

ORDINANCE NO. 2011-00072

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 2243-B; A ZONING CHANGE FROM R-2 AND R-2 DESIGN HISTORICAL, A-1 AND A-1 SPECIFIC USE, A-2, AM AND AM SPECIFIC USE, GO, AND C-1 TO R-2 SPECIFIC USE, A-1 SPECIFIC USE, A-2 SPECIFIC USE, AM SPECIFIC USE, GO SPECIFIC USE AND C-1 SPECIFIC USE, TO ESTABLISH DESIGN AND DEVELOPMENT REGULATIONS FOR SOUTH OVERTON ADDITION ON APPROXIMATELY 160 ACRES AS FOLLOWS: LOTS 1-16, BLOCK 1, AND LOTS 1-13, BLOCK 2, HANKINS ADDITION; ALL OF BLOCKS 13-17, 20-24, 45-46, 51-53, 74-77, 80-83, AND 122; LOTS 1-4 AND 13-16, BLOCK 18; THE NORTH 20 FEET OF LOT 12 AND LOTS 13-16, BLOCK 5; LOTS 6-10, BLOCK 6; LOTS 6-10, BLOCK 7; LOTS 6-10, BLOCK 8; LOTS 6-10, BLOCK 9; LOTS 6-10, BLOCK 10; LOTS 13-22, BLOCK 44; LOTS 1-12, BLOCK 47; LOTS 1-12, BLOCK 50; LOTS 8-14 AND 20-24, BLOCK 54; LOTS 4-6, LOT 16, AND THE WEST 7 FEET OF LOT 17, BLOCK 73; LOTS 1-12, BLOCK 78; LOTS 1-12, BLOCK 79; AND LOTS 1-15, BLOCK 104, OVERTON ADDITION, LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.**

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 found 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 Map have been fully complied with, including giving notices in compliance with Section 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, 1990), 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:

ZONE CASE NO. 2243-B

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-2 and R-2 Design Historical, A-1 and A-1 Specific Use, A-2, AM and AM Specific Use, GO, and C-1, to R-2 Specific Use, A-1 Specific Use, A-2 Specific Use, AM Specific Use, GO Specific Use, and C-1 Specific Use** to establish **Design and Development Regulations for South Overton Addition** on approximately 160 acres as follows: **LOTS 1-16, BLOCK 1, AND LOTS 1-13, BLOCK 2, Hankins Addition; ALL OF BLOCKS 13-17, 20-24, 45-46, 51-53, 74-77, 80-83, AND 122; LOTS 1-4 AND 13-16, BLOCK 18; THE NORTH 20 FEET OF LOT 12 AND LOTS 13-16, BLOCK 5; LOTS 6-10, BLOCK 6; LOTS 6-10, BLOCK 7; LOTS 6-10, BLOCK 8; LOTS 6-10, BLOCK 9; LOTS 6-10, BLOCK 10; LOTS 13-22, BLOCK 44; LOTS 1-12, BLOCK 47; LOTS 1-12, BLOCK 50; LOTS 8-14 AND 20-24, BLOCK 54; LOTS 4-6, LOT 16, AND THE WEST 7 FEET OF LOT 17, BLOCK 73; LOTS 1-12, BLOCK 78; LOTS 1-12, BLOCK 79; AND LOTS 1-15, BLOCK 104, Overton Addition, City of Lubbock, Lubbock County, Texas, generally located south of Broadway, North of 19th Street, east of University Avenue, and west of Avenue Q, subject to conditions, and being further described as shown in Exhibit C: "Zone Case 2243-B Boundary" as attached:**

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT the Design and Development Regulations South Overton National Residential Historic District attached hereto as Attachment A are incorporated herein by reference and shall apply as set forth herein.**
2. **THAT the Secretary of the Interior's Standards for Rehabilitation attached hereto as Attachment B are incorporated herein by reference and shall apply as set forth herein.**

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **R-2 and R-2 Design Historical, A-1 and A-1 Specific Use, A-2, AM and AM Specific Use, Go, and C-1** zone district; and if such reversion occurs, the Director of

Planning is directed to remove from the Zoning Map the legend indicating such specific use. The Specific Use authorized by this Ordinance is permitted under provision of Section 40.03.3101-40.03.3103 of Codified Zoning Ordinance No. 7084 on the property described as **generally located south of Broadway, north of 19th Street, east of University Avenue and west of Avenue Q**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. 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 5. 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 August 25, 2011.

