

MOTION: LAWSON

December 11, 2018

SECOND: CADDIGAN

Regular Meeting

Ord. No. 18-58

**RE: ZONING TEXT AMENDMENT #DPA2018-00021, CEMETERY
BUFFERS – COUNTYWIDE**

ACTION: APPROVED

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Prince William Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, convenience, general welfare, and good zoning practice necessitate such change; and

WHEREAS, in December 2004, the Prince William Board of County Supervisors adopted County Code Section 32-250.110, Preservation of Existing Cemeteries, so that cemeteries would be protected from the encroachment of new development and properly preserved; and

WHEREAS, Section 32-250.110(4) requires a twenty-five-foot buffer area around existing cemeteries; and

WHEREAS, the buffer area requirements can make it difficult to expand a building or parking lot on smaller parcels of land containing both a religious institution and a cemetery; and

WHEREAS, on April 17, 2018, Supervisor Jenkins, by Directive 18-31, directed staff to prepare for the Prince William Board of County Supervisors' consideration, a Zoning Text Amendment initiation to address cemetery buffers for religious institutions; and

WHEREAS, on May 15, 2018, staff recommended modification of Section 32-250.110 of the Zoning Ordinance and Section 800 of the Design and Construction Standards Manual (DCSM) to provide flexibility for existing conditions on religious institution properties and non-religious institution properties; and reorganization of Section 32-250.110 of the Zoning Ordinance to improve flow and clarification of requirements therein; and

WHEREAS, on May 15, 2018, the Prince William Board of County Supervisors initiated Zoning Text Amendment #DPA2018-00021, Cemetery Buffers to amend Section 32-250.110 of the Zoning Ordinance and to Section 800 of the DCSM; and

WHEREAS, on July 19, 2018, the Planning Office held a public information meeting and no changes were requested by members of the public to the proposed amendments; and

December 11, 2018
Regular Meeting
Ord. No. 18-58
Page Two

WHEREAS, on July 25, 2018, the proposed Zoning Text and DCSM Amendments were presented to the Planning Commission for discussion during a Work Session; and

WHEREAS, on August 31, 2018, the Development Ordinance Review Advisory Committee (DORAC) reviewed the proposed Zoning Text and DCSM Amendments and staff revised the proposed text based on input received and DORAC recommended approval; and

WHEREAS, on October 9, 2018, the Historical Commission reviewed the proposed Zoning Text and DCSM Amendments and staff revised the proposed text based on input received; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on November 7, 2018, recommended approval of the proposed Zoning Text and DCSM Amendments with the item remaining on the expedited agenda; and

WHEREAS, County staff recommends adoption of these amendments; and

WHEREAS, the Prince William Board of County Supervisors duly ordered, advertised, and held a public hearing on December 11, 2018, at which time public testimony was received and the merits of the proposed amendments were considered; and

WHEREAS, the Prince William Board of County Supervisors finds that amending the DCSM is required by public necessity, health, safety, convenience, general welfare, and good zoning practice; and

WHEREAS, the Prince William Board of County Supervisors finds that amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare, and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann.;

December 11, 2018
Regular Meeting
Ord. No. 18-58
Page Three

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors hereby adopts Zoning Text Amendment #DPA2018-00021, Cemetery Buffers including, but not limited, to the attached amendments to Design and Constructions Standards Manual Section 800.

ATTACHMENT: Zoning Text and Design and Constructions Standards Manual Amendments

Votes:

Ayes: Anderson, Caddigan, Candland, Lawson, Nohe, Principi

Nays: None

Absent from Vote: Stewart

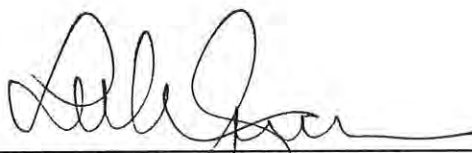
Absent from Meeting: Jenkins

For information:

Planning Director

County Attorney

ATTEST: _____



Acting Clerk to the Board

PROPOSED AMENDMENTS

ARTICLE I. TERMS DEFINED

PART 100. DEFINITIONS

Cemetery: Cemetery shall mean any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on the grounds of a religious institution or their placement in a columbarium on the property of a religious institution shall not constitute the creation of a cemetery. Cemetery means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on religious institution grounds or their placement in a columbarium on religious institution property shall not constitute the creation of a cemetery.

Cemetery Preservation Area: A strip of undisturbed land surrounding a cemetery, beginning at the edge of the archaeologically defined limits of burials and graves and extending outward a minimum of 25 feet.

Archaeological Cemetery Delineation: Archaeology conducted, under the direction of a Principal Investigator for the purpose defining the horizontal extent of human burials, so a cemetery can be fenced, and platted as a separate parcel or made subject to a permanent easement.

Proposed Amendment

Section 32-250.110. Preservation of Existing Cemeteries.

- A. All cemeteries shall be subject to the following requirements:
1. In order to preserve existing cemeteries, parcels containing cemeteries that are not separately platted or established by an easement within the boundaries of such parcels or not otherwise clearly delineated with limits of burials, shall be required at the time of site or subdivision plan review to have a professionally prepared archeological delineation of the limits of burials within the cemetery. The delineation shall be conducted in accordance with standard archaeological practices, such as, but not limited to, the digging of a series of shallow trenches around the perimeter of the visible areas of the cemetery and removing topsoil to allow a view of grave shaft soil discolorations or systematic probing with rods that detect differences in soil compaction. Soil removed during the delineation process shall be replaced within 30 days of its removal in a manner that shall not disturb the identified burials. Any associated vegetation shall be replaced in a manner that shall not disturb the identified burials. ~~The limits of burials shall be used to establish the perimeter boundary of the cemetery on the site plan or subdivision plat and plan.~~
 2. The limits of burials shall be used to establish the perimeter boundary of the cemetery. The boundary of a cemetery shall be indicated on the site plan or subdivision plat and plan as determined by the archeological delineation. ~~The cemetery and associated buffer area as required by subsection 4. below shall be indicated as an easement or as a separate cemetery parcel that can be conveyed to an appropriate entity that would be responsible for perpetual maintenance of the cemetery.~~
 3. ~~Pedestrian access to the cemetery shall be provided on the site plan or subdivision plat and plan either with a minimum of 15 feet of frontage on a street or as an easement that shall be a minimum of 15 feet wide from a street or other point of public ingress.~~
 - 3 4. A minimum of a twenty-five (25)-foot wide buffer cemetery preservation area shall be established around the perimeter of the cemetery and indicated on the site plan or subdivision plat and plan. The cemetery and associated cemetery preservation area shall be shown as a permanent easement or as a separate cemetery parcel that can be conveyed to an appropriate entity that shall be responsible for the perpetual maintenance of the cemetery, as delineated per subsection 1. above, and shall be planted in accordance with section 800 of the Design and Construction Standards Manual.
 - 4 The cemetery preservation area shall be managed in a natural setting that maintains sight lines into the cemetery. At a minimum, management consists of the following: selective pruning to maintain unobstructed sight lines; removal of poisonous plants by hand; planting of native or historical ground covers, including grasses and periwinkle; and provision of safe and adequate pedestrian access to the cemetery from the nearest right-of-way or other public access point.

- 5 The cemetery preservation area shall not include any platted utility easement.
- 6 3. Pedestrian access to the cemetery shall be provided on the site plan or subdivision plat and plan either with a minimum of fifteen (15) feet of frontage on a street or as an easement that shall be a minimum of fifteen (15) feet wide from a street or other point of public ingress.
- 7 5. A cemetery fence as defined in Section 810.16 of the Design and Construction Standards Manual between three and four feet tall shall be placed around the boundary of the cemetery as established delineated-per subsection 4-2 above of this section, and shall not be opaque. The fence shall be located on the interior edge of the buffer cemetery preservation area and shall not be located within the buffer cemetery preservation area.
- 8 6. The cemetery grounds, fence, and buffer cemetery preservation area shall be maintained and the responsibility for maintenance shall be established and reflected by a note on the applicable with the site plan or subdivision plat and plan. The party responsible for maintenance shall be indicated as one of the following:
- (a) owner of the property on which the cemetery is delineated;
 - (b) ~~the homeowner association, in the case where an~~ homeowner association is established and the cemetery is created as a separate out-lot, easement, or part of the common open space within a subdivision; or
 - (c) other applicable association or entity, such as a business association, trust, or foundation.
- 9 7. Any grading shall occur outside the ~~twenty-five (25) foot wide perimeter buffer~~ cemetery preservation area. In no circumstance shall such grading be sloped more than three (3) to one (1) from the existing grade of the cemetery for a distance of fifty (50) feet beyond the buffer cemetery preservation area. If the existing grade is greater than 3 to 1, it shall not be made greater.
- 10 8. Subsections 1 through 6 ~~8~~, above of this section, shall not preclude removal and re-interment of burials in accordance with the Code of Virginia.
- 11 Modification of the Required Cemetery Preservation Area and Fence
- (a) An applicant may request a modification to the required cemetery preservation area under the following conditions:
 - (1) An existing non-conforming structure, as defined in the zoning ordinance, encroaches into a portion of the cemetery preservation area;
or
 - (2) An existing right-of-way or existing utility easement accommodating an underground utility passes through the cemetery preservation area.

