

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S ARCHITECTURAL AND SITE DESIGN STANDARDS; 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 amend district regulations to preserve and enhance surrounding property values; 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 as follows:

Sec. 31-77. Special exceptions.

The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter, to:

- (1) Permit the erection and use of a building or the use of premises for railroads.
- (2) Permit a public utility or public service use or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.
- (3) Permit a transitional use between a business or industrial and a residential district where the side of a lot in district "R-1," "SF-2," or "R-2" abuts upon a lot zoned for business or industrial purposes as follows:
 - a. On a lot in district "R-1" or "SF-2," which sides upon a lot zoned for business or industrial purposes, the board may permit a two-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.

- b. On a lot in district "R-2," which sides upon a lot zoned for business or industrial purposes, the board may permit a four-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.
 - c. Provided, however, that in no case shall any transitional use have a width of more than one hundred (100) feet.
- (4) Grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this article is derived.
 - (5) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty (50) percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
 - (6) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 - (7) Permit land within three hundred (300) feet of a multifamily dwelling to be improved for the parking spaces required in connection with a multifamily dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multifamily dwelling.
 - (8) Determine whether an industry should be permitted within district "M-1," light industrial, and district "M-2," heavy industrial, because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
 - (9) Determine in cases of uncertainty the classification of any use not specifically named in this chapter.
 - ~~(10) Permit the construction of unique commercial buildings or custom homes having a modern or contemporary architectural aesthetic, which do not conform to the standards in Article VI of this chapter. In considering such request, the board shall consider whether the proposed design meets the intent, if not the letter, of the architectural and site design standards set forth in this chapter.~~

Article VI. – Architectural and Site Design Standards.

Sec. 31-900. - Purpose.

The purpose of this division is to establish design standards for new single-family and two-family residential development within the city limits. The standards in this division are intended to be in addition to any other design standard in this Code. In the event of a conflict, the more stringent regulation shall apply. The Executive Director of Development Services or designee shall have the authority to render interpretations of this Article and to adopt policies and procedures in order to clarify the application of its provisions.

Sec. 31-901. - Applicability.

- (a) The requirements in this division shall apply to all new residential single-family and two-family developments, including single family homes, patio homes, garden homes, townhomes, manufactured homes, and duplexes.
- (b) Accessory buildings smaller than two hundred (200) square feet shall be exempt from the provisions of this Division.
- (c) Unique ~~commercial buildings or~~ custom homes having a modern or contemporary architectural aesthetic, which ~~do not conform to the provisions in this article, meet the intent, if not the letter, of the architectural and site design standards set forth in this chapter~~ may be approved by ~~special exception granted by the zoning board of adjustment pursuant to Killeen Code of Ordinances section 31-77(10)~~ the Executive Director of Development Services or designee.

Sec. 31-902. Repetition.

Option 1:

~~No elevation shall be repeated within four (4) residential lots on the same side of the street, or within two (2) residential lots on the opposite side of the street. Houses of the same elevation shall not be placed within three (3) lots on the same side of the street, directly across the street from each other, or diagonally across the street from each other.~~ For purposes of this section, elevations shall be substantially different in terms of shape, massing, and form. The same elevation with different materials, different architectural features, or different fenestration shall not be considered a different elevation for purposes of this section.

Option 2:

~~No elevation shall be repeated within four (4) residential lots on the same side of the street, or within two (2) residential lots on the opposite side of the street. Houses of the same elevation shall not be placed within two (2) lots on the same side of the street, or diagonally across the street from each other.~~ For purposes of this section, elevations shall be substantially different in terms of shape, massing, and form. The same elevation with different materials, different architectural features, or different fenestration shall not be considered a different elevation for purposes of this section.

Sec. 31-904. Architectural standards.

- (a) All new single-family and two-family structures shall include the following:
 - (1) *Enhanced windows.* Windows on the front elevation shall incorporate at least one (1) window enhancement, including: use of transoms, bay windows, shutters, dormers, eyebrow windows, headers, or other similar window enhancements.
 - (2) *Architectural details.* The front elevation shall incorporate at least two (2) different enhanced architectural details, including: corbels, quoining, louvered vents, keystones, decorative railings, cupola, turret, patterned stonework or brickwork, decorative half-timbering, coach lights, or other architectural features as approved by the executive director of development services or his/her designee.

- (3) *Variable roof design.* At least two (2) different roof types (e.g. hip and gable), heights, pitches, plate heights, or two (2) different roof or planes of varying height, direction, or pitch shall be provided.
- (b) All new single-family and two-family structures shall also include at least three (3) of the following:
 - (1) *Side or rear entry garage.* No garage doors shall face the street on the primary elevation. This provision includes homes with side-entry, J-swing, detached, or rear-entry garages.
 - (2) *Recessed garage.* The exterior wall on either side of the garage door facing the street shall be recessed at least five (5) feet behind any other horizontal building plane on the front elevation.
 - (3) *Vertical-Horizontal articulation.* A minimum of three (3) wall planes shall be provided on the front elevation, with offsets being at least twelve (12) inches deep.
 - (4) *Covered front porch.* A covered front porch at least sixty-eighty (680) square feet in area shall be provided on a single-family home; or at least forty (40) square feet in area per unit on a two-family dwelling. Such porch shall measure not less than five (5) feet in any direction.
 - (5) *Enclosed patio.* A patio or outdoor seating area on the front of the house, which is enclosed on at least three (3) sides by a fence or wall at least thirty-six (36) inches in height.
 - (6) *Enhanced front doors.* Front doors shall incorporate sidelights, double doors, a single front door with decorative glass, or other similar front door enhancements.
 - (67) *Enhanced garage doors.* Garage doors shall have accent windows and decorative hardware.
 - (8) *Ribbon driveway.* For residential structures that do not have a garage, a concrete ribbon driveway shall be provided.

Sec. 31-910. Applicability.

- (a) The requirements in this division shall apply to all new commercial, ~~industrial~~, and institutional developments, including but not limited to retail buildings, office buildings, schools, churches, civic buildings, warehouses, and other non-residential uses in all zoning districts other than "M-1" (Manufacturing District) and "M-2" (Heavy Manufacturing District). Properties zoned "M-1" (Manufacturing District) or "M-2" (Heavy Manufacturing District) shall be exempt from the provisions of this Article.
- (b) Accessory buildings smaller than eight hundred (800) square feet shall be exempt from the provisions of this Division.
- (c) Unique non-residential buildings having a modern or contemporary architectural aesthetic, which meet the intent, if not the letter, of the architectural and site design standards set forth in this chapter may be approved by the Executive Director of Development Services or designee.

Sec. 31-911. Site design standards.

All new non-residential developments shall meet the following standards:

- (a) Side and rear elevations of all buildings visible from a public roadway shall incorporate architectural features consistent with the front façade.
- (b) Flat roofs, or roofs having a slope less than three (3) over twelve (12), shall require a parapet wall at least ~~twenty-four~~thirty-six (~~36~~24) inches in height.
- (c) Dumpsters shall be screened from view on all sides by a concrete or masonry wall, or metal screening fence at least six (6) feet in height. Metal screening fences shall be R-panel or U-panel and shall be coated and capped at the top.
- (d) Mechanical equipment shall be screened from view on all sides by a parapet wall, screening wall, or continuous landscape hedge.
- (e) All buildings and structures on a site, including accessory structures, dumpster enclosures, and gas station canopies, must share a common, identifiable, complementary design or style.

Sec. 31-912. Architectural standards.

- (a) All new non-residential developments shall include at least ~~one (1)~~ four (4) of the following:
 - (1) ~~Vertical~~Horizontal articulation. Exterior walls shall not have an uninterrupted length greater than thirty (30) feet in length, with offsets being at least ~~eighteen~~twelve (~~18~~12) inches deep.
 - (2) Vertical articulation. Buildings shall include at least two (2) different roof or parapet heights.
 - ~~(23)~~ (2) Tripartite design. Buildings shall have an identifiable base, middle, and top.
 - ~~(34)~~ (3) Articulated parapet. A parapet wall shall not have an uninterrupted length greater than fifty (50) feet, with articulations being at least ~~thirty-six~~twenty-four (~~36~~24) inches in height. Parapet walls shall require cornice detailing.
- ~~(b) All new non-residential developments shall also include at least two (2) of the following:~~
 - ~~(45)~~ (4) Sheltered entry. Primary entrances shall be covered with a portico, canopy, awning, arcade, porte cochère, architectural recess, or other similar feature that provides shelter from the elements.
 - (6) Arched entries or windows. Primary entrances or windows shall include arches.
 - ~~(27)~~ (2) Transparency. A minimum of ~~seventy-five~~fifty (~~75~~50) percent of the first floor of the primary elevation and ~~twenty-five~~ (~~25~~50) percent of all other street-facing elevations shall be comprised of transparent, non-reflective windows that provide views into occupied spaces. Where the internal arrangement of a building makes it impractical to provide transparency in accordance with this subsection, sculptural, mosaic, or bas-relief artwork, or false windows consisting of opaque or spandrel glass, may substitute for up to fifteen (15) percent of required transparent areas, except when fronting pedestrian-oriented spaces in accordance with subsection 10, below.
 - ~~(38)~~ (3) Pitched roof. The primary roof or sheltered entry shall have a pitch of not less than six (6) over twelve (12).
 - (9) Building location. Building or structure shall be located as close as possible to the front yard setback to create a more urban form. Parking areas shall be screened from public roadways and placed behind the building and a secondary entrance must be provided.

(10) Pedestrian-oriented space. A pedestrian-oriented space in front of the building at least eight (8) feet deep and running the full width of the building. This area shall include awnings covering at least twenty-four (24) square feet of the space. This space shall include amenities such as bike parking, bench seating, planters, fountains, artwork, decorative railing, decorative light fixtures, hanging baskets or other features that are pedestrian oriented.

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 26th day of September, 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:

APPROVED AS TO FORM:

Laura J. Calcote, CITY SECRETARY

Holli C. Clements, CITY ATTORNEY