

**VICTORIA  
ORDINANCE 443 ZC R1 AND R2 AMENDMENTS**

**AN AMENDMENT TO LOW DENSITY RESIDENTIAL R-1 AND SINGLE-FAMILY  
RESIDENTIAL R-2 ZONE**

**NOW THEREFORE**, be it ordained by the Council of Victoria, in the State of Minnesota, as follows:

**SECTION 1:**        **AMENDMENT** “Sec 24-1 Low Density Residential (R-1) District” of the Victoria Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

Sec 24-1 Low Density Residential (R-1) District

- A. *Purpose and scope.* To recognize relatively low density, single-family residential areas that have been developed primarily after 1950, together with supporting public and semi-public facilities, and to protect the low intensity living environment from encroachment by potential conflicting uses.
- B. *Jurisdiction.* The following shall be applicable to property designated as R-1 within the city as defined by the official zoning map.
- C. *Principal use.* The following uses and structures listed in this section are permitted as the principal use in the R-1 district:
  - 1. Single-family dwellings.
  - 2. State licensed residential group home serving six or fewer persons.
  - 3. Municipal facilities and city parks.
  - 4. Places of worship and assembly including cemeteries and memorial gardens.
  - 5. Utility services.
  - 6. Elementary, parochial, junior and senior high schools.
  - 7. Nursing homes, retirement communities, residential care facilities.
  - 8. Day care center with adherence to the Minnesota Department of Human Services, Minnesota Rules and Minnesota State Statutes.
  - 9. Golf courses, country clubs, club houses, swimming pools, tennis courts and similar private recreational business or association uses of at least one-half acre in size.
- D. *Permitted accessory use.* The following uses are permitted as an accessory to the principal use in the R-1 district provided they are subordinate to and associated with the permitted principal use:
  - 1. One private detached garage per separately owned parcel, not to exceed 900 square feet.
  - 2. Accessory storage shed for domestic supplies, not to exceed 900 square feet.

3. Greenhouses not to exceed 900 square feet and not involving retail or wholesale sales.
4. Privately owned recreational facilities such as swimming pools, sport courts and tennis courts.
5. Home occupations in adherence with this Code.
6. Temporary buildings located entirely on private property for uses incidental to construction work to be removed upon the completion or abandonment of the construction work.
7. Solar collectors mounted on the ground in the rear yard attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure and in accordance with the building code.

E. *Conditional uses.* The following uses require a conditional use permit:

1. Commercial use antenna towers upon existing city-owned buildings or structures as referenced in this zoning code.
2. Accessory dwelling units.

F. *Bulk regulations—R-1 district.*

| <b>Principle Uses—<br/>Single Family Dwelling Units R-1</b> | Minimum Lot Area   | Minimum Lot Width | Minimum Lot Depth | Front Yard Setback              | Rear Yard Setback | Side Yard Setback          | Impervious Surface Maximum | Maximum Height | # of Attached Homes | Minimum Finished Floor Area |
|---|--------------------|-------------------|-------------------|---------------------------------|-------------------|----------------------------|----------------------------|----------------|---------------------|-----------------------------|
| Single Family   | 12,000 square feet | 80 feet           | 130 feet          | 30 feet                         | 30 feet           | 10 feet each side          | 35%                        | 35 feet        | N/A                 | 1,800 square feet           |
| <b>Other Principal Uses R-1</b>                             | Front Yard Setback |                   | Rear yard Setback | Side yard Setback               |                   | Impervious Surface Maximum | Maximum Height             |                |                     |                             |
| Group Homes   | 30 feet            |                   | 35 feet           | 25 feet total, 15 feet one side |                   | 30%                        | 35 feet                    |                |                     |                             |
| Municipal Facilities  | 30 feet            |                   | 35 feet           | 25 feet total, 15 feet one side |                   | 50%                        | 40 feet                    |                |                     |                             |
| Worship/Assembly  | 30 feet            |                   | 35 feet           | 25 feet total, 15 feet one side |                   | 60%                        | 40 feet                    |                |                     |                             |
| Schools   | 30 feet            |                   | 35 feet           | 25 feet total, 15 feet one side |                   | 60%                        | 40 feet                    |                |                     |                             |
| Nursing Homes, Care/Retirement Communities                  | 30 feet            |                   | 35 feet           | 25 feet total, 15 feet one side |                   | 60%                        | 40 feet                    |                |                     |                             |
| Day Care Centers  | 30 feet            |                   | 35 feet           | 25 feet total, 15 feet one side |                   | 60%                        | 40 feet                    |                |                     |                             |

