



To: Aileen M. Ugalde; Janet L. Gavarrete; Irma Maria Abella

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

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

RE: Legal Opinion Regarding Ordinance No. 2010-34 replaced the UMCAD provisions, including the UMCAD Map and Text.

Date: March 18, 2016

I am writing in response to the attached letter, originally sent on September 23, 2015. The letter requests a determination by the City as to whether Ordinance No. 2010-34 replaced in its entirety the UMCAD provisions, including the UMCAD map and text. My office has reviewed the request, consulted with special counsel Charlie Siemon, and consulted with Development Services. This matter is a legal issue within the jurisdiction of the City Attorney pursuant to section 2-201(e)(1), (8), and (9) of the City Code, as well as section 2-702 of the Zoning Code, and this opinion and interpretation is issued pursuant to those sections of the City Code and Zoning Code.

Ordinance No. 2010-34, which is attached, was adopted unanimously by the City Commission on October 12, 2010. According to section 6 of the Ordinance, it became effective ten days later on October 22, 2010. Section 2 of the Ordinance expressly creates new use and development provisions referenced as University Campus District (UCD) and "provid[es] for repeal in entirety of the existing UMCAD provisions." Likewise, section 3 of the Ordinance contains a repealer provision. Moreover, the provisions in the UCD section of the Zoning Code are comprehensive and clearly intended to be the legally applicable provisions.

As for the UMCAD map and text, although it may be illustrative and have historical value, it is no longer legally operative, as it is part of the UMCAD provisions that have been repealed and superseded. The legally operative provisions are in the UCD section of the Zoning Code.

Ultimately, in light of the express wording of the ordinance, I agree with the analysis in the attached letter, and hereby opine that Ordinance No. 2010-34 replaced the UMCAD provisions, including the UMCAD map and text. This will be published as a City Attorney Opinion.



September 23, 2015

Via U.S. Mail and Email: cleen@coralgables.com

Mr. Craig Leen, Esq., City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134

RE: Status of UMCAD Maps and Text

Dear Mr. Leen:

The University of Miami has asked that the City of Coral Gables make an administrative determination to the effect that the UMCAD maps and text included in the documents that have regulated the University's development since the University of Miami Campus Area Development District ("UMCAD") was established, pursuant to Ordinance 2964 adopted December 10, 1991, have been repealed and are no longer in effect.

Justification for the University's request

The implementation of Sec. 4-202 of the Zoning Code, pursuant to Ordinance No. 2010-34 adopted October 12, 2010, which established the University Campus District ("UCD"), replaced in its entirety the UMCAD provisions, including the UMCAD maps and text.

Section 2 of Ordinance No. 2010-34 reads as follows:

Section 2. The Official Zoning Code of the City of Coral Gables, Article 4, Division 2, Section 4-202, University of Miami Campus Area Development (UMCAD), is hereby amended by creating new use and development provisions for the University of Miami referenced as "University Campus District (UCD)", providing for repeal in entirety of the existing UMCAD provisions, and an amendment to Article 8, Definitions, providing for new definitions.

The plain language of Section 2 of Ordinance No. 2010-34 makes it clear that the existing UMCAD provisions were repealed in their entirety, concurrently with the creation of the new use and development provisions that regulate the newly created University Campus District (UCD). Consequently, the UMCAD Maps and Text were repealed and are no longer in force or effect.

September 23, 2015

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Mr. Craig Leen

We look forward to your determination regarding this matter.

Sincerely,



Irma Abella, Esq.

Director of Development Regulations

cc: Janet Gavarrete, Assistant Vice President
Marc Weinroth, Assistant General Counsel

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-34

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA FOR AN AMENDMENT TO THE ZONING CODE, ARTICLE 4, DIVISION 2, SECTION 4-202, UNIVERSITY OF MIAMI CAMPUS AREA DEVELOPMENT (UMCAD), BY CREATING NEW USE AND DEVELOPMENT PROVISIONS FOR THE UNIVERSITY TO BE REFERENCED AS “UNIVERSITY CAMPUS DISTRICT (UCD)”, PROVIDING FOR REPEAL IN ITS ENTIRETY OF THE EXISTING UMCAD PROVISIONS AND AN AMENDMENT TO ARTICLE 8, DEFINITIONS, PROVIDING FOR NEW DEFINITIONS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables is requesting an amendment to Official Zoning Code, Article 4, Division 2, Section 4-202, University of Miami Campus Area Development (UMCAD), by creating new use and development provisions for the University to be referenced as “University Campus District (UCD)”, providing for repeal in entirety of the existing UMCAD provisions and an amendment to Article 8, Definitions, providing for new definitions; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on September 15, 2010, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with a text amendment to the Zoning Code providing for new use and development provisions for the University of Miami to be referenced as “University Campus District (UCD)”, and after due consideration, recommended approval (vote: 6-0) of the amendment with modifications; and

WHEREAS, a copy of the amendments are attached hereto as Exhibit A; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on September 28, 2010 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0);

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables, Article 4, Division 2, Section 4-202, University of Miami Campus Area Development (UMCAD), is hereby amended by creating new use and development provisions for the University of Miami referenced as “University Campus District (UCD)”, providing for repeal in entirety of the existing UMCAD provisions, and an amendment to Article 8, Definitions, providing for new definitions.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. That this Ordinance shall become effective ten (10) days after final reading and adoption thereof.

PASSED AND ADOPTED THIS TWELFTH DAY OF OCTOBER, A.D., 2010.

(Moved: Anderson / Seconded: Withers)

(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY

ARTICLE 4 – ZONING DISTRICTS

Section 4-202. University Campus District (UCD).

- A. Purpose and applicability. The purpose of the University Campus District (UCD) is to provide for the establishment and continuing operation of the University of Miami as an institution of higher education within the City of Coral Gables. The City of Coral Gables recognizes that institutions of higher education constitute a unique mix of land uses, facilities and activities and the City desires to establish procedural and substantive regulations to govern future development undertaken by the University within the campus boundaries.
- B. Campus sub-areas. The UCD is comprised of the Campus Buffer Area, Campus Transition Area, Campus Core Area and Campus Core Subareas (University Village and University Multi-Use Zone).
- C. Campus master plan components. Subject to Article 3, Division 2, Sections 3-201-3-203, a Campus Master Plan application shall include the following information or documentation:
1. A site plan.
 2. A development chart which identifies square footage of all existing and planned buildings and structures; the proposed timeline for construction of planned buildings and structures; and the campus wide ground area coverage and floor area ratio applicable on a cumulative basis for all structures.
 3. Design Manual that includes minimum design guidelines, including sign and lighting design criteria and the design of parking structures which are adjacent to residential land uses outside of the UCD.
 4. Mobility Plan (as defined in Subsection G.6).
 5. If an amendment to the adopted Campus Master Plan requires conditional use approval, the application shall be accompanied by either a traffic impact study or a justification for why a traffic study is not warranted.
 6. Such other materials as determined by the designated Development Review Official that may be required to demonstrate compliance with requirements not just performance standards this Section.
- D. Legal status of adopted Campus Master Plan.
1. Upon adoption of this Section, building permits shall be issued pursuant to Section 3-207 of the Zoning Code for those uses and buildings approved in the adopted Campus Master Plan.
 2. In the event that the adopted Campus Master Plan specifies a development standard which conflicts with other provisions of this Zoning Code, the provisions of the adopted Campus Master Plan shall control.
 3. Uses, buildings or structures which lawfully exist on the date of adoption of this Section shall be deemed approved uses in the University Campus District within those buildings or structures in which they exist as depicted in the adopted Campus Master Plan.
 4. The adopted Campus Master Plan and any amendments thereto shall constitute an intermediate development order and non-traffic concurrency determinations for such

development shall be made at the time of the issuance of a building permit. Mitigation for new net impacts not previously or otherwise mitigated takes place at the time of building permit issuance.

E. Modifications to the adopted Campus Master Plan.

1. Modifications approved as conditional uses. Except as expressly provided in subsection 4-202(E)(2), any modification to the adopted Campus Master Plan shall be reviewed and approved by the City of Coral Gables in accordance with the requirements for conditional uses in Article 3, Division 4 of the Zoning Code. In the event of a proposed amendment to the Campus Master Plan involving a building or use which is located or proposed to be located so that a portion of the building or use is in more than one Campus sub-area, and the building or use is a permitted use in one Campus sub-area and a conditional use in the other Campus sub-area, the amendment shall be reviewed and approved in accordance with the requirements for conditional uses.
2. Modifications approved by administrative action. The modifications set out in subsection 4-202(E)(2) to an adopted Campus Master Plan shall be reviewed and approved by the Development Review Official upon written request. The Development Review Official may submit the request to the Development Review Committee if the application involves the matters within the jurisdiction of the departments represented on the Development Committee, but shall not require review by the Board of Architects, the Planning and Zoning Board or the City Commission.
 - a. Campus Buffer Area. Any modification, relocation or reconfiguration of buildings or structures included in the adopted Campus Master Plan, provided that the modification, relocation or reconfiguration does not involve:
 - i. The addition or modification of ingress/egress into the Campus; or
 - ii. The addition of new surface parking spaces;
 - b. Campus Transition Area. Any modification, relocation or reconfiguration of any building or structure included in the adopted Campus Master Plan, or the introduction of a new building(s) or structure(s) - including (but not limited to) such changes to the master site plan, maps, textual provisions, and any other elements or provisions of the adopted Campus Master Plan - to accommodate such change - provided that the modification, relocation, addition or reconfiguration does not involve:
 - i. An increase in total floor area provided for in the Campus Transition Area per the adopted Campus Master Plan;
 - ii. An increase in the total number of buildings provided for in the Campus Transition Area per the adopted Campus Master Plan;
 - iii. An increase in the height of any building or structure provided for in the Campus Transition Area per the adopted Campus Master Plan; and,
 - iv. The establishment of a use which is required to be approved as a conditional use by Section 4-202 (F) which was not a part of the adopted Campus Master Plan.
 - c. Campus Core Area. Any modification, relocation or reconfiguration of any building or structure included in the adopted Campus Master Plan, or the introduction of a

new building or structure including (but not limited to) such changes to the master site plan, maps, parking or roadway plans, textual provisions, and any other elements or provisions of the adopted Campus Master Plan to accommodate such change; provided that the modification, relocation or reconfiguration complies with the requirements of Section 4-202(G) and provided that the change does not involve an increase in intensity of the adopted Campus Master Plan.

3. Action on requests for administrative approval. A complete application for administrative approval shall consist of the following materials:
 - a. A description of the requested amendment.
 - b. A description of the proposed use, height, setback, and total square footage of any structures or campus feature, such as, driveways, surface parking, drive ways and the like.
 - c. A revised master plan reflecting the proposed changes.
 - d. A revised development chart reflecting the proposed changes to the square footage of any structures.
 - e. A description of how the proposed modification is consistent with the performance standards in Section 4-202(g)

Following the submission of the materials identified in subparagraphs 3(a)-(e) above, the Development Review Official shall have fifteen (15) days to determine whether or not the application is complete. Thereafter, requests for modifications to the adopted Campus Master Plan that may be approved by administrative action shall be acted upon by the Development Review Official within forty-five (45) days. An administrative determination approving a modification request shall include a determination as to whether a traffic impact statement or study is required prior to the issuance of building permit for the modified structure.

4. Findings. All modifications to an approved Campus Master Plan which require conditional use approval shall be approved after the following findings have been prepared by planning staff, recommended for approval by Planning and Zoning Board and approved by City Commission.
 - a. That the proposed modification is consistent with the stated purpose and intent of the regulations in this Section and the City's Comprehensive Plan;
 - b. That the proposed modification's departures from the regulations otherwise applicable to the subject property, if any, are in the public interest;
 - c. That the proposed modification makes adequate provision for public services, adequate control over vehicular traffic, provide for and protect designated common open areas, and furthers the amenities of light and air, recreation and visual enjoyment; and,
 - d. That the proposed modification is compatible with adjacent properties and the neighborhood.

5. Building permit process. Upon issuance of a development order modifying the adopted Campus Master Plan, an application for a building permit may be submitted in accordance with the approved development order and reviewed in accordance with Article 3 Divisions 2 and 3 of the Zoning Code. Such application shall be accompanied by a traffic impact analysis which demonstrates that the proposed development does not adversely affect the function of the City's network of roads and streets or includes proposed mitigation of any such adverse impacts.

F. Permitted and conditional uses. The following are the uses permitted in an UCD District as permitted uses and conditional uses pursuant to the procedures in Article 3 Division 4 of the Zoning Code and subject to the standards in this section and applicable regulations in Article 5:

Campus Sub-areas					
Uses*	Campus Buffer Area	Campus Transition Area	Campus Core	Campus Core Subareas	
				University Village	University Multi-Use Zone
Active recreational and athletic facilities	C	P	P	X	P
Administrative uses, including but not limited to clerical, conference rooms and support spaces	X	P	P	P	P
Administrative, faculty and other noncommercial offices	X	P	P	P	P
Amateur radio antennas, satellite earth stations, microwave and other antennas, telecommunication facilities – permitted only where located on, or separated from the boundary of the Campus by, a habitable or occupied structure otherwise permitted and not exceeding 10' above the permitted roof height	X	P	P	P	P
Arboreta	P	P	P	X	P
Camps providing common recreational, cultural, or other group experiences	X	P	P	X	P
Classroom/lecture halls	X	P	P	X	P
Commencement and graduation ceremonies	X	P	P	P	P
Commercial activities which are University Campus Serving Uses	X	P	P	P	P
Concert halls and arenas	X	C	P	X	P

Campus Sub-areas					
Uses*	Campus Buffer Area	Campus Transition Area	Campus Core	Campus Core Subareas	
				University Village	University Multi-Use Zone
Dormitory/residential facilities	X	X	P	P	P
Emergency phones, lightning warning and detection systems and other similar public safety infrastructure	P	P	P	P	P
Entertainment facilities principally oriented to serve the university needs	X	C	P	X	P
Exhibit areas, including but not limited to open areas intended for the display of artworks and other similar static displays	X	C	P	X	P
Facilities principally designed to serve university needs such as, but not limited to: laundry, dry cleaning, barber and beauty shops, child care, health, banks, postal offices and bookstores	X	C	P	X	P
Government and public sector uses in conjunction with agencies that have a relationship with the University	X	C	P	X	P
Greenhouses, screen enclosures, outdoor eating, food carts and stands, building loading areas, trellises, kiosks, and other traditional garden furniture and similar such structures and uses	C	P	P	C	P
Library facilities	X	C	P	X	P
Maintenance facilities	X	C	P	X	P
Museums and galleries	X	C	P	X	P
Overnight accommodations, conference centers, governmental/public sector uses, research, office, medical/healthcare uses for the benefit of the University and the public	N/A	N/A	N/A	N/A	P
Outdoor spaces usable for teaching, research and recreation	C	P	P	X	P
Parking garages	X	C	P	P	P
Parking lots	C	P	P	P	P

