

1 Introduced by Council Member Boylan and amended by the
2 Neighborhoods, Community Services, Public Health and Safety
3 Committee:

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6 **ORDINANCE 2022-729-E**

7 AN ORDINANCE CONCERNING CHAPTER 173
8 (CEMETERIES), *ORDINANCE CODE*; AMENDING SECTION
9 173.111 (EXEMPTION), *ORDINANCE CODE*, TO EXEMPT
10 CHURCH CEMETERIES OF LESS THAN FIVE ACRES THAT
11 PROVIDE ONLY SINGLE-LEVEL GROUND BURIAL AND
12 CHURCH MAUSOLEUMS CONSISTING OF TWO ACRES OR
13 LESS FROM THE REQUIREMENTS OF SECTION 173.103,
14 *ORDINANCE CODE*, AND DELETING THE EXISTING
15 EXEMPTION FROM SECTION 173.105(H), *ORDINANCE*
16 *CODE*; PROVIDING FOR CODIFICATION INSTRUCTIONS;
17 PROVIDING AN EFFECTIVE DATE.

18
19 **WHEREAS**, Section 173.111, *Ordinance Code*, provides an
20 exemption for columbarium of a certain type and size that are owned
21 by and immediately adjacent to a church facility from the
22 requirements of Sections 173.103 and 173.105(h), *Ordinance Code*,
23 which provide that cemeteries must be platted and a landscape
24 buffer installed along any cemetery boundary line which adjoins
25 property zoned for residential use; and

26 **WHEREAS**, this Ordinance expands the exemption from the
27 platting requirements of Section 173.103, *Ordinance Code*, to
28 cemeteries and mausoleums of a certain type and size that are owned
29 by and immediately contiguous to a church facility and deletes the
30 exemption from the landscape buffer requirements; and

31 **WHEREAS**, the types of burial/interment facilities contemplated

1 in this Ordinance are also exempt from a number of the requirements
2 of Chapter 497, *Florida Statutes*, which provides various
3 regulations for cemeteries and other types of burial facilities;
4 and

5 **WHEREAS**, this Ordinance does not exempt the columbarium,
6 cemeteries, and mausoleums described below from any applicable
7 requirements of Florida Statutes or the provisions of Chapter 173,
8 *Ordinance Code*, except as specifically provided herein; now,
9 therefore

10 **BE IT ORDAINED** by the Council of the City of Jacksonville:

11 **Section 1. Amending Section 173.111 (Exemption), Chapter**
12 **173 (Cemeteries), Ordinance Code.** Section 173.111 (Exemption),
13 Chapter 173 (Cemeteries), *Ordinance Code*, is hereby amended to read
14 as follows:

15 **CHAPTER 173 - CEMETERIES**

16 * * *

17 **Sec. 173.111. - Exemption.**

18 ~~Section~~Sections 173.103 and ~~173.105(h)~~ of this Chapter shall
19 not apply to:

20 (a) A columbarium consisting of less than one-half acre
21 which is owned by and immediately contiguous to a church
22 facility which is in existence at the time the
23 columbarium is being built. ~~The location of the~~
24 ~~columbarium shall, however, be subject to local~~
25 ~~government zoning.~~ If the church relocates, the church
26 shall relocate all of the urns and remains placed in the
27 columbarium which were placed therein during its use by
28 the church.

29 (b) A church cemetery of less than five acres which provides
30 only single-level ground burial.

31 (c) A mausoleum consisting of two acres or less which is

1 owned by and immediately contiguous to an existing church
2 facility. The church establishing such a mausoleum must
3 ensure that the mausoleum is kept and maintained in an
4 orderly manner and limit its availability to members of
5 the church. The church establishing such a mausoleum must
6 have been incorporated for at least 25 years and must
7 have sufficient funds in an endowment fund to cover the
8 costs of construction of the mausoleum.

9 (d) The location of any church columbarium, cemetery, or
10 mausoleum exempt under this Section shall, however, be
11 subject to local government zoning.

12 For the purpose of this Section, *church* has the same meaning
13 as defined in Section 656.1601~~656.102~~.

14 * * *

15 **Section 2. Codification Instructions.** The Codifier and
16 the Office of General Counsel are authorized to make all chapter
17 and division "tables of contents" consistent with the changes set
18 forth herein. Such editorial changes and any others necessary to
19 make the *Ordinance Code* consistent with the intent of this
20 legislation are approved and directed herein, and changes to the
21 *Ordinance Code* shall be made forthwith and when inconsistencies are
22 discovered.

23 **Section 3. Effective Date.** This Ordinance shall become
24 effective upon signature by the Mayor or upon becoming effective
25 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation prepared by: Cyndy Trimmer

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