

ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR CERTAIN EXEMPTIONS TO THE PARKLAND DEDICATION AND DEVELOPMENT ORDINANCE; 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 subdivision and development regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare of the City;

WHEREAS, it has been determined by the Supreme Court of Texas that a development regulation requiring the dedication and development of parkland, or paying a fee in lieu thereof, does bear a substantial relation to the health, safety, or general welfare of a community;

WHEREAS, the City of Killeen finds and determines that the development of residential subdivisions and lots results in increased population, which, in turn, imposes increased demand upon the City's existing park system that would otherwise not occur but for the new development;

WHEREAS, the City of Killeen adopted a Parkland Dedication and Development Ordinance on January 10, 2023, via Ordinance No. 23-003; and

WHEREAS, the City Council desires to amend Ordinance No. 23-003 to provide for an exemption for existing lots that do not increase residential intensity.

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

SECTION I. That Chapter 26 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

Sec. 26-129. Applicability and exceptions.

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 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.

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or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.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