

**CITY OF HEATH
ORDINANCE NO. 131210C**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING CHAPTER 159, ZONING OF THE CITY OF HEATH CODE OF ORDINANCES AND ZONING MAP TO CHANGE THE ZONING CLASSIFICATION FROM (A) AGRICULTURAL AND (SF43) SINGLE-FAMILY RESIDENTIAL TO (PD) PLANNED DEVELOPMENT FOR SINGLE FAMILY USES ON 27.6 ACRES, IN THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS an application was submitted to change the zoning from (A) Agricultural and SF43 Single-Family Residential to (PD-SF) Planned Development for Single Family uses similar to SF43 Single-Family Residential on 27.6 acres consisting of Lot 5, Lot 6, part of Lot 7, Lot 8 and Lot 9R in the Heathridge Estates addition, part of Lot 1 in the Lamberth Addition, part of Kevin D. Lamberth tract (16.310 acres) and 1.88 acres situated in E. Teal Survey A-0207 and J.O. Heath Survey A-116, situated on Smirl Drive in in the vicinity of the east side of Smirl Drive north of Terry Lane, City of Heath, Rockwall County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Heath and the City Council of the City of Heath, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Heath is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS THAT:

Section 1. The Zoning Classification for and the Zoning Map depicting the property, described more specifically in "Exhibit A", are hereby changed to incorporate the Concept/Development Plan, attached hereto as "Exhibit B", and the Zoning Variance Table attached hereto as "Exhibit C" .

Section 2. That the granting of the Planned Development Zoning Classification to the property described in Exhibit "A" hereto is subject to the regulations of the City of Heath excepting the following Special Conditions:

- A.** The entire tract shall be developed generally in accordance with the Concept/Development Plan, as attached hereto, and made a part hereof as "Exhibit B".

B. The entire tract shall be developed generally in accordance with the Zoning Variance Table attached hereto, and made a part hereof as "Exhibit C".

Section 3. Chapter 159, Zoning of the City of Heath Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4. If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of Chapter 159, Zoning of the City of Heath Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 5. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Heath, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED, AND ADOPTED on this the 10th day of December, 2013.



APPROVED:

Lorne O. Liechty, Mayor

ATTEST:

Stephanie Galanides, City Secretary

**CITY OF HEATH
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**“EXHIBIT A”
LEGAL DESCRIPTION**

LEGAL DESCRIPTION:

Being a tract of land situated in the Edward Teal Survey, Abstract No. 207, and the J.O. Heath Survey, Abstract No. 116, and being all of Lots 5 and 6, part of Lot 7 and all of Lot 8 of Heathridge Estates an addition to the City of Heath recorded in Cabinet A, Page 321 of the Plat Records of Rockwall County, Texas, also being all of Lot 9R, a Replat of Lot 9 of said Heathridge Estates recorded in Cabinet H, Page 165 of the Plat Records of Rockwall County, Texas, a portion of Lot 1, Lamberth Addition, an addition to the City of Heath recorded in Cabinet H, Page 279 of the Plat Records of Rockwall County, Texas, a portion of a tract of land described by deed to Kevin Dale Lamberth recorded in Volume 6837, Page 138 of the Deed Records of Rockwall County, Texas, and all of a called 1.88 acre tract of land described by deed to Pneuma Ventures, Ltd., recorded in Volume 7340, Page 254 of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the west corner of Lot 5 of said Heathridge Estates, also lying on the northeast line of F.M. 1140, a variable width right-of-way;

THENCE North 45 degrees 50 minutes 01 second East, along the northwest line of said Lot 5, a distance of 610.87 feet to a 5/8 inch iron rod found for the north corner of same;

THENCE South 60 degrees 41 minutes 45 seconds East, along the northeast line of said Lots 5 and 6 of Heathridge Estates, a distance of 534.60 feet to a 3/8 inch iron rod found for the east corner of said Lot 6;

THENCE South 57 degrees 43 minutes 25 seconds East, a distance of 326.23 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE South 18 degrees 21 minutes 47 seconds East, a distance of 583.97 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

THENCE South 70 degrees 15 minutes 17 seconds West, a distance of 282.65 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

THENCE South 19 degrees 44 minutes 43 seconds East, a distance of 25.00 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for the beginning of a curve to the right having a radius of 275.00 feet, a central angle of 05 degrees 12 minutes 57 seconds, and a chord which bears South 17 degrees 08 minutes 14 seconds West, 25.03 feet;

REC'D HEATH

OCT 16 2013

THENCE along said curve to the right in a southeasterly direction, an arc distance of 25.03 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

THENCE North 70 degrees 15 minutes 17 seconds East, a distance of 128.16 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner;

THENCE South 19 degrees 44 minutes 43 seconds East, a distance of 260.66 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for;

