

DATE: June 17, 2025
TO: Honorable Mayor & City Council
FROM: Planning & Zoning Commission
VIA: Mike Bell, AICP, Assistant Director of Planning acting as Secretary of the Planning & Zoning Commission
Christina D. Day, AICP, Director of Planning *MB*
SUBJECT: Results of Planning & Zoning Commission Meeting of June 16, 2025

AGENDA ITEM NO. 1 - ZONING CASE 2025-005
PETITIONER: CITY OF PLANO

Request to amend Article 6 (Specific Use Permits and Certificates of Occupancy) and related sections of the Zoning Ordinance to provide procedures for the denial and revocation of Certificates of Occupancy by the City's Building Official. Project #ZC2025-005.

APPROVED: 7-0

Speaker Card(s) Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>

RESULTS:

The Commission recommended the item for approval as submitted.

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/345807?ts=94>

JG/hm

cc: Christina Sebastian, Land Records Planning Manager
Jordan Rockerbie, Lead Planner
Devon Garcia, GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 1

PUBLIC HEARING: Zoning Case 2025-005

PETITIONER: City of Plano

CASE PLANNER: Jace Gillis

DESCRIPTION: Request to amend Article 6 (Specific Use Permits and Certificates of Occupancy) and related sections of the Zoning Ordinance to provide procedures for the denial and revocation of Certificates of Occupancy by the City's Building Official. Project #ZC2025-005.

EXECUTIVE SUMMARY

The purpose of this request is to amend the Zoning Ordinance to update procedures related to Certificates of Occupancy, as directed by City Council. The proposed amendments would establish a process for the potential revocation of Certificates of Occupancy based on zoning use violations, in coordination with the Building Official. These updates are intended to clarify enforcement mechanisms and promote regulatory consistency within the Zoning Ordinance. Related amendments to the Building Code are anticipated and will be brought forward for Building Standards Commission and City Council consideration under a separate action. The proposed changes support the city's ongoing efforts to improve Ordinance clarity, ensure alignment with broader policy goals, and are in conformance with the recommendations of the Comprehensive Plan. Staff recommends approval as noted in the recommendation section.

STAFF PRELIMINARY REPORT – REMARKS

Background

The Zoning Ordinance requires that most buildings and properties have a valid Certificate of Occupancy (CO) issued by the Building Official. The Building Code contains the requirements for the review and issuance of a Certificate of Occupancy and conditions under which the Building Official may revoke a Certificate of Occupancy.

City Council requested that the Zoning Ordinance be amended to include procedures for the denial and revocation of COs by the Building Official due to violation of the Zoning Ordinance. The Planning & Zoning Commission called a public hearing on May 5, 2025 ([staff report](#) | [video](#)) for this purpose.

Current Policy

Certificates of Occupancy are a mechanism for verifying zoning compliance at the time a building or property is occupied. Applications for a CO are reviewed by the Building Inspections and Planning departments. The land use or zoning use is assigned by the Planning department based on the information provided by the applicant, and a CO cannot be issued for a use that is not permitted in the district.

Staff conducted a review of current zoning and code enforcement practices related to the issuance, denial, and revocation of Certificates of Occupancy. This review included coordination with the City Attorney's Office to identify procedural gaps and enforcement challenges. Key findings are summarized below:

- The Zoning Ordinance currently defines Certificates of Occupancy but lacks specific procedures for denial or revocation when a property no longer complies with applicable zoning or use requirements.
- The CO revocation process is addressed in the Building Code, and the Building Official makes the decision. Per [Chapter 211](#) of the Texas Local Government Code, a request to appeal the Building Official's decision regarding a violation of the Zoning Ordinance must be appealed to the Board of Adjustment.
- Certificates of Occupancy are often interpreted as a final determination of compliance, yet some uses may change or drift out of compliance over time. A defined revocation process would help address persistent or serious violations without requiring zoning amendments or court action.
- Other Texas cities use revocation procedures as part of their zoning or building code enforcement, offering precedent for similar administrative tools to be used locally.

