

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE I IN GENERAL, ARTICLE IV DISTRICT REGULATIONS, AND ARTICLE V SUPPLEMENTAL REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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; and,

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 desires to amend district regulations to preserve and enhance surrounding property values, prevent the overcrowding of land and undue concentration of population, to prevent undue overloading of municipal infrastructure, and to promote land use consistent with neighboring properties; 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. 31-2. - Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure;" the word "shall" is mandatory and not directive; the word "lot" includes the word "plot;" the term "used for" includes the meanings "designed for" or "intended for." Such words and terms are as follows:

Accessory use or building shall mean a subordinate use or building customarily incident to and located on the same lot occupied by the main use or building.

All weather surface on privately owned property shall consist of Portland cement concrete or an impervious bituminous surface over a compacted base or other surface approved by the building official. The parking surface must be capable of retaining paint or striping material.

Alley shall mean a public way which affords only a secondary means of access to property abutting thereon.

Animal production shall mean the raising and sales of animals or production of animal products produced on site, to include eggs or dairy products, on an agricultural or commercial basis. Typical uses include, but are not limited to, grazing, ranching, dairy farming and poultry farming, and do not include operating feed lots.

Apartment complex: means five or more dwelling units on one lot.

Apartment hotel shall mean an apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Automotive Parts Store shall mean an establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

Board shall mean the board of adjustment.

Boardinghouse or lodginghouse shall mean a building other than a hotel where sleeping rooms are rented to four (4) or more adults for compensation, pursuant to previous arrangements for definite periods of time, but not to the public or transients.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of, shall mean the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building line shall mean a line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Cemetery shall mean a burial place for deceased humans.

Child care facility shall mean a facility that furnishes care, training, education, custody, supervision and guidance of a child or group of children, who are not related by blood, marriage or adoption to the owner or operator of the facility, for all or part of a twenty-four-hour day.

Clinic shall mean an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.

Club shall mean a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial communication tower shall mean a tower built and designed for commercial communication usage including, but not limited to, radio, television and microwave towers.

Crop production shall mean the raising, harvesting and sales of tree crops, row crops or field crops on an agricultural or commercial basis, produced on site, including, but not limited to, packing and processing.

Day care center shall mean a child care facility that provides care for more than twelve (12) children under fourteen (14) years of age or less than twenty-four (24) hours a day. It does not include a group day care home or drop-in care center.

Drop-in care center shall mean a child care facility that provides care for children under fourteen (14) years of age for part of the day. It does not provide regular care for the same child. It does not include a group day care home or day care center.

Dwelling shall mean any building or portion thereof which is designated for or used for residential purposes.

Dwelling, multifamily, shall mean a building designed for or occupied exclusively by three (3) or more families.

Dwelling, single-family, shall mean a building designed for or occupied exclusively by one (1) family. Where a single family dwelling unit is rented, all adult residents must jointly occupy the entire premises, under a single written lease, for a period of at least thirty (30) consecutive days.

Dwelling, two-family, shall mean a building designed for or occupied exclusively by two (2) families.

Family shall mean any number of individuals living together as a single housekeeping unit, in which not more than three (3) adults are unrelated by blood, marriage, adoption, or guardianship and occupying a dwelling unit.

Frontage, block, shall mean all the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street

is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

Hotel shall mean a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public and transients in contradistinction to a boardinghouse, a lodginghouse, or an apartment.

Housekeeping unit shall mean a group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities, responsibilities and expenses.

Loading space shall mean a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

Lot, depth of, shall mean the mean horizontal distance between the front and rear lot lines.

Manufactured housing shall mean a residential housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition) and Manufactured Housing Standards Act, section 5521f V.A.T.S.

Motor court or *motel* shall mean a building or group of buildings used for the temporary residence of motorists or travelers.

Nonconforming use, building or yard shall mean a use, building or yard, existing legally at the time of passage of the ordinance from which this chapter is derived, which does not, by reason of design or use, conform with the regulations of the district in which it is situated.

Outside Storage and Display shall mean a primary land use providing for the incidental outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.

Parking space, off-street, shall mean an area of not less than one hundred eighty (180) square feet (measuring approximately nine (9) feet by twenty (20) feet) not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed. A public street shall not be classified as off-street parking in computing the parking requirements for any use, nor shall

head-in parking adjacent to a public street and dependent upon such street for maneuvering space.

Place shall mean an open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Planning commission shall mean the planning and zoning commission of the city.

Private school shall mean a private school, including a parochial school, that offers a course of instruction for students in one or more grades from kindergarten through grade 12, and has more than one hundred (100) students enrolled and attending courses at a single location.

Sale shall mean sales at both wholesale and retail unless specifically stated otherwise.

Servants' quarters shall mean an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Story shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half, shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street shall mean a public or private thoroughfare which affords the principal means of access to abutting property.

Street line shall mean a dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alterations shall mean any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to, buildings of all types, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Support housing shall mean the occupancy of any living accommodation, in accordance with the Standard Building Code, by agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor. Living accommodations shall not mean any temporary structure except as provided for in section 31-456(9). Support housing may occur on any of the owner's properties on which the employee works.

Tourist home shall mean a building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

Trailer camp or *park* shall mean an area designed, arranged or used for the parking or storing of one (1) or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Transient shall mean a person who occupies a dwelling unit or sleeping unit for less than thirty (30) consecutive days

Yard shall mean an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front, shall mean a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear, shall mean a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

Yard, side, shall mean a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Sec. 31-6. – Compliance with the regulations.

Except as hereinafter specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

- (3) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- (6) The minimum yards, parking spaces, and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of passage of the ordinance from which this chapter is derived or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building.
- (7) Residential structures located in districts AR-1, R-1, R-1A, RT-1, R-2 and R-3 shall not be structurally enlarged unless the exterior building façade materials are consistent with the existing façade materials of the existing structure.
- (8) ~~(7)~~ Every single-family residential or duplex residential building hereafter erected or structurally altered shall be located on a lot and there shall not be more than one (1) main building on one (1) lot. Multifamily (R-3, R-3F, or R-3A) structures hereafter erected or structurally altered shall be required to comply with all appropriate setback, rear yard, side yard, and parking requirements but shall not be limited to the one (1) main building per lot requirement. All commercial or industrial structures hereinafter erected or structurally altered shall be required to comply with all appropriate setback, rear yard, side yard, and parking requirements but shall not be limited by a main building per lot requirement.
- (9) ~~(8)~~ No requirement of this chapter shall be construed so as to prohibit the reclassification of a lot to a less restrictive zoning district where a lot of record platted prior to the effective date of the ordinance from which this chapter is derived does not conform to any or all of the minimum lot size requirements of area, width or depth of the less restrictive zoning district; provided that the minimum yard requirement of the less restrictive zoning district and the required parking for the intended use shall be met.

Sec. 31-186. - Use regulations.

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

- (1) One-family dwellings.
- (2) Churches or other places of worship.
- (3) Colleges, universities or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (12) Water supply reservoirs, pumping plants and towers.
- (13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.
 - a. A sign or outside advertising display (as defined by subsection 2301.1 of the Killeen building code) shall not be allowed as an accessory use, except that:
 1. A bulletin board sign, limited to the provisions of section 31-504(1) may be allowed as an accessory use to churches, places of worship, libraries, museums and public buildings.
 2. Any unilluminated signs allowed in section 31-503 may be allowed as an accessory use to any primary use authorized by this chapter.
 3. A point-of-sale sign, limited to the provisions of section 31-503(2), may be allowed as an accessory use to those primary uses authorized by subsection (8), provided that such signs shall be allowable only so long as these specified primary uses are allowed.

No authorized accessory use sign shall be located in a required side or rear yard which is adjacent to any other lot designated for residential use.

- b. A private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line ~~nor and shall not be~~ less than five (5) feet from any interior side lot line or and ten (10) feet from any rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- c. The term "accessory use" shall include home occupations subject to the following provisions:
 1. *Definition.* A home occupation is an accessory use of a dwelling unit or garage for gainful employment, involving the provision of goods and/or services.
 2. When a use is a home occupation, the owner, lessee or other resident occupant persons having a legal right to the use of the dwelling unit shall also have the vested right to conduct the home occupation without securing special permission from the city to do so.
 3. Notwithstanding section 31-186(13)c.2. above, persons conducting a home occupation are required to comply with, and are subject to, any other city ordinance conditions affecting the occupation and its property, such as off-street parking, building permits, business licenses, fire safety and the life.
 4. Notwithstanding section 31-186(13)c.2. above, persons conducting a home occupation are required to comply with, and are subject to, any and all local, state and/or federal rules, regulations, ordinances, or laws, including, but not limited to, those regarding environmental protection.
 5. Home occupations are permitted accessory uses only so long as all the following conditions are observed:
 - (i) No persons other than resident occupants of the premises shall be engaged in such occupation;
 - (ii) The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that for purposes of a telephone directory listing, a telephone number, but no business address, may be published;
 - (iii) In no way shall the outside appearance of the dwelling be altered from its residential character;
 - (iv) Performance of the occupation activity shall not be visible from the street;
 - (v) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, the use shall not increase the number of vehicles parked on the premises by more than two (2) additional vehicles at a time. All customer/client parking shall be off-street and other than in unpaved areas of the front yard;

- (vi) There shall be no outside storage, (to include trailers), or display related to the home occupation;
 - (vii) No home occupation shall cause an increase in the use of any one (1) or more public utilities (water, sewer, electricity, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood;
 - (viii) One (1) commercial vehicle, capacity of one (1) ton or less (excluding attached trailers) may be used or parked on the property in connection with the home occupation;
 - (ix) Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises;
 - (x) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and
 - (xi) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
6. Home occupations may, subject to the requirements of section 31-186(13)c.1—5, include, but are not necessarily limited to, the following:
- (i) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;
 - (ii) Author, artist or sculptor;
 - (iii) Dressmaker, seamstress, or tailor;
 - (iv) Music/dance teacher, or similar school of instruction, provided that instruction shall be limited to no more than one (1) pupil at a time;
 - (v) Individual tutoring;
 - (vi) Millinery;
 - (vii) Minister, rabbi, priest or member of religious orders;
 - (viii) Home crafts such as rug weaving, model making;
 - (ix) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether said individual or individuals are self-employed or otherwise, and provided that no retail or wholesale transactions or provision of services are made on the premises;
 - (x) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small items, provided the item does not have an internal combustion engine; and
 - (xi) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises.
7. Permitted home occupations shall not in any event be deemed to include:
- (i) Animal hospitals or clinics, commercial stables, or commercial kennels;

- (ii) Schools of instruction of any kind with more than one (1) pupil at a time unless such school was established prior to the date of passage of this section;
 - (iii) Restaurants;
 - (iv) Automobile, boat or trailer paint or repair shops (major or minor);
 - (v) Doctor, dentist, veterinarian or other medically related offices;
 - (vi) On-premise retail sales, except garage sales as otherwise provided in this code;
 - (vii) Laundromats with more than one (1) washing machine and one (1) dryer;
 - (viii) Barber shops and beauty parlors, unless established in compliance with this code of ordinances as the code provided at the time said business was established;
 - (ix) Mortuaries;
 - (x) Private clubs;
 - (xi) Trailer rentals;
 - (xii) Repair shops or service establishments, except as provided in section 31-186(13)c.6.(x) above;
 - (xiii) Carpentry work;
 - (xiv) Photo developing or photo studios;
 - (xv) Upholstering;
 - (xvi) Antique shops;
 - (xvii) Gift shops;
 - (xviii) Repair shops for any item with an internal combustion engine; and
 - (xix) Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.
8. Effect of this section on businesses operating under special use permits at the time this section takes effect.
- (i) Those home occupations presently in existence under the authority of a specific use permit issued by the city are hereby expressly authorized to continue said home occupation through the expiration date of said permit(s). Upon said expiration date, however, all provisions of this section shall be in full force and effect.
 - (ii) It shall constitute an offense to operate a home occupation after said permit expiration date in violation of this section.
9. No conditional use permit as provided in section 31-456 of this chapter shall be issued for any home occupations prohibited by section 31-186(13)c.7. above.
10. The provisions of this section shall apply to all home occupations, regardless of the date of their creation/existence, unless specifically exempted by section 31-186(13)c.7.(viii) or temporarily exempted by section 31-186(13)c.8. above.

