



# City of Tampa

*Jane Castor, Mayor*

## Development and Growth Management Development Coordination

1400 North Boulevard  
Tampa, Florida 33607

Office: (813) 274-3100

December 30, 2021

Patrick Thorpe  
1013 East Jean Street  
Tampa, Florida 33604

Subject: FDN22-26 / Lot Split  
Address: 3205 West Saint Joseph Street  
Folio: 180111.0000

Dear Mr. Thorpe:

The above referenced property generally located at 3205 West Saint Joseph Street is zoned RS-50 Single-Family Residential and CG Commercial General. The RS-50 zoning district requires a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet. The development standards for the district are a front yard of 20 feet, a rear yard of 20 feet, side yards of seven feet, and a maximum principal building height of 35 feet. The dimensional regulations for the CG district require a minimum lot width of 60 feet and minimum lot size of 10,000 square feet. Setbacks are 10 feet from all property lines, although side yards can be reduced to zero when adjacent to non-residential development. The maximum height in the CG district is 45 feet.

The subject application is to create two compliant RS-50/CG zoning lots. Per the application, this is specifically for the creation of a non-profit organization for the operation of a cemetery. This is the only determination being made and this determination will not grant any development rights to the property owner or future property owners.

It is hereby determined that the proposed zoning lots (Parcels A & B) are consistent with the development pattern in the area, in accordance with the City Code requirements (Section 27-11. Creation of new lots; reduction of lot or yard dimensions below minimum requirements and Sec. 27-161. - Lots, yards and measurements) is **APPROVED with the following conditions:**

1. Parcels A and B will remain part of the Marti-Colon zoning lot, as shown in Exhibit A.
2. Parcels A and B will be used strictly for cemetery purposes and not gain any development rights by the issuance of this letter, as previously issued FDN18-96 determined that the proposed lots, as stand-alone lots, did not comply with Section 27-11.
3. Access to both parcels will continue to be provided through the existing cemetery's internal roadways.
4. Pursuant to Sec. 27-294, the existing conforming cemetery is composed of the properties shown in Exhibit A. The proposed lot split will result in the reduction in the existing buffers and will add a new developable lot to what is part of the Marti-Colon cemetery zoning lot. Thus, Sec. 27-294 requires a new special use permit for the cemetery. The new special use permit application must include authorization of all property owners and must demonstrate compliance with Sec. 27-127, Sec. 27-129 and Sec. 27-132 and all land development codes.

Based on my review, the findings and determination are as follows:

K:\P&D Land Development Coordination\Zoning Letters\Formal Decision\2022\FDN22-26 3205 W Saint Joseph St (lot split - RS-50 & CG).docx



# City of Tampa

*Jane Castor, Mayor*

Please do not hesitate to call if you should need any additional information at (813) 274-3100 x 2.

Note that the City of Tampa Code may be reviewed at [www.municode.com](http://www.municode.com). Visit us on the web at [www.tampagov.net/ldc](http://www.tampagov.net/ldc).

Sincerely,

**Eric Cotton**

Digitally signed by Eric  
Cotton  
Date: 2021.12.30 00:57:57  
-05'00'

Eric H Cotton, Manager  
Development Coordination

Pursuant to Florida Statutes Section 166.033, the issuance of this approval does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Pursuant to Florida Statutes Section 166.033 all other applicable state or federal permits must be obtained before commencement of the development.



# City of Tampa

Jane Castor, Mayor

Exhibit B

Proposed Lots A and B



and area shall be permitted if due to governmental acquisition. The creation of substandard lot size or setback will cause each new lot created from the original parcel to be a violation to this chapter, and no permits be issued until the violation ceases.

No division or reconfiguration of an existing zoning lot or lot of record may occur that is a configuration which is patently inconsistent with existing lot development pattern in a radius of 1320 feet (1/4 mile) of the subject property. Newly created lots must maintain the front orientation and historical precedent pattern of parcel configuration in the neighborhood. Lots of record may not be reconfigured in conflict with the established pattern of lots within a radius of 1320 feet. Only properties that are within the same zoning district may be considered in making the determination of compatibility.