Campus Sub-areas					
Uses*	Campus Buffer Area	Campus Transition Area	Campus Core	Campus Core Subareas	
				University Village	University Multi-Use Zone
Passive recreation	P	P	P	X	P
Private clubs/ fraternity/ sorority facilities	X	P	P	P	P
Religious facilities	X	X	P	X	P
Research/laboratory facilities	X	C	P	X	P
Restaurants, cafeterias, catering facilities and banquet facilities which are University Campus serving uses.	X	P	P	X	P
Retail uses which are not University Campus Serving Uses	X	X	X	X	C
Snack bars, coffee bars and similar facilities	X	P	P	P	P
Social, educational, charitable, cultural and community activities and/or facilities	X	C	P	X	P
Telecommunication facilities exceeding ten (10) feet of the permitted height	X	X	C	C	C
Temporary uses and/or facilities, such as, but not limited to: tents, banners, temporary trailers, temporary bleachers, temporary parking spaces	X	P	P	P	P
Theaters	X	C	P	X	P
Vending machines and automatic teller machines, when located outside of a building	X	P	P	P	P

P - Permitted

X - Not Permitted

C - Conditional Use if not previously approved as a part of the adopted Campus Master Plan

**Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted in the UCD subject to limitations and other lawful regulations pertaining thereto. Any use permissible as a principal use may be permitted as an accessory use, subject to limitations and requirements applying to the principal use.*

G. Performance Standards.

1. Heights and setbacks of buildings. All new proposed structures and buildings within

the UCD District shall comply with the following height and setback requirements. In the event, more restrictive provisions have been approved or a part of the Campus Master Plan, the provisions of the Campus Master Plan shall control.

a. UCD Frontage A.

- i. No structure other than landscape features and a masonry wall with a maximum height of four (4) feet shall be permitted within ten (10) feet from the front property line.
- ii. A masonry wall with a maximum height of six (6) feet shall be setback at least ten (10) feet from the front property line.
- iii. Surface parking space shall be setback at least ten (10) feet from the front property line, except that surface parking spaces shall be setback at least seventy-five (75) feet from Mataro Avenue.
- iv. No building shall be permitted within twenty five (25) feet of the front property line.
- v. The maximum permitted building height within one hundred (100) feet of the front property line is forty -five (45) feet.
- vi. The maximum permitted building height between one hundred (100) and nine hundred and forty (940) feet from the front property line shall increase above one hundred (100) feet by one (1) foot in height for every eight (8) feet of additional setback from the front property line.
- vi. The maximum permitted height shall be one hundred and fifty (150) feet or thirteen (13) stories.
- viii. For the area UCD Frontage A bounded by Mataro Avenue, Red Road, Corniche Avenue, and San Amaro Drive, maximum building heights shall be two (2) stories.

b. UCD Frontage B.

- i. No structure other than landscape features and a masonry wall with a maximum height of four (4) feet shall be permitted within five (5) feet from the front property line.
- ii. A masonry wall with a maximum height of six (6) feet shall be setback at least five (5) feet from the front property line.
- iii. Surface parking spaces shall be setback at least five (5) feet from the front property line.
- iv. No building shall be permitted within twenty five (25) feet of the front property line.
- v. The maximum permitted building height within one hundred (100) feet of the front property line is sixty-five (65) feet.
- vi. The maximum permitted building height between one hundred (100) and four hundred and forty (440) feet from the front property line shall increase above sixty five (100) feet by one (1) foot in height for every four (4) feet of additional setback from the front property line.
- vii. The maximum permitted height shall be one hundred and fifty (150) feet, or thirteen (13) stories.

c. UCD Frontage C.

- i. A masonry wall with a maximum height of four (4) feet shall be setback at

least fifteen (15) feet from the front property line.

- ii. A masonry wall with a maximum height of six (6) feet shall be setback at least twenty-five (25) feet from the front property line.
- iii. Surface parking spaces shall be setback at least twenty-five (25) feet from the front property line.
- iv. No building shall be permitted within fifty (50) feet of the front property line.
- v. The maximum permitted building height within one hundred (100) feet of the front property line is ninety (90) feet.
- vi. The maximum permitted building height between one hundred (100) and one hundred and sixty (160) feet from the front property line shall increase above ninety (90) feet by one (1) foot in height for every one (1) foot of additional setback from the front property line.
- vii. The maximum permitted height shall be one hundred and fifty (150) feet, or thirteen (13) stories.

d. UCD Frontage D.

