

EXHIBIT 1

CD.07.FUN

DATE: September 12, 2000

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)**
MEETING DATE: October 2, 2000

ORIGIN: Planning and Building Department

BACKGROUND: On November 1, 1999, the Planning and Development Committee adopted recommendation PDC-0149-1999 as follows:

"PDC-0149-1999

WHEREAS the issue of appropriate locations for funeral homes was raised at a public meeting of the Planning and Development Committee held on June 15, 1998 to discuss an application to establish a funeral home at 1051 Eglinton Avenue West, and

WHEREAS appropriate locations and criteria for the development of funeral homes should be reviewed:

NOW THEREFORE BE IT RESOLVED

That staff be directed to prepare a study which addresses appropriate locations and criteria by which funeral homes should be established in the City."

Recommendation PDC-0149-1999 was adopted by City Council on November 10, 2000.

COMMENTS:**1. CITY PLAN POLICIES**

Funeral homes (undertaking establishments) are considered a service commercial use and permitted in all categories of the "Retail and Service Commercial" land use designation with the exception of the "Convenience Commercial" and "Automotive Service Commercial" categories. Funeral homes are also a permitted land use in "Employment" and "Industrial" land use designations which permit arterial commercial uses.

2. ZONING BY-LAWS**By-law 5500 (former Town of Mississauga)**

By-law 5500 defines "Undertaking Establishment" as *"a building or structure, or part thereof, where funeral supplies and services are offered for sale or provided by a licensed undertaker, including the preparation of corpses for internment or cremation and may include facilities such as viewing rooms and a chapel, but such establishments shall not include a crematorium"* and permits them in the following zones: C1, M1 and M2.

The term "Undertaking Establishment" is considered outdated by the industry and should be replaced by "Funeral Home". This will necessitate changes to all references to "Undertaking Establishments" in By-law 5500.

As noted above, funeral homes are permitted in most commercial, employment and industrial land use designations in City Plan. By-law 5500, however, only permits funeral homes in one commercial zone; namely, the C1 zone which is considered "outmoded" and no longer in use. Since most lands designated "Commercial" are zoned either DC or MC (which do not permit funeral homes), consideration should be given to amending the

DC and MC zones to permit funeral homes. There should be no change to the M1 and M2 zones.

By-laws 1227 (former Town of Port Credit)

By-law 1227 does not define funeral parlour, funeral home or undertaking establishment. Funeral parlours, however, are permitted in the C1, and C3 zones. In order for consistency among all zoning by-laws, the term "Funeral Parlour" should be replaced with the term "Funeral Home". This will necessitate the addition of a definition of "Funeral Home" which is consistent with the existing definition of "Undertaking Establishment" in By-law 5500 (to be renamed "Funeral Home"), and changes to all references to "Funeral Parlours". Funeral homes should continue to be permitted in C1 and C3 zones.

By-law 65-30 (former Town of Streetsville)

In By-law 65-30, an "Undertaker's Establishment" is defined as *"any premises where preparation of the dead human body for internment or cremation is undertaken"*. Undertaker's Establishments are permitted in the C1, C2 and C3 zones. In order for consistency among all zoning by-laws, the term "Undertaker's Establishment" should be replaced with the term "Funeral Home". This will necessitate the deletion of the definition of "Undertaker's Establishment" in Section 2(66) and replacing it with the existing definition of "Undertaking Establishment" in By-law 5500 (to be renamed "Funeral Home"), and changes to all references to "Undertaker's Establishment" in By-law 65-30. Funeral homes should continue to be permitted in C1, C2 and C3 zones.

In all By-laws, parking is required at the rate of 7.5 spaces per 100 m² (7 spaces per 1 000 sq.ft.) Gross Floor Area (GFA) which is accessible to the public, plus one space per funeral parlour vehicle. The number of funeral homes vehicles is generally low but could change at any time which is problematic from an

enforcement perspective. The parking standard should be amended to delete this portion of the standard.

3. GOVERNING LEGISLATION

Funeral homes are regulated by the *"Funeral Directors and Establishments Act"* and any applicable municipal land use regulations. The Board of Funeral Services which is the regulatory board in the Province of Ontario, regulates the practices of funeral directors and persons who operate funeral establishments and transfer services in accordance with the *"Funeral Directors and Establishments Act"*. The only land use consideration dealt with in the Act is that funeral homes are prohibited from locating in cemeteries. Cemeteries are regulated separately under the *"Cemeteries Act"*.

4. EXISTING FUNERAL HOMES

There are currently six funeral homes in operation in Mississauga as shown on Exhibit 1. Exhibits 2 to 7 show each of the existing sites with their respective land use designations and zoning. Exhibit 8 is a summary chart on the location, planning district, land use designation, zoning, surrounding land uses, access points, site area, floor area and the number of visitation rooms in each of the funeral homes. The most recent funeral home, The Simple Alternative, was built in 1996.

5. LOCATIONAL CRITERIA

Staff reviewed reports from other municipalities, recent Ontario Municipal Board (OMB) decisions and met with a local funeral home director in order to gain insight into the funeral home industry and the locational criteria of funeral homes.

(a) Proximity to Residential Areas

Proximity to residential areas is a key consideration from an industry perspective when determining appropriate sites for a funeral home. Peripheral locations to residential areas are the most appropriate as noted by the funeral industry representative.

From a land use planning standpoint, many of the commercial designations able to accommodate funeral homes are at the periphery of residential areas along major arterial roads.

