



LOWELL PLANNING AND ZONING BOARD MEETING

Regular Meeting

Tuesday, June 6th, 2023, 6:00 P.M.

1. CALL TO ORDER

2. DETERMINATION OF QUORUM

3. PLEDGE OF ALLEGIANCE

4. CHANGES TO AND APPROVAL OF AGENDA

5. APPROVAL OF MINUTES FROM April 4th, 2023, MEETING

6. OLD BUSINESS

a) None.

7. NEW BUSINESS

a. Text Amendment Application (Recommendation): ZTA23-04 - Applicant: City of Lowell Staff

Request to reduce the "Corner Lot Side Street Setback" in the Industrial (IND) zoning district.

b. July 2023 Planning Board Meeting: Discuss July meeting. Current meeting date falls on July 4th (Independence Day) holiday.

8. ADJOURNMENT

UPCOMING IMPORTANT DATES

June 13th, 2023 - City Council Meeting - 6:00pm, Lowell City Hall

MINUTES

Lowell Planning and Zoning Board
Regular Meeting
Tuesday, April 4, 2023, 6:00 P.M.

I. CALL TO ORDER

Chairman Scott Wilson, called the meeting to order at 6:01 p.m. Planning Board members present: Heather Seay, Troy Roberts Sr., Norris Lamb and David Jennings. Staff members present: Joe Gates, Planning Director, Todd Stroupe, GIS Analyst and Cheryl Ramsey, City Clerk. There were no members of the public in attendance.

II. DETERMINATION OF QUORUM –it was determined a quorum was reached.

III. PLEDGE OF ALLEGIANCE - led by Scott Wilson

IV. CHANGES TO AND APPROVAL OF AGENDA – Mr. Gates made the board aware that the agenda has an error. The approval of the minutes should be for March 7, 2023, and not February 7, 2023, as printed and distributed. Board Member Lamb made a motion to approve the agenda with the change, seconded by Board Member Roberts. The vote was unanimously in favor.

V. APPROVAL OF MINUTES FROM THE MARCH 7, 2023, MEETING.

A motion was made by Board Member Roberts to approve the previous minutes, seconded by Board Member Jennings. The vote was unanimously in favor.

VI. OLD BUSINESS

A. Lowell Development Ordinance –Sign Ordinance Discussion. Master Sign Plan. Wall and Freestanding Signs. Menu Boards, etc. Mr. Gates stated that at the previous Planning Board meeting he was requested to bring back recommendations for the sign ordinance and potential changes. He then showed a PowerPoint presentation of the text amendment to update Table 17.1, Permanent Sign Standards and Criteria, more specifically to allow a change in the square footage. His proposal would leave the table itself as is and select certain zoning districts that are primarily on the interstate and US highways. He then proposed for the zoning districts of C84, C85 and Industrial, where signs would be allowed to be 10% of a wall area and up to a maximum of 100 square feet instead of a maximum of 32 square feet as it reads now. This would eliminate developers having to come to City Hall requesting larger size signs and getting their permit without going through the Master Sign Plan unless they want something greater than the maximum. Anything greater than the maximum would have to go

through the former process and be approved by City Council. He stated that most municipalities follow the same guidelines.

Mr. Gates then went over the second part of the sign ordinance regarding menu boards at drive-through locations. He hasn't seen anything in the ordinance regarding drive-through signs and is proposing these signs to not exceed 64 square feet, not to exceed 8 feet high, and one per drive through lane. Businesses can split the signs into two if they like, but the maximum cannot exceed 64 square feet for the entire length of the lane. He stated he did some research of Gastonia and Charlotte and noted that one of their requirements is that the sign can't be any closer than 15 feet to a residentially owned property. He is ultimately proposing to keep the same table as noted above but add a drive-through signs section in the ordinance with the same requirements previously mentioned. This ordinance would also allow electronic or video displays.

Chairman Wilson asked if the 15 feet from residential properties is standard to Charlotte and Gastonia? Mr. Gates said properties would have a buffer, then the drive-through lane, then the menu sign. He said realistically this would end up being a 30-40 feet distance. He does not foresee a house being that close to any of these types of properties. Board member Roberts gave the example of Hardees [on McAdenville Rd] where there is a home beside it but there are two parking lots between them and that would be what you would typically do when developing. Mr. Wilson said he was thinking of the old idea of putting a McDonalds beside the Dollar General and a bright sign being too close to the homes near that lot. He asked if 15ft is enough? Mr. Gates said it would depend on how the new building or McDonald's would be oriented when it is built and hard to say without a site plan. In the instance of Mr. Wilson's example, there would have to be a buffer and once you put in the building and the parking they would need, he would think that site would be too small for a fast-food restaurant.

