



To: Walter Foeman

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

RE: Legal Opinion Regarding Draft Ordinance No. 2016-26 (As Amended)

Date: May 12, 2016

I reviewed the draft of Ordinance No. 2016-26 (As Amended). In order to sign for legal sufficiency, and to meet the Commission's intent, it is my opinion that the following words must be added to section 3-206(G)(3), consistent with my authority under section 2-201(e)(9) of the City Code, as well as my authority under section 2-702 of the Zoning Code:

“The plans depicting the site plans and elevations of the residences on the separated building sites and submitted as part of the conditional use application shall be made part of the approval with any instructions or exceptions provided by the City Commission. Any changes to the plans are subject to Sec. 3-410 of the Zoning Code.”

This language is necessary as there will be occasions where a site separation must be considered by the Commission as a matter of law but there are no present plans to construct residences on the sites (or perhaps there may be an intent to retain one of the sites as open space, which the Commission may wish to support). Likewise, the language is consistent with the Commission's already existing authority to place conditions on a site plan approval, which the Commission did not indicate intent to modify.

Please prepare the draft ordinance accordingly, and provide for signatures.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: City Attorney Opinion - Draft Ordinance No. 2016-26 (As Amended)  
**Date:** Thursday, May 12, 2016 2:45:23 PM  
**Attachments:** [image001.png](#)

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Please publish.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*

City of Coral Gables

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**From:** Leen, Craig  
**Sent:** Thursday, May 12, 2016 2:41 PM  
**To:** Foeman, Walter  
**Cc:** Ramos, Miriam; Figueroa, Yaneris; Ramos, Miriam  
**Subject:** City Attorney Opinion - Draft Ordinance No. 2016-26 (As Amended)

Mr. Clerk,

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