- (b) An applicant may request a modification to the fence required in subsection 7 of this section to approve an existing fence.
- (c) Modifications requested under subsections 11(a)(1) and (2) and 11(b) of this section shall be forwarded to the Prince William County Planning Director, or their designee, who shall have thirty (30) days from receipt of such modification request to notify the applicant in writing that the modification was determined to meet or not meet the conditions above. This time period shall not include any period of time a modification request is deferred at the request of the applicant or the Planning Director, or designee, has requested additional information or clarification from the applicant regarding the modification request. In determining whether to approve the modification request, the Planning Director or designee shall consider whether the modification request will result in the cemetery being sufficiently preserved consistent with the intent of this section and other applicable County ordinances, regulations, and policies, and whether any impacts on the security of the cemetery and its susceptibility to graffiti are sufficiently mitigated.

DCSM 801.02

J. Cemetery Preservation Area: A strip of undisturbed land surrounding a cemetery, beginning at the edge of the archaeologically defined limits of burials and graves and extending outward 25 feet.

DCSM 802.11.B.2.

Existing cemeteries within a developing property shall have a 25-foot wide perimeter ~~buffer~~ cemetery preservation area that shall be planted with Eighty (80) plant units per 100 linear feet. Where a cemetery abuts a property line ~~the greater of either the a buffer as required in Table 8-1 or a 25-foot buffer cemetery preservation area shall be provided, whichever is greater.~~ The provisions of DCSM 802.12A.1-A.5. C and D shall not apply to cemetery preservation areas ~~buffers.~~ Dead, diseased, or dying trees or shrubbery, noxious weeds, and non-native invasive species within this cemetery preservation area, in accordance with Section 802.33 of this Manual may be removed by hand (that is, without the use of heavy equipment). Removed plants shall be replaced with plantings of native or historical ground covers, including grasses and periwinkle.

DCSM 810.16 Cemetery Fence

A fence delineating a cemetery as required under County Code Section 32-250.110.7 shall consist of one of the following types and have a 36 inch wide gate or shall conform to the subdivision's design guidelines, if they exist.

- a. Metal or ornamental metal, not chain link. Permitted colors are black, white, or earth tones.
- b. Split rail, consisting of cedar, pine, or pressure treated wood, with vertical posts four (4) feet above ground surface and two (2) or three (3) horizontal rails.
- c. In lieu of a fence, a masonry, or stone wall, not to exceed four (4) feet in height, is permitted.



Christopher E. Martino
County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT

1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

BOARD OF COUNTY SUPERVISORS

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Martin E. Nohe, Vice Chairman
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November 29, 2018

TO: Board of County Supervisors

FROM: Rebecca Horner, AICP, CZA *RH*
Planning Director

THRU: Christopher E. Martino
County Executive

RE: Zoning Text Amendment #DPA2018-00021, Cemetery Buffers (**Countywide**)

I. Background – is as follows:

- A. Amendment of the Zoning Ordinance – Section 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change.
- B. Current Zoning Ordinance Language – The purpose and intent of the County Code Sec. 32-250.110, “Preservation of Existing Cemeteries”, is to protect cemeteries from the encroachment of new development. This section is initiated during “... the time of site or subdivision plan review...” when a cemetery is not separately “... platted or established by an easement within the boundaries of such parcels or not otherwise clearly delineated with limits of burials...” It applies to all site or subdivision plan submittals. In summary, it requires an archaeological delineation of the limits of burials, installation of a fence on the limits of burials, establishment of a 25-foot buffer outside the limits of burials and other requirements designed to protect the cemetery.
- C. Current Design and Construction Standards Manual (DCSM) – Section 800 of the DCSM provides standards on buffer widths and the number of plant units for all development projects. The current standard for cemetery buffers is 80 plant units per 100 feet within the 25-foot buffer.
- D. Purpose of the Amendment – The purpose of the Zoning Text Amendment and the DCSM amendment is to provide flexibility for the many existing cemeteries associated with religious institutions and other properties with non-conforming cemetery buffers that preceded the establishment of cemetery buffer requirements, making it difficult for them to comply with the current Zoning Ordinance. In addition, the purpose of a “buffer” as stated in the Zoning Ordinance is to minimize conflicts between incompatible uses. The definition of a religious institution use in the Zoning Ordinance includes a cemetery as a facility related to

a place of worship. This presents some ambiguity in the administration of buffer area requirements for religious institutions with existing cemeteries.