When considering the appropriateness of reconfiguring a zoning lot or lot of record into buildable lots, the zoning administrator shall:

- i. Receive and review a sealed survey of the proposed lot layout;
- ii. Conduct a site visit to view the actual lot development pattern of the block on which the subject property lies;
- iii. Review the actual development pattern for a radius of 1,320 feet from the subject property; and,
- iv. Review the original plat or subdivision documents, prior to determining consistency with the requirements stated in this Chapter.”

“Sec. 27-161. - Lots, yards and measurements.

(a) Measurements of lot width and yards.

- (1) Lot width. The width of a lot shall be measured at the rear of the required front yard and shall be maintained for a depth required to meet fifty (50) percent of the required minimum lot area; however, if the lot is a lot of record as of the adoption of this ordinance, then the width of the lot may be measured according to the regulations in effect at the time the lot was created. For those lots that do not meet the specific criteria set forth in the section, an application may be made for city council consideration through the rezoning process.

The intent of the minimum lot width provision is to maintain a reasonable distance between structures for the purposes of preservation of open space, adequate provision of air and light, reduction of fire dangers, limitation on density, and aesthetics. In consideration of the stated intent of said provision, a lot shall be deemed to be in violation of the minimum lot width requirement if said lot, while in technical compliance with the lot width measurement requirement, is inconsistent with or fails to achieve the aforementioned intent of the minimum lot width provision.

The following are circumstances when lot width may be in technical compliance with the lot width measurement requirement, but said lot width is inconsistent with the stated intent of the minimum lot width provision, and therefore will be deemed to be in violation of the minimum lot width provision:

- a. Minimum lot width is achieved at the rear of the required front yard (width measurement point), and may also be achieved at some other point or points along the side lot line, but is not achieved along a substantial portion of the side lot line; and the lot lines or lot configuration is patently inconsistent with existing lot development in the area; or
- b. A minimum amount of property is acquired or divided or separated from an adjacent lot simply to meet the minimum lot width requirement at the width measurement point, and may also be acquired or divided or separated at some other point or points along the side lot line, but is not acquired or divided or separated from an adjacent lot, along a substantial portion of the side lot

180137.0000 Colon Cemetery

None of these parcels are considered separate and individual zoning lots.

13. Florida Statutes section 872.02 makes it unlawful for anyone to “Willfully and knowingly destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure or thing placed or designed for a memorial of the dead.”
14. You state that “No known gravesites will be affected by the proposed lot split.” and “The aerial photographs from 1938, 1957, 1973, 1975, 2008, 2009, & 2012 were reviewed and the lot was field verified to be 15’ off all existing grave sites.”
15. The Guide to the Mati Colon Cemetery Collection, 1887-2000, Abstract includes the statement “In 2000, an investigation on burials was inaccurate, perhaps as much as 1/3<sup>rd</sup> to 2/3rds of the graves inaccurately marked.”
16. Pursuant to Sec. 27-156 Schedule of Permitted, Accessory and Special Uses By District, a cemetery is a Special Use (1) in the RS-50 Zoning District and it is a permitted use in the CG Zoning District.
17. The Cemetery use was the existing use of the subject property at the time the City rezoned the property to the RS-50 and CG Districts.
18. **Sec. 27-294. Special uses not to be considered nonconforming.** states:
  - “(a) *Uses other than alcoholic beverage sales.* Any existing use which would require a special use approval under the terms of this chapter shall be deemed a conforming use. However, any of the following changes to the use shall require a special use approval as though it were a new use:
    - (1) Enlargement of the existing structure by five (5) percent of the floor area or one hundred fifty (150) square feet, whichever is less; or
    - (2) If the use has ceased operation for one hundred eighty (180) consecutive days; or
    - (3) When there is a decrease or lessening of the existing buffering to adjacent uses; or
    - (4) When there is a change in use or new use added to the existing use or uses.”
14. **Sec. 27-132. Regulations governing individual special uses.**
  - Cemeteries.* The following specific standards shall be used in deciding an application for approval of this use:
    - a. All requirements of the state statutes regarding the interment of human dead have been met.
    - b. A minimum size of eighty-five thousand (85,000) square feet is provided.
    - c. The site shall have direct access from a collector or arterial street as shown on the major street map.
    - d. There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
    - e. No interment shall take place within thirty (30) feet of any zoning lot line.

**Based on my findings, it is my determination that creation of the new zoning lot fails to comply with Sec. 27-11. Section 27-11 states “No new lot shall be created after the effective date of the ordinance from which this chapter was derived except in conformity with the requirements of applicable regulations. No yard or zoning lot existing at the time of passage of this chapter shall be reduced in width, depth, or area by private action below the minimum requirements for lot(s) or structure(s) as set forth in this chapter; provided however, reductions in width, depth and area shall be permitted if due to governmental acquisition...”**

**Pursuant to Sec. 27-294, the existing conforming cemetery is composed of the properties described in the 8 folio numbers listed above. The proposed lot split will result in the reduction in the existing buffers and will add a new developable lot to what is part of the Marti-Colon cemetery zoning lot. Thus, Sec. 27-294 requires a new special use permit for the cemetery. The new special use permit application must include authorization of all property owners and must demonstrate compliance with Sec. 27-127, Sec. 27-129 and Sec. 27-132 and all land development codes.**

**Sec. 27-132 requires a minimum 30’ setback from property lines for any interment. The application includes a statement that grave sites were field verified at a 15’ setback from the new lot line, which fails to meet the required 30’ setback. Given the poor maintenance of burial records for Marti – Colon Cemetery, I strongly recommend that any area proposed for development be analyzed with ground penetrating radar and certified that there are no graves in the development area.**

For your reference, the following information/documents have been used in making this determination:



**City of Tampa**  
*Jane Castor, Mayor*

**Development and Growth Management**  
**Development Coordination**

2555 E Hanna Ave  
Tampa, Florida 33610

Office (813) 274-3100

November 20, 2025

Johnson Pope  
Attn: Mark Bentley  
400 N. Ashley Dr., Suite 3100  
Tampa, FL 33602

Subject: FDN25-181/ Lot Split  
Address: No address (3203 West Saint John Street, provided by the applicant)  
Folio: 180137.0000

Dear Mr. Bentley:

This referenced property, located at 3203 West Saint John Street, is zoned RS-50 Residential Single-Family and CG Commercial General. The property is subject to the requirements of the RS-50 zoning district as outlined in Section 27-156, City of Tampa Land Development Code.

The application is to split one lot into two RS-50 lots and one RS-50/GC lot. It is hereby determined that the proposed zoning lots (Parcels A, B, & C) are consistent with the development pattern in the area, in accordance with the City Code requirements (Section 27-11 "...No yard or zoning lot existing at the time of passage of this chapter shall be reduced in width, depth, or area by private action below the minimum requirements for lot(s) or structure(s) as set forth in this chapter..." and Sec. 27-161. - Lots, yards and measurements) is **APPROVED**.

Based on our review, the findings are as follows:

1. The subject property has approximately 140 feet along North Matanzas Avenue, 170 feet along West Saint John Street, approximately 25 feet along North Matanzas Avenue and contains approximately 40,388.92 square feet.
2. The minimum lot size in the RS-50 district is 5,000 square feet, with a minimum width of 50 feet.
3. The minimum lot size in the CG district is 10,000 square feet, with a minimum width of 100 feet.
4. The proposed lot reconfiguration is shown on surveys prepared by Terminus Surveying LLC., dated November 5, 2025. The proposed lots are described as follows:

Sincerely,

**Eric Cotton**

Digitally signed by Eric

Cotton

Date: 2025.11.20 12:22:24

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Eric Cotton, Zoning Administrator & Manager  
Development Coordination

Pursuant to Florida Statutes Section 166.033, the issuance of this approval does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Pursuant to Florida Statutes Section 166.033 all other applicable state or federal permits must be obtained before commencement of the development.

CC: see attached