STAFF PRELIMINARY REPORT – PROPOSED CHANGES

The Building Code and Zoning Ordinance both include requirements for Certificates of Occupancy. Currently, the Zoning Ordinance requires that a CO be issued for most land uses and states that it is a violation to utilize a property for a land use inconsistent with a valid CO. The Building Code requirements dictate the review, issuance, denial, and revocation of a Certificate of Occupancy; however, zoning violations follow a different process than a Building Code violation.

If zoning regulations, such as the permitted land use, are violated after occupancy, the proposed changes bolster the existing requirements for COs and introduce language for the denial or revocation of a CO in the context of a zoning violation, following state law. By documenting revocation standards, the city can better support its land use policies, maintain orderly development patterns, and reinforce expectations for ongoing compliance with community standards.

The proposed changes add requirements for the information the applicant must provide when applying for a Certificate of Occupancy. The applicant would be required to provide sufficient information to the city to allow a determination of the use of the building or property. Providing incomplete or misrepresentation of information would be grounds for denial of an application or for revocation of an issued Certificate of Occupancy.

The proposed changes outline the process for revocation of a CO due to violation of the Zoning Ordinance. This process is a mirror of existing procedures in the Building Code regarding revocations of a CO, however, appeals of the revocation decision due to zoning violations go through the Board of Adjustment, instead of through the Building Standards Commission, as required per the Texas Local Government Code. This process is detailed in *Section 5.300 (Appeals of Order, Requirement, Decision, or Determination related to the Zoning Ordinance)*, and the full process for CO revocation due to a violation of the Zoning Ordinance is outlined in the following graphic.

