

ORDINANCE 24-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, 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 OUTDOOR LIGHTING 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 amend its land use regulations pertaining to outdoor lighting; and,

WHEREAS, the City Council finds that such amendments are necessary to protect the public health, safety, and welfare of the public; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City of Killeen on the 18th day of March, 2024 at 5:00 p.m.; and,

WHEREAS, a public hearing was held by the City Council of the City of Killeen on the 14th day of May, 2024 at 5:00 p.m.; and,

WHEREAS, due notice of all public hearings was provided as required by law;

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. 31-2. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural

and the plural the singular; the word "building" shall include the word "structure;" the word "shall" is mandatory and not directive; the word "lot" includes the word "plot;" the term "used for" includes the meanings "designed for" or "intended for." Such words and terms are as follows:

Accessory use or building shall mean a subordinate use or building customarily incident to and located on the same lot occupied by the main use or building.

All weather surface on privately owned property shall consist of Portland cement concrete or an impervious bituminous surface over a compacted base or other surface approved by the building official. The parking surface must be capable of retaining paint or striping material.

Alley shall mean a public way which affords only a secondary means of access to property abutting thereon.

Animal production shall mean the raising and sales of animals or production of animal products produced on site, to include eggs or dairy products, on an agricultural or commercial basis. Typical uses include, but are not limited to, grazing, ranching, dairy farming and poultry farming, and do not include operating feed lots.

Apartment complex shall mean five (5) or more attached dwelling units on one (1) lot.

Automotive parts store shall mean an establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

Boardinghouse or lodginghouse shall mean a building other than a hotel where sleeping rooms are rented to four (4) or more adults for compensation, pursuant to previous arrangements for definite periods of time, but not to the public or transients.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of, shall mean the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building line shall mean a line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Cemetery shall mean a burial place for deceased humans.

Child care facility shall mean a facility that furnishes care, training, education, custody, supervision and guidance of a child or group of children, who are not related by blood, marriage or adoption to the owner or operator of the facility, for all or part of a twenty-four-hour day.

Clinic shall mean an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.

Commercial communication tower shall mean a tower built and designed for commercial communication usage including, but not limited to, radio, television and microwave towers.

Crop production shall mean the raising, harvesting and sales of tree crops, row crops or field crops on an agricultural or commercial basis, produced on site, including, but not limited to, packing and processing.

Day care center shall mean a child care facility that provides care for more than twelve (12) children under fourteen (14) years of age or less than twenty-four (24) hours a day. It does not include a group day care home or drop-in care center.

Drop-in care center shall mean a child care facility that provides care for children under fourteen (14) years of age for part of the day. It does not provide regular care for the same child. It does not include a group day care home or day care center.

Dwelling shall mean any building or portion thereof which is designated for or used for residential purposes.

Dwelling, multifamily, shall mean a building designed for or occupied by three (3) or more families.

Dwelling, single-family, shall mean a building designed for or occupied by one (1) family.

Dwelling, two-family, shall mean a building designed for or occupied by two (2) families.

Family shall mean any number of individuals living together as a single housekeeping unit, in which not more than three (3) adults are unrelated by blood, marriage, adoption, or guardianship and occupying a dwelling unit.

Frontage, block, shall mean all the property on one (1) side of a street between

two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

Halfway house shall mean a facility operated under the authority of the Texas Department of Criminal Justice for the Federal Bureau of Prisons for persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hotel shall mean a building in which lodging or boarding and lodging are rented out to the public for a period of not less than one (1) night and not more than twenty-nine (29) consecutive nights for a fee. This term includes hotels, motels, bed and breakfasts, inns, extended stay hotels, and long-term stay hotels.

Hotel Occupancy Tax shall mean the hotel occupancy tax required to be assessed and collected for the operation of any hotel or short term rental and paid pursuant to Chapter 351 of the Texas Tax Code and Killeen Code of Ordinances Chapter 27, Article IV.

Housekeeping unit shall mean a group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities, responsibilities and expenses.

[Light trespass shall mean the unwanted shining of light onto an adjacent property or onto a public right-of-way.](#)

Loading space shall mean a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

Lot, depth of, shall mean the mean horizontal distance between the front and rear lot lines.

Lot, width of, shall mean the mean horizontal distance between side lot lines, as measured in a straight line from points at the front building setback line on each side lot line.

