

DATE: October 3, 2023

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission
Christina D. Day, AICP, Director of Planning

SUBJECT: Results of Planning & Zoning Commission Meeting of October 2, 2023

AGENDA ITEM NO. 2 - ZONING CASE 2023-022
PETITIONERS: ALAN AND RENE BLAKEMORE

Request to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), Article 16 (Parking and Loading), and related sections of the Zoning Ordinance to allow pet funeral homes and to add a land use classification and associated restrictions for crematories. Project #ZC2023-022.

APPROVED: 7-1

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>

Commissioner Lisle voted in opposition to the item.

RESULTS:

The Commission recommended the item for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text), with the exception of the 2,000-foot buffer:

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

Crematory

A building, structure, or part thereof used for the purposes of the cremation of human or animal remains and that has appropriate permits, licensing, and/or registration for cremation by the State of Texas.

Mortuary/Funeral Parlor

A place for the storage of ~~human~~ deceased bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Amend Sec. 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

RESIDENTIAL ZONING DISTRICTS	
Use Type	Use Category
	A - Agricultural
	ED – Estate Development
	SF-20 – Single-Family Residence-20
	SF-9 – Single-family Residence-9
	SF-7 – Single-Family Residence-7
	SF-6 – Single-Family Residence-6
	UR – Urban Residential
	PH – Patio Home
	SFA – Single-Family Attached
	2F – Two-Family (Duplex)
	GR – General Residential
	MF-1 – Multifamily-1
	MF-2 – Multifamily-2
	MF-3- Multifamily-3
	MH – Mobile Home
	RCD – Residential Community Design
Crematory	Comm., Mfg. & Ind.

Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

NONRESIDENTIAL ZONING DISTRICTS	
Use Type	Use Category
	O-1 - Neighborhood Office
	O-2 - General Office
	R - Retail
	LC - Light Commercial
	CC - Corridor Commercial
	UMU - Urban Mixed-Use
	BG - Downtown Business/Government
	CB-1 - Central Business-1
	CE - Commercial Employment
	RC - Regional Commercial
	RE - Regional Employment
	RT - Research/Technology
	LI-1 - Light Industrial-1
	LI-2 - Light Industrial-2
	NBD - Neighborhood Business Design
Crematory	Comm., Mfg. & Ind.

Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such additional note to read as follows:

Number	End Note
55	See Sec. 15.2200

Amend Article 15 (Use-specific Regulations), such additional section to read in its entirety as follows:

15.2200 Crematory

- .1 Operations should be fully enclosed with no outside storage of goods or materials.**
- .2 No noise, vibration, odor, smoke, or dust should impact adjacent properties in conformance with the performance standards in Article 24. The city may seek injunctive relief if a facility creates a nuisance defined in Article 24.**
- .3 Facilities and equipment must be consistently maintained in accordance with manufacturer recommendations and Texas Administrative Code requirements.**

To view the hearing, please click on the provided link:

<https://planotx.new.swagit.com/videos/273003?ts=3933>

MK/kob

cc: Mike Bell, Development Review Manager
Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 2

PUBLIC HEARING: Zoning Case 2023-022

PETITIONERS: Alan and Rene Blakemore

DESCRIPTION: Request to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), Article 16 (Parking and Loading), and related sections of the Zoning Ordinance to allow pet funeral homes and to add a land use classification and associated restrictions for crematories. Project #ZC2023-022.

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to add a new land use definition and regulations for a crematory use, consistent with the procedures for considering new and unlisted land uses in Section 14.400 of the Zoning Ordinance. An amendment to the definition of the Mortuary/Funeral Parlor land use is also requested to allow for pet funeral homes. These amendments are in conformance with the Comprehensive Plan. For this reason, staff recommends approval as noted in the following recommendation section.

STAFF PRELIMINARY REPORT - REMARKS

BACKGROUND

This request was initiated by a proposal to operate a pet funeral home and crematory in Plano (Exhibit A). It should be noted that the proposed amendments to the Zoning Ordinance are for pet funeral homes and crematories in general and are not specific to this individual business.

June 19, 2023

At the Planning & Zoning Commission (Commission) meeting on June 19, 2023 ([staff report](#) | [video](#)), staff presented information to the Commission with a request to determine whether a new land use should be added to the Zoning Ordinance to regulate pet funeral home and crematory services and to call a public hearing for this purpose. The Commission gave the following direction and asked for additional research:

1. Include pet funerals in the Mortuary/Funeral Home use and treat the same as human funerals.

August 21, 2023

At the Planning & Zoning Commission meeting on August 21, 2023 ([staff report](#) | [video](#)), staff presented information responding to questions raised by the Commission at the June 19, 2023, meeting and requested additional direction. The matter was discussed, and the Commission gave the following direction:

1. Add a crematory use to the Zoning Ordinance with restrictions on location.

After discussion, the Commission directed staff to prepare amendments to the Zoning Ordinance to regulate pet funeral home and crematory uses and called a public hearing.

