

XIV.

LIMITED COMMON ELEMENTS

Those portions of the common elements reserved for the use of certain unit owners or a certain unit owner, to the exclusion of other unit owners, are deemed limited common elements. Any expense for the maintenance, repair or replacement relating to limited common elements shall be treated as and paid for as part of the common expenses of the Association, unless otherwise specifically provided in this Declaration and Exhibits attached hereto. Should said maintenance, repair or replacement be caused by the negligence or misuse by a unit owner, his family, guests, servants and invitees, he shall be responsible therefor, and the Management Firm, as long as the Management Agreement remains in effect, and thereafter the Association, shall have the right to levy an assessment against the owner of said unit, which assessment shall have the same force and effect as all other special assessments.

Assigned parking spaces are deemed limited common elements and the Management Firm, as long as the Management Agreement remains in effect, and thereafter the Board of Directors of the Association, shall assign specific parking spaces in the parking areas shown on Exhibit 3 attached hereto to the unit owners in this Condominium. Said assignments shall not be recorded in the Public Records of Pade County, Florida. The Management Firm, as long as the Management Agreement remains in effect, and thereafter the Board of Directors of the Association, shall have the right to change the assignment of unit owner's parking spaces from time to time, as it deems advisable in its sole discretion.

XV.

TERMINATION

This Condominium may be voluntarily terminated, in the manner provided for in Section 16 of the Condominium Act, at any time; however, the written consent of the Management Firm, as long as the Management Agreement remains in effect, and the Lessor under the Agreement for Recreational Facilities shall also be required. In addition thereto, when there has been "very substantial" damage, as defined in ARTICLE XI, Section 3, Paragraph 6, above, this Condominium shall be subject to termination, as provided in ARTICLE XI, Section 3, Paragraph 6, and in this event, the consent of the Management Firm and Lessor under the Agreement for Recreational Facilities shall not be required. In addition thereto, if the proposed voluntary termination is submitted to a meeting of the membership of the Association, pursuant to notice, and is approved in writing within sixty (60) days of said meeting by three fourths (3/4ths) of the total vote of the members of the Association, and by all institutional mortgagees and the Management Firm and the Lessor under the Agreement for Recreational Facilities, then the Association and the approving owners, if they desire, shall have an option to purchase all of the parcels of the other owners within a period expiring One Hundred Twenty (120) days from the date of such meeting. Such approvals shall be irrevocable until the expiration of the option and if the option is exercised, the approvals shall be irrevocable. The option shall be exercised upon the following terms:

A. Exercise of Option. An Agreement to Purchase, executed by the Association and/or the record owners of the parcels who will participate in the purchase, shall be delivered by personal delivery or mailed by certified or registered mail, to each of the record owners of the parcels to be purchased, and such delivery shall be deemed the exercise of the option. The Agreement shall indicate which parcels will be purchased by each participating owner and/or the Association, and shall require the purchase of all parcels owned by owners not



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City Manager

Mauricio Betancur
City Clerk, CMC

June 16, 2022

Andrey Rossin
247deal@gmail.com

Subject Property: **Zoning Verification Letter**
31-2211-020-0001
Avila Condominium South
200-210 172nd St
Sunny Isles Beach, FL 33160

To whom it may concern:

In response to your request for information regarding the above-referenced property, we have researched our files and present the following:

1. The current land use classification for the subject properties is: **Medium to High Density Residential, with a Town Center.**
2. The current zoning classification for the subject property is: **Town Center District (TCD).**

For the site development standards and permitted uses, please use the link below.

https://library.municode.com/fl/sunny_isles_beach/codes/code_of_ordinances?nodeId=PAII_CH265ZO_ARTVIIIZODI_S265-37TOCEZODI

3. According to the zoning ordinances and regulations of this district, the use of the subject property as of 06/16/2022 is a:

- Permitted Use by Right
- Permitted Use by Special/Specific Use Permit (see comments)
- Permitted Use by Conditional Use Permit
- Legal Non-Conforming Use
- Non-Permitted Use

Comments: The existing apartment buildings were approved by Miami-Dade County prior to the adoption of the City of Sunny Isles Beach Comprehensive plan and Zoning Ordinance/ Land Development Regulations.



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4. What are the adjacent zoning district(s)?

North: TCD/ Town Center District

South: TCD/ Town Center District

East: TCD/ Town Center District

West: TCD/ Town Center District

Comments: Please see attached City of Sunny Isles Beach zoning map.

5. Conformance: Per current zoning ordinances and regulations applicable to the subject property, the current structure(s) is:

- Legal Conforming (complies with, or is otherwise exempt from, applicable zoning regulations, including parking)
- Legal Non-Conforming (does not meet the current zoning requirements due to amendments, re-zoning, variance granted or other changes. See comments)
- Grandfathered (developed prior to the adoption of the City's Comprehensive plan and Zoning code/ordinance)**
- Non-Conforming (see comments)

Comments: The current use at the above address was approved by Miami-Dade County. Please refer to the following line item for all information regarding variances and recorded approvals.

6. Information regarding variances, special permits, or planned unit developments.

The following items applies to the subject property:

Variance (Miami-Dade County)

Special Permit/Exception

Ordinance

Condition (TDR's)

Site Plan Approval (Miami-Dade County)

Comments: The existing apartment buildings was approved by Miami-Dade County prior to the adoption of the City of Sunny Isles Beach Comprehensive plan and Zoning Ordinance/ Land Development Regulations.

7. Code Violations Information:

Comments: You must perform a Lien Search Request with Code Enforcement Division by contacting codeenforcement@sibfl.net.