

---

CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
EBONY M. THOMPSON, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

---

February 28, 2025

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 25-0015 – Zoning – Conditional Use – Crematorium

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0015 for form and legal sufficiency. The bill would amend Sections 1-303(u) and 1-306(u) and Tables 7-702 and 10-301 of the Zoning Code to remove crematoria from its designation as part of a cemetery or funeral home and establish it as a separate defined use. The bill would then designate in which zoning districts the use is permitted of right or permitted as a conditional use. With minor changes, this is identical to City Council Bill 24-0599 introduced during the last term of the Baltimore City Council.

The City Council must consider the following when evaluating changes to the text of the City's Zoning Code (Article 32 of the Baltimore City Code):

- (1) the amendment's consistency with the City's Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment's consistency with the intent and general regulations of this Code;
- (4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and
- (5) the extent to which the amendment would create nonconformities.

Baltimore City Code, Art. 32, § 5-508(c). The Planning Commission Report did NOT evaluate these factors per se. Therefore, the City Council must take care to evaluate them.

Any bill that authorizes a change in the text of the Zoning Code is a "legislative authorization," which requires that certain procedures be followed in the bill's passage, including a public hearing. Baltimore City Code, Art. 32, §§ 5-501; 5-507; 5-601(a). Certain notice requirements apply to the bill. Baltimore City Code, Art. 32, §§ 5-601(b)(1), (c), (e). The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).

Assuming all the procedural requirements are met, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley  
Chief Solicitor

cc: Ebony M. Thompson, City Solicitor  
Ty'lor Schnella, Mayor's Office of Government Relations  
Ashlea Brown, Chief Solicitor  
Michelle Toth, Assistant Solicitor  
Desiree Lucky, Assistant Solicitor