



Item No. 10.2.d

TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request

[Signature]
Dept Head's Signature **BB**

Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office
<input type="checkbox"/> May 25, 2010	May 14 (5:00 p.m.)	<input type="checkbox"/> July 27, 2010	July 16 (5:00 p.m.)	<input type="checkbox"/> Oct 26, 2010	Oct 15 (5:00 p.m.)
<input type="checkbox"/> June 8, 2010	May 28 (5:00 p.m.)	<input checked="" type="checkbox"/> Aug 25, 2010		<input type="checkbox"/> Nov 9, 2010	Oct 29 (5:00p.m.)
<input type="checkbox"/> June 22, 2010	June 11 (5:00 p.m.)	<input type="checkbox"/> Sept 14, 2010	Sept 3 (5:00 p.m.)	<input type="checkbox"/> Nov 23, 2010	Nov 12 (5:00p.m.)
<input type="checkbox"/> July 13, 2010	June 2 (5:00 p.m.)	<input type="checkbox"/> Sep 28, 2010*	Sept 17 (5:00 p.m.)	<input type="checkbox"/> Dec 14, 2010	Dec 3 (5:00p.m.)
		<input type="checkbox"/> Oct 12, 2010	Oct 1 (5:00p.m.)		

* Subject to change – Sukkot

NATURE OF AGENDA ITEM

- | | | |
|---|---|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Resolution | <input type="checkbox"/> Manager's Report |
| <input type="checkbox"/> Public Safety Report | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Old Business | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> New Business | |

SUBJECT TITLE: Second Reading, Ordinance 2009-35, Corner Lot Pools

EXPLANATION: Town Commission to approve Ordinance 2009-35. Time line of events:

- 09-10-09 - Town Commission approved amending Chapter 30-313 (29). New Business (2) (j)
- 10-27-09 – Town Commission approved Resolution 2009-28 Notice of Intent
- 12-07-09 – Town Commission held a public hearing and approved the processing of proposed regulatory changes.
- 01-12-10 – Town Commission approved the Ordinance on **first reading**
- 01-26-10 – Town Commission deferred the Ordinance to the Planning and Zoning Board on **second reading** and asked that two (2) versions be drafted. The second version to only apply to corner lots.
- 06-16-10 – The Planning and Zoning Board tabled the item until 07-21-10 requesting drawings and visual examples.
- 07-21-10 – The Planning and Zoning Board recommended approval of Version “2”.

Attachment “A” – P & Z Board draft June 16, 2010 and July 21, 2010 minutes

Attachment “B” – Version “1” (All Lots)

Attachment “C” – Version “2” (Corner Lots Only)

Attachment “D” – Resolution 2009-28 and Notice of Intent

STAFF RECOMMENDATION: Staff concurs with the Planning and Zoning Board to approve Version “2”, which allows corner lots only to construct pools within the front yard setback.

BOARD/COMMITTEE RECOMMENDATION: Approval of Version “2” (Corner Lots Only)

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

5/4/2010

08-06-10P01:51 RCVD



TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request

Dept Head's Signature

- Amount \$ _____
- Transfer of funds required
- Bid
- Acct # _____
- From Acct # _____
- Grant Amount represents matching funds

Town Attorney review required

- Yes No

Town Manager's Initials: CA

With the Chair's approval, Attorney Trevarthen directed the board to Item #2 listed on the agenda. Attorney Trevarthen said that the Ordinance was drafted with the direction of the Town Commission and the Town Attorney then read the Ordinance title. Attorney Trevarthen noted that the board was provided version 1 and version 2 of the same Ordinance in their backup material. Version 1 allows pools in the front yards of all lots that are covered by this Ordinance. Version 2 only allows pools in the front yards of corner lots. Attorney Trevarthen said that the Town Commission requested that the two alternatives be brought before the board to be reviewed and provide the commission with a recommendation.

Chairman Oldaker asked the board to comment on version 1 starting with page 2 lines 30 through 64.

Yann Brandt referred to page 2 sub-section c and asked the Interim Assistance Town Manager Bud Bentley for clarification regarding the site triangle.

Mr. Bentley said that the site triangle generally refers to a clear area that would typically be from 3 to 7 feet for a corner lot and that this sub-section addresses corner lots.

Yann Brandt said that if he built a pool, how far from the street would he have to put the required enclosure?

Mr. Bentley said that this matter was something that Staff had noted on the Ordinance to discuss with the board and asked the Attorney Trevarthen for her input.

Attorney Trevarthen said that the 5 foot dimension that was indicated in the Ordinance was recommended by Town Staff and goes back to the original version of this Ordinance. Attorney Trevarthen said that if there is a desire to change the Ordinance it could be done.