- E. Scope of Issue – There are approximately 195 religious institutions in Prince William County. Of the 433 cemeteries on the County’s list, approximately 39 cemeteries are owned by or on land owned by a religious institution. In looking at applications for rezonings, special use permits, and site plans filed with the County for potential conflicts, there are a handful of instances where there were challenges in complying with the Section 32-250.110 of the Zoning Ordinance. Many existing cemeteries associated with religious institutions preceded the establishment of cemetery buffer requirements in 2004. Thus, if a religious institution wants to grow, and files a site plan, Section 32-250.110 will apply and often there is existing infrastructure such as a parking lot or building that makes it difficult or impossible to comply with the current Zoning Ordinance. In addition, some non-religious institution property owners with existing cemeteries also have difficulty complying with the Zoning Ordinance.
- F. Buffer Conflicts – The buffer, as currently implemented under the Zoning Ordinance and in conjunction with preservation of existing cemeteries, is intensely planted and creates a visual and physical barrier. These barriers could decrease security and encourage vandalism because of the loss of sight lines into existing cemeteries. This does not meet the intent of Section 32-250.110 to preserve existing cemeteries with a 25-foot cemetery preservation area.
- G. Proposed Remedy – Staff recommends modification to Section 32-250.110 of the Zoning Ordinance and to Section 800 of the DCSM to provide flexibility for existing conditions on religious institution property and non-religious institution property. Additionally, staff recommends reorganization of Section 32-250.110 to improve flow within this section and clarification of the planting and fencing requirements.

II. Current Situation – is as follows:

- A. Zoning Text Amendment Initiated – On May 15, 2018, the BOCS initiated Zoning Text Amendment #DPA2018-00021; Cemetery Buffers to address religious institution buffer standards associated with cemeteries. (See Attachment B for BOCS Initiating Resolution).
- B. Historical Commission – Since initiation, staff consulted with the Prince William County Historical Commission on the proposed changes. Staff incorporated Commission comments into the proposed text. The Historical Commission reviewed the final proposed text on October 9, 2018 and recommended approval (Attachment C).
- C. Public Information Meeting – The Planning Office held a public information meeting on July 19, 2018. No changes were requested during the meeting and no revisions were made to the proposed text.

- D. Planning Commission Work Session – The proposed Zoning Text Amendment and DCSM Amendment were presented to the Planning Commission for discussion during a Work Session on July 25, 2018. Staff incorporated Commission comments into the proposed text.
- E. Development Ordinance Review Advisory Committee (DORAC) – The proposed Zoning Text Amendment and DCSM Amendment were presented to the DORAC for discussion and recommendations on August 31, 2018. Staff incorporated DORAC comments into the proposed text.
- F. Religious Institution Outreach – Notification of the Zoning Text Amendment and DCSM amendment were mailed to every religious institution with a cemetery on their property on September 7, 2018, notifying them of this current effort and where to find additional information and staff contact information if they had questions. No responses were received.
- G. Planning Commission Recommendation – At the November 7, 2018 public hearing, the Planning Commission recommended approval of Zoning Text Amendment #DPA2018-00021, Cemetery Buffers. No one spoke at the public hearing.
- H. Planning Office Recommendation – The Planning Office recommends approval of #DPA2018-00021, Cemetery Buffers in Attachment A, for the following reasons:
 - Reorganization of Section 32-250.110 and DCSM Section 800 improves the flow and clarity within the sections and provides guidance on planting and fencing requirements.
 - The proposed amendments to Section 32-250.110 provide flexibility for compliance with the Zoning Ordinance for religious and non-religious institutions with existing infrastructure.
- I. Board of County Supervisors Public Hearing – A public hearing before the Board of County Supervisors has been properly advertised for December 11, 2018.

III. Issues in the order of importance are:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance?
- B. Community Input – Have members of the community raised any concerns?
- C. Legal – Are there any legal implications associated with this zoning text amendment?
- D. Timing – What are the timing considerations of the zoning text amendment?

