

6-B)



DEPARTMENTAL CORRESPONDENCE

TO: James R. O'Connor, City Manager
DEPT: City Manager

FROM: Monte K. Falls, PE, Director
DEPT: Public Works MKFALLS 5/23

DATE: May 23, 2016

RE: Crestlawn Cemetery Ordinance Amendment

Background:

At the October 20, 2015 City Council meeting, Council approved amending Chapter 26, "Cemetery" of the City's Code to reflect changes in the Cemetery Plat by adding new sections J and K. After some consideration about the manner of sales in these sections and to offer our customers the widest range of purchase and monument options, we revised some of the regulations that were in this ordinance.

More specifically, in Section 26-9 Monument Standards, paragraph 5, we provided that some lots could be purchased as single burial lots (1/2 lots) with flat markers allowed.

We also made some minor modifications in the ordinance which can be seen with the strike through/underline format.

Funding:

None Required

Recommendation:

- Place this resolution on the June 7, 2015 agenda of the City Council;
- Approve the ordinance changes.

Analysis:

Strengths: This new purchase/monument option has the potential to attract a wider variety of customers to the newly developed Section K.

Weaknesses: None

Opportunities: Increased revenue potential

Threats: None

Attachments

MKF/ntn

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING CHAPTER 26, "CEMETERY," OF THE CODE OF THE CITY OF VERO BEACH, FLORIDA; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Vero Beach owns and operates a municipal cemetery located within the City known as Crestlawn Cemetery, "Cemetery;" and

WHEREAS, the City Council has established regulations for the sale of cemetery lots, burial spaces, and columbarium burial rights; and

WHEREAS, the City Council finds that previous changes in the Cemetery plat, with the addition of new sections, necessitates various amendments to comport with said changes,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1 – Adoption of "Whereas" Clauses.

The foregoing "WHEREAS" clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Ordinance.

Section 2 – Amendment of CHAPTER 26, "CEMETERY."

The following specified sections and subsections in Chapter 26, "Cemetery," of the Code, are hereby amended as follows:

[CODING: Words deleted are designated by ~~strikethrough~~; words added are underscored]

Sec. 26-8. - Burial lot restrictions.

- (a) Lots shall be used only for the burial of the human dead. Only one interment shall be made in a burial space, except for the following: a parent and infant; two children in one coffin; and one coffin and two cremain urns; or three cremain urns in accordance with subsection (b) of this section.
- (b) Cremaines may be interred in an existing normal single burial space four feet by nine feet. No more than three interments of cremaines can be placed in a normal single burial space. Under

these conditions, each interment shall be centered within a one-third section not smaller than three feet by four feet. The three-foot dimension shall be along the nine-foot side distance of the four-foot by nine-foot single grave burial space. Only cremains authorized by the lot owner or his legal heir may be interred.

- (c) All burial spaces must be located by the cemetery personnel of the city. Burial spaces containing human remains must be dug not less than four feet six inches in depth and have a minimum cover of 18 inches of soil from the top of the vault or liner to the ground surface level. Burial mounds shall not be allowed. Persons digging the grave must place excavated soil on suitable material to protect the grass on adjacent lots. When the excavation of a grave has been completed, the gravedigger shall notify the cemetery foreman of the city for inspection. Concrete or metal lining or vaults shall be used in every uncremated interment. No burial above ground shall be permitted, except in a specially designed, city-approved mausoleum. The burial spaces for the specific interment of infants shall not be smaller than four feet by five feet. No normal single burial space for the interment of human remains shall be smaller than four feet by nine feet. Only human remains specifically authorized by a lot owner or his legal heir may be interred in a designated space in Crestlawn Cemetery. A licensed funeral director's opening and closing form, signed by a licensed funeral director, must be used for the interment of human remains.
- (d) Crestlawn Cemetery has a specific areas established for the interment of cremains. These cremain spaces shall not be smaller than four feet by five feet, except in Section J, Block 1 (columbaria area). Two interments may be made in one of the designated ~~four feet by five feet~~ cremain spaces. Only a single marker as specified in this chapter may be used. Only the cremains specifically authorized by the lot owner or his legal heir may be interred in designated cremain spaces. A ~~licensed funeral director's~~ City of Vero Beach grave opening and closing form must be used for the interment of cremains. These cremains cannot be interred at will by the lot owner. All cremain spaces must be located by the cemetery personnel of the city prior to the interment of cremains. Cremain urns must be covered by a minimum of ten inches of soil.
- (e) Lot owners shall not allow interments on their lots for remuneration, nor shall any transfer of interest therein be valid except as authorized in section 26-3.

Sec. 26-9. - Monument standards.

- (a) Vertical monuments.
 - (1) General vertical monument regulations. Unless otherwise provided herein, the following general regulations shall apply to all vertical monuments placed pursuant to this Chapter. Only one vertical monument will be allowed on any family plot. Vertical monuments shall be not more than four feet high from the top of the base and shall cover not more than seven percent of the plot area. Vertical monuments for plots fronting on roadways shall be located on the rear of the plot and farthest from the roadways. Vertical monuments and foundation details shall be submitted to the city for approval prior to installation. All

vertical monuments shall be placed at the owner's expense, including foundation and restoration. Where foundations are required, they shall be designed to prevent settlement.

(2) Sections A, B, C, D, E, F, and G. Vertical monuments shall be allowed in sections A, B, C, D, E, F, and G only in areas designated for family plots. Vertical monuments may also be allowed on groupings of certain lots in section I as depicted on an additional family plots map on file in the office of the city clerk. No vertical monuments will be allowed on plots of less than 280 square feet, except that the city manager may allow a family plot of 270 square feet in these sections where an exception is necessary to prevent a hardship.

(3) Section K, Block 1. Vertical monuments shall be allowed only on family plots that contain at least 252 square feet (three consecutive lots).

(4) Section K, Blocks 2 and 5. Vertical monuments shall be allowed only on family plots that contain at least 320 square feet, and on Block 5, Lot 12. Monuments shall be located on the rear of the plot and farthest from the roadway and walkway (west side of Block 2, east side of Block 5).

(5) Section K, Blocks 3 and 4. A single vertical monument shall be allowed on lots that contain two grave burial spaces (72 square feet). Lots in the east 1/2 of Block 3 shall be sold as full lots (two (2) burial spaces) only, with monuments located on the west side of the lot. In Block 3, monuments shall be located on the west side of the plot. Lots in the west 1/2 of Block 3 and lots in the east 1/2 of Block 4 shall be sold as 1/2 lot (1 (one) burial space) only, with a flat marker. Lots in the west 1/2 of Block 4 shall be sold as full lots (two (2) burial spaces) only, with monuments located on the east side of the lot. In Block 4, monuments shall be located on the east side of the plot. Vertical monuments in Section K, Blocks 3 and 4 shall not exceed the following measurements:

(i) Base: 1'6" in width x 4'0" in length.

(ii) Marker: 1' 0" in width x 3'0" in length x 1'6" in height, with a beveled face.

(b) Gravemarkers.

(1) Single grave or cremain space markers shall not exceed 30 inches by 20 inches and shall be at least four inches thick. Where cremains are added to an existing occupied lot, there shall be no additional marker added.

a. Where a lot is used exclusively for two or three cremains, only one gravemarker shall be allowed on the total four-foot by nine-foot lot, oriented with the marker's greatest dimension parallel to the four-foot side.

b. In cremain spaces, only one gravemarker shall be allowed.

(2) Double gravemarkers for two burial spaces shall be centered between the two adjoining graves and shall not exceed a facing size of 62 inches by 20 inches. All double gravemarkers shall be at least four inches in thickness.

(3) Three gravemarkers (lots 12 feet by nine feet or larger), when used to designate three adjoining burial spaces, shall have a maximum size of 66 inches by 20 inches. This type marker shall be at least four inches in thickness.

- (4) A gravemarker may contain the full name of the individual, date of birth, and date of death. In addition, symbolic floral carvings, family crests or emblems, religious markings, fraternal emblems, information relating to the decedent's military service, if any, suitable epitaph, and designation as to relationship of the deceased (such as son, daughter, husband, father, etc.) may be used. All embellishments shall be recessed within the marker, if stone; and no protrusions of any type shall exceed one-half inch.
- (5) Veteran's markers received from the Veterans' Administration may include such information as name, rank, serial number, date of death, and other information as the Veterans' Administration from time to time places on such markers.
- (6) All gravemarkers shall be flush with the ground, except authorized vertical monuments in specially designated areas.
- (7) All monuments or gravemarkers shall be of metal, granite, or marble composition. Any variation in these materials must be requested in writing to the city manager for his consideration prior to installation. Variance in the maximum size of all monuments or markers shall not exceed one-half inch.
- (8) Family vertical monuments may include multiple-family names together with symbolic floral carvings, family crests, or religious markings only.
- (9) Foundations are required for all markers greater in area than two square feet and less than four inches thick at the thinnest point. All foundations shall be designed to prevent settlement, tilting, or cracking of the markers. All foundations must be approved by the cemetery foreman prior to installation of the marker.

Section 3 – Conflict and severability.

In the event any provision of this Ordinance conflicts with any other provision of the Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any phrase or portion of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Section 4 – Codification.

The amendments provided for herein shall be codified in the Code of the City of Vero Beach, Florida.

Section 5 – Effective date.

This ordinance shall become effective upon final adoption by the City Council.

This ordinance was read for the first time on the _____ day of _____ 2016, and was advertised on the _____ day of _____ 2016, for a public hearing to be held on the _____ day of _____ 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Jay Kramer _____

Vice Mayor Randolph B. Old _____

Councilmember Pilar E. Turner _____

Councilmember Richard G. Winger _____

Councilmember Harry Howle III _____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

(SEAL)

Approved as to form and legal sufficiency:

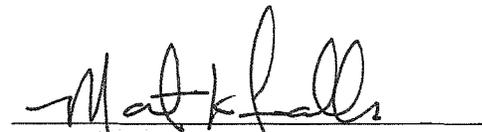
Approved as conforming to municipal policy:



Wayne R. Coment
City Attorney

James R. O'Connor
City Manager

Approved as to technical requirements:



Monte K. Falls
Director, Public Works