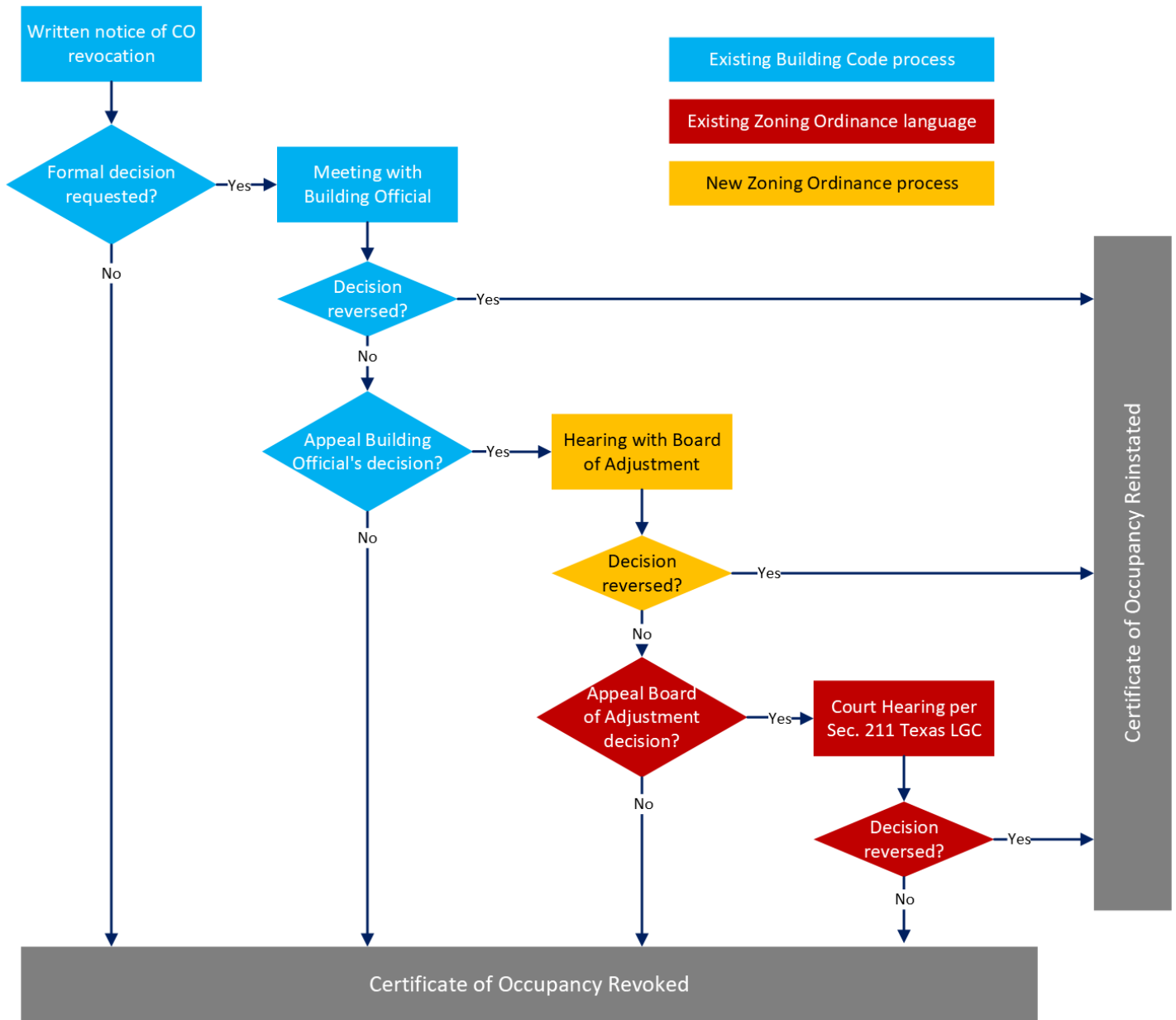


Figure 1: Process for Revocation of a Certificate of Occupancy due to a Zoning Violation

STAFF PRELIMINARY REPORT – CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed amendments have been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below.

Guiding Principles – *The set of Guiding Principles to the Comprehensive Plan establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.*

Land Use Policy – *Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.*

The proposed amendments are intended to ensure that the use of a building or property remains consistent with the policies associated with that zoning district as regulated by the Zoning Ordinance. Harmonious land use among properties and the minimization or elimination of nuisance are the basis of zoning regulations, which are intended to implement the policies of the Comprehensive Plan.

Land Use Action 1 (LU1) – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.*

In considering the Comprehensive Plan when deliberating the proposed amendments, the Commission and City Council will be consistent with this action.

STAFF PRELIMINARY REPORT – ANALYSIS & RECOMMENDATION

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to update procedures related to Certificates of Occupancy, as directed by City Council. The proposed amendments would establish a process for the potential revocation of Certificates of Occupancy based on zoning use violations, in coordination with the Building Official. These updates are intended to clarify enforcement mechanisms and promote regulatory consistency within the Zoning Ordinance. Related amendments to the Building Code are anticipated and will be brought forward for Building Standards Commission and City Council consideration under a separate action. The proposed changes support the city's ongoing efforts to improve Ordinance clarity, ensure alignment with broader policy goals, and are in conformance with the recommendations of the Comprehensive Plan. Staff recommends approval as noted in the recommendation section below.

RECOMMENDATION:

Recommended for approval, as follows (additions are indicated with underlined text; deletions are indicated with ~~striketrough~~ text, relocated text is marked in double underline (new location) and ~~double striketrough~~ (old location).

Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such new definition to read as follows:

Zoning Use

A use defined under Article 8 (Definitions) and listed under Article 14 (Allowed Uses and Use Classifications) of the Zoning Ordinance.

