

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

---

---

**Reference No.:** CB-101-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 10/07/2021

**Action:** FAV(A)

---

---

### REPORT:

Committee Vote: Favorable as amended, 8-0-1 (In favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Harrison, Ivey, Taveras, and Turner. Abstain: Council Member Hawkins)

The Committee of the Whole convened on October 7, 2021 to consider CB-101-2021. The Planning, Housing, and Economic Development (PHED) Committee Director summarized the purpose of the bill and informed the Committee of written comments received on referral. CB-101-2021 amends the Zoning Ordinance to permit funeral parlors and undertaking establishments to operate in the I-1 (Light Industrial) Zone under certain specified circumstances provided in a new footnote to the Industrial Zones use table.

The Planning Board opposed the legislation and provided an explanation of their position in an October 7, 2021 letter to Council Chairman Hawkins. The Zoning Hearing Examiner provided the following comments by memorandum dated October 6, 2021 to the PHED Committee Director:

“This bill will allow a Funeral Parlor, undertaking establishment in the I-1 Zone by right, subject to a few conditions.

First, this use is an odd one in our current ordinance. The defined use is “Funeral Home” and includes embalming, performance of autopsies, performance of ceremonies in connection with a funeral, and other similar uses. (Prince George’s County Zoning Ordinance, Section 107.01(a)(97)) The Special Exception provisions morphed that language into “Funeral Parlor or Undertaking Establishment”. I would ask the sponsor to use the defined term or even the existing one set forth in some tables, but not add the one in the bill to avoid further confusion.

The Special Exception provisions recognize the impact such uses may have on residential property and requires minimum side and rear yards of at least 50 feet when adjoining land in a residential zone, or proposed to be used for residential purposes on an approved Basic Plan, Conceptual Site plan or Detailed Site Plan. Subpart B in the new footnote does not include this language but notes that the property must be less than 500 feet from property located in the R-55 Zone. To protect any residences or potential residences I would urge that the sponsor set a

minimum setback from that R-55 Zone since the use will not be required to undergo special exception review.”

The Office of Law reviewed CB-101-2021 as it was presented on September 28, 2021 and found it to be in proper legislative form with legal impediments to its adoption. However, the Office of Law does suggest removing the footnote 78 from the table and adding that language to Section 27-357(a) as a new section of the existing “Funeral parlor or undertaking establishment” definition instead of as a footnote to the table.

Daniel Lynch of McNamee Hosea, representing Pope Funeral Homes, testified in support of the legislation to allow his client to expand its business in the County.

To address the comments offered by the Zoning Hearing Examiner, the Committee recommended amendments to include criteria and standards as currently provided in Section 27-357 (Additional Requirements For Specific Special Exceptions - Funeral parlor or undertaking establishment) to Footnote 78.

After discussion, on a motion by Council Member Ivey and second by Council Member Anderson-Walker, the Committee voted favorable 8-0-1 on CB-101-2021 as amended in Footnote 78.