



City of North Port
PLANNING AND ZONING DIVISION
Noah Fossick, Planner I
Office: 941.429.7234
Email: nfossick@cityofnorthport.com



MEMORANDUM

TO: Jason Yarborough, ICMA, Interim City Manager

THRU: Juliana B. Bellia, Acting Assistant City Manager

THRU: Nicole Galehouse, AICP, Planning Manager *See for AG*

THRU: Rhea Lopes, Planner III *R.L.*

FROM: Noah Fossick, Planner I *NF*

SUBJECT: Cemetery Use in the City of North Port

DATE: December 22, 2020

Permitted Zones

Cemeteries are permitted as a right in the following Zoning Districts: Agriculture (AG; Sec. 53-25. J.) and Office, Professional, Institutional (OPI; Sec. 53-90. P.). Additionally, cemeteries are not prohibited by any zoning district. Thus, cemeteries may be permitted as a special exception in most zoning districts, if it is in accordance with Chapter 53 – Zoning Regulations, Article XXII. – Special Exceptions and provided that the cemetery use contributes to the intent of the zoning district in the City’s Comprehensive Plan and Unified Land Development Code (ULDC). Special exception applications must be approved by the City Commission. Any use approved shall follow all land use requirements of the zoning district where approved. Do note, cemetery use is prohibited in the Myakka River Protection Zone.

In the Planned Community Development (PCD) District, cemetery use may be allowed under certain conditions. Per Sec. 53-103. of the ULDC, the permitted uses and structures in the PCD District are as follows:

“In a PCD District, any use permitted either by right or as a special exception in any Residential District (RSF) except Residential Manufactured Home (RMH) district, the (CG) Commercial General District, (GU) Government Use District, (ILW) Light Industrial Warehousing District, (OPI) Office, Professional and Institutional District shall be permitted; provided, however, that the proposed use shall be consistent with the City's Comprehensive Plan, the standards and criteria set forth further below regulating development in PCD Districts and the default zoning district and permitted uses are declared in the proposed Development Master Plan, provided that the uses are specifically listed.”

Any parcel or property within a PCD District, outside of an Activity Center, consistent with the City's Comprehensive Plan, the standards and criteria that regulate development in PCD Districts (Sec. 53-104. to Sec. 53-118) and the default zoning district, that has declared the permitted uses in the proposed Development Master Plan may allow cemeteries.

Table 1. Cemetery Use by Zoning Districts

Zoning District	Permitted	Prohibited	Special Exception
AG – Agriculture	X		
CG – Commercial General			X
CG-S – Commercial General Special			X
GU – Government Use			X
ILW – Light Industrial and Warehousing			X
OPI – Office, Professional, Institutional	X		
PCD – Planned Community Development	X*		X*
RSF – Residential Single-Family			X
RTF – Residential Two-Family			X
RMF – Residential Multi-Family			X
RMH – Residential Manufactured Home			X
UIC – Utility/Industrial Corridor			X
NC-HI/NC-LI – Neighborhood Commercial High/Low Intensity			X
COMREC – Commercial/Recreation			X
ROS – Recreation/Open Space			X
CD – Conservation			X
V – Village			X
CRL – Commercial Redevelopment Low Impact			X
Myakka River Protection Zone		X	

*The PCD District has certain considerations, see above.

Cemeteries in Activity Centers

Cemetery use is prohibited in Activity Center 8 – The Gardens. No other Activity Center permits or prohibits cemeteries as a right. Cemeteries may be permitted as a special exception in most activity centers by the process detailed in Chapter 53 – Zoning Regulations, Article XXII. – Special Exceptions of the ULDC.

Table 2. Cemetery Use by Activity Center

<i>Activity Center</i>	<i>Permitted</i>	<i>Prohibited</i>	<i>Special Exception</i>
1 – <i>Mediterranea</i>			X
2 – <i>Heron Creek</i>			X
3 – <i>Gateway</i>			X
4 – <i>Panacea</i>			X
5 – <i>Midway</i>			X
6 – <i>The Shire</i>			X
7 – <i>The Springs</i>			X
8 – <i>The Gardens</i>		X	
9 – <i>Central Parc</i>			X

Conclusion

Cemeteries are allowed as a right in Agriculture (AG) and Office, Professional, Institutional (OPI) Districts (and under certain considerations in the PCD District). Cemeteries may be allowed as a special exception in all other zoning districts and Activity Centers except in the Myakka River Protection Zone and Activity Center 8 – The Gardens, where cemeteries are a prohibited use.