With a brief discussion regarding locations, mixed-use districts, as well as a visual review and discussion of the Wendy's on New Hope and Franklin in Gastonia, Board Member Lamb made a motion to approve the changes presented for 17.1, building signage as well as drive-through signage. It is consistent with Lowell's Comprehensive 2040 Plan. It was seconded by Board Member Seay. The vote was unanimously in favor.

B. Lowell Development Ordinance – Parking Regulations. Discussion around how we calculate parking and potential alternatives.

Mr. Gates stated this was not in the board members' packet but more of a discussion of parking requirements noted in Article 12, Off-street parking, of the ordinance. He stated he sent the board links to review regarding off-street parking and the idea of reducing or removing parking minimums. He then discussed

articles he researched and the problems of having too much parking. This includes inflated housing costs for developers in the multi-family and mixed-use projects areas which in turn raise costs for consumers, stormwater issues including flooding issues, resistance to using old buildings for fear of mandated regulations. Old buildings may not have enough parking that is required and force developers to add spaces even if they are not needed; therefore, discouraging them from renovating old spaces. He then discussed what the city would gain if this requirement was taken out. Now you see large empty parking lots that generate a lot of heat because of the asphalt. It could also improve water quality, reduce costs for developers, more walkability, and better transportation options.

Chairman Wilson asked if this topic has come up with developers. Mr. Gates said this was more of him looking at minimum requirements and when he worked at Gastonia a developer asked him about it then. The developer suggested he look at options and he wanted to get ahead of this for future developments. Board Members discussed the current ordinance, specifically Sections 12.3-6, 12.11, and 12.3-2. Board Member Seay asked the minimum requirement for districts. Mr. Gates stated that the minimum requirements are broken up by specific uses. Residential can have multiple requirements for example. Board Member Seay asked if people have to come to us [City of Lowell] for exceptions? Mr. Gates said the city hasn't had any requests to change the ordinance for new businesses and most of the current businesses when they change from one owner to the next are doing similar type business (like retail to retail, restaurant to restaurant etc.). Chairman Wilson asked if we would have to change residential parking where they wouldn't have to provide off-street parking. Mr. Gates said they don't have to do that now. He said the ordinance states that if you can have enough parking on-street, you don't have to do off-street but if you are going to do off-street then you must use the calculations from the ordinance as it is currently.

Mr. Gates then showed where this parking change has been successful. He named Gastonia, NC, Hartford, CT, Fayetteville AR and showed a map of many areas across the country doing this. Chairman Wilson asked if there are other restrictions we might want to look specifically if other cities limited this to just their downtown areas? Mr. Gates said he will investigate and get back to the board. Board Member Lamb asked if this was city-wide or in the city center. Mr. Gates said he's looking for guidance from the board on this. Board Member Lamb thinks city center is a step in the right direction but prefers it to be city-wide because the market drives the plan. After more discussion about the topic, the board asked Mr. Gates to look at city-wide options and draft what would have to change to accomplish this goal.

VII. NEW BUSINESS

A. PCAR (Preliminary Capacity Assurance Review)/Willingness to Serve:

Reservation of Utility Service – Beacon Partners, McAdenville Industrial Project, Parcel – 306717. Request to extend/re-route existing sewer service outside City of Lowell municipal limits. Mr. Gates stated Beacon Partners has completed an application to extend the existing sewer line for a proposed renovation to an existing 15-inch sewer outfall located on the property not in the city limits. They want to replace 4,478 linear feet of existing sewer outfall with 2300 linear feet of 15-inch epoxy line DIP or PVC sanitary sewer at no cost to the City of Lowell. Estimated cost is about \$1,059,000 that they will be covering. They are proposing 425 employees with 273 loading bays and an estimated sewage flow of 37,925 gallons per day. Based on our preliminary review of the application and our capacity levels, he felt this was something the Planning Board should review and approve. He included the application and letters of support and the benefits from Thomas Shrewsbury, Public Works Director and one from the City Engineer.

