

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 12, 2012

FROM: Planning Services Department

PD-074-12

DATE: October 12, 2012

SUBJECT: Memorial Gardens Canada Limited, Funeral, Burial and
Cremation Services Act Application - 3164 Ninth Line

LOCATION: 3164 Ninth Line

WARD: 6

Page 1

RECOMMENDATION:

That municipal consent be granted pursuant to the *Funeral, Burial and Cremation Services Act, 2002*, to increase the capacity of Glen Oaks Memorial Gardens by approximately 1884 crypts and 2008 niches as part of phase 1 of a new mausoleum.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Phases 1 & 2 of a new mausoleum were granted final site plan approval on January 18, 2012.
- Town Council approval of the corresponding increase in capacity of the cemetery from construction of phase 1 of the mausoleum is required pursuant to the *Funeral, Burial and Cremation Services Act, 2002*.
- Approval of this request is consistent with the final site plan approval granted on January 18, 2012 for the new mausoleum.

BACKGROUND:

The subject lands are located at 3164 Ninth Line and known as Glen Oaks Memorial Gardens.

A request was received from Larkin & Associates, on behalf of Memorial Gardens Canada Limited, seeking Council approval for an expansion of approximately 1884 crypts and 2008 niches to the cemetery pursuant to the *Funeral, Burial and Cremation Services Act, 2002*. Such requests are rare, and as such, the Town does not have a formal process or fee for such a request. The request has been circulated to internal departments including the legal department for any comments.

The existing cemetery is 200 acres (81 ha) in size, of which the existing cemetery occupies approximately 82 acres (33 ha), and contains approximately 57,000 plots

From: Planning Services Department
Date: October 12, 2012
Subject: **Memorial Gardens Canada Limited, *Funeral, Burial and Cremation Services Act* Application - 3164 Ninth Line**

(does not account for plots used for cremated remains, double depth coffins or multiple plot sections). The lands are zoned CE "Cemetery Zone", NHS "Natural Heritage System Zone" and ED "Existing Development Zone" by Zoning By-law 2009-189. The CE zone permits cemetery land uses.

In accordance with the provisions of the CE zone, phase one and two of a mausoleum with a building floor area of 8,845.2 sq.m. were granted final site plan approval on January 18, 2012. Phase one of the mausoleum will contain approximately 1884 crypts and 2008 niches (note: one crypt can accommodate one casket/coffin and one niche is approximately 1 sq.ft. in size and accommodates cremated remains).

COMMENT/OPTIONS:

Section 84 of the Funeral, Burial and Cremation Services Act, 2002 requires a local municipality that receives a request to establish, alter or increase the capacity of a cemetery to grant approval if it is in the public interest. As such, the test for approval of this request is whether the request is in the public interest.

An expansion of approximately 1884 crypts and 2008 niches is proposed, within the confines of the existing cemetery, which relates exclusively to phase 1 of a new mausoleum. The mausoleum is a permitted land use under the Zoning By-law and was granted final site plan approval by the Town on January 18, 2012. As part of the site plan approval, the application was circulated to Town departments and external agencies where matters such as the following were reviewed and satisfactorily addressed: conformity with Livable Oakville; compliance with the Zoning By-law; servicing; financial considerations; natural heritage impacts; design of the building; and, provision of adequate parking, walkways, and landscaping. Given the foregoing, the request to increase the capacity of Glen Oaks Memorial Gardens by approximately 1884 crypts and 2008 niches as part of phase 1 of a new mausoleum is within the public interest.

As required by Section 84 of the Funeral, Burial and Cremation Services Act, 2002, notice of Council's decision regarding this request to increase the capacity of the cemetery by approximately 1884 crypts and 2008 niches (phase 1 of the mausoleum) is to be published in a local newspaper to notify the public and a copy of the decision together with the reasons for it will be sent to the registrar and to the applicant.

The applicant, registrar or any person with an interest in the decision may appeal the decision to the Ontario Municipal Board within 15 days after the day of publication in a local newspaper.

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CONSIDERATIONS:

(A) PUBLIC

Ward 6 Councilors were notified of this application. As required by the Funeral, Burial and Cremation Services Act, 2002, notice of Council's decision will be published in a local newspaper.

(B) FINANCIAL

The owner is responsible for payment of all required fees and notice. As this request does not fall under any Planning Act or Municipal Act approval and is a rare request, no prescribed fee has been established by the Town.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Not applicable.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposal furthers the sustainability principles established within the North Oakville East Secondary Plan.

APPENDICES:

Appendix A – Typical Floor Plan

Appendix B – Aerial of Site

Prepared by:

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Planner

Current Planning – West District

Recommended by:

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Manager

Current Planning – West District

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Senior Manager,

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Submitted by:

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Director of Planning Services