Manufactured housing shall mean a residential housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition) and Manufactured Housing Standards Act, section 5521f V.A.T.S.

Nonconforming use, building or yard shall mean a use, building or yard, existing legally at the time of passage of the ordinance from which this chapter is derived, which does not, by reason of design or use, conform with the regulations of the district in which it is situated.

Outside storage and display shall mean a primary land use providing for the incidental outdoor storage or display of commodities, materials, goods, equipment, vehicles or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.

Parking space, off-street, shall mean an area of not less than one hundred eighty (180) square feet (measuring approximately nine (9) feet by twenty (20) feet) not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed. A public street shall not be classified as off-street parking in computing the parking requirements for any use, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space.

Personal services shall mean an establishment providing services of a personal nature. This classification includes barber and beauty shops, nail and tanning salons, cosmetologists, massage therapists, seamstresses, tailors, shoe repair, dry cleaners (excluding plants), self-service laundries, tattoo parlors as licensed per V.T.C.A., Health and Safety Code ch. 146, laser tattoo removal, laser hair removal, permanent makeup application, and the like.

Place shall mean an open, unoccupied space other than a street or alley

permanently reserved as the principal means of access to abutting property.

Planning commission shall mean the planning and zoning commission of the city.

Private school shall mean a private school, including a parochial school, that offers a course of instruction for students in one (1) or more grades from kindergarten through grade 12, and has more than one hundred (100) students enrolled and attending courses at a single location.

Sale shall mean sales at both wholesale and retail unless specifically stated otherwise.

Servants' quarters shall mean an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Short term rental shall mean a single-family, two-family, or multi-family dwelling that is rented out to the public for a period of not less than one (1) night and not more than twenty-nine (29) consecutive nights for a fee.

Story shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half, shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street shall mean a public or private thoroughfare which affords the principal means of access to abutting property.

Street line shall mean a dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alterations shall mean any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to, buildings of all types, advertising signs, billboards, and poster panels, but

exclusive of customary fences or boundary or retaining walls.

Trailer camp or park shall mean an area designed, arranged or used for the parking or storing of one (1) or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Transient shall mean a person who occupies a dwelling unit or sleeping unit for less than thirty (30) consecutive days.

Uplighting shall mean the practice of installing, maintaining or operating exterior lighting in such a way that the lighting fixtures direct illumination upward to the night sky.

Yard shall mean an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front, shall mean a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear, shall mean a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

Yard, side, shall mean a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Sec. 31-316.8. Parking and Lighting regulations.

- (1) Off-street parking and loading that is required in Sec 31-279 shall be provided for all uses in this zone.

- (2) Parking shall not be located in the rear or side when abutting single family residentially zoned property.
- ~~(3) Light standards shall not exceed sixteen (16) feet in height, and shall be fully shielded. Light shall not shine on any abutting property or public right-of-way.~~
- ~~(43) Wall-mounted exterior lighting shall not shine on any abutting property or right-of-way. All outdoor lighting shall comply Article V, Division 12 of this Chapter.~~
- (54) An access management plan shall be submitted with any plat for subdivision of property or approval of a site plan.

Sec. 31-443. Parking, screening device, signs, and lighting requirements.

- (a) Off-street parking and loading spaces shall be provided in the university district "UD" in accordance with the requirements for specific uses set forth in article V, division 3 of this chapter.
- (b) The screening device requirements in the university district "UD" shall be the same as required in the "B-1" district except that screening shall be required before the use of any commercial structure when such property abuts a residential zoned property or property used solely for residential purposes.
- (c) No off-premises signs, neon signs or electronic message display signs shall be permitted in this district. Signage in this district shall follow the standards outlined below:
 - (1) On-premises signs are restricted to one (1) sign per lot, except that premises which have more than three hundred (300) feet of combined frontage along a public way or street, other than an alley, may have not more than one (1) additional sign for each additional three hundred (300) feet of frontage or fraction thereof. The permitted sign shall be set back ten (10) feet from the property line, shall not exceed ten (10) feet in height, the face shall not exceed one hundred (100) square feet and the sign shall be constructed of masonry material to match the building facade.
 - (2) Window signs shall not cover more than twenty-five (25) percent of the total glass area of the window on which they are placed. The size is determined by an imaginary square or rectangle that encompasses the window sign graphics.

