



# OLR RESEARCH REPORT

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## LAWS ON SITING CREMATORIA

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You asked for a summary of state and local laws regarding the siting of crematoria.

### SUMMARY

Under state law, unless located in an established cemetery with at least 20 acres, a crematorium must be approved by the local zoning commission or certain other specified local officials. Local zoning regulations cannot permit a crematorium within 500 feet of any residential structure or land zoned for residential purposes that is not owned by the crematory owner.

Local zoning of crematoria varies widely by municipality. Of the 37 zoning regulations we reviewed, 18 have specific provisions on crematoria. Many of these municipalities only allow crematoria in specified districts, often requiring a special permit or special exception. Some municipalities, such as Lebanon, Milford, and Simsbury, explicitly ban crematoria, while Bloomfield, Redding, and Rocky Hill appear to ban crematoria by implication. The other 19 municipalities we reviewed do not specifically address crematoria in their zoning regulations.

In addition to these siting laws, a crematorium requires permits from the (1) Department of Public Health (DPH) and (2) Department of Energy and Environmental Protection's Bureau of Air Management for retort emissions. Information about these permits is available from the [Connecticut Licensing Information Center](#).

## **STATE LAW**

Under CGS § [19a-320](#), crematories must be located within (1) an established cemetery with at least 20 acres that has been in operation for at least five years before the crematory is erected or (2) a plot that has been approved by local authorities. The authority is the zoning commission or the (1) selectmen of a town, (2) mayor and council or board of aldermen of a city, or (3) warden and burgesses of a borough if the municipality does not have a commission.

For sites other than in established cemeteries, the applicant must apply in writing to the local authority and a hearing must be held in the municipality within 65 days from the date of receipt of the application. The applicant must mail notice of the hearing to the DPH commissioner. The applicant also must publish two notices in a local newspaper at intervals of not less than two days, the first between 10 and 15 days before the hearing and the second not less than two days before the hearing. The local authority must approve or deny the application within 65 days after the hearing, but may extend the deadline by up to 65 days with the applicant's consent. The authority must state the grounds for its action on the record. The applicant must pay the municipal treasurer a \$10 fee, plus the costs of the publishing the notice, and the reasonable expense of the hearing.

In addition, CGS § [19a-321](#) allows any public institution in this state to erect and maintain a crematory for the incineration of the bodies of those connected with the institution as inmates or others as the institution's administrative head deems advisable.

Under CGS § [8-2n](#), local zoning regulations, whether adopted under statutory or special act authority, may not authorize the location of a crematory within 500 feet of any residential structure or land zoned for residential purposes that is not owned by the crematory owner. This provision applies to humans and livestock crematories. It appears that this provision applies to crematoria at established cemeteries as well as other locations.

## **LOCAL LAW**

We reviewed zoning regulations in 37 municipalities of various sizes across the state, of which 18 have provisions specifically addressing crematories or cremation. The treatment of crematoria under these regulations varies by municipality, as seen in Table 1. While crematories are allowed as of right in permitted zones in Colchester and Hartford, in

the remaining municipalities, crematoria are subject to additional conditions, such as site plan review. In addition to the criteria described in the table, zoning regulations typically impose minimum side, front, and back yard standards and limit the maximum height of a building.

Crematoria are explicitly prohibited in Lebanon, Milford, and Simsbury. They appear to be prohibited by implication in Bloomfield, Redding, and Rocky Hill.

**Table 1: Crematory Provisions in Zoning Regulations in 18 Municipalities**

<b><i>Municipality</i></b>	<b><i>Crematory Provision</i></b>
<a href="#">Bloomfield</a>	Prohibits cremations at cemeteries; crematories not otherwise addressed in zoning regulations. Under the regulations (1) any principal use of land, buildings, or structures not expressly permitted in a particular zoning district is prohibited in that district and (2) any activity not expressly permitted in a particular district is prohibited there.
<a href="#">Colchester</a>	Allows crematories as an accessory use to funeral homes and mortuaries, which are only permitted in business and industrial zones. Requires one parking space per employee.
<a href="#">Cromwell</a>	Allows crematories in industrial zones only, where lots must be at least 21,780 square feet (slightly less than one half acre). Crematoria in new buildings require site plan approval. Adding a crematorium in an existing building requires a change of use permit.
<a href="#">Danbury</a>	Crematorium must be located on the same lot or parcel where a funeral home is being operated. Funeral homes allowed in general, arterial, and light commercial districts, and in the Central Business District with a special permit. Funeral homes allowed in residential zones with special exception. Zoning permit may not be issued until the proposed location of the crematory has been approved by the Zoning Commission.
<a href="#">Hartford</a>	Crematoria permitted in certain industrial and public land districts, so long as the crematorium complies with CGS § <a href="#">19a-320</a> .
<a href="#">Lebanon</a>	Crematoria not allowed in any zone

**Table 1 (continued)**

<b><i>Municipality</i></b>	<b><i>Crematory Provision</i></b>
<a href="#"><u>Middletown</u></a>	Crematory allowed as part of cemeteries, which are permitted as special exception uses in certain residential zones, with lot sizes ranging from 15,000 to 60,000 square feet, as well as in the M (multifamily) zone.
<a href="#"><u>Milford</u></a>	Crematoria not allowed in any zone.
<a href="#"><u>New Britain</u></a>	Crematoria only allowed at cemeteries that are 15 acres or larger or on a contiguous lot with a minimum area of two acres.
<a href="#"><u>Oxford</u></a>	Crematoria with a gross area of 25,000 square feet or less allowed in the commercial district with site plan approval. Crematoria of any size allowed in the industrial district with special exception.
<a href="#"><u>Plainfield</u></a>	Crematoria in the Aquifer Protection Overlay District must be connected to public sewers.
<a href="#"><u>Redding</u></a>	Excludes crematoria from the definition of cemeteries; does not otherwise address crematoria. Under the regulations, only uses specifically identified as “Permitted Principal Uses,” “Permitted Accessory Uses,” and “Permitted Special Uses” are allowed in their respective zones. All other uses are expressly prohibited. Thus it appears that the regulation prohibits crematoria.
<a href="#"><u>Rocky Hill</u></a>	Crematoria barred as an accessory use for funeral homes; no other provisions specifically allow them. Any use of land, buildings, or structures not clearly permitted by the regulations in a zoning district is prohibited. Activities not clearly permitted in the regulations are prohibited.
<a href="#"><u>Simsbury</u></a>	Crematoria not allowed in any zone.
<a href="#"><u>Stonington</u></a>	Crematoria allowed with special permit in certain residential and development area zones.
<a href="#"><u>Trumbull</u></a>	Excludes crematoria in the definition of cemeteries; does not otherwise address crematoria.
<a href="#"><u>Wallingford</u></a>	Pet crematoria allowed in certain industrial zones, subject to site plan approval.
<a href="#"><u>Waterbury</u></a>	Crematoria for human and livestock remains allowed with a special permit in all residential, commercial, and industrial zones. Any crematory located in a residential district must be located on the grounds of a cemetery.

A number of municipalities we surveyed, including Branford, Cheshire, Enfield, Essex, Glastonbury, Manchester, Mansfield, New Canaan, Newington, Plainville, Salisbury, Shelton, Thomaston, Vernon, West Haven, Wethersfield, Wilton, Windsor, and Woodbridge do not specifically address crematoria in their zoning regulations. It is possible that crematoria might be permitted in these municipalities as an accessory use to a permitted use, e.g., a funeral home, or they may not be permitted at all. For example, earlier this year Windsor approved a pet crematorium as an accessory use to a veterinary hospital. On the other hand, Newington bans crematoria as a matter of policy.

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