

**CITY OF HEATH, TEXAS  
ORDINANCE NO. 250114B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, *NUNC PRO TUNC*, CORRECTING A SCRIVENER'S ERROR IN THE CONDITIONAL USE GRANTED BY THE CITY COUNCIL ON THE SIGNED COPY OF ORDINANCE NO. 241210B; PROVIDING FOR A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, on December 10, 2024, the City Council approved Ordinance No. 241210B granting a conditional use permit for the addition of a second detached accessory building that would exceed the maximum combined floor area within the (SF-43) Single-Family Residential District as requested by John and Mary Ward, owners of the property located at 517 Terry Lane, and described as a 2.0-acre tract of land situated in the H J McKenzie Survey, Abstract No. 157, Tract 31 (RCAD Property ID: 11881) and zoned for (SF-43) Single Family Residential District land uses (hereinafter the "Conditional Use Permit"); and

**WHEREAS**, at the December 10, 2024, meeting, Councilperson Moorman made a motion to approve the conditional use permit with condition #1 – #4 as recommended by staff and added an additional condition #5 that the brick on the front face of the new accessory structure shall match the brick of the main structure as closely as possible, with such motion being approved by the City Council in a 5-2 vote; and

**WHEREAS**, City staff discovered an inadvertent scrivener's error in the signed copy of Ordinance No. 241210B, which resulted in condition #5 to the Conditional Use Permit not being included in Section 2 of the signed copy of Ordinance No. 241210B; and

**WHEREAS**, City staff requests that the inadvertent mistake be revised to correctly reflect all conditions to the Conditional Use Permit, as specified in Section 2 of Ordinance No. 241210B, as provided in Exhibit A; and

**WHEREAS**, the City Council has the inherent power to retroactively correct such mistakes to accurately reflect its official actions; and

**WHEREAS**, the City Council finds that said corrections are in the best interest of the citizens of the City of Heath and should be adopted as stated herein.

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

**Section 1.** 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.** Section 2 of Ordinance No. 241210B is hereby amended, as shown in Exhibit A, to reflect all conditions set by the City Council for the approved Conditional Use Permit.

**Section 3.** All other provisions of Ordinance No. 241210B not specifically amended or deleted herein shall continue in full force and effect from the date of original passage on December 10, 2024.

**Section 4.** This Ordinance shall take effect immediately upon its passage and approval.

**PASSED, APPROVED, AND ADOPTED** on this the 14<sup>th</sup> day of January 2025.

**APPROVED:**

  
\_\_\_\_\_  
Jeremiah McClure, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Norma Duncan, City Secretary



## Exhibit A

**Section 2. Authorization.** That Chapter 159, Zoning, of the City of Heath Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in an (SF-43) Single-Family Residential District on the *subject property* located at 517 Terry Lane, and described as a 2.0-acre tract of land situated in the H J McKenzie Survey, Abstract No. 157, Tract 31, City of Heath, Rockwall County, Texas, and more specifically described herein as *Exhibit 'A'*, for the addition of a second detached accessory building that would exceed the maximum combined floor area within the (SF-43) Single-Family Residential District as attached hereto and incorporated herein for all purposes. That the above described property shall only be used in the manner and for the purpose provided for in Chapter 159, Zoning of the City of Heath Code of Ordinances as heretofore amended by granting of this Conditional Use Permit (CUP) and as may be amended in the future with the following conditions:

1. That the detached accessory buildings generally be located on the *subject property* as depicted in *Exhibit 'B'* and not exceed a combined square footage of 1,920 square feet as attached hereto in this ordinance; and
2. That the addition of a detached accessory building as approved herein not exceed 1,200 square feet as depicted in *Exhibit 'C'* and as attached hereto in this ordinance; and,
3. That the detached accessory building does not exceed a maximum height of twenty-five (25) feet as required by Section 159.21(C)(2) of the Heath Code of Ordinances; and,
4. That submittal and approval of a building permit shall be required prior to the construction of the accessory building; and.
5. That the masonry brick on the front face of the new detached accessory building shall match the masonry brick of the main structure as closely as possible.

