

Attachment A

September 30, 2020

City of Coral Gables Planning Division
405 Baltimore Way
Coral Gables, FL 33134

Re: Updated LOI / Simple Text Amendment to code/ Ordinance No. 2018-43/ Hammock Oaks Harbor Sec 2/ 11093 Marin Street/ Folio: 03-5107-007-0610/Justification to review standards in Zoning Code

To whom it may concern,

This Letter of Intent is being formally submitted on behalf of David Cabarrocas (the “Applicant”) in support of his request for a simple text amendment to the Coral Gables zoning code. On October 9, 2018, The City of Coral Gables unanimously amended its zoning code to reflect a conditional use allowance of a “private yacht basin” on the Applicant’s property with various restrictive covenants regulating said yacht basin. The ordinance allowed for eight (8) boat slips tied to a specific site plan with various obligations including installation of retention curb, landscaping, etc. necessary to receive building permits. At the time, the Applicant chose to limit the number of slips to eight (8) as a conservative number that would easily lay out along the north side of the dock and not utilizing any space on the south side of the wall not knowing what the various environmental, permitting agencies (DERM, ACOE) would require after receiving zoning approval and attempting to obtain building permits.

Since then, the Applicant received all building permits and has built the private yacht basin to every detail specified by both City zoning code and the various building permits associated with the basin. Upon receiving environmental permits, it became evident that, in fact, there would be adequate space, without a single site plan modification, for a ninth (9th) slip on the north side of the basin. The infrastructure already in place to accommodate the eight (8) slips would fully accommodate the ninth (9th) slip. Not a single building permit, site plan modification, nor on-site improvement would be required or necessary for the accommodation of the ninth (9th) slip. The Applicant has discussed adding a ninth (9th) slip with the Hammock Oaks HOA and they have expressed their full support. A simple text amendment to the City code changing from eight (8) to nine (slips) is the extent of what this request entails. This request is fully justified to the review standards in the City’s Zoning Code as it is an insubstantial change to the existing ordinance related to this property which was already vetted by the City and determined to meet the requirements for a review of and approval of a change to the Zoning Code. This request contains zero deviation from the existing allowable use and requires no additional on-site work or permitting. As such, we respectfully request the Department’s and City’s favorable recommendation for zoning code text amendment application and look forward to an approval.

Respectfully,

Erik Fresen



City of Coral Gables Planning Division Application

305.460.5211

planning@coralgables.com

www.coralgables.com

Application request

The undersigned applicant(s)/agent(s)/property owner(s) request City of Coral Gables consideration and review of the following application(s) (please check all that apply):

- Abandonment and Vacations
- Annexation
- Coral Gables Mediterranean Architectural Design Special Locational Site Plan
- Comprehensive Plan Map Amendment - Small Scale
- Comprehensive Plan Map Amendment - Large Scale
- Comprehensive Plan Text Amendment
- Conditional Use - Administrative Review
- Conditional Use without Site Plan
- Conditional Use with Site Plan
- Development Agreement
- Development of Regional Impact
- Development of Regional Impact - Notice of Proposed Change
- Mixed Use Site Plan
- Planned Area Development Designation and Site Plan
- Planned Area Development Major Amendment
- Restrictive Covenants and/or Easements
- Site Plan
- Separation/Establishment of a Building Site
- Subdivision Review for a Tentative Plat and Variance
- Transfer of Development Rights Receiving Site Plan
- University Campus District Modification to the Adopted Campus Master Plan
- Zoning Code Map Amendment
- Zoning Code Text Amendment
- Other: _____

General information

Street address of the subject property: 11093 Marin Street

Property/project name: Hammock Oaks Harbor

Legal description: Lot(s) A portion of Tract E

Block(s) 4 Section (s) Hammock Oaks Harbor Section 2

Property owner(s): David Cabaneros

Property owner(s) mailing address: 8950 SW 117th Street, Miami, FL 33176

Telephone: Business 786-216-1851 Fax _____

Other _____ Email Davidcabaneros@att.net



City of Coral Gables Planning Division Application

Applicant(s)/agent(s): Eric Fresen
 Applicant(s)/agent(s) mailing address: P.O. Box 430855, Miami, FL 33243
 Telephone: Business 786-251-4768 Fax _____
 Other _____ Email efresen@gmail.com

Property information

Current land use classification(s): _____
 Current zoning classification(s): (site specific) Hammock Oak Harbor
 Proposed land use classification(s) (if applicable): N/A
 Proposed zoning classification(s) (if applicable): N/A

Supporting information (to be completed by Planning Staff)

A Preapplication Conference is required with the Planning Division in advance of application submittal to determine the information necessary to be filed with the application(s). Please refer to the Planning Division Development Review Process Handbook, Section 3.0, for an explanation of each item. If necessary, attach additional sheets to application. The Planning Division reserves the right to request additional information as necessary throughout the entire review process.

- Aerial.
- Affidavit providing for property owner's authorization to process application.
- Annexation supporting materials.
- Application fees.
- Application representation and contact information.
- Appraisal.
- Architectural/building elevations.
- Building floor plans.
- Comprehensive Plan text amendment justification.
- Comprehensive Plan analysis.
- Concurrency impact statement.
- Encroachments plan.
- Environmental assessment.
- Historic contextual study and/or historical significance determination.
- Landscape plan.
- Lighting plan.
- Massing model and/or 3D computer model.
- City of Coral Gables Annual Registration Application and Issue Application Lobbyist forms.
- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs of property, adjacent uses and/or streetscape.
- Plat.
- Property survey and legal description.



- Property survey and legal description.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan.
- Site plan and supporting information.
- Statement of use and/or cover letter.
- Streetscape master plan.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Video of the subject property.
- Warranty Deed.
- Zoning Analysis (Preliminary).
- Zoning Code text amendment justification. *LOI*
- Other: _____

Application submittal requirements

1. Hard copies. The number of application binders to be submitted shall be determined by Staff at the preapplication meeting. The application shall include all the items identified in the preapplication meeting.
2. Digital media copy. One (1) thumb-drive of the entire application including all items identified in the Preapplication Conference. Each document shall be separated into PDF files (i.e., application; site plan, landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 MB.

