



CAO 2015-076

To: Laura Russo

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

A handwritten signature in blue ink, appearing to be "CL", located to the right of the "From:" line.

RE: Legal Opinion Regarding Zoning Code Interpretation

Date: July 28, 2015

I have reviewed your memorandum along with the attached provisions of the Zoning Code. This opinion is based on the facts of the application as presented in your memorandum, which are assumed to be true for purposes of this opinion and interpretation, and would of course be subject to verification when the application is reviewed.

Pursuant to section 2-702 of the Zoning Code, along with sections 2-201(e)(1) and (8) of the City Code, it is my opinion that your analysis is correct. I have also conferred with the Planning and Zoning Director, who concurs. Please note, the requirements in section 4-203(B)(1),(2), (3), (4), (5), (6), and (7) are applicable, including the requirement of site plan review by the Planning and Zoning Board and the City Commission.

Herbello, Stephanie

From: Leen, Craig
Sent: Tuesday, July 28, 2015 7:37 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yaneris
Subject: FW: Zoning Code Interpretation
Attachments: Miracle Mile Downtown Overlay District.pdf

Importance: High

Please publish.

Craig E. Leen, City Attorney
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CORAL GABLES
FLORIDA

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Tuesday, July 28, 2015 7:37 PM
To: 'Russo Laura'
Cc: Ramos, Miriam; Trias, Ramon
Subject: RE: Zoning Code Interpretation
Importance: High

Laura,

I have reviewed your memorandum along with the attached provisions of the Zoning Code. This opinion is based on the facts of the application as presented in your memorandum, which are assumed to be true for purposes of this opinion and interpretation, and would of course be subject to verification when the application is reviewed.

Pursuant to section 2-702 of the Zoning Code, along with sections 2-201(e)(1) and (8) of the City Code, it is my opinion that your analysis is correct. I have also conferred with the Planning and Zoning Director, who concurs. Please note, the requirements in section 4-203(B)(1),(2), (3), (4), (5), (6), and (7) are applicable, including the requirement of site plan review by the Planning and Zoning Board and the City Commission.

Please let me know if you have any questions.

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Celebrating 90 years of a dream realized.

From: Russo Laura [<mailto:laura@laurarussolaw.com>]
Sent: Thursday, July 09, 2015 5:45 PM
To: Leen, Craig
Cc: Russo Laura Esq
Subject: Zoning Code Interpretation

Dear Craig,

This email is a request for confirmation of a zoning interpretation you gave me verbally a couple of months ago regarding Section 4-203 of the Zoning Code. This section is the Zain/Freidman Miracle Mile Downtown Overlay District. In particular, we discussed subsection B. 1 and 2. Attached for your ease of review is a copy of these pertinent subsections.

We discussed my client's property located at 100 Miracle Mile and the two adjacent parcels to the west that would give the required 200 feet of frontage on Miracle Mile and a total parcel size above the required 20,000 square feet. The properties on Miracle Mile are currently designated as High Rise Intensity Commercial and the portion of the parcel south of the bifurcating alley is designated Mid Rise Intensity Commercial. In reading Subsection B 1 and 2, you concluded that the portion of the parcel south of the alley would be automatically designated High Rise Intensity Commercial during the required site plan review process and that the portion of the parcel abutting Miracle Mile would be restricted to 70 feet in height.

There are no issues with respect to the balance of the regulations in subsection B.

Please review B. 1 and 2 and confirm that your interpretation remains the same. Should you need any additional information or wish to meet in person to discuss this request, please let me know.

Best regards,

Laura

Laura L. Russo, Esq.
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laura@laurarussolaw.com

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ARTICLE 4 - ZONING DISTRICTS

the location of buildings, or parking, which exceed twenty (20%) percent of the guidelines contained within this Article specific to that type of development or that which is shown on the approved development plan, or changes in the circulation system.

- V. **Binding nature of approval for the UMCAD.** All terms, conditions, restrictions, safeguards and stipulations made at the time of approval of the UMCAD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, restrictions or safeguards imposed by the City Commission shall constitute a violation of these zoning regulations.
- W. **Commencement of construction.** The developer shall obtain a building permit and begin construction of the improvements within the UMCAD within three-hundred and sixty-five (365) days from the effective date of the ordinance approving the UMCAD amendment (or subsequent updates). Time limitations on permits shall be in accordance with Section 304.3 of the Florida Building Code as amended. If the developer fails to commence construction of the UMCAD within the specified time or if the work is not being carried on in accordance with said Section 304.3 of the Florida Building Code (as amended) the approval of the UMCAD amendment shall lapse.

If the UMCAD is to be developed in stages, the developer must begin construction of each stage within the time limits specified in the Development Plan (or subsequent updates). Construction in each phase shall include all the elements of that phase specified in the UMCAD amendment.

- X. **Monitoring construction.** The City Manager or his designee shall periodically monitor the construction within the UMCAD with respect to start of construction and UMCAD Amendment Phasing. If the City Manager or his designee finds that either the developer has failed to begin construction within the specified time period or that the developer is not proceeding in accordance with the approved UMCAD Amendment Phasing with respect to timing of construction of an approved mix of project elements, he shall report to the City Commission and the City Commission shall review the UMCAD amendment and may extend the time for start of construction or the length of time to complete a phase, revoke approval of the UMCAD amendment or recommend that the developer amend the UMCAD amendment subject to procedures specified in Section 4-202(U) herein.

Section 4-203. Zain/Friedman Miracle Mile Downtown Overlay (DO) District.

A. Purpose and applicability.

1. The purpose of the Zain/Friedman Miracle Mile Downtown Overlay (DO) District is to promote the goals, objectives, and policies of the City's Comprehensive Land Use Plan in accordance with a set of comprehensive standards to be approved within the Miracle Mile area. These standards are provided for the continuance and enhancement of the historic downtown area as the functional and symbolic center of the City.
2. The district is established in order to maintain the following objectives:
 - a. Maintain the aesthetic, physical, historic and environmental character of Downtown Coral Gables.
 - b. Provide continued protection for residential neighborhoods from incompatible uses that would disrupt or degrade the health, safety, tranquility, aesthetics and welfare of the neighborhood by noise, light, glare, odor, vibration, dust, hazardous materials or traffic.
 - c. Promote and encourage pedestrian activities in Downtown Coral Gables by promoting the concepts of mixed-use development and pedestrian-friendly design alternatives.
 - d. Limit building height, bulk, mass and intensity on Miracle Mile of large scale developments to promote compatibility with the existing low-rise scale of development in Downtown Coral Gables as it presently exists.

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- e. Generate pride and confidence in the Downtown area.
 - f. Protect property values through quality control.
3. **Applicability.** The District applies to the area bounded by the following streets: Douglas Road (SW 37 Avenue) on the East, LeJeune Road (SW 42 Avenue) on the West, Aragon Avenue and Merrick Way on the North, and Andalusia Avenue on the South.

Unless otherwise provided in this section, all provisions of applicable underlying zoning district designations affecting individual property in this district shall control use and development.

- B. **Regulations.** Within the DO District, abutting or adjacent property owners having more than two-hundred (200) feet of frontage on Miracle Mile, containing more than twenty-thousand (20,000) square feet of combined lot area, and designated Commercial High-Rise Intensity pursuant to the Coral Gables Comprehensive Land Use Plan, shall be required to submit an application for site plan review, as provided below, and the subject properties shall be considered as if they were a single building site for all purposes under these regulations and such application shall be subject to the following requirements:
- 1. The properties shall be designated High-Rise Intensity Commercial Land Use on the Comprehensive Land Use Plan Map from the right-of-way line of Miracle Mile north to Aragon Avenue and the right-of-way line of Miracle Mile south to Andalusia Avenue.
 - 2. The building height of the development of the properties shall be limited to not more than six (6) stories or seventy (70) feet of building height or, whichever is less, for properties from Miracle Mile to the centerline of the alley to the north or south of Miracle Mile.
 - 3. A minimum of ninety (90%) percent of the lot front facing Miracle Mile, at ground level, shall be storefronts limited to retail, restaurant, art galleries, personal services, courtyards and building entries.
 - 4. Except for pedestrian building entrances and pedestrian courtyards there shall be a mandatory zero (0) foot setback along the Miracle Mile frontage and there shall be no side setbacks along Miracle Mile to ensure a continuous pedestrian scale façade.
 - 5. In order to ensure consistency with these regulations and to ensure that the development as proposed will be compatible with and further the development of the pedestrian character and scale of Miracle Mile, all such projects shall be subject to site plan review by the Planning and Zoning Board with recommendation to the City Commission.
 - 6. Where the designated site or project is subject to multiple ownership, as part of the application for site plan review, the Planning and Zoning Board may allow the Owners of the property to submit a Covenant in Lieu of Unity of Title in accordance with the provisions of Article 5, Division 23.
 - 7. Alterations, expansions, renovations, and similar improvements of existing structures shall, to the extent feasible, conform to the requirements of this section and other applicable provisions of these regulations.

Section 4-204. Special Use (S) District.

- A. **Purpose and applicability.** The purpose of the Special Use (S) District is to provide a zoning classification which accommodates uses which have the potential of adversely impacting adjacent uses but which enhance the quality of life of the citizens of the City.
- B. **Permitted uses.** The following uses are permitted in the S District subject to the standards in this Section and other applicable regulations in Article 5:
- 1. Accessory uses, buildings or structures as follows: