

RULES OF PROCEDURE

THE CITY PLANNING COMMISSION AUSTIN, TEXAS

1.000 MEETINGS

- 1.100 The regular meetings of the Commission shall be held on the second and fourth Tuesday of each month at 6:00 p.m., unless otherwise determined by the Commission.
- 1.200 If the Commission's workload requires a meeting to continue beyond the scheduled time, the meeting may be reconvened on the following day. The continued meeting shall be considered a continuation of the same session. Before adjourning the initial meeting, the Commission shall announce the exact time and location for reconvening.
- 1.300 Special meetings may be called by the Chair and shall be called upon the request of three or more Commissioners.
- 1.400 Written notice of any meeting shall be sent to all Commissioners at least two days in advance.
- 1.500 The Commission shall consider its regular meeting in the following order:
1. Determination of Quorum and Call to Order
 2. Roll Call
 3. Chair Announcements
 4. General Public Communication (3 minutes per speaker; no donation of time)
 5. Reading of Proposed Consent Agenda
 6. Vote and Disposal of Consent Agenda, including Minutes
 7. Determination of Discussion Postponement Items
 8. Discussion Cases (including Staff Presentations, Applicant or Applicant Representative Presentations, and Public Comment)
 9. Other Business

10. Adjournment

1.501 Except for Call to Order, General Public Communication, and Adjournment, items may be taken out of order with unanimous consent or by a two-thirds vote of the Commission. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

1.502 The Consent Agenda may be acted upon by one vote without separate discussion, unless an item is pulled for individual consideration.

1.600 Staff shall follow the sequence established in § 1.500. Staff shall also notify interested parties in advance that items appearing later in the agenda may be postponed to a future meeting.

1.700 After consideration of the Consent Agenda and Postponements, the Chair may address interested parties regarding matters remaining on the agenda and recommend that matters be postponed to the next Commission meeting.

1.800 At 10:00 PM, the Commission may, in its discretion, extend the meeting if necessary.

2.000 AGENDA AND BACKUP

2.100 Preliminary backup documents for all items requiring Commission consideration, including neighborhood plan amendments, rezonings, historic zonings, PUD amendments, conditional use permits, site plan approvals, restrictive covenant amendments, variances, and appeals, shall be in writing and distributed to all Commissioners at least two calendar days in advance of the meetings.

2.200 The backup documents shall include the size and location of properties, the staff recommendations, case manager comments, area case histories, information about the environment, maps, and letters in support or opposition for each case included on the agenda. As appropriate, this information may be included in the “Staff Report”, “Neighborhood Plan Amendment Review Sheet”, or the “Zoning Change Review Sheet”, whichever is more readily available.

3.000 SPEAKER REGISTRATION

3.100 All participants wishing to address the commission must register to speak. Public comment will be allowed in-person or remotely via telephone. Speakers may only register to speak on an item once either in-person or remotely.

3.200 Registration no later than 2 PM the day of the meeting is required for remote participation by telephone. While in-person registrants are encouraged to register in advance of the meeting, in-person registration closes at 5:30 PM the day of the

meeting.