THENCE South 69 degrees 12 minutes 12 seconds East, a distance of 276.43 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for corner lying on the easterly line of the aforementioned Lamberth Addition;

THENCE South 20 degrees 47 minutes 48 seconds West, along the easterly line of said Lamberth Addition, a distance of 104.64 feet to a 1/2 inch iron rod found at an angle point in same;

THENCE South 23 degrees 06 minutes 32 seconds West, continuing along the easterly line of said Lamberth Addition, a distance of 117.08 feet to a 1/2 inch iron rod found at an angle point in same;

THENCE South 40 degrees 41 minutes 22 seconds West, continuing along the easterly line of said Lamberth Addition, a distance of 87.32 feet to a 1/2 inch iron rod found for the southeast corner of same;

THENCE South 40 degrees 31 minutes 54 seconds East, a distance of 170.44 feet to a Rail Road Spike found for corner;

THENCE South 85 degrees 38 minutes 10 seconds West, a distance of 56.67 feet to a Rail Road Spike found for corner;

THENCE South 89 degrees 56 minutes 44 seconds West, a distance of 393.92 feet to a 1/2 inch iron rod found lying on the northeast line of the aforementioned F.M. 1140, and also for the beginning of a non-tangent curve to the right having a radius of 1746.02 feet, a central angle of 18 degrees 09 minutes 25 seconds, and a chord which bears North 29 degrees 18 minutes 33 seconds West, 551.00 feet;

THENCE along the northeast line of said F.M. 1140, and said non-tangent curve to the right, an arc distance of 553.31 feet to a 1/2 inch iron rod found for corner;

THENCE North 19 degrees 42 minutes 56 seconds West continuing along the northeast line of said F.M. 1140 a distance of 182.02 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

REC'D HEATH

OCT 16 2013

THENCE North 70 degrees 15 minutes 17 seconds East, continuing along the northeast line of said F.M. 1140 a distance of 10.00 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE North 19 degrees 42 minutes 56 seconds West, continuing along the northeast line of said F.M. 1140, a distance of 186.35 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the beginning of a curve to the left having a radius of 369.62 feet, a central angle of 05 degrees 04 minutes 57 seconds, and a chord which bears North 22 degrees 33 minutes 57 seconds West, 32.78 feet;

THENCE continuing along the northeast line of said F.M. 1140, and said curve to the left, an arc distance of 32.79 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE South 65 degrees 22 minutes 40 seconds West, continuing along the northeast line of said F.M. 1140, a distance of 10.00 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the beginning of a non-tangent curve to the left having a radius of 359.62 feet, a central angle of 29 degrees 43 minutes 31 seconds, and a chord which bears North 39 degrees 58 minutes 59 seconds West, 184.49 feet;

THENCE continuing along the northeast line of said F.M. 1140, and said non-tangent curve to the left, an arc distance of 186.57 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE North 54 degrees 15 minutes 00 second West, continuing along the northeast line of said F.M. 1140, a distance of 697.40 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the beginning of a curve to the right having a radius of 279.62 feet, a central angle of 02 degrees 43 minutes 07 seconds, and a chord which bears North 52 degrees 53 minutes 27 seconds West, 13.27 feet;

THENCE continuing along the northeast line of said F.M. 1140, and said curve to the right, an arc distance of 13.27 feet to the Point of Beginning and containing 1,202,205 square feet or 27.60 acres of land.

REC'D HEATH

OCT 16 2013

The Basis of Bearings for this legal description is based on the northeast right-of-way of F.M. Road 1140 shown as North 54 degrees 15 minutes 00 second West on the Heathridge Estates Addition recorded in Cabinet A, Page 321 of the Plat Records of Rockwall County, Texas.

Surveyors Certification

I, **Brian J. Maddox**, Registered Professional Land Surveyor Number 5430, State of Texas, do hereby certify to that this description and the sketch attached hereto were prepared from the public records and from an actual survey made on the ground.