- i. No structure other than landscape features and a masonry wall with a maximum height of four (4) feet shall be permitted within five (5) feet from the front property line.
- ii. A masonry wall with a maximum height of six (6) feet shall be setback at least five (5) feet from the front property line.
- iii. Surface parking space shall be setback at least five (5) feet from the front property line.
- iv. No building shall be permitted within twenty (20) feet of the front property line.
- v. The maximum permitted building height within one hundred (100) feet of the front property line shall be ninety (90) feet.
- vi. The maximum permitted building height between one hundred (100) and one hundred and sixty (160) feet from the front property line shall increase above ninety (90) feet by one (1) foot in height for every one (1) foot of additional setback from the front property line.
- vii. The maximum permitted height shall be one hundred and fifty (150) feet, or thirteen (13) stories.

e. UCD Frontage E.

- i. Setbacks. None.
- ii. Height. Three (3) floors or forty-five (45) feet, whichever is less.

2. Maximum square feet. The total combined permitted square feet for the University Campus District shall be 6.8 million square feet of gross floor area.
3. Lot coverage, frontage, facing or number of buildings per site. No specified lot coverage, frontage, facing, or number of buildings per site restrictions are required for the UCD.
4. Landscaped open space. The minimum landscaped open space required in the University Campus District shall be not less than twenty percent (20%).
5. Maximum retail. No more than 15% of the total floor area in a Multi-Use Zone may

be retail uses which are not university serving uses.

6. Mobility. The Mobility Plan shall be consistent with the mobility element of the City's Comprehensive Plan and shall identify specific programs to promote the use of alternative modes of transportation other than the single occupant automobile including walking, bicycles, intra-campus shuttles, transit, van pools, car pools, parking management strategies and programs designed to reduce external trips and shorten trips lengths wherever possible. The Mobility Plan shall provide for management programs for on-campus parking. The Mobility Plan shall establish measurable targets for various modes of travel and identify sources and means for achieving those targets.
7. Off-street parking.
 - a. Location and quantity. The location of off-street parking shall be shown on the Campus Master Plan, and shall be provided in such amounts and areas within the development so that students, faculty, employees, and visitors will not park in or otherwise detrimentally impact abutting residential areas or other off-campus areas as a result of inadequate campus parking. In projecting parking needs, standard traffic engineering methods shall be used and consideration shall be given to daily regular users of the university, auto driver visitors, persons arriving by mass transportation, and persons being served by the university shuttle system. Approval of a building permit application for new development shall not be granted unless the University demonstrates that required parking and traffic capacity for each phase of development would be available prior to or concurrent with such development.
 - b. Parking for residential housing. Parking provided and designated for University Village housing shall be limited to the University Village Area.
 - c. Parking of boat and recreational vehicles. No boats and/or recreational vehicles shall be parked in the Transition Areas or Buffer Areas unless such boats and/or recreational vehicles are parked within an enclosed building or are being actively used as a part of an organized temporary University event.
8. Vehicular access and circulation. Vehicular traffic flow in the UCD District shall be designed and oriented so that it will not detrimentally impact nearby residential neighborhoods. Arrangements for traffic flow to and from the proposed development shall be designed to retain the major portion of such traffic on designated arterial and collector streets.
9. Design. The Design Manual previously adopted by the City of Coral Gables pursuant to Ordinance No. 2964, as subsequently amended, in effect at the date of adoption of this Section 4-202 shall be the adopted Design Manual for the University Campus District. Any modification to the adopted Design Manual shall be reviewed and approved by the Board of Architects of the City of Coral Gables in accordance with the requirements for conditional uses in Article 3, Divisions 2 and 3 of the Zoning Code. The design features shall be reflected in the adopted Design Manual. To the extent not inconsistent with the provisions of the adopted Design Manual, which shall govern in the event of any conflict with this Subsection 4-202(G), the design features shall include the following elements:

- a. Architectural design. Design criteria shall guide the architectural appearance and style of campus development as a cohesive aesthetic environment.
- b. External relationships. The scale of buildings in the buffer and transition Areas shall be based on careful site planning consideration of the relationship between University uses and structures and off-campus uses and structures in the surrounding perimeter areas and/or neighborhoods. New buildings shall be designed to provide protection of surrounding areas from potentially adverse impacts and influences from development and to provide protection of university development from potentially adverse surrounding influences.
- c. Internal relationships and arrangement of uses. Compatible and complementary uses proposed within the UCD shall be so arranged as to:
 - i. Provide for safe, efficient, and harmonious groupings of structures and facilities.
 - ii. Create successful relationships between interior and exterior spaces.
 - iii. Include adequate parking facilities which are reasonably accessible to the function they serve by walking, bicycling, or shuttle.
 - iv. Include pedestrian linkage between facilities.
 - v. Simplify circulation routes and minimize opportunities for pedestrian/vehicular conflicts.
- d. Signs and lighting. The character and size of the proposed signage and lighting shall take into account their compatibility and appropriateness with the surroundings and issues of safety, if applicable.
- e. Landscaping. Desirable landscaping shall be preserved in its natural state to the maximum extent possible. Landscaping requirements and standards established by the Zoning Code for off-street parking shall be used. Placement of structures and vehicular areas shall be such as to retain, to the extent reasonably practical, desirable existing landscaping, open space and natural features, and to promote the provision of compatible new landscaping.
- f. Parking garages.
 - 1. Any parking structure or any portion thereof, which is located in the Transition Area shall be screened from view from adjacent single family residential districts by liner buildings/wraps.
 - 2. All parking structures within three hundred (300) feet of San Amaro Drive and Campo Sano Avenue between Mataro Drive and Pisano Avenue shall be screened from view from adjacent single family districts by liner buildings/wraps.
 - 3. All parking structures within three hundred (300) feet of San Amaro Drive and Campo Sano Avenue between Mataro Drive and Pisano Avenue shall be designed and constructed so that the square footage of the parking structure, light fixtures and parked cars are not visible from any residential lot which fronts on San Amaro Drive and Campo Sano Avenue between Mataro Drive and Pisano Avenue.

