

AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY OF KILLEEN CODE OF ORDINANCES; TRANSFERRING PLATTING APPROVAL AUTHORITY IN THE EXTRATERRITORIAL JURISDICTION TO BELL COUNTY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City of Killeen adopted an ordinance requiring the approval of any plats located within the extraterritorial jurisdiction by the City;

WHEREAS, Bell County has requested that the City transfer said approval authority and allow Bell County to conduct the reviews and issue plat approvals;

WHEREAS, the City Council for the City of Killeen finds it is in the City and County's best interest to transfer approval authority for plats located within the City's extraterritorial jurisdiction to the County; and

WHEREAS, the City Council authorized an Interlocal Agreement with the County transferring said control.

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

SECTION I. That Chapter 26 of the code of ordinances, City of Killeen, Texas, is hereby amended to read as follows:

Sec. 26-3. Purpose.

The purpose of this chapter is to set forth the procedures and standards for development of property, layout and design of subdivisions or real property within the corporate limits of the city ~~and its extraterritorial jurisdiction~~ which are intended to promote the health, safety and general welfare of the city and the safe, orderly, and healthful development of the city.

Sec. 26-5. Compliance required.

- (a) The owner of a lot or tract of land located within the corporate limits of the city ~~or the extraterritorial jurisdiction of the city~~ who divides the lot or tract in two (2) or

more parts for sale or to lay out a subdivision of the tract, including an addition to the city, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the lot or tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts shall have a plat of the lot or tract of land or subdivision prepared and approved in accordance with this chapter and recorded with the county clerk of Bell County. A division of a lot or tract under this code includes a division regardless of whether it is made using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this code does not include a division of land into parts greater than five (5) acres within the corporate limits of the city, or greater than ten (10) acres in the extraterritorial jurisdiction, where each part has access to and no public improvement is being dedicated.

- (b) Notwithstanding paragraph (a) above, a plat shall not be required where the development of the lot or tract of land is for the sole purpose of performing alteration(s) or improvements to an existing single-family residence or the auxiliary uses thereto. All such alterations or improvements must be permitted in compliance with all applicable codes and ordinances of the city.

Sec. 26-11. Approval of development plat.

- (a) Any person who proposes the development of a tract of land located within the corporate limits ~~or in the extraterritorial jurisdiction~~ of the municipality must have a development plat of the tract prepared in accordance with this chapter, and in accordance with Texas Local Government Code section 212.045.
- (b) Development plats shall be submitted to the development services department in accordance with procedures established by this chapter.
- (c) The development plat shall be approved if the plat conforms to:
 - (1) The general plans, rules, and ordinances of the municipality.
 - (2) The general plans, rules, and ordinances for the extension of the municipality taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
 - (3) Any general plans, rules, or ordinances adopted under this chapter.

Sec. 26-21. Fees.

The applicant for approval of a preliminary plat or final plat, including a replat, amended plat, ~~minor plat~~, development plat, or subdivision variance, shall, upon submission of the application and all required documentation, pay a nonreturnable fee, as established by the city council, for the review and processing of the application. Upon approval of a final plat the applicant shall pay an additional recording fee established by the county for recording the plat with the county clerk.

Sec. 26-26. Recordation.

- (a) Preliminary plats are not recorded with the county clerk.
- (b) ~~All plats pertaining to platted property located in the extraterritorial jurisdiction of the city shall only be recorded after approval by the executive director, or designee, and the commissioners' court of the county, as applicable, and the applicant's submission of the required recording fee.~~ Reserved.
- (c) All plats meeting the criteria of this chapter shall be recorded with the county clerk upon the executive director or designee's approval of the plat and the applicant's submission of the required recording fee.
- (d) The applicant may elect to have the final plat recorded prior to acceptance of infrastructure by providing a guarantee of completion to the city in accordance with section 26-84. If all conditions, fees, or improvements are not completed within two (2) years of being released for construction, then the final plat approval shall expire unless an extension is applied for and granted, due to ongoing progress towards completion of the project by the executive director, or designee. The request for an extension shall be submitted at least thirty (30) days prior to the date the final plat expires.

Sec. 26-27. Conflicts affecting property located in the extraterritorial jurisdiction.

In cases where platted property is located in the extraterritorial jurisdiction of the city and conflicts exist between a city requirement and a county requirement, the ~~more stringent~~ provisions outlined in the most recently adopted Interlocal Agreement between the City of Killeen and Bell County shall control.

Sec. 26-41. Form, contents and required documentation.

- (a) Preliminary plats are required for all subdivision plats requiring the extension of municipal infrastructure. Preliminary plats shall include the entire tract of land under common ownership or common plan of development.
 - (1) Where property is part of a common plan of development, not under common ownership, a preliminary plat shall be filed that incorporates existing, approved preliminary or final plat(s) within the common plan area.
- (b) Preliminary plats are ~~optional not required~~ for amending, ~~minor,~~ or development plats not requiring the extension of municipal infrastructure. ~~Those plat applicants may elect to proceed to the final platting requirements in division 3 without filing a preliminary plat. Preliminary plats are mandatory for all other submissions.~~
- (c) Preliminary plat applications shall be filed with the development ~~s~~services department. The following words shall appear on the face of each preliminary plat: "Preliminary plat not for record."
- (d) When a preliminary plat application is filed with the development services department, it shall be accompanied by the following minimum documentation:
 - (1) Completed preliminary plat application signed by the property owner or in the case of a corporation/partnership, a party empowered to sign such actions (supported with authorizing documentation);
 - (2) Two (2) twenty-four-inch by thirty-six-inch paper copies of the plat;
 - (3) One (1) eleven-inch by seventeen-inch paper copy of the engineering plans;

- (4) A digital copy of the plat in .pdf format;
 - (5) A digital copy of the plat in .dwg format;
 - (6) Two (2) twenty-four-inch by thirty-six-inch paper copies of engineering plans and one (1) digital (.pdf format) version of the same;
 - (7) Deed showing current ownership of the platted property;
 - (8) Field notes of the property to be platted, which shall be signed and sealed by a registered professional land surveyor;
 - (9) Tax certificates showing property owner is not in arrears in payment of taxes; and
 - (10) Nonrefundable application fee, as established by the city council.
 - (11) Preliminary access/drainage letter granted by the Texas Department of Transportation for any plat with frontage on state managed rights-of-way identifying TxDOT's preliminary determination of access points and any drainage concerns that TxDOT desires to call to the city's attention.
 - (12) Additional items, as may be required on the subdivision plat application checklist.
- (e) Preliminary plats must meet the following criteria and contain the following information:
- (1) Scaled drawing no smaller than one (1) inch equals two hundred (200) feet on a sheet size of twenty-four (24) inches by thirty-six (36) inches (multiple sheets may be submitted; however, each sheet must be registered and match lines to allow assembly of the multiple sheets, and an index sheet shall be drawn on a sheet twenty-four (24) inches by thirty-six (36) inches showing the entire property being platted);
 - (2) Boundary of the subject tract, indicated by a heavy bold line, and the computed acreage of land within the plat boundary;
 - (3) The location of all existing and/or proposed streets, alleys, sidewalks and multi-use paths, with existing and/or proposed street names, right-of-way widths, cul-de-sac dimensions, and relation to surrounding existing street patterns;
 - (4) Location, size, and purpose of, and deed or plat record information for, all existing easements and proposed municipal easements on or adjacent to the proposed subdivision;
 - (5) Location, size, and purpose of any existing or proposed areas dedicated for public use within or adjacent to the proposed subdivision, including total acreage of proposed new rights-of-way;
 - (6) Conceptual location of all proposed lots and blocks, with consecutive numbers to identify each lot and block;
 - (7) Layout, in dashed lines, of all existing adjacent lots to the property being platted showing lot size, lot and block numbers, name of existing subdivision or property owner if undeveloped property;
 - (8) Location, size, and centerline of all existing and proposed utilities;
 - (9) Conceptual drainage information (i.e. detention pond location and approximate size, creek buffer zone, drainage infrastructure, other storm water conveyance systems, and location of the following proposed storm water management site plan areas: riparian buffers, preserved natural areas, linear parks, open space areas, protected environmentally sensitive areas, conservation easements, and preserved tree canopy, if applicable);

