

**CITY OF HEATH
ORDINANCE NO. 221025A**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING TITLE IX, "GENERAL REGULATIONS, " OF THE CITY'S CODE OF ORDINANCES, SPECIFICALLY § 159.21 "(SF 43) SINGLE-FAMILY RESIDENTIAL DISTRICT," OF THE CODE OF ORDINANCES; DECLARING A NUISANCE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A PENALTY OF UP TO \$500.00 FOR EACH VIOLATION AND A SEPARATE VIOLATION SHALL BE DEEMED COMMITTED UPON EACH DAY THE VIOLATION OCCURS OR CONTINUES; PROVIDING SAVINGS, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Heath, Texas (the "City") is a home rule municipality operating pursuant to the laws of the State of Texas and its Charter, by and through its duly elected City Council ("Council") members; and

WHEREAS, Section 211.003 of the Texas Local Government Code provides that the Council may regulate the percentage of a lot that may be occupied; the population density; the size of yards, courts, and other open spaces; the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and the bulk of buildings; and

WHEREAS, Section 211.005(a) of the Texas Local Government Code authorizes the Council to divide the City into districts, within which the Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; and

WHEREAS, the Council of the City of Heath, Texas adopted Chapter 159 of its Code of Ordinances, the same being the City's Zoning Ordinance, which sets forth various regulations for the use of land within the City; and

WHEREAS, the Council desires to amend the City's current development requirements established in § 159.21 "(SF 43) SINGLE-FAMILY RESIDENTIAL DISTRICT" to provide updated provisions for the size of accessory buildings and dwelling units, minimum square footage of the main dwelling unit, front yard building setback, and garage orientation; and

WHEREAS, it is the intent of the City to protect and promote the health, safety, and welfare of the public at large; and

WHEREAS, the Council deems it necessary, expedient, and in the City's best interest to adopt these amendments to its Code.

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 and determined to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Code Amended. That Section § 159.21 "(SF 43) SINGLE-FAMILY RESIDENTIAL DISTRICT" of the City's Code of Ordinance is hereby amended as shown in the attached Exhibit "A" incorporated herein by reference with all other provisions of Chapter 159 not herein amended to remain in full force and effect:

Section 3. Savings and Cumulative Repealer Clause. This Ordinance shall be cumulative of all other Ordinances 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. Ordinances 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 4. Severability Clause. If any section, subsection, clause, phrase, or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 5. Penalty. Any person, firm, or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

Section 6. Publication/Effective Date. This Ordinance shall become effective immediately upon its passage and publication of its Caption as required by law and Charter.

PASSED AND APPROVED by the City Council of the City of Heath, Texas, on this 25th day of October 2022.

APPROVED:



Kelson Elam, Mayor

ATTEST:



Norma Duncan, City Secretary

APPROVED AS TO FORM:



Marie Johnson, City Attorney



EXHIBIT "A" TO ORDINANCE

§ 159.21 (SF-43) SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose.

- (1) This district is considered to be the proper zoning classification for one-acre lot developments for single-family dwelling use. This district is intended to be composed of single-family dwellings.
- (2) Areas that are zoned for this use shall have or provide for water, wastewater, drainage, and access to paved streets based on single-family usage required by the allowed density.
- (3) It is intended for areas that are properly buffered from nonresidential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.
- (4) Developers wishing to restrict their subdivision to lot sizes in excess of what this chapter requires shall use restrictive covenants.

(B) Permitted uses.

- (1) Agricultural uses on unplatted land, in accordance with all other adopted ordinances;
- (2) One detached main single-family dwelling per lot;
- (3) A single one-story detached building used as a tool or storage shed, playhouse, or similar use, provided the floor area does not exceed 120 square feet and the height does not exceed ten feet (no building permit required);
- (4) Temporary real estate sales offices located on property being sold, limited to the period of sale of the lots with an initial two-year period and one-year extensions being authorized by the Planning and Zoning Commission, the sales offices to be maintained at all times;
- (5) Temporary on-site construction offices, limited to the period of construction, with an initial two-year period and one-year extensions being authorized by the Planning and Zoning Commission, such offices to be maintained at all times;
- (6) Home occupations;
- (7) Paved automobile parking areas which are necessary for the uses permitted in this district;

- (8) All municipality owned or controlled facilities, utilities, and uses;
- (9) Private residential swimming pools as an accessory to the main residential use;
- (10) Private unlighted residential tennis courts on the same lot as an accessory to the main residential use;
- (11) Temporary concrete batching plants limited to the period of construction upon approval of location and operation by the Building Official;
- (12) Public, denominational and private schools, churches, and public parks essential to create basic neighborhood units;
- (13) Wind energy systems on lots greater than ten acres in size subject to all terms and conditions of § 159.50.
- (14) Accessory Buildings and Dwelling Units: The maximum combined floor area, maximum size for a single building, maximum wall height, and number of accessory buildings per lot/tract permitted shall be based on the lot/tract size. Such regulations shall conform to the following criteria in Table (B) (14) below:

