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**Town of Tecumseh**  
**Public Council Meeting**  
Tuesday, December 11, 2012  
6:30 PM  
Tecumseh Town Hall

**MEETING:**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. DISCLOSURE OF PECUNIARY INTEREST**

**IV. INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the meeting is to consider a proposed Zoning By-law Amendment to the Sandwich South Zoning By-law 85-18, pursuant to the provisions of the Planning Act, R.S.O. 1990. The purpose of the proposed amendment is to change the zoning pertaining to a 63.2 hectare (156 acre) parcel of land situated on the south side of Highway No. 3, west of its intersection with County Road 11 (Walker Road) and known municipally as 1185/1525/1805 Highway No. 3. The subject property is currently occupied by the Memorial Gardens Canada Limited cemetery.

**V. DELEGATIONS**

**VI. COMMUNICATIONS**

- A. Town of Tecumseh, Notice of Public Meeting, November 14, 2012 - *Re: Proposed Zoning By-law Amendment, Memorial Gardens, 1185/1525/1805 Highway No. 3*
- B. Manager, Planning Services/Senior Planner, November 1, 2012, Report No. 27/12 - *Re: Memorial Gardens Canada, 1185/1525/1805 Highway No. 3, Zoning By-law Amendment*
- C. Essex Region Conservation Authority, November 16, 2012  
*Re: Proposed Zoning Bylaw Amendment, 1185/1525/1805 Highway No. 3*
- D. Bylaw 2012-91 - *Being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (Memorial Gardens Canada - Highway No. 3)*
- E. **Ministry of Transportation, December 4, 2012**  
***Re: Proposed Zoning Bylaw Amendment, Memorial Gardens Canada Ltd, 1185/1525/1805 Highway No. 3***

**VII. ADJOURNMENT**

<b>10.6</b>	PRESENTED TO PUBLIC COUNCIL:  DECEMBER 11, 2012
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**TOWN OF TECUMSEH**

**NOTICE OF PUBLIC MEETING**

**PROPOSED ZONING BY-LAW AMENDMENT**

**TAKE NOTICE** that the Council of the Corporation of the Town of Tecumseh will hold a public meeting on **Tuesday, December 11<sup>th</sup>, 2012 at 6:30 p.m.** in the Town Municipal Office Council Chambers at 917 Lesperance Road to consider a proposed Zoning By-law Amendment to the Sandwich South Zoning By-law 85-18, pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

The purpose of the proposed amendment is to change the zoning pertaining to a 63.2 hectare (156 acre) parcel of land situated on the south side of Highway No. 3, west of its intersection with County Road 11 (Walker Road) and known municipally as 1185/1525/1805 Highway No. 3 (see Key Map below for location). The subject property is currently occupied by the Memorial Gardens Canada Limited cemetery.

On July 1, 2012, the Ministry of Consumer Services repealed the *Cemeteries Act* and the *Funeral Directors and Establishments Act*. These Acts were replaced with a new consolidated *Funeral, Burial and Cremation Services Act*. The principle change to the Provincial legislation was to allow funeral homes (and the embalming services they provide) to be located on cemetery lands. It is the embalming process that historically classified a building as a funeral home under the now repealed *Cemeteries Act*. Pursuant to the new legislation, funeral homes are now permitted by the Province on cemeteries, subject to a provincial licensing process and compliance with local zoning by-laws. Accordingly, as a result of the recent changes in legislation, an application has been filed to amend the Sandwich South Zoning By-law 85-18 to add a "funeral home" as an additional permitted use on the subject property. No additional structures are being proposed for the site at this time. Internal renovations to the aforementioned reception centre will be completed in order to facilitate the proposed funeral home use (i.e. also allowing for embalming on this site).

