

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 0.728 ACRES FROM THE HIGHLAND TOWER ADDITION, BLOCK 1, LOT 1, FROM “B-5” (BUSINESS DISTRICT) TO “B-5” (BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR A COMMUNICATION TOWER, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John Gatz, on behalf of Barbara Baker, 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 0.728 acres out of the Highland Tower Addition, Block 1, Lot 1, from “B-5” (Business District) to “B-5” (Business District) with a Conditional Use Permit (CUP) for a communication tower, said request having been duly recommended for approval of “B-5” (Business District) with a Conditional Use Permit (CUP) for a communication tower with conditions by the Planning and Zoning Commission of the City of Killeen on the 3rd day of October 2022 as follows:

- 1) That any drive aisles and maneuvering areas shall have an all-weather surface (asphalt or concrete) access to a public street;
- 2) That the tower shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to (a) disguise as much of the tower as possible from public view, (b) use site features as a background so that the new tower blends into the background with increased sight distances, and (c) to the degree technically feasible, locate the tower on a portion of the site that is effectively isolated from view of residential areas by structures or terrain features unless the tower and facility are integrated or act as an architectural element of the structure such as a flag pole or parking lot light or are effectively screened through installed landscaping or other acceptable screening;

- 3) That the site shall provide landscape screening including,
 - i) A row of shade trees a minimum of one inch (1”) diameter shall be planted around the screening device with a maximum spacing of twenty-five feet;
 - ii) A continuous hedge of one-gallon sized (minimal) evergreen ground cover shall be planted along the screening device;
 - iii) All landscaping shall be drought-resistant or irrigated and properly maintained to ensure good health and viability;
- 4) That the tower shall be lighted with low intensity lights to provide added visibility for aviation navigation;
- 5) That all back haul providers are identified and have all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates;
- 6) That all documents required under Sec. 31-609(a)(b), shall be submitted prior to issuance of a building permit (See attached exhibit); and
- 7) That the tower is camouflaged as a tree;

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 8th day of November 2022, 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 majority opinion that the applicant’s zoning 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 approximately 0.728 acres out of the Highland Tower Addition, Block 1, Lot 1, from “B-5” (Business District) to “B-5” (Business District) with a Conditional Use Permit (CUP) for a communication tower, as described in the attached site plan dated October 6, 2022, said request having been duly recommended for approval of the “B-5” (Business District) with a Conditional Use Permit (CUP) for a communication tower, for the property locally addressed as 225 Long Avenue, 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 8th day of November 2022, 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:

Judy Paradice, INTERIM CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY

Case #22-44

Ord. #22-____