IV. Alternatives – beginning with the staff recommendation are as follows:

- A. Adopt Zoning Text Amendment #DPA2018-00021, Cemetery Buffers to the Prince William County Zoning Ordinance.
1. Policy – The proposed text would provide land development applicants and owners of cemeteries greater clarity on cemetery preservation area plant types and fence types. The ZTA allows religious and non-religious institutions to apply for a modification to the cemetery preservation area and fencing requirements through a modification request to the Planning Director.
 2. Community Input – The Planning Office held a public meeting on July 19, 2018 and did not receive any comments from the community. The Historical Commission, DORAC and Planning Commission provided comments which are addressed in the proposed amendments. No additional comments have been received as of the date of this staff report.
 3. Legal – Legal issues, if any, are appropriately addressed through the County Attorney's Office.
 4. Timing – There is no time requirement for the Board of County Supervisors to take action on Zoning Text or DCSM Amendments.
- B. Do Not Adopt Zoning Text Amendment #DPA2018-00021, Cemetery Buffers to the Prince William County Zoning Ordinance.
1. Policy – If the BOCS does not adopt the proposed amendment, the zoning text shall remain unchanged.
 2. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report.
 3. Legal – Legal issues, if any, are appropriately addressed through the County Attorney's Office.
 4. Timing – There is no time requirement for the Board of County Supervisors to take action on Zoning Text or DCSM Amendments.

V. Recommendation is that the Board of County Supervisors concurs with Alternative A and adopts Zoning Text Amendment #DPA2018-00021, Cemetery Buffers.

Staff: Justin Patton, 703-792-5729

Attachments:

- A. BOCS Initiation Resolution
- B. Planning Commission Resolution
- C. Historical Commission Resolution

Attachment A – BOCS Initiating Resolution

MOTION: CADDIGAN

**May 15, 2018
Regular Meeting
Res. No. 18-336**

SECOND: PRINCIPI

**RE: AUTHORIZE INITIATION OF TEXT AMENDMENTS TO THE
ZONING ORDINANCE AND DESIGN AND CONSTRUCTION
STANDARDS MANUAL FOR CEMETERY BUFFERS – COUNTYWIDE**

ACTION: APPROVED

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, in December of 2004 the Board of County Supervisors adopted County Code Sec. 32-250.110, Preservation of Existing Cemeteries, so that cemeteries would be protected from the encroachment of new development and properly preserved; and

WHEREAS, the provisions of Sec. 32-250.110(4) require a twenty-five-foot buffer area around existing cemeteries; and

WHEREAS, the buffer area requirements can make it difficult to expand a building or parking lot on smaller parcels of land containing both a religious institution and a cemetery; and

WHEREAS, on April 17, 2018, Supervisor Jenkins (DIR 18-31), directed staff to prepare for the Board of County Supervisors' consideration, a Zoning Text Amendment initiation to address cemetery buffers for religious institutions; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Section 15.2-2283 of the Code of Virginia, Ann; and

WHEREAS, the Board may amend the Design and Construction Standard manual when it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

WHEREAS, amending Section 800 of the Design and Construction Standards Manual (DCSM) for the above-referenced issue may also be required; and

WHEREAS, the Prince William Board of County Supervisors believes that public necessity, convenience, general welfare, as well as good zoning practices, are served by the initiation of this Zoning Text Amendment and Design and Construction Standards Manual amendment;

Attachment A – BOCS Initiating Resolution

May 15, 2018
Regular Meeting
Res. No. 18-336
Page Two

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate a Zoning Text Amendment to the Prince William County Zoning Ordinance and a Design and Construction Standards Manual Amendment to address religious institution buffer standards associated with cemeteries.

Votes:

Ayes: Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi,

Nays: None

Absent from Vote: Stewart

Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST



Clerk to the Board

Attachment B – Planning Commission Resolution

PLANNING COMMISSION RESOLUTION

MOTION: TAYLOR

November 7, 2018

SECOND: BERRY

Regular Meeting

Res. No. 18-092

**RE: ZONING TEXT AMENDMENT #DPA2018-00021, CEMETERY
BUFFERS – COUNTYWIDE**

ACTION: RECOMMEND ADOPTION

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, in December of 2004 the Board of County Supervisors adopted County Code Sec. 32-250.110, Preservation of Existing Cemeteries, so that cemeteries would be protected from the encroachment of new development and properly preserved; and

WHEREAS, the provisions of Sec. 32-250.110(4) require a twenty-five-foot buffer area around existing cemeteries; and

WHEREAS, the buffer area requirements can make it difficult to expand a building or parking lot on smaller parcels of land containing both a religious institution and a cemetery; and

WHEREAS, on April 17, 2018, Supervisor Jenkins (DIR 18-31), directed staff to prepare for the Board of County Supervisors' consideration, a Zoning Text Amendment initiation to address cemetery buffers for religious institutions; and

WHEREAS, on May 15, 2018, the staff recommended modification to Section 32-250.110 of the Zoning Ordinance and to Section 800 of the Design and Constructions Standards Manual to provide flexibility for existing conditions on religious institution property and non-religious institution property; and reorganization of Section 32-250.110 of the Zoning Ordinance to improve flow and clarification of requirements therein; and

WHEREAS, on May 15, 2018 the Board of County Supervisors initiated Zoning Text Amendment #DPA2018-00021, Cemetery Buffers to amend Section 32-250.110 of the Zoning Ordinance and to Section 800 of the Design and Constructions Standards Manual (DCSM); and

WHEREAS, on July 19, 2018, the Planning Office held a public information meeting and no changes were requested to the text; and

WHEREAS, on July 25, 2018, the proposed Zoning and Design and Construction Standard Manual Text Amendment was presented to the Planning Commission for discussion during a Work Session; and

Attachment B – Planning Commission Resolution

November 7, 2018
Regular Meeting
Res. No. 18-092
Page Two

WHEREAS, on October 9, 2018, the Historical Commission reviewed the proposed Zoning Text and Design and Construction Standard Manual Amendment and staff revised the text based on input received; and

WHEREAS, on August 31, 2018, the Development Ordinance Review Advisory Committee reviewed the proposed Zoning Text Amendment and staff revised the text based on input received; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 18, 2018, at which time public testimony was received and the merits of the above-referenced request were considered; and

WHEREAS, amending the Design and Construction Standard Manual when it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Section 15.2-2283 of the Code of Virginia, Ann;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend adoption of Zoning Text Amendment #DPA2018-00021, Cemetery Buffers.

Votes:

Ayes: Berry, Fry, Holley, McKay, Milne, Taylor, Vanegas

Nays: None

Absent from Vote: None

Absent from Meeting: Bryant

For information:

Planning Director

County Attorney

ATTEST



Jennifer Dorcis
Clerk to the Planning Commission

Attachment C – Historical Resolution

HISTORICAL COMMISSION RESOLUTION

MOTION: VAN DERLASKE

**October 9, 2018
Regular Meeting
Res. No. 18-040**

SECOND: BURGESS

RE: LAND DEVELOPMENT RECOMMENDATIONS

ACTION: APPROVED

WHEREAS, the Prince William County Historical Commission seeks to identify, preserve and protect historic sites and structures in Prince William County; and

WHEREAS, the Prince William County Historical Commission's review of pending land development applications assists in determining the necessity for cultural resource surveys and other research and evaluations; and

WHEREAS, the Prince William County Historical Commission believes that the identification, preservation and protection of historic sites and structures throughout Prince William County is well served by this action;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Historical Commission does hereby recommend to the Prince William County Planning Commission the action(s) noted for the following properties:

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
SUP2019-00008	Potomac Shores Town Center SUP Amendment	No further work
REZ2019-00008	Wellington Park	No further work
SUP2019-00014	Apak Paving	No further work
SUP2019-00018	Monterey Church	Phase I study at next submission and, if warranted, conduct Phase II evaluation and Phase III data recovery study. Artifacts to be donated to and curated with the County.
SUP2019-00020	Beantown Dog Bakery and Spa	No further work
DPA2018-00021	Cemetery Buffers	Language acceptable as amended

Attachment C – Historical Resolution

October 9, 2018
Regular Meeting
Res. No. 18-040
Page 2

Votes:

Ayes: by acclamation

Nays: none

Absent from Vote: none


Absent from Meeting: Johns

MOTION CARRIED


ATTEST:



Secretary to the Commission



Prince William County Government
Board of County Supervisors



**Zoning Text Amendment
#DPA2018-00021
Cemetery Buffers**

*Justin Patton, Archaeologist
Planning Office*

Background

- Existing infrastructure on religious and non-religious institutions make it difficult to comply with the Ordinance
- DCSM buffer plantings incompatible with reducing cemetery vandalism
- DCSM plant types incompatible with historic vegetation plantings and stabilization of cemetery ground surface
- Fence types promote vandalism and discourage maintenance

