

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S ARCHITECTURAL AND SITE DESIGN STANDARDS; PROVIDING FOR AMENDMENTS TO THE BUILDING SETBACKS IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

**WHEREAS**, the City of Killeen has declared the application and enforcement of the City's zoning regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

**WHEREAS**, the City Council desires to amend district regulations to preserve and enhance surrounding property values; and,

**WHEREAS**, the City Council finds that such amendments are necessary and will provide consistent and even application of zoning regulations to all applicants;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:**

**SECTION I.** That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended as follows:

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**Sec. 31-77. Special exceptions.**

- (a) The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter, to:
- (1) Permit the erection and use of a building or the use of premises for railroads.
  - (2) Permit a public utility or public service use or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service

building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.

- (3) Permit a transitional use between a business or industrial and a residential district where the side of a lot in district "R-1," "SF-2," or "R-2" abuts upon a lot zoned for business or industrial purposes as follows:
    - a. On a lot in district "R-1" or "SF-2," which sides upon a lot zoned for business or industrial purposes, the board may permit a two-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.
    - b. On a lot in district "R-2," which sides upon a lot zoned for business or industrial purposes, the board may permit a four-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.
    - c. Provided, however, that in no case shall any transitional use have a width of more than one hundred (100) feet.
  - (4) Grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this article is derived.
  - (5) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty (50) percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
  - (6) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
  - (7) Permit land within three hundred (300) feet of a multifamily dwelling to be improved for the parking spaces required in connection with a multifamily dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multifamily dwelling.
  - (8) Determine whether an industry should be permitted within district "M-1," light industrial, and district "M-2," heavy industrial, because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
  - (9) Determine in cases of uncertainty the classification of any use not specifically named in this chapter.
- (b) The Board shall have the power to hear and decide appeals to staff determinations regarding the construction of unique commercial buildings or custom homes having a modern or contemporary architectural aesthetic, which that do not conform to the standards in Article VI of this chapter. In considering such request, the board shall consider whether the proposed design meets the intent, if not the letter, of the architectural and site design standards set forth in this chapter.

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**Sec. 31-188. Area regulations.**

- (a) *Size of yards.* The yards in the district "R-1" single-family residential district shall conform to the following:
- (1) *Front yard.* There shall be a front yard having a depth of not less than ~~twenty-five (25)~~ twenty (20) feet. Where lots have double frontage running through from one (1) street to another, the required front yard shall be provided on both streets. No parking shall be allowed within the required front yard.
  - (2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ~~seven (7)~~ five (5) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.
  - (3) *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the centerline of the easement as in the subdivision ordinance.
- (b) *Size of lot.* The lot requirements for the district "R-1" single-family district shall be as follows:
- (1) *Lot area.* No building shall be constructed on any lot less than six thousand (6,000) square feet.
  - (2) *Lot width.* The width of the lot shall not be less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) feet.
  - (3) *Lot depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than ninety (90) feet.
  - (4) *Existing lots.* Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of the ordinance from which this chapter is derived, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

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**Sec. 31-195. Area regulations.**

- (a) *Project size.* All development projects in this district must contain a minimum of one (1) acre of property. A planned unit development (PUD), as defined in chapter 31, article V, division 8, Killeen code of ordinances, shall be required for any request for a "SF-2" district when the total acreage of the request consists of twenty-five (25) acres or more. The purpose of requiring a PUD is to give the city council the ability to determine the proposed development's impact on existing infrastructure and open/recreational space and whether additional public improvements to serve denser development are necessary to promote the health, safety and welfare of the development's residents.

- (b) *Size of yards.* The yards in the "SF-2" single-family residential district shall conform to the following:
- (1) *Front yard.* There shall be a front yard having a depth of not less than ~~twenty-five (25)~~ twenty (20) feet. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
  - (2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet.
  - (3) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Size of lot.* The lot requirements for the "SF-2" single-family residential district shall be as follows:
- (1) *Lot area.* No building shall be constructed on any lot less than five thousand (5,000) square feet of area.
  - (2) *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line. On corner lots, with two (2) street frontages, the minimum width shall be not less than sixty (60) feet.
  - (3) *Lot depth.* The average depth of the lot shall be not less than one hundred (100) feet, except that a corner lot having a minimum width of not less than forty-five (45) feet may have an average depth of less than one hundred (100) feet, provided that the minimum depth is not less than ninety (90) feet.
- ~~(d) *Architectural design.* The same exterior architectural elevation may not be used within any grouping of five homes.~~

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## **Article VI. – Architectural and Site Design Standards.**

### **Sec. 31-900. - Purpose.**

The purpose of this division is to establish design standards for new single-family and two-family residential development within the city limits. The standards in this division are intended to be in addition to any other design standard in this Code. In the event of a conflict, the more stringent regulation shall apply. The Executive Director of Development Services or designee shall have the authority to render interpretations of this Article and to adopt policies and procedures to clarify the application of its provisions.

### **Sec. 31-901. - Applicability and exemptions.**

- (a) The requirements in this division shall apply to all new residential single-family and two-family developments, including single family homes, patio homes, garden homes, townhomes, ~~manufactured homes,~~ and duplexes.