

**Public Hearing  
to be held at  
City of Penticton Council Chambers  
171 Main Street, Penticton, B.C.**

**Tuesday, April 16, 2019  
at 6:00 p.m.**

- |       |  |      |
|-------|--|------|
| 1.    | Mayor Calls Public Hearing to Order for <b>“Zoning Amendment Bylaw No. 2019-14”</b>  | 1-13 |
| CO    | Reads Opening Statement and Introduction of Bylaws   |      |
|       | “Zoning Amendment Bylaw No. 2019-14” (Funeral Services)  |      |
|       | Purpose: To amend Zoning Bylaw No. 2017-08 as follows:   |      |
|       | To add a definition for ‘funeral service’ (means premises used for the care and preparation of human remains for interment or cremation. The use funeral service may also include holding of bereavement rites and ceremonies and associated retail sales of funeral products as accessory uses) and including the use ‘funeral service’ in the C3 (Mixed Use Commercial), C4 (General Commercial), C5 (Urban Centre Commercial), C6 (Urban Peripheral Commercial), C7 (Service Commercial) and M1 (General Industrial) zones. |      |
|       | Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, April 5, 2019 and Wednesday, April 10, 2019 (pursuant to the <i>Local Government Act</i> ).  |      |
| CO    | No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, April 10, 2019).  |      |
| Mayor | Requests the Director of Development Services describe the proposed bylaw  |      |
| Mayor | Invitation to applicant for comment or elaboration on the application  |      |
| Mayor | Invites those in attendance to present their views   |      |
| Mayor | Invites Council members to ask questions   |      |
| Mayor | Invites applicants to respond to questions and those in attendance may provide new additional information  |      |

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2019-14” is terminated and no new information can be received on this matter.

**Regular Council Meeting**  
**held at City of Penticton Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Tuesday, April 2, 2019**  
**at 1:00 p.m.**

## **Resolutions**

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- 10.7 Zoning Amendment Bylaw No. 2019-14  
Re: Funeral Services

196/2019

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2019-14", a bylaw that adds a definition for 'funeral service' in the definition section of Zoning Bylaw 2017-08 and includes the use 'funeral service' in the C3, C4, C5, C6, C7 and M1 zones, be given first reading and be sent to the April 16, 2019 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** April 2, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager

File No: RMS 3360-02 (2019)

**Subject: Zoning Amendment Bylaw 2019-14 (Funeral Services)**

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## Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-14", a bylaw that adds a definition for 'funeral service' in the definition section of Zoning Bylaw 2017-08 and includes the use 'funeral service' in the C3, C4, C5, C6, C7 and M1 zones, be given first reading and be sent to the April 16, 2019 Public Hearing.

## Background

The use funeral service is not currently listed as a permitted use in any zones in the City's zoning bylaw. There are currently five businesses operating a funeral service type business in the city. One of the businesses was permitted through a *site specific* zoning amendment adopted in 2003 (1130 Carmi Avenue). The other businesses are considered 'legal non-conforming' to the bylaw. The businesses are operating in a number of zones including: one in the C3 (Mixed Use Commercial) zone, two in the C5 (Urban Center Commercial) zone and two in the M1 (General Industrial) zone. Historically, the use has also occurred in the C6 (Urban Peripheral Commercial) zone as well.

The City licensing department has been approached by a proponent, KVR Memorial, interested in operating a funeral service business at 461 Dawson Avenue, which is an M1 zoned property (Attachment A). As the use is not currently a listed permitted use in the M1 zone, even though there are two other funeral service businesses licensed in that zone, the city is not able to provide a business license for the new business. As such, the proponent has applied to have the use permitted as a 'site specific' use. The proponent has provided a letter of support from the President of the Penticton Industrial Development Association (PIDA), who supports the business operating on industrial lands at that location, subject to the lands remaining industrially zoned. Several other letters of support have also been received (not included in this report).

Rather than deal with this use on a site-by-site basis, staff have taken the opportunity to review the way the zoning bylaw addresses the use 'funeral service' and to clarify existing operations within the City.

Based on this review staff are proposing adding a definition for 'funeral services' into the zoning bylaw and are recommending adding the use to the C3, C4, C5, C6, C7 and M1 zones. With regard to the use on M1

zoned property, restrictions on the size of the operation are also included based on comment from the president of PIDA.