- (10) FEMA designated special flood hazard boundaries, if applicable, or a certified statement that no portion of the plat lies within a FEMA designated special flood hazard area;
 - (11) Topographic information, including contours at two-foot intervals and identification of source with date;
 - (12) The location, approximate dimensions, and descriptions of existing watercourses and drainage infrastructure within and contiguous to the proposed subdivision;
 - (13) Label or identify the proposed number of residential lots and blocks, average lot size, and provide a typical detail for each size of proposed lot if applicable;
 - (14) Proposed phasing, with demonstrated sufficiency and viability of public infrastructure for each phase such that an undue burden is not placed on any particular phase. Phasing shall occur in sequential order in such a way as to not create phases that are not developable within compliance with other provisions of the Code;
 - (15) Date, graphic and written scale, north arrow, and inset location map;
 - (16) Name and address of all property owners of the property being platted;
 - (17) Name and address of engineer and surveyor;
 - (18) Signed statement of the engineer and/or surveyor who prepared the preliminary plat indicating the records or survey from which the property description of the boundary of the proposed plat was developed; and
 - (19) As-built drawing of existing structures, if applicable.
- (f) A preliminary plat will expire two (2) years after approval. Each final plat, which is a phase of an approved preliminary plat, shall extend the expiration date of the preliminary plat an additional two (2) years from the date the final plat was approved. Nothing herein shall reduce the initial two-year permit period.
- (g) All items submitted under subsection 26-41(e) shall be in compliance with the city's currently adopted zoning regulations, construction standards, infrastructure design and development standards manual, drainage design manual, pavement design manual, thoroughfare plan, and master plans, except as otherwise allowed by state law.

DIVISION 4. ~~MINOR PLATS~~Reserved.

Sec. 26-61. Reserved.

Sec. 26-73. Additional requirements for certain replats.

- (a) In addition to compliance with section 26-72, a replat without vacation of the preceding plat must conform to the requirements of this section if:
- (1) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

- (b) If a proposed replat as described in subsection (a) requires a variance or exception, a public hearing must be held by the planning and zoning commission. Notice of the hearing shall be given before the 15th day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and by written notice forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll ~~or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested~~. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
- (c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members present at the meeting of the planning and zoning commission. For a legal protest, written instruments signed by at least twenty (20) percent of the owners of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the planning and zoning commission prior to the close of the public hearing.
- (d) In computing the percentage of land area under subsection (b), the area of streets and alleys shall be included.
- (e) If a proposed replat does not require a variance or exception, the planning department shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved tax rolls. The notice of a replat approval must include the zoning designation of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the planning department.

Sec. 26-107. Street lighting.

- (a) Adequate street lighting shall be provided for the protection of the public and property and shall be installed in all new subdivisions within the corporate limits of the city of Killeen.
- (b) Street lights will be installed at intersections, curves, dead ends, cul-de-sacs and where spacing exceeds six hundred (600) feet.
- (c) A street light plan shall be submitted with the construction plans required by section 26-81 of this chapter. The city engineer shall approve the street lighting plan.
- (d) The developer shall select and have installed all of the lines, poles, luminaries and lamps required to comply with the approved street light plan. The minimum acceptable design for street lights in the city of Killeen shall be embedded round fiberglass poles with post top lantern style fixtures. The city reserves the right to require round tapered galvanized steel poles with cobra head fixtures when essential to provide the necessary degree of illumination. All street light

infrastructures shall be in dedicated utility easements or rights-of-way. Installation procedures and acceptable standards for street lights shall be governed by the design and specification standards of the electric utility company serving the subdivision. The use of special non-standard poles or fixtures from sources other than the electric utility shall not be accepted for dedication to the public.