**CITY OF HEATH, TEXAS  
ORDINANCE NO. 241210B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING CHAPTER 159, "ZONING" OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT TO ALLOW FOR TWO DETACHED ACCESSORY BUILDINGS EXCEEDING THE MAXIMUM COMBINED FLOOR AREA ALLOWED IN THE (SF-43) SINGLE-FAMILY RESIDENTIAL DISTRICT, BEING A 2.0-ACRE TRACT OF LAND SITUATED IN THE H J MCKENZIE SURVEY, ABSTRACT NO. 157, TRACT 31, ADDRESSED AS 517 TERRY LANE, CITY OF HEATH, ROCKWALL COUNTY, TEXAS, REFERENCED AS ROCKWALL COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID NUMBER 11881; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a conditional use permit for the addition of a second detached accessory building that would exceed the maximum combined floor area within the (SF-43) Single-Family Residential District has been requested by John and Mary Ward, owners of the *subject property* located at 517 Terry Lane, and described as a 2.0-acre tract of land situated in the H J McKenzie Survey, Abstract No. 157, Tract 31, and zoned for (SF-43) Single Family Residential District land uses. The subject property is referenced as Rockwall Central Appraisal District Property ID number 11881, City of Heath, Rockwall County, Texas, and more specifically described in *Exhibit 'A'* attached hereto and incorporated herein by reference as the *subject property*; and

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Heath, Texas in compliance with the laws of the State of Texas and the ordinances of the City of Heath, Texas, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Chapter 159, Zoning of the City of Heath Code of Ordinances be amended as follows:

**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. Authorization.** That Chapter 159, Zoning, of the City of Heath Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in an (SF-43) Single-Family Residential District on the *subject property* located at 517 Terry Lane, and described as a 2.0-acre tract of land situated in the H J McKenzie Survey, Abstract No. 157, Tract 31, City of Heath, Rockwall County, Texas, and more specifically described herein as *Exhibit 'A'*, for the addition of a second detached accessory building that would exceed the maximum combined floor area within the (SF-43) Single-Family Residential

District as attached hereto and incorporated herein for all purposes. That the above described property shall only be used in the manner and for the purpose provided for in Chapter 159, Zoning of the City of Heath Code of Ordinances as heretofore amended by granting of this Conditional Use Permit (CUP) and as may be amended in the future with the following conditions:

1. That the detached accessory buildings generally be located on the *subject property* as depicted in *Exhibit 'B'* and not exceed a combined square footage of 1,920 square feet as attached hereto in this ordinance; and
2. That the addition of a detached accessory building as approved herein not exceed 1,200 square feet as depicted in *Exhibit 'C'* and as attached hereto in this ordinance; and,
3. That the detached accessory building does not exceed a maximum height of twenty-five (25) feet as required by Section 159.21(C)(2) of the Heath Code of Ordinances; and,
4. That submittal and approval of a building permit shall be required prior to the construction of the accessory building.
5. That the masonry brick on the front face of the new detached accessory building shall match the masonry brick of the main structure as closely as possible.

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

**Section 4. Severability.** 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. 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 6. 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 10<sup>th</sup> day of December 2024.

**APPROVED:**



Jeremiah McClure, Mayor

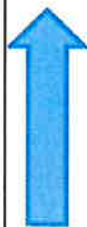
**ATTEST:**

  
\_\_\_\_\_  
Norma Duncan, City Secretary



CITY OF HEATH ORDINANCE NO. 241210x

EXHIBIT 'A' – H J McKenzie Survey, Abstract No. 157, Tract 31, 2.0-acres



Vicinity Map  
(Not to scale)

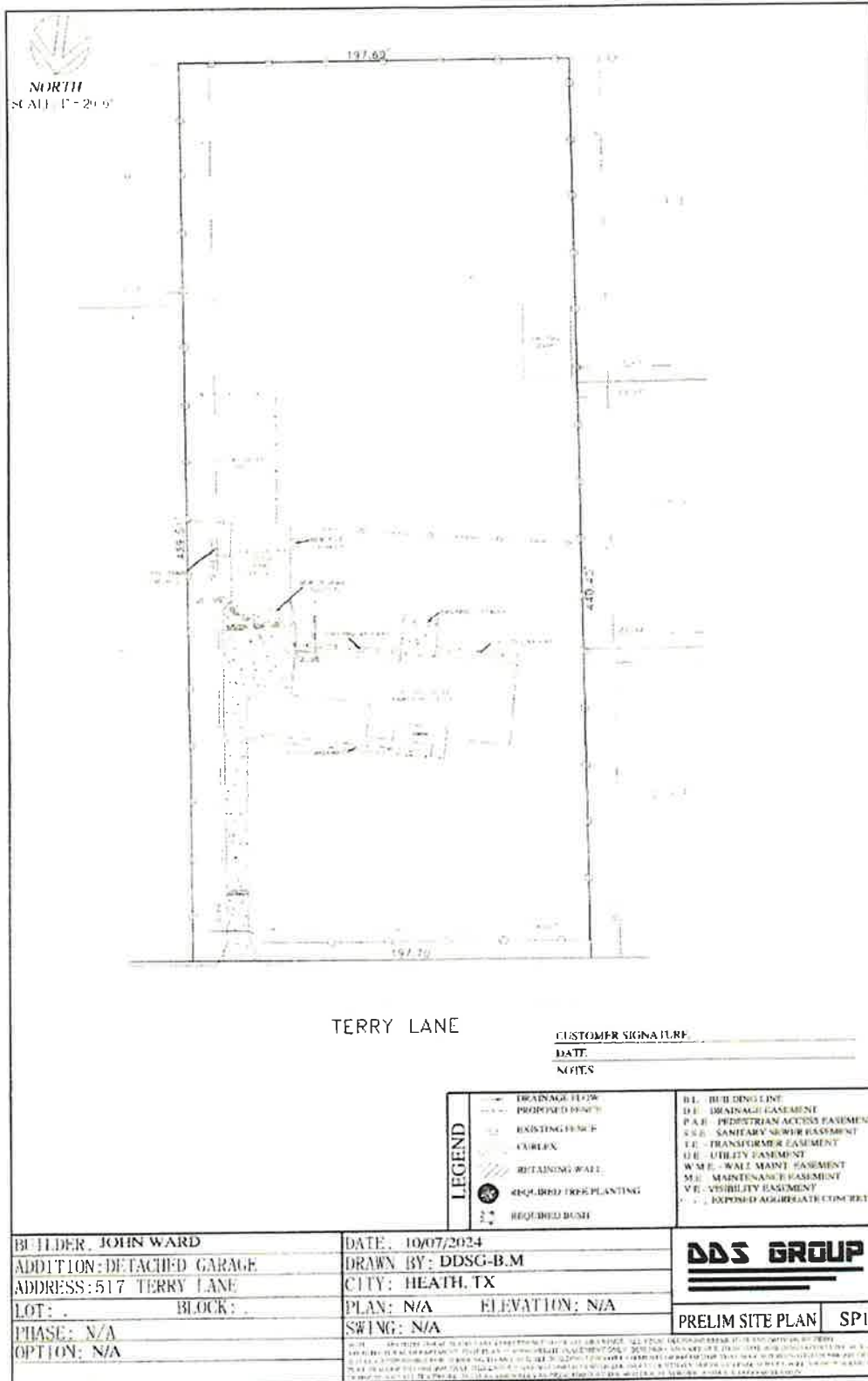


**Public Hearing Notice Map**

**Case No. CUP-2024-07:**

Hold a public hearing and consider a request from John and Mary Ward for a Conditional Use Permit (CUP) that would allow for the addition of a second detached accessory building that would exceed the maximum combined floor area allowed for two (2) accessory structures within the (SF-43) Single-Family Residential District on property located at 517 Terry Lane, and being a 2.0-acre tract of land situated in the H J McKenzie Survey, Abstract No. 157, Tract 31, City of Heath, Rockwall County, Texas. (RCAD PID 11881).

# Exhibit 'B' – Preliminary Site Plan



TERRY LANE

CUSTOMER SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_

NOTES

LEGEND		
	DRAINAGE FLOW	B.L. - BUILDING LINE
	PROPOSED EASEMENT	D.E. - DRAINAGE EASEMENT
	EXISTING FENCE	P.A.E. - PEDESTRIAN ACCESS EASEMENT
	CURBLEX	S.S.E. - SANITARY SEWER EASEMENT
	RETAINING WALL	T.E. - TRANSFORMER EASEMENT
	REQUIRED TREE PLANTING	U.E. - UTILITY EASEMENT
	REQUIRED BUSH	W.M.E. - WALL MAIN EASEMENT
		M.E. - MAINTENANCE EASEMENT
		V.E. - VISIBILITY EASEMENT
		E.A.C. - EXPOSED AGGREGATE CONCRETE

BUILDER: JOHN WARD	DATE: 10/07/2024	<b>DDS GROUP</b>
ADDITION: DETACHED GARAGE	DRAWN BY: DDSG-B.M	
ADDRESS: 517 TERRY LANE	CITY: HEATH, TX	PRELIM SITE PLAN   SP1
LOT: .      BLOCK: .	PLAN: N/A      ELEVATION: N/A	
PHASE: N/A	SWING: N/A	
OPTION: N/A		