4.000 SPEAKER TIME ALLOCATION

- 4.100 General Public Communication. The Commission shall allow up to four citizens to address the Commission on matters not on the agenda during the period of time set aside for General Public Communication. Speakers registered to speak during General Public Communication will be allowed three minutes each. Speaker donation of time is not permitted for General Public Communication items.
- 4.200 Consent Agenda. All speakers registered to speak on an item on the Consent Agenda will be allowed two minutes each. Speaker donation of time is not permitted for Consent Agenda items.
- 4.300 Discussion and Action Items. For zoning cases, neighborhood plan amendments, land development code amendments, comprehensive plan amendments, and all other action items that are not on the Consent Agenda or being considered for postponement:
- 4.301 Speaker donation of time is an available option for in-person participants. Both the registered speaker donating time and the speaker recipient must be present when the public hearing is conducted. A speaker may receive a maximum of four additional minutes of donated time.
- 4.302 The primary speaker in favor and primary speaker opposed will be allowed five minutes each, with up to nine minutes if the primary speaker has received donated time. The primary speaker is selected by parties in favor and opposition or is the first person to sign up. There can only be one primary speaker.
- 4.303 All other speakers registered to speak will be allowed two minutes each, with up to six minutes if the speaker has received donated time.
- 4.304 The applicant, or speaker designated by the applicant, will be allowed two minutes after speakers registered to speak on the item have been afforded the opportunity to speak. Speaker donation of time is not permitted for the applicant rebuttal.
- 4.400 Discussion Postponement Items. For items on not on the Consent Agenda being considered for a postponement:
- 4.401 All speakers in favor and opposed to the postponement will be allowed two minutes each. Speakers in favor of the postponement will be called to speak first.

4.402 The applicant, or speaker designated by the applicant, will be allowed two minutes after speakers registered to speak on the item have been afforded the opportunity to speak.

4.403 Speaker donation of time is not permitted for discussion postponement items.

4.500 Briefing Items. All speakers registered to speak on staff Briefing will be allowed three minutes each. Speaker donation of time is not permitted for Briefing items.

5.000 CONSENT AGENDA

5.100 The Order and Procedure for the Consent Agenda is as follows:

5.101 Reading of proposed Consent Agenda

5.102 Discussion about Recusal and/or Abstention

5.103 Public Comment on Consent Agenda Items

5.104 Commissioners ask questions and/or make comments on consent agenda items for up to 2 minutes each (all Commissioners get one opportunity)

5.105 Any Commissioner may pull an Item without a second.

5.106 If the order of the Consent Agenda is changed significantly, the Chair may choose to reread the revised Consent Agenda

5.107 Vote and disposal of motion to close the public hearing and approve the Consent Agenda

5.200 Motions can be passed through unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

5.300 Any Commissioner may pull any item off the Consent Agenda at any time before the adoption of the Consent Agenda.

5.400 If five or more speakers are signed up in opposition to an item on the Consent Agenda and are present, whether in-person or via teleconference, at the time of the reading of the Consent Agenda, the item will be pulled from the Consent Agenda and considered as a Discussion Item. If five or more speakers are not present, the Chair may place the item back on the Consent Agenda with feedback from staff and affirmation by the Commission.

6.000 NON-CONSENT PUBLIC HEARINGS AND BRIEFINGS

6.100 The Commission shall use the following order of procedure for zoning cases, neighborhood plan amendments, briefings, and all other action items that are not on the consent agenda or being considered for a postponement:

6.101 Chair announces requests.

6.102 Staff presents a summary of the case.

- Staff is allotted ten minutes for presentations for land development code, comprehensive plan amendments, and briefings. Staff is allotted six minutes for presentations for all other requested action. This time may be extended by a majority vote of the commission or by unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

6.103 Chair calls on speakers favoring the requested action as shown on the agenda.

6.104 Chair calls on speakers in opposition the requested action as shown on the agenda.

6.105 Chair calls on the applicant or speaker designated by the applicant for rebuttal.

6.106 Chair closes the Public Hearing after a motion and a second. No further testimony is taken from the public. Commissioners may still ask questions of staff or of persons in the audience.

6.107 Post-Hearing Procedures (*See* Rule 8.000)

6.200 The following special rules apply and may supersede the general rules in § 6.100:

6.201 If the public hearing is for a case initiated by the Historic Landmark Commission, the Commission, or the City Council, the proponent's presentations authorized in 6.102 above shall be made by the primary speaker in favor of the request.

6.202 Speaking times in any of the above instances may be extended by the chair with the unanimous consent of the Commission.

6.203 Video presentations are permitted and are subject to the time limits above.

6.204 Items on the agenda may be acted upon by one motion, provided however that the Commission may not consider items earlier than the time stated on

the agenda. “Other Business” items can be taken at any time. After the posted time, the Chair may announce the item and, if there is no opposition from the Commission or the public, the item may be taken “by consent” for approval without discussion.