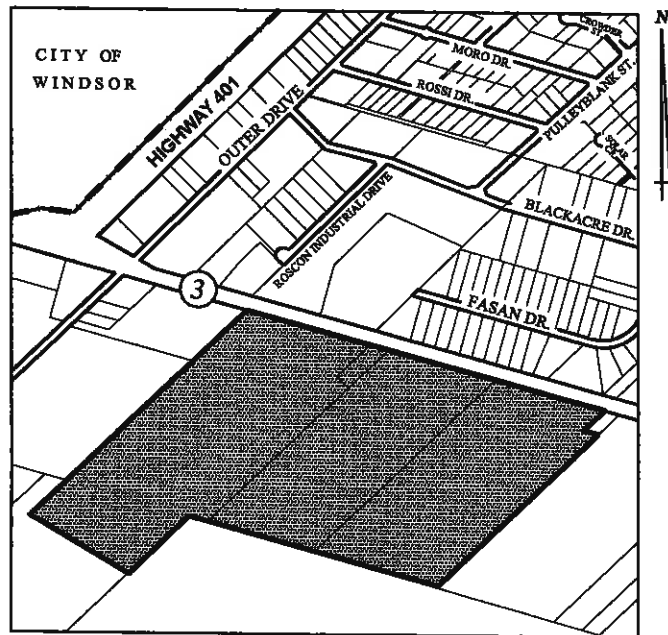
The subject property is designated "Community Facility" on Schedule "A-2" of the Sandwich South Official Plan. This designation supports the addition of a funeral home as a permitted use on the cemetery lands.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

If a person or public body that files an appeal of a decision of the Town of Tecumseh in respect of the proposed Zoning By-law amendment does not make oral submissions at a public meeting or make written submissions to the Town of Tecumseh before the proposed Zoning By-law amendment is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

**ADDITIONAL INFORMATION** relating to this matter is available for review during regular office hours at the Town Municipal Office on Lesperance Road.

KEY MAP



Area Affected by the Proposed Amendment

DATED AT THE TOWN OF  
TECUMSEH THIS 14TH DAY  
OF NOVEMBER, 2012.

LAURA MOY,  
CLERK  
TOWN OF TECUMSEH  
917 LESPERANCE ROAD  
TECUMSEH, ONTARIO  
N8N 1W9



**THE CORPORATION OF THE  
TOWN OF TECUMSEH**

**Planning and Building Services  
Report No. 27/12**

**10.6**  
PRESENTED TO  
PUBLIC COUNCIL:  
DECEMBER 11, 2012

**18.10**  
PRESENTED TO  
REGULAR COUNCIL:  
NOVEMBER 13, 2012

**TO:** Mayor and Members of Council  
**FROM:** Chad Jeffery, MA, MCIP, RPP  
Manager, Planning Services / Senior Planner  
**DATE:** November 1, 2012  
**SUBJECT:** Memorial Gardens Canada  
1185/1525/1805 Highway No. 3  
Zoning By-law Amendment  
OUR FILE: D19 MEM

**RECOMMENDATIONS**

It is recommended that Council:

1. Authorize the scheduling of a public meeting to be held on Tuesday, December 11, 2012 at 6:30 p.m., for the application submitted by Larkin + Associates Planning Consultants (on behalf of the owner, Memorial Gardens Canada Limited) to amend the Sandwich South Zoning By-law 85-18 for a 63.2 hectare (156 acre) parcel of land situated on the south side of Highway No. 3 (1185/1525/1805 Highway No. 3), west of its intersection with County Road 11 (Walker Road), in order to add a "funeral home" as an additional permitted use on the subject property, in accordance with the recent consolidation of the *Funeral, Burial and Cremation Services Act*.

**BACKGROUND**

In December of 2006, Memorial Gardens Canada Limited (the Owner) entered into a site plan control agreement with the Town to construct a reception centre building and multiple mausoleums on the 63.2 hectare (156 acre) parcel of land situated on the south side of Highway No. 3, west of its intersection with County Road 11 (Walker Road) and known municipally as 1185/1525/1805 Highway No.3 (see Attachment 1).

The reception centre is already providing many of the services/components offered by traditional funeral homes, such as memorial services and visitations. The act of preparing/embalming, however, is one aspect of a funeral home service that has not occurred on the subject property as Provincial legislation had, until recently, prevented such a service/use from occurring on cemeteries.

On July 1, 2012, the Ministry of Consumer Services repealed the *Cemeteries Act* and the *Funeral Directors and Establishments Act*. These Acts were replaced with a new consolidated *Funeral, Burial and Cremation Services Act*. The principle change to the Provincial legislation was to allow funeral homes (and the embalming services they provide) to be located on cemetery lands. It is the embalming process that historically classified a building as a funeral home under the now repealed *Cemeteries Act*. Pursuant to the new legislation, funeral homes

are now permitted by the Province on cemeteries, subject to a provincial licensing process and compliance with local zoning by-laws.

It should be noted that crematoriums have historically been defined as a separate use/process and thus, have never been considered part of the services offered by a funeral home. Crematoriums were always permitted on cemetery sites under the previous *Cemeteries Act* and continue to be permitted on cemetery sites under the new Provincial legislation.

Accordingly, as a result of the recent changes in legislation, the Owner has filed an application with the Town to amend the Sandwich South Zoning By-law 85-18 to add a "funeral home" as an additional permitted use on the subject property. No additional structures are being proposed for the site at this time. Internal renovations to the aforementioned reception centre will be completed in order to facilitate the proposed funeral home use (i.e. also allowing for embalming on this site).

## **COMMENTS**

### **Surrounding Land Uses**

The surrounding area is primarily a mix of light-industrial and agricultural uses. The subject property is abutted by agricultural lands to the immediate east, west and south and the Oldcastle Business Park to the north, on the opposite side of Highway No. 3.

### **Official Plan**

The subject property is designated "Community Facility" on Schedule "A-2" of the Sandwich South Official Plan (see Attachment 2). The "Community Facility" designation encourages a wide range of institutional activities (i.e. places of worship, cemeteries, community centres) that can be appropriately integrated with the existing and proposed development pattern. In addition, facilitating and supporting private sector projects and programs that will expand the range of facilities and community services available for use by local residents is an identified goal of the "Community Facility" designation of the Official Plan. This is also consistent with the recent changes to Provincial legislation.

Based on the foregoing, it is the opinion of the writer that the designation would support the addition of a funeral home as a permitted use on the cemetery lands.

### **Zoning**

The subject property is currently zoned "Institutional Zone (I-1)" on Map 10 of the Sandwich South Zoning By-law 85-18 (see Attachment 3). The current site specific zoning permits a cemetery along with accessory buildings and structures. As noted, the applicant is proposing to add a "funeral home" as an additional permitted use.

Given the current Official Plan designation of the site, along with the recent changes to Provincial legislation, the proposed rezoning would, in the opinion of the writer, be appropriate and in keeping with sound land use planning principles. Accordingly, it is the opinion of the writer that the proposed zoning by-law amendment would conform to the "Community Facility" designation of the Sandwich South Official Plan.

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### Servicing

As part of the review process, the Owner has submitted a Sewage System Feasibility Study that reviewed the treatment and disposal of embalming wastewater through the existing on-site septic field that would result from the proposed future funeral home/embalming use. The study concluded that the on-site septic system has been designed to account for embalming wastewater and further expansion of the system is not required. The wastewater stream for the proposed embalming room would be treated separately from the existing sanitary wastewater stream (due to the difference in retention time required between the two streams) prior to the flows entering the septic bed. The report did identify that minor equipment upgrades may be required at the future design stage when consulting with the equipment manufacturer regarding implementation and installation. Any upgrades would require approval from the Town through the building permit process. The Manager, Building Services / Chief Building Official has reviewed the aforementioned study and has no concerns with its findings.

In addition, Public Works and Environmental Services has advised that there are no concerns with the recommendations identified in the aforementioned study and noted that any potential works undertaken to the municipal water supply shall be in accordance with the Ontario Building Code.

### Other

Although the subject property is currently subject to site plan control, no additional buildings are currently proposed. However, any future additions to the reception centre will require site plan approval from Council.

It should also be noted that during previous discussions with Memorial Gardens Canada Limited representatives, it was identified that the recent changes to Provincial legislation will have the anticipated effect of alleviating the traffic disruptions that can occur with long funeral processions when funeral services transfer from funeral home locations to cemeteries that are located several kilometres away.

In addition, on-going road improvements/upgrades currently being completed on Highway No. 3 will improve access to and from the subject property for any potential traffic increases that may result with the addition of the proposed funeral home use.

### Conclusion

Institutional uses for the subject property are contemplated by the Official Plan and the introduction of funeral homes at cemeteries is consistent with the recent changes in Provincial legislation.

In summary, it is the opinion of the writer, along with Town Administration, that the proposal warrants further consideration. A public meeting to consider the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the applications.

## **CONSULTATIONS**

The application was reviewed at recent Planning Staff Review meeting(s) by:

Planning and Building Services  
Public Works  
Fire & Emergency Services

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## **LINK TO STRATEGIC PRIORITIES**

The subject property is located within an identified urban area. Encouraging the orderly and proper development in the noted area for the Town has been identified as a key strategic priority.

