

AN ORDINANCE AMENDING CHAPTER 31 AMENDING ARTICLE V, SUPPLEMENTAL REGULATIONS, DIVISION 6, TOWER REGULATIONS, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, REVISING TOWER REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND 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; and,

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 will help ensure that future development is mutually compatible with surrounding areas and the community as a whole; and,

WHEREAS, the City Council finds that such amendments are necessary and will provide consistent and even application of zoning regulations to all applicants;

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

SECTION 1: That Chapter 31 of the Code of Ordinances of the City of Killeen is hereby amended revising Article II as follows:

Chapter 31

ZONING

ARTICLE V. – SUPPLEMENTAL REGULATIONS

Sec. 31-602. - Locations and limitations for towers and antennas without conditional use permits.

(a) Towers and antennas meeting applicable setback requirements in Sec. 31-605 may locate without a conditional use permit as follows:

(a1) Within heavy-agricultural ('A') and manufacturing districts (M-1 and M-2) if the tower height does not exceed one hundred twenty (120) feet or encroach into any restricted airspaces or zones and is located no closer than 120,000 feet from any property used or zoned for residential

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use. A guy wire or guy anchor and equipment enclosures for a facility must not be closer than 25 feet to any property used or zoned for residential use.

(b2) On the roof of any nonresidential and non-historic structure, within any zoning district, provided the tower does not raise the height of the building or structure more than ten (10) feet or does not measure more than ten feet above any roof parapet wall and does not encroach into any airspaces or zones.

(e3) On the vertical exterior of any nonresidential and non-historic structure, within any zoning district, provided the antenna or antenna support structure or equipment:

(1) Is mounted flush with the exterior of the structure or projects no more than 24 inches from the surface of the structure to which it is attached and does not raise the height of the structure more than ten (10) feet and that said projection is at least 15 feet above grade; and

(2) Is textured and colored so as to blend with the surrounding surface of the structure.

(d4) On city-owned properties and structures by city council approval. Location, design and other restrictions applicable to a tower on municipal property or facility are subject to approval by the city council, subject to the height restrictions within this section.

(eb) Citizen band and amateur radio towers may be constructed in any zoning district provided they do not exceed thirty-five feet in height and comply with all city codes and ordinances.

Sec. 31-603. - Location and limitations for towers with a conditional use permit.

(a) Any tower that does not comply with both subsection 31-602 and 31-605 may be constructed only upon approval of a conditional use permit as provided in section 31-456 of this chapter.

(b) Conditional use permits must be approved by the majority of the planning and zoning commission and then by the city council with a three-fourths affirmative vote. The city council may impose reasonable conditions and safeguards deemed appropriate to that application in order to protect the health, safety, and welfare of the public and protect property and property values.

Sec. 31-605. - Setback distance requirements of towers.

(a) ~~All towers located in a nonresidential zoned district~~ shall be located in such a manner that if the tower should fall along its longest dimension it will remain within the ~~owned or leased premises of the property owner boundaries of the service provider~~ and will avoid public streets and utility lines.

(b) In addition to the ~~setback~~ provisions of (a) above, ~~towers located on or adjacent to property used or zoned for residential use shall be set back one and one half (1½) times the height of the tower. A guy wire or guy anchor for a facility must not be closer than 25 feet to any property used or zoned for residential use.~~

~~(c) All distance measurements referred to in subsection (b) shall be the distance of a straight horizontal line from the center of the base of the tower to the closest property line of property used or zoned for residential use.~~

~~(dc) Property uses and distances referred to in this section shall be determined as of the date and time the tower permit application is approved.~~

~~(ed) Equipment enclosures shall be set back from property lines as prescribed for the district in which the enclosure is located or ten (10) feet, whichever is greater.~~

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(f) The setback required by this section for a telecommunication facility tower that is not adjacent to property used or zoned for residential use may shall be reduced to a minimum of fifty (50) feet if the tower will be designed with stress points within the structure and will fall within the reduced setback in case of major windloads, ice loads or a sustained windspeed of 130 mph, as determined by a licensed design engineer. The design engineer shall also certify that the tower will avoid public streets and utility lines.

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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 ____ day of _____, 2017, 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:

APPROVED AS TO FORM:

Dianna Barker, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY