

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2015, Legislative Day No. 11

Bill No. 50-15

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Mr. Wade Kach, Councilman

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By the County Council, June 1, 2015

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A BILL  
ENTITLED

AN ACT concerning

Zoning Regulations - Conservation Burial Ground

FOR the purpose of revising the conservation burial ground Regulation to require that additional conditions be met prior to the granting of a special exception; and generally relating to conservation burial grounds.

BY repealing and re-enacting, with amendments

Section 401.1.1.6  
Baltimore County Zoning Regulations, as amended

BY adding

Sections 401.1.1.7 and .8  
Baltimore County Zoning Regulations, as amended

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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:

3 SECTION 401

4 Cemeteries

5 § 401.1.1. Conservation Burial Ground.

6 A conservation burial ground is permitted subject to the following conditions:

7 6. The owner of a conservation burial ground shall [file a] RECORD IN THE LAND  
8 RECORDS OF BALTIMORE COUNTY A RECORD plat of the BOUNDARIES  
9 OF THE AREAS TO BE USED FOR burial [ground with] AS APPROVED BY the  
10 Department of Permits, Approvals and Inspections AND THE DEPARTMENT OF  
11 ENVIRONMENTAL PROTECTION AND SUSTAINABILITY. The RECORD plat  
12 shall depict the existence of the CONSERVATION easement that complies with the  
13 requirements of Section 14-121 of the Real Property Article of the Annotated Code  
14 of Maryland.

15 ~~7. THE OWNER OF LAND ON WHICH A CONSERVATION BURIAL GROUND~~  
16 ~~IS TO BE LOCATED SHALL PRESENT AT A SPECIAL EXCEPTION HEARING~~  
17 ~~THE FINDINGS OF A HYDROGEOLOGIST, INCLUDING THE FOLLOWING:~~

18 ~~————— A. A DETERMINATION OF THE DISTRIBUTION AND FLOW OF~~  
19 ~~GROUNDWATER IN THE SOIL AND ROCKS OF THE LAND, AND~~  
20 ~~THE TOPOGRAPHY OF PROPERTIES CONTIGUOUS TO THE LAND;~~  
21 ~~AND~~

1 ~~B. THE LOCATION OF ANY ACTIVE WELLS ON PROPERTIES~~  
2 ~~CONTIGUOUS TO THE LAND; AND~~

3 ~~C. THE EFFECT, IF ANY, OF BURIED REMAINS ON THE WATER~~  
4 ~~QUALITY OF ADJACENT PROPERTIES; AND~~

5 ~~D. BASED ON THE FINDINGS IN SUBPARAGRAPHS A, B, AND C,~~  
6 ~~RECOMMENDATIONS AS TO THE APPROPRIATE NUMBER, AND~~  
7 ~~THE LOCATION AND PLACEMENT, OF BURIAL SITES ON THE~~  
8 ~~LAND.~~

9 7. THE OWNER OF LAND ON WHICH A CONSERVATION BURIAL GROUND  
10 IS TO BE LOCATED SHALL, AT THE TIME OF APPLICATION FOR THE  
11 SPECIAL EXCEPTION, SUBMIT TO THE DEPARTMENT OF  
12 ENVIRONMENTAL PROTECTION AND SUSTAINABILITY A  
13 HYDROGEOLOGIC STUDY COMPLETED BY A HYDROGEOLOGIST, OR  
14 SIMILARLY QUALIFIED CONSULTANT, THAT INCLUDES THE  
15 FOLLOWING:

16 A. A SCALED SITE PLAN SHOWING THE PROPOSED LOCATION OF  
17 THE AREAS TO BE USED FOR BURIAL, PROPERTY BOUNDARIES,  
18 TOPOGRAPHY, WATER BODIES, USDA SOIL TYPE, EXISTING AND  
19 PROPOSED WELLS AND SEPTIC SYSTEMS ON AND WITHIN 200  
20 FEET OF THE PROPERTY LINE, AND EXISTING AND PROPOSED  
21 STRUCTURES ON AND WITHIN 200 FEET OF THE PROPERTY LINE;  
22 AND

1           B.     A DETERMINATION OF THE DEPTH TO BEDROCK AND DEPTH  
2           AND FLOW DIRECTION OF GROUNDWATER BENEATH THE AREA  
3           PROPOSED AS A BURIAL GROUND; AND

4           C.     AN ASSESSMENT OF PROPOSED BURIAL PRACTICES AND THE  
5           POTENTIAL IMPACTS OF BURIED REMAINS ON GROUNDWATER  
6           QUALITY, SURFACE WATER QUALITY, AND DOMESTIC WATER  
7           SUPPLIES IN RELATION TO HUMAN HEALTH AND THE  
8           ENVIRONMENT; AND

9           D.     RECOMMENDATIONS AS TO THE APPROPRIATE NUMBER, AND  
10          THE LOCATION AND PLACEMENT, OF BURIAL SITES ON THE  
11          LAND BASED ON THE FINDINGS IN PARAGRAPHS A, B, AND C.

12          8.     THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL  
13          PROTECTION AND SUSTAINABILITY SHALL ADOPT REGULATIONS TO  
14          ADMINISTER AND ENFORCE THE PROVISIONS OF THIS SECTION,  
15          INCLUDING BUT NOT LIMITED TO, CONSIDERATION OF ~~HYDROLOGIC~~  
16          ~~ISSUES AND GENERAL HEALTH AND LIVABILITY ISSUES~~ POTENTIAL  
17          IMPACTS TO HUMAN HEALTH AND THE ENVIRONMENT RELATED TO A  
18          CONSERVATION BURIAL GROUND.

19               SECTION 2. AND BE IT FURTHER ENACTED, that an application for a special exception  
20          under this section may not be accepted for filing, and a special exception may not be granted, until

1 regulations governing the administration and enforcement of this section are promulgated and  
2 adopted by the Department of Environmental Protection and Sustainability.

3 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the  
4 affirmative vote of five (5) members of the County Council, shall take effect on July 20, 2015.

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