

**ORDINANCE NO. 06-0**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE URBAN CENTER DISTRICT (UCD) FOR THE AREA GENERALLY LOCATED SOUTH OF THE INTERSECTION OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT) AND U.S. 1, WEST OF THE HEFT TO THE TOWN LIMITS, AND NORTH OF THE C-1 CANAL (BLACK CREEK CANAL); PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, from September 28 through October 4, 2002, the citizens of the Town of Cutler Bay (the "Town") and surrounding unincorporated areas of Miami-Dade County participated in the seven-day Cutler Ridge Charrette, to create a vision for the area generally located south of the intersection of the Homestead Extension of the Florida Turnpike (HEFT) and U.S. 1, west of the HEFT to the Town limits, and north of the C-1 Canal (Black Creek Canal); and

WHEREAS, during this charrette, this area was envisioned to be the future location of a pedestrian friendly, mixed-use, high density downtown for the Town; and

WHEREAS, the Urban Center District (the "UCD") regulations have been created in order to help implement this vision; and

WHEREAS, public notice was provided in accordance with the law; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, reviewed this application at its March 16, 2006 meeting, and voted to recommend approval of this Ordinance; and

WHEREAS, the Town Council finds that the UCD land development regulations are consistent with the Miami-Dade County's Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan; and

WHEREAS, the Town Council finds that adoption of these regulations is in the best interest and welfare of the citizens of the Town.

BE IT ENACTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

**Section 1. Purpose, intent, applicability.**

A. Intent. The intent of this Ordinance is to create regulations that may be applied to the Urban Center District (UCD), generally located south of the intersection of the Homestead Extension of the Florida Turnpike (HEFT) and U.S. 1, west of the HEFT to the Town limits, and north of the C-1 Canal (Black Creek Canal).

B. Landscape Regulations. The regulations contained in Chapter 33, Zoning Code, and Chapter 18A, Landscape Code, of the Miami-Dade County Code of Ordinances (the “County Code”) shall apply to the UCD, except as otherwise added to or modified herein.

C. Illustrative Map. The Illustrative Master Plan (Figure 1) illustrates the citizens’ vision and may be used to interpret the provisions of this Ordinance. However, the text of this Ordinance shall govern where the Illustrative Master Plan conflicts with the text of this Ordinance.

D. Legal Description.

A portion of Sections 6, 7, & 8 Township 56 South Range 40 East, all lying in Miami-Dade County Florida being more particularly described as follows:

Begin at the intersection of the East Right-of-Way of South Miami-Dade Busway and the West Limited Access Right-of-Way of the Homestead Extension of Florida’s Turnpike – State Road # 821 (HEFT).

Thence continue Southeasterly along the West Limited Access Right-of-Way of State Road # 821 (HEFT) on a prolongation through Sections 6,7, & 8 Twp. 56 South Rge. 40 East to a point of intersection with the centerline of Black Creek Canal (C-1).

Thence Westerly following the centerline of Black Creek Canal (C-1) to the intersection with the West line of the Southeast one quarter of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida, lying in SW 112 Avenue (Allapattah Road);

Thence Northerly along the West line of the Southeast one quarter and the West line of the Northeast one quarter of said Section 7 (SW 112 Avenue and its Northerly extension) to the intersection with the Southeasterly Right-of-Way line of the South Miami-Dade Busway;

Thence Northeasterly along the Southeasterly Right-of Way line of the South Miami-Dade Busway across Sections 7, 6 and 5 Township 56 South, Range 40 East, Miami-Dade County, Florida, to the point of beginning.

Full scale maps of the Illustrative Master Plan presented in Figure 1, as well as all the Regulating Plans and Street Development Parameters figures in this Ordinance, are on file with the Town Clerk.

E. Applicability. No provision in this Ordinance shall be applicable to any property lying outside the boundaries of the UCD. No property lying within the boundaries of the UCD shall be entitled to the uses or subject to the regulations provided in this Ordinance until an application for a rezoning to UCD has been filed, heard, and approved by the Town Council. Only the provisions of the County Code, which existed as of the date of incorporation of the Town, shall be applicable to the Town.

Figure 1: Illustrative Master Plan



ILLUSTRATIVE PLAN

KEY

- MUC Area
- Proposed Buildings
- Existing Buildings
- Miami Dade County
- Town of Cutler Bay



MUC Boundary Plan

**Section 2.    Uses.** The following uses are permitted within the UCD:

A.    Permitted Uses. Except as provided herein, all permitted, conditionally permitted, and temporary uses within the UCD shall comply with Section 33-284.83 of the County Code. In addition to all uses permitted in the Industrial District (ID) under Section 33-284.83 of the County Code, all uses permitted in the Mixed-Use Corridor (MC) shall be permitted within the Industrial District (ID).

B.    Conditionally Permitted Uses. In addition to the conditionally permitted uses in Section 33-284.83(B) of the County Code, the following conditional use shall be permitted subject to the administrative approval of a site plan, pursuant to section 33-284.88 of the County Code, to assure compliance with the requirements established herein:

1.    Automobile new sales agency shall be permitted only upon approval after public hearing, provided that the following conditions are also satisfied:

a.    The building shall comply with the Building Placement and Street Type Development Parameters and the General Requirements in Section 33-284.85-86 of the County Code and as established by the Land Use Frontage and Sub-districts Regulating Plans adopted in Section 3 of this Ordinance.

b.    All outdoor paging or speaker systems shall be prohibited.

c.    Repair work of any type shall not be permitted on premises, unless approved after public hearing and maintained within an enclosed building and screened from the street.

d.    The applicant shall obtain a certificate of use and occupancy, which shall be automatically renewable yearly upon compliance with all applicable terms and conditions.

**Section 3.    Regulating Plans.**

The Regulating Plans consist of the following controlling plans, as defined and graphically depicted in this section.

A. Street Types Plan. The Street Types Plan, which establishes a hierarchy of street types in existing and future locations. The five Street Types and the hierarchy of streets (from most important to least important in accommodating all types of activity) are U.S. 1, Main Street, Boulevard, Minor Street, and Service Road.

B. Sub-districts Plan. The Sub-districts Plan, which delineates 3 Sub-districts: Core, Center and Edge. These Sub-districts shall regulate the allowable intensity of development in accordance with the Miami Dade County Comprehensive Development Master Plan and this Ordinance.

C. Land Use Frontage Plan. The Land Use Frontage Plan, which delineates the areas where specified land uses and development of various types and intensities shall be permitted.

D. Building Heights Plan. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories.

E. Designated Open Space Plan. The Designated Open Space Plan, which designates open spaces. The designated open spaces shall be controlled by anchor points.

F. New Streets Plan. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within the UCD. All new "A" streets shall be required in the same general location as shown on the New Streets Plan. All "B" streets shall be located as provided in Section 33-284.86(F) of the County Code.









G. Bike Route Plan. The Bike Route Plan, which depicts the designated bike routes, including the bike facility requirements if any, which shall be shown in all development plans.

# Street Types Plan



## STREET TYPES

### KEY

- |   |   |   |                    |
|---|---|---|--------------------|
|  | US Highway 1 / S.R. 5                                   |  | Miami Dade County  |
|  | South Miami-Dade Busway                                 |  | Town of Cutler Bay |
|  | Main Street   |   |                    |
|  | Boulevard   |   |                    |
|  | Minor Street  |   |                    |
|  | Service Roads<br>Core and Center Sub-district: required |   |                    |



# Sub-Districts Plan



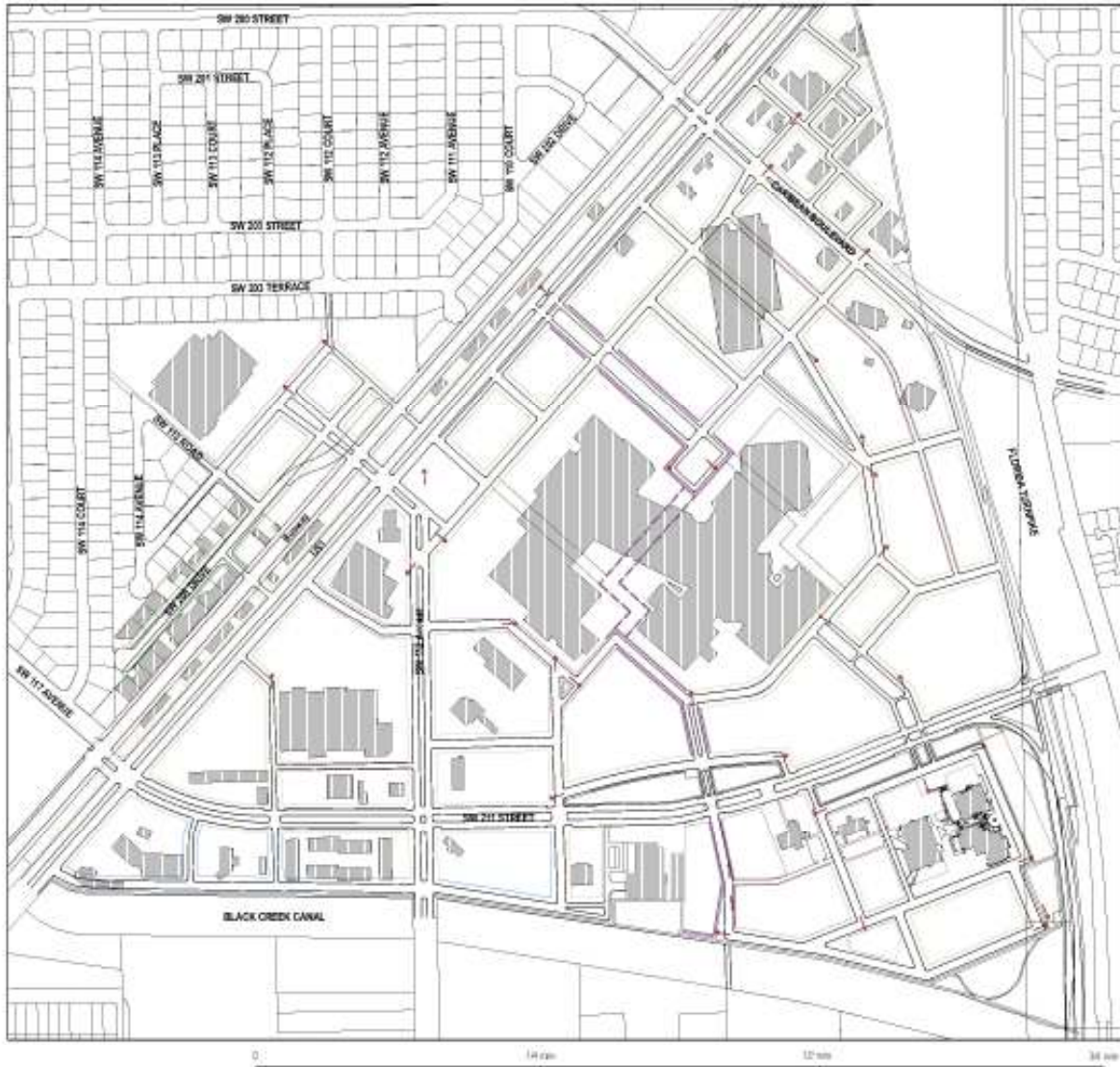
## SUB-DISTRICTS

### KEY

- Core Sub-District
- Working Sub-District
- Edge Sub-District
- Mount Lake County
- Town of Green Bay




# Land Use Frontage Plan



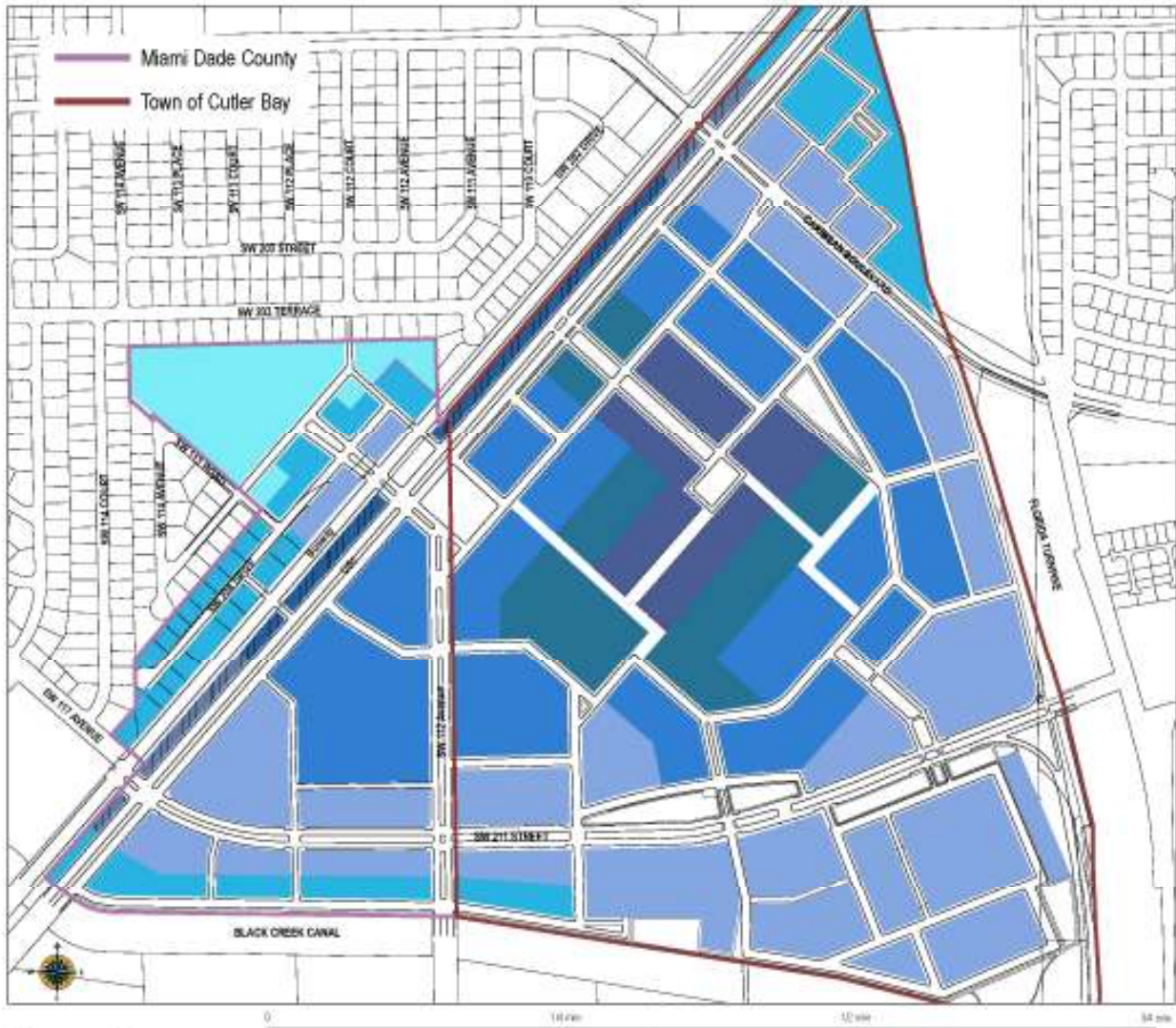
## LAND USE FRONTAGE

See Section 33-284.83 and 284.89.7 of this code for specific permitted uses in each land use area.

### KEY

- |   |  |   |   |
|---|--|---|---|
|  | <b>MM: Mixed-use (Main Street):</b> Minimum 1st floor - businesses, professional offices, civic, education and government offices, 2nd floor and above - residential, and live-work units (For permitted density see Building Heights Regulating Plan) |  | <b>No Frontage Required</b>   |
|  | <b>MO: Mixed-use Optional:</b> 1st floor (optional) - businesses, live-work, professional offices, civic, education and government offices, all floors - residential (For permitted density see Building Heights Regulating Plan)                      |  | <b>ID: Industrial District:</b> In all floors - IU-1 uses and live-work units. In addition, all uses permitted in the MC category |
|  | <b>MC: Mixed-use Corridor:</b> Residential, businesses, professional offices, civic, education and government offices (For permitted density see Building Heights Regulating Plan)   |  | <b>I: Institutional:</b> Civic, education and government offices.   |
|   |  |  | <b>RM: Residential Modified:</b> Rowhouse, and small apartments (For permitted density see Building Heights Regulating Plan)      |
|   |  |  | <b>Street Vista</b>   |
|   |  |  | <b>Existing Buildings</b>   |

# Building Heights Plan



## BUILDING HEIGHTS

Key	Pedestal		Tower		Penthouse		Density Permitted**	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
	6 stories	8 stories	N/A	12 stories	N/A	5 stories	N/A	N/A
	6 stories	8 stories	N/A	10 stories	N/A	N/A	N/A	N/A
	6 stories	8 stories	N/A	N/A	N/A	N/A	N/A	N/A
	2 stories	8 stories						
	3 stories	6 stories	N/A	N/A	N/A	N/A	12 units/acre net	52 units/acre net or 60 units/acre net*
	2 stories	6 stories						
	2 stories	4 stories	N/A	N/A	N/A	N/A	12 units/acre net	36 units/acre net
	1 story	2 stories	N/A	N/A	N/A	N/A	8 units/acre net	18 units/acre net

\* with purchase of SUR (Severable Use Right as provided for in Sections 33B-41 to 33B-47 of this code) at the rate of 2 residential credits/SUR

\*\* Where residential uses are permitted (Pending Legal Review)

# Designated Open Space Plan



## DESIGNATED OPEN SPACE

### KEY

Open Space: G: Green; S: Square; P: Plaza

Open Space: G: Green; S: Square; P: Plaza

Black Dot

Purple Line

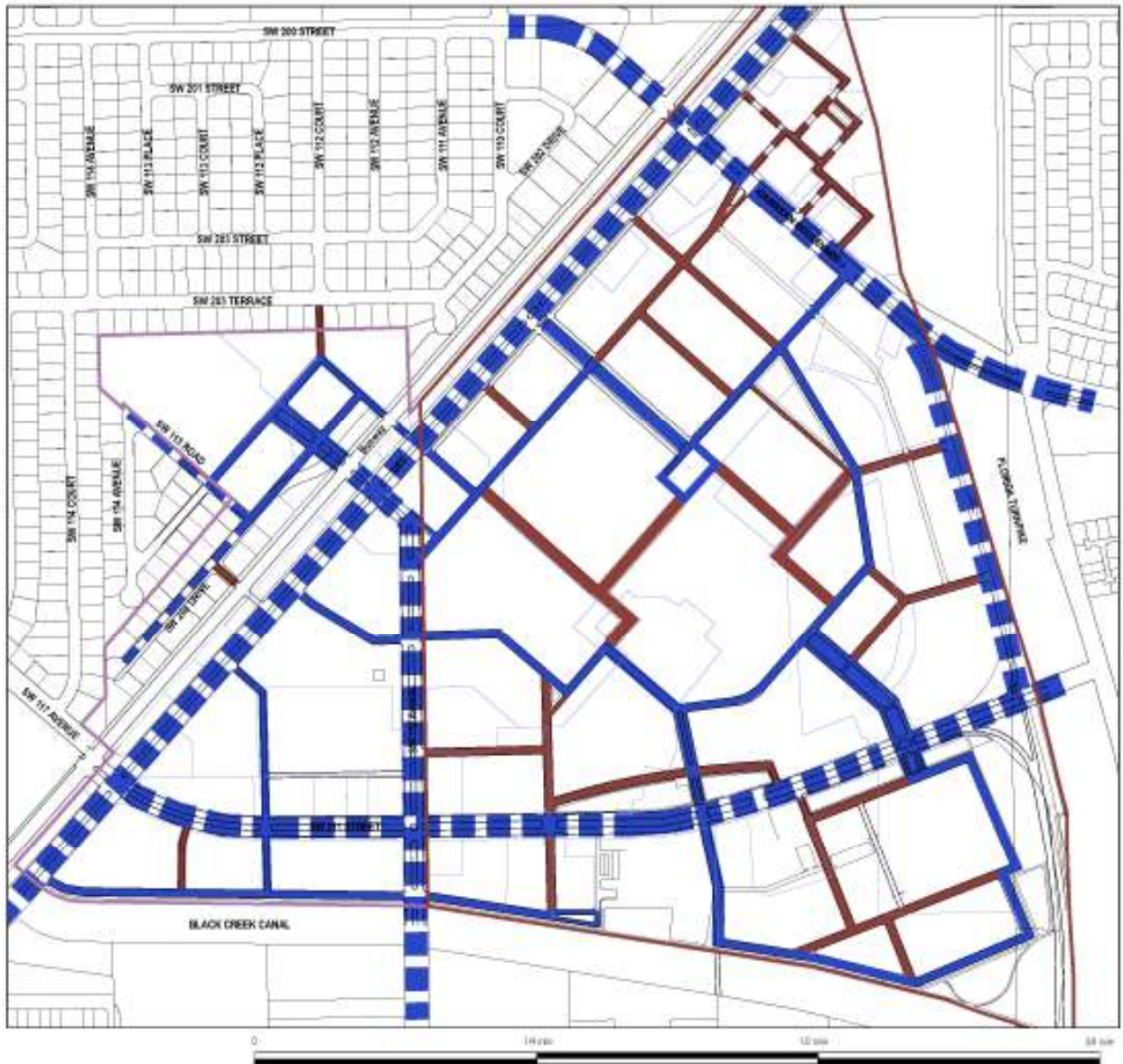
Brown Line

No	Type	Area
1.	S	52,800 sqft
2.	S	10,836 sqft
3.	P	21,600 sqft
4.	G	37,500 sqft
5.	G	2,000 sqft
6.	G	5,800 sqft
7.	G	42,500 sqft

The open space, where an anchor point is shown, shall provide the general square footage shown in this Designated Open Space Plan.

The open space, where an anchor point is not shown, shall be developed in accordance with the site plan and approved by the local authority.

# New Street Dedications Plan



## NEW STREETS

Note: New streets allocated are based on the charrette illustrative plan and are approximate.

### KEY

- New "A" Streets
- Existing "A" Streets
- New "B" Streets
- Existing "B" Streets
- Property Ownership Pattern at time of charrette
- Miami Dade County
- Town of Cutler Bay








# Bike Route Plan



## Bike Route

### KEY

-  South Dade Trail (Park and Recreation Greenway Plan)
-  Florida Department of Transportation (Greenway plan)
-  To gauge consistency, the above plans are shown side-by-side. Road names are provided where appropriate.
-  Main Dade County
-  City of Fort Lauderdale

**Section 4. Building Placement and Street Type Development Parameters.**

A. Building Placement and Design Parameters. All new development and redevelopment within the UCD shall comply with the Building Placement and Design Parameters as provided in Section 33-284.85 of the County Code, except that the properties between the South Miami-Dade Busway and U.S.1, shall be exempt from the minimum frontage requirements. In addition, for properties between the South Miami-Dade Busway and U.S.1, parking shall be accessed from U.S.1, and the vehicular entry way shall be a maximum of thirty-three (33) feet.

B. Street Types Parameters. All new development and redevelopment within the UCD shall comply with the Street Types Parameters as provided herein:

Street type	Minimum Required Configuration	
	Core/Center	Edge
U.S. 1	As provided in this Ordinance	
Main Street	As provided in this Ordinance	
Boulevard	As provided in this Ordinance	
Minor Street	As provided in Section 33-284-85 of the County Code	
Service Road	As provided in Section 33-284.85 of the County Code	
Pedestrian Passage	As provided in Section 33-284.85 of the County Code	

C. Setbacks. Unless otherwise provided by the Building Placement and Design Parameters in Section 33-284.85 of the County Code, the following front and side street setbacks shall be required for MM, MO, MC, and ID uses within the UCD:

Frontage Table			
Street type	Required Setback		
	Core	Center	Edge
U.S. 1	0 feet	0 or 10 feet	0 or 10 feet
Main Street	0 feet *	0 feet *	N/A
Boulevard	N/A	0 or 10 feet	0 or 10 feet
Minor Street	0 feet	0 or 10 feet	0 or 10 feet