|   |                           |                          |                                 |                       |         |
|---|---------------------------|--------------------------|---------------------------------|-----------------------|---------|
| Private Recreation Business or Association Uses | 10 feet                   | 10 feet                  | 25 feet total, 15 feet one side | 70%                   | 35 feet |
| <b>Accessory Uses R-1</b>                       | <b>Front Yard Setback</b> | <b>Rear Yard Setback</b> | <b>Side Yard Setback</b>        | <b>Maximum Height</b> |         |
| Private Detached Garage                         | 45 feet                   | 10 feet                  | 6 feet                          | 24 feet               |         |
| Storage Shed                                    | 45 feet                   | 10 feet                  | 6 feet                          | 14 feet               |         |
| Greenhouses                                     | 45 feet                   | 10 feet                  | 6 feet                          | 12 feet               |         |
| Privately Owned Recreational Facilities         | 45 feet                   | 10 feet                  | 6 feet                          | N/A                   |         |
| Construction Related Temporary Buildings        | 10 feet                   | 10 feet                  | 6 feet                          | N/A                   |         |
| Solar Collectors                                | N/A                       | 10 feet                  | 6 feet                          | 14 feet*              |         |

\* If the system is roof mounted, height of system will not exceed the maximum height of the use.

(Ord. No. 415, § 1, 5-22-2017)

**SECTION 2: AMENDMENT "Sec 24-2 Single-Family Residential (R-2) District"**  
of the Victoria Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

Sec 24-2 Two-Family Residential (R-2) District

- A. *Purpose and scope.* The R-2 district is established to provide for two-family detached housing, including supporting public and semi-public facilities. To provide lots which can accommodate a house, garage and deck without variance requests. To assure that areas will not be developed too intensely and that a variety of housing styles will be encouraged, providing flexibility and preventing sameness and monotony of housing styles. Preservation of natural landforms, open space, and greenways will be encouraged for scenic enjoyment and recreational use.
- B. *Jurisdiction.* The following shall be applicable to property designated as R-2 within the city as defined by the official zoning map.
- C. *Principal uses.* The following uses and structures listed in this section are permitted as the principal use in the R-2 district:
1. Single-family dwellings for subdivisions approved prior to June 10, 2019.
  2. Two-family dwellings
  3. State licensed residential group home serving six or fewer persons.
  4. Municipal facilities.
  5. Places of worship and assembly including cemeteries and memorial gardens.
  6. Utility services.
  7. Elementary, parochial, junior and senior high schools.
  8. Nursing homes, retirement communities, residential care facilities.
  9. Day care center with adherence to the Minnesota Department of Human Services, Minnesota Rules and Minnesota State Statutes.
  10. Golf courses, country clubs, club houses, swimming pools, tennis courts and similar private recreational business or association uses of at least 0.32 acres in size.
- D. *Permitted accessory use.* The following uses are permitted as an accessory to the principal use in the R-2 district provided they are subordinate to and associated with a permitted use:
1. One private detached garage per separately owned parcel not to exceed 600 square feet.
  2. Accessory storage shed for domestic supplies not to exceed 600 square feet.
  3. Greenhouses not to exceed 600 square feet and not involving retail or wholesale sales.
  4. Privately owned recreational facilities such as swimming pools and tennis courts.
  5. Home occupations in adherence with this Code.
  6. Temporary buildings located entirely on private property for uses incidental to construction work to be removed upon the completion or abandonment of the construction work.
  7. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure and in accordance with the building code.
- E. *Conditional uses.* The following uses require a conditional use permit:
1. Commercial use antenna towers upon existing city-owned buildings or structures as referenced in this zoning code.
  2. Accessory dwelling units.
- F. *Bulk regulations.*

| <b>Dwelling Units R-2</b>                  | Minimum Lot Area   | Minimum Lot Width | Minimum Lot Depth | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Impervious Surface Maximum | Maximum Height | Max. # of Attached Homes | Minimum Finished Floor Area Per Unit |
|--|--------------------|-------------------|-------------------|--------------------|-------------------|-------------------|----------------------------|----------------|--------------------------|--------------------------------------|
| Single Family**                            | 7,500 square feet  | 60 feet           | 115 feet          | 25 feet            | 30 feet           | 8 feet each side  | 40%                        | 35 feet        | N/A                      | 1,400 square feet                    |
| Two - Family                               | 10,000 square feet | 50 feet           | 110 feet          | 25 feet            | 30 feet           | 10 feet each side | 45%                        | 35 feet        | 2 units                  | 1,200 square feet                    |
|  |                    |                   |                   |                    |                   |                   |                            |                |                          |                                      |
| <b>Principal Uses R-2</b>                  | Front Yard Setback |                   | Rear Yard Setback |                    | Side Yard Setback |                   | Impervious Surface Maximum | Maximum Height |                          |                                      |
| Municipal Facilities                       | 30 feet            |                   | 35 feet           |                    | 35 feet each side |                   | 60%                        | 40 feet        |                          |                                      |
| Worship /Assembly                          | 30 feet            |                   | 35 feet           |                    | 35 feet each side |                   | 50%                        | 40 feet        |                          |                                      |
| Utility Services                           | 30 feet            |                   | 35 feet           |                    | 35 feet each side |                   | 60%                        | 40 feet        |                          |                                      |
| Schools                                    | 30 feet            |                   | 35 feet           |                    | 35 feet each side |                   | 60%                        | 40 feet        |                          |                                      |
| Nursing Homes, Care/Retirement Communities | 30 feet            |                   | 35 feet           |                    | 35 feet each side |                   | 60%                        | 35 feet        |                          |                                      |

|  |                    |                   |                   |                |         |
|--|--------------------|-------------------|-------------------|----------------|---------|
| Day Care   | 30 feet            | 35 feet           | 35 feet each side | 60%            | 35 feet |
| Private Recreation<br>Business<br>or<br>Association Uses | 30 feet            | 35 feet           | 35 feet each side | 70%            | 35 feet |
| <b>Accessory Uses R-2</b>                                | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Maximum Height |         |
| Private Detached Garage                                  | 45 feet            | 10 feet           | 6 feet            | 24 feet        |         |
| Storage Shed   | 45 feet            | 10 feet           | 6 feet            | 14 feet        |         |
| Greenhouses  | 45 feet            | 10 feet           | 6 feet            | 12 feet        |         |
| Privately Owned Recreational Facilities                  | 45 feet            | 10 feet           | 6 feet            | N/A            |         |
| Construction Related Temporary Buildings                 | 10 feet            | 10 feet           | 5 feet            | N/A            |         |
| Solar Collectors   | N/A                | 10 feet           | 5 feet            | 14 feet*       |         |

\*If the system is roof mounted, height will not exceed maximum height of use. \*\* For subdivisions approved prior to June 10, 2019

(Ord. No. 415, § 1, 5-22-2017)

**SECTION 3:            AMENDMENT** “Sec 16-1 Definitions” of the Victoria Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 16-1 Definitions

The following words, terms and phrases, when used in this SECTION, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory apartment* means a secondary dwelling unit established in conjunction with and subordinate to a primary dwelling unit, whether as part of the same structure and primary dwelling unit or a detached dwelling unit on the same lot.

*Accessory dwelling unit* means a residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.

*Accessory use* means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

*Accessory storage shed* means a subordinate structure detached from a principal use for storage of domestic supplies and goods.

*Administrative official* means the person determined by the city manager or community development director.

*Affordable housing* means housing units where the occupant is paying no more than 30 percent of gross income for housing costs, including taxes and utilities.

*Agricultural use* means the use of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or feeding, breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including but not limited to, providing riding lessons, training clinics and schooling shows.

*Alley* means an unnamed public or private right-of-way less than 22 feet wide that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage has access from a different street.

*Annexation* means the act or process of adding land to a governmental unit, usually an unincorporated place, by an ordinance, a court order, or other legal action.

*Apartment building* means a building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

*Auto repair, major* means general repair, rebuilding of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

*Auto repair, minor* means the replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service.

*Basement (lower level)* means that portion of a building located partially underground but having half or less than half of its floor-to-ceiling height below the average grade of the adjoining ground.

*Board of adjustment and appeals* means a quasi-judicial body whose principal duties are to hear and decide matters related to variances and the strict application of the zoning code and to grant special exceptions and conditional uses as provided by law.

*Building height* means the vertical distance between the ground elevation abutting a building and the midpoint elevation of the highest gable of a pitched or hipped roof.

*Building, principal* means a building in which the primary use of the lot on which the building is located and conducted. Building setback line means the minimum distance prescribed by Code between any property line and the closest point of the foundation or any supporting post or pillar of any related building or structure.

*Bulk regulations* means the standards and controls that establish the minimum and maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including impervious surface coverage, setbacks, height, and yard requirements.

*Cantilever* is a rigid structural element with perpendicular connection to a flat vertical surface. Cantilevers may encroach into a required setback by two feet in depth away from the principal structure. Overhang eaves not supported by posts or pillars which do not encroach more than three feet into the setback are permitted.

*Central business district* means the major downtown center of a community.

*Cemetery or memorial garden* means the land used for the burial or memorialization of the dead.

*Certificate of occupancy* means the written approval of the building official certifying that a newly constructed structure, addition to an existing structure, or existing structure undergoing a change in use is in full compliance with the provisions of this ordinance and that such structure is habitable and in conformance with all applicable building codes and regulations.

*Cluster development* means development that divides land into individual lots that may be reduced in order to gain common open space.

*Commercial use antenna* means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of a building.

*Conceptual development plan* means a conceptual design by a land developer of a proposed land division for discussion purposes.

*Conditional use* means a permit which may be granted under the provisions of this title which authorizes a particular use to be made a specific property, subject to compliance with all the terms and conditions contained in the permit.

*Condominium complex* means a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.

*Corner lot*, is a lot located at the intersection of two or more streets. A corner lot is considered to have two front yard and both sides abutting a street are required to meet required front yard setbacks of the zoning district.

*Country club* means a club with recreation facilities for members, their families, and invited guests.

*Curb* means a stone or concrete boundary usually making the edge of a roadway or paved area.

*Decibel* means a unit of measurement of the intensity of sound level.

*Deck* means a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure.

*Density, gross* means the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land within a development.

*Density, net* means the total number of dwelling units divided by the net project area. Net acreage does not include land covered by wetlands, water bodies, public parks and trails, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinance such as steep slopes.

*Detached garage* means a building or structure not attached to a principal use used or designated to be used for the parking and storage of vehicles.

*Development agreement* means a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern the development of the property.

*Dwelling* means a building or part of a building that contains living, sleeping, cooking accommodations, and sanitary facilities for occupancy of one or more families.

*Dwelling, multifamily (apartment or condominium)* means any building or portion thereof containing three or more rooms or suites which is designed, built, rented, leased and which is occupied at the same time for residence of families or individuals living independently of each other. The units may be attached horizontally, vertically, or both.

*Dwelling, rowhome* means a multifamily structure consisting of a series, three or more, of attached one-family dwelling units connected by one or more common sidewalls and forming a continuous building with each dwelling unit owned independently.

*Dwelling, single family* means a standalone home maintained and used as a single-family dwelling unit.

*Dwelling, two family (duplex, double bungalow)* means a residential structure consisting of two (2) dwelling units only.

*Dwelling, townhome* means a multi-family structure consisting of a series, three or more, of attached one-family dwelling units connected by one or more common sidewalls and/or rear walls, forming a continuous building with each one-family dwelling unit owned independently.

*Dwelling unit* means a single unit providing a complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Facility, day care* means a facility or dwelling unit that provides care for children or adults that do not reside in the facility, are present during daytime hours, and do not regularly stay overnight that may include some instruction.

*Facility, private recreational* means a recreational facility only open to members and guests of the private organization operating the facility.

*Facility, residential care* means a facility that provides primarily nonmedical resident services to individuals in need of personal assistance essential for activities of daily living.

*Facility, state-licensed residential* means a state-licensed and mandatory residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time.

*Family* means two or more persons related to each other by blood, marriage, or legal adoption living together as a single housekeeping unit; or a group of not more than three persons who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit.

*Fee schedule* means a payment of funds to the city for any of the applications or other entitlements as determined by the city council.

*Fence* means an enclosure or barrier for protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

*Final development plan* means a final design of a proposed plan with supported data prepared for development containing those elements and requirements as set forth for final development plans in this Code.

*Foot-candle* means a unit of measurement referring to illumination incident to a single point. One foot candle is equal to one lumen uniformly distributed over an area of one square foot.

*Frontage* means the façade of the building that abuts the required front yard as stipulated in this zoning code.

*Garage* means a building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

*Golf course* means a tract of land with at least nine holes for playing a game of golf with tees, greens, fairways, and hazards. A golf course can include a clubhouse and shelters as accessory uses.

*Grading, excavating* means removal, excavating or grading of 100 cubic yards or more of dirt, earth, gravel, sand, clay or other material or a combination of materials on a parcel of land, unless approved as part of the subdivision plan, planned unit development, public improvement project or as part of an approved building permit which includes a plan for grading or excavating.

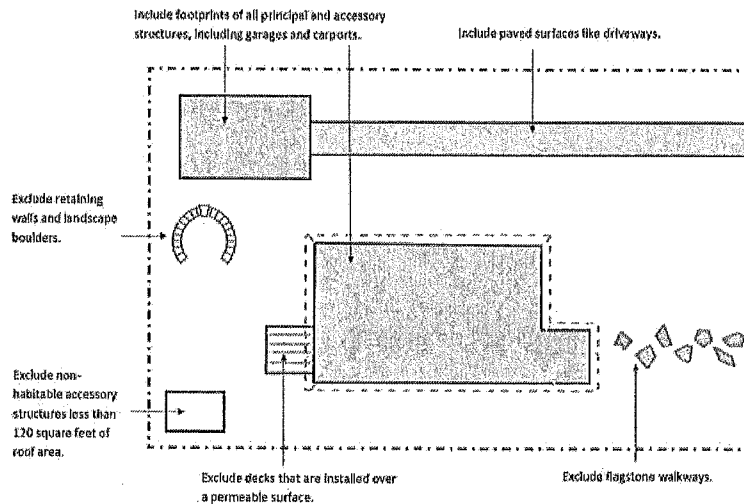
*Greenhouse* means a building or structure constructed of glass or glasslike material which is devoted to the cultivation of flowers, plants, or produce.

*Group home* means an establishment qualified for a license by the State of Minnesota which provides resident services to individuals of whom are unrelated. The individuals are handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs.

*Hardship* means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Code.

*Hotel* means a facility offering transient lodging accommodations consisting of ten or more units to the general public and oftentimes providing additional services such as food, meeting rooms and recreational facilities.

