

**CITY OF HEATH  
ORDINANCE NO. 250114C**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING TITLE XV, "LAND USAGE", CHAPTER 158 "SUBDIVISION REGULATIONS", SECTION 158.02 "DEFINITIONS" AND ADDING A NEW SECTION 158.25 "OPEN SPACE STANDARDS" OF THE CITY OF HEATH CODE OF ORDINANCES; PROVIDING SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Heath, Texas (the "City") is a home rule municipality, acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the duly elected City Council of the City of Heath, Texas is empowered to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety, and general welfare; and

**WHEREAS**, the City Council deems it necessary, expedient, and in the best interest of the City to adopt the below revisions to its

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

**Section 1. Findings.** That the above and foregoing findings are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Amendment to Chapter 158, "Subdivision Regulations", Section 158.02 "Definitions".** That the Code of Ordinances, City of Heath, Texas is hereby amended to read entirely as follows:

**§ 158.02 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular and utility service access to the back or sides of properties otherwise abutting on a street.

**BUILDING SETBACK LINE.** The line on a plat delineating the nearest point to which buildings may be located to a street line, alley line or building lot line.

**CITY MANAGER.** The City Secretary, Administrator or other administrative officer who may be designated by the City Council to perform such functions.

**COMMISSION.** The Planning and Zoning Commission of the city.

**DEAD END STREET.** A street, other than a cul-de-sac, with only one outlet.

**DEVELOPMENT PLAT.** The map, drawings or chart pursuant to Tex. Local Gov't. Code, § 212.045, as may be amended, where a plat under Tex. Local Gov't. Code, § 212.004 may not be required. A DEVELOPMENT PLAT is required of any person who proposes the development of a tract of land that does not otherwise require a plat and shall be submitted for approval in accordance with the procedures established for final plat approval.

**ENGINEER.** A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering, and when reference is made to City Engineer, the designation means either an engineer directly employed by the city or the city's engineering consultants, as the case may be.

**INSPECTOR.** A person duly authorized by the City Manager who may be employed by the city or by the city's engineering consultants, as the case may be, and designated to inspect any portion or all of the construction performed in the subdivision either on a part-time or full-time basis. His or her duties shall consist of inspecting all work during construction and/or after completion to determine compliance with the plans, specifications and subdivision regulations, with authority to stop the work during construction for non-completion, if the work is defective.

**LOCAL RESIDENTIAL or MINOR STREET.** A public thoroughfare which is intended primarily to serve as access to residential property within a neighborhood interior or limited residential district and is not aligned or located to attract other than limited local traffic movements.

**LOT.** An undivided tract or parcel of land having frontage on a public street and which is, or in the future, may be offered for sale, conveyance, transfer or improvement as a building site; which is designated as a distinct and separate tract.

**MAJOR STREET.** A principal traffic artery, more or less continuous across a major portion of the city, which is intended to connect remote parts of the city, or areas adjacent thereto, and which is designated on the major thoroughfare plan of the city as a major thoroughfare.

**OPEN SPACE:** Any land area not less than one acre in which the preservation in its present use would:

1. Conserve and enhance natural or scenic resources
2. Protect streams or water supply
3. Promote conservation of soils, wetlands, beaches or tidal marshes
4. Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations or sanctuaries or other open space
5. Enhance recreation opportunities
6. Preserve historic sites; or
7. Preserve visual quality along roadway corridors, trail corridors, or scenic vistas.

**PLAT.** The map, drawings or chart on which a subdivider's plan is presented and which he submits for approval and intends to record in final form.

**PROTECTED FLOOD PLAIN.** Also referenced as the 100-year floodplain with fully developed conditions for the entire watershed. The area that is certified by a professional engineer to be within the 100-year floodplain, assuming build-out or fully developed conditions for the entire area within the relevant watershed.

**REPLATTING (RESUBDIVISION).** Replatting is the rearranging of any part of a block, street or alley of a previously platted subdivision.

**SECONDARY STREET.** A secondary street is one which is continuous through several districts and is intended as a connecting street between residential districts and a collector street providing access to major streets, business districts or places of employment.

**STREET WIDTH.** Street width is the shortest distance between the lines which delineate the right-of-way of the street.

**SUBDIVIDER.** Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term SUBDIVIDER shall be restricted to include only the owner, equitable owner or authorized agent of the owner, of the land sought to be subdivided.

**SUBDIVISION.** A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of the city, into two or more parts of the purpose of laying out any subdivision of any tracts of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites. SUBDIVISION includes resubdivision, but it does not include the division of land for agriculture purposes in parcels or tracts of five acres or more which do not involve the creation of any new street, alley or easement of access.

**SURVEYOR.** A licensed state land surveyor or a registered public surveyor as authorized by the state statutes to practice the profession of surveying.

(2005 Code, § 13-1-2) (Ord. 040701D, passed - -; Ord. passed 4-21-2005; Ord. 070607A, passed 6-7-2007)

**Section 3. Amendment to Chapter 158, “Subdivision Regulations”, Adding a New Section 158.25, “Open Space Standards”.** That the Code of Ordinances, City of Heath, Texas is hereby amended to read entirely as follows:

**§ 158.25 OPEN SPACE STANDARDS.**

- (A) Each residential lot within any subdivision approved after (date) must be within 800 feet of a dedicated trail, park, or open space.
- (B) The maximum distance from a residential lot to a trail, park, or open space is measured in direct line of sight from the residential lot property line to the property line or easement line containing the trail, park, or open space.