



To: Erick Tejera, Zoning Technician for the City of Coral Gables

From: Cristina Suarez, Assistant City Attorney for the City of Coral Gables

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

A handwritten signature in blue ink, appearing to be "CL", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Dock at 1036 Alfonso

Date: April 7, 2017

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We were asked to review Section A-67 of the Zoning Code in connection with a request to construct a dock and boat lift at 1036 Alfonso. It is our understanding from discussions with the contractor that the proposed dock will extend 5 feet outward from the bank of the Mahi Canal; that the boat lift, which will be attached to the dock, will extend about 8 feet outward from the dock; that the boat will extend approximately 2 additional feet; and that width of Mahi Canal at this location is 72 feet.

The first issue that was raised is whether the proposed dock and boat lift will comply with Section A-67(B)(5). The proposed dock and boat lift comply with Section A-67(B)(5) because the dock and boat lift together will not protrude into or over the water more than 25% percent of the width of the waterway, which is 18 feet at this location; allowing 18 feet on each side of the Mahi Canal will in no case leave less than a minimum of 30 feet of open and unobstructed navigable waterway; and the proposed dock, boatlift, and boat will not extend more than 25 feet into or over the Mahi Canal.

The second issue that was raised was whether the proposed dock and boat lift comply with Section A-67(B)(1), which provides that “[n]o dock, wharf, davits, boat lifts, or similar structure shall be constructed over or in the Mahi Canal . . . which permanently extends more than five (5) feet outward from the bank of such canal.” The proposed boat lift will not be attached to the bank of the canal, but rather, will be attached to the 5-foot wide dock. The Commission has indicated a desire to allow boat lifts and the contractor has provided examples of other permitted docks and boat lifts along the Mahi Canal that together extend more than 5 feet, as long as the 30 feet of open and unobstructed navigable waterway was maintained. The contractor has explained that in some areas, the water depth may allow for a boat lift to be attached directly to the bank of a canal (without a dock), but that does not always work well because it is necessary to construct

a foundation and requires a lot of earthwork which is not generally practicable along an unstable shore line. In any event, the average width of a boat lift is wider than 5 feet, so it may lead to an absurd result to interpret Section A-67(B)(1) to require that a boat lift and dock together cannot extend more than 5 feet outward. In light of the foregoing, Section A-67 should be interpreted to allow for construction of a boat lift that is attached to a 5-foot wide dock at this property, as long as the dock, boat lift, and boat do not extend more than 25% (in this case, 18 feet) into or over the water and there will be at least 30 feet of open and unobstructed navigable waterway, which is the main issue.

This opinion is issued pursuant to Sections 2-201(e)(1) and (8) of the City Code and Section 2-702 of the City of Coral Gables Zoning Code.

**From:** [Leen, Craig](#)  
**To:** [Pault, Enga](#)  
**Cc:** [Ramos, Miriam](#); [Suarez, Cristina](#); [Throckmorton, Stephanie](#)  
**Subject:** Fwd: Dock at 1036 Alfonso  
**Date:** Friday, April 07, 2017 8:35:23 AM  
**Attachments:** [image002.png](#)

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Please publish.

Sent from my iPhone

Begin forwarded message:

**From:** "Suarez, Cristina" <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>  
**Date:** April 6, 2017 at 6:56:45 PM EDT  
**To:** "Tejera, Erick" <[etejera@coralgables.com](mailto:etejera@coralgables.com)>  
**Cc:** "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>, 'Glenn Larson' <[glarson@dockandmarine.net](mailto:glarson@dockandmarine.net)>  
**Subject: Dock at 1036 Alfonso**

Erick:

We were asked to review Section A-67 of the Zoning Code in connection with a request to construct a dock and boat lift at 1036 Alfonso. It is our understanding from discussions with the contractor that the proposed dock will extend 5 feet outward from the bank of the Mahi Canal; that the boat lift, which will be attached to the dock, will extend about 8 feet outward from the dock; that the boat will extend approximately 2 additional feet; and that width of Mahi Canal at this location is 72 feet.

The first issue that was raised is whether the proposed dock and boat lift will comply with Section A-67(B)(5). The proposed dock and boat lift comply with Section A-67(B)(5) because the dock and boat lift together will not protrude into or over the water more than 25% percent of the width of the waterway, which is 18 feet at this location; allowing 18 feet on each side of the Mahi Canal will in no case leave less than a minimum of 30 feet of open and unobstructed navigable waterway; and the proposed dock, boatlift, and boat will not extend more than 25 feet into or over the Mahi Canal.

The second issue that was raised was whether the proposed dock and boat lift comply with Section A-67(B)(1), which provides that "[n]o dock, wharf, davits, boat lifts, or similar structure shall be constructed over or in the Mahi Canal . . . which permanently extends more than five (5) feet outward from the bank of such canal." The proposed boat lift will not be attached to the bank of the canal, but rather, will be attached to the 5-foot wide dock. The Commission has indicated a desire to allow boat lifts and the contractor has provided examples of other permitted docks and boat lifts along

the Mahi Canal that together extend more than 5 feet, as long as the 30 feet of open and unobstructed navigable waterway was maintained. The contractor has explained that in some areas, the water depth may allow for a boat lift to be attached directly to the bank of a canal (without a dock), but that does not always work well because it is necessary to construct a foundation and requires a lot of earthwork which is not generally practicable along an unstable shore line. In any event, the average width of a boat lift is wider than 5 feet, so it may lead to an absurd result to interpret Section A-67(B)(1) to require that a boat lift and dock together cannot extend more than 5 feet outward. In light of the foregoing, Section A-67 should be interpreted to allow for construction of a boat lift that is attached to a 5-foot wide dock at this property, as long as the dock, boat lift, and boat do not extend more than 25% (in this case, 18 feet) into or over the water and there will be at least 30 feet of open and unobstructed navigable waterway, which is the main issue.

This opinion is issued pursuant to Sections 2-201(e)(1) and (8) of the City Code and Section 2-702 of the City of Coral Gables Zoning Code.

Thanks,  
Cristina

**Cristina M. Suárez**

**Assistant City Attorney**

City of Coral Gables

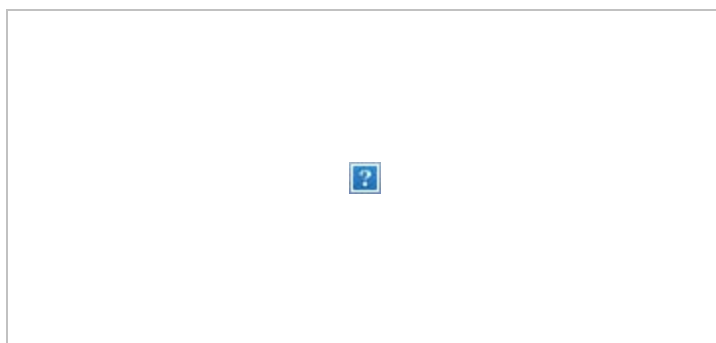
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