



## Planning Commission Memorandum

**To:** Planning Commission

**From:** John Hinzman, Community Development Director

**Date:** November 27, 2017

**Item:** Ordinance Amendment #2017-50 – Funeral Home and Crematoria

### Planning Commission Action Requested

Hold a public hearing and review a proposed amendment to Hastings City Code Chapter 155 – Zoning Code pertaining to Funeral Homes and Crematoria. Proposed changes include:

- Creation of a Funeral Home definition inclusive of crematoria uses.
- Through issuance of a Special Use Permit, allow Funeral Homes in the R-2 Medium Density Residence Zoning District.
- Allow Funeral Homes as a Permitted Use within the C-1, C-3, and C-4 Zoning Districts.

### History

Both Wise Funeral Home at 400 Spring Street, and Caturia-Smidt Funeral Home at 201 East 7<sup>th</sup> Street are located with the R-2 Zoning District. The R-2 district currently does not specifically allow funeral homes as a permitted or special use. Both funeral homes are deemed non-conforming limiting their ability to expand or modify uses.

### Crematories

Cremations involve incineration at a controlled, high temperature generally between 1400 – 1800 degrees Fahrenheit. The process generally takes about two hours. The temperature and duration is customized via computer based upon the characteristics of the body. During properly controlled cremations the outward effect of the process is limited. The chimney produces a heat signature similar a fireplace. There is no ash or odor emitted.

Crematories are licensed through the Minnesota Department of Health to ensure safe operation. Emissions generated from crematories have been studied by the Minnesota Pollution Control Agency and University of Minnesota. Studies have not resulted in the development of specific regulations for crematories.

Similar to funeral homes, crematories are located in a variety of land use settings, from residential neighborhoods to commercial districts. Cities vary in the regulation of funeral homes and crematories, some requiring special use permits for operation. Most city codes do not differentiate between the treatment of funeral homes with and without crematories.

### **Operation of Funeral Homes in Residential Districts**

- Funeral homes would be required to meet minimum parking standards of 1 space per every 3 seats based upon design capacity of the chapel or viewing area.
- New construction of funeral homes would require Site Plan application review and approval.
- Operation of funeral homes within the R-2 District would require a special use permit involving notification of neighboring residents and establishment of conditions for operation.

### **Allowance of Funeral Homes in Commercial Districts**

Funeral Homes are not currently defined in the zoning code nor specified as a permitted use within commercial zoning districts. Operations have been considered as a “retail and service establishment”. Since a specific definition for funeral homes is proposed, language has been added to clarify funeral homes as a “permitted use” within the C-1, C-3, and C-4 Zoning Districts. The ordinance amendment adds language to the C-3 District only; however the C-1 and C-4 Zoning Districts include all “permitted uses” within the C-3 District so that the inclusion becomes effective for all three districts.

### **Wise Funeral Home Expansion**

Wise seeks to expand onsite parking and to construct a building to perform crematory services at their existing site. Amendment of the current ordinance is necessary to consider the request. Specific expansion plans would be presented as part of a future Site Plan Application upon amendment of the ordinance.

### **Notification**

Notification of the proposed ordinance amendment has been published and letters sent to properties within 350 feet of both the Wise and Caturia-Smidt Funeral Homes. Staff has not received any comments to date.

### **Planning Committee of City Council**

On October 30, 2017 the Planning Committee of City Council (Chair Vaughan, Balsanek, and Folch) discussed amending the R-2 zoning district to allow funeral home and crematory uses and directed staff to prepare an amendment for consideration.

### **Attachments:**

- Ordinance Amendment

**DRAFT – Planning Commission Review – November 27, 2017**

**ORDINANCE NO. \_\_\_\_\_, THIRD SERIES**

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA  
AMENDING HASTINGS CITY CODE CHAPTER 155 – ZONING CODE –  
FUNERAL HOMES AND CREMATORIA IN THE R-2 ZONING DISTRICT**

**BE IT ORDAINED** by the City Council of the City of Hastings as follows:

Chapter 155 of the Hastings City Code – Zoning Code is hereby amended as follows  
(Additions to the ordinance are underlined and section numbers may be renumbered):

**§ 155.02 DEFINITIONS.**

**FUNERAL HOME.** A building, or part thereof, used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

**§ 155.23 R-2 MEDIUM DENSITY RESIDENCE.**

(C) *Uses by special permit.*

(4) Funeral Homes.

**§ 155.30 C-3 COMMUNITY REGIONAL COMMERCE.**

(B) *Uses permitted.*

(8) Funeral Homes.

*All other sections shall remain unchanged.*

**ADOPTED** by the Hastings City Council on this 18<sup>th</sup> day of December,  
2017

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Paul J. Hicks, Mayor

ATTEST:

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Julie Flaten, City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 18<sup>th</sup> day of December, 2017, as disclosed by the records of the City of Hastings on file and of record in the office.

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Julie Flaten, City Clerk

**(SEAL)**

This instrument drafted by:  
City of Hastings (JH)  
101 4th St. East  
Hastings, MN 55033