

DATE: April 10, 2001

TO: Chairman and Members of the Planning and Development Committee

FROM: Thomas S. Mokrzycki, Commissioner of Planning and Building

SUBJECT: **Criteria for the Location of Funeral Homes (Undertaking Establishments) - Supplementary Report**
MEETING DATE: April 30, 2001

ORIGIN: Planning and Building Department

BACKGROUND: On October 2, 2000, the Planning and Development Committee considered the report titled "Criteria for the Location of Funeral Homes (Undertaking Establishments)" dated September 12, 2000 from the Commissioner of Planning and Building (Exhibit 1) and adopted the following recommendation:

"PDC-0144-2000

That the report titled "Criteria for the Location of Funeral Homes (Undertaking Establishments)" dated September 12, 2000 from the Commissioner of Planning and Building be referred back to staff to review issues raised at the Planning and Development Committee with respect to all sites potentially impacted by the proposed changes and the use of minimum separation distances between funeral homes and residential uses."

Recommendation PDC-0144-2000 was adopted by City Council on October 11, 2000.

COMMENTS:**1.0 PREVIOUS RECOMMENDATIONS**

As noted in Exhibit 1, the staff proposed changes to the existing zoning by-laws were as follows:

- the establishment of a common definition of funeral home in the three zoning by-laws by replacing the terms "Undertaking Establishment", "Undertaker's Establishment" and "Funeral Parlour" with the term "Funeral Home" and the extension of the existing definition of "Funeral Home" as used in Zoning By-law 5500 to Zoning By-laws 1227 (former Town of Port Credit) and 65-30 (former Town of Streetsville);
- the portion of the current parking standard requiring 1 parking space per funeral home vehicle should be deleted;
- in addition to the existing zones which permit funeral homes, the DC (commercial) and MC (mixed industrial and commercial) zones in Zoning By-law 5500 should permit funeral homes. Funeral homes should remain a permitted use in the M1 and M2 industrial zones in Zoning By-laws 5500, 1227 and 65-30.

It was also concluded that funeral homes be restricted to lots having frontage on a highway, or part thereof, as shown on Schedules "1" and "2" to Section 21(1) of Zoning By-law 5500 (Exhibits 2 and 3) and Schedule "I" to Subsection 6(34) of By-law 1227 (Port Credit) (Exhibit 4) and Schedule "I" to Subsection 6(38) of By-law 65-30 (Streetsville) (Exhibit 5).

The recommendation to circulate the report to all existing funeral homes, the Ontario Funeral Service Association (OFSA) and all ratepayer groups for review and comment was not considered by the Committee as the matter was referred back to staff.

2.0 ADDITIONAL RESEARCH

At the October 2, 2000 Planning and Development Committee meeting staff were directed to identify all sites which would permit funeral homes in accordance with the proposed changes and the use of minimum separation distances between funeral homes and residential uses of 60 metres (197 feet) and 800 metres (2 625 feet).

2.1 Mapping Exhibits

Exhibit 6 illustrates the location of existing funeral homes as well as the zoning categories which currently permit funeral homes. Site B was established through a Committee of Adjustment approval while Site D is permitted through a site specific zoning "RCL1-151". All other sites are located in the appropriate zoning category.

Exhibit 7 builds upon Exhibit 6 by showing all sites which would permit funeral homes by adding the DC and MC zones (By-law 5500) on lots having frontage on a highway, or part thereof, as shown on Schedules "1" and "2" to Section 21(1) of Zoning By-law 5500 and Schedule "I" to Subsection 6(34) of By-law 1227 (Port Credit) and Schedule "I" to Subsection 6(38) of By-law 65-30 (Streetsville).

Exhibit 8 illustrates the following:

- sites zoned C1, C2, C3, M1 and M2 in the existing zoning by-laws including all special sections, which are greater than 60 metres (197 feet) from a residential zone which currently list funeral home as a permitted use; and,
- sites zoned DC and MC in zoning by-law 5500 including all special sections, which are greater than 60 metres (197 feet) from a residential zone which could potentially allow a funeral home as a permitted use.

Only a few commercially zoned sites and various industrially zoned sites could accommodate a funeral home if a 60 metre (197 feet) separation distance were to be imposed.