Board Member Jennings asked what would happen to the existing line. Mr. Gates said it will be abandoned in place and the sewer would shut down. The new line will be further away, underground, and will permanently have an easement for repairs after it is built and turned over to the city. There was a brief discussion about the application request. Board Member Roberts then made a motion to send the application to City Council with the Beacon Partners, McAdenville Industrial Project Parcel for the request to extend existing service outside the city of Lowell. It was seconded by Board Member Lamb and the vote was unanimously in favor.

VIII. ADJOURN

Motion was made to adjourn by Board Member Seay, seconded by Board Member Jennings. The vote was unanimously in favor. Adjourned at 7:46 p.m. The Stormwater meeting was held immediately after the Planning Board meeting.

AFFIRM:

Chair, Scott Wilson

Cheryl Ramsey, City Clerk



CITY OF LOWELL

PLANNING & ZONING

To: Lowell Planning Board

From: Joe Gates, Planning Director

Date: Friday, June 2, 2023

RE: AGENDA ITEM 7A: Request to amend *Section 8.4-10 (E), Industrial District (IND), General Standards and Specifications.*

Application number: ZTA23- 04 Reduce Corner Lot Side Street setback in the Industrial Zoning District (IND).

Request:

Consider a text amendment to reduce the setback for Corner Lot Side Streets in order to:

- Maximize land utilization
- Improve accessibility
- Optimize Infrastructure
- Encourage infill and new development
- Increase development potential
- Encourage job creation and economic growth

Background:

In late 2022 and early 2023, staff began to see interest from the development community in areas of the city that were zoned Industrial (IND). To prepare for potential site plan reviews, staff began to discuss development requirements and site layout. Through the review process of development standards, staff identified a particular section of the code that could be a limiting factor in the development and redevelopment of our Industrially zoned properties.

Staff realized that the largest buffer required by the ordinance for non-residential development was a Type A buffer, which is a 40' buffer. Staff agreed that Corner Lot Side Street setbacks should mimic the Type A buffer in regards to size. A reduced setback enables greater flexibility in designing and constructing industrial buildings, facilitating the expansion of existing businesses and the establishment of new ones.

Additionally, a reduced setback in this context will promote more efficient land development. The amendment allows for denser development, which in areas that are constrained by natural features (streams, creeks, etc.) and utility easements (water, sewer, power, etc.) can become more viable as areas for development.



CITY OF LOWELL

PLANNING & ZONING

Proposed Amendment:

- Article 8 - Districts
 - Section 8.4-10 (E) Industrial District (IND) General Standards and Specifications - Reduce Corner Lot Side Street setback from 80' to 40'.

Analysis:

Staff is of the opinion that the proposed text amendment is reasonable, and in the best interest of the public, because it aligns development regulations with supporting infrastructure needs; and

- The proposed text amendment is consistent with Lowell City 2040 plan goals:
 - Focusing on “redevelopment of strategic sites in existing underutilized locations where existing infrastructure and location dynamics combine to support successful new investments will reinforce property values within these strategically important locations.” *Page 8, Lowell City Plan 2040*
 - Creating “criteria and specifications designed to help Lowell continue to thrive.” *Page 9, Lowell City Plan 2040*

Planning Board Action:

Receive information and provide a recommendation to the city council.

Attachment A: Text Amendment

Attachment B: Other resources

CITY OF LOWELL
PETITION FOR ZONING TEXT AMENDMENT CHANGE

Date of Petition 05-15-2023

Petition Number ZTA23 - 04

1. Petitioner's Name Joe Gates - Planning Director, City of Lowell

Address 101 W. First Street, Lowell, NC 28098

Phone 704-617-0141

(Include name, address, and phone number of any co-petitioners.)

2. State the exact nature of text change desired. Please make references to sections, page number, etc. Please make specific references to language that you desire deleted and/or language you desire to be added or to be put in place of deleted language. Interrelated changes may be made a part of the same application. Any change that is not interrelated to this change shall require a separate application. An example of an interrelated change is where a change in one section causes the need to change another section.

City of Lowell staff is seeking to reduce the "Corner Lot Side Street Setback" in
the Industrial (IND) zoning district from 80' to 40'. The text amendment is located
in section 8.4-10 (E) Industrial District, General Standards and Specifications, page
of 26 of Article 8.

Joe Gates - Planning Director
SIGNATURE OF APPLICANT

5/15/2023
DATE

**Application Processing Fee: See Adopted Rate
and Fee Schedule at www.lowellnc.com
Checks should be made payable to City of Lowell**

Petition for zoning text amendment

CITY OF LOWELL
PETITION FOR ZONING TEXT AMENDMENT CHANGE

Staff Use Only:

Scheduled for Planning and Zoning Board consideration:

Date: _____ Time: _____ Location: _____

Date written notice sent to Property Owner: _____

Planning and Zoning Board recommendation: ___ Approved ___ Denied

Notes/Comments: _____

Scheduled for City Council consideration:

Date: _____ Time: _____ Location: _____

Dates advertised: (a) first notice: _____ (b) second notice: _____

City Council recommendation: ___ Approved ___ Denied

Date applicant notified of City Council action: _____

Comments: _____

ATTACHMENT A

Proposed Text Amendment: 8.4-10 Industrial District (IND) (E)(2) General Standards and Specifications. New text show in red and underlined.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Industrial District:

Lot Size	Lot Width	Front Street Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Street Setback
32,400 SF	180'	80'	16'	16'	80' <u>40'</u>

ATTACHMENT B

Additional References.

Definitions

SETBACK. The minimum required horizontal distance between a structure and the lesser of either the lot line or the line that marks the beginning of street right-of-way maintenance by the City of Lowell or the North Carolina Department of Transportation, as determined by the City of Lowell.

SETBACK, REAR. A setback from an interior property line lying on opposite side of the lot from the front street setback.

SETBACK, SIDE. Any interior property line setback other than a rear setback.

SETBACK, STREET. Any setback from a street, road or lane right-of-way line.

SETBACK, ZERO SIDE. An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero feet from a side property line. This definition does not include City-houses.

STREET, LOCAL. A street whose primary function is to provide access to abutting properties.

STREET, MAJOR THOROUGHFARE. Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas. Such roadways are designated on transportation plans adopted by the City of Lowell.

STREET, MINOR THOROUGHFARE. Minor thoroughfares collect traffic from collector, sub-collector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property. Such roadways are designated on transportation plans adopted by the City of Lowell.

STREET, PRIVATE. A vehicular travel-way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

STREET, PUBLIC. A dedicated public right-of-way for vehicular traffic which: (1) has been accepted by NCDOT for maintenance, or (2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. *Alleys* are specifically excluded from this definition.

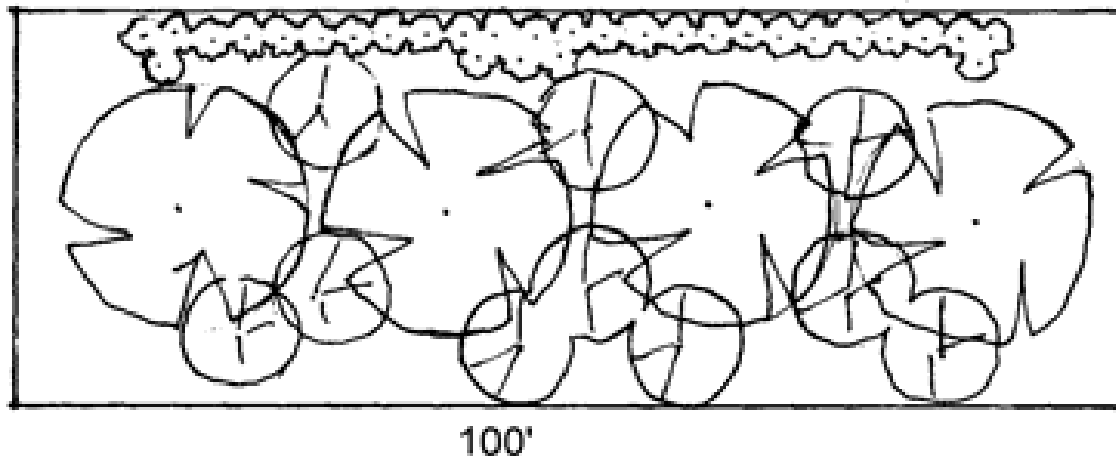
STREET, RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a travel-way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, communication lines, and other infrastructure as approved by the City.

Article 11- Landscape Requirements and Tree Protection, Section 11.6 Landscape Requirements (Buffer Yards)

11.6 Landscape Requirements

The following buffer yards are hereby established and shall be required where applicable:

Type A Buffer Yard: A high-density screening buffer to substantially block visual contact between adjacent uses with a minimum of 90% opacity.



11.6-1 Buffering and Screening of Different Districts.