These proposed changes will make KVR Memorial's proposal at 461 Dawson conform to the zoning bylaw and not require the site specific zoning application. This will also make all of the other non-conforming businesses then conform to the zoning bylaw.

The operation of a funeral service business is also regulated by the *Cremation, Internment and Funeral Services Act*, provincial legislation which regulates how human remains are handled. Licensing for funeral homes is done through Consumer Protection BC, an agency that has authority delegated to it from the Province of BC. At the local government level we require proof of licensing prior to issuing a City of Penticton business license.

## **Proposal**

Bylaw 2019-14 will:

Add the following to the definition section of Zoning Bylaw 2017-08:

“funeral service means premises used for the care and preparation of human remains for internment or cremation. The use funeral service may also include holding of bereavement rites and ceremonies and associated retail sales of funeral products as accessory uses.”

Add the use 'funeral service' to the following zones: C3, C4, C5, C6, C7 and M1 zones.

Add section 12.1.3.6 A funeral service shall be limited to 250m<sup>2</sup> gross floor area.

Delete section 12.1.4.2 (site specific amendment allowing funeral service at 1130 Carmi Avenue).

## **Public consultation**

Staff are not recommending any public consultation above and beyond the requisite Public Hearing. Because this is a blanket text amendment and not specific to a property, no public notice signs are required. Notice of the public hearing will appear in two consecutive editions of the City Pages of the Penticton Western and information will be available through the City's normal notification channels.

## **Analysis**

The proposed zoning change adds a use to the City's zoning bylaw that is currently being operated on five (5) properties in the city. It is unclear why the Zoning Bylaw does not currently include the use 'funeral service', but in staff's opinion this is an oversight. Funeral service is not a use that would fit in any other use category (general assembly, health service, personal service etc). In staff's consideration this should be a stand-alone use. In staff's research, the use 'funeral service' is listed as a discreet use in most zoning bylaws in other municipalities. The use is usually listed in most general and service commercial and light industrial zones.

The risk of not having the use specifically listed is that four of the five businesses that are currently operating as funeral service businesses, are considered 'non-conforming' to their zoning (as stated above the fifth business went through a 'site specific' zoning amendment to be allowed to operate). The non-conforming

designation has implications on making changes to a business or building, financial borrowing and changing ownership.

Furthermore, not having the use listed as a permitted use in specific zones creates uncertainty and unnecessary bureaucracy for businesses wishing to enter into this industry (such is the case with the application for KVR Memorial). If this was a listed permitted use, a business wishing to operate would simply complete the necessary licensing requirements without having to take the time and risk of going through a zoning amendment process.

The definition created as part of this bylaw process, captures all of the activities typically associated with funeral services, including preparation of human remains and associated office uses. The definition utilizes language from the definition for funeral service in the provincial Act. Retail sales of funeral products (caskets etc.) and holding of funeral services are also accommodated but are deemed to be accessory uses, in such that they should constitute less than 50% of the floor area of the business.

In reviewing what zones this use should be included in, staff reviewed where this use has typically operated in Penticton, what the actual use entails and where the use is typically seen in other municipalities' zoning bylaws. Parking for the use will be considered at the commercial or assembly rate based on the square footage of the particular uses of the business area.

#### *General commercial zones*

These zones, including the C3, C4 and C7 zones, are located in the general commercial areas of the city. The properties in these areas are usually large properties lending themselves to larger building footprints and ample parking. Staff consider that these are the most appropriate zones for this use to operate in.

#### *Downtown commercial zones*

These zones, including the C5 and C6 zone, represent the highest level of retail and office in the City and are located in the downtown. As these properties are usually small, the footprint of a funeral service business would likewise be quite minor. Staff are somewhat concerned about this use being located in a high profile area, such as the 200-300 Blocks of Main Street, more appropriately used for retail or food and beverage uses (uses more contributory to a vibrant public realm). That said, historically there have been several funeral homes and funeral services operating the downtown, including two in current operation.

#### *Industrial zone*

The M1 zone encompasses the majority of the industrial park as well as lands bounded by Huth Avenue and Waterloo Avenue. These lands are intended for industrial uses which typically focus on manufacturing, warehousing and other associated uses. While funeral services from a ceremonial and retail perspective may not cleanly fit as an industrial use, the handling of human remains is typically done in industrial areas in other communities and certainly has been done on M1 properties in Penticton, with two businesses currently operating in the M1 zone and KVR Memorial intending to be located in the industrial park. Attachment A includes a description of how the building at 461 Dawson Avenue will be utilized. In that description, one can see why an industrial property is appropriate, specifically with the prep room activities.

The risk of having the use here is the ceremony and retail component of the business. To mitigate this risk, the bylaw is drafted to establish a maximum floor area in the M1 zone of 250m<sup>2</sup>. This will ensure the focus of

the business is on the non-public component of the business and in the case where larger ceremonies are planned, they will happen elsewhere, where appropriately zoned.

*Staff recommendation*

Because of the reasons listed above, staff are recommending that Council give first reading to the zoning amendment bylaw and that the bylaw be referred to the April 16, 2019, Pubic Hearing for comment from the public.

**Alternate recommendations**

*Alternative 1: Continue status-quo*

Council may wish to continue reviewing applications for funeral services on a site by site basis. If this is the case, Council should not give first reading to the bylaw. This would then require the proposed business to go through a site specific zoning amendment prior to operating and the other funeral service businesses would continue on as non-conforming uses.

*Alternative 2: Support amendments but restrict to general commercial zones*

Council may support the inclusion of the definition of ‘funeral service into the zoning bylaw, but wish to not see the use included in the downtown or industrial zones. If that is the case, Council should direct staff to amend the bylaw with direction to remove those zones. Staff do not recommend this approach as the majority of the funeral services are currently operating in the downtown and in the industrial park. If Council does take this approach, KVR Memorial would need to come back as a site specific application.

*Alternative 3: Support amendments but include restrictions on 200-300 Blocks of Main Street and Front Street*

Council may share staff’s concern that a funeral service use would be located at street level in the 200 or 300 Block of Main Street or Front Street, areas intended for retail and food and beverage uses. While it isn’t likely that these businesses will located here, Council could include a regulation in the C5 zone restricting the use in these areas.


**Attachments**

Attachment A – Letter from proposed business looking to operate at 461 Dawson Avenue

Attachment B – Zoning Amendment Bylaw No. 2019-14

Respectfully submitted,

Blake Laven, MCIP, RPP  
Planning Manager

|  |   |
|--|---|
| <p>Director</p>  | <p>Chief Administrative Officer</p> <p><b>DvD</b></p> |
|--|---|

Attachment A

Letter from proposed business looking to operate at 461 Dawson Avenue

Kevin Smith

861 Argyle Street  
Penticton, BC V2A 5N9  
778-559-1780  
kevin@kvmemorial.com

March 20, 2019

Dear Blake Laven,

I'd like to introduce myself; my name is Kevin Smith, I am a licensed funeral director and embalmer and have spent the better part of the last 13 years serving families that have lost a loved one. I have decided to step out on my own and start up my own funeral home called Kettle Valley Memorial LTD.

I am writing this letter asking the City of Penticton to allow Kettle Valley Memorial LTD. to operate business under site specific zoning at 461 Dawson Avenue. This location is currently zoned M1. The City of Penticton has asked me to request letters of support from our neighbours which are included with this letter. Kettle Valley Memorial LTD. has also received the support from the Penticton Industrial Development Association; I have had many discussions on the matter with Mr. Frank Conci. Frank has also been in touch with the city and has expressed that he is in support of my business at this location.

As of January I resigned from my position as Managing Director at Providence Funeral Homes to start on my own venture. My career started 2007 in Alberta with Martin Brothers Funeral Homes in Lethbridge. In 2011 my family and I made the decision to move to Penticton as I was offered a position at Providence Funeral Homes. For the past four years, I served as Managing Director and I made many long lasting relationships both professionally and personally. I've had the privilege to serve over 2500 families and built a solid reputation in this industry and community as someone that goes above and beyond to take care of the deceased and their families in what can be a very emotional and stressful time. My expertise ranges from at-need and pre-need funeral arrangements, funeral directing, removals, embalming, international shipping, marker sales and aftercare.

Kettle Valley Memorial LTD. will be a fully functional family owned funeral service provider offering both burial and cremation options at reasonable prices. As the price of funeral services increases each year it is important to keep the prices fair and flexible to ensure that families don't feel burdened with high costs. It is my intent and obligation to

explain clearly to families all their options so that they are able to make informed decisions so they can celebrate the life of their loved one without financial stress. The name Kettle Valley Memorial was inspired by the Kettle Valley Railway Company as headquarters were located here in Penticton and employed hundreds of people.

I'd like to thank you for your time reading this letter and reviewing my request.

Respectfully,

A handwritten signature in black ink, appearing to be 'Kevin Smith', written in a cursive style.

Kevin Smith  
Owner/Operator  
Kettle Valley Memorial LTD.

# KVM | KETTLE VALLEY MEMORIAL SERVICES

Thursday January 31, 2018

Location: 461 Dawson Avenue, Penticton, BC V2A 8E2

Description of building and its uses:

Kettle Valley Memorial LTD. is a local Penticton business that specializes in the care of deceased individuals and their families. Our mandate is "to serve each family as if they were our own". We offer families cremation, burial, pre-need, and grave marker options. We will not have a crematorium on site or a chapel to host services or reception gatherings. Our facility will be one of which families will be able to come and arrange the cremation or burial of their loved one. They will be able to select caskets, urns, grave markers. They will also be able to arrange the service or celebration of life for their loved one. KVM will out source services to another location like Penticton Lakeside resort and conference centre, Penticton Convention Centre, or any church or hall the family wishes.

The following is a description of the layout and purpose of the different rooms in KVM's building located at 461 Dawson Avenue, Penticton, BC.

**Casket/Urn Selection Room:**

Dimensions - 14' x 11'8"

The selection room will meet the requirements set out in the Cremation, Interment and funeral services act and have a minimum of 6 caskets in this room. There will also be cremation urns in this room. Families will enter into this room to purchase caskets/urns.

**Arrangement Office:**

Dimensions - 11'6" x 11'5"

In the arrangement office families (of up to 3 members) will meet with the funeral director to arrange the cremation or burial of their loved one. Arrangements will usually last between 1 hour to 2 hours depending on what type of service the family has chosen.

**Lobby/sitting area:**

Dimensions - 16'5" x 17'

This area will be the entrance to the funeral home. There will be a couch and two chairs in the centre. Warm and calming atmosphere. In this room will be where families are greeted and offered coffee, water or tea. There will be a coffee bar where families can get something to drink and a small snack while they wait. In the event that a family shows up with more than three members then the rest of the family will wait in the sitting area. We want the family to feel comfortable and relaxed in the lobby. There will be two fire exits in this room, The front door that will have a exit sign and there is a back door that will also have a exit sign.

**Bathroom:**

Dimensions - 6'1" X 5'11"

Bathroom will consist of a storage cabinet, sink and toilet. Storage cabinet will have extra toilet paper, paper towel and cleaning products.

**Viewing Room:**

Dimensions - 16' X 9'5"

Families will view the remains of their loved one in the viewing room. The deceased will be placed on a viewing table or the casket the family has chosen. This room will have a two doors. One for the family to enter and the other for the deceased. The room will consist of a couch and love seat for the comfort of the family. There will be light calming music, and the lights will be adjustable to add warmth to the room. The deceased will be placed along the eastside wall.

**Prep Room:**

Dimensions - 13'8" X 13' 3"

The prep room is where deceased individuals are brought for sanitization, restoration, preservation and embalming. Only authorized personal can enter this room. Authorized personal means anyone who is a licensed embalmer. The room has to meet certain requirements set out in the Cremation, Interment, and Funeral Services Act. Those requirements are are found found in Part 4, Section 32., Sub Section (2) and (3):

(2) If a funeral provider accepts human remains and does not do disinfecting, preservation or restoration of human remains, the funeral provider must have at least one separate room for the care and preparation of human remains prior to disposition, and must ensure that this room meets the following requirements:

- (a) is at least 11 square metres in size;
- (b) is clearly labeled from the outside to prohibit access by anyone other than staff of the funeral provider and other authorized persons;
- (c) is well lit and mechanically ventilated to the outside of the building;

- (d) is capable of being easily disinfected;
- (e) the surfaces of the room are composed of non-porous materials that are capable of preventing fluids from soaking into them;
- (f) is equipped with a first aid kit;
- (g) contains a holding table or examining table that is capable of being disinfected easily;
- (h) contains a sink that has hot and cold running water;
- (i) has a vacuum breaker on each water supply for each station in this room;
- (j) contains storage facilities for equipment and supplies;
- (k) contains enough, protective eyewear and disposable protective covering for hands, body and feet for each person who works in this room;
- (l) contains sheets or towels;
- (m) contains disinfectants, germicidal soap, paper towels, a pail and mop, and detergent.

