



AGENDA ITEM MEMORADUM

Item No. 12.b.iv

Development Services

Linda Connors *LC*

Department

Town Planner

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> March 27, 2012	March 16, 2012

***Subject to Change**

- Presentation Reports Consent **Ordinance**
 Resolution Quasi-Judicial Old Business New Business

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC
TOPIC – IMPLEMENTATION OF PLANNING PRIORITIES

SUBJECT TITLE: Proposed Amendments to Chapter 30 of the Code to Support Hotel Uses

BACKGROUND: At the March 13, 2012 meeting, the Commission approved Ordinance 2012-06 on first reading. This ordinance would implement the Commission's Planning Priority No. 2 of preserving the Town's hotel districts.

At the time of approval, the Commission requested an additional amendment to proposed Section 30-241 (l) to clarify that the setbacks for all new buildings shall be at least 50 feet landwards of the mean high waterline. This amendment has been added to the ordinance.

At their March 21, 2012 meeting, the Planning and Zoning Board voted 5-0 to recommend that the Commission approve Ordinance 2012-06.

RECOMMENDATION: Staff recommends approval of the attached Ordinance 2012-06 (Exhibit 1) on second reading.

EXHIBITS: 1 – Ordinance 2012-06

Ordinance Reviewed by Town Attorney

- Yes No

Town Manager Initials *BS*

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE SEA, AMENDING CHAPTER 30, UNIFIED LAND
DEVELOPMENT REGULATIONS, ARTICLE V. ZONING,
SECTION 30-241, RM-25 DISTRICT – APARTMENTS TO
PROVIDE CLARIFYING LANGUAGE AND
CONDITIONAL USE REVIEWS FOR CURRENTLY
PERMITTED USES; ARTICLE V. ZONING, SECTION 30-
20, GENERAL PROVISIONS TO REVISE DEFINITIONS
TO PROVIDE CLARITY AND DELETE UNUSED
DEFINITIONS; AMENDING ARTICLE V. ZONING,
SECTION 30-318, MINIMUM PARKING REQUIREMENTS,
TO PROVIDE A LIMITED PARKING EXEMPTION IN
EXCHANGE FOR BICYCLE FACILITIES FOR
HOTEL/MOTEL USES; PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS AND AN
EFFECTIVE DATE

WHEREAS, the Town Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's land development regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Commission desires to provide for clarity related to hotel/motel and apartment uses in the RM-25 Zoning District and related definitions to assist in the interpretation and implementation of the Unified Land Development Regulations; and

WHEREAS, the Town Commission desires to clarify the hotel/motel nature of the RM-25 District and implement conditional use review for those currently permitted uses which may be less compatible with the current character of the District; and

28 **WHEREAS**, the Town Commission recognizes the tourist orientation of the Community,
29 the implementation of new bicycle friendly programs in the Town, and the desirability of
30 encouraging bicycle transportation and reducing vehicular traffic; and

31 **WHEREAS**, the Town Commission desires to provide for a limited, partial parking
32 exemption for hotels/motels which provide alternate bicycle parking facilities; and

33 **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to
34 the processing of any amendment to the land development regulations in Chapter 30 of the Code,
35 and such notice was given of this amendment on November 29, 2011; and

36 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
37 reviewed this Ordinance at a duly noticed hearing on March 21, 2012, and recommended its
38 adoption; and

39 **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance
40 at duly noticed public hearings, as required by law, and after having received input from and
41 participation by interested members of the public and staff, the Town Commission has determined
42 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the
43 Town, its residents, and its visitors.

44 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
45 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

46

47 **SECTION 1.Recitals.** The foregoing “Whereas” clauses are ratified and confirmed as
48 being true, correct and reflective of the legislative intent underlying this Ordinance and are
49 hereby made a specific part of this Ordinance.

50 **SECTION 2.Amendment.** Section 30-241 of Chapter 30 is hereby amended¹ as
51 follows:

52 Sec. 30-241. - RM-25 district—Apartmentsand Lodging.

53 1. The following part of the platted area of Unit "A" of the inclusive subdivision known as Silver
54 Shores is zoned as RM-25 district: All of Block 1; Lots 2, 3 and 4 of Block 2; Lots 5 and 6 of Block
55 3; Lots 5 and 6 of Block 4; Lots 5 and 6 of Block 5; and Lot 1 of Block 6. All other parts of the
56 Town of Lauderdale-By-The-Sea, except Units "A" and "B" of the inclusive subdivision known as
57 Silver Shores, the inclusive subdivision known as Beverly Shores (zoning for which is provided in
58 this article) and Lots 21 and 22, Block 1, of the subdivision known as Lauderdale Surf and Yacht
59 Estates, not specifically set out in the preceding sections, is zoned as RM-25 district.

60
61 2. ~~(a)~~ Use.

62 No building or premises shall be used and no building with the usual accessories shall be erected
63 or altered other than a building or premises arranged, intended or designed for any one or more
64 of the following uses: ~~Single family residence, duplex,~~

65 (a) Permitted Uses:

66 (1) ~~a~~ Apartmenthouse; and

67 (2) ~~H~~ Hotel.

68 (b). Conditional Uses: The following uses may be permitted, subject to the requirements for
69 Conditional Use Review as set forth in Section 30-56 of the Town Code:

70 (1) ~~single-family residence;~~

71 (2) ~~duplex;~~

72 (3) group or foster homes (as defined in the Town's land use plan as special residential
73 facilities category 1 and 2);

74 (4) church or parish building;

75 (5) office of ~~fr~~ professional person residing on premises, such as architect, real estate broker,
76 physician, dentist, engineer, lawyer, and customary home occupations when conducted
77 on the premises, such as dressmaker, millinery and sewing, provided there is no display of
78 goods or advertising other than a small name plate, and that area for such occupation
79 shall not constitute more than one-third of the area of such residential
80 building. ~~Construction limited to one building on lots of 80 feet or less in width.~~

81

¹ Words in ~~strike through~~ type are deletions; words in underlined type are additions.

82 (c)Temporary Uses:A temporary real estate sales office may occupy an existing structure prior to
83 the removal of said structure provided the parcel has an active Town Commission approved
84 site plan and adequate parking spaces for the sales use. The temporary sales office shall not
85 exceed 1,000 square feet. The temporary sales office must be approved by the Town
86 Commission in conjunction with the Commission's approval of the site plan, or by other
87 separate consideration, and shall not be allowed to remain in use for more than six months
88 from the effective date of site plan approval unless time extensions are granted by the Town
89 Commission.

90 ~~(b)~~(d)Special accessory uses.

91 (1) Hotels, motels and apartment hotels, with a minimum of 100 dwelling units or more may
92 provide restaurants and gift shopswhen the uses are an ancillary use to the primary
93 hotelsor residential use, subject to the following:~~There shall be no signs or advertising~~
94 ~~relating to such special accessories uses on the exterior or interior of the building visible~~
95 ~~from any street, waterway, oceanfront, or adjacent property.~~

96 a. The maximum size of floor area of said uses, either individually or in total, shall not
97 exceed 4,000 square feet or five percent of the total building floor area.

98 ~~Off street parking for said uses shall be provided according to requirements of the~~
99 ~~Town's Code.~~

100 (2) Parking shall be permitted as an accessory use.

101
102 (3) Bicycle Parking when accessory to a hotel or apartment hotel use, shall be permitted in
103 lieu of providing required off-street parking, as specified in Section 30-318 Minimum
104 parking requirements (c) Hotels and Motels.

105
106 (4) Vacation rental is a permitted accessory useif a vacation rental certificate is first obtained
107 pursuant tosection 30-327.

108 ~~(e)~~(e)Site plans to be approved.

109 Any development in the RM-25 districtshall be permitted only upon review and approval of
110 plans for such development by the procedures provided in Article IV of this chapter. In reviewing
111 development plans, the Board shall consider the effect of the proposed development on existing
112 and future buildings in the vicinity and may impose conditions and restrictions upon the
113 construction, location and operation of any development, including but not limited to lighting,
114 building, setbacks, off-street parking and loading, vehicular accessway and landscaping, as may
115 be deemed necessary to promote the general objective of this subdivision and to minimize any
116 injury to the value of the property in the neighborhood. All building or structures shall be of
117 C.B.S. or reinforced concrete construction and shall be designed with every practical
118 consideration for appearance, safety, fire protection, health, light and air. All final plans and

119 specifications of any building or structure shall be approved by the Town Building Inspector.
120 Failure to maintain such conditions and restrictions as may have been imposed shall constitute a
121 violation of this subdivision.

122 ~~(d)~~(e) Height.

123 (1) No building shall be erected or altered exceeding three stories which shall not be higher than
124 33 feet above normal grade level. Elevator shafts or stairways shall not be subject to this
125 height limit.

126 (2) The rooftop of a three story structure, may be used for passive recreational purposes only
127 provided:

- 128 a. ~~No~~ permanent structures are erected, following the level of review set forth below→
- 129 b. The area of the roof to be used shall be limited to 35 percent of the square footage of
130 the enclosed floor area of the floor below→
- 131 c. Permanent roofs, awnings and canopies are prohibited→
- 132 d. All passive recreational items shall be temporary (non-permanent) and portable in
133 nature→
- 134 e. The temporary items shall not be visible when viewed at eye level (five feet to six feet
135 from grade) from a point opposite the structure on the opposite side of the adjacent
136 right-of-way→
- 137 f. For corner properties, the temporary items shall also not be visible when viewed at
138 eye level from the diagonal corner at the opposite side of the right-of-way and from
139 the opposite side of the side street right-of-way→
- 140 g. All parapets, railings and code required safeguards shall remain free from towels or
141 other passive recreational use objects→
- 142 h. Site plan approval is required for passive recreational use of the rooftop.
- 143 i. All passive recreational rooftop use requires a conditional use permit, subject to the
144 requirements for Conditional Use Review as set forth in Section 30-56 of the Town
145 Code
 - 146 i. Transient uses. A Conditional use permit for transient uses such as hotel, motel,
147 apartment building, condominium, or time share will be issued for a period of
148 one year. The transient use shall apply for renewal of the permit annually to the
149 Town Manager, prior to re-issuance. The conditional use permit may be
150 renewed if the Town determines that (a) the conditional use does not adversely
151 impact neighboring properties and (b) it complies with the conditions of site
152 plan approval. An administrative decision not to renew a rooftop use may be
153 appealed to the Town Commission by the property owner. An administrative
154 decision to renew a rooftop use may be appealed to the Town Commission by a
155 neighboring property owner. The Town Commission's decision on appeal shall
156 constitute a final development order.

158 ii. Non-transient uses. A passive recreational rooftop use for a non-transient
159 residential property is exempt from the annual review for such roof tops for
160 transient uses.

161 ~~For the purpose of this section, "apartment building" is defined as a residential rental property with four~~
162 ~~or more dwelling units.~~

163 (3) Ground floor elevation required to be not less than eight feet above the mean sea level in
164 the oceanfront. Federal Department of Housing and Urban Development, Federal
165 Insurance Administration, designations of special hazard areas show base flood elevations
166 above mean sea level as six feet for Zone A-1 and eight feet for Zones V-1 and V-2. All new
167 buildings or additions to existing buildings shall conform to these minimum standards.

168 ~~(e)–(f)~~ Seawalls.

169 Approval shall be given for the construction of seawalls of barriers for the protection of property
170 situated east of El Mar Drive of projection thereof against erosion, riptide or other hazards, such as
171 windstorms and hurricanes, provided that the same shall be of the retaining type waterfront
172 construction erected in accordance with standard structural practices and design. No physical part of
173 said seawall shall extend eastward from the front lot line a distance greater than the distance
174 specifically shown for the respective lots in the tabulation herein, and shall not exceed in height of over
175 three feet, six inches as measured from the contour or crown of El Mar Drive at a point directly in front
176 of the lot upon which erected. Plans and specifications for all such seawalls or barriers shall be
177 submitted to the building inspection department for approval before starting any construction,
178 renovation or removal of same.

