

ORDINANCE NO. 2024-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING CITY OF WOLFFORTH ZONING ORDINANCE BY AMENDING CHAPTER 14 ZONING; ADDING §14.03.0061 OLD TOWN MIXED-USE DISTRICT (OTM); ESTABLISHING THE OLD TOWN MIXED-USE DISTRICT TO SERVE AS THE COMMUNITY COMMERCIAL CENTER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wolfforth Zoning Ordinance regulates the uses of property within the Wolfforth city limits including setbacks and prohibited structures;

WHEREAS, the Zoning Ordinance requires at least a five-foot setback from principal buildings;

WHEREAS, the Planning and Zoning Commission held a public hearing on March 19, 2024, regarding a principal building setback and prohibited structures; and

WHEREAS, the City published notice on September 23, 2024, in the Lubbock-Avalanche Journal for the October 8, 2024 public hearing before the Planning and Zoning Commission and the October 21, 2024 public hearing before the City Council; and

WHEREAS, the City Council believes it is in the best interest of the City to establish an Old Town Mixed-Use District to serve as a community commercial center; NOW THEREFORE

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH TEXAS, THAT:

Part 1. Enacted.

THAT City of Wolfforth Zoning Ordinance is hereby amended by Chapter 14 Zoning by adding §14.03.0061 Old Town Mixed-Use District, such additional language shall read as follows:

§14.03.0061 Old Town Mixed-Use District.

(a) Purpose. The Old Town Mixed-Use District is intended to serve as a mixed-use community commercial center. Mutually supportive office, civic, cultural, entertainment, and residential uses are planned to enhance the viability of this mixed-use community commercial center. Multiple, complementary uses may be mixed vertically with the same building. This form of development is arranged around a connected street and sidewalk network that serves vehicle, pedestrian, and bicycle transportation.

(b) Allowed Uses. Uses in Old Town Mixed-Use District shall be generally pedestrian oriented and encourage pedestrian traffic. Any use or combination of uses otherwise authorized by these zoning regulations is allowed. Uses with drive-through lanes, which are discouraged in town center, are permitted only by Special Use Permit. If drive-through lanes are allowed by approval,

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the use must be mitigated with special design features during site plan review and located at the endcaps of the building site plan.

(c) Use table- Old Town Mixed-Use Zoning District

Use	P = Permitted S = Special Use Permit NP = Not Permitted
<i>Commercial Uses</i>	
Retail Sales and Services- excluded are sales geared towards automobile, including gasoline service stations.	P S- if includes drive-through
Banks, Credit Unions, Real Estates Offices, and Property Management services- No drive-throughs	P*
Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.	P*
Food Service uses such as full-service restaurants, cafeterias, and snack bars including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation.	P S-if includes drive-through
Art, antique, and furniture sales (retail or repair; excludes auto sales and services)	P
Farmer's Market	S
Veterinary Clinic, completely within an enclosed building (no outdoor facilities for overnight storage of animals)	P*
Bed and Breakfast Establishments	S
Full-Service Hotels	S
Barber, beauty shop, cosmetologist, or hairdresser	P*
Any use with on-premise alcohol sales as less than 50% of gross sales revenue	P
Any use with on-premise alcohol sales as more than 50% of gross sales revenue	S
Any use with off-premises alcohol sales at any amount	S
Tasting Rooms	S
Sale of Used Goods	S
<i>Entertainment Uses</i>	
Theaters and Cinemas	P
Museums	P*
Fitness, recreational sports, gym, or athletic club	P*
Parks, greens, plazas, squares, and playgrounds	P
Amusement, Commercial (indoor)	P
Amusement, Commercial (outdoor)	S
Event Center/Rental Hall	S
<i>Institutional and Civic Uses</i>	
Religious institutions	P*

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Civic uses (courthouse, City Hall, and other public offices)	P*
Assisted Living	S
<i>Residential Uses</i>	
Residential Apartments and/or condominiums	S- for upper floors
Upper floor residential uses	S

