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**A G E N D A I T E M S U M M A R Y**

**Reference No:** CB-11-1991

**Draft No:** 3

**P r i n c e G e o r g e ' s**

**Meeting Date:** 3/26/91

**C o u n t y C o u n c i l**

**Requester:** MNCPPC

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**Item Title:** An Ordinance for the purpose of establishing that an existing cemetery that is accessory to an existing church, convent, or monastery is a permitted use.

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**Sponsors** CA B C M

**Date Presented** 1/22/91 **Executive Action**     /    /     **Effective Date** 3/26/91       
**Committee Referral** (1) 1/22/91 P&Z  
**Committee Action** (1) 2/4/91 FAV(A)  
**Date Introduced** 2/19/91  
**Pub. Hearing Date** (1) 3/26/91 1:30 PM  
**Council Action** (1) 3/26/91 Enacted  
**Council Votes** CA: A\_, B\_: A\_, C\_: A\_, D\_: A\_, F\_: A\_, MC: A\_,  
M\_: A\_, P\_: A\_, WI: A\_, \_\_\_: \_\_, \_\_\_: \_\_, \_\_\_: \_\_  
**Pass/Fail** P

**Remarks** \_\_\_\_\_

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**Drafter:** Wendy Irminger **Resource** Dale Hutchison  
M-NCPPC **Personnel:** M-NCPPC

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**LEGISLATIVE HISTORY**

PLANNING AND ZONING COMMITTEE REPORT

DATE: 2/4/91

Committee Vote: Favorable with amendments, 5-0-0 (In favor: Council Members Castaldi, Casula, Del Giudice, Fletcher and Mills).

Michael Petrenko, Deputy Planning Director, briefed the Committee on the background of the legislation. In response to questions from Committee members, he clarified the intent of the legislation, which was to accommodate existing churches with existing accessory cemeteries. As proposed by staff, the Committee agreed that each Section of the bill should be amended to specify that both uses had to have been in existence as of January 1, 1991. This amendment will prevent the establishment of new cemeteries and the expansion of existing church cemeteries beyond previously designated boundaries, unless current regulations are met.

Tom Haller, representing the First Lutheran Church of Bowie, spoke in favor of the legislation. The Health Department took no position on the legislation. A position statement of the Prince George's County Municipal Association indicated that the Association supports the legislation with the amendments made by the Committee.

In order to comply with the newly adopted rules of procedure, the effective date of the bill was changed to June 30, 1991.

**BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

Under current regulations, most cemeteries are either allowed by Special Exception or not permitted in the Residential, Commercial, Industrial, Comprehensive Design, Planned Community, and Mixed Use Zones. In instances where a church has a cemetery associated with it, this creates a problem because the church cannot be issued a building permit until the cemetery is made legal through obtaining Special Exception approval or certification as a nonconforming use. This proposal would establish that cemeteries accessory to existing churches, convents or monasteries are permitted uses in the aforementioned zones, thus eliminating an obstacle from the permit process.