



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

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

RE: Legal Opinion Regarding Granada Presbyterian Church's Temporary Parking Signage Request

Date: July 12, 2013

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After discussing this matter with the City's Zoning Official and reviewing the governing City Resolutions, it is my legal opinion that the Granada Presbyterian Church (hereinafter the "Church") should be permitted to utilize temporary signs, directing its parishioners to park in the two lots across thoroughfare from the Church (lot one being located at the Southeast corner of Granada Blvd. and Bird Rd. and lot two being located at the Southwest intersection of Bird Rd. and Toledo Street). The use of the temporary signs, however, should only be permitted on *Sundays* and should be subject to compliance with the following conditions: 1.) the signs are posted no more than one hour before the Sunday Church service and removed within one hour after the Sunday Church service, with the proposed hours submitted to the City; 2.) there must be an adult present to monitor and control the signs; and 3.) the Church must seek approval of the sign and the sign must otherwise comply with the sign restrictions outlined in the City of Coral Gables' Zoning Code, which restrictions shall include, but not be limited to, restrictions regarding the size and number of signs utilized on each parking lot (*see, e.g.,* City of Coral Gables, Zoning Code, Division 19, Section 5-1904).

In an effort to ensure compliance with the City's Zoning and Municipal Codes, the Church shall be required to submit to the City's Department of Development Services, as well as to the City's Board of Architects, the City of Coral Gables Police Department, and the City's Public Works Department, a proposal indicating the location of the sign, along with the dimensions of the sign and the sign's appearance before utilizing the sign along with the times that the sign will be utilized. The City will, in turn, approve the Church's proposal, approve the proposal with modifications, or deny the proposal but allow the Church to present a different proposal. As discussed in more detail below, this legal conclusion is solely being made in light of and to effectuate the dictates of City of Coral Gables, Resolution Numbers: 7235, 7790, 9312, and 14534.

**CITY OF CORAL GABLES' RESOLUTION NUMBERS: 7235, 7790, 9312, AND 14534**

The City of Coral Gables Commission adopted Resolution Number 7235 on February 25, 1958. It states:

That the City Manager be and he is hereby authorized to waive off-street parking requirements to permit parking in an unpaved area located on Lots I to 5, inclusive, and Lots 18 to 24, inclusive, Block 49, 'Country Club Section Part Three', as per submitted plans, for the period of one year from date hereof, it being understood and agreed that at the end of such period this parking area will be improved coincidental with an addition to the Granada Presbyterian Church located on this property.

City of Coral Gables, Resolution Number 7235 (2/25/1958). Thus, Resolution 7235 represents the initial authority permitting the Church to use an unpaved lot as a parking lot for a period of one year.

Resolution 7790, passed a year after Resolution 7235, specifically referenced Resolution 7235 and approved a revised parking plan that permitted the Church to utilize Lots I to 8, inclusive, and Lots 12 to 23, inclusive, Block 49, "Country Club Section Part Three" (900 Bird Road) for parking purposes. In relevant part, Resolution Number 7790, adopted on May 5, 1959, states the following:

Approve proposed parking layout, revised from parking plan previously approved by City Commission under Resolution No. 7235 on February 25, 1958, provided a sign is erected prohibiting parking on Bird Road except on Sunday, and provided further, that when, as, and if, the grassed areas become unsightly it then becomes the responsibility of the Granada Presbyterian Church that such areas be paved; located on Lots I to 8, inclusive, and Lots 12 to 23, inclusive, Block 49, 'Country Club Section Part Three' (900 Bird Road).

City of Coral Gables, Resolution Number 7790 (5/5/1959).

Interestingly, through Resolution Number 9312 (adopted on March 27, 1962), the City Commission upheld a recommendation of the Zoning Board *denying* the Church's special use request to "permit subject property to be used for off-street parking in connection with the Granada Presbyterian Church; located on Lot 26, Block I 00, 'Country Club Section Part 5 (SE corner of Bird Road and Granada Boulevard)." City of Coral Gables, Resolution Number 9312 (3/27/1962). The minutes for the March 27, 1962 City Commission Meeting, however, state that "it was the general consensus of opponents and proponents that a gentleman's agreement could be entered into for temporary use of such property for off street parking purposes by the church just so long as the lot remained unpaved." *Id.* Accordingly, it appears that a verbal agreement resolving the Church's 1962 parking request may have been reached, but not reflected through formal legislation. Indeed, Resolution 14534, adopted on January 14, 1969, buttresses this assertion. More specifically, Resolution 14534 provides as follows:

That the request of the Board of Deacons of the Granada Presbyterian Church to use Lots 8 to 15, inclusive, Block 100, 'Country Club Section Part Five', located at the southwest intersection of Bird Road and Toledo Street, Coral Gables, Florida, for parking purposes for such church on Sundays, provided that subject property is filled, grassed and maintained in the same manner as the parking area used and maintained by such church group at the southeast corner of Bird Road and Granada Boulevard, be and the same hereby is approved.

Therefore, through Resolution 14534 the City Commission expressly authorized the Church to use Lots 8 to 15, inclusive, Block 100, "Country Club Section Part Five" (located at the southwest intersection of Bird Rd. and Toledo Street) for parking purposes. Notably, in doing so, the City Commission conditioned its approval on said lots being "filled, grassed and maintained in the same manner as the parking area used and maintained by [the Church] at the Southeast corner of Bird Road and Granada Boulevard." City of Coral Gables, Resolution No. 14534 (1/14/1969). Thus, the City Commission expressly recognized that the lots located at the corner of Bird Road and Granada Boulevard were being used for parking purposes, permitted the Church to use the lots located at the southwest intersection of Bird Road and Toledo Street for parking purposes, and even required that those lots be filled, grassed, and maintained in the same manner as the lots located at the corner of Bird Road and Granada Boulevard. Notably, Resolution 14534 is the last City Commission Resolution to address the parking lots at issue here, and, thereby remains, the final and most recent legislative authority on this issue. Accordingly, based upon my review of City Resolutions 7235, 7790, 9312, and 14534 it is evident that the Resolutions permit the Church to use the lots in question for parking purposes on Sundays, but that permission is subject to the condition that the lots be filled, grassed, and maintained by the Church.

#### Application

The City of Coral Gables' Zoning Code generally does not permit the use of temporary signs; however, the Resolutions authorizing the Church's use of the lots in question for parking purposes on *Sundays* expressly require that said lots remain filled and grassed. Meaning, the Church cannot pave or line the lots in a manner similar to that utilized for conventional parking lots. Consequently, while the Church is legally permitted to use the lots described herein for parking purposes on *Sundays*, it is likely that the Church's parishioners and visitors would not consider said lots to be lawful parking facilities since the lots do not resemble lawful conventional parking lots. Instead, as the Resolutions require, the lots in question resemble grassed lots or fields. As such, the grassed lots could be mistaken for privately owned property, i.e. non-Church affiliated property, which would be unlawful to use for parking purposes. See City of Coral Gables, Municipal Code Section 74-100. Furthermore, the grassed nature of the lots may engender driver confusion as well as unnecessary traffic delays and safety hazards in the area surrounding the Church as parishioners and visitors slow down or speed up to evaluate

the legality of using the filled and grassed lots for parking purposes and/or to search for available on-street parking spaces. This is especially disconcerting as it relates to pedestrian safety as such driving could pose a danger to pedestrians attempting to cross the intersections near the Church. Additionally, the lack of signage to identify the lots could also cause the Church's parishioners and visitors to unnecessarily use on-street parking spaces and, thus, deplete the quantity of on-street parking spaces available to residents living near the Church as well as guests visiting those residents.

### **Conclusion**

Based upon the above analysis, it is my legal opinion that the Church should be permitted to utilize signs, directing parishioners to park in the two lots across from the Church (lot one being located at the Southeast corner of Granada Blvd. and Bird Rd. and lot two being located at the Southwest intersection of Bird Road and Toledo Street) on *Sundays*, subject to the following conditions: 1.) the signs are posted no more than one hour before the Sunday Church service and removed within one hour after the Sunday Church service, with the proposed hours submitted to the City; 2.) there must be an adult present to monitor and control the signs; and 3.) the Church must seek approval of the sign and the sign must otherwise comply with the sign restrictions outlined in the City of Coral Gables' Zoning Code, which restrictions shall include, but not be limited to, restrictions regarding the size and number of signs utilized on each parking lot (*see, e.g., City of Coral Gables, Zoning Code, Division 19, Section 5-1904*).

In an effort to ensure compliance with the City's Zoning and Municipal Codes, the Church shall be required to submit to the City's Department of Development Services, as well as to the City's Board of Architects, the City of Coral Gables Police Department, and the City's Public Works Department, a proposal indicating the location of the sign, as well as the dimensions of the sign and the sign's appearance before utilizing the sign along with the times that the sign will be utilized. The City will, in turn, approve the Church's proposal, approve the proposal with modifications, or deny the proposal but allow the Church to present a different proposal.

The Church's usage of temporary signage in the manner described above will ensure that the Church's parishioners and guests can easily identify the parking lots in question and avoid any confusion regarding the legality of using such lots for parking purposes due to their required grassed nature. In turn the temporary signage will assist in ensuring: traffic safety, pedestrian safety, the City's maintenance of the public right-of-way, the alleviation of traffic congestion, and minimizing the unnecessary depletion of on-street parking spaces. I must stress, however, that this usage of temporary signs is only being granted to the Church based upon the Resolutions discussed above and the dictates contained therein, which prohibit the lots from being paved and, thereby, given easily identifiable visual resemblance of conventional lawful parking lots.

It should be noted that this legal opinion only authorizes the Church to utilize temporary signs in the manner outlined herein. This means that the Church can only utilize the temporary signs for the lots outlined herein, on *Sundays*, and under the parameters described above. Such limitations are necessary because Resolution Numbers 7235, 7790, 9312, and 14534, which authorize the Church's usage of the lots in question for parking purposes expressly limit that usage to *Sundays*. Therefore, given that this opinion authorizing the Church's use of temporary signage, in the manner described herein, is only being proffered based upon the parking usage granted to the Church through Resolution Numbers 7235, 7790, 9312, and 14534, this opinion must necessarily be confined to the limitations contained within those enabling Resolutions. This opinion's limitations and conditions on usage of said temporary signage also reflects the City's general prohibition against the use of temporary signs. Furthermore, the City unequivocally reserves the right to revoke the temporary signage authorization set forth herein should the Church fail to fully and completely comply with the conditions and limitations outlined in this Opinion and/or City of Coral Gables' Resolution Numbers 7235, 7790, 9312, and 14534. Finally, the City further unequivocally reserves the right to revoke this authorization if the Granada Presbyterian Church fails to comply with any of the conditions of approval as may be set forth by the City's Department of Development Services, the City's Board of Architects, the City of Coral Gables Police Department, and/or the City's Public Works Department. Please let me know if you have any further questions or concerns.

LEGAL OPINION

To: Craig E. Leen, City Attorney  
From: Bridgette N. Thornton Richard, Deputy City Attorney  
RE: Legal Opinion In Response to Granada Presbyterian Church's Temporary Parking Signage Request  
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City of Coral Gables, Resolution Number 7790 (5/5/1959).

Interestingly, through Resolution Number 9312 (adopted on March 27, 1962), the City Commission upheld a recommendation of the Zoning Board *denying* the Church's special use request to "permit subject property to be used for off-street parking in connection with the Granada Presbyterian Church; located on Lot 26, Block 100, 'Country Club Section Part 5 (SE corner of Bird Road and Granada Boulevard)." City of Coral Gables, Resolution Number 9312 (3/27/1962). The minutes for the March 27, 1962 City Commission Meeting, however, state that "it was the general consensus of opponents and proponents that a gentleman's agreement could be entered into for temporary use of such property for off street parking purposes by the church just so long as the lot remained unpaved." *Id.* Accordingly, it appears that a verbal agreement resolving the Church's 1962 parking request may have been reached, but not reflected through formal legislation. Indeed, Resolution 14534, adopted on January 14, 1969, buttresses this assertion. More specifically, Resolution 14534 provides as follows:

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intersection of Bird Rd. and Toledo Street) for parking purposes. Notably, in doing so, the City Commission conditioned its approval on said lots being “filled, grassed and maintained in the same manner as the parking area used and maintained by [the Church] at the Southeast corner of Bird Road and Granada Boulevard.” City of Coral Gables, Resolution No. 14534 (1/14/1969). Thus, the City Commission expressly recognized that the lots located at the corner of Bird Road and Granada Boulevard were being used for parking purposes, permitted the Church to use the lots located at the southwest intersection of Bird Road and Toledo Street for parking purposes, and even required that those lots be filled, grassed, and maintained in the same manner as the lots located at the corner of Bird Road and Granada Boulevard. Notably, Resolution 14534 is the last City Commission Resolution to address the parking lots at issue here, and, thereby remains, the final and most recent legislative authority on this issue. Accordingly, based upon my review of City Resolutions 7235, 7790, 9312, and 14534 it is evident that the Resolutions permit the Church to use the lots in question for parking purposes on *Sundays*, but that permission is subject to the condition that the lots be filled, grassed, and maintained by the Church.

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## Conclusion

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