(b) Access

All existing funeral homes with the exception of, The Simple Alternative, are located on an arterial road which provides high visibility to and from their sites. Although, The Simple Alternative, fronts onto Dixie Road, its road access is from South Gateway Road.

Access point(s) to a funeral home must be visible and provide easy access to the on-site parking areas and visibility to the main entrance of the building. Although proximity to major highways is not critical, an arterial road location in close proximity to major highways is an asset. It is noted that funeral homes are more appropriately located on major arterial roads as these locations provide the required visibility and access to the site.

(c) Parking

Funeral homes require sufficient parking to accommodate funeral visitations and services. Often, family members will travel together to funeral services which provides for a better utilization of on-site parking facilities. As mentioned previously, the Zoning By-laws contain parking standards for funeral homes based on the size of the funeral home. The amount of parking to be provided would be based on the by-law requirements and would be determined during the site planning process.

Lack of parking is occasionally an issue with funeral home sites due to the size and number of funeral functions at a given time. However, in the case of many funeral homes, reciprocal or shared parking arrangements have been made with adjacent land owners for use of additional parking areas during heavier operating times (e.g. shared parking arrangement between Erindale Secondary School and the Neweduk Funeral Home on Dundas Street West) as noted by the industry. Funeral homes located beside or adjacent to other commercial sites would also benefit from shared parking arrangements if funeral homes were permitted in commercial zones and mixed commercial/industrial zones such as the DC and MC zones which are used widely throughout the City.

(d) Traffic

Public perception generally assumes that funeral homes create traffic problems before and after funeral services. The impact of traffic going to and from funeral homes is low as services generally occur in off-peak hours. Problems mainly arise as a result of a large volume of cars entering or exiting the funeral home site at a given time. However, in cases where large funeral processions are to be held, police officers direct traffic and provide for the safe and efficient exiting of funeral procession vehicles. In the case of large funeral processions, police escorts will accompany the processions. Some of the existing funeral homes have the advantage of being in close proximity to signalized intersections which assist in turning movements to and from the sites.

(e) Aesthetics

Funeral home sites are generally well landscaped and maintained. Problems associated with litter and poorly maintained properties generally do not occur on funeral home sites. Those sites that are located in traditional mainstreet areas appear as streetfront commercial operations similar to other adjacent commercial uses.

Other sites often appear similar to small office buildings and other commercial operations with relatively pleasant signage and facades. The development of any new funeral home would be subject to site plan control and all applicable design policies as contained in City Plan. However, applications for funeral homes in industrial areas which are not on a major road would not be subject to site plan control. Outdoor storage areas are virtually non-existent as the disposal of any materials related to the operation of a funeral home is strictly regulated by the "*Funeral Directors and Establishments Act*" and the "*Environmental Protection Act*" as administered by the Province of Ontario.

(f) Adjacent Land Uses

Funeral homes must be sensitive to adjacent land uses similar to other commercial operations. When located adjacent to residential uses, sensitivity to issues of screening, buffering, lighting and noise must be considered. Similarly, funeral homes tend not to locate adjacent to land uses that would have a detrimental impact on their operation (e.g. industrial operations that produce obnoxious odours, vibration or noise).

(g) Summary

Funeral homes are a service commercial operation and should be recognized as such. Like any other business, a funeral home should be adequately located to provide services to residents of the City. Other commercial uses often work in tandem to provide parking for customers during off-peak operating hours of one business to the benefit of the other business. Funeral homes could take advantage of this type of arrangement when located in proximity to other commercial uses as in the case of shopping centres or along commercial strip areas.

6. RECOMMENDED CHANGES

The policies of City Plan are sufficient and adequately address the location of funeral homes. As noted above, however, the zoning by-laws need amendments. First, a consistent definition and terminology is required for all three by-laws. The terms "Undertaking Establishment", "Undertaker's Establishment" and "Funeral Parlour" should be changed to "Funeral Home" and the existing definition in Zoning By-law 5500 should be applied to Zoning By-laws 1227 and 65-30.

Second, the latter half of the current parking standard requiring 1 parking space per funeral parlour vehicle is problematic. This portion of the parking standard should be deleted as keeping track of the number of funeral home vehicles is difficult and highly unenforceable as the number of vehicles can change at any time.

Third, in view of the locational criteria noted above, funeral homes should be a permitted use in the major commercial and mixed industrial and commercial zones; namely, the DC and MC zones in By-law 5500. The C1 zone in By-law 5500 is considered outmoded and is no longer used for commercial uses. This would require amending the list of permitted uses in the DC and MC zones to include "funeral homes". Funeral homes should remain a permitted use in the M1 and M2 industrial zones in By-law 5500. Subject to changes in terminology and definition, By-laws 1227 and 65-30 would not need an amendment in terms of which zones permit funeral homes.

CONCLUSION:

Funeral homes are a service commercial land use and should be located in commercial and industrial areas on arterial roads. Although there are sufficient commercially designated lands which could accommodate a funeral home, there are only a few commercially zoned sites within the City that would permit the development of a funeral home. Amendments are required to

expand the DC and MC zones to permit funeral homes and to provide consistency among all three zoning by-laws in terms of definition and terminology. Also, the requirement for 1 parking space per funeral parlour vehicle is highly unenforceable and should be removed.

RECOMMENDATION:

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 circulated to all existing funeral homes in Mississauga, the Ontario Funeral Service Association (OFSA) and all ratepayers groups for review and comment.

Original Signed By: _____

Thomas S. Mokrzycki

Commissioner of Planning and Building