

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 8

Bill No. 25-23

Mr. David Marks, Councilman

By the County Council, April 3, 2023

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Funeral Establishments and Crematories

FOR the purpose of requiring a crematory located within a funeral establishment in certain residential and business zones to be a certain distance from a residential property and generally relating to funeral establishments and crematories.

BY repealing and re-enacting, with amendments

Sections 1B01.1.C.9 and 230.3, “Funeral Establishment” listed alphabetically
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

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4 ARTICLE 1B – DENSITY RESIDENTIAL (D.R.) ZONES

5 Section 1B01 – Regulations with Respect to D.R. Zones in General

6
7 § 1B01.1. General use regulations in D.R. Zones.

8 C. Uses permitted by special exception. The following uses, only, are permitted by
9 special exception in all D.R. Zones, subject to the restrictions hereinafter prescribed:

10 9. Funeral establishments, EXCEPT THAT ANY FUNERAL
11 ESTABLISHMENT WITH A CREMATORY CONSTRUCTED AFTER THE EFFECTIVE
12 DATE OF BILL 25-23 MAY NOT BE LOCATED WITHIN 500 FEET OF ANY
13 RESIDENTIAL PROPERTY.

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15 ARTICLE 2 – ELEVATOR-APARTMENT RESIDENCE ZONES,
16 RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES,
17 MANUFACTURING ZONES AND DISTRICTS

18 Section 230 – Business, Local Zone Use Regulations

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20 § 230.3. Special exception uses.

21 The following uses when permitted as special exceptions:

22 Funeral establishment, except that any funeral establishment which was a legal
23 use immediately prior to this provision's taking effect and which has since remained

1 continuously in operation is a conforming use, permitted as of right; as such, it may be expanded
2 or otherwise changed in the same manner as any other use permitted as of right. Such funeral
3 establishments shall be a permitted use without the necessity of obtaining a special exception,
4 provided said site was either owned or leased for a term in excess of 15 years by a funeral
5 director who is duly registered as such in accordance with state law, prior to April 9, 1970 and
6 provided said ownership or lease is either as an individual person or in the name of a corporation,
7 the majority of the common stock of which is owned by said registered funeral director or
8 together with a spouse as joint owners, or joint lessees, or as tenants in common or joint lessees
9 by virtue of a partnership or joint venture with one or more other duly registered funeral
10 directors; and provided further said registered funeral director files with the Zoning
11 Commissioner of Baltimore County no later than December 31, 1970 satisfactory evidence of
12 ownership or leasehold interest as outlined above. A FUNERAL ESTABLISHMENT WITH A
13 CREMATORY CONSTRUCTED AFTER THE EFFECTIVE DATE OF BILL 25-23 MAY
14 NOT BE LOCATED WITHIN 500 FEET OF ANY RESIDENTIAL PROPERTY.

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16 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
17 the affirmative vote of five members of the County Council, shall take effect 14 days from the
18 date of enactment.