



To: Irela Ferrer, Ramon Trias

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", written over the end of the "From:" line.

RE: Legal Opinion Regarding Floating Watercraft Structures

Date: October 28, 2013

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It was good meeting with you last week. As discussed, based on the instructions of the City Commission, and pursuant to my authority under sections 2-201(e)(1) and (8) of the City Code, it is my opinion that section 5-805 of the Zoning Code is to be interpreted and applied broadly to allow floating watercraft lifts and similar structures (including floating docks) that have been properly authorized. Any request for authorization of these structures should be reviewed under and comply with the requirements of section 5-805 of the Zoning Code. The administrative review of these structures should include zoning, construction, and aesthetic/design review. Please proceed to review any request for authorization of such structures in a manner consistent with this opinion.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Thursday, August 13, 2015 9:38 AM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam; Figueroa, Yanneris  
**Subject:** FW: Opinion regarding Floating Watercraft Structures

**Importance:** High

Please make sure the opinion below was published. If so, please provide the number. If it was not, please publish it.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)



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INCORPORATED 1925

*Celebrating 90 years of a dream realized.*

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**From:** Leen, Craig  
**Sent:** Thursday, August 13, 2015 9:37 AM  
**To:** Tejera, Erick; Trias, Ramon; Gonzalez, Elizabeth; Rodriguez, Steven  
**Cc:** Glenn Larson (GLarson@DockandMarine.net)  
**Subject:** FW: Opinion regarding Floating Watercraft Structures  
**Importance:** High

The opinion that was issued is below.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
City of Coral Gables  
405 Biltmore Way  
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**From:** Leen, Craig  
**Sent:** Monday, October 28, 2013 9:30 AM  
**To:** Ferrer, Irela; Trias, Ramon  
**Cc:** Susan L. Trevarthen; Tompkins, Jane  
**Subject:** Opinion regarding Floating Watercraft Structures  
**Importance:** High

Ramon,

It was good meeting with you last week. As discussed, based on the instructions of the City Commission, and pursuant to my authority under sections 2-201(e)(1) and (8) of the City Code, it is my opinion that section 5-805 of the Zoning Code is to be interpreted and applied broadly to allow floating watercraft lifts and similar structures (including floating docks) that have been properly authorized. Any request for authorization of these structures should be reviewed under and comply with the requirements of section 5-805 of the Zoning Code. The administrative review of these structures should include zoning, construction, and aesthetic/design review. Please proceed to review any request for authorization of such structures in a manner consistent with this opinion.

Please let me know if you have any questions.

Craig E. Leen  
City Attorney

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**From:** Leen, Craig  
**Sent:** Tuesday, October 15, 2013 11:12 AM  
**To:** Ferrer, Irela; Trias, Ramon  
**Cc:** Susan L. Trevarthen; Tompkins, Jane  
**Subject:** RE: Projects with FVPs currently in the city.

Ramon,

Let's meet to discuss. The City Commission unanimously instructed today that the term floating watercraft lift, along with section 5-805 generally, be interpreted broadly to allow these types of structures (but only if installed in a professional and safe manner, approved by the Board of Architects, permitted, and in compliance with the other applicable requirements in the Zoning Code).

Please note, it is my view that these types of requirements are expressly permitted by section 403.813(1) of the Florida Statutes (and therefore are not preempted), which allows a "municipal government[ ]" to impose "other requirements."

Thanks,

Craig E. Leen  
City Attorney

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**From:** Ferrer, Irela  
**Sent:** Tuesday, October 15, 2013 9:18 AM  
**To:** Leen, Craig; Trias, Ramon  
**Subject:** RE: Projects with FVPs currently in the city.

Good morning Craig,

Attached please find the review comments for each of the projects you inquired about. These 3 projects have been rejected by Zoning and Public Works departments and they are currently located in the "rejected shelf".

Best regards,

IRELA FERRER  
ZONING TECHNICIAN  
DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION  
305 569 1824

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**From:** Leen, Craig  
**Sent:** Tuesday, October 15, 2013 8:47 AM  
**To:** Trias, Ramon; Ferrer, Irela  
**Subject:** FW: Projects with FVPs currently in the city.

Please see the email below, along with the three addresses. I am writing to inquire about the status of these permit applications. Thanks, Craig

Craig E. Leen  
City Attorney

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**From:** Glenn Larson [<mailto:GLarson@DockandMarine.net>]  
**Sent:** Saturday, October 12, 2013 10:37 AM  
**To:** Leen, Craig  
**Subject:** Projects with FVPs currently in the city.

Craig,

Sorry I didn't get this for you earlier, the City site was down on Friday and I wanted to confirm some of the information.

The addresses for the projects we discussed are:

- 5850 Riveria PW-13-07-0899
- 365 Arvida PW-13-08-0476
- 460 Marquesa PW-13-07-1507

Irela Ferrer is the Zoning Tech for all of these jobs.

I have 6 contracts currently on hold that also would like to have FVP's installed pending this decision

I would like again thank you for all of your efforts, and want to offer my assistance in any amendments to the code, that may come about regarding this issue and any other that may come about.

Some questions that had rolled around for the FVP's/ floating lifts during this discussion were:

- What are the other Cities allowing or not allowing. *We work in Dade county, and our work area includes:*
  - Coral Gables

- *City Of Miami*
- *Golden Beach*
- *Key Biscayne*
- *Unincorporated Dade*
- *Miami Beach*
- *Surfside*
- *Indian Creek (their police department has a floating dock as well as FVP for their jet ski patrol)*
- *Sunny Isls*
- *North Miami*
- *North Miami Beach*

Currently all of the above cities within Miami Dade County (with the exception of the City of Coral Gables until now) all allow the installation of these FVPs as well as floating docks)

The rules that govern these docks begins with the environmental agencies (Miami Dade County DERM/RER, State DEP, and ACOE), the cities rules of course all vary, but are based on setbacks, both side and extension/projection into the waterway. Some cities consider the FVP as not being a fixed structure and do not require side setbacks (I disagree with this)

- **What rules differentiate an FVP'/floating lift from a floating "dock"** *This is where a line has to be drawn. Anything that floats could be considered a floating dock because you theoretically could tie up to it. I believe it is up to the building department to determine the nature of the placement. For the above mentioned 5850 Riveria project the owner is part of a group of professional rowers, his layout of the FVP is unique and gives the appearance of a marginal dock, but is solely intended to make storage and use of this rowing vessel possible. (his FVP is entirely within a boat notch on his property). I would say that plans could be specifically labled to show no mooring in certain areas or alongside the FVP's. This notation "no mooring area" is commonly inserted on plans as requested by all of the environmental agencies*
- **What will keep an FVP/floating lift from becoming obscene:** *The state DEP has an exemption for FVP's that says as long as they are under 200 square feet in size and placed within an existing permitted slip area they are exempt. The county and ACOE have also adopted those rules. There are of course instances where a dock that exceeds 200 square feet in size is requested. These are looked at carefully by the environmental agencies as they also do not want to unnecessarily allow a homeowner to have something that looks like a marina behind their home. Again the BOA and the Zoning department can take these items harshly. It would be a good idea to require a photo of the FVP/floating lift as well as manufacture information so that the City can make a fair judgement and treat each case as an individual one (which they have proven to be experts at both in fairness and understanding the individual needs of an owner and his property)*

In addition to the local Dade county area, I have contacted some of the more established manufactures as well as the NMMA (National Marine Manufacturing Association). Currently the only rules that they know of, that govern the placement of the FVP/floating lifts/floating docks on a countrywide level are: where the placement of a dock would cause environmental stress (typically by covering seagrasses or other submerged aquatic vegetation) or where there would be navigational concerns.

Best Regards,  
Glen Larson

PS I will be sending some FVP photos shortly.