7.000 POSTPONEMENT OF PUBLIC HEARINGS

- 7.100 The general policy is that anyone may request a postponement of a public hearing prior to the commencement of the meeting. The postponement request shall be submitted to the Commission and/or the case manager. The Commission, in its discretion, may deny a first request for postponement under extraordinary circumstances such as: significant, demonstrated and widespread opposition to the postponement, or hardship occasioned by the granting of the request. The determination as to whether extraordinary circumstances exist is within the sole discretion of the Commission. Subsequent postponement requests, and postponement requests from persons that are not considered interested parties, may be granted at the discretion of the Commission.
- 7.200 Requests for postponements of Neighborhood Plans or associated rezonings are strongly discouraged and will not be granted except in extraordinary circumstances. Extraordinary circumstances may include a significant defect in the planning process such as lack of notification, or the availability of relevant and significant information that was not available during the planning process, such as, the development of the Airport Overlay Zone around Austin-Bergstrom International Airport.
- 7.300 Postponement of Public Hearings for zoning applications that are filed within neighborhood planning areas that are undergoing the neighborhood planning process may occur as follows:

The Planning Commission will not consider a zoning application filed in an area that is undergoing a neighborhood planning process, if such an application would result in a change to current land use as defined in Attachment A. This waiting period shall run from the time of the First Land Use Community Workshop to the preparation of a draft Future Land Use Map (FLUM) or 6 months (181 days), whichever is sooner. Exceptions to the waiting period may be granted if the Neighborhood Planning Committee of the Planning Commission finds that the zoning application meets any one of the following criteria:

- If prohibiting the filing of an application imposes an **undue hardship** on the applicant, inadvertently or due to unforeseen circumstances, or prevents the applicant from addressing a public health or safety issue. If a hardship exemption is denied, the applicant can appeal to the Planning Commission.
- If the development is a **S.M.A.R.T. Housing project** which provides at least 40% or more reasonably priced housing. A letter of certification

from the Neighborhood Housing and Community Development Department will be required with the application.

- If the project provides **environmental protection** that is superior to the protection that would otherwise be achieved under existing zoning and development regulations. In particular, this exception would apply to projects proposed to be built on land that is “grandfathered” from certain regulations, but, if an exception is granted, would be only zoned to comply with all current code requirements. A letter of certification from the Watershed Protection and Development Review Department will be required with the application.
- If the development will provide full-time, permanent **employment opportunities** for at least 100 people who reside in the Austin-Round Rock Metropolitan Statistical Area. A letter of certification from the Economic Growth and Redevelopment Department will be required with the application.
- If the applicant receives majority support from neighborhood stakeholders at one of the City-sponsored neighborhood planning meetings. A letter of certification from the Neighborhood Planning and Zoning Department will be required with the application.
- The request is for the addition of a Mixed Use Combining District for the purpose of providing a mix of uses on the site.

7.400 If a postponement request is not supported by all interested parties and is not on the Consent Agenda, the Commission shall use the following order of procedure:

7.401 Chair announces postponement request.

7.402 Chair calls on speakers favoring the request.

7.403 Chair calls on those opposed to the request.

7.404 Chair calls on the applicant or speaker designated by the applicant for rebuttal.

7.405 Chair closes the Public Hearing after a motion and a second. No further testimony is taken from the public. Commissioners may still ask questions of staff or of persons in the audience.

7.406 Post-Hearing Proceedings (*See* Rule 8.000)

7.500 Motions can be passed through unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

8.000 POST-HEARING PROCEDURES FOR NON-CONSENT ITEMS

8.100 Following the closure of a Public Hearing, the Commission shall use the following order of procedure for zoning cases, neighborhood plan amendments, and all other action items that are not on the Consent Agenda, being considered for a postponement, or is a staff Briefing:

8.101 Questions from the Commission.

- Up to eight Commissioners may ask questions for up to five minutes each. Questions can be asked of staff, the applicant, or community members.

