



To: Ramon Trias

From: Yaneris Figueroa, Assistant City Attorney for the City of Coral Gables



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

RE: Legal Opinion Regarding Hammock Lakes

Date: May 25, 2016

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I received an inquiry from a resident currently in the permitting process for a single family home in the Deering Bay Estates neighborhood. Specifically, the single family home will be erected at 13670 Deering Bay Drive, which is currently the last remaining vacant lot in the neighborhood. In the plans, which have received all appropriate approvals from the neighborhood association, the property owners are proposing lateral setbacks of ten (10) feet on each side, a back setback of twenty-eight (28) foot for the main house and nineteen (19) foot setback for the open roofed terrace, and a front setback ranging from thirty six (36) to seventeen (17) feet. With regard to the garage, however, the property owners are proposing a zero foot setback.

In reviewing the plans and the makeup of the neighborhood, it is my opinion that the building permit should be approved with the setbacks as proposed. As you are aware, similar homes with zero setbacks have been approved by the City. Indeed, 13664 Deering Bay Drive, 13667 Deering Bay Drive, 13674 Deering Bay Drive, and 13678 Deering Bay Drive have all been permitted and constructed with similar setbacks. The proposed project would be cohesive with the other properties in the neighborhood and the association has granted its approval. Given the association's approval, and the fact that the City has granted similar approvals in similarly situated situations, the City should also grant an approval in this case.

Moreover, the Deering Bay neighborhood has an approved Planned Area Development (PAD), codified as Section A-39 in the City Zoning Code. The PAD governs all development within the Deering Bay section. Indeed, Zoning Code Section A-39-1 expressly states that "[a]ll site development shall be in accordance with the adopted Planned Area Development for Deering Bay...as presented in section A-39 of the Zoning Code." Thus, because the PAD governs all development in Deering Bay and the PAD has no mention of required setbacks, the City should not impose setback requirements in this case.

Please note, this issue was previously addressed in City Attorney Opinion 2012-002. In that case, City Attorney Mr. Leen opined that an eight inch standard setback was applicable in the

Hammock Lakes neighborhood, as that was the established setback when the area was annexed and said standard was “effectively incorporated into the Site Specifics for Hammock Lakes...[and would] take precedence over the 16 inch general standard in the Coral Gables Zoning Code.”

Based on the above, it is my opinion that the necessary approvals should be granted based on the above rationale. This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney’s Office to issue opinions and interpretations on behalf of the City.

**From:** [Ramos, Miriam](#)  
**To:** [Figueroa, Yaneris](#); [Paulk, Enga](#)  
**Cc:** [Leen, Craig](#)  
**Subject:** FW: Legal Opinion regarding Hammock Lakes  
**Date:** Wednesday, May 25, 2016 9:24:06 AM  
**Attachments:** [Opinion Regarding Hammock Lakes.docx](#)  
[image001.png](#)  
[image002.png](#)

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Yaneris,

Thank you. Please issue.

*Miriam S. Ramos, Esq.*

Deputy City Attorney  
City of Coral Gables  
405 Biltmore Way, 3rd Floor  
Coral Gables, FL 33134  
(305) 460-5218  
(305) 460-5084 direct dial



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**From:** Figueroa, Yaneris  
**Sent:** Tuesday, May 24, 2016 11:43 AM  
**To:** Leen, Craig; Ramos, Miriam  
**Subject:** RE: Legal Opinion regarding Hammock Lakes

It is attached now.

Sorry!

**Yaneri Figueroa**

Assistant City Attorney for the City of Coral Gables

405 Biltmore Way, 2nd Floor

Coral Gables, FL 33134

Office: (305) 722-8625

Fax: (305) 476-7795



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**From:** Figueroa, Yaneri  
**Sent:** Tuesday, May 24, 2016 11:42 AM  
**To:** Leen, Craig; Ramos, Miriam  
**Subject:** Legal Opinion regarding Hammock Lakes

Craig,

As requested, please see attached.

Thanks!

Yaneri

**Yaneri Figueroa**

Assistant City Attorney for the City of Coral Gables

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Coral Gables, FL 33134

Office: (305) 722-8625

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Ramon,

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