

CHAPTER 40

ZONING

ARTICLE 40.01 GENERAL PROVISIONS^{*}

Sec. 40.01.001 [Short title]

This ordinance [chapter] may be known and may be cited as the “City of Lubbock Comprehensive Zoning Ordinance, 1975.” (Ordinance 7084 adopted 6/26/1975; 1983 Code, sec. 29-1)

Sec. 40.01.002 Purpose

It is declared to be the intent and purpose of the zoning ordinance to promote and protect the health, safety, comfort, convenience, prosperity and general welfare of the citizens of Lubbock by assuring quality development, to allow for proper economic growth which conforms to a comprehensive plan of the city. [I]t is further declared that:

- (1) To promote the stability of existing land uses that conform with a comprehensive plan and to protect them from inharmonious influences and harmful intrusions;
- (2) To promote a harmonious, convenient, workable relationship among land uses;
- (3) To encourage quality development through effective planning which utilizes modern innovations of urban design;
- (4) To promote and protect the aesthetic quality of the city, by conserving and enhancing the taxable values of land and buildings throughout the city;
- (5) To protect and enhance areas of scenic, historic or cultural importance;
- (6) To provide adequate light and air;
- (7) To encourage proper population densities and prevent the overcrowding of structures;
- (8) To provide adequate protection for community investments in water, sewerage, streets, schools, parks and other community facilities;
- (9) To promote a safe, effective traffic circulation system;
- (10) To provide safety from fire and other dangers;
- (11) The city is hereby divided into zones or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for trade, industry, residence and other specified uses; to regulate the intensity of the use of lot areas, and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and locations of buildings designed for specified industrial, business, residential and other uses within such areas; to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings or structures incompatible with the character of such districts, respectively; to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder, providing for the gradual elimination of

nonconforming uses of land, buildings and structures.

(Ordinance 7084, sec. 1, adopted 6/26/1975; 1983 Code, sec. 29-2)

Sec. 40.01.003 Definitions

For the purpose of this ordinance [chapter], certain terms and words are hereby defined as follows:

The words “used for” include “designated for” and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word “building” includes the word “structure”; the word “dwelling” includes the word “residence”; the word “lot” includes the word “plot” and the word “shall” is mandatory and not directory.

- (1) Abutting property: Property abutting upon a street shall also be understood as abutting property on the other side of the street.
- (2) Accessory: A subordinate use or building customarily incidental to and located on the same lot with the main use or building, and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use. See incidental use definition.
- (3) Adjacent: Shall mean “next to” or “closest to,” but shall not necessarily mean “touching.”
- (4) Alcoholic beverages, mixed: Beer, beer by the bottle, wine, wine by the bottle and mixed alcoholic drinks.
- (5) Alley: A public way which extends only secondary means of access to abutting property.
- (6) Alteration, structural: Any change in a supporting member of a building or structure, such as bearing walls, columns, beams or girders.
- (7) Alternative tower structure: Shall mean clock towers, bell steeples, light poles, and similar alternative antenna mounting structures, except for residential structures. The alternative tower structure may be either a primary or an accessory use on any development parcel.
- (7a) Agricultural animal husbandry: The breeding, judging, care or production of farm animals, including animals raised for a program of the Future Farmers of America (FFA) or similar educational programs, with such breeding, judging, or care being subject to all applicable portions of this code.
- (7b) Agricultural field crops or orchards: The product of, and an area used for, the growing of farm products, vegetables, fruits, flowers, trees, or grain including incidental or necessary accessory structures or uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine or other animals and not including any type of agricultural animal husbandry as specifically defined in this chapter.
- (7c) Animal feeding lot: Any type of animal feeding operation which is used for the primary purpose of the mass feeding of livestock prior to slaughter, including beef cattle, swine, horses, sheep, turkeys, chickens, or ducks.
- (8) Animal unit: The measurable division of animals on a parcel or lot of land, with such division being measured as follows: one (1) animal unit shall equal one (1) cow, horse, mule, donkey, or similar large animal as determined by the planning director; one half (1/2) of an animal unit shall equal one (1)

sheep, goat, or similar medium-sized animal as determined by the planning director; and, one quarter (1/4) of an animal unit shall equal one (1) poultry, similar bird, or small animal as determined by the planning director. No type of swine shall be included as an animal unit.

(9) Antenna: Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves.

(10) Apartment: A room or group of rooms in a multi-family dwelling unit arranged, designed, used or intended to be used for a person or persons living independently as a single housekeeping unit.

(11) Architectural decorative material: Materials such as copper, bronze, anodized aluminum, stainless steel, porcelain enamel, natural materials, or other similar materials that do not require painting.

(12) Assisted living facility: An establishment under Texas Health and Safety Code Chapter 247 that furnishes food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services. Types of assisted living facilities as established by the State of Texas are as follows:

(A) Type A. In a Type A facility, a resident:

(i) Must be physically and mentally capable of evacuating the facility unassisted. This may include mobile or ambulatory persons such as those who are in wheelchairs or electric carts and have the capacity to transfer and evacuate themselves in an emergency;

(ii) Does not require routine attendance during nighttime sleeping hours; and

(iii) Must be capable of following directions under emergency conditions.

(B) Type B. In a Type B facility, a resident may:

(i) Require staff assistance to evacuate;

(ii) Be incapable of following directions under emergency conditions;

(iii) Require attendance during nighttime sleeping hours; or

(iv) Not be permanently bedfast, but may require assistance in transferring to and from a wheelchair.

(13) Automobile service station: A building or place arranged, designed, used or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, tires and other automobile accessories at retail direct to the on-premises motor vehicle trade; and where other services to motor vehicles can be rendered such as, but not limited to, the following: Sale and servicing of spark plugs and other ignition parts; tire repair and servicing, but no recapping; replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, floor mats, seat covers, wipe blades and arms for windshields, replacement of grease retainers, wheel bearings; radiator cleaning and flushing, but not repairs; washing and polishing; greasing and lubricating; installing and repairing fuel pumps and installing fuel lines, fuel filters, carburetors, and air cleaners; wiring repair; adjusting brakes, installing exchanged brake shoes, installing wheel and master cylinder kits; tuning

engines; air conditioner repair and service; wheel balancing and alignment. Provided, however, that, the above automotive services shall never be construed to include any major overhaul; the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs or axles; steam cleaning, body or frame work; painting; upholstering; and replacing of glass.

(14) Automobile and trailer sales area: An open area, other than a street or required automobile parking space, used for the display or sale of new or used automobile trailers, and where no repair work is done except minor incidental repair of automobiles and trailers to be displayed and sold on premises.

(15) Automobile wrecking yard or junkyard: 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 dismantled 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 and including the commercial salvaging, storage and scrapping of any other goods, articles or merchandise.

(16) Awning: Any structure attached to the wall of a building which was built and designed for the purpose of cosmetics or for shading a window, door or sidewalk. Awnings are not integral to the building, are typically triangular or curved in cross section and are generally comprised of a metal frame and canvas or other fabric.

(17) Bake shop: A store engaged primarily in the baking and over-the-counter, on-premises retail sale of baked goods.

(18) Bakery, commercial: A business that produces baked goods primarily for the wholesale market.

(19) Banner, flag or pennant: Any sign exposed to the weather and which is made from or on cloth or other limp material. A flag shall be any such sign which is flown from one flag staff. Any sign made from or on cloth or other limp material, and which is displayed behind glass and within a building, shall be deemed a wall sign.

(20) Banner, seasonal: A banner complying with section 29-26(i)(9) [\[40.04.009\(9\)\]](#).

(21) Bar or cocktail lounge: A place where alcoholic beverages are sold for consumption on the premises as the primary business activity. Dancing permitted.

(22) Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half (1/2) of its height is above the average level of the adjoining ground.

(23) Billboards: Any structure or portion thereof upon which are outdoor advertising signs which advertise, promote or otherwise disseminate information pertaining to goods, products or services, including charitable services or appeals and political services or appeals, and which are not related to goods, products or services comprising a primary use on the premises on which the sign is located, being either:

(A) Poster panels or bulletins normally mounted on a building wall or freestanding structure with

advertising copy in the form of pasted paper; or

(B) Electronic message display meeting all the operational requirements for an electronic message display sign; or

(C) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area.

(24) Board shall mean the zoning board of adjustment.

(25) Boardinghouse: A building, other than a hotel, where lodging or meals for three (3) or more persons are served for compensation.

(25a) Body piercing studio. A permanent, non-dwelling building or portion of a building, designated by a permit holder and located in accordance with applicable local zoning codes where body piercing is performed, completely separated from living quarters; and being subject to all provisions of [article 8.10](#) of this code.

(25b) Brewery: A place where beer is manufactured or made commercially.

(25c) Brewpub: An establishment that sells beer that has been brewed on the premises, and which may include a restaurant.

(26) Building: A structure having a roof supported by columns or walls and designed or intended for the shelter, support, enclosure or protection of persons or chattels, except for tents and canopies.

(27) Building, accessory: A detached subordinate building arranged and designed for a use which is clearly incidental to that of the main building or to the use of the land and which is not occupied for dwelling purposes and provided further that a trailer or mobile home shall never be construed to be within this definition.

(28) Building, community: A building for social, educational and recreational activities of a neighborhood or community, not operated primarily for commercial gain.

(29) Building, main: A building in which is conducted the principal use of the lot on which it is situated.

(30) Building unit group: Two (2) or more buildings, except dwellings, grouped upon a lot and held under single ownership or lease, such as but not limited to: Universities, hospitals and institutions.

(31) Building line, front: A line located a minimum horizontal distance from a front lot line and parallel thereto, over which no part of a building shall extend, unless otherwise permitted in this code.

(32) Building line, rear: A line located a minimum horizontal distance from a rear lot line, if any, and parallel thereto, over which no part of a building shall extend, unless otherwise permitted in this code.

(33) Building line, side: A line located a minimum horizontal distance from a side lot line, if any, and parallel thereto, over which no part of a building shall extend, unless otherwise permitted in this code.

(34) Building, front of: The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

- (34a) Bulk grain or feed storage: The storage of, and the area used for the storage of, corn, grain, or other types of food for animals and livestock, excluding commercial feeding pens.
- (35) Canopy: Any structure of a permanent nature attached to or independent of the main structure, built and designed for the purpose of shielding from the elements, or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure. The typical form of a canopy is flat, and in historic architecture, the outer edges are often suspended by chain, metal cable, or columns.
- (36) Carnival: Any touring, commercial exhibition that includes amusement activities, including but not limited to rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities, sideshows, medicine shows and wild west shows.
- (37) Carport: An open-sided, roofed motor vehicle shelter.
- (38) Circus: Any touring, commercial exhibition that includes but not limited to menageries, sideshows, performances of skill, animal shows and similar amusement activities which are open to the public for admission to which a fee is charged.
- (39) Clinic, medical: A facility or station designed and used for the examination and treatment of persons ill and affected, as outpatients.
- (40) Commission, planning: Shall mean the city planning and zoning commission of Lubbock, Texas.
- (41) Community based shelters: Shelters which provide confidential shelter and services in emergency circumstances over a period of generally more than single days.
- (41a) Community garden: An area of land managed and maintained by a group of individuals to grow and harvest food or horticultural products for personal or group consumption or for sale or donation.
- (42) Comprehensive plan: City of Lubbock: A periodically updated series of documents that unify all elements and aspects of city planning. Based on careful analysis and projection these volumes reflect the best judgment of the City Council, planning and zoning commission and staff to ensure the growth and prosperity of the City of Lubbock. The plan shall serve as a policy guide to zoning and subdivision development decisions.
- (43) Consignment clothing store: A clothing store offering for sale to the general public, used clothing, said merchandise being consigned to the owner or operator of said store for sale to the general public, including accessory items customarily offered for sale in such premises.
- (44) Contiguous: Shall mean "touching" or "in contact."
- (44a) Crop production: Growing crops for use as food, fiber, cultivation, or other purpose.
- (45) Curb grade: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the city engineer shall establish such curb grade or its equivalent for the purpose of this ordinance [chapter].

(46) Customary home occupation: An occupation, profession, domestic craft or economic enterprise which is customarily conducted in a “residential dwelling” as hereinafter defined, subject to compliance with each of the following conditions:

- (A) “Residential dwelling” as used in this section shall mean a detached building designed, used and occupied exclusively by members of one family as a residence.
- (B) That no person other than members of a family who reside in the residential dwelling be engaged in such occupation, profession, domestic craft or economic enterprise.
- (C) That such use be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft or economic enterprise shall never exceed twenty-five (25) per cent of the total of the floor area of the residential dwelling.
- (D) That to prevent increased traffic congestion in residential areas, no advertising device such as a sign, display, handbills, or other visible indication thereof shall be displayed inside or outside the residential dwelling nor shall the residential address be advertised through signs, billboards, television, radio or any other means of commercial communication.
- (E) That 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.
- (F) That no exterior storage of material, equipment and/or supplies used in conjunction with such occupation, profession, domestic craft or enterprise be placed, permitted or allowed on the premises occupied by the residential dwelling.
- (G) That there be no offensive noise, vibration, smoke, dust, odors, heat or glare beyond the property lines.
- (H) That such occupation, profession, domestic craft or enterprise be wholly within the residential dwelling and no accessory building be used in conjunction therewith.
- (I) That no stock, goods, wares or merchandise be sold or kept for sale on the premises.
- (J) That only equipment be used in such occupation, professional, domestic craft or enterprise that is ordinarily used in a private home in a like amount and kind.

Provided, however, this section shall not be construed as applying to “home beauty shops” as defined in section 2-30 {29-3(30)} [subsection (48) of this section] except as otherwise provided therein.

(47) Driveway: Any area on a development lot intended for the parking of motor vehicles, which said area is one of the following:

- (A) Any permanently paved area, surfaced in accordance with the specifications set out in sections 24-90 through 24-94 [[36.04.115](#) through [36.04.119](#)] of the Lubbock City Code. Any decision as to the acceptability of comparable materials for both existing or proposed paving shall be made by the building

official and is appealable to the building board of appeals. Any paved or gravel driveway existing on the effective date of this Ordinance [No. 9045] and deemed not to be of comparable materials shall have legal nonconforming use status; or

(B) If there is no permanently paved area as set out in subsection a. [(A)] above, a single area which is unpaved and immediately perpendicular to a curb cut.

No driveway may be located in the intersection visibility triangle as defined in section 29-30(b)(6)i.2.

[40.02.002(f)(9)(B)] of this chapter.

(48) Home beauty shops: Where one or more members of a family engage in the business practice or the trade of hair dressing or cosmetology under a license issued by the State of Texas, within a residential dwelling, subject to the following conditions:

(A) That the residential dwelling was used as a home beauty shop or was being converted to such use under the terms of a valid building permit issued by the building inspector on or before December 4, 1964.

(B) That subsections 2.29-1 {29-3(29)(a)} [subsection (46)(A)] through 2.29-10 {29-3(29)(j)} [subsection (46)(J)] be complied with.

(C) That in relation to the services rendered as a home beauty shop no more than one operator's chair, three (3) dryers and one sink be utilized and installed within the area of the residential dwelling devoted to this purpose.

(D) That an unassignable special use permit, "certificate of occupancy for a home beauty shop" for such residential dwelling, be secured from the zoning administrator, which shall be posted or displayed within the shop area and made available and subject to inspection at any reasonable hour of a business day by the zoning administrator or anyone acting under his direction and supervision.

(49) Dance hall: A place open to the public where dancing is permitted, with alcoholic beverage sales prohibited.

(50) Dancing: To move the body, especially the feet, in rhythm, ordinarily to music.

(51) Day care center: A place maintained or conducted under public or private auspices which cares for more than six (6) children during a part of the twenty-four (24) hours of the day.

(52) Development lot: A parcel or abutting parcels of land, that have definite boundaries, which is improved as a single unit of use.

(52a) Distillery: A place where liquor is manufactured or made commercially.

(53) District: A section of the City of Lubbock, for which the regulations governing the areas, heights or uses of buildings or lots are uniform.

(54) Dormitory: A building in which living quarters are provided primarily for individual students under the general supervision or regulation of an established college or university and as distinguished from

an apartment, hotel, motel or rooming house. A dormitory may provide apartment units for guests, faculty or supervisory personnel on a ratio not to exceed one such apartment unit for each fifty (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.

(55) Duplicating/copy service: A business engaging in the reproduction of printed or photographic impressions through:

(A) Mimeographic copy process; or

(B) Electrostatic or thermal copy process, whether wet or dry, with machines having a maximum finished product capacity of fourteen by eighteen (14 x 18) inches.

(56) Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, except for buildings designed and used as hotels, boarding, rooming houses and motels.

(57) Dwelling unit: One or more rooms in a dwelling designed for occupancy by one individual or family living independently as a single housekeeping unit, with no more than one kitchen unit.

(58) Dwelling, one-family: A detached building designed exclusively for occupancy by one family.

(59) Dwelling, two-family: A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one roof.

(60) Dwelling, multi-family: A building or portion thereof arranged, designed or occupied as a residence by three (3) or more individuals and/or families having separate quarters and living independently of each other in separate units.

(61) Dwelling[,] row: One of a series of three (3) or more attached one-family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof.

(62) Educational institution: A college or university giving general academic instruction equivalent to the standards prescribed by the state board of education.

(63) Efficiency unit: A one-room dwelling, designed for occupancy by one person, containing two hundred and fifty (250) through three hundred and fifty (350) square feet of net floor area, which may include kitchen facilities within the room and shall have a bathroom within such area.

(64) FAA: The Federal Aviation Administration.

(65) Family: One or more persons related by blood, adoption or marriage, or not more than two (2) unrelated persons living and cooking together as a single housekeeping unit.

(65a) Farm (ranch, livestock): An area used for the raising of farm animals for noncommercial or

educational purposes (including the National Future Farmers of America Organization (FFA), 4-H, and other similar programs), with such farm animals including horses, cattle, sheep, and other similar animals, and including the necessary accessory uses for raising, grazing, pasturing, treating, or storing farm animals on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.

(65b) Farm accessory building: A structure used in conjunction with the primary use of a farm such as a barn, stable, pen, equipment building, or silo.

(66) Farming or truck gardening: A tract of land cultivated by an owner or tenant for the purpose of supplying provisions and/or food, primarily for his own use.

(67) FCC: The Federal Communications Commission.

(67a) Feeding pen/feed lot: An enclosure for the feeding, watering, resting, or other type of use of livestock.

(68) Front lot line, commercial and industrial: All lot lines contiguous with a street shall be front lot lines. Every lot must have at least one front lot line.

(69) Front lot line, residential: The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two (2) or more streets, the lot shall be considered to front on that street which the greatest number of lots abut.

(69a) Game farm: A farm where a variety of wild animals are kept or bred, often with facilities for visitors to observe or hunt the animals.

(70) Game room, pool hall or billiard parlor: Any business which operates six (6) or more skill or pleasure coin-operated machines (see section 3-115 [8.04.061], Lubbock Code) or any business whose principal business is the operation of skill or pleasure coin-operated machines, without regard to number.

(71) Garage, private: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises.

(72) Garage, public: A building other than a private garage used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

(73) Garage sale: The sale of items normally accumulated by a household subject to compliance with each of the following conditions:

(A) No more than three (3) garage sales shall be allowed for the same location in any twelve-month period. The duration of the garage sale shall not exceed three (3) consecutive days.

(B) No items shall be purchased for a garage sale for the purpose of resale.

(C) No items for sale shall be displayed outside of the residence, garage or carport.

(D) One unlighted sign not exceeding twelve (12) square feet in area shall be permitted. Said sign shall pertain to the garage sale only and shall be located on the property. Said sign shall be permitted for the three-day period.

(74) Garden center: A building used for the display and retail sale of plants, landscaping materials and horticultural supplies.

(75) Garden home: A freestanding, detached structure used for residential purposes which is built in accordance with the standards set out in section 29-24(c)(2) [[40.03.3103\(b\)](#)] of this Code.

(76) Grand opening: A promotional activity for a new business permitted by the codes administrator for a period not to exceed sixteen (16) days. A business shall not have more than one grand opening. The permittee shall be responsible for properly anchoring objects.

(76a) Grain mill: A building and the equipment used for grinding grain into flour, including a corn mill, flour mill, or other similar type of mill.

(77) Greenhouse or plant nursery, non-commercial: A structure consisting of glazed frames or sashes, often artificially heated, used for the purpose of cultivating plants too tender to endure open air, or a structure or area used for the purpose of cultivating and growing plants and trees.

(78) Gross floor area: The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.

(79) Group housing for handicapped persons: Shared Group Housing for Handicapped Persons shall mean a shared residential living arrangement which provides a family type environment for up to and including six (6) handicapped persons, supervised by one or more primary care givers subject to compliance with the permit conditions listed in Section 29-30(b)(7) [40.02.002(g)]:

(A) As used in this section, with respect to a person, “handicap” means:

(i) A physical or mental impairment which substantially limits one or more of such person’s major life activities, as defined in subsection b. [(B)], below;

(ii) A record of having such an impairment; or

(iii) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code.

(B) As used in this section, “physical or mental impairment” includes:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitro [genito]-urinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome,

emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, pre-senile dementia, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotion illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

(iii) For purpose of this exception, “major life activities” include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(80) Guest houses: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

(81) Height: The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established, to the highest point of the roof’s surface if a flat surface, to the deck line of mansard roofs, and to the mean height level between eaves and ridges for hip or gable roofs. If measuring the height of a building the following structures shall be excluded: Chimneys, cooling towers, radio towers, ornamental cupolas, or spires, elevator bulk heads, tanks, water towers, and parapet walls not exceeding four (4) feet in height.

When referring to an antenna or other structure, the distance measured from ground level to the highest point on the structure, even if the highest point is an antenna.

(81a) Hatchery, poultry: A structure or area in which the hatching of poultry eggs is artificially controlled for commercial purposes, and is a part of the process of raising domestic fowl for the production of meat or eggs, or for sale, with domestic fowl including chickens, turkeys, geese, ducks, or other similar type of bird.

(81b) Horticulture: The cultivation of a garden, orchard, or plant nursery that includes flowers, fruits, vegetables, or ornamental plants.

(82) Hospital: A facility or station where sick or injured persons are given medical or surgical care, whether at public or private expense.

(83) Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twelve (12) sleeping rooms, a public dining room for the accommodation of more than twelve (12) guests, and a general kitchen.

(84) House, zero lot line: A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

- (85) Incidental use: a secondary or minor use associated with a primary use. Incidental use shall not exceed 25% of the floor area of the primary use.
- (85a) Indoor crop production or farming: A method of growing crops or plants, usually on a large scale, entirely indoors, often implementing growing methods such as hydroponics and utilizing artificial lights to provide plants with the nutrients and light levels required for growth.
- (86) Institutional home: A place for the care of babies, children, pensioners or old people, except those for correctional or mental cases.
- (86a) Intermodal Shipping Container: A metal standardized re-sealable transportation box for unitized freight handling with standardized equipment, commonly referred to as a “sea container.”
- (86b) Irrigation intake or pump: A system, structure, or pumping station used to direct water from a source, such as a reservoir or a river, into an irrigation system.
- (87) Kennel: Any lot or premises on which five (5) or more dogs more than four (4) months of age are kept.
- (88) Landscaping: Creating an aesthetic effect by the use of a combination of plant material, including but not limited to grass, trees and shrubs, planters, brick, stone, natural forms, waterforms, aggregate and other landscape features. Landscaping shall not include the use of smooth concrete or asphalt.
- (89) Landscape screen: Plant material of the evergreen variety, a minimum of six (6) feet in height at the time of installation and planted on four-foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for watering at the time of installation.
- (90) Line: A symbol used in drafting, which has only one dimension, length.
- (90a) Livestock auction or wholesale sales: A place of business to which the public may consign livestock for sale by auction, public bidding, or on a commission basis.
- (91) Loading space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access
- (92) Lot: An undivided tract or parcel of land under one ownership having access to a street, either occupied or to be occupied, by a building or building group together with accessory buildings and used together with such yards and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.
- (93) Lot area: The total horizontal area within the lot lines of a lot.
- (94) Lot, interior: A lot other than a corner lot.
- (95) Lot lines: The lines designated on a plat as being the boundaries of a lot.
- (96) Lot width: For commercially and industrially zoned property, it shall be equal to the length of the

greatest front lot line. For residentially zoned property, it shall be equal to the length of the shortest front lot line.

(97) Massage establishment: Any place of business in which massage therapy is practiced as its principal business by a massage therapist as defined in Article 4512k, Section 1, Vernon's Annotated Texas Civil Statutes [V.T.C.A., Occupations Code, Section 455.001].

(97a) Microbrewery, microdistillery, or microwinery: A small, independently owned establishment where beer, wine, or other alcoholic beverage is brewed, fermented, or distilled for on premises consumption and distribution.

(98) Mobile home: Mobile home means any vehicle or similar portable structure including expanding and double width units designed for long-term occupancy which arrives at a mobile home site as a complete dwelling. This vehicle shall be more than ten (10) feet wide and more than thirty-five (35) feet in length.

(99) Mobile home park: Mobile home park means any tract of land under single ownership, ten (10) acres or more, where accommodation is provided for nontransient mobile home use.

(100) Mobile home subdivision: A tract of land, twenty (20) acres or more, which has been final platted of record in its entirety in accordance with the City of Lubbock Subdivision Regulations and in accordance with the "specific use" section of the zoning ordinance.

(101) Motel, motor hotel, or motor lodge: A building or group of buildings designed primarily to serve individuals traveling by automobile in which lodging is provided for more than twenty (20) persons for compensation and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel or motor lodge may include[,] as accessory uses, restaurants, club rooms, banquet halls, ballrooms and meeting rooms.

(102) Natural or artificial barrier: Any river, pond, canal, railroad, levee, embankment or fence or hedge which prohibits a view of the use from the outside.

(103) Nightclub: A place where alcoholic beverages are sold for consumption on the premises, with or without food, as the primary business. Live entertainment may be provided and dancing permitted subject to other applicable city ordinances.

(104) Nonconforming building: A building or structure or portion thereof lawfully existing at the time this ordinance [chapter] became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

(105) Nonconforming use: A use which lawfully occupied a building or land at the time this ordinance [chapter] became effective and which does not conform with the use regulations of the district in which it is located.

(106) Nude, nudity, state of nudity, semi-nude and simulated nudity.

(A) Nude, nudity or state of nudity means appearing while any of the following portions of the human body are less than completely and opaquely covered:

- (i) Genitals, whether or not in a state of sexual arousal; or
- (ii) Pubic region or pubic hair; or
- (iii) Buttock(s); or
- (iv) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
- (v) Any combination of the above.

(B) Semi-nude or semi-nudity means a state of dress in which clothing covers only the genitals, anus, and pubic region.

(C) Simulated nudity means a state of dress in which any artificial device or covering is worn on a person and exposed to view so as to simulate an actual “state of nudity.”

(107) Nurseries: A place where trees, shrubs, or flowering plants are raised from seed or otherwise in order to be transplanted or propagated.

(108) Off-street parking space: An area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. Such area shall:

- (A) Have a permanent all-weather surface paved in accordance with city standards for residential streets.
- (B) Have dimensions for each space of not less than nine (9) feet by eighteen (18) feet.
- (C) When off of any alley, have dimensions for each space of not less than nine (9) feet by twenty-four (24) feet.
- (D) Be accessible by an all-weather-surfaced drive of sufficient width to provide for access and maneuvering, which drive shall connect with a dedicated street or alley, provided, however, such drive shall not be required for spaces that abut an alley.
- (E) Be appropriately defined or marked to delineate one space from another.
- (F) Be so designed and regulated that no parking, or maneuvering incidental to parking, shall be on any public street or walk. Provided, however, this provision shall not apply to access from an alley or to single or two-family units.
- (G) Provide adequate barriers to keep any parked vehicle from extending into or overhanging any public right-of-way.
- (H) Be so designed that any vehicle may be parked and unparked without requiring the moving of any other vehicle.

(l) Be located on the development lot.

(109) Oil and gas wells: Any hole or holes, bore or bores, to any sand formation, strata or depth for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or any of them.

(110) Nursery, day: Same as “Day Care Center.”

(111) Open space: Area included in any side, rear or front yard or any unoccupied space on a lot that is open and unobstructed to the sky.

(112) Package store: A place where alcoholic beverages are sold for consumption off the premises as the primary business activity.

(113) Parking area, public or customer: An open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

(114) Parking space, automobile: Space within a building or a private or public area for parking of one automobile.

(115) Parkway: Any part of the public right-of-way lying between the curb or grade line of any public street and the abutting private property line.

(116) Permanently maintained shall be defined as a constant and continuing state of maintenance, thereby preserving the installation as similar to the original as possible.

(117) Person: When used in this ordinance [chapter] shall mean every natural person, firm, co-partnership, association, partnership, corporation or society; and the term “person” shall include both singular and plural, and the masculine shall embrace the feminine gender.

(118) Personal care facilities: All regulations of chapter 29 [40] of the Code of Ordinances apply to personal care facilities. A personal care facility is defined as an establishment including a board and care home that:

(A) Furnishes in one or more facilities food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment; and

(B) Provides personal care services.

(119) Personal care services: Personal care services means:

(A) Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;

(B) The administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or

(C) General supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in a personal care facility or who needs assistance to manage the person’s personal life, regardless of whether a guardian has been appointed for that person.

- (120) Plumbing, heating, refrigeration or air condition businesses: Business whose primary purpose is the sales, service or installation of equipment pertaining to plumbing, heating, refrigeration or air condition.
- (121) Plumbing service: The operation of a business which involves only retail sales and off-premises service, installation and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration or air-conditioning contractor or similar type wholesale, service or repair operation.
- (121a) Poultry: A domestic fowl, including a chicken, turkey, goose, pigeon, guinea fowl, quail, ostrich, emu, or other similar type of bird, raised for the production of meat or eggs, or for sale.
- (122) Promotional sales activities: Outside sales activities in compliance with section 29-28(f)(2)j [sic].
- (123) Pet store: The purchase and resale of pets and related items and supplies.
- (124) Print shop: A business engaging in the reproduction of printed or photographic impressions, included [including] but not limited to the processes of composition, binding, platemaking, microform, type casting, presswork, and printmaking.
- (125) Quick oil change facility: A business engaging in the changing of oil, oil filters and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper truck; provided, however, that when a zone case or zoning board of adjustment ruling prohibits gasoline service stations as a use on a certain tract of land, prior to the passage of section 17-3.8a {29-18(c)(8a)} [40.03.1633(10)] of this Code, said prohibition shall also be deemed to prohibit quick oil change facilities and quick tune facilities.
- (126) Quick tune facility: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps or other major engine parts, brake shoes or mufflers; provided, however, that when a zone case or zoning board of adjustment ruling prohibits gasoline service stations as a use on a certain tract of land, prior to the passage of section 17.3-8a {29-18(c)(8a)} [40.03.1633(10)] of this Code, said prohibition shall also be deemed to prohibit quick oil change facilities and quick tune facilities.
- (127) Rear lot line: Any lot line contiguous to an alley.
- (128) Receive-only antenna/amateur radio antenna: Any tower or antenna that is under seventy (70) feet in height and is owned or operated by a federally licensed amateur radio station operator or is used exclusively for reception only, including local television broadcast reception antennas, direct broadcast satellite antennas or multichannel multipoint distribution services. Receive-only/amateur radio antennas are not subject to regulation under this chapter.

- (129) Recreational dual purpose vehicle: A pickup with a slide-in camper or a van type vehicle converted for camping use, one ton or less in rated capacity and not longer than twenty-two (22) feet in length, either of which is used both for constant transportation and incidental camping purposes.
- (130) Recreational equipment or trailer: Such equipment or trailers shall include any boat, on or off a trailer; any boat trailer; any race car or parts, on or off a trailer; any snowmobile, on or off a trailer; any dune buggy, on or off a trailer; any motorcycle trailer, and any utility, cargo or stock trailer.
- (131) Recreational equipment or trailer, oversized: Any recreational equipment or trailer whose total size or total combined (equipment and trailer measured together) size, excluding any trailer tongue, is over seven (7) feet in width or seven (7) feet in height or twenty-two (22) feet in length.
- (132) Recreational vehicle: Recreational vehicle, travel trailer and vacation travel trailer are used synonymously throughout the comprehensive zoning ordinance and mean a vehicle designed for a temporary or short-term occupancy for travel, recreational and vacation uses. Such vehicles shall include any travel trailer, camp trailer, pop-up or tent campers, house trailer, mobile home, motor home or house car, and any pickup camper, on or off the pickup (excluding recreational dual purpose vehicles), except a simple shell, on the pickup, having no cooking or bath facilities.
- (133) Refrigeration service: The operation of a service business which involves servicing, making repairs, replacements and installations of refrigeration units with such operation being in accordance with section 2.91{29-3(91)} [subsection (120) of this section].
- (134) Remnant: A parcel of land left over after subdivision or resubdivision which is located and is confined on both sides of the subdivision or resubdivision by buildings or other improvements that would prevent extension.
- (135) Restaurant: A place where the primary business is the preparation and sale, on the premises, of food to members of the general public, and providing kitchen facilities separate and apart from the area of the premises devoted to public dining and which may or may not provide live entertainment to patrons of the premises. Public dancing shall be allowed on premises only upon the granting of a special exception by the ZBA as provided in this Code.
- (136) Restaurant kitchen facilities: A separate area located in or on the premises of a restaurant, which area meets the following conditions or standards:
- (A) Meets all requirements of other applicable city codes.
 - (B) Contains a stove and oven in working order.
 - (C) Provides refrigerated storage for food to be prepared and sold on the premises.
 - (D) Is staffed by a full-time cook or chef who must be on duty for the preparation of food during the hours that the restaurant is open to members of the general public until the hour of 11:00 p.m. each day said restaurant is open for business.
 - (E) Provides a full service menu with a variety of entrees to be available until 11:00 p.m. each day to

members of the general public seeking food on the premises which lists all food items for sale together with the price of such items.

(F) Maintains a food inventory and condiments for use by the cook or chef in they [the] preparation of food for sale to members of the general public.

(G) Provides pots, pans and utensils necessary for use by the cook or chef in the preparation of menu items for sale to members of the general public.

(137) Restaurant with accessory passout windows: A restaurant may have, as an incidental use, accessory passout windows for delivery of food to be consumed off-premises (not on property occupied by the restaurant).

(138) Restaurants with outside dining areas/patios: A restaurant may have, as an incidental use, outside dining areas/patios subject to the following guidelines:

(A) The outside dining areas/patios shall be completely surrounded by an architecturally compatible fence (three-foot minimum height) designed suitably to prevent trash from being blown onto adjacent areas.

(B) The outside dining areas/patios shall be accessed by a door or doors from the restaurant only. No open access shall be permitted from outside through the fence (emergency exits with approved panic hardware shall not be considered open access).

(C) Any amplified sound shall comply with section 29-16(b)(4) [[40.03.1392\(d\)](#)] and shall be limited to background music. No public address system that announces orders or calls to patrons shall be allowed.

(D) The outside dining areas/patios will be allowed within the commercial required setback but shall be a minimum of twenty-five (25) feet from any front property line.

(E) Alcoholic beverage sales as an incidental use may be permitted as defined in 29-3(97.2) [subsection (139) of this section]. Any containment of outside dining areas required by state law or regulation shall be applicable.

(139) Restaurant with alcoholic beverage sales as incidental use: A place meeting the definition of “restaurant” as set forth in this Code and containing “Restaurant Kitchen Facilities” as defined in this Code that serves alcoholic beverages to members of the general public as an incidental use to their primary business operation and which meets the following conditions:

(A) No outside or exterior entrance shall be provided for any area of the premises exclusively devoted to the preparation, sale and primary consumption of alcoholic beverages.

(B) No outside sign, separate identification, or advertising of any type shall be allowed for the area within the restaurant devoted to the preparation, sale and primary consumption of alcoholic beverages.

(C) No independent advertising of alcoholic beverages for sale shall be allowed, however, it shall be

permissible to advertise the sale of alcoholic beverages with food offered for sale to the general public in any public advertisement.

(140) Retail: The sale of goods, merchandise, services and/or commodities to the general public.

(141) Rooming house: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by three (3) or more, but not exceeding eleven (11) individuals for compensation, paid directly or indirectly, and no meals are served or provided the occupants.

(142) School, elementary and high: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas. High schools include junior and senior.

(143) School, private: An institution of learning having a curriculum equivalent to public schools (does not include specialty schools, such as dancing, music, beauty, mechanical, trade, swimming or commercial schools).

(144) Screening fence: A solid six-foot fence or wall of wood or masonry construction which shall be installed prior to or concurrently with the first building permit issued in a development and which shall be permanently maintained.

(145) Semi-nude: Semi-nude means a state of dress in which clothing covers only the genitals, anus, and pubic region.

(146) Servant's quarters: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than fifty (50) per cent of his or her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such servant's quarters shall not exceed six hundred (600) square feet.

(147) Sexually oriented business shall mean and include any commercial venture whose operations on any calendar day include: The providing, featuring or offering of one or more employees or entertainment personnel who appear while in a state of nudity, semi-nude or simulated nudity and provide live performances or entertainment intended to provide sexual stimulation or sexual gratification to customers and which is offered as a feature of a primary business activity of the venture; or, the providing, featuring or offering, as a "primary business activity," as defined herein of nonlive, sexually-explicit entertainment materials, or items for sale or rental to customers, or the providing or offering of a service or exhibition of materials or items which are intended to provide sexual stimulation or sexual gratification to its customers, said materials, items or services being distinguished by or characterized by an emphasis on subject matter depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas."

The term “sexually oriented business” shall include, but not be limited to the following:

- (A) Sexually oriented cabaret. A sexually oriented cabaret is an establishment whose business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, nudity, simulated nudity, or any combination thereof.
- (B) Sexually oriented modeling studio. A sexually oriented modeling studio is an establishment whose business is the providing to customers, figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and to display specified anatomical areas while being observed, painted, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- (C) Sexually oriented bookstore, film or video store. A sexually oriented bookstore, film or video store is an establishment having a primary business activity of marketing, selling, displaying or dispensing stock in trade, books, films, videos, magazines, periodicals, computer imaging products or other reproductions which are intended to provide sexual stimulation or sexual gratification to customers, and which are distinguished or characterized by an emphasis on depicting or describing “specified sexual activity” or “specified anatomical areas.”
- (D) Sexually oriented viewing booth or arcade. A sexually oriented viewing booth or arcade is an establishment or commercial venture which has within its structure any coin-operated or slug-operated or electrical or mechanical device, which projects or displays any image into a viewing area or other enclosure which is designed for presenting material intended to provide sexual stimulation or sexual gratification to customers, and which are [is] distinguished or characterized by a predominant emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- (E) Sexually oriented theater or sexually oriented motion picture theater. A sexually oriented theater or sexually oriented motion picture theater is an establishment or commercial venture which is conducted within an enclosed building and which projects or displays for viewing by an audience material intended to provide sexual stimulation or sexual gratification to customers, and which are [is] distinguished or characterized by a predominant emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities” for observation by patrons.
- (F) Sexually oriented lounge. A sexually oriented lounge is a “sexually oriented cabaret” as defined above which allows the consumption of alcoholic beverages on the premises.
- (G) Sexually oriented retail store. A sexually oriented retail store is a retail establishment which has a primary business activity of marketing, selling, displaying or dispensing stock in trade, books, films, magazines, periodicals, instruments, devices, paraphernalia, or any other products intended to provide sexual stimulation or sexual gratification to customers, and which are distinguished or characterized by

an emphasis on depicting, describing or related to “specified sexual activities” or “specified anatomical areas.”

(H) Sexually oriented motel or adult motel. Sexually oriented motel or adult motel means a hotel, motel or similar commercial establishment which:

(i) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic or computer generated reproductions which are intended to provide sexual stimulation or sexual gratification to customers, and which are characterized by the depiction or description of “specified sexualactivities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of such adult types of photographic or computer generated reproductions; or

(ii) Offers a sleeping room for rent on an hourly basis; or allows a tenant or occupant of a sleeping room to sub-rent the room on an hourly basis.

(I) Sexually oriented escort agency. A sexually oriented escort agency is a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration. For purposes of this definition an escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(J) Sexually oriented encounter center. A sexually oriented encounter center is a business or commercial venture that offers for any form of consideration physical activities between persons when one or more of the persons are in a state of nudity or semi-nudity.

(148) Shopping center: A group of architecturally unified commercial establishments built on a site which is planned, developed, owned, or managed as an operating unit which is related to its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

(149) Side line: Any lot line not a front or rear lot line.

(150) Sign: Any words, numbers, figures, devices, designs, trademarks or other symbols, which attract attention to or make known such things as an individual, firm, profession, business, commodity or service, and which is [sic] visible from any public street. This definition of “sign” shall include any structure designed to be used for said display. For the purpose of removal, “sign” shall also include sign supports.

(151) Sign, abandoned: Any sign, including off-premise signs unless owned and operated by a bona fide billboard company, which no longer correctly directs or exhorts any person or advertises a bona fide business lessor, owner, product, service, or activity.

- (152) Sign, advertising vehicle or trailer: Any vehicle or trailer, which has as its basic purpose the advertisement of products or direction of people to a business or activity, whether located on or off-premise.
- (153) Sign area: The area of any freestanding sign or billboard shall be the sum of the areas enclosed by the minimum imaginary rectangles, triangles, or circles which fully contain all extremities of the sign, including the frame but excluding any supports. Sign area for all other signs shall be the sum of the areas of the minimum imaginary rectangles, triangles, or circles which fully contain all words, numbers, figures, devices, designs or trademarks by which anything is made known.
- (154) Sign, auxiliary: Any sign indicating general information, such as pricing, trading stamps, credit cards, official notices or services required by law, trade associations, and signs giving directions to offices, rest rooms, exits and the like facilities.
- (155) Sign, billboard: (See section 2.14 {29-3(14)} [subsection (23) of this section].)
- (156) Sign, canopy: Any sign affixed to a canopy.
- (157) Sign, community service: Any sign which solicits support for or advertises nonprofit community use, public use, or social institution. Such signs may include, but shall not be limited to[,] seasonal holidays, such as Christmas, Easter, school activities, charitable programs, or religious activities.
- (158) Sign, damaged: Any sign which has become so deteriorated or dilapidated as to require more than minimal reconditioning to restore it to an average, normal state of repair.
- (159) Sign, electronic gasoline price: Any electronic message display sign capable of only displaying the price of gasoline, no other message shall be allowed. Gasoline price signs shall change only when the price of gasoline changes.
- (160) Sign, electronic message display: A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including time and temperature signs.
- (161) Sign, free standing: Any sign permanently affixed to the ground and which is not affixed to a building and which is not used for off-premises advertising.
- (162) Sign, governmental: Any sign indicating public works projects, public services or other programs or activities conducted or required by any governmental subdivision.
- (163) Sign height: Sign height shall be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.
- (164) Sign, portable: Any sign not permanently affixed to the ground or to a building and which is designed to permit removal and reuse.
- (165) Sign, primary identification: Any sign identifying the name of a shopping center or group of commercial buildings. Such signs shall commit a minimum of twenty-five (25) per cent of the allowable

area to the primary identification while the remainder may identify businesses within the shopping center or group of commercial buildings.

(166) Sign, realty: Any sign used to advertise a real estate development site or to advertise that real estate is for sale or lease.

(167) Sign, roof: Any signs which are affixed to building roofs, excepting mansard or sloping roofs.

(168) Sign setback: Sign setback shall be the horizontal distance between a sign and the front lot line, as measured from that part of the sign, including its extremities and supports, nearest to any point on an imaginary vertical plane projecting from the front lot line.

(169) Sign, sloping or mansard roof: Any sign affixed to a sloping or mansard roof.

(170) Sign, temporary business promotion: Any sign which is designed to produce revenue by advertising services, sales, or other temporary promotional programs and which have a limited duration.

(171) Sign, wall: Any sign affixed flat against and parallel to a building wall. For the purposes of this definition, wall shall include window areas.

(171a) Single-family dwelling, large lot: A residential structure intended for single-family use as the primary use or incidental to the operation of a farm, ranch, orchard, or similar agricultural use.

(172) Site plan: A detailed line drawing clearly describing the project and showing the following information:

(A) Drawn to scale showing scale used, north arrow, date and title of project.

(B) Property lines, location and widths of all streets, alleys and easements.

(C) Proper dimensions on all fundamental features such as lot, buildings, parking spaces, landscaped areas.

(D) The location of setback lines, driveway openings and sidewalks.

(E) All proposed buildings, freestanding sign locations, parking areas and open space.

(F) All required landscaping, together with a description of type of material to be used.

(G) A cross section of any required or proposed screening.

(H) Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density or floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; garbage collection facilities.

(I) Name, address and telephone number of the proponent.

(173) Specified anatomical areas means the following portions of the human body:

(A) Genitals, whether or not in a state of sexual arousal;

(B) Pubic region or pubic hair;

- (C) Buttock or buttocks;
- (D) The portions of the female breast below a point immediately above the top of the areola; and
- (E) Any combination of the above.

(174) Specified sexual activities means one or more of the following:

- (A) The fondling, massaging or other erotic touching or stimulation of “specified anatomical areas;”
- (B) Ultimate sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy;
- (C) Masturbation, actual or simulated; or
- (D) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) [(A) through (C)] above.

(175) Sports grill with or without game machines or pool tables: A facility having a sports theme decor and atmosphere including telecast live or replayed sports events on regular or giant screen televisions throughout the customer area. At least one forty-three-inch or larger diagonal screen measure television shall be provided for each five thousand (5,000) gross square feet or portion thereof, and at least one twenty-five-inch or larger diagonal screen measure television shall be provided for each one thousand (1,000) gross square feet or portion thereof which shall be spaced (not grouped) within the patron area(s). A gameroom permit shall be required if more than five (5) games are operated, and the entertainment focus of both games and music must be directed away from minors. Any facility having any attraction, activity, event or menu oriented towards minors shall not be eligible to operate as a sports grill. The facility shall provide food from a full service menu and operate a kitchen as described at subsection 29-3(97.1) [subsection (136) of this section], except that the closing hour may be 10:00 p.m. Public dancing shall be allowed on premises only upon the granting of a special exception by the zoning board of adjustment as provided in the Code. If the term “bar” is used in the name of the business, the term “grill” shall appear before the term “bar” (as in “grill and bar”), except that any business lawfully existing prior to July 1, 2001, that requests certification as a sports grill may continue to operate as nonconforming with the existing business name.

(176) Stable or riding facility, commercial: A facility used for the rental of horse or mule stall space; for the sale or rental of horses or mules; or, for horseback riding, training, competition, or lessons.

(176a) Stable or riding facility, private: A non-commercial building, commonly divided into separate stalls for individual animals, used for the use of the owner to keep or ride horses.

(177) Stack lot: A lot used for the outside storage of used materials, machinery, or equipment, and to which the general public is not normally invited.

(178) Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

- (179) Story, half: A story under a gable, hip or gambrel roof, the wallplates of which at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story, and which has an average height of not more than eight (8) feet and covering a floor area of not more than seventy-five (75) per cent of the area of the floor on the story next below.
- (180) Street: A public way which extends primary means of access to abutting properties.
- (181) Street width: The horizontal distance between the sidelines of a street, measured at right angles to the sidelines.
- (182) Structure: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.
- (182a) Tattoo studio: A permanent, non-dwelling building or portion of a building, designated by a permit holder and located in accordance with applicable local zoning codes where tattooing or permanent cosmetic application is performed, completely separated from living quarters; and being subject to all provisions of [article 8.10](#) of this code.
- (183) Tent: A portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
- (184) Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers.
- (185) Townhouse: A house of a row, joined to its neighbors by party walls and covered by the same roof, while occupying separate lots. No townhouse structure shall have less than two (2) dwelling units or an overall length exceeding two hundred fifty (250) feet.
- (186) Trailer: Any portable or mobile vehicle on wheels, skids or rollers not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for commercial hauling, or storage purposes.
- (187) Travel trailer: Travel trailer, vacation travel trailer and recreational vehicle are used synonymously throughout the comprehensive zoning ordinance and mean a vehicle designed for a temporary or short-term occupancy for travel, recreational and vacation uses. Such vehicles shall include any travel trailer, camp trailer, pop-up or tent campers, house trailer, mobile home, motor home or house car, and any pickup camper, on or off the pickup (excluding recreational dual purpose vehicles), except a simple shell, on the pickup, having no cooking or bath facilities.
- (188) Travel trailer park: Travel trailer park means any tract of land under single ownership, [of] ten (10) acres or more, where accommodation is provided for transient trailer use.
- (189) Uncovered public parking lots: Any premises used for the purpose of parking motor vehicles for remuneration. No repairs or sales will be permitted on the premises.
- (190) Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

- (191) Used car sales area: An area used for the display and sale of used automobiles in operating condition and where no repair work is done except the minor adjustments of the cars to be displayed or sold on the premises.
- (192) Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (193) Washaterias: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on the self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless, and such as will not cast off soot.
- (193a) Wildlife sanctuary: A protected area or a geographic territory within which wildlife is protected from hunting, predation, competition, or poaching.
- (194) Wing or extension: That part of a building projecting towards the rear lot line, if any, but only if the width of that projection is less than one-half of the total building width. For the purposes of this definition, building width shall be the greatest dimension of the building, as measured at right angles to the front property line.
- (195) Wine, beer, or alcohol tasting facility: A facility or a portion of a facility that is a part of a winery, brewery, or a distillery, typically located on the premises of the winery, brewery, or distillery's production facilities, at which guests may sample the winery, brewery, or distillery's products. A tasting facility may include meeting or banquet facilities or restaurants to dispense wine for on premise consumption.
- (196) Winery: A place where wine is manufactured or made commercially.
- (197) Wholesale: The sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.
- (197a) Woodland preserve: An area where low-density, forest forming open habitats, with an understory of shrubs and herbaceous plants including grasses, are maintained and preserved.
- (198) Yard: Any open space between a building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.
- (199) Yard, front: That yard between the front building line and the front lot line.
- (200) Yard, rear: That yard between the rear building line, and the rear lot line, if any.
- (201) Yard, side: That yard between the side building line, and the side lot line, if any.

(Ordinance 7084, sec. 2, adopted 6/26/1975; Ordinance 7384, secs. 1–20, adopted 1/13/1977; Ordinance 7575, secs. 1, 2, adopted 11/17/1977; Ordinance 7659, secs. 1–23, adopted 5/11/1978; Ordinance 7671, secs. 1, 2, adopted 6/8/1978; Ordinance 7745, secs. 1, 2, adopted 10/12/1978; Ordinance 7869, sec. 1, adopted 6/14/1979; Ordinance 7947, sec. 1, adopted 11/8/1979; Ordinance 8052, sec. 1, adopted 5/23/1980; Ordinance 9014, sec. 5, adopted 10/9/1980; 1983 Code, sec. 29-3; Ordinance 8233, sec. 1, adopted 9/24/1981; Ordinance 8464, secs. 1, 2,

adopted 7/28/1983; Ordinance 8524, sec. 1, adopted 1/12/1984; Ordinance 8685, sec. 2, adopted 11/8/1984; Ordinance 8739, secs. 1, 2, adopted 3/14/1985; Ordinance 8740, sec. 1, adopted 3/14/1985; Ordinance 8816, secs. 1, 2, adopted 9/12/1985; Ordinance 8817, secs. 1, 2, adopted 9/12/1985; Ordinance 8880, sec. 1, adopted 2/13/1986; Ordinance 8882, sec. 1, adopted 1/26/1986; Ordinance 8888, secs. 1, 2, adopted 2/13/1986; Ordinance 8894, sec. 1, adopted 3/13/1986; Ordinance 9045, sec. 3, adopted 3/12/1987; Ordinance 9055, secs. 1, 2, adopted 4/9/1987; Ordinance 9092, secs. 4, 5, adopted 8/13/1987; Ordinance 9156, secs. 1, 2, adopted 12/17/1987; Ordinance 9457, sec. 1, adopted 7/11/1991; Ordinance 9488, sec. 4, adopted 11/14/1991; Ordinance 9489, sec. 1, adopted 11/14/1991; Ordinance 9507, sec. 1, adopted 3/12/1992; Ordinance 9537, sec. 3, adopted 7/9/1992; Ordinance 9705, secs. 1, 2, adopted 5/19/1994; Ordinance 9919, sec. 1, adopted 7/25/1996; Ordinance 9942, sec. 1, adopted 10/10/1996; Ordinance 10033, sec. 1, adopted 11/20/1997; Ordinance 10173, secs. 5–7, adopted 6/24/1999; Ordinance 2001-O0092, sec. 1, adopted 12/3/2001; Ordinance 2006-O0006, secs. 1, 2, adopted 1/26/2006; Ordinance 2006-O0030, secs. 1–3, adopted 3/23/2006; Ordinance 2006-O0107, sec. 1, adopted 10/13/2006; Ordinance 2008-O0103, secs. 1, 2 adopted 12/4/2008; Ordinance 2010-O0058, secs. 1–2, adopted 8/12/2010; Ordinance 2011-O0122, sec. 2, adopted 12/14/2011; Ordinance 2012-O0017, sec. 1, adopted 3/6/2012; Ordinance 2016-O0030, sec. 1, adopted 3/10/2016; Ordinance 2016-O0037, sec. 1, adopted 3/10/2016; Ordinance 2018-O0066, secs. 1–25, adopted 6/14/2018; Ordinance 2018-O0091, secs. 1–6, adopted 8/9/2018)

Sec. 40.01.004 [Effect of adoption]

By the passage of this ordinance [chapter] no presently illegal use shall be deemed to have been legalized, unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses, where recognized, or an illegal use as the case may be. It is further the intent and declared purpose of this ordinance [chapter] that no offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the zoning ordinance and map [were] adopted shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed. (Ordinance 7084, sec. 29, adopted 6/26/1975; 1983 Code, sec. 29-32; Ordinance 9547, sec. 1, adopted 9/10/1992)

Sec. 40.01.005 Changes and amendments

(a) City Council may amend.

(1) The City Council may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the districts or the regulations herein established. Before taking any such action the City Council shall submit the same to the planning and zoning commission for its recommendations and report.

(2) Upon submission of any proposed change in classification the applicant will be required to deposit one hundred and sixty-five dollars (\$165.00) for the first acre or portion thereof plus one dollar (\$1.00) for each additional acre or portion thereof with the secretary of the planning and zoning commission.

(b) Procedures before the planning and zoning commission.

(1) The planning and zoning commission shall hold a public hearing on all proposed changes in classification and written notices of all such public hearings shall be sent by the secretary of the planning and zoning commission on forms prepared by the city attorney's office to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notices to be given, not less than ten (10) days before the day set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the city after the final date for

making renditions which are included on the last approved city tax roll, in which event notice to such owners shall be given by publishing the same once in a newspaper of general circulation in the City of Lubbock at least fifteen (15) days prior to the date set for hearing, which notice shall state the time and place of such hearing.

(2) After such hearing the planning and zoning commission may, within its discretion[,], make one of the following recommendations in connection with each proposed change in zoning classification:

(A) Recommend against the change in zoning.

(B) Recommend the change in zoning.

(C) Recommend a change in zoning together with recommendations for requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public streets, provisions for drainage, parking spaces and street layouts and protective screening and open spaces and any other requirements, which, within the judgment of the planning and zoning commission[,], will protect adjacent property and secure substantially the purpose and objectives of the zoning ordinance.

(3) Each such recommendation made by the planning and zoning commission shall be, by the secretary of said commission, reported to the City Council in writing and the applicant notified of the action of the planning and zoning commission.

(4) The secretary of the planning and zoning commission shall set up and maintain a separate file for each application received and shall record therein the names and addresses of all persons, firms and corporations to whom notices are mailed, including the date of mailing and the persons by whom such notices were delivered to the mailing clerk, post office, or mailbox, and all records and files herein provided, shall be permanent and official files of the City of Lubbock.

(c) Procedure before City Council.

(1) A public hearing shall be held by the City Council before adoption of any amendments, supplement or change, at which hearing parties in interest and other citizens shall have an opportunity to be heard. The city secretary shall set such hearing as hereafter [hereinafter] provided upon receipt of the recommendation of the planning and zoning commission or notice of the filing of an appeal to the council from an unfavorable recommendation of the planning and zoning commission. The applicant may file an appeal to the City Council by filing written notice of appeal with the secretary of the planning and zoning commission. Such notice must be filed within thirty (30) days after date of the determination by the planning and zoning commission to recommend against any proposed amendment, supplement or change and the secretary of the planning and zoning commission shall thereupon notify the city secretary of filing thereof and furnish such information as may be necessary to carry out the city secretary's responsibilities hereunder. A notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the City of Lubbock at least fifteen (15) days prior to the hearing. The city secretary is hereby authorized and directed to publish such notices on forms prepared by the city attorney's office and set the date for hearing before the City Council at the earliest practical

time, consistent with the time necessary for giving such notices as provided by law.

(2) When the planning and zoning commission has recommended a change in zoning, which may or may not contain recommendations as to requirements as provided by subsection 26.2-2-3 {29-29(b)(2)(c)} [subsection (b)(2)(C) of this section], the City Council may at its discretion accept, reject or make other or additional requirements, and any such requirements shall become a part of the ordinance changing the zoning classification of such property; such requirements shall be considered as an amendment to the zoning ordinance as applicable to such property. Such requirements shall not be considered conditions precedent to the granting of the change in zoning or the granting of building permits on such property, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance, and such requirements shall be complied with before a certificate of occupancy and compliance may be issued by the building inspector for the use or occupancy of the building[,] land or structure on such property.

(3) If the planning and zoning commission recommends against a proposed amendment, supplement, change or modification, or if a proposed amendment, supplement, change or modification is protested in accordance with this subsection, the proposed amendment, supplement, change or modification must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the owners of at least twenty (20) per cent of either:

(A) The area of the lots or land covered by the proposed change; or

(B) The area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area.

In computing the percentage of land area under this subsection, the area of streets and alleys shall be included.

(4) In the event that the planning and zoning commission has recommended against a proposed amendment, supplement, change or modification in the boundaries of any zoning district, and such amendment or change has not been approved by the City Council as provided in subsection 26.3-3 {29-29(c)(3)} [subsection (c)(3)], of Ordinance No. 7084 [this section], such proposed amendment, supplement[,] change or modification in the boundaries of such zoning district shall neither be submitted nor considered for recommendation by the planning and zoning commission prior to the expiration of twelve (12) months from the date of the order of [or] decision by the planning and zoning commission recommending against such zone change, unless conditions pertaining to property considered in the original application and/or property in the area have, in the opinion of the planning and zoning commission[,] changed to such an extent as to justify a subsequent application prior to the expiration of twelve (12) months from the date of the original order or decision of the planning and zoning commission.

(Ordinance 7084, sec. 26, adopted 6/26/1975; Ordinance 7746, sec. 1, adopted 10/12/1978; 1983 Code, sec. 29-29; Ordinance 8245, sec. 1, adopted 9/24/1981; Ordinance 9205, sec. 1, adopted 5/26/1988)

Sec. 40.01.006 Penalties for violations

(a) Any person, landowner, building owner or occupant, who shall violate any of the provisions of this ordinance [chapter] or who shall fail to comply with any of the provisions of this ordinance [chapter] or who shall build, alter, or occupy any building, structure or land in violation of any statement of [or] plan submitted and approved hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed two thousand dollars (\$2,000.00) or such other amount as may be provided by the general laws of the State of Texas for such offenses. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(b) The owner or owners of any building or property or part thereof where anything in violation of this ordinance [chapter] shall be placed or shall exist and any architect, building contractor, agent, attorney, person, firm, or corporation employed in connection therewith and who have [has] assisted in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be fined in any amount not to exceed two thousand dollars (\$2,000.00) or such other amount as may be provided by the general laws of the State of Texas for such offenses.

(c) In addition to the remedies provided for above, the administrator may, in case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance [chapter], institute on behalf of the City of Lubbock any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, [or] to prevent any illegal act, conduct of business or use in or about such premises.

(Ordinance 7084, sec. 28, adopted 6/26/1975; 1983 Code, sec. 29-31; Ordinance 8829, sec. 1, adopted 10/10/1985; Ordinance 9547, sec. 1, adopted 9/10/1992)

ARTICLE 40.02 ADMINISTRATION AND ENFORCEMENT

Division 1. Generally

Sec. 40.02.001 Administrative official

The administrator of the zoning and environmental control department of the City of Lubbock shall administer and enforce this ordinance [chapter]. (1983 Code, sec. 29-30(a). See end of this division for full history for this division.)

Sec. 40.02.002 Powers and duties of the administrator

(a) Building permits and certification of zoning compliance required. Building permits shall be required in accordance with this ordinance [chapter] and Chapter 3 of the Uniform Building Code [sic].

The administrator shall review all plans for proposed development and shall certify said plans for zoning compliance prior to a building permit being issued by the building inspector.

(b) Certificate of occupancy and compliance and certification of zoning compliance required.

(1) Compliance required. No land shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy and compliance shall have

been issued by the building inspector of the City of Lubbock stating that the building or proposed use thereof complies with the provisions of this ordinance [chapter].

(2) No nonconforming use shall be maintained, renewed, changed, or extended without certificate of occupancy and compliance having first been issued by the building inspector of the City of Lubbock, therefor.

(3) Application for a certificate of occupancy and compliance shall be made with the application for a building permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within five (5) days after the city building inspector has been notified in writing that the building or premises is ready for occupancy.

(4) The building inspector shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

(5) No permit for excavation for or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy and compliance.

(6) No permanent water, sewer, electrical or gas utility connections shall be made to the land, building, or structure until and after a certificate of occupancy and compliance has been issued by the building inspector of the City of Lubbock.

(7) Upon request of the owner or authorized representative, the building inspector may issue a temporary certificate of occupancy for the temporary use and occupancy of a building prior to the completion and occupancy of the entire building provided such temporary occupancy or use will not in any way or manner jeopardize life or property.

(8) The building inspector shall issue a certificate of occupancy upon application of any person for the continuance of lawful nonconforming uses.

(9) The administrator shall inspect all development sites and shall certify zoning compliance prior to certificate of occupancy and compliance being issued by the building inspector.

(c) Zoning certificate:

(1) Required.

(A) No person, firm, corporation or association shall use or occupy any building, premises or structure within the City of Lubbock as the holder of a Texas Alcoholic Beverage Commission permit without obtaining and maintaining a zoning certificate issued by the zoning administrator of the City of Lubbock.

(B) No person, firm, corporation or association shall use or occupy any building, premises or structure within the City of Lubbock as a dance hall, without alcoholic beverage sales, without obtaining and maintaining a zoning certificate issued by the zoning administrator of the City of Lubbock. The only fee which shall be charged for this certificate will be an inspection fee as set out in the fee schedules of the City of Lubbock.

- (C) No person, firm, corporation or association shall use or occupy any building, premises or structure within the City of Lubbock as a sports grill, with or without alcoholic beverage sales, without obtaining and maintaining a zoning certificate issued by the Planning Department of the City of Lubbock.
- (2) A zoning certificate, required under this section shall be issued for a period of one year, renewable annually by the zoning administrator of the City of Lubbock after an inspection of the premises verifies that no violations of this Code exist.
- (3) An application for a zoning certificate shall be submitted to the administrator of the zoning department of the City of Lubbock upon the form furnished by said administrator and shall contain the following:
- (A) The name and address of the owner of the building, premises or structure for which the zoning certificate is sought.
- (B) The name and address of the applicant shall also be furnished and, if the applicant is not the owner of the building, premises or structure for which the certificate is sought, this fact shall be noted upon the application.
- (C) The legal description of the property for which the zoning certificate is sought.
- (D) Applicant shall state his interest in the business for which the zoning certificate is sought.
- (E) If the applicant is a partnership or corporation, applicant shall furnish the following information:
- (i) the name and address of each partner;
- (ii) the name and addresses of the directors and officers of a corporate applicant.
- (F) The applicant shall furnish the business name under which the applicant intends to operate.
- (G) A scaled drawing of the interior floor space showing the area dedicated to kitchen use, with labeled descriptions of all stoves, ovens, and cooking or refrigerated storage apparatus in conjunction with the restaurant. Such equipment shall be installed before a certificate of occupancy is issued.
- (H) Any other information which the zoning administrator of the city shall deem pertinent to the enforcement of this ordinance [chapter].
- (4) There is hereby established a fee in accordance with Section 11.38 Texas Alcoholic Beverage Code Annotated, in the amount of one-half of the fee authorized, to be charged by the State of Texas for each class of permit requested in accordance with the Alcoholic Beverage Code and no zoning certificate shall be issued or renewed until such fee has been paid.
- (5) A zoning certificate may be renewed based upon the original application on file provided all fees, if any are allowed, shall have been paid and the applicant files a sworn statement with the administrator of the zoning department of the city that the information contained in the original application on file is still correct.
- (6) In every case where a zoning certificate is sought for a restaurant with mixed alcoholic beverage

sales as an incidental use, said applicant shall also file a written statement signed by the applicant that he has read all of the provisions of this Code, understands same and intends to operate a restaurant, with the incidental right to sell mixed alcoholic beverages to customers of said restaurant as defined in this Code.

(7) Any zoning certificate issued under this section to a restaurant with mixed alcoholic beverage sales as an incidental use, shall further state that the owner, operator or proprietor of said premises is free at any time to enlarge or remodel said premises provided the following conditions are met:

(A) That the requirements set forth in section 29-3(97.2) subsections a. through c. [[40.01.003](#)(139)(A) through (C)] are met.

(B) That the applicant will meet all other requirements of this Code.

(C) That the applicant meets all other provisions of the Code of Ordinances of the City of Lubbock.

If at the time the building permit is sought for the enlarging or remodeling of the premises, the zoning administrator of the city shall review said remodeling plans and if he finds that the plans meet the conditions set forth in this subsection, he shall endorse his approval upon said plans and the current zoning certificate held by the person, firm, corporation or association seeking the enlargement or remodeling of the premises and such endorsement shall serve to amend the original zoning certificate held and no further action shall be necessary, except that a copy of the plans showing the premises as enlarged or remodeled shall be filed with the zoning administrator.

(8) In the event that the zoning administrator of the City of Lubbock finds that the application for a zoning certificate is insufficient, incomplete or that the evidence does not warrant the issuance of said certificate, then in such event he shall refuse to issue the certificate. The decision of the zoning administrator to deny issuance of a zoning certificate may be appealed to the zoning board of adjustment in accordance with the provisions of Article 1011g, V.A.C.S. [V.T.C.A., Local Government Code, section 211.008 et seq.]. The applicant, who has been denied the issuance of a zoning certificate may reapply for said certificate upon a showing that he has corrected any violation and is in compliance with this Code.

(9) The zoning administrator shall, as to any person, firm, corporation or association operating a restaurant with the sale of mixed alcoholic beverages as an incidental use, issue his order pursuant to section 29-30(b)(5) of this Code [subsection (e) of this section] to cease and discontinue said incidental use in all cases where the zoning administrator determines that said premises operated by any person, firm, corporation or association is not being operated as a restaurant with mixed alcoholic beverage sales as an incidental use as defined in this Code.

(10) In the event any person, firm, corporation or association who has obtained a zoning certificate under the provisions of this section fails to comply with the zoning code of the City of Lubbock, then in such event said zoning administrator shall issue his order to discontinue the use and occupancy of the premises in accordance with the provisions of section 29-30(b)(5) of this Code [subsection (e) of this

section].

(11) A zoning certificate obtained under this section shall not be transferable.

(12) Separation and parking exception. An occupant of premises holding a private club permit issued by the Texas Alcoholic Beverage Commission which was valid on April 1, 1972, shall be permitted to obtain a mixed beverage permit without complying with separation and parking requirements of this ordinance [chapter], provided a zoning certificate has been issued to such occupant by the administrator.

(13) Section 29-27 [[article 40.05](#)] of the Lubbock Zoning Ordinance as codified (nonconforming buildings and uses) shall have no application to any provisions of the following section of the Code of Ordinances of the City of Lubbock:

Section 29-30(b)(3) [subsection (c) of this section], Zoning certificate;

nor to the following definitions when said definitions are utilized under section 29-30(b)(3) [subsection (c) of this section] for the examination of an application for a zoning certificate:

Section 29-3(97) [[40.01.003](#)(135)], Restaurant;

Section 29-3(97.1) [[40.01.003](#)(136)] Restaurant kitchen facilities;

Section 29-3(97.2) [[40.01.003](#)(139)] Restaurant with mixed alcoholic beverage sales as incidental use.

(d) Building permit revoked. Whenever any building work is being done contrary to the provisions of this ordinance [chapter], the administrator shall order the work stopped and shall, in writing, request that the building inspector revoke the building permit theretofore issued. Unless just cause can be shown, the building permit shall be revoked.

(e) Vacate order. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this ordinance [chapter], the administrator shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of such notice or make the building or portion thereof comply with the requirements of this ordinance [chapter], or appeal such order to the ZBA within said ten (10) days. Any vacate order not appealed within ten (10) days becomes final.

(f) General enforcement provisions.

(1) All structures, including tents, boxcars, accessory and temporary buildings and structures[,], shall be in keeping with the average value and construction of the existing development within the area.

(2) Household pets, animals and fowl. Animals and/or fowl which are normally considered to be livestock or other type domestic farm animals or fowl shall not be permitted in a zoning district except where otherwise specifically stated in this ordinance [chapter].

(3) Height, structures permitted above height. Penthouse or roof structures for the housing of elevators,

stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(4) Double garage. A double garage with fire or construction wall at least six (6) inches thick of masonry construction, along a common property line, dividing the two (2) stalls may be constructed provided the party wall along the common property line extends above the roof line at least eighteen (18) inches.

(5) Accessory buildings. No accessory building shall be constructed on a lot until the construction of the main use building has begun. No accessory building shall be used unless the main use building on the lot is also being occupied simultaneously.

(6) Projections into required yards.

(A) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(B) Unenclosed fire escapes, stairways, and/or balconies, covered or uncovered, may extend four (4) feet into the required front or rear yard.

(7) Off-street parking; development lot. Unless otherwise provided for in this ordinance [chapter], all off-street parking shall be provided on the development lot.

(8) Mobile home use.

(A) A mobile home or travel trailer shall not be used as an office or business building in any zoning district, except as an office on the site in connection with a bona fide retail mobile home or travel trailer sales lot or park.

(B) A mobile home or travel trailer shall not be used or occupied for dwelling purposes in any zoning district, except in an approved mobile home park or subdivision, or travel trailer park or unless approved by the zoning board of adjustment as provided in that section.

(9) Vision clearance.

(A) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and a half (2-1/2) feet above the natural ground level at the front lot line to a point four and a half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(B) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street

signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(C) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(D) Enforcement. It shall be the duty of the zoning and environmental control administrator to cause written notice to be served upon the owner or occupant of any property upon which any of the above violations exist or upon any owner or occupant of any property which abuts any parkway area upon which any of the above violations exist to correct such violation within ten (10) days after service of such notice. If such violation in a parkway area either within or without the visibility triangle is not corrected within the ten-day period, the zoning and environmental control administrator is hereby authorized and directed to cause the tree, plant or structure constituting such violation in the parkway area to be trimmed, pruned or removed to eliminate such prohibited condition, with the cost of such trimming, pruning or removal to be assessed against the abutting property owner. This authority shall be in addition to any other remedy provided by law.

(10) Apartment conversions.

(A) All current owners of residences which have been converted to or built as multi-family residences in single-family or duplex residential zoning districts and all owners of accessory buildings which have been converted to apartment use in single-family or duplex residential zoning districts may make application for legal nonconforming use status for all such uses existing as of November 20, 1980, with the administrator of zoning and environmental control for the City of Lubbock on or before May 1, 1981.

(B) Application for nonconforming use status shall contain the following information:

(i) Address of the subject property.

(ii) Name and address of the owner of record.

(iii) The number of living units in the primary residential structure.

(iv) The number of living units in structures detached from the primary residential structure.

(v) The date of application.

(C) Upon receipt of the application for nonconforming status on units converted prior to November 20, 1980, the administrator of zoning and environmental control for the City of Lubbock shall certify the nonconforming status of the unit or units covered in the application and such certification shall create a conclusive presumption of legal nonconforming status on the units covered in said application. The filing of an application which is false as it pertains to any material matter with the administrator of zoning and environmental control shall constitute a violation of this section.

(D) Such legal nonconforming status shall not affect the strict, uniform enforcement of all other ordinances designed for the protection of the health, welfare and safety of the citizens of the City of Lubbock, including but not limited to the fire, building and housing codes. No permits shall be issued for other than that work necessary to maintain said units in a safe and habitable manner. No permit shall be issued to expand the floor area or add residential units to said legal nonconforming uses.

(E) A change in ownership of the said converted units shall not affect their legal nonconforming status; however, such status shall be lost if said units are abandoned for a period of one year or destroyed by an act of nature or any other means and reoccupation or reconstruction shall be expressly prohibited.

(11) Nonconforming parking of recreational vehicles and oversized recreational equipment or trailers.

(A) Any recreational vehicle or oversized recreational equipment or trailer parked on a lot or parcel of land in a nonconforming manner at the residence of a person who owns such vehicle, equipment or trailer and stores it on such lot since December 31, 1988, may continue such legal nonconforming use until January 1, 1993. The burden of proving such legal nonconforming status rests upon the owner of such vehicle, equipment or trailer.

(B) Such status is not transferable or assignable to another location or person, and such benefit or privilege as the status confers shall be only to the same owner and location existing on December 31, 1988. However, if a person sells his nonconforming recreational vehicle or oversized recreational equipment or trailer, he may transfer the nonconforming status to cover a newly purchased recreational vehicle or oversized recreational equipment or trailer of similar type.

(C) Any recreational vehicle or oversized equipment or trailer acquired on or after January 1, 1989, which is not a replacement for a similar type nonconforming unit, shall comply immediately with all provisions of the zoning ordinance.

(D) On and after January 1, 1993, all nonconforming parking of recreational vehicles and oversized recreational equipment or trailers shall comply with all provisions of the zoning ordinance.

(E) Such legal nonconforming status shall not affect the strict, uniform enforcement of all other ordinances designed for the protection of the health, welfare, and safety of the citizens of the City of Lubbock, including but not limited to the fire, building and housing codes. Nothing in this section shall prevent the removal of nuisances or junked vehicles under 16-368 et seq. [\[article 36.04\]](#) or the termination of nonconforming uses under 29-27 [\[article 40.05\]](#) by abandonment or destruction.

(g) Permit required for group housing for handicapped persons.

(1) Compliance required. No group home for handicapped persons as defined in section 29-3(54a) [\[40.01.003\(79\)\]](#) shall hereafter operate until a permit has been issued by the director of planning of the City of Lubbock or his designee stating that the facility complies with the provisions of this chapter.

(2) Applicant shall provide evidence which clearly shows compliance with the following criteria:

(A) Any single-family dwelling unit which is proposed to be utilized for shared group housing for the handicapped shall provide as a minimum, the following square footage in each bedroom:

(i) To house one (1) handicapped person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.

(ii) To house two (2) or more handicapped persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per handicapped person housed in the bedroom utilized for this purpose. For example, two handicapped persons would require a one hundred sixty (160) square foot bedroom.

(B) Any single-family dwelling unit which is proposed to be utilized for shared group housing for handicapped persons shall provide for a separate bedroom for the care provider or providers.

(C) A single-family dwelling unit which is proposed to be utilized for shared group housing for handicapped persons, shall provide on the premises, as a minimum, one parking space for each bedroom in the home, including the spaces provided by the garage but not including the parking on public right of way adjacent to the home.

(D) A single family dwelling unit which is proposed to be utilized for shared group housing for handicapped persons, shall possess an exterior structure which maintains or retains compatibility with the surrounding residential dwellings.

(E) A single family dwelling unit which is proposed to be utilized for shared group housing for handicapped persons, shall have installed and permanently maintained a six-foot solid screening fence around the rear and side yards, except that when, in the opinion of the Board of Adjustment, all or portions of such fence do not serve the public interest, this provision shall not apply. Landscaped outdoor areas shall be provided for the enjoyment of residents. Ramps, walks and steps must be of slip-resistant texture and uniform, without irregularities. Ramps must not exceed 1:12 slope, and shall meet handicap standards for width. All outside areas, grounds, adjacent buildings etc. on site must be maintained in good condition and kept free of rubbish, garage [garbage], untended growth, etc., that

may constitute a fire or health hazard.

(F) A single family dwelling unit which is proposed to be utilized for shared group housing for handicapped persons shall be required to have the following provisions for fire safety:

- (i) Portable Fire Extinguishers. In all new and existing group housing, at least one portable fire extinguisher (type 2-A:10-B:C) shall be provided for each 3000 square feet and at least one additional portable fire extinguisher for each level; and
- (ii) Smoke Alarms. In new and existing group housing for less than six handicapped persons and classified by the State of Texas as a Type A or Type B assisted living facility, multiple station smoke alarms shall be installed and maintained. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. When the installation of the alarm devices is complete, each detector and interconnecting wiring for multiple-station alarm devices shall be tested in accordance with the household fire warning equipment provisions of National Fire Protection Association 72. Smoke alarms shall be installed and maintained at all of the following locations: 1) on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; and 2) in each room used for sleeping purposes, and 3) in each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level; and 4) may be required to be installed in living areas at the discretion of the fire code official;
- (iii) Rescue Windows. In new group housing proposed to house less than six handicapped persons and classified by the State of Texas as a Type A or Type B assisted living facility, each sleeping room shall have at least one openable emergency escape and rescue window with a minimum net clear opening of 5.7 square feet or an exterior door. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimension shall be the result of normal operation of the opening. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches measured from the floor. Emergency escape and rescue opening shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the above and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening; and

- (iv) Automatic Sprinkler Systems. In new group housing classified as a Type B facility proposed to house six or more handicapped persons, an automatic sprinkler system shall be provided in accordance with the adopted fire code; and
 - (v) Fire Alarm Systems (existing group homes). In existing group housing for six or more handicapped persons, a fire alarm system shall be installed unless 1) there are interconnected smoke alarms meeting the provisions of 29-30(b)(7)b7(ii) [subsection (g)(2)(F)(ii)] above, or 2) other manually activated, continuously sounding alarm is approved by the fire code official; and
 - (vi) Fire Alarm Systems (new group homes). In new group housing proposed to house six or more handicapped persons, a fire alarm shall be installed in which 1) notification appliances activate upon sprinkler flow; and 2) at least one manual fire alarm box per floor is installed at an approved location and arranged to sound continuously interconnected smoke alarms meeting the provisions of 29-30(b)(7)b7(ii) [subsection (g)(2)(F)(ii)] above.
- (G) A single family dwelling unit which is proposed to be utilized for shared group housing for handicapped persons shall be required to have a kitchen meeting the following requirements:
- (i) The facility must have a kitchen or dietary area to meet the general food service needs of the residents. It must include provisions for the storage, refrigeration, preparation, and serving of food; for dish and utensil cleaning; and for refuse storage and removal;
 - (ii) Facilities that house 8 or more residents must comply with 25 TAC sections 229.161–229.171 and sections 229.173–229.175 (Texas Food Establishment Rules) and local health ordinances or requirements must be observed in the storage, preparation, and distribution of food; in the cleaning of dishes, equipment, and work area; and in the storage and disposal of waste.
- (H) A single family dwelling unit which is proposed to be utilized for shared group housing for handicapped persons shall be required to comply with the following requirements regarding facility construction:
- (i) The facility must meet the provisions and requirements concerning accessibility for individuals with disabilities in the following laws and regulations: the Americans with Disabilities Act of 1990 (Title 42, United States Code, Chapter 126, as amended); Title 28 Code of [Federal] Regulations, Part 35; Texas Civil Statutes, Article 9102; and Title 16, Texas Administrative Code, Chapter 68;
 - (ii) The Illumination Engineering Society of North America recommendations must be followed to achieve proper illumination characteristics and lighting levels throughout the facility. Minimum illumination must be 10 foot-candles in resident rooms during the day and 20 foot-candles in corridors, dining rooms, lobbies, toilets, bathing facilities, laundries, stairways, and elevators during the day. Minimum illumination for medication preparation or storage areas, kitchens, and staff desks must be 50 foot-candles during the day. Illumination requirements for these areas apply to the task performed and should be measured on the tasks.

- (iii) Heating, ventilating and air-conditioning systems must be designed and installed in accordance with the International Mechanical Code, NFPA 90A Standard for the Installation of Air Conditioning and Ventilating Systems, and NFPA 90B Standard for the Installation of Warm Air Heating and Air Conditioning Systems, as applicable, and the American Society of Heating, Ventilating, and Air-Conditioning Engineers (ASHRAE).
- (iv) Floors must be free of irregularities and substantially level; they must have a resilient, nonabrasive and slip-resistant surface; exposed floor surfaces and floor coverings should promote mobility in areas used by residents and promote maintenance of sanitary conditions. If carpeted, the area used by residents should have nonabrasive carpeting.
- (3) An inspection shall be conducted by the City of Lubbock Health Department using as its criteria the appropriate portions of the requirements of the Minimum Licensing Standards for Facilities Serving Persons with Mental Retardation and Related Conditions, or its most current amendment as established by Texas Department of Health Bureau of Long Term Care, or the Minimum Licensing Standards for Personal Care Facilities as established and amended under Texas Health and Safety Code, Section 247.001 et seq. In the event that the facility is licensed by the State of Texas, the director of planning or his designee may waive all or any portion of the city health department's inspection. The health department shall prepare a report describing the property and any remedial improvements which must be completed in order for the property to meet the minimum standards. The report shall be forwarded to the applicant and to the director of planning or his designee, and no permit shall be issued until the proposed home has met the minimum standards.
- (4) A separate dumpster in addition to that ordinarily furnished to single-family dwelling units shall be required for waste disposal by the shared group housing facility.
- (5) In addition to those specific requirements in Section 29-7(d)(7)b [sic], the facility shall comply with all applicable Fire and Building Codes of the City of Lubbock and applicable portions of the following codes:
 - (A) The International Building Code, 2003 edition by the International Code Council Inc., 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, 'R4' Occupancy, Residential Care/Assisted Living Facilities;
 - (B) The International Plumbing, Mechanical and Fuel Gas Codes, 2003 editions, as published by the International Code Council Inc., 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041; and
 - (C) The National Electrical Code as specified under NFPA 101.

If later adopted codes or ordinances of the City of Lubbock are more stringent than these standards for assisted living, the more stringent requirements will govern.

- (6) No other group living arrangements shall be located within a radius of one thousand (1000) feet of the home for which the permit is requested. Such measurements shall be measured from property line

to property line. Other group living arrangements shall include, but not be limited to, community homes for disabled persons, personal care facilities, adult foster care homes and group housing for handicapped persons. In making the determination that no home exists within one thousand (1000) feet, the director of planning shall consider information provided by the applicant, information contained in the records of the City of Lubbock, and information obtained by physical inspection of the premises, if any.

(7) The holder of the permit shall be in charge of and responsible for the operation of the dwelling unit for shared group housing.

(8) Permit shall be renewed annually so long as the facility continues to comply with the standards described in this subsection (7) [(g)]. Permits are nontransferable.

(9) City of Lubbock inspection personnel shall have the right to conduct inspections to ensure continued compliance with standards at any time (pursuant to a valid search warrant or consent) and in the event a home is found to be in violation of the standards, the inspector shall forward to the director of planning and the senior planner a report describing the violations and that the director of planning or his designee may withdraw the permit. Following withdrawal of the permit and issuance of a vacate order, the permit holder shall have the right to appeal the decision of the director of planning or his designee to the zoning board of adjustment within ten (10) days.

(10) The permit shall be prominently displayed in the facility at all time. Permit shall include the following statement:

“The City does not license facilities as to quality of care. This structure has been inspected and has met the minimum requirements for Group Housing for Handicapped Persons specified in section 29-30(b)(7) [\[40.02.002\(g\)\]](#) of the Code of Ordinances for the City of Lubbock.”

(11) Any permit issued under this section shall become void and of no further effect in the event the use of the premises is discontinued for a period of one year, or if the property is restored to use as a single-family residence.

(12) Nothing in this section shall be construed as attempting to regulate or affect the right of handicapped individuals to purchase their own housing for single family residences or to affect the right of individuals to care for handicapped family members.

(h) Administrative review for antennas, towers and/or alternative tower structures.

(1) Purpose; goals. The purpose of this section is to establish regulations for the siting of towers and antennas on public and private property. The goals of this section are to:

(A) Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;

(B) Encourage strongly the joint use of new and existing tower sites;

(C) Require users of towers and antennas to locate them, to the extent possible, in areas where the

adverse impact on the community is minimal;

(D) Require users of towers and antennas to configure than [sic] them in a way that minimizes the adverse visual impact of the towers and antennas; and

(E) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(2) Application requirements. The proponent of a new tower site other than a radio, television or microwave broadcasting or transmission facility shall provide the following documentation for review by the planning department:

(A) Inventory of existing sites. Each applicant of one or more towers shall provide to the planning department an inventory of its existing towers, including specific information about the location, height, and design of each tower. The planning department shall maintain an inventory of existing towers, including specific information about the location, height, and design of each tower. The city may share such information with other persons, organizations or governmental authorities seeking to locate antennas within the city.

(B) Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning department that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(i) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

(ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs below new tower development are presumed reasonable.

(vi) Property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.

(vii) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(C) Site plan. Each applicant requesting a permit under this section shall submit a scaled site plan and a sealed elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assessment [of] compliance with this ordinance.

(D) Residential setback. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.

(E) Yard setback. Towers and accessory facilities must satisfy the minimum yard setback requirements for the zoning district in which they are located.

(F) Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an appropriate antilimbing device.

(G) Aesthetics. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray, so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(H) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations.

(I) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons and property, then, upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the said thirty (30) days, the city may remove such tower or cause such tower to be removed at the owner's expense.

(3) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a

continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the planning department notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the planning department may cause such antenna or tower to be removed at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(4) Refusal to grant request. Rejection of an application for a permitted use request for an antenna, tower or alternative tower structure by the planning department shall require the proponent to submit a zone case for a specific use permit in accordance with section 29-24(10) [[40.03.3103\(j\)](#)] of this chapter.

(i) Administrative review and permitting for promotional sales and grand opening activities.

(1) Promotional sales activities (including "tents," "tent sales," "truckload sales," "sidewalk sales," and "sales of merchandise outside any structure,") may be permitted in the "CA," "C-2A," "C-2," "C-3," "IHC," "IHI," "C-4," "M-1," and "M-2" zoning districts, subject to the conditions listed in subsection c. [(3)], below.

(2) Grand openings may be permitted in "GO," "A-1," "A-2," "A-3," "AM," "CA," "C-2A," "C-2," "C-3," "IHC," "IHI," "C-4," "M-1," and "M-2" zoning districts, subject to the conditions listed in subsection c. [(3)], below.

(3) Promotional sales activities and grand openings must comply with the applicable following conditions:

(A) Whenever promotional sales activities or grand openings are conducted, adequate provisions must be made for safety and parking.

(B) If a tent is used, it must be inspected and approved by the City of Lubbock Fire Marshal and/or Building Official and construction permits and inspections shall be obtained from the City of Lubbock Building Official.

(C) If lighting or electrical outlets are used in conjunction with promotional sale activities or grand openings, electrical permits and inspections shall be obtained from the building inspection department of the City of Lubbock.

(D) Promotional sales activities and grand opening activities shall not obstruct designated fire lanes.

(E) No portable signs shall be permitted in conjunction with promotional sales activities or grand openings except that the following will be allowed:

(i) Banners flat against the wall of the tents, trucks, or building;

(ii) Pennants secured in a safe manner and not within the visibility triangle as defined in this Code;

(iii) Cold air inflatable and "heavy duty" helium filled balloons (no latex balloons) used in a manner that does not affect public safety. Cold air inflatable balloons and helium filled balloons cannot fly at a

height greater than the distance from its anchor point to any property line or easement, nor be placed within the visibility triangle as defined in this Code.

(F) Permits issued to each applicant shall be limited as follows:

(i) Promotional sales activities permits shall be limited to eighteen (18) days total within a minimum of two (2) days per event during a twelve-month period.

(ii) Grand opening permits shall be limited to a maximum sixteen (16) days for a single event during the tenure of each business.

(iii) The application for promotional sales permit must be made by the property owner or by a shopping center merchant's association representing an entire shopping center development. Individual retail merchants in shopping centers may not obtain permits for promotional sales activities, without the consent of all other tenants in the shopping center development.

(iv) Shopping centers or continuous development centers shall be treated as a single business and shall be allowed a maximum of eighteen (18) days total for promotional sales activities per year. In no case will the promotional sales activity permit be issued to an individual retail merchant within a shopping center.

(v) A nonrefundable application fee of one hundred twenty-five dollars (\$125.00) must be paid to the City of Lubbock at the time the application for promotional sales activities permit is made.

(vi) No fee is required with application for grand opening activities permit.

(G) Any proposed food sale or giveaway in conjunction with a promotional sales activity or a grand opening shall require permits from the City of Lubbock Health Department.

(H) The codes administration department may deny any application for permit that fails to satisfy the applicable conditions, or may revoke any permit which has been issued if it is later found that the applicable conditions cannot be met.

(I) The codes administration department may revoke any permit, if it is later discovered that the promotional sales activity or grand opening activity is a public nuisance or is detrimental to the health, safety, or welfare of the citizens of Lubbock.

(1983 Code, sec. 29-30(b). See end of this division for full history for this division.)

Sec. 40.02.003 In newly annexed territory

All land annexed by the City of Lubbock shall be designated as "Transition Zoning District" (T). No person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, insulate or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City of Lubbock without first applying for and obtaining a building permit from the building inspector or the City Council.

(1) Permits issued by building official. In a territory newly annexed to the City of Lubbock, a building permit shall not be issued by the building official except for "R-1A Reduced Setback Single-Family District" permitted uses unless and until such territory has been classified in a zoning district other than the "T" District by the City Council in the manner prescribed by city codes and a plat approved by the

planning commission and recorded in the Lubbock County Courthouse. For a period of one year after the effective date of annexation the following exceptions shall apply:

- (A) When the building official determines that the requested permit for any installation, construction, reconstruction, modification or alteration of utility service lines is necessary for continued health, safety and welfare of the occupants of an existing structure.
- (B) When the building official determines that the requested permit for any construction, alteration or modification of an existing structure is considered minor in nature, including repair or replacement of roofing, structural, plumbing, electrical or mechanical equipment. In no case shall this exception be construed to allow nonpayment of any applicable charge, fee or pro rata to any utility company or to the City of Lubbock or to allow the expansion of a legal nonconforming use.
- (2) Permits issued by City Council. An application for a permit for any use may be made to the building inspector of the City of Lubbock and by him referred to the city planning and zoning commission for consideration and recommendation to the City Council. Whenever such recommendation is filed with the City Council by the city planning and zoning commission, such recommendation shall be advisory in its nature and the council shall be at liberty to affirm it or allow such construction as the facts in their opinion may justify.
- (3) Permits required for buildings under construction. The owner, lessee, or any other person, firm, or corporation owning, controlling, constructing, supervising, or directing the construction of any building or structure in the process of construction and which is incomplete at the time the land upon which it is situated is annexed to the City of Lubbock before proceeding any further with the construction, alteration, or completion thereof shall apply to the building inspector of the City of Lubbock for a permit authorizing the further work on said building or structure and shall attach to said application for building permit, plans and specifications relating to the construction of said building or structure, which said application for building permit shall be promptly referred to the city planning and zoning commission for consideration and said planning and zoning commission shall promptly thereafter file with the City Council its recommendation as to granting, modifying, or rejecting said permit, the said recommendation to be advisory in its nature and the City Council shall be at liberty to affirm it or allow such construction as the facts in their opinion may justify. Said construction work shall be suspended until the permit provided for herein has been issued or until final zoning regulations have been adopted, which permits the construction, use, and occupancy of the structure or building.

(1983 Code, sec. 29-30(c); Ordinance 2017-O00159, sec. 1, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.02.004 Appeals

Appeals of any decision made by the administrator in regard to the administration and enforcement of this ordinance [chapter] may be made to the zoning board of adjustment in accordance with the provisions of that section of this ordinance [chapter]. (1983 Code, sec. 29-30(d). See end of this division for full history for this division.)

Sec. 40.02.005 Moving of buildings, other than mobile homes, manufactured housing, modular housing, or new ready built housing

No building, other than mobile homes, manufactured housing, modular housing, new ready built housing, accessory buildings, or temporary buildings as described by the building code in Section 111.6 shall be moved into or within the City of Lubbock without the issuance of a special exception. (1983 Code, sec. 29-30(e). See end of this division for full history for this division.)

(Ordinance 7084, sec. 27, adopted 6/26/1975; Ordinance 9014, secs. 3, 4, adopted 10/9/1980; Ordinance 8107, sec. 1, adopted 12/11/1980; 1983 Code, sec. 29-30; Ordinance 8737, sec. 1, adopted 3/14/1985; Ordinance 8888, secs. 5, 6, adopted 2/13/1986; Ordinance 9055, secs. 28–31, adopted 4/9/1987; Ordinance 9092, sec. 13, adopted 8/13/1987; Ordinance 9155, sec. 3, adopted 12/17/1987; Ordinance 9489, sec. 2, adopted 11/14/1991; Ordinance 9942, sec. 4, adopted 10/10/1996; Ordinance 2001-O0027, sec. 2, adopted 4/12/2001; Ordinance 2002-O0143, sec. 1, adopted 1/9/2003; Ordinance 2006-O0006, secs. 4–8, adopted 1/26/2006; Ordinance 2008-O0103, sec. 13, adopted 12/4/2008; Ordinance 2001-O0092, sec. 4, adopted 12/3/2001)

Secs. 40.02.006–40.02.050 Reserved

Division 2. Zoning Board of Adjustment^{*}

Sec. 40.02.051 Provisions for

(a) Pursuant to Article 1011g, V.A.C.S. [V.T.C.A., Local Government Code, sec. 211.008 et seq.], there is hereby created a zoning board of adjustment and alternate members therefor.

(b) The administrator of zoning and environmental control for the City of Lubbock shall be an ex officio member of the zoning board of adjustment without power of vote and as an ex officio member of such board shall act as secretary of the zoning board of adjustment and shall st [set] up and maintain a separate file for each application for appeal, special exception and variance received and shall record therein the names and addresses of all persons, firms, and corporations to whom notice[s] are mailed, including the date of mailing and the person by whom such notices were delivered to the mailing clerk, post office, or mail box and further keep a recod [record] of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City of Lubbock.

(c) The secretary of the board of adjustment shall forthwith notify in writing the City Council, the planning and zoning commission and the city building inspector of each decision, interpretation, special exception and variance considered under the provisions of this ordinance [chapter].

(1983 Code, sec. 29-28(a). See end of this division for full history for this division.)

Sec. 40.02.052 Powers

The zoning board of adjustment shall not have the power to grant any special exception or variance which allows a use permitted in a less restricted zoning district to be placed in a more restrictive zoning district except for those uses provided for as conditional uses. (1983 Code, sec. 29-28(b). See end of this division for full history for this division.)

Sec. 40.02.053 Procedure covering special exceptions, appeals and granting of variances

(a) Appeals and variances. Upon notice of appeal or application for a variance being given to the secretary of the board of adjustment, before such appeal or request for variance shall be construed as having been perfected the applicant must deposit seventy-five dollars (\$75.00) with the secretary, zoning board of adjustment, to pay for the advertising, publishing, and mailing of required notices, and when an appeal involves the issue of development of a specific tract of land, applicant must

concurrently file six (6) copies of a site plan drawn to scale showing existing and proposed development of the property in question.

(b) Special exceptions. Application for special exceptions to the terms of this ordinance [chapter] shall be made in writing on forms provided in the office of the secretary of the board of adjustment by the prospective occupant and/or owner of the property. The applicant must deposit seventy-five dollars (\$75.00) with the secretary, zoning board of adjustment, to pay for the advertising, publishing and mailing of required notices and, when an appeal involves the issue of development of a specific tract of land applicant must concurrently file six (6) copies of a site plan drawn to scale showing existing and proposed development of the property in question.

(c) Notice. The zoning board of adjustment shall hold a public hearing on all special exceptions, granting of variances and appeals and written notice of all such public hearings shall be sent by the secretary of the board on forms prepared by the city attorney's office to the applicant and all other persons deemed by the board to be affected thereby, and all owners of real property lying within two hundred (200) feet of the property on which the special exception, variance or appeal is proposed, such notice to be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the city post office. Notice shall also be given by publishing the same in a newspaper of general circulation in the City of Lubbock at least fifteen (15) days prior to the date set for hearing, which notice shall state the time and place of such hearing, provided, however, all provisions contained herein with respect to the mailing and publishing of notices of hearing shall be deemed sufficient upon substantial compliance with this section.

(1983 Code, sec. 29-28(c). See end of this division for full history for this division.)

Sec. 40.02.054 The hearing

The burden of proof shall be on the applicant to establish the facts necessary which the zoning board of adjustment must find before granting any special exception, variance or appeal as herein contained. (1983 Code, sec. 29-28(d). See end of this division for full history for this division.)

Sec. 40.02.055 Special exceptions

(a) A special exception may be granted an applicant when the board of adjustment finds:

(1) That the granting of such exception will not be injurious or otherwise detrimental to the public health, safety, morals and the general welfare of the general public, and;

(2) That the granting of such exception will not be substantially or permanently injurious to the property or improvements in such zone or neighborhood in which the property is located, and;

(3) That the granting of such exception will be in harmony with the general purpose and intent of this ordinance [chapter];

(4) In determining its findings, the board shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such building or upon

such land and traffic conditions in the vicinity.

(b) The board of adjustment may, after public notice and hearing and subject to the conditions and safeguards herein contained, authorize special exceptions to this ordinance [chapter] as follows:

(1) Permit the reconstruction, extension or enlargement of a building occupied as a nonconforming use.

(2) Permit the extension of a nonconforming use in a building upon a lot occupied as a nonconforming use.

(3) Granting in relatively undeveloped sections of the city temporary and conditional permits for not more than two-year periods for any use of land, excluding structures.

(4) Permit the use of property in the "RR," "R-1," "R-1A," or "R-2" districts adjacent to the "R-3," "A," "C," or "M" districts, even if separated therefrom by an alley or by a street, for the parking of passenger cars under such safeguards and conditions of the setback requirements of the more restricted property, provided no other business use is made of such property, and further provided that such parking area shall not extend a greater distance than two hundred (200) feet from the "R-3," "A," "C," or "M" districts.

(5) Permit the use of property owned by a church for the parking of passenger cars in any district under such safeguards and conditions as are necessary to protect adjacent property.

(6) Permit in any district such modification of the requirements of this ordinance [chapter] as the board may deem necessary to secure an appropriate development of a lot where adjacent to such lot on two (2) or more sides there are buildings that do not conform to these regulations.

(7) Grant conditional use permits in any zone where such uses are allowed conditionally by the provisions of this ordinance [chapter].

(8) Permit the use of mobile homes or travel trailers for dwelling purposes in any zoning district in cases of extreme personal hardship.

(9) Permit the use of property in any zoning district for Christmas tree sales, during November 15th through January 5th. All trees must be at least twenty-five (25) feet from all property lines. All trees, temporary structures and other items must be removed before January 6th. Permit shall be good for one season.

(10) Permit a building to be moved from an existing location to any location within the city limits, subject to conditions:

(A) This section does not apply to mobile homes, manufactured housing, modular housing, new ready built housing, accessory buildings, or temporary buildings as described by the building code in Section 111.6.

(B) No building that is more than ten (10) years old shall be moved into the city limits of the City of Lubbock unless a licensed engineer certifies to the board that the building is structurally sound.

- (C) The Board shall make a determination that the proposed building to be moved is in harmony with the area that said building is purposed [proposed] to be located. Factors to be considered in this determination shall include, but not be limited to the following:
- (i) The structural and appearance characteristics of the building purposed [proposed] to be moved. Said building shall be described within a report from the building official as a result of an investigative inspection as described in Section 111.1 of the Uniform Building Code. The board shall utilize the information supplied by said report in making its determination as to the appropriateness of the special exception request.
 - (ii) Structural and appearance characteristics of the homes within the block face of the lot where the building is proposed for relocation. Such characteristics shall include but not be limited to:
 - a. Number of homes on the block face, both sides of the street. When no homes are present on the block face, a radius of three hundred (300) feet will be used for comparison;
 - b. Average square footage of the living area for the homes on both block faces of the same block where the relocation is proposed as depicted by the records of Lubbock Central Appraisal District. When no homes are present on the block face, a radius of three hundred (300) feet will be used for comparison;
 - c. Exterior treatment of the homes on the block face; and
 - d. Number of homes with garage or carport on the block face.
- (D) If the board determines the building is compatible with the new location, the board shall establish written requirements for any building approved for relocation, addressing each of the following items:
- (i) Foundation.
 - (ii) Siding/exterior repairs.
 - (iii) Window replacement.
 - (iv) Roof replacement.
 - (v) Addition of garage or carport.
 - (vi) Provision of two (2) onsite paved parking spaces per residential unit. Apartments and commercial buildings shall meet the applicable standards of the appropriate district.
 - (vii) Provision of sidewalks unless waived by the building board of appeals.
 - (viii) Any other site or construction related details that the board deems necessary
- (E) Any and all requirements that the board establishes for the building shall be incorporated into the building permit that is issued pursuant to the moving of said building and be made legal requirements for the purposes of compliance.
- (11) Permit the use of garden centers in the C-3 zoning district, subject to the following conditions:

- (A) The walls of the building shall be totally enclosed except for any doors or windows, and open space permitted in No. 5 [subsection (E)], following.
 - (B) Overhead doors shall be limited to loading/unloading areas and shall not be used in customer area or display areas.
 - (C) Windows shall be limited to plate glass construction. The maximum window area for each wall shall be sixty (60) percent of the respective wall area. Glass-paned doors shall be deemed windows.
 - (D) The building shall be roofed, although slatted, lathe, glass or rigid transparent material type roofing is acceptable. No roof openings shall be permitted except for the areas between the slats or lathe, or as may be required by the building code.
 - (E) Open space between the top of the wall and the bottom of the roof shall be limited to ten (10) percent of the total wall area.
 - (F) No plants shall be permitted to project above the roof line or through the roof or walls.
 - (G) This structure must meet the requirements of a building under the building code.
- (12) Permit the certification as a nonconforming use after May 1, 1981 of residences which have been converted to or built as multifamily residences in single-family or duplex residential zoning districts or accessory buildings which have been converted to apartment use in single-family or duplex residential zoning districts prior to November 20, 1980, upon a clear and unambiguous presentation by the current owner of such unit of evidence establishing its existence in its present form prior to November 20, 1980.
- (13) Permit carnivals in all zoning districts subject to the following conditions:
- (A) That all necessary permits be procured and all requirements and conditions of Chapter 3 [\[article 8.03\]](#) of this Code of Ordinances be met.
 - (B) That all owners of real property lying within four hundred (400) feet of the purposed [proposed] property on which the special exception to permit a carnival is sought shall be given notice of the hearing of the zoning board of adjustment. Notices shall be given in accordance with section 29-28(c)(3), [\[40.02.053\(c\)\]](#) except as changed herein.
 - (C) That the potential impact of the proposed carnival on parking and the adjacent property owners shall be assessed by the zoning board of adjustment.
- (14) Permit in any CA, C-2A, C-2, C-3, or IHO zoning district, as provided for and established in this Code, a dance floor for public dancing to be located within a restaurant, not to exceed four hundred (400) square feet.
- (15) Grant conditional use permits allowing variations from the seasonal banner standards in subsection 29-26(i)(9) [\[40.04.009\(9\)\]](#) for garden office and all commercial and industrial districts.
- (16) Permit public dancing on the premises of a sports grill in any zoning district where a sports grill is

allowed as a permitted use by the provisions of this article.

(17) In the “RR,” “R-1,” “R-1A,” or “R-2” districts, permit as an accessory use to an owner occupied structure, the use of an accessory living unit which was converted to a secondary living unit prior to November 20, 1980, that is not eligible for registration as a legal nonconforming apartment.

(A) Application for an accessory secondary living unit, on a parcel where the owner of the property lives in either the primary or secondary unit, shall contain:

(i) an affidavit stating why the secondary living unit does not qualify for registration as a legal nonconforming apartment[;] and

(ii) a site plan and floor plan depicting the structure(s) as they existed on November 20, 1980.

(B) Approval is limited to one (1) primary living unit and one (1) accessory living unit per development tract.

(C) Approval as an accessory secondary living unit shall not affect the uniform enforcement of all other ordinances designed for the protection of the health[,] welfare and safety of the citizens of the City of Lubbock, including but not limited to the fire, building, and housing codes. No permits shall be issued for other than that work necessary to maintain said unit in a safe and habitable manner. No permit shall be issued to expand the floor area of an existing accessory secondary living unit or to add additional residential units.

(D) A change in ownership shall not affect the status as an approved accessory secondary living unit, so long as either the primary or accessory unit is owner occupied. Such status shall cease to exist if:

(i) one of the two living units on the development tract is not occupied by the owner of the property; or

(ii) the accessory secondary living unit is damaged or partially destroyed by fire, flood, wind, explosion, earthquake or other calamity or act of God, and shall not be again restored or used for such purpose if the expense of such restoration exceeds seventy-five (75) per cent of the replacement cost of the building or structure at the time such damage occurred and reoccupation or reconstruction shall be expressly prohibited. Any approved accessory secondary living unit that is partially destroyed less than seventy-five (75) per cent replacement cost of the building or structure at the time such damage occurred may be restored provided restoration is started within twelve (12) months of the date of partial destruction and is diligently pursued to completion.

(E) Any approval under this section shall be recorded as a part of the Deed Records of Lubbock County, Texas.

(18) Subject to all applicable state laws, local laws, variances, exceptions, and conditions, permit the on-premises and off-premises consumption of alcohol as an incidental use in the commercial districts of “CA,” “C-1,” “C-2A,” “C-2,” “C-3,” “CB,” “C-4,” “IPD,” “M-1,” “M-2,” “IHO,” “IHC,” and “IHI.”

(c) In granting any special exception under the provisions of this ordinance [chapter], the board may designate such conditions in connection therewith which, in its opinion, will secure substantially the

purpose and intent of this ordinance [chapter].

(1983 Code, sec. 29-28(f); Ordinance 2017-O00158, sec. 1, adopted 12/18/2017; Ordinance 2017-O00159, secs. 2–3, adopted 12/18/2017; Ordinance 2018-O0066, secs. 26–27, adopted 6/14/2018. See end of this division for full history for this division.)

(Ordinance 7084, sec. 25, adopted 6/26/1975; Ordinance 7671, sec. 7, adopted 6/8/1978; Ordinance 7817, secs. 1, 2, 6, 7, adopted 3/8/1979; Ordinance 7869, sec. 4, adopted 6/14/1979; Ordinance 8107, sec. 2, adopted 12/11/1980; 1983 Code, sec. 29-28; Ordinance 8767, sec. 1, adopted 5/9/1985; Ordinance 8888, sec. 4, adopted 2/13/1986; Ordinance 8936, sec. 1, adopted 7/10/1986; Ordinance 9182, secs. 1–5, adopted 3/10/1988; Ordinance 9489, sec. 5, adopted 11/14/1991; Ordinance 9507, secs. 30, 31, adopted 3/12/1992; Ordinance 9705, secs. 12, 13, adopted 5/19/1994; Ordinance 10175, sec. 1, adopted 6/24/1999; Ordinance 2001-O0027, sec. 1, adopted 4/12/2001; Ordinance 2001-O0092, sec. 3, adopted 12/3/2001; Ordinance 2002-O0143, sec. 2, adopted 1/9/2003; Ordinance 2007-O0034, sec. 1, adopted 4/26/2007)

Secs. 40.02.056–40.02.069 Reserved

Division 3. Lubbock Preston Smith International Airport Hazard Area Zoning Regulations

Sec. 40.02.070 Short Title

These regulations shall be known as the “Lubbock Preston Smith International Airport Hazard Area Zoning Regulations.” (Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.071 Definitions

Unless the context requires otherwise, throughout this division:

- (1) *Airport* means the Lubbock Preston Smith International Airport and all related installations used in the interest of the public for flights, including any installation, facility, or base of operations for tracking flights or acquiring data concerning flights.
- (2) *Airport elevation* means the established elevation of the highest point on any existing or planned runway at the airport, being three thousand two hundred eighty-two and four-tenths feet above mean sea level (3,282.4' FMSL).
- (3) *Approach surface* means a surface longitudinally centered on an extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in these regulations and with its perimeter coinciding with the perimeter of the approach zone.
- (4) *Airport hazard* means a structure, or object of natural growth, that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.
- (5) *Airport hazard area* means any area of land or water on which an airport hazard could exist.
- (6) *Airport hazard area zoning appeals board* means the City of Lubbock Zoning Board of Adjustment acting under the authority granted to it under these regulations.
- (7) *Airport hazard area zoning commission* means the City of Lubbock Planning and Zoning Commission acting under the authority granted to it under these regulations.
- (8) *Airport hazard area zoning map* means the Lubbock Preston Smith International Airport Hazard Zoning Map consisting of one (1) sheet, prepared by Coffman Associates, and dated April 2016 which is

hereby made a part of these regulations, kept on file with the city secretary of the City of Lubbock and the City of Lubbock Planning Department, and included in the official Lubbock Preston Smith International Airport Layout Plan 14 CFR part 77 drawing.

- (9) Board means the airport hazard area zoning appeals board.
- (10) Centerline means a line extending through the midpoint of each end of a runway.
- (11) City means the City of Lubbock, Texas.
- (12) Commission means the airport hazard area zoning commission.
- (13) Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty feet (20') horizontally for each one foot (1') vertically for a horizontal distance of four thousand feet (4,000').
- (14) FMSL means feet above mean sea level.
- (15) Height means the distance above mean sea level elevation as measured in feet.
- (16) Horizontal surface means the horizontal plane one hundred fifty feet (150') above the airport elevation that shall coincide with the perimeter of the horizontal zone.
- (17) Instrument runway means an existing or planned runway of at least three thousand two hundred feet (3,200') for which an instrument landing procedure published by a defense agency of the federal government or the Federal Aviation Administration exists or is planned.
- (18) Nonconforming use means any land use, including a structure or tree, which is inconsistent with the provisions of these regulations and which is in existence as of the effective date of these regulations.
- (19) Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment that provides only horizontal guidance or area type navigation equipment. This also includes a runway for which a nonprecision instrument approach procedure has been approved or planned. Runway 8 at the airport shall be considered a nonprecision instrument runway.
- (20) Other than utility runway means a runway designed for, and intended to be used by, propeller-driven aircraft of more than twelve thousand five hundred pounds (12,500 lbs.) maximum gross weight and jet-powered aircraft. Runways 17R-35L and 8-26 at the airport shall be considered other than utility runways.
- (21) Person means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, including a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- (22) Precision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment that provide both horizontal and vertical guidance.

This also includes a runway for which a precision instrument approach procedure has been approved or planned. Runways 17, 35, and 26 at the airport shall be considered precision instrument runways.

(23) Primary surface means a one thousand foot (1,000') surface longitudinally centered on a runway extending the full length of the runway configuration plus two hundred feet (200') beyond each end of the runway. The elevation of any point on the primary surface shall be considered the same as the nearest point on the centerline.

(24) Regulations means these Lubbock Preston Smith International Airport Hazard Area Zoning Regulations.

(25) Runway means the defined area at the airport prepared for the landing and taking off of aircraft along its length. The length of runway 17-35 at the airport is eleven thousand five hundred feet (11,500'). The length of runway 8-26 at the Airport is eight thousand three feet (8,003').

(26) Structure means an object constructed or installed by one or more persons and includes, but is not limited to, a building, tower, crane, smokestack, pole, earth formation, and overhead transmission line.

(27) Transitional surface means the area extending outward perpendicular to the centerline from the edges of the primary surface and the approach surface at a slope of seven feet (7') horizontally for each one foot (1') vertically to where it intersects the horizontal surface. The transitional surface for that portion of the approach surface that extends through and beyond the limits of the conical surface extends at a slope of seven feet (7') horizontally for each one foot (1') vertically for a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and perpendicular to the centerline. Transitional surfaces, symmetrically located on either side a runway, have variable widths as depicted on airport hazard area zoning map.

(28) Tree means any type of flora or object of natural growth.

(29) Zone means an approach, conical, horizontal, or transitional zone as more particularly described in these regulations.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.072 The airport hazard area zoning commission

The City of Lubbock Planning and Zoning Commission is hereby designated as the Airport Hazard Area Zoning Commission and shall:

- (1) Administer and enforce these regulations, and
- (2) Shall hear and decide all applications for permits under these regulations.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.073 Airport hazard area zoning appeals board

(a) The City of Lubbock Zoning Board of Adjustment is hereby designated as the airport hazard area zoning appeals board for the purposes of these regulations and shall have and exercise the following powers:

- (1) To hear and decide an appeal from an order, requirement, decision, or determination made by the commission in the administration or enforcement of these regulations;
 - (2) To hear and decide special exceptions to the terms of these regulations when the board may be required to do so; and
 - (3) To hear and decide specific variance requests from these regulations.
- (b) The board shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination that comes before it under the provisions of these regulations.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.074 Zones

In order to carry out the provisions of these regulations, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces, conical surfaces, horizontal surfaces, and transitional surfaces at the airport as well as any airport hazard area. Such surfaces are shown on the airport hazard area zoning map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

- (1) Approach zone. An approach zone is hereby established beneath the approach surface at each end of runways 17-35 and 8-26 at the airport.
 - (A) Precision instrument approach zone. Precision instrument runways 17, 35, and 26 shall have an approach surface with an inner edge width of one thousand feet (1,000'), coinciding with the width of the primary surface, at a distance of two hundred feet (200') beyond the end of each runway, thereafter uniformly widening to sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') beyond the end of the primary surface. The overall length for the precision instrument approach zone is fifty thousand feet (50,000').
 - (B) Nonprecision instrument approach zone. Nonprecision instrument runway 8 shall have an approach surface with an inner edge width of one thousand feet (1,000'), coinciding with the width of the primary surface, at a distance of two hundred feet (200') beyond the end of each runway, thereafter uniformly widening to four thousand feet (4,000') at a horizontal distance of ten thousand feet (10,000') beyond the end of the primary surface. The centerline of the approach surface is the continuation of the centerline.
- (2) Conical zone. A conical zone is hereby established beneath the conical surface at the airport that extends outward from the periphery of the horizontal surface for a horizontal distance of four thousand feet (4,000').
- (3) Horizontal zone. A horizontal zone is hereby established along the horizontal surface at the airport which is a plane one hundred fifty feet (150') above the airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand feet (10,000') radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
- (4) Transitional zone. A transitional zone is hereby established along the transitional surface at the

airport where the precision instrument runway approach surface projects through and beyond the conical surface at runways 17, 26, and 35 at the airport. The transitional zone begins at the side of, and at the same elevation as, the approach surface and extends outward for a horizontal distance of five thousand feet (5,000') perpendicular to the centerline.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.075 Zone height limitations

Except as may be otherwise provided in these regulations, no structure and no tree shall be allowed to exceed the applicable height limitations established for each zone.

(1) Approach zone height limitation.

(A) Precision instrument approach zone height limitation. Precision instrument runways 17, 35, and 26 shall have a height limitation at a slope of one foot (1') in height for each fifty feet (50') in horizontal distance beginning at the end of, and at the same elevation as, the primary surface and extending to a point ten thousand feet (10,000') beyond the end of the primary surface, then outward another forty thousand feet (40,000') at a slope of one foot (1') in height for each forty feet (40') in horizontal distance.

(B) Nonprecision instrument approach zone height limitation. Nonprecision instrument runway 8 shall have a height limitation at a slope of one foot (1') in height for each thirty-four feet (34') in horizontal distance beginning at the end of, and at the same elevation as, the primary surface and extending to a point ten thousand feet (10,000') beyond the end of the primary surface.

(2) Conical zone height limitation. The conical zone shall have a height limitation at a slope of one foot (1') in height for each twenty feet (20') in horizontal distance beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation, being a height of three thousand six hundred thirty-two feet above mean sea level (3,632' FMSL).

(3) Horizontal zone height limitation. The horizontal zone shall have a height limitation of one hundred fifty feet (150') above the airport elevation, being a height of three thousand four hundred thirty-two and four-tenths feet above mean sea level (3,432.4' FMSL).

(4) Transitional zone height limitation. The transitional zone shall have a height limitation at a slope one foot (1') in height for each seven feet (7') in horizontal distance beginning at the side of, and at the same elevation as, the primary surface and the approach surface.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.076 Land use restrictions

Except as otherwise provided in these regulations, no use may be made of land or water within any zone in such a manner as to:

- (1) Create an electrical interference with navigational signals or radio communications between the airport and aircraft;
- (2) Make it difficult for pilots to distinguish between airport and non-airport lights;
- (3) Result in glare in the eyes of pilots using the airport;

- (4) Impair visibility in the vicinity of the airport;
- (5) Create the potential for bird strike hazards; or
- (6) Otherwise endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.077 Nonconforming use

- (a) Nothing in these regulations shall be construed as requiring changes in, or interference with, any nonconforming use.
- (b) Nothing in these regulations shall be construed as to require the removal, lowering, or other change to any existing nonconforming use structure, including all phases or elements of a multiphase structure, the construction of which was begun prior to the date of adoption of these regulations.
- (c) Nothing in these regulations shall be construed as to require the removal of any nonconforming use tree. However, any nonconforming use tree that grows higher than it was as of the date of adoption of these regulations shall be required to satisfy the height limitations of the zone in which the tree is located.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.078 Permit

- (a) The commission must receive an application for a permit by any person who, within a zone established by these regulations, desires to:
 - (1) Construct a new structure or use;
 - (2) Substantially change or repair an existing structure or use;
 - (3) Replace, rebuild, or substantially change any nonconforming structure or nonconforming use.
- (b) Subject to the prohibitions listed in this section, the commission shall not unreasonably withhold any permit applied for under this section.
- (c) No permit shall be granted by the commission which would allow:
 - (1) The establishment of an airport hazard;
 - (2) A nonconforming use to be made;
 - (3) A nonconforming use or nonconforming tree to exceed the height that it had as of the date of adoption of these regulations; or
 - (4) A nonconforming use to become a greater airport hazard than it was as of the date of adoption of these regulations.
- (d) Any permit granted may, at the discretion of the commission and at the expense of the city, impose a reasonable requirement to allow the installation and maintenance of any markers or lights as may be necessary to indicate the presence of an airport hazard.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.079 Variance

- (a) A person who desires to erect or increase the height of a structure, establish or allow the growth of any tree in excess of the height limitations of the zone in which the tree is located, or otherwise use property in violation of these regulations, may apply to the board for a variance from these regulations.
- (b) The board shall allow a variance when the board finds that:
 - (1) A literal application or enforcement of these regulations will result in practical difficulty or unnecessary hardship; and
 - (2) The granting of the variance would:
 - (A) Result in substantial justice being done;
 - (B) Not be contrary to the public interest; and
 - (C) Be in accordance with the spirit of these regulations.
- (c) The application for variance must be accompanied by a determination from the Federal Aviation Administration under 14 CFR part 77 as to the effect the proposed variance will have on the operation of the airport and the affected zones.
- (d) Any variance granted by the board may impose any reasonable conditions as may be necessary to accomplish the purpose of these regulations.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.080 Appeal

- (a) A decision of the commission made in its administration of these regulations may be appealed to the board by:
 - (1) Any person aggrieved by the decision;
 - (2) Any taxpayer affected by a decision; or
 - (3) The governing body of a political subdivision that believes the decision is an improper application of these regulations, including the governing bodies of the City of Idalou, the City of New Deal, the City of Abernathy, and Lubbock County, Texas.
- (b) Within a reasonable time as provided by the rules of the board, an appellant must file with the board and the commission a notice of appeal that specifies the grounds for the appeal. Upon receipt of the notice of appeal, the commission shall immediately transmit to the board all papers constituting the record of the action that was appealed.
- (c) An appeal shall stay all proceedings in furtherance of the action that is appealed unless the commission certifies in writing to the board that by reason of the facts stated in the certificate, a stay would, in the opinion of the commission, cause imminent peril to life or property. In such case, the proceedings may be stayed only by order of the board upon notice to the commission and if due cause is shown.

(d) The board shall fix a reasonable time for the appeal hearing and shall give public notice and due notice to the parties in interest. At the appeal hearing, a party may appear in person, by agent, or by attorney. The board shall decide the appeal within a reasonable time.

(e) The board may reverse or affirm, in whole or in part, or modify the commission's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the board has the same authority as the commission.

(Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.081 Judicial review

Subject to the provisions of chapter 241 of the Texas Local Government Code, any person aggrieved or any taxpayer affected by a decision of the board that believes a decision of the board is illegal, may present to a court of record a verified petition stating that the decision of the board is illegal in whole or in part and specifying the grounds of the illegality. The petition must be presented within ten (10) days after the date the decision is filed by the board. This same right of appeal is extended to the governing bodies of the City of Idalou, the City of New Deal, the City of Abernathy, and Lubbock County, Texas, and to the City of Lubbock. (Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.082 Enforcement and remedy

Subject to the provisions of chapter 241 of the Texas Local Government Code, the governing bodies of the City of Lubbock, the City of Idalou, the City of New Deal, the City of Abernathy, and Lubbock County, Texas, may institute in a court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of these regulations or of any order or ruling made in connection with their administration or enforcement including, but not limited to, an action for injunctive relief. (Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.083 Conflicting regulations

Where there exists a conflict between any of these regulations or limitations prescribed herein and any other regulation applicable to the same area, the more stringent limitation or requirement shall control. (Ordinance 2017-O0014 adopted 2/9/2017)

Sec. 40.02.084 Adherence with other laws

Any action brought forth by any person, taxpayer, or applicable governing body as a result of the administration, enforcement, or contesting of these regulations will be in accordance and subject to the provisions of chapter 241 of the Texas Local Government Code and all other applicable federal, state, and local laws. (Ordinance 2017-O0014 adopted 2/9/2017)

ARTICLE 40.03 DISTRICTS

Division 1. Generally

Sec. 40.03.001 Districts

The City of Lubbock is hereby divided into classes of use districts termed respectively:

DH Design-Historical (Reserved)

T Transition District

RR Rural Residential

R-1	Single-Family District
R-1A	Reduced Setback Single-Family District
R-2	Two-Family District
A-1	Family Apartment District
A-2	High-Density Apartment District
A-3	High-Rise Apartment District
R-3	Multi-Family District
AM	Apartment-Medical District
GO	Garden Office District
CA	Commercial-Apartment District
C-1	Neighborhood Service District
C-2A	Restricted Local Retail District
C-2	Local Retail District

C-3	General Retail District
CB	Central Business District (Reserved)
C-4	Commercial District
IPD	Industrial Park District
M-1	Light Manufacturing District
M-2	Heavy Manufacturing District
IHO	Interstate Highway Office District
IHC	Interstate Highway Commercial District
IHI	Interstate Highway Industrial District
SU	Specific Use District

(Ordinance 7084, sec. 3, adopted 6/26/1975; Ordinance 7597, sec. 1, adopted 2/9/1978; 1983 Code, sec. 29-4; Ordinance 8814, sec. 1, adopted 9/12/1985; Ordinance 8866, sec. 1, adopted 1/9/1986; Ordinance 2017-O00159, sec. 4, adopted 12/18/2017; Ordinance 2018-O0066, secs. 28, adopted 6/14/2018)

Sec. 40.03.002 Zoning maps

(a) Boundaries of the districts as enumerated in [section 40.03.001](#) of this chapter are hereby established and adopted on the zoning maps of the City of Lubbock which are made a part of this chapter as fully as if the same were set forth herein in detail, and such maps shall be in triplicate originals and the same are hereby adopted in triplicate, each of which shall bear the signature of the mayor and attestation of the city secretary for identification and authentication; one of said triplicate originals shall be permanently sealed for the purpose of preservation, and is never to be changed in any manner and shall be hung in some convenient place in city hall for the use and benefit of the public; one other triplicate original shall be hung in the office of the secretary of the planning and zoning

commission, and the remaining triplicate original shall be hung in the office of the building inspector of the City of Lubbock for the use and benefit of the public.

(b) It shall be the duty of the secretary of the planning and zoning commission to keep up-to-date the triplicate originals on file in his office, and in the office of the building inspector, showing all the changes, amendments, or additions thereto, and noting on such maps the ordinance number and date of passage of each such change, amendment, or addition.

(c) When definite distances in feet are now shown on the zoning maps, the district boundaries are intended to be along existing street, alley, or plotted lot lines, or an extension of the same.

(d) Whenever any street or alley is vacated, the particular zoning applying to the property fronting or abutting on any such street or alley shall upon such vacation be an extension of the same.

(e) Color legend revision:

(1) The triplicate original zoning map kept permanently under seal as provided by subsection 4.1 of the Zoning Ordinance No. 1695 of the City of Lubbock and dated April 6, 1955, shall be retained for reference purposes and shall remain hanging in some convenient place in city hall for the use and benefit of the public and shall bear its original color legend which is as follows:

<u>Zoning District</u>	<u>Shade or Color</u>
RR	Light yellow
R-1	Medium yellow
R-1A	Yellow with diagonal lines
R-2	Light orange
A-1	Turquoise
A-2	Light green
R-3	Medium brown

A-3	Dark green
AM	Medium blue
C-1	Light red
C-2A	Lavender
C-2	Dark orange
C-3	Medium red
C-4	Dark red
IPD	Black
M-1	Dark gray
M-2	Purple

(2) A new triplicate original zoning map shall be permanently sealed for preservation and is never to be changed in any manner and shall be hung in some convenient place in city hall for the use and benefit of the public; one other new triplicate original shall be hung in the office of the planning and zoning commission; the remaining new triplicate original shall be hung in the office of the building inspector of the City of Lubbock for the use and benefit of the public. A new color legend is hereby adopted for each of the said new triplicate original maps, which shall be as follows:

<u>Zoning District</u>	<u>Shade or Color</u>
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T	Overlay pattern
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DH	Overlay pattern
RR	Light Yellow
R-1	Medium yellow
R-1A	Yellow with diagonal lines
R-2	Light orange
A-1	Turquoise
A-2	Medium green
R-3	Medium brown
A-3	Dark green
AM	Medium blue
GO	Dark blue
CA	Cerise
C-1	Magenta

C-2A	Lavender
C-2	Light red
C-3	Medium red
CB	Overlay pattern
C-4	Dark red
IPD	Dark gray with overlay pattern
M-1	Dark gray
M-2	Purple
IHO	Overlay pattern
IHC	Overlay pattern
IHI	Overlay pattern
SU	Overlay pattern

(3) The legend of each of said new triplicate original zoning maps shall, (in addition to the color legend shown in paragraph (2) of this subsection) have another listing to indicate that ordinance conditions exist on any piece of property, where such conditions imposed by ordinance exist. Property subject to conditions imposed by a zone change ordinance shall be identified by overlaying said property and color with a transparent dotted pattern. Said overlaying triplicate original to be kept under seal of the date of final passage of this ordinance and overlaying of the other two (2) new triplicate

originals shall be done by said secretary as and when called for by the passage of a new ordinance imposing conditions for zone change.

(4) Each of the triplicate original zoning maps shall bear the signature of the mayor and attestation of the city secretary for identification and authentication. The new triplicate original permanently sealed as provided in paragraph (2) of this subsection shall be retained unchanged; however, each of the other two (2) new triplicate originals provided for in paragraph (2) of this subsection shall be revised as and when the need arises in the manner prescribed in subsection 40.03.002(e)(2) of Zoning Ordinance No. 7084 of the City of Lubbock. The new color legend adopted by the subsection shall be used for such revisions.

(5) Said new triplicate original zoning map which is permanently sealed, and said two (2) other new triplicate original zoning maps as same are currently amended and/or revised, are all hereby made a part of Zoning Ordinance No. 7084 of the City of Lubbock as fully as if all of said new triplicate originals were set forth herein in detail.

(6) The change in the color legend of zoning maps of the City of Lubbock shall never be deemed or construed as in any manner effecting or accomplishing a zone change on any property.

(7) The triplicate original zoning maps may be maintained in single maps or sectional maps for the reason that the expansion of the limits of the City of Lubbock makes it impractical in many instances to have the entire map in one sheet.

(8) The triplicate original zoning maps shall be hung and maintained, as provided, in the office of the secretary of the planning and zoning commission, in the office of the building inspector, and in a convenient place in city hall for the use and benefit of the public.

(Ordinance 7084, sec. 4, adopted 6/26/1975; Ordinance 7597, sec. 2, adopted 2/9/1978; 1983 Code, sec. 29-5; Ordinance 8814, sec. 2, adopted 9/12/1985; Ordinance 8866, sec. 2, adopted 1/9/1986; Ordinance 2017-O00159, sec. 5, adopted 12/18/2017; Ordinance 2018-O0066, secs. 29–30, adopted 6/14/2018)

Secs. 40.03.003–40.03.100 Reserved

Division 2. “T” Transition District

Sec. 40.03.101 Purpose

The purpose of this district is to protect existing and future development in newly annexed territory until the proper zone classification can be determined and established by zone change. (1983 Code, sec. 29-6(a). See end of this division for full history for this division.)

Sec. 40.03.102 General provisions

(a) All land annexed by the City of Lubbock shall be designated as “T” Transition District. Any activity related to development or construction prior to zone classification change shall be approved in accordance with [section 40.02.003](#), which states “No person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, insulate, or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the City of Lubbock without first applying for and

obtaining a building permit from the building inspector or the City Council.”

(b) All uses existing at the time of annexation except “R-1A” permitted uses shall become nonconforming.

(c) Any plat filed for an area designated as “T” Transition District before the effective date of [Division 3A](#) “R-1A” Reduced Setback Single-Family District, shall remain subject to “R-1” Single-Family District requirements unless the zoning for the filed plat is changed through the procedures provided for in this Chapter.

(1983 Code, sec. 29-6(b); Ordinance 2017-O00159, sec. 6, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.103 Permitted uses

The uses and regulations for this district shall be the same as provided in [division 3A](#) of this article, “R-1A” Reduced Setback Single-Family District. (1983 Code, sec. 29-6(c); Ordinance 2017-O00159, sec. 7, adopted 12/18/2017. See end of this division for full history for this division.)

(Ordinance 7084, sec. 5, adopted 6/26/1975; 1983 Code, sec. 29-6; Ordinance 9155, secs. 1, 2, adopted 12/17/1987)

Secs. 40.03.104–40.03.149 Reserved

Division 2A. “RR” Rural Residential District

Sec. 40.03.150 Purpose

The purpose of this district is to provide for the continued use of land for agricultural purposes, and to accommodate and protect single-family residential estate development at a rural density. This district is intended to be used for areas of existing estate homes, in areas to be reserved for estate home development, in areas where agricultural uses are to be retained. (Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.151 General provisions

(a) Single-family dwelling units constructed in this district shall comply with the regulations provided for in this division.

(b) No business shall be permitted in this district except as provided for in this division and in the “specific use” [division 27](#) of this article.

(c) No use shall be permitted in this district which is or could be injurious or which would interfere with the reasonable use and enjoyment of property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(d) Intermodal shipping containers, as separate structures or as a component to a structure, are prohibited for use within a district zoned as “RR.”

(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.152 Permitted uses

Permitted uses in this district are the following:

(1) Accessory building, subject to all other requirements of this division as follows:

(A) Temporary construction or field sales office, provided said structure is approved by the

administrator. Said structure to be removed after ten-day written notice from the administrator; and

- (B) Private garage, toolhouse, greenhouse, storage house, or poolhouse.
- (2) Agricultural animal husbandry.
- (3) Agricultural field crop or orchard.
- (4) Antenna, tower, or alternative tower structure other than a radio, television, or microwave broadcasting or transmitting antenna or facility, only when the antenna is co-located on an existing tower or does not add more than twenty (20) feet to the height of an existing alternative tower structure.
- (5) Bulk grain or feed storage.
- (6) Community garden.
- (7) Crop production.
- (8) Day nursery, provided the residence is owner-occupied and not more than six (6) children are kept at any one time.
- (9) Farm (ranch, livestock).
- (10) Farm accessory building.
- (11) Feeding pen/feed lot.
- (12) Game farm.
- (13) Garage sales, as specified in [section 40.01.003](#)(73).
- (14) Grain mill.
- (15) Greenhouse or plant nursery, non-commercial.
- (16) Group housing for handicapped persons as defined in [section 40.01.003](#)(79).
- (17) Hatchery, poultry.
- (18) Home beauty shop, as defined in [section 40.01.003](#)(48).
- (19) Horticulture.
- (20) Indoor crop production or farming.
- (21) Irrigation intake or pump.
- (22) Livestock grazing or pasturing.
- (23) Oil or gas well, subject to the conditions of chapter 8.07 [[article 8.07](#)], oil and gas drilling, of this code.
- (24) Public park and recreational facility owned by the City of Lubbock, including a party house or community center.
- (25) Public school.

(26) Single-family dwelling, large lot.

(27) Stable or riding facility, private.

(28) Wildlife sanctuary.

(29) Woodland preserve.

(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.153 Conditional uses

The following uses may be permitted when approved by the zoning board of adjustment as specified in [article 40.02, division 2](#):

(1) Churches and other places of worship, including accessory uses and buildings.

(2) Customary home occupations as defined in [section 40.01.003](#)(46).

(3) Existing customary home occupations shall become nonconforming and shall require zoning board of adjustment approval for continuing operation when a written protest is submitted to the administrator signed by fifty percent (50%) of all property owners within two hundred (200) feet of the property in question.

(4) Fire stations.

(5) Group housing for handicapped persons in a shared residential living arrangement which provides a family-type environment for seven (7) or more handicapped persons, supervised by one or more primary caregivers, as further defined in [sections 40.01.003](#)(79)(A) and (B), and subject to compliance with the permit conditions listed in section 40.02.002(g), save and except [sections 40.02.002](#)(g)(2)(A) and (B). Application for a conditional use permit under this section shall require notice as prescribed in [section 40.02.053](#)(c) to owners of real property lying within one thousand (1,000) feet of the property on which the use is requested.

(6) Private community centers for the recreational and social use of the residents of an addition, subdivision or residential development which is operated by an association or incorporated group for their use and benefit. Such use shall not be a commercial business operated for profit.

(7) Public utility installations, excluding office building, garages and shops, railroad yards, loading yards and warehouses.

(8) Public athletic fields, stadiums and similar athletic areas.

(9) Servants' quarters or guesthouses on a lot containing ten thousand five hundred (10,500) square feet or more of net development area.

(10) Residents requesting that more than four (4) adult dogs, more than four (4) months of age may be maintained on a residential lot or premises. Such approval shall not provide for a commercial breeding business.

(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.154 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” [division 27](#) of this article. (Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.155 Yard requirements

- (a) Front yard. The minimum front yard shall be twenty-five (25) feet. Lots which front on cul-de-sac streets the minimum front yard shall be twenty-five (25) feet. A residential garage shall have a front setback of at least twenty five (25) feet.
- (b) Rear yard. The minimum rear yard shall be twenty-five (25) feet for all primary and accessory structures.
- (c) Side yard. There shall be a minimum side yard of ten (10) feet on each side of any structure, including corner lots.
- (d) Tool or storage houses, or other accessory buildings not to exceed thirty-five (35) feet in height, with no utilities except electricity, may be erected along the rear and/or side property lines, with a minimum setback of ten (10) feet from those property lines at any location in the rear yard (as defined in [section 40.01.003](#)(200) of this chapter). No portion of overhang (roof, cornice, eave or sill) may project past the required setback line.
- (e) Projections into required yards.
 - (1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.
 - (2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.156 Lot width

There shall be a minimum lot width of two hundred (200) feet. (Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.157 Lot area

The minimum area of any lot in this district shall be two (2) acres. There shall be no maximum lot area for this district. (Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.158 Lot coverage

The combined area of all buildings shall not exceed thirty percent (30%) except that unenclosed porches and permitted accessory buildings may cover an additional five percent (5%).(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.159 Animal units per lot

The minimum two (2) acre tract of land allowed in this district may have up to four (4) animal units. An additional one (1) animal unit per acre shall be allowed for each lot in this district that exceeds the two (2) acre minimum lot area. (Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.160 Height limit

- (a) Buildings designed for residential occupancy shall not exceed forty-five feet (45') in height.
- (b) Detached garages and other accessory buildings shall not exceed thirty-five feet (35') in height.
- (c) Structures permitted above height. Penthouse or roof structures for the housing of elevators,

stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.161 Off-street parking

(a) Off-street parking–Required.

(1) Single-family dwellings. Two (2) spaces.

(2) Conditional uses. The number of required spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(b) Off-street parking–Permitted. One commercial vehicle may be parked on a lot in this district provided such parking is not prohibited by other ordinances of the City of Lubbock. Additional commercial vehicles may be permitted by the zoning board of adjustment.

(c) Off-street parking–Provisions.

(1) Any lighting of drive or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for off-street parking areas, except for single-family detached dwellings, shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) The following provisions apply to the parking of certain vehicles within this zoning district:

(A) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational vehicles, and recreational equipment or trailers, whether oversized or not, that are within the established front yard setback shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter), or on paved off-street parking areas.

(B) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter) or on paved off-street parking areas or behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(C) In areas where there are paved streets, all recreational vehicles and oversized recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any,

and from the established front setback line to the rear property line.

(4) The storage of recreational vehicles and oversized recreational equipment or trailers shall be as follows:

(A) Recreational vehicles and oversized recreational equipment or trailers may be stored on private property either in an enclosed building, under a legal carport, in the rear or side yards anywhere up to the property line with the required yards applicable for tool or storage houses, or other accessory buildings in [section 40.03.256\(d\)](#). No storage shall be allowed within the required front yard setback unless a variance is approved by the zoning board of adjustment. On corner lots, for the side yard adjacent to the street, no storage shall be allowed unless the recreational vehicle or oversized recreational equipment or trailer is behind a screening fence. In no event shall storage be allowed in the right-of-way or parkway.

(B) No portion of any recreational vehicle or recreational equipment or trailer, regardless of size, shall extend over the property line or into the sidewalk area.

(C) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection (5)(B) below for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection (5)(C) below.

(5) Exceptions. The following shall be exceptions to subsection (4)(A) above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(D) Any pop-up or tent campers stored in the collapsed position.

(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Sec. 40.03.162 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out,

constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic-control signs and signals, street signs, or utility poles placed within such area by authority of the city council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway. This section shall not apply to traffic-control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub, plant, sign, or structure, including mailboxes, shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.

(Ordinance 2018-O0066, sec. 31, adopted 6/14/2018)

Secs. 40.03.163–40.03.200 Reserved

Division 3. “R-1” Single-Family District

Sec. 40.03.201 Purpose

The purpose of this district is to promote orderly and proper development of single-family residential units; to protect established and future single-family residential developments from inharmonious and harmful land uses; and to provide a “quality environment” for the residents of the district and city. (1983 Code, sec. 29-7(a). See end of this division for full history for this division.)

Sec. 40.03.202 General provisions

- (a) Single-family dwelling units constructed in any zoning district shall comply with the regulations of the “R-1” District.
- (b) No business shall be permitted in this district except as provided for in this section [division] and in the “specific use” section of this ordinance [[division 27](#) of this article].
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(d) Intermodal shipping containers, as separate structures or as a component to a structure, are prohibited for use within a district zoned as “R-1.”

(1983 Code, sec. 29-7(b). See end of this division for full history for this division.)

Sec. 40.03.203 Permitted uses

[Permitted uses in this district are the following:]

- (1) Single-family dwelling units.
- (2) Public parks and recreational facilities owned by the City of Lubbock, including party houses and/or community centers.
- (3) Home beauty shops as defined in section 2.30 {29-3(30)} [[40.01.003](#)(48)].
- (4) Garage sales as specified in section 2.52 {29-3(52)} [[40.01.003](#)(73)].
- (5) Accessory buildings as follows, subject to all other requirements of this section [division].
 - (A) Temporary construction and/or field sales office, provided said structure is approved by the administrator. Said structure to be removed after ten-day written notice from the administrator.
 - (B) Private garage, toolhouse, greenhouse, storage house or poolhouse.
- (6) Day nurseries—Provided the residence is owner-occupied and not more than six (6) children are kept at any one time.
- (7) Public schools.
- (8) Oil and gas wells (subject to conditions of [Chapter 14 \[8\], Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).
- (9) Group housing for handicapped persons as defined in section 2.54a {29-3(54a)} [[40.01.003](#)(79)].
- (10) Antenna, tower or alternative tower structure other than a radio, television or microwave broadcasting or transmitting antenna or facility, only when the antenna is co-located on an existing tower or does not add more than twenty (20) feet to the height of an existing alternative tower structure.

(1983 Code, sec. 29-7(c). See end of this division for full history for this division.)

Sec. 40.03.204 Conditional uses

The following uses may be permitted when approved by the zoning board of adjustment as specified in section 25 {29-28} [[article 40.02, division 2](#)].

- (1) Customary home occupations as defined in section 2.29 {29-3(29)} [[40.01.003](#)(46)].
- (2) Existing customary home occupations shall become nonconforming and shall require zoning board of adjustment approval for continuing operation when a written protest is submitted to the administrator signed by fifty (50) percent of all property owners within two hundred (200) feet of the property in question.
- (3) Churches and other places of worship, including accessory uses and buildings.
- (4) Fire stations.

- (5) Public utility installations, excluding office building, garages and shops, railroad yards, loading yards and warehouses.
- (6) Private community centers for the recreational and social use of the residents of an addition, subdivision or residential development which is operated by an association or incorporated group for their use and benefit. Such use shall not be a commercial business operated for profit.
- (7) Public athletic fields, stadiums and similar athletic areas.
- (8) Servants quarters or guest houses on a lot containing ten thousand five hundred (10,500) square feet or more of net development area.
- (9) Group housing for handicapped persons in a shared residential living arrangement which provides a family-type environment for seven (7) or more handicapped persons, supervised by one or more primary care givers, as further defined in section 2.54a {29-3(54a)} a and b [\[40.01.003\(79\)\(A\) and \(B\)\]](#), and subject to compliance with the permit conditions listed in section 29-30(b)(7) [\[40.02.002\(g\)\]](#), save and except section 29-30(b)(7)b1 and b2 [\[40.02.002\(g\)\(2\)\(A\) and \(B\)\]](#). Application for a conditional use permit under this section shall require notice as prescribed in section 29-28(c)(3) [\[40.02.053\(c\)\]](#) to owners of real property lying within one thousand (1000) feet of the property on which the use is requested.
- (10) Residents requesting that more than four (4) adult dogs, more than four (4) months of age may be maintained on a residential lot or premises. Such approval shall not provide for a commercial breeding business.
- (11) Residents requesting that more than six (6) chicken hens be maintained on a residential lot or premises. Such approval shall not provide for a commercial breeding business.

(1983 Code, sec. 29-7(d). See end of this division for full history for this division.)

Sec. 40.03.205 Specific use

To provide limited flexibility for modern urban design, additional uses in this District are provided in the “specific use” section of this chapter [\[division 27\]](#) of this article]. (1983 Code, sec. 29-7(e). See end of this division for full history for this division.)

Sec. 40.03.206 Yard requirements

(a) Front yard. The minimum front yard shall be twenty-five (25) feet. Lots which front on cul-de-sac streets and which are contiguous to lots which do not front onto cul-de-sac streets shall have their front yard measured from where they would normally be measured if the street did not terminate in a cul-de-sac but continued on its course. All other lots which front onto cul-de-sac streets shall have their front yard set back the same distance from the sidewalk or curb as established for those lots which front on cul-de-sac streets and which are contiguous to lots which do not front onto cul-de-sac streets. In no event, however, shall any residence have less than a fifteen-foot front yard setback, and in no event shall a residential garage have less than a twenty-foot front setback.

(b) Rear yard. The minimum rear yard shall be fifteen (15) feet except that a one-story wing or extension may be built to within five (5) feet of the rear lot line. However, if access to a garage or one-

story carport is from an alley or access easement, the minimum setback shall be twenty (20) feet for garages, or five (5) feet for one-story carports not having solid side walls. Setback shall be measured from the property line if from an alley and/or from the easement line if from an access easement.

(c) Side yard. There shall be a minimum side yard of five (5) feet on each side of any structure, except that on corner lots the minimum side yard adjacent to the street shall be ten (10) feet. Provided further, that in no case, shall a garage fronting onto a street be within twenty (20) feet of the street property line, except on platted lots that were of record on July 19, 1975, a garage fronting onto a street may be built within ten (10) feet of side property line, until July 19, 1978.

(d) Tool or storage houses, not to exceed two hundred (200) square feet in an area or eight (8) feet in height, with no utilities except electricity, may be erected on the rear and/or side property lines, with no minimum setback from those property lines at any location in the rear yard (as defined in section 29-3(124) [40.01.003(200)]). Any other size of building or location shall be located with a minimum five-foot side setback. No portion of overhang (roof, cornice, eave or sill) may project past any property line.

(e) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, and/or balconies, covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-7(f). See end of this division for full history for this division.)

Sec. 40.03.207 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-7(g). See end of this division for full history for this division.)

Sec. 40.03.208 Lot area

The minimum area of any development lot shall be five thousand (5,000) square feet. (1983 Code, sec. 29-7(h). See end of this division for full history for this division.)

Sec. 40.03.209 Lot coverage

The combined area of all buildings shall not exceed fifty (50) percent; except that unenclosed porches and permitted accessory buildings may cover an additional five (5) percent. (1983 Code, sec. 29-7(i). See end of this division for full history for this division.)

Sec. 40.03.210 Height limit

Buildings designed for residential occupancy shall not exceed two (2) stories and shall not exceed thirty-five (35) feet. Detached garages and other accessory buildings shall not exceed the height of the primary unit.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-7(j). See end of this division for full history for this division.)

Sec. 40.03.211 Off-street parking

(a) Off-street parking–Required.

(1) Single-family dwellings–Two (2) spaces.

(2) Conditional uses. The number of required spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(b) Off-street parking–Permitted.

(1) One commercial vehicle may be parked on a lot in this district provided such parking is not prohibited by other ordinances of the City of Lubbock.

(c) Off-street parking–Provisions.

(1) Any lighting of drive or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for off-street parking areas, except for single-family detached dwellings, shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) (A) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational vehicles, and recreational equipment or trailers, whether oversized or not, that are within the established front yard setback shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter), or on paved off-street parking areas.

(B) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter) or on paved off-street parking areas or behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(C) In areas where there are paved streets, all recreational vehicles and oversized recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(4) The storage of recreational vehicles and oversized recreational equipment or trailers shall be as follows:

(A) Recreational vehicles and oversized recreational equipment or trailers may be stored on private property either in an enclosed building, under a legal carport, in the rear or side yards anywhere up to the property line with no minimum setback (except the side yard adjacent to the street on corner lots as described below), or behind the established front yard setback line for this zone district. No storage shall

be allowed within the required front yard setback unless a variance is approved by the zoning board of adjustment. On corner lots, for the side yard adjacent to the street, no storage shall be allowed unless the recreational vehicle or oversized recreational equipment or trailer is behind a screening fence. In no event shall storage be allowed in the right-of-way or parkway.

(B) No portion of any recreational vehicle or recreational equipment or trailer, regardless of size, shall extend over the property line or into the sidewalk area.

(C) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection e, exception 2 [subsection (5)(B)] below for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection e, exception 3 [subsection (5)(C)] below.

(5) Exceptions. The following shall be exceptions to subsection d.1 [subsection (4)(A)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(D) Any pop-up or tent campers stored in the collapsed position.

(1983 Code, sec. 29-7(k); Ordinance 2017-O0055, sec. 1, adopted 5/11/2017. See end of this division for full history for this division.)

Sec. 40.03.212 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or

that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub, plant (excluding trees), sign, structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway. This section shall not apply to traffic-control signs and signals, street signs, mailboxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub, plant, sign, or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-7(m); Ordinance 2017-O00159, sec. 8, adopted 12/18/2017. See end of this division for full history for this division.)

(Ordinance 7084, sec. 6, adopted 6/26/1975; Ordinance 7220, sec. 1, adopted 3/11/1976; Ordinance 7293, sec. 1, adopted 7/22/1976; Ordinance 7356, sec. 1, adopted 11/11/1976; Ordinance 7671, secs. 3, 5, adopted 6/8/1978; Ordinance 8113, sec. 1, adopted 12/18/1980; 1983 Code, sec. 29-7; Ordinance 8233, sec. 2, adopted 9/24/1981; Ordinance 9045, sec. 4, adopted 3/12/1987; Ordinance 9055, secs. 3–5, 7–9, adopted 4/9/1987; Ordinance 9092, secs. 6, 7, adopted 8/13/1987; Ordinance 9266, secs. 1, 2, adopted 4/13/1989; Ordinance 9489, secs. 3, 4, adopted 11/11/1991; Ordinance 9507, sec. 2, adopted 3/12/1992; Ordinance 9792, sec. 1, adopted 4/13/1995; Ordinance 9942, sec. 2, adopted 10/10/1996; Ordinance 9989, sec. 1, adopted 5/8/1997; Ordinance 2006-O0006, sec. 3, adopted 1/26/2006; Ordinance 2011-O0122, sec. 1, adopted 12/14/2011; Ordinance 2012-O0017, sec. 2, adopted 3/6/2012; Ordinance 2015-O0043, sec. 1, adopted 5/14/2015)

Secs. 40.03.213–40.03.250 Reserved

Division 3A. “R-1A” Reduced Setback Single-Family District

Sec. 40.03.251 Purpose

The purpose of this district is to promote orderly and proper development of single-family residential units, to protect established and future single-family residential developments from inharmonious and harmful land uses, and to provide a “quality environment” for the residents of the district and city. (Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.252 General provisions

(a) Single-family dwelling units constructed in this zoning district shall comply with the regulations of the “R-1A” District.

(b) No business shall be permitted in this district except as provided for in this division and in the “specific use” [division 27](#) of this article.

(c) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(d) Intermodal shipping containers, as separate structures or as a component to a structure, are prohibited for use within a district zoned as “R-1A.”

(Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.253 Permitted uses

Permitted uses in this district are the following:

- (1) Single-family dwelling units.
- (2) Public parks and recreational facilities owned by the City of Lubbock, including party houses or community centers.
- (3) Home beauty shops as defined in [section 40.01.003](#)(48).
- (4) Garage sales as specified in [section 40.01.003](#)(73).
- (5) Accessory buildings as follows, subject to all other requirements of this division.
 - (A) Temporary construction or field sales office, provided said structure is approved by the administrator. Said structure to be removed after ten-day written notice from the administrator.
 - (B) Private garage, tool house, greenhouse, storage house, or pool house.
- (6) Day nurseries, provided the residence is owner-occupied and not more than six (6) children are kept at any one time.
- (7) Public schools.
- (8) Oil and gas wells (subject to the conditions of Chapter 8.07 [[Article 8.07](#)], Oil and Gas Drilling, of this Code).
- (9) Group housing for handicapped persons as defined in [section 40.01.003](#)(79).
- (10) Antenna, tower, or alternative tower structure other than a radio, television, or microwave broadcasting or transmitting antenna or facility, only when the antenna is co-located on an existing tower or does not add more than twenty (20) feet to the height of an existing alternative tower structure.

(Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.254 Conditional uses

The following uses may be permitted when approved by the zoning board of adjustment as specified in [article 40.02, division 2](#):

- (1) Customary home occupations as defined in [section 40.01.003](#)(46).
- (2) Existing customary home occupations shall become nonconforming and shall require zoning board of adjustment approval for continuing operation when a written protest is submitted to the administrator signed by fifty percent (50%) of all property owners within two hundred (200) feet of the property in question.
- (3) Churches and other places of worship, including accessory uses and buildings.
- (4) Fire stations.

- (5) Public utility installations, excluding office building, garages and shops, railroad yards, loading yards and warehouses.
- (6) Private community centers for the recreational and social use of the residents of an addition, subdivision or residential development which is operated by an association or incorporated group for their use and benefit. Such use shall not be a commercial business operated for profit.
- (7) Public athletic fields, stadiums and similar athletic areas.
- (8) Servants' quarters or guest houses on a lot containing ten thousand five hundred (10,500) square feet or more of net development area.
- (9) Group housing for handicapped persons in a shared residential living arrangement which provides a family-type environment for seven (7) or more handicapped persons, supervised by one or more primary caregivers, as further defined in [sections 40.01.003](#)(79)(A) and (B), and subject to compliance with the permit conditions listed in [section 40.02.002](#)(g), save and except [sections 40.02.002](#)(g)(2)(A) and (B). Application for a conditional use permit under this section shall require notice as prescribed in [section 40.02.053](#)(c) to owners of real property lying within one thousand (1,000) feet of the property on which the use is requested.
- (10) Residents requesting that more than four (4) adult dogs, more than four (4) months of age may be maintained on a residential lot or premises. Such approval shall not provide for a commercial breeding business.
- (11) Residents requesting that more than six (6) chicken hens be maintained on a residential lot or premises. Such approval shall not provide for a commercial breeding business.

(Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.255 Specific use

To provide limited flexibility for modern urban design, additional uses in this District are provided in the "specific use" [division 27](#) of this article. (Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.256 Yard requirements

- (a) Front yard. The minimum front yard shall be twenty (20) feet. Lots which front on cul-de-sac streets the minimum front yard shall be five (5) feet. A residential garage shall have a front setback of at least twenty (20) feet.
- (b) Rear yard. The minimum rear yard shall be fifteen (15) feet except that a one-story wing or extension may be built to within eighteen (18) inches of the rear lot line. However, if access to a garage or one-story carport is from an alley or access easement, the minimum setback shall be twenty (20) feet for garages, or five (5) feet for one-story carports not having solid side walls. Setback shall be measured from the property line if from an alley and/or from the easement line if from an access easement.
- (c) Side yard. There shall be a minimum side yard of five (5) feet on each side of any structure, including corner lots. Provided further, that in no case, shall a garage fronting onto a street be within twenty (20) feet of the street property line, except on platted lots that were of record on July 19, 1975, a

garage fronting onto a street may be built within ten (10) feet of side property line, until July 19, 1978.

(d) Tool or storage houses. Tool or storage houses, not to exceed two hundred (200) square feet in area or eight (8) feet in height, with no utilities except electricity, may be erected on the rear and/or side property lines, with no minimum setback from those property lines at any location in the rear yard (as defined in [section 40.01.003](#)(200) of this chapter). Any other size of building or location shall be located with a minimum five-foot side setback. No portion of overhang (roof, cornice, eave or sill) may project past any property line.

(e) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.257 Lot width

There shall be no minimum lot width. (Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.258 Lot area

The minimum area of any development lot shall be five thousand (5,000) square feet. (Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.259 Lot coverage

The combined area of all buildings shall not exceed fifty percent (50%); except that unenclosed porches and permitted accessory buildings may cover an additional five percent (5%).(Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.260 Height limit

(a) Buildings designed for residential occupancy shall not exceed two (2) stories and shall not exceed thirty-five (35) feet. Detached garages and other accessory buildings shall not exceed the height of the primary unit.

(b) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Sec. 40.03.261 Off-street parking

(a) Off-street parking–Required.

(1) Single-family dwellings. Two (2) spaces.

(2) Conditional uses. The number of required spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(b) Off-street parking–Permitted. One commercial vehicle may be parked on a lot in this district provided such parking is not prohibited by other ordinances of the City of Lubbock.

(c) Off-street parking–Provisions.

(1) Any lighting of drive or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for off-street parking areas, except for single-family detached dwellings, shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) The following provisions apply to the parking of certain vehicles within this zoning district:

(A) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational vehicles, and recreational equipment or trailers, whether oversized or not, that are within the established front yard setback shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter), or on paved off-street parking areas.

(B) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter) or on paved off-street parking areas or behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(C) In areas where there are paved streets, all recreational vehicles and oversized recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(4) The storage of recreational vehicles and oversized recreational equipment or trailers shall be as follows:

(A) Recreational vehicles and oversized recreational equipment or trailers may be stored on private property either in an enclosed building, under a legal carport, in the rear or side yards anywhere up to the property line with no minimum setback (except the side yard adjacent to the street on corner lots as described below), or behind the established front yard setback line for this zone district. No storage shall be allowed within the required front yard setback unless a variance is approved by the zoning board of adjustment. On corner lots, for the side yard adjacent to the street, no storage shall be allowed unless the recreational vehicle or oversized recreational equipment or trailer is behind a screening fence. In no event shall storage be allowed in the right-of-way or parkway.

(B) No portion of any recreational vehicle or recreational equipment or trailer, regardless of size, shall

extend over the property line or into the sidewalk area.

(C) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection (5)(B) below for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection (5)(C) below.

(5) Exceptions. The following shall be exceptions to subsection (4)(A) above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(D) Any pop-up or tent campers stored in the collapsed position.

(Ordinance 2017-000159, sec. 9, adopted 12/18/2017)

Sec. 40.03.262 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic-control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six

(6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway. This section shall not apply to traffic-control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub, plant, sign, or structure, including mailboxes, shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.

(Ordinance 2017-O00159, sec. 9, adopted 12/18/2017)

Secs. 40.03.263–40.03.320 Reserved

Division 4. “R-2” Two-Family District

Sec. 40.03.321 Purpose

The purpose of this district is to promote stable, quality residential development of slightly increased densities and multiple occupancy. This district may include entire neighborhoods or when used in accordance with the intent of the comprehensive plan, may provide a “buffer” district between low-density and high-density or non-residential districts. (1983 Code, sec. 29-8(a). See end of this division for full history for this division.)

Sec. 40.03.322 General provisions

- (a) Duplex units constructed in any zoning district shall comply with regulations of the “R-2” District.
- (b) No business shall be permitted in this district except as provided for in this section [division] and in the “specific use” section of this ordinance [[division 27](#) of this article].
- (c) No more than two (2) dwelling units shall be permitted on a lot.
- (d) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (e) Intermodal shipping containers, as separate structures or as a component to a structure, are prohibited for use within a district zoned as “R-2.”

(1983 Code, sec. 29-8(b). See end of this division for full history for this division.)

Sec. 40.03.323 Permitted uses

Permitted uses in this district are the following:

- (1) Any use unconditionally permitted in the “R-1” or “R-1A” District.
- (2) Two-family dwelling units.
- (3) Townhouse/garden home (subject to the requirements of [section 40.03.3103\(b\)](#)).

(1983 Code, sec. 29-8(c); Ordinance 2017-O00159, sec. 10, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.324 Conditional uses

Any use conditionally permitted in the “R-1” or “R-1A” District may be permitted when approved by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#). (1983 Code, sec. 29-8(d); Ordinance 2017-O00159, sec. 11, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.325 Specific use

To provide flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [\[division 27](#) of this article]. (1983 Code, sec. 29-8(e). See end of this division for full history for this division.)

Sec. 40.03.326 Yard requirements

(a) Front yard. The minimum front yard shall be twenty-five (25) feet. Lots which front on cul-de-sac streets and which are contiguous to lots which do not front onto cul-de-sac streets shall have their front yard measured from where they would normally be measured if the street did not terminate in a cul-de-sac but continued on its course. All other lots which front onto cul-de-sac streets shall have their front yard set back the same distance from the sidewalk or curb as established for those lots which front on cul-de-sac streets and which are contiguous to lots which do not front onto cul-de-sac streets. In no event, however, shall any residence have less than a fifteen-foot front yard setback, and in no event shall a residential garage have less than a twenty-foot front setback.

(b) Rear yard. The minimum rear yard shall be fifteen (15) feet except that a one-story wing or extension may be built to within five (5) feet of the rear lot line. However, if access to a garage or one-story carport is from an alley or access easement, the minimum setback shall be twenty (20) feet from garages, or five (5) feet for one-story carports not having solid side walls. Setback shall be measured from the property line if from an alley and/or from the easement line if from an access easement.

(c) Side yard. There shall be a minimum side yard of five (5) feet on each side of any structure, except that on corner lots the minimum side yard adjacent to the street shall be ten (10) feet. Provided further, that in no case shall a garage fronting onto a street be within twenty (20) feet of the street property line.

(d) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, and/or balconies, covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-8(f). See end of this division for full history for this division.)

Sec. 40.03.327 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-8(g). See end of this division for full history for this division.)

Sec. 40.03.328 Lot area

The minimum area of any development lot shall be six thousand (6,000) square feet. (1983 Code, sec. 29-8(h). See end of this division for full history for this division.)

Sec. 40.03.329 Lot coverage

The combined area of all buildings shall not exceed fifty (50) percent; except that unenclosed porches and permitted accessory buildings may cover an additional five (5) percent. (1983 Code, sec. 29-8(i). See end of this division for full history for this division.)

Sec. 40.03.330 Density

One dwelling unit shall be permitted for each three thousand (3,000) square feet of development lot area, except that six thousand (6,000) square feet of development lot area shall be provided for a single-family dwelling. (1983 Code, sec. 29-8(j). See end of this division for full history for this division.)

Sec. 40.03.331 Height limit

Buildings designed for residential occupancy shall not exceed two (2) stories and shall not exceed thirty-five (35) feet. Detached garages and other accessory buildings shall not exceed the height of the primary unit.

- (1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-8(l). See end of this division for full history for this division.)

Sec. 40.03.332 Off-street parking

- (a) Off-street parking–Required.

- (1) Single-family dwellings–Two (2) spaces.
- (2) Two-family dwellings–One and one-half (1-1/2) spaces for each one-bedroom unit and two (2) spaces for each two (2) or more bedroom units.
- (3) Conditional uses–The number of required spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

- (b) Off-street parking–Permitted.

- (1) One (1) commercial vehicle may be parked on a lot in this district provided such parking is not prohibited by other ordinances of the City of Lubbock.

- (c) Off-street parking–Provisions.

- (1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
- (2) Plans for off-street parking areas, except for single-family detached dwellings, shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (3) (A) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational vehicles, and recreational equipment or trailers, whether oversized or not, that are within the established front yard setback shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter), or on paved off-street parking areas.
- (B) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter) or on paved off-street parking areas or behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(C) In areas where there are paved streets, all recreational vehicles and oversized recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(4) The storage of recreational vehicles and oversized recreational equipment or trailers shall be as follows:

(A) Recreational vehicles and oversized recreational equipment or trailers may be stored on private property either in an enclosed building, under a legal carport, in the rear or side yards anywhere up to the property line with no minimum setback (except the side yard adjacent to the street on corner lots as described below), or behind the established front yard setback line for this zone district. No storage shall be allowed within the required front yard setback unless a variance is approved by the zoning board of adjustment. On corner lots, for the side yard adjacent to the street, no storage shall be allowed unless the recreational vehicle or oversized recreational equipment or trailer is behind a screening fence. In no event shall storage be allowed in the right-of-way or parkway.

(B) No portion of any recreational vehicle or recreational equipment or trailer, regardless of size, shall extend over the property line or into the sidewalk area.

(C) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection e, exception 2 [subsection (5)(B)] below for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection e, exception 3 [subsection (5)(C)] below.

(5) Exceptions. The following shall be exceptions to subsection d.1 [(4)(A)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(D) Any pop-up or tent campers stored in the collapsed position.

(1983 Code, sec. 29-8(m); Ordinance 2017-O0055, sec. 2, adopted 5/11/2017. See end of this division for full history for this division.)

Sec. 40.03.333 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of

the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-8(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 7, adopted 6/26/1975; Ordinance 7293, sec. 2, adopted 7/22/1976; Ordinance 7671, secs. 3, 5, adopted 6/8/1978; 1983 Code, sec. 29-8; Ordinance 8214, sec. 2, adopted 8/13/1981; Ordinance 8816, sec. 5, adopted 9/12/1985; Ordinance 9045, sec. 4, adopted 3/12/1987; Ordinance 9055, secs. 4, 5, 7–9, adopted 4/9/1987; Ordinance 9092, secs. 6, 7, adopted 8/13/1987; Ordinance 9266, secs. 1, 2, adopted 4/13/1989; Ordinance 9507, sec. 3, adopted 3/12/1992; Ordinance 9792, sec. 2, adopted 4/13/1995; Ordinance 2012-O0017, sec. 3, adopted 3/6/2012)

Secs. 40.03.334–40.03.440 Reserved

Division 5. “R-3” Multifamily District

Sec. 40.03.441 [Uses and regulations]

The uses and regulations for this district shall be the same as provided in section 9 {29-10} [\[division 7\]](#) of this article], “A-2” High-Density Apartment District. (Ordinance 7084, sec. 10, adopted 6/26/1975; 1983 Code, sec. 29-11)

Secs. 40.03.442–40.03.550 Reserved

Division 6. “A-1” Family Apartment District

Sec. 40.03.551 Purpose

The purpose of this district is to promote medium-density, multiple-occupancy development. The regulations are designed to promote family-oriented development which provides the occupants with the proper environmental quality, and compatibility with lower-density development. The purpose of this district is not to isolate multi-family units, but to encourage compatible residential land uses through effective planning and urban design. When adjacent to “RR,” “R-1,” “R-1A,” or “R-2” zoned property, the proposed development in this district shall be so designed to provide for maximum compatibility with adjacent development. Architectural design, landscaping, screening, and parking areas shall be properly provided to ensure maximum protection of lower-density uses. (1983 Code, sec. 29-9(a); Ordinance 2017-O00159, sec. 12, adopted 12/18/2017; Ordinance 2018-O0066, sec. 32, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.552 General provisions

(a) No business shall be permitted in this district except as provided for in this section [division] and in the “specific use” section of this ordinance [[division 27](#) of this article].

(b) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(1983 Code, sec. 29-9(b). See end of this division for full history for this division.)

Sec. 40.03.553 Permitted uses

Permitted uses in this district are the following:

- (1) Any use unconditionally permitted in the “R-1,” “R-1A,” or “R-2” Districts.
- (2) Multi-family dwellings and apartments.
- (3) Row dwellings or townhouses which meet the development standards as provided in the “specific use” [section 40.03.3103\(b\)](#) of this chapter.
- (4) Accessory uses, limited to a rental office, club rooms, recreational rooms, covered pools, or laundries.

(1983 Code, sec. 29-9(c); Ordinance 2017-O00159, sec. 13, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.554 Conditional uses

Any use conditionally permitted in the “RR,” “R-1,” “R-1A,” or “R-2” districts not otherwise permitted in this district may be permitted when approved by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#). (1983 Code, sec. 29-9(d); Ordinance 2017-O00159, sec. 14, adopted 12/18/2017; Ordinance 2018-O0066, sec. 33, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.555 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-9(e). See end of this division for full history for this division.)

Sec. 40.03.556 Yard requirements

(a) Front yard. The minimum front yard shall be twenty-five (25) feet, except that when the entire front yard is landscaped and permanently maintained, the required front yard may be fifteen (15) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#). Lots which front on cul-de-sac streets and which are contiguous to lots which do not front onto cul-de-sac streets shall have their front yard measured from where they would normally be measured if the street did not terminate in a cul-de-sac but continued on its course. All other lots which front onto cul-de-sac streets shall have their front yard setback the same distance from the sidewalk or curb as established for those lots which front on cul-de-sac streets, and which are contiguous to lots which do not front onto cul-de-sac streets. In no event, however, shall any residence have less than a fifteen-foot front yard setback, and in no event shall a residential garage have less than a twenty-foot front setback.

(b) Rear yard. The minimum rear yard shall be fifteen (15) feet, except that a one-story extension or wing of a building may be built to within five (5) feet of the rear lot line. When the property abuts an “RR,” “R-1,” “R-1A,” or “R-2” zoning district, even if separated by an alley, the minimum rear yard setback for any two-story structure shall be fifty (50) feet from the rear lot line.

(c) Side yard. There shall be a minimum side yard of five (5) feet on each side of any single-story structure, ten (10) feet on each side of any two-story structure, except that on corner lots the minimum side yard adjacent to the street shall be ten (10) feet. When the property abuts an “RR,” “R-1,” “R-1A,” or “R-2” zoning district, the minimum side yard setback for any two-story structure shall be fifty (50) feet. Provided further, that in no case shall a garage fronting onto a street be within twenty (20) feet of the street property line. No side yard shall be required for individual row dwelling or townhouse units except at the end of each structure, where a ten-foot side yard shall be required.

(1983 Code, sec. 29-9(f); Ordinance 2017-O00159, sec. 15, adopted 12/18/2017; Ordinance 2018-O0066, secs. 34–35, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.557 Lot width

The minimum lot width shall be fifty (50) feet except as provided for row dwellings and townhouses in the “specific use” section [[division 27](#) of this article]. (1983 Code, sec. 29-9(g). See end of this division for full history for this division.)

Sec. 40.03.558 Lot area

The minimum lot area shall be six thousand (6,000) square feet for single family. The minimum lot area shall be six thousand (6,000) square feet for all other uses except as provided for row dwellings or townhouses in the “specific use” section [[division 27](#) of this article]. (1983 Code, sec. 29-9(h). See end of this division for full history for this division.)

Sec. 40.03.559 Lot coverage

The combined area of all buildings shall not exceed forty (40) per cent, except that permitted accessory uses may cover an additional five (5) per cent of the development lot area. Row dwellings or townhouses shall meet the requirements as specified in the “specific use” section [[division 27](#) of this article]. (1983 Code, sec. 29-9(i). See end of this division for full history for this division.)

Sec. 40.03.560 Floor area ratio

Fifty hundredths (.50) square feet of total floor area for each one square foot of lot area. (1983 Code, sec. 29-9(j). See end of this division for full history for this division.)

Sec. 40.03.561 Height limit

Buildings designed for residential occupancy shall not exceed two (2) stories and shall not exceed thirty-five (35) feet. Detached garages and other accessory buildings shall not exceed the height of the primary unit.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-9(k). See end of this division for full history for this division.)

Sec. 40.03.562 Off-street parking

(a) Off-street parking—Required.

(1) Single-family dwellings—Two (2) spaces.

(2) Two-family dwellings—One and one-half (1-1/2) spaces for each one-bedroom unit and two (2) spaces for each unit with two (2) or more bedrooms.

(3) Apartments—One and one-half (1-1/2) spaces for each one-bedroom unit, two (2) spaces for each unit with two (2) bedrooms or more, plus one additional space for each four (4) units in the development.

(4) Row dwellings or townhouses—Two (2) spaces per unit, plus one space for each four (4) units in the development.

(5) Conditional uses—The number of required spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(b) Off-street parking—Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for off-street parking areas, except for single-family detached dwellings, shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) (A) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational vehicles, and recreational equipment or trailers, whether oversized or not, that are within the established front yard setback shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter), or on paved off-street parking areas.

(B) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter) or on paved off-street parking areas or behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line,

if any, and from the established front setback line to the rear property line.

(C) In areas where there are paved streets, all recreational vehicles and oversized recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(4) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection e, exception 2 [subsection (5)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection e, exception 3 [subsection (5)(C)] below.

(5) Exceptions. The following shall be exceptions to subsection d [(4)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-9(1); Ordinance 2017-00055, sec. 3, adopted 5/11/2017. See end of this division for full history for this division.)

Sec. 40.03.563 Landscaping requirement

(a) Twenty (20) per cent of the total development lot area shall be landscaped and permanently maintained. One-fourth (1/4) of the required landscaping shall be located in the required front yard. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with Section 27.2-6-9-2 {29-30(b)(6)(i)(2)} [40.02.002(f)(9)(B)] of this Zoning Ordinance.

(b) The parkway area shall be landscaped and permanently maintained. This shall be in addition to the required landscaping. Any landscaping placed in the parkway must be in compliance with Section 27.2-6-9-3 {29-30(b)(6)(i)(2)} [40.02.002(f)(9)(B)] of this Zoning Ordinance.

(c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway

irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-9(m). See end of this division for full history for this division.)

Sec. 40.03.564 Alley screening

Whenever the side or rear property line of any development in an “A” zoned district is adjacent to any “R” zoned district, even if separated by an alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot; except that, when in the opinion of the planning commission, all or portions of such fence do no serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening. (1983 Code, sec. 29-9(n). See end of this division for full history for this division.)

Sec. 40.03.565 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-9(o). See end of this division for full history for this division.)

(Ordinance 7084, sec. 8, adopted 6/26/1975; Ordinance 7671, secs. 3, 5, adopted 6/8/1978; Ordinance 7722, secs.

1, 2, adopted 9/14/1978; Ordinance 7782, secs. 1, 2, adopted 12/14/1978; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-9; Ordinance 9045, sec. 4, adopted 3/12/1987; Ordinance 9055, secs. 7–9, 10, adopted 4/9/1987; Ordinance 9092, secs. 6, 8, adopted 8/13/1987; Ordinance 9266, sec. 1, adopted 4/13/1989; Ordinance 9507, sec. 4, adopted 3/12/1992; Ordinance 9705, sec. 3, adopted 5/19/1993)

Secs. 40.03.566–40.03.670 Reserved

Division 7. “A-2” High-Density Apartment District

Sec. 40.03.671 Purpose

The purpose of this district is to promote high-density multi-family developments and compatible land uses in harmony with lower-density uses. The regulations are designed to provide the occupants with safe and convenient housing within an aesthetically pleasing environment in proper relationship to adjacent land uses. When proposed development in this district is adjacent to “RR,” “R-1,” “R-1A,” or “R-2” zoned property, the proposed development shall be designed to provide for maximum compatibility with the adjacent development. Architectural design, landscaping, screening and parking areas shall be properly provided to ensure maximum protection of lower-density uses. (1983 Code, sec. 29-10(a); Ordinance 2017-O00159, sec. 16, adopted 12/18/2017; Ordinance 2018-O0066, sec. 36, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.672 General provisions

- (a) No business shall be permitted in this district except as provided for in this section and in the “specific use” section of this ordinance [[division 27](#) of this article].
- (b) Accessory uses shall be so located within the development to ensure maximum compatibility with the primary use and shall be for the convenience of the occupants only.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(1983 Code, sec. 29-10(b). See end of this division for full history for this division.)

Sec. 40.03.673 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the “A-1” District except single- and two-family units.
- (2) Accessory uses as permitted in the “A-1” District.
- (3) Boarding or rooming houses.
- (4) Churches and other places of worship.
- (5) Convalescent, nursing, orphan, maternity and geriatric homes and personal care facilities.

Accessory uses, such as a beauty shop, barber shop and pharmacy shall be permitted within a building devoted to one of the primary uses in this section, provided such accessory use is conducted for the convenience of the occupants and such accessory use does not have an entrance thereto except from

inside the building, and further, no signs or advertisements of such accessory use shall be visible from outside the building.

(6) Day nurseries.

(7) Efficiency units as defined in section 2.44 {29-3(44)} [\[40.01.003\(63\)\]](#).

(8) Lodges, sorority and fraternity houses.

(9) Parking areas and/or buildings.

(10) Private community centers for the recreational and social use of the residents of an addition, subdivision, housing development, or apartment complex which is operated by an association or incorporated group for their use and benefit. Such center may contain a swimming pool, volleyball, tennis and croquet courts, parking lot, playground equipment and other similar recreational facilities. Such use shall be of the nature described above and shall be operated for the benefit and use of the occupants only as a part of the development.

(11) Oil and gas wells (subject to conditions of [Chapter 14 \[8\]](#), [Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).

(12) Antenna, tower or alternative tower structure other than a radio, television or microwave broadcasting or transmitting antenna or facility, only when the antenna is co-located on an existing tower or does not add more than twenty (20) feet to the height of an existing alternative tower structure.

(1983 Code, sec. 29-10(c). See end of this division for full history for this division.)

Sec. 40.03.674 Conditional uses

The following uses may be permitted when approved by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#).

(1) Any use permitted by right or conditionally permitted in the “RR,” “R-1,” “R-1A,” “R-2,” or “A-1” districts and not otherwise permitted in this district.

(2) Private schools having a curriculum equivalent to that of public schools.

(3) Semipublic uses such as community clubhouses, YMCA, YWCA, Boy Scouts, Girl Scouts, Boys and Girls Club, and Little Theaters.

(1983 Code, sec. 29-10(d); Ordinance 2017-O00159, sec. 17, adopted 12/18/2017; Ordinance 2018-O0066, sec. 37, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.675 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of the ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-10(e). See end of this division for full history for this division.)

Sec. 40.03.676 Yard requirements

(a) Front yard. The minimum front yard shall be twenty-five (25) feet, except that when the entire front yard is landscaped and permanently maintained, the required front yard may be fifteen (15) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#). Lots which front on cul-de-sac streets and

which are contiguous to lots which do not front onto cul-de-sac streets shall have their front yard measured from where they would normally be measured if the street did not terminate in a cul-de-sac but continued on its course. All other lots which front onto cul-de-sac streets shall have their front yard setback the same distance from the sidewalk or curb as established for those lots which front on cul-de-sac streets and which are contiguous to lots which do not front onto cul-de-sac streets. In no event, however, shall any residence have less than a fifteen-foot front yard setback, and in no event shall a residential garage have less than a twenty-foot front setback.

(b) Rear yard. The minimum rear yard shall be five (5) feet, except when the proposed development is adjacent to an “RR,” “R-1,” “R-1A,” or “R-2” district, even if separated by an alley, the minimum rear yard setback for any two-story structure shall be fifty (50) feet from the rear lot line.

(c) Side yard. There shall be a minimum side yard of five (5) feet on each side of any single-story structure, ten (10) feet on each side of any two-story structure, except that on corner lots the minimum side yard adjacent to the street shall be ten (10) feet. When property abuts an “RR,” “R-1,” “R-1A” or “R-2” zoning district, the minimum side yard setback for any two-story structure shall be fifty (50) feet. Provided, further, that in no case shall a garage fronting onto a street be within twenty (20) feet of the street property line. No side yard shall be required for individual row dwelling or townhouse units except at the end of each structure, where a ten-foot side yard shall be required.

(d) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-10(f); Ordinance 2017-O00159, sec. 18, adopted 12/18/2017; Ordinance 2018-O0066, secs. 38–39, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.677 Lot width

The minimum lot width shall be one hundred (100) feet for all other uses except as provided for row dwellings and townhouses in the “specific use” section [[division 27](#) of this article]. (1983 Code, sec. 29-10(g). See end of this division for full history for this division.)

Sec. 40.03.678 Lot area

The minimum lot area shall be ten thousand (10,000) square feet, except as provided for row dwellings and townhouses in the “specific use” section [[division 27](#) of this article]. (1983 Code, sec. 29-10(h). See end of this division for full history for this division.)

Sec. 40.03.679 Lot coverage

The combined area of all buildings shall not exceed forty (40) percent, except that permitted accessory uses may cover an additional ten (10) percent of the development lot area. (1983 Code, sec. 29-10(i). See end of this division for full history for this division.)

Sec. 40.03.680 Floor area ratio

Seventy-five-hundredths (.75) square foot of total floor area for each one square foot of lot area. (1983 Code, sec. 29-10(j). See end of this division for full history for this division.)

Sec. 40.03.681 Height limit

Building shall not exceed three (3) stories and shall not exceed forty (40) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-10(k). See end of this division for full history for this division.)

Sec. 40.03.682 Off-street parking

(a) Off-street parking—Required.

(1) Apartments—One space for each efficiency unit, one and one-half (1-1/2) spaces for each one-bedroom unit, two (2) spaces for each unit with two (2) bedrooms, two and one-half (2-1/2) spaces for each unit with three (3) or more bedrooms, plus one additional space for each four (4) units in development.

(2) Row dwellings or townhouses—Two (2) spaces per unit, plus one space for each four (4) units in development.

(3) Day nurseries—One space for each three hundred (300) square feet of gross floor area, plus an off-street drive, having separate ingress and egress, capable of the temporary storage of three (3) or more vehicles.

(4) Boarding or rooming houses—One space for each occupant.

(5) Lodges, sororities and fraternities—One space for each one hundred (100) square feet of gross floor area.

(6) Churches and other places of worship—One paved off-street parking space for each four (4) seats in the auditorium. If pews are used, each twenty (20) inches in length shall equal one seat.

(7) Private community centers—One space for each three (3) members.

(8) Convalescent, nursing, maternity, and geriatric homes and personal care facilities—Three (3) spaces for each five (5) beds.

(9) Orphan homes—One space for each five (5) beds.

(10) Conditional uses—The number of required spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(b) Off-street parking—Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for the off-street parking areas, except for single-family detached dwellings, shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the

city traffic engineer under the terms of this district and the city's driveway regulations.

(3) (A) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational vehicles, and recreational equipment or trailers, whether oversized or not, that are within the established front yard setback shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter), or on paved off-street parking areas.

(B) In areas where there are paved streets, all vehicles (including recreational dual purpose vehicles), recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked on driveways (as defined in [section 40.01.003](#)(47) of this chapter) or on paved off-street parking areas or behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(C) In areas where there are paved streets, all recreational vehicles and oversized recreational equipment or trailers that are within the side yard adjacent to the street on corner lots, shall only be parked behind a screening fence. In no event shall parking be allowed in the right-of-way or parkway. For this section side yard shall be that yard between the side building line and the side lot line, if any, and from the established front setback line to the rear property line.

(4) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection e, exception 2 [subsection (5)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection e, exception 3 [subsection (5)(C)] below.

(5) Exceptions. The following shall be exceptions to subsection d [(4)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-10(l); Ordinance 2017-O0055, sec. 4, adopted 5/11/2017. See end of this division for full history for this division.)

Sec. 40.03.683 Landscaping requirements

- (a) Fifteen (15) percent of the total development lot area shall be landscaped and permanently maintained. One-fourth (1/4) of the required landscaping shall be located in the required front yard. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 27.2-6-9-2 {29-30(b)(6)(i)(2)} [40.02.002(f)(9)(B)] of this Zoning Ordinance.
- (b) The parkway area shall be landscaped and permanently maintained. This shall be in addition to the required landscaping. Any landscaping placed in the parkway must be in compliance with section 27.2-6-9-3 {29-30(b)(6)(i)(3)} [40.02.002(f)(9)(C)] of this Zoning Ordinance.
- (c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.
- (d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-10(m). See end of this division for full history for this division.)

Sec. 40.03.684 Alley screening

Whenever the side or rear property line of any development in an “A” zoned district is adjacent to any “R” zoned district, even if separated by an alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot; except that when, in the opinion of the planning commission, all or portions of such fence do not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening. (1983 Code, sec. 29-10(n). See end of this division for full history for this division.)

Sec. 40.03.685 Vision clearance

- (a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.
- (b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.
- (c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or

constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-10(o). See end of this division for full history for this division.)

(Ordinance 7084, sec. 9, adopted 6/26/1975; Ordinance 7671, secs. 3, 5, adopted 6/8/1978; Ordinance 7722, secs. 3, 4, adopted 9/14/1978; Ordinance 7782, secs. 1, 2, adopted 12/14/1978; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-10; Ordinance 8233, sec. 3, adopted 9/24/1981; Ordinance 9045, sec. 4, adopted 3/12/1987; Ordinance 9055, secs. 7–10, adopted 4/9/1987; Ordinance 9092, secs. 6, 8, adopted 8/13/1987; Ordinance 9266, sec. 1, adopted 4/13/1989; Ordinance 9457, sec. 3, adopted 7/11/1991; Ordinance 9705, sec. 4, adopted 5/19/1994; Ordinance 9942, sec. 2, adopted 10/10/1996)

Secs. 40.03.686–40.03.790 Reserved

Division 8. “A-3” High-Rise Apartment District

Sec. 40.03.791 Purpose

The purpose of this district is to provide for high-density high-rise developments in the immediate vicinity of concentrations of commercial or population activities. The standards of the district are designed to minimize adverse effects on lower-density residential developments in surrounding areas. When proposed development in this district is adjacent to “RR,” “R-1,” “R-1A,” or “R-2” zoned property, the proposed development shall be so designed to provide for maximum compatibility with adjacent development. Architectural design, landscaping, screening, and parking areas shall be properly provided to ensure maximum protection of lower-density uses. (1983 Code, sec. 29-12(a); Ordinance 2017-O00159, sec. 19, adopted 12/18/2017; Ordinance 2018-O0066, sec. 40, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.792 General provisions

- (a) No business shall be permitted in this district except as provided for in this section [division] and in the “specific use” section of this ordinance [[division 27](#) of this article].
- (b) Accessory uses shall be so located within the development to ensure maximum compatibility with the primary use and shall be for the convenience of the occupants only.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(1983 Code, sec. 29-12(b). See end of this division for full history for this division.)

Sec. 40.03.793 Permitted uses

[Permitted uses in this district are the following:]

- (1) Apartments.
- (2) Accessory uses. Accessory uses, as follows; providing service to the tenants are permitted provided such uses do not occupy more than ten (10) per cent of the gross floor area of the building, are not visible or identifiable from the outside of the building, have no exterior signs, and with no entrance to such facilities except from a lobby or other common area within the building:
 - (A) Barber or beauty shop.
 - (B) Laundry and/or dry cleaning pickup station.
 - (C) Managers or rental office.
 - (D) Newsstand.
 - (E) Private recreational center.
- (3) Gas and oil wells (subject to conditions of [Chapter 14 \[8\], Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).

(1983 Code, sec. 29-12(c). See end of this division for full history for this division.)

Sec. 40.03.794 Conditional uses

None. (1983 Code, sec. 29-12(d). See end of this division for full history for this division.)

Sec. 40.03.795 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of the ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-12(e). See end of this division for full history for this division.)

Sec. 40.03.796 Yard requirements

- (a) Front yard. The minimum front yard shall be twenty-five (25) feet.
- (b) Rear yard. The minimum rear yard shall be twenty-five (25) feet, except when the proposed development is adjacent to an “RR,” “R-1,” “R-1A,” or “R-2” district, even if separated by an alley, the minimum rear yard shall be one foot for each one foot of total height.
- (c) Side yard. The minimum side yard shall be twenty-five (25) feet, except when the proposed development is adjacent to an “RR,” “R-1,” “R-1A,” or “R-2” district, the minimum side yard shall be one foot for each one foot of total height.
- (d) Projections into required yards.
 - (1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.
 - (2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-12(f); Ordinance 2017-O00159, sec. 20, adopted 12/18/2017; Ordinance 2018-O0066, secs.

41–42, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.797 Lot width

The minimum lot width shall be two hundred (200) feet. (1983 Code, sec. 29-12(g). See end of this division for full history for this division.)

Sec. 40.03.798 Lot area

The minimum lot area shall be twenty thousand (20,000) square feet. (1983 Code, sec. 29-12(h). See end of this division for full history for this division.)

Sec. 40.03.799 Lot coverage

The combined area of all buildings shall not exceed forty (40) per cent of the lot area. (1983 Code, sec. 29-12(i). See end of this division for full history for this division.)

Sec. 40.03.800 Floor area ratio

Three and five-tenths (3.5) square feet of floor area for each one square foot of lot area. (1983 Code, sec. 29-12(j). See end of this division for full history for this division.)

Sec. 40.03.801 Height limit

The maximum height limit shall be one hundred (100) feet. Provided, however, that buildings may be built to any height when that part of the structure in excess of one hundred (100) feet is recessed on all sides at a vertical angle of not less than fifteen (15) degrees. This angle being measured from a point one hundred (100) feet above ground level at the property line to the pinnacle of the structure.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-12(k). See end of this division for full history for this division.)

Sec. 40.03.802 Off-street parking

(a) Off-street parking–Required.

(1) Apartments–One space for each efficiency unit, one and one-half (1-1/2) spaces for each one-bedroom unit, two (2) spaces for each unit with two (2) bedrooms, two and one-half (2-1/2) spaces for each unit with three (3) or more bedrooms, plus one additional space for each four (4) units in development.

(b) Off-street parking–Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-12(l). See end of this division for full history for this division.)

Sec. 40.03.803 Landscaping and open space requirements

(a) An area equivalent to twenty-five (25) per cent of the total development lot area shall be provided as usable open space. This area may include balconies, sundecks, swimming pools, roof gardens, etc. Such area may be roofed and enclosed on three (3) sides. One side shall remain open at all times. One-third (1/3) of the required usable open space shall be at ground level and shall be landscaped and permanently maintained. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with Section 27.2-6-9-2 {29-30(b)(6)(i)(2)} [\[40.02.002\(f\)\(9\)\(B\)\]](#) of this Zoning Ordinance.

(b) The parkway area shall be landscaped and permanently maintained. This shall be in addition to the required landscaping. Any landscaping placed in the parkway must be in compliance with section 27.2-6-9-3 {29-30(b)(6)(i)(3)} [\[40.02.002\(f\)\(9\)\(C\)\]](#) of this zoning ordinance.

(c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-12(m). See end of this division for full history for this division.)

Sec. 40.03.804 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of

the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-12(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 11, adopted 6/26/1975; Ordinance 7671, sec. 3, adopted 6/8/1978; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-12; Ordinance 8233, sec. 4, adopted 9/24/1981; Ordinance 9055, secs. 7-10, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987)

Secs. 40.03.805–40.03.910 Reserved

Division 9. “AM” Apartment-Medical District

Sec. 40.03.911 Purpose

The purpose of this district is to provide for quality medical and related development through proper planning and design. The regulations are intended to produce an attractive environment which will ensure the compatibility between medical and other uses; encourage and protect future development; provide modern facilities for the public; provide proper accessory uses; and promote, stabilize, and enhance the city as a medical center. When proposed development in this district is adjacent to any residentially zoned property, the proposed development shall be designed to provide for maximum compatibility with the adjacent development. Architectural design, landscaping, screening, and parking

areas shall be properly provided to ensure maximum protection of the adjacent uses. (1983 Code, sec. 29-13(a). See end of this division for full history for this division.)

Sec. 40.03.912 General provisions

(a) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(b) Accessory uses shall be located and designed to provide for compatibility with the primary use and shall be for the convenience of the occupants and their clientele.

(c) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(d) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.

(1983 Code, sec. 29-13(b). See end of this division for full history for this division.)

Sec. 40.03.913 Permitted uses

[Permitted uses in this district are the following:]

(1) Apartments as specified in the “A-2” section [\[division 7 of this article\]](#), including efficiency units.

(2) Convalescent, nursing, orphan, maternity, and geriatric homes and personal care facilities.

(3) Day nurseries.

(4) Hospital, clinic or medical office, except veterinary facilities.

(5) Medical, dental, and optical laboratories providing service for individuals of the medical profession and their clientele.

(6) Offices, general and professional. No retail sales of merchandise shall be allowed.

(7) Pharmacy, not exceeding two thousand (2,000) square feet of gross floor area, limited to retail sale of drugs, medicines and/or medical supplies only. (Accessory pass-out windows for the delivery of prescription medications only shall be allowed.)

(8) Schools, private or public, directly related to the medical profession.

(9) Accessory uses as follows, provided such uses are not visible or identifiable from outside the building in which they are located, have no exterior signs, have no entrance except from a lobby or other common area within the building and are for the use and convenience of the occupants and/or the

clientele:

- (A) Barber shop.
- (B) Beauty shop.
- (C) Flower shop.
- (D) Gift shop.
- (E) Newsstand.
- (F) Restaurants.

(10) Oil and gas wells (subject to conditions of [Chapter 14 \[8\], Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).

(1983 Code, sec. 29-13(c). See end of this division for full history for this division.)

Sec. 40.03.914 Conditional uses

The following uses may be permitted when approved by the zoning board of adjustment in the manner specified in Section 25 {29-28} [[article 40.02, division 2](#)].

- (1) Barber shop.
- (2) Beauty shop.
- (3) Establishments which sell, fit, or repair devices for the correction or prevention of physical deformities.
- (4) Flower shop.
- (5) Gift shop.
- (6) Newsstand.
- (7) Ambulance service and other medically related facilities of a primarily service-type nature not provided for as permitted uses in this district.

(1983 Code, sec. 29-13(d). See end of this division for full history for this division.)

Sec. 40.03.915 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-13(e). See end of this division for full history for this division.)

Sec. 40.03.916 Yard requirements

- (a) Front yard. The minimum front yard shall be twenty-five (25) feet, except that when the entire front yard is landscaped and permanently maintained, the required front yard may be fifteen (15) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [Section 40.02.002\(f\)\(9\)\(B\)](#).
- (b) Rear yard. The minimum rear yard shall be five (5) feet. When proposed development is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” district, even if separated by an alley, the rear yard shall be a minimum of one foot for each one foot of total height.

(c) Side yard. There shall be a minimum side yard of five (5) feet on each side of any one- or two-story structure, or twenty (20) feet on each side of any new structure with more than two (2) stories. When proposed development is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” district, the minimum side yard shall be one (1) foot for each one (1) foot of total height.

(d) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard.

Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-13(f); Ordinance 2017-O00159, sec. 21, adopted 12/18/2017; Ordinance 2018-O0066, secs. 43–44, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.917 Lot width

The minimum lot width shall be fifty (50) feet, except as provided for apartments in the “A-2” regulations. (1983 Code, sec. 29-13(g). See end of this division for full history for this division.)

Sec. 40.03.918 Lot area

The minimum lot area shall be six thousand (6,000) square feet except as provided for apartments in the “A-2” regulations. (1983 Code, sec. 29-13(h). See end of this division for full history for this division.)

Sec. 40.03.919 Lot coverage

The combined area of all buildings shall not exceed forty (40) per cent, except that permitted accessory uses in apartment developments may cover an additional ten (10) per cent of the development lot area. (1983 Code, sec. 29-13(i). See end of this division for full history for this division.)

Sec. 40.03.920 Floor area ratio

Apartments shall meet the requirements of the “A-2” District. (1983 Code, sec. 29-13(j). See end of this division for full history for this division.)

Sec. 40.03.921 Height limit

The buildings shall not exceed three (3) stories and shall not exceed forty (40) feet. Provided, however, that buildings may be erected to a height of seventy-five (75) feet when the front, side and rear yards are increased one additional foot for each foot such buildings exceed forty (40) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-13(k). See end of this division for full history for this division.)

Sec. 40.03.922 Off-street parking

(a) Off-street parking–Required.

(1) Apartments–One space for each efficiency unit, one and one-half (1-1/2) spaces for each one-bedroom unit, two (2) spaces for each unit with two (2) bedrooms, two and one-half (2-1/2) spaces for each unit with three (3) or more bedrooms, plus one additional space for each four (4) units in the

development.

- (2) Hospital—Two (2) spaces for each bed.
- (3) Clinic and offices—One space for each one hundred and fifty (150) square feet of gross floor area.
- (4) Convalescent, nursing, maternity, or geriatric homes and personal care facilities—Three (3) parking spaces for each five (5) beds.
- (5) Orphan home—One space for each five (5) beds.
- (6) Medical, dental, or optical laboratories—One space for each one hundred and fifty (150) square feet of gross floor area.
- (7) Schools—One space for each one hundred and fifty (150) square feet of gross floor area.
- (8) Day nurseries—One space for each three hundred (300) square feet of gross floor area plus an off-street drive, having separate ingress and egress, capable of the temporary storage of three (3) or more vehicles.
- (9) Conditional uses—The number of required spaces shall be set up by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(b) Off-street parking—Provisions.

- (1) All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of a permitted use or building, the required additional spaces may be located a distance not to exceed three hundred (300) feet from the property line.
- (2) Plans of proposed off-street parking areas shall be submitted to the city traffic engineer to be checked for compliance under the terms of this district and the city's driveway regulations.
- (3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.
 - (A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.
- (4) Exceptions. The following shall be exceptions to subsection c [(3)] above:
 - (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
 - (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting.

However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-13(1). See end of this division for full history for this division.)

Sec. 40.03.923 Landscaping requirements

(a) Apartments:

(1) Fifteen (15) per cent of the total development lot area shall be landscaped and permanently maintained. One-fourth (1/4) of the required landscaping shall be located in the required front yard. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with Section 27.2-6-9-2 {29-30(b)(6)(i)(2)} [[40.02.002](#)(f)(9)(B)] of this Zoning Ordinance.

(2) The parkway area shall be landscaped and permanently maintained. This area shall be in addition to the required landscaping. Any landscaping placed in the parkway must be in compliance with Section 27.2-6-9-3 {29-30(b)(6)(i)(3)} [[40.02.002](#)(f)(9)(C)] of this Zoning Ordinance.

(3) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(4) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(b) All other uses:

(1) Ten (10) per cent of the total development lot area shall be landscaped and permanently maintained. All of the required landscaping shall be located between the building lines and adjacent streets. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with Section 27.2-6-9-2 {29-30(b)(6)(i)(2)} [[40.02.002](#)(f)(9)(B)] of this Zoning Ordinance.

(2) The parkway area shall be landscaped and permanently maintained. This area shall be in addition to the required landscaping. Any landscaping placed in the parkway must be in compliance with Section 27.2-6-9-3 {29-30(b)(6)(i)(3)} [[40.02.002](#)(f)(9)(C)] of this Zoning ordinance.

(3) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(4) When seasonal conditions warrant, the building official may issue a temporary certificate of

occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-13(m). See end of this division for full history for this division.)

Sec. 40.03.924 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-13(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 12, adopted 6/26/1975; Ordinance 7671, sec. 3, adopted 6/8/1978; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-13; Ordinance 8233, sec. 5, adopted 9/24/1981; Ordinance 8938, sec. 1, adopted 7/10/1986; Ordinance 9055, secs. 7–9, 11, 17, 18, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9340, secs. 1, 7, adopted 3/8/1990; Ordinance 9457, secs. 4, 5, adopted 7/11/1991; Ordinance 2009-O0059, sec. 1, adopted 7/8/2009)

Secs. 40.03.925–40.03.1030 Reserved

Division 10. “GO” Garden Office District

Sec. 40.03.1031 Purpose

The purpose of this district is to provide for quality garden office development through proper planning and design. The regulations are intended to produce an attractive environment which will ensure the compatibility between offices and adjacent uses and promote a stable environment between residential and commercial uses. When proposed garden office development is adjacent to any residentially zoned property, design standards and site planning shall provide for maximum compatibility with the adjacent residential zoning districts. (1983 Code, sec. 29-13.1(a). See end of this division for full history for this division.)

Sec. 40.03.1032 General provisions

- (a) All uses within this district shall be general and professional office uses.
- (b) No residential use shall be permitted.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the occupants of the adjacent premises or area or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (d) When proposed development in this district is adjacent to any residential zoned district, on either side or to the rear, even if separated by a street or alley, a six (6) foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line unless specifically eliminated by a site plan approved by the planning commission. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.
- (e) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (f) Site plan requirement. No construction permit shall be issued for construction within the garden office zone district until a site plan as required by this section [division] has been approved. The proponent shall provide the site plan as defined in this section [division].
- (g) Signs shall be permitted within the provisions of section 29-26 of this Code [[article 40.04, division 1](#), of this chapter].

(1983 Code, sec. 29-13.1(b). See end of this division for full history for this division.)

Sec. 40.03.1033 Permitted uses

[Permitted uses in this district are the following:]

- (1) Offices, general and professional. No retail sales of merchandise shall be allowed.
- (2) Oil and gas wells (subject to conditions of [Chapter 14 \[8\], Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).

(1983 Code, sec. 29-13.1(c). See end of this division for full history for this division.)

Sec. 40.03.1034 Conditional uses

None. (1983 Code, sec. 29-13.1(d). See end of this division for full history for this division.)

Sec. 40.03.1035 Yard requirements

(a) Front yard. The minimum front yard on any lot line adjacent to a street shall be forty-three (43) feet when parking is proposed in front of the structure. When side or rear parking is approved, the minimum front yard shall be twenty-five (25) feet. This section shall not be construed so as to permit obstruction of any nature or corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear and side yard. There shall be no rear or side yard requirement, except the minimum rear or side yard shall be ten (10) feet for any two-story structure if the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-13.1(e); Ordinance 2017-O00159, sec. 22, adopted 12/18/2017; Ordinance 2018-O0066, sec. 45, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1036 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-13.1(f). See end of this division for full history for this division.)

Sec. 40.03.1037 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-13.1(g). See end of this division for full history for this division.)

Sec. 40.03.1038 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-13.1(h). See end of this division for full history for this division.)

Sec. 40.03.1039 Floor area ratio

There shall be no floor area ratio requirement. (1983 Code, sec. 29-13.1(i). See end of this division for full history for this division.)

Sec. 40.03.1040 Height limit

There shall be a maximum height limit of two (2) stories, not exceeding a total height of twenty-four (24) feet. When adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zone district, even if separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential districts, unless separated by a street.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-13.1(j); Ordinance 2017-O00159, sec. 23, adopted 12/18/2017; Ordinance 2018-O0066, sec. 46, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1041 Off-street parking

- (a) [Space requirement.] Office uses shall provide one (1) space for each two hundred (200) square feet of net leasable floor area.
- (b) Provisions.
- (1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
- (2) Plans for off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.
- (A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.
- (4) Exceptions. The following shall be exceptions to subsection c [(3)] above:
- (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
- (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
- (C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.
- (1983 Code, sec. 29-13.1(k). See end of this division for full history for this division.)

Sec. 40.03.1042 Site plan defined

Site plans submitted under the provisions of this section [division] shall include the following information:

- (1) Developer's name and project title.
- (2) North arrow and scale used.
- (3) All property lines.
- (4) All streets, alleys and easements, both existing and proposed.
- (5) Dimensions of buildings and structures.

- (6) Elevation drawing of proposed structures, including architectural character and materials.
- (7) Building height and setback from adjacent right-of-way lines.
- (8) Proposed ingress and egress to property, traffic flow and control, and access for emergency vehicles.
- (9) Off-street parking and loading areas.
- (10) Location and description of all utilities, existing and proposed.
- (11) Type, dimension, and character of proposed screening and buffering.
- (12) Location and design of signs, existing and proposed.
- (13) Outdoor lighting.
- (14) Landscape plan for the development lot and parkway, including irrigation system.

(1983 Code, sec. 29-13.1(l). See end of this division for full history for this division.)

Sec. 40.03.1043 Site plan review process

Prior to issuance of a construction permit, a site plan shall be submitted to the codes administrator which contains each item noted at [section] 29-13.1(l) [\[40.03.1042\]](#). The code administrator or designated representative shall determine that the proposed development meets the letter and intent of this section [division] by review of the site plan. Should a difference of opinion about compliance arise between a proponent and codes administration, the site plan shall be placed on the next available agenda of the planning commission as “other business” for resolution. (1983 Code, sec. 29-13.1(m). See end of this division for full history for this division.)

Sec. 40.03.1044 Landscaping requirements

- (a) Ten (10) percent of the total development lot area shall be landscaped and permanently maintained. Interior courtyards shall be excluded from the required ten (10) percent. Landscaped areas shall be located on the development tract for maximum enhancement of the property and shall be visible from adjacent streets. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-30(b)(6)i.2. [\[40.02.002\(f\)\(9\)\(B\)\]](#) of this Zoning Ordinance.
- (b) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3. [\[40.02.002\(f\)\(9\)\(C\)\]](#) of this Zoning Ordinance.
- (c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.
- (d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-13.1(n). See end of this division for full history for this division.)

Sec. 40.03.1045 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-13.1(o). See end of this division for full history for this division.)

(1983 Code, sec. 29-13.1; Ordinance 8814, sec. 4, adopted 9/12/1985; Ordinance 9055, secs. 7–9, 12, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 2009-O0059, sec. 2, adopted 7/8/2009)

Secs. 40.03.1046–40.03.1150 Reserved

Division 11. “CA” Commercial-Apartment District

Sec. 40.03.1151 Purpose

The purpose of this district is to allow residential-commercial buildings to develop within or adjacent to commercial districts. Commercial uses should be compatible with residential uses. When proposed development is adjacent to any residentially zoned property, the proposed development shall be designed to provide for maximum compatibility with the adjacent development. Architectural design, landscaping, screening, and parking areas shall be properly provided to ensure maximum protection of lower-density uses. (1983 Code, sec. 29-14(a). See end of this division for full history for this division.)

Sec. 40.03.1152 General provisions

- (a) Commercial uses shall be designed and so located within the development to ensure maximum compatibility with the residential use and with adjacent uses.
- (b) The total gross floor area used for commercial uses shall not exceed forty (40) per cent of the total gross floor area within the development.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (d) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.
- (e) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.

(1983 Code, sec. 29-14(b). See end of this division for full history for this division.)

Sec. 40.03.1153 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the “A-1” and “A-2” Districts, except for single- and two-family units.
- (2) Antique shop.
- (3) Art galleries, commercial.
- (4) Arts and crafts store.
- (5) Bake shop, candy store, delicatessen, donut shop, pie shop.
- (6) Banks and savings and loan companies.
- (7) Beauty or barber shops.
- (8) Book or stationery shops or newsstand.
- (9) Camera shop.
- (10) Churches.
- (11) Coin and stamp shops.
- (12) Coin-operated machines, five (5) or less skill or pleasure coin-operated machines as an incidental use to any permitted use in this district.

- (13) Commercial parking lot or building. No gasoline sales permitted.
- (14) Day nurseries.
- (15) Dress shop.
- (16) Drug store. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use. (Accessory pass-out windows for the delivery of prescription medications only shall be allowed.)
- (17) Florist shop.
- (18) Gift shop.
- (19) Grocery store with not over three thousand (3,000) square feet of total floor area. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use. (No gasoline pumps permitted.)
- (20) Hat shop.
- (21) Health or athletic club.
- (22) Hobby shop.
- (23) Household appliance sales and repair shop, small appliances.
- (24) Music or record shop. (No cabinet finishing or refinishing).
- (25) Offices.
- (26) Office supply–No printing operation permitted.
- (27) Radio and television repair shops.
- (28) Radio studio, with no tower or antenna.
- (29) Reducing studio.
- (30) Restaurants, when designed for service and consumption of food inside the building only.
- (31) Restaurants with sales of mixed alcoholic beverages as an incidental use.
- (32) Self-service laundry or washateria and dry cleaning pick-up stations.
- (33) Shoe or boot repair shop.
- (34) Shoe store.
- (35) Studios–Art, teaching, dance, music, drama, photographic, interior decorating.
- (36) Tailor shop.
- (37) Toy store.

(1983 Code, sec. 29-14(c). See end of this division for full history for this division.)

Sec. 40.03.1154 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the

manner specified in [article 40.02, division 2](#):

(1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(2) Bar, nightclub, or lounge.

(1983 Code, sec. 29-14(d); Ordinance 2017-O00158, sec. 2, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.1155 Specific use

To provide for limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-14(e). See end of this division for full history for this division.)

Sec. 40.03.1156 Yard requirements

(a) Front yard. The minimum front yard shall be forty-three (43) feet or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section, shall not be construed so as to permit obstruction of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear yard. There shall be no rear yard requirement, except there shall be a minimum rear yard of five (5) feet adjacent to any street, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be five (5) feet. Where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoning district even if separated by an alley, the minimum rear yard shall be one foot for each one foot of total height.

(c) Side yard. There shall be no side yard requirement, except there shall be a minimum side yard of five (5) feet adjacent to any street, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be five (5) feet. Where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, the minimum side yard shall be one foot for each one foot of total height.

(d) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-14(f); Ordinance 2017-O00159, sec. 24, adopted 12/18/2017; Ordinance 2018-O0066, secs. 47–48, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1157 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-14(g). See end of this division for full history for this division.)

Sec. 40.03.1158 Lot area

There shall be no minimum lot area. (1983 Code, sec. 29-14(h). See end of this division for full history for this

division.)

Sec. 40.03.1159 Lot coverage

There shall be no lot coverage requirement. (1983 Code, sec. 29-14(i). See end of this division for full history for this division.)

Sec. 40.03.1160 Floor area ratio

There shall be no floor area ratio requirement. (1983 Code, sec. 29-14(j). See end of this division for full history for this division.)

Sec. 40.03.1161 Height limit

There shall be no height limit.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-14(k). See end of this division for full history for this division.)

Sec. 40.03.1162 Off-street parking

(a) Off-street parking—Required.

(1) Apartments—One space for each efficiency unit, one and one-half (1-1/2) spaces for each one-bedroom unit, two (2) spaces for each unit with two (2) bedrooms or more, plus one additional space for each four (4) units in the development.

(2) Row dwellings or townhouses—Two (2) spaces per unit, plus one space for each four (4) units in the development.

(3) Day nurseries—One space for each three hundred (300) square feet of gross floor area, plus an off-street drive, having separate ingress and egress, capable of the temporary storage of three (3) or more vehicles.

(4) Boarding or rooming houses—One space for each occupant.

(5) Churches and other places of worship—One paved off-street parking space for each four (4) seats in the auditorium. If pews are used, each twenty (20) inches in length shall equal one seat.

(6) Private community centers—One space for each three (3) members.

(7) Offices—One space for each two hundred (200) square feet of gross floor area.

(8) Restaurant, bar, nightclub, or lounge—One space for each one hundred (100) square feet of gross floor area.

(9) All permitted uses not listed above—One space for each one hundred fifty (150) square feet of floor area.

(b) Off-street parking—Provisions.

- (1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
- (2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.
- (A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.
- (4) Exceptions. The following shall be exceptions to subsection c [(3)] above:
 - (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
 - (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
 - (C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-14(1). See end of this division for full history for this division.)

Sec. 40.03.1163 Landscaping requirements

- (a) An area equivalent to twenty (20) per cent of the total development lot area shall be provided as usable open space. This area may include balconies, sundecks, swimming pools, roof gardens, etc. Such area may be roofed and enclosed on three (3) sides. One side shall remain open at all times. One-fourth of the required landscaping shall be at ground level. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 27.2-6-9-2 {29-30(b)(6)(i)(2)} [\[40.02.002\(f\)\(9\)\(B\)\]](#) of this zoning ordinance.
- (b) The parkway area shall be landscaped and permanently maintained. This shall be in addition to the required landscaping. Any landscaping placed in the parkway must be in compliance with section 27.2-6-9-3 {29-30(b)(6)(i)(3)} [\[40.02.002\(f\)\(9\)\(C\)\]](#) of this zoning ordinance.
- (c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of

sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-14(m). See end of this division for full history for this division.)

Sec. 40.03.1164 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-14(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 13, adopted 6/26/1975; Ordinance 7480, sec. 1, adopted 7/12/1977; Ordinance 7671, sec. 3, adopted 6/8/1978; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-14; Ordinance 8894, sec. 2, adopted 3/13/1986; Ordinance 9055, secs. 7-10, 19, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 2008-O0103, secs. 3, 4, adopted 12/4/2008; Ordinance 2009-O0058, sec. 1, adopted 7/8/2009; Ordinance 2009-O0059, sec. 3, adopted 7/8/2009)

Secs. 40.03.1165-40.03.1270 Reserved

Division 12. “C-1” Neighborhood Service District

Sec. 40.03.1271 Purpose

The purpose of this district is to provide local neighborhood residential areas generally within a one-quarter-mile to one-half-mile radius with limited convenient services and small retail-type items. Such districts should be adjacent to collector streets, or thoroughfares. (1983 Code, sec. 29-15(a). See end of this division for full history for this division.)

Sec. 40.03.1272 General provisions

- (a) All commercial uses within this district shall be retail sales and/or service type, selling new merchandise only.
- (b) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) No residential use shall be permitted in this district except as provided for in the “specific use” section of this ordinance [[division 27](#) of this article].
- (d) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents, or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (e) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(1983 Code, sec. 29-15(b). See end of this division for full history for this division.)

Sec. 40.03.1273 Permitted uses

[Permitted uses in this district are the following:]

- (1) Antique, ceramic, gift and/or florist shop not exceeding four hundred (400) square feet in area.
- (2) Beauty or barber shop.
- (3) Christmas tree sales, December 1–26th. All trees must be ten (10) feet from any property line. All trees, signs, and other items, including temporary structures, must be removed by the following January 5th.
- (4) Grocery store with not over three thousand (3,000) square feet of total floor area. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use. (No gasoline pumps permitted.)
- (5) Radio, television, or stereo repair shops.

- (6) Self-service laundry or dry cleaning pickup stations.
- (7) Shoe repair shop.
- (8) Small household appliance sales or repair shops.
- (9) Studios—Art, dance, music, drama, photo, or interior decorating.
- (10) Oil and gas wells (subject to conditions of [Chapter 14 \[8\], Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).

(1983 Code, sec. 29-15(c). See end of this division for full history for this division.)

Sec. 40.03.1274 Conditional uses

The following use may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(1983 Code, sec. 29-15(d); Ordinance 2017-O00158, sec. 3, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.1275 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [\[division 27\]](#) of this article]. (1983 Code, sec. 29-15(e). See end of this division for full history for this division.)

Sec. 40.03.1276 Yard requirements

(a) Front yard. The minimum front yard shall be forty-three (43) feet, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear and side yard. There shall be no rear or side yard requirement, except when the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum rear or side yard shall be five (5) feet for any single-story structure, and ten (10) feet for any two-story structure.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard.

Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-15(f); Ordinance 2017-O00159, sec. 25, adopted 12/18/2017; Ordinance 2018-O0066, sec. 49, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1277 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-15(g). See end of this division for full history for this division.)

Sec. 40.03.1278 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-15(h). See end of this division for full history for this

division.)

Sec. 40.03.1279 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-15(i). See end of this division for full history for this division.)

Sec. 40.03.1280 Floor area ratio

There shall be no floor area ratio requirement. (1983 Code, sec. 29-15(j). See end of this division for full history for this division.)

Sec. 40.03.1281 Height limit

There shall be a maximum height limit of two (2) stories not exceeding a total height of twenty-four (24) feet. When adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” district, even if separated by an alley, no windows shall be permitted above ten (10) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-15(k); Ordinance 2017-O00159, sec. 26, adopted 12/18/2017; Ordinance 2018-O0066, sec. 50, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1282 Off-street parking

(a) Off-street parking–Required.

(1) The following uses shall provide one space for each one hundred and fifty (150) square feet of gross floor area:

- (A) Beauty or barber shop.
- (B) Radio, television or stereo repair shops.
- (C) Shoe repair shop.
- (D) Small household appliance sales or repair shops.

(2) The following uses shall provide one space for each two hundred (200) square feet of gross floor area:

- (A) Antique, ceramic, gift or florist shop.
- (B) Grocery store.
- (C) Self-service laundry or dry cleaning pick-up station.

(3) Studios–Art, dance, music, drama, photo, or interior decorating–One space for each three hundred (300) square feet of gross floor area.

(b) Off-street parking–Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

- (2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.
- (A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.
- (4) Exceptions. The following shall be exceptions to subsection c [(3)] above:
- (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
- (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
- (C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-15(l). See end of this division for full history for this division.)

Sec. 40.03.1283 Landscaping requirements.

- (a) Five (5) per cent of the total development lot area shall be landscaped and permanently maintained. A minimum of three-quarters of the required landscaping shall be located between the buildings lines and the adjacent street(s). Remaining landscaped area may be located to the sides of buildings, but shall be visible from adjacent street(s). Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-39(b)(6)i.2 [[40.02.002](#)(f)(9)(B)] of the zoning ordinance.
- (b) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3 [[40.02.002](#)(f)(9)(C)] of the zoning ordinance.
- (c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-15(m). See end of this division for full history for this division.)

Sec. 40.03.1284 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-15(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 14, adopted 6/26/1975; Ordinance 7671, sec. 4, adopted 6/8/1978; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-15; Ordinance 8233, sec. 6, adopted 9/24/1981; Ordinance 8685, sec. 1, adopted 11/8/1984; Ordinance 9055, secs. 7–9, 13, 18, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 2008-O0103, sec. 5, adopted 12/4/2008; Ordinance 2009-O0058, sec. 2, adopted 7/8/2009; Ordinance 2009-O0059, sec. 4, adopted 7/8/2009)

Secs. 40.03.1285–40.03.1390 Reserved

Division 13. “C-2A” Restricted Local Retail District

Sec. 40.03.1391 Purpose

The purpose of this district is to provide limited local retail and service commercial uses which serve one or several neighborhoods. Such districts may be located on existing shallow commercial centers adjacent to thoroughfares. (1983 Code, sec. 29-16(a). See end of this division for full history for this division.)

Sec. 40.03.1392 General provisions

- (a) All commercial uses within this district shall be retail sales and/or service type, selling new merchandise only.
- (b) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) No residential use shall be permitted in this district except as provided for in the “specific use” section of this ordinance [[division 27](#) of this article].
- (d) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (e) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(1983 Code, sec. 29-16(b). See end of this division for full history for this division.)

Sec. 40.03.1393 Permitted uses

[Permitted uses in this district are the following:]

- (1) Antique shop.
- (2) Arts and crafts store, with not over three thousand (3,000) square feet of total floor area.
- (3) Art galleries, commercial.
- (4) Bake shop, candy store, delicatessen, donut shop, pie shop.
- (5) Banks, and savings and loan companies.
- (6) Beauty or barber shops.
- (7) Book or stationery shops or newsstand, with not over three thousand (3,000) square feet of total floor area.
- (8) Camera shop.
- (9) Christmas tree and Christmas wreath sales from December 1 thru 26th. (Outside business and display permitted provided that all trees and wreaths and signs are not closer than ten (10) feet to any

street property line and provided further that all unsold trees, wreaths, and other items used in conjunction with such sales shall be removed by the following January 5.)

- (10) Churches.
- (11) Coin and stamp shops.
- (12) Coin-operated machines, five (5) or less skill or pleasure coin-operated machines as an incidental use to any permitted use in this district.
- (13) Commercial parking lot or building. (No gasoline sales.)
- (14) Convalescent, nursing, orphan, maternity and geriatric homes and personal care facilities.
- (15) Day nurseries.
- (16) Dress shop.
- (17) Drug store. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use (Accessory pass-out windows for the delivery of prescription medications only shall be allowed.)
- (18) Fire stations.
- (19) Florist shop, with not over three thousand (3,000) square feet of total floor area.
- (20) Funeral home or mortuary (ambulance service prohibited).
- (21) Gift shop, with not over three thousand (3,000) square feet of total floor area.
- (22) Grocery store with not over three thousand (3,000) square feet of total floor area. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use. (No gasoline pumps permitted.)
- (23) Gun shop.
- (24) Hat shop.
- (25) Health or athletic club, with not over three thousand (3,000) square feet of total floor area.
- (26) Hobby shop, with not over three thousand (3,000) square feet of total floor area.
- (27) Household appliance sales and repair shop-small appliances, with not over three thousand (3,000) square feet of total floor area.
- (28) Lodges, sororities and fraternities.
- (29) Music or record shop.
- (30) Offices.
- (31) Office supply—No printing operation permitted.
- (32) Paint, tile, carpet, wall covering and floor covering store.
- (33) Private schools having a curriculum equivalent to that of the public schools.

- (34) Radio and television repair shops.
 - (35) Radio studio, with no tower or antenna.
 - (36) Reducing studio.
 - (37) Restaurants - When designed for service and consumption of food inside the building except outside dining areas/patios shall be permitted as defined in section 29-3(97.1.2) [[40.01.003](#)(138)].
 - (38) Restaurants with sales of mixed alcoholic beverages as an incidental use. Outside dining areas/patios shall be permitted as defined in Section 29-3(97.1.1) [[40.01.003](#)(137)] and Section 29-3(97.1.2) [[40.01.003](#)(138)].
 - (39) Self-service laundry or washateria and dry cleaning pick-up stations.
 - (40) Semi-public uses such as YMCA, YWCA, boy scouts, girl scouts, boys clubs and little theaters.
 - (41) Shoe or boot repair shop.
 - (42) Shoe store.
 - (43) Sporting goods store. With not over three thousand (3,000) square feet of total floor area.
 - (44) Studios—Art, teaching, dance, music, drama, photographic, interior decorating.
 - (45) Tailor shop.
 - (46) Toy store.
 - (47) Oil and gas wells (subject to conditions of [Chapter 14 \[8\], Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).
 - (48) Antenna, tower or alternative tower structure other than a radio, television or microwave broadcasting or transmitting antenna or facility, only when the antenna is co-located on an existing tower or does not add more than twenty (20) feet to the height of an existing alternative tower structure.
- (1983 Code, sec. 29-16(c). See end of this division for full history for this division.)

Sec. 40.03.1394 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
- (2) Arts and crafts store with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (3) Book or stationery shops or newsstand with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (3a) Brewpub.

- (4) Florist shop with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (5) Gift shop with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (6) Health or athletic club with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (7) Hobby shop with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (8) Household appliance sales and repair shop-small appliances with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (8a) Microbrewery, microdistillery, or microwinery.
- (9) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.
- (10) Consignment clothing store. (No outside storage or display.)
- (11) Pet shop—No boarding of animals permitted.
- (12) Public utility installations such as, but not limited to, railroad rights-of-way and tracks, transformer stations, transmission lines, telephone exchanges, lift stations, pumping stations, but in no event shall this be construed as permitting such uses as garages and shops, railroad yards, loading yards or warehouses.
- (13) Sporting goods store with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (14) Wine, beer, or alcohol tasting facility.

(1983 Code, sec. 29-16(d); Ordinance 2017-O00158, sec. 4, adopted 12/18/2017; Ordinance 2018-O0091, secs. 7–9, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1395 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-16(e). See end of this division for full history for this division.)

Sec. 40.03.1396 Yard requirements

- (a) Front yard. The minimum front yard shall be forty-three (43) feet, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).
- (b) Rear and side yard. There shall be no rear or side yard requirement, except when the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum rear or side yard shall be five (5) feet for any single-story structure and ten (10) feet for any two-story

structure.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(d) Separation requirements for certain uses: Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2 or A-1.

(1983 Code, sec. 29-16(f); Ordinance 2017-O00159, sec. 27, adopted 12/18/2017; Ordinance 2018-O0066, sec. 51, adopted 6/14/2018; Ordinance 2018-O0091, sec. 10, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1397 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-16(g). See end of this division for full history for this division.)

Sec. 40.03.1398 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-16(h). See end of this division for full history for this division.)

Sec. 40.03.1399 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-16(i). See end of this division for full history for this division.)

Sec. 40.03.1400 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-16(j); Ordinance 2018-O0091, sec. 11, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1401 Height limit

There shall be a maximum height limit of two (2) stories not exceeding a total height of twenty-four (24) feet. When adjacent to any "RR," "R-1," "R-1A," or "R-2" district, even if separated by an alley, no windows shall be permitted above ten (10) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-16(k); Ordinance 2017-O00159, sec. 28, adopted 12/18/2017; Ordinance 2018-O0066, sec. 52, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1402 Off-street parking

(a) Off-street parking–Required.

- (1) Semi-public uses such as YMCA, YWCA, scouts, boys club, etc.–One space for each five hundred (500) square feet in activity areas such as gymnasium or swimming pools plus one space for each two hundred (200) square feet of other building areas.
- (2) Little theaters–One space for each four (4) seats.
- (3) Orphan homes–One space for each five (5) beds.
- (4) Convalescent, nursing, maternity and geriatric homes and personal care facilities–Three (3) spaces for each five (5) beds.
- (5) Churches, funeral homes or mortuaries–One space for each four (4) seats in the auditorium or chapel.
- (6) Lodges, sororities and fraternities–One space for each one hundred (100) square feet of gross floor area.
- (7) Day nurseries–One space for each three hundred (300) square feet of gross floor area plus an off-street drive, having separate ingress and egress, capable of the temporary storage of three (3) or more vehicles.
- (8) The following uses shall provide one space for each two hundred (200) square feet of gross floor area.
 - (A) Grocery store.
 - (B) Offices.
 - (C) Antique shop.
 - (D) Gun shop.
 - (E) Self-service laundry or dry cleaning pickup station.
 - (F) Tailor shop.
- (9) The following uses shall provide one space for each three hundred (300) square feet of gross floor area.
 - (A) Studios–Art, dance, music, drama, photo and/or interior decorating.
 - (B) Radio studio.
- (10) Restaurants–One space for each one hundred (100) square feet of gross floor area (except that any outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage).

(11) Restaurants serving mixed alcoholic beverages—One space for each seventy-five (75) square feet of gross floor area (except that any outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage).

(12) Conditional uses—All uses shall be set by the zoning board of adjustment, based on the requirements of that use or similar type uses in this or other districts.

(13) All permitted uses not listed above:

(A) For free-standing buildings or shopping centers with less than fifty-five thousand (55,000) square feet of gross floor area—One (1) parking space for each one hundred seventy-five (175) square feet of gross floor area.

(B) For free-standing buildings or shopping centers with fifty-five thousand (55,000) to seventy-five thousand (75,000) square feet of gross floor area—Based on the formula:

$$1/n = 175 + 25 (a - 55,000 \div 20,000)$$

Where:

1/n = The parking ratio; and

a = The gross floor area of the building(s).

(C) For free-standing buildings or shopping centers with more than seventy-five thousand (75,000) or less than two hundred fifty thousand (250,000) square feet of gross floor area—One (1) parking space for each two hundred (200) square feet of gross floor area.

(D) For shopping centers with two hundred fifty thousand (250,000) square feet of gross floor area or more—One (1) parking space for each two hundred (200) square feet of gross leasable area.

(14) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(b) Off-street parking—Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or

parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-16(l); Ordinance 2018-O0091, sec. 12, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1403 Landscaping requirements

(a) Five (5) per cent of the total development lot area shall be landscaped and permanently maintained. A minimum of three-quarters of the required landscaping shall be located between the buildings lines and the adjacent street(s). Remaining landscaped area may be located to the sides of buildings, but shall be visible from adjacent street(s). Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-39(b)(6)i.2 [[40.02.002](#)(f)(9)(B)] of the zoning ordinance.

(b) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3 [[40.02.002](#)(f)(9)(C)] of the zoning ordinance.

(c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(e) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting

facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-16(m); Ordinance 2018-O0091, sec. 13, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1404 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-16(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 15, adopted 6/26/1975; Ordinance 7480 adopted 7/12/1977; Ordinance 7671, sec. 4, adopted 6/8/1978; Ordinance 9014, sec. 2, adopted 10/9/1980; 1983 Code, sec. 29-16; Ordinance 8233, sec. 7, adopted 9/24/1981; Ordinance 8685, sec. 1, adopted 11/8/1984; Ordinance 8817, secs. 3, 4, adopted 9/12/1985; Ordinance 8888, sec. 3, adopted 2/13/1986; Ordinance 8894, sec. 3, adopted 3/13/1986; Ordinance 8938, sec. 1, adopted 7/10/1986; Ordinance 9055, secs. 7-9, 13, 18, 21, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9457, secs. 6, 7, adopted 7/11/1991; Ordinance 9488, secs. 1-3, adopted 11/14/1991; Ordinance 9507, sec. 5, adopted 3/12/1992; Ordinance 9942, sec. 2, adopted 10/10/1996; Ordinance 2008-O0103, sec. 6, adopted 12/4/2008; Ordinance 2009-O0058, sec. 3, adopted 7/8/2009; Ordinance 2009-O0059, sec. 5, adopted 7/8/2009)

Division 14. “C-2” Local Retail District

Sec. 40.03.1511 Purpose

The purpose of this district is to provide limited local retail and service commercial uses which serve one of several neighborhoods. Such districts may be located on existing thoroughfares or at the intersections of major thoroughfares. (1983 Code, sec. 29-17(a). See end of this division for full history for this division.)

Sec. 40.03.1512 General provisions

- (a) All uses within this district shall be of local retail sales and/or service type.
- (b) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) No residential use shall be permitted in this district except as provided for in the “specific use” section of this ordinance [[division 27](#) of this article].
- (d) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (e) When proposed development in this district is adjacent to any residentially zoned district, on either side or the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(1983 Code, sec. 29-17(b). See end of this division for full history for this division.)

Sec. 40.03.1513 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the “C-2A” District.
- (2) Arts and crafts store with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (3) Banks, and savings and loan companies, including motor banks and/or accessory pass-out windows.
- (4) Book or stationery shops or newsstand with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (5) Barber and beauty supplies not exceeding five thousand (5,000) square feet of gross floor area.
- (6) Bicycle and lawnmower sales and repair shops.

- (7) Café Supply Dealer, Fixtures (New).
- (8) Commercial schools, except mechanical or trade.
- (9) Convalescent or sick room supplies.
- (10) Duplicating/copy service.
- (11) Family-bundle laundry not exceeding five thousand (5,000) square feet of gross floor area. Accessory pass-out windows and/or pickup and delivery of laundry from customers while still in their motor vehicle shall be permitted.
- (12) Florist shop with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (13) Funeral home or mortuary. (Ambulance service permitted.)
- (14) Furniture store, new, with not over thirty-five thousand (35,000) square feet of total floor area.
- (15) Gift shop with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (16) Hardware store, with not over thirty-five thousand (35,000) square feet of total floor area.
- (17) Office supply.
- (18) Pet shop-No boarding of animals permitted, with not over thirty-five thousand (35,000) square feet of total floor area.
- (19) Smoke shop
- (20) Grocery store with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use as defined in section 29-3(59) [[40.01.003](#)(85)]. (No gasoline pumps permitted.)
- (21) Health or athletic club with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (22) Hobby shop with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (23) Household appliance sales and repair shop with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.
- (24) Package store with not over eight thousand seven hundred fifty (8,750) square feet of total floor area.
- (25) Restaurants-When designed for service and consumption of food inside the building except that accessory pass-out windows and outside dining areas/patios shall be permitted as defined in section 29-3(97.1.1) [[40.01.003](#)(137)] and 29-3(97.1.2) [[40.01.003](#)(138)].

(26) Self-service laundry or washateria and dry cleaning pick-up stations. Accessory pass-out windows and/or delivery of laundry from customers while still in their motor vehicle shall be permitted.

(27) Sporting goods store with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.

(28) Sports grill, allowing, but not requiring game machines including electronic, pinball, billiard tables or shuffleboard. Outside dining areas/patios shall be permitted as defined by Section 29-3(97.1.1) [\[40.01.003\(137\)\]](#) and Section 29-3(97.1.2) [\[40.01.003\(138\)\]](#).

(1983 Code, sec. 29-17(c). See end of this division for full history for this division.)

Sec. 40.03.1514 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

(1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(1a) Body piercing studio.

(1b) Brewpub.

(2) Consignment clothing store. (No outside storage or display.)

(3) Arts and crafts store with over thirty-five thousand (35,000) square feet of total floor area.

(4) Book or stationery shops or newsstand with over thirty-five thousand (35,000) square feet of total floor area.

(5) Florist shop with over thirty-five thousand (35,000) square feet of total floor area.

(6) Furniture store, new with over thirty-five thousand (35,000) square feet of total floor area.

(7) Game room (pinball machines and video games machines only).

(A) A site plan shall be submitted with the application showing the following:

(i) Area within an existing building or location or separate building to be set aside for the game room.

(ii) Required parking.

(iii) Hours of operation.

(iv) Maximum number of machines.

(v) Type and extent of security.

(B) All game rooms shall obtain a game room permit prior to occupying the building.

(8) Gift shop with over thirty-five thousand (35,000) square feet of total floor area.

(9) Grocery store with over thirty-five thousand (35,000) square feet of total floor area.

- (10) Hardware store with over thirty-five thousand (35,000) square feet of total floor area.
- (11) Health and athletic club with over thirty-five thousand (35,000) square feet of total floor area.
- (12) Hobby shop with over thirty-five thousand (35,000) square feet of total floor area.
- (13) Household appliance sales and repair shop with over thirty-five thousand (35,000) square feet of total floor area.
- (13a) Microbrewery, microdistillery, or microwinery.
- (14) Nonprofit training center with retail sales as an incidental use.
- (15) Package store with over eight thousand seven hundred fifty (8,750) square feet of total floor area.
- (16) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.
- (17) Pet shop-No boarding of animals with over thirty-five thousand (35,000) square feet of total floor area.
- (18) Rental store (no outside storage or display).
- (19) Self-service gasoline sales, limited to not more than two (2) pump islands and six (6) double pumps, per development lot. Oil changing, chassis lubrication, tire changing and repair, garage bays with or without overhead doors, hydraulic lifts, unenclosed air compressors, car-wash areas, repair areas, mechanics and service attendants shall all be prohibited.
- (20) Sporting goods store with over thirty-five thousand (35,000) square feet of total floor area.
- (21) Tattoo studio.
- (22) Wine, beer, or alcohol tasting facility.

(1983 Code, sec. 29-17(d); Ordinance 2017-O00158, sec. 5, adopted 12/18/2017; Ordinance 2018-O0091, secs. 14–16, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1515 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-17(e). See end of this division for full history for this division.)

Sec. 40.03.1516 Yard requirements

- (a) Front yard. The minimum front yard shall be forty-three (43) feet, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).
- (b) Rear and side yard. There shall be no rear or side yard requirements, except where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum side, or rear yard shall be five (5) feet for any single-story structure, and ten (10) feet for any two-story

structure.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(d) Separation requirements for certain uses: Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2 or A-1.

(1983 Code, sec. 29-17(f); Ordinance 2017-O00159, sec. 29, adopted 12/18/2017; Ordinance 2018-O0066, sec. 53, adopted 6/14/2018; Ordinance 2018-O0091, sec. 17, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1517 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-17(g). See end of this division for full history for this division.)

Sec. 40.03.1518 Lot area

There shall be no lot area requirement. (1983 Code, sec. 29-17(h). See end of this division for full history for this division.)

Sec. 40.03.1519 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-17(i). See end of this division for full history for this division.)

Sec. 40.03.1520 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-17(j); Ordinance 2018-O0091, sec. 18, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1521 Height limit

There shall be no height limit, except when the property is adjacent to any "RR," "R-1," "R-1A," or "R-2" zoned property, even if separated by a street or alley, the maximum height shall be twenty-four (24) feet with no windows above ten (10) feet. Provided, however, that buildings may be erected to a height of seventy-five (75) feet when the front, side and rear yards are increased two (2) additional feet for each foot such buildings exceed twenty-four (24) feet. Windows may be permitted when the additional setback is imposed.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of

providing additional floor space.

(1983 Code, sec. 29-17(k); Ordinance 2017-O00159, sec. 30, adopted 12/18/2017; Ordinance 2018-O0066, sec. 54, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1522 Off-street parking.

(a) Off-street parking–Required.

(1) C-2A uses–The parking requirements of the “C-2A” District shall apply.

(2) Sports grill. One space for each fifty (50) square feet of gross floor area, except that any business lawfully existing prior to July 1, 2001 that requests certification as a sports grill may continue to operate as nonconforming with existing parking spaces.

(3) The following uses shall provide one space for each three hundred (300) square feet of gross floor area:

(A) Convalescent or sick room supplies.

(B) Furniture store (new).

(4) Commercial schools–One space for each one hundred (100) square feet of gross floor area.

(5) Funeral home or mortuary–One space for each four (4) seats in the chapel.

(6) Conditional uses–Shall be set by the zoning board of adjustment, based on the requirements of that use or similar type use in this or other districts.

(7) All permitted uses not listed above:

(A) For free-standing buildings or shopping centers with less than fifty-five thousand (55,000) square feet of gross floor area–One (1) parking space for each one hundred seventy-five (175) square feet of gross floor area.

(B) For free-standing buildings or shopping centers with fifty-five thousand (55,000) to seventy-five thousand (75,000) square feet of gross floor area–Based on the formula:

$$1/n = 175 + 25 (a - 55,000 \div 20,000)$$

Where:

1/n = The parking ratio; and

a = The gross floor area of the building(s).

(C) For free-standing buildings or shopping centers with more than seventy-five thousand (75,000) or less than two hundred fifty thousand (250,000) square feet of gross floor area–One (1) parking space for each two hundred (200) square feet of gross floor area.

(D) For shopping centers with two hundred fifty thousand (250,000) square feet of gross floor area or more–One (1) parking space for each two hundred (200) square feet of gross leasable area.

(8) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet

(175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(b) Off-street parking—Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-17(l); Ordinance 2018-O0091, sec. 19, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1523 Landscaping requirements

(a) Five (5) percent of the total development lot area shall be landscaped and permanently maintained. A minimum of three-quarters of the required landscaping shall be located between the buildings lines and the adjacent street(s). Remaining landscaped area may be located to the sides of buildings, but shall be visible from adjacent street(s). Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-39(b)(6)i.2 [[40.02.002](#)(f)(9)(B)] of the zoning ordinance.

(b) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with

section 29-30(b)(6)i.3 [[40.02.002](#)(f)(9)(C)] of the zoning ordinance.

(c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(e) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-17(m); Ordinance 2018-O0091, sec. 20, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1524 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall

be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-17(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 16, adopted 6/26/1975; Ordinance 7402, sec. 1, adopted 2/24/1977; Ordinance 7480, sec. 3, adopted 7/12/1977; Ordinance 7575, secs. 3, 4, adopted 11/17/1977; Ordinance 7671, sec. 4, adopted 6/8/1978; Ordinance 7770, sec. 1, adopted 11/16/1978; Ordinance 7889, sec. 1, adopted 7/12/1979; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-17; Ordinance 8246, sec. 1, adopted 9/24/1981; Ordinance 8685, sec. 1, adopted 11/8/1984; Ordinance 8817, secs. 5, 6, adopted 9/12/1985; Ordinance 8888, sec. 3, adopted 2/13/1986; Ordinance 9055, secs. 7–9, 13, 18, 21, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9536, sec. 1, adopted 7/9/1992; Ordinance 2001-O0092, sec. 2, adopted 12/3/2001; Ordinance 2008-O0067, sec. 2, adopted 7/10/2008; Ordinance 2008-O0103, sec. 7, adopted 12/4/2008; Ordinance 2009-O0058, sec. 4, adopted 7/8/2009; Ordinance 2009-O0059, sec. 6, adopted 7/8/2009; Ordinance 2016-O0030, sec. 4, adopted 3/10/2016; Ordinance 2016-O0037, sec. 4, adopted 3/10/2016)

Secs. 40.03.1525–40.03.1630 Reserved

Division 15. “C-3” General Retail District

Sec. 40.03.1631 Purpose

The purpose of this district is to provide for general commercial uses which are medium activity centers in terms of generated traffic. Such districts should be adjacent to local or regional thoroughfares such as state or federal highways. Because of the commercial nature of the permitted uses, compatibility with adjacent residential areas should be considered. (1983 Code, sec. 29-18(a). See end of this division for full history for this division.)

Sec. 40.03.1632 General provisions

- (a) All uses within this district shall be of a local retail sales and/or service type.
- (b) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) No residential use shall be permitted in this district except as provided for in the “specific use” section of this ordinance [[division 27](#) of this article].
- (d) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (e) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(1983 Code, sec. 29-18(b). See end of this division for full history for this division.)

Sec. 40.03.1633 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the “C-2A” and “C-2” Districts.
- (2) Arts and crafts store
- (3) Automobile car wash, drying of vehicles permitted outside of the building.
- (4) Automotive glass shop subject to the following conditions:
 - (A) When construction of the facility is new or a major reconstruction occurs to an existing building, the bay doors of the facility shall not face a designated thoroughfare street.
 - (B) Existing structures requiring little or no modification for the proposed use shall not be required to change the location of bay doors.
- (5) Book or stationery shops or newsstand
- (6) Bowling alley.
- (7) Cleaning, dyeing or dry cleaning shops.
- (8) Department store, discount center, family center.
- (9) Florist shop
- (10) Furniture store-new
- (11) Gasoline service station, outside business with display of products no more than three (3) feet from the building allowed.
- (12) Gift shop
- (13) Grocery store. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use as defined in Section 29-3(59) [[40.01.003](#)(85)]
- (14) Hardware store
- (15) Health or athletic club
- (16) Hobby shop
- (17) Household appliance sales and repair shop
- (18) Miniature golf course. (Business permitted outside of building).
- (19) Quick tune or quick oil change facilities.
- (20) Package store
- (21) Pet shop-No boarding of animals permitted
- (22) Plumbing service, as defined in section 2.92 {29-3(92)} [[40.01.003](#)(121)].
- (23) Refrigeration service, as defined in section 2.95 {29-3(95)} [[40.01.003](#)(133)].

- (24) Sporting goods store
- (25) Skating rinks.
- (26) Theaters and motion picture shows (includes multiple screens).
- (27) Tire, battery and accessory stores.

(1983 Code, sec. 29-18(c). See end of this division for full history for this division.)

Sec. 40.03.1634 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
 - (1a) Body piercing studio.
 - (1b) Brewpub.
- (2) Consignment clothing store. (No outside storage or display.)
- (3) Game room (pinball machines and video game machines only).
 - (A) A site plan shall be submitted with the application showing the following:
 - (i) Area within an existing building or location or separate building to be set aside for the game room.
 - (ii) Required parking.
 - (iii) Hours of operation.
 - (iv) Maximum number of machines.
 - (v) Type and extent of security.
 - (B) All game rooms shall obtain a game room permit prior to occupying the building.
- (4) Garden center.
 - (4a) Microbrewery, microdistillery, or microwinery.
- (5) Nonprofit training center with retail sales as an incidental use.
- (6) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.
- (7) Rental store. (No outside storage or display.)
- (8) Restaurants, not including restaurants with the sale of alcoholic beverages as an incidental use, (business permitted outside the building).
 - (8a) Tattoo studio.
- (9) Upholstery shops, furniture. (No furniture refinishing or outside storage permitted.)

(10) Wine, beer, or alcohol tasting facility.

(1983 Code, sec. 29-18(d); Ordinance 2017-O00158, sec. 6, adopted 12/18/2017; Ordinance 2018-O0091, secs. 21–23, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1635 Specific use

To provide limited flexibility for modern urban design, additional uses in this District are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-18(e). See end of this division for full history for this division.)

Sec. 40.03.1636 Yard requirements

(a) Front yard. The minimum front yard shall be forty-three (43) feet, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear and side yard. There shall be no rear or side yard requirement, except where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum side, or rear yard shall be five (5) feet for any single-story structure, and ten (10) feet for any two-story structure.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(d) Separation requirements for certain uses: Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2 or A-1.

(1983 Code, sec. 29-18(f); Ordinance 2017-O00159, sec. 31, adopted 12/18/2017; Ordinance 2018-O0066, sec. 55, adopted 6/14/2018; Ordinance 2018-O0091, sec. 24, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1637 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-18(g). See end of this division for full history for this division.)

Sec. 40.03.1638 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-18(h). See end of this division for full history for this division.)

Sec. 40.03.1639 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-18(i). See end of this division for full history for this division.)

Sec. 40.03.1640 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-18(j); Ordinance 2018-O0091, sec. 25, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1641 Height limit

There shall be no height limit, except when the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by a street or alley, the maximum height shall be twenty-four (24) feet with no windows above ten (10) feet. Provided however, that buildings may be erected to a height of seventy-five (75) feet when the front, side and rear yards are increased two (2) additional feet for each foot such buildings exceed twenty-four (24) feet. Windows may be permitted when the additional setback is imposed.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-18(k); Ordinance 2017-O00159, sec. 32, adopted 12/18/2017; Ordinance 2018-O0066, sec. 56, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1642 Off-street parking

(a) Off-street parking–Required.

(1) “C-2A” and “C-2” uses–The parking requirements of those districts shall apply.

(2) The following uses shall provide one space for each two hundred (200) square feet of gross floor area:

(A) Cleaning, dyeing and dry cleaning shops.

(B) Gasoline service station.

(C) Skating rink.

(3) The following uses shall provide one space for each three hundred (300) square feet of gross floor area:

(A) Plumbing service.

(B) Upholstery shop, furniture.

(4) Theaters and motion picture shows (including multiple screens)–One (1) space for each four (4) seats.

(5) Miniature golf course–One (1) space for each three hundred (300) square feet of total lot area.

(6) Bowling alley–One (1) space for each one hundred square feet of gross floor area.

(7) Conditional uses–Shall be set by the zoning board of adjustment, based on the requirements of that use or similar type uses in this or other districts.

(8) All permitted uses not listed above:

(A) For free-standing buildings or shopping centers with less than fifty-five thousand (55,000) square feet of gross floor area—One (1) parking space for each one hundred seventy-five (175) square feet of gross floor area.

(B) For free-standing buildings or shopping centers with fifty-five thousand (55,000) to seventy-five thousand (75,000) square feet of gross floor area—Based on the formula:

$$1/n = 175 + 25 (a - 55,000 \div 20,000)$$

Where:

1/n = The parking ratio; and

a = The gross floor area of the building(s).

(C) For free-standing buildings or shopping centers with more than seventy-five thousand (75,000) or less than two hundred fifty thousand (250,000) square feet of gross floor area—One (1) parking space for each two hundred (200) square feet of gross floor area.

(D) For shopping centers with two hundred fifty thousand (250,000) square feet of gross floor area or more—One (1) parking space for each two hundred (200) square feet of gross leasable area.

(9) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(b) Off-street parking—Provisions.

(1) Any lighting or drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-18(l); Ordinance 2018-O0091, sec. 26, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1643 Landscaping requirements

(a) Five (5) per cent of the total development lot area shall be landscaped and permanently maintained. A minimum of three-quarters of the required landscaping shall be located between the buildings lines and the adjacent street(s). Remaining landscaped area may be located to the sides of buildings, but shall be visible from adjacent street(s). Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-39(b)(6)i.2 [\[40.02.002\(f\)\(9\)\(B\)\]](#) of the zoning ordinance.

(b) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3 [\[40.02.002\(f\)\(9\)\(C\)\]](#) of the zoning ordinance.

(c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(e) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-18(m); Ordinance 2018-O0091, sec. 27, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1644 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of

the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-18(n). See end of this division for full history for this division.)

(Ordinance 7084, sec. 17, adopted 6/26/1975; Ordinance 7480, sec. 4, adopted 7/12/1977; Ordinance 7671, sec. 4, adopted 6/8/1978; Ordinance 7745, sec. 3, adopted 10/12/1978; Ordinance 7817, secs. 3, 4, adopted 3/8/1979; Ordinance 7869, sec. 3, adopted 6/14/1979; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-18; Ordinance 8246, sec. 2, adopted 9/24/1981; Ordinance 8356, sec. 1, adopted 9/9/1982; Ordinance 8685, sec. 1, adopted 11/8/1984; Ordinance 8817, secs. 7, 8, adopted 9/12/1985; Ordinance 8888, sec. 3, adopted 2/13/1986; Ordinance 9055, secs. 7–9, 13, 18, 21, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9112, secs. 1, 2, adopted 9/10/1987; Ordinance 2005-O0079, sec. 1, adopted 7/28/2005; Ordinance 2008-O0032, sec. 2, adopted 4/10/2008; Ordinance 2008-O0103, secs. 8, 9, adopted 12/4/2008; Ordinance 2009-O0058, sec. 5, adopted 7/8/2009; Ordinance 2009-O0059, sec. 7, adopted 7/8/2009; Ordinance 2010-O0058, sec. 10, adopted 8/12/2010; Ordinance 2016-O0030, sec. 5, adopted 3/10/2016; Ordinance 2016-O0037, sec. 5, adopted 3/10/2016)

Secs. 40.03.1645–40.03.1750 Reserved

Division 16. “CB-1” West Broadway District

Sec. 40.03.1751 Purpose

The portion of the Broadway Corridor connecting Texas Tech University and downtown Lubbock is a unique area of the city with special historic character addressed in this ordinance [chapter]. The purpose of this district is to facilitate renewal and revitalization of the area and provide realistic, modern standards for development. The review process hereby established for the district will promote this purpose. (1983 Code, sec. 29-19(a). See end of

this division for full history for this division.)

Sec. 40.03.1752 General provisions

- (a) All uses within this district shall be of retail sales, service, general or professional office, or residential use.
- (b) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) Any residential use within this district, other than freestanding residential structures (apartment buildings, townhomes, garden homes, duplexes or single-family), must meet the provisions of the commercial building code.
- (d) All structures shall be in keeping with the average value and construction of the existing development in the area.
- (e) Plan review requirement: No construction permit, unless it is for interior renovation only of an existing structure, shall be issued within the CB-1 District until a plan review as required by this section [division] has been completed and plans approved. The proponent shall provide any items required for plan review.
- (f) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line except that when in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply.

(1983 Code, sec. 29-19(b). See end of this division for full history for this division.)

Sec. 40.03.1753 Permitted uses

[Permitted uses in this district are the following:]

- (1) Accessory buildings as follows, subject to all other requirements of this section [division].
 - (A) Temporary construction and/or field sales office, provided said structure is approved by the codes administrator. Said structure must be removed within ten days of written notice from the codes administrator.
 - (B) Private garage, toolhouse, greenhouse, storage house or poolhouse.
- (2) Antique shop.
- (3) Apartments as specified in the “A-1” section [[division 6](#) of this article]. Accessory uses limited to a rental office, clubrooms, recreational rooms, covered pools and/or laundries.
- (4) Art galleries, commercial.
- (5) Arts and crafts store, with not over three thousand (3,000) square feet of total floor area.
- (6) Bake shop, candy store, delicatessen, donut shop, pie shop.

- (7) Banks and savings and loan companies.
- (8) Barber and beauty supplies not exceeding five thousand (5,000) square feet of gross floor area.
- (9) Beauty or barber shops.
- (10) Bicycle and lawnmower sales and repair shops, with not over five thousand (5,000) square feet of total floor area.
- (11) Boarding or rooming houses.
- (12) Book or stationery shops or newsstand, with not over three thousand (3,000) square feet of total floor area.
- (12a) Brewpub.
- (13) Camera shop.
- (14) Churches and other places of worship.
- (15) Coin and stamp shops.
- (16) Coin-operated machines, five (5) or less skill or pleasure coin-operated machines as an incidental use to any permitted use in this district.
- (17) Commercial schools, except mechanical or trade.
- (18) Consignment clothing store. (No outside storage or display.), with not over three thousand (3,000) square feet of total floor area.
- (19) Convalescent or sick room supplies, with not over five thousand (5,000) square feet of total floor area.
- (20) Convalescent, nursing, orphan, maternity and geriatric homes and personal care facilities.
- (21) Day nurseries.
- (22) Dress shop.
- (23) Drug store. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use. (Accessory pass-out windows for the delivery of prescription medications only shall be allowed.)
- (24) Duplexes as specified in the "R-2" section [[division 4](#) of this article].
- (25) Duplicating/copy service.
- (26) Electronics repair shop.
- (27) Fire stations.
- (28) Florist shop, with not over three thousand (3,000) square feet of total floor area.
- (29) Funeral home or mortuary. (Ambulance service permitted.)
- (30) Furniture store, new, with not over five thousand (5,000) square feet of total floor area.

- (31) Gift shop, with not over three thousand (3,000) square feet of total floor area.
- (32) Grocery store with not over three thousand (3,000) square feet of total floor area. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use. (No gasoline sales permitted).
- (33) Group housing for up to four (4) handicapped persons as defined in section 29-3(54a) [\[40.01.003\(79\)\]](#).
- (34) Group housing for handicapped persons in a shared residential living arrangement which provides a family-type environment for five (5) or more handicapped persons, supervised by one or more primary care givers and subject to compliance with the permit conditions listed in section 29-30(b)(7) [\[40.02.002\(g\)\]](#), save and except section 29-30(b)(7)b.2 [\[40.02.002\(g\)\(2\)\(B\)\]](#).
- (35) Gun shop.
- (36) Hardware store, with not over five thousand (5,000) square feet of total floor area.
- (37) Hat shop.
- (38) Health or athletic club, with not over three thousand (3,000) square feet of total floor area.
- (39) Hobby shop, with not over three thousand (3,000) square feet of total floor area.
- (40) Hospital, clinic or medical office.
- (41) Household appliance sales and repair shop, small appliance, with not over three thousand (3,000) square feet of total floor area.
- (42) Laundry and dry cleaning not over five thousand (5,000) square feet.
- (43) Lodges, sorority and fraternity houses.
- (44) Medical, dental, and optical laboratories providing services for individuals of the medical profession and their clientele.
- (44a) Microbrewery, microdistillery, or microwinery.
- (45) Music or video shop.
- (46) Office supply - no printing operation permitted.
- (47) Offices, general and professional.
- (48) Oil and gas wells (subject to conditions of [Chapter 14 \[8\]](#), [Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).
- (49) Parking areas and/or buildings.
- (50) Pet shop or pet grooming - No boarding of animals permitted.
- (51) Private schools having a curriculum equivalent to that of public schools.
- (52) Public parks and recreational facilities owned by the City of Lubbock, including party houses

and/or community centers.

(53) Public schools.

(54) Radio studio, with no tower or antenna.

(55) Reducing studio.

(56) Restaurants with sales of mixed alcoholic beverages as an incidental use. Outside dining areas/patios shall be permitted as defined in section 29-3(97.1.1) [\[40.01.003\(137\)\]](#) and 29-3(97.1.2) [\[40.01.003\(138\)\]](#).

(57) Restaurants when designed for service and consumption of food inside the building except outside dining areas/patios shall be permitted as defined in section 29-3(97.1.1) [\[40.01.003\(137\)\]](#) and 29-3(97.1.2) [\[40.01.003\(138\)\]](#).

(58) Self-service laundry, washateria and/or dry cleaning.

(59) Semi-public uses such as community clubhouses, YMCA, YWCA, boy scouts, girl scouts, boys clubs, and little theaters.

(60) Shoe or boot repair shop.

(61) Shoe store.

(62) Single-family dwelling units as specified in the “RR,” “R-1,” “R-1 Specific Use,” and “R-1A” sections.

(63) Sporting goods store, with not over three thousand (3,000) square feet of total floor area.

(64) Studios: art, teaching, dance, music, drama, photographic, interior decorating.

(65) Tailor shop.

(66) Toy store.

(67) Veterinary hospital (totally within a building).

(68) Wine, beer, or alcohol tasting facility.

(1983 Code, sec. 29-19(c); Ordinance 2017-O00159, sec. 33, adopted 12/18/2017; Ordinance 2018-O0066, sec. 57, adopted 6/14/2018; Ordinance 2018-O0091, secs. 28–30, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1754 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

(1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(2) Arts and crafts store, with over three thousand (3,000) but not over thirty-five thousand (35,000) square feet of total floor area.

- (3) Bicycle and lawnmower sales and repair shops, with over five thousand (5,000) but not over thirty-five (35,000) square feet of total floor area.
- (4) Book or stationery shops or newsstand, with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (5) Consignment clothing store. (No outside storage or display.), with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (6) Convalescent or sick room supplies, with over five thousand (5,000) but not over thirty-five (35,000) square feet of total floor area.
- (7) Florist shop, with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (8) Furniture store, new, with over five thousand (5,000) but not over thirty-five (35,000) square feet of total floor area.
- (9) Gift shop, with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (10) Hardware store, with over five thousand (5,000) but not over thirty-five (35,000) square feet of total floor area.
- (11) Health or athletic club, with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (12) Hobby shop, with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (13) Household appliance sales and repair shop, small appliance , with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (14) Shared or leased parking within three hundred (300) feet of the property when business circumstances, location of parking spaces and normal hours of use are conducive [conducive] to both businesses, and such arrangement is demonstrated by a letter of agreement between the two parties.
- (15) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.
- (16) Outside dining patios with front setbacks of less than twenty-five (25) feet.
- (17) Sporting goods store, with over three thousand (3,000) but not over thirty-five (35,000) square feet of total floor area.
- (18) Public utility installations such as, but not limited to, railroad right-of-way and tracks, transformer stations, transmission lines, telephone exchanges, lift stations, pumping stations, but in no event shall this be construed as permitting such uses as garages and shops, railroad yards, loading yards or warehouses.

- (19) Game room (pinball machines and video game machines only).
- (20) Nonprofit training center with retail sales as an incidental use.
- (21) Rental store (no outside storage or display).
- (22) Less than five (5) feet of side setback for structures meeting unique circumstances.

(1983 Code, sec. 29-19(d); Ordinance 2017-O00158, sec. 7, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.1755 Yard requirements

(a) Front yard. The Broadway front yard shall be no less than the average setback established by the development on the adjacent lot or lots and no greater than twenty-five (25) feet.

(1) On corner lots, the Broadway setback shall be no less than the average of the setback established by the development on the adjacent lot and twenty-five (25) feet, and no greater than twenty-five (25) feet.

(2) The setback from the property line adjacent to a street intersecting Broadway shall be no less than ten (10) feet.

(3) In no event, however, shall any garage have less than a twenty (20) foot front setback.

(4) Structures and outdoor dining areas/patios must meet the vision clearance requirements of this division.

(b) Rear yard. There shall be no rear yard requirement, except when the property is adjacent to any "RR," "R-1," "R-1A," or "R-2" zoned property, even if separated by an alley, the minimum rear yard shall be five (5) feet for any single-story structure, and ten (10) feet for any two-story structure. However, if access to a garage or one-story carport is from an alley or access easement, the minimum setback shall be twenty (20) feet for garages, or five (5) feet for one-story carports not having solid sidewalls. Setback shall be measured from the property line if from an alley or from the easement line if from an access easement.

(c) Side yard. There shall be a five (5) foot minimum side yard requirement, except when less is approved by the zoning board of adjustment in [section 40.03.1754](#)(7).

(d) Projections into required yards.

(1) Bay windows with a gross floor area of less than or equal to twelve (12) square feet, cornices, belt courses, eaves, sills, awnings, canopies, and chimneys may extend two (2) feet into any required yard.

(2) Unenclosed fire escapes, stairways, porch overhangs, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(e) Separation requirements for certain uses: Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2 or A-1.

(1983 Code, sec. 29-19(e); Ordinance 2017-O00159, sec. 34, adopted 12/18/2017; Ordinance 2018-O0066, sec. 58, adopted 6/14/2018; Ordinance 2018-O0091, sec. 31, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1756 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-19(f). See end of this division for full history for this division.)

Sec. 40.03.1757 Lot area

There shall be no lot area requirement. (1983 Code, sec. 29-19(g). See end of this division for full history for this division.)

Sec. 40.03.1758 Lot coverage

There shall be no lot coverage requirement. (1983 Code, sec. 29-19(h). See end of this division for full history for this division.)

Sec. 40.03.1759 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-19(i); Ordinance 2018-O0091, sec. 32, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1760 Height limit

There shall be a maximum height limit of two (2) stories not exceeding a total height of thirty (30) feet.

(1) When adjacent to any "RR," "R-1," "R-1A," or "R-2" district, even if separated by an alley, no windows shall be permitted above ten (10) feet on any walls facing the "RR," "R-1," "R-1A," or "R-2" property.

(2) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-19(j); Ordinance 2017-O00159, sec. 35, adopted 12/18/2017; Ordinance 2018-O0066, sec. 59, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.1761 Off-street parking

(a) Off-street parking—Requirements.

(1) Boarding or rooming houses - One space for each occupant.

(2) Churches and other places of worship - One paved space for each eight (8) seats in the auditorium. If pews are used, each twenty (20) inches in length shall equal one seat.

(3) Convalescent, nursing, maternity and geriatric homes and personal care facilities - Three (3) spaces for each five (5) beds.

(4) Day nurseries - One space for each three hundred (300) square feet of gross floor area.

- (5) Funeral home or mortuary - One space for each eight (8) seats in the chapel.
- (6) Game rooms, pool, billiard and/or domino parlors - One space for each one hundred (100) square feet of gross floor area.
- (7) Hospital - Two spaces for each bed.
- (8) Residential units - One (1) space for each efficiency unit, one and one-half (1-1/2) spaces for each one bedroom unit, two (2) spaces for each unit with two (2) or more bedrooms, plus one (1) additional space for each four (4) units in the development. Townhomes, garden homes, duplexes, and single family shall comply with the "R-1," "R-1A," and "R-2" parking standards.
- (9) Restaurants serving or not serving mixed alcoholic beverages - One space for each one hundred (100) square feet of gross floor area, except that outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage.
- (10) Semi-public uses such as YMCA, YWCA, scouts, boys club, etc. - One space for each five hundred (500) square feet in activity areas such as gymnasium or swimming pools plus one space for each two hundred (200) square feet of other building areas.
- (11) All permitted uses not listed above - One space for each three hundred (300) square feet of floor area.
- (12) Conditional uses - The required number of spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.
- (13) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall not be required to provide off-street parking.

(b) Off-street parking provisions.

- (1) Required off-street parking may be on-site or on property under common ownership within three hundred (300) feet of the property.
- (2) Shared or leased parking shall be subject to approval by the zoning board of adjustment under section 29-19(d)(1) [[40.03.1754\(1\)](#)].
- (3) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
- (4) Off-street parking shall be screened in accordance with subsection (n)(6) [[section 40.03.1764\(f\)](#)].
- (5) Plans for off-street parking areas shall be submitted to be checked and approved as to access, ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (6) No overhead or garage doors shall be allowed facing Broadway.

- (7) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area.
- (A) In no event shall storage of recreational vehicles or oversized recreational equipment or trailers be allowed in the right-of-way or parkway.
- (B) No person shall occupy or use any recreational vehicles as living or sleeping quarters, except as allowed in subsection h. [(8)] below.
- (8) Exceptions to recreational vehicle requirements in subsection g. [(7)] above:
 - (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
 - (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
 - (C) Recreational vehicles parked on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.
 - (D) Any pop-up or tent campers stored in the collapsed position.

(1983 Code, sec. 29-19(k); Ordinance 2017-O00159, sec. 36, adopted 12/18/2017; Ordinance 2018-O0091, sec. 33, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1762 Plan review

Persons developing property within the “CB” districts are strongly encouraged to schedule a pre-application conference with the planning department. Plans submitted under the provisions of this section [division] should convey the exterior design elements of a development and illustrate the property’s relationship to its surroundings. A complete set of documents shall include the following information:

- (1) Completed project application form.
- (2) Owner or representative’s name, address, phone and project title.
- (3) Photographs illustrating the condition of the property, including all facades of any existing buildings.
- (4) Site plans, maps and/or elevation drawings of proposed structures. All submissions should be to scale and illustrate:
 - (A) All property lines, north arrow and scale.
 - (B) All streets, alleys and easements, both existing and proposed.
 - (C) Architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot. Illustrations should include:
 - (i) Elevation drawings, photographs and other supporting materials to illustrate the proposed renovation.

