

ORDINANCE NO. 450

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE I, SECTION 58-8, DEFINITIONS, BY ADDING COLUMBARIUM TO THE SAMPLE LIST OF USES REQUIRING ADDITIONAL APPROVAL, AND BY AMENDEING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 13, PLACES OF WORSHIP, BY ADDING A NEW SECTION 58-576, COLUMBARIUMS AS AN ACCESSORY USE TO PLACES OF WORSHIP, WHICH NEW SECTION SHALL SET FORTH APPLICATION REQUIREMENTS AND ADDITIONAL STANDARDS FOR COLUMBARIUMS, INCLUDING EXTRA FINDINGS FOR THAT MUST BE MADE BY THE TOWN COUNCIL PRIOR TO ANY COLUMBARIUM BEING PERMITTED AT A PLACE OF WORSHIP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council desires to amend the Zoning Code to clarify that under certain conditions, and with special approval, columbariums may be allowed as an accessory use to a Place of Worship; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council finds that this Ordinance is consistent with the requirements of the Comprehensive Plan and Zoning Code; and

WHEREAS, the notice and hearing requirements of the Zoning Code and Florida law have been met for adoption of this Ordinance; and

WHEREAS, the Town Council has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

Section 1. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Code Amendments.

See Exhibit A attached hereto and made a part hereof.

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED ON FIRST READING this 25th day of May, 2017.

THE SECOND AND FINAL READING was held this 22nd day of June, 2017. Council member GORDON offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member HARVIN, and upon being put to a vote, the vote was as follows:


JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTGRAPH, Council Member
JO H. PLYLER, Council Member
REMAR HARVIN, Council Member

AYE
AYE
ABSENT
ABSENT
AYE

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA


Janice C. Rutan, Town Admin.


Jay G. Foy, Mayor

EXHIBIT "A"

ORDINANCE 450 - Columbariums

TOWN OF HAVERHILL

Sec. 58-8. Definitions.

Place of worship means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, retreat site, camp, convent, seminary or similar facilities owned or operated by a tax exempt religious group for religious activities. A place of worship may include collocated facilities that require additional approval, such as a day care center, or private school, or columbarium, as defined by Sec. 497.005 (18).

Sec. 58-576. Columbarium as accessory use to places of worship.

(a) Any place of worship desiring to construct or establish a columbarium on its property shall first file an application with the town to do so on a town approved form, and pay the appropriate filing fee as established by the Town from time to time.

(b) Provided the place of worship is in compliance with all of the requirements of places of worship as set forth in Section 58-575, including, without limitation, zoning district, road frontage, minimum acreage, setback, and lot coverage regulations, and provided the requirements of this Sec. 58-576 are met, the Town Council may consider such application at a regular meeting and either grant it, deny it, or grant it with special conditions.

(c) Each application for construction or establishment of a columbarium shall be accompanied by the following:

- (1) A survey locating all improvements on the property and a site plan showing the location of the proposed columbarium;
- (2) Written proof that the proposed columbarium will comply with all applicable state and county requirements;
- (3) Written statement from the governing body of the church or religious institution to the Town Administrator on how the proposed columbarium will be operated and maintained;
- (4) A financial guarantee, in such form as may be acceptable to the town, such as a bond, letter of credit, or commitment letter from the corporate head of the denomination or diocese, that the columbarium will have perpetual care and maintenance (as defined by Sec. 497.005(11)), and that the columbarium will be relocated if the place of worship dissolves, or relocates;

(d) Additional standards and requirements:

- (1) A columbarium and its niches shall not be visible from any point on the property line of a place of worship, except for any solid wall which forms the back side of a columbarium;
- (2) The accessory columbarium shall be utilized only by members of the place of worship or their immediate family members;
- (3) The accessory columbarium, and the general area where it is located, such as a garden or courtyard, shall not exceed 10% of the total floor area of the principal structure (i. e. sanctuary), and shall be limited to the lesser of 8 feet or the height of the eave of the principal structure of the place of worship;
- (4) Columbariums shall be located within a freestanding structure whose principal use is a place of worship, and shall be incorporated into the principal structure;
- (5) Columbariums shall be constructed pursuant to all applicable building/life/safety codes;
- (6) Access to the columbarium shall be through a door or gate which shall be locked from dusk to dawn every day;
- (7) No advertisement, of any kind is permitted on the inside or outside of a columbarium, and signage for the columbarium shall not be visible from any point on the property line; and

(e) Once a columbarium is approved and installed, a place of worship may not sell or otherwise transfer any of its real property without the consent of the Town Council, which consent may be expressly conditioned on the proper relocation of the columbarium, or written acceptance by a grantee of the conditions and requirements of this section, including, without limitation, providing a financial guarantee.

(f) Approval standards. Prior to approving a columbarium, the Town Council shall make the following findings of fact:

- (1) Will be consistent with the comprehensive plan of the Town;
- (2) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses;
- (3) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;
- (4) Will have no detrimental effect on vehicular or pedestrian traffic;

- (5) Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area;
 - (6) Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements;
 - (7) Otherwise meets the definition standards set forth elsewhere in this chapter for such use; and
 - (8) Will provide alternative measures consistent with the intent of the additional standards to provide protection to adjacent properties and preserve neighborhood character.
- (g) Any variation from the requirements of this section may be considered by the town council upon presentation of a petition for same and a finding that such variation is not contrary to the intent and purpose of this chapter. The town council may approve, disapprove, or approve the variation with conditions. The town may impose a fee for such variation petition by resolution from time to time.