

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. _____

Bill No. -20

Mr. Julian E. Jones, Jr., Councilman

By the County Council, _____, 2020

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Natural Burial Ground

FOR the purpose of permitting a Natural Burial Ground in a certain Zone by special exception; defining terms; providing certain conditions applicable to a Natural Burial Ground; and generally relating to Natural Burial Grounds.

BY adding

Section 101.1.2, the definition, alphabetically, of “Natural Burial Ground”, and Sections 1A07.3.B.17 and 401.1.2
Baltimore County Zoning Regulations, as amended

WHEREAS, natural burial is an environmentally friendly burial option, free from the carbon emissions produced through the embalming or cremation process, that allows the

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.

interment of the body of a deceased person in a manner that does not inhibit decomposition but allows the body to recycle naturally; and

WHEREAS, natural burial grounds provide the added benefit of conserving and restoring the land when established in conjunction with a natural easement that protects the open space, wildlife, and habitat of the burial ground; and

WHEREAS, natural burial grounds are an economically viable use of land that preserves open space, native flora and fauna while providing comfort to families in a natural setting; now therefore

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
4 ARTICLE 1 – GENERAL PROVISIONS

5 Section 101 – Definitions

6 § 101.1. – Word usage; definitions.

7 Words used in the present tense include the future; words in the singular number include the
8 plural number; the word "shall" is mandatory. For the purposes of these regulations, certain
9 terms and words are defined below.

10 Any word or term not defined in this section shall have the ordinarily accepted definition as set
11 forth in the most recent edition of Webster's Third New International Dictionary of the English
12 Language, Unabridged.

13 NATURAL BURIAL GROUND – ANY PROPERTY INTENDED FOR USE FOR THE
14 BURIAL OR PERMANENT DISPOSITION OF THE REMAINS OF THE DEAD, UTILIZING

1 NATURAL BURIAL METHODS AND BIODEGRADABLE MATERIALS THAT PERMIT
2 THE BODY TO RETURN NATURALLY TO THE EARTH. A NATURAL BURIAL
3 GROUND THAT OPERATES IN ACCORDANCE WITH SECTION 401.1.2 OF THESE
4 REGULATIONS, THEREBY CAUSING LITTLE OR NO DISTURBANCE TO THE
5 PROPERTY UPON WHICH IT IS LOCATED, SHALL NOT CONSTITUTE
6 DEVELOPMENT AS THAT TERM IS DEFINED WITHIN THE BALTIMORE COUNTY
7 CODE.

8
9 ARTICLE 1A – RESOURCE CONSERVATION ZONES

10 Section 1A07 – R.C.6 (Rural Conservation and Residential) Zone

11 § 1A07.3. - Permitted uses.

12 B. Uses permitted by special exception. The following uses only may be permitted by special
13 exception in an R.C.6 Zone:

14 17. NATURAL BURIAL GROUND (SEE SECTION 401.1.2)

15
16 ARTICLE 4 – SPECIAL REGULATIONS

17 Section 401 – Cemeteries

18 § 401.1.2. – NATURAL BURIAL GROUND.

19 A NATURAL BURIAL GROUND IS PERMITTED SUBJECT TO THE FOLLOWING
20 CONDITIONS:

21 A. A NATURAL BURIAL GROUND SHALL BE DESIGNED, OPERATED, AND
22 MAINTAINED IN A MANNER THAT PRODUCES A NATURAL APPEARANCE, BY
23 USING PLANTS AND MATERIALS NATIVE TO THE REGION AND LANDSCAPE

1 PATTERNS DERIVED FROM AND COMPATIBLE WITH REGIONAL ECOSYSTEMS.

2 B. A NATURAL BURIAL GROUND MUST BE LOCATED ON A MINIMUM
3 TRACT OF 100 ACRES.

4 C. MEMORIAL GRAVE MARKERS MAY NOT BE RAISED ABOVE THE
5 GROUND. MARKERS SHALL CONSIST OF NATURAL AND NATIVE MATERIALS
6 THAT WILL NOT IMPEDE THE NATURAL LANDSCAPE.