December 11, 2018 Countywide |2|

Proposed Zoning Text

ARTICLE I. TERMS DEFINED

PART 100. DEFINITIONS

- Cemetery: Cemetery shall mean any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on the grounds of a religious institution or their placement in a columbarium on the property of a religious institution shall not constitute the creation of a cemetery. Cemetery means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on religious institution grounds or their placement in a columbarium on religious institution property shall not constitute the creation of a cemetery.
- Cemetery Preservation Area: A strip of undisturbed land surrounding a cemetery, beginning at the edge of the archaeologically defined limits of burials and graves and extending outward a minimum of 25 feet.
- Archaeological Cemetery Delineation: Archaeology conducted under the direction of a Principal Investigator for the purpose of defining the horizontal extent of human burials, so a cemetery can be fenced and platted as a separate parcel or made subject to a permanent easement.

December 11, 2018

Countywide

[3]

Proposed Zoning Text

Section 32-250.110. Preservation of Existing Cemeteries.

All cemeteries shall be subject to the following requirements:

1. In order to preserve existing cemeteries, parcels containing cemeteries that are not separately platted or established by an easement within the boundaries of such parcels or not otherwise clearly delineated with limits of burials, shall be required at the time of site or subdivision plan review to have a professionally prepared archeological delineation of the limits of burials within the cemetery. The delineation shall be conducted in accordance with standard archaeological practices, such as, but not limited to, the digging of a series of shallow trenches around the perimeter of the visible areas of the cemetery and removing topsoil to allow a view of grave shaft soil discolorations or systematic probing with rods that detect differences in soil compaction. Soil removed during the delineation process shall be replaced within 30 days of its removal in a manner that shall not disturb the identified burials. Any associated vegetation shall be replaced in a manner that shall not disturb the identified burials. The limits of burials shall be used to establish the perimeter boundary of the cemetery on the site plan or subdivision plat and plan.

December 11, 2018

Countywide

[4]

Proposed Zoning Text

2. The limits of burials shall be used to establish the perimeter boundary of the cemetery. The boundary of a cemetery shall be indicated on the site plan or subdivision plat and plan as determined by the archeological delineation. The cemetery and associated buffer area as required by subsection 4. below shall be indicated as an easement or as a separate cemetery parcel that can be conveyed to an appropriate entity that would be responsible for perpetual maintenance of the cemetery.
3. Pedestrian access to the cemetery shall be provided on the site plan or subdivision plat and plan either with a minimum of fifteen (15) feet of frontage on a street or as an easement that shall be a minimum of fifteen (15) feet wide from a street or other point of public ingress.
3. 4. A minimum of a twenty-five (25) foot wide buffer cemetery preservation area shall be established around the perimeter of the cemetery and shown on the site plan or subdivision plat and plan. The cemetery and associated cemetery preservation area shall be shown as a permanent easement or as a separate cemetery parcel that can be conveyed to an appropriate entity that shall be responsible for the perpetual maintenance of the cemetery, as delineated per subsection 1. above, and shall be planted in accordance with section 800 of the Design and Construction Standards Manual.

December 11, 2018

Countywide

[5]

Proposed Zoning Text

4. The cemetery preservation area shall be managed in a natural setting that maintains sight lines into the cemetery. At a minimum, management consists of the following: selective pruning to maintain unobstructed sight lines; removal of poisonous plants by hand; planting of native or historical ground covers, including grasses and periwinkle; and the provision of safe and adequate pedestrian access to the cemetery from the nearest right-of-way or other public access point.
5. The cemetery preservation area shall not include any platted utility easement.
6. ~~3.~~ Pedestrian access to the cemetery shall be provided on the site plan or subdivision plat and plan either with a minimum of fifteen (15) feet of frontage on a street or as an easement that shall be a minimum of fifteen (15) feet wide from a street or other point of public ingress.
7. ~~5~~ A cemetery fence as defined in section 810.16 of the Design and Construction Standards Manual between three and four feet tall shall be placed around the boundary of the cemetery as established delineated per subsection ~~12~~ above of this section, and shall not be opaque. The fence shall be located on the interior edge of the buffer cemetery preservation area and shall not be located within the buffer cemetery preservation area.