4. Any parking structure within three hundred (300) feet of Pisano Avenue between Campo Sano Avenue and University Drive shall be treated with architectural designs, features and materials, such as varying column spacing, real or false windows and other treatments which obscure the identity of the structure as a parking garage.
- g. Installation of utilities. All utilities within the University Master Campus including but not limited to telephone, electrical systems and television cables shall be installed underground.
 - h. Pedestrian amenities. Wherever possible, pedestrian amenities such as convenient and covered walkways, benches, water fountains, trash receptacles, bicycle racks and landscaping should be included, especially along street frontages and near access points.
 - i. Refuse and service areas. Refuse and service areas shall be so designed, located, landscaped and screened and the manner and timing of refuse collection and deliveries, shipment or other service activities so arranged as to minimize impact on adjacent or nearby properties or adjoining public ways, and to not impede circulation patterns.
- H. Required reports.
1. Annual report. On an annual basis, on or before June 1, the University shall submit an annual report to the City setting forth any changes to the adopted Campus Master Plan which were approved administratively and any actual development which has occurred in the prior year.
 2. Parking capacity monitoring. The University shall monitor the capacity and utilization of its off-street parking facilities and perform a supply/demand analysis to assess the level of utilization, availability and appropriateness of location of campus parking facilities. The analysis shall also indicate the type of user and the extent to which parking is used jointly by different components of the campus. The results of the monitoring and analysis shall be incorporated in a Parking Impact Analysis Report prepared by a certified traffic planner or engineer to be provided by June 1, 2013, and every five (5) years thereafter as part of the Annual Report.
 3. Annual Mobility Plan implementation report. The University shall submit an annual Mobility Plan report to the City describing implementation of the Mobility Plan with reference to the measurable objectives set out in the Mobility Plan.
 4. Traffic analysis reports. The University shall submit a Regional Traffic Impact Analysis Report as part of the Annual Report by June 1, 2013, and every five (5) years thereafter. The report shall be prepared by a certified traffic planner or engineer and shall assess existing and projected roadway conditions, levels of service, traffic volumes, capacities, and such other information as may be necessary to determine the impact of the proposed development. The report shall also identify methods of mitigating any negative impacts projected by such analysis.
 5. Utility reports. Growth projections and their impact on existing utilities, along with any recommended utility improvements to meet future campus development or redevelopment shall be reported to the City by June 1, 2013, and every five (5) years thereafter.

ARTICLE 8 – DEFINITIONS

Campus Buffer Area means that portion of the Main Campus of the University of Miami, consisting of a strip of land bounded by a line lying Seventy-Five feet (75') Southeasterly, Easterly and Southerly of the University of Miami boundary line fronting San Amaro Drive and Campo Sano Ave., ("the Main Parallel Line") bounded on the South by the Easterly prolongation of the Southerly Right of Way line of Mataro Ave. and bounded on the Northeast by the Southwesterly boundary line described in that certain "Easement Deed" recorded in Official Records Book 9798 at Page 199 of the Public Records of Miami-Dade County, Florida. Said Seventy-Five foot (75') line shall be adjusted to run parallel with and Easterly of the former Easterly Right of Way line for San Amaro Drive as shown and described in that certain "Agreement for Use of Public Rights of Way in the City of Coral Gables and Hold Harmless and Indemnity Agreement," ("the Agreement") as recorded in Official Records Book 26577 at Page 2563 of said Public Records of Miami-Dade County, Florida. Said parallel line will begin Southeasterly of the Southwesterly corner of the property as described in said Agreement at a point of Non-Tangent Intersection with said Main Parallel Line and shall run in a Northeasterly direction to a Point of Non-Tangent Intersection with the Southeasterly prolongation of said Main Parallel Line as measured from the Easterly boundary line of said Main Campus of the University of Miami, lying Northerly of the Northerly Right of Way line of Miller Drive as vacated by Coral Gables City Ordinance Number 3392 as recorded in Official Records Book 21174 at Page 5014 of said Public Records of Miami-Dade County, Florida. All land located within seventy-five (75) feet of the south edge of the right of way at Mataro Avenue, legally described as all those lots, pieces or parcels of land situate lying and being in Block 184 of CORAL GABLES RIVIERA SECTION PART 6, according to the Plat thereof, as recorded in Plat Book 20 at Page 79 of the Public Records of Dade County (now Miami-Dade County), Florida, being more particularly described as follows, viz: The North 25 feet of Lot 1 in said Block 184; Together with all of Lot 2 in said Block 184; and together with the North 75 feet of Lots 3 through 12, inclusive in said Block 184.

