



To: Charles Wu; Ramon Trias

From: Cristina Suarez, Assistant City Attorney for the City of Coral Gables

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

A blue ink signature of Craig E. Leen, the City Attorney for the City of Coral Gables.

RE: Legal Opinion Regarding Correction to Zoning Code Regarding Permit Requirements for Temporary Tents

Date: September 29, 2016

Section 5-2109(C) of the City's Zoning Code requires a building permit "for tents exceeding twenty (20) feet by twenty (20) feet upon recommendation of the Director of Building and Zoning," but the Florida Building Code section 3103.1.1 provides:

Temporary structures that cover an area greater than 120 square feet (11.15 m²), including connecting areas or spaces with a common *means of egress* or entrance which are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a *permit* from the *building official*.

Thus, section 5-2109(C) of the Zoning Code causes confusion and has been superseded by the conflicting requirement in the Florida Building Code. Pursuant to the City Attorney's authority under section 2-201(e)(9) to make such corrections, section 5-2109(C) of the Zoning Code is hereby corrected to state as follows (additions have underline; deletions have strikethrough):

A building permit is obtained ~~for tents exceeding twenty (20) feet by twenty (20) feet upon recommendation of the Director of Building and Zoning~~ as required by the applicable sections of the Florida Building Code.

The corrected provision would now read:

A building permit is obtained as required by the applicable sections of the Florida Building Code.

This opinion is issued pursuant to section 2-201(e)(1), (8), and (9) of the City Code, as well as section 2-702 of the Zoning Code

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#); [Suarez, Cristina](#)
Subject: Fwd: Correction to Zoning Code Regarding Permit Requirements for Temporary Tents
Date: Thursday, September 29, 2016 2:59:43 AM
Attachments: [image001.png](#)
[image004.png](#)

Please publish.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: September 29, 2016 at 2:55:30 AM EDT
To: "Wu, Charles" <cwu@coralgables.com>, "Trias, Ramon" <rtrias@coralgables.com>
Cc: "Iglesias, Peter" <piglesias@coralgables.com>, "Ramos, Miriam" <mramos@coralgables.com>, "Suarez, Cristina" <csuarez@coralgables.com>, "Throckmorton, Stephanie" <sthrockmorton@coralgables.com>, "Bolyard, Scot" <sbolyard@coralgables.com>
Subject: Fwd: Correction to Zoning Code Regarding Permit Requirements for Temporary Tents

Mr. Wu and Mr. Trias,

Please see the opinion below, which I adopt as a City Attorney Opinion.

Please correct section 5-2109(C) of the Zoning Code as instructed in the City Attorney Opinion. The City Attorney is authorized to make corrections to the City Code and Zoning Code under the express wording of section 2-201(e)(9) of the City Code.

The corrected section 5-2109(C) of the Zoning Code would now read as follows:

A building permit is obtained as required by the applicable sections of the Florida Building Code.

As indicated below, this City Attorney Opinion is issued pursuant to sections 2-201(e)(1), (8), and (9) of the City Code, as well as section 2-702 of the Zoning Code.

Craig E. Leen
City Attorney

Sent from my iPhone

Begin forwarded message:

From: "Suarez, Cristina" <csuarez@coralgables.com>
Date: September 28, 2016 at 5:28:19 PM EDT
To: "Leen, Craig" <cleen@coralgables.com>
Cc: "Iglesias, Peter" <piglesias@coralgables.com>, "Wu, Charles" <cwu@coralgables.com>, "Silio, Antonio" <asilio@coralgables.com>, "Ramos, Miriam" <mramos@coralgables.com>
Subject: Correction to Zoning Code Regarding Permit Requirements for Temporary Tents

Section 5-2109(C) of the City's Zoning Code requires a building permit "for tents exceeding twenty (20) feet by twenty (20) feet upon recommendation of the Director of Building and Zoning," but the Florida Building Code section 3103.1.1 provides:

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Thus, section 5-2109(C) of the Zoning Code causes confusion and has been superseded by the conflicting requirement in the Florida Building Code. Pursuant to the City Attorney's authority under section 2-201(e)(9) to make such corrections, section 5-2109(C) of the Zoning Code is hereby corrected to state as follows (additions have underline; deletions have strikethrough):

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The corrected provision would now read:

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This opinion is issued pursuant to section 2-201(e)(1), (8), and (9) of the City Code, as well as section 2-702 of the Zoning Code.

Cristina M. Suárez
Assistant City Attorney

City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, Florida 33134
Phone: (305) 460-5218
Direct: (305) 476-7231
Email: csuarez@coralgables.com



From: Ramos, Miriam
Sent: Tuesday, September 27, 2016 1:40 PM
To: Leen, Craig; Wu, Charles; Suarez, Cristina
Cc: Silio, Antonio; Iglesias, Peter
Subject: RE: temporary tents

Cristina,

Please issue an opinion consistent with the below and send to Craig for review.

Thank you,

Miriam S. Ramos, Esq.
Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



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From: Leen, Craig
Sent: Tuesday, September 27, 2016 1:30 PM
To: Wu, Charles
Cc: Ramos, Miriam; Silio, Antonio; Iglesias, Peter
Subject: Re: temporary tents

Yes, I can correct this under section 2-201(e)(6) of the City Code.

Sent from my iPhone

On Sep 27, 2016, at 1:12 PM, Wu, Charles <cwu@coralgables.com> wrote:

Hi Craig.

Section 5-2109c. of the Zoning Code requires a building permit for tents over 20’ by 20’. Unfortunately, the Florida Building Code 3103.1.1 requires a permit for tents over 120 sf. Is there a way to update the Zoning Code to be consistent with the FBC without going thru the entire PZ and Commission approval process. Seems this is a housekeeping item that you can issue a legal opinion that the FBC takes precedent and hence allow staff to make this correction.

Pls advise.

Charles K. Wu, AICP CUD, CNU-A
Interim Development Services Director
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
Tel: 305-460-5244

Fax: 305-476-7225

<image001.png>