A glass door shall be considered a separate window for the purpose of this section.

- (3) The maximum size for signage on the front of a building is based on the following guideline: For every one (1) linear foot of building primary or entry frontage one (1) square foot of sign area is allowed. For multi-tenant buildings one and one-half (1.5) square feet of sign area is allowed for every one (1) linear foot of building primary or entry frontage. Signs on secondary or side-street frontages should not exceed the size of sign on the primary or entrance frontage.
- (4) Sign maintenance:
 - (A) Signs and sign supports shall be kept in good repair and preserved.
 - (B) Display surfaces of signs shall be kept neatly painted at all times.
 - (C) Painted signs shall be repainted routinely so as to prevent peeling paint.
 - (D) Electrical components of signs must be protected from exposure to weather at all times unless they are designed for such exposure.
 - (E) Electrical circuits to signs that are no longer in use shall be disconnected at the electrical panel and shall be removed.

(d) ~~Any person wishing to install or use exterior lighting for non-residential, mixed-use, and multi-family structures shall first request a site plan review and obtain approval for such lighting by the building official. The site plan shall fully comply with the general regulations of this section and shall specify the location, height and type of all exterior lighting.~~ All outdoor lighting shall comply Article V, Division 12 of this Chapter.

~~(1) The height of exterior lighting, except streetlights in public rights-of-way, shall not exceed twenty (20) feet.~~

~~(2) Light trespass, defined as unwanted light shining on adjacent property or public rights-of-way, has a negative impact on the enjoyment and value of the affected adjacent property, and declared to be unlawful. All exterior lighting in the university district shall be shielded or oriented in a manner that ensures that all illumination is contained on the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner~~

A glass door shall be considered a separate window for the purpose of this section.

- (3) The maximum size for signage on the front of a building is based on the following guideline: For every one (1) linear foot of building primary or entry frontage one (1) square foot of sign area is allowed. For multi-tenant buildings one and one-half (1.5) square feet of sign area is allowed for every one (1) linear foot of building primary or entry frontage. Signs on secondary or side-street frontages should not exceed the size of sign on the primary or entrance frontage.
- (4) Sign maintenance:
 - (A) Signs and sign supports shall be kept in good repair and preserved.
 - (B) Display surfaces of signs shall be kept neatly painted at all times.
 - (C) Painted signs shall be repainted routinely so as to prevent peeling paint.
 - (D) Electrical components of signs must be protected from exposure to weather at all times unless they are designed for such exposure.
 - (E) Electrical circuits to signs that are no longer in use shall be disconnected at the electrical panel and shall be removed.

(d) ~~Any person wishing to install or use exterior lighting for non-residential, mixed-use, and multi-family structures shall first request a site plan review and obtain approval for such lighting by the building official. The site plan shall fully comply with the general regulations of this section and shall specify the location, height and type of all exterior lighting.~~ All outdoor lighting shall comply Article V, Division 12 of this Chapter.

~~(1) The height of exterior lighting, except streetlights in public rights-of-way, shall not exceed twenty (20) feet.~~

~~(2) Light trespass, defined as unwanted light shining on adjacent property or public rights-of-way, has a negative impact on the enjoyment and value of the affected adjacent property, and declared to be unlawful. All exterior lighting in the university district shall be shielded or oriented in a manner that ensures that all illumination is contained on the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner~~

~~that the light emission shall not cause light trespass observable from adjoining streets and other properties.~~

~~(3) Exterior lighting situated in such a manner as to be mistaken for traffic signals or presenting any hazard to safe driving is prohibited.~~

~~(4) Up-lighting is prohibited, except:~~

~~(A) Up-lighting, defined as the practice of installing, maintaining or operating exterior lighting in such a way that the lighting fixtures direct the illumination upward, may be installed adjacent to flagpoles to illuminate a flag if the lighting is installed and directed in such a manner that the illumination is targeted directly at the flag and does not otherwise cause a light trespass or a driving hazard.~~

~~(B) Up-lighting of sculptures, structures and landscape features for ornamental purposes that enhance the character of the area is permitted provided that the lighting does not create light trespass or a hazard to safe driving.~~

~~(5) Canopy lighting shall be fully shielded or recessed so that the lenses of the lights are, at a minimum, flush with the bottom surface of the canopy.~~

~~(6) This section shall not apply to the following types of lighting if the use thereof is approved in writing by the building official:~~

~~(A) Unshielded lighting may be used if it can be shown that the luminary will not cause a light trespass or a driving hazard.~~

~~(B) Lighting for special activities where the lighting need is temporary rather than lighting utilized continuously.~~

(e) Parking lot islands with a canopy tree in each should be at the end of each parking row. An additional parking lot island with a canopy tree shall be added to each parking row for every fifteen (15) spaces or fraction thereof. Canopy trees shall be in accordance with the landscaping requirements set forth in section 31-445. The islands shall have raised curbing not less than six (6) inches in height and an area of not less than one hundred eighty (180) square feet for single parking row end islands or three hundred sixty (360) square feet for double row parking end islands.

(f) Bay dividers shall be provided in order to prevent uncontrolled movement across parking areas, to separate the parking areas from the adjacent property, and to

increase the safety of individuals using the parking lot. Dividers shall be provided on every other parking row and conform to one (1) of the following standards:

- (1) Raised dividers shall have raised six-inch curbing and be a minimum of six (6) feet in width measured from face of curb to face of curb and tie in with the end island to provide safety for pedestrians.
 - (2) Raised dividers that are landscaped shall have raised six-inch curbing and be a minimum of seven (7) feet in width and tie in to the end island.
- (g) Parking slots in the numbers provided in the table below shall be reserved for each of the following groups per parking lot: Purple Heart recipients, Gold Star recipients. All spaces shall be located adjacent to required handicapped parking space(s). Purple Heart and Gold Star signs should conform to criteria promulgated by the executive director of planning and development services or designee.

3 to 50 slots: 1

51 to 75 slots: 2

76 to 100 slots: 3

100 and above: 4

Sec. 31-452. Parking, screening device, signs, and exterior lighting requirements.

- (a) Off-street parking and loading spaces shall be provided in the "CD" cemetery district in accordance with the requirements for specific uses set forth in article V, division 3 of this chapter.
- (b) The screening device requirements in the district "CD" cemetery district shall be the same as required in the "B-1" district except that screening shall be required before the use of any commercial structure when such property abuts a residential zoned property or property used solely for residential purposes.
- (c) No off-premises signs, neon signs or EVMS signs shall be permitted in this district. Signage in this district shall follow the standards outlined below:
 - (1) On-premises signs are restricted to one (1) sign per lot, except that premises which have more than three hundred (300) feet of combined frontage along a public way or street, other than an alley, may have not more than one (1) additional sign for each additional three hundred (300) feet of frontage or fraction

thereof. The permitted sign shall be set back ten (10) feet from the property line, shall not exceed ten (10) feet in height, the face shall not exceed one hundred (100) square feet and the sign shall be constructed of masonry material to match the building facade.

- (2) Window signs shall not cover more than twenty-five (25) percent of the total glass area of the window on which they are placed. The size is determined by an imaginary square or rectangle that encompasses the window sign graphics. A glass door shall be considered a separate window for the purpose of this section.
- (3) The maximum size for signage on the front of a building is based on the following guideline: For every one (1) linear foot of building primary or entry frontage one (1) square foot of sign area is allowed. For multi-tenant buildings one and one-half (1.5) square feet of sign area is allowed for every one (1) linear foot of building primary or entry frontage. Signs on secondary or side-street frontages should not exceed the size of sign on the primary or entrance frontage.
- (4) Sign Maintenance:
 - (A) Signs and sign supports shall be kept in good repair and preserved.
 - (B) Display surfaces of signs shall be kept neatly painted at all times.
 - (C) Painted signs shall be repainted routinely so as to prevent peeling paint.
 - (D) Electrical components of signs must be protected from exposure to weather at all times unless they are designed for such exposure.
 - (E) Electrical circuits to signs that are no longer in use shall be disconnected at the electrical panel and shall be removed.

(d) ~~Any person wishing to install or use exterior lighting for non-residential, mixed-use, and multi-family structures shall first request a site plan review and obtain approval for such lighting by the building official. The site plan shall fully comply with the general regulations of this section and shall specify the location, height and type of all exterior lighting.~~ All outdoor lighting shall comply with Article V, Division 12 of this Chapter.