Applicant/agent/property owner affirmation and consent

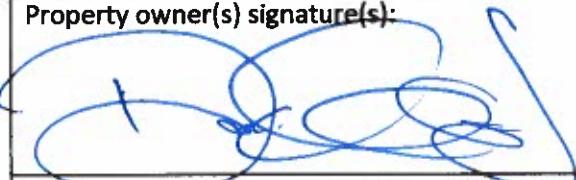
(I) (We) affirm and certify to all of the following:

1. Submission of the following:
 - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
 - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of Coral Gables entitlements in effect during the entire review process.
2. This request, application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of Coral Gables unless identified and approved as a part of this application request or other previously approved applications. Applicant understands that any violation of these provisions renders the application invalid.
3. That all the information contained in this application and all documentation submitted herewith is true to the best of (my) (our) knowledge and belief.
4. Understand that the application, all attachments and fees become a part of the official records of the City of Coral Gables and are not returnable.



City of Coral Gables Planning Division Application

5. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. All representatives of the application have registered with and completed lobbyist forms for the City of Coral Gables City Clerk's office.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review.

Property owner(s) signature(s): 	Property owner(s) print name: David Cabarcas
Property owner(s) signature(s):	Property owner(s) print name:
Property owner(s) signature(s):	Property owner(s) print name:

Address:

8950 SW 117th Street, Miami, FL 33176

Telephone:

~~786-213-7241~~

Fax:

786-216-1851

Email:

DAVIDCABARCAS@CGA.net

NOTARIZATION

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this 27 day of JULY, 2020 by _____

(Signature of Notary Public - State of Florida)



(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification; Type of Identification Produced _____

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-42

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS," BY CREATING A NEW SUBSECTION, "SECTION A-58 - HAMMOCK OAKS HARBOR SECTION 2 (F)," PROVIDING PROVISIONS GOVERNING THE USE OF THE PROPOSED PRIVATE YACHT BASIN FACILITY, ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT E, BLOCK 4 OF HAMMOCK OAKS HARBOR SECTION TWO (11093 MARIN STREET), CORAL GABLES, FLORIDA; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, an Application for a text amendment to the Zoning Code has been submitted in order to provide provisions governing the use of the proposed yacht basin facility; and

WHEREAS, the proposed Zoning Code text amendments have been submitted in conjunction with an application for Site Plan Review for the construction of a new yacht basin on vacant land; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board ("Board") on July 11, 2018, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with the text amendments to the Zoning Code providing for provisions governing the use of the proposed yacht basin, and after due consideration, recommended approval (vote: 5-0) of the Zoning Code text amendments; and

WHEREAS, the Applicant has incorporated all modifications into the proposed text as recommended by the Board; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on September 25, 2018, 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/denied the amendment on First Reading (vote: 5-0); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on (month) (day), 2018, 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 Second Reading (vote: 5-0);

NOW, THEREFORE, BE IT ORDAINED 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 is hereby amended as follows¹:

Appendix A – Site Specific Zoning Regulations

Section A.58 – Hammock Oak Harbor Section 2.

F. The following provisions shall apply exclusively to Hammock Oak Harbor Section 2. Subdivision - A portion of Tract E, Block 4, except as specified in the following provisions, all requirements of this section and all other applicable requirements of the City of Coral Gables Zoning Code and City Code and federal, state, county governments shall apply.

1. Permitted use: Private yacht basin containing 8 dock slips pursuant to Section 5-2501.
2. Prohibited Uses and Operations: The private yacht basin shall comply with all prohibited uses and operations set forth in Section 5-2501. The following uses or operations shall also be prohibited on any portion of the property:
 - a. Sale, conveyance, or transfer of a dock to anyone who is not an owner of an improved residential lot in Hammock Oaks subdivision.
 - b. Leasing of dock to anyone who is not residing in an improved residential lot in Hammock Oaks subdivision.
 - c. Parking on swale or right of way along the entrance gates.
 - d. Food preparation for distribution to the public.
 - e. Overnight stays on any portion of the property and no overnight car parking.
 - f. Commercial Storage of fuel onsite.
 - g. Dispensing of fuel onsite or from lake.

¹Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

- h. Fish cleaning on the property.
 - i. Davits, watercraft lifts, or floating watercraft lifts.
 - j. Cutting, removing, tying or otherwise interfering with or impacting the mangrove vegetation on the boat basin property.
 - k. Amplification of music.
 - l. Onsite trash containers.
3. Yacht basin. The number of dock slips shall be 8. The private yacht basin shall satisfy all applicable local, county, state, and federal requirements for the operations permitted pursuant to the approvals granted by the City of Coral Gables. A dock as referenced herein is defined as that portion of a pier where a boat is moored for berthing, embarking or disembarking.
 4. Boat slips shall be only for the use of Hammock Oaks property residents. Boat slips shall be tied to Hammock Oak property with a Unity of Title.
 5. Landscape requirements. A minimum 3-foot landscape buffer shall be maintained along the portion of the property abutting Marin Street and along the boundary of the property to the north. The site shall be landscaped as shown on the plans approved by Ordinance No.2018-43.
 6. Parking. 9 vehicles shall be provided consisting of 1 car parking space and 8 electric only golf cart parking spaces. All vehicles accessing docks shall only park onsite.
 7. Height of entrance wall and gate. Walls and gates may have a maximum height of 4-feet, provided that in no case shall a wall or gate violate the triangle of visibility.
 8. The outward location of docks from the lake bank shall vary from approximately 15-feet 5-inches to 25-feet 7 inches, as shown on the plans approved by Ordinance No. 2018-43.
 9. Boat slip owners shall take their trash to their respective residential property containers for pick up.
 10. All vehicles: cars, boats and golf carts shall be required to display a visible Marin Boat

Basin decal. The Marin Boat Slips Condominium shall issue fines for undocumented vehicles. Vehicles are subject to involuntary removal for failure to display a decal.