December 11, 2018

Countywide

[6]

Proposed Zoning Text

8. 6The cemetery grounds, fence, and ~~buffer~~ cemetery preservation area shall be maintained and the responsibility for maintenance shall be established and reflected by a note on the applicable ~~with the~~ site plan or subdivision plat and plan. The party responsible for maintenance shall be indicated as one of the following:

- (a) owner of the property on which the cemetery is delineated;
- (b) ~~the~~ homeowner association, ~~in the case where an~~ homeowner association is established and the cemetery is created as a separate out-lot, easement, or part of the common open space within a subdivision; or
- (c) other applicable association or entity, such as a business association, trust, or foundation.

December 11, 2018

Countywide

[7]

Proposed Zoning Text

9. 7.Any grading shall occur outside the ~~twenty-five (25) foot wide perimeter~~ buffer cemetery preservation area. In no circumstance shall such grading be sloped more than 3 to 1 from the existing grade of the cemetery for a distance of fifty (50) feet beyond the ~~buffer~~ cemetery preservation area. If the existing grade is greater than 3 to 1, it shall not be made greater.

10. 8.Subsections 1 through ~~6~~ 9, ~~above of this section~~, shall not preclude removal and re-interment of burials in accordance with the Code of Virginia.

December 11, 2018

Countywide

[8]

Proposed Zoning Text

11. Modification of the Required Cemetery Preservation Area and Fence

(a) An applicant may request a modification to the required cemetery preservation area under the following conditions:

- (1) An existing non-conforming structure, as defined in the zoning ordinance, encroaches into a portion of the cemetery preservation area; or
- (2) An existing right-of-way or existing utility easement accommodating an underground utility passes through the cemetery preservation area.

(b) An applicant may request a modification to the fence required in subsection 7 of this section to approve an existing fence.

(c) Modifications requested under subsections 11(a)(1) and (2) and 11(b) of this section shall be forwarded to the Prince William County Planning Director, or their designee. In determining whether to approve the modification request, the Planning Director or designee shall consider whether the modification request will result in the cemetery being sufficiently preserved consistent with the intent of this section and other applicable County ordinances, regulations, and policies, and whether any impacts on the security of the cemetery and its susceptibility to graffiti are sufficiently mitigated.

December 11, 2018

Countywide

[9]

Proposed DCSM Text

DCSM 801.02

- J. Cemetery Preservation Area: A strip of undisturbed land surrounding a cemetery, beginning at the edge of the archaeologically defined limits of burials and graves and extending outward 25 feet.

DCSM 802.11.B.2.

Existing cemeteries within a developing property shall have a 25-foot wide perimeter ~~buffer cemetery preservation area that shall be planted with Eighty (80) plant unites per 100 linear feet.~~ Where a cemetery abuts a property line ~~the greater of either the a~~ buffer ~~as required in Table 8-1 or a 25-foot buffer cemetery preservation area~~ shall be provided, ~~whichever is greater.~~ The provisions of DCSM 802.12A.1-A.5. C and D shall not apply to cemetery ~~preservation areas~~ ~~buffers.~~ ~~Dead, diseased, or dying trees or shrubbery, noxious weeds, and non-native invasive species within this cemetery preservation area, in accordance with Section 802.33 of this Manual may be removed by hand (that is, without the use of heavy equipment). Removed plants shall be replaced with plantings of native or historical ground covers, including grasses and periwinkle.~~

December 11, 2018

Countywide

[10]

Proposed DCSM Text

DCSM 810.16 Cemetery Fence

A fence delineating a cemetery as required under county code Section 32-250.110.7. shall consist of one of the following types and have a 36 inch wide gate or shall conform to the subdivision's design guidelines, if they exist.

- a. Metal or ornamental metal, not chain link. Permitted colors are black, white or earth tones.
- b. Split rail, consisting of cedar, pine or pressure treated wood, with vertical posts four (4) feet above ground surface and two (2) or three (3) horizontal rails.
- c. In lieu of a fence, a masonry or stone wall, not to exceed four (4) feet in height, is permitted.

December 11, 2018

Countywide

[11]

Recommendation

- The Planning Office recommends approval of #DPA2018-00021, Cemetery Buffers for the following reasons;

- ◆ Reorganization of Section 32-250.110 and DCSM Section 800 improves the flow and clarity within this section and provide guidance on planting and fencing requirements.
- ◆ The proposed amendments to Section 32-250.110 provide flexibility for compliance with the Zoning Ordinance for religious and non-religious institutions with existing infrastructure.

December 11, 2018

Countywide

[12]