179 ~~(f)–(g)~~ Intra lot placement.

180 All buildings or structures which are grouped together shall be separated by a minimum distance equal
181 to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or
182 structures are not parallel, the distance measured on a straight line connecting the midpoints of the two
183 oblique walls shall be considered as the line along which the building separation requirement shall be
184 measured, but in no instance shall the minimum distance between buildings or structures be less than
185 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed
186 on either adjacent wall less than 20 feet apart.

187 ~~(g)–(h)~~ Foundations.

188 Foundations of all hotel buildings must conform with specifications of the State Hotel Commission and
189 Building Inspector of the Town of Lauderdale-By-The-Sea.

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192 ~~(h)~~ (i) Size of buildings.

193 Minimum ground floor area, 1,200 square feet on inland lots, 1,300 square feet on waterfront lots.

194 ~~(i)~~ (i) Buildings facing two streets.

195 Any building extending from street to street shall have two building fronts, and observe applicable
196 setbacks on both streets with the exception of Block 30 between Datura Avenue and Hibiscus Avenue
197 where the setback on Bougainvillea Drive shall be a minimum of 20 feet.

198 ~~(j)~~ (k) Apartment-s Setbacks.

199 (1) Front setbacks. No building, or part of building, shall be set closer than 25 feet to the street line upon
200 which the front of said building shall face, provided that each building shall be considered as having one
201 front, and provided that in no event shall the setback from the front line be greater than 35 feet unless
202 approval is given by the Board of Adjustment. In the case of a building being erected on a lot where
203 there is a building each on the adjacent lot, the setback need not be greater than that of the building set
204 farthest back from the street line. In the case of a building being erected on a lot where there is a
205 building on one adjacent lot, the setback need not be greater than ten feet more than the setback of the
206 adjacent building.

207 (2) Structures east of El Mar Drive. No part of any building or seawall on the east side of El Mar Drive
208 shall extent eastward from El Mar Drive to a distance greater than the distance specifically shown for
209 the respective lots in the tabulation set out this subsection:

Block	Lot	Feet
1(A)	1	137
	2	137
	3	137
	4	137
	5	137
	6	137
	7	137
	8	138
	9	139
	10	140
	11	141
2	1	146
	2	146
	3	146
	4	146
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	12	150
3	1	152
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	3	154
	4	155
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	12	178
4	1	179
	2	184
	3	189
	4	194
	5	199
	6	200
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	9	201
	10	201
	11	201
	12	201
5	7	201
6	7	201
7	1	210
	2	203
	3	196
	4	192
	5	188
	6	184
	7	179
	8	173

Blue Text has been deleted from one section and moved to another location(s).
Red Text has been added or deleted for clarification or to address issues.

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	9	167
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	13	143
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	9	113
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257 (3)Corner setback. For a corner lot, the setback from the side street line shall be not less than ten
258 feet, provided that if the height of the building exceeds 22 feet the setback shall be 15 feet.
- 259 (4)Side setbacks. Side setbacks shall not be less than ten feet, with the proviso that if the height of
260 the building exceeds 22 feet, the ten-foot setback shall be increased by one foot for every two
261 feet by which the height of the building exceeds 22 feet. Lots on the intracoastal or inland
262 waterways, where the side of said lot abuts the waterway, shall have a setback of not less than 12
263 feet from the seawall.
- 264 (5)Side roof overhangs. Side roof overhangs, cornices or eaves shall not extend closer than five
265 feet to the side line.
- 266 (6)Length of building. No building shall be erected or altered to a length exceeding 200 lineal feet.
- 267 (7)Rear roof overhangs. Rear roof overhangs, cornices or eaves shall not extend closer than two
268 feet to the rear line.
- 269 ~~(k)~~ (l)Rear setback requirements. No building or any part thereof shall be erected on any lot closer than
270 ten feet from the rear lot line, provided that where the height of the building exceeds 22 feet, the ten-
271 foot minimum setback shall be increased by one foot for each four feet by which the height of the
272 building exceeds 22 feet.
- 273 Notwithstanding the setback requirements hereinbefore specified, all new buildings or additions to
274 existing buildings shall be located ~~not less than a minimum of~~50 feet ~~from~~landwards of the mean high
275 waterline of the Atlantic Ocean, as required by the Florida ~~State~~ Department of Environmental
276 Protection Natural Resources.
- 277 Where a plot for development consists of two or more platted lots abutting or adjoining each other on
278 their rear lot lines, there shall be a rear setback of not less than 12 feet in depth immediately adjacent to
279 the rear lot line of each such abutting or adjoining platted lot.
- 280 ~~(l)~~(m) Open area. Every plot used for multi-family or hotel structures shall have not less than 25
281 percent of the total setback area required by the Zoning Code to be open and not occupied by any
282 roofed structure. This 25 percent of the required setback shall be landscaped with trees, shrubs, hedges
283 and flower beds and grass. Hedges shall not be over three feet in height. Trees and shrubs shall not
284 obscure vision of traffic.
- 285 The remaining 75 percent of the required setback area may be used for pools, aprons, recreation,
286 parking and other open uses. This 75 percent shall be suitably landscaped. All landscaping shall be
287 properly watered and maintained in a clean, properly trimmed and healthy condition.
- 288 ~~(m)~~(n) Density. Required lot area shall be at least 1,742 feet per kitchen dwelling unit and at least 871
289 square feet per hotel room, (1,742 square feet for condominium). Net density of development shall not
290 exceed 25 kitchen dwellings units or 50 hotel rooms per acre of site (25 units per acre for condominiums

291 and apartments). In computing the permissible number of units for a given site, one-half or more of a
292 unit shall be counted and permitted as a full unit in meeting density limits.

293 The square footage defined herein is intended to prohibit the flexibility of rental units constructed in
294 RM-25 zoned areas contrary to the intent of the Zoning Code. Each unit or room with an attached bath
295 and separate door leading to the outside or to a corridor, alley, or other outside exit shall be considered
296 one rental accommodation unit.

297 ~~(n)~~ ~~(o)~~ ~~Reserved.~~ Number of buildings. Construction shall be limited to one building on lots of 80 feet or
298 less in width.

299 ~~(e)~~ ~~(p)~~ Storm drainage. All construction shall include provision for drainage or catch basins and
300 adequate drainfields, properly located in all areas where stormwater is sealed out by paving or
301 otherwise, or where water is drained from the roof of a structure. Where the roadside swale is paved as
302 an approach to a driveway or parking areas for the construction, owner may use the swale area for
303 installation of the catch basins and drainfields prior to paving. Owner will be responsible for
304 maintenances of these drainage facilities constructed for the benefit of his property. All such
305 construction shall be subject to the approval of the Town Inspector.

306 **SECTION 3.Amendment.** Section 30-20 of Chapter 30 is hereby amended as follows:

307 Sec. 30-20. - General provisions.

308 * * *

309 (i) Definitions.

310 * * *

311 (4) Terms defined.

312 * * *

313 Apartment building. A residential rental property with four or more dwelling units.

314 * * *

315 Dwelling, apartment hotel. A building designed for, or containing, both apartment dwellings and
316 individual hotel guest rooms ~~under resident supervision.~~

317 Dwelling, apartment motel. See apartment hotel.

318 Dwelling, bed and breakfast. A building or part thereof, ~~other than a motel or hotel. Ww~~ where
319 sleeping accommodations and breakfast are provided for transient guests, and which also serves
320 as the residence of the operator. A bed and breakfast may provide bathroom facilities that serve
321 more than one room or one unit.

