



CITY OF WASHINGTON, ILLINOIS

Committee of the Whole Agenda Communication

Meeting Date: October 14, 2024

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

Agenda Item: Residential Cemeteries Prohibition Discussion

Explanation: Staff recently received an inquiry from a resident about the possible allowance for a single burial plot in the resident's backyard. The property 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 92 (Cemeteries) of the City Code addresses cemeteries, though it is focused almost exclusively on the regulations for Glendale Cemetery. Part of Chapter 154.056 (Zoning Code) of the City Code addresses the various permitted uses, including cemeteries, in all residential districts as follows:

“(L) *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.

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 requests feedback from the Council at the October 14 Committee of the Whole meeting on whether to amend City Code to prohibit having burial plots on properties that contain residential uses. 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. Should there be interest in a prohibition, staff will begin drafting an amendment that would likely eventually require a public hearing at a Planning and Zoning Commission meeting given a potential change to the zoning code.