

## **Seabrook Planning and Zoning Commission Rules of Procedure**

**Membership/Structure.** These Rules and Procedures are enacted under the authority of the Seabrook City Charter, Article VI. “Planning and Zoning”, for the purpose of establishing uniform and fair policies for the conduct of business entrusted to the Planning and Zoning Commission (the “Commission”) pursuant to the Charter. The Rules of Procedure contained herein, are enacted pursuant to Charter Section 6.03 “Rules of Procedure”.

The Council shall appoint a Planning and Zoning Commission which shall consist of seven (7) members. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of twelve (12) months prior to appointment. He or she shall hold no other position elective, appointive, or salaried in the City government, and shall serve without pay. The Mayor, the City Manager, the City Engineer and other ex officio members as the Council may provide by resolution, shall serve as nonvoting members of the Commission. All actions of this Commission shall be in accordance with the Texas Local Government Code §§ 211.001 et. seq., 212.001 et seq., and as otherwise required by law, as now or hereafter amended. The Commission is subject to the Texas Open Meeting Law, Chapter 551, Texas Government Code.

**Officers, Duties and Elections.** The Officers of the Planning and Zoning Commission shall consist of a Chair and Vice-Chair. The Officers of the Board shall be elected by majority vote of Commission at the regular scheduled meeting in January. Terms of office shall be three (3) years. Vacancies occurring in the Commission, for whatever reason, shall be filled by appointment by the Council, for the remainder of the unexpired term. (Charter Section 6.02).

**Conflicts of Interest.** No Commissioner shall vote or participate as a Commissioner in any proceeding before the Commission that involves any matter regarding a business entity or real property in which that Commissioner has a substantial interest as provided by Local Government Code Sections 171.001 et. seq., and 212.017 (attached). If a substantial interest exists, the affected Commissioner shall disclose the nature and extent to the Commission by affidavit and remove him or herself from any participation in the discussion, deliberations, or action on the matter. Each Commissioner shall comply with all related disclosure requirements contained in the Seabrook Code of Ordinances/Charter and related law.

**Applicant Discussions.** Individual Commissioners shall not meet with or discuss with any Applicant issues subject to the regulation or authority of the Planning and Zoning Commission except within the confines of properly posted and noticed meetings.

**Chair’s Duties.** The Chair shall preside over each meeting of the Commission. To this affect the Chair:

- Shall conduct meetings in an orderly, fair, and open manner.
- Shall oversee preparation of the Agenda for each meeting of the Commission.

Pursuant to authorizations given by the Commission, the Chair shall:

- Sign Plats
- Submit findings and recommendations of the Commission to be forwarded to the City Council
- Prepare certifications of reasons for approval or denial of Plats requested by interested persons, in accordance with state law
- Correspond with the City Manager, Staff Liaison, City Council, or other boards or commissions as directed by the City Council
- At his or her discretion, request investigation by City staff, with authorization of the City Manager, regarding comments or questions brought by or to the attention of the Commission

**Vice Chair's Duties.** The Vice Chair shall preside in the absence of the Chair. In the event of the absence or disability of both the Chair and Vice Chair, the Commissioners shall elect an Acting Chair to preside during such absence. The Vice Chair or Acting Chair shall perform all of the acts required of the Chair until his or her return or replacement.

**Meetings.** Regular Commission meetings will occur once per month on the third Thursday at 7pm in Council Chambers (or at such other time or location as designated by the Agenda) or dates as called by the chairman or Commission. If no items have been presented for an agenda the Chairman may reschedule the Regular Meeting. If it should be necessary because of the 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. In case of inclement weather or natural disaster any meeting may be cancelled and rescheduled by the Chairman of the Commission or the order of the Mayor/City Council. The Planning and Zoning Commission may hold joint meetings with the City Council or other boards, commissions or task forces in addition to their own meetings. Public notice of all joint meetings shall be given as required by the Texas Open Meetings Act, Section 551.001, *et seq.* of the Government Code.

**Agenda.** Items for consideration and/or action by the Commission may be placed on a meeting Agenda as follows:

- By the Chair or the Commission;
- At the direction of the City Council or the request of the City Manager, or the Staff Liaison;
- By written request from any other board or commission of the City, as approved by City Council and delivered to the Chair or the Staff Liaison; or
- As required by state law or the Code of Ordinances.

No item may be submitted for inclusion on a meeting Agenda after noon of the seventh day preceding the date of such meeting absent consent of the Chair or City Manager.