Brian J. Maddox, R.P.L.S.
October 15, 2013

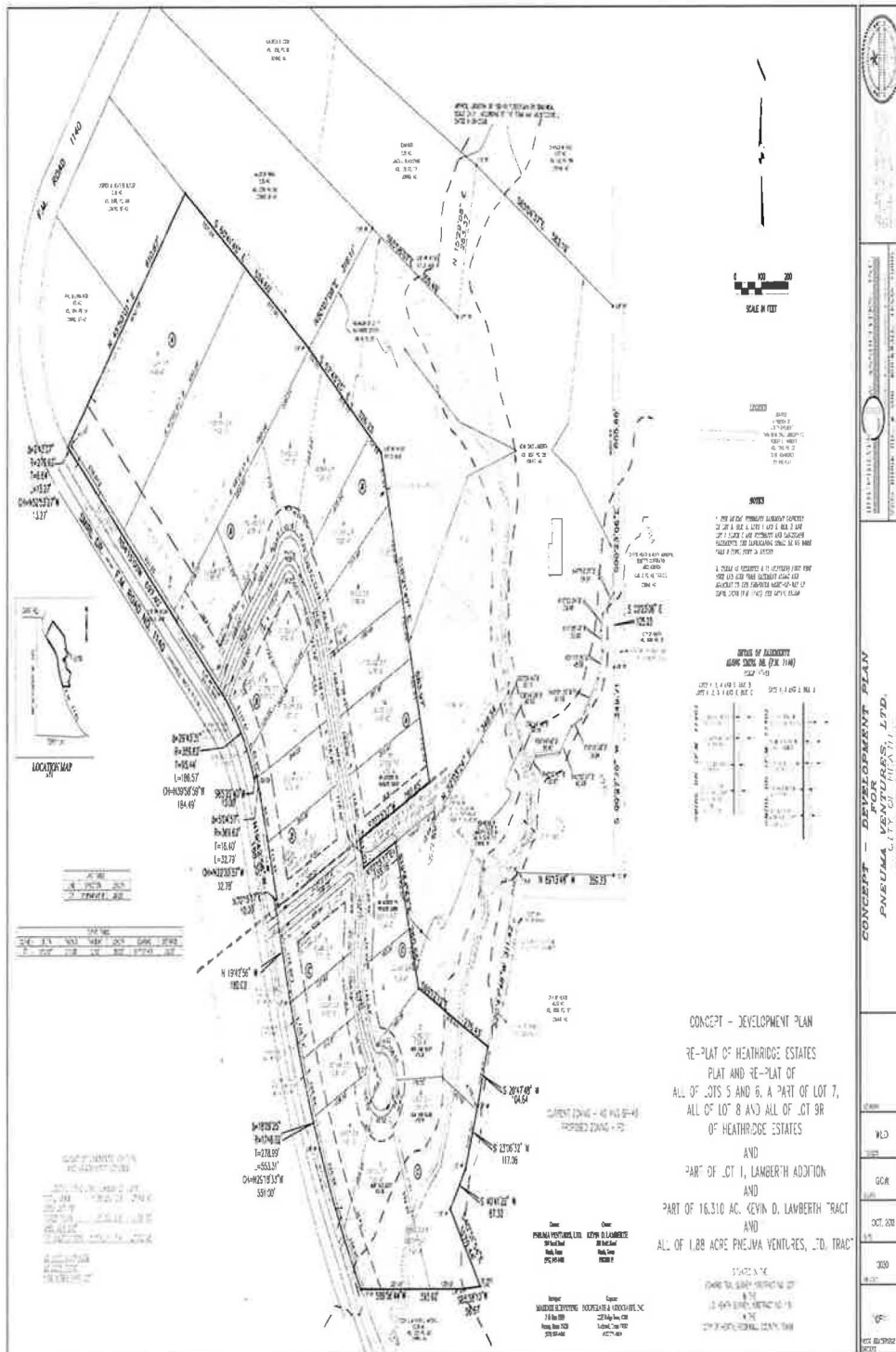


REC'D HEATH

OCT 16 2013

CITY OF HEATH ORDINANCE NO. 131210C

"EXHIBIT B" CONCEPT/DEVELOPMENT PLAN





PHONE: (972)771-9004 FAX: (972)771-9005

CONCEPT - DEVELOPMENT PLAN
FOR
DURENCA VENTURES LTD

PNEUMA VENTURES, LTD.
CITY OF HEATH
ROCKWALL COUNTY, TEXAS

REVISION

W.L.D.

CHECKED

G.C.W.

