



## CITY OF WASHINGTON, ILLINOIS City Council Agenda Communication

**Meeting Date:** December 16, 2024

**Prepared By:** Jon Oliphant, AICP, Planning & Development Director

**Agenda Item:** First Reading Ordinance – Residential Cemeteries Prohibition Zoning Code Text Amendment

**Explanation:** Chapter 56, Article III addresses the possible allowance for cemeteries on residential properties. Staff recently received an inquiry from a resident about the possible allowance for a single burial plot in the resident's backyard. The resident that reached out to staff owns a property that is zoned R-1 (Single- and Two-Family Residential). The resident indicated interest in this as a way to reduce or completely abate the payment of property taxes. Chapter 18 (Cemeteries) of the City Code addresses cemeteries, though it is focused almost exclusively on the regulations for Glendale Cemetery. Part of Chapter 56 (Zoning Code) addresses the various permitted uses, including cemeteries, in all residential districts as follows:

“(12) *Cemeteries, provided the location thereof is approved by resolution of the City Council after a public hearing is held and recommendation is made by the Planning and Zoning Commission.*”

Cemeteries of not less than 50 acres are allowed as a special use in the AG-1 (Agriculture) zoning district. Glendale Cemetery is zoned AG-1. State statute does allow for the exemption from the payment of property taxes where the property is used exclusively for cemetery purposes. Therefore, even if a cemetery was approved on a residential property, the owner would not see a reduction in the assessed valuation and payment of the property taxes so long as a residential structure was located on it. Staff is not aware of any prior consideration of a burial plot on a residential property and there are no historical records of past approvals of any cemeteries other than Glendale Cemetery. Besides Glendale, the City owns Baker Cemetery off of Tottenham Court.

The attached draft text amendment would prohibit cemeteries from being located on properties that have single-, two-, or multi-family residential uses. The consideration of a cemetery on a residential-zoned property that does not have a principal residential use would be done through the special use process. Staff recommends approval of the draft zoning code text amendment.

**Fiscal Impact:** There would not appear to be any fiscal impact unless the City Council was to require a fee to be paid for the allowance of burial plots on residential properties.

**Action Requested:** Staff recommends approval of the draft zoning code text amendment. Consensus from the Council at the October Committee of the Whole meeting was to proceed with the drafting of an amendment ordinance. In staff's opinion, there would likely be objections raised by adjacent property owners should there ever be a formal consideration of a residential burial plot given the required notifications to all adjacent property owners through a public hearing process. The Planning and Zoning Commission held a public hearing on this item at its meeting on December 4 and unanimously recommended approval. A first reading ordinance is scheduled for the December 16 Council meeting and a second reading ordinance will be scheduled for the January 6, 2025, meeting.

**ORDINANCE NO. \_\_\_\_\_**

(Approval of this ordinance would prohibit cemeteries from being located on properties in residential zoning districts that have principal residential structures)

**AN ORDINANCE AMENDING THE ZONING REGULATIONS TO AMEND THE REQUIREMENTS RELATED TO CEMETERIES IN RESIDENTIAL ZONING DISTRICTS**

**WHEREAS**, the City of Washington, Tazewell County, Illinois (the “City”), is a home rule unit of government; and

**WHEREAS**, the City has established municipal zoning regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

**WHEREAS**, within such zoning regulations are regulations establishing permitted and special uses in residential zoning districts; and

**WHEREAS**, the corporate authorities of the City, in the interest of the public health, safety and welfare have determined that it is appropriate to amend the consideration given to allowing cemeteries in residential zoning districts; and

**WHEREAS**, a public hearing on the requested textual amendment set forth herein was held before the Planning and Zoning Commission (the “Commission”) on December 4, 2024, in the manner prescribed by the City’s Municipal Code and by Illinois law; and

**WHEREAS**, after holding such public hearing, the Commission has recommended approval of the adoption of the textual amendments; and

**WHEREAS**, the corporate authorities of the City have determined that it is necessary and in the best interest to amend the zoning regulations to revise the consideration given to the allowance of cemeteries in residential zoning districts.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1.** The City of Washington hereby finds as fact the recitals set forth above and are incorporated herein as though fully set forth;

**Section 2.** That Chapter 56, Article III, Sec. 56-77(12) of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is deleted in its entirety and the following is substituted therein as follows:

“(12) *Intentionally Omitted.*”<sup>22</sup>

**Section 3.** That Chapter 56, Article III, Sec. 56-77(15) of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by adding subsection (g) as follows:

**“g. Cemeteries, so long as the premises does not have a duplex or single-, two-, or multi-family dwelling on the premises.”**

**Section 4.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

**Section 5.** If any provision of this ordinance is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

**Section 6.** This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**