

**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 M-1 (MANUFACTURING DISTRICT) TO M-1 (MANUFACTURING DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, DCM&M has presented to the City of Killeen a request for amendment of the Zoning Ordinance of the City of Killeen by changing the classification to rezone an approximate 0.0574 acre area out of Lot 1, Block 1, Malibu Tower Addition, from M-1 (Manufacturing District) to M-1 (Manufacturing District) with a Conditional Use Permit (CUP) for a 85' tall communication monopole structure as per the attached site plan. The property is located along the south right-of-way of Bacon Ranch Road, west of E. Stan Schlueter Loop (FM 3470) and is locally known as 3800 Bacon Ranch Road, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 21st day of December 2015, 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 12th day of January 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 the  $\frac{3}{4}$  majority opinion 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 M-1 (Manufacturing District) to M-1 (Manufacturing District) with a Conditional Use

Permit (CUP) for a 85' tall communication monopole structure for an approximate 0.0574 acre area out of Lot 1, Block 1, Malibu Tower Addition, 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That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.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 12<sup>th</sup> day of January 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:**

---

**Scott Cospers, MAYOR**

**ATTEST:**

---

**Dianna Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis, City Attorney**

Case #15-34  
Ord #

