

ORDINANCE NO. 2026-11221

AN ORDINANCE AMENDING PART II OF THE CITY OF IRVING LAND DEVELOPMENT CODE, “UNIFIED DEVELOPMENT CODE (UDC)” TO AMEND SECTIONS 2.4.2 “RESIDENTIAL LAND USE TABLE” AND 2.5.2 “NON-RESIDENTIAL LAND USE TABLE” TO ADD “CEMETERY”; ADDING SECTION 3.22 “CEMETERIES” TO ESTABLISH MINIMUM DEVELOPMENT STANDARDS FOR A CEMETERY; AMENDING SECTION 9.3 “DEFINITIONS” TO ADD DEFINITIONS FOR “CEMETERY”, “COLUMBARIUM”, AND “MAUSOLEUM”; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, Texas Health and Safety Code Section 711.008 (“THSC”) previously prohibited the establishment of any new cemetery in or within five miles of the boundaries of a municipality with a population of at least 200,000, including the City of Irving; and

WHEREAS, 2023 TX H.B. No. 783, effective September 1, 2023, amended THSC 711.008 to allow an individual, corporation, partnership, firm, trust, or association to file a written application to establish a new cemetery within a municipality in a county with a population of more than 750,000, including the City of Irving; and

WHEREAS, pursuant to THSC 711.008(g-2) the governing body of an affected municipality by ordinance shall prescribe the information to be included in the application; and

WHEREAS, pursuant to THSC 711.008(g-2) the governing body may authorize the establishment or use of a cemetery if the governing body determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare; and

WHEREAS, it is in the best interest of an applicant that the governing body establish and clearly identify criteria and parameters within which a new cemetery may be permitted, including minimum standards adequate to protect the public health, safety, and welfare of the community; and

WHEREAS, the Irving City Council finds that creating an application process, an approval process, and minimum development standards for establishing new cemeteries are regulations that are compliant with, consistent with, ancillary to, not any stricter than, and in harmony with existing laws of the State of Texas, and that the regulations contained in this ordinance do not conflict with and are not preempted by State law; and

WHEREAS, on March 21, 2024, the Irving City Council received a presentation from staff regarding the impact of H.B. No. 783 and some possible standards for new cemeteries; and

WHEREAS, on June 18, 2024, staff met with representatives of the Texas Cemeteries and Crematories Association regarding H.B. No. 783 as well as best practices for cemetery operations and development to aid in the creation of regulations for the land use not currently addressed in the City’s zoning ordinance; and

WHEREAS, on July 11, 2024, the Irving City Council received a presentation summarizing the staff meeting with the Texas Cemeteries and Crematories Association; and

WHEREAS, on October 3, 2024, the Irving City Council was provided with an overview of proposed zoning development standards for new cemeteries and directed staff to proceed with drafting Unified Development Code regulations to that effect; and

WHEREAS, on November 7, 2024, the Irving City Council reviewed a draft of the proposed amendments, expressed support thereof, and provided additional feedback, instructing staff to seek legislative clarity to aid in the administration of the THSC regulations; and

WHEREAS, on October 2, 2025, the Irving City Council was provided with an updated detailed proposal for development standards for new cemeteries and directed staff to move forward with the adoption process; and

WHEREAS, on December 1, 2025, the Irving Planning and Zoning Commission reviewed a draft of the proposed amendments and provided additional feedback; and

WHEREAS, on January 5, 2026, after notice and public hearing, the Planning and Zoning Commission considered the proposed amendments and recommended approval; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning ordinance be amended.

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

SECTION 1. That Section 2.4.2 “Residential Land Use Table” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add the following and the table shall be adjusted accordingly.

Under the “Civic uses” subsection, add “Cemetery” in alphabetical order and add a “P” to the chart under the “SP Site Plan S-P-1, S-P-2” column to indicate the use is allowed with approval of a S-P-2 Generalized Site Plan. In the column for Development Standards, add “3.22”.

SECTION 2. That Section 2.5.2 “Non-Residential Land Use Table” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add the following and the table shall be adjusted accordingly.

Under the “Civic uses” subsection, add “Cemetery” in alphabetical order and add a “P” to the chart under the “SP Site Plan only” column to indicate the use is allowed with approval of a S-P-2 Generalized Site Plan. In the column for Development Standards, add “3.22”.

SECTION 3. That Chapter 3 “Performance Standards for Selected Uses” of the City of Irving Unified Development Code is amended to create a new Section 3.22 “Cemeteries” that reads as follows:

3.22 Cemeteries

- 3.22.1 Applicability. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new cemeteries.
- 3.22.2 Minimum Standards
- a) *Platting required*. All new cemeteries shall be platted with frontage and access onto a public street.
 - b) *Minimum Lot Width*: 80 feet.
 - c) *Setbacks*.
 - 1. All internments, mausoleums, columbarium, principal buildings and accessory buildings shall be
 - a. A minimum of 50 feet from any public rights-of-way and
 - b. A minimum of 20 feet from any other property line.
 - 2. No internment, mausoleum, or columbarium shall be in any public or private easement.
 - 3. No internment, mausoleum, or columbarium shall be within 10 feet of any internal driveway or parking space.
 - d) *Height*. The maximum height of a principal or accessory building, mausoleum, or columbarium shall be as follows:
 - 1. Property adjacent to an “R” residential zoning district:
 - a. A maximum height of 25 feet as measured from the slab to the peak of roof.
 - b. An additional one (1) foot in height may be added for each additional one (1) foot of setback from an adjacent “R” residential zoning district, up to a maximum height of 35 feet.
 - 2. Property adjacent to any zoning district other than an “R” residential zoning district shall have a maximum height of 35 feet.
 - e) *Lot Area*. The minimum lot area for a new cemetery shall be twenty-five (25) acres.
 - f) *Fencing and Screening*. No fence or wall shall be between a public or private utility easement that runs parallel to a right-of-way and that public right-of-way.
 - g) *Accessory Buildings and Uses for Cemeteries*. The following shall be permitted as an accessory use or accessory building in a cemetery:
 - 1. Administration buildings
 - 2. Maintenance buildings
 - 3. Committal Shelter
 - 4. Caretaker residence

5. Funeral home

- h) *Lighting*. Lights shall be directed into the property and shielded from adjacent property, and shall project a maximum 1.0 foot-candle at any property line.

3.22.3 Parking and Driveways

- a) The funeral home, mortuary or similar structure shall meet the minimum parking requirements for “Funeral homes, mortuaries” in Section 4.4.3, “Off-Street Parking Requirements” of the Unified Development Code.

b) Internal Driveways

1. Internal driveways shall be designed as either:

- a. A one-way driveway with a passing lane, being a minimum 20 feet wide face-to-face of curb, or 24 feet wide edge-to-edge with no curb; or
- b. A two-way driveway being a minimum 24 feet wide, with or without curb.

2. Driveways shall be paved per the requirements of Section 4.4.6(b)

3.22.4 Application Requirements

- a) Any new cemetery, or expansion of an existing cemetery, shall require approval of an S-P-2 Site Plan in accordance with the procedures set forth in Section 1.12 Zoning Map Amendments (Rezoning) and Section 2.7.2 S-P-2 Site Plan (Generalized) in the Unified Development Code. In addition to the requirements in Section 2.7.4(b), the S-P-2 Site Plan shall also include a concept plan with the proposed locations of internal drives.
- b) The City may request any additional information from the applicant regarding the location, operation, long-term maintenance, and sustainability of the proposed cemetery.
- c) The application fee shall be the same as an application for any other S-P-2 Site Plan, per the latest Consolidated Fee Schedule as adopted by the City Council.
- d) The S-P-2 Site Plan may be approved by the City Council in accordance with the standards set forth herein if the City Council finds that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.

SECTION 4. That Section 9.3 “Definitions” of Chapter 9 of the City of Irving Unified Development Code is amended to add new definitions to read as follows. All definitions shall be renumbered to retain their alphabetical order.

Cemetery. A place that is used or intended to be used for interment of human remains, and includes a graveyard, burial park, mausoleum, or any other area containing one or more graves.

Columbarium. A durable, fireproof structure, or a room or other space in a durable, fireproof structure, containing niches and used or intended to be used to contain cremated human remains.

Mausoleum. A durable, fireproof structure used or intended to be used for entombment of human remains.

SECTION 5. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 6. Should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 7. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 8. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 9. That this ordinance shall take effect upon adoption and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on January 14, 2026.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney