

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, CITY OF LUBBOCK, TEXAS, ENTITLED, "ZONING," ARTICLE 40.03, "DISTRICTS" BY ADDING DIVISION 19.2 ENTITLED "CB-6 CENTRAL BUSINESS DISTRICT, ARTS" TO ESTABLISH ZONING DISTRICT "CB-6 CENTRAL BUSINESS DISTRICT, ARTS"; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the urban core of the Lubbock Central Business District is a unique area of the city with special zoning needs; and

WHEREAS, the City Council of the City of Lubbock desires to facilitate renewal and revitalization of these areas and provide realistic modern standards of development; and

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council finds that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Maps have been fully complied with, including giving notices in compliance with 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1997), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Chapter 40, Article 40.03 of the Code of Ordinances, City of Lubbock, Texas, is hereby amended by adding a new division to be numbered 19.2 which said division reads as follows:

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.

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.

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
- (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).
- (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.

(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 Sec. 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.

Sec. 40.03.2184 Conditional uses

The following uses may be permitted when approved by the zoning board of adjustment as specified in Article 40.02, division 2 of this Chapter.

(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.

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.

Sec. 40.03.2186 Lot width

There shall be no minimum lot width.

Sec. 40.03.2187 Lot area

There shall be no lot area requirements.

Sec. 40.03.2188 Lot coverage

There shall be no lot coverage requirements.

Sec. 40.03.2189 Floor area ratio

There shall be no floor area ratio requirements.

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.

(a) 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.

Sec. 40.03.2191 Separation

Any bar, cocktail lounge, private club, night club or dance hall shall be located a minimum of two hundred (200) feet 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, night club or dance hall shall be located within six hundred (600) feet of any established bar, lounge, private club, night club or dance hall. (This distance shall be measured in a direct line from front door to front door.)

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.

(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 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.

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.

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.

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 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 “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 (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. All outside storage areas shall be behind a minimum six-foot 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.

(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 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.

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, 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.

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by a fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Randy Henson, Director of Planning

APPROVED AS TO FORM:



Chad Weaver
Assistant City Attorney