322 ~~Dwelling, condominium hotel. A hotel or motel comprised of units that are owned by an~~
323 ~~individual, corporation, or any other legal entity having mandatory membership into an~~
324 ~~association comprised of all owners within the same development, and is a building or buildings~~
325 ~~collectively, "facility" containing individual guest rooms, units, or efficiencies for which daily,~~
326 ~~weekly or monthly lodging is provided as transient accommodations.~~

327 * * *

328 Hotel. One or more buildings or structures, or part of one or more buildings or structures kept,
329 used, advertised as or held out to be a place where sleeping accommodations, with or without
330 meals, are provided for transient lodgers; and, where a guest register or record is kept; and,
331 where except for a bed and breakfast, each room or unit contains a full bathroom consisting of a
332 minimum of a toilet, sink and shower or bathtub; and, where no kitchen ~~facilities are~~ is provided.

333 * * *

334 Short term tenancy uses. As used in Section 30-242, short term tenancy uses shall include a
335 hotel, motel or a use comprised of apartment hotel dwellings, apartment motel dwellings, time
336 share dwellings, and bed and breakfast dwellings, as those terms are defined herein.

337 * * *

338 **SECTION 4.Amendment.** Section 30-318 of Chapter 30 is hereby amended as follows:

339 Sec. 30-318. - Minimum parking requirements.

340 (a) Single-family and duplex dwellings: Two parking spaces for each dwelling.

341 (b) Multiple-family dwellings: 1½ parking spaces for each unit with less than three bedrooms and two
342 parking spaces for each unit with three or more bedrooms plus one guest space for every five units. If, in
343 addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the
344 multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be
345 required by this section, if such uses were separate from the multiple dwelling.

346 (c) ~~Hotels, and motels~~ and apartment hotels:

347

348 1. One parking space for each rentable tourist unit. A rentable tourist unit is defined as a unit with
349 an outside entry door and bathroom which can be rented individually. The unit may or may not
350 have a kitchen facilities. For example, a two-bedroom unit that can be converted to two separate
351 units, each with outside door and bathroom, is counted as two rentable tourist units. A two-
352 bedroom, one-bath unit with only one outside door is counted as one rentable tourist unit. If, in
353 addition to rentable tourist units there are other uses operated in conjunction with and/or as

354 part of the hotel/motel, additional off-street parking spaces shall be provided for such other
355 uses as would be required by this section if such uses were separate from the hotel/motel.

356 2. Exemption for Bicycle Parking: A hotel or motel use located in the RM-25 zoning district may
357 receive an exemption for up to 25% of the total amount of required parking when bicycle
358 parking is located on the same building site as the hotel or motel,subject to the following:

359 a. A minimum of four (4) bicycle parking spaces may be provided in lieu of one-
360 vehicular parking space;

361 b. Each bicycle parking space shall provide for a minimum area of 2 feet by 6 feet;
362

363 **SECTION 5.Codification.** This Ordinance shall be codified in accordance with the
364 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
365 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
366 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
367 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
368 intentions.

369 **SECTION 6.Severability.** If any section, sentence, clause, or phrase of this Ordinance is
370 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
371 in no way affect the validity of the remaining portions of this Ordinance.

372 **SECTION 7.Conflicting Ordinances.** All prior ordinances or resolutions or parts
373 thereof in conflict herewith are hereby repealed to the extent of such conflict.

374 **SECTION 8.Effective Date.** This Ordinance shall become effective immediately upon
375 passage on second reading.

376 Passed on the first reading, this ____ day of _____, 2012.

377 Passed on the second reading, this ____ day of _____, 2012.

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Mayor Roseann Minnet

	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Brown	_____	_____
Commissioner Sasser	_____	_____
Commissioner Vincent	_____	_____

Attest:

Town Clerk, June White, CMC
(CORPORATE SEAL)

Approved as to form:

Town Attorney, Susan L. Trevarthen

Blue Text has been deleted from one section and moved to another location(s).
Red Text has been added or deleted for clarification or to address issues.