(3) If a funeral provider disinfects, preserves or restores human remains, the funeral provider must also ensure that the room referred to in subsection (2) is equipped with

- (a) a second sink, or the sink referred to in subsection (2) must have two compartments,
- (b) a continuous flow eyewash facility with a minimum duration of 15 minutes,
- (c) supplies necessary for the disinfection, preservation and restoration of human remains performed by the funeral provider, and
- (d) sanitary drains for the disposal of bodily fluids and embalming fluids, that are equipped with splash guards and a backflow valve.

This room will meet all the requirements set forth in the Regulation and will be inspected and approved by Consumer Protection BC.

**Receiving Area:**

Dimensions - 13'9" X 13'7"

This room is also is off limits to the general public. There will be a cooler for 2 deceased individuals. Law states that any unembalmed remains must be placed into a cooler before disposition. When a deceased person is brought in to this room proper policies and procedures will be performed to ensure proper identification of the person and proper care of deceased procedures to ensure that the deceased is treated with dignity and respect. This room will also have door access to the viewing room.

**Back Entrance :**

Dimensions - 9'8" X 7'11"

The back entrance will be specifically for bringing in deceased individuals. It will also be a fire exit with a fire extinguisher and exit sign with a battery pack. KVM transfer vehicles will back up to the separated outside entrance and off load stretchers and deceased at these doors. The doors will be covered from the public sight. There will be metal double doors that will be locked 24 hours a day.

**Parking :**

KVM parking lot will have 7 parking spots. There will be a no parking lane in front of the front door that will lead to a wheelchair ramp to the front door. The two parking spots on both sides of the no parking lane will be handicap parking stalls for easy access into the building.

This is the description of the building and rooms for Kettle Valley Memorial LTD. Any questions or comments can given to Kevin Smith, Owner/Operator.



Kevin Smith

Kettle Valley Memorial LTD.  
461 Dawson Avenue  
Penticton, BC  
V2A 8E2

Email : [kevin@kvmemorial.com](mailto:kevin@kvmemorial.com)  
phone# : 778-559-1780

**Bylaw No. 2019-14**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-14".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Amend section 3.2 Definitions and add the following:

**FUNERAL SERVICE** means premises used for the care and preparation of human remains for interment or cremation. The use funeral service may also include holding of bereavement rites and ceremonies and associated retail sales of funeral products as accessory uses.

2.2 Add the following to 11.3 C3 – Mixed Use Commercial 11.3.1 Permitted Uses

.22 funeral service

2.3 Add the following to 11.4 C4 – General Commercial 11.4.1 Permitted Uses

.31 funeral service

2.4 Add the following to 11.5 C5 – Urban Centre Commercial 11.5.1 Permitted Uses

.37 funeral service

2.5 Add the following to 11.6 C6 – Urban Peripheral Commercial 11.6.1 Permitted Uses

.32 funeral service

2.6 Add the following to 11.7 C7 – Service Commercial 11.7.1 Permitted Uses

.38 funeral service

2.7 Add the following to 12.1 M1 – General Industrial 12.1.1 Permitted Uses

.30 funeral service

2.8 Add the following to section 12.1.3 Other Regulations

.6 A **funeral service** shall be limited to 250m<sup>2</sup> **gross floor area**.

2.9 Delete Site Specific Provision 12.1.4.2 in its entirety.

READ A FIRST time this 2 day of April, 2019

A PUBLIC HEARING was held this 16 day of April, 2019

READ A SECOND time this day of , 2019

READ A THIRD time this day of , 2019

RECEIVED the approval of the day of , 2019

Ministry of Transportation on the

ADOPTED this day of , 2019

Notice of intention to proceed with this bylaw was published on the 5 day of April, 2019 and the 10 day of April, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
John Vassilaki, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
for Minister of Transportation & Infrastructure

\_\_\_\_\_  
Angie Collison, Corporate Officer