



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

RE: Legal Opinion Regarding Scrivener's Error in Zoning Code – 2-101 Single-Family Residential (SFR) District

Date: September 6, 2022

During the normal course of business, our Planning and Zoning team identified a typo in the City's Zoning Code. Specifically, in Section 2-101 Single-Family Residential (SFR) District, subsection (D)(8)(a), it states the following:

“a. Two (2) stories or twenty-five (25) feet, measured from finished floor to the tie-beam on the top floor. Finished floor may be elevated up to thirty (30) inches above the established grade.”

Based on discussions with the City Planner, it was determined that the code should read “Two (2) stories ~~or~~ and twenty-five (25) feet” which is consistent with Section 2-100, the Residential Districts Table. Upon review of the original intent, it was never intended to be one or the other but instead a limit of both feet and stories. Accordingly, Section 2-101 listed above should be corrected to read “and” in place of “or.”

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 2-101 Single-Family Residential (SFR) District

(D)Performance Standards

(8) Height. The maximum permitted height shall be as per Section 2-100, Residential Districts Table, and as follows:

- a. Two (2) stories ~~or~~ and twenty-five (25) feet, measured from finished floor to the tie-beam on the top floor. Finished floor may be elevated up to thirty (30) inches above the established grade

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