Table (B) (14)

(a) Lot/ Tract Size (acres)	(b) Maximum Number of Accessory Buildings Allowed per Lot ³	(c) Maximum, Combined Floor Area Allowed ¹ (All Accessory Buildings/Dwelling Units – sq. ft.)	(d) Maximum Size for a Single Accessory Structure (sq. ft.) ²	(e) Maximum Building Height (feet) ⁴	(f) Setback from Rear Façade of Primary Residence (feet) ⁵	(g) Minimum Separation from other Buildings (feet)
1 to < 2	1	1000	900	25	25	20
2 to < 3	2	1500	1200	25	25	20
3 to < 4	3	3500	2500 ³	25	30	20
4 to < 5	3	4000	3000 ³	25	35	20
5 to <	4	4500	3500 ³	30	45	20

7.5						
7.5 to < 10	4	5500	4500 ³	30	55	20
10+	4	6500	5500 ³	30	60	20

1. All existing utility services extended to the accessory building(s) shall be metered to the same utility account holder/customer for the primary residence.
2. A Conditional Use Permit shall be required for a Detached Residential Garage as defined in Section 159.42.
3. Only one (1) detached accessory dwelling unit shall be permitted per lot or tract with a maximum building area specified in column (d) above for each lot/tract size category. The maximum size for an accessory dwelling for the 3 to <4 acres and larger lot/tract size categories shall not exceed 2,000 square feet. An accessory dwelling unit shall not be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance. All other accessory structures not used as an accessory dwelling unit shall have no sleeping areas, bathroom or kitchen plumbing (except for one hand sink), or kitchen facilities.
4. Building height shall be the distance measured from the average elevation of the finished grade along the front of the building to the average height of the highest roof structure.
5. Measured from the rear building elevation that encloses the climate control residence, which is situated the furthest perpendicular distance away from the street right-of-way that adjoins the front yard of the lot or parcel.

(C) Conditional uses (require use permits, see § 159.43).

- (1) Associated recreation and/or community clubs;
- (2) Accessory buildings that do not conform to the requirements specified in division (B)(14) above;
- (3) Facilities for railroads or those utilities holding a franchise in the City;
- (4) Paved parking facilities for nonresidential uses that are not allowed in this district if properly screened, buffered, and landscaped;
- (5) A private residential tennis court used as an accessory to a residential use if not located on the same lot or utilizing lights;
- (6) A driveway or crosswalk, as distinct from a dedicated street, to provide access to premises in a commercial or industrial district;
- (7) Agricultural use; and

- (8) Wind energy systems that do not conform to requirements listed in division (B)(13) above (see also § 159.50).

(D) Prohibited uses.

- (1) Any building erected or land used for other than one or more of the preceding specified uses;
- (2) The storage of equipment, materials, or vehicles, including abandoned vehicles, which are not necessary to the uses permitted in this district;
- (3) Any use of property that does not meet the required minimum lot size; front, side, and rear yard dimension and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required; and

- (4) Daycare centers.

(E) Area requirements.

- (1) Minimum lot area, as defined herein: one acre (43,560 square feet);
- (2) Maximum number of main single-family detached dwelling units per lot: one;
- (3) Minimum square footage per dwelling unit: 3,200 square feet;
- (4) Minimum lot width: 100 feet at the front building line;
- (5) Minimum lot depth: 175 feet;
- (6) Minimum depth of front setback: 50 feet;
 - (a) No front entry garages shall be permitted at the 50-foot front building line.
 - (b) Garages built at the 50-foot building line shall be oriented in a traditional swing (j-swing) configuration or be a side entry garage.
 - (c) All front-facing garages, where the garage doors directly face and are generally parallel with the front street alignment, shall be setback 75 feet from the front property line.
 - (d) All front-facing garages, as described in (6)(c) above, shall be required to be set back from the front building envelope of the primary structure by at least 20-feet.

- (7) Minimum depth of rear setback: 25 feet for the main building and ten feet for accessory building or other structure;
- (8) Minimum width of side set back:
 - (a) Internal lot: 15 feet; and
 - (b) Side yard setback abutting street: 30 feet.
- (9) Minimum length of driveway pavement: from public right-of-way to the building line or 50 feet, whichever is greater;
- (10) Maximum building coverage as a percentage of lot area, as defined herein: 35%;
- (11) Maximum height of structures: 35 feet. All other structure heights shall be in accordance with Table (B)(14); and
- (12) Minimum number of paved off-street parking spaces required for:
 - (a) One main single-family dwelling unit: two (an enclosed garage shall not be considered in meeting the off-street parking requirements); and
 - (b) All other uses: see §§ 159.60 through 159.68.