CAO 2015-032

To: Ramon Trias

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

RE: Legal Opinion Regarding Unenclosed Private Balconies

Date: April 17, 2015

Pursuant to section 2-201(e)(1) and (8) of the City Code, and section 2-702 of the Zoning Code, that the attached balcony photos show "[u]nenclosed private balconies" as indicated in section 4 104(D)(7)(a) of the Zoning Code. For example, in the first photo (the second page of the attachment), the balconies are unenclosed because the horizontal side is open, and thus the balcony is not fully enclosed. Because these are unenclosed private balconies, they are not counted in the calculation of FAR in the MFSA District as indicated in section 4-104(D)(7)(a). This opinion is being issued after consultation with you, and I would note that you are in agreement.

Herbello, Stephanie

From: Leen, Craig
Sent: Friday, April 17, 2015 5:44 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yaneris; Chen, Brigette; Parramore, Carol
Subject: FW: Opinion Re Unenclosed Private Balconies
Attachments: Sent from the Coral Gables City Attorney Office.pdf

Please include in the opinion folder.

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

-----Original Message-----
From: Leen, Craig
Sent: Friday, April 17, 2015 5:42 PM
To: Trias, Ramon
Subject: Opinion Re Unenclosed Private Balconies

Ramon,

This email confirms my opinion, pursuant to section 2-201(e)(1) and (8) of the City Code, and section 2-702 of the Zoning Code, that the attached balcony photos show "[u]nenclosed private balconies" as indicated in section 4-104(D)(7)(a) of the Zoning Code. For example, in the first photo (the second page of the attachment), the balconies are unenclosed because the horizontal side is open, and thus the balcony is not fully enclosed. Because these are unenclosed private balconies, they are not counted in the calculation of FAR in the MFSA District as indicated in section 4-104(D)(7)(a). This opinion is being issued after consultation with you, and I would note that you are in agreement.

Best regards,
Craig

Craig E. Leen, City Attorney
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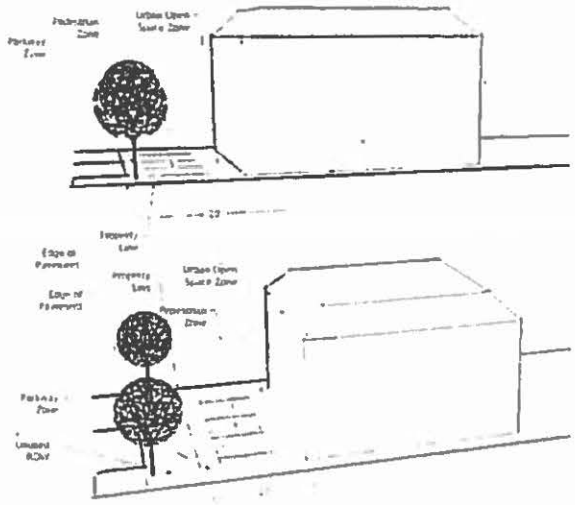
-----Original Message-----
From: ca-pri@coralgables.com [mailto:ca-pri@coralgables.com]
Sent: Friday, April 17, 2015 5:28 PM
To: Leen, Craig
Subject: Sent from the Coral Gables City Attorney Office

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Device Name: CTHCA2FL-7970A

building be constructed within five (5) feet of the front property line.



b Side setbacks.

i. Interior property line and abutting alley side setback.
   (a) Townhouses with a height of forty-five (45) feet or less None.
   (b) Buildings with a height of forty-five (45) feet or less Five (5) feet.
   (c) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided however that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional ten (10) feet.

ii. Abutting a public street
   (a) Buildings with a height of forty-five (45) feet or less Ten (10) feet.
   (b) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided however, that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional five (5) feet.

c. Rear setback. Ten (10) feet or five (5) feet if rear property line abuts an alley.

6. Floor area ratio. Maximum floor area ratio (FAR) shall not exceed 2.0.

7. Determination of maximum square foot floor area or FAR. The total floor area of a building or buildings on a building site divided by the area of the site. The total floor area shall include the gross horizontal area of the several stories of any building or buildings on the site, as measured from the exterior face of exterior walls (not the windows or doors in the exterior walls), and shall include any building area not specifically excluded by this section as floor area excluded from computing the FAR of a building or buildings. The floor area of a building that is excluded from the determination of a buildings floor area ratio in this District shall include the following:

a. Unenclosed private balconies.

b. Off-street parking garages.

c. Lobbies and corridors on the ground floor of the building.

d. Corridors located above the ground floor that are at least fifty (50%) percent open and unenclosed.

e. Open stairwells.

Goog

Google earth

feet 30
meters 9