

STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO PART II, APPENDIX C, ARTICLE III, SECTION 3.6
OF THE EFFINGHAM COUNTY CODE OF ORDINANCES

AN ORDINANCE TO AMEND PART II, APPENDIX C, ARTICLE III, SECTION 3.6 OF THE EFFINGHAM COUNTY CODE OF ORDINANCES; TO PROVIDE FOR FAMILY CEMETERIES; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

SECTION 3.6 – FAMILY CEMETERIES

(A) Purpose and Intent

The purpose of this section is to permit the establishment of limited, noncommercial family cemeteries on private property in a manner that is compatible with agricultural and residential land uses, protects adjoining properties, and ensures compliance with applicable provisions of state law.

(B) Applicability

1. A family cemetery may be established only on a conforming parcel zoned AR-1 Agricultural-Residential that contains a minimum of five (5) acres, and only upon approval of a Conditional Use Permit in accordance with this Appendix.
2. Approval of a family cemetery shall be determined by the Board of Commissioners, following County review and recommendation, in accordance with the County's conditional use procedures.
3. A family cemetery shall be noncommercial in nature and shall comply with all requirements of this section as conditions of approval.
4. The parcel on which a family cemetery is approved shall remain a conforming AR-1 parcel containing a minimum of five (5) acres for so long as the family cemetery exists. No subdivision, boundary line adjustment, or other action shall be permitted that would reduce the parcel below the minimum acreage required by this section or otherwise render the parcel nonconforming.

(C) Definitions

For purposes of this section, the following definitions shall apply:

Family Cemetery - A burial ground located on private property that is established and maintained solely for the interment of members of a single family or related families by blood, marriage, or adoption; that is noncommercial in nature; that is not open to the general public for burial purposes; and that is permitted only in accordance with the standards of this Appendix.

Delineated Cemetery Boundary Survey - A land survey prepared and certified by a Georgia-licensed professional land surveyor that identifies and depicts the location and boundaries of a family cemetery on a parcel of land for purposes of compliance with this Appendix, recordation, and enforcement.

(D) Development and Recordation Standards

A family cemetery shall comply with the following minimum development and recordation standards:

1. Delineated Cemetery Boundary Survey.

Prior to any interment, the property owner shall cause a delineated cemetery boundary survey to be prepared and certified by a Georgia-licensed land surveyor. The survey shall, at a minimum:

- Delineate the boundaries of the family cemetery by metes and bounds and clearly show the cemetery area as a distinct, labeled tract;
- Depict and label the applicable setback lines and/or distances necessary to demonstrate compliance with subsection (D)(3), including distances to property lines, existing dwellings or structures located on the subject parcel (if present), and wells, streams, ponds, or other water bodies (if present);
- Identify the location and type of the required buffer and/or four (4) foot fence or wall;
- Show the location of all existing and proposed utilities and utility features serving or affecting the cemetery area, including septic systems and known underground utilities;
- Depict the required minimum sixty (60) foot wide access and drainage easement; and
- Be sufficient to demonstrate compliance with the applicable standards of this subsection.

2. Maximum Number of Burial Plots.

A family cemetery shall contain **no more than eight (8) burial plots, unless otherwise approved by the Board of Commissioners** as part of the Conditional Use Permit. The Board of Commissioners may approve a lesser or greater number of burial plots based upon site conditions, compatibility with surrounding uses, and compliance with the intent of this section.

3. Setbacks.

Burial plots shall be located a minimum of one hundred fifty (150) feet from:

- a) Any property line;
- b) Any existing dwelling or structure located on the subject parcel; and
- c) Any well, stream, pond, or other water body.

4. Buffers and Fencing.

The cemetery area shall be screened from adjoining properties by existing vegetation, supplemental landscaping, or a four (4) foot fence or wall, sufficient to minimize visual impacts.

5. Access and Easement.

The cemetery shall have safe and legal access from a public or private road and shall provide a minimum sixty (60) foot wide access and drainage easement to the cemetery area.

6. Recordation, Deed Notice, and Continued Conformance

- a) The delineated cemetery boundary survey shall be recorded with the Effingham County Clerk of Superior Court prior to any burial activity.
- b) The recorded survey shall include a statement that:
 1. The area shown is designated as a family cemetery;
 2. The cemetery is noncommercial in nature;
 3. The designation shall run with the land and shall not be extinguished by sale, transfer, or conveyance of the property; and
 4. The parcel shall remain a conforming AR-1 parcel containing a minimum of five (5) acres for so long as the family cemetery exists.
- c) Following recordation of the delineated cemetery boundary survey, the property owner shall cause the deed to the property to be updated, revised, or re-recorded, as applicable, so as to reference and incorporate the recorded cemetery survey and its description. The deed shall reflect the existence and location of the family cemetery and shall reference the recorded plat or survey by book and page.
- d) No subdivision, boundary line adjustment, or other action shall be permitted that would reduce the parcel below the minimum acreage required by this section or otherwise eliminate or impair the recorded family cemetery designation.

7. Burial Depth and Interment Standards

a) Minimum Burial Depth.

Each burial shall be placed at a depth of not less than four (4) feet, measured from the natural ground surface to the top of the burial container. A burial depth of six (6) feet is preferred, where site conditions reasonably allow. This requirement is adopted pursuant to the County's zoning and land-use authority and is not intended to regulate the handling, preparation, or disposition of human remains, which shall remain subject to applicable provisions of Georgia law.

b) Casket Requirement.

At a minimum, all human remains shall be interred within a casket or coffin.

c) Vaults and Ground Liners.

Burial vaults and ground liners are not required by Georgia law for family cemeteries. Such vaults and liners are commonly utilized in registered cemeteries to protect burial sites from heavy equipment used in cemetery operations and to reduce the likelihood of ground subsidence or collapse of the casket due to deterioration; however, their use shall be optional for family cemeteries permitted under this section.

(E) Prohibited Activities

1. No family cemetery shall be used for commercial purposes, including but not limited to the sale of burial plots or burial services.
2. No mausoleums, crematories, or columbaria shall be permitted within a family cemetery.

(F) Compliance with State Law

All family cemeteries shall comply with all applicable provisions of Georgia law relating to burial sites, cemetery protection, and the disturbance of human remains.

(G) Enforcement

Failure to comply with the provisions of this section shall constitute a violation of this Appendix and shall be subject to enforcement and penalties as provided herein.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ____ day of _____ 20__.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA

FIRST READING: _____

BY: _____
DAMON RAHN, CHAIRMAN

SECOND READING: _____

ATTEST:

STEPHANIE JOHNSON
EFFINGHAM COUNTY CLERK