

**AN ORDINANCE AMENDING TITLES 6 AND 17 OF THE ALAMEDA COUNTY GENERAL ORDINANCE CODE
REGARDING CONDITIONAL USE PERMIT PROCESS FOR CREMATORIIUMS**

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 6.20.030 of the General Ordinance Code is amended to read as follows:

6.20.030 - Crematoriums, unlawful to erect etc., within three hundred feet of residences.

It is unlawful for any person, firm, association or corporation to erect, maintain, or operate any buildings, furnace or other appliances for cremating, incinerating, burning or other destroying of human bodies or any parts thereof, within three hundred (300) feet from any established residence in the county unless the use is approved by the Planning Commission under Section 17.52.035.B of this Ordinance.

This section shall not prevent the erection, operating or maintaining of any buildings, furnaces, or other appliances for cremating, incinerating, burning or other destroying of human bodies or other parts thereof as to any residence or residences, erected or established within the prescribed limits subsequently to the time of posting on the premises to be used and occupied for the buildings, furnaces or other appliances, a notice of intention to erect, operate and maintain the buildings, furnaces or other appliances on the posted premises.

SECTION II

Section 17.52.035 of the General Ordinance Code is amended to read as follows:

17.52.035 - Conditional uses—Planning commission.

The following are conditional uses and shall be permitted in any district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in *Sections 17.54.130 and 17.54.135*:

- A. Airport or landing strip for airport.
- B. Crematory Units, as defined and limited in Section 6.20.030, within three hundred (300) feet of any established residence in the county.

In addition to the findings required under Section 17.54.130, the planning commission shall not approve such a crematory unit unless it can make the additional findings that:

1. Cremation is not the primary use in a residential or commercial area but accessory or ancillary to a related and legally existing mortuary, funeral home, columbarium, or cemetery use; and
2. Such operation is not a nuisance or threat to public health, safety, or the quiet enjoyment of neighboring occupants; and
3. The cremation operation must be permitted by the regional air quality control agency (currently Bay Area Air Quality Management District) prior to issuance of any County ministerial permits.

SECTION III

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, Of January __, 2011 by the following called vote:

AYES:
NOES;
EXCUSED:

ALICE LAI-BITKER
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA, Clerk
of the Board of Supervisors, County of Alameda

By _____