

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE NORTH KILLEEN REVITALIZATION PROGRAM; EXEMPTING PARKLAND DEDICATION AND DEVELOPMENT FEES; WAIVING TRAFFIC IMPACT ANALYSIS WORKSHEET FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council passed and adopted an ordinance establishing a North Killeen Revitalization Program on September 22, 2015; and

WHEREAS, the City Council readopted the North Killeen Revitalization Program on September 22, 2020;

WHEREAS, the City Council desires to waive parkland dedication and development fees for eligible projects within the North Killeen Revitalization Area;

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

SECTION I. That the City of Killeen hereby amends the North Killeen Revitalization Program as follows:

NORTH KILLEEN REVITALIZATION PROGRAM

I. GENERAL PURPOSE

The purpose is to promote the development and redevelopment of North Killeen as depicted in Figure 1.1. This program includes incentives for residential and commercial/business structures' rehabilitation, expansion, ~~and~~ or new construction. The structure for which the improvement is proposed must be brought ~~up to~~ within compliance of current building codes; allowing for non-conforming lots as described in section IV-(a). By adopting this program, the City intends to provide incentives by waiving certain fees and providing for the refund of payments made toward ~~release of~~ certain liens, beginning on the date of City Council adoption of this program.

II. DEFINITIONS

Department shall mean the development services department for the City of Killeen.

Director shall mean the executive director of development services.

"Eligible Rehabilitation—" includes physical improvements to real property to include structural repairs, re-roof, foundation rehabilitation, exterior and interior improvements to bring up to comply with the Ceode, provide for accessibility improvements, or exceed minimum

requirements such as electrical, plumbing, and HVAC improvements. Eligible rehabilitation does NOT include personal property (such as furniture, appliances, equipment, and/or supplies).

"New Construction" shall mean a newly constructed structure for residence or conduct of business requiring a permanent foundation. This excludes accessory structures such as sheds, fences, and incidental out-buildings.

Program shall mean the North Killeen Revitalization Program.

III. FEE WAIVERS

A. ELIGIBLE RECIPIENTS/PROPERTIES

1. In order for a property owner/developer to be eligible to apply for fee waivers under the Program, the property owner/developer:
 - a. Must submit a Program application to the City;
 - b. Must not be delinquent in paying property taxes for any property located in the City of Killeen owned by the applicant property owner/developer ~~or applicant~~;
 - c. Must not have any active code enforcement violations;
 - d. Must not be in arrears on any City account; and
 - e. Must not have any City liens filed against any property owned by the applicant property owner/developer, or liens must be paid in full prior to submitting application in accordance with subsection B below.
2. Approval of the Program application and waiver of the fees shall not be deemed to be approval of any aspect of the project. All projects are subject to and must comply with all applicable local, State, and Federal laws. Before construction, the applicant must ensure that the project is located in the correct zoning district.

B. RELEASE OF LIENS

1. Outstanding liens shall be paid in full to the City by way of cashier's check or money order prior to submitting an a Program application ~~for the North Killeen Revitalization Program~~. Upon completion of the project, any payments made toward a liens shall may be refunded to the applicant in accordance with subsection (2), below.
2. The City may reimburse any payment, including interest, made toward the release of the following liens, ~~to include interest, shall be released in~~

~~in conjunction with~~ after completion of an eligible new construction or eligible rehabilitation project, in an amount not to exceed the total valuation of the ~~eligible~~ new construction or eligible rehabilitation project:

a. One hundred (100) percent of all liens incurred for the abatement of nuisances, as described in ~~Killeen Code of Ordinances~~, Chapter 18 ~~of the Code, in an amount not to exceed the total valuation of the eligible new construction or rehabilitation project.~~

b. Fifty (50) percent of all liens and civil penalties incurred for the demolition of an unsafe structure in accordance with ~~Killeen Code of Ordinances~~, Chapter 8, Article V ~~of the Code, in an amount not to exceed the total valuation of the eligible new construction or rehabilitation project.~~

3. The City shall not release ~~or~~ or forgive any lien or refund payments made toward any lien on a property owned by the person whose actions resulted in the lien being placed on the property. The City shall not release or forgive any lien or refund payments made toward any lien on a property owned by an immediate family member or firm, corporation, partnership, or business entity of a person whose actions resulted in the lien being placed on the property. For purposes of this section, the term “immediate family member” shall mean spouse, child, parent, niece, nephew, aunt, uncle, grandparent, grandchild, or anyone having one of these relationships by law.

4. On a case-by-case basis, the City may consider releasing or forgiving any lien or refunding payments made toward any liens on a property when not in conjunction with ~~an eligible~~ new construction or eligible rehabilitation project if the City Manager deems ~~the release of lien~~ that doing so will advance the City’s revitalization efforts.

5. On a case-by-case basis, the City may consider releasing or forgiving any lien or refunding payments made toward any liens in excess of the valuation of the ~~eligible~~ new construction or eligible rehabilitation project if the City Manager deems ~~the release of lien~~ that doing so will advance the City’s revitalization efforts.

C. DEVELOPMENT FEES

1. Once the application for incentives under the Program has been approved by the City, the following fees for services performed by the City ~~of Killeen~~ shall ~~may~~ be waived for new construction or eligible rehabilitation projects that expend ~~a minimum of~~ at least \$2,000:

a. All ~~building permit related~~ fees (including ~~plans review and inspections~~);

b. Plat application fee (including preliminary plat, final plat, minor

- plat and replat);
- c. Zoning Board of Adjustment application fee;
 - d. Demolition permit fee;
 - e. Zoning application fee for properties seeking a zoning change to fit current property use; ~~and~~
 - f. Sign permit fees;
 - g. Traffic impact analysis worksheet fees; and
 - gh. Parkland dedication and development fees.
2. If a permit or application listed in subsection (1), ~~above is expired~~ in which the City waived the fee, subsequently expires, the any fee(s) to reactivate, renew, or reapply shall not be waived. In addition, penalties and extension fees or re-permitting fees will not be waived.
 3. Other development related fees not specified above may be considered for approval by the City Manager, or his designee.

IV. DEVELOPMENT STANDARDS

A. NON-CONFORMING LOTS/STRUCTURES

1. The minimum lot size for a non-conforming properties located within the North Killeen Revitalization Area shall be 3600 square feet and will not be required to obtain approval from the Zoning Board of Adjustments.
2. The minimum building setbacks for a non-conforming property located within the North Killeen Revitalization Area shall be five (5) feet on each side, ten (10) feet on the rear, and twenty (20) feet on the front of each lot. (Note: Items 1 and 2 above do not apply to conforming lots.)
3. The hearing 50% rule requirement as described found in Killeen Code of Ordinances—Section: 31-54(c), for reconstructing non-conforming structures/uses, will be waived and requests to repair or replace properties located within North Killeen Revitalization Area shall be deemed granted for properties located within this area.

V. PROCEDURAL STEPS

A. APPLICATION SUBMISSION

1. The applicant must complete and submit a City of Killeen "Application for Incentives" to the City Manager/Director, or his designee. A complete application must include proof that:
 - a. The project is located the North Killeen Revitalization Area; and

b. ~~The project is in compliance~~ complies with the adopted North Killeen Revitalization Program.

2. The ~~Planning and Economic Development Services~~ Department will review the application for eligibility, accuracy, and completeness. ~~A complete application must include proof that:~~

~~a. The project is located the North Killeen Revitalization Area; and~~

~~b. The project is in compliance with the adopted North Killeen Revitalization Program.~~

3. Once the ~~Planning and Economic Development Services~~ Department determines that the application is complete and that the applicant is eligible to receive incentives, the Department will forward the application ~~will be forwarded~~ to the City Manager, or his designee, for approval.

B. INELIGIBLE PROJECTS

1. The following projects shall not be eligible for any incentives under the City of Killeen's North Killeen Revitalization Program:

- a. Sexually oriented businesses;
- b. Non-residential mobile structures; and
- c. Manufactured housing.

C. DENIED APPLICATIONS

1. Applications will be deemed denied thirty (30) calendar days after submission if all required supporting or requested documentation is not received by the City.

SECTION III. 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 IV. That should any section or part of any section or paragraph 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 V. 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 VI. That this ordinance shall be effective after its passage and publication according to law, and shall remain in effect in perpetuity, or until otherwise amended or repealed by City Council.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 10th day of January 2023, 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