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:



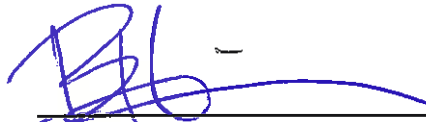
Enrico De Cecco, BA (Hons.), MCIP, RPP  
Junior Planner

Reviewed by:



Chad Jeffery, MA, MCIP, RPP  
Manager, Planning Services/Senior Planner

Reviewed by:



Brian Hillman, MA, MCIP, RPP  
Director, Planning and Building Services

Recommended by:



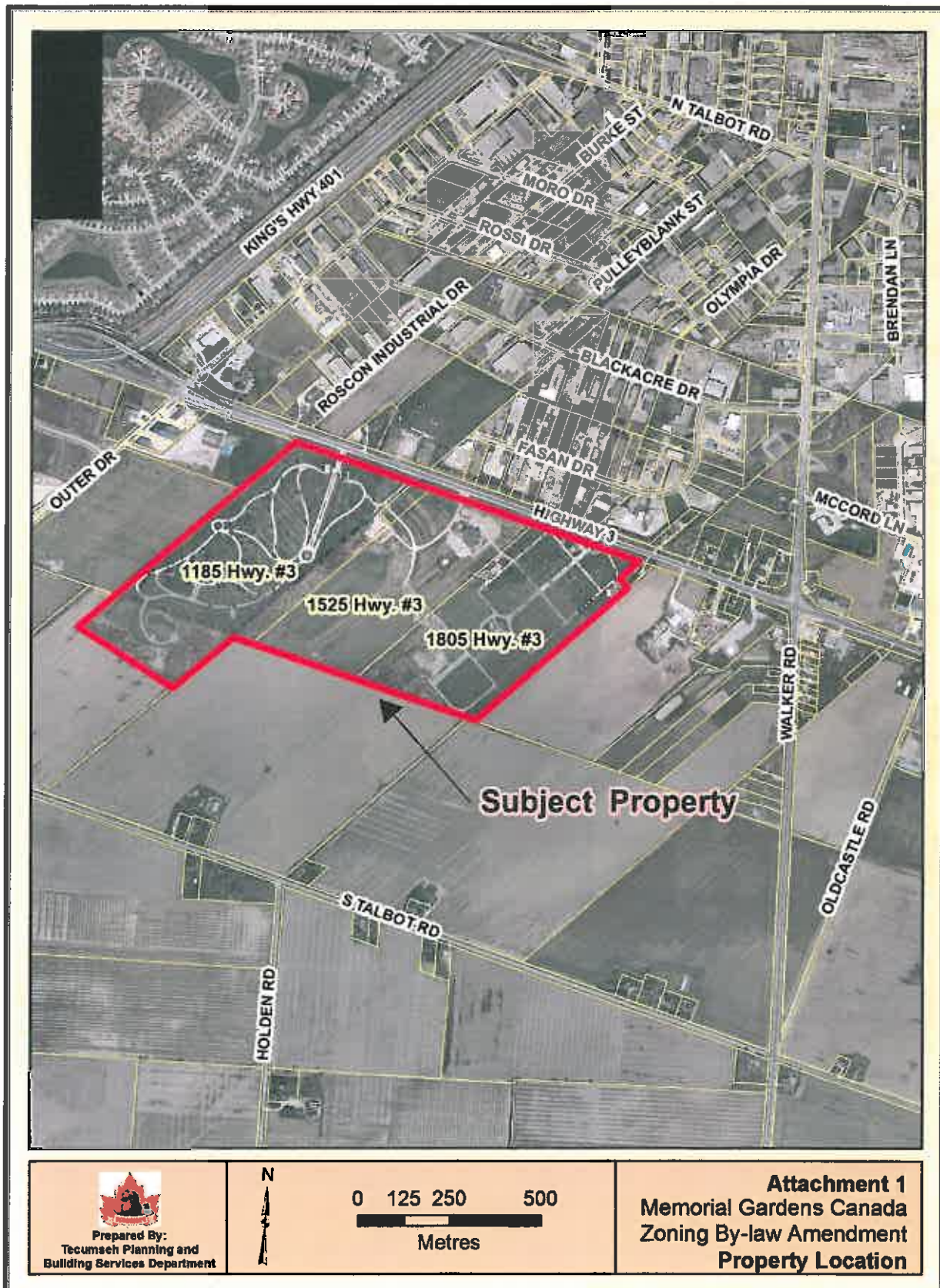
Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

