

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR A SPECIAL EXCEPTION PROCESS FOR ARCHITECTURAL AND SITE DESIGN STANDARDS; 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.**

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.
  - (10) Permit the construction of unique commercial buildings or custom homes having a modern or contemporary architectural aesthetic, which 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. 31-901. – Applicability.**

- 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.
- b) Unique commercial buildings or custom homes having a modern or contemporary architectural aesthetic, which do not conform to the provisions in this article, may be approved ~~at the discretion of the Executive Director of Development Services or his/her designee~~ by special exception granted by the Zoning Board of Adjustment pursuant to

Killeen Code of Ordinances Sec. 31-77(10).

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**SECTION II.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

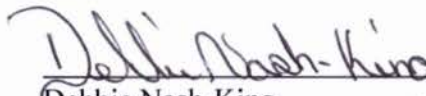
**SECTION III.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be effective after its passage and publication according to law.

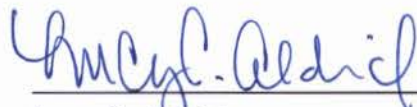
**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 28<sup>th</sup> day of June, 2022, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED**

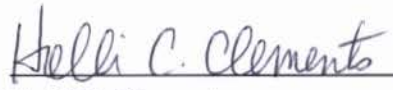
  
Debbie Nash-King,  
MAYOR



**ATTEST:**

  
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Lucy C. Aldrich,  
CITY SECRETARY

**APPROVED AS TO FORM:**

  
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Holli C. Clements,  
INTERIM CITY ATTORNEY

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**May 16, 2022**

**Special Exception Process for Architectural and Site Design Standards**  
**Chapter 31 Code of Ordinances**

**HOLD** a public hearing and consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen, providing for a special exception process for architectural and site design standards.

Ms. Meshier briefed the Commission regarding the proposed ordinance. She stated that, if approved, the amendment would provide for a special exception process through the Zoning Board of Adjustments (ZBA) instead of by the Executive Director of Development Services.

Chairman Latham opened the public hearing.

With no one wishing to speak, the public hearing was closed.

Commissioner Gukeisen moved to recommend approval of the ordinance as presented by staff. Commissioner Jones seconded, and the motion passed by a vote of 8 to 0.

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** June 21, 2022  
**TO:** Kent Cagle, City Manager  
**FROM:** Edwin Revell, Executive Director of Development Services  
**SUBJECT:** Ordinance amending the boundaries of the Historic Overlay District

**BACKGROUND AND FINDINGS:**

On April 12, 2022, the City Council approved a resolution authorizing an Interlocal Agreement with Bell County for the demolition of the First National Bank Texas building. The intent of the Interlocal Agreement is that the First National Bank Texas building will be demolished, and a new Bell County Killeen Annex building will be built in its place.

The purpose of the proposed ordinance is to amend the HOD boundaries to remove the First National Bank Texas site from the Historic Overlay District.

**THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives:

- Do not approve the ordinance and leave the boundaries of the HOD in place; or
- Approve the ordinance as presented.

**Which alternative is recommended? Why?**

Staff recommends approval of the ordinance as presented so that the First National Bank property will no longer be in the Historic Overlay District.

**CONFORMITY TO CITY POLICY:**

The proposed ordinance conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This is not applicable.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

On May 16, 2022, the Planning and Zoning Commission recommended approval of the ordinance as presented by a vote of 6 to 2 with Commissioners Minor and Ploeckelmann in opposition.

Commissioner Ploeckelmann stated that he is in favor of maintaining the Historic Overlay District as is, and Commissioner Minor stated he is in favor of retaining the City's historic buildings.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Responses