

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “A” (AGRICULTURAL DISTRICT) TO “A” (AGRICULTURAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR A 120’ MONOPOLE COMMUNICATION TOWER; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, SiteExcell L.L.C. on behalf of Garland and Jo Ann Kelley has presented to the City of Killeen a request for amendment of the Zoning Ordinance of the City of Killeen by changing the classification of approximately .229 acre, being part of the M. T. Martin Survey, Abstract No. 963, Killeen, Texas, from “A” (Agricultural District) to “A” (Agricultural District) with a Conditional Use Permit (CUP) for a 120’ monopole communication tower with an obstruction light, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 3rd day of October 2016, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 25th day of October 2016, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of a $\frac{3}{4}$ majority that the request should be approved;

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

Section I. That the zoning classification of the following described tract be changed from “A” (Agricultural District) to “A” (Agricultural District) with a Conditional Use Permit

(CUP) for a 120' monopole communication tower with an obstruction light for a .229 acre area, being part of M. T. Martin Survey, Abstract No. 963, Killeen, Texas. The subject area is located approximately 3,000 feet east of S. Fort Hood Street and approximately 2,500 feet west of Kelley Lane, Killeen, Texas.

Section II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

Section III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section IV. 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 25th day of October 2016, 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:

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #16-17
Ord. #