- (ii) Specifications for all materials to be used, including samples if necessary for complete understanding.
- (iii) Color specifications, with samples preferred.
- (D) Location and dimensions of buildings and structures.
- (E) Building height and setback from adjacent right-of-way lines.
- (F) Proposed ingress and egress to property, and traffic flow and control.
- (G) Off-street parking and loading areas, including any additional information required to calculate parking requirements.
- (H) Type, dimension, and character of screening.
- (I) Location, size and design of signs, existing and proposed.
- (J) Location, height and design of outdoor lighting.
- (K) Landscape and irrigation plan for the development lot, including specifications for hard-surface landscape materials.
- (5) Other information which will assist in the evaluation of site development is encouraged, but not required.

(1983 Code, sec. 29-19(l). See end of this division for full history for this division.)

Sec. 40.03.1763 Plan review process

- (a) Prior to issuance of a construction permit, complete plans as described in subsection (n)(1)–(5) [\[section 40.03.1762\(1\)–\(5\)\]](#) shall be submitted to the planning department. The senior planner or his designated representative shall determine by review of such plans whether the proposed development meets the intent of this section [division] and the “Design Standards for the Central Business District,” dated 1999, a copy of which is incorporated by reference as if fully set forth. Within ten (10) working days of receipt by the planning department, both the proponent and the building official will be informed in writing of the senior planner’s decision, including the need for review by the urban design and historic preservation commission as described in subsection (2) [(b)] below, or any conditions for approval. The senior planner’s decision may be appealed in writing to the zoning board of adjustment by the applicant or other interested person within thirty (30) days of the written decision in accordance with section 29-28 [\[article 40.02, division 2\]](#).
- (b) If the senior planner determines that the proposal contains unique circumstances which cannot be accommodated by the standards of this zoning district and the “Design Standards for the Central Business District,” the senior planner shall notify the proponent in writing and the plans shall be placed on the next available agenda of the urban design and historic preservation commission for recommendations. The commission shall use this section [division] and the design standards to determine whether the development meets the intent of each and to make recommendations. Factors to be considered by the commission in making their recommendation and attaching conditions include: the

extent to which the proposal differs from the design standards or the standards of the ordinance, the impact of these modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

(c) Upon recommendation by the commission, the senior planner may vary the requirements of the design standards so long as the requirements of this section [division] are not altered. Variances from the requirements of this section [division], even if recommended by the commission, must be approved by the zoning board of adjustment in accordance with section 29-28 [\[article 40.02, division 2\]](#). The commission shall provide its recommendations in writing to the applicant and to the zoning board of adjustment.

(1983 Code, sec. 29-19(m). See end of this division for full history for this division.)

Sec. 40.03.1764 Landscaping requirements

(a) No less than ninety (90) percent of the required front yard excluding paved curb returns or driveways up to a minimum of ten (10) percent of the total development lot area shall be landscaped and permanently maintained, except that:

- (1) Interior courtyards shall not be included in any required landscaping.
 - (2) Buildings with zero (0) front and side setback shall not be required to have any on-site landscaping except that when a structure with zero (0) setback has adjacent parking, ten (10) percent of that parking area must be landscaped.
 - (3) A building on a corner lot with zero (0) front and ten (10) foot intersecting street front yard shall be required to landscape one hundred (100) percent of the intersecting street front yard only, excluding paved curb cuts and driveways.
 - (4) Any other building on a corner lot shall be required to landscape any combination of the Broadway front yard and intersecting street front yard that equals ten (10) percent of the total development lot.
- (b) The parkway areas of adjacent rights-of-way, excluding paved curb cuts and driveways shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3. [\[40.02.002\(f\)\(9\)\(C\)\]](#) of the zoning ordinance.

(c) All required landscaping must be visible from the public right-of-way and placed for maximum enhancement of the property and the Broadway Corridor.

(d) Landscaping shall meet the requirements of section 29-3(62) [\[40.01.003\(88\)\]](#), except that required landscaping on the development lot may incorporate no more than ten (10) percent hard surface materials within the landscaping. Hard surface materials shall include only brick, stone, and modular pavers. Landscaping shall not include the use of smooth, patterned, colored or aggregate poured-in-place concrete or asphalt.

(e) Any landscaping placed within the visibility triangle of a corner lot shall be in compliance with the

vision clearance standards of this section [division].

(f) Off-street parking of motor vehicles immediately adjacent to any street shall be screened from the street by a three (3) foot solid fence. Such fencing shall be placed immediately adjacent to the parking area and set back at least six (6) feet. The area between the fence and the property line must be landscaped and permanently maintained according to the landscape section of this ordinance.

(g) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards.

(h) Irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(i) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(j) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-19(n). See end of this division for full history for this division.)

Sec. 40.03.1765 Vision clearance

(a) Front yards. In a front yard, no wall, fence or other structure shall be erected in any part of the front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at a depth of twenty-five (25) feet from the front lot line.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign or structure or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curb lines.

(c) Parkways. It shall be unlawful to set out, construct, maintain, or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the

parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

(d) This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-19(o). See end of this division for full history for this division.)

(Ordinance 7084, sec. 18, adopted 6/26/1975; 1983 Code, sec. 29-19; Ordinance 10173, sec. 1, adopted 6/24/1999; Ordinance 2008-O0103, sec. 10, adopted 12/4/2008; Ordinance 2009-O0058, sec. 6, adopted 7/8/2009; Ordinance 2009-O0059, sec. 8, adopted 7/8/2009)

Secs. 40.03.1766–40.03.1870 Reserved

Division 17. “CB-2” Central Business District, Broadway/13th/Main

Sec. 40.03.1871 Purpose

The urban core of the Lubbock Central Business District is a unique area of the city with special needs addressed in this ordinance [chapter]. The purpose of this district is to provide realistic, modern standards for new development and encourage renewal and revitalization of existing development. The review process hereby established promotes this purpose. (1983 Code, sec. 29-19.1(a). See end of this division for full history for this division.)

Sec. 40.03.1872 General provisions

(a) All uses within this district shall be of wholesale or retail sales, service, general or professional office, or residential use.

(b) All business shall be conducted entirely within a building. Outside storage and/or display of any type is prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.

(c) Any residential use within this district, other than freestanding residential structures (apartment buildings, townhomes, garden homes, duplexes or single-family), must meet the provisions of the commercial building code.

(d) All structures shall be in keeping with the average value and construction of the existing development in the area.

(e) Plan review requirement: No construction permit, unless it is for interior renovation only of an existing structure, shall be issued within the “CB-2” District until a plan review as required by this section [division] has been completed and plans approved. The proponent shall provide any items required for plan review.

(f) All warehousing shall be in conjunction with on premise retail and or wholesale sales. All supplemental storage shall be attached to or adjacent to the principal building on this site and be subject to all requirements pertaining to the principal building.

(1983 Code, sec. 29-19.1(b). See end of this division for full history for this division.)

Sec. 40.03.1873 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the "CB-1" District.
- (2) Agriculture implement and tractor sales and services (totally within a building).
- (3) Ambulance service.
- (4) Apartments.
- (5) Arts and crafts store.
- (6) Banks, and saving and loan companies, including motor banks and/or accessory pass-out windows.
- (7) Bicycle and lawnmower sales and repair shops.
- (8) Builder's supply. All materials must be in a building.
- (9) Bus station.
- (10) Cafe supply dealer, fixtures.
- (11) Candy plant.
- (12) Canvas goods shop, tents and awnings (no manufacturing).
- (13) Cleaning, dyeing or dry cleaning shops.
- (14) Commercial parking lot or building. No gasoline sales permitted.
- (15) Commercial private clubs and teenage clubs.
- (16) Consignment clothing store. (no outside storage or display).
- (17) Convalescent or sick room supplies.
- (18) Dairy supply dealer.
- (19) Dance hall (no mixed alcoholic beverage sales permitted).
- (20) Department store, discount center, family center.
- (21) Electrical supply dealer.
- (22) Feed store with no grinding, packaging, or mixing of feed permitted.
- (23) Florist shop.
- (24) Frozen food lockers.
- (25) Furniture store, new and used. (All merchandise must be in a building).

- (26) Game room, pool, billiard and/or domino parlor (no mixed alcoholic beverage sales permitted).
- (27) Gift shop.
- (28) Grocery store. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off premise consumption as an incidental use as defined in Section 29-3(59) [[40.01.003](#)(85)].
- (29) Tamale plant.
- (30) Hobby shop.
- (31) Hotel or motel.
- (32) Household appliance sales and repair shop.
- (33) Janitorial or cleaning service.
- (34) Job printing and lithographing.
- (35) Laboratory, chemical, general analysis.
- (36) Lumber yard, with no mill. All materials must be within a building.
- (37) Laundry and dry cleaning not exceeding over five thousand (5,000) square feet of gross floor area. Accessory pass-out windows and/or pickup and delivery of laundry from customers while still in their motor vehicle shall be permitted.
- (38) Magazine agency.
- (39) Motorcycle shop, including sales, rentals and service. (Outside display of motorcycles for sale or rent permitted.)
- (40) Nightclub, bar or lounge.
- (41) Nonprofit training center with retail sales.
- (42) Package store
- (43) Paint, tile, carpet, wall covering, and floor covering store.
- (44) Pest control service.
- (45) Pet shop - totally within a building.
- (46) Plumbing service, as defined in section 2.92 {29-3(92)} [[40.01.003](#)(121)].
- (47) Print shop.
- (48) Private community centers for the recreational and social use of the residents of an addition, subdivision, housing development, or apartment complex which is operated by an association or incorporated group for their use and benefit. Such center may contain a swimming pool, volleyball, tennis and croquet courts, parking lot, playground equipment and other similar recreational facilities. Such use shall be of the nature described above and shall be operated for the benefit and use of the occupants only as a part of the development.

- (49) Produce market. (Totally within a building.)
- (50) Quick tune or quick oil change facilities.
- (51) Radio, stereo, or television repair shops.
- (52) Rental store (no outside storage or display).
- (53) Restaurants when designed for service and consumption of food inside the building, except that accessory passout windows and outside dining areas/patios shall be permitted as defined in section 29-3(97.1.1) [[40.01.003](#)(137)] and 29-3(97.1.2) [[40.01.003](#)(138)] and the yard requirement section of this ordinance at 29-19.1(e) [[section 40.03.1875](#)].
- (54) Road machinery sales and service (totally within a building).
- (55) Secondhand goods store or pawnshop.
- (56) Self-service laundry or washateria and dry cleaning pick-up stations. Accessory pass-out windows and/or delivery of laundry from customers while still in their motor vehicle shall be permitted.
- (57) Sign shops, limited to window lettering, painted wall signs, banners and desk signs.
- (58) Skating rinks.
- (59) Sporting goods store.
- (60) Store fixtures sales (no manufacturing permitted).
- (61) Theaters and motion picture shows (includes multiple screens).
- (62) Tire, battery and accessory stores.
- (63) Upholstery shops, furniture (No outside storage permitted).
- (64) Wholesale house, sales office and storage - No cotton storage.

(1983 Code, sec. 29-19.1(c). See end of this division for full history for this division.)

Sec. 40.03.1874 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
 - (1a) Body piercing studio.
 - (2) Shared or leased parking within six hundred (600) feet of the property when business circumstances, location of parking spaces and normal hours of use are conducive [conducive] to both businesses, and such arrangement is demonstrated by a letter of agreement between the two (2) parties.
 - (3) Outside dining patios with front setbacks of less than twenty-five (25) feet, unless allowed by the

yard requirement section of this ordinance at 29-19.1(e)(1) [[section 40.03.1875\(a\)](#)].

(4) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicles.

(5) Public utility installations such as, but not limited to, railroad right-of-way and tracks, transformer stations, transmission lines, telephone exchanges, lift stations, pumping stations, but in no event shall this be construed as permitting such uses as garages and shops, railroad yards, loading yards or warehouses.

(6) Tattoo studio.

(1983 Code, sec. 29-19.1(d); Ordinance 2017-O00158, sec. 8, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.1875 Yard requirements

(a) Front yard. Any lot line adjacent to a dedicated street (not an alley) shall be a front.

(1) The front yard setback for structures and outdoor dining areas/patios shall be no less than the average setback established by the development on the adjacent lot or lots.

(2) On corner lots, the front setback shall be no less than zero (0) feet and no greater than the setback established by the development on the adjacent lot.

(3) In no event, however, shall any garage have less than a twenty (20) foot front setback.

(4) Structures and outdoor dining areas/patios must meet the vision clearance requirements of this section [division].

(b) Rear yard. There shall be no rear yard requirement.

(c) Side yard. There shall be no side yard requirement.

(d) Projections into required yards.

(1) Bay windows with a gross floor area of less than or equal to twelve (12) square feet, cornices, belt courses, eaves, sills, awnings, canopies, and chimneys may extend two (2) feet into any required yard.

(2) Unenclosed fire escapes, stairways, porch overhangs and/or balconies, covered or uncovered, may extend four (4) feet into any required yard.

(1983 Code, sec. 29-19.1(e). See end of this division for full history for this division.)

Sec. 40.03.1876 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-19.1(f). See end of this division for full history for this division.)

Sec. 40.03.1877 Lot area

There shall be no lot area requirement. (1983 Code, sec. 29-19.1(g). See end of this division for full history for this division.)

Sec. 40.03.1878 Lot coverage

There shall be no lot coverage requirement. (1983 Code, sec. 29-19.1(h). See end of this division for full history for this division.)

Sec. 40.03.1879 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-19.1(i); Ordinance 2018-O0091, sec. 35, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1880 Height limit

There shall be no height requirement. (1983 Code, sec. 29-19.1(j). See end of this division for full history for this division.)

Sec. 40.03.1881 Separation

Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1. (1983 Code, sec. 29-19.1(k); Ordinance 2018-O0091, sec. 36, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1882 Off-street parking

(a) Off-street parking requirements.

(1) Boarding or rooming houses - One space for each occupant.

(2) Churches and other places of worship - One paved off-street parking space for each eight (8) seats in the auditorium. If pews are used, each twenty (20) inches in length shall equal one seat.

(3) Convalescent, nursing, maternity and geriatric homes and personal care facilities - Three (3) spaces for each five (5) beds.

(4) Day nurseries - One space for each three hundred (300) square feet of gross floor area.

(5) Funeral home or mortuary - One space for each eight (8) seats in the chapel.

(6) Game rooms, pool, billiard and/or domino parlors - One space for each one hundred (100) square feet of gross floor area.

(7) Hospital - Two (2) spaces for each bed.

(8) Nightclub, bar, lounge, or dance hall - One space for each one hundred (100) square feet of gross floor area.

(9) Apartments - One (1) space for each efficiency unit, one and one-half (1-1/2) spaces for each one bedroom unit, two (2) spaces for each unit with two (2) or more bedrooms, plus one (1) additional space for each four (4) units in the development. Townhomes, garden homes, duplexes, and single-family shall comply with the "R-1," "R-1A," and "R-2" parking standards.

(10) Restaurants serving or not serving mixed alcoholic beverages - One space for each one hundred (100) square feet of gross floor area, except that outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the

gross square footage.

(11) Semi-public uses such as YMCA, YWCA, scouts, boys club, etc. - One space for each five hundred (500) square feet in activity areas such as gymnasium or swimming pools plus one space for each two hundred (200) square feet of other building areas.

(12) Theaters and motion picture shows (including multiple screens) - One (1) space for each eight (8) seats.

(13) All permitted uses not listed above - One space for each three hundred (300) square feet of floor area.

(14) Conditional uses - The required number of spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(15) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall not be required to provide off-street parking.

(b) Off-street parking provisions.

(1) Required off-street parking may be on-site or on property under common ownership within six hundred (600) feet of the property.

(2) Shared or leased parking shall be subject to approval by the zoning board of adjustment under section 29-19.1(d)(1) [[40.03.1874](#)(1)].

(3) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(4) Off-street parking shall be screened in accordance with section 29-19.1(o)(6) [[40.03.1885](#)(f)].

(5) Plans for off-street parking areas shall be submitted to be checked and approved as to access, ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(6) No off-street parking areas shall be allowed in front of buildings on Broadway. Parking areas may be installed at the side or at the rear of a structure. If the parking area is on a corner property all curb cuts shall be on the north/south street.

(7) No overhead or garage doors shall be allowed facing Broadway.

(8) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area.

(A) In no event shall storage of recreational vehicles or oversized recreational equipment or trailers be allowed in the right-of-way or parkway.

(B) No person shall occupy or use any recreational vehicles as living or sleeping quarters, except as allowed in subsection i. [(9)] below.

(9) Exceptions to recreational vehicle requirements in section 29-19.1(l)(2)h. [subsection (b)(8)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(D) Any pop-up or tent campers stored in the collapsed position.

(1983 Code, sec. 29-19.1(l); Ordinance 2017-O00159, sec. 37, adopted 12/18/2017; Ordinance 2018-O0091, sec. 37, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1883 Plan review

Persons developing property within the “CB” districts are strongly encouraged to schedule a pre-application conference with the planning department. Plans submitted under the provisions of this section [division] should convey the exterior design elements of a development and illustrate the property’s relationship to its surroundings. A complete set of documents shall include the following information:

(1) Completed project application form.

(2) Owner or representative’s name, address, phone and project title.

(3) Photographs illustrating the condition of the property, including all facades of any existing buildings.

(4) Site plans, maps and/or elevation drawings of proposed structures. All submissions should be to scale and illustrate:

(A) All property lines, north arrow and scale.

(B) All streets, alleys and easements, both existing and proposed.

(C) Architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot. Illustrations should include:

(i) Elevation drawings, photographs and other supporting materials to illustrate the proposed renovation.

(ii) Specifications for all materials to be used, including samples if necessary for complete understanding.

(iii) Color specifications with samples preferred.

(D) Location and dimensions of buildings and structures.

(E) Building height and setback from adjacent right-of-way lines.

- (F) Proposed ingress and egress to property, and traffic flow and control.
 - (G) Off-street parking and loading areas, including any additional information required to calculate parking requirements.
 - (H) Type, dimension, and character of screening.
 - (I) Location, size and design of signs, existing and proposed.
 - (J) Location, height and design of outdoor lighting.
 - (K) Landscape and irrigation plan for the development lot, including specifications for hard-surface landscape materials.
- (5) Other information that will assist in the evaluation of site development is encouraged, but not required.

(1983 Code, sec. 29-19.1(m). See end of this division for full history for this division.)

Sec. 40.03.1884 Plan review process

- (a) Prior to issuance of a construction permit, complete plans as described in section 29-19.1(m)(1)–(5) [\[40.03.1883\(1\)–\(5\)\]](#) shall be submitted to the planning department. The senior planner or his designated representative shall determine by review of such plans whether the proposed development meets the intent of this section [division] and the “Design Standards for the Central Business District,” dated 1999, a copy of which is attached hereto and incorporated in this ordinance as if fully set forth. Within ten (10) working days of receipt by the planning department, both the proponent and the building official will be informed in writing of the senior planner’s decision including the need for review by the urban design and historic preservation commission as described in section 29-19.1(n)(2) [subsection (b)], or any conditions for approval. The senior planner’s decision may be appealed in writing to the zoning board of adjustment by the applicant or other interested person within thirty (30) days of the written decision in accordance with section 29-28 [\[article 40.02, division 2\]](#).
- (b) If the senior planner determines that the proposal contains unique circumstances which cannot be accommodated by the standards of this zoning district and the “Design Standards for the Central Business District,” the senior planner shall notify the proponent in writing and the plans shall be placed on the next available agenda of the urban design and historic preservation commission for recommendations. The commission shall use this section [division] and the design standards to determine whether the development meets the intent of each and to make recommendations. Factors to be considered by the commission in making their recommendation and attaching conditions include: the extent to which the proposal differs from the design standards or the standards of the ordinance, the impact of these modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.
- (c) Upon recommendation by the commission, the senior planner may vary the requirements of the design standards so long as the requirements of section 29-19.1 [this division] are not altered. Variances from the requirements of section 29-19.1 [this division], even if recommended by the

commission, must be approved by the zoning board of adjustment in accordance with section 29-28 [\[article 40.02, division 2\]](#). The commission shall provide its recommendations in writing to the applicant and to the zoning board of adjustment.

(1983 Code, sec. 29-19.1(n). See end of this division for full history for this division.)

Sec. 40.03.1885 Landscaping requirements

(a) No less than ninety (90) percent of the required front yard excluding paved curb returns or driveways up to a minimum of ten (10) percent of the total development lot area shall be landscaped and permanently maintained, except that:

(1) Interior courtyards shall not be included in any required landscaping.

(2) Buildings with zero (0) front and side setback shall not be required to have any on-site landscaping except that when a structure with zero (0) setback has adjacent parking ten (10) percent of that parking area must be landscaped.

(b) The parkway areas of adjacent rights-of-way, excluding paved curb cuts and driveways, shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3.

[\[40.02.002\(f\)\(9\)\(C\)\]](#) of the zoning ordinance.

(c) All required landscaping must be visible from the public right-of-way and placed for maximum enhancement of the property and the Broadway Corridor.

(d) Landscaping shall meet the requirements of section 29-3(62) [\[40.01.003\(88\)\]](#), except that hard surface materials shall include only brick, stone, and modular pavers. Landscaping shall not include the use of smooth, patterned, colored or aggregate poured-in-place concrete or asphalt.

(e) Any landscaping placed within the visibility triangle of a corner lot shall be in compliance with the vision clearance standards of this section [division].

(f) Off-street parking of motor vehicles immediately adjacent to any street shall be screened from the street by a two and one-half foot (2-1/2) solid fence. Such fencing shall be placed immediately adjacent to the parking area in accordance with subsection 29-19.1(p)(1) of this section [\[section 40.03.1886\(a\)](#) of this division] and set back no more than six (6) feet. The area between the fence and the property line, if any, must be landscaped and permanently maintained according to the landscape section of this ordinance.

(g) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards.

(h) Irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(i) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of

landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(j) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-19.1(o); Ordinance 2018-O0091, sec. 38, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.1886 Vision clearance

(a) Front yards. In a front yard, no wall, fence or other structure shall be erected in any part of the front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at a depth of twenty-five (25) feet from the front lot line.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign or structure or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs or utility poles placed within such area by authority of the city. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curb lines.

(c) Parkways. It shall be unlawful to set out, construct, maintain, or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

(d) This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-19.1(p). See end of this division for full history for this division.)

(Ordinance 10173, sec. 2, adopted 6/24/1999; Ordinance 2009-O0058, sec. 7, adopted 7/8/2009; Ordinance 2009-O0059, sec. 9, adopted 7/8/2009; Ordinance 2013-O0023, secs. 1–2, adopted 3/14/2013; Ordinance 2016-O0030, sec. 6, adopted 3/10/2016; Ordinance 2016-O0037, sec. 6, adopted 3/10/2016)

Secs. 40.03.1887–40.03.1990 Reserved

Division 18. “CB-3” Central Business District, General

Sec. 40.03.1991 Purpose

The purpose of this district is to provide realistic, modern standards for new development and encourage renewal and revitalization of existing development in the transitional area surrounding the central business core. The review process hereby established promotes this purpose. (1983 Code, sec. 29-19.2(a). See end of this division for full history for this division.)

Sec. 40.03.1992 General provisions

- (a) All uses within this district shall be of wholesale and retail sales, service, general or professional office, or residential use.
- (b) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited, except as indicated. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) Any residential use within this district, other than freestanding residential structures (apartment buildings, townhomes, garden homes, duplexes or single-family), must meet the provisions of the commercial building code.
- (d) All structures shall be in keeping with the average value and construction of the existing development in the area.
- (e) Plan review requirement. No construction permit, unless it is for interior renovation only of an existing structure, shall be issued within the “CB-3” District until a plan review as required by this section [division] has been completed and plans approved. The proponent shall provide any items required for plan review.
- (f) All warehousing shall be in conjunction with on-premises retail and or wholesale sales. All supplemental storage shall be attached to or adjacent to the principal building on this site and be subject to all requirements pertaining to the principal building.

(1983 Code, sec. 29-19.2(b). See end of this division for full history for this division.)

Sec. 40.03.1993 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the “C-3,” “IHC,” “IHO,” “CB-1,” or “CB-2” Districts.

(1983 Code, sec. 29-19.2(c). See end of this division for full history for this division.)

Sec. 40.03.1994 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory

pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(2) Shared or leased parking within six hundred (600) feet of the property when business circumstances, location of parking spaces and normal hours of use are conducive [conductive] to both businesses, and such arrangement is demonstrated by a letter of agreement between the two (2) parties.

(3) Outside dining patios with front setbacks of less than twenty-five (25) feet, unless allowed by the yard requirement subsection of this section [division] at 29-19.2(e)(1) [[40.03.1995\(a\)](#)].

(4) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.

(1983 Code, sec. 29-19.2(d); Ordinance 2017-O00158, sec. 9, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.1995 Yard requirements

(a) Front yard. Any lot line adjacent to a dedicated street (not an alley) shall be a front.

(1) The front yard setback for structures and outdoor dining areas/patios shall be no less than the average setback established by the development on the adjacent lot or lots.

(2) On development tracts adjacent to vacant land, the minimum setback shall meet the average established setback in the immediate vicinity.

(3) In no event, however, shall any garage have less than a twenty (20) foot front setback.

(4) Structures and outdoor dining areas/patios must meet the vision clearance requirements of this section [division].

(b) Rear yard. There shall be no rear yard requirement.

(c) Side yard. There shall be no side yard requirement.

(d) Projections into required yards.

(1) Bay windows with a gross floor area of less than or equal to twelve (12) square feet, cornices, belt courses, eaves, sills, awnings, canopies, and chimneys may extend two (2) feet into any required yard.

(2) Unenclosed fire escapes, stairways, porch overhangs and/or balconies, covered or uncovered, may extend four (4) feet into any required yard.

(1983 Code, sec. 29-19.2(e). See end of this division for full history for this division.)

Sec. 40.03.1996 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-19.2(f). See end of this division for full history for this division.)

Sec. 40.03.1997 Lot area

There shall be no lot area requirement. (1983 Code, sec. 29-19.2(g). See end of this division for full history for this division.)

Sec. 40.03.1998 Lot coverage

There shall be no lot coverage requirement. (1983 Code, sec. 29-19.2(h). See end of this division for full history for this division.)

Sec. 40.03.1999 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-19.2(i); Ordinance 2018-O0091, sec. 39, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2000 Height limit

There shall be no height requirement. (1983 Code, sec. 29-19.2(j). See end of this division for full history for this division.)

Sec. 40.03.2001 Separation

Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1. (1983 Code, sec. 29-19.2(k); Ordinance 2018-O0091, sec. 40, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2002 Off-street parking

(a) Off-street parking requirements.

(1) Boarding or rooming houses - One space for each occupant.

(2) Churches and other places of worship - One paved off-street parking space for each eight (8) seats in the auditorium. If pews are used, each twenty (20) inches in length shall equal one seat.

(3) Convalescent, nursing, maternity and geriatric homes and personal care facilities - Three (3) spaces for each five (5) beds.

(4) Day nurseries - One space for each three hundred (300) square feet of gross floor area.

(5) Funeral home or mortuary - One space for each eight (8) seats in the chapel.

(6) Game rooms, pool, billiard and/or domino parlors - One space for each one hundred (100) square feet of gross floor area.

(7) Hospital - Two (2) spaces for each bed.

(8) Nightclub, bar, lounge, or dance hall - One space for each one hundred (100) square feet of gross floor area.

(9) Residential units - One (1) space for each efficiency unit, one and one-half (1-1/2) spaces for each one bedroom unit, two (2) spaces for each unit with two (2) or more bedrooms, plus one (1) additional space for each four (4) units in the development. Townhomes, garden homes, duplexes, and single family shall comply with the "R-1," "R-1A," and "R-2" parking standards.

(10) Restaurants serving or not serving mixed alcoholic beverages - One space for each one hundred (100) square feet of gross floor area, except that outside dining areas/patios with fewer than two

hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage.

(11) Semi-public uses such as YMCA, YWCA, scouts, boys club, etc. - One space for each five hundred (500) square feet in activity areas such as gymnasium or swimming pools plus one space for each two hundred (200) square feet of other building areas.

(12) Theaters and motion picture shows (including multiple screens) - One (1) space for each eight (8) seats.

(13) All permitted uses not listed above - One space for each three hundred (300) square feet of floor area.

(14) Conditional uses - The required number of spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(15) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall not be required to provide off-street parking.

(b) Off-street parking provisions.

(1) Required off-street parking may be on-site or on property under common ownership within six hundred (600) feet of the property.

(2) Shared or leased parking shall be subject to approval by the zoning board of adjustment under section 29-19.2(d)(1) [\[40.03.1994\(1\)\]](#).

(3) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(4) Plans for off-street parking areas shall be submitted to be checked and approved as to access, ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(5) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area.

(A) In no event shall storage of recreational vehicles or oversized recreational equipment or trailers be allowed in the right-of-way or parkway.

(B) No person shall occupy or use any recreational vehicles as living or sleeping quarters, except as allowed in subsection g [(6)] below.

(6) Exceptions to recreational vehicle requirements in section 29-19.2(l)(2)e. [subsection (5)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

- (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
- (C) Recreational vehicles parked on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.
- (D) Any pop-up or tent campers stored in the collapsed position.

(1983 Code, sec. 29-19.2(l); Ordinance 2017-O00159, sec. 38, adopted 12/18/2017; Ordinance 2018-O0091, sec. 41, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2003 Plan review

Persons developing property within the “CB” districts are strongly encouraged to schedule a pre-application conference with the planning department. Plans submitted under the provisions of this section [division] should convey the exterior design elements of a development and illustrate the property’s relationship to its surroundings. A complete set of documents shall include the following information:

- (1) Completed project application form.
- (2) Owner or representative’s name, address, phone and project title.
- (3) Photographs illustrating the condition of the property, including all facades of any existing buildings.
- (4) Site plans, maps and/or elevation drawings of proposed structures. All submissions should be to scale and illustrate:
 - (A) All property lines, north arrow and scale.
 - (B) All streets, alleys and easements, both existing and proposed.
 - (C) Architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot. Illustrations should include:
 - (i) Elevation drawings, photographs and other supporting materials to illustrate the proposed renovation.
 - (ii) Specifications for all materials to be used, including samples if necessary for complete understanding.
 - (iii) Color specifications with samples preferred.
 - (D) Location and dimensions of buildings and structures.
 - (E) Building height and setback from adjacent right-of-way lines.
 - (F) Proposed ingress and egress to property, and traffic flow and control.
 - (G) Off-street parking and loading areas, including any additional information required to calculate parking requirements.
 - (H) Type, dimension, and character of screening.
 - (I) Location, size and design of signs, existing and proposed.

(J) Location, height and design of outdoor lighting.

(K) Landscape and irrigation plan for the development lot, including specifications for hard-surface landscape materials.

(5) Other information, which will assist in the evaluation of site development, is encouraged, but not required.

(1983 Code, sec. 29-19.2(m). See end of this division for full history for this division.)

Sec. 40.03.2004 Plan review process

(a) Prior to issuance of a construction permit, complete plans as described in section 29-19.2(m)(1)–(5) [[40.03.2003](#)(1)–(5)] shall be submitted to the planning department. The senior planner or his designated representative shall determine by review of such plans whether the proposed development meets the intent of this section [division] and the “Design Standards for the Central Business District,” dated 1999, a copy of which is incorporated by reference as if fully set forth. Within ten (10) working days of receipt by the planning department, both the proponent and the building official will be informed in writing of the senior planner’s decision, including the need for review by the urban design and historic preservation commission as described in section 29-19.2(n)(2) [subsection (b)] below, or any conditions for approval. The senior planner’s decision may be appealed in writing to the zoning board of adjustment by the applicant or other interested person within thirty days of the written decision in accordance with section 29-28 [[article 40.02, division 2](#)].

(b) If the senior planner determines that the proposal contains unique circumstances which cannot be accommodated by the standards of this zoning district and the “Design Standards for the Central Business District,” the senior planner shall notify the proponent in writing and the plans shall be placed on the next available agenda of the urban design and historic preservation commission for recommendations. The commission shall use this section [division] and the design standards to determine whether the development meets the intent of each and to make recommendations. Factors to be considered by the commission in making their recommendation and attaching conditions include: the extent to which the proposal differs from the design standards or the standards of the ordinance, the impact of these modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

(c) Upon recommendation by the commission, the senior planner may vary the requirements of the design standards so long as the requirements of section 29-19.2 [this division] are not altered. Variances from the requirements of section 29-19.2 [this division], even if recommended by the Commission, must be approved by the zoning board of adjustment in accordance with section 29-28 [[article 40.02, division 2](#)]. The commission shall provide its recommendations in writing to the applicant and to the zoning board of adjustment.

(1983 Code, sec. 29-19.2(n). See end of this division for full history for this division.)

Sec. 40.03.2005 Landscaping requirements

(a) No less than ninety (90) percent of the required front yard excluding paved curb returns or

driveways up to a minimum of five (5) percent of the total development lot area shall be landscaped and permanently maintained, except that:

- (1) Interior courtyards shall not be included in any required landscaping.
- (2) Buildings with zero (0) front and side setback shall not be required to have any on-site landscaping except that when a structure with zero (0) setback has adjacent parking five (5) percent of that parking area must be landscaped.
- (b) The parkway areas of adjacent rights-of-way, excluding paved curb cuts and driveways shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3. [\[40.02.002\(f\)\(9\)\(C\)\]](#) of the zoning ordinance.
- (c) All required landscaping must be visible from the public right-of-way and placed for maximum enhancement of the property.
- (d) Landscaping shall meet the requirements of section 29-3(62) [\[40.01.003\(88\)\]](#).
- (e) Any landscaping placed within the visibility triangle of a corner lot shall be in compliance with the vision clearance standards of this section [division].
- (f) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards.
- (g) Irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.
- (h) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.
- (i) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-19.2(o); Ordinance 2018-O0091, sec. 42, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2006 Vision clearance

- (a) Front yards. In a front yard, no wall, fence or other structure shall be erected in any part of the front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at a depth of twenty-five (25) feet from the front lot line.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign or structure or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs or utility poles placed within such area by authority of the city. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line, extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curb lines.

(c) Parkways. It shall be unlawful to set out, construct, maintain, or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

(d) This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-19.2(p). See end of this division for full history for this division.)

(Ordinance 10173, sec. 3, adopted 6/24/1999; Ordinance 2009-O0058, sec. 8, adopted 7/8/2009; Ordinance 2009-O0059, sec. 10, adopted 7/8/2009)

Secs. 40.03.2007–40.03.2110 Reserved

Division 19. “CB-4” Depot District

Sec. 40.03.2111 Purpose

The Depot District is a unique and diverse area of the city with special needs addressed in this section [division]. The purpose of this district is to provide realistic modern standards for new development and encourage renewal and revitalization of existing development. The review process hereby established promotes this purpose. (1983 Code, sec. 29-19.3(a). See end of this division for full history for this division.)

Sec. 40.03.2112 General provisions

(a) All uses within this district shall be of wholesale and retail sales, service, general or professional office, or residential use.

(b) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited, except as indicated. Accessory pass-out windows and/or pickup and delivery to

customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.

- (c) Any residential use within this district, other than freestanding residential structures (apartment buildings, townhomes, garden homes, duplexes or single-family), must meet the provisions of the commercial building code.
- (d) All structures shall be in keeping with the average value and construction of the existing development in the area.
- (e) Plan review requirement. No construction permit, unless it is for interior renovation only of an existing structure, shall be issued within the “CB-4” District until a plan review as required by this section [division] has been completed and plans approved. The proponent shall provide any items required for plan review.
- (f) All warehousing shall be in conjunction with on premise retail and or wholesale sales. All supplemental storage shall be attached to or adjacent to the principal building on this site and be subject to all requirements pertaining to the principal building.
- (g) Nonconforming businesses within the district boundaries existing as of the effective date of this section [division], shall be allowed to expand within the provisions of this section [division].

(1983 Code, sec. 29-19.3(b). See end of this division for full history for this division.)

Sec. 40.03.2113 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the “C-3,” “IHC,” “IHO,” “CB-1,” or “CB-2” Districts.

(1983 Code, sec. 29-19.3(c). See end of this division for full history for this division.)

Sec. 40.03.2114 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
- (2) Outside dining patios with front setbacks of less than twenty-five (25) feet, unless allowed by the yard requirement subsection of this section [division] at 29-19.3(e)(1) [[section 40.03.2115\(a\)](#)].
- (3) Outdoor markets, limited to farm products and new merchandise.
- (4) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.

(1983 Code, sec. 29-19.3(d); Ordinance 2017-O00158, sec. 10, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.2115 Yard requirements

- (a) Front yard. Any lot line adjacent to a dedicated street shall be a front.

- (1) The front yard setback for structures and outdoor dining areas/patios shall be no less than the average setback established by the development on the adjacent lot or lots.
- (2) On corner lots, the front setback shall be no less than zero (0) feet and no greater than the setback established by the development on the adjacent lot.
- (3) On development tracts adjacent to vacant land, the minimum setback shall meet the average established setback in the immediate vicinity.
- (4) In no event, however, shall any garage have less than a twenty (20) foot front setback.
- (5) Structures and outdoor dining areas/patios must meet the vision clearance requirements of this section.

(b) Rear yard. There shall be no rear yard requirement.

(c) Side yard. There shall be no side yard requirement.

(d) Projections into required yards.

- (1) Bay windows with a gross floor area of less than or equal to twelve (12) square feet, cornices, belt courses, eaves, sills, awnings, canopies, and chimneys may extend two (2) feet into any required yard.
- (2) Unenclosed fire escapes, stairways, porch overhangs and/or balconies, covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-19.3(e). See end of this division for full history for this division.)

Sec. 40.03.2116 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-19.3(f). See end of this division for full history for this division.)

Sec. 40.03.2117 Lot area

There shall be no lot area requirement. (1983 Code, sec. 29-19.3(g). See end of this division for full history for this division.)

Sec. 40.03.2118 Lot coverage

There shall be no lot coverage requirement. (1983 Code, sec. 29-19.3(h). See end of this division for full history for this division.)

Sec. 40.03.2119 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-19.3(i); Ordinance 2018-O0091, sec. 43, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2120 Height limit

There shall be no height requirement. (1983 Code, sec. 29-19.3(j). See end of this division for full history for this division.)

Sec. 40.03.2121 Separation

(a) No bar, cocktail lounge, private club, nightclub[,], dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be located within six hundred feet (600') of any established bar, lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility. This distance shall be measured in a direct line from front door to front door.

(b) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-19.3(k); Ordinance 2018-O0091, sec. 44, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2122 Off-street parking

(a) Off-street parking requirements.

(1) Boarding or rooming houses - One space for each occupant.

(2) Churches and other places of worship - One paved off-street parking space for each eight (8) seats in the auditorium. If pews are used, each twenty (20) inches in length shall equal one seat.

(3) Convalescent, nursing, maternity and geriatric homes and personal care facilities - Three (3) spaces for each five (5) beds.

(4) Day nurseries - One space for each three hundred (300) square feet of gross floor area.

(5) Funeral home or mortuary - One space for each eight (8) seats in the chapel.

(6) Game rooms, pool, billiard and/or domino parlors - One space for each one hundred (100) square feet of gross floor area.

(7) Hospital - Two (2) spaces for each bed.

(8) Nightclub, bar, lounge, or dance hall - One space for each one hundred (100) square feet of gross floor area.

(9) Residential units - One (1) space for each efficiency unit, one and one-half (1-1/2) spaces for each one bedroom unit, two (2) spaces for each unit with two (2) or more bedrooms, plus one (1) additional space for each four (4) units in the development. Townhomes, garden homes, duplexes, and single-family shall comply with the "R-1," "R-1A," and "R-2" parking standards.

(10) Restaurants serving or not serving mixed alcoholic beverages - One space for each one hundred (100) square feet of gross floor area, except that outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage.

(11) Semi-public uses such as YMCA, YWCA, scouts, boys club, etc. - One space for each five hundred (500) square feet in activity areas such as gymnasium or swimming pools plus one space for

each two hundred (200) square feet of other building areas.

(12) Theaters and motion picture shows (including multiple screens) - One (1) space for each eight (8) seats.

(13) All permitted uses not listed above - One space for each three hundred (300) square feet of floor area.

(14) Conditional uses - The required number of spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(15) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(b) Off-street parking provisions.

(1) Required off-street parking (including shared or leased parking demonstrated by a letter of agreement between the two parties) may be on-site or on property within six hundred (600) feet of the property.

(2) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(3) Plans for off-street parking areas shall be submitted to be checked and approved as to access, ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(4) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area.

(A) In no event shall storage of recreational vehicles or oversized recreational equipment or trailers be allowed in the right-of-way or parkway.

(B) No person shall occupy or use any recreational vehicles as living or sleeping quarters, except as allowed in subsection e. [(5)] below.

(5) Exceptions to recreational vehicle requirements in section 29-19.2(l)(2)d. [subsection (b)(4)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(D) Any pop-up or tent campers stored in the collapsed position.

(1983 Code, sec. 29-19.3(1); Ordinance 2017-O00159, sec. 39, adopted 12/18/2017; Ordinance 2018-O0091, sec. 45, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2123 Plan review

Persons developing property within the “CB” districts are strongly encouraged to schedule a pre-application conference with the planning department. Plans submitted under the provisions of this section [division] should convey the exterior design elements of a development and illustrate the property’s relationship to its surroundings. A complete set of documents shall include the following information:

(1) Completed project application form.

(2) Owner or representative’s name, address, phone and project title.

(3) Photographs illustrating the condition of the property, including all facades of any existing buildings.

(4) Site plans, maps and/or elevation drawings of proposed structures. All submissions should be to scale and illustrate:

(A) All property lines, north arrow and scale.

(B) All streets, alleys and easements, both existing and proposed.

(C) Architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot. Illustrations should include:

(i) Elevation drawings, photographs and other supporting materials to illustrate the proposed renovation.

(ii) Specifications for all materials to be used, including samples if necessary for complete understanding.

(iii) Color specifications with samples preferred.

(D) Location and dimensions of buildings and structures.

(E) Building height and setback from adjacent right-of-way lines.

(F) Proposed ingress and egress to property, and traffic flow and control.

(G) Off-street parking and loading areas, including any additional information required to calculate parking requirements.

(H) Type, dimension, and character of screening.

(I) Location, size and design of signs, existing and proposed.

(J) Location, height and design of outdoor lighting.

(K) Landscape and irrigation plan for the development lot, including specifications for hard-surface landscape materials.

(5) Other information that will assist in the evaluation of site development is encouraged, but not required.

(1983 Code, sec. 29-19.3(m). See end of this division for full history for this division.)

Sec. 40.03.2124 Plan review process

(a) Prior to issuance of a construction permit, complete plans as described in section 29-19.3(m)(1)–(5) [[40.03.2123](#)(1)–(5)] shall be submitted to the planning department. The senior planner or his designated representative shall determine by review of such plans whether the proposed development meets the intent of this section [division] and the “Design Standards for the Central Business District,” dated 1999, a copy of which is incorporated by reference as if fully set forth. Within ten (10) working days of receipt by the planning department, both the proponent and the building official will be informed in writing of the senior planner’s decision, including the need for review by the urban design historic preservation commission, as described in section 29-19.3(n)(2) [subsection (b)] below, or any conditions for approval. The senior planner’s decision may be appealed in writing to the zoning board of adjustment by the applicant or other interested person within thirty (30) days of the written decision in accordance with section 29-28 [[article 40.02, division 2](#)].

(b) If the senior planner determines that the proposal contains unique circumstances which cannot be accommodated by the standards of this zoning district and the “Design Standards for the Central Business District,” the senior planner shall notify the proponent in writing and the plans shall be placed on the next available agenda of the urban design and historic preservation commission for recommendations. The commission shall use this section [division] and the design standards to determine whether the development meets the intent of each and to make recommendations. Factors to be considered by the commission in making their recommendation and attaching conditions include: the extent to which the proposal differs from the design standards or the standards of the ordinance, the impact of these modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

(c) Upon recommendation by the commission, the senior planner may vary the requirements of the design standards so long as the requirements of section 29-19.3 [this division] are not altered. Variances from the requirements of section 29-19.3 [this division], even if recommended by the Commission, must be approved by the zoning board of adjustment in accordance with section 29-28 [[article 40.02, division 2](#)]. The commission shall provide its recommendations in writing to the applicant and to the zoning board of adjustment.

(1983 Code, sec. 29-19.3(n). See end of this division for full history for this division.)

Sec. 40.03.2125 Landscaping requirements

(a) No less than ninety (90) percent of the required front yard excluding paved curb returns or driveways up to a minimum of five (5) percent of the total development lot area shall be landscaped and permanently maintained, except that:

(1) Interior courtyards shall not be included in any required landscaping.

(2) Buildings with zero (0) front and side setback shall not be required to have any on-site landscaping except that when a structure with zero (0) setback has adjacent parking five (5) percent of that parking area must be landscaped.

(b) The parkway areas of adjacent rights-of-way, excluding paved curb cuts and driveways shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3.

[\[40.02.002\(f\)\(9\)\(C\)\]](#) of the zoning ordinance.

(c) All required landscaping must be visible from the public right-of-way and placed for maximum enhancement of the property.

(d) Landscaping shall meet the requirements of section 29-3(62) [\[40.01.003\(88\)\]](#).

(e) Any landscaping placed within the visibility triangle of a corner lot shall be in compliance with the vision clearance standards of this section [division].

(f) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards.

(g) Irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(h) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(i) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-19.3(o); Ordinance 2018-O0091, sec. 46, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2126 Vision clearance

(a) Front yards. In a front yard, no wall, fence or other structure shall be erected in any part of the front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at a depth of twenty-five (25) feet from the front lot line.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign or structure or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street

signs or utility poles placed within such area by authority of the city. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curb lines.

(c) Parkways. It shall be unlawful to set out, construct, maintain, or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

(d) This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-19.3(p). See end of this division for full history for this division.)

(1983 Code, sec. 29-19.3; Ordinance 10173, sec. 4, adopted 6/24/1999; Ordinance 10205, sec. 1, adopted 10/14/1999; Ordinance 2009-O0058, sec. 9, adopted 7/8/2009; Ordinance 2009-O0059, sec. 11, adopted 7/8/2009)

Secs. 40.03.2127–40.03.2150 Reserved

Division 19.1 “CB-5” Central Business District, Civic Center

Sec. 40.03.2151 Purpose

The urban core of the Lubbock Central Business District is a unique area of the city with special needs addressed in this division. The purpose of this district is to provide realistic, modern standards for new development and encourage renewal and revitalization of existing development. The review process hereby established promotes this purpose. (Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2152 General provisions

- (a) All uses within this district shall be of retail sales, service, general or professional office, or residential use.
- (b) All business shall be conducted entirely within a building, except that restaurants shall be permitted outside dining areas/patios as defined in [section 40.01.003](#)(138). Outside storage and/or display of any type is prohibited.
- (c) Any residential use within this district must meet the provisions of the commercial building code.
- (d) All structures shall be in keeping with the average value and construction of the existing development in the area.

(e) Plan review requirement: No construction permit, unless it is for interior renovation only of an existing structure, shall be issued within the "CB-5" District until a plan review as required by this section has been completed and plans approved. The proponent shall provide any items required for plan review.

(f) All warehousing shall be in conjunction with on-premises retail sales. All supplemental storage shall be attached to or adjacent to the principal building on the site and be subject to all requirements pertaining to the principal building.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2153 Permitted uses

Permitted uses in this district are the following:

- (1) Accessory buildings are subject to all other requirements of this division (all materials must match primary structure). Temporary construction and/or field sales office provided said structure is approved by the codes administrator. Said structure must be removed within ten days of written notice from the codes administrator.
- (2) Ambulance service.
- (3) Antique shop.
- (4) Art galleries.
- (5) Arts and crafts store.
- (6) Bake shop, candy store, delicatessen, donut shop, pie shop.
- (7) Banks and savings and loan companies.
- (8) Baseball field/park.
- (9) Beauty or barber shops.
- (10) Bicycle sales and repair shops.
- (11) Book or stationery shops or newsstand.
- (11a) Brewpub.
- (12) Camera shop.
- (13) Churches and other places of worship.
- (14) Civic center, performing arts center.
- (15) Coin and stamp shops.
- (16) Coin-operated machines, five (5) or less skill or pleasure coin-operated machines as an incidental use to any permitted use in this district.
- (17) Commercial parking lot or building. No gasoline sales permitted.
- (18) Commercial private clubs and teenage clubs.

- (19) Convalescent, nursing, orphan, maternity and geriatric homes and personal care facilities.
- (20) Dance hall (no mixed alcoholic beverage sales permitted).
- (21) Day nurseries.
- (22) Department store, discount center, family center.
- (23) Dress shop.
- (24) Drug store. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off-premises consumption as an incidental use. (No accessory pass-out windows and/or delivery to customers while still in their motor vehicles shall be permitted for any product other than prescription medications.)
- (25) Duplicating/copy service.
- (26) Fire stations.
- (27) Florist shop.
- (28) Funeral home or mortuary. (Ambulance service permitted.)
- (29) Gift shop.
- (30) Grocery store with not over three thousand (3,000) square feet of total floor area. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off-premises consumption as an incidental use. (No gasoline sales, no accessory pass-out windows and/or delivery to customers while still in their motor vehicles shall be permitted.)
- (31) Hobby shop.
- (32) Hospital, clinic or medical office.
- (33) Hotel or motel.
- (34) Lodges, sorority and fraternity houses.
- (35) Loft apartment (conversion and new).
- (36) Magazine agency.
- (36a) Microbrewery, microdistillery, or microwinery.
- (37) Museum.
- (38) Music or video shop.
- (39) Nightclub, bar or lounge.
- (40) Office supply - no printing operation permitted.
- (41) Offices, general and professional.
- (42) Oil and gas wells (subject to conditions of [article 8.07](#), oil and gas drilling, of this code).

- (43) Package store.
- (44) Parking areas and/or buildings.
- (45) Private schools having a curriculum equivalent to that of public schools.
- (46) Public parks and recreational facilities owned by the city, including party houses and/or community centers.
- (47) Public schools.
- (48) Radio studio, with no tower or antenna.
- (49) Restaurants with sales of mixed alcoholic beverages as an incidental use. Accessory passout windows and outside dining areas/patios shall be permitted as defined in [section 40.01.003](#)(137) and [40.01.003](#)(138).
- (50) Restaurants when designed for service and consumption of food inside the building except that accessory passout windows and outside dining areas/patios shall be permitted as defined in [section 40.01.003](#)(137) and [40.01.003](#)(138).
- (51) Semi-public uses such as community clubhouses, YMCA, YWCA, boy scouts, girl scouts, boys clubs, and little theaters.
- (52) Skating rinks.
- (53) Studios: art, teaching, dance, music, drama, photographic, interior decorating.
- (54) Tailor shop.
- (55) Townhouse/condominiums (conversion and new) as defined in the specific use district.
- (56) Theaters and motion picture shows (includes multiple screens).
- (57) Wine, beer, or alcohol tasting facility.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012; Ordinance 2018-O0091, secs. 47–49, adopted 8/9/2018)

Sec. 40.03.2154 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Shared or leased parking within six hundred (600) feet of the property when business circumstances, location of parking spaces and normal hours of use are conducive to both businesses, and such arrangement is demonstrated by a letter of agreement between the two (2) parties.
- (2) Outside dining patios with front setbacks of less than twenty-five (25) feet, unless allowed by the yard requirement [section 40.03.2155](#)(a)(1).
- (3) A bar, cocktail lounge, private club, nightclub, or dance hall with less than six hundred (600) feet of separation from any established bar, cocktail lounge, private club, nightclub, or dance hall. This distance shall be measured in a direct line from front door to front door.
- (4) Public utility installations such as, but not limited to, railroad right-of-way and tracks, transformer

stations, transmission lines, telephone exchanges, lift stations, pumping stations, but in no event shall this be construed as permitting such uses as garages and shops, railroad yards, loading yards or warehouses.

(5) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012; Ordinance 2017-O00158, sec. 11, adopted 12/18/2017)

Sec. 40.03.2155 Yard requirements

(a) Front yard. Any lot line adjacent to a dedicated street (not an alley) shall be a front.

(1) The front yard setback for structures and outdoor dining areas/patios shall be no less than the average setback established by the development on the adjacent lot or lots. If there is only a developed lot on one side, then the development shall match the existing setback. If there is no adjacent development, the required minimum setback shall be five (5) feet.

(2) However, any lot that fronts on a thoroughfare or expressway shall have a setback of not less than forty-three (43) feet from the property line adjacent to the thoroughfare or expressway.

(3) On corner lots, the front setback shall be no less than zero (0) feet and no greater than the setback established by the development on the adjacent lot.

(4) In no event, however, shall any garage have less than a twenty (20) foot front setback.

(5) Structures and outdoor dining areas/patios must meet the vision clearance requirements of this section.

(b) Rear yard. There shall be no rear yard requirement. (Fire and building codes may dictate differently.)

(c) Side yard. There shall be no side yard requirement. (Fire and building codes may dictate differently.)

(d) Projections into required yards.

(1) Bay windows with a gross floor area of less than or equal to twelve (12) square feet, cornices, belt courses, eaves, sills, awnings, canopies, and chimneys may extend two (2) feet into any required yard.

(2) Unenclosed fire escapes, stairways, covered doorways, porch overhangs and/or balconies, covered or uncovered, may extend four (4) feet into any required yard.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2156 Lot width

There shall be no minimum lot width. (Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2157 Lot area

There shall be no lot area requirement. (Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2158 Lot coverage

There shall be no lot coverage requirement. (Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2159 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012; Ordinance 2018-O0091, sec. 50, adopted 8/9/2018)

Sec. 40.03.2160 Height limit

There shall be no height requirement. (Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2161 Separation

Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1. (Ordinance 2012-O0007, sec. 1, adopted 2/9/2012; Ordinance 2018-O0091, sec. 51, adopted 8/9/2018)

Sec. 40.03.2162 Off-street parking

(a) Off-street parking requirements.

- (1) Churches and other places of worship. One paved off-street parking space for each eight (8) seats in the auditorium. If pews are used, each twenty (20) inches in length shall equal one seat.
- (2) Clinic, medical. One space per two hundred (200) square feet of gross floor area.
- (3) Day nurseries. One space for each three hundred (300) square feet of gross floor area.
- (4) Funeral home or mortuary. One space for each eight (8) seats in the chapel.
- (5) Hospital. Two (2) spaces for each bed.
- (6) Loft apartment. One space for each efficiency unit, one and one-half (1-1/2) spaces for each one bedroom unit, two (2) spaces for each unit with two (2) or more bedrooms, plus one additional space for each four (4) units in the development.
- (7) Nightclub, bar, lounge, or dance hall. One space for each one hundred (100) square feet of gross floor area.
- (8) Performing arts center. 1 space per 4 seats.
- (9) Restaurants serving or not serving mixed alcoholic beverages. One space for each one hundred (100) square feet of gross floor area, except that outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage.
- (10) Semi-public uses such as YMCA, YWCA, scouts, boys club, etc. One space for each five hundred (500) square feet in activity areas such as gymnasium or swimming pools plus one space for each two hundred (200) square feet of other building areas.

- (11) Theaters and motion picture shows (including multiple screens). One (1) space for each eight (8) seats.
- (12) Townhomes. Two spaces per unit.
- (13) All permitted uses not listed above. One space for each three hundred (300) square feet of floor area.
- (14) Conditional uses. The required number of spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.
- (15) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall not be required to provide off-street parking.
- (b) Off-street parking provisions.
- (1) Required off-street parking may be on site or on property under common ownership within three hundred (300) feet of the property.
- (2) Shared or leased parking shall be subject to approval by the zoning board of adjustment under [section 40.03.2154](#)(1).
- (3) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
- (4) Off-street parking shall be screened in accordance with [section 40.03.2165](#)(f).
- (5) Plans for off-street parking areas shall be submitted to be checked and approved as to access, ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (6) No off-street parking areas shall be allowed in front of buildings on Mac Davis Lane, Glenna Goodacre Boulevard, or any street bordering the Civic Center. Parking areas may be installed at the side or at the rear of a structure.
- (7) No overhead or garage doors shall be allowed facing Avenue Q, Mac Davis Lane, Glenna Goodacre Boulevard, Marsha Sharp Freeway, or any street bordering the Civic Center.
- (8) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area.
- (A) In no event shall storage of recreational vehicles or oversized recreational equipment or trailers be allowed in the right-of-way or parkway.
- (B) No person shall occupy or use any recreational vehicles as living or sleeping quarters, except as allowed in subsection (9) below.
- (9) Exceptions to recreational vehicle requirements in subsection (8) above:
- (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a

Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(D) Recreational vehicles parked on parking lots of the civic center where parking of such vehicles is allowed (subject to any civic center policies and regulations).

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012; Ordinance 2018-O0091, sec. 52, adopted 8/9/2018)

Sec. 40.03.2163 Plan review

Persons developing property within the “CB” districts are strongly encouraged to schedule a pre-application conference with the planning department. Plans submitted under the provisions of this section should convey the exterior design elements of a development and illustrate the property’s relationship to its surroundings. A complete set of documents shall include the following information:

- (1) Completed project application form.
- (2) Owner or representative’s name, address, phone and project title.
- (3) Photographs illustrating the condition of the property, including all facades of any existing buildings.
- (4) Site plans, maps and/or elevation drawings of proposed structures. All submissions should be to scale and illustrate:
 - (A) All property lines, north arrow and scale.
 - (B) All streets, alleys and easements, both existing and proposed.
 - (C) Architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot. Illustrations should include:
 - (i) Elevation drawings, photographs and other supporting materials to illustrate the proposed renovation.
 - (ii) Specifications for all materials to be used, including samples if necessary for complete understanding.
 - (iii) Color specifications with samples preferred.
 - (D) Location and dimensions of buildings and structures.
 - (E) Building height and setback from adjacent right-of-way lines.
 - (F) Proposed ingress and egress to property, and traffic flow and control.
 - (G) Off-street parking and loading areas, including any additional information required to calculate parking requirements.

- (H) Type, dimension, and character of screening.
- (I) Location, size and design of signs, existing and proposed.
- (J) Location, height and design of outdoor lighting.
- (K) Landscape and irrigation plan for the development lot, including specifications for hard-surface landscape materials.
- (5) Other information that will assist in the evaluation of site development is encouraged, but not required.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Sec. 40.03.2164 Plan review process

- (a) Prior to issuance of a construction permit, complete plans as described in [section 40.03.2163\(1\)](#)–(5) shall be submitted to the planning department. The senior planner or his designated representative shall determine by review of such plans whether the proposed development meets the intent of this section and the “Design Standards for the Central Business District,” dated 1999, a copy of which is attached hereto and incorporated by reference as if fully set forth. Any development within the CB-5 district shall follow the CB-3 guidelines in the “Design Standards for the Central Business District.” Within ten (10) working days of receipt by the planning department, both the proponent and the building official will be informed in writing of the senior planner’s decision including the need for review by the urban design and historic preservation commission as described in subsection (b), or any conditions for approval. The senior planner’s decision may be appealed in writing to the zoning board of adjustment by the applicant or other interested person within thirty (30) days of the written decision in accordance with [article 40.02, division 2](#) of this chapter.
- (b) If the senior planner determines that the proposal contains unique circumstances which cannot be accommodated by the standards of this zoning district and the “Design Standards for the Central Business District,” the senior planner shall notify the proponent in writing and the plans shall be placed on the next available agenda of the urban design and historic preservation commission for recommendations. The commission shall use this section and the design standards to determine whether the development meets the intent of each and to make recommendations. Factors to be considered by the commission in making its recommendation and attaching conditions include: the extent to which the proposal differs from the design standards or the standards of the ordinance, the impact of these modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.
- (c) Upon recommendation by the commission, the senior planner may vary the requirements of the design standards so long as the requirements of this division are not altered. Variances from the requirements of this division even if recommended by the commission, must be approved by the zoning board of adjustment in accordance with [article 40.02, division 2](#) of this chapter. The commission shall provide its recommendations in writing to the applicant and to the zoning board of adjustment.

Sec. 40.03.2165 Landscaping requirements

- (a) No less than ninety (90) percent of the required front yard excluding paved curb returns or driveways up to a minimum of ten (10) percent of the total development lot area shall be landscaped and permanently maintained, except that:
- (1) Interior courtyards shall not be included in any required landscaping.
 - (2) Buildings with zero (0) front and side setback shall not be required to have any on-site landscaping except that when a structure with zero (0) setback has adjacent parking ten (10) percent of that parking area must be landscaped and visible from the street, either in front or elevated (ex. shrubs and trees visible over vehicles).
- (b) The parkway areas of adjacent rights-of-way, excluding paved curb cuts and driveways, shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with [section 40.02.002](#)(f)(9) of the zoning ordinance and the Downtown Public Improvements Guidelines.
- (c) All required landscaping must be visible from the public right-of-way and placed for maximum enhancement of the property and the Civic Center Area.
- (d) Landscaping shall meet the requirements of [section 40.01.003](#)(88), except that required landscaping on the development lot may incorporate no more than ten (10) percent hard surface materials within the landscaping. Hard surface materials shall include only brick, stone, and modular pavers. Landscaping shall not include the use of smooth, patterned, colored or aggregate poured-in-place concrete or asphalt.
- (e) Any landscaping placed within the visibility triangle of a corner lot shall be in compliance with the vision clearance standards of this section.
- (f) Off-street parking of motor vehicles immediately adjacent to any street shall be screened from the street by a two and one-half foot (2-1/2) solid fence. Such fencing shall be placed immediately adjacent to the parking area in accordance with [section 40.03.2166](#)(a) of this division and set back no more than six (6) feet. The area between the fence and the property line, if any, must be landscaped and permanently maintained according to the landscape section of this ordinance.
- (g) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards.
- (h) Irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.
- (i) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape

requirements.

(j) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012; Ordinance 2018-O0091, sec. 53, adopted 8/9/2018)

Sec. 40.03.2166 Vision clearance

(a) Front yards. In a front yard, no wall, fence or other structure shall be erected in any part of the front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at a depth of twenty-five (25) feet from the front lot line.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign or structure or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic-control signs and signals, street signs or utility poles placed within such area by authority of the city. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain, or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

(d) This section shall not apply to traffic-control signs and signals, street signs, mailboxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(Ordinance 2012-O0007, sec. 1, adopted 2/9/2012)

Division 19.2. “CB-6” Central Business District, Arts

Sec. 40.03.2181 Purpose

The urban core of the Lubbock Central Business District is a unique area of the city with special needs addressed in this division. The purpose of this district is to provide realistic, modern standards for new development and encourage renewal and revitalization of existing development. The review process hereby established promotes this purpose. (Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2182 General provisions

- (a) All uses within this district shall be retail sales, services, general or professional office, studios (residential or commercial), light industrial type, wholesale, or industrial sales as they relate to the arts.
- (b) Any residential use within this district, other than freestanding residential structures (apartment buildings, townhomes, garden homes, duplexes or single-family), must meet the provisions of the commercial building code.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the occupants of the adjacent premises or area by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (d) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.
- (e) Outside storage of materials and goods shall be screened so as not to be visible from any portion of the expressway right-of-way or adjacent thoroughfares. Outside display in conjunction with the on-premises gallery, sale or rental of art shall be permitted, subject to the regulations of this district.
- (f) Site plan requirement. No construction permit shall be issued within the CB-6 District until a site plan as required by this section has been approved. The proponent shall provide the site plan.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2183 Permitted uses

Permitted uses in this district are the following:

- (1) Art displays. Art shall be allowed as an outside display. Any art shall comply with the vision clearance of this section. No art shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (2) Art gallery and/or museum.
- (3) Bake shop.