8.102 Chair asks for a primary motion and a second.

- Commissioners are advised to not present arguments on the case until a motion has been made and seconded.
- Once the primary motion has been made, any Commissioner may ask brief questions of a motion maker clarifying the language or stated intent of the motion, amending motion, or substitute motion for up to two minutes. In addition, up to two Commissioners may ask questions of staff, the applicant, or community members for up to two minutes.
- Three Commissioners in favor and three Commissioners in opposition to the motion may speak for up to three minutes. The motion maker is given the first opportunity to speak.
- At any point prior to the vote on the primary motion, the chair may recognize a Commissioner to offer an amending motion or a substitute motion. A substitute motion substantially alters the primary motion such that the intent of the base motion is altered. An amending or substitute motion requires a majority of the body to vote in favor to be approved.
 - Once an amending or a substitute motion has been made, the procedure is as follows:
 - The Commissioner makes a formal motion to make an amendment or substitution, and it is seconded.
 - Three Commissioners in favor and three Commissioners in opposition to the motion may speak for up to three minutes. The motion maker is given the first opportunity to speak.
 - Commission votes on a motion to grant or deny the amendment or substitution.
 - An amendment can be amended once or replaced by a substitution. A substitution can be amended once, but a substitution cannot be

substituted. The procedure for an amendment or substitution to an amending motion is the same as for an amending or substitute motion.

- Any motion can be withdrawn if there is no objection.

8.103 Commission votes on a motion to grant or deny the motion.

8.104 Motions can be passed through unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

8.200 For amendments to the land development code, comprehensive plan, or other major plan amendments, the following additional procedural rules apply following the close of a Public Hearing on the item and may supersede the general rules in § 8.100:

8.201 Questions from the Commission.

- All Commissioners will be given one opportunity to ask questions for up to five minutes each. Questions can be asked of staff, the applicant, or community members. Ex-officio members may ask one question each.
- Each Commissioner is allowed one turn to ask questions unless another Commissioner who has not received a turn does not wish to speak.

8.202 If a working group was created to make recommendations regarding the item:

- The working group amendments shall be presented after a primary motion and a second of the item by a working group member for up to ten minutes.
- Commissioners may pull any working group amendments for discussion. The remaining amendments will be approved as consent working group amendments as follows:
 - The Chair asks for a primary motion and a second to approve the working group amendments.
 - Working group amendments are included in the base motion if approved by majority vote or by unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.
- The Commission will then take up each working group amendment pulled

for discussion in the order presented. Deliberation on each is as follows:

- Three Commissioners may ask general questions related to each amendment for two minutes each. Questions can be asked of staff, the applicant, or community members.
- The Chair asks for a primary motion and a second to approve the working group amendment.
- Working group amendments are included in the base motion if approved by majority vote or by unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

8.203 The Commission will then take up individual amendments Commissioners have shared in advance.

- The individual amendments shall be presented after a primary motion and a second of the item by the Chair or designated Commissioner for up to six minutes.
- Commissioners may pull any individual amendment Commissioners have shared in advance for discussion. The remaining amendments will be approved as consent individual amendments as follows:
 - The Chair asks for a primary motion and a second to approve the individual amendments.
 - Individual amendments are included in the base motion if approved by majority vote or by unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.
- The Commission will then take up each individual amendment pulled for discussion in the order presented. Deliberation on each is as follows:
 - Three Commissioners may ask general questions related to each amendment for two minutes each. Questions can be asked of staff, the applicant, or community members.
 - The Chair asks for a primary motion and a second to approve the working group amendment.
 - Working group amendments are included in the base motion if approved by majority vote or by unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

8.204 If there are no working group amendments, or there are additional individual amendments that were not shared with the Commission in advance:

- The additional individual amendments shall be presented in alphabetical order by last name of the Commissioners. Deliberation on each is as follows:
 - Two Commissioners may ask general questions related to each amendment for two minutes each. Questions can be asked of staff, the applicant, or community members.
 - The Chair asks for a primary motion and a second to approve the individual amendment.
 - Individual amendments are included in the base motion if approved by majority vote or by unanimous consent. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.