Yann Brandt said that he felt that version 1 opens a lot more questions and in his opinion, he felt that version 2 would be more applicable to what the Town was trying to achieve.

Mr. Bentley interjected that he would like to respond to the clear-site triangle question. The clear-site triangle requires no obstruction between 30 inches and 8 feet in height and the application of that is any driveway that intersects a public right-of-way. The clear-site triangle example would be where you would have two streets that come together and the clear-site triangle would be on private property for the purpose of maintaining the distance. Mr. Bentley said that since this is in the zoning code, it would apply to private property.

Attorney Trevarthen said that Mr. Bentley was at an disadvantage because his Staff was not able to be at the hearing and that the information requested about the clear-site triangle could be noted for further follow-up by Staff and could be moved forward as part of the board's recommendation if this would be a concern of the board and the exact answer could be supplied prior to it going before the Town Commission.

Mr. Bentley said that before this would go before the Town commission, Staff would provide diagrams so that there would be a visual presentation.

Chairman Oldaker said that he wanted to make sure everyone understood the concept of the front yard. Chairman Oldaker said that it was his understanding that the narrow side of the corner lot would be considered the front yard. But if you take the other lots in Town, the front yard is the traditional front yard. So in version 1, it allowed a pool in any lot with a front yard; but it was the intent to address just the front yards of corner lots that were basically the side yard. Chairman Oldaker confirmed with Attorney Trevarthen that his concept was correct.

Attorney Trevarthen said that version 1 was much broader and version 2 only applies to corner lots.

Board Secretary Colleen Tyrrell announced that First Alternate Eric Yankwitt arrived to the dais. Mr. Yankwitt was informed that Mr. Oldaker was elected as the Chair and Mr. Yann Brandt elected as the Vice Chair by the board and that the board was discussing Item #2.

Chairman Oldaker referred to line 58 through 60 regarding the height of the fence enclosure and asked if the 5 foot height was required for every pool wherever it is positioned on the property or is it just referring to front yard pools.

Mr. Bentley responded that this is existing language and would apply to all pools and the language is not being changed.

Chairman Oldaker asked the board to comment on page 3 lines 65 through 95.

Ben Freeny referred to line 67 that states "shall not be located less than 2 ½ feet from the lot lines" and asked if that meant the property line?

Attorney Trevarthen said that in version 1 it would be any lot line and in version 2 it would be limited to corner lots.

Since there were no further questions pertaining to version 1, Chairman Oldaker moved on to version 2 for board comments.

Attorney Trevarthen noted the areas in version 2 that were changed to reference only "corner lots". Attorney Trevarthen explained to the board that the Town Commission was seeking the board's recommendation on which version they should consider as to allowing pools in the front yard of all lots or just corner lots and if the board has detail concerns as to the version the board chooses to follow, the Town Commission would consider those comments as well.

George Hunsaker made a motion, seconded by Mr. Brandt, to recommend that Item #2 be forwarded to the Town Commission for approval.

Mr. Brandt wished to discuss the motion further. Mr. Brandt indicated that he still did not have a full understanding of what denotes a corner lot and he also wanted to make sure that the fencing codes were consistent with the language in the Ordinance and, secondly, is the board saying that these corner lots could build a fence in the front yard because they have a pool but someone else that does not have a pool, would not be able to have the same fence.

Attorney Trevarthen responded that there is a law that requires that all pools be enclosed with a fence for safety purposes.

Consultant Walter Keller came forward and stated that there were a couple of facts that complicate this issue. One is that a property owner has the ability to decide what would be the front yard and in some cases the side yard would be better as the front yard. The other issue is that the code did not allow fences in the front yard and he was not sure how this would affect this code. Also, in the old part of Town before annexation took place, the single-family lots were not allowed to put a fence in the front yard.

Mr. Brandt was looking for a unified code and did not think it was fair for someone who did not want to build a pool could not put in a fence without having to pay money and go through the variance process.

Mr. Bentley said that the fence enclosure is required by State law for a bonified health and safety reason and said that there is not a definitive answer on where the fence would go if the option was available to a property owner who wanted to privatize their front yard for recreational purposes whether the front yard would be used for a pool or to put playground equipment. Mr. Bentley said that the existing code requires a screen enclosure or a fence and on page 3 it states that the screen enclosure cannot be located less than 2 ½ feet from the lot lines.

Attorney Trevarthen commented that Mr. Brandt is recommending that the benefit of having a fence in the front yard be extended to those that do not have a pool in the front yard.

Chairman Oldaker asked if the lot lines or property lines would be the dimensions that would be on a survey and if that is the case, how would the 25 foot setback be handled on these side yards.

Mr. Bentley said that he thought Chairman Oldaker's question would apply to the right-of-way that appears to be part of the lot. Mr. Bentley said that a typical street would have a 40 foot right-of-way and there would be 20 feet of payment; so there would be 10 feet of unimproved right-of-way on each side. The property line would start 10 feet back from the paved surface and at that point into the lot would be the part that is privately owned.

Mr. Brandt said that he knew there was a motion on the floor but after further thinking about the changes, he wanted to recommend that this item be deferred to the next scheduled Planning and Zoning meeting so that Staff could provide some drawings and visuals that would reflect the setbacks and just what would be allowed and at that time just consider version 2 of Item #2.

George Hunsaker withdrew his previous motion and Mr. Brandt withdrew his second to the motion.

Mr. Brandt made a motion, seconded by Ben Freeny, to bring back Item #2 to allow swimming pools in the front setbacks to the next Planning and Zoning Meeting scheduled for July 21, 2010 and that the scope of review would be for version 2 and that Staff provide drawings and visual examples of what the lot lines and setbacks would look like on a site plan. Also, to bring back version 2 to reflect the amended language in line 68 for screen enclosures to only apply to a pool on a corner lot. In a roll call vote, all voted in favor. The motion passes 5 - 0.

July 21, 2010 P&Z

Attachment "A"

Mr. Bowman responded the Code required the setback to follow the property line.

Chairman Oldaker observed the measurements associated with the subject property allowed for the maximum sized pool that could fit.

Mr. Bowman replied lots varied in size and shape, as some might not have 25 feet from the setback. He continued with the presentation.

Mr. Freeny inquired regarding the site line issue on the corners, noting this took precedent over whatever the property line might be.

Mr. Bowman answered: correct.

Vice Chairman Brandt sought clarification if the proposed changes to the subject ordinance pertained to corner lots only to allow for pools in the front setback.

Mr. Bowman affirmed this to be the case.

Chairman Oldaker observed there were two versions: the first dealt with general front yards, and the second pertained to corner lots only; the aim was to move forward with the second version.

Mr. Hunsaker commented, for information purposes, the proposed changes was neither version one nor two but a revised version that stood alone; thus, it should not be referred to as version one or two anymore.

Town Attorney Susan Trevarthen confirmed this as correct, but remarked Chairman Oldaker was also correct in stating there were two versions in June and the Board was directed to proceed with version two, which Town staff did. Staff had an opportunity to revisit version two with the benefit of the Board's questions and input, and they endeavored to devise a better product.

Mr. Bowman pointed out there were no changes to the language per say, rather it was more a case of moving paragraphs up into subsections; there was now a new (d) and (e) that used to be standalone paragraphs, making them easier to interpret.

Vice Chairman Brandt made a motion to approve the proposed Code Amendments to Ordinance 30-313 (29), seconded by Mr. Freeny, sending the changes to the Town Commission with the recommendation of approval by the Planning and Zoning Board.

In a roll call vote, the motion passed 4 – 0. The motion to approve Code Amendments to Ordinance 30-313 (29) passed.

ORDINANCE 2009-35

30 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION**
31 **OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

32 **SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and
33 confirmed as being true, correct and reflective of the legislative intent underlying this
34 Ordinance and are hereby made a specific part of this Ordinance.

35
36 **SECTION 2.** Chapter 30 “UNIFIED LAND DEVELOPMENT
37 REGULATIONS,” Article V “Zoning,” Division 2 “Districts,” Subdivision L
38 “Supplemental Regulations,” Section 30-313 “General provisions,” is hereby amended as
39 follows:

40 Sec. 30-313. General provisions.

41
42 * * * * *

43
44 (29) Swimming pools, decks, patios, hot tubs and spas; setbacks and enclosure required.
45 ~~No swimming pool, hot tub or spa shall be constructed within a front yard setback.~~
46 Swimming pools, hot tubs and spas shall have the following minimum setback
47 regulations:

- 48
49 a. All water bearing wall surfaces shall have a minimum five-foot setback from
50 the ~~side and rear~~ property lines.
51 b. All water bearing wall surfaces shall have a minimum ten-foot setback from
52 any public right-of-way.
53 c. Notwithstanding any other regulation of this Code, fencing to enclose a
54 swimming pool, hot tub or spa is permitted in front setback, but shall not encroach
55 upon the sight distance triangle created in section 30-124(a)(8) of the Code.
56

57 All swimming pools shall be enclosed by an open mesh screen enclosure or a fence of
58 wall a minimum of five feet in height of such design and material as will prevent
59 unauthorized access to the pool area. All screen doors and fence gates shall be equipped
60 with a self-locking mechanism.

