

**PETITION TO AMEND THE FULTON COUNTY ZONING RESOLUTION**

**2005Z – 0105**

---

***COMMUNITY ZONING BOARD PUBLIC HEARINGS***

***October 18, 2005 (SOUTH) - DEFERRED FOR THIRTY (30) DAYS***

***November 15, 2005 (NORTH) - APPROVAL***

---

***BOARD OF COMMISSIONERS PUBLIC HEARING***

***December 7, 2005 – DEFERRED UNTIL FEBRUARY 1, 2006***

***February 1, 2006 - APPROVED***

---

***STAFF  
RECOMMENDATION***

***DEFERRAL FOR SIXTY (60) DAYS***

---

**PROPOSED AMENDMENTS**

Part 1 - To amend Article 34, Section 34.7, of the Zoning Resolution to add standards for the protection of cemeteries.

Part 1

- 34.7. **CEMETERIES.** In a parcel with a cemetery, burial ground, human remains or burial object(s), there shall be no land disturbing activity or timbering unless approved by the Department of Environment and Community Development. The person or entity seeking a permit shall also comply with O.C.G.A. 36-72-4. If a parcel is adjacent to a cemetery, there shall be no land disturbance in that parcel unless approved by the Department of Environment and Community Development.

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 with a cemetery or on any parcel adjacent to a cemetery:

- A. A report prepared by an archeologist determining the boundary of the cemetery 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.
- B. 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.
- C. A 25-foot natural undisturbed buffer with a 10-foot improvement setback shall be provided around the perimeter of the outermost burials, as determined by an archeologist, if a cemetery is located on the parcel of land to be developed. If a cemetery is adjacent to the parcel to be developed, a 25-foot natural undisturbed buffer with a 10-foot improvement setback shall be provided along common property lines on the parcel where the Land Disturbance Permit or Building Permit is being sought.
- D. A temporary tree protection fence shall be installed on the outer perimeter of the 25-foot undisturbed buffer before any land disturbing activity occurs. If the cemetery is located on an adjacent parcel, the tree protection fence shall be located along common property lines. The temporary tree protection fence shall remain in place until construction is completed.
- E. A permanent 6-foot high fence or wall with a gate shall be constructed along the perimeter of a cemetery on a parcel for which land disturbing activity is sought. The fence shall be constructed of a durable metal material. At minimum 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 is located on an adjacent parcel, the fence shall be located interior to the required buffer and improvement setback or along the common property line(s) as may be approved by the Fulton County Arborist. The gate shall have a latch and be 4

feet wide if the cemetery is inactive or 10 feet wide if active.

- F. Uninhibited daylight access to the cemetery shall be provided via a 20-foot graveled easement to the cemetery from the nearest public road. The easement shall be recorded in the Fulton County Courthouse.
- G. A maintenance plan for a cemetery located on the parcel for which a Land Disturbance Permit or Building Permit is sought shall be developed and implemented.
- H. The location of a cemetery, as identified by the surveyor, shall be included on the recorded plat.
- I. A small plaque/marker with the name of the cemetery, range of burials and any other historical information may be placed on the cemetery fence.