\* Colonnade  
Required

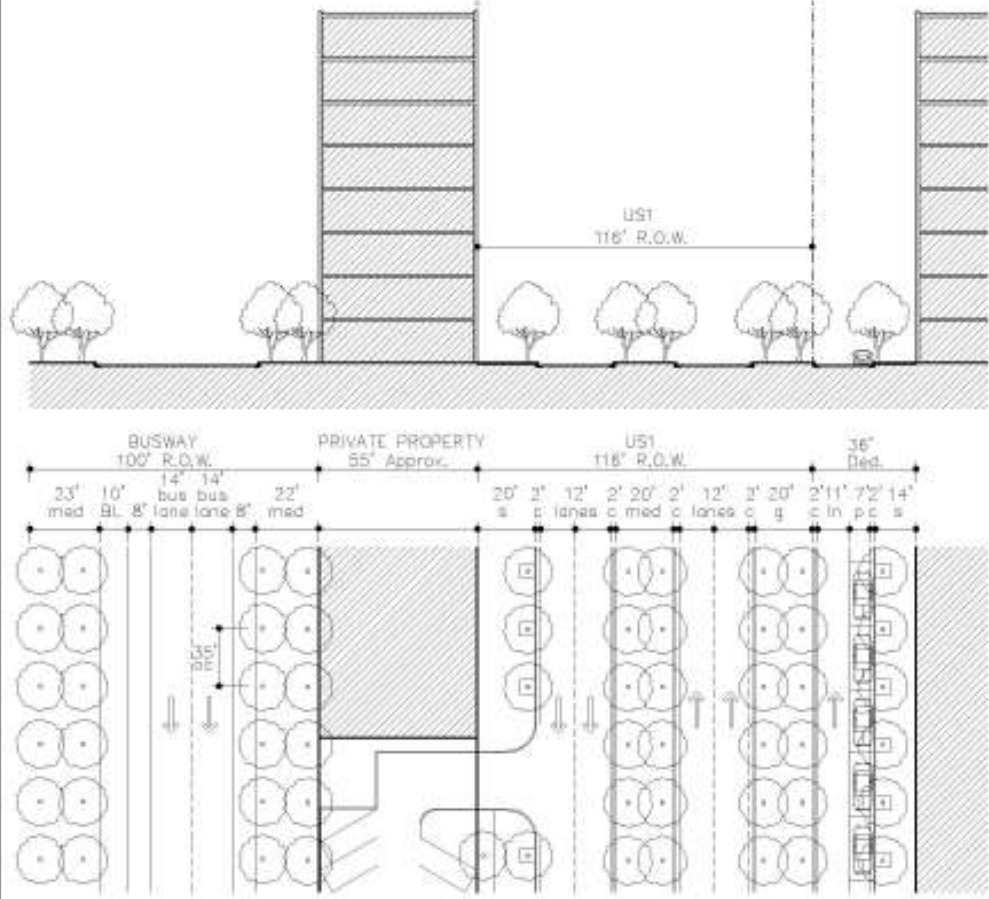
## U.S. HIGHWAY 1/S.R. 5 CORE/CENTER

### STREET SECTION

**Key:**

- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication

--- Property Line



\* Note: Actual dimensions of South Miami-Dade Busway extension shall take precedence over dimensions depicted here.

### LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in 5' X 5' tree grates. Permanent irrigation is required.

### PARKING

On-street parking shall count towards the minimum required parking.

### OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  
\* Note is inserted to depict rounded off dimensions of the Busway.

# U.S. HIGHWAY 1/S.R. 5

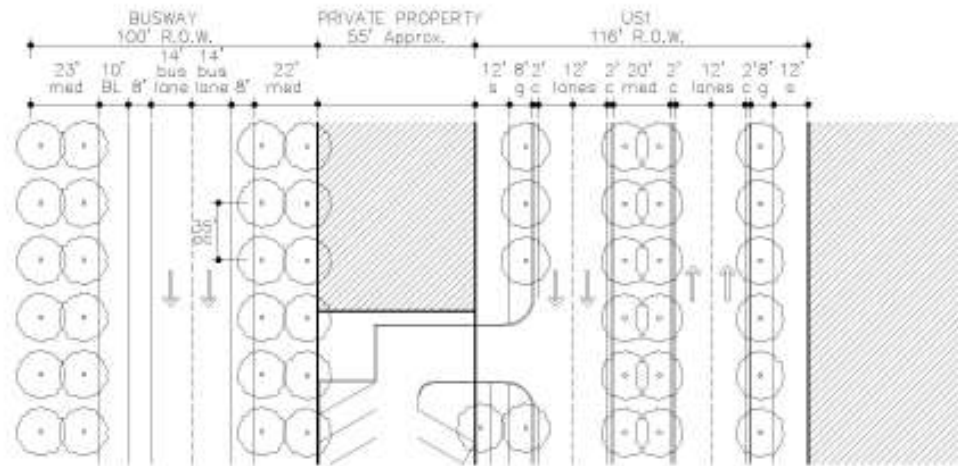
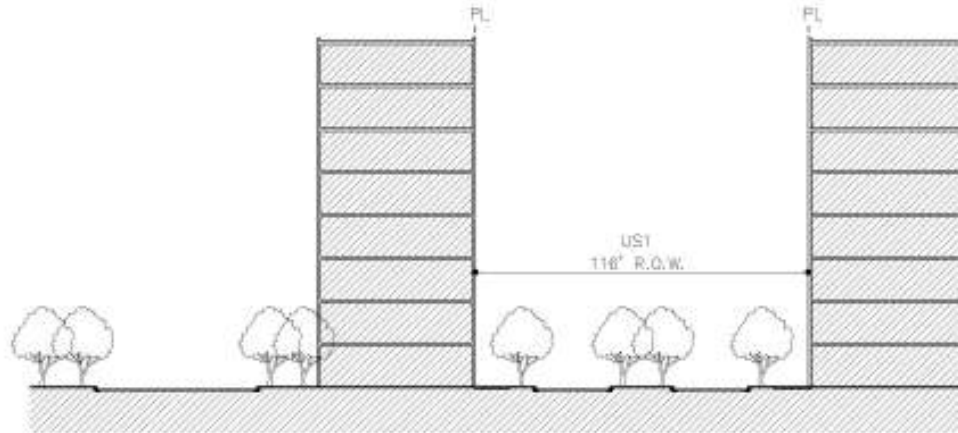
## CENTER/EDGE

### STREET SECTION

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--- Property Line



\* Note: Actual dimensions of South Miami-Dade Busway extension shall take precedence over dimensions depicted here.

### LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in an 8' min. continuous landscape strip. Permanent irrigation is required.

### PARKING

On-street parking shall count towards the minimum required parking.

### OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  
\* Note is inserted to depict rounded off dimensions of the Busway.

**MAIN STREET**  
**CORE**

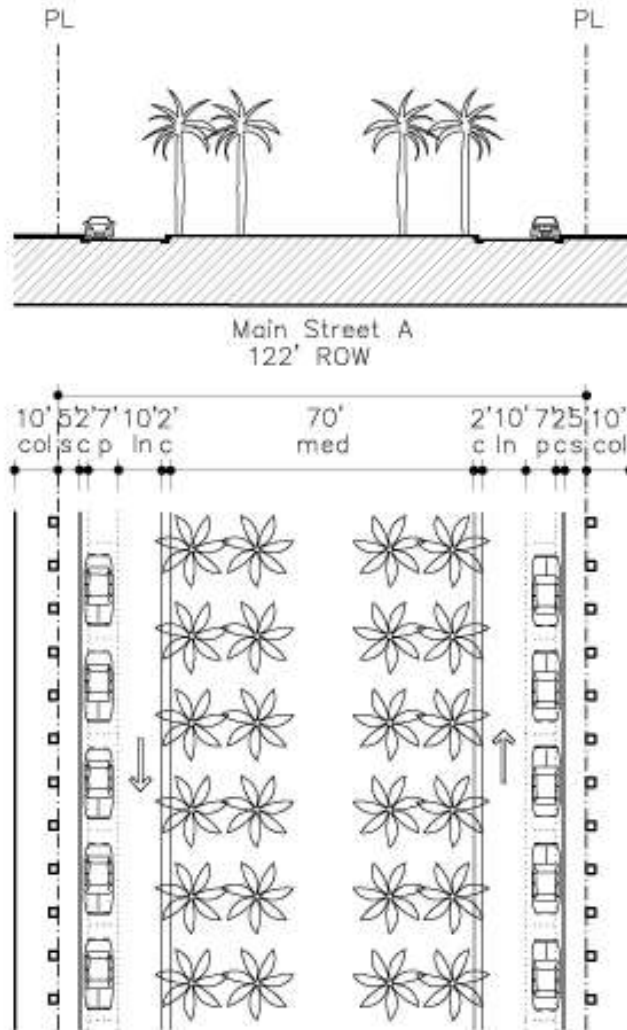
**STREET SECTION**

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--- Property Line

**TYPE A**



**LANDSCAPE/  
OPEN SPACE**

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees are optional along sidewalk only and if provided, shall be planted in 5'x5' tree grates.

**PARKING**

On-street parking shall count towards the minimum required parking.

**OTHER ELEMENTS**

A colonnade shall be required on both sides of the Main Street when build-to line is 0' and shall occupy the full length of the building frontage. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. On all Main Street intersections, the median shall have a mountable curb.

<b>MAIN STREET</b>	
<b>CORE/CENTER</b>	
<p><b>STREET SECTION</b></p> <p><b>Key:</b>  s: sidewalk  g: green  c: curb and gutter  ln: lane  med: median  p: parking  bl: bike lane  col: colonnade  PL: property line  Min: Minimum  Max: Maximum  Req: Required  Ded: Dedication</p> <p>--- Property Line</p>	<p><b>TYPE B</b></p> <p style="text-align: center;">Main Street B 48' ROW</p> <p style="text-align: center;">10' 52'7" 10' 72'5" 10' col sc p lanes pc s col</p>
<b>LANDSCAPE/ OPEN SPACE</b>	<p>Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees are optional along sidewalk only and if provided, shall be planted in 5'x5' tree grates.</p>
<b>PARKING</b>	<p>On-street parking shall count towards the minimum required parking.</p>
<b>OTHER ELEMENTS</b>	<p>A colonnade shall be required on both sides of the Main Street when build-to line is 0' and shall occupy the full length of the building frontage.  Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  On all Main Street intersections, the median shall have a mountable curb.</p>

## MAIN STREET CENTER/EDGE

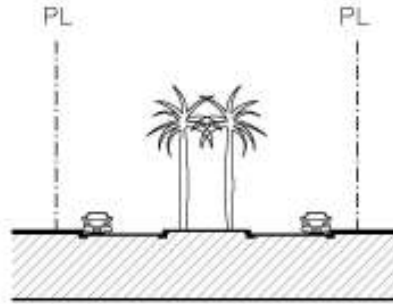
### STREET SECTION

**Key:**

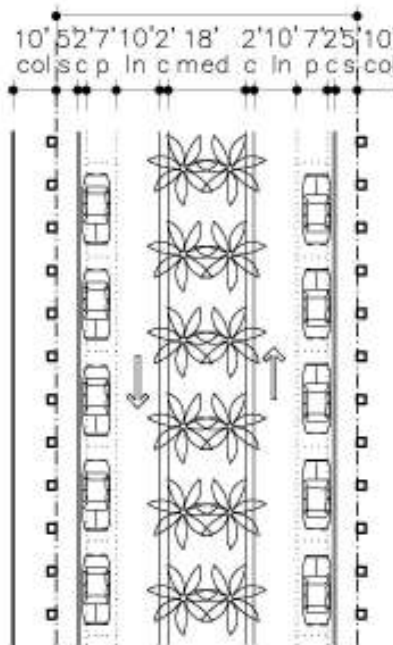
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- Ded: Dedication

--- Property Line

### TYPE C



Main Street C  
70' ROW



### LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees are optional along sidewalk only and if provided, shall be planted in 5'x5' tree grates.

### PARKING

On-street parking shall count towards the minimum required parking.

### OTHER ELEMENTS

A colonnade shall be required on both sides of the Main Street when build-to line is 0' and shall occupy the full length of the building frontage.  
 Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  
 On all Main Street intersections, the median shall have a mountable curb.