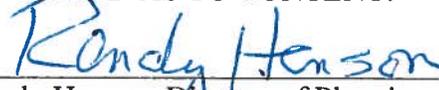
Passed by the City Council on second reading on September 8, 2011.


TOM MARTIN, MAYOR

ATTEST:


Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:


Randy Henson, Director of Planning

APPROVED AS TO FORM:


Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC2243-B
August 4, 2011

Attachment A
DESIGN AND DEVELOPMENT REGULATIONS
SOUTH OVERTON NATIONAL RESIDENTIAL HISTORIC DISTRICT

Purpose

The purpose of this ordinance is to promote the preservation of the unique character of the South Overton National Residential Historic District by overlaying certain conditions on the existing and future land use zoning. The character of this grouping of early 20th century structures is derived from the diverse mix of architectural styles found in early Lubbock.

This zone case and its conditions does not require anyone to make changes to existing properties to conform to these standards, nor does it change the permitted land uses within the zone case boundary. It is the intent of this ordinance that the following activities be compatible with the historic residential and public structures within the South Overton Residential Historic District (Historic District), listed on the National Register of Historic Places (NRHP) in 1996:

- New primary structure construction in excess of three hundred and fifty (350) square feet
- Structural alterations
- Replacement of windows and exterior doors
- Additions to existing structures, and
- Replacement of roofs

Although the National Register designation does not have a direct effect on zoning, the historic architectural elements identified in the nomination are an excellent guide for this zone case. In addition, staff and commissions reviewing new construction, alterations and additions under the standards of this section shall use *The [U.S.] Secretary of the Interior's Standards for Rehabilitation* (36 CFR 67) as a guide in decision making (Attachment B). All requirements of the respective underlying zone district shall apply.

Design Requirements

New Structures: The objective of the design requirements are that any new structure in this zoning district be compatible with the South Overton National Residential Historic District and shall embody the distinctive stylistic elements and materials of one of the early 20th century architectural styles listed below. The nomination for listing of the South Overton Residential Historic District to the National Register of Historic Places includes references to, photographs of, and descriptions of the design elements and characteristics of significant homes and other structures in the South Overton National Historic District, as does *A Guide to Lubbock's Architectural Heritage* (City of Lubbock, 1993) and *Architecture in Lubbock: A Guide for Identification and Preservation* (City of Lubbock, 1979) all available in the Planning Department and on the Planning Department website.

Any of the following styles are permitted for new construction of a primary structure:

- American Foursquare
- Bungalow, Craftsman or Arts and Crafts
- Classical Revival
- Colonial Revival
- Federal Revival
- Folk Victorian
- Georgian Revival
- Greek Revival
- Mission Revival
- Moderne
- Prairie
- Queen Anne
- Spanish Revival (Spanish Colonial, Monterey, Pueblo)
- Spanish Renaissance Revival
- Tudor Revival
- Victorian

A new structure must contain all of the distinctive elements generally recognized for its style of architecture, provided that, in the opinion of the Planning Staff and/or the Urban Design and Historic Preservation Commission, the structure will be a contributing structure and will be in harmony with the existing contributing structures in the Historic District. To promote architectural variety within the district, the same floor plan or building elevation shall not be used twice in any one block.

No structure shall be constructed pursuant to an experimental design including, but not limited to, geodesic dome, A-frame or inflatable structures. No tents, boxcars, portable dwellings or mobile homes are allowed. No modular, pre-built, or prefabricated structures are permitted.

New accessory structures larger than three hundred and fifty (350) square feet constructed on a lot with an existing primary building must conform to the historical style of the primary structure.

