

Zoning Case 2025-005

An Ordinance of the City of Plano, Texas, amending Article 6 (Specific Use Permits and Certificates of Occupancy) and Article 8 (Definitions) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to provide procedures for the denial and revocation of Certificates of Occupancy by the City's Building Official; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 28th day of July, 2025, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 28th day of July, 2025; and

WHEREAS, the City Council is of the opinion and finds that such change should be adopted, would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. Section 6.200 (Certificates of Occupancy) of Article 6 (Specific Use Permits and Certificates of Occupancy) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

6.200 Certificates of Occupancy

.1 Requirements

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, 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 September 1, 2025, must indicate zoning use of the building or parcel.
 - iii. After September 1, 2025, zoning uses listed on a Certificate of Occupancy must be allowed uses under the Zoning Ordinance.
- B.** 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.** 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.** After March 26, 2018, all Land Occupancy Permits previously issued are here by 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.

Section II. Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add a definition, 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.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective on September 1, 2025, after its passage and publication as required by law.

PASSED AND APPROVED on the 28th day of July 2025.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY