

**ZONING & PLATTING COMMISSION
RULES OF PROCEDURE**

Approved by the Zoning & Platting Commission on May 3, 2016

ARTICLE I. GENERAL PROVISIONS.

(A) Legal Authority & Jurisdiction.

(1) The Zoning & Platting Commission (hereafter “ZAP” or “Commission”) derives its legal authority from the Texas Local Government Code, Chapters 211 and 212, and the City of Austin’s Land Development Code (Title 25).

(2) ZAP serves as the Land Use Commission for matters within its jurisdiction under LDC § 25-1-188, which include:

(a) Control over platting and subdividing land within the corporate limits of the City and extraterritorial jurisdiction of the City;

(b) Make recommendations to City Council regarding proposed zoning changes; and

(c) Other functions, as established by ordinance, including but not limited to review and approval of applications for conditional use site plans and environmental variances.

(3) The Commission may request that the City Manager provide relevant information and staff support in relation to its functions.

(B) Rules of Procedure.

(1) These Rules of Procedure (“Rules”) establish standards and guidelines for the conduct of public hearings and the resolution of cases before the Commission. In the event of a conflict with City Code or other applicable law, the Code or other law supersedes these Rules.

(2) Applicants and other interested parties should familiarize themselves

with these Rules before filing an application or testifying on a case to ZAP. For information regarding membership, terms, and other requirements relating to the operating and structure of the Commission, please consult ZAP's bylaws and City Code Chapter 2-1.

ARTICLE II. OFFICIAL ACTS AND RECORDS.

(A) Announcement of Official Acts.

(1) The Executive Secretary, who shall be selected by the Commission, shall prepare for the Commission all letters of transmittal to the City Council for Commission approval and shall sign all documents required for Commission action relative to zoning plan changes, special permits, and subdivision plans. Letters to the Council shall be signed by the Chair of the Commission and posted on line.

(2) In the absence of the Executive Secretary, the Chair, Vice Chair, or other member selected by the Commission may perform functions assigned to the Executive Secretary under these rules.

(B) Official Records.

(1) The official records of the Commission shall be its adopted minutes and electronic recordings of its meetings.

(2) The official records of the Commission shall constitute a public record open to public inspection.

(3) A copy of these Rules and Regulations, and all amendments thereto, shall be placed on permanent file in the office of the City Clerk within seven (7) days of adoption.

ARTICLE III. RULES OF ORDER

(A) Conduct

(1) Each person or Commission member attending a board meeting should observe decorum. A person or board member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person at a Commission meeting.

(2) The presiding officer:

(a) should maintain order;

(b) should exercise the officer's authority impartially; and

(c) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

ARTICLE IV. MEETINGS

(A) Citizen Sign-Up.

(1) Citizens wishing to address the Commission during Citizens Communication, Public Hearings and Presentations must sign a Comment Card provided by the Commission Liaison. Cards are available 30 minutes prior to the start of the meeting and, once filled out, should be returned to the Commission Liaison. Persons not wishing to testify may also fill out a Comment Card.

(B) Citizens Communication.

(1) After the meeting is called to order, up to four (4) speakers will be allowed three (3) minutes each, to address the Commission on matters not on the agenda.

(C) Briefings.

(1) A member of the public may not address a board at a meeting on an item posted as a Briefing.

(D) Presentations.

(1) Staff presentations which include a request for Commission recommendation shall be listed under the agenda category of Presentations. Presentations allow for public comment, speakers will be allowed three (3) minutes each.

(E) Meeting Order.

(1) The staff facilitator will read the agenda into the record. If a Commissioner asks that an agenda item be discussed or a person or persons have signed up to speak on an agenda item, the item may not be acted upon in one motion.

(2) Items on the agenda may be acted upon by one motion provided that the Commission not consider items earlier than the time stated on the agenda. "Briefings" 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) A Commission action must be adopted by an affirmative vote of six (6) Commission members.

ARTICLE V. PUBLIC HEARINGS

(A) The Commission shall use the following order of procedure for public hearings:

(1) Chair announces requests;

(2) Staff presents a summary of the case;

(3) Chair calls on those favoring the request;

(a) Applicant's presentation five (5) minutes;

(b) Others favoring the request three (3) minutes each;

(c) And reads into the record the names of anyone favoring the request who did not sign in to speak.

(4) Chair calls on those opposing the request;

(a) Primary presentation five (5) minutes;

(b) Others opposing the request three (3) minutes each;

(c) And reads into the record the names of anyone opposing the request who did not sign in to speak.

- (5) Applicant is given an opportunity to answer objections stated three (3) minutes;
 - (6) Staff summation and questions from the Commission;
 - (7) A vote is taken to close the public hearing and no further testimony is taken from the public.
- (B) Speaking times in any of the above instances may be extended by the Chair without objection of the Commission.
- (C) A speaker may donate time to another speaker if he or she is present when the speaker begins to address the Commission. No speaker can testify for over fifteen (15) minutes without the consent of the Commission.

ARTICLE VI. POSTPONEMENT REQUESTS

- (A) It is preferred that anyone requesting a postponement of a public hearing put the request in writing to the Commission Liaison by 10:00 a.m. the Tuesday before the Zoning and Platting Commission meeting. The request for postponement should reflect how long the item should be postponed and the reasons for the postponement. Any such request may be granted at the discretion of the Commission. However, the general practice is to allow one postponement for the applicant and one postponement for an immediate resident or neighborhood association.
- (B) Commission minutes should reflect who requested the postponement and for how long.
- (C) Process for addressing postponements:
- (1) If the postponement request is not supported by all interested parties, the Commission should use the following order of procedure.
 - (a) Chair calls on the person or interested party requesting the postponement, who presents the reasons for the request. Testimony is limited to three (3) minutes;
 - i All others favoring the request two (2) minutes each; ZAP Rules of Procedure – Page 6 of 7

ii And reads into the record the names of anyone favoring the request who did not sign in to speak.

(b) Chair calls on those opposing the postponement request;

i Primary presentation three (3) minutes;

ii Others opposing the request two (2) minutes each;

iii And reads into the record the names of anyone opposing the postponement request;

(c) Staff summation and questions from the Commission;

(d) The Commission then votes to grant or deny the request for postponement.

(2) Speakers addressing the postponement request shall solely address the merits of the postponement rather than the merits of the case.

ARTICLE IV. SUPPLEMENTAL RULES AND POLICIES.

(A) Revision or Amendment of Previous Action by the Commission.

(1) The Commission may consider a motion to rescind or amend a previous action at the request of two or more Commissioners. Such a request must be based on new evidence judged to be material to a correct decision of the Commission and must be made within fourteen (14) days from the date of the session in which the action to be rescinded or amended was taken. The decision to rescind or amend may be effected by an affirmative vote of a two-thirds majority of the Commission.

(2) Notwithstanding the Rule (A)(1), the Commission may not rescind a subdivision plat or other approval required under the Land Development Code that is not subject to appeal.

(B) Parliamentary Authority. *Robert's Rules of Order* shall govern all questions of parliamentary law not covered by these Rules.

(C) Commission Policies and Supplemental Policies. Matters of policy affecting the Commission shall be decided at regular meetings or at special meetings called for that purpose. Supplemental policies, rules and regulations may be adopted by a majority vote of the Commission.

(D) Amendments. Amendments to these Rules and Regulations may be 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. Any such amendment must have been proposed at a preceding meeting and all members formally notified thereof.

DRAFT

DRAFT