11. Security. The Marin Boat Slips Condominium shall be responsible for daily roving patrol, including but not limited to, confirming ownership, confirming Marin Boat Basin decal, and compliance with all other conditions.

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. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption thereof.

PASSED AND ADOPTED THIS NINTH DAY OCTOBER, A.D., 2018.

(Moved: Quesada / Seconded: Keon)

(Yeas: Lago, Mena, Quesada, Keon, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda: F-1)

APPROVED:

A handwritten signature consisting of a large, stylized letter 'R' enclosed within a circular loop.

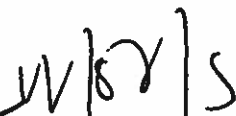
RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ATTEST:

A large, flowing handwritten signature in cursive script, appearing to read 'Walter J. Foeman'.

WALTER J. FOEMAN
CITY CLERK

A handwritten signature consisting of the letters 'M', 'S', 'R', and 'S' written in a stylized, vertical arrangement.

MIRIAM SOLER RAMOS
CITY ATTORNEY

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-43

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 4, "CONDITIONAL USES" AND ARTICLE 5, "DEVELOPMENT STANDARDS," DIVISION 24, "PRIVATE YACHT BASIN" FOR EIGHT (8) BOAT SLIPS ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL FOR THE PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT E, BLOCK 4 OF HAMMOCK OAKS HARBOR SECTION TWO (11093 MARIN STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting approval to allow a private yacht basin on property zoned Single-Family Residential for the property legally described as a Portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida; and

WHEREAS, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand (1,000) feet, as well as all Hammock Oaks residents, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on July 11, 2018 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's July 11, 2018 meeting, the Board recommended approval of the proposed conditional use (vote: 5-0) subject to conditions of approval; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on September 25, 2018, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the site plan, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on (month) (day), 2018, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the site plan, and after due consideration and discussion, approved the amendment on Second Reading (vote: 5-0);

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

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

SECTION 2. The proposed conditional use to allow a private yacht basin on property zoned Single-Family Residential for the property legally described as the a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. Site Plan modifications.

- a. Provide details for the base supporting the paver path. The portion of the path abutting the two proposed parking spaces shall support vehicular loads.
- b. Consider that trash and recycle bins adjacent to the bank and portions of the path may be partially underwater during high tides in the fall.
- c. Provide grading plan for entrance area and areas adjacent to parking areas for both vehicles and golf carts.
- d. Provide details for installation of retention curb to contain fill.
- e. Provide steps height per engineering cross section which call for a dock at elevation 4.5’ NGVD with two steps to a pedestrian path.

2. Reconcile discrepancies between the Engineering plans approved by DERM and Architectural plans.

3. Include ADA access to docks.

4. Provide cross sections for the proposed path every 20-ft.

5. Restrictive covenant. Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.

SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 3-410, “Changes to conditional use approvals.”

SECTION 4. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency.

Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 5. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF OCTOBER, A.D., 2018.

(Moved: Quesada / Seconded: Keon)

(Yeas: Mena, Quesada, Keon, Lago, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-2)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY



CFN 2019R0346345
OR BK 31469 Pgs 4223-4228 (6Pgs)
RECORDED 05/04/2019 15:20:32
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

PREPARED BY AND AFTER
RECORDING RETURN TO:

Shubin & Bass, P.A.
46 S.W. First Street, Third Floor
Miami, Florida 33130

&

Laura L. Russo, Esq. LLC
2655 S Le Jeune Rd, Suite PH 1-F
Coral Gables, FL 33134-5827

RESTRICTIVE COVENANT RUNNING WITH THE LAND

DAVID CABARROCAS (“Cabarrocas”), an individual, hereby makes, declares and imposes on the land, herein described, the covenants running with the title to the land, which shall be binding on Cabarrocas, his heirs, successors and assigns, representatives, mortgagees, lessees, and against all persons claiming by, through or under them.

WHEREAS, Cabarrocas, whose legal residence is 8950 SW 117 Street, Miami, FL 33176-4347, is the owner of real property located at 11093 Marin Street, Coral Gables, Florida 33131, with a folio number of 03-5107-007-0610, and more particularly described in Exhibit “A” (the “Property”);

WHEREAS, Thomas Singer and Cheryl Susan Singer (the “Singers”) are the long-time owners and residents of real property which abuts the Property and which is located at 11095 Marin Street, Coral Gables, Florida 33131 more particularly described in Exhibit “B” (“11095 Marin Street”). The Singers have continuously resided at 11095 Marin Street since they purchased it in 1979;

WHEREAS, Cabarrocas is intends to build a private yacht basin project at the Property (the “Private Yacht Basin”);

WHEREAS, Cabarrocas, as the owner of the Property, has represented to the Singers that, in consideration for their non-objection to the Private Yacht Basin, he desires to cause that the Property be subject to restrictions to protect 11095 Marin Street from potential impacts from the Private Yacht Basin; and

WHEREAS, Cabarrocas has advised the Singers that he intends to submit the Property to the condominium form of ownership, and further intends that the restrictions set forth in this instrument run with the land and bind all future successors in interest, including future individual condominium owners and the condominium association.



NOW THEREFORE, in consideration of the benefits and obligations contained in this Restrictive Covenant and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Cabarrocas does hereby declare said Property to be subject to the following conditions, restrictions and reservations intended to be binding as covenants running with the land:

1. **Recitals**. The recitals set forth herein and above are true and correct and are incorporated herein. All exhibits to this Restrictive Covenant are hereby deemed a part hereof.