~~(1) The height of exterior lighting, except streetlights in public rights-of-way, shall not exceed twenty (20) feet.~~

- ~~(2) Light trespass, defined as unwanted light shining on adjacent property or public rights-of-way, has a negative impact on the enjoyment and value of the affected adjacent property, is declared to be unlawful. All exterior lighting in the cemetery district shall be shielded or oriented in a manner that ensures that all illumination is contained on the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner that the light emission shall not cause light trespass observable from adjoining streets and other properties.~~
- ~~(3) Exterior lighting situated in such a manner as to be mistaken for traffic signals or presenting any hazard to safe driving is prohibited.~~
- ~~(4) Up-lighting is prohibited, except:
 - ~~(A) Up-lighting, defined as the practice of installing, maintaining or operating exterior lighting in such a way that the lighting fixtures direct the illumination upward, may be installed adjacent to flagpoles to illuminate a flag if the lighting is installed and directed in such a manner that the illumination is targeted directly at the flag and does not otherwise cause a light trespass or a driving hazard.~~
 - ~~(B) Up-lighting of sculptures, structures and landscape features for ornamental purposes that enhance the character of the area is permitted provided that the lighting does not create light trespass or a hazard to safe driving.~~~~
- ~~(5) Canopy lighting shall be fully shielded or recessed so that the lenses of the lights are, at a minimum, flush with the bottom surface of the canopy.~~
- ~~(6) This section shall not apply to the following types of lighting if the use thereof is approved in writing by the building official:
 - ~~(A) Unshielded lighting may be used if it can be shown that the luminary will not cause a light trespass or a driving hazard.~~
 - ~~(B) Lighting for special activities where the lighting need is temporary rather than lighting utilized continuously.~~~~

- (e) Parking lot islands with a canopy tree in each should be at the end of each parking row. An additional parking lot island with a canopy tree shall be added to each parking row for every fifteen (15) spaces or fraction thereof. Canopy trees shall be in

accordance with the landscaping requirements set forth in section 31-454. The islands shall have raised curbing not less than six (6) inches in height and an area of not less than one hundred eighty (180) square feet for single parking row end islands or three hundred sixty (360) square feet for double row parking end islands.

- (f) Bay dividers shall be provided in order to prevent uncontrolled movement across parking areas, to separate the parking areas from the adjacent property, and to increase the safety of individuals using the parking lot. Dividers shall be provided on every other parking row and conform to one (1) of the following standards:
 - (1) Raised dividers shall have raised six-inch curbing and be a minimum of six (6) feet in width measured from face of curb to face of curb and tie in with the end island to provide safety for pedestrians.
 - (2) Raised dividers that are landscaped shall have raised six-inch curbing and be a minimum of seven (7) feet in width and tie in to the end island.
- (g) Parking slots in the numbers provided in the table below shall be reserved for each of the following groups per parking lot: Purple Heart recipients, Gold Star recipients. All spaces shall be located adjacent to required handicapped parking space(s). Purple Heart and Gold Star signs should conform to criteria promulgated by the executive director of planning and development services or designee.

3 to 50 slots: 1

51 to 75 slots: 2

76 to 100 slots: 3

100 and above: 4

Sec. 31-487. General provisions.

- (a) Parking spaces and loading berths required in this division, together with aisles and maneuvering area, shall have an all-weather surfacing, enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.
- (b) In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.

- (c) The floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.
- (d) Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one (1) type of use or building shall be included in calculation of the off-street parking requirements for any other use or building.
- (e) Off-street parking. The following provisions shall apply to all parking adjacent to a public thoroughfare:
 - (1) Parking spaces so situated that the maneuverings of a vehicle in entering or leaving such spaces is done on a public street shall not be classified as off-street parking in computing any parking requirements herein, except in "R-1," "SF-2," "RM-1," "R-2," "RT-1," "R-MP," and "R-MS" uses.
 - (2) The construction of parking as described in (1) above shall be prohibited hereafter. All such parking facilities in existence at the time of the enactment of this section are hereby declared to be a nonconforming use of land subject to the provisions of section 16 of the 1963 zoning ordinance, which are hereby declared a part of this section as if contained herein.
- (f) No off-street parking space shall be located, either in whole or in part, in a public street or sidewalk, parkway, alley or other public right-of-way. Maneuvering areas located adjacent to a public street shall be computed from the curb line of the street. Sidewalk areas shall be a minimum of four (4) feet wide and shall be permanently designated. All sidewalks shall be located on public property.
- (g) No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by ordinance of the city or within aisles, driveways or maneuvering areas necessary to provide reasonable access to any parking space, except in "R-1" and "R-2" districts.
- (h) No required off-street parking or loading space shall be used for sales, nonvehicular storage, repair or service activities.
- (i) ~~Lighting facilities, when provided for the purposes of providing safety and convenience for the patrons and employees of the businesses requiring lighting, shall be so arranged as to~~

~~be reflected away from property zoned or used for residential purposes.~~ All outdoor lighting shall comply Article V, Division 12 of this Chapter.