Campus Transition Area means that portion of the Main Campus of the University of Miami, consisting of a strip of land bounded by a line lying Three-Hundred feet (300') Southeasterly, Easterly and Southerly of the University of Miami boundary line fronting San Amaro Drive and Ave. Campo Sano , ("the Main Parallel Line") bounded on the South by the Easterly prolongation of the Southerly Right of Way line of Ave. Mataro and bounded on the Northeast by a line in a Southwesterly direction as measured from the Point of Intersection of a line lying Seventy-Five feet (75') Southerly of the Northerly boundary line of the University of Miami along Ave. Campo Sano with the Southwesterly boundary line described in that certain "Easement Deed" recorded in Official Records Book 9798 at Page 199 of the Public Records of Miami-Dade County, Florida. Said Three-Hundred foot (300') line shall be adjusted to run parallel with and Easterly of the former Easterly Right of Way line for San Amaro Drive as shown and described in that certain "Agreement for Use of Public Rights of Way in the City of Coral Gables and Hold Harmless and Indemnity Agreement," ("the Agreement") as recorded in Official Records Book 26577 at Page 2563 of said Public Records of Miami-Dade County, Florida. Said parallel line will begin Southeasterly of the Southwesterly corner of the property as described in said Agreement at a Point of Non-Tangent Intersection with said Main Parallel Line and shall run in a Northeasterly direction to a Point of Non-Tangent Intersection with the Southeasterly prolongation of said Main Parallel Line as measured from the Easterly boundary line of said Main Campus of the University of Miami, lying Northerly of the Northerly Right of Way line of Miller Drive as vacated by Coral Gables City Ordinance Number 3392 as recorded in Official Records Book 21174 at Page 5014

of said Public Records of Miami-Dade County, Florida. Less therefrom: That portion of the described property bounded by a line lying Seventy-Five feet (75') Southeasterly, Easterly and Southerly of said University of Miami boundary line fronting San Amaro Drive and Ave. Campo Sano, as well as said former Easterly Right of Way line for San Amaro Drive as shown and described in said "Agreement for Use of Public Rights of Way in the City of Coral Gables and Hold Harmless and Indemnity Agreement."

Campus Core Area means all land located within the UM Campus which is not within the campus buffer area or the campus transition area.

Campus Core Subareas means

- a. University Village. The University Village which is generally located to the south of Mataro Avenue, east of Red Road, north of Brescia Avenue, and east of San Amaro Drive and more specifically described in the City of Coral Gables Ordinance Number 2004-20.
- b. University Multi-Use Zone. The University Multi-Use Zone shall consist of those lands designated under the "University Campus Multi-Use Area" on the Future Land Use Map of the City of Coral Gables Comprehensive Plan.

Campus master plan means the master plan previously adopted by the City of Coral Gables as the 2006 UMCAD plan pursuant to Ordinance No. 2007-16, together with all accompanying UMCAD text provisions and exhibits in effect on the date of adoption of Ordinance No. 2010 -31 shall be the adopted Campus Master Plan for the University Campus District until otherwise amended.

Gross floor area means the total floor area including the gross horizontal area of the several stories of any building or buildings on the site, as measured from the exterior facing of exterior walls, and shall include any building area except for: a) balconies which extend from exterior wall and extensions; b) off-street parking areas within the building; c) lobbies; d) open plazas; and e) mechanical spaces which are not covered by a roof.

Health Center means a medical facility, serving both the University and the general public, which could be located on the UM Campus in the University Multi-use Area that provides a range of medical care on an out-patient basis across a wide spectrum of areas including but not limited to radiation, diagnostic imaging, chemotherapy, sports medicine, out-patient surgery and accessory uses.

University campus serving use means a use or activity which because of its size, location and/or character is provided for the use and benefit of students, faculty, university employees and their guests and where use by or benefit to the general public is incidental and occasional.

UCD Frontage A means land within the UCD which has frontage on the following road segments: a) San Amaro Drive and Campo Sano Avenue from Mataro Avenue to Pisano Avenue; b) Pisano Avenue from University Drive to Granada Boulevard; c) Granada Boulevard from Pisano Avenue to Ponce de Leon; d) south side of Mataro Avenue from San Amaro Drive to Red Road; and e) Red Road from Mataro Avenue to Brescia Avenue.

