

**City of Wylie, Texas
Zoning Board of Adjustment
Rules of Procedure**



1. Statement

- 1.1. It is hereby declared that appointment to the Zoning Board of Adjustments is a distinct honor and the trust imposed in the appointee involves the corresponding obligation of the appointee to serve the community by regular attendance and participation in the proceedings of the body.

2. Creation and Membership

- 2.1. The Board was created by Ordinance 1962-05 and amended in 1982 and the City Charter in 1985, and serves at the will of the City Council.
- 2.2. The Zoning Board of Adjustments shall consist of five (5) regular members and two (2) alternate members who will serve for terms of two (2) years. A Commissioner shall generally be limited to three two-year terms, per Ordinance 2020-07. The members will be resident citizens, taxpayers, and qualified voters of the City.
- 2.3. In accordance with State law, Board members are required to complete Open Meetings training and receive a Certificate of Completion within the first ninety (90) days of first year appointment. This may be taken online via the Office of Attorney General's website (www.oag.state.tx.us). The Office of the Attorney General offers free video training courses to ensure that all elected and appointed government officials have a good command of both open records and open meetings laws.

3. Officers

- 3.1. The Board shall, at the first meeting after July 1st (and at such other times as these offices may become vacant), select from among its members a Chairperson and Vice-Chairperson to serve for a period of one (1) year.
- 3.2. In the absence of both the Chairperson and Vice-Chairperson during a meeting, the remaining Commissioners shall elect an Acting Chairperson.

4. Officer's Duties

- 4.1. The Chairperson shall preside over all meetings and briefing sessions, and perform all duties as required by law.
- 4.2. The Vice-Chairperson shall assume all duties of the Chairperson in the absence of the Chairperson.

5. Powers and Duties of the Commission

- 5.1. The Board shall initiate public hearings on appeals of building permit denials, appeals of City Development Code or Ordinance interpretation, variance requests to the City of Wylie Zoning Ordinance, or other issues within the Boards jurisdiction as allowed by State law.

5.1.A. Evaluation of all appeals and variance requests shall be completed under the appropriate standards as outlined in the City of Wylie Zoning Ordinance.

- 5.2. The Board shall recommend to City Staff amendments to the City's Development Code or Zoning Ordinance in relation to granted variances or appeals to interpretation which will facilitate the movement of people and goods, promote the health, recreation, safety, and general welfare of the citizens of Wylie.
- 5.3. The Commission shall perform all other duties as prescribed by State statutes and the City's Zoning Ordinance.

6. Rules of Order

- 6.1. The Chairperson shall rule on all points of order.
- 6.2. The Board may overrule the Chairperson on points of order by a two-thirds (2/3) vote of members present.
- 6.3. Any provisions of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds (2/3) vote of all members of the Board, which vote shall be entered upon the minutes.

7. Quorum

- 7.1. A quorum shall consist of four (4) members.
- 7.2. No matters may be handled without the presence of a quorum.
- 7.3. Whereas State Law requires a 75% vote of all members, not only members present, there is an expectation that appointed alternate members shall attend all called meetings, be familiar with the agenda, and be prepared to serve as needed.

8. Agendas

- 8.1. An agenda shall be prepared by the City Planner or his/her designee for each meeting of the Zoning Board of Adjustment. A copy of the agenda shall be posted in the Municipal Complex as required by law, as well as on the website.

- 8.2. There shall be attached to each agenda item, a report of matters pending further action by the Board.
- 8.3. All regular and special meetings shall follow, as closely as possible, the printed agenda. The agenda should include, but is not limited to the following;
 - a. Ratification of Minutes;
 - b. Citizens' participation on items not on the agenda;
 - c. Executive Session, as needed;
 - d. Items for individual consideration;
 - e. Breaks at the discretion of the Chairperson;
 - f. Commissioners or Staff comments on general business;
 - g. Adjournment.
- 8.4. Agendas may be amended by the Chairperson as to the order of items, but not as to content, unless overruled by a majority of the members present.

9. Minutes of Meetings

- 9.1. Minutes of all regular and special meetings shall be kept by the Secretary, designated by the City Planner, and are subject to amendment and ratification by the Board at the next regular meeting.
- 9.2. The minutes of the Board's proceeding shall show the overall vote, or if absent or failing to vote, shall reflect that fact.

10. Regular meetings

- 10.1. The Board shall meet on the third Monday of each month at 6:30 pm in the Council Chambers of the Municipal Complex, unless noted otherwise. All meetings shall be open to the public, and the public is encouraged to attend.
- 10.2. Any Board member missing three (3) consecutive regularly scheduled meetings without prior notification to Staff and/or a valid reason, which may include family emergency, illness, or other reasonable cause, may be subject to dismissal from the Board by the City Council.
- 10.3. Under special circumstances the Board may reschedule regular meeting dates. The new dates should be announced at a regularly scheduled meeting, and agendas posted accordingly.

11. Special Meetings

- 11.1. Special meetings may be called by the Chairperson, or at the request of two (2) or more members, or may be scheduled by a majority of the Board at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.
- 11.2. All members must be notified of any special meeting by giving written notice to all members by an email address of record at least seventy-two (72) hours before the meeting, and the notice must specify the purpose of the meeting.
- 11.3. Special meetings must be posted in accordance with the open meetings act.

12. Public Hearings

- 12.1. Conduct of public hearings will follow the general guidelines listed below and as outlined in Section 13 Addressing the Board:
 - a. Introduction of agenda item by the Chairperson;
 - b. Report by the City Planner or designee;
 - c. A maximum of 15 minute presentation by the applicant;
 - d. Opening of public hearing by the Chairperson;
 - e. Comments from organized groups and individuals in opposition to the issue of the public hearing; group comments should not exceed 6 minutes, individual comments should not exceed 3 minutes unless an interpreter is needed, in which case 6 minutes is allowed.;
 - f. Comments from organized groups and individuals in favor of the issue of the public hearing; group comments should not exceed 6 minutes, individual comments should not exceed 3 minute unless an interpreter is needed, in which case 6 minutes is allowed;
 - g. Questioning of witnesses
 - h. A maximum 15 minute rebuttal by the applicant;
 - i. Questioning by the Board of the applicant and audience members who addressed the Board.
 - j. Close public hearing;
 - k. Board query of Staff;
 - l. Board action pertaining to the issue of the public hearing.
- 12.2. All meetings shall be held in full compliance with the provision of state law, ordinances of the City, and these rules of procedure

13. Addressing the Board

- 13.1. Persons desiring to address the Board shall complete a "Request to Speak" card and submit the card to the Secretary.
- 13.2. The Secretary will sort the speaker cards by agenda item and deliver them to the Chairperson.
- 13.3. The Chairperson will refer to the speaker cards for comments on items not on the printed agenda, individual agenda item comments, and public hearing comments.

- 13.4. Persons who note on a speaker card their desire to address the commission will be called to the podium by the Chairperson at the appropriate time and will follow the guidelines of Ordinance 2019-29 as outlined below when addressing the Board;
- a. Approach the podium, state their name and address and whether or not they are representing a person, group, or organization;
 - b. Speak so that all present in the room may hear clearly;
 - c. Address all statements and questions to the Chairperson;
 - d. Be courteous in language and deportment;
 - e. Be concise and focused in their Comments;
 - f. Group comments should not exceed 6 minutes, individual comments should not exceed 3 minutes unless an interpreter is needed, in which case 6 minutes is allowed.
- 13.5. Persons addressing the Board during a public hearing will follow the public hearing guidelines noted in Section 12.
- 13.6. The Chairperson will read into the record the names of persons who filled out a speaker card in support of or in opposition to an agenda item but did not wish to address the Board.
- 13.7. The Chairperson may interrupt an individual to redirect or terminate remarks when they are not relevant to the matter before the Board, or when the Chairperson determines the remarks to be out of order.

14. Evidence

- 14.1. Only relevant evidence and testimony will be received.
- 14.2. Petitions and other physical evidence should be submitted to the Board Chairperson. Petitions may not be read in full into the record, but may be noted into the record.
- 14.3. Ex Parte Communications
- a. Any Board member having new factual information regarding regular meeting or work session agenda items shall make that information known to all Board members.
 - b. Board members shall not make voting commitments prior to hearing all submitted evidence regarding meeting agenda items.

15. City Staff Responsibilities

- 15.1. The City Planner or designee shall be responsible for providing the Board with the necessary professional, technical, and clerical services, including:
- a. Prepare and submit the agenda with staff reports and any special items as directed by the Chairperson;
 - b. Give and serve all notices required for public hearings;

- c. Introduce and factually explain each item on the agenda;
- d. Coordinate the services of all City Staff and other sources of public information for and on behalf of the Board;
- e. Maintain a true copy of all Board proceedings;
- f. Maintain all Board records;
- g. Attend all official correspondence and communications to and of the Board.

16. Written Request Required

- 16.1. Every proposal submitted for Board action shall be made in accordance with approved application procedures from the appropriate Ordinance or Regulations. The proposal shall be complete in all respects before being accepted for filing and Board consideration.

17. Conflict of Interest Rules

- 17.1. Conflict of Interest. Should any member of the Board feel they have a conflict of interest with an agenda item before the Board, they should openly declare so at the earliest possible time. Their seat will be filled by an alternate Board member for that meeting. They are thereby prohibited from discussing, participating in, or voting on the item in question. They shall also fill out a Conflict of Interest form and file it with the Secretary.
- 17.2. Abstention. Should any member of the Board choose to abstain from voting on any question before the Board where no declared conflict of interest exists, their vote shall be recorded as an affirmative vote in the official minutes.

18. Motions

- 18.1. A motion may be made by any member. A second to the motion shall be required before an item is put to a vote.
- 18.2. Any item in which no motion is made shall be recorded as a denial of the variance request.
- 18.3. All votes shall be by 75% of all Board members (5), regardless of the number of members present, except as otherwise stated in these rules of procedure.

19. Repealing Clause

- 19.1. All previously adopted Rules of Procedure of the Zoning Board of Adjustment are hereby expressly repealed

20. Suspension of Rules of Procedure

- 20.1. Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law or home rule charter, and provided that not less than two-thirds Board members vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended.

PASSED AND APPROVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF WYLIE THIS _____ day of _____ 2020.

Jason Potts, Chairman

Byron Butler, Vice-Chairman

Filed in the Office of the City Secretary this _____ day of _____, 2019

Stephanie Storm, City Secretary
City of Wylie, Texas