

Crematoria

Background. Recently, the city had a request to permit a crematorium, and absent inclusion of this specific use in the Zoning Ordinance, interpreted crematoria to be similar to incinerators, which are not permitted in the city. Communities around the state vary in their approaches to regulating such uses, which are licensed by the state of Michigan.

Current Zoning Standards. The city conditionally permits cemeteries in residential districts. Related uses, funeral homes, are also conditionally permitted in residential districts when associated with a cemetery. Funeral homes are permitted uses in the O-1 Office Business district. Although not listed in the use matrix as such, they are defined as general commercial uses and it appears funeral homes would be permitted in the FB-2 and FB-3 districts. There are no definitions that clarify what might be included as part of a cemetery and funeral home use.

In addition, the FB district standards provide for certain uses that include: *Research facility. A facility for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products. Any facility involving human testing, animal husbandry, or incinerators shall be considered a Major Facility.* Major facilities are included under "civic uses," similar to hospitals, but are not listed in the use matrix, so it is unclear whether they are permitted in the FB district.

The Zoning Ordinance states that uses that are not specifically listed in and permitted by this ordinance, or otherwise determined to be similar to listed and permitted uses, are hereby determined to be prohibited uses. In looking to the industrial districts, where many communities

Overview of Crematoria. The City may wish to consider the need for such uses. According to the Cremation Association of North America (CANA), in 2015, the US cremation rate was 48.6%. By 2020, the US cremation rate is projected to reach 54.3%. They predict that by 2020, cremations may surpass burials.

CANA, along with the International Cemetery, Cremation, and Funeral Association (ICCFA), also notes that the term may include alternative approaches to the same outcome:

People generally understand what the term cremation means. When we are asked for a detailed definition, however, we tend to hesitate while searching for appropriate words. A suggested definition of cremation is the: "*The mechanical and/or thermal or other dissolution process that reduces human remains to bone fragments.*" Cremation includes the processing and usually includes the pulverization of the bone fragments. This definition covers a variety of technologies that may be applied in order to achieve reduction to bone fragments, including traditional flame-based cremation, calcination and alkaline hydrolysis.

The ICCFA also recognizes the additional processes as well as provides definitions for the storage of remains, which may occur within a place of worship or a cemetery as an accessory use:

COLUMBARIUM: A structure or room or space in a building or structure used or intended to be used for the inurnment of cremated remains.

CREMATION: The irreversible process of reducing human remains to bone fragments through intense heat and evaporation, in a specifically designed furnace or retort, which may include any other mechanical or thermal process whereby the bone fragments are pulverized, or otherwise further reduced in size or quantity. Cremation is a process and is not a method of final disposition.

Given the mechanical and thermal processes associated with such a use, it seems similar to other uses that are permitted in the industrial districts. In fact, many communities take this approach.

Impacts. CANA notes that one of the biggest concerns with cremation is the emission of mercury. Mercury was a common material used in dental work; however, newer dental practices do not use mercury and the emission of mercury associated with cremation is likely to decrease. It is likely that there are other industrial uses which emit larger amounts of air pollutants. Newer techniques and equipment in the cremation industry strive to minimize these impacts. In an article on the CANA website by Paul Rahill, President of the Matthews International Cremation Division (MCD) headquartered in Orlando, Florida, “North American cremator designs have typically performed better environmentally due to designs that included large afterchambers for the reburning and scanning of the exhaust prior to discharge into the atmosphere. These types of designs are important as the locations where crematories have often been built in North America are light commercial and adjoining residential properties.”

Possible Approaches. The city may wish to consider defining cremation, columbarium, and associated terms. The definitions provided above by CANA and ICCFA could be refined to include a reference that such uses are licensed by the state of Michigan. It should be noted that the state act that regulates cemeteries and crematoria prohibits such uses from being owned by a person holding a mortuary science license and/or a licensed funeral home.

In **Grand Blanc Township**, cremation is excluded as accessory to cemeteries and are special land uses in the Light Industrial district. **Farmington Hills and Novi** are both silent on the use. The **City of Marshall** allows crematoria in their industrial districts as special land uses, and also specifically excludes crematoria services with funeral homes (which is not necessary as that combination is prohibited by state law). They may allow crematoria with cemeteries, but specify that “Crematoriums shall be prohibited within or directly abutting a residential district.” **Lenox Township** recently adopted new standards that permit crematoriums (for humans as well as pets) in the Controlled Industrial districts and as special land uses in the Restricted Industrial districts. They include the following criteria:

1. No crematorium shall be located within three hundred (300') feet of any adjacent residentially zoned or used parcel or within one hundred (100') from a parcel zoned or utilized for office or commercial.
2. The crematorium shall emit no visible emissions or odors.
3. Noise emitted from the crematorium shall not exceed maximum sound levels set forth in this Zoning Ordinance.
4. All activity relating to the dead shall be handled discretely and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
5. The crematorium shall not be used for the disposal of any waste materials.

6. Prior to the issuance of a certificate of occupancy for any crematorium, the operator shall provide documentation to the Township that all applicable federal, state and local permits have been obtained and provide to the Township all of the equipment manufacturers' specifications for construction, installation, operation, and maintenance.
7. Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state and local permits, as amended. The Township shall have the right to enter and inspect the operations of a crematorium to determine compliance with this provision.