DS-25-041 July 15, 2025

DISCUSS CHANGES TO CHAPTER 31 - ZONING IN RESPONSE TO THE 89TH TEXAS LEGISLATIVE SESSION

Background

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- During their 89th Regular Session, the Texas Legislature passed several bills into law that will affect the City's zoning and land use regulations.
- Notably, the following bills were passed into law and will become effective on September 1, 2025:
 - □ S.B. 840 (Buckley, Hickland, and Flores voted in favor)
 - □ S.B. 15 (Buckley voted against, Hickland and Flores voted in favor)
 - H.B. 24 (Buckley, Hickland, and Flores voted in favor)

S.B. 840 – Mixed Use & Multifamily

- S.B. 840 establishes Chapter 218 of the Local Gov't Code, which states that a city must allow mixed-use residential and multifamily uses in any zoning district that allows office, commercial, retail, or warehouse as a permitted use.
 - Excludes land located within 3,000 feet of an airport or military base, or on which a heavy industrial use, as defined in the statute, is allowed (M-1 and M-2 Zoning Districts).
 - Residential development will now be permitted by-right in all applicable commercial zoning districts.

S.B. 840 – Mixed Use & Multifamily

- Allows for new development of multifamily and mixed-use in commercial zoning districts, as well as the conversion of existing buildings (including offices, warehouses, and hotels) into multi-family use.
- Staff estimates that S.B. 840 will impact approximately 9%
 (5 sq. miles) of the total land area in Killeen.



S.B. 840 – Proposed Amendments

- To comply with S.B. 840, the City's zoning ordinance will need to be amended to allow for mixed-use and multifamily residential uses in all commercial zoning districts, including "B-1" through "B-5", "UD", and "CD".
- The "M-1" district regulations will also need to be amended, as they currently allow all uses permitted in "B-5".

- □ S.B. 15 amends Chapter 211 of the Local Gov't Code.
- Applies only to cities with a population more than 150,000 in a county greater than 300,000.
- Applies only to tracts of land that are 5 acres or larger, have no recorded plat, and are or will be in an area zoned for single-family homes.
- Does not apply to land located within 3,000 feet of an airport or military base.

S.B. 15 states that the City cannot adopt or enforce an ordinance on applicable land that requires a residential lot to be larger than 3,000 sq. ft., wider than 30 ft., or deeper than 75 ft.

- For lots smaller than 4,000 sq. ft., S.B. 15 preempts the City from enforcing or requiring:
 - Building setbacks greater than 15 ft. from the front or 10 ft. from the back of a lot;
 - More than one parking space per unit, covered parking, or off-site parking; and
 - A wall articulation requirement.



- Staff estimates that approximately 2,716 acres (4.24 square miles) of land area will be eligible to be developed into 3,000 sq. ft. lots.
- S.B. 15 will have a significant impact on the character and density of new single-family development in the City of Killeen.

S.B. 15 – Proposed Amendments

The horizontal articulation provision in Sec. 31-904(a)(6) of the Architectural & Site Design Standards will need to be removed.

Off-street parking and visitor parking requirements for residential districts will need to be amended.

S.B. 15 – Proposed Amendments

To mitigate the impact of S.B. 15 on the character and density of new residential development, staff also proposes to amend Chapter 31 to require that all single-family lots less than 50 ft. in width be alley-loaded.

- H.B. 24 amends Chapter 211 of the Local Gov't Code by changing the procedures for adoption of zoning regulations and district boundaries.
- Currently, Local Gov't. Code Sec. 211.006(d) provides that a three-fourths majority vote of the City Council is required to approve a zoning change when it is protested by the owners of 20% of the land area within 200 feet of the request.

Under the new legislation, only a simple majority vote by the governing body is required for approval of a zoning change that has the effect of allowing more residential development than the existing zoning regulation and does not allow more than 35% commercial or industrial uses – even if that zoning change is protested by more than 60% of the property owners within the 200-foot notification boundary.

A three-fourths majority vote by the governing body is still required if a request does not allow for additional residential development and is protested by more than 20% of the property owners within the 200-foot notification boundary.

- The amendment also requires that the City must post a sign about the proposed change on the property at least 10 days prior to the Planning & Zoning Commission hearing and until a final determination is made by City Council.
- □ The sign must be at least 2 ft. by 4 ft. in size.

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The statute allows cities to require the applicant to pay for and maintain the sign.

H.B. 24 – Proposed Amendments

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- Staff recommends the following changes to Chapter 31 to address H.B. 24:
 - Sec. 31-39 will need to be amended to address new requirements regarding protests and when supermajority is required.
 - Staff also recommends adding language requiring the applicant to assume responsibility for ensuring that signage meeting the statutory requirements is posted on the property.

H.B. 24 – Proposed Amendments

- Local Gov't. Code Sec. 211.006(f) currently provides that the governing body, by ordinance, may provide that the affirmative vote of at least three-fourths of the members of City Council is required to overrule a recommendation by the Planning & Zoning Commission for disapproval.
- The City of Killeen has adopted this requirement in Sec. 31-39(e) of the Code of Ordinances.

H.B. 24 – Proposed Amendments

- □ H.B. 24 repealed Local Gov't Code Section 211.006(f).
- Because it is no longer provided for in the statute, staff recommends that Killeen Code of Ordinances Sec. 31-39(e) be amended to remove the three-fourths majority affirmative vote needed for approval of a request that has been recommended for disapproval by the Planning & Zoning Commission.