

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: June 15, 2005

SUBJECT: Cemeteries and Land Use Regulations

ATTACHMENTS: 1. Table of Cemetery Identification and Protection Regulations in Select Communities

SUMMARY OF REQUEST:

At its May 18, 2005 meeting, the Board of Commissioners asked that staff research how Henderson County might be able to incorporate methods to preserve and protect cemeteries through land use regulations such as the Zoning and Subdivision Ordinances.

Planning staff contacted a sample group of local governments in North Carolina in order to learn if any of them had land use ordinance language pertaining to cemeteries. The attached table, which summarizes the results of staff's informal survey, shows that identification of cemeteries on subdivision plans and plats was the most common standard found in subdivision ordinances. The subdivision regulations for the City of Durham/Durham County go further in that they require easements or road frontage be provided for access to non-commercial cemeteries. None of the local governments contacted had, in their subdivision or zoning ordinances, specific requirements for the protection of cemeteries, for permanent on-site identification of cemeteries or for providing buffers around cemeteries.

If the Board is interested in requiring subdivision applicants to identify cemeteries on plans and plats, for example, the Planning Board could review language that could easily be added to the requirements for plans and plats in the appendices of the Subdivision Ordinance. Revisions to the appendices of the Subdivision Ordinance do not require a public hearing or action by the Board of Commissioners, rather they only require action by the Planning Board.

Changes to the Zoning Ordinance or to the text of the Subdivision Ordinance (other than the appendices) would require a recommendation from the Planning Board, a public hearing and action by the Board of Commissioners. The Board of Commissioners could consider asking the Planning Board to make recommendations for amendments to the Zoning and/or Subdivision Ordinance that would, at a minimum, require cemeteries to be identified on plan submittals for subdivisions and/or for conditional and special use permit applications. Staff could also do additional research on this subject and provide more information to the Planning Board.

COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:

I recommend that the Board of Commissioners direct the Planning Board to take steps to require that cemeteries be identified on subdivision plans and plats and that it also look at whether other amendments may be needed to the Subdivision Ordinance and Zoning Ordinance related to cemeteries.

Cemetery Identification and Protection Regulations in Select North Carolina Communities, by Government and Ordinance Type

Government	Subdivision						Zoning		
	Cemetery and Associated Easement Identification on Sketch Plan	Cemetery Identification on Preliminary Plat	Cemetery Identification on Final Plat	Easements for Cemetery Access Required	Permanent on Site Identification by Property Owner Required	Protection by Property Owner or Other Entity Required	Cemetery Delineation Required	Permanent on Site Identification by Property Owner Required	Protection by Property Owner or Other Entity Required
County									
Buncombe	-	√	√	-	-	-	-	-	-
Haywood ⁱ	-	√	√	-	-	-	-	-	-
Orange	-	√	√	-	-	-	-	-	-
Polk ⁱⁱ	-	-	-	-	-	-	-	-	-
Rutherford ⁱⁱⁱ	-	-	-	-	-	-	-	-	-
Transylvania ^{iv}	-	√	√	-	-	-	-	-	-
Wake	-	-	-	-	-	-	-	-	-
Joint									
Durham City/County	√	√	√	√	-	-	-	-	-
New Hanover/Wilmington	-	-	-	-	-	-	√	-	-
Winston-Salem/Forsyth	-	-	-	-	-	-	-	-	-
Municipality									
Asheville	-	-	-	-	-	-	-	-	-
Fletcher	-	-	-	-	-	-	-	-	-
Hendersonville	-	-	-	-	-	-	-	-	-

ⁱ Haywood County has no Zoning Ordinance.

ⁱⁱ Cemetery identification on plat submittals is indicated in Polk County's Draft Subdivision Ordinance.

ⁱⁱⁱ Rutherford County has no Zoning Ordinance.

^{iv} Transylvania County has no Zoning Ordinance.