11. Businesses not listed in this section:

- (i) Persons wishing to operate home occupations which are not listed in section 31-186(13)c.6. or expressly prohibited by section 31-186(13)c.7. above may make written application to the city planner, requesting a formal review in order to amend this section to either specifically authorize or prohibit said home occupation.
 - (ii) The city planner shall have the duty to ensure said application is scheduled to be heard by the planning and zoning commission's next regularly scheduled meeting which allows for compliance with statutory notice and other requirements of law.
 - (iii) The planning and zoning commission shall, in accordance with applicable law, review said application and submit a final report and recommendation to the city council.
 - (iv) The city council shall then, in accordance with applicable law, review said documents at its next regularly scheduled meeting which allows for compliance with statutory notice and other requirements of law. At said meeting, the council shall amend this section to either specifically authorize or prohibit the home occupation use requested.
 - (v) Any person applying for a formal review and amendment of this section to permit a particular use not otherwise permitted shall, at the time said application is submitted, pay a nonrefundable application fee. Such fee shall be established by resolution of the city council.
- (14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision. Such sign:
- a. Shall not have a sign face which exceeds a total of twenty-four (24) square feet; and
 - b. Shall not exceed six (6) feet in height; and
 - c. Shall not be located in a side or rear yard which is adjacent to any other lot designated for residential use; and
 - d. Shall advertise only the name of the subdivision.
- (15) Cemetery.

DIVISION 10. - DISTRICT "B-1" PROFESSIONAL BUSINESS DISTRICT

Sec. 31-276. - Use regulations.

~~A building or premises in the district "B-1" professional business district shall be used only for the following purposes:~~

~~(1) Offices of practitioners of the recognized professions, as herein defined:~~

~~a. Professional building. Any structure used solely for the housing of professional offices of recognized professions.~~

~~b. Professions, recognized. Members of a recognized profession include those persons and customary staff normally considered as professional, and shall be deemed to include doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions.~~

~~(1)(2)~~ Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-276(3).

- a. Physical therapy clinic.
- b. Chemical or X-ray laboratory.
- c. Dispensing optician.
- d. Dispensing apothecary.
- e. Dental laboratory.

~~(2)(3)~~ Buildings may be used for one (1) or more of the uses prescribed in section 31-276(2) only under the following conditions:

- a. The total area of a professional building devoted to any single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
- b. The total area of a professional building devoted to incidental uses in the aggregate shall not exceed twenty-five (25) percent of the gross floor area of the building.
- c. Public access to such incidental uses shall be from the interior of the building.
- d. No parking space shall occupy any part of the required front yard, except as provided in section 31-287(a)(1)b.
- e. Sign standards for this district shall apply to both primary and incidental uses.
- f. No building in this district shall be constructed or altered to produce a storefront, show window or display window, and there shall be no merchandise visible from the exterior of the building.
- g. No outside storage shall be permitted in this district.

~~(3)(4)~~ Office, general business.

~~(4)(5)~~ An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.

~~(5)(6)~~ All uses allowed in section 31-186, with the exception of one-family dwellings.