Applications for zoning changes, Conditional Use Permits and Plats which require the sending of written notice or publication in a newspaper under the provisions of state law, the Code of Ordinances of the City, or the Charter of the City will be scheduled in accordance with those requirements.

**Applications.** Requests for Zoning Permits, Subdivision Plat Approval, Conditional Use Permits, and other permits delegated by state law or the City Council of the City of Seabrook (the “City”) shall be filed with the Building Department on application forms, and accompanied by the requisite fee(s), in such form as required by the Building Official. No application, whether complete or not, will be accepted without full payment of the Application Fee enacted by the City Council in the Fee Ordinance of the City.

Applications for Permits or Approvals under the jurisdiction of the Commission shall be developed by the City staff and approved by the City Attorney. Applications shall be completed in full by those seeking an action by the Commission and any incomplete application shall be grounds for disapproval by the Commission. Applications for preliminary or final plats which are incomplete and/or fail to comply with all City requirements, as determined by staff are not considered filed for purposes of approval by the Commission.

**Conduct of Meetings.** The Chair or, in his/her absence, by the Vice Chair/Acting Chair shall be the presiding officer at all meetings of the Commission and shall have a vote in all of its proceedings. Commissioners shall speak only on being recognized and given the floor by the Chair, whose recognition shall not be unreasonably withheld. A Commissioner may yield time, if time limits are imposed, during his speaking to another Commissioner upon request by that Commissioner or the Chair. Upon expiration of the time yielded the speaker shall regain the floor and shall be so recognized by the Chair.

**Communications from the Public.** In order to maintain decorum, no person shall be permitted to enter the public portions of City Hall facilities or speak for or against any item on any agenda unless that person is appropriately attired.

All cell phones and pagers are to be turned off in the council chambers or in any other room or building in which an official Commission meeting is held and is in session.

Any person having business before the Commission may speak at the beginning of the meeting, or as otherwise directed by the Commission, on any item not posted for a hearing on the agenda under the agenda item “Public Comments and Announcements.” Any person desiring to do so will be afforded the opportunity to address the Commission at that time. Citizens who wish to bring up a matter not on the agenda may do so, but comments shall be limited to city business or city-related business and shall not include any personal attacks. Persons desiring to address the Commission on any non-listed item shall sign his or her name and address on the form provided at the meeting. Speakers will be limited to four minutes. No media presentations are permitted for this agenda item.

Except for comments under "Public Comments and Announcements", citizens may not address the Commission at Commission meetings unless the agenda provides for a public hearing. In order to avoid any compliance issues with the Texas Open Meeting Law, questions presented to the Commission may be referred to staff, but shall not otherwise be discussed or debated by the Commission except in relation to a noticed agenda item at the time of discussion of that item.

Jeering, booing, cheering, clapping or otherwise vocally or audibly expressing agreement or disagreement with the Commission or a speaker in a Commission meeting shall not be tolerated.

**Public Hearings.** Items posted for hearing on the agenda will be heard in the order of their listing unless the presiding Chair modifies the order of the agenda without objection by the Commission. Any citizen wishing to speak at a Commission meeting shall be required to sign the roster as provided or otherwise identify himself/herself for purposes of the record after being recognized by the Chair.

Public Hearings shall be conducted in accordance with state law provisions and any person wishing to address the Commission shall sign up giving his or her name and address on the form provided at the meeting. To maintain decorum, the Chairman, at any meeting will ask the citizens present if they wish to speak for or against any item on the agenda. If so, they will be given an opportunity to do so at the proper time, when recognized by the Chair. Public Hearings shall be generally conducted in the following order subject to a suspension of the rules as specified by a two thirds vote of the Commissioners present:

- Chair announces the agenda item;
- Staff presents its report on the request including any recommendations;
- Applicant presents request (10 minute time limit). Video/electronic media presentations are permitted (subject to the availability of the City's electronic equipment) and are subject to the time limits above;
- Those in Support of the request and who have signed up present their comments and information (four minute time limit each);
- Those in Opposition to the request and who have signed up present their comments and information (four minute time limit each);
- Applicant presents rebuttal information (four minute time limit);
- Hearing is closed by the Chair.

The Commission may then discuss the request, ask questions or hear from any member of the audience or staff to clarify any part of the request without the necessity of a motion. No person who has signed up to speak may reserve his or her time or yield any time to another person.

Upon completion of all Public Hearings the Commission may propose motions to Approve, Deny, Table, Postpone/Continue to a future meeting, or Refer any matter for further study so long as such referral is in compliance with state law, the Code of Ordinances of the City and the City Charter.

**Action Item Checklist.** Any Planning & Zoning Commission member may put an item on the Action Item Checklist, but it takes a majority vote to move an item from the Checklist to the Agenda. The items will be listed by the deadline date assigned (anticipated completion date) and sponsored by a member of the Planning & Zoning Commission.

**Parliamentary procedure.** In regular and special meetings, the rules contained in the current edition of “Robert's Rules of Order, Newly Revised” will be followed unless otherwise noted in this section or except as otherwise provided by state law, the municipal code or by City Council adopted policy. However, breach of Robert’s Rules of Order, in and of itself, shall not render any action of the Commission invalid. The following commonly used procedures shall be followed:

(1) Parliamentary questions, motions and their precedence shall be executed as follows:

	Motion	Debatable	Amendable	Majority vote of those present	Two-thirds
a.	To adjourn	No	No	Yes	No
b.	To take a recess	No	Yes	Yes	No
c.	For previous question	No	No	Yes	Yes
d.	Continue to time certain	Yes	Yes	Yes	No
e.	Commit, refer or recommit	Yes	Yes	Yes	No
f.	To amend	Yes	Yes	Yes	No
g.	To amend amendment	Yes	No	Yes	No
h.	To offer substitute amendment	Yes	Yes	Yes	No
i.	To amend a substitute amendment	Yes	No	Yes	No
j.	Postpone indefinitely	Yes	No	Yes	No
k.	Take under indefinitely	Yes	No	Yes	No
l.	For the original motion	No	No	Yes	No
m.	To table	No	No	Yes	No

**Motion to Limit Debate or Close Debate (Calling the Question or Cloture).** Commissioners shall have unlimited time for any discussion unless a motion is made to Limit Debate or Close Debate (Call the Question), the motion is seconded and it is approved by 2/3rds vote of those Commissioners present.

The Chair shall recognize any motion to Limit Debate immediately upon hearing a Second. The motion to Limit Debate is amendable and must receive 2/3rds vote of those Commissioners present.

The Chair shall recognize any motion to Close Debate immediately and no further comments from any Commissioner shall be made until the motion to Close Debate has been disposed of. Passage of the motion to Close Debate shall terminate debate on the motion, amendment or amend motion, and the matter shall move on immediately. A failure of 2/3rds majority vote to Close Debate shall entitle the speaker to continue without interruption for an unlimited time and no subsequent motion to Close Debate may be introduced until one hour of time has elapsed since the previous motion to Close Debate was voted upon.

Any Commissioner may call for the question on any issue, and upon seconding by another Commissioner, the issue shall immediately be put to vote. This shall be done by the member calling for the previous question.

The Commission may agree to limit debate on any business before it. That agreement may be formalized by a majority of the Commission on roll call vote.

Any member may request a roll call vote at any time.

The presiding officer shall not entertain any dilatory motions.

**Decorum and Debate.** When a measure is presented for consideration to the Commission, the presiding officer shall recognize the appropriate individual to present the case. When two or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the Commission shall interrupt another while speaking except to make a point of order or to make a point of personal privilege.

No Commissioner shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use language tending to hold a member of the Commission up to contempt.

If a Commissioner is speaking or otherwise transgressing the rules of the Commission, the presiding officer shall, or any Commissioner may, call him or her to order in which case he or she shall immediately be quiet unless permitted to explain. The Commission shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise.

Each member of the Planning and Zoning Commission present at a meeting shall cast one vote on all matters before the Commission, except for matters requiring a recusal or where an abstention is appropriate. The rule, under Robert's Rules of Order, for the Chair to abstain where the vote is already decided by a clear majority and the Chair vote would not act as a tiebreaker is waived.

**Approval**

Upon an affirmative vote, these Rules and Procedures, and any amendments thereto, shall be forwarded to the City Council for their review and approval. Upon the City Council's approval, the Rules and Procedures, or any amendments thereto, shall become effective.

**PLANNING & ZONING COMMISSION**



Michael Potts  
Chairman

ATTEST:



Alesia Hammock  
Secretary

**CITY OF SEABROOK**

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Glenn Royal  
Mayor

ATTEST:

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Robin Hicks  
City Secretary