

ORDINANCE NO. 24-049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING CHAPTERS 26 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S SIGNAGE AND SUBDIVISION REGULATIONS; PROVIDING FOR STANDARDS REGARDING SUBDIVISION ENTRY FEATURES AND SUBDIVISION PERIMETER WALLS AND FENCES; 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 Texas Local Government Code;

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

WHEREAS, the City Council desires to amend its regulations pertaining to subdivision entry features and subdivision perimeter walls and fences;

WHEREAS, the City Council finds that such amendments are necessary to protect the public health, safety, and welfare of the public;

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City of Killeen on the 17th day of June, 2024 at 5:00 p.m.;

WHEREAS, a public hearing was held by the City Council of the City of Killeen on the 1st day of October, 2024 at 3:00 p.m.; and

WHEREAS, due notice of all public hearings was provided as required by law.

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

SECTION I. That Chapter 26, Article IV, Division 6 of the City of Killeen Code of Ordinances is hereby amended by adding sections, to be numbered 26-192 through 26-199, which said sections read as follows:

Secs. 26-192 – 26-199. - Reserved.

SECTION II. That Chapter 26, Article IV of the City of Killeen Code of Ordinances is hereby amended by adding a division, to be numbered Division 7, which said division reads as follows:

DIVISION 7. - Perimeter Walls, Fences, and Entry Signs. Sec. 26-200. - Applicability and exceptions.

- (a) *Applicability.* This Division shall apply to all new residential subdivisions for which a subdivision plat is filed after the effective date of the ordinance from which this Division is derived.
- (b) *Exceptions. The requirements set out in this Division shall not apply to:*
 - (1) The repair or replacement of an existing subdivision perimeter wall or fence in place prior to adoption of the ordinance from which this Division is derived.
 - (2) The repair or replacement of an existing subdivision entry feature in place prior to adoption of the ordinance from which this Division is derived.

Sec. 26-201. Perimeter Walls and Fences.

- (a) In order to provide a cohesive aesthetic appearance, all residential development that is bounded on any side by a Collector or Arterial roadway shall provide a perimeter wall or fence along the side and rear property lines abutting that roadway as follows:
 - a. An opaque masonry wall shall be constructed along the right-of-way line of all side and rear property lines abutting an Arterial roadway. Such masonry wall shall be at least six (6), but not taller than eight (8), feet in height, exclusive of caps on fence posts or pilasters. For purposes of this section, masonry shall be defined as brick, stone, precast concrete, or other similar masonry material of equal character, density, and design. Masonry walls shall be designed by a licensed engineer.
 - b. An opaque masonry wall or enhanced perimeter fence shall be constructed along the right-of-way line of all side and rear property lines abutting a Collector roadway. Such enhanced perimeter fence shall meet or exceed the following specifications:
 - i. For purposes of this section, an enhanced perimeter fence shall be defined as a wood, or metal and wood, privacy fence having brick or stone columns spaced not more than one hundred (100) feet apart.
 - ii. Privacy fencing shall be comprised of plastic composite fencing material.

Alternative fencing materials, including vinyl, rubber, and R-panel or U-panel metal fencing shall not be permitted unless approved by the Executive Director of Development Services or designee.

iii. Enhanced perimeter fences shall be at least six (6), but not taller than eight (8), feet in height, exclusive of columns or pilasters. No additional fencing may be added to the fence.

c. In cases where a required perimeter wall or fence abuts a public or private open space amenity, a wrought iron style fence may be provided instead of an opaque masonry wall or enhanced perimeter fence. No additional fencing may be added to the wall.

(b) In cases where a development has multiple phases and/or multiple frontages along different collector or arterial roadways, required masonry walls or enhanced perimeter fences shall be consistent and cohesive throughout the development.

(c) Responsibility for the maintenance and integrity of the perimeter wall or fence shall fall to the homeowners' or property-owners' association. The homeowners' or property owners' association shall be responsible for performing all routine and preventative maintenance to ensure its longevity.

(e) A plat note describing the location and construction specifications of the proposed wall or fence shall be included on the preliminary plat and final plat.

(f) Perimeter walls and fences shall conform to the requirements of Sec. 31-857 regarding visibility triangles at intersections.

(g) The developer shall construct the entire length of the subdivision perimeter wall or fence prior to the issuance of the first Certificate of Occupancy for a residential dwelling abutting the perimeter wall or fence, or within six (6) months of acceptance of the public improvements for that phase, whichever occurs first.

(h) A five-foot (5') maintenance easement shall be provided along the back and sides of the property abutting the perimeter wall or fence for maintenance purposes.

Sec. 26-202. - Subdivision Entry Features. Subdivision entry features may be located at primary entrances into a residential development, subject to the following standards:

(a) Up to two (2) subdivision entry features are permitted at the primary entrance into a residential subdivision. If the subdivision has entrances on two different major or minor

arterial roadways, up to two (2) subdivision entry features may be placed at the entrance on each of the arterial roadways.

- (b) Subdivision entry features may include signage advertising only the name or logo of the development. Signs shall not include any advertising or business names or logos. The area of the sign face, not inclusive of the entry feature, shall not exceed fifty (50) square feet per sign face. The area of the sign face shall be measured as described in the definition of sign area in Sec. 31-502.
- (c) The overall height of a subdivision entry feature shall not exceed sixteen (16) feet.
- (d) Subdivision entry features must be constructed of stone, brick, or other masonry material(s). Metal and wood accents are permitted. Plastics shall not be permitted for any portion of the entry feature or sign unless approved by the Executive Director of Development Services or designee.
- (e) A subdivision entry feature may include external uplighting lighting in accordance with section 31-899.
- (f) Signage on a subdivision entry feature may be externally lit or backlit but shall not be internally lit. Electronic message displays, LED light displays, and neon signs are not permitted on subdivision entry features.
- (g) Subdivision entry features located outside of the right-of-way must be set back a minimum of five (5) feet from the property line, outside of the required sight triangle.
- (h) Subdivision entry features may be located within the right-of-way at the discretion of the City Engineer upon execution of a right-of-way license agreement.
- (i) Subdivision entry features must provide a landscaped area equal to twice the area of the sign face, providing one (1) five-gallon shrub for every ten (10) square feet of landscaped area. An automated irrigation system shall be provided. The homeowners' or property-owners' association shall be responsible for the maintenance of the landscaped area and sign.
- (j) Subdivision entry features shall not be located in a side or rear yard which is adjacent to another lot designated for residential use.

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

Sec. 31-186. Use regulations.

A building or premises in a district "R-1" single-family residential district shall be used only for the following purposes:

(14) Subdivision entry features, as described in Section 26-202 of this code.

SECTION IV. 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 V. 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 VI. 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 VII. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 5th day of November, 2024, 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:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM:

Holli C. Clements, CITY ATTORNEY