



# VILLAGE OF WINNEBAGO

## MEMORANDUM

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<b>Prepared By:</b>	Joseph Dienberg, Village Administrator
<b>Meeting Name:</b>	Zoning Board
<b>Meeting Date:</b>	June 3 <sup>rd</sup> , 2024
<b>Item Name:</b>	Request by Olson Funeral Home to Operate a Crematory

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### Background

The Genandt Chapel located at 602 M Elida St., which was built and annexed into the Village in 1970's as a funeral home, was purchased by Olson Funeral and Cremation Services earlier in 2024. Olson Funeral Home's began their operations in 1888, and the Genandt's location is their 6<sup>th</sup> location being operated in Northern Illinois. In April of 2024, Mr. Scott Olson, President and Funeral Director, inquired with Village Staff and Elected Officials about the possibility of constructing a crematory in the garage to the west of the building. (Pictured Below)



Currently, the Village of Winnebago Zoning Ordinance does not explicitly mention crematories as either permitted or special permitted uses within the General Business (District No. 3) Zoning District. It is being requested that the Zoning Ordinance be amended to address the status of crematories in this district.

## **Proposed Amendment**

The following text amendment is proposed to provide clarity and guidance for the inclusion of crematories within the General Business Zoning District. The Zoning Board is presented with three options for consideration: permitting crematories as a permitted use, allowing them as a special permitted use, or explicitly prohibiting them.

### *Option 1: Permitted Use*

Amend Section III, District No. 3 – General Business District, to include crematories as a permitted use with specific criteria:

**Proposed Text:** "Permitted Uses: Stores, shops, and offices for conducting any legal retail sales, personal service, professional or entertainment activity, including crematories, provided such uses comply with all applicable state and Village building, health, and fire regulations. A crematory may be constructed on or adjacent to any cemetery or on or adjacent to any funeral establishment, in accordance with Illinois Code (410 ILCS 18/10)."

### *Option 2: Special Permitted Use*

Amend Section III, District No. 3 – General Business District, to include crematories as a special permitted use with specific criteria:

**Proposed Text:** "Special Permitted Uses: Garages; farm implement establishments; greenhouses and nurseries; lumber yards; fuel yards; wholesale sales outlets; warehousing, storage, and truck transport activities; and crematories, provided such uses comply with all applicable state and Village building, health, and fire regulations and are not located within 500 feet of any dwelling. A crematory may be constructed on or adjacent to any cemetery or on or adjacent to any funeral establishment, in accordance with Illinois Code (410 ILCS 18/10)."

### *Option 3: Prohibited Use*

Amend Section III, District No. 3 – General Business District, to explicitly prohibit crematories:

**Proposed Text:** "Prohibited Uses: The operation of crematories is not permitted within the General Business District."

## **Rationale**

*Option 1* allows for straightforward establishment of crematories within the General Business District, facilitating ease of development and potentially meeting community needs for such services. By including the specific criteria from the Illinois Code (410 ILCS 18/10), it ensures that crematories are appropriately sited.

*Option 2* ensures that the establishment of crematories undergoes additional scrutiny and regulation, allowing for community input and adherence to specific locational and operational standards to minimize potential impacts on neighboring properties. Including the specific criteria from the Illinois Code (410 ILCS 18/10) ensures compliance with state regulations.

*Option 3* provides clarity by explicitly prohibiting crematories, thereby avoiding potential conflicts and ensuring that such facilities are directed towards more suitable zoning districts, such as Industrial or Agricultural Districts.

### **Next Steps**

1. **Propose Concept at Zoning Board Meeting:** Present the concept at the Zoning Board meeting scheduled for Monday, June 3rd, at 6 PM.
2. **Text Amendment Process:**
  - If a crematory is desired by the Village, the Zoning Ordinance must be amended to include crematories as either a permitted use or a special permitted use.
  - To amend the Zoning Ordinance, a public hearing must be held before the Zoning Board on the text amendment. This public hearing must be advertised in a newspaper not less than 15 days nor more than 30 days prior to the hearing.
  - After the public hearing, the Zoning Board will hold a meeting (potentially on the same night) to vote on making a recommendation to the Village Board regarding the text amendment. If the vote is affirmative, the Village Attorney will draft an ordinance for the text amendment for the Village Board's vote.
3. **Village Board Vote:**
  - At their next regularly scheduled meeting, the Village Board can vote on the text amendment. If approved as a permitted use, the process is complete for the petitioner. If approved as a special use, the petitioner next steps will proceed.
4. **Special Use Permit Process:**
  - If the text amendment is approved to require a special use permit, the petitioner must request a Special Use Permit from the Zoning Board to establish a crematory at 602 N. Elida St., within District No. 3-General Business.
  - A public hearing must be held before the Zoning Board for the Special Use Permit request, with a newspaper publication of the hearing notice not less than 15 days nor more than 30 days prior to the hearing.
  - After the public hearing, the Zoning Board will meet (potentially on the same night) to discuss the Special Use Permit request and decide whether to recommend its approval, along with any conditions, to the Village Board.

**5. Final Approval:**

- If the Special Use Permit is recommended by the Zoning Board, an ordinance granting the permit with any specified conditions will be drafted.
- The Village Board will then vote on the ordinance granting the Special Use Permit. If approved, the ordinance will be recorded with the Winnebago County Recorder's Office.

This roadmap outlines the process for considering and implementing the proposed text amendment, providing clarity on the next steps.