(6) Studio for photography, interior decoration.

Sec. 31-278. - Area regulations.

- (a) Size of yards. The size of yards in the district "B-1" professional business district shall be as follows:
- (1) Front yard. There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "B-1," except that automobile parking will be permitted in such yards in accordance with off-street parking requirements.
 - (2) Side yard. A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining any "R" zoned residential district. Otherwise, no side yard is required. No parking, storage, or similar use shall be allowed in any required side yard or in any required side street yard adjoining any "R" zoned residential district, except automobile parking in accordance with off-street parking requirements. The required side yard setback adjacent to a street shall not be required, provided all of the following conditions are met:
 - a. The subject property is included in the area of the city of Killeen identified as special parking district "A," described as an area bounded by the innermost rights-of-way or straight line extensions of the rights-of-way of Avenue G, Park Street, Green Avenue, and 12th Street.
 - b. The proposed construction is the rebuilding or repair of an existing structure, the proposed structure is not enlarged beyond the dimensions of the existing foundation, and the proposed structure is to be constructed on the existing building foundation.
 - c. Any new construction, other than that described in subsection (b) above, shall maintain a side yard setback adjacent to a street not less than the side yard setback provided by the existing structures on the block (~~greater than or equal to zero (0) feet but less than fifteen (15) feet~~) in which the subject property is located.
 - d. Notwithstanding subsections (a) through (c), no construction will be permitted:
 - i. in conflict with section 28-241, as amended;
 - ii. in conflict with the city's thoroughfare plan, as amended, in effect at the time of construction; or
 - iii. which encroaches into the city's right-of-way.
 - (3) Rear yard. No rear yard is required except that a rear yard of not less than ten (10) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from any "R" zoned residential district.
- (b) Size of lot. There are no limitations to the size of lots in the district "B-1" professional business district.

DIVISION 11. - DISTRICT "B-2" LOCAL RETAIL DISTRICT

Sec. 31-291. - Use regulations.

A building or premises in the district "B-2" local retail district shall be less than 5,000 square feet in leasable area and used only for the following purposes:

- (1) Any use permitted in district "B-1" or "B-DC."
- (2) Appliance (household) sales.
- (3) Bakery shop (retail sales only).
- (4) Barbershop, beauty shop, to include permanent cosmetics (licensed per Texas Health and Safety Code, chapter 146, as amended).
- (5) Construction field office and yard: on the job site; for duration of construction only.
- (6) Cleaning or laundry (pick-up station).
- (7) Cleaning or laundry (self-service) using fully automatic equipment, as follows:
 - a. Washers, capacity of not more than forty (40) pounds.
 - b. Dryers or extractors, capacity of not more than sixty (60) pounds.
 - c. Dry cleaning machines.
- (8) Custom personal service shops, such as a health studio (to include massage establishments as defined in Texas Occupations Code section 455, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair.
- (9) Drugstore or pharmacy.
- (10) Electric utility substation.
- (11) Florist (retail): retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
- (12) Grocery store (drive-in).
- (13) ~~Home for the aged.~~ Bank, savings and loan or other financial institution.
- (14) Registered public surveyor.
- (15) Restaurant, coffee shop, or café (no drive-in service).
- (16) Retail stores, (other than listed): offering all types of personal consumer goods for retail sales.
- (17) ~~Studio for photography, interior decoration, fine arts instruction, or sale of art objects.~~
- (18) ~~Telephone exchange building.~~ Lodges and fraternal organizations with less than 5,000 square feet of leasable space.
- (19) ~~A customarily incidental use.~~

~~(20)~~ (19) Drop-in care centers.

DIVISION 12. - DISTRICT "B-3" LOCAL BUSINESS DISTRICT

Sec. 31-306. - Use regulations.

A building or premises in the district "B-3" local business district shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" district.
- (2) ~~Bank, savings and loan or other financial institution.~~ Bakery or confectionery, wholesale.
- (3) Day camp.
- (4) Hospital, home or center for the acute or chronic ill.
- (5) Mortuary or funeral chapel excluding cremation services.
- (6) Appliance (household) sales and repair service.
- (7) Bakery or confectionery: engaged in preparation, baking, cooking and selling of products at retail on the premises, with six (6) or less employees.
- (8) Boat and accessory sales, rental and service.
- (9) Bowling alleys.
- (10) Cleaning or laundry (self-service).
- (11) Cleaning, pressing and dyeing: with six (6) or less employees.
- (12) Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater.
- (13) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales.
- (14) Cafeteria or catering service.
- (15) Marine supplies, sales and service.
- (16) ~~Office, general business.~~ Lodges or fraternal organizations with greater than 5,000 square feet of leasable space.
- (17) Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window.
- (18) Tennis or swim club.

- (19) Small animal clinic, pet grooming shop and/or inside kennel and boarding. No cremation or outside kennels.
- (20) Hotel or motel.
- (21) ~~Job printing. Not more than seventeen (17) inches by twenty five (25) inches page size.~~ Retail uses and businesses of all sizes to include second hand goods and antiques with no outside storage or display of second hand goods.
- (22) Gasoline service station, auto laundry or car wash.
- (23) Auto parts sales, new, at retail.
- (24) A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district.
- (25) Theaters of general release.
- (26) Mini/self-storage facilities - a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares. No outside storage, sales, service, or repair activities, other than the rental of storage units shall be permitted on premises.
- (27) Storage warehouse with leasable space of less than 25,000 square feet.

DIVISION 13. - DISTRICT "B-4" BUSINESS DISTRICT

Sec. 31-321. - Use regulations.

A building or premises in the district "B-4" business district shall be used only for the following purposes:

- (1) Any use permitted in the "B-3" district.
- (2) ~~Antique shop.~~ Trailer rental and sales.
- (3) ~~Secondhand goods store. No outside display, repair or storage.~~
- (4) Auto sales. Where the major business is the showroom display and sale of new automobiles by an authorized dealer and used car sales, repair work and storage facilities on the same premises shall be purely incidental; provided, that the area allowed for the repair and storage of cars shall not be nearer than twenty (20) feet from the required front line of the principal building.
- (5) Auto sales. Used cars; no salvage, dismantling or wrecking on premises; no display of vehicles in required front yard; junked vehicles must be placed behind a screening device.
- (6) Commercial parking (public garage or parking lot).

- (76) Auto upholstery or muffler shop.
- (87) Auto repair (garage), with onsite junked vehicles being enclosed within a building.
- (98) Cold storage plant (locker rental).
- ~~(10) Bakery or confectionery, wholesale.~~
- ~~(11) Bomb shelter (as a principal use).~~
- (129) Building material or lumber sales (no outside storage).
- (130) Cleaning, pressing, and dyeing:
 - a. No direct exterior exhaust from cleaning plant permitted.
 - b. Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.
- (141) Florist, garden shop, greenhouse or nursery (retail).
- (152) Ballpark, stadium, athletic field (private).
- ~~(16) Wholesale offices.~~
- ~~(17) Lodges or fraternal organizations.~~
- (183) Philanthropic institutions (not elsewhere listed).
- (194) Cabinet, upholstery, woodworking shop.
- (2015) Plumbing, electrical, air conditioning service shop (no outside storage).
- ~~(2116) Trade or business school.~~
- ~~(22) Sale of beer and/or wine only for off premises consumption only.~~
- (2317) Garment manufacturing in a space of four thousand (4,000) square feet or less, with all loading and unloading off-street.

DIVISION 14. - DISTRICT "B-5" BUSINESS DISTRICT

Sec. 31-336. - Use regulations.

A building or premises in the district "B-5" business district shall be used only for the following purposes:

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse, greater than twenty-five thousand (25,000) square feet.
- (4) ~~Newspaper or job printing.~~ Veterinarian clinic or pet kennel with outside pens.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.

