



**APPOMATTOX COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

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MEMORANDUM

To: Board of Supervisors

**From: Johnnie Roark
Director of Community Development**

**RE: Proposed Amendments to the Zoning Ordinance
Cemetery**

Date: October 17, 2016

Earlier this year, it became obvious that in the re-write of the Zoning Ordinance in 2014, the land use category “cemetery” was erroneously moved to the conditional use list in most zoning districts and the definition was narrowed down to a definition that was too rigid for our community. The Planning Commission started looking at this issue several months ago at the request of staff.

After reviewing several nearby communities’ zoning ordinance, the definition of “cemetery” was split into two terms (a) family or church cemetery and (b) private, association, or for-profit cemetery. The way each of these situations is handled is different and the impacts of each are different, so the splitting of the definition allows staff to tailor the zoning ordinance use classification depending on the zoning district. You will see that a family/church cemetery is considered a permitted use in A-1, R-1, R-2, R-3, V-1 and B-1, while the private/association/for-profit cemetery is a conditional use in A-1, R-1, R-2, R-3, and V-1. It becomes a permitted use in the B-1.

Also, for all cemeteries, some additional regulations are proposed in order to provide consistency throughout the county. In recent years, staff has requested cemetery lots be platted, but have not been able to follow-up on them because the authority does not currently exist in either the zoning or subdivision code. The platting of the cemetery provides for good land use management, record keeping and provides a record foundation for the Commissioner of Revenue.

The Planning Commission held a public hearing at its September meeting and voted unanimously to recommend approval of the proposed amendments.

Below you will find a summary of the proposed amendments to the Zoning Ordinance.

ADD the following terms to the Definitions section:

CEMETERY, FAMILY OR CHURCH -A family, individual, or church owned place for the final disposition of human remains.

CEMETERY, PRIVATE, ASSOCIATION, OR FOR-PROFIT- A privately owned and/or operated place for storage of human remains where lots or storage places may be sold and perpetual care is furnished.

DELETE the following term from the Definitions section:

CEMETERY A privately or church owned and / or operated place of burial of the dead, where lots may be sold and perpetual care of the graves may be furnished.

The following changes are proposed to Zoning District Classifications:

ADD: "Cemetery, Family or Church" to PERMITTED USE LIST in A-1, Agricultural

ADD: "Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in A-1, Agricultural

ADD: "Cemetery, Family or Church" to PERMITTED USE LIST in R-1, Low-Density Residential

ADD: "Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in R-1, Low-Density Residential

ADD: "Cemetery, Family or Church" to PERMITTED USE LIST in R-2, Medium-Density Residential

ADD: "Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in R-2, Medium-Density Residential

ADD: "Cemetery, Family or Church" to PERMITTED USE LIST in R-3, High-Density Residential

ADD: "Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in R-3, High-Density Residential

ADD: "Cemetery, Family or Church" to PERMITTED USE LIST in V-1, Village Center

ADD: "Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in V-1, Village Center

ADD: "Cemetery, Family or Church", and "Cemetery, Private, Association, or For-Profit to PERMITTED USE LIST in B-1, General Business

DELETE: "CEMETERY" from each of the aforementioned zoning district classifications.

The following proposed amendment to Additional Regulations section:

ADD: Section 19.6-87.2 Cemetery, Family or Church and Cemetery, Private, Association, or For-Profit

1. The location of any new cemetery shall be sufficiently documented by a land survey, recorded in the office of the Clerk of the Circuit Court, so as to inform prospective and future property owners of the presence and location of such cemetery.
2. The minimum lot size for a cemetery lot shall be one-half acre. No road frontage shall be required for lots designated on a survey as a "cemetery lot".
3. An easement for ingress/egress shall be provided on the survey at a minimum width of 20 feet.
4. Interment must be a minimum of 5 feet from the boundary of the lot and the lot must be a minimum of 100 feet from any active well.