- (3a) Brewpub.
- (4) Candle manufacturing.
- (5) Glassblowing.
- (6) Greenhouse and plant nursery.
- (7) Grocery store with not over three thousand (3,000) square feet of total floor area. In areas allowed by state and local laws, permit the sale of alcoholic beverages for off-premises consumption as an incidental use. (No gasoline sales, no accessory pass-out windows and/or delivery to customers while still in their motor vehicles shall be permitted.)
- (8) Hotel or motel.
- (9) Loft apartment (conversion and new).
- (9a) Microbrewery, microdistillery, or microwinery.
- (10) Offices.
- (11) Oil and gas wells (subject to conditions of [article 8.07](#), oil and gas drilling, of this code).
- (12) Ornamental iron works.
- (13) Outdoor art gallery and/or museum.
- (14) Package store. (No accessory pass-out windows and/or delivery to customers while still in their motor vehicles shall be permitted.)
- (15) Performing arts centers.
- (16) Restaurants. (Business permitted outside of building.)
- (17) Restaurants, with the sale of alcoholic beverages as an incidental use, except that no mixed alcoholic beverage sales shall be made or delivered to occupants in motor vehicles.
- (18) Retail sales.
- (19) Studios – Art, teaching, dance, music, drama, photographic, interior decorating.
- (20) Wholesale/Warehouse – intended for the sale and storage of art and or art supplies.
- (20a) Wine, beer, or alcohol tasting facility.
- (21) Antennas, towers or alternative tower structures other than a radio, television or microwave broadcasting or transmission facilities approved by the planning department pursuant to the standards of administrative review provided by [section 40.02.002\(h\)](#) herein. However, antennas or towers located on property owned by a federal, state or local government entity shall be exempt from the requirements of this chapter, provided a license, contract or lease authorizing such antenna or tower has been approved by the governing authority of the applicable governmental entity.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012; Ordinance 2018-O0091, secs. 54–56, adopted 8/9/2018)

Sec. 40.03.2184 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Shared or leased parking within six hundred (600) feet of the property when business circumstances, location of parking spaces and normal hours of use are conducive to both businesses, and such arrangement is demonstrated by a letter of agreement between the two (2) parties.
- (2) A bar, cocktail lounge, private club, nightclub, or dance hall with less than six hundred (600) feet of separation from any established bar, cocktail lounge, private club, nightclub, or dance hall. This distance shall be measured in a direct line from front door to front door.
- (3) Dance hall (no mixed alcoholic beverage sales permitted).
- (4) Game room, pool, billiard and/or domino parlor.
- (5) Nightclub, bar or lounge.
- (6) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012; Ordinance 2017-O00158, sec. 12, adopted 12/18/2017)

Sec. 40.03.2185 Yard requirements

- (a) Front yard. Any lot line adjacent to a dedicated street (not an alley) shall be a front.
 - (1) The front yard setback for structures and outdoor dining areas/patios shall be no less than the average setback established by the development on the adjacent lot or lots. However, any lot that fronts on a thoroughfare or expressway shall have a setback of not less than forty-three (43) feet from the thoroughfare or expressway.
 - (2) On corner lots, the front setback shall be no less than zero (0) feet and no greater than the setback established by the development on the adjacent lot.
 - (3) In no event, however, shall any garage have less than a twenty (20) foot front setback.
 - (4) Structures and outdoor dining areas/patios must meet the vision clearance requirements of this section.
- (b) Rear and side yard. There shall be no rear or side yard requirement.
- (c) Projections into required yards.
 - (1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.
 - (2) Unenclosed fire escapes, stairways, and/or balconies, covered or uncovered, may extend four (4) feet into the required front or rear yard.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2186 Lot width

There shall be no minimum lot width. (Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2187 Lot area

There shall be no lot area requirements. (Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2188 Lot coverage

There shall be no lot coverage requirements. (Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2189 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012; Ordinance 2018-O0091, sec. 57, adopted 8/9/2018)

Sec. 40.03.2190 Height

No building or structure within the CB-6 District shall exceed forty (40) feet in height above existing grade, except that buildings may exceed forty (40) feet when the front, side, and rear yards are increased one foot beyond required setbacks for each additional foot of height such buildings exceed forty (40) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2191 Separation

Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1. (Ordinance 2012-O0070, sec. 1, adopted 7/12/2012; Ordinance 2018-O0091, sec. 58, adopted 8/9/2018)

Sec. 40.03.2192 Off-street parking

(a) Off-street parking-Required.

(1) Hotels and motels. Two (2) spaces for each three (3) units, plus the required spaces for incidental or accessory uses based on the square footage devoted to those uses.

(2) Loft apartment. One space for each efficiency unit, one and one-half (1-1/2) spaces for each one bedroom unit, two (2) spaces for each unit with two (2) or more bedrooms, plus one additional space for each four (4) units in the development.

(3) Performing arts center. 1 space per 4 seats.

(4) Restaurants serving or not serving mixed alcoholic beverages. One space for each one hundred (100) square feet of gross floor area, except that outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage. Any outside dining areas/patios

larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage.

(4a) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall not be required to provide off-street parking.

(5) All permitted uses not listed above. One space for each three hundred (300) square feet of floor area.

(b) Off-street parking provisions.

(1) Required off-street parking may be on site or on property under common ownership within three hundred (300) feet of the property.

(2) Shared or leased parking shall be subject to approval by the zoning board of adjustment under [section 40.03.2184](#)(1).

(3) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(4) Off-street parking shall be screened in accordance with [section 40.03.2195](#)(h)(2).

(5) Plans for off-street parking areas shall be submitted to be checked and approved as to access, ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(6) No off-street parking areas shall be allowed in front of buildings on Mac Davis Lane or Glenna Goodacre Boulevard. Parking areas may be installed at the side or at the rear of a structure.

(7) No overhead or garage doors shall be allowed facing Mac Davis Lane, Glenna Goodacre Boulevard, or Marsha Sharp Freeway.

(8) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area.

(A) In no event shall storage of recreational vehicles or oversized recreational equipment or trailers be allowed in the right-of-way or parkway.

(B) No person shall occupy or use any recreational vehicles as living or sleeping quarters, except as allowed in subsection (9) below.

(9) Exceptions to recreational vehicle requirements in subsection (8) above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a city resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-city resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012; Ordinance 2018-O0091, sec. 59, adopted 8/9/2018)

Sec. 40.03.2193 Plan review

Persons developing property within the “CB” districts are strongly encouraged to schedule a pre-application conference with the planning department. Plans submitted under the provisions of this section should convey the exterior design elements of a development and illustrate the property’s relationship to its surroundings. A complete set of documents shall include the following information:

- (1) Completed project application form.
- (2) Owner or representative’s name, address, phone and project title.
- (3) Photographs illustrating the condition of the property, including all facades of any existing buildings.
- (4) Site plans, maps and/or elevation drawings of proposed structures. All submissions should be to scale and illustrate:
 - (A) All property lines, north arrow and scale.
 - (B) All streets, alleys and easements, both existing and proposed.
 - (C) Architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot. Illustrations should include:
 - (i) Elevation drawings, photographs and other supporting materials to illustrate the proposed renovation.
 - (ii) Specifications for all materials to be used, including samples if necessary for complete understanding.
 - (iii) Color specifications with samples preferred.
 - (D) Location and dimensions of buildings and structures.
 - (E) Building height and setback from adjacent right-of-way lines.
 - (F) Proposed ingress and egress to property, and traffic flow and control.
 - (G) Off-street parking and loading areas, including any additional information required to calculate parking requirements.
 - (H) Type, dimension, and character of screening.
 - (I) Location, size and design of signs, existing and proposed.
 - (J) Location, height and design of outdoor lighting.
 - (K) Landscape and irrigation plan for the development lot, including specifications for hard-surface landscape materials.
- (5) Other information that will assist in the evaluation of site development is encouraged, but not

required.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2194 Plan review process

Prior to issuance of a construction permit, a site plan shall be submitted to the codes administrator which contains each item noted at [section 40.03.2193](#). The codes administrator or designated representative shall determine that the proposed development meets the letter and intent of this section by review of the site plan. Should a difference of opinion about compliance arise between a proponent and codes administration, the site plan shall be placed on the next available agenda of the planning commission as “other business” for resolution. (Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Sec. 40.03.2195 Development standards

(a) Ingress/egress.

(1) There shall be no less than twenty-five (25) feet between driveway cuts along interstate highway frontage roads, regardless of lot or tract lines and/or ownership.

(2) When conditions warrant, the planning and zoning commission may require the proponent to dedicate and construct righthand turn lanes along interstate highway frontage roads to aid ingress/egress to developing property.

(b) Building materials and construction.

(1) Each wall or facade of a new or renovated building, or new or renovated portions of buildings, intended as office or public reception areas which are adjacent to a street in the “CB-6” zoning district shall have an exterior composition or facade of not less than seventy-five percent (75%) masonry (such as brick, stone, stucco, exposed aggregate, finished concrete) or decorative material (such as copper, bronze, anodized aluminum, stainless steel, porcelain enamel, natural materials or other similar materials that do not require painting). Any wall or facade or portion of a wall or facade of such new or renovated building not enclosing office or public reception areas may use factory color-coated metal wall panels. Fasteners or exposed bolts/screws shall be painted the same factory color as the metal wall panels. Such panels shall be a minimum of twenty-six (26) gauge.

(2) Architectural decorative materials may be allowed on roofs. However, metal clad roofs that are not architecturally decorative (see subsection (1) above) or gravel roofs shall not be exposed above the horizontal line above the fascia or parapet wall in excess of a pitch of 2 in 12.

(3) Equipment, if located on the roof and more than three (3) feet in height, shall be screened from view on the horizontal plane.

(c) Loading and truck storage areas. No truck loading/unloading facilities shall be located on a building wall fronting on any interstate highway. No truck trailer or tractor parking shall be located between the front building line and the front property line for any lot with frontage along an interstate highway and interstate highway access roads.

(d) Utilities. All on-site utilities shall be located underground or be approved by the planning and zoning commission.

(e) Outdoor storage.

(1) All outside storage areas shall be behind a minimum six-foot (6') screening fence. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage areas and fencing shall be behind the front building line.

(2) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(f) Outdoor lighting. Outdoor lighting systems must be designed so as to not cause any glare on adjacent roadways and property. All light fixtures used to illuminate advertising signs or buildings shall be screened from view from the public right-of-way.

(g) Microwave and satellite dishes. Microwave dishes outside any building shall be screened. Such dishes shall not be located between the front building line, as that line extends to the side property lines, and the front property line. Nor shall dishes be located on the roof of any building in a CB-6 District wherein any portion of the dish is visible from the main lanes of the interstate highway.

(h) Landscaping.

(1) No less than ninety (90) percent of the required front yard excluding paved curb returns or driveways up to a minimum of ten (10) percent of the total development lot area shall be landscaped and permanently maintained. Interior courtyards shall not be included in the required landscaping. Buildings with a zero (0) front and side setback shall not be required to have any on-site landscaping except that when a structure with zero (0) setback has adjacent parking ten (10) percent of that parking area must be landscaped and visible from the street, either in front or elevated (ex. shrubs and trees visible over vehicles). Any landscaping placed within the visibility triangle of a corner lot must be in compliance with [section 40.02.002\(f\)\(9\)\(B\)](#) of the zoning ordinance.

(2) Off-street parking of motor vehicles immediately adjacent to any street shall be screened from the street by a two and one-half foot (2-1/2) solid fence. Such fencing shall be placed immediately adjacent to the parking area in accordance with [section 40.03.2196\(a\)](#) of this division and set back no more than six (6) feet. The area between the fence and the property line, if any, must be landscaped and permanently maintained according to the landscape section of this ordinance.

(3) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with [section 40.02.002\(f\)\(9\)\(C\)](#) of the zoning ordinance.

(4) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of

sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(5) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012; Ordinance 2018-O0091, sec. 60, adopted 8/9/2018)

Sec. 40.03.2196 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the city council.

Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic-control signs and signals, street signs, mailboxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.

(Ordinance 2012-O0070, sec. 1, adopted 7/12/2012)

Secs. 40.03.2197–40.03.2230 Reserved

Division 20. “C-4” Commercial District

Sec. 40.03.2231 Purpose

The purpose of this district is to provide for heavy retail and wholesale commercial uses which serve a city-wide or regional area. Such districts should have frontage on regional thoroughfares such as state or federal highways.

Because of the heavy commercial nature of the permitted uses, compatibility with adjacent residential areas should be carefully considered. (1983 Code, sec. 29-20(a). See end of this division for full history for this division.)

Sec. 40.03.2232 General provisions

- (a) All uses within this district shall be of a retail or wholesale sales and/or service type.
- (b) All business shall be conducted entirely within a building. Outside storage of any type shall be prohibited except as indicated. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) All warehousing shall be in conjunction with on premise retail and/or wholesale sales. All supplemental storage shall be attached to or adjacent to the principal building on the site and be subject to all requirements pertaining to the principal building.
- (d) No residential use shall be permitted in this district except as provided for in the “specific use” section of this ordinance [[division 27](#) of this article].
- (e) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (f) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(1983 Code, sec. 29-20(b). See end of this division for full history for this division.)

Sec. 40.03.2233 Permitted uses

Permitted uses in this district are the following:

- (1) Any use unconditionally permitted in the “C-2A,” “C-2” or “C-3” Districts.
- (2) Ambulance service.
- (3) Automobile body shops, outside storage limited to customer vehicles only and located behind a six (6) foot tall solid screening fence.
- (4) Automobile brake shop.
- (5) Automobile seat cover and upholstery shop.
- (6) Automobile transmission shop.
- (7) Automobile and recreational vehicles sales and service (may include body and paint shop, as accessory use). Outside display in conjunction with the on-premises sale or rental of automobiles and recreational vehicles shall be permitted subject to the regulations of this district.

- (8) Barber and beauty shop supply dealer.
- (9) Body piercing studio.
- (10) Builders supply. All materials must be in a building.
- (11) Bus station.
- (12) Café supply dealer, fixtures, used (all merchandise must be in a building).
- (13) Candy plant.
- (14) Canvas goods shop, tents and awnings (no manufacturing).
- (15) Consignment clothing store. (No outside storage or display).
- (16) Dairy supply dealer.
- (17) Electrical equipment repairs.
- (18) Feed store with no grinding, packaging, or mixing of feed permitted.
- (19) Frozen food lockers.
- (20) Furniture store, used. (All merchandise must be in a building).
- (21) Garden center. Outside display in conjunction with the on-premises sale of plant material and garden and yard equipment shall be permitted subject to the regulations of this district.
- (22) Gasoline service station. (Business permitted outside of building and outside displays of products permitted within three (3) feet of the building).
- (23) Golf driving range. (Business permitted outside of building).
- (24) Greenhouse and plant nursery. Outside display in conjunction with the on-premises sale of plant material and garden and yard equipment shall be permitted subject to the regulations of this district.
- (25) Home improvement center. All materials must be in a building. However, outside display in conjunction with the on-premises sale of plant material, garden and yard equipment, and portable storage units shall be permitted subject to the regulations of this district.
- (26) Hotel or motel.
- (27) Hot tamale plant.
- (28) Janitorial or cleaning service.
- (29) Job printing and lithographing.
- (30) Laboratory, chemical, general analysis.
- (31) Laundry, commercial.
- (32) Linen and towel supply service.
- (33) Lumber yard, with no mill. All materials must be in a building.

- (34) Magazine agency.
- (35) Monument sales (outside display permitted).
- (36) Motorcycle shop, including sales (new or used), rentals and service.
- (37) Muffler shop.
- (38) Nonprofit training centers with retail sales.
- (39) Pest control service.
- (40) Public utility installations such as, but not limited to, railroad rights-of-way and tracks, transformer stations, transmission lines, telephone exchanges, lift stations, pumping stations, but in no event shall this be construed as permitting such uses as garages and shops, railroad yards, loading yards or warehouses.
- (41) Print shop.
- (42) Produce market.
- (43) Public kennel (totally within a building).
- (44) Rental store.
- (45) Rental store, heavy equipment and trailers only. Outside display in conjunction with the on-premises rental of heavy equipment and trailers shall be permitted subject to the regulations of this district.
- (46) Restaurants, not including restaurants with the sale of alcoholic beverages as an incidental use (business permitted outside the building).
- (47) Secondhand goods store or pawnshop.
- (48) Secondhand or used car sales lot, not including wrecking and repairing, but including minor tuning. Outside display in conjunction with the on-premises sale or rental of automobiles shall be permitted subject to the regulations of this district.
- (49) Sign shops, limited to window lettering, painted wall signs, banners and desk signs.
- (50) Store fixtures sales (no manufacturing permitted).
- (51) Swimming pool, commercial (indoor and/or outdoor) or sales. Outside display in conjunction with the on-premises sale of swimming pools shall be permitted subject to the regulations of this district.
- (52) Tattoo studio.
- (53) Upholstery shop—furniture.
- (54) Veterinary hospital (totally within a building).
- (55) Wholesale house, sales office and storage—no cotton storage.
- (56) Winery tasting facility.

(1983 Code, sec. 29-20(c); Ordinance 2018-O0091, secs. 61–63, adopted 8/9/2018; Ordinance 2019-O0016, sec. 1, adopted 2/12/2019. See end of this division for full history for this division.)

Sec. 40.03.2234 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

(1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(2) Shooting galleries.

(3) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.

(1983 Code, sec. 29-20(d); Ordinance 2017-O00158, sec. 13, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.2235 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-20(e). See end of this division for full history for this division.)

Sec. 40.03.2236 Yard requirements

(a) Front yard. The minimum front yard shall be forty-three (43) feet, or no less than the average setbacks established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear and side yard. There shall be no rear or side yard requirement, except where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum side and rear yard shall be five (5) feet for any single-story structure, and ten (10) feet for any two-story structure.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-20(f); Ordinance 2017-O00159, sec. 40, adopted 12/18/2017; Ordinance 2018-O0066, sec. 60, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2237 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-20(g). See end of this division for full history for this division.)

Sec. 40.03.2238 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-20(h). See end of this division for full history for this division.)

Sec. 40.03.2239 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-20(i). See end of this division for full history for this division.)

Sec. 40.03.2240 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-20(j); Ordinance 2018-O0091, sec. 64, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2241 Height limit

There shall be no height limit, except when the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by a street or alley, the maximum height shall be twenty-four (24) feet. Provided, however, that buildings may be erected to any height when the front, side, and rear yards are increased two (2) additional feet for each foot such buildings exceed twenty-four (24) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-20(k); Ordinance 2017-O00159, sec. 41, adopted 12/18/2017; Ordinance 2018-O0066, sec. 61, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2242 Separation

(a) Any bar, cocktail lounge, private club, nightclub or dance hall shall be located a minimum of two hundred feet (200') from any residentially zoned property. (This distance shall be measured in a direct line from the nearest wall of the structure in which the use is located to the residential district line.) No bar, cocktail lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be located within six hundred feet (600') of any established bar, lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility. This distance shall be measured in a direct line from front door to front door.

(b) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-20(l); Ordinance 2018-O0091, sec. 65, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2243 Off-street parking

(a) Off-street parking—Required.

- (1) "C-2A," "C-2" and "C-3" uses—These uses shall meet the requirements of their respective districts.
- (2) The following uses shall provide one off-street parking space for each three hundred (300) square feet of gross floor area:
- (A) Automobile body shop.
 - (B) Automobile and recreational vehicle sales and service.
 - (C) Bath and bunk house.
 - (D) Barber and beauty supply dealer.
 - (E) Cafe supply dealer—Fixtures.
 - (F) Candy plant.
 - (G) Canvas goods shop, tents and awnings.
 - (H) Dairy supply dealer.
 - (I) Electrical supply dealer.
 - (J) Feed store.
 - (K) Frozen food lockers.
 - (L) Furniture store—Used.
 - (M) Hot tamale plant.
 - (N) Janitorial or cleaning service.
 - (O) Laboratory, chemical, general analysis.
 - (P) Laundry, commercial.
 - (Q) Linen and towel supply service.
 - (R) Magazine agency.
 - (S) Monument sales.
 - (T) Motorcycle shop, including sales (new or used), rentals and service.
 - (U) Pest control service.
 - (V) Public kennel.
 - (W) Rental store, heavy equipment and trailers only.
 - (X) Secondhand goods store or pawn shop.
 - (Y) Secondhand used car sales lot.
 - (Z) Sign shops.
 - (AA) Store fixture sales.

(BB) Upholstery shop–Furniture.

(CC) Wholesale sales, services, display and offices.

(3) Warehousing and/or storage in conjunction with wholesale sales and/or services–One space for each two thousand (2,000) square feet of gross floor area.

(4) Outside display areas–One space for each two thousand (2,000) square feet of gross display area.

(5) Golf driving range–Two (2) spaces for each tee box.

(6) Service station–One space for each two hundred (200) square feet of gross floor area.

(7) Restaurants (except drive-through restaurants).

(A) Restaurants not serving mixed alcoholic beverages: One (1) space for each one hundred (100) square feet of gross floor area (Except that any outside dining areas/patios with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage). Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage.

(B) Restaurants serving mixed alcoholic beverages: One (1) space for each seventy-five (75) square feet of gross floor area (except that any outside dining areas/patio with fewer than two hundred fifty (250) square feet shall not be included in the gross square footage). Any outside dining areas/patios larger than two hundred fifty (250) square feet shall have the entire area included in the gross square footage.

(8) Ambulance service–One space for each emergency vehicle plus one space for each employee.

(9) Hotels and motels–Two (2) spaces for each three (3) units, plus the required spaces for incidental or accessory uses based on the square footage devoted to those uses.

(10) Conditional uses–The required number of spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(11) All permitted uses not listed above:

(A) For freestanding buildings or shopping centers with less than fifty-five thousand (55,000) square feet of gross floor area–One (1) parking space for each one hundred seventy-five (175) square feet of gross floor area.

(B) For freestanding buildings or shopping centers with fifty-five thousand (55,000) to seventy-five thousand (75,000) square feet of gross floor area–Based on the formula:

$$1/n = 175 + 25(a - 55,000 \div 20,000)$$

Where:

1/n = The parking ratio; and

a = The gross floor area of the building(s).

- (C) For freestanding buildings or shopping centers with more than seventy-five thousand (75,000) or less than two hundred fifty thousand (250,000) square feet of gross floor area—One (1) parking space for each two hundred (200) square feet of gross floor area.
- (D) For shopping centers with two hundred fifty thousand (250,000) square feet of gross floor area or more—One (1) parking space for each two hundred (200) square feet of gross leasable area.
- (12) Winery Tasting Facility—One space for each fifty (50) square feet of gross floor area.

(b) Off-street parking—Provisions.

- (1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
- (2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.
- (A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection (4)(B) below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection (4)(C) below.
- (4) Exceptions. The following shall be exceptions to subsection (3) above:
 - (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
 - (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
 - (C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-20(m); Ordinance 2018-O0091, sec. 66, adopted 8/9/2018; Ordinance 2019-O0016, sec. 2, adopted 2/12/2019. See end of this division for full history for this division.)

Sec. 40.03.2244 Landscaping requirements

- (a) Five (5) per cent of the total development lot area shall be landscaped and permanently maintained. A minimum of three-quarters of the required landscaping shall be located between the buildings lines and the adjacent street(s). Remaining landscaped area may be located to the sides of

buildings, but shall be visible from adjacent street(s). Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-39(b)(6)i.2 [40.02.002(f)(9)(B)] of the zoning ordinance.

(b) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3 [40.02.002(f)(9)(C)] of the zoning ordinance.

(c) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(e) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-20(n); Ordinance 2018-O0091, sec. 67, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2245 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council.

Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curb-lines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the

parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-20(o). See end of this division for full history for this division.)

(Ordinance 7084, sec. 19, adopted 6/26/1975; Ordinance 7480, sec. 5, adopted 7/12/1977; Ordinance 7869, sec. 2, adopted 6/14/1979; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; Ordinance 8113, sec. 2, adopted 12/18/1980; 1983 Code, sec. 29-20; Ordinance 8356, sec. 2, adopted 9/9/1982; Ordinance 8685, sec. 1, adopted 11/8/1984; Ordinance 9055, secs. 7–9, 13, 18, 21, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9135, sec. 2, adopted 11/11/1987; Ordinance 9156, sec. 3, adopted 12/17/1987; Ordinance 9507, sec. 6, adopted 3/12/1992; Ordinance 9793, sec. 1, adopted 4/13/1995; Ordinance 2005-O0079, sec. 2, adopted 7/28/2005; Ordinance 2008-O0032, sec. 1, adopted 4/10/08; Ordinance 2008-O0067, sec. 1, adopted 7/10/2008; Ordinance 2008-O0103, sec. 11, adopted 12/4/2008; Ordinance 2009-O0058, sec. 10, adopted 7/8/2009; Ordinance 2009-O0059, sec. 12, adopted 7/8/2009; Ordinance 2010-O0058, secs. 8, 11 adopted 8/12/2010; Ordinance 2016-O0030, sec. 2, adopted 3/10/2016; Ordinance 2016-O0037, sec. 2, adopted 3/10/2016)

Secs. 40.03.2246–40.03.2350 Reserved

Division 21. Industrial Park [District]

Sec. 40.03.2351 Purpose

The purpose of this district is to provide industrial park-planned-unit-development along major thoroughfare and expressway corridors so that persons entering the city along those corridors will receive a good first impression and to maintain a quality appearance which will stabilize or increase real property values. (1983 Code, sec. 29-21(a). See end of this division for full history for this division.)

Sec. 40.03.2352 General provisions

- (a) All uses in this district shall be of light industrial type, wholesale sales, services, or industrial sales.
- (b) No residential uses shall be permitted in this district.
- (c) No use shall be injurious to the occupants of the adjacent premises or area by reason of emission of dust, smoke, odor, glare, noise, vibration, trash, water spray or similar causes.
- (d) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.
- (e) All business shall be conducted entirely within a building. Outside storage of any type shall be prohibited except as indicated. This section shall not be interpreted so as to limit the outside display of manufactured products and/or equipment ready for sale. Accessory pass-out windows and/or pickup

and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.

(1983 Code, sec. 29-21(b). See end of this division for full history for this division.)

Sec. 40.03.2353 Permitted uses lots with frontage on major thoroughfares or expressways

The following uses shall be permitted on lots with frontage on major thoroughfares or expressways.

- (1) Any use unconditionally permitted in the "IHC" (Interstate Commercial) zoning district.
- (2) Aluminum product fabrication.
- (3) Armature binding.
- (4) Bakery, wholesale.
- (5) Bottling plant.
- (5a) Brewery.
- (5b) Brewpub.
- (6) Broom manufacturing.
- (7) Cabinet or carpentry shop.
- (8) Candle manufacturing.
- (9) Candy plant.
- (10) Carpet cleaning.
- (11) Clothing manufacturing.
- (12) Cold storage warehouse.
- (13) Commercial school, including trade school.
- (14) Creamery and dairy product processing.
- (14a) Distillery.
- (15) Egg storage, egg candling, egg sorting, egg grading.
- (16) Electronic components assembly.
- (17) Glassblowing.
- (18) Hot tamale plant.
- (19) Ice cream manufacturing.
- (20) Ice manufacturing and bulk ice storage.
- (21) Insulation applicator business.
- (22) Janitorial or cleaning service.
- (23) Laboratory, chemical analysis, general analysis, physical testing.

- (24) Linen and towel service.
- (25) Machine shop.
- (26) Magazine agency.
- (27) Mattress manufacturing or mattress renovation.
- (27a) Microbrewery, microdistillery, or microwinery.
- (28) Ornamental iron works.
- (29) Paper box manufacturing and paper products manufacturing.
- (30) Pest control service.
- (31) Pharmaceutical manufacturing.
- (32) Plumbing, heating, refrigeration or air-conditioning shop.
- (33) Printing plant and/or newspaper.
- (34) Roofing contractor's shop.
- (35) Sash and door manufacturing.
- (35a) Self-storage facilities.
- (36) Sheet metal shop.
- (37) Sign shop, including section 19.3-58 {29-20(c)(58)} [\[40.03.2233\(57\)\]](#) uses.
- (38) Spray painting shop.
- (39) Store fixture manufacturing and sales.
- (40) Tortilla manufacturing.
- (41) Welding equipment and supplies.
- (42) Welding shop.
- (43) Oil and gas wells (subject to conditions of [Chapter 14 \[8\]](#), [Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).
- (44) Antennas, towers or alternative tower structures other than a radio, television or microwave broadcasting or transmission facilities approved by the planning department pursuant to the standards of administrative review provided by section 29-30(b)(8) [\[40.02.002\(h\)\]](#) herein. However, antennas or towers located on property owned by a federal, state or local government entity shall be exempt from the requirements of this chapter, provided a license, contract or lease authorizing such antenna or tower has been approved by the governing authority of the applicable governmental entity
- (44a) Wine, beer, or alcohol tasting facility.
- (45) Winery.

(1983 Code, sec. 29-21(c); Ordinance 2018-O0091, secs. 68–72, adopted 8/9/2018; Ordinance 2018-O0134, sec.

2, adopted 12/6/18. See end of this division for full history for this division.)

Sec. 40.03.2354 Permitted uses [lots not having frontage on major thoroughfares or expressways]

The following uses shall be permitted on lots not having frontage on major thoroughfares or expressways.

- (1) All uses listed in section 29-21(c). [\[40.03.2353\]](#) of this Code.
- (2) Agricultural implement and tractor sales and service.
- (3) Building materials, storage.
- (4) Contractor plan or storage yard.
- (5) Feed store.
- (6) Irrigation sales and services, including pumps and equipment. (Business permitted outside of building).
- (7) Lumber yard. (Business permitted outside of building).
- (8) Mini-warehouses.
- (9) Mobile home manufacturing.
- (10) Mobile home storage.
- (11) Moving, storage, packing of household goods, crate manufacturing.
- (12) Pump sales and service.
- (13) Road machinery sales and service. (Business permitted outside of building).
- (14) Trailer or camper manufacturing.
- (15) Trailer or truck sales, long-term leasing or service. (Business permitted outside of building).
- (16) Truck terminal, maintenance or storage.
- (17) Warehouse.
- (18) Oil and gas wells (subject to conditions of [Chapter 14 \[8\]](#), [Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code).

(1983 Code, sec. 29-21(d). See end of this division for full history for this division.)

Sec. 40.03.2355 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
- (2) Permit in any business the use of an accessory pass-out window or delivery to customers while still in their motor vehicle.

(1983 Code, sec. 29-21(e); Ordinance 2017-O00158, sec. 14, adopted 12/18/2017. See end of this

division for full history for this division.)

Sec. 40.03.2356 Specific uses

Any uses conditionally or unconditionally permitted in C-4 or M-1 zoning districts. (1983 Code, sec. 29-21(f). See end of this division for full history for this division.)

Sec. 40.03.2357 Yard requirements

(a) Front yard. For lots adjacent to major thoroughfares or expressways or both, the front lot line shall be any lot line adjacent to such thoroughfare or expressway and the minimum depth of the front yard shall be forty-three (43) feet. For all other lots, the front lot line shall be the shortest lot line adjacent to any street and the minimum depth of the front yard shall be twenty-five (25) feet.

(b) Rear and side yard. There shall be no minimum side or rear yard depth except when the lot is adjacent to any residentially zoned property, then the minimum yard depth between that adjacent lot line and the nearest part of any building shall be equal to the height of that building.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, and/or balconies, covered or uncovered, may extend four (4) feet into the required front or rear yard.

[(d) Reserved.]

(e) Separation requirements for certain uses: Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-21(g); Ordinance 2018-O0091, sec. 73, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2358 Lot width

There shall be a minimum of one (1) foot of lot width for each two (2) foot [feet] of depth. (1983 Code, sec. 29-21(h). See end of this division for full history for this division.)

Sec. 40.03.2359 Lot area

There shall be a one (1) acre minimum area for lots adjacent to major thoroughfares or expressways. All other lots shall have no minimum lot area requirements. (1983 Code, sec. 29-21(i). See end of this division for full history for this division.)

Sec. 40.03.2360 Lot depth

There shall be a two hundred (200) foot minimum lot depth, as measured from the right-of-way of a major thoroughfare or expressway, for those lots adjacent to any major thoroughfare or expressway. All other lots shall have no minimum lot depth requirements. (1983 Code, sec. 29-21(j). See end of this division for full history for this division.)

Sec. 40.03.2361 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-21(k). See end of this division for full history for this division.)

Sec. 40.03.2362 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-21(l); Ordinance 2018-O0091, sec. 74, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2363 Height limit

There shall be no height limitations other than those imposed under the Airport Zoning Regulations.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-21(m). See end of this division for full history for this division.)

Sec. 40.03.2364 Off-street parking

(a) Off-street parking—Required.

(1) Wholesale sales or services, display areas and offices - One (1) space per three hundred square feet (300 sq ft) of gross floor area.

(2) Warehousing or storage in conjunction with wholesale sales or services - One (1) space per two thousand square feet (2,000 sq ft) of gross display area.

(3) Outside display areas - One (1) space per two thousand square feet (2,000 sq ft) of gross display area.

(4) Manufacturing uses - One (1) space per one hundred seventy-five square feet (175 sq ft) of gross floor area devoted to sales, service, display, or offices; one (1) space per two thousand square feet (2,000 sq ft) of gross floor area devoted to manufacturing, plus one (1) space per two thousand square feet (2,000 sq ft) of gross floor area devoted to storage or other uses.

(5) Warehousing (storage only) or outside storage areas - One (1) space per five thousand square feet (5,000 sq ft) of gross floor area or lot area.

(6) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(7) All other permitted uses not covered above - One (1) space per one hundred seventy-five square feet (175 sq ft) of gross floor area.

(b) Off-street parking–Provisions.

(1) Any lighting of driveways or parking areas shall be so designed as not to cause any glare on any other residentially zoned area in the vicinity.

(2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-21(n); Ordinance 2018-O0091, sec. 75, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2365 Landscaping requirements

(a) Lots adjacent to major thoroughfares or expressways shall each have five (5) per cent of their respective total development lot area landscaped and permanently maintained. Other lots shall each have three (3) per cent of their respective total development lot area landscaped and permanently maintained. The total required landscaping shall be located between the building line and adjacent streets. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-30(b)(6)i.2 [[40.02.002](#)(f)(9)(B)] of this zoning ordinance.

(b) The parkway area shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3 [[40.02.002](#)(f)(9)(C)] of this zoning ordinance.

(c) All landscaped areas on the development tract and adjacent parkway shall have immediate

availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(d) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-21(o). See end of this division for full history for this division.)

Sec. 40.03.2366 Signs

Signs shall be regulated pursuant to the C-4 regulations of Section 23 {29-26} [[article 40.04, division 1](#)] of this Code. (1983 Code, sec. 29-21(p). See end of this division for full history for this division.)

Sec. 40.03.2367 Outside storage

(a) All outside storage areas shall be behind a screening fence six feet (6') in height. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage areas and fencing shall be behind the front building line towards the interior of the lot.

(b) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-21(q); Ordinance 2018-O0091, sec. 76, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2368 Loading and truck storage areas

(a) No truck loading/unloading areas shall be located on a building wall fronting on a major thoroughfare or expressway; lots without frontage on a major thoroughfare or expressway shall have no such regulation.

(b) No truck trailer or truck tractor parking shall be located between the front building line and the front property line for any lot with frontage on a major thoroughfare or expressway; other lots shall have no such regulation.

(1983 Code, sec. 29-21(r). See end of this division for full history for this division.)

Sec. 40.03.2369 Alleys

All alleys required by plat shall be paved pursuant to Section 28-80 {24-164} [[36.08.004](#)] of the City of Lubbock Code of Ordinances. (1983 Code, sec. 29-21(s). See end of this division for full history for this division.)

Sec. 40.03.2370 Building materials and construction

(a) A half-cylinder building shall not be permitted.

(b) Galvanized, corrugated sheet metal walls shall not be permitted.

(c) All buildings located on lots adjacent to major thoroughfares or expressways shall have an exterior composition or facade, on each wall fronting on any such thoroughfare or expressway, of not less than

30% (per wall) of wood, brick, stucco, aggregate stone, natural stone or glass (exclusive of doors and windows).

(1983 Code, sec. 29-21(t). See end of this division for full history for this division.)

Sec. 40.03.2371 Site plan and review

No building permit shall be issued until the Planning and Zoning Commission has reviewed a site plan for the building site and has approved the same as showing the following details:

- (1) Scale and North arrow.
- (2) Dimensions of all lots, yards and driveways.
- (3) Off-street parking spaces and all private driveways.
- (4) Landscaping details.
- (5) Building area.
- (6) Loading/unloading areas.
- (7) Outside storage areas and required fences.
- (8) Ingress and egress.
- (9) Location of free-standing signs.
- (10) Elevations showing building height, location and type of required building materials.

(1983 Code, sec. 29-21(u). See end of this division for full history for this division.)

Sec. 40.03.2372 Vision clearance

- (a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.
- (b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.
- (c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above

ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-21(v). See end of this division for full history for this division.)

(Ordinance 7597, sec. 3, adopted 2/9/1978; Ordinance 9014, secs. 1, 2, adopted 10/9/1980; 1983 Code, sec. 29-21; Ordinance 8233, secs. 8, 9, adopted 9/24/1981; Ordinance 9055, secs. 7–9, 14, 18, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9705, secs. 5–7, adopted 5/19/1994; Ordinance 9942, sec. 3, adopted 10/10/1996; Ordinance 2009-O0058, sec. 11, adopted 7/8/2009; Ordinance 2009-O0059, sec. 13, adopted 7/8/2009; Ordinance 2010-O0058, secs. 4, 6, 12, adopted 8/12/2010)

Secs. 40.03.2373–40.03.2480 Reserved

Division 22. “M-1” Light Manufacturing District

Sec. 40.03.2481 Purpose

The purpose of this district is to provide for light industrial uses and those commercial uses requiring outside storage and display. The regulations are designed to provide for a mixture of heavy commercial and light industrial or manufacturing uses with proper standards to encourage attractive working areas for citizens. (1983 Code, sec. 29-22(a). See end of this division for full history for this division.)

Sec. 40.03.2482 General provisions

- (a) All uses in this district shall be of a commercial, light manufacturing or light industrial type.
- (b) All business shall be conducted entirely within a building. Outside display and/or storage shall be permitted, however, when proposed development in this district is located adjacent to any commercially or residentially zoned district, on each side or to the rear, even if separated by an alley, all outside storage of materials shall be screened by a six-foot solid screening fence of wood or masonry construction or an equivalent landscape screen. Said screen shall be permanently maintained. This section shall not be interpreted so as to limit the outside display of manufactured products and/or equipment ready for sale. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) No residential use shall be permitted in this district.
- (d) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (e) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of

such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(1983 Code, sec. 29-22(b). See end of this division for full history for this division.)

Sec. 40.03.2483 Permitted uses

Permitted uses in this district are the following:

- (1) Any use unconditionally permitted in the “C-4” District.
- (2) Agriculture implement and tractor sales and service (totally within a building).
- (3) Aluminum products, fabrication of.
- (4) Armature winding.
- (5) Automobile body shops, outside storage limited to customer vehicles only.
- (6) Automobile and recreational vehicles sales (new or used) and service (may include body and paint shop, as accessory use). Outside display in conjunction with the on-premises sale or rental of automobiles and recreational vehicles shall be permitted subject to the regulations of this district.
- (7) Bakery–Commercial.
- (8) Blacksmithing or horseshoeing.
- (9) Boat and boat trailer sales (new or used) and service. Outside display in conjunction with the on-premises sale or rental of boats and boat trailers shall be permitted subject to the regulations of this district.
- (10) Bottling works.
- (11) Broom manufacturing.
- (12) Building materials, storage.
- (13) Bus terminal, maintenance shop.
- (14) Cabinet or carpentry shop.
- (15) Candle manufacturing.
- (16) Carpet cleaning.
- (17) Cheese manufacturing.
- (18) Clothing manufacturing.
- (19) Cold storage plant.
- (20) Commercial private clubs and teenage clubs.
- (21) Commercial schools, including mechanical and trade.
- (22) Contractor plant or storage yard.
- (23) Creamery and dairy products manufacturing.

- (24) Dance hall (no mixed alcoholic beverage sales permitted).
- (25) Egg storage, candling or processing plant.
- (26) Electronic components assembly.
- (27) Feed store.
- (28) Fruit and vegetable canning or preserving manufacture—not otherwise classified.
- (29) Game room, pool, billiard and/or domino parlor.
- (30) Garage, public, repair. (Outside storage of customer automobiles authorized.) All work and separate parts shall be inside a building.
- (31) Glassblowing.
- (32) Ice cream manufacturing.
- (33) Ice manufacturing and bulk dry ice storage.
- (34) Insulation applicator.
- (35) Irrigation sales and services, including pumps and equipment. (Business permitted outside of building).
- (36) Laboratory, physical testing.
- (37) Lumber yard. (Business permitted outside of building).
- (38) Machine shop.
- (39) Mattress manufacture or renovation.
- (40) Meat processing plant, with no slaughter.
- (41) Mini-warehouses.
- (42) Mobile home manufacturing.
- (43) Mobile home sales.
- (44) Mobile home storage.
- (45) Monument manufacture.
- (46) Moving, storage, packing, manufacturing and crating of household goods.
- (47) Nightclub, bar or lounge.
- (48) Ornamental iron works.
- (49) Paper box and paper products manufacture.
- (50) Pharmaceutical manufacture.
- (51) Planing mill.
- (52) Plumbing, heating, refrigeration, or air-conditioning business.

- (53) Portable building sales (fully constructed). Outside display in conjunction with the on-premises sale of fully constructed portable buildings shall be permitted subject to the regulations of this district.
- (54) Prefabricated or ready-built house or portable building manufacturing and sales. (Business permitted outside of building).
- (55) Printing plant and/or newspaper.
- (56) Produce market. (Business permitted outside of building.)
- (57) Pump sales and service.
- (58) Road machinery sales and service (totally within a building).
- (59) Roofing contractor's shop.
- (60) Sash and door manufacture.
- (61) Secondhand or used car sales lot, not including wrecking and repairing, but including minor tuning. Outside display in conjunction with the on-premises sale or rental of automobiles shall be permitted subject to the regulations of this district.
- (62) Sheet metal workshop.
- (63) Sign shop.
- (64) Spray painting.
- (65) Stack lot.
- (66) Store fixture manufacturing.
- (67) Tire recapping and vulcanizing.
- (68) Trailer and Class 7 and larger Heavy Duty truck, as that term is defined by the United States Federal Highway Administration and the United States Environmental Protection Agency, sales, rental or service. Outside display in conjunction with the on-premises sale or rental of trailers and trucks shall be permitted subject to the regulations of this district.
- (69) Trailer or camper manufacture.
- (70) Truck or railway freight terminal depot or station.
- (71) Truck and bus terminal maintenance or storage shops.
- (72) Truck stop.
- (73) Warehouse.
- (74) Welding equipment and supplies (acetylene).
- (75) Welding shop.
- (76) Antennas, towers or alternative tower structures other than a radio, television or microwave broadcasting or transmission facilities approved by the planning department pursuant to the standards

of administrative review provided by [section 40.02.002\(h\)](#) herein. However, antennas or towers located on property owned by a federal, state or local government entity shall be exempt from the requirements of this chapter, provided a license, contract or lease authorizing such antenna or tower has been approved by the governing authority of the applicable governmental entity.

(77) Winery.

(1983 Code, sec. 29-22(c); Ordinance 2018-O0091, secs. 77–81, adopted 8/9/2018; Ordinance 2019-O0016, sec. 3, adopted 2/12/2019. See end of this division for full history for this division.)

Sec. 40.03.2484 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
- (2) Auction sales. (No livestock.)
- (3) Central power and lighting plant.
- (4) Electroplating.
- (5) Carnivals or circuses (subject to conditions of section 3-2 et seq. [\[article 8.03\]](#), of this Code of Ordinances).
- (6) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.

(1983 Code, sec. 29-22(d); Ordinance 2017-O00158, sec. 15, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.2485 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [\[division 27\]](#) of this article. (1983 Code, sec. 29-22(e). See end of this division for full history for this division.)

Sec. 40.03.2486 Yard requirements

- (a) Front yard. The minimum front yard shall be ten (10) feet, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be ten (10) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).
- (b) Rear and side yard. There shall be no rear or side yard requirement, except where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum side and rear yard shall be five (5) feet for any single-story structure and ten (10) feet for any two-story structure.
- (c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-22(f); Ordinance 2017-O00159, sec. 42, adopted 12/18/2017; Ordinance 2018-O0066, sec. 62, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2487 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-22(g). See end of this division for full history for this division.)

Sec. 40.03.2488 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-22(h). See end of this division for full history for this division.)

Sec. 40.03.2489 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-22(i). See end of this division for full history for this division.)

Sec. 40.03.2490 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-22(j); Ordinance 2018-O0091, sec. 82, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2491 Height limit

There shall be no height limit, except when the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by a street or alley, the maximum height shall be twenty-four (24) feet. Provided, however, that buildings may be erected to any height when the front, side, and rear yards are increased two (2) additional feet for each foot such buildings exceed twenty-four (24) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-22(k); Ordinance 2017-O00159, sec. 43, adopted 12/18/2017; Ordinance 2018-O0066, sec. 63, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2492 Separation

(a) Any bar, cocktail lounge, private club, nightclub or dance hall shall be located a minimum of two hundred feet (200') from any residentially zoned property. (This distance shall be measured in a direct line from the nearest wall of the structure in which the use is located to the residential district line.) No bar, cocktail lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery,

microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be located within six hundred feet (600') of any established bar, lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility. This distance shall be measured in a direct line from front door to front door.

(b) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-22(l); Ordinance 2018-O0091, sec. 83, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2493 Off-street parking

(a) Off-street parking—Required.

(1) C-4 uses—These uses shall meet the parking requirements of the C-4 District.

(2) Wholesale sales and/or services, display areas and offices—One space for each three hundred (300) square feet of gross floor area.

(3) Warehousing and/or storage in conjunction with wholesale sales and/or services. One space for each two thousand (2,000) square feet of gross floor area.

(4) Outside display areas—One space for each two thousand (2,000) square feet of gross display area.

(5) Manufacturing uses—One space for each one hundred and seventy-five (175) square feet of gross floor area devoted to sales, service, display and/or offices, one space for each two thousand (2,000) square feet of gross floor area devoted to manufacturing plus one space for each two thousand (2,000) square feet of gross floor area devoted to storage and other uses.

(6) Warehousing (storage only) and/or outside storage areas—One space for each five thousand (5,000) square feet of gross floor area or outside storage area.

(7) Commercial schools—One space for each one hundred (100) square feet of gross floor area.

(8) Conditional uses—The number of required spaces shall be set by the zoning board of adjustment, based on the requirements for that use or similar type uses in this or other districts.

(9) Winery—One space for each one hundred and seventy-five (175) square feet of gross floor area devoted to sales, service, display and/or offices, one space for each two thousand (2,000) square feet of gross floor area devoted to manufacturing plus one space for each two thousand (2,000) square feet of gross floor area devoted to storage and other uses.

(10) Commercial private clubs and teenage clubs, dance halls, nightclubs, bars and lounges, game rooms, pool/billiard halls and domino parlors—One space for each fifty (50) square feet of gross floor area.

(11) Mobile home sales—One space for each three hundred (300) square feet of gross floor area.

(12) Portable building sales—One space for each three hundred (300) square feet of gross floor area.

(13) Road machinery sales or service—One space for each three hundred (300) square feet of gross floor area.

(b) Off-street parking—Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d., exception 2. [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d., exception 3. [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c. [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident on his lot while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-22(m); Ordinance 2018-O0091, sec. 84, adopted 8/9/2018; Ordinance 2019-O0016, sec. 4, adopted 2/12/2019. See end of this division for full history for this division.)

Sec. 40.03.2494 Landscaping requirements

(a) The parking area shall be landscaped and permanently maintained or a six-foot, curb back sidewalk shall be installed. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3 [[40.02.002\(f\)\(9\)\(C\)](#)] of the zoning ordinance.

(b) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway

irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(c) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(d) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-22(n); Ordinance 2018-O0091, sec. 85, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2495 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-22(o). See end of this division for full history for this division.)

(Ordinance 7084, sec. 20, adopted 6/26/1975; Ordinance 7671, secs. 4, 6, adopted 6/8/1978; Ordinance 9014, sec. 2, adopted 10/9/1980; 1983 Code, sec. 29-22; Ordinance 8136, sec. 1, adopted 2/12/1981; Ordinance 8464, sec. 3, adopted 7/28/1983; Ordinance 8685, sec. 1, adopted 11/8/1984; Ordinance 9055, secs. 7–9, 15, 20, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9507, sec. 7, adopted 3/12/1992; Ordinance 9942, sec. 3, adopted 10/10/1996; Ordinance 2009-O0058, sec. 12, adopted 7/8/2009; Ordinance 2009-O0059, sec. 14, adopted 7/8/2009; Ordinance 2010-O0058, secs. 3, 7, adopted 8/12/2010)

Secs. 40.03.2496–40.03.2600 Reserved

Division 23. “M-2” Heavy Manufacturing District

Sec. 40.03.2601 Purpose

The purpose of this district is to provide for those uses defined as heavy industrial and/or manufacturing use which will or may produce off-site noise, odor, or dust. The regulations are designed to provide standards for proper on-site development and to protect the environmental quality of adjacent areas and the city in general. (1983 Code, sec. 29-23(a). See end of this division for full history for this division.)

Sec. 40.03.2602 General provisions

- (a) No residential use shall be permitted in this district.
- (b) All business shall be conducted entirely within a building. Outside display and/or storage shall be permitted, however, when proposed development in this district is located adjacent to any commercially or residentially zoned district, on each side or to the rear, even if separated by an alley, all outside storage of materials shall be screened by a six-foot solid screening fence of wood or masonry construction or an equivalent landscape screen. Said screen shall be permanently maintained. This section shall not be interpreted so as to limit the outside display of manufactured products and/or equipment ready for sale. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (d) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening. When the proposed development fronts into residentially zoned property, all outside storage and/or display areas shall be screened along the fronting property line by a six-foot solid wood or masonry screening fence. Said screening fence shall be permanently maintained.

(1983 Code, sec. 29-23(b). See end of this division for full history for this division.)

Sec. 40.03.2603 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the "M-1" District.
- (2) Aluminum manufacture.
- (3) Asphalt storage, liquid or solid.
- (4) Bag cleaning.
- (5) Bag and bagging.
- (6) Blast furnace.
- (7) Boiler making, repairing and boiler work.
- (8) Brick, tile, pottery or terra cotta manufacturing. (Business permitted outside of building).
- (9) Carnivals or circuses (subject to conditions of section 3-2 et seq. [\[article 8.03\]](#) of this Code of Ordinances).
- (10) Concrete batching or transient mix plant. (Business permitted outside of building).
- (11) Concrete products manufacturing.
- (12) Cooperage works.
- (13) Corrugated metal manufacture.
- (14) Cotton storage.
- (15) Die casting manufacture.
- (16) Electric power plant.
- (17) Emery cloth and sandpaper manufacture.
- (18) Feed grinding and processing.
- (19) Flour mill.
- (20) Food products manufacture, unless otherwise classified.
- (21) Forge plant.
- (22) Grain elevator and storage.
- (23) Gravel crushing, screening and washing. (Business permitted outside of building).
- (24) Milling, custom.
- (25) Model airplane center or go-cart track. (Business permitted outside of building).
- (26) Oil well equipment sales, service and/or storage.
- (27) Paper (waste) and rag processing and storage.
- (28) Railroad roundhouse or shops.
- (29) Railroad yards.

- (30) Refrigerator manufacture.
- (31) Rock crusher. (Business permitted outside of building).
- (32) Rolling mill.
- (33) Salt works.
- (34) Sandblasting.
- (35) Scrap paper or rag storage.
- (36) Septic tank service.
- (37) Shoe polish manufacture.
- (38) Steel fabrication plant.
- (39) Stone cutting.
- (40) Storage or baling of rags.
- (41) Tank manufacture. (Business permitted outside of building).
- (42) Textile manufacturing.
- (43) Tile roofing manufacture. (Business permitted outside of building).
- (44) Yeast plant.

(1983 Code, sec. 29-23(c). See end of this division for full history for this division.)

Sec. 40.03.2604 Conditional uses

The following uses may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
- (2) Auction sales, excluding livestock auction sales.
- (3) Central power and lighting plant.
- (4) Electroplating.
- (5) Carnivals or circuses, subject to conditions of [article 8.03](#).
- (6) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.

(1983 Code, sec. 29-23(d); Ordinance 2017-O00158, sec. 16, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.2605 Specific use

To provide limited flexibility for modern urban design, additional uses in this district are provided in the “specific use” section of this ordinance [[division 27](#) of this article]. (1983 Code, sec. 29-23(e). See end of this division for full history for this division.)

Sec. 40.03.2606 Yard requirements

(a) Front yard. The minimum front yard shall be ten (10) feet, or no less than the average setback established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be ten (10) feet. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear and side yard. There shall be no rear or side yard requirements, except where the property is adjacent to any "RR," "R-1," "R-1A," or "R-2" zoned property, even if separated by an alley, the minimum side and rear yard shall be five (5) feet for any single-story structure, and ten (10) feet for any two-story structure.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-23(f); Ordinance 2017-O00159, sec. 44, adopted 12/18/2017; Ordinance 2018-O0066, sec. 64, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2607 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-23(g). See end of this division for full history for this division.)

Sec. 40.03.2608 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-23(h). See end of this division for full history for this division.)

Sec. 40.03.2609 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-23(i). See end of this division for full history for this division.)

Sec. 40.03.2610 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-23(j); Ordinance 2018-O0091, sec. 86, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2611 Height limit

There shall be no height limit, except when the property is adjacent to any "RR," "R-1," "R-1A," or "R-2" zoned property, even if separated by a street or alley, the maximum height shall be fifty (50) feet. Provided, however, that buildings may be erected to any height when the front, side and rear yards are increased two (2) additional feet for each foot such buildings exceed fifty (50) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building,

and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-23(k); Ordinance 2017-O00159, sec. 45, adopted 12/18/2017; Ordinance 2018-O0066, sec. 65, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2612 Separation

(a) Any bar, cocktail lounge, private club, nightclub or dance hall shall be located a minimum of two hundred feet (200') from any residentially zoned property. (This distance shall be measured in a direct line from the nearest wall of the structure in which the use is located to the residential district line.) No bar, cocktail lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be located within six hundred feet (600') of any established bar, lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility. This distance shall be measured in a direct line from front door to front door.

(b) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-23(l); Ordinance 2018-O0091, sec. 87, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2613 Off-street parking

(a) Off-street parking—Required.

(1) “C-4” and “M-1” uses—These uses shall meet the requirements of their respective districts.

(2) Wholesale sales and/or services, display areas and offices—One space for each three hundred (300) square feet of gross floor area.

(3) Warehousing and/or storage in conjunction with wholesale sales and/or services—One space for each two thousand (2,000) square feet of gross floor area.

(4) Outside display areas—One space for each two thousand (2,000) square feet of gross display area.

(5) Manufacturing uses—One space for each one hundred and seventy-five (175) square feet of gross floor area devoted to sales, service, display and/or offices, one space for each two thousand (2,000) square feet of gross floor area devoted to manufacturing plus one space for each two thousand (2,000) square feet of gross floor area devoted to storage and other uses.

(6) Warehousing (storage only) and/or outside storage areas—One space for each five thousand (5,000) square feet of gross floor area or lot area.

(7) Conditional uses—The number of required spaces shall be set by the zoning board of adjustment,

based on the requirements for that use or similar type uses in this or other districts.

(8) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(b) Off-street parking—Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for the off-street parking areas shall be submitted to be checked and approved as to number of spaces, access and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(1983 Code, sec. 29-23(m); Ordinance 2018-00091, sec. 88, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2614 Landscaping requirements

(a) The parking area shall be landscaped and permanently maintained or a six-foot, curb back sidewalk shall be installed. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3 [40.02.002(f)(9)(C)] of the zoning ordinance.

(b) All landscaped areas on the development tract and adjacent parkway shall have immediate

availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(c) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(d) All outside storage areas for any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(1983 Code, sec. 29-23(n); Ordinance 2018-O0091, sec. 89, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2615 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of

vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-23(o). See end of this division for full history for this division.)

(Ordinance 7084, sec. 21, adopted 6/26/1975; Ordinance 7671, sec. 4, adopted 6/8/1978; Ordinance 9014, sec. 2, adopted 10/9/1980; 1983 Code, sec. 29-23; Ordinance 8464, sec. 4, adopted 7/28/1983; Ordinance 8685, sec. 1, adopted 11/8/1984; Ordinance 9055, secs. 7–9, 15, 20, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9507, secs. 8, 9, adopted 3/12/1992; Ordinance 2009-O0058, sec. 13, adopted 7/8/09; Ordinance 2009-O0059, sec. 15, adopted 7/8/2009)

Secs. 40.03.2616–40.03.2720 Reserved

Division 24. “IHO” Interstate Highway Office District

Sec. 40.03.2721 Purpose

The purpose of this district is to provide for quality office development through proper planning and design. The standards and uses are intended to produce an attractive environment which will ensure the compatibility of offices and adjacent uses, as well as encourage and protect future development. Special consideration shall be given building height for developments adjacent to Mackenzie State Park, the Yellowhouse Canyon Lakes, and the Central Business District. When proposed development in this district is adjacent to any residentially zoned property, design standards and site planning shall provide for maximum compatibility with the adjacent development. (1983 Code, sec. 29-23.1(a). See end of this division for full history for this division.)

Sec. 40.03.2722 General provisions

- (a) All commercial uses within this district shall be office uses with permitted accessory uses.
- (b) Accessory uses shall be located and designed to provide compatibility with the primary use and shall be for the convenience of the occupants and their clientele.
- (c) No residential use shall be permitted in this district except as provided for in the “Specific Use” section of this code at section 29-24(c)(1) and (2) [[40.03.3103](#)(a) and (b)].
- (d) No use shall otherwise be permitted which is or would reasonably be injurious to the occupants of the adjacent premises or area or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (e) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.
- (f) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited. Accessory pass-out windows and/or pickup and delivery to customers while still

in their motor vehicles shall be prohibited unless specifically allowed by this code.

(g) Site plan requirement. No construction permit shall be issued within the IHO District until a site plan as required by this section [division] has been approved. The proponent shall provide the site plan.

(h) Signs shall be permitted within the provisions of section 29-26 [[article 40.04, division 1](#)] of this Code.

(1983 Code, sec. 29-23.1(b). See end of this division for full history for this division.)

Sec. 40.03.2723 Permitted uses

[Permitted uses in this district are the following:]

(1) Offices.

(2) Restaurants, when designed for service and consumption of food inside the building only, and as an accessory use within an office building. No pass-through windows for delivery of food to be consumed off premises shall be permitted.

(3) Restaurants with sales of mixed alcoholic beverages as an “incidental use” as outlined in (2) above.

(4) Semi-public uses such as YMCA, YWCA, boy scouts, girl scouts, boys clubs, and little theaters.

(5) Oil and gas wells (subject to conditions of [Chapter 14 \[8\], Article VI \[8.07\]](#), Oil and Gas Drilling, of this Code.)

(6) Brewpub.

(7) Microbrewery, microdistillery, or microwinery.

(1983 Code, sec. 29-23.1(c); Ordinance 2018-O0091, secs. 90–91, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2724 Conditional uses

The following use may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.

(1983 Code, sec. 29-23.1(d); Ordinance 2017-O00158, sec. 17, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.2725 Yard requirements

(a) Front yard. The minimum front yard shall be forty-three (43) feet, or no less than the average setbacks established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section shall not be construed to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear and side yard. There shall be no rear or side yard requirement; except the minimum rear or side yard shall be ten (10) feet for any two-story structure if the property is adjacent to any “RR,” “R-1,”

“R-1A,” or “R-2” zoned property, even if separated by an alley.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-23.1(e); Ordinance 2017-O00159, sec. 46, adopted 12/18/2017; Ordinance 2018-O0066, sec. 66, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2726 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-23.1(f). See end of this division for full history for this division.)

Sec. 40.03.2727 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-23.1(g). See end of this division for full history for this division.)

Sec. 40.03.2728 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-23.1(h). See end of this division for full history for this division.)

Sec. 40.03.2729 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-23.1(i); Ordinance 2018-O0091, sec. 92, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2730 Height limit

There shall be a maximum height limit of two (2) stories, not exceeding a total height of twenty-four (24) feet. When adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” district, even if separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-23.1(j); Ordinance 2017-O00159, sec. 47, adopted 12/18/2017; Ordinance 2018-O0066, sec. 67, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2731 Off-street parking

(a) Office uses shall provide one (1) space for each two hundred (200) square feet of net leasable floor area.

- (b) Restaurants shall provide one (1) space for each one hundred (100) square feet of gross floor area.
- (c) Restaurants serving mixed alcoholic beverages shall provide one (1) space for each seventy-five (75) square feet of gross floor area.
- (d) Semi-public uses such as YMCA, YWCA, [boy and girl] scouts, boys clubs, and little theaters shall provide one (1) space for each five hundred (500) square feet of activity area such as gymnasium or swimming pools plus one (1) space for each two hundred (200) square feet of other building areas.
- (e) Provisions.
 - (1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
 - (2) Plans for off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
 - (3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.
 - (A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.
 - (4) Exceptions. The following shall be exceptions to subsection c [(3)] above:
 - (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
 - (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
 - (C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.
- (f) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(1983 Code, sec. 29-23.1(k); Ordinance 2018-O0091, sec. 93, adopted 8/9/2018. See end of this division for full

history for this division.)

Sec. 40.03.2732 Site plan defined

Site plans submitted under the provisions of this section [division] shall include the following information:

- (1) Developer's name and project title.
- (2) North arrow and scale used.
- (3) All property lines.
- (4) All streets, alleys and easements, both existing and proposed.
- (5) Dimensions of buildings and structures.
- (6) Elevation drawing of proposed structures, including architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot.
- (7) Building height and setback from adjacent right-of-way lines.
- (8) Proposed ingress and egress to property, traffic flow and control, and access for emergency vehicles.
- (9) Off-street parking and loading areas.
- (10) Location and description of all utilities, existing and proposed.
- (11) Type, dimension, and character of proposed screening and buffering.
- (12) Location and design of signs, existing and proposed.
- (13) Outdoor lighting.
- (14) Landscape plan for the development lot and parkway, including irrigation system.

(1983 Code, sec. 29-23.1(l). See end of this division for full history for this division.)

Sec. 40.03.2733 Site plan review process

Prior to issuance of a construction permit, a site plan shall be submitted to the codes administrator which contains each item noted at 29-23.1(l) [[section 40.03.2732](#)]. The codes administrator or designated representative shall determine that the proposed development meets the letter and intent of this section [division] by review of the site plan. Should a difference of opinion about compliance arise between a proponent and codes administration, the site plan shall be placed on the next available agenda of the planning commission as "other business" for resolution. (1983 Code, sec. 29-23.1(m). See end of this division for full history for this division.)

Sec. 40.03.2734 Development standards

(a) Ingress/egress.

- (1) There shall be no less than twenty-five (25) feet between driveway cuts along interstate highway frontage roads, regardless of lot or tract lines and/or ownership.
- (2) When conditions warrant, the planning and zoning commission may require the proponent to dedicate and construct right-hand turn lanes along interstate highway frontage roads to aid ingress/egress to developing property.

(b) Building materials and construction.

- (1) On each wall adjacent to a street in the IHO District, all new buildings and those proposed for exterior renovation shall have an exterior composition or facade of not less than seventy-five (75) percent masonry (such as brick, stone, stucco, exposed aggregate, finished concrete or decorative concrete block), wood, glass or architectural decorative material (such as copper, bronze, anodized aluminum, stainless steel, porcelain enamel, natural materials or other similar materials that do not require painting).
 - (2) Architectural decorative materials may be allowed on roofs. However, metal clad roofs that are not architecturally decorative (see a. [(1)] above) or gravel roofs shall not be exposed above the horizontal line above the fascia or parapet wall in excess of a pitch of 1/2 in 12.
 - (3) Equipment, if located on the roof and more than three (3) feet in height, shall be screened from view on the horizontal plane.
- (c) Loading and truck storage areas. No truck loading/unloading facilities shall be located on a building wall fronting on any interstate highway. No truck trailer or tractor parking shall be located between the front building line and the front property line for any lot with frontage along an interstate highway and interstate highway access roads.
- (d) Utilities. All on-site utilities shall be located underground or be approved by the planning and zoning commission.
- (e) Outside storage.
- (1) Unless otherwise provided for in this section, no outside storage allowed shall be allowed in this district.
 - (2) Outside storage areas shall be allowed for any brewpub, microbrewery, microdistillery, or microwinery, as long as such storage area shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.
- (f) Outdoor lighting. Outdoor lighting systems must be designed so as to not cause any glare on adjacent roadways and property. All light fixtures used to illuminate advertising signs or buildings shall be screened from view from the public right-of-way.
- (g) Microwave and satellite dishes. Microwave dishes outside any building shall be screened. Such dishes shall not be located between the front building line, as that line extends to the side property lines, and the front property line. Nor shall dishes be located on the roof of any building in an IHO District wherein any portion of the dish is visible from the main lanes of the interstate highway.
- (h) Landscaping requirements.
- (1) Ten (10) percent of the total development lot area for tracts that abut the interstate or interstate service roads shall be landscaped and permanently maintained. All other parcels within an Interstate

Zone District shall have five (5) percent of the total development lot area landscaped and permanently maintained. A minimum of one-half of the required landscaping shall be located between the building lines and the adjacent streets. Landscape area in excess of one-half may be located to the sides of buildings, but shall be visible from adjacent streets. Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-30(b)(6)i.2. [\[40.02.002\(f\)\(9\)\(B\)\]](#) of the Zoning Ordinance.

(2) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3. [\[40.02.002\(f\)\(9\)\(C\)\]](#) of the Zoning Ordinance.

(3) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(4) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred and twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(i) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-23.1(n); Ordinance 2018-O0091, secs. 94–95, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2735 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or

constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-23.1(o). See end of this division for full history for this division.)

(1983 Code, sec. 29-23.1; Ordinance 8866, sec. 4, adopted 1/9/1986; Ordinance 8888, sec. 3, adopted 2/13/1986; Ordinance 9055, secs. 7–9, 16, 18, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9190, secs. 1–5, adopted 4/14/1988; Ordinance 9507, sec. 10, adopted 3/12/1992; Ordinance 2009-O0059, sec. 16, adopted 7/8/2009)

Secs. 40.03.2736–40.03.2840 Reserved

Division 25. “IHC” Interstate Highway Commercial District

Sec. 40.03.2841 Purpose

The purpose of this district is to provide for quality commercial office, retail and wholesale uses which serve a city-wide or regional area. Such uses require careful consideration when adjacent to residential areas. Special consideration shall be given building height for developments adjacent to Mackenzie State Park, the Yellowhouse Canyon Lakes, and the Central Business District. (1983 Code, sec. 29-23.2(a). See end of this division for full history for this division.)

Sec. 40.03.2842 General provisions

- (a) All uses within this district shall be of office, retail, wholesale sales, and/or service uses.
- (b) No residential use shall be permitted in this district.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the occupants of the adjacent premises or area or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (d) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.
- (5) All business shall be conducted entirely within a building. Outside storage of any type shall be prohibited except as indicated. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.

(f) All warehousing shall be in conjunction with on premise retail and/or wholesale sales. All supplemental storage shall be attached to or adjacent to the principal building on the site and be subject to all requirements pertaining to the principal building.

(g) Site plan requirement. No construction permit shall be issued within the IHC District until a site plan as required by this section [division] has been approved. The proponent shall provide the site plan.

