

**CITY OF HEATH, TEXAS
ORDINANCE NO. 260728B**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING CHAPTER 159, "ZONING" OF THE CODE OF ORDINANCES AND AMENDING THE ZONING MAP TO CHANGE THE ZONING CLASSIFICATION FROM (AG) AGRICULTURAL DISTRICT TO (SF-43) SINGLE-FAMILY RESIDENTIAL DISTRICT, ON A 38.986-ACRE PARCEL OF LAND SITUATED IN THE JOSHUA CANTOR SURVEY, ABSTRACT NO. 53, CITY OF HEATH, ROCKWALL COUNTY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AN AMENDMENT; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE .

WHEREAS, the City of Heath (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 City Council of the City (the "City Council"), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

WHEREAS, the City Council adopted Chapter 159 of its Code of Ordinances, being the Zoning Ordinance of the City, which governs the use and development of land in the City (the "Zoning Ordinance"); and

WHEREAS, an application was submitted to change the zoning from (AG) Agricultural District to (SF-43) Single Family Residential District for parcels of land situated in the Joshua Cantor Survey, Abstract No. 53, containing 38.986-acres. The subject property is referenced as Rockwall Central Appraisal District Property ID Numbers 10439, 10440, & 10442, City of Heath, Rockwall County, Texas and is more particularly described in the attached Exhibit "A" (hereinafter the "Property"); 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 finds that said changes should be granted; and

WHEREAS, the City Council finds that the request is in the public interest and serves the public health, safety and welfare.

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

Section 1. Incorporation of Premises. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendment to the Zoning Map. The Zoning Classification and the Zoning Map depicting the Property, described more specifically in "Exhibit A", a copy of which is attached hereto and incorporated herein, are hereby amended to reflect the change in zoning classification for the Property from (AG) Agricultural District to (SF-43) Single Family Residential District.

Section 3. Effect on Zoning Ordinance. Chapter 159, "Zoning," of the City of Heath Code of Ordinances, as amended, shall remain in full force and effect and applicable to the Property in accordance with this Ordinance.

Section 4. Cumulative Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Heath, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed.

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

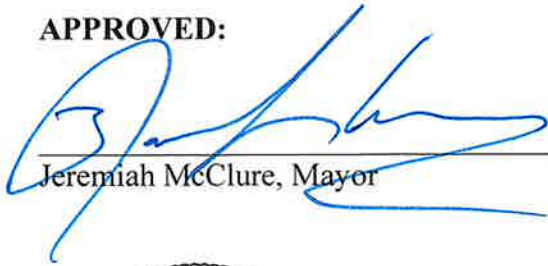
Section 6. Repealer Clause. Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. Penalty. 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.

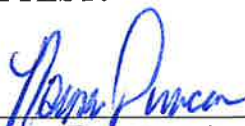
Section 8. Effective Date. This Ordinance shall take effect immediately from and after its passage, and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED, AND ADOPTED on this the 28th day of July 2026.

APPROVED:


Jeremiah McClure, Mayor

ATTEST:


Norma Duncan, City Secretary

APPROVED AS TO FORM:


Marie Johnson, Assistant City Attorney



EXHIBIT A