Additions, Structural Changes and Roof Replacement on Existing Structures: All additions, exterior structural changes to existing structures, and roof replacements must be of the same design and materials as the primary structure. If the original materials are no longer available, then compatible materials as near the original materials and color as possible and practical shall be considered during the plan review process. Metal roofs are not permissible unless such roofs are a generally accepted element on a permitted style of architecture.

Site Requirements: Primary structures must face the front of the lot adjacent to a street as described in the definitions section of the zoning ordinance. The front set back is required to be even with the average existing front setback of the structures of the immediately adjacent

structures. On corner lots, a duplex may front on both streets. The side and rear yards must meet the requirements of their respective zones.

Sidewalks and Driveway Openings: A sidewalk four (4) feet in width shall be constructed adjacent to any street frontage and in line with existing sidewalks on the same side of the street in the same block. No curb back walks are allowed. A walkway must be constructed to connect the public sidewalk and the front porch. The walkway must be at least four (4) feet wide, of concrete or brick pavers set in sand and contained by a metal or concrete border. Concrete sidewalks and walkways must meet the City's construction specifications for public sidewalks. On development lots less than seventy-five (75) feet wide, one driveway opening not more than twelve (12) feet in width shall be allowed. Circular drives are not permitted.

Building Size and Height: To maintain the typical existing elevations that resulted from pier and beam construction, the elevation of the first floor shall be no less than eighteen (18) inches and no more than twenty-four (24) inches above the highest elevation of the street curb in front of the structure. The elevation of the first floor shall also be no less than fourteen (14) inches above the elevation of the lot at the entrance to the structure. No structure is permitted to have more than twenty (20) percent more floor space than the average of all existing residential structures in the same block. No residential structure shall contain less than six hundred (600) square feet of floor space. Any antenna on the roof shall be located on that part of the roof that is least visible from the street. No flag pole shall be attached to the roof.

Mechanical Units: Mechanical units may not be located in the front of the structure and mechanical units located on the side of a structure must be screened by a screening fence sufficient to block the view of the unit from the street. Mechanical units located on a roof must be located on that part of the roof that is least visible from the street.

Building Materials for New Construction and Alterations: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Materials and colors for new structures should be contributing to the historic character of the district and similar in size, scale and color to historic materials. The following materials are not allowed on any exterior wall or roof: corrugated sheet iron, metal siding, plywood or other composite sheet or panel materials, vinyl siding, exposed concrete masonry units, unpainted wood, diagonal siding or vertical siding. Smooth cement board siding with a reveal of no more than six (6) inches is permitted to simulate wood lap siding and wood trim. Metal roofing is permitted only if it is in keeping with the architectural style of the structure. Accent and trim materials and colors must be in keeping with the architectural style of the structure. Roofing materials and roofing colors must be compatible with the architectural style of the structure

Windows and Doors: Windows and doors should be of wood, glass, painted or pre-finished metal or architectural decorative material consistent with the architectural style of the building. Unpainted wood and clear mill-finished or unfinished aluminum windows and storm doors are not allowed. Storm windows are discouraged on existing properties, and if used should represent

the same size and configuration of existing windows, except on additions to existing structures where storm windows are already present. Windows on new construction should be double paned insulated glass, and storm windows on new construction are not allowed. Storm doors must reveal as much of the door behind it as possible. Replacement windows must be of the same size and configuration as the historic windows.

Fences: No front yard fences shall be allowed.

