

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO STANDARDS FOR FENCING MATERIALS AND ADDING LANDSCAPING STANDARDS FOR NONRESIDENTIAL, MULTIPLE APARTMENT COMPLEX DEVELOPMENT AND COMMERCIAL LOTS; 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 create land use regulations that will help ensure that future development is mutually compatible with surrounding areas and the community as a whole; 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 to read as follows:

Sec. 31-858. Fencing materials.

- (a) Materials not originally intended for use in constructing a fence are prohibited as fencing and screening materials. Examples of prohibited materials include plywood, particleboard, corrugated metal, railroad ties, tires, door panels, and other makeshift materials. R-Panel and U-Panel metal fences are permitted provided they are coated and capped at the top.
- (b) Used or salvaged fencing materials including materials that are weathered, [worn], rusted, corroded, or otherwise deteriorated shall be prohibited.
- (c) Chain-link fencing (including posts) for uses other than single-family or two-family dwellings shall be black or green vinyl coated.
- (d) Except in the "A" (Agricultural) district and for agricultural uses in any district and to repair existing barbed wire fencing, barbed wire fencing is prohibited in residential districts.

Sec. 31-893. Landscaping standards for nonresidential, multiple apartment complex development, and commercial use lots and parcels.

- (a) *Landscaping required.* Minimum required landscaping shall be determined by this section. Where possible, approximately fifty percent (50%) of the required landscaping should be located in the street yard; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.

- (b) *Trees.* The following requirements shall apply to tree landscaping:
- (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 25. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one street frontage by dividing the total lot frontages by 30 instead of 25.
 - (2) Not less than fifty percent (50%) of the required trees planted in the area to be landscaped shall be canopy trees.
 - (3) Newly planted trees shall measure at least two (2) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
 - (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
 - (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
 - (6) Recommended plantings include the quality tree species listed in subdivision A.
- (c) *Shrubbery.* The following requirements shall apply to shrubbery landscaping:
- (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 5. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
 - (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, 10 shrubs can be substituted for 1 canopy tree and 6 shrubs can be substituted for a non-canopy tree.
 - (3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).
 - (4) Shrubs shall not be less than three (3) gallons in size.
 - (5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (d) *Ground cover.* The following requirements shall apply to ground cover landscaping:
- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
 - (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (e) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

Secs. 31-894—31-899. - Reserved.

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 25th day of October, 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:

APPROVED AS TO FORM:

Judy Paradice,
INTERIM CITY SECRETARY

Holli C. Clements,
CITY ATTORNEY