REMARKS

The proposed amendments consist of new and amended definitions, updated zoning district use tables, and use-specific standards for crematories.

Proposed Changed for Pet Funeral Homes

Pet funeral homes are not permitted under the current zoning regulations. While a mortuary/funeral parlor is an allowed use, the definition is specific to human bodies. Per the Commission's direction, the Mortuary/Funeral Parlor definition is proposed to be amended to include animal, as well as human, remains, as shown in the following definition. Pet funeral homes will be treated the same as human funeral homes and follow all regulations for the use currently in the Zoning Ordinance.

Mortuary/Funeral Parlor

A place for the storage of ~~human~~ deceased bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Regulation of Crematories

Both human and animal crematories are required to receive permits from the Texas Commission on Environmental Quality (TCEQ) under the Texas Administrative Code. Both crematory types have capacity limits; however, animal crematories have additional restrictions, including ash control, distance separation from property lines, and other nuisance abatement. In addition, all human and animal incinerators must be installed and operated per Chapter 111 of the Texas Administrative Code, Rules [121](#), [125](#), [127](#), and [129](#), which pertain to visible emissions and particulate matter from incinerators. These standards require facilities to maintain written records of all monitoring and testing results, hours of operation, and quantity of waste burned. The standards also require that manufacturer operating procedures for incinerators be posted and that all incinerators be operated in conformance with said procedures.

While crematories are not currently permitted in Plano, the Zoning Ordinance also includes regulations regarding smoke, particulate matter, and odorous matter, among others, which all uses, current or future, are required to comply with, in Article 24 (Performance Standards).

City of Plano Animal Services Crematory

The city does have a government facility crematorium connected to Plano Animal Services located at the Animal Shelter at 4028 West Plano Parkway, which is zoned Light Industrial-1 (LI-1). Per Section 14.600 (Government Facilities) of the Zoning Ordinance, "government facilities are allowed by right in all zoning districts but are otherwise bound by the development regulations of the City of Plano except where specifically exempted by law." The location of these facilities undergoes public scrutiny as they are approved and maintained at the direction of elected officials, and there are distinctions under the law recognizing this transparency and accountability

While Animal Services has not received public complaints regarding their cremation facility, the department has received reports from employees in other city facilities up to 1,400 feet away. These issues generally concern odor and/or smoke and are linked to malfunctioning equipment or equipment in need of maintenance. As an incinerator reaches its end of life and begins malfunctioning, or if a component within the incinerator, such as a burner, stops working, odor and/or smoke may be released into the surrounding environment. With properly functioning equipment, odor and smoke can be contained within the facility, therefore regular maintenance is crucial. For this reason, the draft standards include maintenance requirements.

Proposed Changes for Crematories

A new definition and land use is proposed for Crematory uses. The proposed definition will allow for both human and animal crematories if they meet state and city requirements.

Crematory

A building, structure, or part thereof used for the purposes of the cremation of human or animal remains and that has appropriate permits, licensing, and/or registration for cremation by the State of Texas.

Due to the anticipated potential concerns that might occur with a crematory use, the use is proposed to be permitted only with the approval of a Specific Use Permit (SUP) in the Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) zoning districts. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general

welfare, provided adequate development standards and safeguards are established for such use during the review of the application. As part of the review and approval process, City Council has authority to establish conditions for operation, location, arrangement, and type and manner of construction. In authorizing the location of any SUPs, Council may impose development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.

In addition, the following use-specific standards are proposed for crematories:

- Distance from residential uses: Based on the experience of Animal Services discussed previously, crematories will not be permitted within 2,000 feet of a residential use. This is a conservative distance and could be amended in the future if appropriate. A map showing the areas of the city zoned LI-1 or LI-2 and outside 2,000 feet of a residence is included as Exhibit B.
- Equipment maintenance requirements: Based on the experience of Animal Services discussed previously, crematory equipment will be required to be consistently maintained to minimize issues regarding odor or smoke.
- Indoor operation: Crematories will be required to operate fully indoors, with no outside storage of goods or materials, to reduce potential nuisances.

