

# CITY OF CORAL GABLES

## - MEMORANDUM -

**TO:** HONORABLE PLANNING & ZONING BOARD MEMBERS      **DATE:** JULY 29, 2020

**FROM:** RAMON TRIAS.  
PLANNING & ZONING DIRECTOR      **SUBJECT:** SUMMARY OF CITY  
ATTORNEY LEGAL OPINIONS

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Attached is a summary of the proposed incorporation of current legal opinions into the Zoning Code that have been issued by the City Attorney. All complete City Attorney opinions are available on the city's website. The summary includes one hundred opinions that were issued related to zoning in the last five years. Most opinions are not applicable to be incorporated into the Zoning Code, such as opinions specific to proposed development projects, settlement agreements, City Code, etc.

Certain provisions in the Zoning Code are proposed to be clarified which are summarized below:

- Expand certain definitions to provide clarity
- Clarify multi-family standards
- Update watercraft lifts allowances
- Accessory uses setbacks

Other provisions are proposed to be deferred for further study and will be presented as proposed text amendments to the Zoning Code in the future:

- Lot separation and building site determination
- Board of Architects authority
- Business activities
- Legal authority for settlement agreements
- Planned Area Development regulations and process
- Processes

# INCORPORATION OF CURRENT LEGAL OPINIONS INTO ZONING CODE UPDATE

NA= Not  
Applicable  
A=Addressed  
D=Deferred

DESCRIPTION		LEGAL OPINION SUMMARY	STAFF COMMENTS	STATUS
	Gables Harbour Condominium	<a href="#">CAO 2015-001</a>	Gables Harbour Condominium. Site Specific	NA
	106 Florida Avenue - rear wall	<a href="#">CAO 2015-008</a>	Project Specific	NA
	Lot coverage	<a href="#">CAO 2015-020</a>	Project Specific	NA
	Alley Vacation	<a href="#">CAO 2015-025</a>	PW	NA
	Unenclosed Private Balconies	<a href="#">CAO 2015-032</a>	balconies	DPZ. Expanded with FAR definition
	Site Specific Zoning Regulations And Mediterranean Bonus	<a href="#">CAO 2015-034</a>	Code clear.	NA
	Draft Legal Opinion – “Public Place” Definition	<a href="#">CAO 2015-039</a>	City-Code - Police	NA
	Baptist Health – Coral Gables Site	<a href="#">CAO 2015-040</a>	Project Specific	NA
	Building A Car Port	<a href="#">CAO 2015-048</a>	Project Specific - Historic	NA
	Property At 6001 Mall Street	<a href="#">CAO 2015-049</a>	project specific - ESTOPPEL	NA
	2020 Salzedo - Narrative Of Changes	<a href="#">CAO 2015-050</a>	project specific	NA
	Lot Separation Issue - Request For Review Of Extension	<a href="#">CAO 2015-052</a>	Lot separation	Lot splits
	Applicability Of Historic Preservation Ordinance And Comprehensive Plan	<a href="#">CAO 2015-056</a>	Historic	NA
	927 Valencia	<a href="#">CAO 2015-059</a>	Historic board process	NA
	Construction Staging	<a href="#">CAO 2015-069</a>	Parking fees - Kevin	NA
	Unity Of Title	<a href="#">CAO 2015-072</a>	Unity of title	Code clear
	Zoning Code Interpretation	<a href="#">CAO 2015-076</a>	Miracle Mile height	NA
	Walk Up Window Interpretation	<a href="#">CAO 2015-081</a>	Walk up window - text already amended	NA
	Placement of Mailboxes within the City	<a href="#">CAO 2015-086</a>	Mailboxes in townhouses, must be placed as individual mailboxes on each unit rather than the right of a way or other area between the street and the and building	NA
	Deck Replacement	<a href="#">CAO 2015-090</a>	Deck nonconformity	Nonconformity - Code clear
	Decorative Wraps	<a href="#">CAO 2015-110</a>	signage	NA
	University of Miami Development Agreement	<a href="#">CAO 2015-119</a>	UM	NA
	Development at 390 Bird Road	<a href="#">CAO 2015-125</a>	project specific	NA
	Coral Gables MFSA Standards	<a href="#">CAO 2013-033</a>	MFSA	MFSA ne DPZ MF3 - same as below

