



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0599 / ZONING - CONDITIONAL USE - CREMATORIUM		

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: November 8, 2024

At its regular meeting of November 7, 2024, the Planning Commission considered City Council Bill #24-0599, for the purpose of creating a stand-alone use in the Zoning Code for crematoriums; amending certain related definitions; revising certain zoning tables to include the use “crematorium”; making conforming changes; providing for a special effective date; and generally related to creating the stand-alone use “crematorium” in the Zoning Code.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0599 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #24-0599 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor’s Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
The Honorable Mark Conway, 4<sup>th</sup> District  
Mr. Colin Tarbert, BDC  
Ms. Rebecca Witt, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

### STAFF REPORT



Chris Ryer  
Director

November 7, 2024

**REQUEST:** City Council Bill #24-0599/ Zoning - Conditional Use - Crematorium:

For the purpose of creating a stand-alone use in the Zoning Code for crematoriums; amending certain related definitions; revising certain zoning tables to include the use “crematorium”; making conforming changes; providing for a special effective date; and generally related to creating the stand-alone use “crematorium” in the Zoning Code.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**INTRODUCED BY:** Councilmember Conway

**SITE/GENERAL AREA:** Citywide

### HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

### ANALYSIS

Background: This bill originated from community opposition to a proposed expansion to the Vaughn Greene Funeral Services at 4905 York Road that proposed to add cremation services. The Board of Municipal and Zoning Appeals (BMZA) heard case BMZ2021-00161 over several hearings in 2021, and ultimately granted conditional use approval with conditions. That approval has been challenged.

Effects of the Bill: The operation of this bill is fairly simple. Crematoria are currently allowed by inclusion as part of the definitions for *Cemetery* under §1-303(u), and for *Funeral home* under §1-306(u). This bill will define *Crematorium* as a stand-alone use under a new §1-304(u). Other definitions are then renumbered as needed.

With the new use definition, amendments to various use tables are then needed, in order to determine where the new use may be located and by which approval method. The bill includes amendments to each of the use tables where either *Cemetery* or *Funeral home* is listed, and in each table a new listing for *Crematorium* is added, with the form of approval similar to either *Cemetery* or *Funeral home*. The one exception is for Table 10-301, where a *Crematorium* is not listed as allowed in the C-2 zone. It is important to note that this change will apply to any future crematoria that may be proposed in a C-2 zone that will no longer be eligible. Staff conducted a quick study to determine what funeral homes exist, and which might be impacted by the proposed bill. The resulting table is attached at the end of this report.

Staff understands that one of the significant concerns from residents near the original applicant that triggered this amendment relates to emissions and air pollution concerns. Crematory permits are issued by the Maryland Department of Health (per COMAR 10.29.17), and they are not otherwise subject to City control. The operator is required to obtain certification by an appropriate entity (by The Cremation Association of North America (CANA); The International Cemetery, Cremation and Funeral Association (ICCFA); or another equivalent body recognized jointly by the Board [of Morticians and Funeral Directors] and the Office).

In general, zoning is designed to provide separation between uses that may not be compatible, but those controls are generically applied to a given use without being able to compare two of the same use in a qualitative way. As staff frequently summarizes this, it affects the “what” not the “who” of a given land use. If one wants to address the “who” of a given use – meaning the owner or operator, then a licensing mechanism is needed.

The C-2 zone is described in the Article 32 – *Zoning*, §10-204(a) as “The C-2 Community Commercial Zoning District is intended for areas of small to medium scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles.” Whether it is appropriate to include a *Crematorium* in a given district or another is purely a policy decision.

Equity:

In general, seemingly opposing concerns between neighborhoods and businesses exist. Staff believes that environmental concerns are best addressed by the appropriate State licensing body, and in that context zoning is not the appropriate tool to address those concerns. In the more general terms of separation of uses, we see that the existing funeral homes across the City are found in a wide variety of zoning districts, and appear to have located in the communities they serve over time. Cremation services are needed by the community at large, and a balancing of the needs of businesses and the communities they serve against the concerns for impacts from that use must be made. Staff notes that 18 of 46 funeral homes are located in a C-2 zone, which would be the businesses impacted by this change. There will be no significant impact on staff time or resources devoted to future land use reviews.