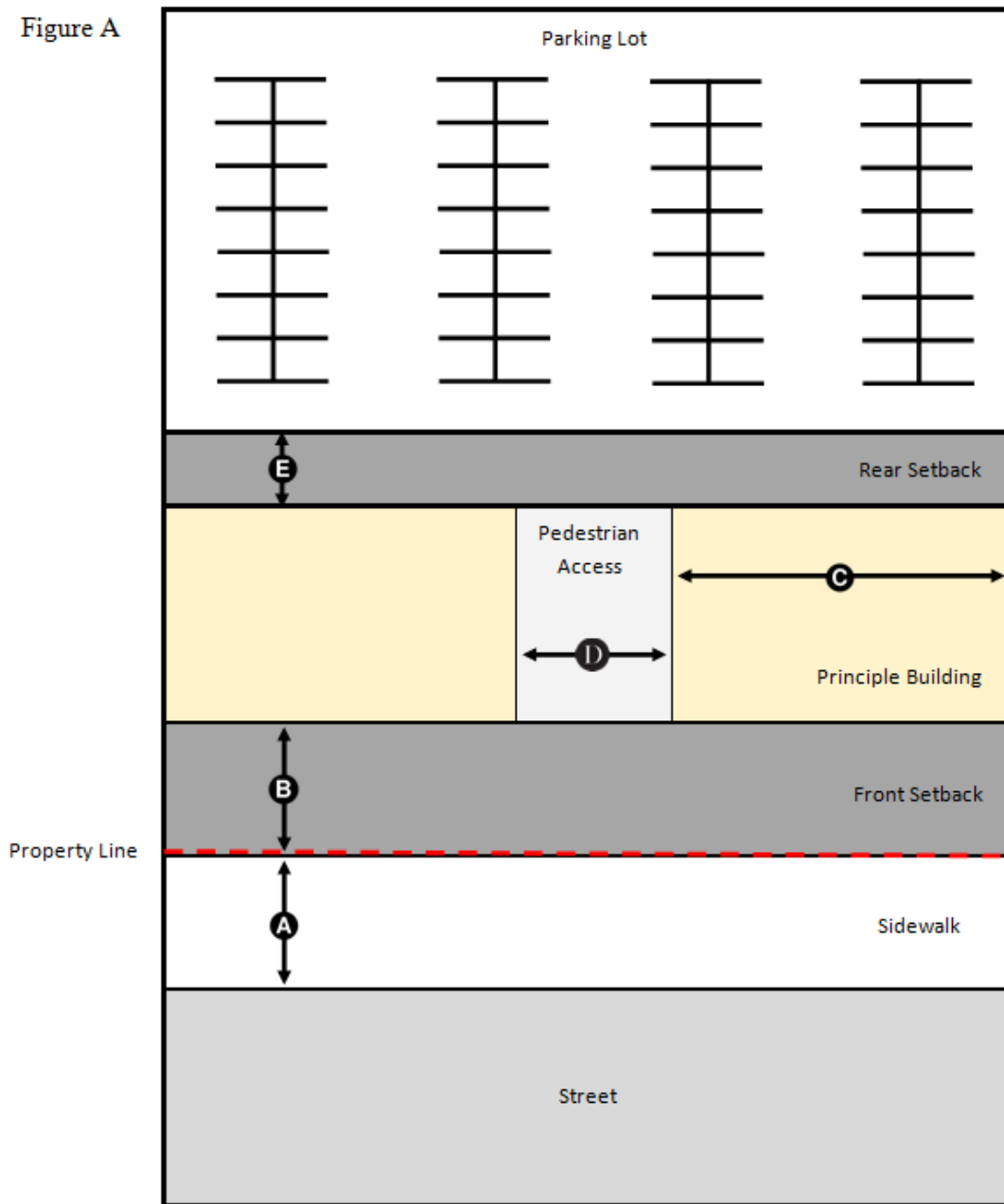
**Commercial businesses within these categories require that they are over 550 feet from a business that falls under the same use category.*

(d) Design Standards. The following minimum standards shall be required (See Figure A):

- i) Setbacks- Structures will have zero lot lines. Buildings in this zone shall comply with the following:
 - (1) Zero lot lines are those lines situated so that the roof line of a structure can be located on the side lot boundary without any setback required.
 - (2) The minimum rear setback shall be five (5) feet for a single-story structure and fifteen (15) for any multi-story structure.
 - (3) A concrete sidewalk shall be constructed ten (10) feet from curb in a dedicated public right-of-way.
 - (4) The minimum front setback shall be ten (10) feet from sidewalk using concrete or another approved material.
 - (5) Pedestrian access shall be placed every two hundred and fifty (250) feet at minimum that are twenty (20) feet in width that shall be constructed with concrete.
 - (6) No doors or windows shall be located on any wall located on a zero-lot line.

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Figure A



Section	Area Description	Setback Requirement (Figure A)
A	Required Sidewalk	10'
B	Minimum Front Setback from property line	10'
C	Maximum Principle Building Width	250'
D	Minimum Pedestrian Access	20'
E	Minimum Rear Setback from Principle Building	5' - Single Story 15' - Multi-Story