Parking for crematory uses is proposed to use the standard parking requirement for Commercial, Manufacturing, and Industrial uses of one space for every two employees or one space for every 1,000 square feet of floor area, whichever is greater. No changes to the Zoning Ordinance are needed for this parking ratio. Where funeral parlors may have a crematory use, the parking ratio would be considered for each use, so the funeral parlor area would use the standard parking requirement for Mortuary uses of one space for every two persons normally accommodated in services or one space per 200 square feet, whichever is greater.

Peer Community Regulations

Staff reviewed crematory requirements in other communities, listed below. Many communities limit the use to industrial districts. It is most common for the use to be permitted either by specific use permit or as an accessory to a funeral home or cemetery use.

Community	Use Classification and Definition	Summary of Regulations
Allen, TX	<p><i>No use was found in ordinance.</i></p> <p>Cemetery means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.</p>	<p><i>Animal remains:</i> Permitted as an accessory use to a cemetery if operated in connection with and within the boundaries of such cemetery.</p> <p><i>Human remains:</i> Same as above.</p>

Community	Use Classification and Definition	Summary of Regulations
Arlington, TX	<p>Mortuary, Crematory, Funeral Home</p> <p>A “mortuary” is facility in which dead bodies are prepared for burial. A “crematory” is a structure containing a retort used or intended to be used for the cremation of human remains. A “funeral chapel” is a facility in which funeral services are conducted, and may contain a mortuary and/or crematory.</p>	<p><i>Animal remains:</i> No definitions or regulations found.</p> <p><i>Human remains:</i> Permitted by right in several commercial and industrial districts.</p>
Dallas, TX	<p>Pathological Waste Incinerator</p> <p>A facility used to incinerate organic human or animal waste, including, but not limited to: Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids; Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids; Anatomical remains; Bodies for cremation.</p>	<p><i>Animal remains:</i> Permitted by specific use permit in industrial districts.</p> <p><i>Human remains:</i> Same as above.</p>
Frisco, TX	<p><i>No use was found in the ordinance.</i></p>	<p><i>Animal remains:</i> Not permitted</p> <p><i>Human remains:</i> Not permitted</p>
Garland, TX	<p><i>No use was found in the ordinance.</i></p> <p>Mortuary/Funeral Home: A place for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. The term does not include any type of cemetery (below-ground) interment for bodies, but may include funeral service chapels, on-site monument and floral sales, columbariums, crematoriums, mausoleums (interment in above-ground tombs or vaults), or any combination thereof.</p> <p>Cemetery: Land used or intended to be used for the below-ground burial of the dead and dedicated for cemetery purposes. The term may include columbariums, crematoriums, mausoleums, mortuaries, funeral service chapels, and on-site monument and floral sales, or any combination thereof.</p>	<p><i>Animal remains:</i> Not permitted as accessory to Mortuary/Funeral Home. Permitted as accessory to Cemetery.</p> <p><i>Human remains:</i> Permitted as an accessory use to mortuary/funeral home and cemetery uses.</p>

Community	Use Classification and Definition	Summary of Regulations
Lewisville, TX	<p>Crematorium</p> <p>A building, structure, or part thereof used for the purpose of the cremation of human remains. A crematorium is an accessory use to a cemetery, columbarium, or mortuary.</p>	<p><i>Animal remains:</i> No definitions or regulations found.</p> <p><i>Human remains:</i> Permitted by specific use permit as an accessory use to cemetery, columbarium, or mortuary uses, in certain zoning districts.</p>
Mansfield, TX	<p>Cemetery, Mausoleum, or Crematorium</p> <p><i>No related definitions are found in the Zoning Ordinance.</i></p> <p><i>Uses not listed.</i> Primary uses not listed in the permitted use table may be permitted in any district where similar uses are permitted subject to the determination of the Director of Planning. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and be similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing characteristics.</p>	<p><i>Animal remains:</i> Regulated as a use not listed.</p> <p><i>Human remains:</i> Permitted by specific use permit in most zoning districts.</p>
McKinney, TX	<p><i>No use was found in the ordinance.</i></p>	<p><i>Animal remains:</i> Not permitted</p> <p><i>Human remains:</i> Not permitted</p>
Rockwall, TX	<p>Crematorium</p> <p>A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human remains.</p>	<p><i>Animal remains:</i> No definitions or regulations found.</p> <p><i>Human remains:</i> Permitted by specific use permit in the Light Industrial district, permitted by right in the Heavy Industrial District.</p>
Sugarland, TX	<p>Funeral Home, Crematory (Accessory)</p> <p>A place for the preparation and cremation of human bodies. Only permitted as an accessory to a funeral home. Services shall be in accordance with applicable state law.</p>	<p><i>Animal remains:</i> No definitions or regulations found.</p> <p><i>Human remains:</i> Permitted as a conditional use in two nonresidential districts and by right in one airport district.</p>

STAFF PRELIMINARY REPORT - CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has 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 introduce a new land use and update existing land uses in response to changing market demands. The amendments include standards to protect residential neighborhoods from negative impacts associated with odor or smoke. This request is in conformance with this policy.

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

The proposed amendments introduce a new land use and update existing land uses in response to changing market demands. The amendments include standards to protect residential neighborhoods from negative impacts associated with odor or smoke. This request is in conformance with this action statement.

STAFF PRELIMINARY REPORT - RECOMMENDATION

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to add a new land use definition and regulations for a crematory use, consistent with the procedures for considering new and unlisted land uses in Section 14.400 of the Zoning Ordinance. An amendment to the definition of the Mortuary/Funeral Parlor land use is also requested to allow for pet funeral homes. These amendments are in conformance with the Comprehensive Plan. For this reason, staff recommends approval.

RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text).

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

Crematory

A building, structure, or part thereof used for the purposes of the cremation of human or animal remains and that has appropriate permits, licensing, and/or registration for cremation by the State of Texas.

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Amend Sec. 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:

RESIDENTIAL ZONING DISTRICTS																	
Use Type	Use Category	A - Agricultural	ED – Estate Development	SF-20 – Single-Family Residence-20	SF-9 – Single-family Residence-9	SF-7 – Single-Family Residence-7	SF-6 – Single-Family Residence-6	UR – Urban Residential	PH – Patio Home	SFA – Single-Family Attached	2F – Two-Family (Duplex)	GR – General Residential	MF-1 – Multifamily-1	MF-2 – Multifamily-2	MF-3- Multifamily-3	MH – Mobile Home	RCD – Residential Community Design
Crematory	<u>Comm., Mfg. & Ind.</u>																

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Crematory	Comm., Mfg. & Ind.													16 55	16 55	

Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such additional note to read as follows:

Number	End Note
55	See Sec. 15.2200

Amend Section 15.2200 (Crematory) of Article 15 (Use-specific Regulations), such additional section to read in its entirety as follows:

15.2200 Crematory

- .1 A crematory shall not be permitted within 2,000 feet of a residential use.**
- .2 Operations should be fully enclosed with no outside storage of goods or materials.**
- .3 No noise, vibration, odor, smoke, or dust should impact adjacent properties in conformance with the performance standards in Article 24. The city may seek injunctive relief if a facility creates a nuisance defined in Article 24.**
- .4 Facilities and equipment must be consistently maintained in accordance with manufacturer recommendations and Texas Administrative Code requirements.**

Exhibit A

To whom it may concern,

My wife and I are considering Plano as a location for our pet funeral home and crematory. This is a franchise opportunity with Pet Passages, which is one of North America's largest providers of pet funeral and cremation services. Each Pet Passages location is individually owned and operated so that the focus is on each pet parent, not stockholders or investment partners. This provides assurance of exceptional professionalism, quality, and value, in addition to unparalleled customer care and satisfaction.

Pet Passages franchisees believe that creating meaningful ways to pay tribute to a beloved pet begins with compassion and an understanding that each pet's life is truly unique. That means that there is no greater responsibility than honoring and preserving the story and memories of a family's beloved pet.

Each Pet Passages franchise location must meet very specific Pet Passages brand requirements concerning all operational procedures, facilities amenities, interior design, furnishings, and equipment. Typically, one of the obvious concerns is the actual crematory equipment, known as retorts. This equipment is very expensive and complex. Through the use of multiple chambers and technology, the emissions are very limited and there is little or no odor. A normal cremation will emit the equivalent emissions of a typical back yard barbeque grill. The anticipated number of cremations per day will range from 2-3 to 6-8. This will occur during normal business hours Monday – Saturday from 8 am to 6 pm and most cremations will only take 60 – 90 minutes depending on the weight of the pet.

Therefore, we would like to request the addition of a pet funeral home and crematory to the City of Plano's zoning/rezoning.

I would be happy to provide any additional information or answer any questions that may arise.

Kind Regards,

Alan & Rene Blakemore

Exhibit B

Legend

2000 ft Crematory Buffer

Zoning

Light Industrial-1

Light Industrial-2

Housing, Attached SF Types

Housing, Detached SF Types

Housing, Multifamily Types

Housing, Open Space

Undeveloped, Housing

