



To: Peter Iglesias, City Manager for the City of Coral Gables

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Repairs/Maintenance and AiPP

Date: September 28, 2020

You asked that I look at whether a residential building that is replacing its roof (valued at \$3,000,000.00), due to its age and condition, is required to pay the Art in Public Places (AiPP) fee, required of “Developers,” for non-municipal projects as set forth in section 3-2103(A) of the Zoning Code. A non-municipal construction project is defined in the Zoning Code as “construction or renovation project...of one million dollars (\$1,000,000.00) or more, excluding single-family homes.” However, the word “remodel” in the Zoning Code, as it related to AiPP, is defined as “construction or renovation to an existing structure *other than repair or maintenance* [emphasis added].” Given that the building in question is obligated to replace the roof due to its condition, the project is considered part of the required maintenance of the building. Accordingly, the project is not required to pay the AiPP for non-municipal construction projects.

This opinion is issued pursuant to section 2-252(e)(1) and (8) of the City Code and section 2-702 of the Zoning Code.

Paulk, Enga

From: Ramos, Miriam
Sent: Monday, September 28, 2020 9:49 AM
To: Paulk, Enga
Cc: Suarez, Cristina
Subject: FW: Repairs/maintenance and AiPP

Good morning Enga, please publish.

Thank you,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

Board Certified by the Florida Bar in City, County, and Local Government Law

City of Coral Gables

405 Biltmore Way, 2nd Floor

Coral Gables, FL 33134

(305)460-5084 direct dial



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From: Ramos, Miriam
Sent: Monday, September 28, 2020 9:49 AM
To: Iglesias, Peter <piglesias@coralgables.com>
Subject: Repairs/maintenance and AiPP

Peter,

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