- (7) ~~Trailer rental or sales.~~ Impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened.
- (8) ~~Wholesale house.~~
- (9) ~~Auto parts sales, used. No outside storage, display or dismantling.~~
- (10) ~~A customarily incidental use.~~
- (118) Any commercial use not included in any other district, provided such use does not involve salvaging, manufacturing or industrial type storage or dismantling, and is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (129) Mobile home sales.
- (13) ~~Sale of beer and/or wine for off premises consumption only.~~
- (1410) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

DIVISION 15. - DISTRICT "B-C-1" GENERAL BUSINESS AND ALCOHOL SALES DISTRICT

Sec. 31-351. - Use regulations.

A building or premises in the "B-C-1" general business and alcohol sales district shall be used only for the following purposes:

- (1) Business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code, in accordance with permits issued, and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof for all purposes.
- (2) Any uses permitted in a "B-5" district, excluding the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption.
- (3) Business establishments dispensing alcoholic beverages may not be within three hundred (300) feet of a church, public or private school or public or private hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school or public or private hospital shall be as prescribed by the Texas Alcoholic Beverage Code §109.33, as amended. New applications for a B-C-1 general business and alcohol sales district zoning shall require the notification of all property owners within ~~one thousand (1,000)~~ two hundred (200) feet in all directions of the area for which the B-C-1 zoning is requested, so long as those properties are within the corporate limits of the city of Killeen.

DIVISION 19. - DISTRICT "M-1" MANUFACTURING DISTRICT

Sec. 31-416. - Use regulations.

A building or premises in the district "M-1" manufacturing district shall be used only for the following purposes:

- (1) Any use permitted in the "B-5" district, ~~except the sale of beer, wine and/or any other alcoholic beverages for off premises consumption at retail.~~
- (2) Paper products manufacture.
- (3) Wood, paper, plastic container manufacture.
- (4) Stone monument works.
- (5) Petroleum products wholesale storage.
- (6) Processing of chemicals or mineral extractions, not elsewhere classified.
- (7) Food processing.
- (8) Foundry, forge plant, rolling mill, metal fabrication plant.
- (9) Feed mill.
- (10) Petroleum or chemical products manufacture (indoors).
- (11) Planing mill.
- (12) Railroad yard, roundhouse, shop.
- (13) Textile or garment manufacture.
- (14) Automobile, mobile home, heavy equipment manufacture.
- (15) Electroplating.
- (16) Sewage treatment plant.
- (17) Electrical equipment or appliance manufacture (large).
- (18) Furniture, cabinet, kitchen equipment manufacture.
- (19) Oil well tools, oil well equipment manufacture.
- (20) Aircraft, aircraft hardware or parts manufacture.
- (21) ~~A customarily incidental use The sale of beer, wine and/or alcoholic beverages at retail shall not be considered a customarily incidental use in this district.~~ Crematoriums.

• **Sec. 31-474. - Rear yards.**

~~An~~ Accessory buildings or structures shall be limited to ~~not exceeding~~ twenty (20) feet in height ~~may and~~ in sum shall not occupy ~~not to exceed more than~~ twenty-five (25) percent of the

area of a required rear yard, however no accessory building or structure shall be closer than ten (10) feet to the main building nor closer than ten (10) feet to any rear lot line or five (5) feet to any interior side lot lines. and unenclosed parking spaces not to exceed eighty (80) percent, of the area of a required rear yard, but no accessory building shall be closer than ten (10) feet to the main building nor closer than five (5) feet to any rear or side lot lines. In-ground swimming pools and above ground swimming pools shall be located only within the side yard or rear yard, exclusive of any publically dedicated utility or drainage easements, and shall be no closer than five (5) feet from any side lot line and ten (10) feet from any rear lot line.

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 12th day of January, 2016, 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

Scott Cospers, MAYOR

ATTEST:

APPROVED AS TO FORM:

Dianne Morrow, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY