

## Zoning Case 2023-022

**An Ordinance of the City of Plano, Texas, amending Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), and Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow pet funeral homes and to add a land use classification and associated restrictions for crematories; 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 23rd day of October, 2023, 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 23rd day of October 2023; 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 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, 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 has appropriate permits, licensing, and/or registration for cremation by the State of Texas.

**Mortuary/Funeral Parlor**

A place for the storage of 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.

**Section II.** Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) 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 portions of the section to read as follows:

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

**Section III.** Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) 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 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.													S 55	S 55	

**Section IV.** Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications) 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 additional note to read as follows:

Number	End Note
55	See Sec. 15.2200

**Section V.** Article 15 (Use-specific Regulations) 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 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.

**Section VI.** 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 VII.** 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 VIII.** 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 IX.** 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 X.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** on the 23rd day of October, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY