



Dare County Planning Board Meeting

**Dare County Board of Commissioners Meeting Room
954 Marshall C. Collins Drive
Manteo, NC 27954**

August 9, 2021

Agenda

- I. Call to order **6:00 PM**
- II. Roll call
John Finelli, Chairman
Michael Barr
Terry Gore II
David Hines
Beth Midgett
David Overton
Buddy Shelton
- III. Approval of minutes for the July 12, 2021 meeting
- IV. Public Comment
- V. Old Business
 - a. None
- VI. New Business
 - a. Zoning Text Amendment, I1 Lot Coverage Standard, United Parcel Service, Etheridge Road, Manteo, NC
- VII. Other Business
 - a. Discussion of Rules of Procedure for the Planning Board – Chapter 160D Requirements
- VIII. Adjournment

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, July 12, 2021. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 6:11 pm

MEMBERS PRESENT John Finelli, Chairman
Michael Barr
Terry Gore II David Overton
David Hines Buddy Shelton

MEMBERS ABSENT Beth Midgett

AGENDA AMENDED

Chairman Finelli amended the agenda to reflect a change in order to New Business. Due to a scheduling conflict the Kampgrounds of America Preliminary Site Plan Review was considered before the Shelly OBX Storage Unit Amendment to Special Use Permit. By consensus, the Board agreed to handle two agenda items out of sequential order.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the June 14, 2021 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Michael Barr seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

Preliminary Plat Review, Roger Hosfelt Subdivision, Parcel 016073001, Lighthouse Ct, Hatteras, NC

Eric J. Harmon, PLS., Rankin Surveying was present on behalf of the applicant.

Mr. Harmon, representative for the applicant, requested this item be tabled until the August 9, 2021 meeting.

Terry Gore made a motion to table the Preliminary Plat Review until the August 9, 2021 meeting. Michael Barr seconded this motion.

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NEW BUSINESS

Preliminary Site Plan Review, Westside Expansion, Kampgrounds of America, 25094 NC Hwy 12, Waves, NC

Michael J. Morway, PE., Albemarle and Associates, LTD was present on behalf of the property owners.

Noah Gillam presented his staff comments. He told the Board that Kampgrounds of America (KOA) submitted a request to install eight travel trailer sites on parcel 014241001 located in Waves. Mr. Gillam said the parcel is located across NC Hwy 12 from their existing travel trailer park. The property is 5.84 acres and is zoned S-1.

Mr. Gillam explained the applicant is proposing to install a gravel driveway, loop road, eight gravel campsites and associated utility improvements along the northern boundary of the parcel. Mr. Gillam noted that new vegetation will need to be added to the park's boundaries on all sides except the western boundary that abuts the Pamlico Sound as per the requirements of the Dare County Travel Trailer Park Ordinance.

An aerial photo was provided to the Board at their seats.

Mr. Gillam said there is currently a driveway cut onto the property from NC Hwy 12 that is adjacent to another parcel owned by KOA that has an existing dwelling that is used for employee housing that also has a driveway cut onto NC Hwy 12. Staff recommended the applicant coordinate with NCDOT to redesign highway access to eliminate the number of access points onto NC Hwy 12 from KOA owned parcels.

The Dare County Fire Marshal reviewed the site plan and indicated that a fire hydrant needs to be installed along the proposed loop road that will be used to access the new travel trailer sites. The Fire Marshal also specified that one-way traffic flow signs need to be installed along the loop portion of the proposed road.

Michael Morway addressed the Board. He asked the Board for consideration to not have the perimeter buffer along the right of way in the initial phase of the campground improvement.

The Board discussed the vegetative buffer requirement along the highway on the basis the adjoining parcel is owned by the applicant. The Board asked Staff if they were allowed to change the requirement in this case. Noah Gillam said the Travel Trailer Park and Campground Ordinance requires the vegetative buffer around the entire perimeter of the park. Michael Barr suggested the motion excluding the buffer requirement should

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be subject to County Attorney review. The Board indicated consensus with Mr. Barr's suggestion.

Chairman Finelli made a motion to approve the preliminary site plan for the westside expansion subject to the following conditions:

1. The exception to waive the vegetative buffer requirement along the highway is contingent upon County Attorney interpretation.
2. Fire hydrant location shall be coordinated with the Dare County Fire Marshall.
3. Coordination with NCDOT is required regarding the proposed entrance to the property.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

Amendment to Special Use Permit, Request to Add Additional Storage Unit, Shelly OBX Storage, 6783 C Hwy 64-264, Mann's Harbor, NC

William Daugherty, Applicant and Property Owner was present at the meeting.

Noah Gillam said a request for an amendment to Special Use Permit (SUP) No. 2-2020 for Shelly OBX Storage has been submitted by William and Shelly Daugherty. The applicants are proposing to construct a fourth mini storage building on parcel 023856000 in Mann's Harbor. The fourth building will be a 3,300 square foot mini storage facility measuring 20' x 165'. Mr. Gillam noted the proposed facility meets the requirements set forth in the zoning ordinance for group developments.

Mr. Gillam said the only concern the fire marshal addressed was that the applicant needs to ensure the pond on the property is kept clear of aquatic vegetation to allow drafting operation in case of a fire emergency. Mr. Gillam noted there is a condition in the SUP that addressed this concern.

The Board reviewed the Amendment to Special Use Permit No. 2-2020. The Board did not identify any further reasonable or appropriate conditions to apply to the Special Use Permit Application.

Noah Gillam explained that a formal motion on the special use permit application was not required by the Planning Board. The item will be forwarded to the Board of Commissioner's for their consideration under Quasi-Judicial Procedures.

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OTHER BUSINESS

-None-

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Terry Gore and seconded by Buddy Shelton.

Vote: Ayes – Unanimous

The meeting adjourned at 7:03 p.m.

Respectfully Submitted,

Andrea DiLenge
Planning Board Clerk

APPROVED: August 9, 2021

John Finelli
Chairman, Dare County Planning Board

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County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

July 30, 2021

MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef 

RE: I-1 (Industrial) Text Amendment – Lot Coverage Limitation

PRIME Engineering Inc. on behalf of the United Parcel Service (UPS) has filed a request to amend the text of the I-1(industrial) district to increase the lot coverage limitation from 35% to 60%. The I-1 district establishes a 35% lot coverage limitation for permitted uses in the district. It also allows all uses of the C-3 commercial district according to the dimensional standards of the C-3 district. The C-3 district establishes a 60% lot coverage limitation as does all other commercial zoning districts. The I-1 district was part of the original zoning ordinance adopted for Roanoke Island back in the early 1970s. There are several areas zoned I-1 on Roanoke Island and an area in Buxton zoned I-1. Copies of the zoning maps for these areas are attached with my memorandum.

UPS owns a facility near the airport off Etheridge Road on Roanoke Island. They have plans to expand the facility and recently met with the Planning staff to discuss these plans. The 35% lot coverage limitation was identified as an issue and I suggested a text amendment. The UPS guidelines require paved parking areas for their facilities.

I assume the decreased lot coverage limitation for the I-1 district was designed to mitigate the intensity of industrial uses. Some of the other zoning districts adopted for Wanchese, Manns Harbor and East Lake allow similar uses to the I-1 district but do not limit the lot coverage. These districts permit a 60% lot coverage for all commercial and industrial uses. In evaluating the UPS request, it may be appropriate to consider some potential qualifiers for an increased lot coverage in order to balance the original intent of the I-1 decreased lot coverage limitation with the UPS request. Such qualifiers could be an increased lot coverage for certain occupancy groups under the NC building code such as the Group F – factory industrial or an increased lot coverage for I-1 zoned parcels that abut C-3 zoned property.

The Planning Board must evaluate the proposed text amendment for consistency with the Dare County Land Use Plan. There are two policies in the Land Use Plan that address industrial land uses. They are as follows:

Policy LUC #9

The siting of industrial development facilities should be evaluated relative to their impacts on environmentally sensitive natural areas and existing patterns of development. Boat building, commercial fishing, and construction are recognized as traditional occupations and employment sectors in Dare County that are consistent with our coastal heritage.

Policy LUC #10

Diversification of Dare County's economy to include compatible industries such as medical support services and educational and research facilities, are encouraged. These types of facilities provide employment opportunities and quality of life support for our residents without detriment to our natural resources.

The proposed text amendment does not have any impact the actual siting of industrial uses since the request is not seeking to designate more I-1 zoned areas on the zoning maps for the individual villages. It is my opinion that a finding of consistency can be issued by the Planning Board.

Cc: Prime Engineering Inc.

**PRIME
ENGINEERING
INCORPORATED®**

Request for Text Amendment

FOR: Donna Creef, Planning Director
Phone:252.475.5873
Fax:252.475.5640
Email: donnac@darenc.comn
Administration Building 954 Marshall C Collins Dr,
Manteo 27954

FROM: Prime Engineering, Inc.
3715 Northside Parkway NW
Building 300, Suite 200
Atlanta, GA 30327

DATE: July 23, 2021

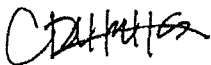
Mrs. Creef,

United Parcel Service has contracted with our firm, Prime Engineering, for design services for a new facility expansion at the UPS distribution facility located at 221 Etheridge Road. This project will include a new parcel distribution building, multiple Modular Distribution Centers (MDC's), and increased site parking, and trailer staging.

This facility, as designed, will require long-life paved areas for trucks and customer vehicles with little available use for pervious pavement systems. Our most efficient layout will require an increase from the 35% pervious paving limitation set forth in the zoning I-3 requirements, to a 60% pervious paving limit as provided in the C-3 zoning requirements.

On behalf of our client, United Parcel Service, Prime Engineering formally requests a text amendment to convert the site's I-3 pervious limitations to a C-3 pervious limitation to adequately accommodate UPS' business function.

Sincerely,



Craig M. Dupuis, RA, NCARB
Prime Engineering, Inc.

cc: File
File: C:\Users\cdupuis\Desktop\2021-07-22 UPS Manteo Text Amendment Request.docx










1888 Emery Street, NW ▪ Suite 300 ▪ Atlanta, GA 30318
main: 404-425-7100 ▪ fax: 404-425-7101 ▪ www.prime-eng.com

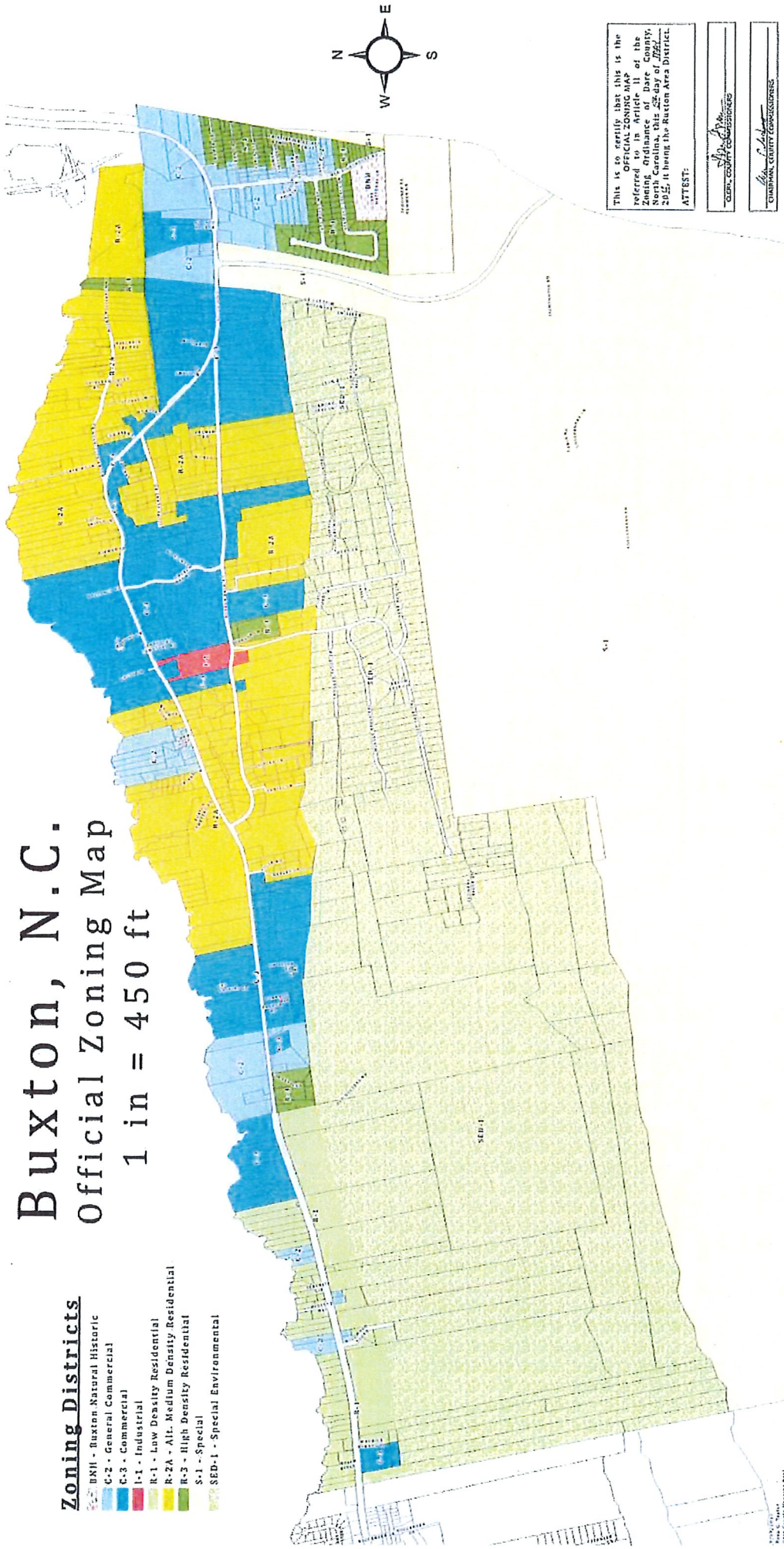
Buxton, N.C.

Official Zoning Map

1 in = 450 ft

Zoning Districts

-  BNH - Buxton Natural Historic
-  C-2 - General Commercial
-  C-3 - Commercial
-  I-1 - Industrial
-  R-1 - Low Density Residential
-  R-2A - Alt. Medium Density Residential
-  R-3 - High Density Residential
-  S-1 - Special
-  SED-1 - Special Environmental



This is to certify that this is the
OFFICIAL ZONING MAP as
 referred to in Article 11 of the
 Zoning Ordinance of Dare County,
 North Carolina, this 25th day of 2020,
 2020, at the Race Point Area District.

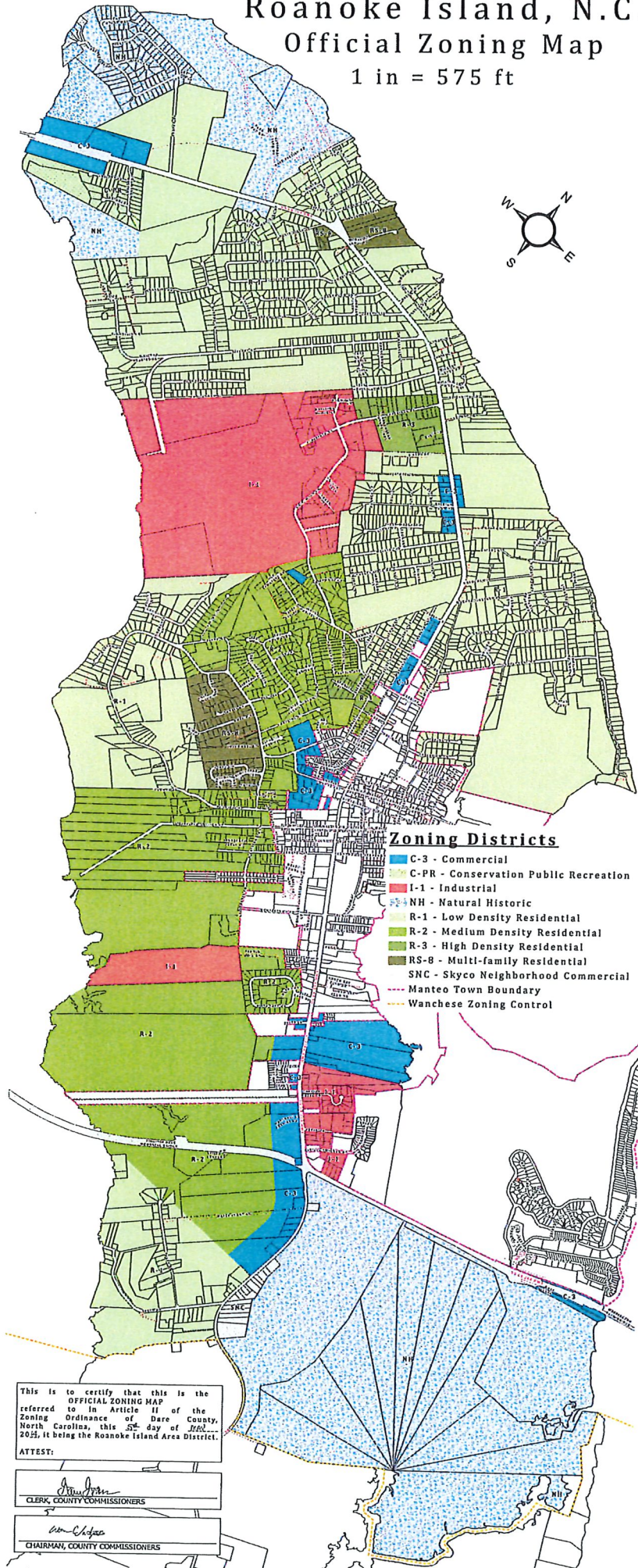
ATTEST:


 CLERK, COUNTY COMMISSIONERS


 CHAIRMAN, COUNTY COMMISSIONERS

Roanoke Island, N.C. Official Zoning Map

1 in = 575 ft



Zoning Districts

- C-3 - Commercial
- C-PR - Conservation Public Recreation
- I-1 - Industrial
- NH - Natural Historic
- R-1 - Low Density Residential
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- RS-8 - Multi-family Residential
- SNC - Skyco Neighborhood Commercial
- Manteo Town Boundary
- Wanchese Zoning Control

This is to certify that this is the OFFICIAL ZONING MAP referred to in Article II of the Zoning Ordinance of Dare County, North Carolina, this 25th day of JUNE, 2021, it being the Roanoke Island Area District.

ATTEST:

[Signature]
CLERK, COUNTY COMMISSIONERS

[Signature]
CHAIRMAN, COUNTY COMMISSIONERS



County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

July 26, 2021

MEMORANDUM

TO: Dare County Planning Board

FROM: Donna Creef, Planning Director 

RE: Rules of Procedures

With the Chapter 160D amendments, the Planning Board must adopt rules of procedure. The rules of procedures used by the Board of Commissioners has been used as the basis for the Planning Board's procedures with the appropriate revisions made to reflect your roles and duties. A motion to adopt the procedures is needed and then the rules will be posted on the Planning Department webpage.

Rules of Procedure Dare County Planning Board

Adopted August 9, 2021

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Planning Board of Dare County. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A quorum consists of a majority of the board's membership. Vacancies do not reduce the number of members necessary to establish a quorum. A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present is deemed present for quorum purposes.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

No member who is not physically present for a board meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the board. Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the board.

Rule 4. Meetings to Be Open to the Public

All meetings of the board shall be open to the public, and any person may attend its meetings.

Rule 5. Meeting Minutes

(a) **Minutes Required for All Meetings.** The board must keep full and accurate minutes of all of its meetings. To be "full and accurate," minutes must record all actions taken by the board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of board members.

(b) **Record of "Ayes" and "Noes."** When a vote is not unanimous, the minutes shall list each member by name and record how each member voted on a particular matter.

Part IV. Organization of the Board

Rule 6. Terms of the Chair

The Board of Commissioners shall designate one member of the Planning Board to serve as the chairperson.

Rule 7. Oath of Office

All members of the Planning Board shall, before entering their duties, be sworn in by the Planning Board Clerk or the Clerk to the Board of Commissioners when initially appointed to the Planning Board and at each subsequent re-appointment.

Part V. Types of Meetings

Rule 8. Regular Meetings

(a) Regular Meeting Schedule. The board shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is on a holiday, the meeting shall be held on the next business day.

(b) Notice of Regular Meeting Schedule. The board must ensure that a copy of its current regular meeting schedule is posted on the county's website.

(c) Change to Regular Meeting Schedule. The board may vote to alter the time or place of a particular regular meeting or all regular meetings within a specified period. The board must ensure that the appropriate public notice is posted at least seven (7) calendar days before the first meeting held pursuant to the revised schedule. The board must also have the revised schedule posted on the county's website. Additionally, the board must cause notice of the temporary change to be posted at or near its regular meeting place and to be sent to everyone who has submitted a request to receive notice of its meetings.

Rule 9. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Rule 24 (Motion 3). The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the board's website is maintained by one or more county employees, notice of the recessed meeting's date, time and place must appear in the webpage prior to the meeting. No further notice of a properly called meeting is required.

Rule 10. Limited Authority to Meet Outside the County

The board must hold all of its meetings within the county except for the following:

- a joint meeting of the board with another public body, if the joint meeting is held within the political subdivision represented by the other public body;

- a retreat, forum, or similar gathering held solely to provide board members with general information so long as members do not vote or take action;
- a convention, association meeting, or similar gathering but only if board members confine their deliberations to event-related issues that are not legally binding on the board or its constituents, such as convention resolutions and the elections of association officers.

Part VI. Agenda

Rule 11. Agenda

- (1) *Preparation.* The Planning Board Clerk shall prepare an agenda in advance of each meeting of the board. For a regular meeting, a request to have an item of business placed on the agenda should be submitted to the clerk at least 15 days before the date of the meeting unless otherwise approved by the Planning Director or the Chairperson.
- (2) *Supplemental information/materials.* The agenda packet shall include the agenda, draft minutes, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda.
- (3) *Delivery to board members.* Each member shall receive an electronic copy of the agenda and agenda packet at least 48 hours before the meeting.
- (4) *Public inspection.* The agenda and agenda packet will be available to the public when they are ready to be circulated.

Part VII. Role of the Presiding Officer

Rule 12. The Chair

- (a) **Presiding Officer.** The chair shall preside at meetings of the board.
- (b) **Voting by the Chair.** The chair has the same duty to vote as other members
- (c) **Recognition of Members.** A member must be recognized by the chair or other presiding officer in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 24 (Motion 1).
- (d) **Powers as Presiding Officer.** As presiding officer, the chair is to enforce these rules and maintain order and decorum during board meetings. To that end, the chair may
 - (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
 - (3) entertain and answer questions of parliamentary procedure;
 - (4) call a brief recess at any time; and
 - (5) adjourn in an emergency.
- (e) **Appeals of Procedural Rulings.** A member may appeal a decision made or answer given by the

chair under subparagraph (d)(1), (2), or (3) in accordance with Rule 24 (Motion 1).

Rule 13. Presiding Officer in the Chair's Absence

In the absence of the chair, the chair shall designate another member to preside over the meeting in his/her absence. The presiding chair or other member presiding in place of the chair has the powers listed in Rule 12(d). Service as presiding officer does not relieve the presiding chair or other member of the duty to vote on all questions except as excused from voting pursuant to Rule 21.

Part VIII. Motions and Voting

Rule 14. Action by the Board

Except as otherwise provided in these rules, the board shall act by motion. Any member may make a motion. Unless otherwise provided, all motions require a second.

Rule 15. Second Not Required

No second is required on a motion to nominate.

Rule 16. One Motion at a Time

A member may make only one motion at a time.

Rule 17. Withdrawal of Motion

The member who introduces a motion may withdraw the motion, with the consent of the member who seconded the motion, unless the motion has been put to a vote.

Rule 18. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.

Rule 19. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 20. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote.

Rule 21. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting as provided by this rule.

(b) Grounds for Excusal. The conflict of interest provisions of Section 22-73 of the Dare County Zoning Ordinance shall apply to all Planning Board actions. Questions about whether a basis for excusal exists should be directed to the county attorney.

(c) Procedure for Excusal

(1) *At the member's request.* Upon being recognized at a duly called meeting of the board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(2) *On the board's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining members present may by motion and vote excuse the member from voting if the member is prohibited from voting under paragraph (b).

(d) Consequence of Non-Excused Failure to Vote. If a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided

- (1) the member is physically present in the meeting room or
- (2) the member has physically withdrawn from the meeting room without being excused by majority vote of the remaining members present.

Rule 22. Voting by Written Ballot

(a) Secret Ballots Prohibited. The board may not vote by secret ballot.

(b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the office of the clerk to the board immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 23. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 24 (Motion 13).

Rule 24. Procedural Motions

(a) Certain Motions Allowed. The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority.

A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11, and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest priority motion must be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order. The appeal of a presiding officer's ruling is made to the Board of Commissioners and is decided by vote of the majority plus one.

Motion 2. To Adjourn. This motion may be used to close a meeting.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 9. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least a quorum plus one of the board. The board may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 12 within [100] days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Table an Item. This motion may be employed to delay the board’s consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Amend.

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) Amendments to Ordinances. Any amendment to a proposed ordinance must be reduced to writing or read back before the vote on the amendment.

Motion 12. To Revive Consideration. The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within 100 days of its vote to defer consideration.

Motion 13. To Reconsider. The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the board’s deliberation on a pending matter.

Motion 14. To Rescind. The board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 15. To Prevent Reintroduction for Six Months. This motion may be used to prevent the re-introduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive affirmative votes equal to at least a quorum of the board. If this motion is adopted, the ban on reintroduction remains in effect for six months.

Rule 25. Public Comment Periods

(a) Frequency of Public Comment Periods. A public comment period shall be provided at the beginning of each Planning Board meeting for citizens to present comments on any land use matter in general or on specific proposals that may be under consideration by the Planning Board.

(b) Rules for Public Comment Periods. The board may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,

- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the meeting room (so long as arrangements are made for those excluded from the meeting room to listen to the public comment period).
- provide for the maintenance of order and decorum in the conduct of the public comment period, and
- may be mailed by US Postal Service or electronically delivered to the Planning Board.

(c) Content-Based Restrictions Generally Prohibited. The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

Part XII. Miscellaneous

Rule 26. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with any relevant statutes and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members.

Rule 27. Reference to Robert's Rules of Order Newly Revised

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the chair shall make a ruling on the issue subject to appeal to the board under Rule 23 (Motion 1).