



**CITY COUNCIL AGENDA ITEM**

**To:** Mayor Graham and City Council

**From:** Ted Shekell, Planning Director  
Walter Denton, City Administrator

**Date:** July 2, 2008

**Subject:** Ordinance No. \_\_\_\_\_: An Ordinance Amending Ordinance 623, Zoning Text Amendment, Authorizing Crematoriums as an Accessory Use to Funeral or Mortuary Establishments in the B-1 Zoning District – **First Reading**

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**List of committees that have reviewed:** The Community Development Committee reviewed and unanimously recommended approving the Zoning Text Amendment to allow crematoriums as accessory uses at its June 23, 2008 meeting.

**Background:**

Curt Schildknecht of Schildknecht Funeral Homes has requested the City remove its current zoning prohibition against crematoriums. He is interested in constructing one at the existing funeral home located at 301 South Lincoln. The property is zoned B-1 "Community Business District." An existing garage currently stands at the proposed crematory location. This garage would be demolished and replaced with a new 30' x 30' building.

Currently, the City's Zoning Code authorizes funeral homes but specifically excludes crematoriums. The ordinance has included this exclusion for many years, prior to the current knowledge of existing City staff. Specifically, Article II "Zoning District Regulations" pertaining to permitted uses in the B-1 zoning district states,

(e) B-1 COMMUNITY BUSINESS DISTRICT

(1) Permitted Uses

PERSONAL SERVICE ESTABLISHMENTS, limited to:

Funeral or Mortuary Service Establishments, **excluding crematoriums**

Consequently, the proposed crematorium at Schildknecht Funeral Home would be prohibited by the ordinance. Mr. Schildknecht is therefore requesting that the City Council consider amending the Zoning Code to allow crematoriums in the B-1 district when associated with a funeral home. This would require a text amendment to replace "excluding" with "including".

Staff conducted extensive research into crematoriums, which is summarized in the attached Planning Commission Report, and found that:

- 1) IEPA regulates particulate and carbon monoxide emissions from crematoriums, which are required to be permitted with IEPA. All crematoriums must maintain their license in good standing with the state.
- 2) The state's Air Quality Engineer told staff that in the last 10 years he's received only 1 complaint on an operational crematorium.
- 3) Mercury vapor emissions (from dental fillings), which are often cited by property owners around crematoriums as a basis for opposing their construction, are not regulated by IEPA because the amount is so small as to be negligible and doesn't pose a danger.
- 4) Communities regulate them in a whole variety of ways, from allowing them as permitted "by-right" uses, to requiring them to be special uses or planned uses. A few prohibit them. Essentially, there is no uniform pattern that we could find as to how other communities regulate them. In this case we are recommending they be permitted as "by-right" accessory uses and only allowed with an existing funeral home. Stand-alone crematoriums would not be permitted.

The Planning Commission conducted a hearing on June 10, 2008, and unanimously recommended amending the zoning code to permit crematoriums as follows:

- 1) Crematoriums should be permitted as an accessory use to existing funeral homes only, and permitted only in the B-1, B-2, and Industrial districts. Crematoriums should not be permitted at this time as "stand-alone" uses in any zoning district. We are recommending they be permitted as an accessory use associated with a funeral home only. As a permitted accessory use, the applicant would be required to obtain IEPA permits and meet all other applicable city permit requirements.
- 2) Crematoriums are currently regulated by Illinois EPA. As such, they will be required to maintain proper certifications and licenses with the State at all times or otherwise be in violation of the City's zoning requirements. They must not emit any noticeable odor or particulates.
- 3) Crematoriums will have emission stacks, and these should be covered or shrouded with materials safe for such uses and that are compatible with the existing funeral home and the building housing the crematory. The crematory facility and emission stack should be compatible with surrounding properties, including residential properties.
- 4) Decorative vinyl fencing should be required between the crematory and adjacent residential properties.

**Legal Considerations, if any:** None

**Budget Impact:** none

**Staff Recommendation:** Staff recommends approval of the zoning text amendment project with the conditions as provided in the ordinance, which are similar to the general recommendations noted above.