

## **MINUTES OF PUBLIC HEARING**

**JULY 25, 2011**

### **Temp. Ord. B-62**

An ordinance amending Chapter 1115, Title 1, and Section 1131.03 of Chapter 1131, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), relating to regulation of crematories, and declaring an emergency.

On the 25th day of July, 2011 at 2345 Fourth Street, Cuyahoga Falls, Ohio at 6:40 p.m. EST, a public hearing was called to order and conducted regarding Temp. Ord. B-62 dealing with proposed amendments to specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published in the *Falls News Press*, a newspaper of general circulation in the City of Cuyahoga Falls, in accordance with Section 113.03 of the Codified Ordinances of the City of Cuyahoga Falls, Ohio.

Two individuals spoke in favor of the legislation. Fred Guerra, Planning Director of the City of Cuyahoga Falls, stated this was a text amendment to allow crematories in the City. In order to do that, they needed to make two changes to the Code. The first change would be under the definition of "mortuaries" in Chapter 1115, and the second would be under "Use Types Categories" in Chapter 1131.03(E)(12). Currently, crematories are allowed only as an accessory use in a cemetery. Times are changing, however, and more funeral homes are offering cremation services to their clients. The amendments proposed in this legislation would allow funeral homes to perform cremations on site. The proposed change to the definition in Chapter 1115 is to strike out the last sentence of that section which stated "[t]his use does not include cemeteries, crematoriums, and columbariums." The proposed change to Chapter 1131.03(E)(12) is (a) the insertion of the word "remains" after "deceased human" in the first sentence, and (b) the following sentences added at the end of the section:

"Human cremation may be considered an accessory use to this use, but only when the cremation is ancillary to other funeral services of the funeral home or mortuary that are performed in relation to the same deceased individual. Cremation as a stand-alone service is a separate use and shall not be considered an authorized accessory use to this use."

Mr. Guerra stated that on May 17, 2011, the Planning Commission voted to recommend approval of these amendments. He added that if the funeral home had room in its current facility, a new building would not be necessary, however, in most cases, a new building would need to be constructed.

Ken Shoemaker, of Clifford Shoemaker Funeral Home, stated the funeral home has been a family business since 1958. In the last 15 years, the number of cremations has doubled. They anticipate serving 60 to 70 clients by the end of the year. Currently, their cremations are done in Akron. Clients typically do not want their loved ones taken to Akron. This legislation would allow the funeral home to give its clients peace of mind by keeping their loved ones in one place.

No one spoke against the legislation.

No further comments, either for or against the legislation, were offered by anyone in attendance. Council President, Diana Colavecchio, declared the public hearing closed at 6:50 p.m.

Certification

The undersigned, Cathleen J. Meacham, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio at 6:40 p.m. on Monday, July 25, 2011, in the City Council meeting room located in the Cuyahoga Falls Natatorium.

Dated: July 25, 2011

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Cathleen J. Meacham, Clerk  
Cuyahoga Falls, Ohio City Council