



# Memorandum

**Date:** December 21, 2015  
**To:** Seguin City Council  
**From:** John Foreman, AICP, CNU-A  
 Assistant Director of Planning/Codes  
**RE:** Amendments to the Seguin Unified Development Code (UDC)

**Summary and Staff Recommendation**

During the recent zoning changes associated with the Unified Development Code, staff identified that “Cemetery” is not defined in the Land Use Matrix. Staff researched other cities’ regulations, state law, and cemetery locations in Seguin and recommends adding the following to the Land Use Matrix -

**Government and Community Facilities**

	A-R	RR	SR	R-1	DP-1	DP-2	ZL	MF 1,2,3	MR	MHP	NC	C	P	LI	I	DHD
<u>Existing Cemetery</u>	<u>P</u>	-	-	<u>P</u>	-	-	-	-	-	-	-	<u>P</u>	<u>P</u>	-	-	-

**Background**

Other cities in the area commonly allow cemeteries in public and agricultural districts and occasionally in residential and commercial districts. There is not a consistent pattern of regulation.

State law restricts the location of new cemeteries, by “an individual, corporation, partnership, firm, trust, or association” but allows for municipalities to create new cemeteries under certain conditions. Since state law is very specific on when and how new cemeteries may be created, staff recommends differing to these regulations for new cemeteries (Sec 711.008 and Sec 713 of the Health and Safety Code).

In order to determine appropriate zoning categories for the new “Existing Cemetery” use, staff researched cemetery locations in Seguin. The zoning categories identified below became the permitted districts in the Land Use Matrix. Staff also added the A-R zoning category because several cemeteries are located in the Extra-Territorial Jurisdiction, and A-R is a likely zoning category for these locations should they ever be annexed.

Cemetery	Location	Zoning
Santo Tomas	SH 46 south of Rudeloff	C
San Geronimo	1500 block E Walnut Dr.	P
Our Lady of Guadalupe	1900 block E Walnut Dr.	P
Vaughn	Prexy Dr.	R-1
Riverside	Klein and River	P
St. James	At western end of Krezdorn	P
King Ranger	1000 block E. Gonzales	C
San Juan, Dugger, Boecker, Ilka	ETJ	None

**Crematory, Columbarium, and Funeral Home**

In researching the above, staff found that these two related uses were added as allowable uses in the P, C, LI, and I zoning districts in 2005. However, the UDC contains the definitions for the terms but does not classify where they are allowed. The documents in the case file from 2005 identify these as uses related to funeral homes. Since funeral homes are currently a defined use in the Land Use Matrix, staff proposes modifying the definitions to clarify that a columbarium is allowed in association with a funeral home or cemetery, while a crematory is allowed in association with a funeral home. In addition, staff recommends changing funeral homes from permitted by right to requiring a Specific Use Permit in the Downtown Historic District to allow for additional review of traffic and other possible negative impacts on downtown.

27. **Columbarium.** A structure of vaults lined with recesses for cinerary urns operated as part of a cemetery, funeral home, or church.

35. **Crematory.** A furnace for cremating deceased humans or an establishment containing such a furnace operated as part of a funeral home.

**Retail/Services**

	A-R	RR	SR	R-1	DP-1	DP-2	ZL	MF 1,2,3	MR	MHP	NC	C	P	LI	I	DHD
Funeral Home	-	-	--	-	-	-	-	-	-	-	S	P	-	-	-	PS