Exhibit 9 illustrates the following:

- sites zoned C1, C2, C3, M1 and M2 in existing zoning by-laws including all special sections which are greater than 800 metres (2 625 feet) from a residential zone which currently list funeral home as a permitted use; and,
- sites zoned DC and MC in zoning by-law 5500 including all special sections which are greater than 800 metres (2 625 feet) from a residential zone which could potentially allow a funeral home as a permitted use.

No commercially zoned sites would permit a funeral home if a distance criterion of 800 metres (2 625 feet) were imposed. Only industrial sites would be able to accommodate a funeral home use.

The establishment of distance criteria, whether 60 metres (197 feet) or 800 metres (2 625 feet), is without land use planning justification. Funeral homes are a commercial use and should be recognized and treated the same as any other commercial use. As detailed in the previous report, strict controls are placed on these operations as a condition of being granted a licence to operate from the Province of Ontario. The impact of this type of use on adjacent residential areas is minimal and can be controlled through site design, landscaping and buffering. Further, use rights that exist today may be removed if a distance criterion is established. Sites currently zoned C1, C2, C3, M1 or M2 in existing zoning by-laws would be subject to the distance criterion, whereas, previously these sites were not subject to such a criterion.

2.2 Separation Distances to Residential Zones

Both the 60 metre (197 feet) and 800 metre (2 625 feet) separation distances were reviewed, as requested by the Planning and Development Committee. All C1, C2, C3, M1 and M2 zones in existing zoning by-laws, including all special sections which would permit a funeral home were mapped as shown on the attached exhibits. All DC and MC zones in zoning by-law 5500, including all special sections which would allow for a funeral home if funeral homes were to be permitted in these zones, were also mapped. All of the existing funeral homes are within 60 metres (197 feet) of a residential zone with the exception of the Simple Alternative (1535 South Gateway Road) and Morning Glory (1105 Queensway East) which are located in industrial areas.

Commercially zoned lands which are best suited for a funeral home use are generally located at the periphery of residential areas. Most new funeral homes would not be permitted to locate in commercial zones if a 60 metre (197 feet) separation distance criteria was employed including all of the existing funeral home sites located in commercial and/or residential areas. For example, the majority of commercially designated and zoned lands within Port Credit, Streetsville, Clarkson Village, Cooksville, Malton, Lakeview and other linear commercial areas elsewhere in the City are within 60 metres (197 feet) of a residential zone. Lands zoned DC are generally at the periphery or immediately adjacent residential zones. If this distance criteria were imposed, few if any funeral homes could be developed on commercially zoned lands and would have to primarily locate in industrial areas.

All of the existing funeral homes are within 800 metres (2 625 feet) of a residential zone including both the Simple Alternative (1525 South Gateway Drive) and Morning Glory (1105 Queensway East) which are located within industrial areas at the periphery of residential zones. The imposition of a distance criteria of 800 metres (2 625 feet) would render most, if not all, commercially zoned lands unable to accommodate a funeral

home. If imposed, funeral homes would be restricted to industrial areas which are generally removed from the residents using funeral home services. Although funeral homes are appropriately located in industrial areas, they are also suited to commercial areas.

2.3 Appropriate Zoning Categories

Funeral homes are currently permitted in the C1, C2, C3, M1 and M2 zoning categories in existing zoning by-laws. The C1, C2 and C3 commercial zones are considered outmoded and are not used in the zoning of any new commercial properties. If funeral homes continue to only be permitted in these outmoded zones, this type of use could not as-of-right locate in newer areas of the City or in commercial areas which are not zoned C1, C2 or C3 but may, nonetheless, be suited to this type of use. Therefore, it is appropriate to consider more relevant zones which could possibly accommodate funeral homes as a permitted use.