2. **Running with the Land**. This Restrictive Covenant is specifically intended to run with the land, and all rights and powers given to and obligations imposed herein shall be construed as inuring to and binding upon the successors in interest and the permitted assigns of the parties hereto, respectively. All successors and assigns of Cabarrocas are to be bound by this Restrictive Covenant, which shall be binding upon and made binding upon all successors and assigns, including any future condominium association, owners and users of the Private Yacht Basin, and any mortgagee(s).

3. **Burden and Benefit of Covenant**. The Property (as defined herein), including any condominium form of ownership it may assume, is the property to be burdened by these covenants, and 11095 Marin Street (as defined herein) is the property to be benefitted by these covenants.

4. **Authority to Execute Covenant**. Cabarrocas states that, as the sole owner of the Property (which is not subject to any homestead claim), he possesses final authority to execute this restrictive covenant running with the land.

5. **Unity of Title**. The Private Yacht Basin, including any boat slips/docks shall be for the exclusive use of owners of an improved residential lot in the Hammock Oaks Subdivision. Each boat slip shall be tied to a specific Hammock Oaks property using a unity of title instrument to be formally executed and recorded upon initial sale, and/or re-sale, of each slip.

6. **Dock/Boat Ownership**. All docks and boats to be docked at the Private Yacht Basin shall be owned by an individual or individuals, all of whom shall own a single-family home within Hammock Oaks. Limited liability companies, corporations, or other entity types are prohibited from owning docks and/or boats at the Private Yacht Basin.

7. **Liability Insurance**. In connection with the operation of the Private Yacht Basin, the owner(s) of the Property (including the contemplated condominium



association, once established) shall be required to carry and maintain general liability insurance (the "Insurance Policy"). The following additional details govern responsibilities relating to liability insurance:

- a) The Insurance Policy shall have a total liability limit of \$3 million in damage;
- b) The Insurance Policy shall be renewed annually, with a copy provided to the owner(s) of 11095 Marin Street and 11085 Marin Street annually;
- c) In addition to the Insurance Policy above, the individual owners of docks/boats at the Private Yacht Basin shall be required by the Condo Association to carry and maintain liability insurance to cover damage caused by their boat and/or dock.

8. **Extreme Weather Preparedness.** The Private Yacht Basin shall prepare, maintain, and follow a written Extreme Weather Plan (to be pre-approved by the Singers), which shall set forth procedures and protocols for ensuring the safety of human life and property in advance of a tropical storm, hurricane, or other extreme weather event.

9. **Hours of Operation.** The hours of operation of the Private Yacht Basin, exclusive of security, shall be from 6:00 AM to 9:00 PM.

10. **Decals.** All automobiles, golf carts, and boats (and any similar vehicle or recreational craft) must have the Property-specific decal prominently displayed at all times while parked or docked in the designated parking/docking spaces at the Property.

11. **Vehicle Parking.** A maximum of nine (9) parking spaces shall be provided consisting of 1 car parking space and 8 electric-only golf cart parking spaces. All vehicles accessing docks shall only park on the Property in the designated parking spots. Parking on swale or right of way along the entrance gates is strictly prohibited.

12. **Landscape Requirements.** A minimum 4-foot continuous landscape buffer shall be maintained along the portion of the Property abutting Marin Street and along the boundary of the property to the north (i.e. 11095 Marin Street).

13. **Garbage Removal.** The storage of trash (even temporary storage) on the Property shall be strictly prohibited. No trash bins or receptacles of any kind shall be located or used on the Property. All trash shall be taken off the Property and appropriately disposed of by residents of Hammock Oaks at their respective residences.

14. **Additional Prohibitions.** The following shall all be strictly prohibited on the Property:

- a) Sale, conveyance, or transfer of a dock to anyone who is not an owner of an improved residential lot in the Hammock Oaks Subdivision.
- b) Leasing of a dock to anyone who is not residing in an improved residential lot in the Hammock Oaks subdivision.
- c) Overnight stays on any portion of the Property.
- d) Overnight parking of automobiles on the Property.
- e) Fish cleaning on the Property.
- f) Davits, watercraft lifts, or floating watercraft lifts.
- g) Cutting, removing, tying or otherwise interfering with or impacting the mangrove vegetation on the boat basin property.
- h) Amplification of music.
- i) Storage of fuel on the Property.
- j) Dispensing of fuel on or at the Property or in the water basin.
- k) Installation or use of septic tanks.

15. **Recording.** This Restrictive Covenant shall be recorded in the official records of Miami-Dade County, Florida. The timing of recording shall be as stated in the agreement executed by Cabarrocas and the Singers on September 24, 2018.

16. **Effective Date and Term.** The provisions in this instrument shall become effective upon their recordation in the Public Records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive period of ten (10) years each, unless released in writing by the (i) then owners of the Property (or if any portion of the Property has been submitted to the condominium form of ownership, then by the association established to operate the condominium in lieu of all of the owners thereof) AND (ii) the then owners of 11095 Marin Street, or their respective designees or successors.

17. **Enforcement.** If Cabarrocas or his heirs or assigns, or any other person, shall violate or attempt to violate any of the covenants herein, it shall be lawful for the Singers, or any other person or persons owning the real property situated at 11095 Marin Street to prosecute any proceedings at law or in equity to either prevent it or them from doing so, to seek specific performance (or an injunction of a violation) of any restriction,

prohibition, or other requirement of this Restrictive Covenant, or to recover damages (should they be adequate to address a violation) or any other relief for such violation. The owner(s) of the Property, including the future association, shall designate two phone numbers for the reporting of violations of these covenants, which the owner(s) of 11095 Marin Street shall utilize to report a violation of any restriction, prohibition, or other requirement of this Restrictive Covenant. If the violation is not rectified within 24 hours or, if the violation repeats, the owner(s) of the Property shall be responsible for a \$200.00 fine per-day for each violation, in addition to any damage caused to 11095 Marin Street.

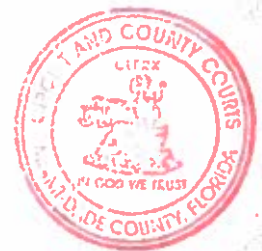
18. **Amendments, Modifications, Releases.** The provisions of this instrument may be amended, modified, or released by a written instrument executed by the (i) then owners of the Property (or if any portion of the Property has been submitted to the condominium form of ownership, then by the association established to operate the condominium in lieu of all of the owners thereof) AND (ii) the then owners of 11095 Marin Street, or their respective designees or successors. All amendments, modifications, or releases of this instrument shall be executed in the manner enumerated in this section and shall be recorded in the Public Records of Miami-Dade County, Florida for the amendment, modification, or release to be valid and effective.

19. **Attorneys' Fees.** The prevailing party in any legal action arising from this Restrictive Covenant, including an enforcement action against future owners and/or the future condominium association, shall be entitled to an award of attorneys' fees and costs from the non-prevailing party.

20. **Non-Waiver.** Failure of any party or parties to object to any violations of the terms hereof, or to enforce any provisions herein contained shall in no event be deemed a waiver of the right to do so thereafter.

21. **Severability.** Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

[Signature page(s) to follow]



TION ⓘ

SEC 2

GENERAL

LAND : VACANT LAND

0/0/0

0

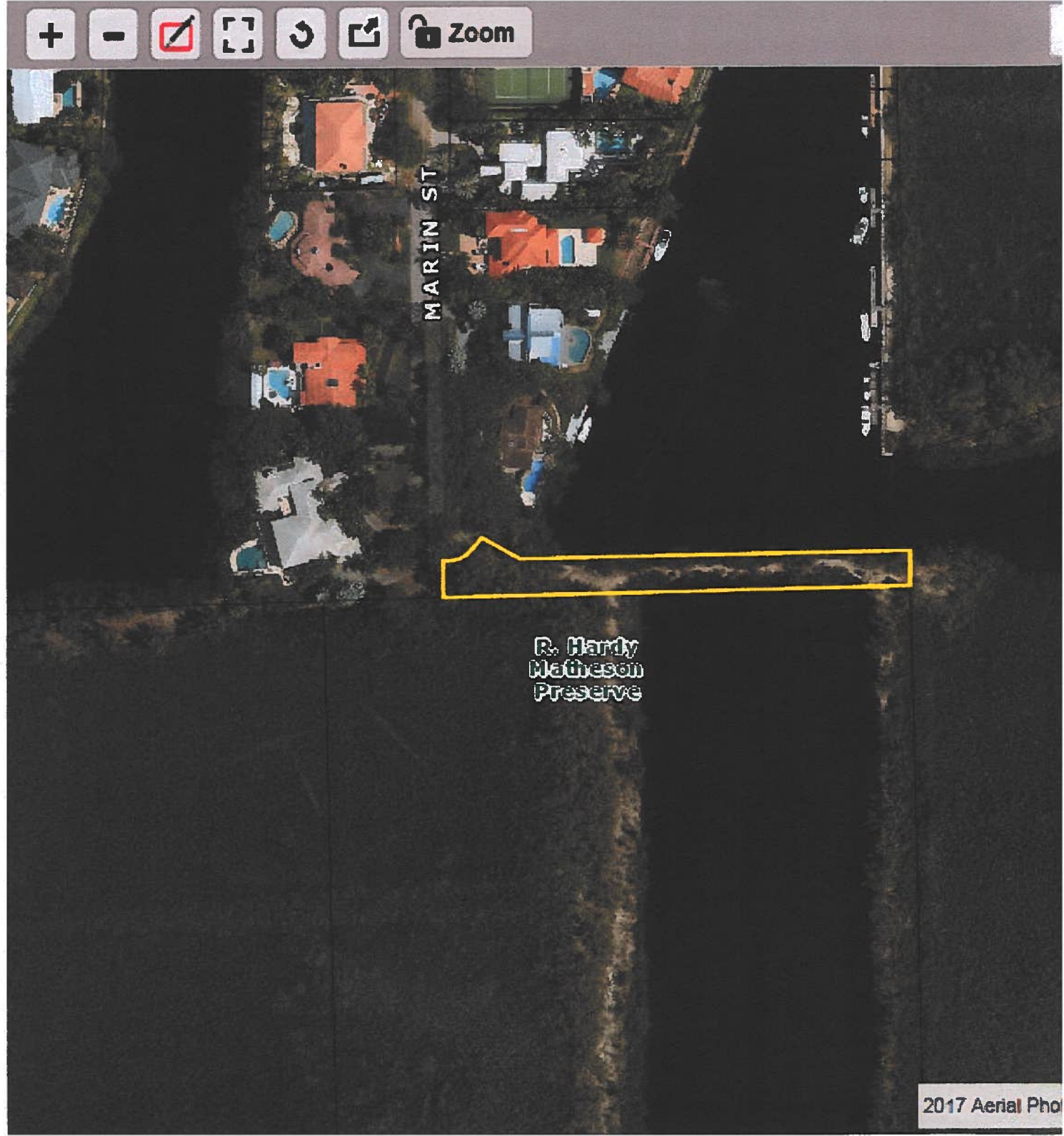
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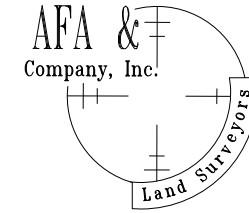
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21,281 Sq.Ft

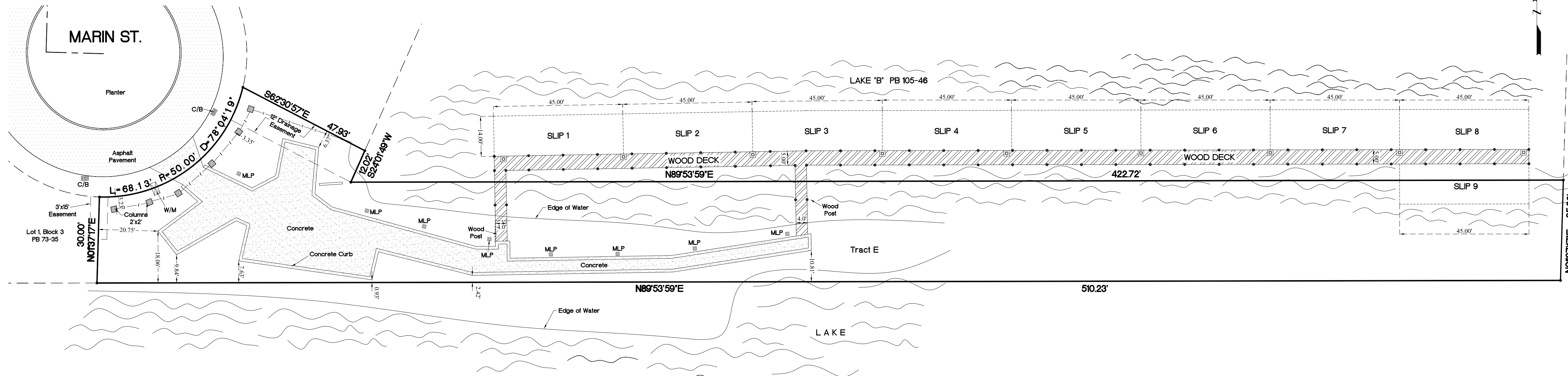




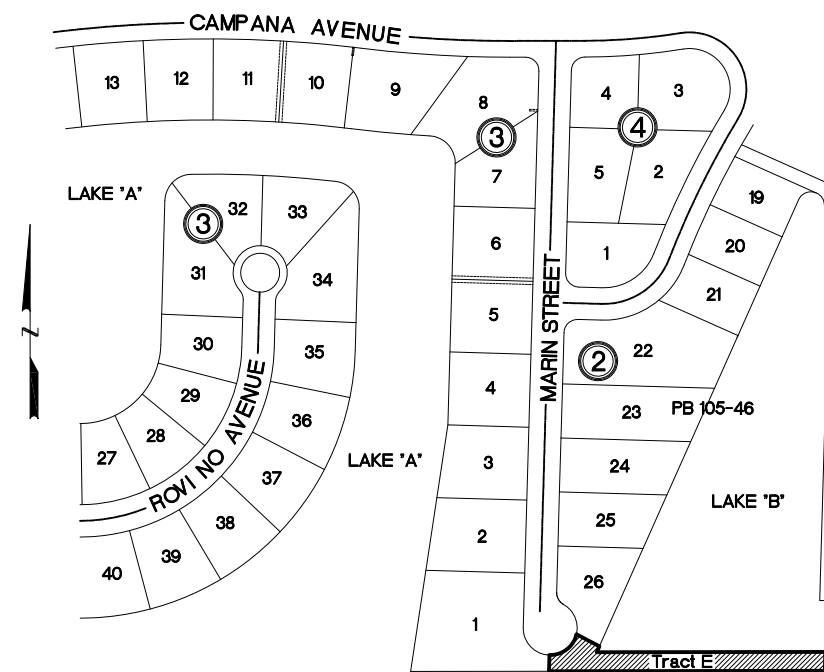
Prepared By:
AFA & COMPANY, INC.
 PROFESSIONAL LAND SURVEYORS AND MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 7498
 13050 SW 133RD COURT, MIAMI, FLORIDA 33186
 E-MAIL: AFAC@BELLSOUTH.NET
 PH: 305-234-0588 FX: 206-495-0778

Boundary Survey

Graphic Scale 1" = 20'



Location Sketch N.T.S.



CERTIFIED ONLY TO:
 David Cabarrocas

PROPERTY ADDRESS:
 11093 Marin Street
 Coral Gables, Florida 33156

LEGAL DESCRIPTION:

Tract "E", Block 4, of "HAMMOCK OAKS HARBOR SECTION TWO" according to the Plat thereof, as recorded in Plat Book 73, at Page 35, of the Public Records of Miami-Dade County, Florida.

ELEVATION INFORMATION

**National Flood Insurance Program
 FEMA Elev. Reference to NGVD 1929**

Comm Panel	120639
Panel #	0467
Firm Zone:	"AE"
Date of Firm:	09-11-2009
Base Floor Elev.	11.00'
F. Floor Elev.	N/A
Garage Elev.	N/A
Suffix:	"L"
Elev. Reference to NGVD 1929	

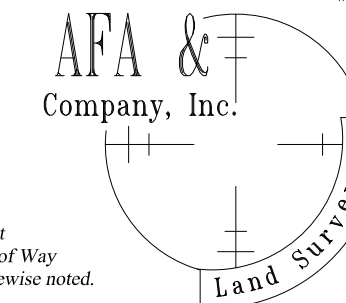
Surveyor's Notes:

- #11 The herein captioned Property was surveyed and described based on the Legal Description Provided by Client.
- #12 This Certification is Only for the lands as Described. It is not a certification of Title, Zoning, Easements, or Freedom of encumbrances. ABSTRACT NOT REVIEWED.
- #13 There may be additional Restrictions Not Shown on this survey that may be found in the Public Records of Said County Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.
- #14 Accuracy: The expected use of land, as classified in the Standards of Practice (53-17.052), is a condominium. The minimum relative distance accuracy for this type of boundary survey is 1.0 foot in 10,000.00' feet. The accuracy obtained by measurement and calculation of a closed geometric figure was found to exceed this requirement.
- #15 Foundation and / or footing that may cross beyond the boundary lines of the parcel herein described are not shown hereon.
- #16 Not valid without the signature and original seal of a Florida Licensed Surveyor and Mapper, additions or deletions to survey maps or reports by other than the signing party or parties.
- #17 Contact the appropriate authority prior to any design work on the herein described parcel for building and zoning information.
- #18 Underground Utilities are not depicted hereon, contact the appropriate authority prior to any design work or construction on the property herein described. Surveyor shall be notified as to any deviation from utilities shown hereon.
- #19 Ownership subject to Opinion of Title.

JOB #	19-1342
DATE	12-12-2019
PB	73-35

Surveyors Notes:

- #1 Land Shown Hereon were not abstracted for Easement and / or Right of Way Records. The Easement / Right of Way Show on Survey are as per plat of record unless otherwise noted.
- #2 Benchmark: Miami-Dade County Public Works Dept.
- #3 Bearings as Shown hereon are Based upon Marin Street, N01°37'17"E
- #4 Please See Abbreviations
- #5 Drawn By: A. Torres
- #6 Date: 6-5-19; 12-12-19
- #7 Completed Survey Field Date: 6-4-19; 12-10-19
- #8 Disc No. 2019, Station Surveying Scion
- #9 Last Revised:
- #10 Zoned Building setback line not determined



Professional
 Surveyors & Mappers LB 7498
 13050 S.W. 133rd Court
 Miami Florida, 33186
 E-mail: afaco@bellsouth.net
 Ph: (305) 234-0588
 Fax: (206) 495-0778

Armando F. Abarez
 Professional Surveyor & Mapper #5526
 State of Florida
 Not Valid unless Signed & Stamped with Embossed Seal

Abbreviations of Legend

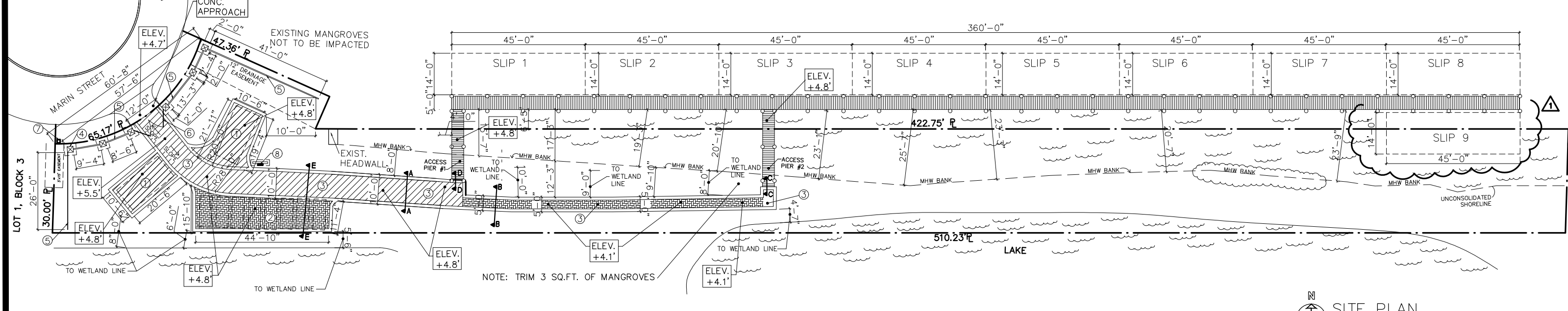
A = ARC DISTANCE	CONC. = CONCRETE	D/W = DRIVEWAY	DH/F = FOUND DRILL HOLE	MEAS. = MEASURED	P.M. = PARKING METER	S.D.H. = SET DRILL HOLE	--- --- --- --- = IRON FENCE	--- --- --- --- = DISTANCE
AVE = AVENUE	COL = COLUMN	D.M.E. = DRAINAGE & MAINTENANCE	F.R. = FOUND REBAR	M.H. = MAN HOLE	P.C. = POINT OF CURVATURE	S.I.P. = SET IRON PIPE	--- --- --- --- = CHAIN LINK FENCE	--- --- --- --- = CATCH BASIN
ASPH = ASPHALT	C.L.P. = CONCRETE UTILITY POLE	EASEMENT	F.D. = FOUND DISC	M.L. = MONUMENT LINE	P.W. = PARKWAY	SN = SET NAIL	--- --- --- --- = WOOD FENCE	--- --- --- --- = WATER METER
A/W = ANCHOR WIRE	C.L.P. = CONCRETE LIGHT POLE	ENC. = ENCROACHMENT	FN = FOUND NAIL	N.G.V.G. = NATIONAL GEODETIC	PL. = PLANTER	SDWLK = SIDEWALK	--- --- --- --- = CBS WALL	--- --- --- --- = W.U.P.
A/C = AIR CONDITIONER	CBS = CONCRETE BLOCK	E.T.P. = ELECTRIC TRANSFORMER PAD	IF = IRON FENCE	VERTICAL DATUM	P.O.C. = POINT OF COMMENCEMENT	T = TANGENT	--- --- --- --- = OVERHEAD ELEC.	--- --- --- --- = STATE ROAD
BLDG = BUILDING	STRUCTURE	F.P.L. = FLORIDA POWER AND LIGHT	L = LENGTH	N.T.S. = NOT TO SCALE	P.O.B. = POINT OF BEGINNING	U.E. = UTILITY EASEMENT	--- --- --- --- = CENTER LINE	--- --- --- --- = US HIGHWAY
B. COR = BLOCK CORNER	C.M.E. = CANAL MAINTENANCE	F.H. = FIRE HYDRANT	L.M.E. = LAKE MAINTENANCE EASEMENT	O.E. = OVERHEAD ELECTRIC LINE	R = RADIUS	W/F = WOOD FENCE	--- --- --- --- = EASEMENT	--- --- --- --- = INTERSTATE
C.B. = CATCH BASIN	EASEMENT	F.I.P. = FOUND IRON PIPE	L.F.E. = LOWEST FLOOR ELEVATION	O.L. = ON LINE	RES = RESIDENCE	W.V. = WATER VALVE	--- --- --- --- = DENOTES ELEVATIONS	--- --- --- --- = MONITORY WELL
CLF = CHAIN LINK FENCE	D = DIRECTION	F.F. = FINISH FLOOR	L.P. = LIGHT POLE	P.C.P. = PERMANENT CONTROL POINT	R/W = RIGHT OF WAY	W.U.P. = WOOD UTILITY POLE	--- --- --- --- = BUILDING	