# BOULEVARD (SW 211 Street)

## CORE/CENTER/EDGE

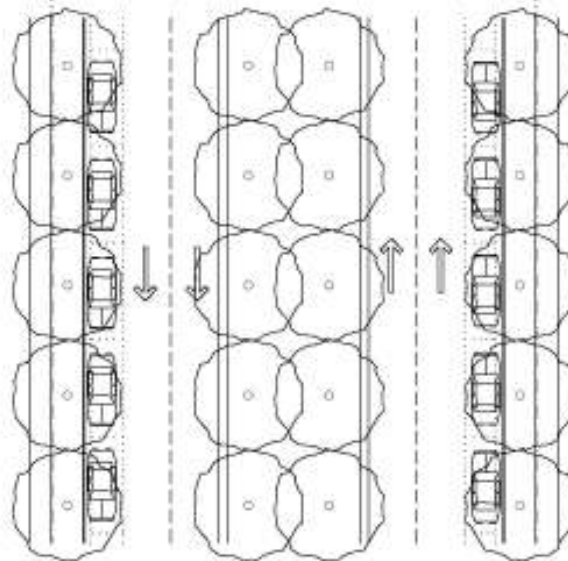
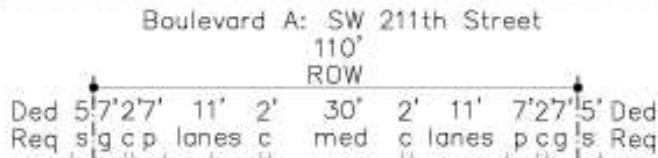
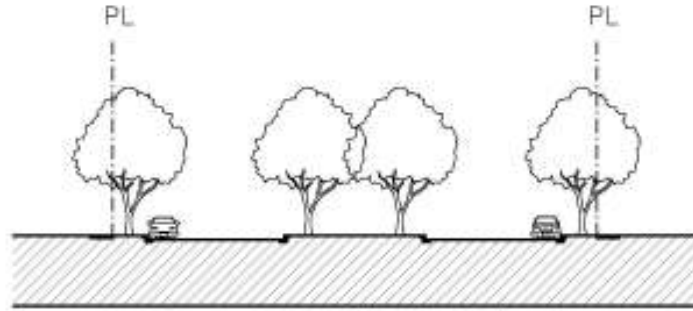
### STREET SECTION

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- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication

--- Property Line

### TYPE A



### LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required.

### PARKING

On-street parking shall count towards the minimum required parking.

### OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  
On all Boulevard intersections, the median shall have a mountable curb.

# BOULEVARD (Carribbean Boulevard)

## CENTER

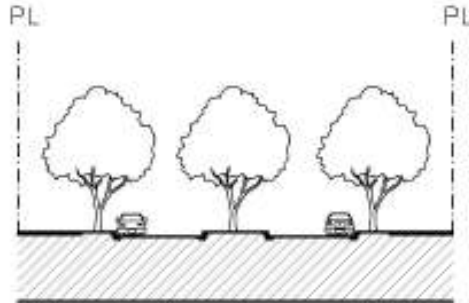
### STREET SECTION

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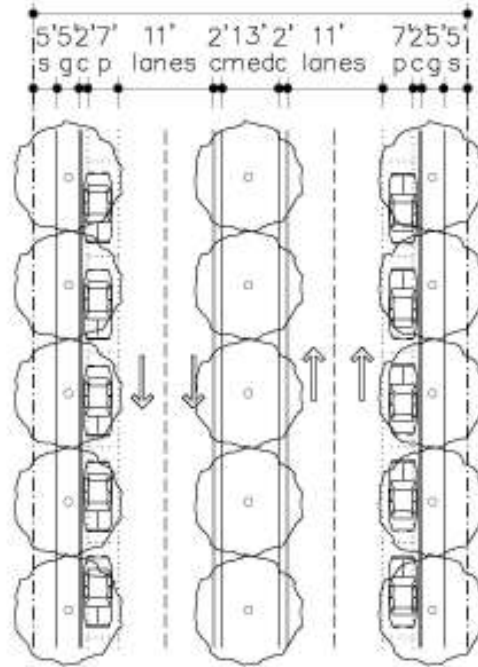
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- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication

--- Property Line

### TYPE B



Boulevard B: Carribbean Boulevard/SW 200th Street  
100' ROW



### LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required.

### PARKING

On-street parking shall count towards the minimum required parking.

### OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  
On all Boulevard intersections, the median shall have a mountable curb.

## BOULEVARD CENTER

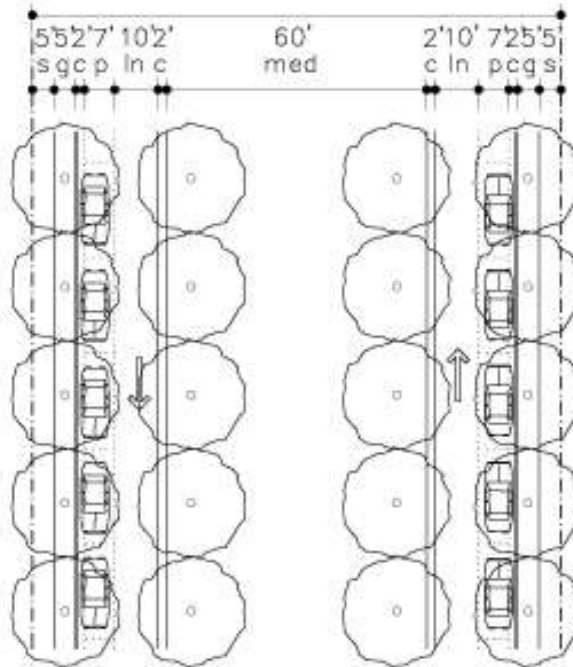
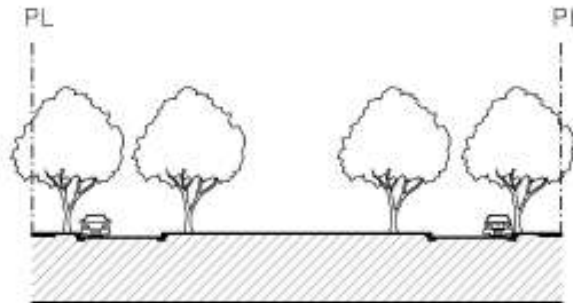
### STREET SECTION

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- ln: lane
- med: median
- p: parking
- bl: bike lane
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- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication

--- Property Line

### TYPE C



### LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required.

### PARKING

On-street parking shall count towards the minimum required parking.

### OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  
On all Boulevard intersections, the median shall have a mountable curb.

# BOULEVARD (SW 112 Avenue)

## CENTER/EDGE

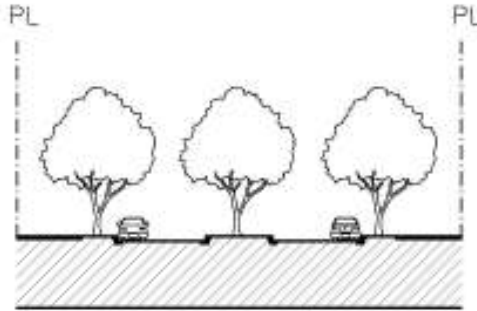
### STREET SECTION

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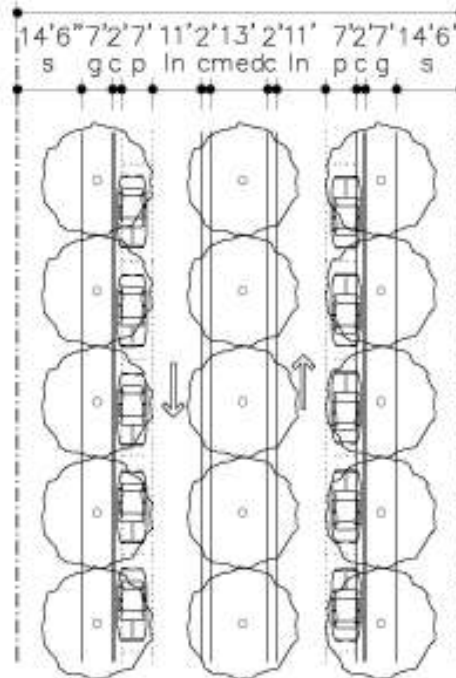
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- col: colonnade
- PL: property line
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- Max: Maximum
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- Ded: Dedication

--- Property Line

### TYPE D



Boulevard D: SW 112th Avenue  
100' ROW



### LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required.

### PARKING

On-street parking shall count towards the minimum required parking.

### OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.  
On all Boulevard intersections, the median shall have a mountable curb.

## **Section 5. General Requirements.**

A. **General Requirements.** Except as provided herein, all developments within the UCD shall comply with the requirements provided in Section 33-284.86 of the County Code.

B. **Building Requirements.** In addition to the requirements of Section 33-284.86 of the County Code, all buildings within the UCD shall comply with the following requirements:

1. Where colonnades are provided, the colonnade shall be placed along the property line.

2. Minimum spacing between towers within any one contiguous property line shall be sixty (60) feet.

3. Aggregate tower frontage facing any street may not exceed 225 feet per block or seventy percent (70%) of street frontage, whichever is greater.

4. Vehicular entry gates at garage entries shall be positioned a minimum of twenty (20) feet behind the front wall of the building. At colonnaded frontages, this distance shall be measured from the interior/rear wall of the colonnade. To increase safety during off-hours, the setback area between the entry gate and the public sidewalk may be gated at the sidewalk edge during times when the garage is closed.

5. Drop off drives and porte-cocheres may only occur in the rear, on the side, and/or along service roads.

6. Loading and service entries shall be allowed only in the rear along service roads and/or within parking lots and structures.

7. Vehicular entries to garages shall be allowed only from service roads and/or minor streets. Along minor streets, vehicular entries shall have a maximum width of thirty-three (33) feet and a minimum separation of seventy (70) feet between entries. Along service roads, vehicular entries shall not be limited.

8. The penthouse shall occur above the tower level and shall be limited to fifty percent (50%) of the largest tower floorplate.

9. A cornice line shall be required at the top of the third story of MM, MO, MC, and ID buildings, as provided in Section 33-284.86.B.17 of the County Code.

**Section 6. Conflicts with other Chapters and Regulations.**

This Ordinance shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of the County Code, or with the Miami-Dade Department of Public Works Manual of Public Works.

**Section 7 Non-conforming Structures, Uses, and Occupancies.**

All legal nonconforming structures, uses, and occupancies in the UCD that either: (1) were existing as of the date of the rezoning of properties to UCD or (2) on or before said date, had received final site plan approval or had a valid building permit, shall be exempt from the provisions of Section 33-35(c) of the County Code upon compliance with the requirements of this Ordinance for a period of ten (10) years from the date of the rezoning on properties to UCD. Such nonconforming structures shall be allowed to be rebuilt and such uses and occupancies resumed in compliance with plans of record and certificates of use and occupancy approved as of the date of the rezoning of properties to UCD. Such structures, uses, and occupancies shall be in compliance with all other provisions of the County Code in effect at the time of the application to rebuild or resume occupancy. Building permits for rebuilding pursuant to this Ordinance shall be obtained within one (1) year after the date of damage or destruction of the nonconforming structure. If the building permits necessary to rebuild a nonconforming structure have not been obtained within one (1) year after the date of damage or destruction, or if such permits expire or are revoked after that year has concluded, the structure shall be subject to the provisions of Section 33-35(c) of the County Code.

**Section 8. Severability.**

If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 9. Repealer.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

**Section 10. Effective Date.** This Ordinance shall be effective immediately upon adoption.

PASSED on first reading on \_\_\_\_\_, 2006

PASSED AND ADOPTED on second reading on \_\_\_\_\_, 2006.

Attest: \_\_\_\_\_  
MEIGHAN PIER, CMC  
Acting Town Clerk

\_\_\_\_\_  
JOHN F. COSGROVE  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor John F. Cosgrove \_\_\_\_\_

Vice Mayor Paul S. Vrooman \_\_\_\_\_

Council Member Timothy J. Meerbott \_\_\_\_\_

Council Member Ernest N. Sochin \_\_\_\_\_

Council Member Peggy R. Bell \_\_\_\_\_