



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
Date: December 22, 2022

During the normal course of business, City staff identified a typographical error in the City's Zoning Code. Specifically, in "Section 2-200 Mixed Use Districts Table" there are different development standards depending on the size of lots in the MX Districts.

Staff confirmed that as part of the Zoning Code update there was an emphasis on allowing and encouraging the redevelopment of small parcels (2,500-10,000sq.ft.). This was accomplished with additional height allowances, shorter approval process, and other minor provisions. However, in reviewing some small projects, staff noticed that the stepback exemptions for small parcels were reflected in the column for small MX1 properties and not in the remaining small parcel columns (for MX2 and MX3).

After discussing with staff, it is clear that the setbacks that cannot work on the small MX1 parcels, cannot work on similarly sized MX2 and MX3 parcels and they should not have applicable setbacks. In other words, it is clear that the intent was for small parcels, zoned MX2 and MX3, to have the same setback requirements as small parcels zoned MX1. Accordingly, the Zoning Code must 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 2-200 Mixed Use Districts Table

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

Use categories		MX1	MX2	MX3				
A Lot occupation								
Building Site Area								
1	Minimum (square feet)	2,500	10,000	2,500	10,000	2,500	10,000	20,000
D Stepback minimums (feet)								
1	Stepback Front	NA	10	10 NA	10	10 NA	10	10
2	Stepback Side	NA	15	15 NA	15	15 NA	15	15
3	Stepback Side Street	NA	10	10 NA	10	10 NA	10	10
4	Stepback Rear	NA	10	10 NA	10	10 NA	10	10
5	Stepback Rear at Alley	NA	3	3 NA	3	3 NA	3	3

From: Garcia, Jennifer <jgarcia4@coralgables.com>
Sent: Wednesday, November 30, 2022 11:50 AM
To: Ramos, Miriam <mramos@coralgables.com>
Cc: Cabrera, Suramy <scabrera@coralgables.com>; Redila, Arceli <aredila@coralgables.com>
Subject: Potential Schriever's error - Sec 2-200.

Good afternoon Miriam,

As you may remember during the Zoning Code Update, there was an emphasis on allowing and encouraging the redevelopment of small parcels. This was accomplished with additional height allowances, shorter approval process, and other minor provisions. However, in reviewing a couple small projects, we've noticed that the stepback exemptions for small parcels are only reflected in the column for small MX1 properties, and is not currently reflected in the remaining small parcel columns (for MX2 and MX3). In reality, the stepbacks that can't work on the small MX1 parcels and that currently list "NA" in our Mixed-Use summary chart, also can't work on the other small parcels. (The 15' interior side setback in particular: a property would have to be at least 75' and closer to 10,000sf to have remaining development after the required stepbacks - which was probably the analysis for the MX1 column for small parcels.

I've discussed this with Arceli, and we both believe this may have been an overlooked Schriever's error, as most were focused on the typical large parcels' development rights during the Zoning Code Update.

Please see the below screenshot that highlights the current "NA" under MX1 small parcels compared to the remaining small parcels and let me know your thoughts.

Section 2-200 Mixed Use Districts Table

Use categories		MX1		MX2		MX3		
A Lot occupation								
1	Building Site Area Minimum (square feet)	2,500	10,000	2,500	10,000	2,500	10,000	20,000
2	Building Site Width Minimum (feet)	25	100	25	100	25	100	200
3	Ground Coverage Minimum	NA	NA	NA	NA	NA	NA	NA
4	Open Space Minimum	10%	10%	10%	10%	5%	10%	10%
B Density								
1	Density (DU/Acre)	125	125	125	125	125	125	125
2	Unit Size Minimum (square feet)	500	500	500	500	500	500	500
3	Floor Area Ratio (FAR)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
4	FAR Med. Bonus I	3.2	3.2	3.2	3.2	3.2	3.2	3.2
5	FAR Med. Bonus II	3.5	3.5	3.5	3.5	3.5	3.5	3.5
C Setback minimums (feet)								
1	Principal Front	0	0	0	0	0	0	0
2	Side Interior	0	0	0	0	0	0	0
3	Side Street	0	0	0	0	0	0	0
4	Rear	10	10	10	10	10	10	10
5	Rear at Alley	0	0	0	0	0	0	0
6	Waterway	35	35	35	35	35	35	35
D Setback minimums (feet)								
1	Stepback Front	NA	10	10	10	10	10	10
2	Stepback Side	NA	15	15	15	15	15	15
3	Stepback Side Street	NA	10	10	10	10	10	10
4	Stepback Rear	NA	10	10	10	10	10	10
5	Stepback Rear at Alley	NA	3	3	3	3	3	3
E Building height maximums (stories/feet)								
1	Principal Building	45	45	45	70	45	70	150
2	Mediterranean Bonus I	NA	5 stories /63.5	5 stories /63.5	7 stories /83.5	5 stories /63.5	7 stories /83.5	14 stories /163.5
3	Mediterranean Bonus II	NA	6 stories /77	6 stories /77	8 stories /97	6 stories /77	8 stories /97	16 stories /190.5