



To: Martha Salazar-Blanco

From: Bridgette Thornton Richard, Deputy City Attorney for the City of Coral Gables

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

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Accessory Uses

Date: May 23, 2013

It is my legal conclusion that a wall or fence (of the type we discussed this morning) is not an Accessory Use. Article 5, Division 1 of the City's Zoning Code lists the structures and/or buildings that are considered accessory uses. See Article 5, Division 1, Sections 5-102 to 5-122 of the City of Coral Gables Zoning Code. Some of the structures and/or buildings categorized, in Sections 5-102 through 5-122, as accessory uses are: boathouses, cabanas, greenhouses, pools/spas, and guesthouses. Notably absent, however, from that list are walls and fences. Indeed, the provisions governing the type of wall at issue here are contained in a completely different Division separate from that for Accessory Uses. See Article 5, Division 24, Sections 5-2401 to 5-2404. Thus, as stated above, it is my opinion that the proposed wall in question is not an accessory use under the City's Zoning Code.

Hernandez, Cristina

From: Thornton Richard, Bridgette
Sent: Wednesday, June 12, 2013 11:25 AM
To: Hernandez, Cristina
Subject: FW: Accessory Uses Opinion

Bridgette N. Thornton Richard
Deputy City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
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From: Thornton Richard, Bridgette
Sent: Thursday, May 23, 2013 11:28 AM
To: Salazar-Blanco, Martha (msalazar-blanco@coralgables.com)
Cc: Leen, Craig; Figueroa, Yaneris (yfigueroa@coralgables.com) (yfigueroa@coralgables.com); Franqui, Susan
Subject: Accessory Uses Opinion

Martha,

As we discussed this morning, it is my legal conclusion that a wall or fence (of the type we discussed this morning) is not an Accessory Use. Article 5, Division 1 of the City's Zoning Code lists the structures and/or buildings that are considered accessory uses. See Article 5, Division 1, Sections 5-102 to 5-122 of the City of Coral Gables Zoning Code. Some of the structures and/or buildings categorized, in Sections 5-102 through 5-122, as accessory uses are: boathouses, cabanas, greenhouses, pools/spas, and guesthouses. Notably absent, however, from that list are walls and fences. Indeed, the provisions governing the type of wall at issue here are contained in a completely different Division separate from that for Accessory Uses. See Article 5, Division 24, Sections 5-2401 to 5-2404. Thus, as stated above, it is my opinion that the proposed wall in question is not an accessory use under the City's Zoning Code. If you have any questions or concerns, please feel free to contact me.

Thank you,
Bridgette

Bridgette N. Thornton Richard
Deputy City Attorney for the City of Coral Gables

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