Notification: This item was advertised by GovDelivery, which goes to over 17,500 unique subscribers.



**Chris Ryer**  
**Director**

Zone	Owner	Address	ZIP Code
C-2	James A. Morton and Sons Funeral Homes, Inc.	1701 Laurens St	21217
R-8	Honee, LLC	701 North Mount St	21217
R-8	V & C Homes LLC	1002 Brantley Ave	21217
R-8	Harris, Leroy Harris, Joanne R	1701 McCulloh St	21217
C-2	William C March Funeral Home Inc	1101 East North Ave	21202
R-8	Tabernacle Church of Deliverance, INC.	1703 North Bond St	21213
R-8	New Life, LLC	2431 East Oliver St	21213
C-1	Philadelphia Church Of The Apostolic Faith, The	2716 East Monument St	21205
C-1	Lilly & Zeiler Inc	1901 Eastern Ave	21231
R-8*	Doda III, Victor P	1501 East Fort Ave	21230
C-2	March Sr, Gary Paul (Life) March, Gerrod Frederick Hamlin, Keisha N	270 Fredhilton Pass	21229
C-2	Parker, Kevin A Parker, Eudoias E	3512 Frederick Ave	21229
R-6	M & G Property Management Four LLC	4101 Edmondson Ave	21229
TOD-2	March Investment Properties, LLC	4300 Wabash Ave	21215
OR-1*	Brown, William C Brown, Barbara	1206 West North Ave	21217
C-2	Howell East Baltimore, LLC	3331 Brehms Lane	21213
C-2	Harris, Leroy Harris, Joanne	5240 Reisterstown Road	21215
C-1	Williams Iv, John L	4517 Park Heights Ave	21215
C-2	Derrick C. Jones Funeral Home, P.A.	4609 Park Heights Ave	21215
C-2	M&G Property Management Two, LLC	4903 York Road	21212
C-2	4601 York Road, LLC	4601 York Road	21212
OR-1	BFMF Properties, Inc	7527 Harford Road	21234
C-2	MPM Property Management, LLC	6009 Harford Road	21214
C-2	5305 Harford Road, LLC	5303 Harford Road	21214
R-8	263 S Conkling Street LLC	263 S Conkling St	21224
C-2	K Group Limited Partnership	1201 Dundalk Ave	21222
C-2	Znamirowski Family Holdings, LLC	4001 Governor Ritchie Hwy	21225
C-1	M & G Property Management, LLC.	5151 Baltimore National Pike	21229
R-1	Central District Churches of God In Christ Jesus Of The Apostolic Faith, Inc.	4204 Ridgewood Ave	21215
C-2	Howell Properties, LLC	4600 Liberty Heights Ave	21207
C-1	Calvin B. Scruggs Funeral Home	1412 E Preston St	21213
R-8	Beverly D Cromartie Funeral Service	119 S Stricker St	21223
OR-1	Redd Funeral Services	1300 N Eutaw Pl	21217
C-2	Joseph H Brown Funeral Home	2140 N Fulton Ave	21217
OR-1	Estep Brothers Funeral Services, P.A	1300 Eutaw Pl	21217
R-7	John Williams Funeral Directors, P.A.	1727 N Monroe St	21217
R-8	Carlton C Douglas Funeral Services	1701 McCulloh St	21217
C-1	Lilly and Zeiler Funeral Home	700 S Conkling St	21224
R-8	Alliance Mortuary Transport & Support LLC.	1935 Druid Hill Ave	21217
C-2	Chatman Harris Funeral Home	4210 Belair Rd	21206
C-2	Burgee-Henss-Seitz Funeral Home Inc.	3631 Falls Rd	21211
R-8	Brooks Clinton Funeral Service, P.A.	2222-28 W North Ave	21216
R-7/R-MU	Hari P. Close Funeral Service, P.A.	5126 Belair Rd	21206
C-1	Charles S. Zeiler & Son Inc.	6224 Eastern Ave	21224
C-2	Walker's Life Memorial Center P.A. - Patapsco	237 E Patapsco Ave	21225
OS	Loudon Park Funeral Home and Cemetery	3620 Wilkens Ave	21229