Buffer yards, in accordance with section 11.3 above, to separate development in certain districts from adjacent districts are specified in Table 11.1 below. The buffer yards are required on the sides and rear of property being developed abutting the identified adjacent district. The following buffer yards shall be provided when property in an identified development district abuts one or more of the identified adjacent districts. To determine the required buffer yard for a development, first identify the development district in which the development is to be located. Then identify the adjacent district abutting the proposed development to determine the type buffer yard applicable to the project.

Table 11.1- BUFFER YARD CHART for NON-RESIDENTIAL DEVELOPMENT		
DEVELOPMENT DISTRICT	ADJACENT DISTRICT	BUFFER YARD REQUIRED
"AG", "IND", "HIO"	All other districts	Type A

**Plantings shall be provided in buffer yards as indicated in Table 11.2 below: Table 11.2 -
PLANTING RATES**

Buffer Yard Type	Average Width (ft.)	Minimum/Maximum Width (ft.)	Evergreen Tree Rate per 100 lf	Canopy Tree Rate	Understory Tree Rate	Shrubs Rate
Type A Yard	40	35/65	8	4/100 lf 25 feet on center	10/100 lf 10 feet on center	33/100 lf 3 feet on center



CITY OF LOWELL

PLANNING & ZONING

To: Lowell Planning Board

From: Joe Gates, Planning Director

Date: Friday, June 2, 2023

RE: AGENDA ITEM 7B: Discussion about July 2023 regular Planning Board meeting date

Staff is seeking guidance from the planning board on canceling or possibly rescheduling the regular meeting of the planning board currently scheduled for Tuesday, July 4th, 2023 at 6:00 PM. Due to this being a city holiday, city offices will be closed and many employees on vacation.

Staff has attached references to the Lowell Development Ordinance and the Rules of Procedure of the Planning Board.

Attachment C - Section 4.4 LDO - Meetings and Hearings

Attachment D - Rules of Procedure - Lowell Planning Board

4.4 Meetings, Hearings, and Procedures of all Boards

All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and with the rules of procedure adopted for the *Planning Board*, and *Board of Adjustment*. Rules of procedure may be amended by the respective board membership; however, such amendment shall be approved by the City Council to become effective.

The rules of procedure shall be kept on file at the office of the *Planning, Zoning & Subdivision Administrator* and shall be made available to the public both online at the City's website and at any meeting or hearing. No rules or procedures shall conflict with this Ordinance; if conflicts occur this Ordinance shall take precedence.

Members shall take the oath of office administered by the City Clerk prior to taking part in any agenda items before the board upon which a member is appointed in accordance with G.S.160D-309 and G.S.160A-61.

4.5 Staff

The *Planning, Zoning & Subdivision Administrator* shall serve as staff to the *Planning Board*, and *Board of Adjustment*; and shall provide technical assistance to the *Planning Board*, and *Board of Adjustment*, as requested.

ATTACHMENT D

RULES OF PROCEDURE LOWELL PLANNING BOARD

PART I PLANNING BOARD

- 1-1 The official name of the Planning Board shall be the “Lowell Planning Board”, hereafter referred to as the “Planning Board”.

PART II OBJECTIVE AND PURPOSE

- 2-1 The primary objective of the Planning Board is to develop and maintain a continuing, cooperative planning program to benefit the people of the Town of Lowell.
- 2-2 The purposes of the Planning Board are:
- (a) To make studies of the Town and it’s surrounding area;
 - (b) To determine objectives to be sought in the development of the areas under study;
 - (c) To prepare and recommend plans for adoption by the Town Council achieving these objectives;
 - (d) To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 - (e) To keep the Town Council and the general public informed and advised as to these matters; and
 - (f) To perform any other related duties that the Town Council may direct.

PART III MEMBERSHIP

- 3-1 Members of the Planning Board shall be appointed by the Town Council for designated terms in accordance with Article 4 of the Lowell Development Ordinance (LDO).
- 3-2 If a vacancy occurs on the Planning Board by reason of death, resignation, change of residence, or any other cause, it shall be filled by Town Council appointment for the duration of the unexpired term.

- 3-3 Each Board member shall be sworn by the Mayor or their designee before assuming any position on the Board in accordance with Section 4.2-3 of the LDO.

