

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S FENCING 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 establish regulations that will help ensure that future development is safe, orderly, and visually appealing; and,

**WHEREAS**, the City Council desires to amend the building and construction regulations to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality;

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

**SECTION I.** That Article V, Division 10 of Chapter 31 of the City of Killeen Code of Ordinances is hereby amended as follows:

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**Sec. 31-854. - Exceptions to permit requirement.**

Repair of an existing fence with like materials of original construction and with no change to the original design or placement shall be allowed without a permit for any improvement that does not exceed ~~twenty-five (25) percent of the material area~~ twenty-five (25) feet of the original fence ~~(measured as length times width along the outside face of the fence)~~ during a twelve-month period.

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**Sec. 31-856. - Design, Height and Location.**

The smooth, finished side of the fence shall face outward, with the support posts on the inside, ~~for property abutting any fence facing a public right-of-way.~~ The finished side of all screening devices required in accordance with Sec. 31-280 shall face away from the screened area. The height of the fence shall be the vertical distance between the finished grade and the top of the fence. In those instances where fences are attached or constructed on top of stem walls or retaining walls, the calculation of height shall include the combined fence and wall structure as measured from the finished grade. In those instances where there is a difference in surface

elevation between two adjoining properties, then the fence on the adjacent property with the lower elevation shall not exceed the maximum allowable height plus the difference in surface elevation between the adjoining yard areas at the property line, but in no instance shall it measure more than eight (8) feet in vertical height along the property line of the back or side yard upon which the proposed fence is to be located.

- (a) Front yard (applies to residential uses and "B-1" zoning district). The maximum height of a fence in a front yard shall be four (4) feet overall height as measured from the finished grade, except that wrought iron fences may not exceed six (6) feet overall height as measured from the finished grade. The height requirement shall extend horizontally from the front property line to the required front yard setback. Front yard fences are not permitted in the right-of-way or sight distance triangle areas. Fence columns shall not exceed twelve (12) inches above overall height of fence.
- (b) Side and rear yard (applies to residential uses and "B-1" zoning district). The maximum height of a fence in a side or rear yard shall be eight (8) feet as measured from the finished grade. Side or rear yard fences that exceed six (6) feet shall not be constructed of chain-link.

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**Sec. 31-858. – Fencing materials.**

- (a) Materials not originally intended for use in constructing a fence are prohibited as fencing and screening materials. Examples of prohibited materials include plywood, particleboard, corrugated metal, railroad ties, tires, door panels, and other makeshift materials.
- (b) Used or salvaged fencing materials including materials that are weathered, worn, rusted, corroded, or otherwise deteriorated shall be prohibited.
- (c) Chain-link fencing (including posts) for uses other than single-family or two-family dwellings shall be black or green vinyl coated.
- (d) Except in the "A" (Agricultural) district and for agricultural uses in any district and to repair existing barbed wire fencing, barbed wire fencing is prohibited in residential districts.

**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 13<sup>th</sup> day of April, 2021, 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**

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Jose L. Segarra, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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Lucy C. Aldrich, CITY SECRETARY

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Traci S. Briggs, CITY ATTORNEY