Off Street Parking: All off street parking must be located in the back half of the development lot and, if accessible from the street, accessible by a driveway to the front street twelve (12) feet in width. No driveway shall be allowed within the vision triangle at the intersection of two streets. A drive from the side street and parking in the back yard may be a substitute if the front drive would be in the vision triangle. Off street parking may be accessible from the alley. On corner lots, off street parking on the rear half of the lot may be accessible from the side street. No commercial vehicles or equipment, except up to a one ton pickup truck or van, and one trailer of less than eighteen (18) feet in length may park on the lot. All trailers, recreational vehicles, boats and motorcycles shall be parked on the back half of the lot

Landscaping: At least ninety (90) percent of the parkway area between the street side edge of the sidewalk and the street curb must be landscaped and permanently maintained with grass or other living plant materials. Excluding the required sidewalks, and if applicable, a single lane driveway to the rear of the lot, at least ninety (90) percent of the remaining front yard must be landscaped and permanently maintained with grass or other living plant material. On corner lots, if the side yard nearest the side street is not enclosed with a screening fence of at least six (6) feet high, at least ninety (90) percent of the side yard and parkway, excluding the required sidewalk, must be landscaped and permanently maintained with grass or other living plant materials. No more than ten (10) percent of this required landscaping can be composed of hard surfaced landscaping material, such as exposed aggregate, brick, concrete masonry, rock or gravel. Trees are encouraged in the parkway. Trees in the parkway must be separated by at least twenty-five (25) feet and a tree may not be planted in the vision triangle or where it may grow into any overhead public utility line. As trees mature in the parkway they shall be pruned to provide at least nine (9) feet of clearance above the street to permit mechanical street sweepers. Trees on the lot overhanging the parkway shall be pruned to a minimum of six (6) feet. Dead trees and plant material must be removed from the property and the adjoining parkway.

Plan Review

Those building, adding to, making structural alterations or structural repairs to, or roofing Residences in South Overton National Residential Historic District should schedule a pre-application conference with the City of Lubbock. Plans submitted should convey the exterior design elements of proposed structure and illustrate the property's relationship to its surroundings.

An application must include the following information:

1. Complete project application form.
2. Owner or representative's name, address, phone and project title.
3. Photographs of adjacent or cross street residences or existing buildings on lot, if any.
4. Site plans, maps and 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. Location and dimensions of buildings and structures.
 - d. Building height and setback from adjacent right-of way and property or easement lines.
 - e. Proposed ingress and egress to property.
 - f. Description and illustration of building style as identified in these guidelines and use of exterior materials. Illustrations should include:
 - i. Elevation drawings, photographs and other supporting materials to illustrate the proposed new construction or renovation.
 - ii. Specifications for all exterior materials to be used, including samples if necessary for complete understanding.
 - iii. Color specifications, with samples preferred.
 - iv. Location and physical size of exterior mechanical equipment and other visible items associated with the structure or development lot.
5. Landscape and irrigation plan for the development lot, including specifications for hard-surface landscape materials.
6. Other information that will assist in the evaluation of site development is encouraged, but not required.

Plan Review Process

Prior to issuance of a construction permit, complete plans as described above must be submitted to the building inspection department. The Director of Planning and building official, or designated representative of either, shall determine whether the proposed development meets the

intent of the ordinance zoning the property and the *Design Guidelines for South Overton National Residential Historic District*. Any decision may be appealed to the Zoning Board of Adjustment by the applicant or other interested person within thirty days of the decision in accordance with the City of Lubbock Zoning Ordinance.

If the Director of Planning or a designated representative determines the proposal contains unique circumstances which cannot be accommodated by the Zoning Ordinance and the *Design and Development Regulations, South Overton National Register Historic District*, the plans will be placed on the next available agenda of the Urban Design and Historic Preservation Commission for recommendations. The commission shall use the zoning ordinance and the design standards to determine whether the development meets the intent of each document. 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 the existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

Upon recommendation by the Urban Design and Historic Preservation Commission, the Director of Planning may vary the requirements of the design standards so long as the requirements of the base zoning district of the property are not altered. Variances from the requirements of the base zoning district, even if recommended by the Urban Design and Historic Preservation Commission must be approved by the Zoning Board of Adjustment. All recommendations by the Urban Design and Historic Preservation Commission must be provided in writing to the applicant and to the Zoning Board of Adjustment.

