

**AN ORDINANCE TO AMEND ARTICLE 4, GENERAL PROVISIONS, OF THE CITY OF
SANDY SPRINGS ZONING ORDINANCE**

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Zoning Ordinance to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that it is necessary to further clarify the regulations regarding the general protection of cemeteries under the Cemetery Protection ordinance; and

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

1.

Chapter 4, *General Provisions*, Section 4.14, *Cemetery Protection*, of the City of Sandy Springs Zoning Ordinance is hereby amended by deleting the existing Section 4.14 in its entirety and inserting the following:

4.14 CEMETERY PROTECTION

A. Definitions. As used in this section, the term:

- (1) "Archeologist" means any person who is a member of or meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves.
- (2) "Burial ground" means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.
- (3) "Burial object" means any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. Such term also means any inscribed or uninscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.
- (4) "Cemetery" means any land or structure in the City of Sandy Springs dedicated to and used for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

- (5) "Human remains" means the bodies of deceased human beings in any stage of decomposition, including cremated remains.
- B. Cemetery Protection. For any parcel containing, or adjacent to, a parcel containing a cemetery, burial ground, human remains or burial object(s), there shall be no land disturbing activity or timbering for the purposes of re-developing or changing the use of any part of such land unless approved by the City of Sandy Springs Department of Community Development. Where required by law, the person or entity seeking a permit shall also comply with the provisions of O.C.G.A. § 36-72-1, et seq.
- C. Exemption. A cemetery or burial ground that is owned, operated and used by a church, temple or place of worship shall be exempt from the provisions of this section.
- D. Development Standards. The following development standards shall be required as a part of the application process for a Land Disturbance Permit or Building Permit on any parcel described above; provided, however, that any parcel adjacent to a cemetery or burial ground shall only be required to meet standards C, D, and E below.
- (1) A report prepared by an archeologist determining the boundary of the cemetery or burial ground and stating the number of graves believed to be present and their location as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes.
 - (2) A survey of the cemetery prepared by or under the direction of a registered surveyor showing the location of the boundaries of the cemetery or burial ground based on an archeologist's report.
 - (3) A 25-foot natural undisturbed buffer shall be provided around the perimeter of the outmost burials, as determined by an archeologist, if a cemetery or burial ground is located on the parcel of land to be developed. If a cemetery or burial ground is adjacent to the parcel to be developed, a 25-foot natural undisturbed buffer shall be provided inside the common property lines upon the parcel where the Land Disturbance Permit or Building Permit is being sought.
 - (4) A temporary tree protection fence shall be installed on the outer perimeter of the 25-foot natural undisturbed buffer before any land disturbing activity occurs. If the cemetery or burial ground is located on an adjacent parcel, the tree protection fence shall be installed on the outer perimeter of the 25-foot natural undisturbed buffer before any land disturbing activity occurs. The temporary tree protection fence shall remain in place until construction is completed.
 - (5) A permanent 6-foot high fence or wall with a gate shall be constructed along the perimeter of a cemetery or burial ground on a parcel for which land disturbing activity is sought. The fence shall be constructed of a durable metal material. At minimum, the fence shall be black vinyl-clad chain-link. Uncoated chain-link fence is prohibited. The location of the fence shall be as

determined by an archaeologist. If the cemetery or burial ground is located on an adjacent parcel, the fence shall be located either along the outside border of the 25-foot natural undisturbed buffer or along the common property line(s) as may be approved by the Sandy Springs Arborist, to avoid damage or removal of existing trees. The fence gate shall have a latch and be 4 feet wide if the cemetery or burial ground is inactive, or 10 feet wide if active.

- (6) Uninhibited daylight access to the cemetery or burial ground shall be provided via a 20-foot easement to provide ingress and egress to the cemetery or burial ground, subject to the approval of the Sandy Springs Director of Community Development, which shall be recorded with the Clerk's Office of the Superior Court of Fulton County.
- (7) A maintenance plan for a cemetery, burial ground, or buffer located on the parcel for which a Land Disturbance Permit or Building Permit is sought shall be developed and implemented. Said maintenance plan shall be continued in perpetuity by the owner, developer, or homeowners association of the proposed development.
- (8) The location of a cemetery or burial ground, as identified by the surveyor, shall be included on the recorded plat.
- (9) A small plaque or marker with the name of the cemetery or burial ground, range of burials and any other historical information may be placed on the cemetery or burial ground fence.

Figure 4.14.1 – Option A: Cemetery Adjacent to a Disturbed Parcel

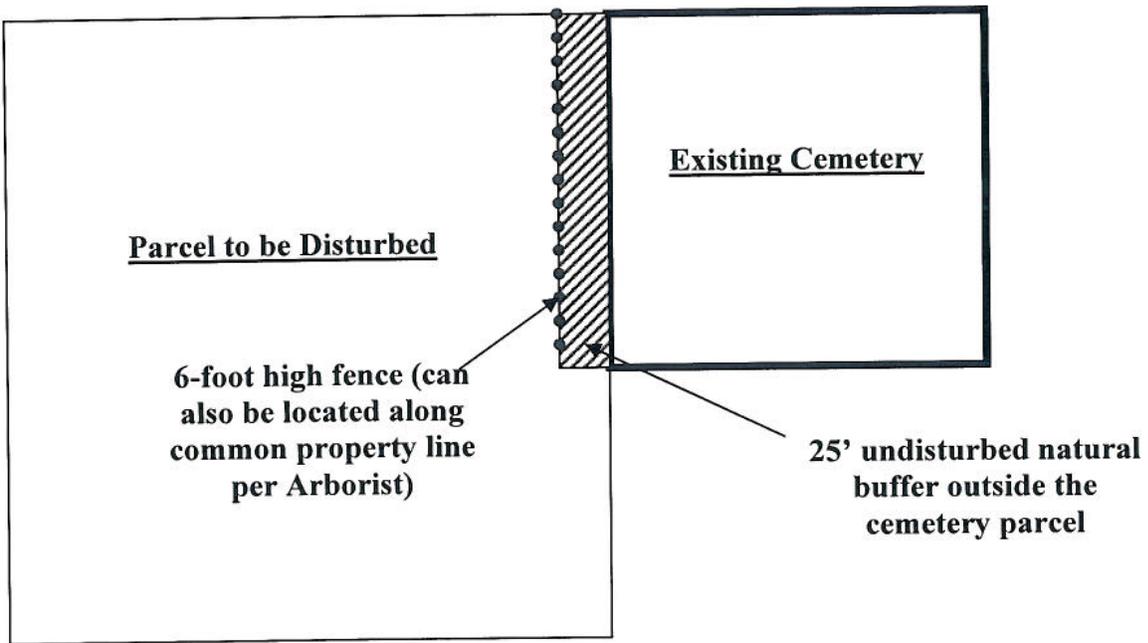


Figure 4.14.2 – Option B – Cemetery Inside the Disturbed Parcel

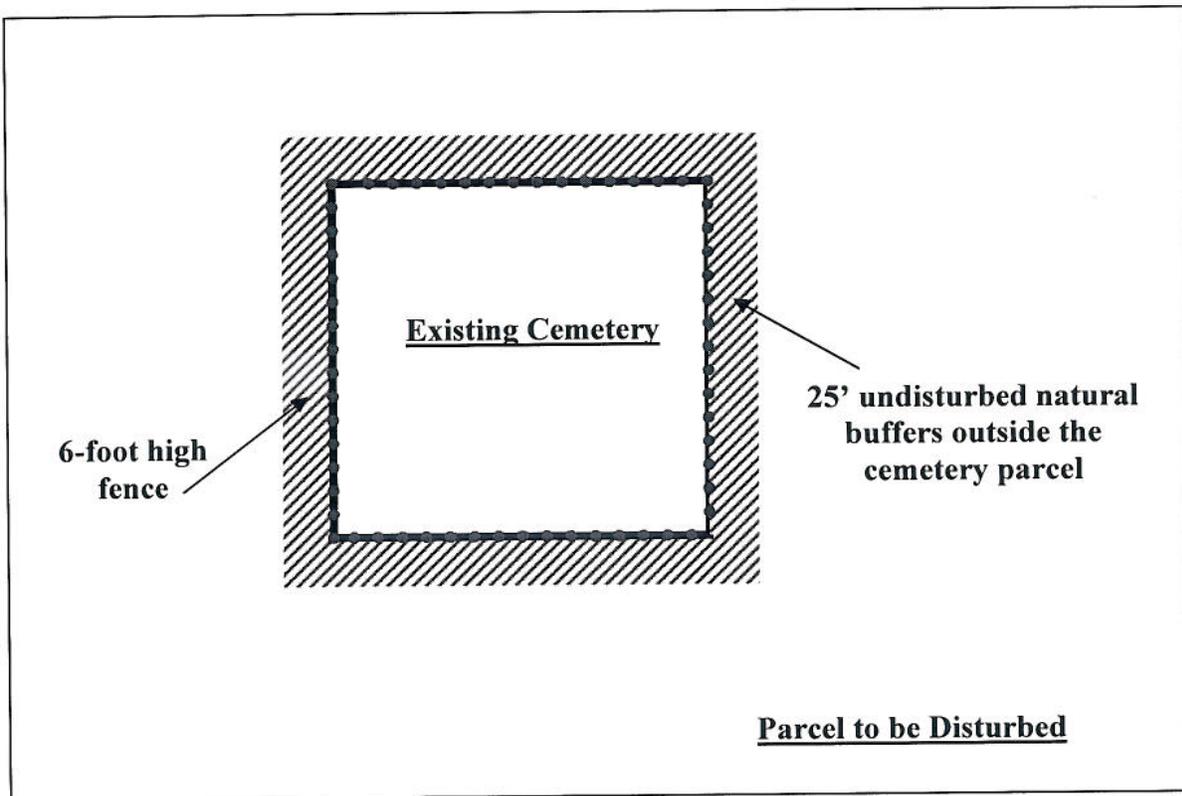
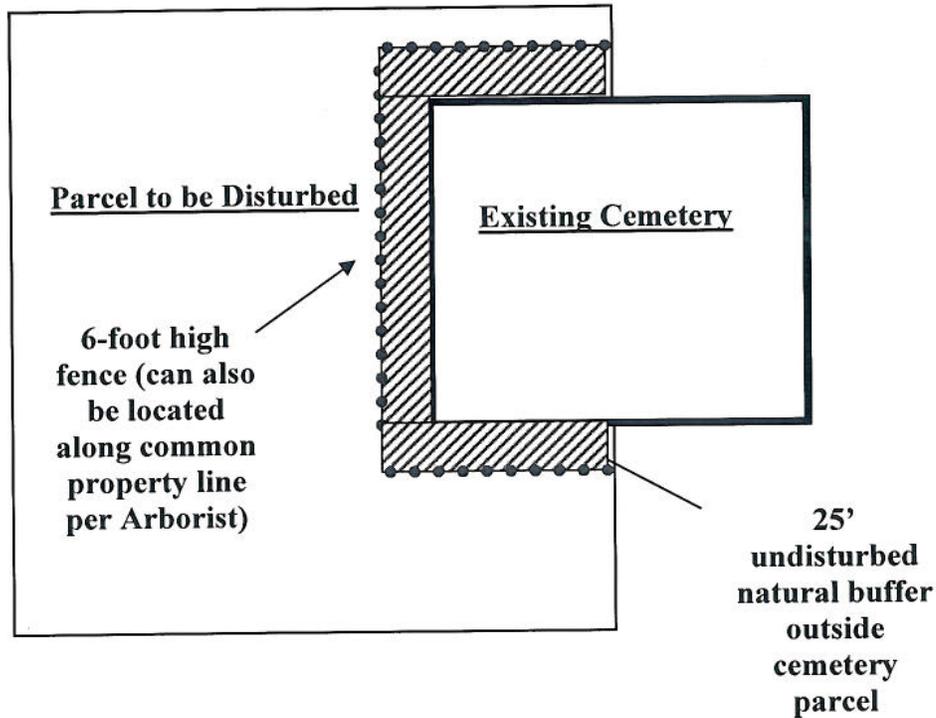


Figure 4.14.3 – Option C – Cemetery Adjacent to a Disturbed Parcel



3.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

4.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

5.

Repeal of Conflicting Provisions. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

6.

This Ordinance is effective April 15, 2008; and

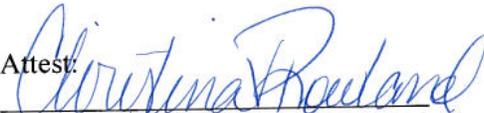
ORDAINED this the 15th day of April, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Christina Rowland, City Clerk
(Seal)