- (j) On required parking lots provided for thirty (30) cars or more, excluding section 31-489, subsection (1)a. through g., there shall be provided, for an uncovered parking area, sufficient lighting to provide a minimum of one (1) footcandle of light on the surface of the parking lot at any location, and a minimum of five (5) footcandles of lighting on the parking surface of a covered parking facility. (Reference: Illuminating Engineering Society Handbook, section 14)
- (k) The minimum time of operation of the required lighting shall be between the hours of sundown and one (1) hour past the posted hours of operation of the business.

ARTICLE V. - SUPPLEMENTAL REGULATIONS

Secs. 31-894-31-8995. – Reserved.

DIVISION 12. - OUTDOOR LIGHTING REGULATIONS.

Sec. 31-896. - Purpose and intent.

- (a) Purpose. The purpose of this Division is to ensure that outdoor lighting is provided in a manner that enhances and promotes the nighttime enjoyment of property and enhances the ability to view the night sky.
- (b) Intent. The intent of this Division is to provide outdoor lighting regulations that reduce light pollution, glare, unwanted light trespass, and other lighting related nuisances, and thereby conserve energy, enhance property values, and protect the public health, safety, and welfare.

Sec. 31-897. - Applicability and exceptions.

- (a) Applicability. This Division shall apply to all property within the City limits, unless exempted by Section 31-897(b).
- (b) Exceptions. The requirements set out in this Division shall not apply to:
 - (1) Property located greater than five (5) miles from the boundary of a military base in which an active training program is conducted;
 - (2) Outdoor lighting in place prior to adoption of the ordinance from which this Division is

derived; and

- (3) Temporary lighting for holiday decorations, civic events, or construction projects, provided such lighting does not cause light trespass or a driving hazard.

Sec. 31-898. - Outdoor lighting standards for commercial, manufacturing, and multifamily residential districts.

- (a) The provisions of this section shall apply to all property within the corporate city limits zoned "B-1", "B-2", "NBD", "B-3", "B-3A", "B-4", "B-5", "B-C-1", "RC-1", "B-DC", "UD", "CD", "M-1", "M-2", "R-3", "R-3F", "R-3A", and all other inactive commercial, manufacturing, and multifamily residential zoning districts unless exempted by Section 31-897(b).
- (b) The height of free-standing exterior lighting, except streetlights in public rights-of-way, shall not exceed fifteen (15) feet. The height of wall-mounted exterior lighting shall not exceed twelve (12) feet.
- (c) Light trespass has a negative impact on the enjoyment and value of the affected adjacent property and is hereby declared to be unlawful. All outdoor lighting fixtures shall be shielded to direct lighting downward and oriented in a manner that ensures that all illumination is contained within the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner that the light emission shall not cause light trespass observable from adjoining streets and other properties.
- (d) Uplighting has a negative impact on the enjoyment of the night sky and is hereby declared to be unlawful, with the following exceptions:
- (1) Uplighting may be installed adjacent to flagpoles to illuminate a flag if the lighting is installed and directed in such a manner that the illumination is targeted directly at the flag provided such lighting does not cause light trespass or a driving hazard.
- (2) Uplighting of public art, sculptures, architectural features, and landscape features for ornamental purposes, which enhances the character of the area is permitted provided such lighting does not cause light trespass or a driving hazard.
- (e) Canopy lighting shall be fully shielded or recessed so that the lenses of the lights do not cause glare and are recessed from the bottom surface of the canopy.

(f) Any person wishing to install or use exterior lighting for commercial, manufacturing, and multi-family structures that requires a permit shall first request a site plan review and obtain approval for such lighting from the building official. The site plan shall fully comply with the general regulations in this section, and shall specify the location, height, and type of all exterior lighting.

Sec. 31-899. - Outdoor lighting standards for single-family and two-family residential districts.

