

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN CHANGING THE PERMITTED USES WITHIN THE HISTORIC OVERLAY DISTRICT TO ALLOW BARS AND TAVERNS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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; and,

**WHEREAS**, the City of Killeen regulates permitted uses under Chapter 31 of the City of Killeen's adopted Code of Ordinances and under the authority granted by the Texas Local Government Code; and,

**WHEREAS**, the City of Killeen has designated an area within the City of Killeen as a Historic Overlay District (HOD); and,

**WHEREAS**, the City Council finds that amending the permitted uses within the Historic Overlay District (HOD) to allow bars and taverns by-right to be in the best interest of the citizens of Killeen; and,

**WHEREAS**, approval of said amendment was duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6<sup>th</sup> day of December 2021, and due notice of the date of the public hearing was provided as required by law, and a public hearing on said amendment was set for 5:00 p.m. on the 11<sup>th</sup> day of January 2022, at the City Hall, City of Killeen;

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

**SECTION I.** That Chapter 31, Article IV, Division 17 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

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**Sec. 31-394. Use regulations.**

- (a) A building or premises in the historic overlay district shall allow all uses within the "B-5" business district with the following exclusions:
  - (1) Mini self-storage facilities.
  - (2) Storage warehouses.
  - (3) Tire recapping or retreading.
  - (4) Impound yards.
  - (5) Auto upholstery or muffler shop.
  - (6) Auto repair.
  - (7) Appliance (household) sales and services.
  - (8) Electric utility substation.
- (b) Notwithstanding the provisions in section 31-351(3), business establishments dispensing alcoholic beverages may be located within three hundred (300) feet of a church, public or private school or public or private hospital within the Historic Overlay District (HOD).
- (c) A building or premises in the historic overlay district may be used for mixed-use development or live/work purposes, provided that the following conditions are met:
  - (1) The ground floor of all mixed-use buildings shall be designated, constructed, and used only for commercial uses. Residential uses shall be permitted only on the second floor and above.
  - (2) Any structure or portion of a structure that is mixed-use or live/work shall comply with all applicable City of Killeen ordinances, including all building and residential codes.
- (d) The city council by an affirmative majority vote may by ordinance grant a conditional use permit as provided in section 31-456 of this chapter for any land use and may impose appropriate conditions and safe guards to assure that these land uses are compatible with the character of the district setting and buildings. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

**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 11<sup>th</sup> day of January, 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**

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Jose L. Segarra, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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Lucy C. Aldrich, CITY SECRETARY

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Traci S. Briggs, CITY ATTORNEY