*Impervious surface/Lot Coverage* means the area of a lot occupied by buildings, accessory structures in excess of 120 square feet, parking areas and all paved and gravel surfaces. Buildings shall be measured at the outer edge of the foundation line. Lot coverage shall not include projections for bay windows, permeable walkways (e.g. flagstone), swimming pools, fences, walls and open patterned decks and stairways that are installed over a permeable surface.



*Junk* means any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles and parts, construction materials, household wastes, including garbage and discarded appliances and yard debris.

*Junkyard* means any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing or disposal of junk.

*Kennel* means a place where four or more dogs or four or more cats over four months of age are owned, boarded, bred or offered for sale.

*Landfill* means filling, placement or grading of 100 cubic yards or more of dirt, earth, gravel, sand, clay or other material or a combination of materials on a parcel of land.

*Letter of credit* means a letter issued by a bank to serve as a guarantee for payments made to a jurisdiction under specified conditions.

*Livestock* means any animals or poultry or other fowl except dogs, cats and birds owned by the resident of the premises and kept as pets, but not for commercial sale, except incidental to their character as pets.

*Loading space* means that portion of a lot or plot designed to serve the purpose of loading and/or unloading all types of vehicles.

*Lot* means land occupied or to be occupied by a building and its accessory building and having its principal frontage upon a street or officially approved place.

*Lot area* means the total area bounded by lot lines excluding dedicated public rights-of-way.

*Lot, corner* means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street two chords of which form an angle of 120 degrees or less, measured on the lot side.

*Lot, double frontage* means the boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the front lot line. On a lakeshore lot there shall be two front lot lines, one on the street side, the other on the lakeside.

*Lot depth* means the mean horizontal distance between the front and rear lot lines.

*Lot, non-riparian* means a non-riparian lot does not include shoreland and does not directly abut a body of water. A buffer often separates the lot from a water body.

*Lot of record* means a lot that is part of a recorded subdivision or a parcel of land that has been recorded at the county recorder's office containing property tax record.

*Lot, riparian* means land that has shoreland and directly abuts a body of water.

*Lot width* means the horizontal distance between the side lot lines, measured at right angles to the lot depth at the established front building line.

*Lower level (basement)* means that portion of a building located partially underground but having half or less than half of its floor-to-ceiling height below the average grade of the adjoining ground.

*Minimum floor area* means the sum of the areas of the floors of a building used for human occupancy. Cellars, unenclosed porches, attics not used for living space, space in an accessory structure, and area intended for motor vehicle storage are not considered for the calculation of minimum floor area.

*Mixed land use* means the development of a parcel of land with two or more uses including but not limited to residential, commercial, industrial within the same zoning classification arranged vertically or horizontally.

*Municipal facilities* means services traditionally provided by local government, including water and sewer, roads, parks, schools, and police and fire protection.

*Nursing home* means a home licensed by the state of Minnesota for the aged or chronically or incurably ill persons in which food, shelter, and care are provided devoted to the treatment of the sick, elderly or injured.

*Official map* means a map, adopted the city council through the comprehensive plan showing existing streets and approved proposed streets, parks, and other public places.

*Physical features* means bodies of water and landforms including but not limited to wetlands, ponds, bluffs, steep slopes, and marshes.

*Place of worship* means a building or group of buildings or structures, which by design and construction are primarily intended for a group of people gathering on the basis of religion, faith or belief system. Examples include but are not limited to churches, synagogues, mosques and temples.

*Planned unit development* means an integrated development guided by a total design plan in which the zoning or subdivision regulations may be varied to allow flexibility and creativity in site, building design, land use types, and location in accordance with general guidelines.

*Preliminary development plan* means a preliminary design by a land developer of a proposed land division including supporting data with proposed layout of streets, blocks, lots and other elements of a plat or subdivision.

*Principal structure (principal building)* means a building or structure that serves as the predominant use of the lot on which it is located.

*Public utility* means any person, municipal department, or board fully authorized to furnish and furnishing municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation or water. For the purpose of this Code, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

*Public water* means a body of water capable of substantial, beneficial public use. For the purposes of this Code, this shall be construed to mean any lake, pond or flowage of 25 acres in size or more or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no shoreland previously for a designated private use, authorized by the commissioner of natural resources, shall be exempt from the provisions of this Code.

