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HB 0731

2003 Legislature

A bill to be entitled

An act relating to the City of Tampa, Hillsborough County; amending chapter 29126 (1953), Laws of Florida, relating to Parkland Estates Subdivision; amending the preamble to reflect that the enforcement of zoning regulations requires a collaborative effort between Parkland Estates Subdivision and the City of Tampa and incorporating the preamble as a section of law; amending sections 1, 2, 7, and 8; modernizing language; deleting references to garages, servant houses, and out houses; providing that side setbacks may not extend beyond 7.5 feet; providing an exception; providing that Parkland Estates Civic Club has concurrent enforcement powers with the City of Tampa; removing language that any church construction be valued at a minimum of \$250,000; creating sections 4, 5, 6, and 7; providing for area rezoning of single-family residential structures by the City of Tampa and for grandfathering certain structures under certain circumstances; providing for conforming and nonconforming legal status for certain properties which have been and are used for nonresidential properties and for grandfathering certain structures under certain circumstances; directing the City of Tampa to initiate an area rezoning and requiring certain public hearings and notices; providing that the City of Tampa may enforce the use and development restrictions set forth in the act; providing that if there are inconsistencies between the City Zoning Code and the act, the act shall prevail; providing severability; repealing sections 3, 4, 5, 6, and 9, relating to use of properties between building lines



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and streets, of certain building materials and the sizes of buildings, the use of cesspools or septic tanks, the keeping of livestock and poultry, and misdemeanor infractions; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The preamble to chapter 29126 (1953), Laws of Florida, is incorporated in said chapter as subsection (a) of section 1 and amended, subsection (b) is added to said section, and present sections 1 and 2 of said chapter are renumbered as sections 2 and 3, respectively, and amended, to read:

Section 1. (a) ~~WHEREAS,~~ With the increase and concentration of population in and around the cities of the State of Florida, and particularly in and around the City of Tampa, in Hillsborough County, Florida, and the area ~~hereinafter~~ described in this act and known as Parkland Estates, zoning restrictions relating with respect to the use and occupancy of private land in the Parkland Estates area have been ~~are~~ necessary ~~and required~~ for the purpose of safeguarding the public ~~peace,~~ health, safety, and comfort, welfare. Parkland Estates ~~and community society;~~ ~~and~~ ~~WHEREAS,~~ the area and ~~territory herein described~~ is intended to be and is now occupied for private ~~dwelling and~~ residential purposes. Furthermore; ~~and~~ ~~WHEREAS,~~ in the promotion and safeguarding of the public ~~peace,~~ health, safety, and comfort, welfare ~~and community society,~~ the State of Florida, in the exercise of its sovereign and police power, ~~found~~ deems it necessary and proper to restrict and zone the use and occupancy of Parkland Estates,



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except as otherwise provided by this act ~~the area hereinafter described,~~ to its use and occupancy for private residences ~~residential and dwelling purposes only.~~ Therefore,

(b) The Legislature further finds, however, that the provisions of chapter 29126 (1953), Laws of Florida, are insufficient for enforcement purposes, necessitating a cooperative and collaborative effort between the city and the residents as provided by this act.

Section 2.1. ~~That none of~~ The lands within the area ~~and territory~~ described as Parkland Estates Subdivision, hereafter called "Subdivision," as said Subdivision is now platted of record in Plat Book 1, Page 156, in the office of the Clerk of the Circuit Court in Hillsborough County, Florida, except the tracts and areas designated as parks or children's playground, and except as further hereinafter provided with respect to Lots 1, 2, 3, 4, 5, 31, 32, 33, 34, 35, 36 and 37 of Block 16, of said Subdivision, shall be used and are ~~hereby~~ zoned for use and to be occupied only for single-family ~~single-family~~ private residential and dwelling purposes., ~~and that~~ Not more than one private dwelling shall be erected, constructed, placed upon, or maintained on any one of the platted lots in the said Subdivision, ~~as the same are now platted according to said recorded plat of said Subdivision~~ except one or more lots may be used for one residence ~~together with the necessary and usual garages, servant houses and out houses to be used strictly in connection with the dwelling house on said lot or lots therein or which may hereafter be erected thereon;~~ and any other use or occupation thereof shall be and is hereby declared to be a nuisance and inimical to the preservation of public ~~peace,~~ health, safety, and ~~comfort,~~ welfare ~~and community society~~ of



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the said area and territory and the residents and property owners thereof.

Section 3.2. ~~That~~ All residences in the said Subdivision shall face the street. No portion of any building shall be closer to the street than, or extend beyond, the building line shown on the said plat; no porches or steps shall be closer to the street than, or extend beyond, the porch line shown on the said plat; ~~and~~ no portion of the main dwelling shall be nearer to the side boundary lines of said lots than 7.5 ~~seven and one-half (7 1/2)~~ feet, hereafter called "side setback therefrom." It is further provided, however, that encroachments into the side setback shall be permitted in accordance with the City of Tampa Zoning Code, Chapter 27, as it may be amended from time to time, hereafter called "City of Tampa Zoning Code"; however, this provision shall not be construed to allow any variance to the side setback for the main dwelling or structure.

Section 2. Present sections 3, 4, 5, and 6 of chapter 29126 (1953), Laws of Florida, are repealed, new sections 4, 5, 6, and 7 are added to said chapter, and present section 7 of said chapter is renumbered as section 8 and amended, to read:

Section 4. Subject to the following provisions, all single-family residential structures constructed in the Subdivision are granted status as legal conforming structures and approved as such as part of the Area Rezoning adopted by the City of Tampa as set forth in section 6, hereafter called "Area Rezoning." It is further provided that, if a single-family residential structure was constructed or existed in violation of this act or the City of Tampa Zoning Code described in section 6 as of December 31, 2002, prior to being granted legal conforming status by the City of Tampa, the dimensions of the structure as



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it existed on December 31, 2002, shall be documented by the property owner through substantial and competent evidence and approved as part of the Area Rezoning.

Section 5. (a) Subject to the following provisions, all property lying and situated within Block B of the Plat of the Subdivision, along with the North ½ of the closed alley abutting to the South of Block B, which was developed as any use other than single-family residential and was in existence as of July 1, 1953, shall be granted status as a legal conforming use and structure and shall be approved as such as part of the Area Rezoning adopted by the City of Tampa if, prior to being granted legal conforming status as a legal conforming use or structure, or both, by the City of Tampa, the existence, the specific nature and extent of said use, and the configuration and dimension of any structure as it existed on July 1, 1953, shall be documented by the property owner through substantial and competent evidence and approved as part of the Area Rezoning.

(b) Subject to the following provisions, all property lying and situated within Block B of the Plat of the Subdivision along with the North ½ of the closed alley abutting to the South of Block B, which was developed as any use other than single-family residential and was in existence prior to December 31, 2000, shall be granted status as a legal nonconforming use and structure, as said terms are defined, regulated, and restricted in the City of Tampa Zoning Code, and shall be approved as such as part of the Area Rezoning adopted by the City of Tampa if, prior to being granted legal nonconforming status as a nonconforming use or structure, or both, by the City of Tampa, the existence, the specific nature and extent of said use, and the configuration and dimensions of each structure, as it



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existed prior to December 31, 2000, shall be documented by the property owner through substantial and competent evidence and approved as part of the Area Rezoning.

Section 6. The City of Tampa is authorized and directed to initiate an Area Rezoning in accordance with section 166.041(3)(c)2., Florida Statutes, and must meet all public hearing and notice requirements set forth in that section of general law, in the City of Tampa Zoning Code, and in any other public hearing or notice provisions ordered by the City of Tampa Council. Zoning district designations, permitted uses, and other use and development restrictions approved in the Area Rezoning shall be consistent with this act.

Section 7. Subject to the use and development restrictions set forth in this act, upon adoption of an Area Rezoning Ordinance by the City of Tampa in accordance with section 6, the City of Tampa is authorized and empowered to apply and enforce this act and the City of Tampa Zoning Code, as they may be amended from time to time, both of which shall govern property located within the Subdivision. If any provision of this act is inconsistent with the City of Tampa Zoning Code, as it may be amended from time to time, the provision of the act shall prevail.

Section 8.7. ~~That~~ Parkland Estates Civic Club, Inc., a nonprofit corporation under the laws of Florida, organized by the owners and residents of the Parkland Estates Subdivision, and each or any property owner or bona fide resident of the Subdivision, concurrent with the City of Tampa, has said area, ~~shall have~~ power and authority to enforce compliance with the provisions of this act hereof by injunction or any other civil proceeding appropriate or available.



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Section 3. Present section 8 of chapter 29126 (1953), Laws of Florida, is renumbered as section 9 of said chapter and amended to read:

Section 9.8. ~~That~~ Lots 1, 2, 3, 4, 5, 31, 32, 33, 34, 35, 36 and 37 of block 16 of the ~~said Parkland Estates~~ Subdivision may ~~at any time in the future~~ be developed and used for church purposes by the erection ~~thereon~~ of church buildings and other improvements as permitted and approved in the Area Rezoning adopted by the City of Tampa and in accordance with section 6, and, unless ~~to cost not less than the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars, but until~~ so developed and used, the said lots are ~~shall be~~ subject to the restrictions contained herein, ~~but after development of said lots and the church has been erected thereon, there shall be no restrictions on same whatsoever.~~

Section 4. The provisions of this act are severable and if any of the provisions hereof shall be held to be unconstitutional or invalid, such determination shall not affect the constitutionality or validity of any of the remaining provisions of this act.

Section 5. Section 9 of chapter 29126 (1953), Laws of Florida, is repealed.

Section 6. This act shall take effect upon becoming a law.