9.000 BRIEFINGS

9.100 The Order and Procedure for staff Briefing items is as follows:

9.101 Staff presents for up to ten minutes.

9.102 Chair calls on speakers registered for the Briefing item.

9.103 Questions from the Commission.

- All Commissioners will be given one opportunity to ask questions for up to five minutes each. Questions can be asked of staff, the applicant, or community members.
- Each Commissioner is allowed one turn to ask questions unless another Commissioner who has not received a turn does not wish to speak.

10.000 ITEMS FROM THE COMMISSION

10.100 Working Group Amendments to the Land Development Code, Comprehensive Plan, Technical Codes, or other major plan amendments must be submitted to the staff liaison by 2 pm the day before the meeting to be share with all the Commissioners and posted as backup. Working Group Amendments not submitted by 2 pm the day before the meeting may be considered at the meeting

through a vote to amend the rules and only after all amendments timely shared have been considered. Working Groups will make every effort to submit amendments to the staff liaison by 2pm the Friday before a Tuesday regular meeting of the Commission to be distributed to the Commissioner that day.

10.200 Individual Amendments to the Land Development Code, Comprehensive Plan, Technical Codes, or other major plan amendments from a Commissioner must be submitted to the staff liaison by 2 pm the day before the meeting be share with all the Commissioners and posted as backup.

10.300 For all other Commissioner sponsored items, the sponsoring Commissioner should provide documentation to the staff liaison be distributed to the Commission by 2 pm the day before the meeting.

10.400 Items from Commission with action are subject to public hearing debate time allotment rules. Items from Commission without action are subject to briefing time allotment rules.

11.000 REVISION OR AMENDMENT OF PREVIOUS ACTIONS

11.100 Upon the discovery of new information that was not previously presented to the Commission, the Commission may use its discretion to rescind or amend a previous action at the request of two or more Commissioners. Such a request must be made at the first meeting after the meeting where the Commission took the action sought to be rescinded.

11.200 After a request to rescind is made, staff shall post the item on the next Commission agenda.

11.300 A request to rescind must be based on new evidence that may better inform the Commission. The decision to rescind or amend shall be effected by an affirmative vote of a two-thirds majority of the Commission.

12.000 POLICIES AND SUPPLEMENTAL PROCEDURES

12.100 Matters of policy affecting the Commission shall be decided at regular meetings or at special meetings called for that purpose.

12.200 Supplemental policies, rules and regulations may be adopted by a majority vote of the Commission.

13.000 STAFF INITIATED OR COMMISSION REQUESTED BRIEFINGS

13.100 Occasionally, staff may present a briefing to the Planning Commission on its own

initiative or at the request of the Commission.

13.200 Each briefing will be subject to a 15-minute time limit. If a briefing will exceed the time limit, Staff shall notify the Chair of the Commission before the meeting. The duration of the briefing can be extended at the will of the Commission.

13.300 Commissioners shall adhere to the time allotment per Exhibit: Debate and Briefing Time Allotment.

14.000 AMENDMENTS OR WAIVERS TO RULES OF PROCEDURE

14.100 Waivers to these Rules of Procedure may be made by the Commission at any regular or special meeting called upon the affirmative vote of a two-thirds majority of the total number of Commissioners currently appointed.

14.200 An amendment to these Rules and Procedure (“Rules”) may only be approved if the amendment was proposed at a preceding meeting and all Commissioners are formally notified thereof. Rules may be amended through unanimous consent or with support from two-thirds of the Commission, once a motion has been made and seconded. For unanimous consent, the Chair may ask if there is any objection to the proposed action, and if there is none, announce the result.