61
62 Swimming pools or spas on lots that directly abut a waterway or other water area shall
63 not require enclosure along such waterway or water area.

64
65 Screen enclosures, pool decks, patios, porches and terraces shall be permitted in any ~~the~~
66 required ~~side yard or rear yard only~~ and shall not be located less than 2 1/2 feet from plot

ORDINANCE 2009-35

67 lines. In addition, the location of screen enclosures, pool decks, patios, porches and
68 terraces will need to be located outside of any utility easement areas unless the property
69 owner obtains consent from the applicable utility(s) to allow any of these structures in the
70 easement area.

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73
74 **SECTION 3.** Severability.

75 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
76 unconditional by any court of competent jurisdiction, then said holding shall in no way
77 affect the validity of the remaining portions of this Ordinance.

78 **SECTION 4.** Effective Date.

79 This Ordinance shall become effective immediately upon passage on second
80 reading.

81 **SECTION 5.** Codification.

82 This Ordinance shall be codified.

83 **SECTION 6.** Adoption.

84

85 Passed on the first reading, this ___ day of _____, 2009.

86 Passed on the second reading, this ___ day of _____, 2009.

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Mayor Roseann Minnet

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ORDINANCE 2009-35

		First Reading	Second Reading
98			
99	Mayor Minnet	_____	_____
100	Vice-Mayor McIntee	_____	_____
101	Commissioner Clottey	_____	_____
102	Commissioner Silverstone	_____	_____
103	Commissioner Dodd	_____	_____
104			
105			
106	Attest:		
107	_____		
108	Town Clerk, June White		
109	(CORPORATE SEAL)		
110	Approved as to form:		
111	_____		
112	Town Attorney, Susan L. Trevarthen		

ORDINANCE 2009-35

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3 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
4 **THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED**
5 **LAND DEVELOPMENT REGULATIONS," ARTICLE V**
6 **"ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L**
7 **"SUPPLEMENTAL REGULATIONS," SECTION 30-313**
8 **"GENERAL PROVISIONS" OF THE CODE OF**
9 **ORDINANCES; PROVIDING FOR SEVERABILITY,**
10 **CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.**
11

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

15 **WHEREAS,** the Town Commission desires to remove the prohibition on swimming
16 pools, hot tubs and spas being constructed within the front yard setback of corner lots; and

17 **WHEREAS,** the Town Commission desires to allow fencing and enclosures within the
18 front yard setback, provided such structures do not obstruct the view within the sight distance
19 triangle; and

20 **WHEREAS,** the Town Commission desires to allow screen enclosures, pool decks, patios,
21 porches and terraces within any front yard of a corner lot that contains a pool; and

22 **WHEREAS,** the Planning and Zoning Board, sitting as the Local Planning Agency, has
23 reviewed this Ordinance at duly noticed hearings on June 16, 2010 and July 21, 2010, and
24 recommended its adoption; and

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

ORDINANCE 2009-35

30 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
31 TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

32 SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as
33 being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby
34 made a specific part of this Ordinance.

35 SECTION 2. Chapter 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,”
36 Article V “Zoning,” Division 2 “Districts,” Subdivision L “Supplemental Regulations,” Section 30-
37 313 “General provisions,” is hereby amended as follows:

38 Sec. 30-313. General provisions.

39 * * * * *

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42 (29) Swimming pools, decks, patios, hot tubs and spas; setbacks and enclosure required. No
43 swimming pool, hot tub or spa shall be constructed within a front yard setback, unless the lot is a
44 corner lot. Swimming pools, hot tubs and spas shall have the following minimum setback
45 regulations:

- 46
- 47 a. All water bearing wall surfaces shall have a minimum five-foot setback from the side
48 ~~and rear~~ property lines.
- 49 b. All water bearing wall surfaces shall have a minimum five ~~ten~~-foot setback from any
50 public right-of-way.
- 51 c. Notwithstanding any other regulation of this Code, fencing to enclose a swimming
52 pool, hot tub or spa is permitted in the front setback, but shall not obstruct the view
53 within any sight distance triangle.
- 54 d. All swimming pools shall be enclosed by an open mesh screen enclosure or a fence of
55 wall a minimum of five feet in height of such design and material as will prevent
56 unauthorized access to the pool area. All screen doors and fence gates shall be equipped
57 with a self-locking mechanism.
- 58 e. Swimming pools or spas on lots that directly abut a waterway or other water area shall
59 not require enclosure along such waterway or water area.
- 60

61 Screen enclosures, pool decks, patios, porches and terraces shall be permitted in the required side
62 yard or rear yard only or in the front yard of a corner lot with a pool located in the front yard, and
63 shall ~~not~~ be located at least less than 2 1/2 feet from plot lines. In addition, the location of screen
64 enclosures, pool decks, patios, porches and terraces will need to be located outside of any utility
65 easement areas, unless the property owner obtains consent from the applicable utility(s) to allow
66 any of these structures in the easement area, and shall not obstruct the view within any sight
67 distance triangle.