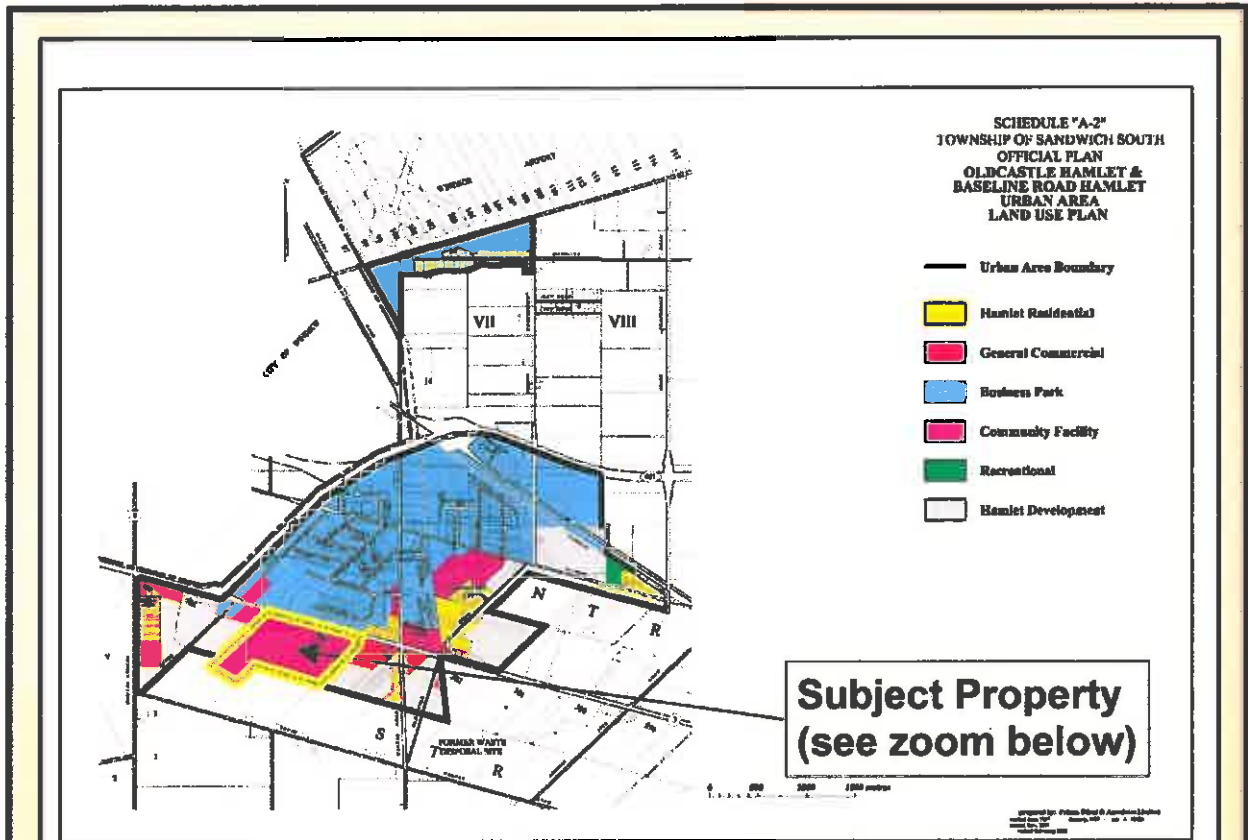
ED

Attachment(s):  
1. Location Map;  
2. Official Plan Map  
3. Zoning Map

File Name (R:\ZBA & OPA APPLICATIONS\D19 MEM\Planning Report 27-12 - Memorial Gardens Canada - Highway No. 3 - Zoning By-law Amendment.docx)