- ii) **Parking.** All off-street parking requirements will follow the standards set forth in article **14.05.011** and must be located in the rear of the structure.
- iii) **Patios-** The design of the interior and immediate surroundings of a patio should adhere to the following guidelines:
 - (1) The surface area of an outdoor patio may not exceed the interior floor area of the primary licensed establishment.
 - (2) A fence or vertical barrier may be used to delineate the perimeter of the patio area.
 - (3) Perimeter fences shall not obstruct the line of sight for pedestrians and drivers.
 - (4) Patios shall be located in the front setback or on the rooftop.
- iv) **Signs-** All permissible signage shall be designed and follow the standards set forth in article **14.04.014**.
- v) **Outside storage-** No outdoor storage, except for refuse disposal, shall be permitted. Refuse disposal areas shall be landscaped or screened from view.
- vi) **Live Outdoor Music at Retail Sales and Service-** Live outdoor music will be permissible during peak hours (defined as Sunday through Thursday from 12 pm to 10 pm, and Friday, Saturday, and holidays from 12 pm to 12 am. Music performances are not to exceed Texas Penal Code 42.01 c (2) (85dB or under at property line) at a distance of one hundred (100) meters.
- vii) **Live Outdoor Music at Amphitheaters or Outdoor Events-** Live outdoor music will be permissible Friday, Saturday, and holidays from the hours of 12 pm to 12 am. A permit must be obtained through the city. Music performances are not to exceed ninety-five decibels (95 dB) at a distance of one hundred (100) meters.
- viii) **Principal Building Standards-**
 - (1) Buildings shall be oriented towards the main street.
 - (2) Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.
 - (3) **Building maximum-** 3 stories or 45 feet (whichever is less)
 - (4) **Building Material-** The wall surface for all buildings on sides adjacent to any street or alley walkway other than glass shall be of one hundred percent (100%) masonry material. Seventy-five percent (75%) of overall wall surfaces other than glass shall be of brick, stone, or cast stone. The remaining twenty-five percent (25%) may be

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stucco, fibrous cement, split-face block, or other masonry material. The use of any other wall surface material may be approved by the City Council at the time of the site plan review.

(5) Awnings/Canopies-

(a) Measurements for eaves and awnings on buildings should project a distance of no more than two feet into required setback. (See Figure 1)

(b) Canopies may project into required front setbacks for a minimum distance of twenty (20) feet, provided that no supporting structure for such extensions shall be located within the required front setback. Masonry piers will be located at the edge of the curb. (See Figure 2)

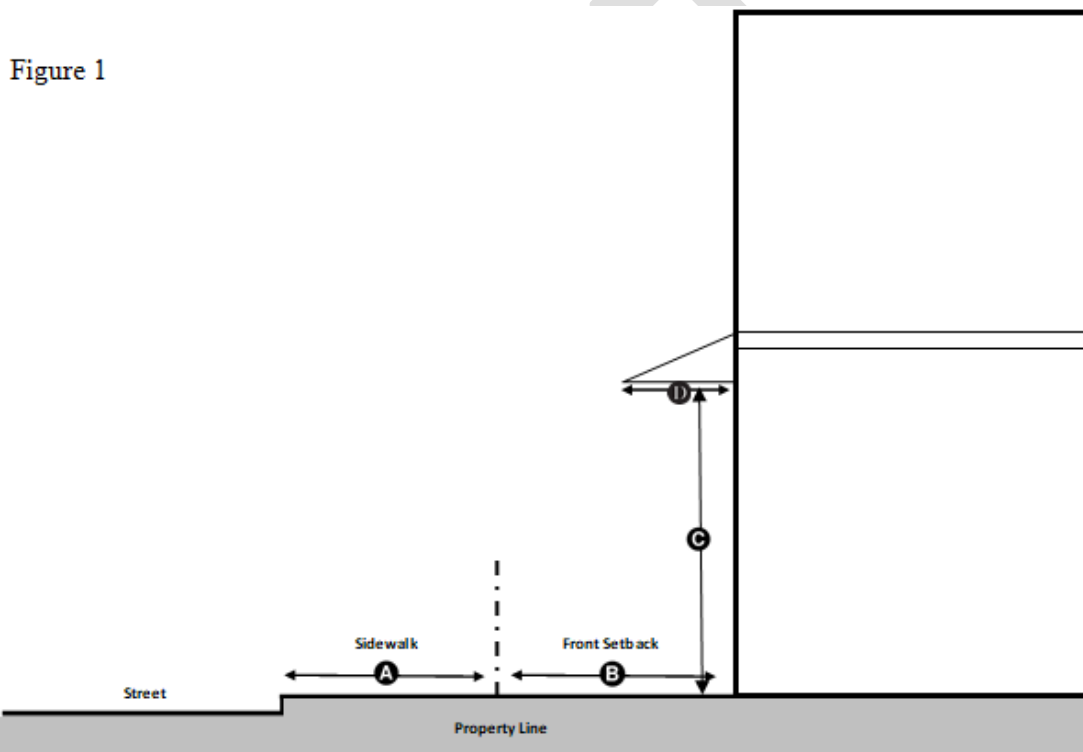
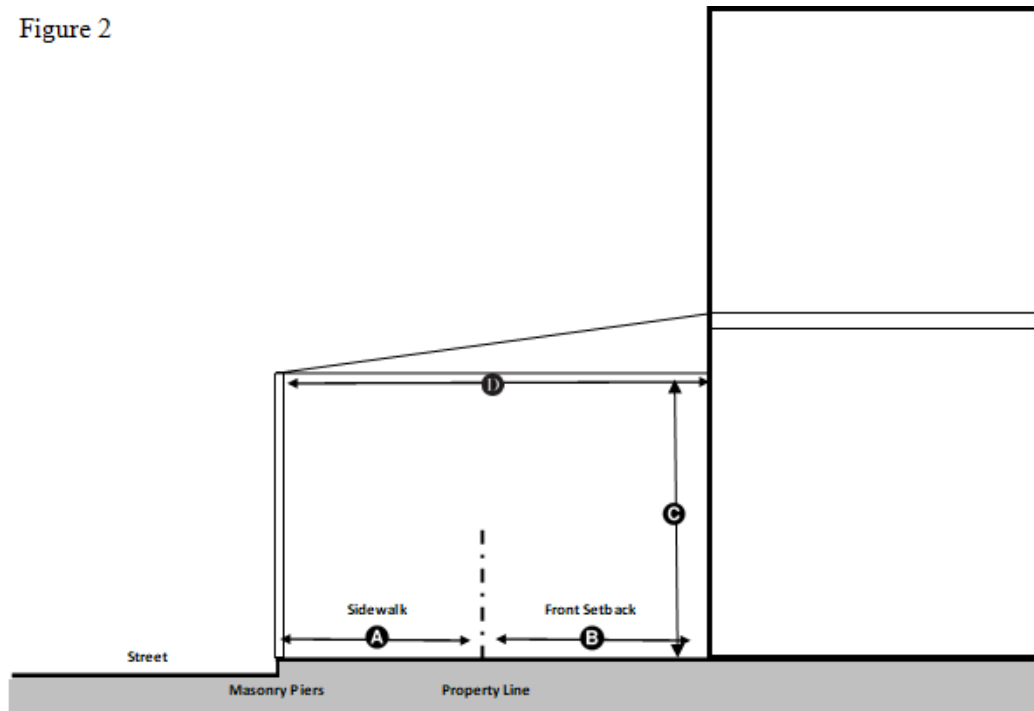


