**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 on-premises and/or off-premises consumption as an incidental use.

(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 on-premises and/or off-premises 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); Ordinance 2019-O0176, secs. 2–3, adopted 12/17/2019. 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)     Reserved.

(2)     Bar, nightclub, or lounge.

(1983 Code, sec. 29-14(d); Ordinance 2017-O00158, sec. 2, adopted 12/18/2017; Ordinance 2019-O0176, sec. 1, adopted 12/17/2019. 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(l). 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**