

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE DEMOLITION BY NEGLECT REGULATIONS; 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 promote revitalization of the Historic Overlay District; and,

WHEREAS, the City Council finds that enforcement of the demolition by neglect provisions will help preserve the historic character of the Historic Overlay District and preserve the property values of the historic district and 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:

ARTICLE V. - SUPPLEMENTAL REGULATIONS

DIVISION 9. - HERITAGE PRESERVATION

Sec. 31-833. - Demolition by neglect.

No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of an exterior architectural feature which would, in the judgment of the board heritage preservation officer, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of demolition by neglect shall include but not be limited to the following:

1. Failure to maintain protective treatment to exterior (walls no longer weatherproof due to peeling paint, missing siding, loose joints);
2. Structural members deteriorated;

3. Foundation walls not plumb, cracked;
4. Exterior walls have holes, are cracked, rotted and deteriorated;
5. Roof and drainage leaks;
6. Architectural (decorative features) not being maintained in good repair;
7. Overhang extensions not being maintained in good repair;
8. Stairways not in good repair;
9. Windows, skylight, door frames not maintained in good condition and weather tight;
and
10. Exterior doors not maintained in good condition.

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 April, 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 Calcote,
CITY SECRETARY

APPROVED AS TO FORM:

Holli C. Clements,
CITY ATTORNEY