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1 A bill to be entitled

2 An act relating to the City of Tampa, Hillsborough County;
3 amending chapter 29126 (1953), Laws of Florida, relating
4 to Parkland Estates Subdivision; amending the preamble to
5 reflect that the enforcement of zoning regulations
6 requires a collaborative effort between Parkland Estates
7 Subdivision and the City of Tampa and incorporating the
8 preamble as a section of law; amending sections 1, 2, 7,
9 and 8; modernizing language; deleting references to
10 garages, servant houses, and out houses; providing that
11 side setbacks may not extend beyond 7.5 feet; providing an
12 exception; providing that Parkland Estates Civic Club has
13 concurrent enforcement powers with the City of Tampa;
14 removing language that any church construction be valued
15 at a minimum of \$250,000; creating sections 4, 5, 6, and
16 7; providing for area rezoning of single-family
17 residential structures by the City of Tampa and for
18 grandfathering certain structures under certain
19 circumstances; providing for conforming and nonconforming
20 legal status for certain properties which have been and
21 are used for nonresidential properties and for
22 grandfathering certain structures under certain
23 circumstances; directing the City of Tampa to initiate an
24 area rezoning and requiring certain public hearings and
25 notices; providing that the City of Tampa may enforce the
26 use and development restrictions set forth in the act;
27 providing that if there are inconsistencies between the
28 City Zoning Code and the act, the act shall prevail;
29 providing severability; repealing sections 3, 4, 5, 6, and
30 9, relating to use of properties between building lines



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

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. The preamble to chapter 29126 (1953), Laws of
 40 Florida, is incorporated in said chapter as subsection (a) of
 41 section 1 and amended, subsection (b) is added to said section,
 42 and present sections 1 and 2 of said chapter are renumbered as
 43 sections 2 and 3, respectively, and amended, to read:

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



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

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

69 Section 2.1. ~~That none of~~ The lands within the area ~~and~~
 70 ~~territory~~ described as Parkland Estates Subdivision, hereafter
 71 called "Subdivision," as said Subdivision is now platted of
 72 record in Plat Book 1, Page 156, in the office of the Clerk of
 73 the Circuit Court in Hillsborough County, Florida, except the
 74 tracts and areas designated as parks or children's playground,
 75 and except as further ~~hereinafter~~ provided with respect to Lots
 76 1, 2, 3, 4, 5, 31, 32, 33, 34, 35, 36 and 37 of Block 16, of
 77 said Subdivision, shall be used and are ~~hereby~~ zoned for use and
 78 to be occupied only for single-family ~~single-family~~ private
 79 residential and dwelling purposes., ~~and that~~ Not more than one
 80 private dwelling shall be erected, constructed, placed upon, or
 81 maintained on any one of the platted lots in the said
 82 Subdivision, ~~as the same are now platted according to said~~
 83 ~~recorded plat of said Subdivision~~ except one or more lots may be
 84 used for one residence ~~together with the necessary and usual~~
 85 ~~garages, servant houses and out houses to be used strictly in~~
 86 ~~connection with the dwelling house on said lot or lots therein~~
 87 ~~or which may hereafter be erected thereon;~~ and any other use or
 88 occupation thereof shall be and is hereby declared to be a
 89 nuisance and inimical to the preservation of public ~~peace,~~
 90 health, safety, and ~~comfort,~~ welfare ~~and community society~~ of



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

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

107 Section 2. Present sections 3, 4, 5, and 6 of chapter
 108 29126 (1953), Laws of Florida, are repealed, new sections 4, 5,
 109 6, and 7 are added to said chapter, and present section 7 of
 110 said chapter is renumbered as section 8 and amended, to read:

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



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

124 Section 5. (a) Subject to the following provisions, all
125 property lying and situated within Block B of the Plat of the
126 Subdivision, along with the North ½ of the closed alley abutting
127 to the South of Block B, which was developed as any use other
128 than single-family residential and was in existence as of July
129 1, 1953, shall be granted status as a legal conforming use and
130 structure and shall be approved as such as part of the Area
131 Rezoning adopted by the City of Tampa if, prior to being granted
132 legal conforming status as a legal conforming use or structure,
133 or both, by the City of Tampa, the existence, the specific
134 nature and extent of said use, and the configuration and
135 dimension of any structure as it existed on July 1, 1953, shall
136 be documented by the property owner through substantial and
137 competent evidence and approved as part of the Area Rezoning.

138 (b) Subject to the following provisions, all property
139 lying and situated within Block B of the Plat of the Subdivision
140 along with the North ½ of the closed alley abutting to the South
141 of Block B, which was developed as any use other than single-
142 family residential and was in existence prior to December 31,
143 2000, shall be granted status as a legal nonconforming use and
144 structure, as said terms are defined, regulated, and restricted
145 in the City of Tampa Zoning Code, and shall be approved as such
146 as part of the Area Rezoning adopted by the City of Tampa if,
147 prior to being granted legal nonconforming status as a
148 nonconforming use or structure, or both, by the City of Tampa,
149 the existence, the specific nature and extent of said use, and
150 the configuration and dimensions of each structure, as it



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

154 Section 6. The City of Tampa is authorized and directed to
 155 initiate an Area Rezoning in accordance with section
 156 166.041(3)(c)2., Florida Statutes, and must meet all public
 157 hearing and notice requirements set forth in that section of
 158 general law, in the City of Tampa Zoning Code, and in any other
 159 public hearing or notice provisions ordered by the City of Tampa
 160 Council. Zoning district designations, permitted uses, and
 161 other use and development restrictions approved in the Area
 162 Rezoning shall be consistent with this act.

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

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



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

184 Section 9.8. ~~That~~ Lots 1, 2, 3, 4, 5, 31, 32, 33, 34, 35,
 185 36 and 37 of block 16 of the ~~said Parkland Estates~~ Subdivision
 186 may ~~at any time in the future~~ be developed and used for church
 187 purposes by the erection ~~thereon~~ of church buildings and other
 188 improvements as permitted and approved in the Area Rezoning
 189 adopted by the City of Tampa and in accordance with section 6,
 190 and, unless to cost not less than the sum of Two Hundred Fifty
 191 Thousand (\$250,000.00) Dollars, but until so developed and used,
 192 the said lots are ~~shall be~~ subject to the restrictions contained
 193 herein, ~~but after development of said lots and the church has~~
 194 ~~been erected thereon, there shall be no restrictions on same~~
 195 ~~whatsoever.~~

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

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

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