ORDINANCE 2009-35

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SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. Conflicts. All ordinances or parts of Ordinances and all Resolutions or parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon passage on second reading.

SECTION 6. Codification. This Ordinance shall be codified.

SECTION 7. Adoption. Passed on the first reading, this ___ day of _____, 2010.
Passed on the second reading, this ___ day of _____, 2010.

Mayor Roseann Minnet

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

Attest:

Town Clerk, June White

(CORPORATE SEAL)

Approved as to form:

Town Attorney, Susan L. Trevarthen

27 notice of intent, and by majority vote shall either approve or disapprove the further
28 processing of the proposed land development regulations; and

29 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION**
30 **OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:**

31 **SECTION 1.** That, pursuant to Section 30-531 of the Code of Ordinances, the
32 Town Commission authorizes the investigation, study, development, drafting and
33 consideration of the proposed amendments to Chapter 30, as described in the Notice of
34 Intent of Pending Land Development Regulations attached hereto as Exhibit "A."

35 **SECTION 2.** That the Town Commission hereby finds that the effective date of
36 the Notice of Intent of Pending Land Development Regulations shall be October 27,
37 2009.

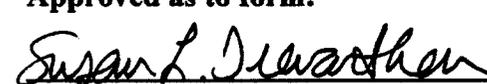
38 **SECTION 3.** That the Town Commission shall hold a public hearing
39 concerning the Notice of Intent of Pending Land Development Regulations on November
40 10, 2009, and approve or disapprove of the further processing of the proposed
41 regulations.

42 **SECTION 4.** That this Resolution shall become effective immediately upon
43 passage and adoption.

44 **PASSED AND ADOPTED** this 27th of October, 2009

46 
47 **MAYOR ROSEANN MINNET**

48 **ATTEST:**
49 
50 **June White, Town Clerk**

51 **Approved as to form:**
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53 **Susan Trevarthen, Town Attorney**

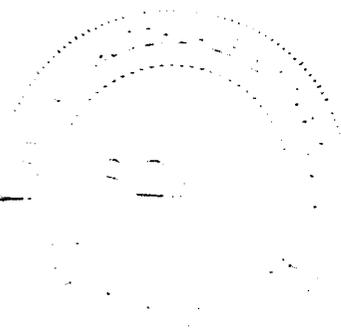


Exhibit "A"

Notice of Intent of Pending Land Development Regulations
Effective October 27, 2009

1. Statement of Purpose: In accordance with Section 30-531 of the Code of Ordinances, the Town hereby issues this **Notice of Intent** to notify the public of proposed changes to the land development regulations of Chapter 30 of the Code of Ordinances ("Code"). Upon Town Commission approval of the further processing of the proposed regulations, the amendments will be included in an ordinance and scheduled for hearing and adoption.

2. Description of Proposed Amendments to Chapter 30 of the Code of Ordinances:

- a. Amendment to Section 30-211 of the Code to amend and clarify the building setback requirements in the RS-5 residential zoning district;
- b. Amendment to Section 30-313 of the Code to remove the prohibition against constructing and allowing a swimming pool, hot tub, or spa to be located within the front yard setback.
- c. Amendment to Section 30-261(b)(1) of the Code to amend and expand the list of permitted uses within the B-1-A commercial zoning district by allowing community theaters and cultural centers.
- d. Amendment to Section 30-271(a) of the Code to amend and expand the list of permitted uses within the B-1 commercial zoning district by allowing community theaters and cultural centers.

3. Projected Time Frame for Adoption of Regulations:

- | | |
|--|--------------------------|
| a. Public Hearing and Town Commission Approval of Processing of Proposed Regulatory Changes: | <u>November 10, 2009</u> |
| b. Planning and Zoning Board Hearing on Ordinance: | <u>November 18, 2009</u> |
| c. First Reading of Ordinance By Town Commission: | <u>December 1, 2009</u> |
| d. Second Reading of Ordinance By Town Commission: | <u>January 12, 2010</u> |

4. Application of Pending Regulations:

The proposed regulations shall become effective and applicable to development within the Town following second reading and adoption by ordinance.