RAWN

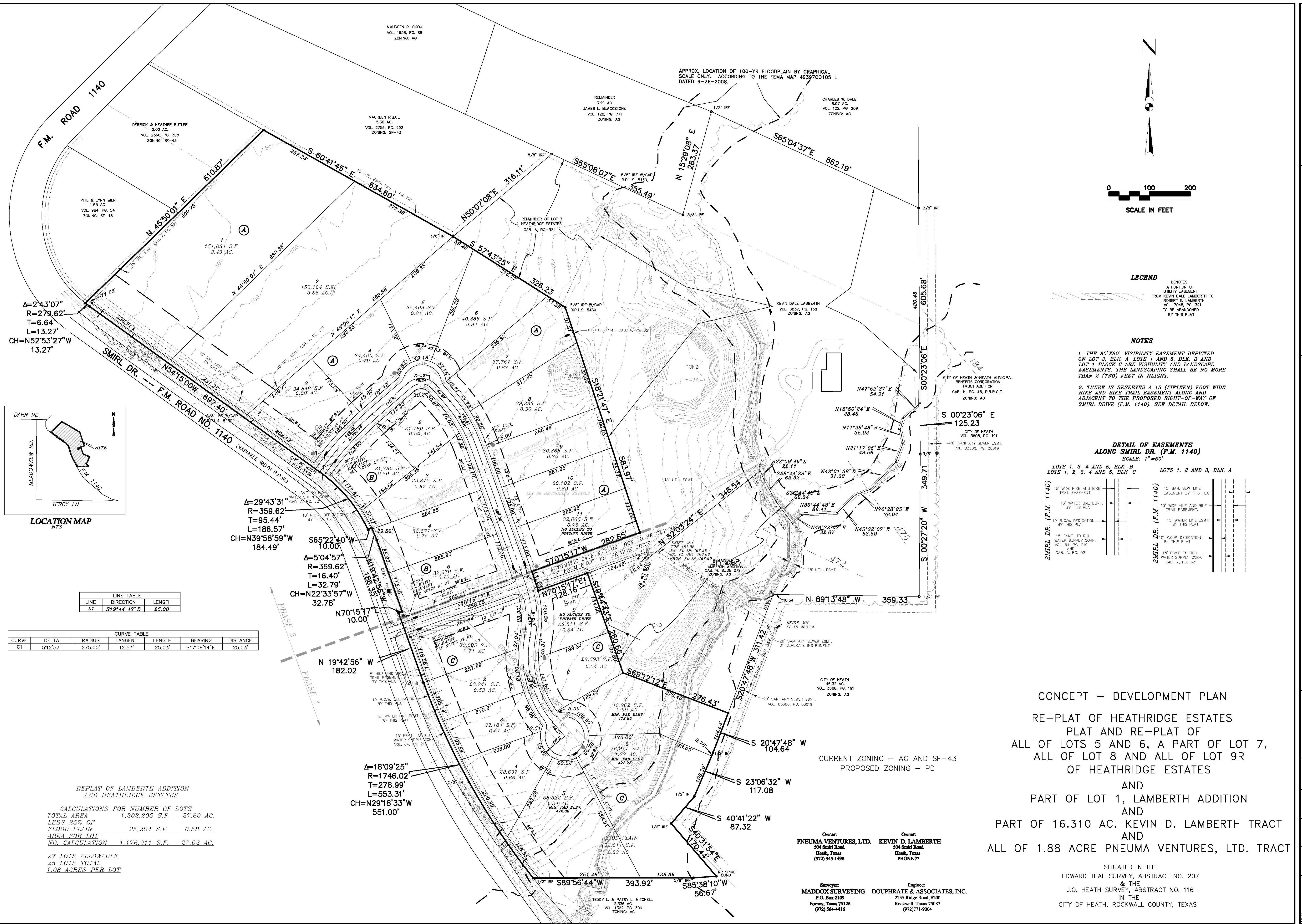
OCT., 2013

TABLE

13030

PROJECT _____

TABLE 1

030 HEATHRIDGE
150 FT

**CITY OF HEATH
ORDINANCE NO. 131210C**

**“EXHIBIT C”
VARIANCE TABLE**

DEVELOPMENT: Heathridge Estates Replat

ZONING REQUEST - PLANNED DEVELOPMENT
LIST AS REQUIRED BY COMPREHENSIVE ZONING ORDINANCE 12-2-9 (D)

I. REQUESTED VARIANCES TO AREA REQUIREMENTS:

ORDINANCE	SF43	PROPOSED PD
1. MIN LOT AREA	1 acre	.5 Acre
2. MAX NO. SINGLE FAMILY DWELLINGS/lot	1	1
3. MIN SQUARE FOOTAGE	1500	3500
4. MIN LOT WIDTH	100 FT AT BLDG LINE	85 Ft At Bldg Line
5. MIN LOT DEPTH	175 FT	140
6. MIN DEPTH OF FRONT SETBACK	30 FT	30'
7. MIN DEPTH REAR SETBACK	25 FT FOR MAIN BLDG 10 FT FOR AUXILIARY BLDG	25 Ft Main Bldg 10 Ft Aux Bldg
8. MIN WIDTH SIDE SETBACK A. INTERNAL LOT B. ABUTTING STREET	A. 15 FT B. 30 FT	A. A. 15 Ft B. 30 Ft
9. MIN DISTANCE BETWEEN SEPARATE BLDGS	15 FT	15 Ft
10. MIN LENGTH OF DRIVEWAY PAVEMENT	THE GREATER DISTANCE OF FROM RIGHT OF WAY TO BLDG LINE OR 30 FT	The Greater Distance From Right of way To Bldg Line or 30' Ft
11. MAX BLDG COVERAGE	35%	35%
12. MAX HEIGHT	36 FT	36 Ft
13. MIN NUMBER OF PAVED PARKING SPACES	2	2

OTHER VARIANCES: