, railroads, or waterways; provided other applicable provisions of this section are met. Block width is measured along the exterior side lot lines of the end lots.
- (d) Nonresidential blocks. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

### Section 21-255 Markers and Monuments

The subdivider shall provide reference monuments and/or markers in the subdivision as required below:

- (a) Permanent Markers. Permanent markers (five-eighths-inch iron rods) shall be set by a registered professional land surveyor, licensed as such in the State of Texas, and shall be placed at the following locations:
  - (1) On street right-of-way lines—At street intersections and at each end of all curves;
  - (2) On exterior boundaries—At all corners, at each end of all curves, at the point where a curve changes its radius, at all points in any line, and at all angle points along a meander; and
  - (3) On interior boundaries—At those corners and points not referred to above, including all lot and block corners.
- (b) Concrete monuments. For subdivisions of more than five (5) acres in size, at least three (3) concrete monuments shall be set by a registered professional land surveyor, licensed as such in the State of Texas. One such monument shall be placed at some point on the perimeter of the subdivision where it intersects a public right-of-way. The remaining monuments shall be placed on the perimeter of the subdivision at the surveyor's discretion. Specifications for permanent markers and monument construction shall be as indicated in the engineering design standards of the city.
- (c) Benchmarks/vertical control. When determined by the City Engineer to be necessary, benchmarks shall be set to effectively serve the subdivision by a registered land surveyor, licensed as such in the State of Texas. Such benchmarks shall be based on National Geodetic Vertical Datum (NGVD).

## Section 21-256 Easements

(a) Generally.

- (1) The subdivider shall dedicate easements to the public that shall allow every lot within a subdivision to have access to all available, essential utilities (municipal and franchised). Utilities include water, sewer, natural gas, electric, cable television and telephone.

(b) Locations and widths.

- (1) Easements shall be provided to adequately serve the neighborhood with all essential utilities, as determined by the City Engineer. Easements shall be a minimum of 15' unless abutting a public right-of-way and then they may be reduced at the discretion of the City Engineer.
- (2) Franchised utilities shall be served by easements on the rear lot, unless otherwise approved by the City Engineer. City of Victoria utilities shall be served by easements on the lot frontage or within the public right-of-way, unless otherwise approved by the City Engineer.

(c) Streetlights.

Streetlight easements necessary to serve such lights shall be provided. Streetlight easements shall be a minimum of five (5) feet in width and shall only be utilized for street light wiring.

(d) Shared Easements.

If a sanitary sewer, storm sewer or water main will be included in an easement with other utilities, such easement shall be a minimum of twenty (20) feet in width.

(e) Additional easements.

Aerial easements or easements of greater widths than specified above may be required where it is deemed necessary by the City Engineer. Wider easements may be necessary for the extension of utility mains, storm sewers and drainage, or the accommodation of utilities in other unique situations.

(f) Private easements.

- (1) When private easements exist which can potentially interfere with a proposed public dedication or easement, the subdivision should be designed to minimize the number and extent of such conflicts.
- (2) When private drainage easements and utility easements are proposed in common areas of residential developments, a Homeowners or Property Owners Association is required to be responsible for maintaining the easement.

(g) Pipeline easements.

A pipeline carrying petroleum products shall be located in an easement of sufficient width, as determined by the appropriate regulating agency.

(h) Easements by Separate Instrument.

If a public sanitary sewer, storm sewer, fire hydrant, or water main is required to be constructed as part of a private development on property that has previously been platted; a utility easement dedicated to the City of Victoria by separate instrument will be required. The applicant will submit a current certified survey of the easement area that will be attached to the filed instrument. This easement dedication will be reviewed and approved by the City Attorney before final acceptance by the Director of Development Services. All recording fees will be the responsibility of the applicant.

Section 21-257 Improvements Required

(a) General

- (1) Improvements are to be installed in accordance with the construction plans approved by the City Engineer. The subdivider may submit a construction phasing plan. Improvements shall be constructed to serve the subdivision and through the subdivision to the farthest point of adjacent property for the orderly development of land, as determined by the City Engineer, partial exemptions may be approved for corner lots. When it is not feasible to extend utilities through to the adjacent properties, adequate easements shall be provided to facilitate future extension of utilities.
- (2) All required improvements shall be made by the developer, at his/her expense, without reimbursement by the city, except where the city may participate in a reimbursement contract on certain public improvements, as specified in Section 21-257(e).
- (3) Upon installation, testing and inspection of water and sewer improvements, and approval of the inspection and test results by the City Engineer, and in accordance with Article IX. Procedures, a building permit may be issued. This requirement shall apply to multiple-lot subdivisions, where public utilities are typically located in street rights-of-way or common utility easements. For a nonresidential or single-lot development which necessitates the installation of publicly dedicated utilities, a building permit may be issued prior to the installation of water and sewer mains, and the proposed public and private improvements may be constructed simultaneously.

(b) Inspection and acceptance of construction plan improvements.

(1) Generally

- a. The City Engineer shall provide for the inspection of required improvements during construction to insure general conformity with plans and specifications as approved. If the City Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the city construction standards and specifications, then the developer shall be responsible for making the necessary changes to ensure compliance.

(2) Inspections

- a. Upon completion of each phase of the subdivision construction to include water/wastewater, stormwater, etc., the contractor shall notify the developer and the City Engineer in writing that the work is ready for a final inspection. Within five (5) working days of receipt of the written notice, the City Engineer shall arrange for a joint inspection with the developer and the contractor to determine that each aspect of the project has been installed as per city standards, and in conformity with the approved construction plans. It shall be the duty of the contractor to demonstrate by whatever means reasonably necessary that this requirement has been met and provide proper documentation to support same. Documentation that this inspection has been successfully performed, signed by the three parties, shall be placed in permanent files before project acceptance and contractor's release from liability.

- (3) As-built plans. As required in Article IX. Procedures, the applicant's engineer shall submit to the City Engineer a certified set of "as built" plans for the subdivision as approved by the city. The "as-built" plans shall illustrate that the layout and line and grade of all public improvements are in accordance with the construction plans, as approved for the subdivision; and that said improvements are ready for dedication to the city and are free and clear of any and all liens and encumbrances.

- (4) Engineering department acceptance. Upon documentation of satisfactory inspections, receipt of certified as-built plans from the applicant's engineer, receipt of the Engineer's Certificate from the applicant's engineer required by Article IX. Procedures, and receipt of the maintenance guarantees required by Section 21-257(c), the City Engineer shall forward to the Director of Development Services a Certificate of Acceptance for the subdivision in the following form:

"FINAL ACCEPTANCE OF THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO A SUBDIVISION KNOWN AS (Name of Subdivision) , AND LOCATED IN THE CITY OF VICTORIA OR WITHIN ITS EXTRATERRITORIAL JURISDICTION:

- (5) On the basis and subject to the accuracy of the engineer's certificate and the certified as-built plans, the City of Victoria has reviewed and will file the above-named subdivision and from this date or from the date of annexation, whichever is later, accepts all such public improvements, subject to maintenance covered under the terms of the one-year workmanship and materials guarantee. Notification shall be given to the contractor and/or developer by the City of Victoria of any workmanship and/or materials corrections to be made on or before the expiration of the one-year period. Following such corrections, the security guarantee shall be released by the City.
  - a. Signature of the City Engineer
  - b. Date
  - c. Texas Registration Number

(c) Maintenance of improvements

- (1) The developer shall be responsible for the maintenance and repair of all public improvements until one (1) year after acceptance of such public improvements by the city.
- (2) Prior to issuance of the certificate of acceptance by the City Engineer in accordance with Section 21-257(b), a one-year maintenance guarantee in favor of the city shall be provided by the developer and/or the contractor, in the amount of twenty-five (25) per cent of the total construction costs. The developer shall be responsible for the provision of total construction cost information to the City Engineer; the City Engineer shall be authorized to reject the cost information if deemed unreasonable or incomplete. Such security for the maintenance of the subdivision shall be made payable to the city in one of the following forms:
  - a. Cash deposit to the city.
  - b. An irrevocable letter of credit, acceptable to and approved by the city attorney, and issued by any bank duly chartered under the laws of the state.
  - c. A bond, acceptable to and approved by the city attorney, that shall guarantee such funds to the city.

(d) Guarantee of Improvements

- (1) The Developer may provide a financial guarantee of improvements required to record the subdivision plat prior to the issuance of the certificate of acceptance in an amount equal to an engineer's estimate approved by the City Engineer plus 25 percent of the cost of the engineer's estimate. Such financial guarantee of the subdivision shall be made payable to the city in one of the following forms:
  - a. Cash deposit to the city.

- b. An irrevocable letter of credit, acceptable to and approved by the city attorney, and issued by any bank duly chartered under the laws of the state.
    - (2) The City shall complete such improvements using the financial guarantee if not completed by the developer within twelve (12) months after recordation of the final plat.
  - (e) Infrastructure construction reimbursements
    - (1) Off-site facilities
      - a. Off-site facilities. When it is necessary, to properly serve an entire area to be subdivided, to extend/install adequately sized water lines, sanitary sewer lines, or drainage facilities, the subdivider shall extend/install such utilities at such subdivider's own expense and dedicate all necessary easements and/or rights-of-way at no cost to the City.
    - (2) Oversized facilities
      - a. When to comply with the City's Thoroughfare Master Plan, Active Transportation Master Plan, Storm Water Drainage Master Plan and/or Water and Wastewater Master Plan, it is necessary to install facilities designed to serve an area in excess of that required to serve the area being developed, the subdivider shall dedicate all necessary easements and/or rights-of-way at no cost to the city and shall construct such oversized facilities.
      - b. The Director of Development Services shall notify the developer of any required oversized facilities during preliminary plat review, upon consultation with the Directors of Public Works, Legal, and Finance Departments. If oversized facilities are required, a reimbursement contract shall be forwarded to the City Council for approval or denial after the preliminary plat has been approved by the Planning Commission.
      - c. If approved by the City Council, the developer shall be reimbursed for eligible construction costs of the oversized facilities, based on the ratio of the capacity needs of the planned development to the total capacity of the oversized utility. Regardless of whether a facility is on site or off-site, such facility is only eligible for reimbursement if it is oversized. Oversized facilities costs shall be based on unit prices (i.e. cost per linear foot of line, per manhole, per water valve, etc.), using current construction costs at the time of development. Unit prices shall be submitted by the developer's engineer to the Director of Development Services for distribution to the City Engineer, as appropriate, for review, verification, and approval.
  - (f) Subdivisions outside city limits. A subdivision outside the corporate limits of the city shall not be eligible for city participation in a reimbursement contract unless such contract is processed simultaneously with a request for annexation.

#### Section 21-258 Construction Plans

- (a) Generally. Construction plans shall be prepared for all subdivision improvements. In no case shall construction of permanent public improvements commence until the City Engineer has approved the construction plans and the final plat has been approved by the Planning Commission.
- (b) Seal required. All construction plans shall be signed and sealed by a professional engineer, licensed to practice in the State of Texas.

- (c) Minimum standards. All construction plans shall conform to the improvement standards and design principles of this article, all other requirements of this chapter, and any other applicable codes, standards, requirements and specifications of the city.
- (d) Submittal and review. Two sets of construction plans shall be submitted to the Director of Development Services and approved prior to the final plat submittal, in accordance with Section 21-247(b)(5) of this Article. The Director of Development Services shall coordinate the review of construction plans by the Department of Public Works. Upon completion of plan review, the plans shall be returned to the applicant with written analysis and commentary. After making necessary revisions or corrections, the applicant shall resubmit four (4) sets of corrected construction plans and the copies of the original submittal with staff analysis and commentary to the Director of Development Services, 10 days prior to the Planning Commission meeting.
- (e) Required plans. Construction plans shall include the following:
  - (1) A contour map, which must show to an appropriate interval the existing contours of the site based on city standards datum. Such contours shall not be more than 100 feet apart; however, contours of less than 6 inches shall not be required. The contour map shall also show the water surface elevation of the regulatory flood.
  - (2) A plan of the proposed water system, drawn on sheets 24 inches by 36 inches, to a horizontal scale of one inch to 100 feet, except that the scale may vary on special projects. All scales shall be standard engineering scales. Such plan shall comply with the Master Water and Wastewater Plan, and shall provide the following information:
    - a. The sizes and locations of all mains, fittings, valve boxes, pump stations, elevated tanks, and other related structures;
    - b. The location of all fire hydrants, with an indicated elevation of the top of the proposed curb at its location;
    - c. The location and elevation of benchmarks referred to city datum;
    - d. The sizes and locations of the existing mains to which the system will be connected; and
    - e. The street address of each lot, as obtained from the Development Services Department.
  - (3) A plan of the proposed sanitary sewer system, drawn on sheets 24 inches by 36 inches, to a horizontal scale of one inch to 100 feet, except that the scale may vary on special projects. All scales shall be standard engineering scales. Such plan shall comply with the Master Water and Wastewater Plan, and shall provide the following information:
    - a. The locations, sizes, types, and flow line grades of all lines;
    - b. The locations and flow line elevations of all manholes and cleanouts;
    - c. The locations of any lift stations or other special structures;
    - d. The locations and sizes of the mains to which the system will be connected; and
    - e. The street address of each lot, as obtained from the Development Services Department.
  - (4) A plan of the proposed storm water management system, drawn on sheets 24 by 36 inches, to a horizontal scale of one inch to 100 feet, except that the scale may vary on special projects. All scales shall be standard engineering scales. Such plan shall comply with the Storm Water Drainage Master Plan and Storm Water Drainage Manual, and shall provide the following information:

- a. Property lines, lot and block numbers and dimensions, right-of-way and easements lines, floodplains, street names, curbs and gutters, and paved surfaces (existing and proposed);
  - b. The locations, sizes, types, and flow lines of all mains, inlets, culverts, manholes, channels and related structures;
  - c. The minimum permissible floor elevations for lots within any floodplain areas and adjacent to open drainage features;
  - d. Contour lines, contract limits, and a title block; and
  - e. Computations to support all drainage designs shall accompany the plan, and shall be in such form as to provide the basis for timely and consistent review. The computations, which shall be made a part of the permanent record of the subdivision, shall be accompanied by the certification of a registered engineer that the design procedure is in full compliance with the requirements listed above.
- (5) A plan for the proposed streets, drawn on sheets 24 inches by 36 inches, to a horizontal scale of one inch to 100 feet, except that the scale may vary on special projects. All scales shall be standard engineering scales. Such plan shall include the following:
- a. The locations, right-of-way widths, and pavement widths of all streets, and their center line grades and distances, with the elevations indicated at all center line intersections and grade breaks; and
  - b. The locations of all curbs, gutters and driveways as proposed.
- (6) Detail plans, which shall be drawn on sheets 24 inches by 36 inches and shall be a composite of all design details accompanying the above set of construction plans. All scales shall be standard engineering scales. Such plans shall include the following information: street cross-sections, curb and gutter, fire hydrant locations and footing construction, manholes, cleanouts, sewer and water connections, catch basins, concrete junction boxes, pump stations, lift stations, headwalls, and any other necessary design details, as determined by the City Engineer.
- (7) Plan-profile sheets, which shall be drawn on sheets 24 inches by 36 inches, to a horizontal scale of one inch to 20 feet or one inch to 50 feet, and a vertical scale of one inch to 2 feet or one inch to 5 feet, except that scale may vary on special projects. All scales shall be standard engineering scales. Such sheets shall show the finished plan of the proposed utilities and street construction. They shall also indicate the existing profile of the natural ground, along with the proposed profiles on the center lines of all streets, and flow lines of all sanitary sewers and water lines.
- (8) The location of cluster mailboxes (if applicable).
- (9) A north arrow, scale(s), and date.
- (f) Approval. When all construction plans have met the requirements of this section and have been approved by the City Engineer, a certificate of approval shall be submitted to the Director of Development Services. Once the Director of Development Services receives such certificate of approval, and the final plat has been approved by the Planning Commission, construction permits may be issued for permanent public improvements.

#### Section 21-259 Streets

- (a) New streets or street extensions. The developer of any subdivision which necessitates the creation of new streets or the extension of existing streets shall dedicate the right-of-way, lay out,

grade and otherwise improve the streets in accordance with Table 3-1: City of Victoria Street Standards of this section, the city's engineering design standards and specifications, all other applicable provisions of these regulations and the general plans of the city.

- (b) Existing streets. In the case of a subdivision which is served by existing streets, and the right-of-way widths of such streets do not meet the requirements of Table 3-1: City of Victoria Street Standards of this section and the City's general plans, the developer shall dedicate the following:
- (1) When the subdivision abuts both sides of the existing street, 100 percent of the right-of-way necessary to bring the street into conformance with Table 3-1: City of Victoria Street Standards, except that the Director of Development Services with the approval of Planning Commission may approve a smaller right-of-way width dedication for existing local streets.
  - (2) When the subdivision abuts only one side of the existing street, ½ of the right-of-way necessary to bring the street into conformance with Table 3-1: City of Victoria Street Standards, except that the Director of Development Services may approve a smaller right-of-way width dedication of up to 5 feet for existing local streets. Waivers of right-of-way dedication for existing local streets in excess of 5 feet require approval of the Planning Commission.

**Table 3-1: 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 ft pavement width at any point on a street in which the City Engineer calculates an expected average daily traffic count of 500 vehicles. The City Engineer shall base their 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 Engineer. 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.

Notes:

(1) Functional Street Classifications may be indicated on the City's general plans or the Master Thoroughfare Plan; otherwise, the Director of Development Services and City Engineer shall recommend the classification of a street to the Planning Commission.

(2) When conditions exist which suggest values which are different than those listed, then the standards in the current edition of "A Policy on the Geometric Design of Highways and Streets," published by the American Association of State Highway and Transportation Officials (AASHTO), shall apply.

(3) Grades less than 0.3 percent shall be subject to the approval of the City Engineer.

- (c) Thoroughfares. Whenever a subdivision includes a street which, according to the master thoroughfare plan, requires an ultimate section with a higher functional classification than a collector street, the developer shall (1) dedicate the right-of-way required by the master thoroughfare plan and Table 3-1: City of Victoria Street Standards of this section for a local, collector or arterial street and (2) either construct a collector street or pay the cost of constructing a collector street, as determined by the City Engineer. Construction costs to be used in association with this section shall be based on current typical cost per lineal foot estimates, as determined by the City Engineer. For purposes of this section, a subdivision includes a street when the street designated on the master thoroughfare plan is next to or included in the subdivision.
- (d) Developer to install improvements. The developer shall install all utilities, shall construct curbs and gutters, and shall surface roadways to the widths prescribed in these regulations. All road pavements, shoulders, drainage improvements and structures, curbs, turn-arounds, and perimeter and interior street frontage sidewalks along common areas shall conform to the city's construction standards and specifications, and shall be incorporated into the construction plans required for plat approval.
- (e) Driveways. All driveways which connect with public streets shall be constructed in accordance with Article V. Division 4. , Access Management.
- (f) Bridges. Bridges of primary benefit to the applicant, as determined by the City Engineer, shall be constructed at the full expense of the applicant without reimbursement from the city. The sharing of expenses for the construction of bridges not of primary benefit to the applicant shall be fixed by special agreement between the City Council and the applicant. Participation of the city is subject to the discretion of the City Council and subject to the availability of funds.

### Section 21-260 Street Design principles

- (a) General. The subdivision shall be planned and laid out in accordance with the following general design principles:
- (1) All streets shall be planned to properly integrate with the existing and proposed system of dedicated rights-of-way and thoroughfares, as established in the master thoroughfare plan.
  - (2) Local streets shall be designed to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary for convenient and safe access to property.

- (3) The developer should not necessarily adhere to a rigid rectangular gridiron street pattern, but should consider curvilinear streets, cul-de-sacs, and/or U-shaped streets where such use would result in a more functional layout.
  - (4) When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets.
  - (5) Streets shall be arranged in such a manner as to cause no hardship in the subdividing of adjacent properties. The Planning Commission may require the dedication of street rights-of-way to allow adequate access to adjoining properties.
  - (6) Proposed streets shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the City Engineer, such extension is neither necessary nor desirable for coordination with existing layouts, or the most advantageous future development of adjacent tracts. (Also see Section 21-260(d) through (f).)
  - (7) All streets shall be designed to support special traffic generators such as industries, business districts, schools, churches, shopping centers and population densities, and the pattern of land uses.
  - (8) In business and industrial developments, the arrangement of streets and other accessways shall consider the arrangement of building sites, the location of rail facilities, the provision of alleys, truck loading and maneuvering areas, pedestrian movements and parking areas, so as to minimize potential conflicting movements between the various types of traffic, including pedestrian.
  - (9) If a portion of a street designated on the master thoroughfare plan is located within the proposed subdivision, the total required right-of-way width shall be dedicated. If such a street is located adjacent to the outer edge of the subdivision, the amount of right-of-way to be dedicated shall be determined by the proposed alignment of the thoroughfare.
  - (10) Except as provided for in the paragraph above, perimeter half-streets shall not be permitted. The City Engineer may authorize a new perimeter street where the subdivider dedicates and improves the entire required street right-of-way and pavement width within the developer's own subdivision boundaries.
- (b) Circulation. The following design principles shall be followed in planning for traffic circulation within a subdivision:
- (1) Each subdivision shall provide for the continuation of all arterial streets and highways, as required by the master thoroughfare plan. Arterial streets should be located on the perimeters of residential neighborhoods. For a subdivision located adjacent to a freeway, the following shall apply:
    - a. If access to an arterial street is available, no local or collector street shall be allowed direct access to a freeway.
    - b. If no arterial access is available, access to the freeway shall be provided by a collector street, and no local street shall have direct access to a freeway.
  - (2) Collector streets shall be designed to provide a direct route from local streets to arterials. Direct access to collector streets shall be minimized to the fullest extent possible, and should be consistent with good, creative subdivision layout.
  - (3) Local streets shall be designed to provide direct access to each lot within the subdivision, and in a manner that shall discourage use by through traffic. They should be planned so that future urban expansion shall not require the conversion of local streets to collector streets or arterial routes. New local streets should not be allowed to

intersect directly with arterial streets. However, for small subdivision sites where traffic volumes and the scale of development would not justify the creation of a collector street, a local street may be allowed direct access to an arterial street.

- (4) Sidewalks shall be placed on both sides of the road and separated from vehicular traffic lanes. Sidewalks should be designed to provide residential building sites with direct access to neighborhood facilities, including schools, parks and playgrounds, churches, and shopping facilities.
- (5) Any subdivision containing more than 50 lots shall have a minimum of two points of public street access. 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 Fire Marshal may accept an alternative solution. This exception will only apply in cases where the Fire Marshal 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.

(c) Intersections. The design standards for intersections shall be as follows:

- (1) Streets shall be designed to intersect as nearly as possible at right angles and shall not in any case intersect at an angle of less than seventy-five (75) degrees. An oblique street should be curved approaching an intersection and should be approximately at a right angle to the other street for at least one hundred (100) feet from the intersection. No more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
- (2) Proposed new intersections along an existing street shall, wherever practicable, coincide with existing intersections on the opposite side of said street. Any centerline off-set shall meet the requirements in Table 3-2: INTERSECTION SEPARATION AND OFF-SET REQUIREMENTS FOR NEW STREETS of this section. Proposed new intersections shall also meet the intersection spacing/separation requirements of Table 3-2: INTERSECTION SEPARATION AND OFF-SET REQUIREMENTS FOR NEW STREETS of this section. No off-sets shall be allowed for new arterial streets. Spacing requirements of new arterials shall be determined by the master thoroughfare plan.
- (3) The minimum curb radius at the intersection of any two (2) streets shall conform to the engineering design standards. Alley intersections and abrupt changes in alignment within a block shall have the corners rounded to permit safe vehicular movement in accordance with standard engineering practices.
- (4) Intersections shall be designed with a flat grade wherever practical.

**Table 3-2: INTERSECTION SEPARATION AND OFF-SET REQUIREMENTS FOR NEW STREETS**

New Street	Existing Street				
	Freeway	Arterial		Collector	Local
		Secondary	Primary		
Collector	600 ft	400 ft	600 ft	300 ft	N/A
Local	N/A	400 ft	600 ft	300 ft	150 ft

- (5) Intersections shall be planned and located to provide as much sight distance as possible. Consideration shall be given to both the vertical and horizontal planes. Stopping sight distance shall be provided as the minimum sight distance for all approaches. The minimum sight distance required by [Chapter 22](#) of the City Code, Traffic, section 22-21, shall be applied to all developments. Developers shall remove all earth banks, existing vegetation, etc., which limits this sight distance in conformance with [Chapter 22](#) of the City Code, Traffic, section 22-22.
- (6) The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the Texas Department of Transportation, but in no case shall the standards be less than the applicable city specifications and the requirements of these regulations.
- (d) Dead-End streets. Permanent dead-end streets shall be prohibited.
- (e) Stubbed streets. Generally, subdivision design should provide for the continuation of streets between adjacent properties when such continuation is deemed necessary by the Planning Commission for convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and when such continuation is in accordance with the City's general plans. If a proposed final plat includes a temporary dead-end (stubbed) street, the extensions of the stubbed street must be provided for on an approved preliminary plat. The right-of-way shall be extended to the property line in such cases. Barricades and/or temporary cul-de-sacs with 40-foot radii may be required at the end of temporary stubbed streets. The Director of Development Services shall make such determinations at the time of preliminary plat review.
- (f) Cul-de-sacs. A cul-de-sac is a local street which is open at one end, with the closed end having a turnaround with a sufficient radius to facilitate the reversal of traffic movement. A cul-de-sac shall not exceed a maximum length of 750 feet; except a cul-de-sac serving 30 or fewer dwelling units may exceed 750 feet in length in a rural subdivision. For the purposes of this section, cul-de-sac length shall be measured from the nearest right-of-way line of the intersecting street, along the centerline of the cul-de-sac, to the center of the turning radius of the turnaround.
  - (1) A cul-de-sac turnaround shall have a minimum right-of-way radius to accommodate the cul-de-sac turnaround specifications in the City's adopted fire code and the required sidewalk.
  - (2) The terminus of a cul-de-sac, which shall be considered to be the right-of-way line at the end of the cul-de-sac, shall not be less than 100 feet from the right-of-way line of another street.
- (g) 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 fact of the final plat, resulting in no access from an arterial. In addition, a setback line of at least 20 feet more than 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 21-260(h).
  - (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.
- (h) Screening fences along arterials. A six-foot tall opaque screening fence shall be erected along the property line of all residential lots abutting an arterial street. The developer shall construct such screening fence at the time of development. At the developer's option, the introduction of varying opaque design elements, such as columns, different fencing materials, offsets and landscaping will be allowed to break the long expanses of fencing. In cases where landscaping is installed outside of the screening fence, a Homeowners or Property Owners Association shall be designated to maintain such landscaping. Screening fences along arterials are only permitted with a Homeowners or Property Owners Association to maintain screening fences in on reverse frontage lots.
- (i) Railroad Rights-of-way and Expressways. Where so located as to affect the subdivision of adjoining lands, railroad rights-of-way and expressways shall be treated as follows:
- (1) For residential land uses, a setback line of at least twenty (20) feet in depth, in addition to the required setback, shall be provided adjacent to the railroad right-of-way or expressway. A six-foot tall opaque fence shall be erected along the property line of all residential lots abutting railroads and expressways. Such screening fence shall either be constructed by the developer at the time of development, or by the property owner at the time of home construction.
  - (2) When a street lying parallel to a railroad right-of-way intersects a street which crosses the railroad at grade, the intersection of such streets shall be a distance of at least one hundred fifty (150) feet from the railroad; with such measurement made from the street center line to edge of the railroad right-of-way. Such distance shall be determined with due consideration to the minimum distance required for future separation of grades by means of appropriate approach gradients.
- (j) Reserve strips. The creation of reserve strips shall not be permitted adjacent to a proposed or existing public easement or right-of-way in such a manner that it denies access from adjacent property to said street or easement except where their control is placed with the city, under conditions approved by the Planning Commission and City Council.
- (k) Frontage. Each lot of the area to be subdivided shall have frontage on a public street. The width of such required frontage shall be determined by the lot width requirements of Article IV, Division 2, Land Use Table, of this article.

- (l) Street names. The names of all streets shall be approved at the time of preliminary plat approval. The subdivider shall initially propose street names on the face of the preliminary plat. A new street name shall not duplicate the name of any existing street in Victoria County. Names shall be sufficiently different in sound and in spelling from other street names in Victoria County. Proposed streets which are substantially in alignment with existing streets shall bear the same name as such existing streets. The Planning Commission shall make the final determination in approving street names.
- (m) Alleys. Alleys may be provided in commercial and industrial subdivisions, except where off-street loading and maneuvering areas are provided in conformance with Section 21-175, of this chapter. Where provided, alleys shall meet the following criteria:
  - (1) Alleys shall not be required where access is used only as an emergency.
  - (2) Alleys serving commercial and industrial areas shall be private, shall be maintained by the developer, property owners, or a property owners' association, and shall not be less than thirty (30) feet in paved width.
  - (3) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded off sufficiently to permit safe vehicular movement.
  - (4) Dead-end alleys shall be avoided where possible, but if unavoidable, shall provide turnaround facilities at the dead end meeting the cul-de-sac requirements of (f).
  - (5) Alleys are prohibited for residential areas, but when provided shall be private, shall be maintained by a Homeowners or Property Owners Association, and shall not be less than twenty (20) feet in paved width and approved by the Planning Commission.
- (n) Common Areas. Common areas will only be designated with the creation of a Homeowners or Property Owners Association.

#### Section 21-261 Streetlights

- (a) The City has established a standard specification for all aspects of the streetlight structure within a separate technical manual.
- (b) The specific locations of streetlights shall be approved by the City Engineer and the franchised electric utility company.
- (c) Streetlights shall be installed at the cost of the developer.
- (d) Streetlights must meet the standards for street lighting in the standard specifications for public works construction as developed by the Department of Engineering of the city and approved by the City Council.
- (e) A street lighting plan for the proposed streetlights shall be submitted and approved as part of the construction plan process. The street lighting plan shall be drawn on sheets twenty-four (24) inches by thirty-six (36) inches, to a horizontal scale of one (1) inch to one hundred (100) feet, except that the scale may vary on special projects. Such plan shall include the following:
  - (1) The locations, types and heights of all streetlights as proposed;
  - (2) The radius of illumination provided by each streetlight; and
  - (3) The locations, right-of-way widths, and pavement widths of all streets.

#### Section 21-262 Storm Water Management and Drainage

- (a) Generally. The developer shall provide for the design and installation of all storm water management facilities in the subdivision. The subdivision shall conform to the stormwater

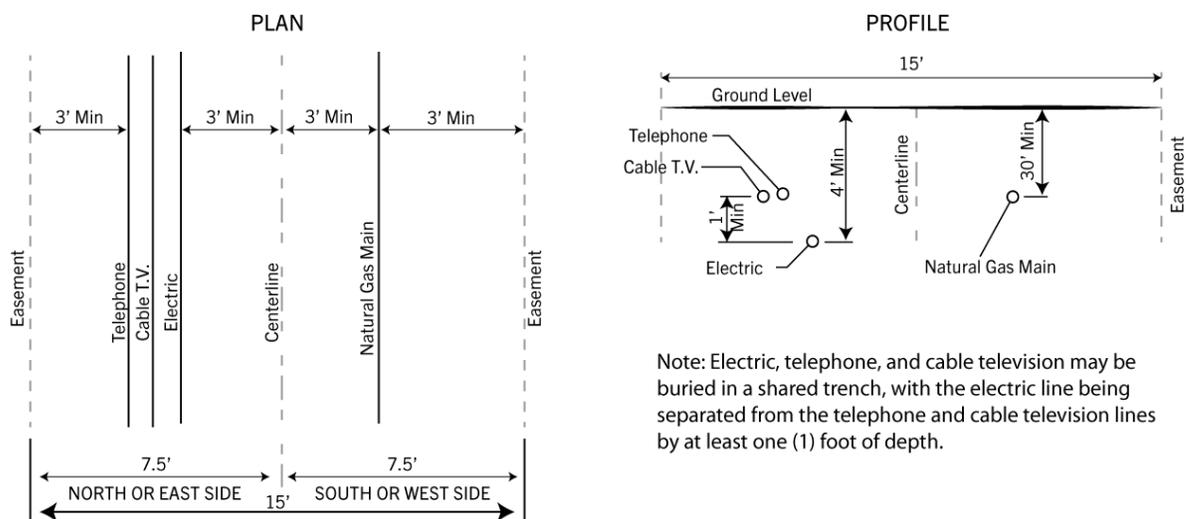
drainage master plan and all drainage facilities shall conform to the stormwater drainage design manual and maps. All required computations shall be prepared by the developer's engineer and submitted with the drainage plans.

- (b) Watercourses. Where a subdivision has stormwater drainage into, through or from it by a water course, drainage channel or stream, except as permitted from lot to lot, a right-of-way shall be dedicated for drainage purposes adequate to satisfy requirements of the stormwater drainage master plan, design manual and maps.
- (c) Drainage easements. If conditions exist which make it impractical to include drainage facilities with road rights-of-way, drainage easements at least twenty (20) feet in width shall be provided, consistent with the stormwater drainage master plan, drainage manual and maps.
- (d) The design principles for stormwater management are contained in the stormwater drainage master plan, drainage criteria manual, design manual, and maps.

**Section 21-263 Private and Franchised Utilities**

- (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.
- (b) Placement. The placement and separation of the various utilities within an easement shall generally conform to Figure 3-1: Standard Utility Placement, except where modifications are approved by the City Engineer. If a sanitary sewer, storm sewer or water main is to be placed in an easement, the location of the main in relation to the other utilities shall be determined by the City Engineer.

**Figure 3-1: Standard Utility Placement**



- (c) Perimeter easements. In a perimeter easement where overhead primary electric lines and/or feeders are proposed, such overhead power poles shall be located as near as possible to the perimeter property line of the subdivision.

- (d) Right-of-way. The placement of any utilities within a street right-of-way shall conform to the city's engineering design standards and specifications and shall be approved by the City Engineer.

#### Section 21-264 Water Facilities

- (a) Generally. The subdivider shall provide a water supply and distribution system capable of meeting the water use and fire protection needs of the subdivision. Such water facilities shall be designed and installed in accordance with these regulations; [Chapter 13](#), Municipal Utilities and Services, of the City Code; the city's general plans; and any other applicable ordinances, standards and specifications of the city.
- (b) Distribution system. The water system shall be capable of supplying water to each lot in the subdivision. Each lot designated as residential shall be pre-stubbed with service in accordance with the City of Victoria's current Design Guidelines and Standard Details for new system installation. Any distribution system serving more than one (1) lot shall be considered public.
- (c) Minimum standards. A water line from which fire protection is provided shall have a minimum nominal inside diameter of not less than 8 inches. These are minimum standards. Larger lines may be required, depending on the demand, the size of the service area, and the provisions of the City's general plans, as determined by the City Engineer.
- (d) In situations within the ETJ where public water is not available within one mile (5,280 feet), the subdivider may either provide a separate water supply and distribution system to serve the entire development or provide for the use of individual water wells for each lot. Such system(s) shall comply with the requirements of the Department of applicable state and local agencies shall be constructed in accordance with City specifications and shall be approved by the City Engineer and the City/County Health Department.
- (e) Where an approved public water collection main or outfall line is less than one mile from the property boundary, connection to the public water system shall be required.
  - (1) For the extension of utilities to the ETJ, a request for annexation must be made to the city.
- (f) Fire protection. Fire hydrants shall be required for all subdivisions that use a water distribution system. Design, location and installation shall be in accordance with the city's construction specifications and adopted fire prevention codes.

#### Section 21-265 Wastewater Facilities

- (a) Generally.
  - (1) The subdivider shall provide a wastewater collection system capable of serving every lot in a subdivision. Each lot designated as residential shall be pre-stubbed with service for new system installation. Such wastewater facilities shall be designed and installed in accordance with these regulations: [Chapter 13](#), Municipal Utilities and Services, of the City Code; the city's general plans; current Design Guidelines and Standard Details; and any other applicable ordinances, standards and specifications.
- (b) Minimum standards.
  - (1) A wastewater collection main shall have a minimum nominal inside diameter of not less than 8 inches. This is a minimum standard. Larger lines may be required, depending on the demand, the size of the service area, and the provisions of the City's general plans, as determined by the City Engineer.
- (c) Manholes.

- (1) Manholes shall generally be no more than five hundred (500) feet apart.
- (d) Rural subdivisions.
  - (1) Individual sewage disposal systems. Septic tanks and other sewage disposal systems designed to serve individual lots shall be permitted only when the subject property is more than one mile (5,280 feet) from an existing public sanitary sewer main capable of serving the proposed development. In addition, all applicable City, County and State regulations shall be met.
- (e) Where an approved public wastewater collection main or outfall line is less than one mile from the property boundary, connection to the public water system shall be required.
  - (1) For the extension of utilities to the ETJ, a request for annexation must be made to the city.

#### Section 21-266 Request for connections/utilities

- (a) Annexation required.
  - (1) No property in the ETJ shall receive services until it is first annexed into the City limits.
  - (2) A property owner requesting the extension of services to a property located in the ETJ shall first request in writing that the City annex the area proposed to be serviced and shall comply with any and all requirements for annexation under the Texas Local Government Code, as amended, to authorize the City to annex the property. If the City Council agrees to initiate proceedings on the requested annexation, such annexation shall be completed prior to the extension of City services to the property.
- (b) Conditions under which services may be provided in the ETJ prior to annexation.
  - (1) The City Council may determine, in its sole discretion, to provide services in the ETJ without first annexing the property upon: (i) compliance with the conditions set forth below; and (ii) a determination by the City Council that the provision of services is in the best interest of the City.
    - a. Adequate capacity exists. There is adequate capacity of City services available for the purpose of servicing residential and commercial users outside the City without impairing services within the City's service area. Whether such adequate capacity exists shall be determined solely by the Director of Engineering, and the determination of the director shall be final.
    - b. Protection of resources. The extension of services shall not lead to significant degradation of water quality or other environmental resources, or cause or have the potential to cause the City's non-compliance with any local, State, or federal regulations or statutes.
    - c. Owners outside City limits to bear costs of service facilities and furnish easements. The property owner requesting service shall be responsible for all costs relating to the design and construction of service facilities. The property owner shall also furnish suitable construction and permanent easements and rights-of-way for utility lines.
    - d. Construction to conform to City standards. All design and construction of service facilities shall be in accordance with City standards and specifications.
    - e. New subdivisions to comply with City subdivision regulations. New subdivisions recorded after the date of passage of this section desiring services shall comply with the subdivision regulations.

- f. City to have right of review. The City shall have the right to review and approve all plats and plans where service is to be provided.
- g. Water and sewer facility requirements. Water service will not be provided to residential and commercial users who utilize private sewage facilities.
- h. Service lines to meet ultimate requirements of the City. All service lines shall be sized to serve the ultimate requirements of the City.
- i. City may reimburse owner for oversized service lines. Where the service lines required to meet the ultimate requirements for the City are larger than the total capacity required to serve the tract of land to be developed, the City may enter into a contract with the property owner constructing the service lines for reimbursement for the excess capacity.
- j. Extended service lines to be inspected by the City. All service lines and facilities extending from existing City facilities to any tract of land outside the City limits requesting service shall be inspected by the City's Engineering Department.

## Article VII. Flood Damage Prevention

### Division 1. Statutory Authorization, Findings of Fact, Purpose, and Methods

#### Section 21-267 Statutory authorization

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code § 16.315 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Victoria, Texas, hereafter referred to as the "City" or "Community," adopts this Article VII. Flood Damage Prevention.

#### Section 21-268 Applicability

- (a) This article applies to all areas of special flood hazard within the corporate limits of the City. For land inside the city limits, the areas of special flood hazard shall be identified in the latest flood insurance study or letter of map revision (LOMR) issued to the City by the Federal Emergency Management Agency (FEMA), which shall apply to requirements of this article on the effective date of such documents.
- (b) This article is also applicable within the City's extraterritorial jurisdiction (ETJ) when not regulated solely by the respective county per an active interlocal agreement. For land in the City's ETJ, the areas of special flood hazard shall be those identified in the latest flood insurance study or LOMR issued by FEMA, which shall apply to the requirements of this article on the effective date of such documents.

#### Section 21-269 Findings of fact

- (a) The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are the result of the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.
- (c) The City, in an attempt to require the development of property in such a way as to not cause adverse impact from stormwater and flooding, has caused this article to be enacted.

#### Section 21-270 Statement of purpose

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas of the City by regulations designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in flood hazard areas;

- (f) Help maintain a stable tax base by providing for the organized development of all areas in such a manner as to minimize future areas of flooding; and
- (g) Ensure that potential property owners are notified that property is in a flood hazard area.

#### Section 21-271 Methods of reducing flood losses

To accomplish its purpose, this article uses the following methods:

- (a) Restricts or prohibits uses that are dangerous to the health, safety of persons or property due to water or erosion hazards, which result in damaging, increases in erosion or in flood heights or velocities;
- (b) Requires that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction and throughout their intended life span;
- (c) Controls the alteration of natural features within floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (d) Controls development which would cause greater erosion or potential flood damage such as filling, grading, dredging and excavation; and
- (e) Prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters and subject other lands to greater flood hazards.

#### Section 21-272 Definitions

Unless specifically defined in Article X. Definitions of this UDO or within CFR 44, Part 59, Subpart A, Section 59.1, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

### Division 2. General Provisions

#### Section 21-273 Basis for establishing the areas of special flood hazard

- (a) The areas of special flood hazard are those identified by the Federal Emergency Management Agency (FEMA) in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Victoria County, Texas and Incorporated Areas," dated July 17, 2024, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated July 17, 2024 and any revisions thereto are hereby adopted by reference and declared to be a part of this article.
- (b) In the City of Victoria, the flood insurance maps reflect the base flood limits as flood hazard areas. Any revision or amendment to the flood insurance study which is requested by a landowner in the City shall be submitted to the Floodplain Administrator. All requests for map amendment or map revision must be approved by the Floodplain Administrator or designee in writing prior to their submission to FEMA. If modification of the base floodplain is proposed, an effective conditional letter of map amendment or conditional letter of map revision shall be on file with the Floodplain Administrator prior to any development. All submittals to FEMA shall be made at no cost to the City. No certificate of occupancy shall be issued for any structure until all data supporting that compliance with this article has been submitted and approved by the Floodplain Administrator or designee.

### Section 21-274 Establishment of development permit

A Floodplain Development Permit shall be required for all proposed construction or other development within regulatory floodplains or other areas of flooding identified by the City to ensure conformance with the provisions of this article.

### Section 21-275 Compliance

No development, structure, or land shall hereafter occur, be located, altered, or have its use changed without full compliance with the terms and provisions of this article and other applicable regulations.

### Section 21-276 Abrogation and greater restrictions

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### Section 21-277 Interpretation

In the interpretation and application of this article, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the City; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

### Section 21-278 Warning and disclaimer of liability

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods have occurred and will occur again. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this article, or any administrative decision lawfully made hereunder.

## Division 3. Administration

### Section 21-279 Designation of the floodplain administrator

The Director of Development Services or City Engineer shall appoint a Floodplain Administrator to administer and implement the provisions of this article and other appropriate currently published sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management.

### Section 21-280 Duties and responsibilities of the Floodplain Administrator

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (a) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, unless protected from disclosure by law.
- (b) Review permit application to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

- (c) Review, approve or deny all applications for floodplain development permits required by adoption of this article.
- (d) Review permits for proposed development to assure that the developer has obtained all necessary permits from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required. Developers will submit documentation of those necessary permits to the City and such documentation is to be maintained on file with the floodplain development permit.
- (e) Review reports, studies, plans, and specifications for compliance with the requirements of this article.
- (f) Verify and record the actual elevation (in relation to mean sea level) of the lowest flood of all new construction and substantial improvements by requiring an elevation certificate (FEMA Form FF-206-FY-22-152) sealed by a licensed professional.
- (g) Verify and record the actual elevation (in relation to mean sea level) to which new or substantially improved nonresidential structures in A-zones have been floodproofed by requiring an elevation certificate (FEMA Form FF-206-FY-22-152) sealed by a licensed professional.
- (h) Provide interpretation as needed as to the exact location of the boundaries of the areas of special flood hazards and regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided by this article.
- (i) Notify, in riverine situations, adjacent communities, the Texas Commission on Environmental Quality (TCEQ), and the State Coordinating Agency which is Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA) and assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- (j) When base flood elevation data or floodway data has not been provided in accordance with Section 21-273, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Division 4. of this article.
- (k) Coordinate with other departments in the City to assure that the requirements of this article are fully met.
- (l) Coordinate all change request to the FIS and FIRM or FHBM, or both with the requestor, state, and FEMA.
- (m) When a regulatory floodway has not been designated, the Floodplain Administrator shall not permit new construction, substantial improvements, or other development (including fill) within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (n) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

Section 21-281 Permit procedures

- (a) Application Requirements. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate, drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- (1) Elevation certificate (FEMA FORM FF 206-FY-22-152) from a licensed professional engineer or registered land surveyor with the following:
    - a. Elevations of the area of development in relation to mean sea level (such as a contour map) for both existing and proposed development;
    - b. Elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;
    - c. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (2) A certificate from a Texas Licensed Professional Engineer or Texas Registered Architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of this article;
  - (3) Existing and proposed infrastructure;
  - (4) A form board survey with elevations signed by a Registered Public Land Surveyor (RLPS) will be required before framing begins. Approval must be given by the Floodplain Administrator to begin framing if the survey meets all requirements.
  - (5) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  - (6) A statement certifying all requirements under this article have been met; and
  - (7) Maintain a record of all such information in accordance with this article.
- (b) Determination. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the requirements of this article and the following factors:
- (1) The danger to life and property due to flooding, increased inundation or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed development with existing and anticipated development;
  - (5) The safety of access to or through the property in times of flooding for ordinary and emergency vehicles, city utility service vehicles, or maintenance vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets, bridges, public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

- (8) The necessity to the facility of a waterfront location, where applicable;
  - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
  - (10) The requirements of FEMA as part of the National Flood Insurance Program.
- (c) Construction. Upon placement of the lowest floor, or floodproofing by whatever construction means, the permit holder must submit to the floodplain administrator a certification of the elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Certification must be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the state and certified by same. Any work undertaken prior to submission of the certification will be at the permit holder's risk.
- (1) The floodplain administrator will review the lowest floor elevation and floodproofing certificate. If these documents or any other construction activities do not conform to the requirements of this article, the permit holder must immediately cease further work, and correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation, floodproofing certificate or failure to correct any deficiencies will result in a stop-work order for the project.
- (d) Revocation of permit. The floodplain administrator may revoke a floodplain development permit or approval issued under the provisions of this article or other ordinance of the City when the applicant has provided information that is inaccurate or no longer valid or made a false statement or misrepresentation of a material fact in the application or plans upon which the permit or approval was based.
- (e) Expiration. A floodplain development permit issued under this article shall expire one year from the date of approval if construction has not commenced, or two years from the date of approval, if construction has not been completed.

#### Section 21-282 Variance Procedures

- (a) The City Council, as established by the community, shall hear, and render judgment on requests for variances from the requirements of this article. The variance shall be supported by a statement of justification prepared by a registered professional engineer licensed in the State of Texas.
- (b) The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this article.
- (c) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency (FEMA) upon request.
- (d) Variances may be issued for new construction and substantial improvements to be erected on a lot of  $\frac{1}{2}$  acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 21-281 have been fully considered. As the lot size increases beyond the  $\frac{1}{2}$  acre, the technical justification required for issuing the variance increases.
- (e) Upon consideration of the factors noted above and the intent of this article, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- (g) Variances may be issued for the repair or rehabilitation of historic structures as defined in Article X. Definitions, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (h) Prerequisites for granting variances:
  - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (2) Variances shall only be issued upon:
    - a. Showing a good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (i) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (j) Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that
  - (1) The criteria outlined in Section 21-282(a)-(g) are met, and
  - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## Division 4. Provisions for Flood Hazard Reduction

### Section 21-283 General standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (a) All new construction or substantial improvements (including manufactured homes and industrialized building) shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- (g) On-site waste disposal systems shall be designed and constructed to avoid impairment to them or contamination from them during flooding.
- (h) A Texas Licensed Professional Engineer or Texas Registered Architect shall develop and review structural design, specifications, and plans for the construction, and shall submit a certification to the Floodplain Administrator that the design and methods of construction and completed construction are in accordance with accepted standards of practice as required in this article.
- (i) A Texas Registered Professional Land Surveyor may provide the necessary certification to the Floodplain Administrator to document elevation requirements of this article.

### Section 21-284 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 21-273, Section 21-280(j), or Section 21-285(a)(2) of this article, the following provisions are required:

- (a) Residential Construction – Elevation and Foundation Requirements.
  - (1) Slab on Grade Foundations:
    - a. New construction and substantial improvement of any residential structure constructed with a slab on grade foundation shall have the lowest floor (including basement), elevated to or above the base flood elevation; or
    - b. In Zone A1-30, AE, and AH, elevate to at least two feet above the highest adjacent grade.
  - (2) Pier and Beam Foundations:
    - a. New construction and substantial improvement of any residential structure constructed with a pier and beam foundation shall have the bottom of the lowest horizontal girder or floor joist elevated to or above the base flood elevation; or
    - b. In Zone A1-30, AE, and AH, elevate the bottom of the lowest horizontal girder or floor joist to at least two feet above the highest adjacent grade.
  - (3) Any Other Foundation Types
    - a. New construction and substantial improvement of any residential structure constructed with a slab on grade foundation shall have the lowest floor (including basement), elevated to or above the base flood elevation; or
    - b. In Zone A1-30, AE, and AH, elevate to at least two feet above the highest adjacent grade.
  - (4) The lowest floor of a residential structure that is outside of the SFHA shall be elevated above the natural grade or the crown of the road, consistent with the Drainage Criteria Manual.
  - (5) A Texas Licensed Professional Engineer or Texas Registered Architect shall develop and/or review structural design, specifications, and plans for the construction, and shall submit a certification to the Floodplain Administrator that the design, methods of construction and all completed construction are in accordance with accepted standards of practice as outlined in this article.
- (b) Non-residential Construction - Elevation, Foundation and/or Flood Proofing Requirements.

- (1) Slab on Grade Foundation:
  - a. New construction and substantial improvements of any commercial, industrial or other nonresidential structure constructed on a slab on grade foundation shall either:
    - 1. Elevate the lowest finished floor to or above the base flood elevation; or
    - 2. Flood proof the structure to or above the base flood elevation.
  - b. In Zone A1-30, AE, and AH, either:
    - 1. Elevate the lowest finished floor to at least two feet above the highest adjacent grade; or
    - 2. Flood proof the structure to at least two feet above the highest adjacent grade.
- (2) Pier and Beam Foundation:
  - a. New construction and substantial improvements of any commercial, industrial or other nonresidential structure constructed on a pier and beam foundation shall either:
    - 1. Elevate the bottom of the lowest horizontal girder or floor joist to or above the base flood elevation; or
    - 2. Flood proof the structure to or above the base flood elevation.
  - b. In Zone A1-30, AE, and AH, either:
    - 1. Elevate the bottom of the lowest horizontal girder or floor joist to at least two feet above the highest adjacent grade; or
    - 2. Flood proof the structure to at least two feet above the highest adjacent grade.
- (3) Any Other Foundation Types:
  - a. New construction and substantial improvement of any residential structure constructed with a slab on grade foundation shall have the lowest floor (including basement), elevated to or above the base flood elevation; or
  - b. In Zone A1-30, AE, and AH, elevate to at least two feet above the highest adjacent grade.
- (4) Industrialized Building:
  - a. Placement of new and substantial improvements of any commercial, industrialized building shall either:
    - 1. Elevate bottom of the lowest horizontal structural member of the industrialized building chassis to at or above the base flood elevation; or
    - 2. Flood proof the structure to or above the base flood elevation.
  - b. In Zone A1-30, AE, and AH, either:
    - 1. Elevate the bottom of the lowest horizontal structural member of the industrialized building chassis no less than 36 inches in height above the highest adjacent grade; or
    - 2. Flood proof the structure to at least two feet above the highest adjacent grade.
  - c. These requirements are in addition to applicable state and local anchoring requirements for resisting wind forces.

