

Sec. 29-19.3. "CB-4" Depot District.

(a) Purpose. The Depot District is a unique and diverse area of the city with special needs addressed in this section. 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.

(b) General provisions.

(1) All uses within this district shall be of wholesale and retail sales, service, general or professional office, or residential use.

(2) 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.

(3) 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.

(4) All structures shall be in keeping with the average value and construction of the existing development in the area.

(5) 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 has been completed and plans approved. The proponent shall provide any items required for plan review.

(6) 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.

(7) Nonconforming businesses within the district boundaries existing as of the effective date of this section, shall be allowed to expand within the provisions of this section.

(c) Permitted uses.

(1) Any use unconditionally permitted in the "C-3," "IHC," "IHO," "CB-1," or "CB-2" Districts.

(d) Conditional uses. The following uses may be permitted when approved by the zoning board of adjustment as specified in section 25[[29-28](#)].

(1a) Alcohol sales, in areas allowed by state and local laws, permit the sale of alcoholic beverages for off-premises consumption as an incidental use in any business unconditionally permitted in this district, as defined in section [29-3](#)(59). (No accessory pass-out windows and/or delivery to customers while still in their motor vehicles shall be permitted.)

(1) Outside dining patios with front setbacks of less than twenty-five (25) feet, unless allowed by the yard requirement subsection of this section at [29-19.3](#)(e)(1).

(2) Outdoor markets, limited to farm products and new merchandise.

- (3) Permit in any business the use of an accessory pass-out window and/or delivery to customers while still in their motor vehicle.
- (e) Yard requirements.
- (1) Front yard. Any lot line adjacent to a dedicated street shall be a front.
- a. 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.
- b. 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.
- c. On development tracts adjacent to vacant land, the minimum setback shall meet the average established setback in the immediate vicinity.
- d. In no event, however, shall any garage have less than a twenty (20) foot front setback.
- e. Structures and outdoor dining areas/patios must meet the vision clearance requirements of this section.
- (2) Rear yard. There shall be no rear yard requirement.
- (3) Side yard. There shall be no side yard requirement.
- (4) Projections into required yards.
- a. 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.
- b. Unenclosed fire escapes, stairways, porch overhangs and/or balconies, covered or uncovered, may extend four (4) feet into the required front or rear yard.
- (f) Lot width. There shall be no minimum lot width.
- (g) Lot area. There shall be no lot area requirement.
- (h) Lot coverage. There shall be no lot coverage requirement.
- (i) Floor area ratio. There shall be no floor area ratio requirement.
- (j) Height limit. There shall be no height requirement.
- (k) Separation. There shall be no minimum separation requirement for any bar, lounge, private club, nightclub or dance hall.
- (l) Off-street parking.
- (1) Off-street parking requirements.
- a. Boarding or rooming houses - One space for each occupant.

- b. 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.
 - c. Convalescent, nursing, maternity and geriatric homes and personal care facilities - Three (3) spaces for each five (5) beds.
 - d. Day nurseries - One space for each three hundred (300) square feet of gross floor area.
 - e. Funeral home or mortuary - One space for each eight (8) seats in the chapel.
 - f. Game rooms, pool, billiard and/or domino parlors - One space for each one hundred (100) square feet of gross floor area.
 - g. Hospital - Two (2) spaces for each bed.
 - h. Nightclub, bar, lounge, or dance hall - One space for each one hundred (100) square feet of gross floor area.
 - i. Residential units - 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. Townhomes, garden homes, duplexes and single-family shall comply with the "R-1" and "R-2" parking standards.
 - j. 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.
 - k. 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.
 - l. Theaters and motion picture shows (including multiple screens) - One (1) space for each eight (8) seats.
 - m. All permitted uses not listed above - One space for each three hundred (300) square feet of floor area.
 - n. 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.
- (2) Off-street parking provisions.
- a. 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.
 - b. 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.
 - c. 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.

d. Recreational vehicles and oversized recreational equipment or trailers may be stored on paved parking lots, but not in any landscaped area.

1. In no event shall storage of recreational vehicles or oversized recreational equipment or trailers be allowed in the right-of-way or parkway.

2. No person shall occupy or use any recreational vehicles as living or sleeping quarters, except as allowed in subsection e. below.

e. Exceptions to recreational vehicle requirements in section [29-19.2\(1\)\(2\)d.](#) above:

1. 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.

2. 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.

3. Recreational vehicles parked on private parking lots of hospitals and/or clinics where parking of such vehicles is allowed.

4. Any pop-up or tent campers stored in the collapsed position.

(m) 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:

1. Elevation drawings, photographs and other supporting materials to illustrate the proposed renovation.

2. Specifications for all materials to be used, including samples if necessary for complete understanding.

3. 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.
- (n) Plan review process.
- (1) Prior to issuance of a construction permit, complete plans as described in section [29-19.3\(m\)\(1\)--\(5\)](#) 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 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\(n\)\(2\)](#) 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](#).
- (2) 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 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.
- (3) 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](#) are not altered. Variances from the requirements of section [29-19.3](#), even if recommended by the Commission, must be approved by the zoning board of adjustment in accordance with section [29-28](#). The commission shall provide its recommendations in writing to the applicant and to the zoning board of adjustment.
- (o) Landscaping requirements.

(1) 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:

a. Interior courtyards shall not be included in any required landscaping.

b. 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.

(2) 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.](#) of the zoning ordinance.

(3) All required landscaping must be visible from the public right-of-way and placed for maximum enhancement of the property.

(4) Landscaping shall meet the requirements of section [29-3\(62\)](#).

(5) Any landscaping placed within the visibility triangle of a corner lot shall be in compliance with the vision clearance standards of this section.

(6) 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.

(7) Irrigation systems adjacent to public streets shall not spray onto adjacent streets or gutters.

(8) 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.

(p) Vision clearance.

(1) 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.

(2) 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.

(3) Parkway. 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.

(4) 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.

(Ord. No. 10173, § 4, 6-24-99; Ord. No. 10205, § 1, 10-14-99; Ord. No. 2009-O0058, § 9, 7-8-09; Ord. No. 2009-O0059, § 11, 7-8-09)