UCD Frontage B means land within the UCD which has frontage on the following road segments: a) Pisano Avenue from Campo Sano Avenue to University Drive; b) west side of San Amaro Drive from Levante Avenue to Mataro Avenue; c) east side of San Amaro Drive from Brescia Avenue to Mataro Avenue; d) Red Road from Brescia Avenue to Levante Avenue; and e) north side of Levante Avenue from San Amaro Drive to Red Road.

UCD Frontage C means land within the UCD which has frontage on the following road segments: Ponce de Leon Boulevard from Granada Boulevard to the west side of the Ponce Garage. Underground parking shall have no setback.

UCD Frontage D means land within the UCD which has frontage on the following road segments: a) Ponce de Leon Boulevard the west side of the Ponce Garage to San Amaro Drive; and b) the east side of San Amaro Drive, from Ponce de Leon Boulevard to Brescia Avenue.

UCD Frontage E means land within the UCD which has frontage on the following road segments: a) the south side of Levante Avenue; and b) the west side of San Amaro Drive, from Ponce de Leon Boulevard to Levante Avenue.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: City Attorney Opinion Re: Ordinance No. 2010-34
Date: Friday, March 18, 2016 5:54:32 PM
Attachments: [image001.png](#)
[Letter from University of Miami - Ordinance No. 2010-34.pdf](#)
[Ordinance No. 2010-34.pdf](#)
Importance: High

Please publish.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Friday, March 18, 2016 5:54 PM
To: 'Ugalde, Aileen M'; 'Gavarrete, Janet L.'; 'mweinroth@miami.edu'; 'Abella, Irma Maria'
Cc: Ramos, Miriam; Figueroa, Yaneris; Wu, Charles; Trias, Ramon; Chen, Brigette
Subject: City Attorney Opinion Re: Ordinance No. 2010-34
Importance: High

City Attorney Opinion

I am writing in response to the attached letter, originally sent on September 23, 2015. The letter requests a determination by the City as to whether Ordinance No. 2010-34 replaced in its entirety the UMCAD provisions, including the UMCAD map and text. My office has reviewed the request, consulted with special counsel Charlie Siemon, and consulted with Development Services. This matter is a legal issue within the jurisdiction of the City Attorney pursuant to section 2-201(e)(1), (8), and (9) of the City Code, as well as section 2-702 of the Zoning Code, and this opinion and interpretation issued pursuant to those sections of the City Code and Zoning Code.

Ordinance No. 2010-34, which is attached, was adopted unanimously by the City Commission on October 12, 2010. According to section 6 of the Ordinance, it became effective ten days later on October 22, 2010. Section 2 of the Ordinance expressly creates new use and development provisions referenced as University Campus District (UCD) and “provid[es] for repeal in entirety of the existing UMCAD provisions.” Likewise, section 3 of the Ordinance contains a repealer provision. Moreover, the provisions in the UCD section of the Zoning Code are comprehensive and clearly intended to be the legally applicable provisions.

As for the UMCAD map and text, although it may be illustrative and have historical value, it is no longer legally operative, as it is part of the UMCAD provisions that have been repealed and superseded. The legally operative provisions are in the UCD section of the Zoning Code.

Ultimately, in light of the express wording of the ordinance, I agree with the analysis in the attached letter, and hereby opine that Ordinance No. 2010-34 replaced the UMCAD provisions, including the UMCAD map and text. This will be published as a City Attorney Opinion.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, March 07, 2016 6:34 PM
To: 'Ugalde, Aileen M'; 'Gavarrete, Janet L.'; 'mweinroth@miami.edu'; 'Abella, Irma Maria'
Cc: Ramos, Miriam; Figueroa, Yanneris; Wu, Charles; Trias, Ramon
Subject: RE: Letters from UM

Aileen and Janet,

I wanted to follow up on items (1) and (2) so that I could issue a formal opinion resolving them. I am asking Miriam and Yaneris to prepare the opinion for me so I can issue it by the end of March. I was wondering if we could set up a phone call this week.

Best regards,
Craig

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, September 30, 2015 1:06 PM
To: 'Ugalde, Aileen M'; Gavarrete, Janet L.; 'mweinroth@miami.edu'; 'Abella, Irma Maria'
Cc: Ramos, Miriam; Figueroa, Yaneris; Tompkins, Jane; Wu, Charles; Trias, Ramon
Subject: Letters from UM
Importance: High

Irma,

I wanted you to know that I received your three letters, which followed from the discussions all of us had earlier this year regarding (1) superseded provisions (map and text) in UMCAD, (2) satisfied, superseded, and remaining provisions relating to University Village, and (3) proposed amendments to the Zoning Code.

My office will be reviewing the issue related to superseded provisions in (1) and (2) under the

authority granted by section 2-201(e)(1), (8) and (9) of the City Code and section 2-702 of the Zoning Code.

The Development Services Department will be reviewing the proposed amendments to the Zoning Code as well as codifying the remaining conditions of approval for University Village.

We will keep you updated.

Best regards,
Craig

Craig E. Leen, City Attorney

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