60' R/W

PLANTS

LOT 1, BLOCK 3

REMAINDER TRACT E



HATCH LEGEND:

- WOOD DOCK (DOCK DECKING BY WEARDECK)
- BRICK PAVERS
- MANGROVES
- GRAVEL
- EROSION CONTROL FILL WITH CORAL BOULDERS
- CONCRETE PADS

LEGEND:

- ① PARKING SPACE (8'-6"x18'-0")
- ② (8) GOLF CAR PARKING SPACES
6 PERS. GOLF CAR (124x49")
- ③ DRIVEWAY
- ④ 24"x24" CONC. BLOCK PIER W/
4'-0"x4'-0"x12'-0"
CONC. FOOTING, TYP.
- ⑤ 3' HIGH ALUM. PICKET FENCE
- ⑥ 12'-0"x3'-0" ALUM. PICKET GATE
W/ MOTOR AT EA. GATE
- ⑦ WATER METER W/ GATE VALVE
- ⑧ ELECTRICAL PANEL
- ⑨ DRIVEWAY WITH GRAVEL

NOTE: TRIM 3 SQ.FT. OF MANGROVES

N

 SITE PLAN

 1/32" = 1'-0"

LEGAL DESCRIPTION:
 A PORTION OF TRACT E, BLOCK 4, "HAMMOCK OAKS HARBOR SECTION TWO" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 35, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA

MARIN BOAT SLIPS PERMIT
 11093 MARIN STREET, CORAL GABLES, FL.33156
 DAVID J. CABARROCAS / ARCHITECT - AR - 0004356

COMM.:	DRAWN:	REVISIONS	
	MR	REVISION 09/23/20	
DATE:	CHECKED:		
05/09/2018			
(305) 808-9578	169 E. FLAGLER STREET, SUITE 1619 MIAMI, FLORIDA 33131 dcabarocas@bellsouth.net	SHEET:	A-1
		OF:	5

9/21/2020

Subject: Hammock Oaks HOA Meeting

Re: Hammock Oaks Residential Yacht Basin/Dock

Notice: On 9/16/2020, a meeting notice was mailed to the neighbors within the prescribed 1,000 foot radius of the property notifying of intent to host a meeting on 9/21/2020 at 6:00pm via teleconference (due to COVID) in anticipation of a potential public hearing pertaining to the subject property albeit absent a set hearing date.

Attendees: None

Minutes: We left the Zoom link open and hosted from 6:00pm-7:00pm. No participants joined the call

10/5/2020

Subject: Hammock Oaks HOA Meeting

Re: Hammock Oaks Residential Yacht Basin/Dock

Notice: On 10/1/2020, once we were officially notified that the item would be on the 10/14/2020 public hearing agenda, a meeting notice was mailed to the neighbors within the prescribed 1,000 foot radius notifying the neighbors of the upcoming public hearing and of our intent to host another meeting on 10/5/2020 at 6:00pm via teleconference (due to COVID) for a now-scheduled public hearing set for 10/14/2020. *In addition, given the lack of attendance at an earlier meeting, the applicant went door-to-door and placed notices at the doors of the within-radius residents with details of the teleconference meeting to be held on 10/5/2020.*

Attendees:

- 1- Peter Zubizarreta
490 Campana Ave.
- 2- Adam Hall
414 Rovino Ave.
- 3- James Baiter
434 Rovino Ave.
- 4- Juan Orriols
11000 Marin St.
- 5- Ramon Rodriguez
480 Campana Ave.
- 6- Rolando Mendizabal
11075 Marin St.
- 7- Roberto Denis
430 Rovino Ave.
- 8- Carolina Riondo
445 Rovino Ave.
- 9- Emilio Lamar
11045 Tanya St.
- 10- Raymond Anderez
429 Rovino Ave.
- 11- Carolyn De Brandt
321 Campana Ave.

Minutes: The Zoom link was opened at 6:00pm. Applicant representative (Erik Fresen) opened the meeting and provided a 10-12 minute summary of the background of the Hammock Oaks Yacht Basin, dating back to the original zoning application to rezone the subject property to allow for a private, residential dock; provided background re: the various departmental/staff reviews that the dock went through including, but not limited to, zoning, environmental (DERM) and Army Corps of Engineering (for permitting); explained how it was revealed during the permitting process that, in fact, the dock, as-built and without requiring any additional modifications or permits, could accommodate a 9th boat slip on the south side of the dock; explained why this minor modification required a public hearing and then opened it up for questions. A neighbor inquired as to the HOA's participation with this hearing; a neighbor inquired as to the status of the existing 8 slips — applicant informed that all 8 had been sold to existing homeowners within Hammock Oaks; a neighbor inquired as to how the proposed 9th slip would be approached by boat — applicant explained; a neighbor inquired as to the condominium association for the yacht basin and the status of its formation — applicant informed that the association had been formed and that an association President would be selected on 10/7/2020; a neighbor inquired as to the possibility of creating a pedestrian easement within the subject property to allow for resident access as a walkway — applicant informed them of how having the dock gated with keypad entry only for owners of slips was a clear condition of the original approval in order to limit access and not making it an attractive area for loitering or gathering; Applicant representative informed neighbors that there would be a subsequent public hearing re: this application and that another neighbor meeting would be available if they desired so; meeting ended at roughly 6:45pm