*Retaining wall* means a wall or similar structure devise used at a grade change to hold the soil on the up-hillside form [from] slumping, sliding, or falling.

*Retirement housing* means a residential complex containing dwellings designed for and principally occupied by senior citizens.

*School* means an institution for the teaching of children or adults including primary and secondary schools and similar facilities.

*Setback* means a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Setbacks shall be measured from the rough exterior structural wall to the property line, delineated wetland edge, or floodplain elevation.

*Setback, front yard* are measured from the property line to the closest exterior structural wall of the proposed or existing structure to the front property line. The front yard will abut the street or private easement that the structure is addressed from. If structures in existence have greater or lesser the required front yard setback, the average setbacks of all existing structures from intersection to intersection connected will be averaged to determine the required front yard setback.

*Setback, rear yard* is measured from the property line to the closest structural exterior wall of the proposed or existing structure to the rear property line, delineated wetland edge, or floodplain elevation. A rear yard will not abut the street in which the structure is addressed from.

*Setback, side yard* is measured from the property line, delineated wetland edge, or floodplain elevation to the closest exterior structural wall of the proposed or existing structure. Side yards will run the length of the principal structure.

*Sidewalk café* means an area located in public right-of-way that includes tables, chairs, benches and appurtenant equipment for exclusive use by patrons of an abutting food establishment, or where the service of food or beverages is offered to persons using such tables, chairs and benches.

*Sign, advertising (billboard)* means a sign which directs attention to a business, commodity, service activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

*Sign, backlighting* means an illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.

*Sign, changing* means a sign whose message can be readily changed, either by manual or automatic means.

*Sign, decorative banner* means a piece of fabric attached to a pole or building wall as a decorative display of color to enhance the architecture of a building or a site which does not contain a commercial message.

*Sign, direct lighting* means an illuminated sign where the source of light is visible.

*Sign, flashing* means any illuminated or nonilluminated sign, which is not a changing sign as defined in this section, which emits an intermittent or flashing light or creates the illusion of intermittent or flashing light by means of animation or other methods.

*Sign, ground* means a low profile sign which is attached to a pedestal which is located on the ground and the total height of which does not exceed ten feet, if fronting on Highway 5, and eight feet if fronting on any other street or highway.

*Sign, illuminated* means any sign which has characters, letters, figures, designs or outlines which are either internally or externally illuminated by an artificial light source.

*Sign, indirect lighting* means an illuminated sign where the sign reflects the light from an external source.

*Sign, internal lighting* means an illuminated sign having the source of illumination located inside a translucent panel which is not directly visible.

*Sign, mural* means any mosaic, mural, painting or graphic art, or combination thereof, which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo, trademark, trade name or other commercial message.

*Sign, mural* means any mosaic, mural, painting or graphic art, or combination thereof, which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo, trademark, trade name or other commercial message.

*Sign, political* means a temporary sign which advertises or promotes a candidate for public office, a political party or an issue to be considered in a public election.

*Sign, portable* means a temporary sign which is usually constructed of durable materials and is designed to be readily moved from one location to another.

*Sign, private directional* means a sign which includes no advertising placed on private property for the purpose of regulating, guiding, warning traffic or persons, or providing other safety information.

*Sign, projection* means a sign which is mounted on a wall and which projects perpendicular from the wall at approximately 90 degrees and a distance of not more than five feet.

*Sign, public* means any sign defined as a traffic control sign in the Highway Traffic Regulation Act, any identification sign installed in a public park by a public authority or any other identification, regulatory or warning sign approved by the city council for installation on public land.

*Sign, pylon* means a sign which is not a ground sign and which is mounted on a pole or post which is partly buried in the ground or attached to a structure other than a building which has a location on or in the ground.

*Sign, real estate* means a temporary sign which advertises the development, sale, lease or rental of land or buildings.

