



AGENDA REPORT

To: Planning Commission

From: Ben Song, Community Development Director

Agenda: July 8, 2025 – Planning Commission

Item: **Zoning Ordinance Text Amendment (A-25-004) to Allow Cemetery as an Accessory Use to an Existing Church, Temple, or Place of Worship in the Agricultural District**

Item Summary

This Council initiated amendment to the Zoning Ordinance is to allow for a cemetery as an accessory use to an existing Church, Temple, or Place of Worship in the Agricultural (AG-1) zoning district, meeting the established regulations as presented.

Background

Currently, the Zoning Ordinance does not allow a Church, Temple, or Place of Worship in the AG-1 zoning district to establish a cemetery on the property without obtaining a separate Special Use Permit. The Council has identified the need to allow for property occupied by a religious use with an approved Special Use Permit to establish a small burial plot to honor those who have made a significant community contribution to the establishment of the congregation.

Analysis

Staff reviewed ordinances from adjacent and nearby jurisdictions and found various stipulations and requirements and tailored specific standards for an accessory cemetery to meet the context of Johns Creek. The proposed text amendment, if approved, would require an existing Church, Temple, or Place of Worship to adhere to all seven (7) required standards to establish an accessory cemetery on its property.

Recommendation

Staff recommends amending the following articles of the Zoning Ordinance to allow for accessory cemetery in the Agricultural (AG-1) district: Article III – Definitions; Article V – Agricultural District; and Article XIX – Administrative Permits and Use Permits.

1. Delete definitions for “Cemetery, Human” and “Cemetery, Pet” and replace with a new definition for “Cemetery” as follows:
Article III, Section 3.3.3.C.

~~Cemetery, Human. The use of property as a burial place for human remains. Such a property may contain a mausoleum.~~

~~Cemetery, Pet. The use of property as a burial place for the remains of pets. Such a property may contain a mausoleum.~~

Cemetery. Land used or dedicated to the burial or interment of human or animal remains, including mausoleums, necessary sales, and maintenance facilities. Crematoriums are not permitted.

2. Add New Subsection 2 under Section 5.1.2.B. “Accessory Uses” in the AG-1 Zoning District:

Article V, Section 5.1.2.B.

B. Accessory Uses.

1. A building or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation in accordance with Section 4.12 of this ordinance.

2. If a Church, Temple or Place of Worship with an existing approved Special Use Permit (SUP) allowing for that primary use proposes to also have an accessory cemetery on its property, an additional SUP for a cemetery is not required, provided all the following standards are met:

- a. The property on which the accessory cemetery will be located is 20 acres or larger.
- b. Access to the property is provided by an existing curb cut from a public road classified as principal arterial or minor arterial.
- c. No more than four (4) burial plots or a single mausoleum for vault or crypt interments of four (4) persons.
- d. The accessory cemetery shall be limited to a single-designated area on the property and not exceed 1,000 square feet in area.
- e. The maximum height permitted for a mausoleum structure is 9 feet.
- f. A minimum distance separation of 200 feet shall be maintained from all property lines to the designated cemetery area.
- g. Burial plots and mausoleum shall be screened to limit the visibility of the area from the public right-of-way and adjacent properties year-round. Screening shall be provided in combination of the standards below or as approved by the Director:
 1. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species.
 2. Deciduous trees must be a minimum of 2-inch caliper at time of installation.
 3. Evergreen trees must be a minimum of 4-6 feet tall at time of installation.
 4. Shrubs must be a minimum of 2 feet tall at the time of installation.
 5. A combination of decorative walls, fences, and landscape material may be used with the approval of the Director.

3. Modify language for “Cemetery and/or Mausoleum (Human or Pet)” under Administrative Permit Section 19.4.9 as follows:

Article XIX, Section 19.4.9.

Cemetery and/or Mausoleum (Human or Pet).

- A. *Required Districts:* All. May be allowed in the Agricultural District (AG-1) as an accessory use to a Church, Temple or Place of Worship without a separate Special Use Permit, subject to compliance with all requirements specified in Section 5.1.2.B.2.
- B. *Standards:*
1. Permitted curb cut access shall be only from a major thoroughfare, unless in conjunction with a place of worship.
 2. No building shall be located within 50 feet of a residential district and/or AG-1 district used for single-family.
 3. ~~All structures, including graves, shall be inside meet the minimum yard setbacks or 10 feet, whichever is greater.~~
 3. All structures, including burial plots, shall meet the minimum yard setbacks of the applicable zoning district or 10 feet, whichever is greater.
 4. If located adjacent to a single-family dwelling district and/or AG-1 district used for single-family, the minimum buffers and landscape strips required for the O-I District as specified in Section 4.23 shall be required.

Attachments

1. Draft Amendment Ordinance