7 D. THE OVERALL/AVERAGE DENSITY SHALL BE 500 BURIALS PER ACRE. IN
8 CERTAIN AREAS WHERE BURIAL MAY NOT OCCUR DUE TO SENSITIVE AREA
9 ANALYSIS, BURIAL DENSITY MAY BE TRANSFERRED TO A LESS RESTRICTED
10 AREA IN WHICH BURIAL DENSITY SHALL NOT EXCEED 600 BURIALS PER ACRE, IN
11 ACCORDANCE WITH THE STANDARDS OF THE GREEN BURIAL COUNCIL.

12 E. A NATURAL BURIAL GROUND SHALL BE MAINTAINED AS CERTIFIED BY
13 THE GREEN BURIAL COUNCIL AND OPERATING IN ACCORDANCE WITH THE
14 GREEN BURIAL COUNCIL STANDARDS.

15 F. A NATURAL BURIAL GROUND SHALL COMPLY WITH ALL
16 REQUIREMENTS OF STATE LAW, INCLUDING THE REGISTRATION REQUIREMENTS
17 OF TITLE 5, SUBTITLE 3 OF THE BUSINESS REGULATION ARTICLE OF THE
18 ANNOTATED CODE OF MARYLAND.

19 G. THE OWNER OF A NATURAL BURIAL GROUND SHALL FILE A
20 DOCUMENTED SITE PLAN OF THE BURIAL GROUND WITH THE DEPARTMENT OF
21 PERMITS, APPROVALS AND INSPECTIONS, INDICATING AREAS WHERE BURIALS
22 ARE PERMITTED.

23 H. THE OWNER OF LAND ON WHICH A NATURAL BURIAL GROUND IS TO BE

1 LOCATED SHALL, AT THE TIME OF APPLICATION FOR THE SPECIAL EXCEPTION,
2 SUBMIT TO THE DEPARTMENT OF ENVIRONMENT PROTECTION AND
3 SUSTAINABILITY A HYDROGEOLOGIC STUDY COMPLETED BY A
4 HYDROGEOLOGIST, OR SIMILARLY QUALIFIED CONSULTANT, THAT INCLUDES
5 THE FOLLOWING:

6 1. A SCALED SITE PLAN SHOWING THE PROPOSED LOCATION OF THE
7 AREAS TO BE USED FOR BURIAL, PROPERTY BOUNDARIES, TOPOGRAPHY,
8 WATER BODIES, USDA SOIL TYPE, EXISTING AND PROPOSED WELLS AND SEPTIC
9 SYSTEMS ON AND WITHIN 200 FEET OF THE PROPERTY LINE, AND EXISTING AND
10 PROPOSED STRUCTURES ON AND WITHIN 200 FEET OF THE PROPERTY LINE; AND

11 2. A DETERMINATION OF THE DEPTH TO BEDROCK AND DEPTH AND
12 FLOW DIRECTION OF GROUNDWATER BENEATH THE AREA PROPOSED AS
13 BURIAL GROUND; AND

14 3. AN ASSESSMENT OF PROPOSED BURIAL PRACTICES REGARDING
15 THE POTENTIAL IMPACTS OF BURIED REMAINS ON GROUNDWATER QUALITY,
16 SURFACE WATER QUALITY, AND DOMESTIC WATER SUPPLIES IN RELATION TO
17 HUMAN HEALTH AND THE ENVIRONMENT; AND

18 4. RECOMMENDATIONS AS TO THE APPROPRIATE NUMBER, AND
19 THE LOCATION AND PLACEMENT, OF BURIAL SITES ON THE LAND BASED ON THE
20 FINDINGS IN PARAGRAPHS H. 1, 2, and 3.

21 I. A NATURAL BURIAL GROUND MAY INCLUDE A ONE STORY BUILDING
22 WITH PRIVATE UTILITIES, NOT TO EXCEED 800 SQUARE FEET IN SIZE WHICH MAY
23 INCLUDE A RESTROOM FACILITY.

1 J. THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
2 AND SUSTAINABILITY SHALL ADOPT REGULATIONS TO ADMINISTER AND
3 ENFORCE THE PROVISIONS OF THIS SECTION.

4
5 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
6 the affirmative vote of five members of the County Council, shall take effect on _____, 2020.