(h) Signs shall be permitted within this district in accordance with section 29-26 [[article 40.04, division 1](#)] of this Code.

(1983 Code, sec. 29-23.2(b). See end of this division for full history for this division.)

Sec. 40.03.2843 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the “C-2A”, “C-2”, “C-3” or “IHO” Districts.
- (2) Agriculture implement and tractor sales and service (totally within a building).
- (3) Ambulance service.
- (4) Automobile body shops, outside storage limited to customer vehicles only.
- (5) Automobile brake shop.
- (6) Automobile glass shop.
- (7) Automobile seat cover and upholstery shop.
- (8) Automobile transmission shop.
- (9) Automobile and recreational vehicles sales and service (may include body and paint shop, as accessory use). Outside display in conjunction with the on premises sale or rental of automobiles shall be permitted subject to the regulations of this district.
- (10) Barber and beauty shop supply dealer.
- (11) Boat and boat trailer sales and service. Outside display in conjunction with the on premises sale or rental of automobiles shall be permitted subject to the regulations of this district.
- (11a) Body piercing studio.
- (11b) Brewpub.
- (12) Builders supply. All materials must be in a building.
- (13) Bus station.
- (14) Cafe supply dealer, fixtures.
- (15) Candy plant.
- (16) Canvas goods shop, tents and awnings (no manufacturing).
- (17) Commercial private clubs and teenage clubs.
- (18) Consignment clothing store. (No outside storage or display).

- (19) Dairy supply dealer.
- (20) Dance hall (no mixed alcoholic beverage sales permitted).
- (21) Electrical equipment repairs.
- (22) Feed store with no grinding, packaging, or mixing of feed permitted.
- (23) Frozen food lockers.
- (24) Furniture store, used. (All merchandise must be in a building).
- (25) Game room, pool, billiard and/or domino parlor.
- (26) Garage, public, repair. (Outside storage of customer automobiles authorized). All work and separate parts shall be inside a building.
- (27) Garden center. Outside display in conjunction with the on premises sale or rental of automobiles shall be permitted subject to the regulations of this district.
- (28) Gasoline service station. (Business permitted outside of building and outside displays of products permitted within three (3) feet of the building).
- (29) Golf driving range. (Business permitted outside of building).
- (30) Greenhouse and plant nursery. Outside display in conjunction with the on premises sale or rental of automobiles shall be permitted subject to the regulations of this district.
- (31) Home improvement center. All materials must be in a building. However, outside display in conjunction with the on premises sale of plant material and garden and yard equipment shall be permitted subject to the regulation of this district.
- (32) Hotel or motel.
- (33) Hot tamale plant.
- (34) Janitorial or cleaning service.
- (35) Job printing and lithographing.
- (36) Laboratory, chemical, general analysis.
- (37) Laundry, chemical.
- (38) Linen and towel supply service.
- (39) Lumber yard, with no mill. All materials must be in a building.
- (40) Magazine agency.
- (40a) Microbrewery, microdistillery, or microwinery.
- (41) Mobile home sales.
- (42) Monument sales. (Outside display permitted).

- (43) Motorcycle shop, including sales, rental and service.
- (44) Muffler shop.
- (45) Nightclub, bar or lounge.
- (46) Nonprofit training centers with retail sales.
- (47) Package store (No accessory pass-out windows and/or delivery to customers while still in their motor vehicles shall be permitted.)
- (48) Pest control service.
- (49) Print shop.
- (50) Produce market.
- (51) Public kennel (totally within a building).
- (52) Public utility installations such as, but not limited to, railroad rights-of-way and tracks, transformer stations, transmission lines, telephone exchanges, lift stations, pumping stations, but in no event shall this be construed as permitting such uses as garages and shops, railroad yards, loading yards or warehouses.
- (53) Rental store.
- (54) Restaurants. (Business permitted outside of building).
- (55) Restaurants, not including restaurants with the sale of alcoholic beverages as an incidental use, (business permitted outside the building).
- (56) Road machinery sales and service (totally within a building).
- (57) Secondhand goods store or pawnshop.
- (58) Secondhand or used car sales lot, not including wrecking and repairing, but including minor tuning. Outside display in conjunction with the on premises sale or rental of automobiles shall be permitted subject to the regulations of this district.
- (58a) Self-storage facilities.
- (59) Sign shops, limited to window lettering, painted wall signs, banners and desk signs.
- (60) Store fixtures sales (no manufacturing permitted).
- (60a) Tattoo studio.
- (61) Trailer and truck sales and service. Outside display in conjunction with the on premises sale or rental of trailers and trucks shall be permitted subject to the regulations of this district.
- (62) Upholstery shop–Furniture.
- (63) Veterinary hospital (totally within a building).
- (64) Wholesale house, sales office and storage–No cotton storage.

(1983 Code, sec. 29-23.2(c); Ordinance 2018-O0091, secs. 96–97, adopted 8/9/2018; Ordinance 2018-O0134, sec. 3, adopted 12/6/18. See end of this division for full history for this division.)

Sec. 40.03.2844 Conditional uses

The following use may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
- (2) Permit in any business the use of an accessory pass-out window or delivery to customers while still in their motor vehicle.
- (3) Brewery.
- (4) Distillery.
- (5) Wine, beer, or alcohol tasting facility.
- (6) Winery.

(1983 Code, sec. 29-23.2(d); Ordinance 2017-O00158, sec. 18, adopted 12/18/2017; Ordinance 2018-O0091, secs. 98–101, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2845 Yard requirements

- (a) Front yard. The minimum front yard shall be forty-three (43) feet, or no less than the average setbacks established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be forty-three (43) feet. This section shall not be construed to permit obstructions of any nature on corner lots within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).
- (b) Rear and side yard. There shall be no rear or side yard requirement; except where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum side and rear yard shall be zero (0) feet for any single-story structure, ten (10) feet for any two (2) story structure, and twenty (20) feet for any three (3) story or greater structure.
- (c) Projections into required yards.
 - (1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard. Bay windows are not permitted under this section.
 - (2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-23.2(e); Ordinance 2017-O00159, sec. 48, adopted 12/18/2017; Ordinance 2018-O0066, sec. 68, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2846 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-23.2(f). See end of this division for full history for this division.)

Sec. 40.03.2847 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-23.2(g). See end of this division for full history for

this division.)

Sec. 40.03.2848 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-23.2(h). See end of this division for full history for this division.)

Sec. 40.03.2849 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-23.2(i); Ordinance 2018-O0091, sec. 102, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2850 Height

No building or structure within the IHC District shall exceed forty (40) feet in height above existing grade, except that buildings may exceed forty (40) feet when the front, side, and rear yards are increased one foot beyond required setbacks for each additional foot of height such buildings exceed forty (40) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-23.2(j). See end of this division for full history for this division.)

Sec. 40.03.2851 Separation

(a) Any bar, cocktail lounge, private club, nightclub or dance hall shall be located a minimum of two hundred feet (200') from any residentially zoned property. (This distance shall be measured in a direct line from the nearest wall of the structure in which the use is located to the residential district line.) No bar, cocktail lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be located within six hundred feet (600') of any established bar, lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility. This distance shall be measured in a direct line from front door to front door.

(b) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-23.2(k); Ordinance 2018-O0091, sec. 103, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2852 Off-street parking

(a) Off-street parking–Required. “C-2A,” “C-2,” “C-3,” and “C-4” uses shall meet the requirements of

their respective districts.

(b) Provisions.

- (1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.
- (2) Plans for off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city's driveway regulations.
- (3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.
 - (A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d, exception 2 [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d, exception 3 [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

- (A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.
- (B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.
- (C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.
- (c) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(1983 Code, sec. 29-23.2(l); Ordinance 2018-O0091, sec. 104, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2853 Site plan defined

Site plans submitted under the provisions of this section shall include the following information:

- (1) Developer's name and project title.
- (2) North arrow and scale used.
- (3) All property lines.

- (4) All streets, alleys and easements, both existing and proposed.
- (5) Dimensions of buildings and structures.
- (6) Elevation drawing of proposed structures, including architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot.
- (7) Building height and setback from adjacent right-of-way lines.
- (8) Proposed ingress and egress to property, traffic flow and control, and access for emergency vehicles.
- (9) Off-street parking and loading areas.
- (10) Location and description of all utilities, existing and proposed.
- (11) Type, dimension, and character of proposed screening and buffering.
- (12) Location and design of signs, existing and proposed.
- (13) Outdoor lighting.
- (14) Landscape plan for the development lot and parkway, including irrigation system.

(1983 Code, sec. 29-23.2(m). See end of this division for full history for this division.)

Sec. 40.03.2854 Site plan review process

Prior to issuance of a construction permit, a site plan shall be submitted to the codes administrator which contains each item noted at 29-23.2(m) [[section 40.03.2853](#)]. The codes administrator or designated representative shall determine that the proposed development meets the letter and intent of this section [division] by review of the site plan. Should a difference of opinion about compliance arise between a proponent and codes administration, the site plan shall be placed on the next available agenda of the planning commission as “other business” for resolution. (1983 Code, sec. 29-23.2(n). See end of this division for full history for this division.)

Sec. 40.03.2855 Development standards

(a) Ingress/egress.

- (1) There shall be no less than twenty-five (25) feet between driveway cuts along interstate highway frontage roads, regardless of lot or tract lines and/or ownership.
- (2) When conditions warrant, the planning and zoning commission may require the proponent to dedicate and construct right-hand turn lanes along interstate highway frontage roads to aid ingress/egress to developing property.

(b) Building materials and construction.

- (1) On each wall adjacent to a street in the IHC District, all new buildings and those proposed for exterior renovation shall have an exterior composition or facade of not less than seventy-five (75) percent masonry (such as brick, stone, stucco, exposed aggregate, finished concrete or decorative concrete block), wood, glass or architectural decorative material (such as copper, bronze, anodized aluminum, stainless steel, porcelain enamel, natural materials or other similar materials that do not require painting).

- (2) Architectural decorative materials may be allowed on roofs. However, metal clad roofs that are not architecturally decorative (see a. [(1)] above) or gravel roofs shall not be exposed above the horizontal line above the fascia or parapet wall in excess of a pitch of 1/2 in 12.
- (3) Equipment, if located on the roof and more than three feet in height, shall be screened from view on the horizontal plane.
- (c) Loading and truck storage areas. No truck loading/unloading facilities shall be located on a building wall fronting on any interstate highway. No truck trailer or tractor parking shall be located between the front building line and the front property line for any lot with frontage along an interstate highway and interstate highway access roads.
- (d) Utilities. All on-site utilities shall be located underground or be approved by the planning and zoning commission.
- (e) Outside storage.
- (1) Unless otherwise provided for in this section, no outside storage allowed shall be allowed in this district.
- (2) Outside storage areas shall be allowed for any brewpub, microbrewery, microdistillery, or microwinery, as long as such storage area shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.
- (f) Outdoor lighting. Outdoor lighting systems must be designed so as to not cause any glare on adjacent roadways and property. All light fixtures used to illuminate advertising signs or buildings shall be screened from view from the public right-of-way.
- (g) Microwave and satellite dishes. Microwave dishes outside any building shall be screened. Such dishes shall not be located between the front building line, as that line extends to the side property lines, and the front property line. Nor shall dishes be located on the roof of any building in an IHC District wherein any portion of the dish is visible from the main lanes of the interstate highway.
- (h) Landscaping requirements.
- (1) Ten (10) percent of the total development lot area for tracts that abut the interstate or interstate service roads shall be landscaped and permanently maintained. All other parcels within an Interstate Zone District shall have five (5) percent of the total development lot area landscaped and permanently maintained. A minimum of one-half of the required landscaping shall be located between the building lines and the adjacent streets. Landscape area in excess of one-half may be located to the sides of buildings, but shall be visible from adjacent streets. Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-30(b)(6)i.2. [\[40.02.002\(f\)\(9\)\(B\)\]](#) of the Zoning Ordinance.

(2) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3. [\[40.02.002\(f\)\(9\)\(C\)\]](#) of the Zoning Ordinance.

(3) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(4) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-23.2(o); Ordinance 2018-O0091, sec. 105, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2856 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council. Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any

traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-23.2(p). See end of this division for full history for this division.)

(1983 Code, sec. 29-23.2; Ordinance 8866, sec. 5, adopted 1/9/1986; Ordinance 9055, secs. 7–9, 16, 18, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9190, secs. 6–11, adopted 4/14/1988; Ordinance 9507, secs. 11–14, adopted 3/12/1992; Ordinance 2008-O0103, sec. 12, adopted 12/4/2008; Ordinance 2009-O0058, sec. 14, adopted 7/8/2009; Ordinance 2009-O0059, sec. 17, adopted 7/8/2009; Ordinance 2016-O0030, sec. 3, adopted 3/10/2016; Ordinance 2016-O0037, sec. 3, adopted 3/10/2016)

Secs. 40.03.2857–40.03.2960 Reserved

Division 26. “IHI” Interstate Highway Industrial District

Sec. 40.03.2961 Purpose

The purpose of this district is to provide for planned, quality industrial development within the interstate corridor so that persons entering the city along the corridor have a good first impression, and to maintain a quality appearance which will stabilize or increase real property values. Special consideration shall be given building height for developments adjacent to Mackenzie State Park, the Yellowhouse Canyon Lakes, and the Central Business District. (1983 Code, sec. 29-23.3(a). See end of this division for full history for this division.)

Sec. 40.03.2962 General provisions

- (a) All uses within this district shall be of light industrial type, wholesale, services, or industrial sales.
- (b) No residential use shall be permitted in this district.
- (c) No use shall otherwise be permitted which is or would reasonably be injurious to the occupants of the adjacent premises or area by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (d) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six-foot solid screening fence of wood or masonry construction shall be installed and permanently maintained on the development lot along the adjacent property line, except that when, in the opinion of the planning commission, all or portions of such fence does not serve the public interest, this provision shall not apply. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.
- (e) All business shall be conducted entirely within a building. Outside display and/or storage shall be permitted, however, outside storage of materials and goods shall be screened so as not to be visible from any portion of the interstate highway right-of-way or adjacent thoroughfares. Accessory pass-out windows and/or pickup and delivery to customers while still in their motor vehicles shall be prohibited unless specifically allowed by this code.
- (f) Site plan requirement. No construction permit shall be issued within the IHI District until a site plan as required by this section [division] has been approved. The proponent shall provide the site plan.
- (g) Signs shall be permitted within the provisions of section 29-26 [[article 40.04, division 1](#)] of this Code.

(1983 Code, sec. 29-23.3(b). See end of this division for full history for this division.)

Sec. 40.03.2963 Permitted uses

[Permitted uses in this district are the following:]

- (1) Any use unconditionally permitted in the "IHC" district.
- (2) Aluminum products, fabrication of.
- (3) Armature winding.
- (4) Bakery–Commercial.
- (5) Blacksmithing or horseshoeing. (Business permitted outside of building).
- (6) Bottling works.
- (6a) Brewery.
- (6b) Brewpub.
- (7) Broom manufacturing.
- (8) Building materials, storage.
- (9) Bus terminal, maintenance shop.
- (10) Cabinet or carpentry shop.
- (11) Candle manufacturing.
- (12) Carpet cleaning.
- (13) Cheese manufacturing.
- (14) Clothing manufacturing.
- (15) Cold storage plant.
- (16) Commercial schools, including mechanical and trade.
- (17) Contractor plant or storage yard.
- (18) Creamery and dairy products manufacturing.
- (18a) Distillery.
- (19) Egg storage, candling or processing plant.
- (20) Electronic components assembly.
- (21) Feed store.
- (22) Fruit and vegetable canning or preserving manufacture, not otherwise classified.
- (23) Glassblowing.
- (24) Ice cream manufacturing.
- (25) Ice manufacturing and bulk dry ice storage.
- (26) Insulation applicator.
- (27) Irrigation sales and services, including pumps and equipment. (Business permitted outside of

building).

- (28) Laboratory, physical testing.
- (29) Lumber yard. (Business permitted outside of building).
- (30) Machine shop.
- (31) Mattress manufacture or renovation.
- (32) Meat processing plant, with no slaughter.
- (32a) Microbrewery, microdistillery, or microwinery.
- (33) Mini-warehouses.
- (34) Mobile home manufacturing.
- (35) Mobile home storage.
- (36) Monument manufacture.
- (37) Moving, storage, packing, manufacturing and crating of household goods.
- (38) Ornamental iron works.
- (39) Paper box and paper products manufacture.
- (40) Pharmaceutical manufacture.
- (41) Planing mill.
- (42) Plumbing, heating, refrigeration, or air-conditioning business.
- (43) Prefabricated or ready-built house or portable building manufacturing and sales. (Business permitted outside of building).
- (44) Printing plant and/or newspaper.
- (45) Produce market. (Business permitted outside of building).
- (46) Pump sales and service.
- (47) Rental store, heavy equipment and trailers only. (Business permitted outside of building).
- (48) Roofing contractor's shop.
- (49) Sash and door manufacture.
- (50) Sheet metal workshop.
- (51) Sign shop.
- (52) Spray painting.
- (53) Stack lot.
- (54) Store fixture manufacturing.

- (55) Swimming pool, commercial or sales. (Business permitted outside building).
- (56) Tire recapping and vulcanizing.
- (57) Trailer or camper manufacture.
- (58) Trailer and truck rental utility. (Business permitted outside of building).
- (59) Truck or railway freight terminal depot or station.
- (60) Truck and bus terminal maintenance or storage shops.
- (61) Truck stop.
- (62) Warehouse.
- (63) Welding equipment and supplies (acetylene).
- (64) Welding shop.
- (65) Antennas, towers or alternative tower structures other than a radio, television or microwave broadcasting or transmission facilities approved by the planning department pursuant to the standards of administrative review provided by section 29-30(b)(8) [[40.02.002\(h\)](#)] herein. However, antennas or towers located on property owned by a federal, state or local government entity shall be exempt from the requirements of this chapter, provided a license, contract or lease authorizing such antenna or tower has been approved by the governing authority of the applicable governmental entity
- (66) Winery.
- (67) Wine, beer, or alcohol tasting facility.

(1983 Code, sec. 29-23.3(c); Ordinance 2018-O0091, secs. 106–110, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2964 Conditional uses

The following use may be permitted through a special exception granted by the zoning board of adjustment in the manner specified in [article 40.02, division 2](#):

- (1) Alcohol sales for on-premises or off-premises consumption as an incidental use, in areas allowed by state and local laws, in any business unconditionally permitted in this district. However, no accessory pass-out windows or delivery to customers while still in their motor vehicles shall be permitted for such alcohol sales.
- (2) Permit in any business the use of an accessory pass-out window or delivery to customers while still in their motor vehicle.

(1983 Code, sec. 29-23.3(d); Ordinance 2017-O00158, sec. 19, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.03.2965 Yard requirements

- (a) Front yard. The minimum front yard shall be ten (10) feet or no less than the average setbacks established by the development on the adjacent lot or lots. The setback on vacant adjacent lots shall be ten (10) feet. This section shall not be construed to permit obstructions of any nature on corner lots

within the visibility triangle as defined in [section 40.02.002\(f\)\(9\)\(B\)](#).

(b) Rear and side yard. There shall be no rear or side yard requirement; except where the property is adjacent to any “RR,” “R-1,” “R-1A,” or “R-2” zoned property, even if separated by an alley, the minimum side and rear yard shall be zero (0) feet for any single-story structure, ten (10) feet for any two-story structure, and twenty (20) feet for any three-story or greater structure.

(c) Projections into required yards.

(1) Cornices, eaves, sills, canopies, and chimneys may extend two (2) feet into any required yard.

Bay windows are not permitted under this section.

(2) Unenclosed fire escapes, stairways, or balconies, whether covered or uncovered, may extend four (4) feet into the required front or rear yard.

(1983 Code, sec. 29-23.3(e); Ordinance 2017-O00159, sec. 49, adopted 12/18/2017; Ordinance 2018-O0066, sec. 69, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.03.2966 Lot width

There shall be no minimum lot width. (1983 Code, sec. 29-23.3(f). See end of this division for full history for this division.)

Sec. 40.03.2967 Lot area

There shall be no lot area requirements. (1983 Code, sec. 29-23.3(g). See end of this division for full history for this division.)

Sec. 40.03.2968 Lot coverage

There shall be no lot coverage requirements. (1983 Code, sec. 29-23.3(h). See end of this division for full history for this division.)

Sec. 40.03.2969 Floor area ratio

(a) Unless otherwise provided for in this section, there shall be no floor area ratio requirement for any use in this district.

(b) Any brewpub, microbrewery, microdistillery, or microwinery shall be limited to a maximum total floor area of twenty thousand square feet (20,000 sq ft), with a minimum of ten percent (10%) of floor area dedicated to a restaurant, bar, lounge, or similar use.

(1983 Code, sec. 29-23.3(i); Ordinance 2018-O0091, sec. 111, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2970 Height

No building or structure within the IHI District shall exceed forty (40) feet in height above existing grade, except that buildings may exceed forty (40) feet when the front, side, and rear yards are increased one foot beyond required setbacks for each additional foot of height such buildings exceed forty (40) feet.

(1) Structures permitted above height. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(1983 Code, sec. 29-23.3(j). See end of this division for full history for this division.)

Sec. 40.03.2971 Separation

(a) Any bar, cocktail lounge, private club, nightclub or dance hall shall be located a minimum of two hundred feet (200') from any residentially zoned property. (This distance shall be measured in a direct line from the nearest wall of the structure in which the use is located to the residential district line.) No bar, cocktail lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall be located within six hundred feet (600') of any established bar, lounge, private club, nightclub, dance hall, brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility. This distance shall be measured in a direct line from front door to front door.

(b) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall meet all state and other separation requirements and be located a minimum of three hundred feet (300') from any property zoned RR, R-1, R-1A, R-2, or A-1.

(1983 Code, sec. 29-23.3(k); Ordinance 2018-O0091, sec. 112, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2972 Off-street parking

(a) Off-street parking—Required. “C-2A,” “C-2,” “C-3,” “C-4,” and “M-1” uses shall meet the requirements of their respective districts.

(b) Provisions.

(1) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any other residential or apartment zoned area in the vicinity.

(2) Plans for off-street parking areas shall be submitted to be checked and approved as to number of spaces, access, and ingress and egress by the city traffic engineer under the terms of this district and the city’s driveway regulations.

(3) Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area. In no event shall storage be allowed in the right-of-way or parkway.

(A) No person shall occupy or use any recreational vehicle as living or sleeping quarters, except that recreational vehicles may be used as living or sleeping quarters for a non-Lubbock resident visiting under the provisions of subsection d., exception 2. [subsection (4)(B)] below, for a maximum of fourteen (14) days on any given lot or parcel of land during a thirty-day period. No time period shall apply to recreational vehicles parked in accordance with subsection d., exception 3. [subsection (4)(C)] below.

(4) Exceptions. The following shall be exceptions to subsection c [(3)] above:

(A) Any recreational vehicle, oversized recreational equipment or trailer parked by its owner who is a Lubbock resident, on his lot, while engaged in active loading or unloading for a period not exceeding forty-eight (48) hours in a five-day period.

(B) The recreational vehicle of a non-Lubbock resident on the lot or parcel of a person he is visiting.

However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of fourteen (14) days during a thirty-day period.

(C) Recreational vehicles parked in a travel trailer park or on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

(c) Any brewpub, microbrewery, microdistillery, microwinery, wine tasting facility, beer tasting facility, or alcohol tasting facility shall provide one (1) parking space per one hundred seventy-five square feet (175 sq ft) of the retail, tasting, or eating area, and one (1) parking space per two thousand square feet (2,000 sq ft) of the manufacturing or storage area.

(1983 Code, sec. 29-23.3(1); Ordinance 2018-O0091, sec. 113, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2973 Site plan defined

Site plans submitted under the provisions of this ordinance [division] shall include the following information:

- (1) Developer's name and project title.
- (2) North arrow and scale used.
- (3) All property lines.
- (4) All streets, alleys and easements, both existing and proposed.
- (5) Dimensions of buildings and structures.
- (6) Elevation drawing of proposed structures, including architectural character and use of materials, including mechanical equipment and other visible items associated with the structure or development lot.
- (7) Building height and setback from adjacent right-of-way lines.
- (8) Proposed ingress and egress to property, traffic flow and control, and access for emergency vehicles.
- (9) Off-street parking and loading areas.
- (10) Location and description of all utilities, existing and proposed.
- (11) Type, dimension, and character of proposed screening and buffering.
- (12) Location and design of signs, existing and proposed.
- (13) Outdoor lighting.
- (14) Landscape plan for the development lot and parkway, including irrigation system.

(1983 Code, sec. 29-23.3(m). See end of this division for full history for this division.)

Sec. 40.03.2974 Site plan review process

Prior to issuance of a construction permit, a site plan shall be submitted to the codes administrator which contains each item noted at 29-23.3(m) [[section 40.03.2973](#)]. The codes administrator or designated representative shall determine that the proposed development meets the letter and intent of this section [division] by review of the site plan. Should a difference of opinion about compliance arise between a proponent and codes administration, the site plan shall be placed on the next available agenda of the planning commission as "other business" for

resolution. (1983 Code, sec. 29-23.3(n). See end of this division for full history for this division.)

Sec. 40.03.2975 Development standards

(a) Ingress/egress.

(1) There shall be no less than twenty-five (25) feet between driveway cuts along interstate highway frontage roads, regardless of lot or tract lines and/or ownership.

(2) When conditions warrant, the planning and zoning commission may require the proponent to dedicate and construct right-hand turn lanes along interstate highway frontage roads to aid ingress/egress to developing property.

(b) Building materials and construction.

(1) Each wall or facade of a new or renovated building, or new or renovated portions of buildings, intended as office or public reception areas which are adjacent to a street in the "IHI" zoning district shall have an exterior composition or facade of not less than seventy-five percent (75%) masonry (such as brick, stone, stucco, exposed aggregate, finished concrete) or decorative material (such as copper, bronze, anodized aluminum, stainless steel, porcelain enamel, natural materials or other similar materials that do not require painting). Any wall or facade or portion of a wall or facade of such new or renovated building not enclosing office or public reception areas may use factory color-coated metal wall panels. Fasteners or exposed bolts/screws shall be painted the same factory color as the metal wall panels. Such panels shall be a minimum of twenty-six (26) gauge.

(2) Architectural decorative materials may be allowed on roofs. However, metal clad roofs that are not architecturally decorative (see a. [(1)] above) or gravel roofs shall not be exposed above the horizontal line above the fascia or parapet wall in excess of a pitch of 1/2 in 12.

(3) Equipment, if located on the roof and more than three (3) feet in height, shall be screened from view on the horizontal plane.

(c) Loading and truck storage areas. No truck loading/unloading facilities shall be located on a building wall fronting on any interstate highway. No truck trailer or tractor parking shall be located between the front building line and the front property line for any lot with frontage along an interstate highway and interstate highway access roads.

(d) Utilities. All on-site utilities shall be located underground or be approved by the planning and zoning commission.

(e) Outside storage.

(1) Unless otherwise provided for in this section, no outside storage allowed shall be allowed in this district.

(2) Outside storage areas shall be allowed for any brewpub, microbrewery, microdistillery, or microwinery, as long as such storage area shall be screened by a minimum six-foot (6') masonry screening fence that reasonably matches the facade of the structure. Materials shall not be stacked or

stored to exceed the height of the screening fence. All storage and fencing shall be located behind the front building line.

(f) Outdoor lighting. Outdoor lighting systems must be designed so as to not cause any glare on adjacent roadways and property. All light fixtures used to illuminate advertising signs or buildings shall be screened from view from the public right-of-way.

(g) Microwave and satellite dishes. Microwave dishes outside any building shall be screened. Such dishes shall not be located between the front building line, as that line extends to the side property lines, and the front property line. Nor shall dishes be located on the roof of any building in an IHI District wherein any portion of the dish is visible from the main lanes of the interstate highway.

(h) Landscaping.

(1) Ten (10) percent of the total development lot area for tracts that abut the interstate or interstate service roads shall be landscaped and permanently maintained. All other parcels within an Interstate Zone District shall have five (5) percent of the total development lot area landscaped and permanently maintained. A minimum of one-half of the required landscaping shall be located between the building lines and the adjacent streets. Landscape area in excess of one-half may be located to the sides of buildings, but shall be visible from adjacent streets. Interior courtyards shall not be included in the required landscaping. Any landscaping placed within the visibility triangle of a corner lot must be in compliance with section 29-30(b)(6)i.2. [\[40.02.002\(f\)\(9\)\(B\)\]](#) of the Zoning Ordinance.

(2) The parkway areas shall be landscaped and permanently maintained. This shall be in addition to the landscaping required above. Any landscaping placed in the parkway must be in compliance with section 29-30(b)(6)i.3. [\[40.02.002\(f\)\(9\)\(C\)\]](#) of the Zoning Ordinance.

(3) All landscaped areas on the development tract and adjacent parkway shall have immediate availability of water (i.e., a water faucet) or an irrigation system, either system to be capable of sustaining plant materials. Irrigation systems shall meet acceptable industry standards. Parkway irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(4) When seasonal conditions warrant, the building official may issue a temporary certificate of occupancy for sixty (60), ninety (90), or one hundred twenty (120) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.

(1983 Code, sec. 29-23.3(o); Ordinance 2018-O0091, sec. 114, adopted 8/9/2018. See end of this division for full history for this division.)

Sec. 40.03.2976 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the City Council.

Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic control signs and signals, street signs, mail boxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic control device or street sign or otherwise create a traffic hazard.

(1983 Code, sec. 29-23.3(p). See end of this division for full history for this division.)

(1983 Code, sec. 29-23.3; Ordinance 8866, sec. 6, adopted 1/9/1986; Ordinance 9055, secs. 7–9, 16, 18, adopted 4/9/1987; Ordinance 9092, sec. 9, adopted 8/13/1987; Ordinance 9190, secs. 12–18, adopted 4/14/1988; Ordinance 9507, secs. 15–21, adopted 3/12/1992; Ordinance 9705, secs. 8, 9, adopted 5/19/1994; Ordinance 9791, sec. 1, adopted 4/13/1995; Ordinance 9942, sec. 3, adopted 10/10/1996; Ordinance 2009-O0058, sec. 15, adopted 7/8/2009; Ordinance 2009-O0059, sec. 18, adopted 7/8/2009; Ordinance 2010-O0058, secs. 5, 9, adopted 8/12/2010)

Secs. 40.03.2977–40.03.3100 Reserved

Division 27. Specific Use District

Sec. 40.03.3101 Purpose

The purpose of this district is to provide for design and land use flexibility in the various districts. This district provides for variations in the land use standards within the [zoning] ordinance, provided the intent, principles, and innovations of modern urban planning and design are used. The regulations require specific site planning on all aspects of proposed development to ensure that any variations of land uses or land use standards will be in harmony with the purposes and objectives of the zoning ordinance as stated in Section 1 {29-2} [40.01.002]. (1983 Code, sec. 29-24(a). See end of this division for full history for this division.)

Sec. 40.03.3102 General provisions

(a) Only those uses specifically stated in this section [division] shall be permitted.

- (b) All applications for a specific use zone change shall be accompanied by six (6) copies of a site plan as defined in Section 2 {29-3} [\[40.01.003\]](#).
- (c) An application for a specific use zone change shall not be accepted unless all requirements of this section [division] are shown on the site plan at the time application is made.
- (d) If the property has not previously been platted, or if the specific use zone change requested necessitates a replat, an application for approval of a preliminary plat shall be filed with the application for zone change.
- (e) All uses permitted in this district shall meet the minimum requirements for that use[,] or similar type uses, provided in the district in which the use or similar type use is permitted. However, the City Council, may vary the requirements to allow flexibility for modern urban planning and design.
- (f) A specific use permit and a building permit shall be applied for and secured within thirty (30) months of the effect [effective] date of the zone change, or all undeveloped property shall automatically revert back to the previous zoning classification.
- (g) When any proposed development involves provisions for common areas, such as open space, recreational areas, etc., copies of the proposed articles of incorporation, bylaws and protective covenants shall be filed at the time of application. Provisions shall be made for the permanent care and maintenance of such common areas.

(1983 Code, sec. 29-24(b). See end of this division for full history for this division.)

Sec. 40.03.3103 Permitted uses

(a) Planned unit developments.

- (1) In any district on a site of ten (10) acres or more at the time of application. The uses shall be limited to those uses permitted in the “RR,” “R-1,” “R-1A,” and “R-2” districts.
- (2) In any district on a site of eighty (80) acres or more at the time of application. The uses shall be limited to those uses permitted in the “R,” “A” and “C-2A” Districts with no more than five (5) percent of the total development area being devoted to commercial uses.
- (3) In any district on a site of one hundred and sixty (160) acres or more at the time of application. The uses shall be limited to those uses permitted in the “R,” “A” and “C-2A” and “C-2” Districts with no more than ten (10) percent of the total development area being devoted to commercial uses.
- (4) In any district on a site of forty (40) acres or more at the time of application. The uses shall be limited to those uses permitted in the “C-4” and “M-1” Districts.
- (5) In the “M-1” or “M-2” Districts on a site of forty (40) acres or more at the time of application. The uses shall be limited to those uses permitted or conditionally permitted in the “M-1” and “M-2” Districts.

(b) Townhouse/garden home. In the “R-1” and “R-1A” Districts provided the following requirements are met:

- (1) Land platted for use under this section shall include all land area having continuous common

street frontage and located on one side of a street between intersecting streets or with an alley substituting for one of the streets. Any single or combination of housing types provided within this district shall be allowed in a contiguous land area.

(2) Common areas shall be under the control and jurisdiction of a homeowner's association. Such association shall provide proof of incorporation prior to issuance of a construction permit.

(3) No townhouse structure shall have less than two (2) dwelling units or an overall length exceeding two hundred and fifty (250) feet.

(4) Front yard. The minimum front yard shall be fifteen (15) feet, provided that in no case shall a garage or carport fronting onto a street be less than twenty (20) feet from the property line adjacent to the street.

(5) Rear yard. The minimum rear yard shall be five (5) feet for any one-story structure, and fifteen (15) feet for any two-story structure. However, if access to a garage or one-story carport is from an alley or access easement, the minimum setback shall be twenty (20) feet for garages, five (5) feet for one-story carports not having solid side walls. Setback shall be measured from the property line if from an alley and/or from the easement line if from an access easement.

(6) Side yard. The minimum side yard shall be zero (0) feet; however, there shall be at least ten (10) feet of separation between structures. When garden homes are constructed with a zero (0) side yard, five (5) feet on the lot adjacent to the zero (0) setback shall be dedicated as an access easement for the zero (0) setback garden home. There shall be a minimum of ten (10) feet from any property line adjacent to a street, except that in no event shall a residential garage be less than twenty (20) feet from any property line adjacent to a street.

(7) Lot frontage.

(A) The minimum lot frontage for each individual townhouse unit shall be twenty (20) feet.

(B) The minimum frontage of any garden home shall be thirty-five (35) feet.

(8) Lot area.

(A) The minimum lot area for each individual townhouse unit shall be two thousand (2,000) feet.

(B) The minimum area of any development lot for garden homes shall be twenty- eight hundred (2,800) square feet.

(9) Lot coverage. The combined area of all structures shall not exceed sixty-five (65) percent of the lot area. Trellised and open porches shall not be counted in the combined area.

(10) Height. No structure shall exceed two (2) stories or thirty-five (35) feet in height.

(11) Parking. Two (2) off-street parking spaces shall be provided per residential unit in a structure.

(12) Landscape. In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

(13) Access. If lots do not front on a public street, they shall front onto an access easement that has access to a public street.

(14) Fencing. Any front yard fencing shall conform to [section 40.02.002](#)(f)(9)(A) of this Code.

(15) Site plan. Site plans required at [section 40.03.3102](#) of this Code shall not be applicable to this specific use district.

(c) Residential estates–Residential with livestock. In any residential district provided provisions, uses, and standards of that district as well the following requirements are met:

(1) A zone case shall be approved by the planning commission and the City Council for each lot, tract, parcel or subdivision proposed as “RE.”

(2) Maintenance of livestock in the “RE” Zone shall be limited to the permitted total number of animal units for each lot, tract, or parcel. Any domestic or exotic animal except those described as “animal units” are expressly forbidden unless allowed within [Chapter 4](#) of this Code.

(3) “Animal unit.” A single cow, horse, mule, or donkey shall constitute one (1) animal unit. Sheep and female goats shall constitute one-half (1/2) an animal unit. Male goats shall be prohibited within the city limits.

(4) The keeping of animal units within any “RE” District shall be permitted only in conjunction with the residential use of individual lots, tracts, or parcels, unless otherwise provided by this Code.

(5) The keeping of all other animals, including household pets, shall be permitted only in conformance with [Chapter 4](#) of this Code.

(6) The commercial keeping or stabling of domestic livestock contemplated within the definition of “animal units” for remuneration shall be expressly prohibited unless approved under subsection (d) of this section.

(7) “RE” shall allow “animal units” when adequately housed and fenced (as defined in subsection (c)(11) and (12) of this section) on a lot, tract, or parcel of land as follows:

(A) A twenty thousand (20,000) square foot minimum size of lot, tract, or parcel shall have a maximum of two (2) animal units.

(B) For each additional ten thousand (10,000) square feet of land within an individual “RE” lot, tract, or parcel, one (1) additional animal unit shall be allowed.

(C) In no instance shall an individual “RE” lot, tract, or parcel have a total number of animal units greater than four (4). An exception shall allow young animals mothered by resident animals for a time period not greater than six (6) months.

(8) No killing or dressing of animals for human or animal consumption shall be permitted on any lot, tract, or parcel zoned “RE.”

(9) No accessory building associated with keeping animals shall be located closer than thirty (30) feet

from the side property lines, forty (40) feet from the rear property line, or closer to the front property line than the front of any residential structure on the lot, tract, or parcel zoned “RE” or existing residential structures on lots, tracts, or parcels on the same side of the street and immediately adjacent to the lot, tract, or parcel zoned “RE.”

(10) All animals kept in “RE” Districts shall be confined within pens or fences of suitable materials and substantial construction sufficient to restrain the animals.

(11) Each animal allowed by this section shall be properly stabled or housed in a shelter suitable for protection from the elements. Such shelters shall comply with the requirements of a construction permit, if such is required, to be obtained from the building official.

(12) Feed grains or all other animal foods with the exception of hay shall be stored in metal or other rodent-proof receptacles. Feed stored on the “RE” lot, tract, or parcel shall only be an amount for the immediate consumption needs of the resident animals. No sales of feed, grain, or hay shall be permitted from a lot, tract, or parcel zoned “RE.”

(13) The owner of each animal allowed under this section shall use reasonable and prudent care to ensure the health, protection, and safety, not only of each animal, but also of persons at the residence and in surrounding areas. The owner shall maintain the entire property and control all animals so as to not become a nuisance. The disposal of animal related refuse shall conform with [sections 4.07.001, 22.06.006, 22.06.013, and 22.06.018](#) of this Code.

(14) The requirement for a site plan defined at [section 40.01.003](#)(172) of this Code and required at [section 40.03.3102](#)(b) of this Code shall not be required for “RE” designation.

(d) Riding stables, or stables for boarding, breeding, raising, or training horses. The following uses may be permitted in any zoning district, subject to the following conditions:

(1) General. Riding stables, stables for boarding, breeding, raising, or training of horses are a commercial business. Yet, using animals as they do, they have some of the characteristics peculiar to animal land uses. Consequently, any zone case shall consider the commercial and animal characteristics of the proposed use.

(2) A zone case shall be approved by the planning and zoning commission and the city council for each lot, tract, or parcel proposed for stables. Only horses, mules, or donkeys shall be allowed under this section. Each such animal shall be considered as one animal unit.

(3) Each lot, tract, or parcel approved for a riding stable, boarding stable, or facility for breeding, raising, or training horses shall be two (2) acre or more in area.

(4) The maximum number of animal units stabled on any lot, tract, or parcel shall be:

2 acre to 2.99 acres - Maximum of four (4) animal units

3 acres to 3.99 acres - Maximum of five (5) animal units

4 acres to 4.99 acres - Maximum of six (6) animal units

5 acres to 5.99 acres - Maximum of seven (7) animal units

6 acres to 6.99 acres - Maximum of eight (8) animal units

7 acres to 7.99 acres - Maximum of nine (9) animal units

8 acres to 8.99 acres - Maximum of ten (10) animal units

Additional animal units will be permitted at a ratio of two (2) animal units per acre.

(5) The owner, tenant, or manager of each lot, tract, or parcel approved for the above uses shall be responsible for compliance with subsections (c)(5), (8), (10), (13), and (14) of this section.

(6) Each lot, tract, or parcel approved for the above uses shall provide stables with stalls and other suitable facilities within a structure constructed and inspected within the authority and requirements of a construction permit and applicable building codes of the city.

(7) On any lot, tract, or parcel approved for the above uses no stable, building, or structure in which horses are to be kept shall be closer than fifty (50) feet from the nearest property line, nor shall it be closer than two hundred (200) feet from the boundary of a designated residential district which is not "RE" (RR, R-1, R-1A, R-2, A-1, A-2, R-3) or existing church, school or institution for human care. The setback from the nearest property line may be reduced to ten (10) feet when a solid rear wall of a stable, building, or structure is adjacent and substantially parallel to the property line. The solid wall shall have no openings.

(8) No accessory building associated with keeping animals shall be located closer than thirty (30) feet from the side property lines, forty (40) feet from the rear property line, or closer than forty (40) feet from the front property line.

(9) The owner, tenant, or manager of a lot, tract, or parcel shall conduct business in a prudent, safe and hygienic environment. Each commercial operation approved under this section shall obtain a permit from the health department and shall obtain a minimum of one annual inspection with regard to public and animal hygiene, care, and safety by the Lubbock Health Department. A fee shall be established annually as provided by this code as effective on the date(s) of inspection.

(10) Feed grains or all other animal foods with the exception of hay shall be stored in metal or other rodent-proof receptacles. Feed stored on the "RR" or "RE" lot, tract, or parcel shall only be an amount for the immediate consumption needs of the resident animals. No sales of feed, grain, or hay shall be permitted from a lot, tract, or parcel zoned "RR" or "RE."

(11) The owner of each animal allowed under this section shall use reasonable and prudent care to ensure the health, protection, and safety, not only of each animal, but also of persons at the residence and in surrounding areas. The owner shall maintain the entire property and control all animals so as to not become a nuisance. The disposal of animal related refuse shall conform with [sections 4.07.001](#), [22.06.006](#), [22.06.013](#), and [22.06.018](#) of this code.

(12) The requirement for a site plan defined at [section 40.01.003](#)(172) of this code and required at [section 40.03.3102](#)(b) of this code shall be required for “RR” or “RE” designation.

(e) Commercial uses—“C-2” District. The following commercial uses in “C-2” District provided all of the requirements of that district are met and further provided that additional requirements are approved by the City Council which will ensure proper protection to and compatibility with adjacent uses:

(1) Hotel or motel. (Nightclub permitted as an accessory use.)

(2) Self-service gasoline sales.

(f) Commercial uses—“C-3” District.

(1) Automobile sales and service. (No used cars or recreational vehicle sales permitted.)

(2) Upholstery shop, furniture. (No furniture refinishing or outside storage permitted.)

(g) Commercial uses—“C-4” District.

(1) Commercial private clubs and teenage clubs.

(2) Dance halls (no mixed alcoholic beverage sales permitted).

(3) Game room, pool, billiard and/or domino parlors.

(4) Nightclubs, bars or lounges.

(A) Minimum parking requirements for subsection (g)(1)–(4) above: One space for each fifty (50) square feet of gross floor area.

(h) Industrial uses—“M-1” and “M-2” Districts.

(1) Billboards.

(i) Industrial uses—“M-2” District. The following industrial uses in the “M-2” District provided all of the requirements of that district are met and further provided that additional requirements are approved by the City Council which will ensure proper protection to and compatibility with adjacent uses.

(1) Acetylene manufacture and storage.

(2) Acid manufacturing.

(3) Alcohol manufacture and storage.

(4) Ammonia manufacturing or storage.

(5) Arsenals.

(6) Asphalt manufacturing or refining.

(7) Bleaching powder or chlorine manufacture or storage.

(8) Butane and propane manufacture.

(9) Celluloid or similar-cellulose material manufacture.

- (10) Cement, lime, gypsum, or plaster of Paris manufacture.
- (11) Chemical plants.
- (12) Cotton baling or compressing (no ginning).
- (13) Cotton ginning.
- (14) Cottonseed products manufacturing.
- (15) Creosote treatment or manufacturing.
- (16) Disinfectants and insecticides.
- (17) Dye stuff manufacture.
- (18) Fat rendering.
- (19) Feedlot for livestock.
- (20) Fertilizer manufacture.
- (21) Foundry
- (22) Galvanizing.
- (23) Gas manufacture.
- (24) Glue or gelatin manufacturing.
- (25) Hatchery—fish or fowl.
- (26) Liquefied petroleum gas sales and service, wholesale.
- (27) Livestock auction sales.
- (28) Match manufacture.
- (29) Mixing plant for concrete, mortar, plaster and paving materials.
- (30) Oil compounding and barreling.
- (31) Oil cloth and linoleum manufacture.
- (32) Oil reclamation plant.
- (33) Oil and rubber goods manufacture and refining.
- (34) Paint manufacture.
- (35) Petroleum refining.
- (36) Pickle, sauerkraut, or vinegar manufacture.
- (37) Poultry raising, killing, dressing, and packing.
- (38) Slaughter of animals.
- (39) Smelter.

- (40) Soap manufacture.
- (41) Storage of hides or skins.
- (42) Stockyards.
- (43) Storage of poisonous gases and insecticides.
- (44) Structural steel plant.
- (45) Tanning and curing of raw hides or skins.
- (46) Tar distillation or manufacturing.
- (j) Churches and other places of worship in any district.
- (k) Public uses. Any use or public building to be erected or used by the city, county, state, or federal government in any district.
- (l) Antennas, towers and alternative tower structures.
 - (1) For wireless telephonic communication other than receive only antennas may be permitted in any zoning district provided that the proponent of such use has incorporated the minimum requirements of [section 40.02.002](#)(h) and any other applicable requirements into the site plan and application materials.
 - (2) For radio, television and microwave broadcasting or transmitting towers or stations in any zoning districts.
- (m) Hospitals. In any district on a site of five (5) acres or more at the time of application.
- (n) Greenhouse or plant nurseries. In any district on a site of five (5) acres or more at the time of application.
- (o) Sanitarium. In any district on a site of ten (10) acres or more at the time of application.
- (p) Veterinary hospital or clinic. Hospital or clinic for the medical and surgical treatment of small animals such as dogs, cats, birds, and the like in any "C-2A" or less restricted zoning district. Such hospitals or clinics and any treatment rooms, cages, pens, or kennels shall be maintained within a completely enclosed, soundproof building and operated in such a way as to produce no objectionable odors outside its walls. Kennel use shall be limited to short-time boarding and shall only be incidental to such hospital or clinic use. Sound transmission loss shall be equivalent to an eight-inch block wall filled with insulating material.
- (q) Athletic field, park, stadium, or arena, commercial. In any district on a site of twenty (20) acres or more at the time of application.
- (r) Mobile home or travel trailer park. In any district on a site of ten (10) acres or more at the time of application, provided that all requirements of [Chapter 32](#) of the City of Lubbock Code of Ordinances are met.
- (s) Mobile home subdivision. In any zoning district on a site of twenty (20) acres or more, provided

such tract shall have been final platted of record in its entirety in accordance with the City of Lubbock Subdivision Regulations and shall meet the following conditions:

- (1) Lot width. The minimum average width of any lot shall be fifty (50) feet.
- (2) Lot area. The minimum lot area shall be five thousand (5,000) square feet.
- (3) Front yard. The minimum front yard shall be fifteen (15) feet.
- (4) Rear yard. The minimum rear yard shall be ten (10) feet measured from the rear property line to the rear of the structure; except where a twenty-foot alley exists, a five-foot rear yard shall be permitted.
- (5) Side yards. There shall be a minimum side yard of ten (10) feet on each side except that canopies and patio covers with supporting columns, open on three (3) sides and constructed of noncombustible materials, may extend to within five (5) feet of the side property line. On corner lots, the minimum side yard adjacent to the side street shall be ten (10) feet.
- (6) Density. One mobile home shall be permitted on each platted lot.
- (7) Lot coverage. Maximum lot coverage shall be forty (40) percent.
- (8) Off-street parking. One off-street parking space shall be provided on each lot, plus one space for each four (4) lots in the development.
- (9) Tie-downs and hard stands. Tie-downs and hard stands shall be provided for each mobile home as established by the building code prior to issuance of building permits.
- (10) Storage. The area under the mobile home shall not be used for storage of any kind. Said area shall be completely enclosed with the same materials as used for exterior siding on the mobile home.
- (11) Accessory buildings. All accessory buildings and/or structures shall conform to the building code of the City of Lubbock and [article 40.02, division 1](#) of the zoning ordinance of the City of Lubbock.
- (12) Curbs, gutters and sidewalks. Curbs, gutters and sidewalks shall conform to [Chapter 36](#) of the City of Lubbock Code of Ordinances.
- (13) All utilities shall be located underground and shall comply with City of Lubbock Code of Ordinances.
- (14) The plat title shall indicate that the subdivision is a mobile home subdivision and that the primary structure shall be a mobile home.
- (15) All mobile homes placed within the mobile home subdivision shall comply with all the standards established by [Chapter 32](#) of the City of Lubbock Code of Ordinances.
- (t) Junkyards, salvage yards, or automobile wrecking yards. In the "M-2" District on a site of five (5) acres or more at the time of application, provided the following conditions are met:
 - (1) Operator must hold a permit (or licenses) issued in accordance with the City Code of the City of Lubbock, Texas.

(2) That a six-foot-high screening fence of wooden or masonry construction or the equivalent thereof as described on a detailed site plan approved by the planning and zoning commission and the City Council shall be constructed entirely surrounding the property and permanently maintained except where a permanent building is erected. Said building shall constitute a portion of the screening fence. A display area may be provided adjacent to the fronting street provided the following conditions are met:

- (A) Set back a minimum of twenty-five (25) feet from the fronting street.
- (B) A screening fence as described above shall be constructed on the sides and rear of such display area.
- (C) The total area to be used for display shall not exceed five (5) percent of the total development lot area.
- (D) Display of parts and/or used cars which are for resale may be displayed in this area. Said used cars must be complete with no parts removed and no more than five (5) used cars may be displayed.
- (3) No item of junk, salvage, or other merchandise shall be stacked or permitted to be stacked or stored in excess of the height of the enclosing fence or wall nor nearer than two (2) feet thereto except that wrecked vehicles may be stacked two (2) feet high provided said vehicles are stacked a minimum of seventy-five (75) feet from any property line.
- (4) Such junk, salvage, or other merchandise on the premises shall be arranged to provide reasonable inspection of, or access to, all parts of the premises.
- (5) All proposed signs and/or advertising displays be detailed on the site plan which is to be submitted in accordance with [section 40.03.3102](#) of this code.
- (6) Any drainage requirements, as required by the city engineering department, shall be met.
- (7) That all such premises be open for inspection to, and meet the requirements of, the city's fire, police, health and building authorities.
- (8) No advertising shall be permitted on screening fences.

(u) Mining and extraction of caliche, clay, gravel; quarrying of rock or stone; sanitary landfills. In any district provided the following conditions are met:

- (1) Ten (10) copies of a site plan shall be submitted at the time of application showing the following information:
 - (A) A survey and legal description of the property together with north arrow, scale, and date.
 - (B) Show owner of property in question and ownership of all adjacent property.
 - (C) Typical features, existing, and proposed, such as property line, streets, alleys, easements, buildings or other structures, driveways, screening, and landscaping on the property and within two hundred (200) feet thereof.
 - (D) Designation of the depth to which excavation or fill will be made and the angle of all side slopes.

- (E) Statement describing provisions for controlling dust.
- (F) Statement of precautions to be taken to guide traffic movements safely in, around and by said operation.
- (v) Motorcycle race track. In the “M-2” zoning district provided that this operation shall not disseminate dust, fumes, gas, noxious odors, trash, smoke, glare, or other atmospheric influence beyond the boundaries of the property, and which produces noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and provided that such use does not create fire hazard on surrounding property.
- (w) Commercial uses—“AM” District. The following uses in the “AM” District provided the purpose and requirements of that district are met and further provided that additional requirements are approved by the City Council which will ensure proper protection to and compatibility with adjacent uses:
 - (1) Hotel or motel.
 - (2) Restaurant.
 - (3) Offices other than hospital, clinic or medical offices and administrative offices for the medical profession, including independent management, legal, accounting and bookkeeping service for doctors, hospitals, clinics, and medical personnel.
 - (4) Savings and loan offices.
- (x) Electronic components assembly. In the “C-4” District.
- (y) Specific use—Any district. The planning and zoning commission or City Council may require a specific use zone change to regulate uses and standards allowed within respective districts where the nature of adjacent land uses requires higher development standards than found in such districts.
- (z) Mini-warehouses in “C-4.” Subject to the following as minimum conditions:
 - (1) Limited to single-story structures.
 - (2) Individual lease spaces shall not exceed two hundred fifty (250) square feet.
 - (3) The storage of foods which are explosive, highly flammable, or produce noxious odors shall be prohibited.
 - (4) No mini-warehouse development lot shall abut a street which is the boundary of an abutting “RR,” “R-1,” “R-1A,” or “R-2” zone.
 - (5) A six-foot solid masonry fence, or the equivalent, shall be erected and permanently maintained adjacent to any residential zone.
 - (6) The mini-warehouse structures, when visible from any residential parcel, or the fronting street of a commercial zone, shall be constructed of material which is comparable in texture, color and quality to adjacent buildings in commercial zones. Such detail shall be specified on the site plan.

(7) Landscaping and setback requirements in "C-4" Zone shall be met as a minimum requirement.

(8) Any person, firm or corporation owning or operating the subject property failing to comply with the above conditions shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed two hundred dollars (\$200.00) and each and every day's violation thereof shall constitute a separate and distinct offense.

The failure of any corporation owning or operating the subject property to comply with any of the above conditions shall render the president, vice-president, general manager, local manager and local agent liable to the penalty prescribed in this section.

(aa) Sexually oriented business. In any C3, C4, IHC, IHI, IDP, M1 and M2 zone subject to consideration of the following:

(1) Consideration of testimony that the proposed use will not be injurious or otherwise detrimental to the public health, safety, morals and general welfare of the general public.

(2) Consideration of testimony that approval of the proposal will not be injurious to the property or improvements in the vicinity adjacent to the proposed use.

(3) Consideration of a request shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working adjacent to the proposed use and the impact of the proposed use on traffic in the vicinity.

(4) Written notices of public hearings under this section shall be given as required by [section 40.01.005](#) of the Code of Ordinances and in addition thereto written notification shall be given in the same manner to all owners of real property lying between two hundred (200) feet and one thousand (1,000) feet of the property[.]

(bb) Blood banks and blood plasma centers. In the "AM," "C-2A," "C-2," "C-3," "C-4," "IHC," "IHI," "M-1" and "M-2" zoning districts. Required off-street parking—One space for each one hundred (100) square feet of gross floor area.

(cc) Prisons, jails, detention facilities, restitution centers, halfway houses for early release programs from prison, or community based residential centers certified by the Texas Board of Pardons and Paroles. In the "C-4," "IDP," "M-1," "M-2," and "IHI" zoning districts.

(dd) Rescue missions, shelters for the homeless, and other types of transient housing excluding community based shelters as defined in [section 40.01.003](#)(41). In the "A-2," "C-4," "IDP," "IHC," "IHI," "M-1," and "M-2" zoning districts. Required off-street parking—One (1) space for each three hundred (300) square feet of gross floor area.

(ee) Animal feeding lot, and livestock auction or wholesale sales. Animal feeding lot, and livestock auction or wholesale sales will be permitted in the "RR" rural residential district, provided the provisions, uses, and standards of the "RR" rural district and the following requirements are met:

(1) "RR" shall allow animal units when adequately housed and fenced, as defined in subsection

(c)(11) and (12) of this section.

(2) No killing or dressing of animals for human or animal consumption shall be permitted on any lot, tract, or parcel zoned “RR” or “RE.”

(3) No accessory building associated with keeping animals shall be located closer than thirty (30) feet from the side property lines, forty (40) feet from the rear property line, or closer than forty (40) feet from the front property line.

(4) All animals kept shall be confined within pens or fences of suitable materials and substantial construction sufficient to restrain the animals.

(5) Each animal allowed by this section shall be properly stabled or housed in a shelter suitable for protection from the elements. Such shelters shall comply with the requirements of a construction permit, if such is required, to be obtained from the building official.

(6) Feed grains or all other animal foods with the exception of hay shall be stored in metal or other rodent-proof receptacles. Feed stored on the “RR” or “RE” lot, tract, or parcel shall only be an amount for the immediate consumption needs of the resident animals. No sales of feed, grain, or hay shall be permitted from a lot, tract, or parcel zoned “RR.”

(7) The owner of each animal allowed under this section shall use reasonable and prudent care to ensure the health, protection, and safety, not only of each animal, but also of persons at the residence and in surrounding areas. The owner shall maintain the entire property and control all animals so as to not become a nuisance. The disposal of animal related refuse shall conform with [sections 4.07.001](#), [22.06.006](#), [22.06.013](#), and [22.06.018](#) of this code.

(8) Adequate parking shall be provided for all uses on the property, as determined by staff and required as part of the specific use approval.

(9) The requirement for a site plan defined at [section 40.01.003](#)(172) of this code and required at [section 40.03.3102](#)(b) of this Code shall be required for the “RR” and “RE” designation.

(1983 Code, sec. 29-24(c); Ordinance 2017-O00159, secs. 50–53, adopted 12/18/2017; Ordinance 2018-O0066, secs. 70–73, adopted 6/14/2018; Ordinance 2018-O0134 adopted 12/6/2018; Ordinance 2019-O0016, sec. 5, adopted 2/12/2019. See end of this division for full history for this division.)

(Ordinance 7084, sec. 22, adopted 6/26/1975; Ordinance 7154, sec. 1, adopted 10/9/1975; Ordinance 7293, sec. 3, adopted 7/22/1976; Ordinance 7400, sec. 1, adopted 2/10/1977; Ordinance 7468, sec. 2, adopted 6/23/1977; Ordinance 7770, sec. 2, adopted 11/16/1978; Ordinance 7817, sec. 5, adopted 3/8/1979; Ordinance 7947, secs. 2–13, adopted 11/8/1979; 1983 Code, sec. 29-24; Ordinance 8214, sec. 1, adopted 8/13/1981; Ordinance 8738, sec. 1, adopted 3/14/1985; Ordinance 8740, secs. 2–5, adopted 3/14/1985; Ordinance 8816, secs. 3, 4, adopted 9/12/1985; Ordinance 8880, sec. 2, adopted 2/13/1986; Ordinance 8881, sec. 1, adopted 1/26/1986; Ordinance 8938, sec. 2, adopted 7/10/1986; Ordinance 9111, sec. 1, adopted 9/10/1987; Ordinance 9156, sec. 4, adopted 12/17/1987; Ordinance

9507, secs. 22–25, adopted 3/12/1992; Ordinance 9537, secs. 1, 2, adopted 7/9/1992; Ordinance 9792, sec. 3, adopted 4/13/1995; Ordinance 9942, sec. 5, adopted 10/10/1996)

Secs. 40.03.3104–40.03.3210 Reserved

Division 28. Historical Preservation and Urban Design District

Sec. 40.03.3211 Purpose

The purpose of this district is to provide means by which citizens can initiate action to preserve archeological, historical, cultural, architectural and landscape architectural landmarks as part of the heritage of this city. This district provides all standards, rules, regulations and other administrative procedures necessary for its implementation as part of this section [division]. As such, it is to be construed in harmony with the purposes and general objectives stated in section 1 {29-2} [40.01.002] of this appendix [chapter]. (1983 Code, sec. 29-25(a). See end of this division for full history for this division.)

Sec. 40.03.3212 Definitions

- (a) *Building official*. The building official shall be the building inspection administrator of the City of Lubbock.
- (b) *Exterior architectural feature*. The style, design, general arrangement, and components of all the outside surfaces of a structure which characterize the landmark or district.
- (c) *Historic landmark*. Any building, structure, site, area, or land or [of] architectural, landscape architectural, historical, archeological or cultural importance or value, as may be designated for preservation by the City Council.
- (d) *Historic landmark district*. That area within the boundaries of an historic landmark plus such lands, structures, and landscape architectural features adjacent thereto as may be designated by the City Council as being necessarily regulated for the preservation and utilization of that landmark.
- (e) *Landscape architectural feature*. The general arrangement of the grounds within an historic landmark district, including, but not limited to, the topographic grade, water pooling and runoff, types and sites of plant materials, types and sites of surface materials such as decorative bark, rock, stone, gravel, concrete, asphalt, brick, and the types and sites of constructions not otherwise deemed to be structured per se, such as fences, retaining walls, decks and other miscellaneous fixtures.

(1983 Code, sec. 29-25(b). See end of this division for full history for this division.)

Sec. 40.03.3213 Declaration of policy

The City Council hereby finds and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks and historic landmark districts to be a public necessity and required in the interest of the culture, prosperity, education and general welfare of the people. The purposes of this chapter [division] are:

- (1) To protect, enhance and perpetuate historic landmarks which represent or reflect distinctive and important elements of the city's and state's architectural, landscape architectural, archeological, cultural, social, economic, ethnic and political history, and to develop appropriate settings for such places.
- (2) To safeguard the city's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations.

- (3) To stabilize and improve property values in such locations.
- (4) To foster civic pride in the beauty and accomplishments of the past.
- (5) To protect and enhance the city's attractions to tourists and visitors and provide incidental support and stimulus to business and industry.
- (6) To strengthen the economy of the city.
- (7) To promote the use of historic landmarks and historic landmark districts for the culture, prosperity, education, and general welfare of the people of the city and visitors to the city.

(1983 Code, sec. 29-25(c). See end of this division for full history for this division.)

Sec. 40.03.3214 Designation of historic landmarks and historic landmark districts

(a) The City Council may designate buildings, structures, sites, areas, and land in the city as historic landmarks and define, amend and delineate the boundaries thereof. The territory within such boundaries shall also be a historic landmark district, and when necessary for the preservation or utilization of the historic landmark, the City Council may extend the historic landmark district into adjoining lands by defining, amending and delineating new boundaries therefor without having to amend the boundaries of the historic landmark.

(b) The "Design-historic" zoning designation, as indicated by the suffix "DH," shall apply to all historic landmark districts in addition to their other zoning designations. The "Design-historic" zoning designation shall be indicated on the official zoning maps through the use of a map overlay, which is identified in the map legend. Said zoning designation shall indicate conditions placed on said property by the City Council.

(c) The zoning ordinance in which any building or structure is designated as a historic landmark shall incorporate by reference (a) photographs, (b) drawings, (c) renderings, (d) written standards, or any combination thereof which illustrate the exterior architectural features to be maintained, regulated and preserved.

(d) The zoning ordinance, in which any territory is designated as a historic landmark district, shall incorporate by reference (a) photographs, (b) drawings, (c) renderings, (d) written standards, or any combination thereof which illustrate any architectural feature of nonlandmark buildings or structures or landscape architectural feature to be maintained, regulated and preserved. Said photographs, drawings or renderings shall also illustrate the location of any buildings or structures within a historic landmark district, but which are not designated as historic landmarks, or landscape architectural features, and shall include notations for each such building or structure identifying its size, use, and location. The minimum number of standards, necessary to achieve the objectives of landmarks and districts, shall be required.

(e) In the event that any standard established for any "DH" district conflicts with any previously established zoning standards, the "DH" district standards shall be controlling.

(1983 Code, sec. 29-25(d). See end of this division for full history for this division.)

Sec. 40.03.3215 Criteria for historic landmark designation

In making historic landmark designations as set forth in section 22A.3 {29-25(d)} [\[40.03.3214\]](#), the City Council shall consider, but shall not be limited to, one or more of the following criteria:

- (1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Lubbock, State of Texas, or the United States.
- (2) Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entry into the National Register of Historic Places.
- (3) Embodiment of distinguishing characteristics of an architectural type or style.
- (4) Identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of the city.
- (5) Embodiment of elements of design, detail, materials or craftsmanship which represent a significant architectural or landscape architectural innovation.
- (6) Relationship to other distinctive buildings, sites or areas which are eligible for preservation based on architectural, landscape architectural, historic or cultural motif.
- (7) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural or landscape architectural style.
- (8) Archeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
- (9) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state, or the United States.
- (10) Location as the site of a significant historic event.
- (11) Identification with a person or persons who significantly contributed to the culture and development of the city, state or the United States.
- (12) A building, structure, or landscape development that because of its location has become of value to a neighborhood, community area, or the city.
- (13) Value as an aspect of community sentiment or public pride.

(1983 Code, sec. 29-25(e). See end of this division for full history for this division.)

Sec. 40.03.3216 Urban design and historic preservation commission created

(a) There is hereby created a commission to be known as the urban design and historic preservation commission of the City of Lubbock, hereinafter called the "urban design commission," composed of eleven (11) members appointed by the City Council within ninety (90) days from the effective date of this amendment. This commission shall include at least one representative for each of the following:

- (1) Architecture;
- (2) Urban planning;
- (3) History or political science;

- (4) Archeology or paleontology;
- (5) Sociology or anthropology;
- (6) Building construction;
- (7) Landscape architecture.

Each of the seven (7) representatives shall possess special interest, knowledge or expertise in the field which he or she represents on the commission, but does not have to practice in that field as a profession. The fact that one or more representatives from the seven (7) fields of expertise may not at any given point in time be a member of the commission, for whatever reason or reasons, or is absent when a vote is taken by a quorum of the commissioners, shall not effect [affect] the validity of any decision or act of the commission.

(b) The other members of the urban design commission shall be appointed from such other individuals and organizations as the City Council may in its discretion wish to consult or consider. All members shall have knowledge and experience in the architectural, landscape architectural, archeological, cultural, social, economic, ethnic or political history of Lubbock. No one business or professional interest shall constitute a majority membership of the commission.

(c) All members of the urban design commission shall serve for two (2) years unless appointed to serve the remainder of an unexpired term.

(d) Any appointed voting member of the urban design commission who fails to attend three (3) consecutive regular meetings of the urban design commission or fails to attend at least eighty (80) percent of all such regular meetings during any six-month period shall lose membership on the commission, unless such failure to attend was the result of illness. Verification of attendance shall be based exclusively on the minutes of each meeting as filed with the city secretary. The vacancy shall be filled by the City Council pursuant to section 22A.5-3 {29-25(f)(3)} [subsection (c) of this section].

(e) In addition to the eleven (11) members appointed by the City Council, the following persons or their designates [designees] shall sit on the urban design commission as ex officio members:

- (1) The director of planning for the City of Lubbock;
- (2) The building inspection administrator for the City of Lubbock;
- (3) The zoning administrator for the City of Lubbock.

(f) The following persons or their designates [designees] shall be asked to sit on the urban design commission as ex officio members:

- (1) The chairperson of the Lubbock County Historical Commission;
- (2) The chairperson of the West Texas Museum Association;
- (3) The chairperson of the Lubbock Historic Society;
- (4) The chairperson of the Lubbock Historic Foundation;
- (5) The president of the Lubbock Board of Realtors;
- (6) The president of the Lubbock Chamber of Commerce;

(7) The chairperson of the Lubbock Association of Mortgage-Lending Institutions;

(8) The president of the Lubbock Chapter of the A.I.A.;

(9) The judge of the County Commissioner's Court of Lubbock County;

(10) The president or chairperson of the Ranching Heritage Center.

(g) The City Council may draw on the knowledge, experience and expertise of any person or entity by appointing such person or entity to the urban design commission as a special advisor.

(1983 Code, sec. 29-25(f). See end of this division for full history for this division.)

Sec. 40.03.3217 Urban design commission; administration

(a) The urban design commission shall meet at least once each month, if there are agenda items, with additional meetings upon call by the chairperson or upon petition of a simple majority of the commissioners.

(b) None of the ex officio members or special advisors shall have any voting power, authority to call a meeting by petition pursuant to section 22A.6-1 {29-25(g)(1)} [subsection (a) of this section], or serve to make a quorum. Ex officio members and special advisors shall serve to assist the commission in its other various functions.

(c) The commission shall adopt appropriate rules and regulations for the conduct of its business and the election of its chairperson and other officers.

(d) Minutes shall be taken for each meeting and filed with the city secretary's office. Each meeting shall also be tape recorded and said recording shall be incorporated by reference into the official minutes. The absence or inaudibility of any recording, however, shall not serve to invalidate any meeting or the minutes of any meeting.

(e) Six (6) commissioners present shall constitute a quorum, and all issues shall be decided by a simple majority vote of the members voting.

(1983 Code, sec. 29-25(g). See end of this division for full history for this division.)

Sec. 40.03.3218 Urban design commission plans review

The urban design commission shall thoroughly familiarize itself with buildings, structures, sites, districts, areas and lands within the city which may be eligible for designation as historic landmarks and historic landmark districts. Included in this review shall be the historic site survey, architectural survey, and urban image analysis in the comprehensive plan of the City of Lubbock. These shall be updated as needed. (1983 Code, sec. 29-25(h). See end of this division for full history for this division.)

Sec. 40.03.3219 Action by the urban design commission

(a) Any citizen or citizen's group may, with the property owner's consent, request the urban design commission to recommend to the planning and zoning commission ordinances designating certain buildings, structures, sites, districts, areas and lands in the city as historic landmarks and historic landmark districts. The urban design commission shall hold a public hearing on all proposed ordinances.

(b) The urban design commission shall render a decision on the request within ninety (90) days after

the request is made. In the event the urban design commission fails to render a decision within the prescribed time limitation, such failure shall be deemed a decision to not recommend [that] the property be designated as a historic landmark or historic landmark district, in which case said property shall not be reconsidered upon request originating from the urban design commission, for recommendation as a historic landmark or historic landmark district, for at least one year, in the absence of an alteration of material conditions affecting the case.

(c) If the urban design commission finds that buildings, structures, sites, districts, lands or areas recommended for designation as historic landmarks or historic landmark districts cannot be preserved without acquisition, the commission shall recommend to the City Council that the fee or a lesser interest of the property in question be acquired by gift, devise, purchase, eminent domain or otherwise, pursuant to the [charter](#), and state and federal law.

(d) Where there are conditions under which the required preservation of a historic landmark or historic landmark district would cause undue hardship on the owner or owners, district changes may be recommended by the urban design commission to the planning and zoning commission.

(e) The designation of a historic landmark or historic landmark district may be amended or removed using the same procedure provided in this article [division] for the original designation.

(f) A notice of said zoning shall be placed by the secretary of the planning and zoning commission in the deed records of Lubbock County for each property designated as a historic landmark or historic landmark district.

(1983 Code, sec. 29-25(i). See end of this division for full history for this division.)

Sec. 40.03.3220 Alterations and changes; certificates of appropriateness; ordinary repair or maintenance; appeal

(a) Landscape architecture, buildings, and other structures as landmarks. No person or entity shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature or landscape architectural feature of a designated historic landmark unless application be made to the urban design commission for a certificate of appropriateness, and such a certificate be granted.

(b) (1) Nonlandmark landscape architectural feature in historic landmark district. No person or entity shall construct, reconstruct, alter, change, restore, remove or demolish any nonlandmark landscape architectural feature as may be designated by the City Council for preservation in a designated historic landmark district unless application be made to the urban design commission for a certificate of appropriateness, and such certificate be granted. The normal maintenance of plant material through mowing, trimming, pruning, weeding and thinning shall be permitted, but shall not include the total elimination, either literally or effectively, of such plant material.

(2) Nonlandmark buildings and other structures in historic landmark district. No person or entity shall construct, reconstruct, alter or change any exterior feature of a nonhistoric landmark building or structure that may be located in a designated historic landmark district, unless application be made to the urban design commission, for a certificate of appropriateness and such a certificate be granted;

excluded from regulation in this paragraph shall be the total demolition and removal of a nonhistoric landmark structure that may be located in a designated historic landmark district.

(c) Procedure when building permit is required.

(1) When applying for a building permit for the exterior of a designated historic landmark, or nonhistoric landmark in a historical district, the applicant shall submit two (2) copies of all detailed plans, elevations, perspectives, specifications, photographs, renderings and other documents pertaining to the work to the building official, who shall forward such application to the urban design commission chairperson within five (5) days of receipt thereof. Any applicant may appear at a regular or special meeting of the urban design commission before submitting an application, and may consult with said commission during the review of the permit application.

(2) The urban design commission, upon ten (10) days written notice to the applicant, shall hold a hearing on the application. Upon review of the application, if the urban design commission finds that proposed work is of a nature which will not adversely affect any designated exterior architectural, historic or landscape architectural feature of the designated historic landmark or historic landmark district, and is appropriate and consistent with the spirit and purposes of this article, as submitted or with noted conditions, it shall notify the building official and forward a certificate of appropriateness to the applicant within ten (10) days after the public hearing.

(3) If the urban design commission finds that the proposed work will adversely affect or destroy any significant exterior architectural feature or landscape architectural feature of any historic landmark or historic landmark district, or is inappropriate or inconsistent with the spirit and purposes of this article [division], it shall notify the building official that the application has been disapproved and shall, within ten (10) days of the public hearing, notify the applicant in writing of the disapproval. Suggested changes in the application shall accompany the notice of disapproval.

(4) If no action has been taken by the urban design commission within sixty (60) days of original receipt by the urban design commission, a certificate of appropriateness shall be deemed issued by the urban design commission, and the building official shall so advise the applicant.

(5) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal to the urban design commission and approval thereof in the same manner as provided above.

(6) After a decision is reached by the urban design commission denying an application for a certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision, except upon written request by the applicant indicating that there has been a change in conditions or that all changes in the application as recommended by the urban design commission have been met.

(d) Procedure when building permit is not required.

(1) Those proposed exterior changes and alterations not requiring a building permit shall be

submitted in writing directly to the urban design commission for a certificate of appropriateness, which must be received before such work can be undertaken. Applicants shall submit a copy of all proposed alterations and changes to the commission. The application must describe the alteration or change proposed. Any applicant may appear at a regular or special meeting of the urban design commission before submitting an application, and may consult with said commission during the review of the application.

(2) The urban design commission, upon ten (10) days written notice to the applicant, shall hold a hearing on the application. Upon review of the application, if the urban design commission finds the proposed work of a nature which will not adversely affect any significant exterior architectural, historical or landscape architectural feature of a designated historic landmark or historic landmark district, and is appropriate and consistent with the spirit and purposes of this article [division], it shall forward a certificate of appropriateness to the applicant within ten (10) days of the hearing of said application.

(3) If the commission finds that the proposed work will adversely affect or destroy any exterior architectural or landscape architectural feature of the designated historic landmark or historic landmark district, or is inappropriate or inconsistent with the spirit and purposes of this article [division], the secretary shall notify the applicant in writing within ten (10) days of the hearing of said application that the application has been disapproved, and shall include in such notification the changes necessary for approval of the application.

(4) If no action has been taken by the urban design commission with [within] sixty (60) days of the receipt of the application, a certificate of appropriateness shall be deemed issued by the urban design commission.

(5) No change shall be made in the application for issuance of a certificate of appropriateness without resubmittal to the urban design commission and approval thereof in the same manner as provided above.

(6) After a decision is reached by the urban design commission denying an application for certificate of appropriateness, a resubmittal of an application will not be accepted for additional hearing within a twelve (12) month period from the date of final decision, except upon written request by the applicant indicating that there has been a change in conditions, or that all changes in the application as recommended by the urban design commission have been made.

(e) Ordinary repair or maintenance. Ordinary repair or maintenance which does not involve changes in architectural, landscape architectural or historical value, style or general design is exempt from the provisions of this section.

(f) Appeal. Any applicant or interested person aggrieved by a ruling of the urban design commission under the provisions of sections 22A.8 {29-25(i)} [[40.03.3219](#)] or 22A.9 {29-25(j)} [this section] may, within thirty (30) days after the ruling, appeal in writing to the City Council, via the planning and zoning commission which shall, after hearing thereon, forward its recommendation with the appeal to the City

Council.

(1983 Code, sec. 29-25(j). See end of this division for full history for this division.)

Sec. 40.03.3221 Historic landmarks; demolition or removal

(a) If an application is received for demolition or removal of a designated historic landmark, the building official shall immediately forward the application to the urban design commission. The urban design commission shall hold a public hearing on the application within thirty (30) days after the application is initially filed with the building official. The applicant shall be given ten (10) days written notice of the hearing. The urban design commission shall consider the state of repair of the historic landmark, the reasonableness of the cost of restoration or repair, the existing or potential usefulness, including economic usefulness, the purposes behind preserving the historic landmark, the character of the neighborhood, and all other factors it finds appropriate. If the urban design commission determines that in the interest of preserving historical values, and preserving an economically viable building or site, the historic landmark should not be demolished or removed, the secretary shall notify the building official that the application has been disapproved, and the building official shall so advise the applicant within ten (10) days therefrom.

If the urban design commission determines that the interest of preserving historical values will not be adversely affected by such demolition or removal, or that the interest of preserving historical values can best be served by the removal of a structure to another specified location, it shall issue its certificate of demolition or its certificate of removal, as may be appropriate, to the building official; and the building official shall so advise the applicant within ten (10) days therefrom.

In the event a historic landmark must be demolished and it is not the sole historic landmark in that historic landmark district, said site shall remain a part of that historic landmark district, but shall lose its historic landmark designation.

(b) If no action has been taken by the urban design commission within sixty (60) days of original receipt by the urban design commission of the application, a certificate of demolition or a certificate of removal shall be deemed issued by the urban design commission, and the building official shall so advise the applicant.

(c) After a decision is reached by the urban design commission denying an application for a certificate of demolition or a certificate of removal, a resubmittal of application for such a certificate will not be accepted for additional hearing within a twelve-month period from the date of final decision.

(d) Any person who is aggrieved by a ruling of the urban design commission concerning [an] historic landmark or historic landmark district under the provisions of [this] section [division] may, within sixty (60) days after the ruling of the urban design commission, appeal to the City Council via the planning and zoning commission, which shall, after hearing thereon, forward its recommendation with the appeal to the City Council. Following a public hearing to be held within thirty (30) days of the filing of a notice of such appeal with the city secretary, the City Council may uphold or overturn any ruling of the urban design commission made pursuant to this section.

(1983 Code, sec. 29-25(k). See end of this division for full history for this division.)

Sec. 40.03.3222 Procedure for obtaining building permit, removal permit, demolition permit and for altering the exterior of a building or structure, or altering a landscape architectural feature, during pendency of consideration of

such building or structure as a historic landmark or as a part of a historic landmark district

(a) Subject to the following conditions, a moratorium shall be enforced during which time no person or entity with or without a building permit, shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of any certain building, structure or site or any certain landscape architectural feature. This moratorium shall be in effect whenever:

(1) The date on which the chairperson, vice-chairperson or executive secretary of the urban design commission by written order directs that said building, structure or site within the city be placed upon the agenda for any meeting of the urban design commission, or any committee thereof, for the purpose of considering or discussing whether or not the same should be designated as a historic landmark or historic landmark district; or

(2) The date whenever such item be placed on such agenda for such purpose, if dated; or

(3) If not dated, the date such agenda is posted in accordance with the provisions of V.A.C.S. article 6263-17, as amended.

Editor's note—"V.A.C.S. article 6263-17" referred to above was apparently intended to refer to article 6252-17 of the Civil Statutes that prohibited governing bodies from holding meetings which are closed to the public. Such statute has been recodified in titles 5 and 6 of Texas Government Code

This moratorium shall continue in force and effect until the earliest of the following conditions are met:

(4) A final and binding certificate of appropriateness, removal or demolition, as may be appropriate, has been issued by the urban design commission;

(5) The urban design commission fails to recommend that some part or all of any such property be designated a historic landmark or be included within a historic landmark district within sixty (60) days following the earliest of the above described dates activating this section applicable under the circumstances; or,

(6) A final and binding decision has been made by the City Council that no part of any such property shall be designated a historic landmark or shall be included within any designated historic landmark district.

(b) It shall be the duty of the urban design commission and its officers to furnish the building official with a copy or written notice of each such written order or such agenda as promptly after the preparation thereof as is practicable. The failure to so furnish the building official with a copy or written notice thereof, however, shall not have the effect of validating any building permit, removal permit or demolition permit issued in ignorance of any such written order or agenda. In any instance in which any such permit may not be required, it shall be the duty of the urban design commission and its officers to give notice of any such written order or such agenda or such preservation plan or amendment thereof to the owner or owners of any property included within the scope thereof, which notice shall be deemed complete when actually given, orally or in writing, to such owner or owners, or when written notice thereof is deposited in the United State[s] mail, postage prepaid, certified, with return receipt requested,

addressed to such owner or owners, whichever event first occurs. No person or entity to whom any such permit is issued or who, if no such permit is required, commences to construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of any such building or structure or of any such landscape architectural feature without actual or constructive notice of any such written order or such agenda or such preservation plan or amendment thereof, as the case may be, as required by the provisions of this subsection, may be found guilty of a misdemeanor as in this ordinance [chapter] provided; but each such person or entity shall be amenable to the civil sanctions provided in this [division].

(c) Any permit issued to any person or entity from or after the date of any such written order or such agenda shall be null, void and of no force or effect until the earliest of the events described in subparagraphs 22A.11-1-4, 22A.11-1-5, and 22A.11-1-6 of subsection 22A.11-1 {sections 29-25(l)(1)(d)–29-25(l)(1)(f)} [subsections (a)(4)–(a)(6) of this section] occurs.

(1983 Code, sec. 29-25(l). See end of this division for full history for this division.)

Sec. 40.03.3223 Historic landmarks; omission of necessary repairs

(a) A designated historic landmark shall be maintained to ensure the structural soundness of such landmark.

(b) If the housing standards administrator or the urban design commission, or both, find there are reasonable grounds to believe that any structure which is a designated historic landmark is structurally unsound or in imminent danger of becoming structurally unsound, the housing standards administrator shall notify in writing the owner of record of the designated historic landmark of such fact, and shall otherwise proceed to enforce the minimum housing code of the City of Lubbock.

(1983 Code, sec. 29-25(m). See end of this division for full history for this division.)

Sec. 40.03.3224 Public improvements

(a) Improvements on public land, right-of-way, or dedicated easements. When requested or when designated by ordinance or resolution, the urban design commission shall recommend to the City Council or other committee, board, or commission acceptable architectural, landscape architectural and engineering design for public street and street easement use. Improvements to be recommended may include street lighting, street furniture, signs, landscape materials, design textures of sidewalks and streets and other streetscape elements and public improvements.

(b) Brick streets and alleys.

(1) Protection. In keeping with the policies outlined in Section 29-25(c) [\[40.03.3213\]](#), brick streets and alleys are protected as an important part of the city's history. Any portion of any brick street or alley surface disturbed by any public or private agency for any reason must be replaced in a manner consistent with original construction. Any bricks removed from any street or alley, whether through repair, reconstruction or removal, are the property of the City of Lubbock and must be returned to the Streets Department.

- (2) Repair. Any utility cuts or other disturbances to brick street or alley surfaces must be repaired in a manner consistent with original construction as outlined in Sections 24-117 through 24-120 [[36.05.002](#) through [36.05.004](#)].
- (3) Removal or reconstruction. Occasionally, circumstances may lead to a request for removal or reconstruction of a section of brick street or alley. Such circumstances might include a major reconstruction of the street due to drainage issues or a reconfiguration of streets due to aggregation of property for redevelopment. Requests for removal of brick streets must be reviewed by the Urban Design and Historic Preservation Commission. In making a determination concerning removal of brick streets, the Commission must consider one or more of the following factors, plus any other information presented at the time of the request:
- (A) Adjacent to historic or potentially historic buildings
 - (B) Majority of the brick surface intact
 - (C) Importance to neighborhood history
 - (D) Importance to downtown redevelopment efforts
 - (E) Structural condition/indications for long-term stability
- (4) Review. Review of requests for removal or reconstruction should be conducted prior to project bid, and must be completed before removal or reconstruction can begin. Any contractor or department wishing to remove or alter a brick street surface must submit complete plans to the Secretary of the Urban Design and Historic Preservation Commission, and review of such plans will be placed on the next available agenda of the commission.
- (5) Appeal. Any applicant or interested person aggrieved by a ruling of the urban design commission under the provisions of Section 29-25(n)(2) [subsection (b) of this section] may, within thirty (30) days after the ruling, appeal in writing to the City Council.

(1983 Code, sec. 29-25(n). See end of this division for full history for this division.)

(Ordinance 7723, sec. 1, adopted 9/14/1978; 1983 Code, sec. 29-25; Ordinance 9321, sec. 6, adopted 12/14/1989; Ordinance 2004-O0117, secs. 1, 2, adopted 10/29/2004; Ordinance 2006-O0069, secs. 5, 6, adopted 6/8/2006)

ARTICLE 40.04 SIGNS^{*}

Division 1. Generally

Sec. 40.04.001 Purpose

The purpose of this section [division] is to provide uniform sign standards which promote a positive city image reflecting order, harmony and pride and thereby strengthening the economic stability of Lubbock's business, cultural and residential areas. Objectives to be pursued in applying specific standards are as follows:

- (1) To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.
- (2) To assure that all signs in terms of size, scale, height, and location are properly related to the

overall adjacent land use character and development lot size.

(3) To assure that all signs, in terms of color, form, material and design are compatible with other structural forms on the development lots.

(4) To assure that off-premise advertising is compatible with adjacent land uses and does not obscure views of adjacent on-premise signs.

(5) To assure that all signs, sign supports and sign bases shall be so constructed and designed to provide for design compatibility with the development. Where possible, the materials used, the form, color, lighting and style should be similar to the materials used in the development.

(1983 Code, sec. 29-26(a). See end of this division for full history for this division.)

Sec. 40.04.002 General provisions

(a) All signs shall pertain to the identification of the primary uses and/or primary services provided or primary products sold on the premises, except for billboards, auxiliary, governmental or community service signs as provided.

(b) All signs[,], where applicable, shall meet the standards of the city building code.

(c) Except as herein provided, no person or business firm, acting either as principal or agent, shall alter the copy face or lettering of any sign, except for Section 2.14 {29-3(14)} [\[40.01.003\(23\)\]](#) signs and signs with temporary messages made from interchangeable characters attached to tracts [tracks] or grooves on the sign board, either by changing the message or by renovating an existing message or shall erect any sign or sign structure until a sign permit for such work has been issued by the building official to a bonded contractor or the owner or occupant of the premises where the work is to be done. No permit shall be required for nonilluminated signs otherwise permitted in Sections 23.7-1, 23.7-2, 23.9-5-4, 23.10, 23.12, 23.13 or 23.14 {29-26(g)(1), 29-26(g)(2), 29-26(i)(5)(d), 29-26(j), 29-26(l), 29-26(m) or 29-26(n)} [\[40.04.007\(1\) and \(2\), 40.04.009\(5\)\(D\), 40.04.010, 40.04.012, 40.04.013 or 40.04.014\]](#).

(d) Not more than two (2) sides of a sign structure may be used for display.

(e) No sign, sign structure, or sign support shall project over any property line, except that a sign placed flat against the wall of a building, which is on the property line may project eighteen (18) inches over the property line.

(f) Trees, rocks, bridges, fences, windmill towers and dilapidated buildings shall not be used as sign supports.

(g) All business locations shall be identified by a street address sign which is clearly visible from the street.

(h) Signs with flashing, blinking or traveling lights shall have light bulbs which do not exceed thirty-five (35) watts each.

(i) Not more than twenty-five (25) per cent of the area of any sign, except for Section 2.14 {29-3(14)}

[40.01.003(23)] signs, provided by an off-premise business may be devoted to advertisement of products provided by that off-premise business.

(j) In the event that more than one sign-related definition applies to a nonprohibited proposed sign, resulting in conflicting regulations thereon, the sign applicant may choose the definition that is to apply, with the qualification that any regulations related to that definition must also be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come within the definition of an approved type of sign.

(1983 Code, sec. 29-26(b). See end of this division for full history for this division.)

Sec. 40.04.003 Prohibited signs

The following signs shall be prohibited in all districts:

- (1) Any signs and supports, other than those signs and supports required by governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public street, alleys and parkways. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimate the use of advertising vehicles and trailers prohibited in Section 23.5-1 {29-26(e)(1)} [40.04.005(a)] following or portable or wheeled signs prohibited in Section 23.3-8 {29-26(c)(8)} [subsection (7) of this section] following.
- (2) Signs with flashing, blinking, or traveling lights, regardless of wattage, which are located within forty-three (43) feet of any street right-of-way except electronic message displays and electronic gasoline price signs. Signs with flashing, blinking or traveling lights, regardless of wattage, which are located within one thousand (1000) feet of any street intersection except electronic message displays and electronic gasoline price signs.
- (3) Banners, pennants, searchlights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons or other gas-filled objects. (Except as permitted in 29-26 [this division] and section 29-28 [article 40.02, division 2]. Permits for grand openings and promotional sales activities shall be obtained from the codes administrator or the zoning board of adjustment.
- (4) Flags, other than those of any nation, state, or political subdivision, or one flag which shows an emblem or logo of a firm or corporation, provided all other regulations of Section 23 {29-26} [this division] are met.
- (5) Any signs which resemble an official traffic sign or signal or which bears the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words.
- (6) Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or constructed [construed] as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (7) Portable or wheeled signs.

(8) Any sign which emits sound, odor or visible matter, which serves as a distraction to persons within the public right-of-way.

(1983 Code, sec. 29-26(c). See end of this division for full history for this division.)

Sec. 40.04.004 Abandoned or damaged signs

(a) All abandoned signs and their supports shall be removed within ninety (90) days from the date of abandonment. All damaged signs shall be repaired or removed within ninety (90) days. The administrator shall have the authority to grant a time extension not exceeding an additional ninety (90) days from an abandoned, nondamaged sign.

(b) Should the responsible party or parties, after due notice, fail to correct a violation of this section, the administrator shall cause such signs and their supports to be demolished and removed. If such sign cannot be demolished because it is painted on a building or other nonsign structure, such sign shall be painted over or removed by sandblasting. The administrator shall also file against the property a lien in the amount of the cost of all such work.

(1983 Code, sec. 29-26(d). See end of this division for full history for this division.)

Sec. 40.04.005 Parking of advertising vehicles

(a) No person shall park an advertising vehicle or trailer on a public right-of-way or on public property. Any such vehicle parked on private property, visible from the public right-of-way, shall be used on a regular basis within each business week as a means of transportation for the business that is advertised. (1983 Code, sec. 29-26(e). See end of this division for full history for this division.)

Sec. 40.04.006 Nonconforming sign abatement

(a) The following signs and/or advertising items shall become nonconforming on the effective date of this ordinance [chapter] and shall be brought into compliance or removed within six (6) months of the effective date of this ordinance [chapter].

(1) signs with flashing, blinking, or traveling lights, regardless of wattage, which are located within forty-three (43) feet of any street right-of-way except electronic message displays and electronic gasoline price signs meeting the requirements for each. Signs with flashing, blinking, or traveling lights, regardless of wattage, which are located within one thousand (1,000) feet of any street intersection except electronic message displays and electronic gasoline price signs meeting the requirements for each.

(2) Any sign which is affixed to sign supports prohibited in section 23.2-6 {29-26(b)(6)} [\[40.04.002\(f\)\]](#).

(3) Banners, pennants, searchlights, twirling signs, sandwich, or "A" frame signs, sidewalk or curb signs, balloons, or other gas-filled objects, except as provided in section 23.3-4 {29-26(c)(4)} [\[40.04.003\(3\)\]](#).

(4) Flags, other than those of any nation, state or political subdivision, or one flag which shows an emblem or logo of a firm or corporation.

(5) Any signs which resemble an official traffic sign or signal or which bears the words "Stop," "Go

Slow,” “Caution,” “Danger,” “Warning,” or similar words.

(6) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

(7) Portable or wheeled signs.

(8) Any sign which emits sound, odor or visible matter, which serve[s] as a distraction to persons within the public right-of-way.

(9) Any signs and their supports in violation of section 23.3-1 {29-26(c)(1)} [40.04.003(1)] are hereby deemed to be in trespass on public property and shall be immediately removed by the administrator or his agent. This removal shall be done in a manner, if reasonably possible, to preserve the value of such signs and supports. If the administrator directs an independent contractor to remove said signs and supports, the cost of such work shall be minimized by the administrator to whatever extent is reasonably possible.

(10) Electronic message displays signs and electronic gasoline price signs.

The owners of any removed signs and supports, except signs made of paper or cardboard or their supports, shall be notified. The first attempt at notice shall be within three (3) days of the removal of the sign and supports. The manner of notice shall be that which will best achieve notice under the circumstances, including the use of certified mail, hand delivery or publication. Refusal of certified mail which has been properly addressed and posted shall not void the notice. Hand delivery may be employed where the addressee is within the city limits and when his whereabouts are specifically known. Publication may be used when the addressee or his whereabouts are unknown and said publication shall be done in the same manner as prescribed in Vernon’s Annotated Civil Statutes for service of process by publication. Notice by publication shall be deemed sufficient regardless of its effect as actual notice.

Said notice shall inform the recipient that the City of Lubbock is in possession of that certain sign and supports, why they were removed, and where they may be reclaimed, as well as the information contained in the remainder of this section.

With the exception of signs made of paper or cardboard and their supports which may be disposed of immediately, removed signs and supports shall be stored a period not to exceed fourteen (14) days beginning the first day of effective notice, whether actual or constructive. A storage charge [charge] of five dollars (\$5.00) per day will be levied beginning the fourth day of that fourteen (14) day period. Before the expiration of the storage period, the owner of the sign and supports may reclaim his property upon payment of any storage charges and the cost of removal, if such removal was done by an independent contractor. If said sign and support have not been reclaimed by the expiration of the storage period, they may be disposed of in whatever manner the administrator shall choose. If in his opinion the sign and supports are not capable of being sold they may be discarded, but if sold, the proceeds therefrom shall be first applied to the storage charge and removal charge if any, and the remaining balance shall be mailed to the past owner of the sign and supports, if reasonably possible, or if not, then to the general fund of the city.

(b) All signs not covered by Section 23.6-1 {29-26(f)(1)} [subsection (a) of this section] which are in violation of other provisions of Section 23 {29-26} [this division] shall become nonconforming. Said signs shall be brought into compliance by alteration or removal, by January 1, 1982 unless the height, area, location or supports of an existing sign are altered, in which case the sign shall be brought into compliance at the time of alteration. Nothing in this section shall prevent the removal of damaged or

abandoned signs under Section 23.4 {29-26(d)} [[40.04.004](#)] or the termination of nonconforming uses under Section 24 {29-27} [[article 40.05](#)].

(c) The abatement periods provided in subsections (f)(1) and (f)(2) [(a) and (b)], immediately above, commenced on the effective date of Ordinance No. 7084, which was July 19, 1975, and were effective as to all such defined nonconforming signs within the corporate limits on such effective date. The abatement periods for the defined nonconforming signs located in areas annexed into the corporate limits on or after the 3rd day of July, 1985, shall commence to run on the effective date of annexation of the area in which such nonconforming signs are located. For such purpose the effective date of annexation shall be either the date of final passage of the annexation ordinance involved, or, the date upon which such annexation is approved under the provisions of the Voting Rights Act, whichever action is the last to occur. The abatement periods for the defined nonconforming signs located in areas annexed between July 19, 1975 and July 3, 1985, shall commence to run on the 3rd day of July, 1985, or, the date upon the effective date of annexation of the area in which the nonconforming sign is located, whichever action is the last to occur.

(1983 Code, sec. 29-26(f). See end of this division for full history for this division.)

Sec. 40.04.007 Signs permitted in “R-1,” “R-1A,” and “R-2” Districts

The following signs shall be permitted in the “R-1,” “R-1A,” and “R-2” Districts:

- (1) One sign not exceeding one and one-half (1-1/2) square feet in area, indicating only the name and address of the occupant, for each residential unit.
- (2) One (1) unlighted sign, not exceeding four (4) square feet in area, on each development lot pertaining to the prospective sale or rental of the property on which it is located. On each development lot where newly constructed residences are being advertised for sale or rent, one (1) additional unlighted sign not exceeding four (4) square feet in area indicating builder, contractor or other construction/development information may be displayed.
- (3) Specific use district. The sign requirements for each use shall be those of the most restrictive district in which the use is otherwise permitted, except those signs that have been specifically described and indicated on the site plan approved by the planning and zoning commission and the City Council.
- (4) Conditional uses. Sign requirements for all conditional uses shall be set by the zoning board of adjustment, and in no case shall the requirements exceed the requirements for that use or similar type uses in the district in which the use is ordinarily permitted.

(1983 Code, sec. 29-26(g); Ordinance 2017-O00159, sec. 54, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.04.008 Signs permitted in “RR,” “A-1,” “A-2,” “A-3,” “AM” and “GO” districts

The following signs shall be permitted in the “RR,” “A-1,” “A-2,” “A-3,” “AM” and “GO” districts:

- (1) Signs for “R-1,” “R-1A,” and “R-2” uses shall meet the requirements of their respective “R-1,” “R-1A,” and “R-2” districts.
- (2) Permitted uses.

(A) Primary identification signs, each having an area not exceeding ten (10) per cent of the area of one (1) wall or five (5) per cent of the area of two (2) walls, where applicable, or fifty (50) square feet, whichever is less.

(B) Informational-type signs not exceeding ten (10) square feet in area per building.

(C) All signs shall be placed flat against the wall of a building and shall not project above the parapet wall or side wall of the building.

(D) All wall signs, except for the information signs, shall identify the development by name and address only. Signs may be back lighted, indirect lighted, internal lighted, or lighted by spots.

(3) Specific use district. The sign requirements for each use shall be those of the most restrictive district in which the use is otherwise permitted, except those signs that have been specifically described and indicated on the site plan approved by the planning and zoning commission and the City Council.

(4) Conditional uses. Sign requirements shall be set by the zoning board of adjustment, and in no case shall the requirements exceed the requirements for that use or similar type uses in the district in which the use is ordinarily permitted.

(5) Freestanding signs in the "A-1," "A-2," "A-3," "AM" and "GO" Districts. In the A-1, A-2, A-3, AM and GO Districts freestanding signs shall be permitted subject to the following regulations.

(A) One (1) freestanding sign for each freestanding building, not to exceed one (1) freestanding sign per development lot (except as provided in section 29- 26(h)(5)b.1) [subsection (5)(B)(1) of this section] shall be permitted in the "A-1," "A-2," "A-3," "AM" and "GO" Districts that have frontage on any street and shall comply with the following:

(i) Freestanding signs shall be of a pedestal or monument type with the entire structure built as one (1) unit. Construction materials shall be compatible with other structural forms on the development lot. Elevation drawings shall be submitted for staff review prior to issuance of a building permit, showing construction materials and detail.

(ii) Area: The area of a freestanding sign shall not exceed an amount equal to forty-hundredths (0.40) square foot per front foot of lot, and in no case shall this sign area exceed fifty (50) square feet.

(iii) Height: For lots with frontage of zero (0) feet to ninety-nine (99) feet, sign height shall not exceed five (5) feet. For lots exceeding ninety-nine (99) of lot frontage, the sign heights shall not exceed five (5) feet plus one (1) foot of sign height for each twenty (20) feet of lot frontage. In no case shall sign height exceed ten (10) feet.

(iv) Setback: Setbacks shall be a minimum of ten (10) feet or one and forty-three-hundredths (1.43) feet for each foot of sign height, whichever is greater.

(v) The sign shall be placed so that the visibility will not be obstructed from any driveway curb cut, alley return, or driveway-alley combination.

(B) All freestanding signs permitted shall comply with the following:

- (i) On corner lots, that frontage on the major or primary street shall be construed to be the development lot frontage, and no more than one (1) sign shall be permitted, except that on a development lot located at the intersection of two (2) major thoroughfares or two (2) expressways or a major thoroughfare and an expressway, a freestanding sign shall be permitted on each such thoroughfare or expressway or one (1) sign, of the same size, height, and setbacks, may be placed on the corner, provided it is not within the visibility triangle.
- (ii) No sign shall be placed within the visibility triangle as defined in this chapter.
- (iii) To compute the allowable square footage of sign area, only one (1) side of a double face sign shall be considered.
- (iv) Development lot frontage shall be defined as that frontage under one (1) development at the time of application for sign permit.
- (v) Freestanding signs may be placed on the roof of a building provided the height, setback, square footage and location requirements of this section are met.
- (vi) Freestanding signs in this section (29-26(h)(5)) [this subsection (5)] are not required to meet the "Sign, primary identification" definition in section 29-3(105I.1) [\[40.01.003\(165\)\]](#).

(1983 Code, sec. 29-26(h); Ordinance 2017-O00159, sec. 55, adopted 12/18/2017; Ordinance 2018-O0066, sec. 74, adopted 6/14/2018. See end of this division for full history for this division.)

Sec. 40.04.009 Regulations applicable in "CA," "C-1," "C-2A," "C-3," "C-4," "M-1," "M-2," "IHO," "IHC," and "IHI" Districts

The following regulations shall apply in the "CA," "C-1," "C-2A," "C-2," "C-3," "C-4," "M-1," "M-2," "IHO," "IHC," and "IHI" Districts:

- (1) Specific use district. The sign requirements for each use shall be those of the most restrictive district in which the use is otherwise permitted, except those signs that have been specifically described and indicated on the site plan approved by the planning and zoning commission and the City Council.
- (2) Conditional uses. A conditional use shall have the sign requirements for the zone district in which it is to be allowed unless the signs are described on a site plan approved by the zoning board of adjustment in which case the sign requirements for each use shall not be less restrictive than those of the respective district in which the use is otherwise first permitted.
- (3) The combined area of all signs excluding Section 2.14 {29-3(14)} [\[40.01.003\(23\)\]](#) signs shall not exceed one and one-half (1-1/2) square feet of area for each lineal foot of lot frontage on the principal or fronting street, except as provided in Section 23.9-7-2-1 {29-6(i)(7)(b)(1)} [subsection (7)(B)(i) of this section].
- (4) Wall signs. Wall signs shall project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of a building. Not more than ten (10) per cent of any wall shall be devoted to wall signs, except when freestanding signs are allowed but not used, this may be increased to not more than fifteen (15) per cent.

(5) Canopy signs. Canopy signs shall be counted as a part of, and limited to the percentage allowable for wall signs.

(A) Signs on front side of building canopy, excluding detached accessory island canopy with or without enclosed booth. Signs placed on the front side of a building canopy shall not project beyond the width of that canopy, more than six (6) feet above the top of the canopy, or more than three (3) feet above the building roof line. For the purposes of Section 23.9-5 {29-26(i)(5)} [this subsection (5)] the front side of a canopy shall be any side parallel to, or more nearly parallel to than perpendicular to, the building wall on which the canopy is attached.

(B) Signs on lateral side of building canopy excluding detached accessory island canopy with or without enclosed booth. Signs placed on the lateral side of a building canopy shall project neither beyond the width of that canopy side nor more than two (2) feet above the canopy roof line, except that the vertical dimension of said signs shall not exceed three (3) feet. For the purposes of section 23.9-5 {29-26(i)(5)} [this subsection (5)] the lateral side of a canopy shall be any side perpendicular to, or more perpendicular than parallel to, the building wall on which the canopy is attached.

(C) Signs on roof of building canopy excluding detached accessory island canopy with or without enclosed booth. Signs placed on the roof of a building canopy and which are parallel to, or more nearly parallel to than perpendicular to, the front side of the canopy shall be regulated in Section 23.9-5-1 {29-26(i)(5)(a)} [subsection (5)(A)] above. Signs placed on the roof of a building canopy and which are parallel to, or more nearly parallel to than perpendicular to, a lateral side of the canopy shall be regulated in Section 23.9-5-2 {29-26(i)(5)(6)} [subsection (5)(B)] above.

(D) Signs under building canopy excluding detached accessory island canopy with or without enclosed booth. Signs may be attached to and suspended from the underside of building canopies with the following restrictions:

- (i) Not more than one such sign is permitted per business.
- (ii) Such sign must identify only the store's name.
- (iii) Such sign must have an area not exceeding four and one-half (4-1/2) square feet.
- (iv) The bottom edge of such sign must not be more than one (1) foot below the bottom edge of the canopy.
- (v) Such a sign may be placed perpendicular to the front wall of the building except that nothing in this Section 23.9-5-4 {29-26(i)(5)(d)} [this subsection (5)(D)] shall supersede Section 23.2-5 {29-26(b)(5)} [[40.04.002](#)(e)] herein.

(E) Signs placed on free-standing canopy or detached accessory island canopy. Signs may be located any place on a canopy that is not attached to a building (except for gasoline pump islands which may have a booth) except that such signs shall not project beyond the width of that canopy, more than two (2) feet above that canopy or more than one (1) foot below that canopy.

(6) Sloping roof signs. Sloping roof signs shall not project horizontally or vertically beyond the roof line. Not more than ten (10) per cent of any sloping roof area shall be devoted to these signs.

(7) Free-standing signs.

(A) One (1) free-standing sign for each free-standing building, not to exceed one (1) free-standing sign per development lot, (except as provided in section 23.9-7-2-1 {29-26(i)(7)(b)(1)} [subsection (7)(B)(i) of this section]), shall be permitted only as indicated below.

(i) “CA”, “C-1”, “C-2A”, “C-2”, “C-3”, “C-4”, “IDP”, “M-1”, “M-2”, “IHO”, “IHC”, and “IHI” Districts with frontage on a thoroughfare.

a. Area: The area of a free-standing sign shall not exceed an amount equal to 0.40 square feet [foot] per front foot of lot and in no case shall this sign area exceed two hundred and fifty (250) square feet.

b. Height: For lots with frontage of zero feet–ninety-nine (99) feet, sign height shall not exceed five (5) feet. For lots exceeding ninety-nine (99) feet of lot frontage, the sign heights shall not exceed five (5) feet, plus one (1) foot of sign height for each twenty (20) feet of lot frontage. In no case shall sign height exceed thirty (30) feet.

c. Setback: Setbacks shall be a minimum of ten (10) feet or one and forty-three one-hundredths (1.43) feet for each foot of sign height, whichever is greater.

d. Spacing: Free-standing signs shall not be placed closer to a side lot line than distance equal to one-fourth of the lot frontage.

(ii) “CA”, “C-1”, “C-2A”, “C-2”, “C-3”, “C-4”, “IDP”, “M-1”, “M-2”, “IHO”, “IHC”, and “IRI” Districts with frontage on expressway right-of-way.

a. Area: The area of a free-standing sign shall not exceed an amount equal to 0.40 square feet [foot] per front foot of lot and in no case shall this sign area exceed two hundred and fifty (250) square feet.

b. Height: For lots with frontage of zero feet–ninety-nine (99) feet, sign height shall not exceed twenty (20) feet. For lots exceeding ninety-nine (99) feet of lot frontage or more, the sign height shall not exceed twenty (20) feet, plus one (1) foot of sign height for each forty (40) feet of lot frontage. In no case shall sign height exceed thirty-five (35) feet.

c. Setback: Setbacks shall be a minimum of one and twenty-two one-hundredths (1.22) feet for each foot of sign height.

d. Spacing: Free-standing signs shall not be placed closer to a side lot line than a distance equal to one-fourth of the lot frontage.

(iii) “CA”, “C-1”, “C-2A”, “C-2”, “C-3”, “C-4”, “IDP”, “M-1”, “M-2”, “IHO”, “IHC”, and “IHI” Districts that do not have frontage on a thoroughfare or an expressway street.

a. One (1) freestanding sign shall be permitted on a development lot.

b. Freestanding signs shall be of a pedestal or monument type with the entire structure built as one

(1) unit. Construction materials shall be compatible with other structural forms on the development lot. Elevation drawings shall be submitted for staff review prior to issuance of a building permit, showing construction materials and detail.

c. The area, height and setback shall be as determined by the standards of section 29-26(i)(7)a.1.(i), (ii), (iii) [subsection (7)(A)(i)a., b., c. of this section]. The maximum height of any freestanding sign shall be ten (10) feet.

The sign shall be at least twenty-five (25) feet from any driveway curb cut, alley return, or driveway-alley combination; or on corner lots the permitted freestanding sign may be placed on the corner provided it is not within the visibility triangle.

(B) All free-standing signs permitted shall comply with the following:

(i) On corner lots, that frontage on the major or primary street shall be construed to be the development lot frontage, and no more than one (1) sign shall be permitted, except that on a development lot located at the intersection of two (2) major thoroughfares or two (2) expressways or a major thoroughfare and an expressway, a free-standing sign shall be permitted on each such thoroughfare or expressway or one (1) sign, of the same size, height, and setbacks, may be placed on the corner, provided it is not within the visibility triangle.

(ii) No sign shall be placed within the visibility triangle as defined in this ordinance [chapter].

(iii) To compute the allowable square footage of sign area, only one (1) side of a double face sign shall be considered.

(iv) Development lot frontage shall be defined as that frontage under one development at the time of application for sign permit.

(v) Free-standing signs may be placed on the roof of a building provided the height, setback, square footage, and location requirements of this section are met.

(vi) Electronic message display signs may be attached to a primary identification freestanding sign and shall be subject to the following operational requirements:

a. Operational limitations. Such displays shall contain static messages only and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

b. Pages per message. Each message is limited to one (1) page.

c. Message Change Sequence. A maximum of 0.3 seconds shall be provided between each message/page displayed on the sign. No message is to appear to be written on or erased from the display piecemeal, i.e., less than the entire message at once.

d. Minimum Display Time. Each message/page on the sign must be displayed for a minimum of ten

seconds.

(8) Roof signs. Roof signs on a building which is eight (8) stories or more in height shall not be limited by section 23.9-7-2-6 {29-26(i)(7)(b)(6)} [subsection (7)(B)(v) of this section] except for its allowable square footage requirement.

(9) Seasonal banners. Seasonal banners (as distinguished from those banners described in section 29-28(f)(2)j [sic]) shall comply with the following:

(A) Frames for banners must be attached to a permanently affixed parking lot light standard. The lighting function of the pole shall be operational.

(B) The leading edge of any banner shall be no closer than ten (10) feet from the adjacent property line.

(C) Frames may project no more than three and one-half (3.5) feet horizontally from the light standard. All banners shall be stretched taut supported by a ridged frame affixed to a light standard, no ropes or cables shall extend between the light standards and/or any adjacent structure.

(D) Maximum panel size should not exceed three (3) feet by nine (9) feet.

(E) Maximum number of panels per permanently affixed operating parking lot light standards should not exceed two (2).

(F) Each panel shall maintain a twelve-foot minimum clearance from the ground to the bottom of the panel.

(G) Content of the panels shall be limited to generic seasonal information and primary identification of a shopping center. No individual tenant, business or product identification shall be permitted.

(H) Panels must be made of a weather/wind resistant material.

(I) Panels and supports that are not maintained in good condition shall be deemed a public nuisance.

(J) Any variation from these standards shall be a conditional use in garden office and all commercial and industrial districts.

(10) Electronic gasoline price signs meeting all requirements for a wall sign, canopy sign or on a freestanding primary identification sign.

(1983 Code, sec. 29-26(i). See end of this division for full history for this division.)

Sec. 40.04.010 [Auxiliary signs]

Auxiliary signs not exceeding ten (10) square feet in total area per building may be placed in a window or flat against the wall of a building. Free-standing auxiliary signs of not more than two and one-half (2-1/2) feet in height and three (3) square feet in area are permitted on private property if limited to traffic direction or parking direction. Auxiliary sign area shall not be counted against total permitted sign area. (1983 Code, sec. 29-26(j)). See end of this division for full history for this division.)

Sec. 40.04.011 Temporary construction site and for-sale and rental signs

(a) For-sale signs, rental signs or temporary construction site signs not exceeding one hundred (100) square feet in area and ten (10) feet in height may be placed at a development site, on property of one

(1) acre or more during construction.

(b) One (1) for-sale or rental sign, not exceeding thirty-two (32) square feet in area and ten (10) feet in height, may be placed on a commercial tract. Any such sign must be maintained and kept in good repair, or it must be removed. The sign must be removed when the property is no longer for sale or rent.

(1983 Code, sec. 29-26(k). See end of this division for full history for this division.)

Sec. 40.04.012 Governmental signs

Governmental signs not exceeding thirty-two (32) square feet in area and not exceeding ten (10) feet in height, shall be permitted. Such standards shall not apply where state or federal regulations are in conflict with these standards. (1983 Code, sec. 29-26(l). See end of this division for full history for this division.)

Sec. 40.04.013 Temporary business promotional signs

Any temporary business promotional signs shall only be placed in or on windows and shall have a combined area not exceeding ten (10) per cent of the area of all windows on that same wall. Said sign area shall not be counted against permitted wall sign area. (1983 Code, sec. 29-26(m). See end of this division for full history for this division.)

Sec. 40.04.014 Community service signs

Any community service signs for seasonal celebration shall have no size limitation if placed in or on windows. Any community service signs, not of a seasonal celebration nature, shall be placed in or on windows and shall have a combined area not exceeding ten (10) per cent of the area of all the windows on that same wall. Such sign area shall not be counted against permitted wall sign area. (1983 Code, sec. 29-26(n). See end of this division for full history for this division.)

Sec. 40.04.015 Billboards (poster panels or bulletins, multi-prism signs, or painted or printed bulletins)

Outdoor advertising signs of this type shall only be permitted as specifically allowed in a particular zoning district, subject to the following conditions.

(1) Billboards shall be constructed to meet the construction standards as established in the City of Lubbock Building Code.

(2) The maximum area of any billboard located in the "M-1," "M-2" Districts shall be seven hundred and fifty (750) square feet.

(3) There shall be a minimum separation of two hundred (200) feet between all billboards on the same side of the street, provided however, this shall be increased to five hundred (500) feet on expressways.

(4) Billboards shall have a front setback of not less than the greater of (1) forty-three (43) feet, or (2) the greatest setback of all the front buildings on the lot on which the billboard is located, or if none, then that of the lots contiguous to the lot upon which the billboard is located.

(5) Billboards shall have a maximum height of thirty-five (35) feet.

(6) All lighting of billboards shall be so shielded as not to produce intensive or excessive light or glare on adjacent property.

(7) Billboards shall be prohibited from being placed within the Canyon Lakes Policy Zone and Memorial Civic Center area.

(8) Billboards with electronic message displays shall be subject to all operational requirements for electronic message display signs.

(1983 Code, sec. 29-26(o); Ordinance 2019-O0016, sec. 6, adopted 2/12/2019. See end of this division for full history for this division.)

Sec. 40.04.016 Freestanding residential subdivision signs

Freestanding signs for single-family and two-family residential developments containing more than ten units shall be permitted on any zoning district subject to the following regulations:

- (1) Sign shall be limited to the residential subdivision name and located within a 500 foot radius of the residential subdivision property.
- (2) A residential subdivision sign will not be counted towards any other zoning district maximum.
- (3) One (1) gateway sign per street frontage per residential subdivision shall be allowed.
- (4) One (1) gateway sign may consist of multiple structures, subject to staff review and approval.
- (5) Area: Each sign shall have a maximum sign copy area of 25 square feet.
- (6) Each sign shall have a total height restriction of 8 feet.
- (7) Illumination of any kind shall be in compliance with Article 40.04.
- (8) No electronic message displays shall be allowed.
- (9) The sign shall be placed so as not to obstruct visibility from any driveway curb cut, alley return, or driveway-alley combination.
- (10) Freestanding signs shall be of a pedestal or monument type.
- (11) Construction materials shall be compatible with other structural forms and materials located within, and representative of, the subdivision. Elevation drawings shall be submitted for staff review prior to issuance of a building permit, showing construction materials and detail.

(Ordinance 2018-O0146 adopted 1/10/2019. See end of this division for full history for this division.)

(Ordinance 7084, sec. 23, adopted 6/26/1975; Ordinance 7384, secs. 21–94, adopted 1/13/1977; Ordinance 7481, sec. 1, adopted 7/12/1977; Ordinance 7564, secs. 1–8, adopted 11/10/1977; 1983 Code, sec. 29-26; Ordinance 8780, sec. 1, adopted 6/14/1985; Ordinance 8814, sec. 3, adopted 9/12/1985; Ordinance 8866, sec. 3, adopted 1/9/1986; Ordinance 8996, secs. 1, 2, adopted 12/18/1986; Ordinance 9055, secs. 22–27, adopted 4/9/1987; Ordinance 9340, secs. 2–6, adopted 3/8/1990; Ordinance 9507, secs. 26–29, adopted 3/12/1992; Ordinance 9705, secs. 10, 11, adopted 5/19/1994; 2006-O0030, secs. 4–12, adopted 3/23/2006)

Secs. 40.04.017–40.04.070 Reserved

Division 2. Signs in Extraterritorial Jurisdiction of City

Sec. 40.04.071 General provisions

- (a) In accordance with the provisions of Texas Revised Civil Statutes Annotated Article 1015o-2 [V.T.C.A., Local Government Code, section 216.902], the sign and billboard provisions of this Chapter 29 [40] are hereby extended to apply and control within the extraterritorial jurisdiction of the City of Lubbock.
- (b) The extraterritorial jurisdiction of the City of Lubbock is that as defined in Texas Revised Civil Statutes Annotated Article 970a, and specifically thereby includes all areas lying outside the corporate limits of the City of Lubbock, but within five (5) miles thereof. Annexations extending the corporate limits

shall, without further action, automatically extend such extraterritorial jurisdiction area so that it will become subject to the provisions of this section [division].

(c) The requirements for signs and billboards for each district within the city shall hereby apply to each area of use of property within the extraterritorial jurisdiction, when said extraterritorial jurisdiction use is determined to be comparable to a use allowed by any district within the corporate limits. When a use within the extraterritorial jurisdiction is determined to be comparable to a use allowed in a specifically zoned district within the city, then the same sign and billboard requirements as govern that specific district shall be applicable to the extraterritorial jurisdiction area determined to be comparable to that specifically zoned district.

(d) The comparable use area within the extraterritorial jurisdiction shall only include the area actually being utilized in the activities of the comparable use, and such area immediately adjacent thereto as reasonably necessary to that use.

(e) All areas within the extraterritorial jurisdiction, inclusive of vacant property, shall be deemed comparable to an "R-1A" residential district until an application for comparable use determination is filed and determined, or, until the area is actually annexed.

(1983 Code, sec. 29-26.1(a); Ordinance 2017-O00159, sec. 56, adopted 12/18/2017. See end of this division for full history for this division.)

Sec. 40.04.072 Determination as to comparable use

(a) Applications for a determination as to comparable use shall be filed with the codes administrator of the City of Lubbock.

(b) Applications for a determination as to comparable use shall be upon forms provided by the City of Lubbock, but such applications must reflect the following information:

(1) The names of all owners, lessees or any other person, firm or corporation claiming any interest in the area sought to be defined as a comparable use area.

(2) If the applicant is other than the fee simple owner as reflected by the Deed Records of Lubbock County, then instruments reflecting his authority to file such application shall be furnished.

(3) All information required by the application form provided by city.

(c) When an application is received by the codes administrator, a date for an administrative hearing upon same shall be set and notice of such hearing and the time and place thereof given to the applicant.

(d) Upon such administrative hearing the codes administrator shall consider the contents of the application and any other evidence or testimony presented bearing upon the comparable use issue from anyone present. All parties before testifying shall be sworn. The applicant, or any other interested party may appear in person or by attorney or other agent or representative. Any person giving testimony shall be subject to cross-examination by any other person present. The codes administrator shall be entitled to ask any request or require the presentation of any other document, instrument or information that

would aid in his decision. The hearing may be continued from time to time by the codes administrator to allow for the presentation of such additional evidence, if any, he may feel necessary to his decision, but there shall not be more than two (2) continuances and continuances shall not extend the period of consideration beyond the 25th day after the date the administrative hearing was first scheduled.

(e) In all cases, on or before the 25th day following the date of the first hearing, the codes administrator shall render his decision as to the comparable use of the property subject to the application.

(f) Any party aggrieved by such decision may appeal such decision to the zoning board of adjustment in the manner provided by section 29-28 [\[article 40.02, division 2\]](#) and Texas Revised Civil Statutes Article 1011g. If the appellant is the applicant, he may also seek alternatively a variance from the provisions of this chapter [division] in the time and manner provided by section 29-28 [\[article 40.02, division 2\]](#) at [and] Texas Revised Civil Statutes Article 1011g, but for purposes of this section, any appeal or variance must be filed within ten (10) days of the administrator's decision or such decision shall be considered final.

(g) Once the decision of the codes administrator is final for lack of appeal, or if appealed to the zoning board of adjustment, the decision of that body becomes final, then, after securing permit hereinafter required, the sign or billboard may be constructed, as allowed by the final order or decision.

(1983 Code, sec. 29-26.1(b). See end of this division for full history for this division.)

Sec. 40.04.073 Construction

(a) Signs or billboards allowed by a final order or decision, after permit secured, shall be constructed in strict conformity to the terms and conditions of said order or decision and the requirements of this chapter.

(b) Prior to construction the applicant shall secure the building permit required by the Building Code of the City of Lubbock.

(1983 Code, sec. 29-26.1(c). See end of this division for full history for this division.)

Sec. 40.04.074 Existing signs

(a) All signs and billboards located in the extraterritorial jurisdiction on the effective date of this Ordinance Number 8882 [adopted January 23, 1986], or located within areas added to the extraterritorial jurisdiction by subsequent annexation upon the effective date of each such subsequent annexation, are hereby declared to be nonconforming and entitled to remain under and subject to the rules applicable in this chapter to other nonconforming uses, provided such signs are registered with the city within the time and in the manner hereinafter provided.

(b) Within six (6) months after the effective date of this Ordinance Number 8882 as to areas designated as within the current extraterritorial jurisdiction, or within six (6) months after the effective date of an [a] subsequent annexation as will extend the area of the extraterritorial jurisdiction, all signs or billboards desired to be designated as nonconforming, shall be registered as hereinafter provided.

Signs or billboards not so registered within said six (6) months, shall be conclusively presumed to be illegal and not nonconforming and shall be removed immediately by the owner of the land upon which they are located, without cost to the City of Lubbock.

(c) Registration of nonconforming signs and billboards shall be accomplished upon filing (within the time provided) of a declaration of nonconforming sign upon forms to be provided by the city. Such forms shall require such information as necessary or helpful to a determination by the codes administrator, including but not limited to:

- (1) A written legal description of the parcel location.
 - (2) A scaled drawing or photograph of all signs showing:
 - (A) Dimensions;
 - (B) Height;
 - (C) Setback (front and side) from property lines; and
 - (D) Their location on the parcel in relation to adjacent streets and other public property.
 - (3) A certification that the sign or signs presented as nonconforming are the only nonconforming signs on the property.
 - (4) The names of all owners, lessees or any other person, firm or corporation claiming any interest in the area sought to be defined as nonconforming.
 - (5) If the applicant is other than the fee simple owner as reflected by the Deed Records of Lubbock County, then instruments reflecting his authority to file such application shall be furnished.
- (d) The codes administrator shall cause a copy of the application to be posted in a display area open to the public at or near his offices. Each such posted application shall contain notice to the public as to the manner by which such nonconforming designation may be challenged.
- (e) If no challenges are received within fifteen (15) days of the date of posting, if after verification of the contents of the application the codes administrator either finds them to be true or finds no reason to challenge same, he shall within thirty (30) days after such application is posted, approve and file same. If, however, an application is challenged, or, if the contents of the application remain questioned by the codes administrator after attempts to verify same, in either such event the codes administrator may request such additional information as necessary to verification, to be provided by the applicant. Requests for additional information shall be mailed to the applicant by certified mail within twenty-five (25) days after the application is posted. If after such additional information is received the validity of the declaration of nonconforming use is still not reasonably reflected by the information before the codes administrator, or in the case of any application to which a challenge is filed, the codes administrator, shall set a date for hearing upon such application giving notice thereof to the applicant (and any challenger, if any.) The hearing date shall be at least ten (10) days after the date of mailing such notice.

(f) If upon hearing the codes administrator determines that such sign was in place upon the effective date of this Ordinance Number 8882 to the specific extraterritorial jurisdiction area involved, then he shall accept and file such application. If the codes administrator determines such sign was not in place upon the effective date of this Ordinance Number 8882, then such application shall be denied.

(g) Any person aggrieved by the decision of the codes administrator may appeal such decision to the zoning board of adjustment in the manner and within the time provided by 29-28 [[article 40.02, division 2](#)] and Texas Revised Civil Statutes Article 1011g.

(h) In the event of the illness, disability or absence of the codes administrator he may designate a substitute to act in his place for the purpose of any hearing required above.

(1983 Code, sec. 29-26.1(d). See end of this division for full history for this division.)

(Ordinance 8882, sec. 2, adopted 1/26/1986)

ARTICLE 40.05 NONCONFORMING BUILDINGS AND USES

Sec. 40.05.001 [Scope]

The lawful use of any building, structure or land, save and except signs and billboards existing at the time of the enactment of this chapter, and save and except recreational vehicles and oversized recreational equipment or trailers existing on December 31, 1988, may be continued although such use does not conform with the provisions of this chapter; provided, however, that the right to continue such nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and shall terminate when inappropriate use of the premises produces a condition which constitutes a nuisance and further, the right of nonconforming uses to continue shall be subject to such regulations, as the maintenance of the premises and conditions of operation as may, in the judgment of the board of adjustment, be reasonably required for the protection of adjacent property, and further, the right of nonconforming uses to continue shall be subject to the specific regulations herein contained. (1983 Code, sec. 29-27 (1st paragraph). See end of this article for full history for this article.)

Sec. 40.05.002 Nonconforming buildings

(a) Occupancy permitted. A nonconforming building or structure may be occupied except as herein otherwise provided.

(b) Repairs or alterations. Repairs and alterations may be made to a nonconforming building or structure; provided that no structural alterations shall be made except those required by law or ordinance; and further that these regulations shall never be construed to allow an addition to a nonconforming building except that such building may be added to or altered for the purpose of installing and enclosing sanitary facilities such as toilets and bathrooms and the building inspector is authorized to issue building permits for such improvements, provided however, that such improvements to provide sanitary facilities shall not exceed sixty (60) square feet in area.

(c) Addition, enlargements, moving.

(1) A nonconforming building or structure, save and except signs and billboards[,] shall not be added to or enlarged in any manner unless such addition and enlargement are made to conform to all the requirements of the district in which such building or structure is located; provided however, a permit may be issued for an addition to an existing residence in a manufacturing district, where such addition does not increase the number of dwelling units within such residence.

(2) No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of such building or structure is made to conform to all the regulations of the district.

(3) Restoration of damaged buildings. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake or other calamity or act of God, shall not be again restored or used for such purpose if the expense of such restoration exceeds seventy-five (75) per cent of the replacement cost of the building or structure at the time such damage occurred. Any nonconforming buildings or structure partially destroyed may be restored provided restoration is started within twelve (12) months of the date of partial destruction and is diligently prosecuted to completion. Whenever a nonconforming building or structure is damaged in excess of seventy-five (75) per cent of its replacement cost at that time, the repair or reconstruction of such building or structure shall conform to all the regulations of the district in which it is located, and it shall be treated as a new building.

(1983 Code, sec. 29-27(a). See end of this article for full history for this article.)

Sec. 40.05.003 Nonconforming uses of buildings

(a) Continuation. Except as otherwise provided in this ordinance [chapter], the nonconforming use of the building or structure lawfully existing at the time of the effective date of this ordinance [chapter] may be continued.

(b) The use of a nonconforming building or structure may be changed to a use of a more restricted classification, and where the use of a nonconforming building or structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of less restricted classification.

(c) A vacant, nonconforming building or structure lawfully constructed may be occupied by the use for which the building or structure was designated or intended, if so occupied within a period of one year after the effective date of this ordinance [chapter], and the use of a nonconforming building or structure lawfully constructed which becomes vacant after the effective date of this ordinance [chapter], may also be occupied by the use for which the building or structure was designated or intended, if so occupied within a period of one year after the building becomes vacant.

(d) Expansion prohibited. A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure, nor changed except to conforming use. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.

(e) Extension. A nonconforming use shall not be extended, but the extension of a lawful use of any portion of a lawfully existing nonconforming building or structure which existed prior to the enactment of this ordinance [chapter] shall not be deemed the extension of such nonconforming use.

(1983 Code, sec. 29-27(b). See end of this article for full history for this article.)

Sec. 40.05.004 Nonconforming use of land

(a) Continuation of use. The nonconforming use of land existing at the time of the effective date of this chapter, save and except recreational vehicles and oversized recreational equipment or trailers, may be continued, provided:

- (1) That no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- (2) That if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land or portion thereof shall be in conformity with the provisions of this ordinance [chapter].

(1983 Code, sec. 29-27(c). See end of this article for full history for this article.)

Sec. 40.05.005 Nonconforming signs or billboards

All signs or billboards which become nonconforming on the effective date of this ordinance [chapter] shall be brought into compliance or removed by January 1, 1982, except as provided for miscellaneous signs in section 23.6-2 {29-26(f)(2)} [40.04.006(b)]. (1983 Code, sec. 29-27(d). See end of this article for full history for this article.)

Sec. 40.05.006 Abandonment

A nonconforming use of any building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

- (1) When the intention of the owner to discontinue the use is apparent, or,
- (2) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year, or,
- (3) When a conforming building, structure or land or portion thereof which is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of one year, or,
- (4) When it has been replaced by a conforming use.

(1983 Code, sec. 29-27(e). See end of this article for full history for this article.)

Sec. 40.05.007 Displacement

No nonconforming use shall be extended to displace a conforming use. (1983 Code, sec. 29-27(f). See end of this article for full history for this article.)

Sec. 40.05.008 Unlawful use not authorized

Nothing in this ordinance [chapter] shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this ordinance [chapter], notwithstanding any of the other provisions of this ordinance [chapter]. (1983 Code, sec. 29-27(g). See end of this article for full history for this article.)

Sec. 40.05.009 District changes

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district of a different classification or when boundaries or districts are changed as a result of annexation of a new territory or changes in the regulations or restrictions of this ordinance [chapter], the foregoing provisions shall also apply to any nonconforming uses existing therein which may so become nonconforming. (1983 Code, sec. 29-27(h). See end of this article for full history for this article.)

Sec. 40.05.010 Nonconforming recreational vehicles and oversized recreational equipment or trailers

All recreational vehicles and oversized recreational equipment or trailers which become nonconforming on December 31, 1988, shall be brought into compliance or removed on or before January 1, 1993, under the terms of section 29-30(b)(6)k. [40.02,002(f)(11)] of this chapter. (1983 Code, sec. 29-27(i). See end of this article for full

history for this article.)

(Ordinance 7084, sec. 24, adopted 6/26/1975; 1983 Code, sec. 29-27; Ordinance 9092, secs. 10–12, adopted 8/13/1987)