Amend Section 6.200 (Certificates of Occupancy) of Article 6 (Specific Use Permits and Certificates of Occupancy), such section to read in its entirety as follows:

6.200 Certificates of Occupancy

.1 Requirements Certificate of Occupancy

~~It is unlawful for any person, firm, association, or corporation with ownership, care, custody, or control over a parcel of land, with or without a building, located within the municipal limits of the City of Plano to allow such building or parcel to be used, occupied, or modified in any manner that does not comply with a required, valid Certificate of Occupancy issued by the Chief Building Official, or designee of the City of Plano.~~

Certificates of Occupancy are required, consistent with the Building Code. The provisions of this section do not apply to single-family residence, two-family residence, and farm, ranch, garden, or orchard uses, nor housing types in the RCD zoning district except as required by the Building Code.

A. Zoning Use

- i. An applicant for a Certificate of Occupancy must fully disclose use of the building or parcel on the application for a Certificate of Occupancy.**
- ii. All Certificates of Occupancy issued after [effective date of this Ordinance] must indicate zoning use of the building or parcel.**
- iii. After [effective date of this Ordinance], zoning uses listed on a Certificate of Occupancy must be allowed uses under the Zoning Ordinance.**

B. A. Any Certificate of Occupancy is void, unless granted to a property with A Certificate of Occupancy can only be issued when a property has an approved site plan and approved final plat filed of record, with exceptions as specifically granted under the city's development regulations.

C. B. Any Certificate of Occupancy is void, unless A Certificate of Occupancy can only be issued to a property where the associated use and any additional development, site modifications, or redevelopment are in conformance with the approved site plan as determined by the Director of Planning or designee.

D. C. After March 26, 2018, all Land Occupancy Permits previously issued are hereby renamed Certificates of Occupancy and treated as Certificates of Occupancy for all intents and purposes.

.2 Denial or Revocation of Certificates of Occupancy

A. Grounds for Denial

The following constitutes sufficient grounds for denial of a Certificate of Occupancy:

- i. Misrepresentation of information related to the proposed use in an application for a Certificate of Occupancy,**
- ii. Omission of material information related to the proposed use in an application for a Certificate of Occupancy,**
- iii. The proposed use is disallowed under the Zoning Ordinance or other applicable laws,
or**
- iv. The applicant fails to provide adequate or complete information on the application.**

B. Grounds for Revocation

A Certificate of Occupancy may be revoked consistent with the Building Code, including where it is determined that the building or structure or portion thereof is in violation of the provisions of the Zoning Ordinance.

C. Revocation Process

The process for revocation of a Certificate of Occupancy for failure to meet the requirements of this section is as follows:

i. Notice of Revocation

The Building Official, or designee, of the City of Plano, must issue a written notice of intent to revoke a Certificate of Occupancy. The notice must set forth the grounds upon which the notice is issued, and inform the holder that the Certificate of Occupancy will be revoked at the end of 10 days after service of such notice unless a formal decision is requested.

ii. Request for Formal Decision

In order to request a formal decision, a written request must be filed with the Building Official within 10 days of receiving the Notice of Revocation. If no request for a formal decision is filed within the 10-day period, the Building Official's decision to revoke the Certificate of Occupancy becomes final.

iii. Formal Decision

A meeting must be scheduled before the Building Official not less than 10 days nor more than 30 days after the date a timely written request for a formal decision was filed. At the meeting, the Certificate holder will be allowed an opportunity to respond to the allegations and present any mitigating evidence or reasons why the proposed revocation is improper. The Building Official must provide a decision within twenty (20) business days of the date of the meeting.

iv. Appeal of Revocation

If, after the meeting, the Building Official determines that the Certificate of Occupancy should be revoked, an appeal of the Building Official's decision may be made to the Board of Adjustment in accordance with Chapter 211 of the Texas Local Government Code and Sections 5.200.1 (Appeals) and 5.300 (Appeals of Order, Requirement, Decision, or Determination related to the Zoning Ordinance) of this Ordinance, as amended.

.3 Offense

It is an offense for any person, firm, association, or corporation with ownership, care, custody, or control over any portion of a building or parcel of land to allow such building or parcel to be used, occupied, or modified in any manner that does not comply with a current, valid Certificate of Occupancy, as required by the Building Code.