Figure 2



Section	Area Description	Setback Requirement (Fig 1)	Setback Requirement (Fig 2)
A	Required Sidewalk	10'	10'
B	Minimum Front Setback from property line	10'	10'
C	Awning/Canopy Minimum Height	8'	8'
D	Awning/Canopy Extension	2' Maximum	20' minimum (to curb)

- (c) Awnings/Canopies shall be constructed with metal or canvas. Vinyl and plastic are prohibited. Piers supporting canopies at the curbs edge shall be made with masonry material approved by city officials.
 - (d) Lighting and other attachments should be securely fixed and integrated to the supporting structure.
 - (e) At no time shall a canopy be located over any on-street parking or travel lane. The edge of the canopy may not extend past the edge to which it is attached.
- ix) Sidewalk Sales- Sidewalk vendors selling goods must obtain a Sidewalk Vending Permit before conducting vending business activities in the City of Wolfforth. The permits are issued by the Development Department and are valid for seven days from the date of issuance and must be renewed per event.
- (1) In general, sidewalk vendors must adhere to the following guidelines:
 - (a) Display Sidewalk Vending Permit while conducting vending business activities.
 - (b) Vending activities shall take place on a sidewalk and during approved times as follows: hours imposed on other businesses on the same street block or 8 am to sunset, whichever is less restrictive on non-residential blocks.

- (c) A Sidewalk Vending Permit does not provide an exclusive right to operate on any sidewalk or portion thereof. Must be in front of primary business.
- (d) Sidewalk vendors must ensure that the 10-foot area immediately surrounding the vending space is kept clean and free of trash and debris associated with their vending operation. A trash receptacle must be provided for customers and must be large enough to accommodate customer trash.
- (e) Vending equipment and goods must be attended to at all times by the business owner or employee. Vendors must remove all equipment and goods at the end of each day.
- (f) Obstructions that would reduce the width of the sidewalk to less than forty-eight (48) inches are prohibited.
- (g) The public right of way or any area that blocks pedestrians or vehicles is prohibited.
- (h) Vending is prohibited in any public property that does not meet the definition of a sidewalk, including but not limited to any alley, street, street or roadway median, street end or parking lots.

Part 2. Severability.

If any section, sub-section, clause, phrase or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portion.

Part 3. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 4. Open Meetings.

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Part 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

PASSED AND APPROVED ON THIS THE 21ST day of October 2024.

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Charles Addington, II, Mayor
City of Wolfforth, TX

ATTEST:

Terri Robinette, City Secretary

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