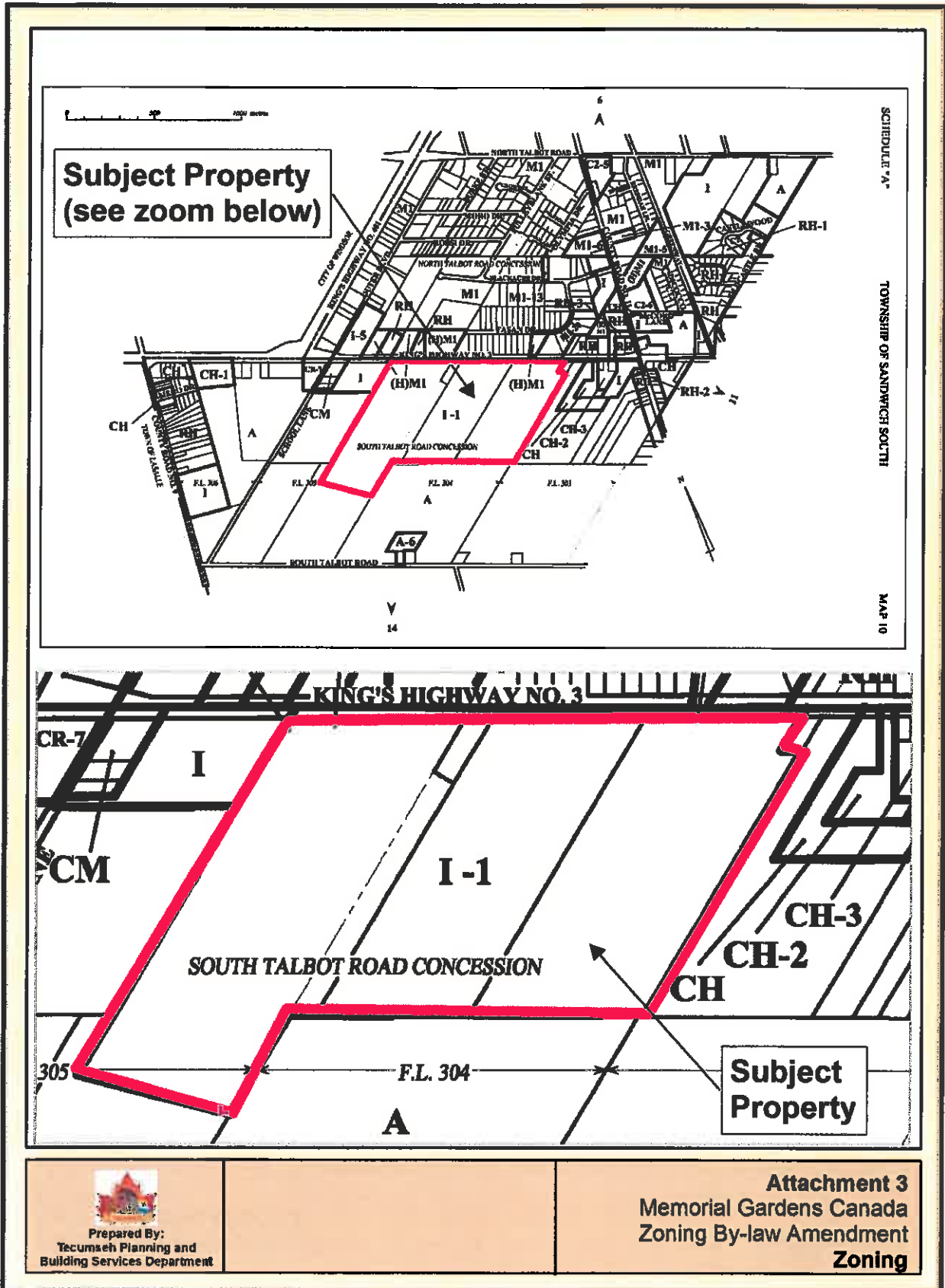






  
 Prepared By:  
 Tecumseh Planning and  
 Building Services Department

**Attachment 2**  
 Memorial Gardens Canada  
 Zoning By-law Amendment  
**Official Plan**



  
 Prepared By:  
 Tecumseh Planning and  
 Building Services Department

Attachment 3  
 Memorial Gardens Canada  
 Zoning By-law Amendment  
 Zoning

2012 Board of Directors November 16, 2012

Town of Amherstburg  
Robert Pillon  
John Sutton

Ms. Laura Moy, Clerk  
Town of Tecumseh  
917 Lesperance Road  
Tecumseh, ON N8N 1W9

Town of Essex  
Sherry Bondy  
John Scott

Town of Kingsville  
Gord Queen  
Tamara Stomp

Town of Lakeshore  
Al Fazio  
Len Janisse

Town of Lasalle  
Sue Desjarlais  
Ray Renaud

Municipality of  
Leamington  
Rick Atkin  
Larry Verbeke

Township of Pelee  
Rick Masse

Town of Tecumseh  
Joe Bachetti - Vice Chair  
Cheryl Hardcastle

City of Windsor  
Percy Hatfield - Chair  
Al Maghnieh  
Hilary Payne  
Ed Sleiman

General Manager /  
Secretary Treasurer  
Richard Wyma

10.6	PRESENTED TO PUBLIC COUNCIL: DECEMBER 11, 2012
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Dear Ms. Moy:

RE: Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA) - Lot 304 & 305, Talbot Road South Side (Sandwich); 1185, 1525, 1805 Highway 3; ARN: 374447000005600, 374447000005800, 374447000005900; PIN: 706200017, 706200010, 706200012; Applicant: Memorial Gardens Canada Limited.

