



# City of San Antonio

## Agenda Memorandum

**File Number:**  
**{{item.tracking\_number}}**

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**Agenda Item Number:** 3

**Agenda Date:** January 23, 2025

**In Control:** Planning and Community Development Committee

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Briefing and possible action on existing rules and regulations for new cemeteries within the City of San Antonio and other Texas cities.

**SUMMARY:**

Briefing and possible action on existing rules and regulations for new cemeteries within the City of San Antonio and other Texas cities.

**BACKGROUND INFORMATION:**

The State of Texas adopts rules and regulations related to cemeteries in the Health and Safety Code, Title 8, (Death and Disposition of the Body), Subtitle C (Cemeteries and Crematories). For many years, new cemeteries were not allowed to be established within a certain distance of a city, based on its population. For cities with populations larger than 200,000 people, cemeteries were not authorized to be established within five (5) miles of the city limits (Texas Health and Safety Code 711.008). HB 783, signed by the Governor on June 12, 2023, and effective September 1,

2023, removed this prohibition and enabled applications to be submitted to cities requesting the establishment of new cemeteries within their city limits. HB 783 specifically provided that cities could determine the information necessary for the application, and required a finding that the new cemetery would not adversely affect public health, safety, or welfare.

At the time the law was passed, San Antonio already had a zoning process adopted in the UDC related to cemeteries within City limits. Municipal regulations for cemeteries first appeared in the Unified Development Code upon the adoption of the 1965 UDC. The ordinance authorized new cemeteries only when City Council approved a “CC” City Council Approval (known today as an “S” Specific Use Authorization). City Council could approve this special zoning designation in all residential districts, the office district, and all commercial districts except for the downtown area. Upon adoption of the 2001 UDC, similar regulations carried over. Council today may approve an “S” Specific Use Authorization for a cemetery in most single-family zoning districts and the “MF-18” Limited Density Multi-Family District, as well as in all commercial districts.

The City of San Antonio also requires that new cemeteries be platted in accordance with local standards. The State of Texas also requires that cemeteries record a “Cemetery Map or Plat” in the County records to register the use of the land as a cemetery.

Most other major Texas cities have similar regulations, as summarized in the chart below.

| New Cemeteries in Texas Cities |          |                 |   |                            |
|--------------------------------|----------|-----------------|---|----------------------------|
| City                           | Allowed? | Zoning Required | Cemetery Map or Plat Required (State Law) | Subdivision Plat Required? |
| San Antonio                    | Yes      | Yes             | Yes                                       | Yes                        |
| Austin                         | Yes      | Yes             | Yes                                       | Yes                        |
| Dallas                         | Yes      | Yes             | Yes                                       | Yes                        |
| El Paso                        | Yes      | Yes             | Yes                                       | Yes                        |
| Houston                        | No       | N/A             | N/A                                       | N/A                        |

#### **ISSUE:**

This item is for briefing purposes only.

#### **FISCAL IMPACT:**

There is no fiscal impact.

#### **ALTERNATIVES:**

This item is for briefing purposes only.

**RECOMMENDATION:**

This item is for briefing purposes only.