

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S LAND USE 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 facilitate new infill development in North Killeen; 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 I. - IN GENERAL

Sec. 31-6. - Compliance with the regulations.

Except as hereinafter specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

- (4) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- (6) The minimum yards, parking spaces, and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of passage of the ordinance from which this chapter is derived or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building.
- (7) Residential structures located in districts AR-1, R-1, R-1A, RT-1, R-2 and R-3 shall not be structurally enlarged unless the exterior building façade materials are consistent with the existing façade materials of the existing structure.
- (8) Within the R-1 and R-2 zoning districts, not more than one single-family or two-family residential structure shall be located on a single lot. More than one single-family or two-family structure may be permitted on a single lot within the R-3, R-3F, and R-3A districts, provided the lot meets the minimum area regulations for the respective district. Multifamily (R-3, R-3F, or R-3A) structures hereafter erected or structurally altered shall be required to comply with all appropriate setback, rear yard, side yard, and parking requirements but shall not be limited to the one (1) main building per lot requirement. All commercial or industrial structures hereinafter erected or structurally altered shall be required to comply with all appropriate setback, rear yard, side yard, and parking requirements but shall not be limited by a main building per lot requirement.
- (9) No requirement of this chapter shall be construed so as to prohibit the reclassification of a lot to a less restrictive zoning district where a lot of record platted prior to the effective date of the ordinance from which this chapter is derived does not conform to any or all of the minimum lot size requirements of area, width or depth of the less restrictive zoning district; provided that the minimum yard requirement of the less restrictive zoning district and the required parking for the intended use shall be met.

DIVISION 8A. - DISTRICT "R-3F" MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 31-255.1. - Use regulations.

- (a) Uses. A building or premises in an R-3F multifamily residential district shall be used only for the following purposes:
 - (1) All uses allowed in section 31-231.

- (2) Multifamily structures containing three (3) or four (4) separate dwelling units.
 - (3) Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution.
 - (4) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.
- (b) *Planned unit development required.* Rezoning applications under this division shall be subject to the requirements of 31-256.9 of division 8B of this article, if applicable.

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 11th 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