The following is provided for your information and consideration as a result of our review of the above referenced Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA).

**Based on our review, we have no objections to the application.**

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA office by phone at (519) 776-5209 or by fax at (519) 776-8688.

Thank you.

Sincerely,



Tim Byrne  
Coordinator of Flood & Erosion Control

/  
C: Memorial Gardens Canada Limited

Member of



THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2012-91

Being a by-law to amend By-law 85-18,  
the Town's Comprehensive Zoning By-law  
for those lands in the former Township of Sandwich South.  
(Memorial Gardens Canada – Highway No. 3)

**WHEREAS** By-law No. 85-18 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Tecumseh, for lands situated within the former Township of Sandwich South;

**AND WHEREAS** the Council of the Corporation of the Town of Tecumseh deems it necessary and in the best interest of proper planning to further amend By-law No. 85-18;

**AND WHEREAS** this By-law conforms to the Official Plan in effect for the Town of Tecumseh for lands in the former Township of Sandwich South, as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:**

1. That Schedule "A", Map 10, to By-law 85-18, as amended, is hereby further amended by changing the zoning classification for those lands as depicted on Schedule "A" attached hereto and forming part of this by-law from "Institutional Zone (I-1)" to "Institutional Zone (I-10)".

2. That By-law 85-18, Section 3, Definitions, as amended, is hereby further amended by the addition of a new subsection 3.50(a) to immediately follow subsection 3.50 and to read as follows:

"3.50(a) FUNERAL HOME, shall mean the care and preparation of dead human bodies, the co-ordination and provision of rites and ceremonies with respect to dead human bodies and the provision of such other services as may be prescribed so that persons may attend and pay their respects and shall also include crematorium services."

3. That By-law 85-18, Section 16, Institutional Zone (I) Regulations, as amended, is hereby further amended by the addition of a new subsection 16.3.10 to immediately follow subsection 16.3.9 and to read as follows:

"16.3.10 Defined Area I-10 as shown on Schedule "A", Map 10 of this By-Law.

a) Permitted Uses

- i) a cemetery;
- ii) a funeral home;
- iii) accessory uses.

b) Permitted Building and Structures

- i) buildings and structures for the uses permitted in subsection 16.3.10 a) of this By-law;
- ii) accessory buildings and structures for the uses permitted in subsection 16.3.10 a) of this By-law.

c) Zone Provisions

All lot and building requirements for lands zoned I-10 shall be in accordance with subsections 16.1.3 to 16.1.12, inclusive, of this By-law."

20.11  
PRESENTED TO  
REGULAR COUNCIL:  
DECEMBER 11, 2012

10.6  
PRESENTED TO  
PUBLIC COUNCIL:  
DECEMBER 11, 2012

4. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

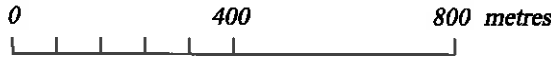
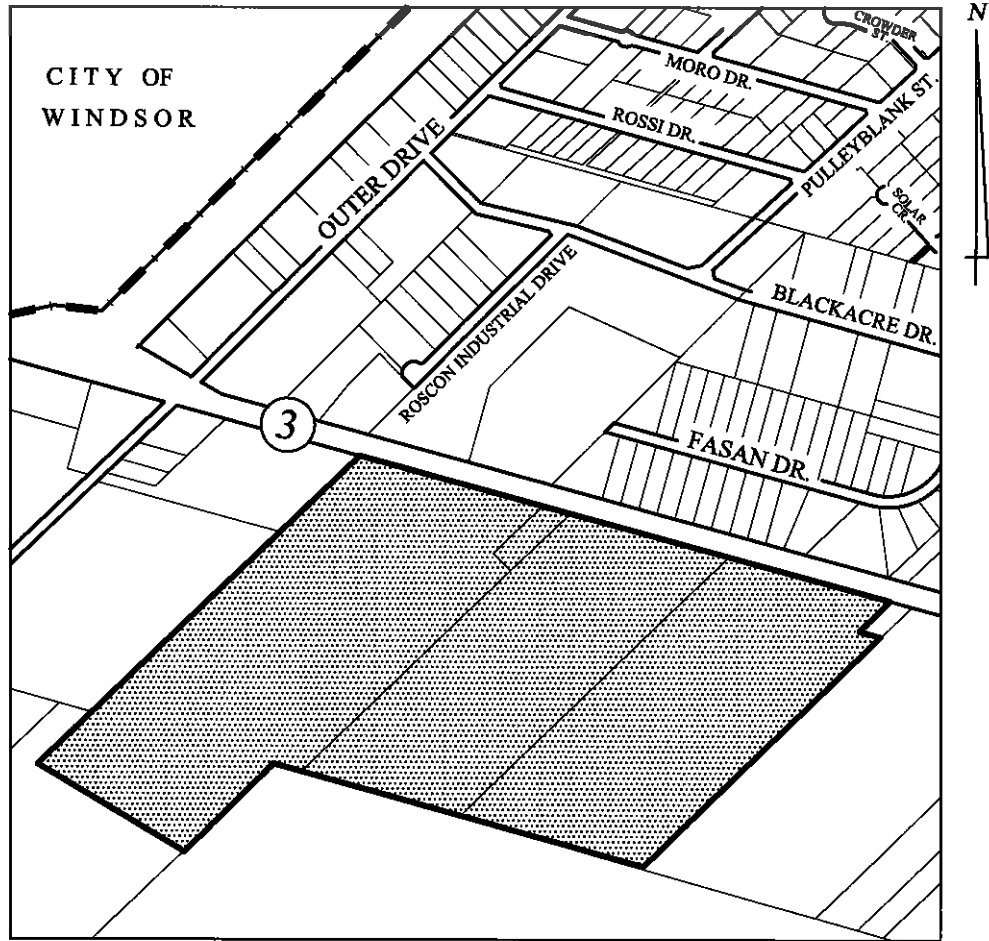
**READ** a first, second, third time and finally passed this 11<sup>th</sup> day of December, 2012.

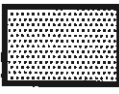
\_\_\_\_\_  
Gary McNamara, Mayor

Seal

\_\_\_\_\_  
Laura Moy, Clerk

SCHEDULE "A"  
 1185/1525/1805 HIGHWAY NO.3  
 TOWN OF TECUMSEH



 Change from "I-1" to "I-10"

This is Schedule "A" to By-law No. 2012-91.  
 Passed the 11TH day of DECEMBER, 2012.  
 Signed

\_\_\_\_\_  
 Mayor Clerk

**Ministry of Transportation**

Engineering Office  
Corridor Management Section  
West Region

659 Exeter Road  
London, Ontario N6E 1L3  
Telephone: (519) 873-4597  
Facsimile: (519) 873-4228

**Ministère des Transports**

Bureau du génie  
Section de gestion des couloirs routiers  
Région de l'Ouest

659, chemin Exeter  
London (Ontario) N6E 1L3  
Téléphone: (519) 873-4597  
Télécopieur: (519) 873-4228



December 4, 2012

Town of Tecumseh  
917 Lesperance Road  
Tecumseh, Ontario  
N8N 1W9

Attention: Laura Moy, Clerk

RE: Applicant: Memorial Gardens Canada Limited  
Submission No.: Zoning By-law Amendment to 85-18  
Lot 304, South Talbot Road (Municipal 1185, 1525, 1805 Highway 3)  
County of Essex  
Town of New Tecumseh - Highway 3

10.6  
PRESENTED TO  
PUBLIC COUNCIL:  
DECEMBER 11, 2012

The Ministry of Transportation (MTO) has completed a review of the above-noted zoning by-law amendment application. The application has been considered in accordance with the requirements of ministry highway access control policies and the Public Transportation and Highway Improvement Act. The following outlines our comments.

MTO has no objection to the proposed amendment.

The owners should be aware that entrance, building/land use and sign permits are required from MTO before any grading or construction work can begin on the subject lands. Please advise the owners to contact Ms. Sylvie Lauzon, Corridor Management Officer, Corridor Management Section London (659 Exeter Road, London, Ontario, N6E 1L3 Phone 519-873-4206) to discuss MTO's permit requirements and obtain the necessary applications.

We would appreciate receiving a copy of your Council's decision on this application for our records. Should you have any questions, please contact our office.

Yours truly,

John Morrisey  
Corridor Management Planner  
Planning and Design Section  
Southwestern Region, London

Copy to B. Hillman  
12/7/12 SK.

c. Sylvie Lauzon, Corridor Management Officer - Corridor Management Section

RECEIVED

DEC 07 2012

Town of Tecumseh