PART IV ELECTION OF OFFICERS

- 4.1 Annually, at the regular meeting of the Planning Board held in the month of _____, a Chairman and Vice-Chairman shall be elected. These officers shall be elected for a term of one (1) year and may be re-elected for successive terms to the same office. Members shall be notified of the date, time and place of the election of officers, at least seven (7) days prior to the regular _____ meeting. Each officer shall serve until relieved of their duties as herein provided.
- 4-2 The Chairman or Vice-Chairman shall preside at all meetings and hearings of the Planning Board, appoint all standing and temporary committees, and have the duties normally conferred on such office. The Chairman or Vice-Chairman shall have the privilege of discussing all matters before the Planning Board.
- 4-3 In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the remaining members present may elect a temporary Chairman for that meeting and proceed with the order of business.
- 4-4 The Planning board may appoint from its membership or recommend that the Town Council appoint or hire a person(s) to serve as a secretary for the Planning Board. Said person (s) (hereinafter referred to as the "Secretary") shall keep minutes and records of the Planning Board, prepare with the Chairman the agenda for regular and special meetings, attend to correspondence of the Planning Board and perform such other duties normally carried out by a Secretary.

PART V MEETINGS

- 5-1 Regular meetings of the Planning Board shall be held on the first Tuesday of each month at 6:00 p.m. in the Lowell Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board. The Secretary shall also notify each Planning Board member of all joint Town Council/Planning Board meetings. Said meetings shall be considered Town Council meetings for purposes of determining the rules of conduct and procedure.
- 5-2 Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours written or oral notice of time of such meeting shall be given each member by the Secretary.
- 5-3 Four (4) members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.
- 5-4 The Chairman shall decide all points of procedure unless otherwise directed by a majority of the Planning Board in session at the time.

- 5-5 All regular and special meetings of the Planning Board shall be open to the public.

PART VI ATTENDANCE

- 6-1 In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for three (3) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of their absences and if such member fails to attend the next regular meeting, the Planning Board, by a majority vote of the remaining members, may request that the position be vacated and that a replacement be made by the Town Council.

PARTVII ORDER OF BUSINESS

- 7-1 The order of business shall be as follows:
- (a) Call to Order
 - (b) Determination of Quorum
 - (c) Pledge of Allegiance
 - (d) Changes to and Approval of Agenda
 - (e) Approval of Previous Meeting Minutes
 - (f) Old Business
 - (g) New Business
 - (h) Adjournment/Continuation
- 7-2 Items of business at the regular meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval by a majority of the Planning Board in session at the time.

PART VIII CONFLICT OF INTEREST

- 8-1 No member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to themselves, their immediate relatives or their business interest in accordance with Article 4, Section 4.2-6 of the Lowell Development Ordinance. In applying this rule, the following procedure shall govern.

A Planning Board member who believes there may exist a conflict of interest shall declare their possible conflict, the nature of the conflict, and ask for a determination by the Board. A majority vote of the remaining Board members present shall determine whether or not a conflict of interest exists. If determined that a conflict of interest does exist said member shall be excused from voting on that matter, but may voice their opinion, as a local citizen, on the matter.

- 8-2 A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection as required by G.S. 160D-109(e). The Board shall hear all evidence and shall, by majority vote, make the final determination as to the existence of any conflict of interest.
- 8-3 Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.
- 8-4 Any person who abstains from voting without having first been excused by the Board as herein prescribed shall be deemed to have voted on the matter in an affirmative manner.

PART IX RECORDS

- 9-1 The Secretary shall keep a record of the Planning Board's recommendations, transactions, findings and determinations. Said records shall be public and filed in the office of the Town Clerk in Lowell Town Hall.

PART X ACTION BY BOARD

- 10.1 All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum except as provided in Section 8-4.
- 10-2 Voting shall be done by voice or hand. Only members present at the time a vote is taken shall be eligible to vote. If an issue before the Planning Board is carried

- over from one meeting to another, a member may be able to vote on the issue if they did not attend the previous meeting at which item was discussed.
- 10-3 All members of the Planning Board have the right to vote on all matters except as specified in Section 8-1.
- 10-4 The Board shall refer to Rules of Procedure for Small Local Government Boards; Second edition; A. Fleming Bell. The Board shall refer to the current edition of Robert's Rules of Order Newly Revised, to answer procedural questions not resolved by the Rules of Procedure for Small Local Government Boards, so long as Robert's Rules of Order does not conflict with North Carolina law or with the spirit of these rules.

PART XI ADOPTION AND AMENDMENT

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the voting members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted this ____ day of _____, 20__.

Vieta Benson, Chairperson

Ratified by Town Council:

ADOPTED on this the ____ day of _____, 20__

Sandy Railey, Mayor

Beverly Harris, Town Clerk