Staff continue to recommend that funeral homes be permitted in all DC and MC zones in zoning by-law 5500, subject to being restricted to lots having frontage on a highway, or part thereof, as shown on Schedules "1" and "2" to Section 21(1) of Zoning By-law 5500 and Schedule "I" to Subsection 6(34) of By-law 1227 (Port Credit) and Schedule "I" to Subsection 6(38) of By-law 65-30 (Streetsville). The use of this criteria for the development of future funeral homes is appropriate as this will limit potential locations to major roads which are generally at the periphery of residential areas and, thereby, limit the impact of traffic they may generate. Properties not currently zoned for commercial use would have to be rezoned in order for a funeral home to be permitted. If a funeral home is added to the list of permitted uses in the DC and MC zones of By-law 5500, such a use would also be permitted on all sites with a DC or MC special section zoning provided the site specific regulations do not restrict development to only certain uses. Funeral homes should be added to the list of permitted uses in the DC and MC zones in recognition of the outmoded commercial zones which currently

permit funeral homes, and to provide future development opportunity for funeral homes on appropriately zoned sites on lots having frontage on a highway, or part thereof, as shown on Schedules "1" and "2" to Section 21(1) of Zoning By-law 5500 (Exhibits 5 and 6) and Schedule "I" to Subsection 6(34) of By-law 1227 (Port Credit) (Exhibit 7) and Schedule "I" to Subsection 6(38) of By-law 65-30 (Streetsville) (Exhibit 8).

Staff do not recommend any changes to the M1 and M2 zones in the three zoning by-laws, as the development of funeral home sites in industrial areas remains appropriate.

CONCLUSION:

Funeral homes are a service commercial land use and should be located in commercial and industrial areas on lots having frontage on a highway, or part thereof, as shown on Schedules "1" and "2" to Section 21(1) of Zoning By-law 5500 and Schedule "I" to Subsection 6(34) of By-law 1227 (Port Credit) and Schedule "I" to Subsection 6(38) of By-law 65-30 (Streetsville). Although there are sufficient commercially designated lands (as detailed in City Plan) which could accommodate a funeral home, there are only a few commercially zoned sites (either C1, C2, C3, M1 or M2 in the three zoning by-laws) within the City that would permit the development of a funeral home. Amendments to zoning by-law 5500 are required to permit funeral homes in the DC and MC zones. Amendments to all three zoning by-laws are also required to provide a consistent definition of "funeral home". Also, the requirement for 1 parking space per funeral parlour vehicle is unenforceable and should be removed from all three zoning by-laws.

Staff do not support the institution of either a 60 metre (197 feet) or 800 metre (2 625 feet) minimum separation distance between funeral homes and residential zones. This type of criteria is without land use planning justification and would not permit the development of any new funeral homes outside of industrial areas. Funeral homes are a service commercial land use and should be recognized as such and appropriately located in

commercial areas.

RECOMMENDATION:

That a public meeting of the Planning and Development Committee be held to consider the following amendments to the Zoning By-laws 5500 (former Town of Mississauga), 1227 (former Town of Port Credit) and 65-30 (former Town of Streetsville) as outlined in the report titled "Criteria for the Location of Funeral Homes (Undertaking Establishments) dated April 10, 2001 from the Commissioner of Planning and Building:

- a) amend Zoning By-law 5500 to:
 - retitle the definition "undertaking establishment" to "funeral home" in Section 2 and all replace all subsequent references to "undertaking establishment" with "funeral home";
 - permit funeral homes in the DC and MC zoning categories;
 - restrict funeral homes to lots having frontage on a highway, or part thereof, as shown on Schedules "1" and "2" to Section 21(1) of Zoning By-law 5500;
 - delete the requirement for 1 parking space per funeral parlour vehicle on Schedule "A" to Section 22C.
- b) amend Zoning By-law 1227 (former Town of Port Credit) to:
 - add a definition for "funeral home" to Section 4 as per the definition of "funeral home" in By-law 5500;
 - replace all references to "undertaking establishment" with "funeral home";
 - restrict funeral homes to lots having frontage on a highway, or part thereof, as shown on Schedule "I" to Subsection 6(34) of By-law 1227 (Port Credit).
- c) amend Zoning By-law 65-30 (former Town of Streetsville)

to:

- add a definition for "funeral home" to Section 2 as per the definition of "funeral home" in By-law 5500;
- delete the definition of "undertaker's establishment";
- replace all references to "undertaker's establishment" with "funeral home";
- restrict funeral homes to lots having frontage on a highway, or part thereof, as shown on Schedule "I" to Subsection 6(38) of By-law 65-30 (Streetsville).

Original Signed By: _____

Thomas S. Mokrzycki
Commissioner of Planning and Building