

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

## **MEMORANDUM**

Agenda Item No. 7(A)

---

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** November 15, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to zoning in  
the unincorporated area of Miami-  
Dade County; amending section  
33-23 of the Code of Miami-  
Dade County, Florida; permitting  
crematories to be operated in  
conjunction with funeral homes  
under certain circumstances;  
making technical changes;  
providing severability, inclusion  
in the code

Ordinance No. 22-155

---

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.

  
Geri Bonzon-Keenan  
County Attorney

GBK/jp

MDC001

# Memorandum



**Date:** November 15, 2022

**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Zoning

---

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

---

Jimmy Morales  
Chief Operations Officer

**Date:** November 15, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Social Equity Statement for Ordinance Relating to Expanding Funeral Home Services to Include Cremation Services in Certain Circumstances

---

The proposed ordinance provides additional flexibility and promotes efficiency by allowing funeral homes to operate crematories onsite, as an ancillary use, in conjunction with their funeral home activities. Currently, cremation facilities are only permitted after public hearing in the AU (Agricultural) and GU (General Use) zoning districts.

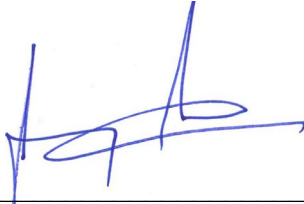
The proposed ordinance will permit one combustion unit for cremation as an ancillary use to a funeral home, subject to certain buffering and spacing requirements to ensure that cremations do not create negative effects on the surrounding area or the environment. Specifically, this ordinance requires a minimum of 250 feet of spacing between crematory emission stacks and residential uses. Pursuant to section 62-296.401(5)(b)1, Florida Administrative Code (F.A.C.), visible emissions from a crematory stack are limited to five percent opacity or a maximum of 15 percent opacity for a six-minute period during any one-hour period. Opacity is the percent of light that is blocked from view. As the technology for incineration has improved, emissions of this type are generally odorless and comply with the opacity standards stated above and, therefore, should not cause negative impacts on neighboring uses.

The Department of Regulatory and Economic Resources, Development Services will require an annually renewable certificate of use prior to operating the crematory and the Division of Environmental Resources Management (“DERM”) will require an annual operating permit to monitor air emissions and industrial waste operating permit to monitor hazardous materials. DERM will monitor and routinely inspect the crematories to verify compliance with environmental permits.

The environmental permitting costs and regulatory requirements associated with the establishment of a crematory onsite a funeral home are the same as those for standalone crematories facilities. In general, environmental permits associated with these facilities include Florida Department of Environmental Protection’s Air General permit, in accordance with sections 62-210 and 62-296, F.A.C., and Air Emissions and Industrial Waste annual operating permits, pursuant to chapter 24 of the Code of Miami Dade County.

Currently there are 11 independent crematories or facilities providing cremation services in incorporated areas within Miami-Dade County. There are no identified cremation providers in the unincorporated areas. Based on certificate of use records from the County, there are 13 funeral homes in unincorporated Miami-Dade. Of the 13 funeral homes, four could meet the 250 feet spacing requirement from residential uses and, therefore, may potentially avail themselves of the opportunity to include a crematory onsite pursuant to this ordinance.

It is anticipated that the proposed ordinance will benefit funeral home business owners, as well as their customers, as all end-of-life ceremonies and activities could take place at a single location, thereby reducing transportation costs and unnecessary handling of the deceased. Although the use may have a perceived negative connotation, the health, safety, and welfare of the County’s residents and visitors will be safeguarded and protected between the emission standards in place by the state, DERM oversight, and the buffering and spacing measures proposed in this legislation.



---

Jimmy Morales  
Chief Operations Officer



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** November 15, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)  
11-15-22

ORDINANCE NO. \_\_\_\_\_ 22-155

ORDINANCE RELATING TO ZONING IN THE  
UNINCORPORATED AREA OF MIAMI-DADE COUNTY;  
AMENDING SECTION 33-23 OF THE CODE OF MIAMI-DADE  
COUNTY, FLORIDA; PERMITTING CREMATORIES TO BE  
OPERATED IN CONJUNCTION WITH FUNERAL HOMES  
UNDER CERTAIN CIRCUMSTANCES; MAKING TECHNICAL  
CHANGES; PROVIDING SEVERABILITY, INCLUSION IN  
THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, since 1957, section 33-23 of the County Code has provided that crematories may only be located in the GU (Interim) and AU (Agricultural) Zoning Districts, and then only upon approval after public hearing; and

**WHEREAS**, as a consequence, there are limited locations at which crematories have been able to operate and such locations are not necessarily in close proximity to the funeral homes where end of life ceremonies take place; and

**WHEREAS**, in recent years, new technologies have made the cremation process cleaner and less noxious to surrounding uses than when the County Code provision governing crematories was enacted more than 60 years ago; and

**WHEREAS**, to permit additional flexibility and to promote efficiency, this Board wishes to allow funeral homes to operate crematories onsite in conjunction with their funeral home business activities, subject to certain conditions to ensure that cremations do not create negative effects on the surrounding area or the environment,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-23 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-23. Cemeteries, mausoleums and crematories.**

>>(1)<<No premises shall be used or occupied for the purposes of a cemetery, mausoleum or crematory, in any district established by this chapter, excepting in GU and AU >>Zoning<< Districts, and then only upon approval after public hearing.

>>(2) Notwithstanding the foregoing, a crematory is permitted as an ancillary use to a funeral home licensed under chapter 497, Florida Statutes, in any Zoning District where such funeral home use is permitted, subject to the following conditions:

- (i) The funeral home at which the crematory is operated shall be located no closer than 250 feet from any existing residential uses, as measured in a straight line from the crematory stack or point of release of emissions to the nearest property line in such other Zoning District; and
- (ii) The crematory shall contain no more than one combustion unit or incinerator; and
- (iii) All loading and unloading areas relating to the portion of the funeral home containing the crematory shall be screened from view of both the public right-of-way and abutting properties with an architecturally finished, six-foot high masonry wall along the property line; and
- (iv) The equipment used in the cremation process must undergo yearly preventative maintenance inspections by the equipment manufacturer or a technician certified by the Crematory Association of North America or equivalent professional organization; and

---

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (v) The crematory must comply with all federal, state, and local environmental, permitting, and licensing requirements; and
- (vi) An annually-renewable certificate of use (CU) must be obtained.

(3)<< No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than fifty (50) feet to any highway right-of-way which is seventy (70) feet or more in width nor closer than twenty-five (25) feet to any highway, the right-of-way width of which is less than seventy (70) feet nor closer than twenty-five (25) feet to any other property line.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

November 15, 2022

Approved by County Attorney as  
to form and legal sufficiency:

GKS for GBK

Prepared by:



James Eddie Kirtley

Prime Sponsor: Commissioner Kionne L. McGhee