



To: Jennifer Garcia, City Planner

From: Gustavo J. Ceballos, Assistant City Attorney

Approved By: Miriam Soler Ramos, City Attorney *MSR*

CC: Suramy Cabrera, Development Services Director
 Devin Cejas, Deputy Development Services Director
 Ramon Trias, Assistant Development Services Director

RE: Legal Opinion Regarding Scrivener's Error in Zoning Code

Date: May 21 2021

While researching an item, the City Attorney's Office identified a certain regulation that did not transfer over from the City's previous zoning code. In discussion with the Planning and Zoning department to determine if this was intentional, it was discovered by City staff that it was a scrivener's error, please see email exchange below, should have been included in the New Zoning Code, and therefore needs to be corrected. The City Attorney has been granted express authority to take such action under Section 2-252(e)(9) of the City Code. Accordingly, please make the following administrative correction¹:

Section 2-201 Mixed-Use Districts (D)(1)(a)

D. Performance Standards.

1. Building sites. Buildings and structures constructed in MX Districts shall be constructed or erected upon a building site containing at least one (1) platted lot, and such building site shall have a minimum street frontage as per Section 2-200, Mixed Use Districts Table.
 - a. Buildings and structures on building sites of twenty thousand (20,000) square feet or more, or with street frontage of two hundred (200) feet or more, shall require conditional use review and approval.
 - b. Parcels proposed for development shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed uses. Public rights-of-way or other public lands shall not be considered as a separation for building sites ten thousand (10,000) square feet or more within the Design & Innovation District Overlay and for building sites of twenty thousand (20,000) square feet or more.

¹ Deletions are indicated by strikethrough and insertions indicated by underline.

From: Cejas, Devin <dcej@coralgables.com>
Sent: Thursday, May 20, 2021 3:52 PM
To: Ramos, Miriam <mramos@coralgables.com>
Cc: Trias, Ramon <rtrias@coralgables.com>; Garcia, Jennifer <jgarcia4@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>
Subject: RE: Configuration of land section

Confirmed based on my conversations with Ramon.

From: Ramos, Miriam <mramos@coralgables.com>
Sent: Thursday, May 20, 2021 2:44 PM
To: Cejas, Devin <dcej@coralgables.com>
Cc: Trias, Ramon <rtrias@coralgables.com>; Garcia, Jennifer <jgarcia4@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>
Subject: RE: Configuration of land section

Devin,

If the provision was, in fact a scrivener's error and simply inadvertently left out, we can make the correction via City Attorney opinion under Sec. 2-252(e)(9) of the City Code. Please confirm.

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



Public Records: This e-mail is from the City of Coral Gables – City Attorney’s Office and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you have received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer, and do not copy or disclose to anyone else. The State of Florida has a broad public records law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public upon request.

Confidentiality: The information contained in this transmission may be legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be prohibited.

From: Cejas, Devin <dcej@coralgables.com>
Sent: Thursday, May 20, 2021 9:49 AM
To: Ramos, Miriam <mramos@coralgables.com>
Cc: Trias, Ramon <rtrias@coralgables.com>; Garcia, Jennifer <jgarcia4@coralgables.com>
Subject: RE: Configuration of land section

Miriam,

As discussed, here is the proposed correction to the Scribner's error pointed out.

Please advise if you need further assistance.

Devin M. Cejas

Deputy Development Services Director | Zoning Official

City of Coral Gables

427 Biltmore Way, 2nd Floor

Coral Gables, Florida 33134

(305)476-7239

www.CoralGables.com



From: Garcia, Jennifer <jgarcia4@coralgables.com>

Sent: Thursday, May 20, 2021 9:35 AM

To: Cejas, Devin <dcejas@coralgables.com>

Cc: Trias, Ramon <rtrias@coralgables.com>

Subject: RE: Configuration of land section

See below:

Section 2-201 Mixed-Use Districts (D)(1)(a)

D. Performance Standards.

1. Building sites. Buildings and structures constructed in MX Districts shall be constructed or erected upon a building site containing at least one (1) platted lot, and such building site shall have a minimum street frontage as per Section 2-200, Mixed Use Districts Table.
 - a. Buildings and structures on building sites of twenty thousand (20,000) square feet or more, or with street frontage of two hundred (200) feet or more, shall require conditional use review and approval.
 - b. Parcels proposed for development shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed uses. Public rights-of-way or other public lands shall not be considered as a separation for building sites ten thousand (10,000) square feet or more within the Design & Innovation District Overlay and for building sites of twenty thousand (20,000) square feet or more.

Jennifer Garcia, AICP, CNU-A

City Planner

Planning & Zoning Division

Development Services

City of Coral Gables

www.coralgables.com

From: Cejas, Devin <dcejas@coralgables.com>

Sent: Wednesday, May 19, 2021 10:44 AM

To: Garcia, Jennifer <jgarcia4@coralgables.com>
Subject: FW: Configuration of land section

Let's discuss. Im walking down

From: Ramos, Miriam <mramos@coralgables.com>
Sent: Wednesday, May 19, 2021 10:17 AM
To: Cejas, Devin <dcejias@coralgables.com>
Subject: Configuration of land section

Devin, as discussed, this is the section of the old code that I can't find in the new code. Please advise whether it was removed in the new Code.

Thanks,

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



Public Records: This e-mail is from the City of Coral Gables – City Attorney’s Office and is intended solely for the use of the individual (s) to whom it is addressed. If you believe you have received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer, and do not copy or disclose to anyone else. The State of Florida has a broad public records law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public upon request.

Confidentiality: The information contained in this transmission may be legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be prohibited.