

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING TITLE XV, "LAND USAGE", CHAPTER 153, "CODES ADOPTED", SECTION 153.065 "BUILDING PERMITS", SECTION 153.066 "CHARACTERISTICS; DWELLING UNITS", SECTION 153.067 "REGULATIONS WAIVED", AND SECTION 153.068 "REQUEST FOR WAIVER" 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 153, "CODES ADOPTED", Section 153.065, Section 153.066, Section 153.067, and Section 153.068. That the Code of Ordinances, City of Heath, Texas is hereby amended to read entirely as follows:

APPEARANCE CODE/ANTI-MONOTONY STANDARDS

§ 153.065 BUILDING PERMITS.

(A) The City of Heath shall not issue a building permit for any new single-family dwelling unit that is similar in appearance to any dwelling within 5,280 feet from the nearest property line of the dwelling in any direction.

(B) All measurements shall be from property line to property line.

(2005 Code, § 14-7-1) (Ord. 990408A, passed - -)

§ 153.066 CHARACTERISTICS; DWELLING UNITS.

(A) In order to be deemed dissimilar for purposes of § 153.065 above the following characteristics as to any dwelling unit shall apply:

- (1) One-story/two-story;
- (2) Variations in roof design; or
- (3) The addition or deletion of design elements such as dormers, gables or cupolas and the like; and

(B) Any two of the following characteristics:

- (1) Exterior material type and color;
- (2) Window and entry design;
- (3) Color and style of roof material;
- (4) Reversal of plan orientation from right to left or left to right; and/or
- (5) Variation in architectural styles.

(2005 Code, § 14-7-2) (Ord. 990408A, passed - -)

§ 153.067 REGULATIONS WAIVED.

The regulations as contained in §§ 153.065 and 153.066 above may be waived in cases where the applicant for a building permit could not be expected to anticipate the design of a neighboring dwelling for which a building permit has already been issued, but is not yet built, or where the city has entered into a developer's agreement that addresses similar appearance issues.

(2005 Code, § 14-7-3) (Ord. 990408A, passed - -)

§ 153.068 REQUEST FOR WAIVER.

Any request for a waiver under the provisions of this subchapter shall be heard by the City Council upon receiving a recommendation from the City Manager or his or her designee.

(2005 Code, § 14-7-4) (Ord. 990408A, passed - -)

Section 3. Severability Clause

If any section or provision of this Ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for reason judged invalid, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, and the City Council declares that it

would have adopted the valid portions and applications of the Ordinance without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

Section 4. Repealer Clause

That this Ordinance shall be cumulative of all other Ordinances of the City of Heath and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or parts thereof in force at the time this Ordinance shall take effect, and that are inconsistent with this Ordinance, are hereby repealed to the extent that they are inconsistent with this Ordinance, provided, however, that any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose, the Ordinance shall remain in full force and effect.

Section 5. Savings Clause

That all rights and remedies of the City of Heath are expressly saved to any and all violations of the provisions of any Ordinance affecting the codes amended hereby, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.


Section 6. Effective Date; Publication.

This Ordinance shall take effect immediately from and after its passage and its publication as the law and Charter of the City provides.

Section 7. Open Meetings

That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

Passed and Approved by the City Council of the City of Heath, Texas, on this 14th day of January 2025.


Jeremiah McClure, Mayor

ATTEST:


Norma Duncan, City Secretary