DESCRIPTION	LEGAL OPINION SUMMARY	STAFF COMMENTS	STATUS
"Mixed Use" May Entail Medical Use And Retail Use	<a href="#">CAO 2014-062</a> Code clear		NA
New Architect Working on Abandoned Project	<a href="#">CAO 2014-058</a> project specific		NA
Tenant Allowed on Temporary Construction Sign	<a href="#">CAO 2014-057</a> Code		NA
Re-Development Of Property With Mf2 Status	<a href="#">CAO 2014-056</a> project specific		NA
Zoning Code of Existing Biltmore Hotel Structure	<a href="#">CAO 2014-046</a> project specific		NA
Variance Not Needed on Improvement	<a href="#">CAO 2014-036</a> Site specific - historic		NA
Allowed Height Along Altara Avenue	<a href="#">CAO 2014-034</a> project specific		NA
City has Discretion to Continue with Building Plan Review if Application Requests to do so	<a href="#">CAO 2014-025</a> Building		NA
Maximum Height for Far in Mf2, Douglas Section	<a href="#">CAO 2014-020</a> Site specific - historic		NA
Preserve Building After Approval for Demolition	<a href="#">CAO 2014-017</a> project specific		NA
Zoning Code Interpretation	<a href="#">CAO 2014-013</a> Site Specific		NA
Maximum Gross Floor Area Permitted In Site's Zoning	<a href="#">CAO 2014-010</a> TDR process		NA
Demolition Permit For Non-Historic Property	<a href="#">CAO 2014-007</a> Historic		NA
Interpretation of Section 5-119(A)(3) of The Zoning Code	<a href="#">CAO 2013-056</a> Project specific		NA
Short-Term Rentals of Single-Family Dwellings Within Single-Family Residential District, The Authority of The Special Masters in Issuing an Order Commanding Compliance with a Zoning Code Ordinance	<a href="#">CAO 2013-055</a> CAO authority - case specific		NA
Floating Dock	<a href="#">CAO 2013-051</a> Amount of lifts	Number of lifts - same as below	A
Historic Preservation Board May Make Non-Binding Recommendations to Zoning and Planning Board	<a href="#">CAO 2013-041</a> Historic		NA
6988 Sunrise Drive Meyers Residence Biscayne Bay or Gables Waterway	<a href="#">CAO 2013-029</a> Project specific	project specific - need to look at BOA authority in general	D
Tree Removal	<a href="#">CAO 2013-028</a> tree removal	City Code project specific	NA
Ability To Remove Signs Placed In The Public Right-Of-Way	<a href="#">CAO 2013-026</a> ROW signage removal	Code E	NA
Using Home Address as Business Address Also	<a href="#">CAO 2013-025</a> home business address	Not part of this scope but should consider in future	D
Determination of 1% For Art in Public Places	<a href="#">CAO 2013-023</a> Historic		NA
Accessory Use	<a href="#">CAO 2013-022</a> accessory uses	Clear in code	NA
Home Occupation	<a href="#">CAO 2013-016</a> home occupation		NA
Building Permit Expeditors – Lobbyist Registration Legal Advice Request	<a href="#">CAO 2013-014</a> Lobbyist forms	City Code	NA
Tree Protection Appeal	<a href="#">CAO 2013-012</a> tree appeals		NA

DESCRIPTION		LEGAL OPINION SUMMARY	STAFF COMMENTS	STATUS
Building Permit for New Home on a New Address	<a href="#">CAO 2013-007</a>	permitting	Clear in code	NA
Informational Sign on City Property	<a href="#">CAO 2013-001</a>	signage		NA
City Historic Projects- Art Fees	<a href="#">CAO 2016-094</a>	Historic fee city code		NA
Building Site Determination Opinion	<a href="#">CAO 2016-092</a>	Building site determination	Lot split BSD	D
Proposed Pool at 315 Romano and Coral Gables Cottage Ordinance	<a href="#">CAO 2016-088</a>	Project Specific - Historic		NA
Home Occupations	<a href="#">CAO 2016-086</a>	Code E issue		NA
Compensation for Board of Architects Special Masters	<a href="#">CAO 2016-079</a>	BOA		NA
Correction to Zoning Code Regarding Permit Requirements for Temporary Tents	<a href="#">CAO 2016-076</a>	Temporary tents	resolved in the past	NA
Corrections to Zoning Code	<a href="#">CAO 2016-069</a>		Section alignment	A
Hourly Hotel Rooms Prohibited in Coral Gables	<a href="#">CAO 2016-064</a>	Hourly hotels		NA
Dock PW -16-02-1956 1050 Lugo Avenue	<a href="#">CAO 2016-063</a>	Project Specific		NA
Historic Wall	<a href="#">CAO 2016-052</a>	Project Specific		NA
Location of Boatlifts	<a href="#">CAO 2016-048</a>	Project Specific		NA
Request for Interpretation Biltmore Manor	<a href="#">CAO 2016-036</a>	Project specific	Project Specific - Further expanded with new FAR definition	A
Zoning Enclosure	<a href="#">CAO 2016-032</a>	Project Specific		NA
611 N. Greenway Drive - FAR Issue	<a href="#">CAO 2016-031</a>	Reviewed and no modifications required at this time. Related to Historic Properties		NA
Site Specific Lots 23-32 (701-711 Valencia Ave) CAO 2013-33	<a href="#">CAO 2016-024</a>	Project specific	Project Specific - Historic - Lot splits	D
UM-Request for Administrative Modifications to Adopted Campus Master Plan	<a href="#">CAO 2016-016</a>	UM		NA
Merrick Manor Approval of Revised Development Plan	<a href="#">CAO 2016-011</a>	Project Specific		NA
Coral Gables Mediterranean Style Design Standards	<a href="#">CAO 2016-008</a>	Clarification of code language		NA
Paseo de la Riviera Project	<a href="#">CAO 2016-006</a>	Project Specific		NA
Legal Opinion Regarding "The Plaza Coral Gables" and Encroachments Above the Right-of-Way	<a href="#">CAO 2017-052</a>	Project Specific		NA
Adopting Section 3-205(C)(1) of the Zoning Code	<a href="#">CAO 2017-051</a>	Adoption process	Adopted - Process and authority related	D
Wall - 6001 Mall	<a href="#">CAO 2017-047</a>	Project Specific		NA
Code as related to Historic Designation	<a href="#">CAO 2017-040</a>	Historic Appeal Process		NA
Settlement Authority	<a href="#">CAO 2017-020</a>	Legal authority for settlements	Legal - Code related	D-NA