(a) The provisions of this section shall apply to properties within the corporate city limits zoned "A", "A-R1", "SR-1", "SR-2", "R-1", "SF-2", "RM-1", "RT-1", "R-MS", "R-MP", "R-2", and all other inactive single-family and two-family residential zoning districts unless exempted by Section 31-897(b).

(b) The height of free-standing exterior lighting, except streetlights in public rights-of-way, shall not exceed eight (8) feet. The height of wall-mounted exterior lighting shall not exceed ten (10) feet.

(c) Light trespass has a negative impact on the enjoyment and value of the affected adjacent property and is hereby declared to be unlawful. All outdoor lighting fixtures shall be shielded to direct lighting downward and oriented in a manner that ensures that all illumination is contained within the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner that the light emission shall not cause light trespass observable from adjoining streets and other properties.

(d) Uplighting has a negative impact on the enjoyment of the night sky and is hereby declared to be unlawful, with the following exceptions:

(1) Uplighting may be installed adjacent to flagpoles to illuminate a flag if the lighting is installed and directed in such a manner that the illumination is targeted directly at the flag provided such lighting does not cause light trespass or a driving hazard.

(2) Uplighting of public art, sculptures, architectural features, and landscape features for ornamental purposes, which enhances the character of the area is permitted provided such lighting does not cause light trespass or a driving hazard.

(e) Any person wishing to install or use exterior lighting for single-family and two-family residential structures that requires a permit shall first request a site plan review and obtain approval for such lighting from the building official. The site plan shall fully comply with the

general regulations in this section, and shall specify the location, height, and type of all exterior lighting.

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 take effect immediately upon passage of the ordinance.

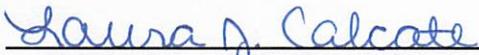
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 14th day of May, 2024, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:



Debbie Nash-King, MAYOR

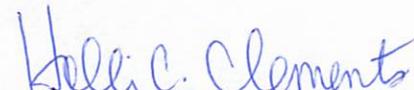
ATTEST:



Laura J. Calcote, CITY SECRETARY



APPROVED AS TO FORM:



Holli C. Clements, CITY ATTORNEY



City of Killeen

File Number: PH-24-014

Enactment Number: 24-016

HOLD a public hearing and consider an ordinance amending Chapter 31 of the Killeen Code of Ordinances providing for outdoor lighting regulations.

DATE: May 7, 2024

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Ordinance Amending Chapter 31, Outdoor Lighting Regulations

BACKGROUND AND FINDINGS:

On January 23, 2024, the City Council made a Motion of Direction to have staff prepare an ordinance to expand the current lighting regulations associated with the "UD" (University District) and "CD" (Cemetery District) to all zoning districts.

As written, the proposed ordinance prohibits light trespass onto adjacent properties and rights-of-way and prohibits uplighting (with exemptions for flagpoles and public art). The proposed ordinance states that "all outdoor lighting fixtures shall be shielded to direct lighting downward and oriented in a manner that ensures that all illumination is contained within the source property."

The proposed ordinance would also require any person wishing to install exterior lighting, which requires a permit under existing ordinances, to request a site plan review and obtain approval for such lighting from the City Building Official.

Per Texas Local Government Code Sec. 3000.002(c)(3)(C), municipalities are prohibited from regulating outdoor lighting, except within five miles of an active military base. Therefore, the proposed ordinance would only apply to properties within five miles of the boundary of Fort Cavazos.

The proposed ordinance also includes exemptions for temporary lighting for holiday decorations, civic events, and construction projects. Provided that such lighting does not cause light trespass or a driving hazard.

If approved, the proposed ordinance will help to prevent outdoor lighting nuisances like glare and light trespass. It will also help to preserve the integrity of the night sky.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives:

- Do not approve the ordinance;
- Approve the ordinance with amendments; or

Approve the ordinance as presented.

Which alternative is recommended? Why?

Staff recommends that the City Council adopt the ordinance as presented.

CONFORMITY TO CITY POLICY:

The proposed ordinance conforms to all applicable City policies.

FINANCIAL IMPACT:

What is the amount of the revenue/expenditure in the current fiscal year? For future years?

This is not applicable.

Is this a one-time or recurring revenue/expenditure?

This is not applicable.

Is this revenue/expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this revenue/expenditure?

This is not applicable.

RECOMMENDATION:

At their Regular Meeting on April 18, 2024, the Planning and Zoning Commission recommended approval of the ordinance by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by Development Services and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

- Minutes
- Ordinance
- Presentation

MINUTES
PLANNING AND ZONING COMMISSION MEETING
April 1, 2024
Outdoor Lighting Regulation Ordinance

HOLD a public hearing and consider an ordinance amending Chapter 31 of the Killeen Code of Ordinances providing for outdoor lighting regulations.

Ms. Meshier presented the staff report for this item. She explained that on January 23, 2024, the City Council made a motion of direction to have staff prepare an outdoor lighting ordinance to expand the current outdoor lighting regulations associated with the “UD” (University District) and “CD” (Cemetery District) to make those standards applicable to all zoning districts.

Ms. Meshier stated that if the proposed ordinance is adopted, it will help to prevent outdoor lighting nuisances like glare and light trespass and help to preserve the integrity of the night sky. She stated that the proposed ordinance prohibits light trespass onto adjacent properties and rights-of-way and prohibits up lighting with exemptions for flagpoles and public art.

Ms. Meshier explained that the proposed ordinance would require any person wishing to install or use exterior lighting to request a site plan review and obtain approval for such lighting from the building official.

Ms. Meshier stated that staff recommends that the Commission recommend approval of the ordinance with the changes discussed during the workshop. Ms. Meshier noted that the Commission discussed adding exemptions for outdoor lighting in place prior to adoption of the ordinance and for holiday lights; and including language stating that site plan approval is only needed for outdoor lighting that requires a permit.

Chairman Minor opened the public hearing at 6:03 p.m.

With no one wishing to speak, the public hearing was closed at 6:03 p.m.

Commissioner Gukeisen moved to recommend approval of the proposed ordinance with the conditions as discussed. Commissioner Sabree seconded, and the motion passed by a vote of 6 to 0.



ORDINANCE AMENDING
CHAPTER 31 – OUTDOOR
LIGHTING ORDINANCE

PH-24-014

May 7, 2024

Background

- On January 23, 2024, the City Council made a Motion of Direction to direct staff to prepare an outdoor lighting ordinance to expand the current outdoor lighting regulations associated with the “UD” (University District) and “CD” (Cemetery District) to make these standards applicable to all zoning districts.

Background

- If approved, the proposed ordinance will help to prevent outdoor lighting nuisances like glare and light trespass. It will also help to preserve the integrity of the night sky.
- As written, the proposed ordinance prohibits light trespass onto adjacent properties and rights-of-way and prohibits uplighting (with exemptions for flagpoles and public art).

Background

4

- The proposed ordinance states that “all outdoor lighting fixtures shall be shielded to direct lighting downward and oriented in a manner that ensures that all illumination is contained within the source property.”

Background

5

- Sec. 31-897 includes outdoor lighting standards for commercial, manufacturing and multifamily development; and
- Sec. 31-898 includes standards for single-family and two-family development.

Background

6

- The proposed ordinance addresses the maximum height for both freestanding and wall-mounted exterior lighting, as follows:

Single-Family & Two-Family:

- Free-standing: 8 ft.
- Wall-mounted: 10 ft.

Commercial & Multi-Family:

- Free-standing: 15 ft.
- Wall-mounted: 12 ft.

Background

7

- If approved, the proposed ordinance will require “any person wishing to install or use exterior lighting that requires a permit” to “request a site plan review and obtain approval for such lighting from the building official.”
- The required site plan must “fully comply with the general regulations” in the ordinance and “specify the location, height, and type of all exterior lighting.”

Background

- Per Texas Local Government Code Sec. 3000.002(c)(3)(C), municipalities are prohibited from regulating outdoor lighting, except within five miles of an active military base.
- Therefore, the proposed ordinance would only apply to property within five miles of the boundary of Fort Cavazos.



Background

- The proposed ordinance also includes exemptions for temporary lighting for holiday decorations, civic events, and construction projects, provided such lighting does not cause light trespass or a driving hazard.

Staff Recommendation

- Staff recommends that the City Council adopt the proposed outdoor lighting ordinance as presented.

Commission Recommendation

13

- At their regular meeting on April 18, 2024, the Planning and Zoning Commission recommended approval of the ordinance as presented by a vote of 6 to 0.