Introduced_____
Public hearing_____
Council action_____
Executive action_____
Effective date_____

County Council of Howard County, Maryland

2011 Legislative Session Legislative day # _7_

BILL NO. 38 – 2011 (ZRA – 132)

Introduced by: The Chair
at the request of Patrick Marlatt

AN ACT amending the Howard County Zoning Regulations to remove Funeral Homes and Mortuaries as a permitted use in certain zoning districts; add a requirement that Funeral Homes and Mortuaries permitted as a matter of right in certain zoning districts be served by public water and sewer; remove Funeral Homes and Mortuaries as a Conditional Use; and generally relating to Funeral Homes and Mortuaries.

Introduced and read first time _____, 2011. Ordered posted and hearing scheduled.

By order
Stephen LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2011 and concluded on _____, 2011.

By order_____
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time _____, 2011 and Passed___, Passed with amendments___, Failed___.

By order_____
Stephen LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2011 at _____ a.m./p.m.

By order_____
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2011.

_____
Ken Ulman , County Executive

NOTE; [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

Section 1. Be it enacted *by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended to read as follows:*

By amending:
Section 104 "RC (Rural Conservation) District"
Section 105 "RR (Rural Residential) District"
Section 107 "R-ED (Residential: Environmental Development) District"
Section 108 "R-20 (Residential: Single) District"
Section 114.2 "HO (Historic: Office) District"
Section 114.3 "HC (Historic: Commercial) District"
Section 115 "POR (Planned Office Research) District"
Section 117.4 "CCT (Community Center Transition) District"
Section 118 "B-1 (Business: Local) District"
Section 119 "B-2 (Business: General) District"
Section 120 "SC (Shopping Center) District"
Section 122"M-1 (Manufacturing: Light) District"
Section 126 "PGCC (Planned Golf Course Community) District"
By repealing:
Section 131 "Conditional Uses"
Subsection N. "Conditional Uses and permissible Zoning Districts"
Number 22. "Funeral Homes and Mortuaries"

Howard County Zoning Regulations

SECTION 104: RC (Rural Conservation) District

A. **Purpose**

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing

features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

G. **Conditional Uses**

The following are conditional uses in the RC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

19. [[Funeral Homes and Mortuaries]]

SECTION 105: RR (Rural Residential) District

A. Purpose

The Rural Residential District is established to allow low density residential development within a rural environment. The Rural Residential District is intended for an area of the County which is already largely committed to low density residential subdivisions. Within the RR District, agriculture is permitted as well as residential development in both cluster and non-cluster forms. Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land.

G. **Conditional Uses**

The following are conditional uses in the RR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

19. [[Funeral Homes and Mortuaries]]

SECTION 107: R-ED (Residential: Environmental Development) District

A. **Purpose**

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

I. **Conditional Uses**

The following are conditional uses in the RR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

10. [[Funeral Homes and Mortuaries]]

SECTION 108: R-20 (Residential: Single) District

A. **Purpose**

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

G. **Conditional Uses**

The following are conditional uses in the R-20 district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

12. **[[**Funeral Homes and Mortuaries**]]**

SECTION 114.2: HO (Historic: Office) District

A. **Purpose**

The Historic Office District is established to permit a mix of offices and residences with supporting cultural and commercial uses which will encourage new development and reuse of existing structures consistent with the existing character of the area.

B. **Uses Permitted as a Matter of Right**

10. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 114.3: HC (Historic: Commercial) District

A. Purpose

The Historic Commercial District is established to permit and encourage a diverse but compatible and complementary mix of commercial, office, cultural and residential activities. The district is intended to encourage development of a pedestrian environment consistent with the overall development concept for the Historic District.

B. Uses Permitted as a Matter of Right

17. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 115: POR (Planned Office Research) District

A. **Purpose**

The Planned Office Research District is established to permit and encourage diverse institutional, commercial, office research and cultural facilities.

B. **Uses Permitted as a Matter of Right**

22. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 117.4 CCT (Community Center Transition) District

A. **Purpose**

The CCT (Community Center Transition) District is established to permit community serving office, institutional, service and cultural facilities, as well as age-restricted adult housing. These uses serve the surrounding residential community and provide a transition between residential neighborhoods and retail activity centers.

B. **Uses Permitted As A Matter Of Right**

14. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 118: B-1 (Business: Local) District

A. **Purpose**

The B-1 District is established to provide areas of local business that can directly serve the general public with retail sales and services.

B. **Uses Permitted as a Matter of Right**

24. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 119: B-2 (Business: General) District

A. **Purpose**

The B-2 District is established to provide for commercial sales and services that directly serve the general public.

B. **Uses Permitted as a Matter of Right**

40. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 120: SC (Shopping Center) District

A. **Purpose**

The SC District is established to permit local retail and office use areas. The Shopping Center District permits the opportunity for one stop shopping for a neighborhood and community.

B. **Uses Permitted as a Matter of Right**

24. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 122: M-1 (Manufacturing: Light) District

A. **Purpose**

The M-1 District is established to permit a mix of manufacturing, warehousing and business uses with provisions for limited retail sales.

B. **Uses Permitted as a Matter of Right**

22. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 126: PGCC (Planned Golf Course Community) District

A. Purpose

The Planned Golf Course Community District is established to permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50 percent of the district as open space. It is the purpose of the PGCC District to integrate recreational uses, including at least two eighteen-hole golf courses, with residential development and to provide a variety of housing choices.

B. Uses Permitted as a Matter of Right

There shall be two subdistricts in the PGCC District: The PGCC-1 or Residential Subdistrict and the PGCC-2 or Multi-use Subdistrict. Delineation of the subdistrict boundaries shall be determined by the Zoning Board and shall be shown on the zoning map of Howard County.

2. Multi-use Subdistrict

The following uses shall be permitted only in the Multi-use Subdistrict.

p. Funeral homes, PROVIDED THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.

SECTION 131: Conditional Uses

N. **Conditional Uses and Permissible Zoning Districts**

The Hearing Authority may grant conditional uses in the specified districts in accordance with the following minimum criteria.

[[22. **Funeral Homes and Mortuaries**

A conditional use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or mortuaries provided that:

a. The area of the lot shall be not less than three acres.

b. The site has frontage on and direct access to a collector or arterial highway designated in the General Plan.

c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.

d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:

(1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;

(2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.

e. At least 20 percent of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

f. Crematoriums are permitted as accessory uses to a funeral home or mortuary.]]

Section 2. Be it further enacted *by the County Council of Howard County, Maryland, that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters.*

Section 3. Be it further enacted *by the County Council of Howard County, Maryland, that the provisions of this act shall become effective 61 days after enactment.*