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RULES OF PROCEDURE

THE CITY PLANNING COMMISSION AUSTIN, TEXAS

1.000 MEETING

- 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 decided by the Commission.
- 1.200 If it should become necessary because of workload that any regular meeting be continued to the following day, such a meeting will reconvene on the day following and this second meeting shall be considered as part of the same session. The Planning Commission shall state the time and location certain for the second meeting prior to ending the first meeting.
- 1.300 Special meetings may be called by the Chair and shall be called if required by three or more members.
- 1.400 Notices of meetings shall be in writing and shall be sent to all members at least two days in advance of the meetings.
- 1.500 The Commission shall consider matters before it at its regular meeting according to the following schedule and shall hear matters in the order of business. The schedule shall be posted according to the following schedule, but may be modified at any meeting by unanimous consent of members present.

1.501 Call to Order

1.502 Approval of Minutes

1.503 Approval of Consent Agenda and Postponements

~~1.504 Commission Requested Briefings~~

~~1.505~~504 Discussion and Action on Neighborhood Plans and Associated Zoning Cases

~~1.506~~505 Discussion and Action on Ordinance Amendments

~~1.507~~506 Zoning Cases

~~1.508~~507 Subdivision Cases

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1.509508 Site Plan Cases

1.509 Commission Requested Briefings

1.510 Staff Initiated Briefings

1.511 Other Business

1.512 Adjournment

1.600 Staff is expected to follow the hierarchy sequence of matters. Staff is also expected to notify interested parties before the meeting that if their matter appears later in the agenda, the item may be bumped to a future meeting.

1.700 After consideration of the Consent Agenda and Postponements, the Chair may address interested parties with matters remaining on the agenda and recommend that a matter be postponed until the next Commission.

1.800 Any matters postponed under § 1.600 or § 1.700 will be placed at the beginning of the agenda at the Commission's next meeting.

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

2.000 PUBLIC HEARINGS

2.100 The Commission shall allow up to four citizens to address the Commission during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.

2.200 The Commission shall use the following order of procedure for zoning cases, subdivisions, and proposed amendments to the City's development regulations or comprehensive plan:

2.201 Chair announces requests.

2.202 Staff presents a summary of the case.

2.203 Chair calls on those favoring the requested action as shown on the agenda.

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- 2.204 Primary Proponent's presentation (~~five~~four minutes).
 - 2.205 Three others favoring the request (~~two~~three minutes each); ~~16~~10 additional speakers 1 minute each.
 - 2.206 Chair calls on those opposing the request.
 - 2.207 Primary Opponent's presentation (~~five~~four minutes).
 - 2.208 Three others opposing the request (~~three~~two minutes each); ~~16~~10 additional speakers one minute each.
 - 2.209 Proponent is given an opportunity to answer objections stated (three minutes).
 - 2.210 Staff summation and questions from the Commission.
 - 2.211 Public hearing is closed and no further testimony is taken from the public. Commissioners may still ask questions of staff or of persons in the audience.
- 2.300 The following special rules apply and may supersede the general rules in Section 2.200:
- 2.301 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 above shall be made by the primary speaker in favor of the request.
 - 2.302 Speaking times in any of the above instances may be extended by the chair with the unanimous consent of the Commission.
 - 2.303 In the case of disputed postponements, only two speakers from each side may testify.
 - 2.304 Total discussion on a contentious case will be limited to ~~30~~20 minutes per side. If there are more than two sides to a question, the Commission will make provisions for others to speak.
 - 2.305 A person registered to speak on an agenda item or at a public hearing may donate the speaking time to another speaker if the person donating the time is present when the speaker addresses the Commission. The person donating time must specify the name of the person to whom they are donating time. A speaker may receive donated time for a maximum of 10 minutes.

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- 2.306 Video presentations are permitted and are subject to the time limits above.
- 2.307 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.

3.000 POSTPONEMENT OF PUBLIC HEARINGS

- 3.100 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.
- 3.200 Requests for postponements of Neighborhood Plans or associated rezones 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.
- 3.300 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

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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.

3.400 If a postponement request is not supported by all interested parties, the Commission shall use the following order of procedure:

- 3.401 Chair announces postponement request.
- 3.402 Chair calls on those favoring the request.
- 3.403 The person or interested party requesting the postponement presents reasons for request (3 minutes).
- 3.404 Secondary speaker (limit one) favoring the request (2 minutes).
- 3.405 Chair calls on those opposed to the request.
- 3.406 Primary presenter presents reasons opposed to request (3 minutes).
- 3.407 Secondary speaker (limit one) opposed to the request (2 minutes).

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3.408 Questions from the Commission.

3.409 Commission votes on a motion to grant or deny the postponement request.

4.000 POST-HEARING PROCEDURES

4.100 Following the closure of a public hearing, the chair shall invite commissioners to ask questions of the staff or of specific audience members. When questioning is complete, the chair shall ask 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. The chair shall invite the maker of the motion and the member seconding the motion to present arguments for the motion.

4.200 Commissioners are encouraged to refrain from speaking more than two times in debating the motion. At any point the chair may recognize a commissioner to offer an amending motion. An amending motion can be adopted without objection, or by vote following a second and a debate. If the amendment is approved, then the amended primary motion may be debated. If the amending motion is offered as a “substitute motion,” it replaces the primary motion if it is approved and ends debate.

5.000 REVISION OR AMENDMENT OF PREVIOUS ACTIONS

5.100 Upon the discovery of new information that was not previously available 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.

5.200 After a request to rescind is made, staff shall post the item on the next Commission agenda ~~under “Items from the Commission.”~~

~~5.200~~ 300 A request to rescind must be based on new evidence judged to be material to correct a decision of the Commission. The decision to rescind or amend shall be effected by an affirmative vote of a two-thirds majority of the Commission.

6.000 POLICIES AND SUPPLEMENTAL PROCEDURES

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

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

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7.000 AMENDMENTS TO RULES OF PROCEDURE STAFF INITIATED OR COMMISSION REQUESTED BRIEFINGS

7.100 Amendments to these Rules of Procedure may be a made by the Commission at any regular or special meeting called for that purpose upon the affirmative vote of a two-thirds majority of the total number of members currently appointed. Occasionally, Staff may present a briefing to the Planning Commission on its own initiative or at the request of the Commission.

7.200 Any such amendment must have been proposed at a preceding meeting and all members formally notified thereof. Each briefing will be subject to a ten minute time limit. The duration of the briefing can be extended at the will of the Commission.

8.000 AMENDMENTS OR WAIVERS TO RULES OF PROCEDURE

8.100 Amendments or waivers to these Rules of Procedure may be a made by the Commission at any regular or special meeting called for that purpose upon the affirmative vote of a two-thirds majority of the total number of members currently appointed.

8.200 Any such amendment must have been proposed at a preceding meeting and all members formally notified thereof.