Attachment B

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Source: <http://www.nps.gov/hps/tps/tax/rhb/stand.htm>

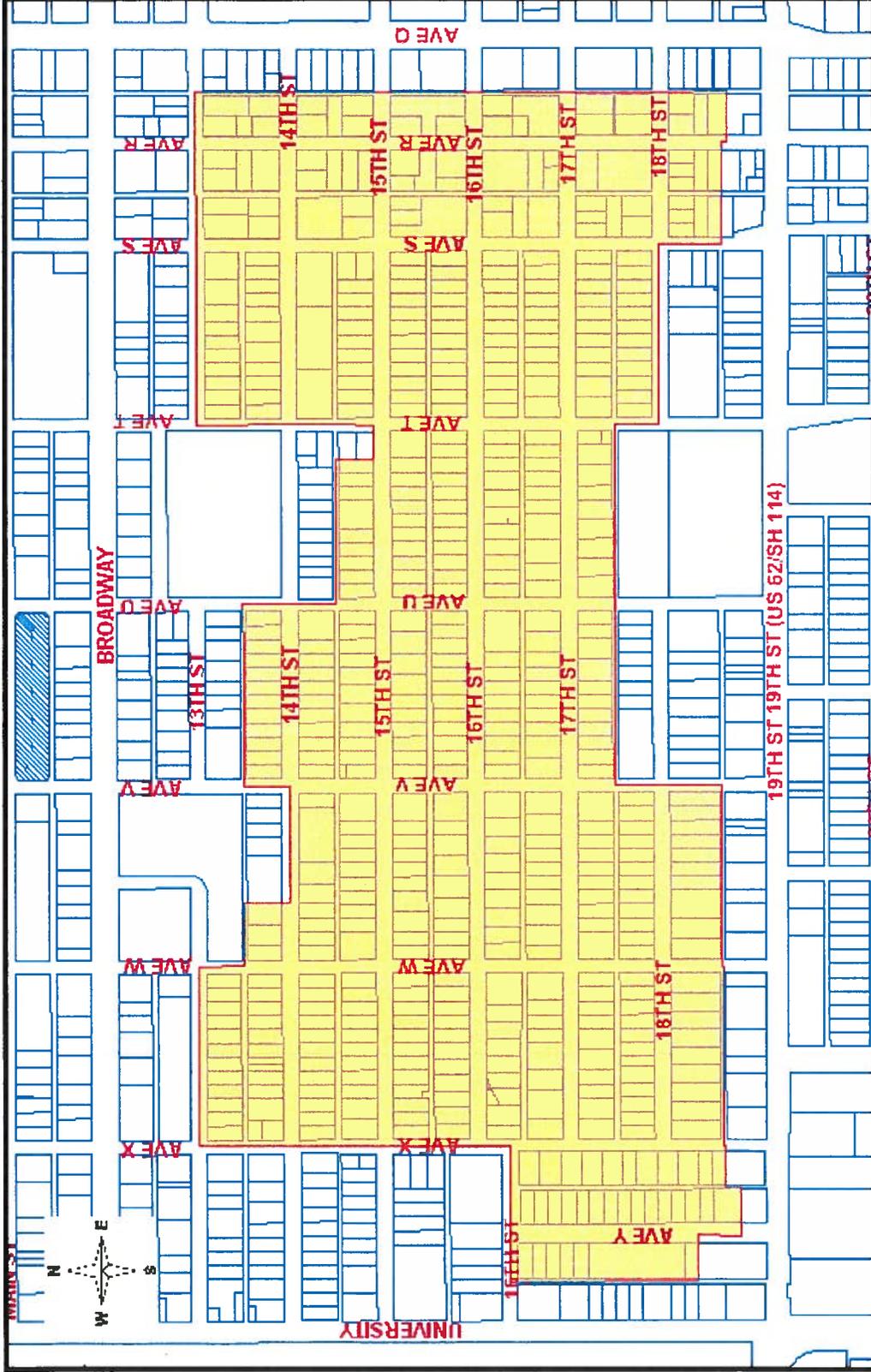


Exhibit C: Zone Case 2243-B Boundary