

By Senators Sebesta, Lee, Crist and Miller

16-580-03

See HB 731

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

1 development restrictions set forth in the act;  
2 providing that if there are inconsistencies  
3 between the City Zoning Code and the act, the  
4 act shall prevail; providing severability;  
5 repealing sections 3, 4, 5, 6, and 9, relating  
6 to use of properties between building lines and  
7 streets, of certain building materials and the  
8 sizes of buildings, the use of cesspools or  
9 septic tanks, the keeping of livestock and  
10 poultry, and misdemeanor infractions; providing  
11 for severability; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

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

21 Section 1.(a) ~~WHEREAS,~~With the increase and  
22 concentration of population in and around the cities of the  
23 State of Florida, and particularly ~~in and around~~ the City of  
24 Tampa, in Hillsborough County, ~~Florida,~~and the area  
25 ~~hereinafter~~ described in this act and known as Parkland  
26 Estates, zoning restrictions relating ~~with respect~~ to the use  
27 and occupancy of private land in the Parkland Estates area  
28 have been ~~are~~ necessary ~~and required~~ for the purpose of  
29 safeguarding the public ~~peace,~~health, safety, and ~~comfort,~~  
30 welfare. Parkland Estates ~~and community society;~~ and ~~WHEREAS,~~  
31 ~~the area and territory herein described is intended to be and~~

1 is now occupied for private ~~dwelling and~~ residential  
2 purposes. Furthermore, and WHEREAS, in the promotion and  
3 safeguarding of the public ~~peace,~~ health, safety, and ~~comfort,~~  
4 welfare ~~and community society,~~ the State of Florida, in the  
5 exercise of its sovereign and police power, ~~for such purpose,~~  
6 found deems it necessary and proper to restrict and zone the  
7 use and occupancy of Parkland Estates, except as otherwise  
8 provided by this act ~~the area hereinafter described,~~ to its  
9 use and occupancy for private residences ~~residential and~~  
10 ~~dwelling purposes~~ only. ~~Therefore,~~

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

16 Section 2.1. ~~That none of~~ The lands within the area  
17 ~~and territory~~ described as Parkland Estates Subdivision,  
18 hereafter called "Subdivision, as said Subdivision is now  
19 platted of record in Plat Book 1, Page 156, in the office of  
20 the Clerk of the Circuit Court in Hillsborough County,  
21 Florida, except the tracts and areas designated as parks or  
22 children s playground, and except as further hereinafter  
23 provided with respect to Lots 1, 2, 3, 4, 5, 31, 32, 33, 34,  
24 35, 36 and 37 of Block 16, of said Subdivision, shall be used  
25 and are ~~hereby~~ zoned for use and to be occupied only for  
26 single-family ~~single family~~ private residential and dwelling  
27 purposes, ~~and that~~ Not more than one private dwelling shall  
28 be erected, constructed, placed upon, or maintained on any one  
29 of the platted lots in the ~~said~~ Subdivision, ~~as the same are~~  
30 ~~now platted according to said recorded plat of said~~  
31 ~~Subdivision~~ except one or more lots may be used for one

1 ~~residence together with the necessary and usual garages,~~  
2 ~~servant houses and out houses to be used strictly in~~  
3 ~~connection with the dwelling house on said lot or lots therein~~  
4 ~~or which may hereafter be erected thereon; and any other use~~  
5 ~~or occupation thereof shall be and is hereby declared to be a~~  
6 ~~nuisance and inimical to the preservation of public peace,~~  
7 ~~health, safety, and comfort, welfare and community society of~~  
8 ~~the said area and territory and the residents and property~~  
9 ~~owners thereof.~~

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

25           Section 2. Present sections 3, 4, 5, and 6 of chapter  
26 29126 (1953), Laws of Florida, are repealed, new sections 4,  
27 5, 6, and 7 are added to that chapter, and present section 7  
28 of that chapter is renumbered as section 8 and amended, to  
29 read:

30           Section 4. Subject to the following provisions, all  
31 single-family residential structures constructed in the

1 Subdivision are granted status as legal conforming structures  
2 and approved as such as part of the Area Rezoning adopted by  
3 the City of Tampa as set forth in section 6, hereafter called  
4 "Area Rezoning." It is further provided that, if a  
5 single-family residential structure was constructed or existed  
6 in violation of this act or the City of Tampa Zoning Code  
7 described in section 6 as of December 31, 2002, prior to being  
8 granted legal conforming status by the City of Tampa, the  
9 dimensions of the structure as it existed on December 31,  
10 2002, shall be documented by the property owner through  
11 substantial and competent evidence and approved as part of the  
12 Area Rezoning.

13 Section 5.(a) Subject to the following provisions, all  
14 property lying and situated within Block B of the Plat of the  
15 Subdivision, along with the North 1/2 of the closed alley  
16 abutting to the South of Block B, which was developed as any  
17 use other than single-family residential and was in existence  
18 as of July 1, 1953, shall be granted status as a legal  
19 conforming use and structure and shall be approved as such as  
20 part of the Area Rezoning adopted by the City of Tampa if,  
21 prior to being granted legal conforming status as a legal  
22 conforming use or structure, or both, by the City of Tampa,  
23 the existence, the specific nature and extent of said use, and  
24 the configuration and dimension of any structure as it existed  
25 on July 1, 1953, shall be documented by the property owner  
26 through substantial and competent evidence and approved as  
27 part of the Area Rezoning.

28 (b) Subject to the following provisions, all property  
29 lying and situated within Block B of the Plat of the  
30 Subdivision along with the North 1/2 of the closed alley  
31 abutting to the South of Block B, which was developed as any

1 use other than single-family residential and was in existence  
2 prior to December 31, 2000, shall be granted status as a legal  
3 nonconforming use and structure, as said terms are defined,  
4 regulated, and restricted in the City of Tampa Zoning Code,  
5 and shall be approved as such as part of the Area Rezoning  
6 adopted by the City of Tampa if, prior to being granted legal  
7 nonconforming status as a nonconforming use or structure, or  
8 both, by the City of Tampa, the existence, the specific nature  
9 and extent of said use, and the configuration and dimensions  
10 of each structure, as it existed prior to December 31, 2000,  
11 shall be documented by the property owner through substantial  
12 and competent evidence and approved as part of the Area  
13 Rezoning.

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

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

1 Zoning Code, as it may be amended from time to time, the  
2 provision of the act shall prevail.

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

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

14 Section 9.8. ~~That~~ Lots 1, 2, 3, 4, 5, 31, 32, 33, 34,  
15 35, 36 and 37 of block 16 of the said Parkland Estates  
16 Subdivision may ~~at any time in the future~~ be developed and  
17 used for church purposes by the erection ~~thereon~~ of church  
18 buildings and other improvements as permitted and approved in  
19 the Area Rezoning adopted by the City of Tampa and in  
20 accordance with section 6, and, unless to cost not less than  
21 ~~the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars,~~  
22 ~~but until~~ so developed and used, the said lots are shall be  
23 subject to the restrictions contained herein, ~~but after~~  
24 ~~development of said lots and the church has been erected~~  
25 ~~thereon, there shall be no restrictions on same whatsoever.~~

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

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1           Section 5. Section 9 of chapter 29126 (1953), Laws of  
2 Florida, is repealed.  
3           Section 6. This act shall take effect upon becoming a  
4 law.  
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