*Sign, rooftop* means a sign attached to any roof or any sign attached to a building in any other manner that extends above the wall or parapet wall of the side of the building on which the sign is located.

*Sign, rotating* means a sign or a portion of a sign which moves in a rotating, oscillating or similar manner other than changing signs.

*Sign, temporary* means a sign designed to be displayed for a limited period of time that is not permanently fixed to the land or a structure. Temporary signs may be constructed of paper, cloth, canvas, cardboard or any other light and nondurable material. Visual messages on awnings or canopies which are an integral part of the building and which are constructed according to the requirements of the building code shall not be considered temporary signs.

*Sign, wall* means a sign attached to or erected against an exterior wall surface of a building or structure.

*Sign area* means the area in square feet of all faces of the sign panel, including the frame. If individual letters are mounted directly on a wall or canopy without a frame, the sign area shall be the area in square feet of the smallest rectangle which encloses the sign message or logo. The sign area of a freestanding multiple face or volumetric sign shall be determined by totaling the area of all faces. The maximum aggregate or total sign area on a lot shall include the sign area of all signs; however, only one side of a double-face or V-type sign structure shall be used in computing total surface area.

*Sign height* means the distance measured perpendicularly from the highest point of the sign structure to the natural grade level of the ground directly below that point.

*Site and building materials plan* means a development plan for a lot or lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, floodplain, wetlands, open spaces, means of ingress/egress, parking, grading, drainage, utilities, landscaping, structures, signs, lighting, screening, building elevations and other information which reasonably may be required in order that an informed decision can be made by the city.

*Solar collector* means any object that uses solar radiation for a useful purpose, including but not limited to windows, walls, roofs, and collectors.

*Steep Slopes* mean Slopes 18 percent or steeper within a vertical elevation change of at least 10 feet. A steep slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

1) The toe of a slope is a distinct topographic break in slope which separates slopes include at less than 18 percent from slopes 18 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

2) The top of a slope is a distinct, topographical break in slope which separates slopes inclined at less than 18 percent from slopes 18 percent or steeper. Where no distinct break exists, the top of a steep slope is the uppermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

*Storage buildings* means a building or portion of a building used for the storage of personal property.

*Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no such floor is above, the space between such floor and the ceiling next above it.

*Street* means a public right-of-way which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

*Structural alterations* means any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

*Structure* means anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

*Swimming pool* means a structure, above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

*Trailer* means a vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include the terms "camp car" and "house car." A permanent foundation shall not change its character.

*Utility services* means all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

*Use* means the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

*Use, accessory* means a use incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

*Yard* means an open space on the same zoning lot with a building or structure, which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in SECTION 18 of this Code.

*Variance* means permission to depart from this code when, because of special circumstances applicable to the property, strict application of the provisions of this code deprives such property use that is under identical zoning.

*Zoning amendment* means a change in the wording, context, or substance of this title or a change in the zoning district boundaries of the official zoning map, to be made a part of this title.

*Zoning lot* means a plot of ground, made up of one or more parcels of land, which is occupied or may be occupied by a use, building or buildings, including the open space required by this Code.

*Zoning map* means the map or maps incorporated into this Code as a part hereof, designating the zoning districts.

(Ord. No. 420, § 1, 7-24-2017)


PASSED AND ADOPTED BY THE VICTORIA COUNCIL JUNE 10, 2019.

|                        | <b>AYE</b>    | <b>NAY</b>    | <b>ABSENT</b> | <b>ABSTAIN</b> |
|------------------------|---------------|---------------|---------------|----------------|
| Councilmember Black    | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |
| Councilmember Gregory  | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |
| Councilmember McMillan | <u>      </u> | <u>      </u> | <u>  X  </u>  | <u>      </u>  |
| Councilmember Vogt     | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |
| Mayor Funk             | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |

Presiding Officer

  
Thomas C. Funk, Mayor, Victoria

Attest

  
Cindy Patnode, City Clerk Victoria