(5) Flood Proofing Requirements

- a. All new construction and substantial improvements of non-residential structures together with attendant utility and sanitary facilities, be designed so that below the base flood level or in Zone A1-30, AE, and AH, below and at least two feet above the highest adjacent grade:
  1. Is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

- (6) A Texas Licensed Professional Engineer or Texas Registered Architect shall develop and review structural design, specifications, plans for the construction, and flood proofing methods and shall submit a certification to the Floodplain Administrator that designs, methods of construction and completed construction are in accordance with accepted standards of practice as outlined in this article.

(c) Enclosures

- (1) New construction and substantial improvements, with fully enclosed areas below the lowest floor shall only be usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall either:
  - a. Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - b. Shall meet or exceed the following minimum criteria:
    1. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
    2. The bottom of all openings shall be no higher than one foot above grade.
    3. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.
- (2) A Texas Licensed Professional Engineer or Texas Registered Architect shall develop and review the design, specifications, plans for the construction, and shall submit a certification to the Floodplain Administrator that designs, methods of construction and completed construction are in accordance with accepted standards of practice as outlined in this article.

(d) Manufactured Homes

- (1) This subsection applies to all new placement or substantial improvement of manufactured homes located:
  - a. Outside a manufactured home park or subdivision;
  - b. In a new manufactured home park or subdivision;
  - c. In an expansion to an existing manufactured home park or subdivision; or
  - d. On a site in an existing manufactured home park of subdivision.
- (2) Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

- (3) Manufactured homes that are placed or substantially improved within Zones A, A1-30, AH, AE, AO and AH on the community's FIRM on sites:
    - a. Shall be elevated on a permanent foundation such that the bottom of the lowest horizontal structural member of the manufactured home chassis is level with or above the base flood elevation.
    - b. In Zone A, shall be elevated level with the bottom of the lowest horizontal structural member of the manufactured home chassis; no less than 36 inches in height above the highest adjacent grade.
    - c. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  - (4) A Texas Licensed Professional Engineer or Texas Registered Architect shall develop and review structural design, specifications, and plans for the construction, and shall submit a certification to the Floodplain Administrator that the design, methods of construction and all completed construction are in accordance with accepted standards of practice as outlined in this article.
- (e) Recreational Vehicles and Construction Site Trailers (commonly referred to as a "job shack")
- (1) Require that recreational vehicles and construction site trailers placed on sites within Zones A, A1-30, AH, AE, AO and AH on the community's FIRM either:
    - a. Be on the site for fewer than 180 consecutive days, and
    - b. Be fully licensed and ready for highway use; or
    - c. Meet the permit requirements of this ordinance, and
    - d. The elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.
  - (2) A recreational vehicle and construction site trailer is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (f) Standards for Construction in the Approximate A Zone
- (1) When a residential or non-residential structure is intended to be constructed in an Approximate A Zone, a BFE must be determined by using the same engineering standards and methods that are used to develop BFEs in a Flood Insurance Study (FIS).

#### Section 21-285 Standards for subdivision proposals

All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 21-269, Section 21-270, Section 21-271, and Section 21-283 of this article.

- (a) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall:
  - (1) Meet the Floodplain Development Permit requirements of this article.
  - (2) Prepare base flood elevation data for all subdivisions that are greater than 50 lots or 5 acres, whichever is less, if not otherwise provided pursuant to Section 21-273. or Section 21-280(j) of this article.
    - a. Base flood elevations data, prepared by a Texas Licensed Professional Engineer, shall be established using the criteria set forth in the current published version of "FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners."

- b. The completed report shall be submitted to the Floodplain Administrator for review.
  - c. Submit the complete report together with the appropriate review fee to FEMA for review and approval.
- (3) Have adequate drainage provided to reduce exposure to flood hazards.
  - (4) Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (b) A Texas Licensed Professional Engineer shall develop and/or review design, specifications, and plans for the construction, and shall submit a certification to the Floodplain Administrator that the design and methods of construction and completed construction are in accordance with accepted standards of practice as required in this article.

#### Section 21-286 Standards for areas of shallow flooding (AO/AH zones)

Located within the areas of special flood hazard established in Section 21-273. are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of any residential and non-residential structures shall meet the same requirements of improvements located in Zone A in Section 21-284 of this ordinance.
- (b) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### Section 21-287 Floodways

Located within areas of special flood hazard established in Section 21-273 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a Texas Licensed Professional Engineer that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. The Engineering No-Rise and No-Impact certification and supporting technical data must stipulate **no** impact or **no** changes to the 25-year and 100-year base flood elevations, floodway elevations, floodway width at the new cross sections and at all existing cross section anywhere in the model. Therefore, the revised computer model should be run for a sufficient distance upstream and downstream of the development site or at the discretion of the Floodplain Administrator to insure proper No-Rise and No-Impact certification.
- (b) If Section 21-287(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Division 4 of this article.
- (c) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.
- (d) Structures of any description are prohibited within the boundaries of the regulatory floodway.

- (e) The drilling of water, gas or oil wells is prohibited within the boundaries of the regulatory floodway.
- (f) The storage of hazardous materials, in any form, is prohibited within the boundaries of the regulatory floodway.
- (g) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.

#### Section 21-288 Severability

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

#### Section 21-289 Penalties for non-compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

### Division 5. Flood Damage Prevention Supplement

#### Section 21-290 Scope of division

It is the purpose of this division to supplement regulations within Divisions 1-4 of Article VII. Flood Damage Prevention, by adopting best available data to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific flood prone areas of the City.

#### Section 21-291 Definitions

Unless specifically defined below or in Article X. Definitions, words or phrases used in this Division shall be interpreted to give them the meaning they have in common usage and to give this Division its most reasonable application.

- (a) Best Available Data - best available floodplain data used to establish base flood elevations (BFE) and which may include the Effective FEMA Flood Insurance Rate Maps (FIRMs), FEMA published preliminary FIRMs, FEMA approved Letter of Map Amendments (LOMA), and FEMA approved Letter of Map Changes (LOMC). This data may show areas to be in the floodplain that are not on the effective FIRMs.

#### Section 21-292 Permits

- (a) Any permit issued for any development within the FEMA identified Special Flood Hazard Area (SFHA) on the effective FEMA FIRMs and FEMA published preliminary FIRMs shall use the best available data to establish the base flood elevations (BFE) and comply with the following, whichever is applicable:

- (1) The finished floor of new residential structures or substantial improvements shall be elevated to one foot above the base flood elevation of the best available data for slab on grade, or one foot above the base flood elevation of the best available data to the lowest horizontal girder or floor joist for pier and beam construction and lowest horizontal structural member of a manufactured home chassis; whichever is greatest.
  - (2) The finished floor of new non-residential structures or substantial improvements shall be elevated or flood proofed to one foot above the base flood elevation of the best available data for slab on grade, one foot above the base flood elevation of the best available data to the lowest horizontal girder or floor joist for pier and beam or lowest horizontal structural member of a manufactured industrialized building chassis; whichever is greatest.
- (b) The best available data shall not be used to reduce the base flood elevations of the current Effective FEMA FIRMs that meet the minimum requirements of Article VII. Flood Damage Prevention, of the UDO.

## Article VIII. Parkland Dedication

### Division 1. General

Section 21-293 Reserved.

Section 21-294 Reserved.

Section 21-295 Reserved.

Section 21-296 Reserved.

Section 21-297 Reserved.

Section 21-298 Reserved.

## Article IX. Procedures

### Division 1. General Provisions

#### Section 21-299 Purpose

This Article establishes rules and procedures for specific decisions under the jurisdiction of the City Council, Planning Commission, Board of Adjustment and Appeal, and City Staff (where applicable), and administrative decisions. The purpose of these procedures is to establish the appropriate workflows associated with each application and review process, outline applicable relief procedures, and ensure that the processes comply with state law.

#### Section 21-300 Pre-Application

- (1) Applicability. These requirements apply to any application if the applicant elects to request a Pre-Application conference with the City.
- (2) Initiation. Before filing an application subject to this section, the applicant may request a meeting with the Development Review Team concerning the requirements of this UDO prior to the submittal of an application. A Pre-Application Conference is not required before submitting an application.
- (3) Development Review Team. The purpose of the Development Review Team is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the applicant concerning planning and development issues.
  - (A) The Development Review Team is composed of the following staff members, or their representatives:
    - (i) The Director of Development Services
    - (ii) The City Engineer
    - (iii) The City Building Official
    - (iv) The City Fire Marshal
  - (B) The Staff Committee may request the assistance of other staff members and agency representatives.
- (4) Scheduling. Any applicants wishing to discuss a development proposal with the Development Review Team may contact the Development Services Department to schedule a meeting.
- (5) Pre-Application Meeting.
  - (A) The Pre-Application Meeting shall include the following:
    - (i) A discussion of the general project consistency with this UDO and the Comprehensive Plan,
    - (ii) A discussion of technical studies, plans, and other information deemed relevant to the specific application request, and
    - (iii) Discussion of the anticipated issues or conflicts with the proposed application or development.
  - (B) The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.

- (C) The Development Review Team will provide information and comments at the Pre-Application Conference but will not take formal action on the application.
- (D) The applicant's and Staff Committee's comments are for purposes of information but are not binding on either the City or the applicant.

#### Section 21-301 Determination of application completeness

- (a) The Director of Development Services shall not process incomplete applications.
- (b) When an application is submitted, the Director of Development Services shall review the application for completeness prior to accepting the application as complete.
- (c) A determination of whether an application is complete shall be made by the Director of Development Services no more than 5 working days after submittal of the application.
- (d) The determination of completeness shall be made on the basis of whether all required items have been submitted with the application as required by this UDO, the Victoria City Code and state law.
- (e) If the application is determined not to be complete, the Director of Development Services shall notify the applicant in writing.
  - (1) The notification shall attempt to list all missing or incomplete items and provide a specific period of time (no greater than five (5) working days) for the application to resubmit the material.
  - (2) If the application is not resubmitted within the period specified by the Director of Development Services, the application shall be deemed rejected and shall not be accepted for filing.
  - (3) After an application has been rejected, a new application shall be required.
- (f) Any application that requires a pre-application conference will not be considered complete until the pre-application conference is held.
- (g) Determination that an application is complete does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.

#### Section 21-302 Submitting Applications

- (a) Applications filed under this UDO must include the information required in any applicable checklist.
- (b) The City Council may establish fees for all applications required in this UDO.

#### Section 21-303 Notice Provisions

- (a) This UDO, in conjunction with those regulations set by State law, establishes various requirements for public notice.
- (b) Noticing shall meet the minimum requirements established in Texas Local Government Code.
- (c) Required Information. Notice shall include the following information, unless the process includes a different requirement:
  - (1) A synopsis of the proposed ordinance or application;
  - (2) Time, date, and place of the public hearing or meeting;

- (3) The type of land use or development decision that is being considered;
  - (4) If a public hearing is required, a statement that at the time and place of the hearing all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance or application; and
  - (5) A point of contact.
- (d) Failure to Provide Notice. The failure to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this UDO, and no person may challenge an action for lack of notice where the City has complied with the applicable State law governing notice.

#### Section 21-304 Staff Review

- (a) Review by Other Departments and Agencies. The staff may forward copies of the application to various local, state, and/or federal agencies and departments for their review and comment. The Director of Development Services may ask the reviewers to respond in writing or attend an application review meeting with the staff.
- (b) Staff Review. The staff shall review the application and supporting information. This may occur in a meeting with the applicant and representatives of other agencies or departments, as described in (a) above.
  - (1) After reviewing the information, staff shall provide a summary of applicable comments to the applicant in writing.
- (c) Staff Report. Where a public hearing is required, staff shall prepare a report summarizing the information for the reviewing bodies and providing a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the department before the hearing at which the application is scheduled to be heard.

#### Section 21-305 Decision Making and Public Hearings

- (a) Purpose. The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.
- (b) Rules of Procedure. Reviewing bodies may adopt rules of procedure for public hearings as established in [Chapter 2](#) of the Victoria City Code.
- (c) Action. Reviewing bodies shall hold regularly scheduled public hearings to receive and review public input on items required by this UDO. Decisions and recommendations should be rendered in a timely manner, based upon the specific requirements of these regulations and following:
  - (1) Conformance with these regulations, the comprehensive plan, and other adopted plans, design guidelines and policies;
  - (2) Recommendations of staff and recommending bodies;
  - (3) Input of reviewing agencies and departments;
  - (4) Public comment and testimony received at the hearing; and
  - (5) Effects of the proposal on the neighborhood, area, and community-at-large.
- (d) Authority to Condition Development Approvals.
  - (1) After review of the application, other pertinent information or documents, and any evidence made part of the public record, the recommending and decision-making bodies

may impose conditions that are reasonably necessary to assure compliance with applicable general or specific standards expressed in these regulations.

- (e) The Director of Development Services shall include a copy of the conditions with the record of decision.
- (f) The applicant shall be notified of any conditions imposed on the application.

#### Section 21-306 Withdrawal of Application

- (a) Generally. An application may be withdrawn at any time prior to formal consideration by the reviewing body.
- (b) Fees. Withdrawal of an application after the determination of completeness results in the forfeiture of fees.
- (c) No Public Hearing Required. If no public hearing is required, the applicant should give notice of the withdrawal to the Director at the earliest possible time. This allows the Director to notify other applicants of an agenda change.
- (d) Public Hearing Required. If a public hearing is required, an applicant may request a withdrawal from the Director at any time prior to the opening of the hearing. Once the public hearing is opened, the reviewing body shall decide whether to approve the request and may instead act on the application.

#### Section 21-307 Scope of Approval

- (a) Generally. The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application, or denial of the application.
- (b) Amendments. The reviewing body may allow amendments to the application if the effect of the amendment is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body may not permit a greater amount of development, a more intensive use, a larger area of land than indicated in the original application, or a greater variance than was indicated in the notice.

#### Section 21-308 Post-Decision Proceedings

- (a) Minor Revisions.
  - (1) The Director may approve minor revisions to the terms of an application approval. "Minor revisions" are those that are necessary considering technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.
  - (2) Minor revisions must be authorized in writing.
  - (3) Minor revisions are subject to appeal to the Planning Commission. On appeal, no further action will be taken to process the application, and/or issued permits are stayed pending the Planning Commission's determination.
- (b) Major Revisions.
  - (1) A major revision is any revision that the Director determines is not a minor revision.

- (2) A major revision is approved by the original decision-maker and is required in accordance with the procedures established for the original consideration of the application.
- (3) In making a determination, the Director may seek a recommendation from any recommending body involved in the original application process.

## Division 2. Plans and Amendments

### Section 21-309 Text Amendment

#### (a) Applicability

- (1) For the purpose of providing for the public health, safety, and general welfare, the Planning Commission may from time to time make recommendations to the City Council to amend the provisions imposed by this chapter.

#### (b) Initiation

- (1) A text amendment may be initiated by:
  - a. City Council;
  - b. City staff;
  - c. The Planning Commission; or
  - d. Application of any resident, property owner, or business owner within the City.
- (2) Application and Completeness Determination.
  - a. The Director of Development Services will determine application completeness per the requirements in Section 21-301.

#### (c) Review Process

- (1) Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law.
- (2) Planning Commission Recommendation. The Planning Commission shall conduct a public hearing on the text amendment. The Planning Commission shall submit its recommendation to the City Council:
  - a. To approve the text amendment,
  - b. To deny the text amendment, or
  - c. To approve the text amendment with revisions.
- (3) City Council Decision. The City Council shall consider the text amendment at a public hearing after a recommendation has been provided by the Planning Commission. After the hearing is closed, the City Council shall by ordinance:
  - a. Adopt the text amendment,
  - b. Deny the text amendment, or
  - c. Approve the text amendment with revisions.

#### (d) Approval Criteria

- (1) Standards. A text amendment is a legislative decision subject to the City Council's discretion. The City Council may approve the text amendment if it:

- a. Is consistent with the comprehensive plan, and
- b. Promotes public health, safety, and general welfare.

### Section 21-310 Annexation (Voluntary)

#### (a) Applicability.

- (1) For the purpose of establishing and maintaining sound, stable, and desirable development consistent with the goals and policies of the Comprehensive Plan, the City may consider annexations of territory to the corporate limits or extraterritorial jurisdiction (ETJ). The provisions of the Section are adopted pursuant to Texas Local Government Code Chapter 43 and the City Charter.
- (2) Annexation and disannexation of territory may be requested by landowners or their representatives through this process for real property within the City's corporate limits and the ETJ.
- (3) Annexation of territory initiated by the City Council as an involuntary procedure, through Local Government Code Chapter 43 Subchapters C and C-1, does not follow the Annexation (Voluntary) process.

#### (b) Initiation

- (1) Initiation of an annexation or disannexation of territory may be made upon written request of a property owner or their authorized agent. Another governmental authority may also request modification of ETJ or corporate limit boundaries through this process, or through the cooperative effort of the Victoria City Council to initiate such proceedings.
- (2) Application and Completeness Determination.
  - a. The Director of Development Services will determine application completeness per the requirements in Section 21-301.

#### (c) Review Process.

- (1) Staff Review.
  - a. The Director shall review the application, considering any applicable criteria for approval and prepare a report to the City Council.
  - b. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.
  - c. The Director may assign staff to review the application and make a report to the Director.
  - d. The Director's report may include a recommendation for final action.
- (2) City Council Public Hearings.
  - a. Applications may be made at any time of year; however, Texas Local Government § 43.0561 dictates the timing of the public hearing schedule. The City publishes an annual calendar with set dates for City Council hearings and actions.
    1. For annexation and disannexation of territory into or from the city limits, the City Council shall hold two (2) Public Hearings in accordance with its rules and state law, following newspaper publication notice.
    2. For addition or release of territory from the ETJ, no public hearings shall be required.

- (3) City Council Final Action.
  - a. The City Council shall take final action on the proposed annexation or disannexation.
  - b. The annexation or disannexation shall become effective when approved by the City Council and in accordance with the City Charter.
- (d) Approval Criteria (Annexation)
  - (1) The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-terms effects.
    - a. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and
    - b. The annexation promotes the health, safety or general welfare of the City and the safe, orderly, and healthful development of the City.
    - c. Consistency with the City's adopted long-range plans and annexation policies.
    - d. The City has sufficient existing or planned infrastructure capacity to support the proposed annexation. (see Section 21-266)

### Division 3. Development Procedures

#### Section 21-311 Site Plan

- (a) Applicability.
  - (1) These supplemental regulations shall apply to all land located within the corporate limits of the city, including land which was platted, subdivided, and/or developed prior to the effective date of this UDO.
  - (2) 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:
    - a. Any new commercial, industrial, other nonresidential, multiple-family, townhouse, or manufactured home park development;
    - b. 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) Application and Completeness Determination.
  - (1) The Director of Development Services will determine application completeness per the requirements in Section 21-301.
  - (2) No site plan will be accepted for review which does not clearly and satisfactorily contain the information listed in Section 21-311(c).
- (c) Site plan requirements. When a site plan is required by this chapter, it shall be drawn on sheets 24 by 36 inches, to a minimum scale of one inch to 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 locations 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.
  - 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 Section 21-199 of this chapter. If the landscape plan can be clearly indicated on the general plan the two plans may be combined.
- (4) A signage plan meeting the requirements of Article V, Division 10, which shall include the location and height of existing and proposed on-premise signs.
- (d) Review and approval.
- (1) 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 in a form approved by the Director, as established by a schedule to be prepared and distributed by the Development Services Department.
  - (2) The Director of Development Services shall coordinate the review of site plans by the Department of Public Works, Fire Marshal's Office, and other appropriate departments. Within 10 working days after the date of application, the site plans shall be returned to the applicant with staff analysis and commentary.
  - (3) Within 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.
  - (4) Once all corrections have been made by the applicant, up to 6 sets of the approved site plan shall be submitted to the Director of Development Services. The number of the approved site plan required shall be determined at the time of approval.
  - (5) 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.

(e) Effective period.

- (1) 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.

**Section 21-312 Sign Permit**

(a) Applicability.

- (1) These supplemental regulations shall apply to all land located within the corporate limits of the city and it's ETJ, including land which was platted, subdivided, and/or developed prior to the effective date of this UDO.
- (2) Until a sign permit application meeting the requirements of this section is reviewed and approved, no sign permit shall be issued.

(b) Application and Completeness Determination.

- (1) The Director of Development Services will determine application completeness per the requirements in Section 21-301.
- (2) No sign permit application will be accepted for review which does not clearly and satisfactorily contain the information listed in Section 21-312(c).

(c) Sign Site plan requirements.

- (1) The site plan shall consist of, at minimum, the following submittals:
  - a. A general plan, which shall include the following information:
    1. The name, location, owner and designer of the proposed development, including the owner's home or business address and telephone number.
    2. Date, north arrow and scale.
    3. All information required to comply with the Sign regulations, including the location of all improvements on site in relation to the proposed signage.

(d) Review and approval.

- (1) Two (2) complete sets of a sign permit application, to include all required documents such as sign plans and sign site plans, shall be submitted to the Director of Development Services for review.
- (2) Within 10 working days after the date of application, the sign permit application shall be returned to the applicant with staff analysis and commentary.
- (3) No sign permit will be issued until the sign permit has been approved by the Director of Development Services.

**Division 4. Subdivision Procedures**

**Section 21-313 Preliminary Plat**

(a) Application procedure. The submittal of an application for a preliminary plat shall be made to the Director of Development Services on or before the date of any preliminary plat submittal deadline, as established by a schedule to be prepared and distributed by the Development Services Department.

- (1) The applicant shall submit 3 white background prints of the preliminary plat to the Director of Development Services at least 24 days prior to the meeting at which the

preliminary plat is to be considered. Application fees are payable at the time of the preliminary plat submittal. In the event of simultaneous submittal of a preliminary and final plat, only the greater of the two fees will be collected.

- (b) Review Procedure. The Director of Development Services shall review the preliminary plat and coordinate its review by the appropriate City departments and other agencies. The plat shall then be returned to the applicant with written analysis and commentary within five (5) days. Upon completion of plat review by the Staff, the applicant shall submit five (5) white background prints, a portable document format (PDF) copy, and the copies of the original submittal with staff analysis and commentary to the Director of Development Services 10 days prior to the Planning Commission meeting.
- (c) Planning Commission action on preliminary plats.
  - (1) Approval process. The Planning Commission shall make its determination to approve, approve conditionally or disapprove a preliminary plat within 30 days after the plat submittal deadline on which the plat is presented to the Development Services Department. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the Planning Commission chairman, attached to one copy of the plat and transmitted to the subdivider within 10 days after the determination is made. The reasons for disapproval or conditional approval shall refer specifically to those parts of these regulations, other applicable regulations, and/or the general plans of the City, with which the plat does not conform. On conditionally approving a plat, the Planning Commission may require submission of a revised preliminary plat.
  - (2) Effective period. The approval of a preliminary plat shall be effective for a period of two (2) years. A final plat of the proposed subdivision shall be submitted to the Planning Commission for final plat approval, and substantial construction shall have commenced, within two (2) years from the date of Planning Commission approval of the preliminary plat. If a final plat has not been submitted for approval and substantial construction has not commenced within such time, the preliminary plat shall be deemed null and void, unless the Planning Commission approves an extension of time. A formal request for an extension and the reasons thereof must be submitted in writing prior to the two-year deadline date. If only a portion of the preliminary plat is going to be submitted for final plat approval, the requirements found in Section 21-314(g) shall also apply.

#### Section 21-314 Final Plat

- (a) Application procedure. The submittal of an application for a final plat shall be made to the Director of Development Services on or before the date of any preliminary plat submittal deadline, as established by a schedule to be prepared and distributed by the Development Services Department.
  - (1) The applicant shall submit 3 white background prints of the final plat to the Director of Development Services at least 24 days prior to the meeting at which the final plat is to be considered. Planning Commission meeting dates and plat submittal deadlines are located on the City of Victoria's website. The additional items required for replats with public notice, shall be submitted along with the final plat. The final plat application fee, are located on the City of Victoria's website, is payable at this time. In the event of simultaneous submittal of a preliminary and final plat, only the greater of the two fees will be collected.
- (b) Review Procedure. The Director of Development Services shall coordinate final plat review by appropriate City departments and other agencies. The plat shall then be returned to the applicant

with written analysis and commentary. Upon completion of plat review by the Staff, the applicant shall submit five (5) white background prints and a portable document format (PDF) copy of the final plat and the copies of the original submittal with staff analysis and commentary to the Director of Development Services, 10 days prior to the Planning Commission meeting.

- (c) *Approval process.* The Planning Commission shall make its determination to either approve or disapprove a final plat within 30 days after the plat submittal deadline on which the plat is presented to the Development Services Department. An approved certificate and the date thereof shall be shown on the plat over the signature of the Planning Commission Chairman and Secretary. The Planning Commission shall approve a final plat if it conforms to the following:
- (1) The general plans of the City and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
  - (2) The general plans for the extension of the City and its roads, streets, and public highways within the City and its extraterritorial jurisdiction (ETJ), taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
  - (3) The provisions of these regulations.
- (d) *Automatic approval.* If no action is taken by the Planning Commission at the end of the 30 day time period, the plat shall be deemed to have been approved. A certificate by the Director of Development Services as to date of submission of the plat for final approval and failure of the Planning Commission to act thereon within such time, shall be sufficient in lieu of written endorsement of approval.
- (e) *Denial.* If the final plat is denied, grounds for this refusal shall be stated in writing, a copy of which shall be signed by the Planning Commission chairman and transmitted with the mylar and prints to the applicant. The reasons for denial shall refer specifically to those parts of the regulations and plans listed in Section 21-314(a), with which the plat does not comply.
- (f) *Construction approval.* Once the final plat has been approved by the Planning Commission and the construction plans have been approved by the director of engineering, permits may be issued for the construction of the permanent public improvements indicated on the construction plans. Construction plan requirements and procedures are outlined in detail in Section 21-258, of this chapter.
- (g) *Phasing of final plats*
- (1) Where only a portion of an approved preliminary plat is submitted for final plat approval, a final plat of the remaining area may be submitted at any time within 5 years of the date of preliminary plat approval. If the final plat for the remaining area does not conform substantially with the approved preliminary plat, the remaining area of the preliminary plat shall be deemed null and void. If a final plat of the remaining area has not been submitted within the 5-year time period, the portion of the preliminary plat for which no final plat has been submitted shall be deemed null and void. However, if at least one phase of the preliminary plat has received final plat approval, its public improvements have been completed, and it has been filed in accordance with these regulations, an extension to the 5 year time limit shall be granted by the Director of Development Services upon request by the developer unless the Director of Development Services determines that development conditions have substantially changed since the date of preliminary plat approval, in which case the request shall be forwarded to the Planning Commission. The Planning Commission may deny the request if it determines that development conditions have substantially changed, and such conditions shall be stated in the minutes of the meeting. A request for the extension must be submitted to the

Director of Development Services prior to the 5-year deadline date. Such extensions shall be for a period of one year and may be renewed annually.

#### Section 21-315 Minor Plat

- (a) Application procedure. The submittal of an application for a minor plat shall be made to the Director of Development Services on or before the date of any minor plat submittal deadline, as established by a schedule to be prepared and distributed by the Development Services Department. The applicant shall submit the completed application form, 3 copies of a preliminary plat, as applicable, and 3 copies of a final plat. The application fee, as specified by separate ordinance, is due at the time the plat is submitted.
- (b) Review procedure. The Director of Development Services shall review the proposed minor plat to ensure compliance with all appropriate requirements. The Director of Development Services may submit the subdivision to other City departments and/or other agencies for review and comment, as deemed necessary. Within five (5) working days after the date of application, the minor plat shall be returned to the subdivider with written analysis and commentary.
- (c) Approval process. Upon completion of plat review by the Staff, and the correction of the plat by the applicant, the applicant shall submit the items listed below:
  - (1) One white background print of the corrected preliminary plat, and the copies of the original submittal with Staff analysis and commentary (if applicable);
  - (2) Two (2) reproducible mylars of the final plat, and the copies of the original submittal with Staff analysis and commentary;
  - (3) One (1) true-to-scale 18-inch by 24-inch black line copy of the final plat;
  - (4) Tax certificates stating that no taxes are delinquent against the property;
  - (5) The appropriate filing fees, as located on the City of Victoria's website; and
  - (6) Digital computer file or files of the final plat containing the coordinate geometry for the subdivision boundaries, lot lines, ROW, street centerlines and easements in a format and on media compatible with the City GIS system. In lieu of submitting the digital computer files, the applicant may pay an additional fee equal to one-third of the required plat review fee.
- (d) The Director of Development Services may, for any reason, elect to forward the minor plat to the Planning Commission for review and approval. The Director of Development Services shall not disapprove a minor plat and shall be required to refer any minor plat which he refuses to approve to the Planning Commission, within 30 days after the date of application.

#### Section 21-316 Approval and recording of plats required.

- (a) Deadline to file plat. No plat or other land subdivision instrument shall be filed in the office of the Victoria County Clerk until it has been approved by the Planning Commission as required. All final plats shall be filed within two (2) years of the date of acceptance by the Planning Commission, and no lots shall be sold by full title transfer from any plat until recorded. Failure to record the plat within two years of the date of Planning Commission approval shall void all approvals thereto unless an extension is granted by the Planning Commission.
- (b) Issuance of building permits. No building permit shall be issued by the City until the Director of Development Services has received the following items necessary for filing the plat with the Victoria County Clerk:
  - (1) Two (2) reproducible mylars of the final plat;

- (2) One (1) true to scale 18-inch by 24-inch black line copy of the final plat;
  - (3) Tax certificates stating that no taxes are delinquent against the property;
  - (4) The appropriate filing fees as specified in Chapter 24 of the City Code.
  - (5) Approval of water and sewer improvements by the City Engineer in accordance with Section 13-28, Section 13-94 and Section 21-260(c).
- (c) Additional documents necessary to file plat. The final plat, as approved by the Planning Commission for the purpose of constructing streets, utilities and other commission required improvements to the subdivision, shall not be recorded in the office of the Victoria County Clerk until such time as the requirements in this section have been met. The following requirements shall be met and tendered with a letter of transmittal to the Director of Development Services, 2 working days prior to the filing of the plat with the Victoria County Clerk:
- (1) A certificate, signed by the subdivider's registered engineer, declaring that all infrastructure improvements have been completed and are in compliance with the submitted and approved construction plans, in the following form:

"I (we), (Name of Surveyor or Firm), an individual or firm offering engineering services to the public, have(has) been designated by the owner(s) to design and prepare plans and specifications for the physical improvements to the subdivision known as (Name of Subdivision), located in the City of Victoria, Texas, or within its extraterritorial jurisdiction (ETJ).

The undersigned certifies that such person has reviewed the as-built drawings, reports of test results and inspections, the accompanying engineering documents, and certifications. Engineering computations have been made to adjust and/or confirm the capacities of the as-built drainage system and the adequacy of the physical improvements (and are available for physical examination in the office of the Director of Engineering of the City of Victoria upon request) to assure that the minimum requirements of the applicable sections of the City Code of the City of Victoria have been achieved.

The undersigned further recommends that the subdivision known as (Name of Subdivision), be approved, and accepted by the City of Victoria, Texas.

\_\_\_\_\_  
Signature of Engineer

Firm Name

\_\_\_\_\_  
Texas Registration #

Business Address

\_\_\_\_\_  
Date

City State Zip Code

- (2) A reproducible set of as-built plans, as described in Section 21-257(b)(3) of this chapter. Such as-built plans shall be accompanied by an estimate and quantity sheet indicating quantities for streets, drainage and utility construction along with all structural appurtenances to be dedicated to the public as part of the proposed subdivision.
  - (3) If applicable, a maintenance bond, as required by Section 21-257(c) of this chapter, and a security for hot mix asphalt concrete pavement, as required by the Engineering Design Standards of the City of Victoria.
  - (4) Digital computer file or files of the final plat containing the coordinate geometry for the subdivision boundaries, lot lines, ROW, street centerlines and easements in a format and on media compatible with the City GIS system. In lieu of submitting the digital computer files, the applicant may pay an additional fee equal to one-third of the required plat review fee.
  - (5) Digital computer file or files of the construction plans in a format and on media compatible with the City GIS system. In lieu of submitting the digital computer files, the applicant may pay an additional fee equal to one-third of the required construction plat review fee.
- (d) Filing of plat. Within 2 days of receipt and approval of all documents necessary to file a final plat, the Director of Development Services shall file such plat with the Victoria County Clerk. No Certificate of Occupancy shall be issued by the City until such time as the final plat has been filed. After the plat has been filed, the Director of Development Services shall issue to the subdivider a certificate stating that the plat has been reviewed and approved by the City.

#### Section 21-317 Replat

- (a) Procedure. A replat shall be submitted, reviewed, and considered by the Planning Commission in the manner prescribed in this chapter for a subdivision. However, in addition to these requirements, a replat shall be subject to the public notice requirements of Section 212.015 of the Texas Local Government Code if any lot in the preceding plat was limited to residential use for not more than two (2) residential units per lot.

#### Section 21-318 Procedure for subdivisions where future resubdivision is indicated.

- (a) Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land, and there are indications that such lots will eventually be resubdivided into smaller building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of utilities and adjacent streets. Provisional easements providing for the future opening of such streets and utility extensions may be made a requirement of the plat. Such easements would become effective at the time the parcel in question is resubdivided.

#### Section 21-319 Amending Plat

- (a) The Planning Commission may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one (1) or more of the purposes set forth in Section 212.016 of the Local Government Code. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

#### Section 21-320 Vacating Plat

- (a) Procedure. A request for a plat vacation shall be made on the forms provided by the City, with the required signature(s) and acknowledgement(s). The vacation shall be considered by the Planning

Commission in the manner prescribed for the original plat. Once the request for vacation has been approved by the Planning Commission, an order to vacate shall be signed by the officers of the Planning Commission responsible for the signing of plats, and submitted to the county clerk for filing. If the plat being vacated is located outside of the city limits, the vacation must also be approved by the county commissioners court prior to its submittal to the county clerk. The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. On the execution and recording of the vacating instrument, the vacated plat has no effect.

### Section 21-321 Deeds

- (a) Application procedure. Applications for deed approval shall be submitted to the Director of Development Services. The application shall consist of the following:
  - (1) A completed application form as established by the City;
  - (2) The deed to the subject property and any other necessary documentation to substantiate that the parcel has not been subdivided since the adoption of subdivision regulations; and
  - (3) The appropriate application fee. The fee is not refundable.
- (b) Review and approval. The Director of Development Services shall review the deed approval application, and either approve or disapprove the deed approval within 15 working days after its submittal. If the deed approval application is disapproved, the applicant may submit either a minor or major subdivision plat, whichever is applicable.

### Section 21-322 Correction of errors in approved but unrecorded plats.

- (a) A final plat which has been approved by the Planning Commission but not recorded with the Victoria County Clerk, which is found to contain an insignificant error, may be corrected by the applicant, upon approval by the Director of Development Services. This procedure shall allow for the correction of scrivener's errors, clerical errors, or typographical errors. Other minor corrections, such as the addition, deletion or relocation of easements shall be allowed, subject to the approval of the Director of Development Services. Such corrected plats may be approved and signed by the Planning Commission officers responsible for the signing of plats, upon the recommendation of the Director of Development Services.

## Division 5. Relief Procedures

### Section 21-323 Subdivision and Development Variances

- (a) General. Where the Planning Commission finds that an unnecessary and extraordinary hardship would result from strict adherence to regulations within Articles IV, V, VI, VII, or VIII of this chapter or other articles as it relates to the primary regulation contained within the articles listed above, and the purposes of this chapter may be served to a greater extent by an alternative proposal, the Planning Commission may recommend the approval of variances to this chapter to the City Council. Variances may be granted so that substantial justice may be done, and the public interest secured, provided that such variances shall not have the effect of violating the intent and purpose of this chapter. Furthermore, the Planning Commission shall not recommend approval of variances to the City Council unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to surrounding property;

- (2) The granting of the variance is not based on a hardship which is self-imposed;
  - (3) The hardship is not based solely on the cost of complying with the regulation;
    - a. The Commission may consider the financial cost of compliance if it is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
  - (4) The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter; and
  - (5) There are special or unique circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the property.
- (b) Conditions. In recommending approval of variances to the City Council, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this chapter.
- (c) Procedures.
- (1) Application. An application for any variance shall be submitted in writing to the Director of Development Services at the time when, if required, the preliminary plat is filed for consideration by the Planning Commission. If the variance is not submitted in association with a plat, the application shall be submitted by the deadline set forth in the approved submittal schedule. The applicant(s) shall be the owner(s) or legal agent for the owner(s) of the subject property. The variance application shall include the following:
    - a. A completed variance application form;
    - b. The appropriate fee;
    - c. A copy of the deed to the subject property;
    - d. A letter describing the reasons and/or hardship for the request, stating fully the grounds for the variance and all of the facts relied upon by the petitioner; and,
    - e. A plot plan of the subject property.
  - (2) Public hearing and notice. Each variance request shall be considered at a public hearing before the Planning Commission. Notice of such public hearing shall be required as follows:
    - a. Newspaper. Due notice, in the form provided by the Director of Development Services, of a variance public hearing shall be published in the Victoria Advocate newspaper, in the legal classified advertisements section, at least 10 days prior to the public hearing date.
    - b. Mail. Due notice, in the form provided by the Director of Development Services, of a variance public hearing shall also be given by mail to all owners of property located within 200 feet of the affected property; required mailings must be made at least 10 days prior to the public hearing date.
      1. Additionally, notification is required to all affected single-family residential property owners as determined by the required land use separations established within Division 3 – Use Specific Standards.
    - c. Verification of notice. Verification of notice as required by this section shall be documented in the form of an affidavit of publication received from the Victoria

Advocate newspaper and a signed statement by the Director of Development Services as witness of required mailings. Verifications of notice will be held on file by the Development Services Department.

- d. Cost. The preparation of the notice of public hearing and required mailing list shall be the responsibility of the Development Services Department. The cost of publication and mailing of the required notice of public hearing shall be borne directly by the applicant.
- (3) Planning Commission action. The Planning Commission shall either recommend approval or denial of the variance to the City Council. The Planning Commission's action shall be entered into the minutes of the Planning Commission meeting, specifying the reason(s) which justified the denial or recommendation of approval or denial of the variance. In the event of a recommendation of denial by the Planning Commission the applicant shall have 7 days in which to notify the Director of Development Services in writing that appeal to the City Council shall be processed; otherwise, the denial becomes final.
- (d) Hearing on individualized determination of exaction. As an exception to the requirements of the findings specified in subsection (a) for the recommendation of a variance, the Planning Commission may recommend a variance to a requirement of this chapter that an interest in property be dedicated as a condition of plat approval if the Planning Commission determines that an exaction required by this chapter is excessive in relation to the nature and extent of the proposed development. Any developer may request the Planning Commission make such findings concerning an exaction. Such a request shall be in writing, on a form provided by the Director of Development Services and be accompanied by the payment of a separate fee as provided in this code. At the exaction hearing, the developer may present evidence on the relationship of the exaction to the impact of the proposed development. The Planning Commission or the City Council may, on its own motion, at any hearing concerning a subdivision plat or variance associated therewith, without further or more specific notice or request by the developer, make findings concerning the relationship of an exaction to the nature and extent of the development. The City Council may overturn, upon written appeal, any finding of the Planning Commission concerning the relationship of an exaction to the nature and extent of the proposed development. Failure of a developer to properly request an exaction hearing and a variance to a dedication requirement prior to the Planning Commission's consideration of the final plat for the subdivision shall constitute the developer's waiver of his right of review of the relationship of the exaction to the impact of the proposed development.

#### Section 21-324 Building Code and Construction Related Activities Variances

- (a) General. Where the Board of Adjustment and Appeals finds reason to hear appeals concerning decisions and rulings by the Building Official concerning building, electric, gas, mechanical, and plumbing codes or any regulations within Article III of this chapter as it relates to the primary regulation contained within the Article III, and the purposes of this chapter may be served to a greater extent by an alternative proposal, the Board of Adjustment and Appeals may recommend the approval of variances to this chapter to the City Council as outlined in Chapter 2.

#### Section 21-325 Sign Variance

- (a) Application. Any permit applicant requesting that the provisions of Article V. Division 10. Signs be varied shall file a completed variance application form, appropriate fee as specified in [Chapter 24](#), and a written request with the Director stating the circumstances to show that literal enforcement of such provisions will result in an unnecessary and extraordinary hardship. The Director shall

make a recommendation on any such variance request and submit it to the Planning Commission.

- (b) Public Hearing. Each variance request shall be considered at a public hearing before the Planning Commission.
- (c) Action. The Planning Commission shall either recommend approval or denial of the variance to the City Council. In the event of a recommendation of denial by the Planning Commission, the applicant shall have seven (7) days in which to notify the Director of an appeal to the City Council; otherwise, the denial becomes final. The City Council may, by resolution, authorize any variance if it deems such action proper, and may establish appropriate conditions on any such variance.

### Section 21-326 Administrative Exceptions

- (a) Applicability. Administrative Exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:
  - (1) Compatible with surrounding land uses;
  - (2) Harmonious with the public interest; and
  - (3) Consistent with the purposes of this Code.
- (b) Authority. The Director has the authority to grant a deviation from the standards of this UDO applicable to the proposed development.
- (c) Decision. The Director of Development Services, at their discretion, may adjust any regulation of this UDO by up to ten (10) percent of the requirement.
- (d) Applicability. The Director has the authority to make written interpretations concerning the text of this UDO.
- (e) Initiation. A request for interpretation shall be submitted to the Director of Development Services in writing.
- (f) Decision. The Director may, at their discretion, take any of the following actions:
  - (1) Review and evaluate the request;
  - (2) Consult with other staff as necessary;
  - (3) Render an opinion; and
  - (4) Provide the interpretation to the applicant in writing.
- (g) Standards. The Director shall consider this UDO, the comprehensive plan, and any other relevant information to make an interpretation.
- (h) Scope of Approval. An interpretation does not authorize the development or use of a property. After an interpretation is issued, the applicant or any other person may file an application to develop or use the property pursuant to this UDO, and the decision-maker shall take the interpretation into consideration.
- (i) Recordkeeping. The Director shall maintain an official record of interpretations that shall be available for public inspection during normal business hours.

## Article X. Definitions

### Division 1. General

- (a) For the purpose of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- (b) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club. "Shall" and "will" are always mandatory. The term "building" includes a "structure"; a "building" or "structure" includes any part thereof; and "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- (c) Words not herein defined but defined in any chapter of the City of Victoria Code shall conform to the definitions used in such code.

### Division 2. Definitions

(1) Abut/Abutting

To physically touch or border upon; or to share a common property line or border. This term implies a closer proximity than the term "adjacent".

(2) Access

A way or means of approach to provide physical entrance and exit to a property.

(3) Accessory Building

An accessory building or use is one which: (i) is subordinate to and serves a principal building or principal use; and (ii) is subordinate in area, extent, or purpose to the principal building or principal use served; and (iii) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (iv) is located on the same building lot as the principal use served. If connected to the principal building, an open-air structure with three or less walls is not considered a building addition of the main building.

(4) Accessory Dwelling Unit

An additional dwelling unit integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. This use also includes similar uses like servant's quarters and guard residences.

(5) Accessory Use

Accessory uses are uses of land that are found on the same parcel as the principal use but are subordinate and incidental

(6) Accident Analysis

A summary of the accident history on adjacent roadways during a specified time period. Such analyses typically include measures to mitigate the impact of site traffic on safety based on accident history and associated information.

(7) Adjacent

Lying near or close to. (See "Abuts/abutting.")

(8) Adult Day Services

A facility that offers services and activities to senior citizens, including but not limited to counseling, assistance with daily tasks, exercise, transportation, and social activities. Such facilities do not include overnight stays.

(9) Agriculture Activity

The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, hatcheries, and any and all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment.

(10) Agritainment

Events and activities that allow for recreation, entertainment, and tourism that is in conjunction with on-going agricultural activities on-site (examples include corn mazes, hayrides, and petting zoos).

(11) Airport

A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

(12) Aisle

The traveled way by which cars enter and depart parking spaces.

(13) Alley

A public or private street primarily designed to serve as secondary access to the side or rear of properties whose primary frontage is on some other street.

(14) Alluvial fan flooding

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(15) Amending plat

A correction to a recorded plat which does not require a replat or a vacation.

(16) Amphitheater

An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

(17) Animal Use

Any lot, building, structure, enclosure or premises where dogs cats, or other household pets are groomed, bred, boarded, trained, sheltered, adopted, or sold.

(18) Annexation

The extension of the boundaries of the city to incorporate area adjacent to the city and within the city's extraterritorial jurisdiction (ETJ), and in accordance with the provisions of Chapter 43 of the Texas Local Government Code.

(19) Apex

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(20) Applicant

A person applying for development.

(21) Appurtenant structure

A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(22) Area of future conditions flood hazard

The land area that would be inundated by the one percent annual chance (100-year) flood based on future conditions hydrology.

(23) Area of shallow flooding

A designated AO or AH zone on the city's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to a depth of one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(24) Area of special flood hazard

The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

(25) Artist Studio

The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

(26) As—built plans

A set of detailed plans and documents specifying how public improvements required by a final plat were constructed.

(27) Assisted Living Facility

Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
2. Provides:
  - a) Personal care services; or
  - b) Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;

3. May provide assistance with or supervision of the administration of medication; and
4. May provide skilled nursing services for the following limited purposes:
  - a) Coordination of resident care with outside home and community support services agencies and other health care professionals;
  - b) Provision or delegation of personal care services and medication administration as described by this subdivision;
  - c) Assessment of residents to determine the care required; and
  - d) For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

(28) Athletic Field

An athletic field or stadium owned and operated by a public entity (City of Victoria, Victoria ISD, Nursery ISD, and Bloomington ISD) for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

(29) ATM

An electronic machine used for financial transactions which may be physically attached to a building or located on a site as a standalone use.

(30) Auto Dealership

Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of new or used automobiles, motorcycles, ATVs, recreational vehicles, light trucks, and trailers, to be displayed and sold on the premises, and where minor repair work and maintenance is done for those vehicles. This use does not allow for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

(31) Auto Parts Sales

The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

(32) Bar (75% sales from alcohol)

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive seventy-five (75) percent or more of the gross revenue from the on-premise sale of alcoholic beverages.

(33) Base flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year, most called the 100-year flood, as identified by the Federal Emergency Management Agency (FEMA).

(34) Base flood elevation (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, AI-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year – also called Base Flood.

(35) Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

(36) Batching Plant

A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.

(37) Bed and Breakfast Facility

An owner-occupied property, other than a hotel or multiple-family dwelling, which offers lodging for paying guests and which serves meals to these guests, and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms.

(38) Block

A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.

(39) Block face

The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets.

(40) Boarding / Rooming House

A building, other than a hotel or multiple-family dwelling, where lodging or meals is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

(41) Breakaway wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(42) Brewery / Distillery

The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.

(43) Brewpub

A restaurant or other facility that manufactures alcoholic beverages including but not limited to beer, wine, or liquor for either on-premises or off-premises retail and wholesale and consumption in quantities not considered industrial or large-scale production as determined by the City Manager or designee. The business must hold one of the following licenses or permits from the Texas Alcoholic Beverage Commission: Winery Permit (G) or Brewpub License (BP).

(44) Building and Standards Commission

The Building and Standards Commission of the City of Victoria.

(45) Building Board of Adjustments and Appeals

Building Board of Adjustments and Appeals of the City of Victoria

(46) Building code

Regulations governing building design, construction, and maintenance. The City of Victoria's Building Code is based on the International Building Code of the International Code Council (ICC) and is in Article III, Building Codes and Construction Related Activities.

(47) Building height

The vertical distance from the grade level of that portion of the lot covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof, as illustrated in Figure 2-2: Measuring Building Height in Section 21-164 of this UDO.

(48) Building Official

That individual designated by the City Manager to ensure compliance with the Building Code of the City of Victoria, Texas, or the Building Official's designee.

(49) Building setback line

A line or lines within a property defining the minimum horizontal distance required between a building/structure and property line.

(50) Building site (landscaping)

- a. One or more lots as identified by a subdivision plat filed in the plat records of Victoria County, Texas; or,
- b. An area within the platted lot or lots that is delineated by the applicant and approved by the Director of Development Services for the sole purpose of fulfilling the requirements of Article V. Division 6. Landscaping of this UDO.

(51) Building, Materials, and Landscaping Store

The sale of new building and landscaping materials and supplies with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are either oriented to a retail customer or contractor or wholesale customer. Outdoor storage and retail sales are incidental.

(52) Building/structure

Anything constructed, erected, or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes but is not limited to advertising signs, billboards, antennas, satellite dishes, wind generators, and buildings whether for storage or occupancy.

(53) Bus Terminal

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

(54) Caliper (landscaping)

The diameter of a tree trunk, as measured at one and one-half (1½) feet above ground level. If a tree is of a multi-trunk variety, the caliper is the sum of the largest trunk plus one-half the total of all other trunks.

(55) Capacity

The maximum number of vehicles that can pass a given point during one hour under prevailing roadway and traffic conditions.

(56) Car Wash

A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. This includes both mechanical production line methods or self-service equipment. A car wash may also function as an accessory use to an automobile service station or other primary use.

(57) Carport

A structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

(58) Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

(59) Central Preparation Facility

A commercial kitchen or commissary kitchen was constructed and operated in compliance with the Texas Food Establishment Rules (TFER) as defined by [Chapter 14, Article III](#) of the City Code.

(60) Certificate of Occupancy (CO)

A document issued by the Director of Development Services allowing the occupancy or use of a structure.

(61) Chemical Dependency Facility

Per the Texas Health & Safety Code, Section 464.001:

1. "Chemical dependency" means:
  - a) Abuse of alcohol or a controlled substance;
  - b) Psychological or physical dependence on alcohol or a controlled substance; or
  - c) Addiction to alcohol or a controlled substance.
2. "Facility" means:
  - a) A public or private hospital;
  - b) A detoxification facility;
  - c) A primary care facility;
  - d) An intensive care facility;
  - e) A long-term care facility;
  - f) An outpatient care facility;
  - g) A community mental health center;
  - h) A health maintenance organization;
  - i) A recovery center;
  - j) A halfway house;
  - k) An ambulatory care facility; or
  - l) Any other facility that offers or purports to offer treatment.

(62) Child Care Facility, Children's Home

A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

(63) Child Care Facility, Daycare

An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

(64) Child Care Home ( $\leq 6$  Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

(65) Child Care Home ( $\geq 7$  Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

(66) City

The City of Victoria, Texas.

(67) City Council

The elected governing body of the City of Victoria, Texas. Also referred to as "Council".

(68) City Engineer

The licensed engineer designated by the City Council to furnish engineering assistance for the administration of this UDO, or his/her designated representative.

(69) Civic Club

A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding religious land uses.

(70) Cluster Home

A small scale detached single-family dwelling on a lot where situated around a shared or common open space.

(71) College or University

An institution established for educational purposes offering courses of study beyond the secondary education level but excluding trade and commercial schools.

(72) Commercial Amusement (indoor)

A place where entertainment activities occur completely within an enclosed structure for a fee, including but not limited to bowling alleys, arcades, skating rinks, escape rooms, pool halls, video and pinball parlors.

(73) Commercial Amusement (outdoor)

A place where entertainment activities occur outdoors for a fee, including but not limited to miniature golf, batting cages, water slides, driving ranges, music venues and go-cart tracks.

(74) Commercial Cleaning Facility

An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents.

(75) Commercial Kitchen

A place for preparing, cooking or baking of products primarily intended for off-premises distribution.

(76) Commercial Stable

A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity. Accessory uses are permitted and include but are not limited to offices, storage areas, caretaker's quarters, educating and training in equitation, and caring for, breeding, or training horses associated with the stable use.

(77) Community Home for Persons with Disabilities

A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

1. An orthopedic, visual, speech, or hearing impairment;
2. Alzheimer's disease;
3. Pre-senile dementia;
4. Cerebral palsy;
5. Epilepsy;
6. Muscular dystrophy;
7. Multiple sclerosis;
8. Cancer;
9. Heart disease;
10. Diabetes;
11. Autism; or
12. Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".

(78) Comprehensive plan

The planning documents and related material officially adopted by the City of Victoria, containing the goals, objectives and policies pertaining to urban growth, community facilities, infrastructure, circulation, housing, and other subjects related to the development of the city.

(79) Construction plan

The maps or drawings accompany a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirement of this chapter and the Municipal Code.

(80) Construction site trailer (commonly referred to as a "job shack")

A vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily for use as an on-site, temporary office space during the construction of a large project.

(81) Construction Yard

A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as field office.

(82) Contractor's Shop and Storage Yard

The offices and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. This use includes storage yards (for equipment, materials [including sand, road-building aggregate, or lumber], supplies and/or vehicles owned or rented by the establishment), roofing and sheet metal, fabrication of cabinetry and related millwork and carpentry, elevator maintenance and service, and venetian blind and metal awning fabrication and cleaning. Incidental sales of materials are included within this definition.

(83) Convenience Store

A retail store containing less than 5,000 square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.

(84) Corner lot

See "Lot, corner".

(85) Correctional Facility

A facility that is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

(86) Country Club

Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

(87) Critical feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(88) Crypto Mining Farm

A tech-driven facility where specialized computers, called mining rigs, work to solve complex mathematical problems to validate and secure crypto currency transactions.

(89) Cul-de-sac

A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

(90) Data Centers

A data center is a building, or a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and data storage systems.

(91) Dedication

The grant of an interest in property to the public for public use and benefit.

(92) Deed

A legal document conveying ownership of real property.

(93) Deed Restriction

See "restrictive covenant".

(94) Density

The average number of housing units per unit of land is generally expressed as "dwelling units per acre".

(95) Detached Single-Family Dwelling

A single-family dwelling (a building designed exclusively for occupancy by one (1) family) which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation located within a conventional or suburban development pattern. Cottage homes are detached single-family dwellings with specific standards.

(96) Developer

The legal or beneficial owner(s) of land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interest in such land. Also, any person, developer, firm, partnership, corporation, or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

(97) Development

The subdivision of land; any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; the construction, reconstruction, conversion, or enlargement of any structure; and any mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(98) Development Services Department

City of Victoria Development Services Department or its successor department.

(99) Director of Development Services

The Director of Development Services of the City, or his/her designated representative, is the administrative official designated by the City Manager to administer the provisions of this UDO.

(100) Director of Public Works

The Director of Public Works of the City of Victoria, Texas, or his/her designated representative, is the administrative official designated by the City Manager to administer the functions of engineering, traffic control, streets, utilities, and drainage. Also see “City Engineer”

(101) Donation and Collection Bin

An accessory structure where clothes, goods, products, and other items are placed for donation and are subsequently delivered to a charitable organization for public consumption.

(102) Dormitory

A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, or motel. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

(103) Double frontage lot

See “Lot, double frontage”.

(104) Drip line (landscaping)

A vertical line extending from the outermost branches of a tree to the ground.

(105) Drive Thru Window

A structure attached to a building where service or transactions are provided to a customer.

(106) Duplex

A dwelling containing two (2) dwelling units, designed to be occupied by two (2) families living independently of each other.

(107) Dwelling

A building, or portion thereof, which is used exclusively for human habitation.

(108) Dwelling unit

A single unit providing complete, independent living facilities for a family including permanent provisions for living, sleeping, eating, cooking and sanitation.

(109) Easement

A grant of one (1) or more property rights by the property owner to and for the use of the public, a corporation, or other persons, for a designated part of his property, and for a specified purpose.

(110) Electrical substation

A subsidiary station in which electric current is transformed.

(111) Elevated building

For insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(112) Engineering design standards

The specifications and standards for the construction of public improvements in the City of Victoria, as found in "Volume I, Design Standards for Public Works Construction," and "Volume II, Standard Specifications for Public Works Construction"; copies of which are available for a fee from the Department of Public Works.

(113) Event Center

A multi-purpose venue facility hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions or parties, concert settings, and general celebrations.

(114) Existing construction

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(115) Existing manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(116) Expansion to an existing manufactured home park or subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(117) Expressway Street

See "Street, expressway".

(118) Extraterritorial jurisdiction (ETJ)

The unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for a distance of three and one-half (3½) miles.

(119) Fairgrounds

An area or space either outside or within a building for the display of topic-specific goods or information. This use includes outdoor fairs, exhibitions, rodeos, and circuses.

(120) Family

One (1) or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, motel, club, or similar dwelling for group use.

(121) Feed and Farm Supply

An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

(122) Feedlot

An area or facility primarily engaged in feeding animals. These animals are kept for the products they produce or for eventual sale.

(123) Field or Sales Office

A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the active development or construction project. Permits for "temporary buildings" shall be issued for a period of time not to exceed 18 months. Extensions may be granted only by the City Council. Upon due notice and hearing by and before the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

(124) Filling station

Any structure, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels.

(125) Final plat

See "Plat, final".

(126) Financial Institution

An establishment where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below. Alternative financial services like cash advances are listed under "Pay Day Loans," below.

(127) Flea Market

A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term "flea market" shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

(128) Flood elevation study

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(129) Flood fringe

The area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, receives shallower waters and less velocities, as defined by FEMA.

(130) Flood insurance rate map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

(131) Flood insurance study (FIS)

See "Flood Elevation Study."

(132) Flood or flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters.
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

(133) Flood proofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

(134) Flood protection system

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(135) Floodplain

The floodplain is made up of three (3) parts, the stream channel, the floodway, and the flood fringe, as defined by FEMA.

(136) Floodplain Administrator

The Floodplain Administrator of the City of Victoria appointed by the Director of Development Services or City Engineer to administer and enforce the floodplain management regulations. The Community Development Director (or designee) is the City's Floodplain Administrator.

(137) Floodplain management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(138) Floodplain management regulations

Development ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(139) Floodplain or flood-prone area

Any land area susceptible to being inundated by water from any source (see definition of "flooding").

(140) Floodway

See "Regulatory Floodway."

(141) Floor area ratio

The gross floor area of all buildings on a lot, divided by the lot area.

(142) Food Preparation and Sales

A place for preparing, cooking, baking, and selling of products on the premises where consumption occurs off premises. This use includes ghost kitchens.

(143) Food Truck Park

An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons. This use may include any necessary electrical outlets, seating/dining areas, restroom facilities, and trash receptacles needed for the food trucks daily operations.

(144) Front lot line

See “Lot line, front”

(145) Frontage, access, or service street

See “Street, frontage, access, or service”.

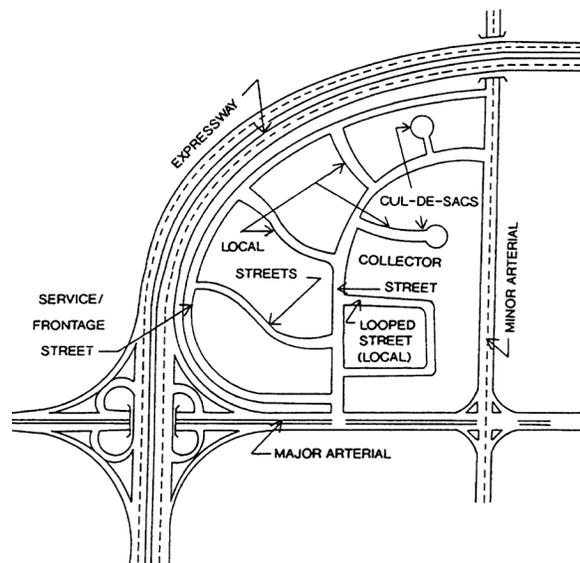
(146) Fuel Pump

A stand-alone fuel dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel.

(147) Functional street classification system

A hierarchical circulation system for the safe and efficient operation of vehicles which provides for the gradation in function from access to movement, as illustrated in Figure 1.1. The functional street classifications are expressway, primary arterial, secondary arterial, collector, and local. Each is defined herein.

**Figure 2-1: Functional street classification system**



(148) Functionally dependent use

A use, which cannot perform its intended purpose unless it is located or carried out near water. The term includes only docking facilities, port facilities that are necessary for the

loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(149) Funeral Services

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and performing of autopsies or other surgical procedures. Examples include funeral homes, mortuaries, crematoriums, or columbaria.

(150) Garage

A detached accessory building or portion of the main building enclosed on three or more sides for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

(151) Gas metering station

Facility at which natural gas flows are regulated and recorded.

(152) General plan(s)

All plans intended to guide the growth and development of the city; including the annexation plan, capital improvements program, stormwater drainage master plan, master thoroughfare plan, area transportation plan, and any other future plans adopted by the city.

(153) Golf Course

An area with improved with trees, greens, fairways, hazards for the sport of golf, and which may include clubhouses.

(154) Governmental Service Yard

An area for the servicing and storage of vehicles or other property of a governmental agency.

(155) Grade

- a. The slope of a road, street, or other public way, specified in percentage terms.
- b. The average elevation at ground level of the buildable area, i.e., the area conforming to all setback requirements, of a lot, tract or parcel of land.

(156) Grass (landscaping)

Any of numerous grass species that will attain a thick green cover of turf over the available soil area.

(157) Greenhouse or Nursery

A facility, structure, or area, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity. This use also includes where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting and like instances.

(158) Ground cover (landscaping)

Plants of species which will not generally reach a height of more than two (2) feet, installed in such a manner as to form a continuous cover over the ground.

(159) Group residential dwelling.

See "Dwelling, group residential".

(160) Halfway House

A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

(161) Health Club

An establishment that provides exercise facilities to members for a fee such as running, jogging, aerobics, weightlifting, indoor/outdoor sports courts, and swimming, as well as locker rooms, showers, and saunas. Uses would typically include racquetball and handball courts, tennis courts, weightlifting and exercise equipment facilities, exercise areas, swimming pools and spas, martial arts, classrooms and/or practice areas, gymnasiums and running or jogging tracks. This shall not include municipal or privately owned, access-only recreation buildings.

(162) Health department

The Texas state department of health and/or the city-county health department.

(163) Heavy Auto Repair

An establishment that offers mechanical and body work on motor vehicles including straightening of body parts, body repairs, battery rebuilding, painting, welding, short term storage of automobiles not in operating condition, outdoor similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

(164) Heavy Equipment Sales and Rental

The sales and maintenance of heavy machinery. This includes establishments primarily engaged in sales, renting, or servicing machinery and equipment for use in business, agricultural, or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. "Heavy machinery" includes office equipment, machinery tools, construction equipment, farm implements, excavation equipment, or transportation equipment.

(165) Heavy Industrial and Manufacturing

The manufacturing, processing, and storing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, oil refining, and magazine contained explosives facilities.

(166) Highest adjacent grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(167) Historic Preservation Officer

The Director of Development Services of the City of Victoria or their designee.

(168) Historic structure (Flood Damage Prevention)

Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior or;
  - 2. Directly by the Secretary of the Interior in states without approved programs.

(169) Historic structure

A structure which is listed as a high, medium or low priority in the Historic Resources Survey of Victoria, Texas. In order to meet this definition, a structure must meet the criteria set forth in the survey for such priorities at the time that the provisions of this chapter are being applied.

(170) Home Occupation

An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling", subject to compliance with each of the conditions established in Section 21-153(f).

(171) Hospital

An establishment, whether or not licensed or required to be licensed by the State of Texas, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled. This use includes an intermediate care facility, mental facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis. This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit. This use includes any hospital, defined as any licensed and State of Texas accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock, whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services (such as emergency care).

(172) Hotel/Motel

A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both. This use may include restaurants, club rooms, banquet halls, ballrooms, and meeting rooms as accessory uses. A hotel/motel only provides temporary lodging and does not include multi-family or attached dwelling or any other form of permanent residence. Guests are prohibited from using a guest room or suite as a primary permanent residence.

(173) HUD-code manufactured home

A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. All references to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified. This use or term does not include “mobile homes” or “recreational vehicles”.

(174) Improvement

Any manmade, immovable item which becomes part of, placed upon, or is affixed to, real estate.

(175) Individual sewage disposal system

A septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

(176) Industrialized building

A commercial structure that is constructed in one (1) or more modules or constructed using one (1) or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. This term does not include any commercial structure that is in excess of three (3) stories or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

(177) Industrialized housing

A residential structure that is designed for the use and occupancy of one (1) or more families, that is constructed in one (1) or more modules or constructed using one (1) or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. This term does not include any residential structure that is in excess of three (3) stories or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. This term does not mean nor apply to (1) housing constructed of sectional or panelized systems not utilizing modular components; or (2) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

(178) Interior lot

See “Lot, interior”.

(179) Installation

When used in reference to manufactured housing, means the transportation of manufactured homes or manufactured home components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting blocking, leveling,

securing, anchoring and property connection of multiple or expandable sections or components, the installation of air-conditioning, and minor adjustments.

(180) Land surveyor, registered professional

A land surveyor licensed and registered in the State of Texas.

(181) Land use

A description of how land is occupied or utilized.

(182) Landscaped area

An area devoted to and consisting of trees, grass, plant materials and other features used primarily for landscaping purposes, which is installed to meet the requirements of this chapter.

(183) Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(184) Levee system

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(185) Level of Service (LOS)

A qualitative measure of traffic operating conditions based on such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Level of Service analyses conducted as part of a TIA shall be determined using procedures of the latest edition of the Highway Capacity Manual, Special Report 209 published by the Transportation Research Board (TRB).

(186) Library, Museum, or Art Gallery

An institution for the collection, display, and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasi-public agency that is open to the general public.

(187) Light Auto Repair

Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles.

(188) Light Industrial and Manufacturing

Manufacturing of products, from extracted, raw, recycled, or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Industrial and Manufacturing, Heavy. Examples of general manufacturing include the

manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodwork; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including printing plants); 3-D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

(189) Live-Work Unit

A live-work unit is a Dwelling Unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building. The residential unit is occupied by the business owner or manager.

(190) Local Street

See "Street, Local".

(191) Lot

A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

(192) Lot area (or lot size)

The total horizontal area included within lot lines.

(193) Lot depth

The average distance from the front street right-of-way line of the lot to its rear property line, measured in the general direction of the sidelines of the lot.

(194) Lot frontage

That dimension of a lot or portion of a lot abutting a street right-of-way, excluding the exterior side dimension of a corner lot.

(195) Lot line, front

On an interior lot, the lot line separating the lot from the street right-of-way; on double frontage lot, the lot line separating the lot from the street right-of-way from which access is provided to the lot; and on a corner lot, the lot line separating the lot from the street right-of-way which is designated on the plat as the front.

(196) Lot line, rear

The lot line opposite and most distant from the front lot line.

(197) Lot line, side

Any lot line other than a front or rear lot line. If such a side lot line abuts street right-of-way it is considered an "exterior side" lot line; if it abuts another lot or parcel it is considered an "interior side" lot line.

(198) Lot lines

The lines bounding a lot.

(199) Lot of record

A lot which is a part of an approved plat, the map of which has been recorded in the office of the Victoria County Clerk.

(200) Lot width

The distance between the side lot lines, measured at the required front yard setback line.

(201) Lot, corner

A lot is located at the intersection of and abutting two (2) or more streets.

(202) Lot, double frontage

A lot having a frontage on two (2) streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.

(203) Lot, interior

A lot other than a corner lot.

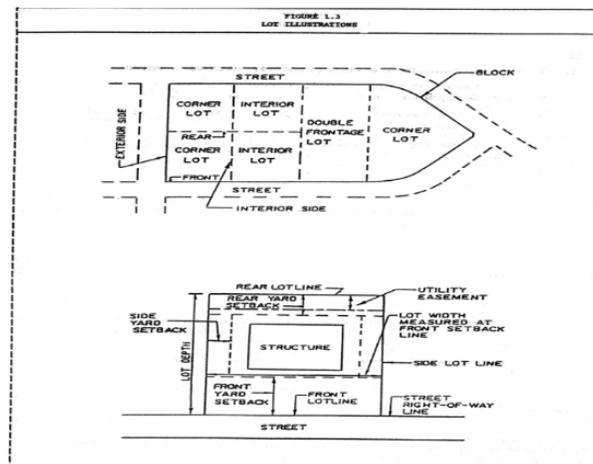
(204) Lot, reverse frontage

A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

(205) Lot, zero lot line

A lot where the outside wall of a structure is located on a side property line.

**Figure 2-2: Lot Type Diagram**



(206) Lowest floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-

elevation design requirement of 44 CFR Chapter 1, Section 60.3, of the National Flood Insurance Program regulations.

(207) Manufactured Home Park

A unified development of manufactured home spaces arranged on a tract of land for the purpose of renting or leasing spaces meeting the requirements of the City Code for manufactured home parks. Manufactured home parks are also referred to as mobile home parks.

(208) Manufactured Home Subdivision

A unified development of manufactured home lots arranged on a tract of land for the purpose of selling or leasing lots meeting the requirements of the City Code for manufactured home subdivisions. Manufactured home subdivisions are also referred to as mobile home subdivisions.

(209) Manufactured Home

See “HUD-code manufactured home” or “Non-HUD code manufactured or mobile home”

(210) Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(211) Medical Office

An outpatient facility providing medical, dental, or surgical services, for persons requiring medical or dental attention on a limited term basis.

(212) Minor plat

A plat of land which includes four (4) or fewer lots, and which does not necessitate the extension of streets or municipal facilities.

(213) Mixed-Use Development

The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form. A mixed-use development may include a mixed-use building. A mixed-use building is a building with any of the following floor space configurations: (1) an office, as defined below, located above the ground floor, where the ground floor is occupied by any general retail use or (2) any general retail use on the ground floor, and residential dwelling units above the ground floor or behind the non-residential floor area. The floor space above the ground floor may be occupied by non-residential floor area in addition to dwelling units.

(214) Modal Split

The percentage of people using a certain means of transport; auto, transit, walk.

(215) Multi-Family Dwelling

A dwelling contained in a structure also containing other dwellings in which each unit is attached to another at one or more party walls and at either the floor or the ceiling. This includes garden style apartments and manor style apartments. This does not include townhouses, duplexes or triplexes.

(216) New construction

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(217) New manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(218) Nightclub/Lounge

An establishment for entertainment involving the serving alcoholic beverages and food for on-premise consumption, and accommodation of space to dance to music. This term includes those establishments where customers may bring their own alcohol for on-site consumption and any area dedicated to the exclusive smoking of cigars and hookah.

(219) Non-HUD code manufactured or mobile home

A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which shall not be shall not be legally permitted and use or occupied as a residential dwelling in the city.

(220) Off-site

Any real property not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

(221) Off-site improvements

Any utility, paving, grading, drainage, structure, or modification of topography which is, or will be located on property not within the boundary of the property to be developed.

(222) Off-street parking

A type of parking wherein the maneuvering of the vehicle while parking and backing out, as well as parking itself, is done entirely off of the street right-of-way, and where access to the area is by means of driveway approach built to the standards of the city.

(223) On-site

Any real property located within the area of the property to be subdivided.

(224) Opaque Fence

An opaque fence is a fence that restricts the passage of light and sight and may result in obscurity and concealment. An opaque fence can be created using plant materials, chain link fence with slats, or similar method approved by the Director of Development Services. Wood material must be stained on both sides. Split-face block, it must be finished on both sides, versus a smooth side and finished side.

(225) Outdoor Dining

An accessory space reserved for customers at a restaurant.

(226) Outdoor display area

Any outdoor area where motor vehicles, trailers, semi-trailers or other motor-driven equipment are stored throughout the day and night and are held for the purpose of sales or lease as an entire or complete unit.

(227) Parcel

A contiguous area of land in the possession of or owned by, or recorded as the property of, the same person or persons.

(228) Park

An open recreation facility or park owned and operated by a public entity and available to the general public. A park may be privately owned but available for public use.

(229) Parking Facility

An area for parking light or heavy load vehicles.

(230) Parking space

A permanently surfaced area covered or uncovered, sufficient in size to store one (1) automobile together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. Garages will not count as off-street parking for residential uses.

(231) Patio Home

A single-family detached dwelling unit which does not have a common wall but has one (1) or more walls built on one side property line. The building does not have windows, doors, or other dwelling openings on the walls located on the side property line with the zero setback.

(232) Pawn Shop

An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

(233) Pay Day Loans

A short-term cash loan businesses (also known as payday loans) most commonly based on a borrower's personal check held for future deposit or on electronic access to the borrower's bank account.

(234) Personal Services

Shops and establishments primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing, printing, or copy shops.

(235) Personal Stable

An accessory use designated for quartering horses on private property for personal use.

(236) Placement permit

A permit to place a manufactured home, industrialized building or industrialized housing at a particular location in the city.

(237) Planned Shopping Center

A commercial land use development, generally consisting of multiple occupancies. This land use is intended to provide a unified grouping, in one (1) or more buildings, of retail

shops, stores, and offices, which are planned and developed as an operating unit and under single or multiple ownership. A planned shopping center development will typically contain such features as shared parking, driveways, and common facilities.

(238) Planned unit development (PUD)

A development of land which is under unified control and is planned and developed as a whole unit or series of phases. A PUD may include single family, duplex, patio home, townhouse, or multiple-family dwelling units, or any combination thereof; and may also include nonresidential land uses that are harmoniously and compatibly incorporated into the unitary design of the PUD. A PUD is generally characterized as having overall low gross densities, but higher densities within specific areas. Residential structures are grouped more closely than in conventional developments, allowing the remaining areas of the site to be reserved for open spaces, parks and amenities.

(239) Planning Commission

The Planning Commission of the City of Victoria, as created by the City Charter.

(240) Plat, final

A map of a land subdivision prepared according to applicable laws of the State of Texas and ordinances of the city and county having the necessary affidavits for filing, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and other dimensions of land.

(241) Plat, preliminary

A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision.

(242) Portable Building Sales

An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

(243) Postal Services

Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

(244) Power Plant

An industrial facility using solar, wind, water, electric, or other sources to generate electric power.

(245) Preliminary plat

See "Plat, preliminary".

(246) Primarily Residential Area

An area of property along one side of a public street between (2) adjacent intersecting public streets in which a majority of the street frontage is used for residential purposes.

(247) Primary arterial street

See "Street, primary arterial".

(248) Private Community Center

A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial, for profit, business.

(249) Private utility

A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation, or communications.

(250) Professional engineer

An engineer registered to practice in the State of Texas.

(251) Professional Office

An office for professionals, such as lawyers, architects, financiers, engineers, artists, musicians, designers, teachers, accountants, and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

(252) Property line

The line(s) bounding the property.

(253) Public Art

Art that is so located as to be visible to persons in public places, such as but not limited to streets, sidewalks, and parks, and which does not contain characteristics of an advertising sign or identify or draw attention to a business, profession, or industry, to the type of products sold, manufactured, or assembled, or to the types of services or entertainment offered or available on the premises or in the city. Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, within any city-owned facility in areas designated as public area, lobbies, or public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or granted procured by the city.

(254) Public Community Center

A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city. This use includes what is commonly known as a public recreation center.

(255) Public improvement

Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public or private utilities, parks or recreational, energy or similar essential services.

(256) Queuing Analysis

An analysis of vehicle stacking and required lane storage necessary to mitigate excessive vehicle queues. Typically performed for drive-through facilities, drop-off zones to schools and daycare facilities, entrance gates, turn lanes and median breaks.

(257) Queuing space

A ten-foot by twenty-foot space used to determine the number of car lengths needed for drive through facilities.

(258) Radio / Television Studio

A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

(259) Railroad Station and Facilities

Any premises for the transient parking of trains and the loading and unloading of passengers.

(260) Rear lot line

See "Lot line, rear"

(261) Reconstructed

Removed more than twenty-five (25) percent of the surface area and replaced said surface. Removal may be performed by any person or through damage caused by person, nature, accident, or unforeseen events. Replacement may occur by any person. For the purpose of this section, "person" is to be considered as that term is defined by the Texas Code Construction Act, Tex. Gov't Code § 31.005.

(262) Recreational vehicle (RV)

A vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(263) Recycling Facility

A facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

(264) Regulatory floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(265) Religious Land Use

A structure or group of structures intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

(266) Remaining capacity

As used in calculating subsequent user tap fees: the total capacity minus (a) capacity of minimums, or (b) capacity required to serve the area being developed which are more than minimums.

(267) Replat

A change in a recorded plat which does not require the vacation of the preceding plat.

(268) Research and Development

A facility (such as a laboratory) for general research, scientific research, development and/or training where assembly, integration, and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development, and training.

(269) Reserve strip

A narrow, linear strip of property, usually separating a parcel of land and a roadway or easement, that is characterized by limited depth which will not support development, and which will prevent access to the roadway or easement from the land adjacent to the reserve strip.

(270) Restaurant

An establishment where food and drink are prepared, sold to customers, and may be consumed on the premises.

(271) Retail Ice and Dispensed Water Sales

Establishment offering automated retail sale of bagged or bulk ice, and dispensed water through a coin-operated machine enclosed in a masonry structure; ice is frozen and bagged on-site.

(272) Retail Store

A shop or store that, as its primary business, sells merchandise to the public. Examples include drugstores and discount department stores, grocers, and stores that sell apparel, home improvement/furnishings, toys, electronics, or sporting goods.

(273) Reverse Frontage Lot

See "Lot, Reverse Frontage"

(274) Right-of-way

A strip of land, either public or private, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

(275) Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(276) Roadway

The improved or unimproved portion of a street intended for the accommodation of vehicular traffic.

(277) Rural Detached Single-Family Dwelling

A single-family dwelling (a building designed exclusively for occupancy by one (1) family) which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation located within a rural development pattern.

(278) RV Park

Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

(279) Salvage Yard

Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismounted or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise. This use also includes areas in which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

(280) School

A public or private educational facility offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the schools of Texas.

(281) Seasonal Roadside Stand

Any structure or land used by the property owner, their family, or tenants to sell agricultural or horticultural produce, livestock, or merchandise principally produced on that farm, which is clearly an accessory use of the premises and does not change its character. This may also include the sale of produce grown on other farms and accessory products.

(282) Secondary arterial street

See "Street, secondary arterial".

(283) Self-Storage (Mini-Warehouse)

A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

(284) Service area

A specific area representing the maximum limits served by a particular utility.

(285) Service building

A building providing toilets, lavatories, showers and such other facilities as may be necessary to provide facilities for an accommodating manufactured home or recreational vehicle not equipped with bathing or toilet facilities.

(286) Service Driveway

A driveway with direct access to a street but that is primarily designed to provide access to service or loading areas behind a building and not serving as an access point for the general public to the property or development.

(287) Sexually Oriented Business

A Sexually Oriented Arcade, Sexually Oriented Bookstore or Sexually Oriented Video Store, Sexually Oriented Cabaret, Sexually Oriented Motel, Sexually Oriented Theater, Sexually Oriented Motion Picture Theater, Escort Agency, Nude Model Business or Sexual Encounter Center; and/or any establishment whose principal business is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or

characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or whose employees or customers appear in a state of nudity.

(288) Side lot line

See “Lot line, side”.

(289) Sidewalk

A paved surface area usually paralleling and separated from the roadway, used as a pedestrian-way.

(290) Sight Distance Survey

A survey of the available horizontal and vertical sight distance at access points to a site, intersection or roadway section. Such study must include measures to eliminate any resulting safety hazard.

(291) Signal Cycle

The time period required for one complete sequence of traffic signal indications.

(292) Signal Phase

A part of the signal cycle allocated to a traffic movement or any combination of traffic movements.

(293) Site plan

A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all other information required by this chapter.

(294) Solid Waste Facility / Landfill

A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility.

(295) Solid Waste Transfer Station

A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

(296) Space (Manufactured Home)

A lot, space, or plot of ground designed for the placement of (1) manufactured home or (1) recreational vehicle in a manufactured home park, subdivision, or recreational vehicle park.

(297) Special flood hazard area

See “Area of Special Flood Hazard.”

(298) Sport Shooting Range

A business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

(299) Start of construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(300) Stream channel

The area of the floodplain which carries the normal flow of the watercourse.

(301) Street

A public or private right-of-way which is used or is intended to be used for passage or travel by motor vehicles.

(302) Street yard (landscaping)

The area of a building site which lies between the street right-of-way line and the actual front wall line of the building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extensions of such front building wall line intersect the side property lines. For the purposes of this definition, steps and unenclosed porches shall be excluded, but the building wall line shall follow and include the irregular indentions of the building. A front building wall is a building wall fronting a street.

On corner lots, the street yard shall consist of all the area of such lot between all abutting street right-of-way lines and their corresponding actual front building wall lines, as such lines are imaginarily extended in the manner provided above.

When there are multiple buildings on a lot, the street yard shall consist of all the area of the lot between the street right-of-way lines(s) and an imaginary line beginning at one side of the property line, running parallel to the street, connecting to the frontmost corner of the building wall fronting the street and the nearest such side property line, then following land connecting the frontmost walls of all buildings fronting on the street, and then extending to the other side property line, running parallel to the street. If a building has a rounded front, the front building wall corners shall be the points closest to the side boundaries, provided that isolated buildings (fast food restaurants, photo processing drop-offs, bank drive-throughs, etc., located in shopping center parking lots) shall not be considered in delineating the street yard.

Notwithstanding all of the foregoing, on land used only for parking purposes or only as a commercial or private parking lot, the street yard shall consist of the area between the street right-of-way line and the back property line.

The delineation of the street yard is illustrated by the samples in Figure 6-1: Street Yard Illustrations in Section 21-198.

(303) Street, collector

Collector streets are the connectors between arterials and local streets which serve to collect traffic and distribute it to the arterial network. As compared to arterial streets, collector streets accommodate smaller traffic volumes over shorter distances. Also see "Functional street classification system".

(304) Street, expressway

These facilities include interstate highways, freeways, expressways, parkways and loops, and provide for the rapid and efficient movement of large volumes of through traffic between regions and across the urban area. Direct access to abutting property is not an intended function of these facilities. Also see "Functional street classification system".

(305) Street, frontage, access or service

A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas for control of access. Also see "Functional street classification system".

(306) Street, local

Local streets function to provide access to abutting property and to collect and distribute traffic between parcels of land and collector or arterial streets. Also see "Functional street classification system".

(307) Street, primary arterial

Primary arterials are streets and highways that provide a high degree of mobility, serve relatively high traffic volumes, have high operational speeds, and serve a significant portion of through travel or long-distance trips. Also see "Functional street classification system".

(308) Street, secondary arterial

Secondary arterials are similar in function to primary arterials, except they provide a higher degree of local access and distribute medium traffic volumes for shorter distance trips than primary arterials. Also see "Functional street classification system".

(309) Structure

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

(310) Subdivide

See "Developer".

(311) Subdivision

The division of any lot, tract or parcel of land into two (2) or more parts for the purpose of sale or building development. Such a term also includes the resub division or platting of any lot, tract or parcel of land.

(312) Subdivision, unrecorded

A plat which has been approved by a city or county but has not been recorded with the county clerk.

(313) Subsequent user

A developer who uses utilities which have been installed by others. Also, one who represents a specific area included in the service area for which the utility was intended to serve.

(314) Substantial damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(315) Substantial improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(316) Swimming Pool

A swimming pool on private property for the use of the property owner, including family and guests.

(317) Technical School

A nonacademic establishment such as a trade school, where instruction is offered in secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, allied health care, real estate, banking, restaurant operation, or similar trades, or vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.

(318) Telecommunications Tower

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.

(319) Theater

A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(320) Thoroughfare master plan

The adopted general plan for guiding thoroughfare system improvements, including the existing and planned extension of city streets and highways. The plan ensures the reservation of adequate right-of-way on appropriate alignments and of sufficient width to allow the orderly and efficient expansion and improvement of the thoroughfare system to serve existing and future transportation needs.

(321) TIA Analysis Periods

Time periods for traffic assessment as part of a TIA submittal.

(322) Townhouse

A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

(323) Traffic Control Device

Any sign, signal, marking, or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic or pedestrians.

(324) Traffic Impact Analysis

A study that provides information to determine whether or not the existing and planned thoroughfare system can accommodate the traffic to be generated by a proposed development; and evaluate the appropriate traffic mitigation measures if the thoroughfare system cannot accommodate the impact.

(325) Traffic Simulation

The use of a computer model to provide detailed analysis of the interaction between traffic, roadway geometry, and traffic control devices.

(326) Trailer, travel or camping

A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

(327) Transit Station

An area or facility where people wait for transportation services.

(328) Tree (landscaping)

A self-supported woody plant of a species which will normally grow to a mature height of at least fifteen (15) feet in the Victoria area.

(329) Trip Generation

The number of one-way traffic movements associated with such variables as building size, type of dwelling unit, employees, land area, etc.

(330) Tri-plex

A dwelling containing three (3) dwelling units, designed to be occupied by three (3) families living independently of each other.

(331) Truck or motor freight terminal

A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

(332) Truck Sales

Building(s) and any associated open areas other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles to be displayed and sold on the premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises. This use also includes the rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

(333) Truck Stop and Repair

Any premises where heavy load vehicles are serviced, repaired, and/or where maintenance on such vehicles is undertaken and which includes facilities for dispensing fuels and other petroleum products directly into motor vehicles. Such premises may include the incidental sale of accessories or equipment for heavy load vehicles and similar commercial vehicles, overnight lodging accommodations, and/or restaurant facilities.

(334) Turn Lane Analysis

An analysis of storage requirements for driveways or nearby intersections based on existing and future roadway volumes.

(335) Unified Development Ordinance (UDO)

These combined development regulations and procedures of the City of Victoria.

(336) Utility

A service provided to the public by either a private or public agency.

(337) Utility Shop

The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

(338) Vacated plat

A plat which is vacated through the procedures described herein and is made legally void.

(339) Variance

A deviation from the required norm that may be granted following certain procedures specified herein.

(340) Variance (Flood Damage Prevention)

A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(341) Vehicle Trip

A one-way movement of a vehicle between two points.

(342) Veterinarian Facility

Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. This use includes any necessary overnight care, medical treatment, and monitoring services for any boarded animal.

(343) Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate (FEMA FORM FF-206-FY-22-152), other certifications, or other evidence of compliance required in 44 CFR Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(344) Volume/Capacity Ratio (V/C)

The ratio of an actual volume to the capacity of a roadway.

(345) Warehouse, Distribution, and Wholesale

A facility or area for the storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include:

- a. Carting,
- b. cold storage,
- c. distribution facilities (as defined below),
- d. dry goods wholesale,
- e. express crating,
- f. hauling,
- g. feed locker plants,
- h. fulfillment centers that combine storage with call centers,
- i. hardware storage,
- j. merchant wholesalers (such as restaurant supply sales),
- k. warehouse or produce/fruit/food storage and wholesale structures,
- l. wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off -site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

(346) Water surface elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(347) Wind Energy System

Means a wind-driven turbine (whether roof or tower mounted), and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel. These systems are considered accessory uses.

(348) Yard

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided for in these regulations or the City Code.

(349) Zero Lot Line Home

See "Patio Home".

(350) Zero lot line lot

See “Lot, zero lot line”.