- (e) Street lights on local and collector streets shall be at least 100-watt high pressure sodium vapor or thirty-five (35) to forty-five (45) watt LED or equivalent. Street lights on major collectors and arterials shall be at least 250-watt high pressure sodium vapor or sixty-five (65) to seventy-five (75) watt LED or equivalent.
- (f) The developer shall be responsible for the cost of street light installation including the cost of service lines to supply electricity to the street lights and all engineering costs not borne by the electrical service provider. Developers may decrease their installation costs by completing all or part of the installation of street lighting to include the necessary trenching and installation of conduit to the location of required street light placement, as acceptable to the electric utility provider and as required by the street lighting plan.
- (g) Once satisfactorily installed, approved, and accepted, the street lights shall be dedicated to public use with maintenance of the street light being provided by the electric utility company serving the area. The electric utility company providing service to the area shall furnish electric energy to installed and dedicated street lights. The city of Killeen will pay the energy costs of dedicated street lights located within the city.

~~(h) Extraterritorial jurisdiction (ETJ). A street lighting plan shall be developed for subdivisions in the ETJ and any utility easements required to execute the plan shall be dedicated for public use. Installation of street lights will not be required; however, in preparation for future street light installation, necessary trenching and installation of conduit to the location of required street light placement will be accomplished by the developer, as required by the street lighting plan.~~

Sec. 26-108. Postal service delivery.

- (a) Adequate postal service shall be provided and installed in all new subdivisions in the corporate limits ~~and within the extra-territorial jurisdiction~~ of the city of Killeen.
- (b) United States Postal Service policy assigns the responsibility for the acquisition, installation, and maintenance of mail receptacles or Cluster Box Units (CBUs) to the customer. In the case of any new final, ~~minor~~ or development subdivision plats, the developer shall be responsible for acquiring and installing the appropriate mail receptacles to accommodate the delivery method prescribed by the U.S. Postal Service.
- (c) The developer shall coordinate with the Killeen Postmaster and identify the type of mail receptacles to be used in the developer's subdivision and the location where the receptacles will be installed. In the event central delivery is prescribed, a postal service central mail receptacle layout sheet shall be submitted with the plat, replat or an amendment that creates lots.
- (d) For safety, cluster boxes should be located on local streets whenever possible. Developer shall provide a parking pocket for two (2) vehicles adjacent to each CBU when they are located on collectors or thoroughfares. The parking pocket shall have a length of forty-five (45) feet and be offset from the street curb line by ten

(10) feet with a one to one (1:1) taper. Additional right-of-way width shall be provided to match the parking pocket.

- (e) The developer shall be responsible to purchase and install mail receptacles in accordance with U.S. Postal Service material specifications and construction standards available from the Killeen Postmaster. When central mail receptacles are prescribed, pads shall be constructed concurrent with street curbing and central mail receptacles shall be installed prior to the respective phase of the subdivision being released for permitting, which shall include individual building permits. CBUs shall be located and constructed so as to meet all accessibility requirements from the adjacent sidewalk and parking pocket.
- (f) All mail receptacles shall be located in rights of way or within a dedicated postal service easement. When a mail receptacle is not planned to be located within dedicated right-of-way, the receptacle shall be in an easement identified on the plat as a postal easement.
- (g) When the Postal Service determines that central delivery shall be used, the Killeen Postmaster shall provide written notice that the central receptacle is satisfactorily installed, approved and accepted by the Killeen Postmaster.
- ~~(h) Extraterritorial jurisdiction (ETJ). When the Postal Service determines that central mail receptacles are to be installed in a subdivision in the extraterritorial jurisdiction that is being expanded using county roads with bar ditch drainage, the receptacle shall be installed prior to completion of any serviced structure.~~
- ~~(i)~~ CBUs shall not be located at a distance greater than three hundred (300) feet from a streetlight.

Sec. 26-129. Applicability and exceptions.

- A. *Applicability.* This article applies to all property within the city ~~limits and the extraterritorial jurisdiction (ETJ)~~, unless exempted by section 26-129.B. This article applies to applications for which city approval is sought under the city's Subdivision Ordinance, as may be amended. Property owners or developers must comply with the parkland dedication and park development requirements set out in this article.
- B. *Exceptions.* The requirements set out in this article do not apply:
 - 1. To the subdivision of nonresidential development.
 - 2. To ~~minor~~, amending, ~~and~~ development ~~plats~~, ~~and replats~~ of existing lots, provided that the new development does not increase in residential intensity.
 - ~~3. To subdivided lots within the ETJ platted per article II, division 4, minor plats.~~

Sec. 26-145. General.

- A. *Generally.* In addition to the dedication and conveyance of public parkland, the property owner/developer shall bear a proportional cost of parkland improvements needed to serve new growth. This may occur through a cash payment to the city's Park Benefit Fund, or through constructing park and trail facilities and amenities as set out in this division and other applicable provisions of this article. The design specifications are intended to ensure that the proposed improvements adequately meet the purposes and intent set out in this article.

B. *Forms of contribution.* Contributions can be in the form of park development, fees in lieu thereof, or some combination of both.

~~C. *County applicability.* Unless otherwise authorized by a park development agreement between the jurisdictions and the property owner/developer, parcels proposed for development within the City's extraterritorial jurisdiction shall either pay a park development fee or construct the required public amenities.~~

Sec. 26-152. Fees-in-lieu.

A. *Generally.* The city may require, or the property owner/developer may choose, to pay a cash fee for the city purchase of off-site parkland in lieu of all or part of the dedication of on-site parkland, and/or the development of parkland, in accordance with this section.

B. *Dedication fees-in-lieu.* The fee-in-lieu amount is established at fifty thousand dollars (\$50,000.00) per acre, or a portion thereof. This value is based on the amount of money that would have been otherwise used to purchase land to dedicate to the city.

1. *Fee calculation.* The fee-in-lieu of parkland dedication is based upon the fair market value of the land that is developable for single-family, two-family, or multi-family use, and that would otherwise be required to be dedicated as public parkland for the parcel proposed for development, including all utilities extended to and through the property. The amount of fees-in-lieu of parkland shall be based on the following formula: $(A \times V) = M$, where:

- a. A = the area of land required for dedication as determined in section 26-136, parkland dedication fee calculation.
- b. V = fifty thousand dollars (\$50,000.00) per acre.
- c. M = the number of dollars to be paid in lieu of the parkland dedication requirement.

Table 26.152 Parkland Dedication Fee-in-Lieu

| Gross Density per Residential Development (Dwelling Units per Acre) | Park Development Fee per Unit ¹ |
|---------------------------------------------------------------------|--------------------------------------------|
| Single-Family/Two-Family Units (2.99 persons per unit) | \$750 |
| Multi-Family Units (2.60 persons per unit) | \$650 |

¹ Numbers rounded up to the nearest 10.

2. *Alternate fee.* The price per acre for fair market value may be modified upon submittal of an alternate appraisal by an independent appraiser approved by the city utilizing a comparable sales method to value the fair market value of the net acreage of the tract. The alternate appraisal is the responsibility of the property owner/developer and may not be more than four (4) months old.

C. *Development fees-in-lieu.* The fee-in-lieu amount for park development is set out section 26-146 and may be paid in-lieu-of commensurate development of required park facilities and amenities.

D. *Required payment.* Fees-in-lieu may be required by the city ~~for development within the city limits or ETJ~~ if the proposed required dedication is less than three (3) acres in size or if the city otherwise determines that the fees-in-lieu thereof better serve

the park, trail, and open space needs of the Killeen community and the intent of the Parks Plan (see also section 26-158).

Sec. 26-190. Exemptions.

The city manager or his/her designee may waive the requirement to require traffic impact analysis for the following area(s):

- (a) Special parking district "A" as described in section 31-488(a);
- ~~(b) Developments located outside the city limits and within the ETJ, unless required by Bell County;~~
- (~~b~~) For developments adjacent to a known required improvement, the developer shall work with the city to determine the required mitigations.

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 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 15th day of April, 2025, 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