



To: Ramon Trias

From: Miriam S. Ramos, Deputy City Attorney for the City of Coral Gables

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

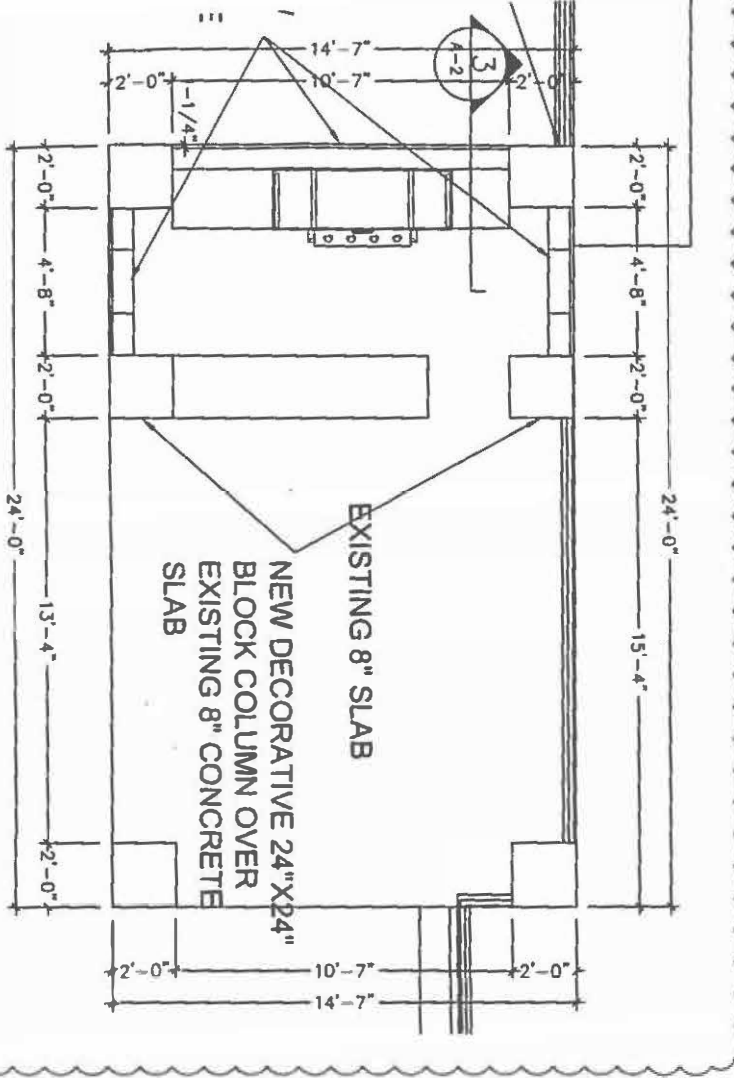
A handwritten signature in blue ink, appearing to be "CL", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Zoning Enclosure

Date: May 20, 2016

During a meeting with the owner of 5911 Granada Blvd. she explained that the property currently has a gazebo and they have begun the process in order to add an outdoor kitchen to that space. As explained and as the plans show (attached), the outdoor kitchen would be placed along one of the sides of the gazebo. While initially designed as a full wall behind the outdoor kitchen, the owners have changed the design to have two open areas on each side of the hood from the counter to the roof. The owner explains that she has been told that the outdoor kitchen is disallowed because a covenant (attached) from Nov. 1993 states, "that the proposed gazebo will remain open and unenclosed." It is the opinion of this office, that the addition of an outdoor kitchen to the gazebo does not violated the covenant as it does not enclose the same and should be permitted as it also does not violate any provision of the City's Zoning Code.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City of Coral Gables Code and Sec. 2-702 of the City of Coral Gables Zoning Code, giving the City Attorney's Office the authority to issue opinions and interpretations on behalf of the City.



EXTERIOR IMPROVEMENTS

DAVID BATINGER

5911 GRANADA BLVD

KNOW ALL MEN BY THESE PRESENTS: WHEREAS, the undersigned HERBERT AND JOCELYN BAITINGER is/ are the fee simple owners(s) of the following described property situated and being in the city of Coral Gables, Florida:

N 55.5' LOT 22, ALL LOT 23, S 69.5' LOT 24

Lot(s) de 98 of Ploiers Sect 9 Subdivision according to the plat thereof, as recorded in Plat Book 20 at Page 29 of the Public Records of Dade County, Florida, and

WHEREAS, the undersigned owner(s) of a single family residence at 5911 Granada Blvd. desire to utilize said lot(s) as a single building site, and the undersigned owner(s) do (es) hereby declare and agree as follows:

1. That the single family residence will not be used in violation of any ordinances of the City of Coral Gables now in effect or hereinafter enacted.
2. That the proposed gazebos will remain open & unenclosed.

NOW, THEREFORE, for good and valuable consideration, the undersigned do(es) hereby declare that they will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions set forth herein.

FURTHER, the undersigned declare(s) that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the above property and shall constitute a covenant running with the land and shall be binding upon the undersigned, successors and assigns and maybe only released by the City of Coral Gables, or its successors, in accordance with the ordinances of said City then in effect.

IN WITNESS WHEREOF, the undersigned has /have caused _____ hand(s) and seal(s) to be affixed hereto on this 22nd day of November 1993.

[Signature]
 Witness CECELIA CONLON
[Signature]
 Witness ADRIANA GONZALEZ

[Signature]
5911 GRANADA BLVD. CORAL GABLES
 FL. DL#B352-333-28-058 33146
[Signature]
5911 GRANADA BLVD. CORAL GABLES
 FL. DL#B352-427-28-721 33146

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day personally appeared before me HERBERT & JOCELYN BAITINGER and _____ acknowledged that THEY executed the foregoing, freely and voluntarily, for the purposes therein expressed.

SWORN TO and subscribed before me on this 22nd day of NOVEMBER 1993.

My commission expires 12-17-96
PREPARED BY:

Herbert & Jocelyn Baitinger
5911 Granada Blvd.
Coral Gables FL 33146
 GENERAL COVENANT

[Signature]
 OFFICIAL NOTARY SEAL
 LORNA MARIE MORRIS
 NOTARY PUBLIC STATE OF FLORIDA
 COMMISSION NO CC246971
 MY COMMISSION EXP DEC 17, 1996

[Signature]
 ROBERT D. ZAHNER, CITY ATTORNEY

RECORDED
 OF DADE COUNTY, FLORIDA
 RECORD VERIFIED
 HARVEY RUVIN
 CLERK CIRCUIT COURT

3629

OFF. REC 1616612413