




To: Megan McLaughlin

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

RE: Legal Opinion Regarding Maximum Height For Far In Mf2, Douglas Section

Date: June 19, 2014

As for question 1, my opinion is that the more specific governs the more general. Accordingly, the site specific governs (see also section 1-108C), and the building may be constructed to a height not exceeding six stories or seventy feet, whichever is less. In addition, my opinion is that section 4-103(0) continues to govern as to "building site and density," other than for this specific exception as to height. This interpretation makes all of the language in the site specific have meaning, which is a principal goal of ordinance interpretation.

As for question 2, in accordance with a prior opinion I issued that was adopted by a Commission resolution, it would be the maximum allowable FAR for that site, which would be 1.40 here, plus any applicable bonuses/increases.

Parramore, Carol

From: Leen, Craig
Sent: Sunday, June 29, 2014 11:43 PM
To: Parramore, Carol; Osle, Zilma
Subject: FW: Legal Opinion regarding maximum height and FAR in MF2, Douglas Section

Carol,

Please place this email in the opinion folder as well.

Craig E. Leen
City Attorney

From: Leen, Craig
Sent: Thursday, June 19, 2014 2:16 PM
To: McLaughlin, Megan
Cc: Trias, Ramon; Gonzalez, Elizabeth; Spain, Dona; Tejera, Erick
Subject: RE: Legal Opinion regarding maximum height and FAR in MF2, Douglas Section

City Attorney Opinion

As for question 1, my opinion is that the more specific governs the more general. Accordingly, the site specific governs (see also section 1-108C), and the building may be constructed to a height not exceeding six stories or seventy feet, whichever is less. In addition, my opinion is that section 4-103(D) continues to govern as to "building site and density," other than for this specific exception as to height. This interpretation makes all of the language in the site specific have meaning, which is a principal goal of ordinance interpretation.

As for question 2, in accordance with a prior opinion I issued that was adopted by a Commission resolution, it would be the maximum allowable FAR for that site, which would be 1.40 here, plus any applicable bonuses/increases.

Please let me know if you have any questions.

Craig E. Leen
City Attorney

From: McLaughlin, Megan
Sent: Thursday, June 19, 2014 8:17 AM
To: Leen, Craig
Cc: Trias, Ramon; Gonzalez, Elizabeth; Spain, Dona; Tejera, Erick
Subject: Legal Opinion regarding maximum height and FAR in MF2, Douglas Section

Good afternoon Craig,

As we discussed yesterday, I would appreciate it if you could issue a legal opinion regarding the calculation of maximum height and FAR for MF2 properties in the Douglas Section:

1) Height:
Section 4-103.D.2.a of the Zoning Code states that "Buildings with a height of forty-five (45) feet or less shall be constructed on a parcel of land with a width of not less than fifty (50) feet or a depth of not less than one hundred (100) feet.

However:

Section A-40.A.2 of the Zoning Code states that "...in that portion of the Douglas Section bounded on the west by Salzedo Street, on the north by Southwest Eighth Street, on the east by Douglas Road and on the south by Section K and Section L, apartment buildings may be constructed to a height not exceeding six (6) stories of seventy (70) feet, whichever is less, provided that such building sites and density conform to Section 4-103(D).

Do you agree that this permits buildings of up to 70' or 6 stories on lots greater than 50'x100'?

2) FAR:

If you agree that a maximum height of 70' is allowed on lots of 50'x100' or greater, please provide a legal opinion on the following:

Section 4-103.D.8.b. includes a table that outlines a range of maximum FARs for buildings between 45' and 70' in height. What is the maximum allowable FAR for a sending site for Transfer of Development Rights, where there is no specific density or height?

Take care,
Megan

Megan McLaughlin, AICP
City Planner
City of Coral Gables
(305)460-5214