DESCRIPTION		LEGAL OPINION SUMMARY	STAFF COMMENTS	STATUS
	1030 San Pedro and 13007 San Jose Street	<a href="#">CAO 2017-015</a> Project Specific		NA
	701 Valencia Avenue	<a href="#">CAO 2017-013</a> Project specific	Site specific to project. DPZ expanded with new MF3 Designation	A
	Wolfe's Wine Shoppe	<a href="#">CAO 2017-009</a> Opinion not needed in the first place		NA
	Pool Setback - 936 Castile A venue	<a href="#">CAO 2017-008</a> Historic		NA
	927 Valencia	<a href="#">CAO 2017-007</a> Reviewed and no modifications required at this time. Related to Historic Properties		NA
	North Ponce Infill Regulations	<a href="#">CAO 2017-006</a> AGENDA related		NA
	Miracle Mile and Giralda Avenue Streetscape Improvements	<a href="#">CAO 2017-005</a> ROW		NA
	Site Plan and Restrictive Covenant-33 Alhambra	<a href="#">CAO 2017-002</a> Project Specific		NA
	Gables Station Status of Underline Construction and Relation to Issuance of TCO	<a href="#">CAO 2018-034</a> Response to Settlement Agreement		NA
	235 Majorca Avenue	<a href="#">CAO 2018-020</a> Project specific	Site specific to project. DPZ expanded with new MF3 Designation	A
	1206 Cordova - Non-Conforming Setback	<a href="#">CAO 2018-013</a> Reviewed and no modifications required at this time. Related to Historic Properties		NA
	4733 Santa Maria- Non Conforming Setback	<a href="#">CAO 2018-011</a> Reviewed and no modifications required at this time. Related to Historic Properties		NA
	2907 Columbus Blvd - Non-Conforming Setback	<a href="#">CAO 2018-010</a> Reviewed and no modifications required at this time. Related to Historic Properties		NA
	711 University Drive - Non-Conforming Setback	<a href="#">CAO 2018-009</a> Reviewed and no modifications required at this time. Related to Historic Properties		NA
	Story Limitation When Developing Under PAD Ordinance	<a href="#">CAO 2019-029</a> Story conflict with overall height PAD	Semi addressed with new MX districts. PAD section is next phase of DPZ	A-D
	March 2019 Amendment to Sec	<a href="#">CAO 2019-021</a> Procedural	Procedure	D
	Biltmore Development	<a href="#">CAO 2019-016</a> Clarification to settlement agreement		NA
	Villa Valencia-Additional-Story-and-Unit OCR-with-attachments	<a href="#">CAO 2020-008-</a> Minor increases of density may be reviewed administratively and height should be allowed to avoid further litigation		NA
	247 Malaga Avenue - Non-Conforming Setback	<a href="#">CAO 2020-004</a> Non-conforming historic properties. Addition can meet the established legal non-conforming setback line as long as (1) there is not further encroachment beyond the established legally non-conforming setback line, and (2) the HPB approves a Special COA		NA
	Bahamian Village Site Plan	<a href="#">CAO 2020-003</a> City Attorney's ability to implement the Zoning Code regulations (WAWA Settlement). Approving new site plan for WAWA when certain zoning requirements are not met		NA
	David William Hotel-700 Biltmore Way- Request for Determination of Permitted Uses for Ground Floor	<a href="#">CAO 2019-001</a> Response to Lawsuit and nonconformity. No Change required		NA
1	Floating watercraft lifts	<a href="#">CAO 2013-048</a> Apply subsection broadly to allow floating watercraft lifts and similar structures (including floating docks) that have been properly authorized/reviewed.	Clarified with text amendment DPZ	A
1	Conflicts with heights in Zoning Districts and Site Specifics (719 Biltmore Way)	<a href="#">CAO 2020-001</a> Height of development (719 Biltmore Way) is governed by the site specific regulations provided that it is also consistent with the Comp Plan	Site specific to project. DPZ expanded with new MF3 Designation	A
2	A-26 (E) Coral Bay Section B	<a href="#">CAO 2019-015</a> Swimming Pool Setbacks for Coral Bay Section B	Site specific to project. DPZ expanded with 5' General	A