

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-11 OF THE TOWN CODE OF ORDINANCES RELATING TO MAINTENANCE, REPAIR AND IMPROVEMENT STANDARDS FOR NONCONFORMING BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the “Town”) has adopted land development regulations to facilitate safe and orderly growth which forms an integral part of the community; and

**WHEREAS**, the Town Council desires to amend the standards in the land development regulations regarding maintaining, repairing or renovating nonconforming buildings; and

**WHEREAS**, the Town Council, sitting as the Local Planning Agency, has reviewed the ordinance and recommended approval; and

**WHEREAS**, the Town Council finds that this Ordinance is in the best interest and welfare of the residents of the Town.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS<sup>1</sup>:**

**Section 1.** **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** **Section 3-11 Amended.** The Town Council hereby amends Section 3-11 of the Town Code of Ordinances as follows:

**Sec. 3-11. Nonconforming Development**

It is the purpose and intent of this section to provide procedures whereby lawful nonconforming structures and uses may be maintained where such maintenance will not have a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present standards to the maximum possible extent.

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(G) Maintenance, repairs and renovations. ~~Normal structural repairs, maintenance and renovations may be performed to allow the~~

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<sup>1</sup>Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strike through~~. Changes between first and second reading are indicated with **highlight**.

~~continuation of a nonconforming building. However, such cumulative work in any 12-month period shall not exceed 40 percent of the assessed value of such building. Assessed value for purposes of this section shall be determined by using the current assessed value as provided by the Property Appraiser's Office. Any maintenance, repairs, alterations or improvements that do not increase the square footage of a nonconforming building shall be permitted. However, expansion of any square footage or complete demolition of a building shall comply with the provisions of the code.~~

**Section 3.**     **Severability.** That the provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

**Section 4.**     **Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5.**     **Codification.** That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered and/or re-lettered to accomplish such intentions; and that the word, "Ordinance," shall be changed to "Section" or such other appropriate word.

**Section 6.**     **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 17<sup>th</sup> day of June, 2015.

PASSED AND ADOPTED on second reading this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

\_\_\_\_\_  
JACQUELINE N. WILSON  
Interim Town Clerk

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE SOLE USE OF THE  
TOWN OF CUTLER BAY:

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WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell \_\_\_\_\_  
Vice Mayor Ernest N. Sochin \_\_\_\_\_  
Council Member Roger Coriat \_\_\_\_\_  
Council Member Sue Ellen Loyzelle \_\_\_\_\_  
Council Member Mary Ann Mixon \_\_\_\_\_