

## PLANNING AND ZONING COMMISSION BYLAWS

This Maricopa County Planning and Zoning Commission (Commission) is created by the Maricopa County Board of Supervisors pursuant to A.R.S. § 11-802 to direct the growth and physical development of Maricopa County, along orderly and economic lines to promote prosperity, health, safety, morals, happiness and general welfare. These rules are adopted by the Commission pursuant to A.R.S. § 11-804 (3).

### ARTICLE I - MEETINGS

1. Annual meeting. The meeting for the installation of new members and for the election of officers shall be held at the first regular meeting of the calendar year or as soon thereafter as possible.
2. Regular meetings
  - (a) Meetings shall be held on the first and third Thursday of odd numbered months and on the first Thursday of even numbered months. Meetings shall start at 9:30 A.M., M.S.T.
  - (b) All meetings will be held in the Maricopa County Board of Supervisors' auditorium at 205 West Jefferson, unless by the Chair or majority vote of the Commission.
3. Zoning, Infrastructure, Policy, Procedure and Ordinance Review (ZIPPOR) Committee meeting. This Committee shall be the standing Committee of the commission responsible for the review of all proposed Zoning Ordinance and Subdivision Regulation amendments, comprehensive Plan issues, policy and procedure issues, or other matters as assigned by the commission.
  - (a) Meetings of the ZIPPOR Committee shall be held on the 3rd Thursday of every even numbered month at 9:30 A.M. M.S.T. at the office of the Department of Planning and Development, 501 N 44th St, Ste 100, Phoenix AZ 85008, or at the call of the Chair of the Committee, provided not less than two (2) weeks prior notice shall have been given to each member of the Committee.
  - (b) The ZIPPOR Committee shall be composed of all Commissioners. The Department of Planning and Development Director may serve as an ex-officio (non-voting) member of the Ordinance Review Committee. Unless the Chair shall otherwise designate, the Commission Chair and Vice-Chair will serve in the same capacity on the Committee.
  - (c) The ZIPPOR Chair may, as needed and with the consent of the ZIPPOR Committee, appoint such working groups for specific purposes. Each such working group shall include not fewer than two (2) members of the ZIPPOR Committee, and such other members, voting or ex officio, as the Chair shall deem appropriate. Each working group shall designate a Chair from among its members who are members of the ZIPPOR Committee.

4. Special meetings of the Commission may be held at the call of the Chair or by vote of the Commission, upon not less than 24 hours notice to each Commissioner.
5. All meetings and hearings of the Commission shall be open to the public, except that the Commission may hold executive sessions under circumstances as permitted by A.R.S. Section 38-431.03. Written minutes shall be kept of all public meetings and hearings and executive sessions.
6. Notices of all meetings shall be given by the Department of Planning and Development. Notices shall be conveyed to each Commissioner at such address as furnished to the Department of Planning and Development by the Commissioner, and shall set forth in outline form matters to come before the Commission at the meeting. Nothing contained herein shall be construed as limiting the ability of any Commissioner to waive any failure of proper notice. Appearance by a Commissioner at a meeting without objection shall constitute waiver by the Commissioner of any defect in notice.
7. A majority of the duly appointed members of the Commission shall constitute a quorum for the transaction of business and a majority vote of the quorum shall be required for any official action. All references herein to a majority of the Commission shall mean a majority of the Commissioners present and voting, unless otherwise specifically stated in these Bylaws, or specifically required by statute or ordinance.
8. Minutes and records of all resolutions, transactions, findings, and determinations shall be kept by the Department of Planning and Development. The vote of each Commissioner shall be recorded with each order or resolution and the minutes, records, resolutions, transactions, finding and determinations shall be of public record.
9. The Commission shall transmit all of its recommendations, decisions, findings, reports, and official actions, regardless of vote, to the Board of Supervisors.
10. Except for the election of officers, which shall be by secret ballot upon the request of any Commissioner, all votes shall be by voice vote (viva voce) or by roll call.
11. All meeting shall be conducted according to Robert's Rules of Order as amended. In any case where there is a conflict between these Bylaws and Robert's Rules of Order, these Bylaws shall control.

## **ARTICLE II - OFFICERS**

1. Chair: The Chair shall have the following duties:
  - (a) Preside at meetings of the Commission,
  - (b) Appoint all committees,
  - (c) Generally supervise the conduct of the affairs of the Commission,

- (d) Rule on all procedural questions, and
  - (e) Call for a motion on all matters being considered by the Commission, but only after interested parties and all Commissioners present have had a reasonable opportunity to be heard.
2. The Chair may participate in discussion of and vote on all matters.
  3. The Chair may limit the number of people permitted to speak on any matter before the Commission and may limit the time allotted to each speaker, provided that such procedure shall nonetheless result in a full and fair hearing on all relevant issues.
  4. Any ruling of the Chair may be reversed by a majority of the Commission.
  5. Vice-Chair: The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair. In the event that both the Chair and Vice-Chair are absent, then the members present shall chose one from among their number to be Chair pro tem of the meeting.

### **ARTICLE III - ELECTIONS AND APPOINTMENTS**

1. The Chair and Vice-Chair of the Commission shall be elected annually by the members of the Commission, and shall not be from the same supervisor district.
2. Any vacancy in the office of the Chair or Vice-Chair of the Commission may be filled by the members of the Commission at any regular meeting or special meeting called for such purpose.
3. No Commissioner shall serve successive terms as Chair or Vice-Chair. However, a Commissioner may be elected to one office in the year immediately following the Commissioner having served in the other office.

### **ARTICLE IV - ORDER OF BUSINESS**

1. Call to order
2. Roll call
3. Approval of the minutes of the previous meeting(s)
4. Consent Agenda
5. Continuance Agenda
6. Regular Agenda (Unfinished and New Business)
7. Other matters
8. Executive Session (when applicable)

9. Adjournment

## **ARTICLE V - MATTERS PENDING BEFORE THE COMMISSION**

1. Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization, or agency shall be presented through the Department of Planning and Development. Such presentation shall include a written report.
2. No motion for reconsideration shall be entertained by the Commission after the adjournment of the meeting at which the original decision was made.
3. A consent agenda may be prepared for those cases that do not require a public hearing (preliminary plats, plat extensions, status reports, and plans of development). For consent agenda consideration, an item must have a positive recommendation from staff and must not have any opposition from either a governmental agency or the general public. Any Commissioner may remove any case from the consent agenda to be heard in its entirety.
4. A continuance agenda may be prepared for items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time but shall be moved for continuance either indefinitely or to a date certain after a brief presentation from staff.
5. A regular agenda may be prepared for items that are either unfinished business or new business. Unfinished Business is for consideration of any matters continued from a previous meeting and New Business constitutes a public hearing on any new matter. Regular agenda items will receive a complete presentation from staff and a full public hearing.

## **ARTICLE VI- PUBLIC HEARINGS**

1. When a matter is set for a hearing on a given day and so advertised, the matter may be heard and disposed of on the records before the Commission whether or not anyone in favor of or in opposition to the application appears at the hearing.
2. Each matter shall be heard in the following order:
  - (a) The Chair will call the item number and read the notice of hearing,
  - (b) The Department of Planning and Development Director or her designee will summarize the case,
  - (c) The applicant or his representative may speak in support of his application,
  - (d) Other persons in favor of the application may be heard,
  - (e) Those opposed to the application may be heard,

- (f) The applicant may be heard in rebuttal, and
  - (g) All questions must be addressed to the Chair in order to present general discussion between those in favor of the application and those opposed to it.
3. The Commissioners from the districts in which such cases are located shall, if present, have the first opportunity to offer resolutions and seconds relating to these cases.
  4. The concurring vote of a majority of the quorum of the Commission present shall be required for the adoption of any resolution. The vote of each member present on each resolution shall be recorded with the resolution and the reasons for such vote if so requested by the Commissioner casting said vote.

## **ARTICLE VII- AMENDMENT OF BYLAWS**

The foregoing Bylaws or any part thereof, may be amended at the meeting of the Commission after not less than three (3) days notice has been given to all members of the Commission and a copy of the proposed amendment set with notice, provided however, it shall require the concurring vote of a majority of the quorum to make any amendment or change in these Bylaws.

## **ARTICLE VIII - CONFLICT OF INTEREST**

1. Any member of the Commission who has a substantial interest as defined in A.R.S. Section 38-502 in the outcome of any matter brought before the Commission shall make known that interest and the minutes of that meeting shall record that the member made such fact known. The member shall refrain from voting or in any way participating in that matter.
2. Any member who feels that for personal reasons the member should not participate in any matter before the Commission, the member may refrain from voting or participating in that matter without stating his reasons for doing so, if it is not a matter covered in Paragraph 1 above.

## **ARTICLE IX - SPECIAL STUDIES**

Requests for studies or specific action by the Department of Planning and Development staff will be made only to the Director and only by a majority vote of the Commission. However, the Chair of the Commission and the Director may confer regarding preparation of matters to come before the Commission.

## **ARTICLE X - ATTENDANCE**

1. It is the responsibility of each Commission member to attend regularly scheduled Commission meetings. It is expected that each Commission member attends a minimum of seventy-five (75) percent of noticed Commission meetings over any six (6) month period.
2. If a Commission member does not meet the above minimum Commission

meeting attendance requirement, the Chair of the Commission may contact the Commission member to discuss the situation. A majority of the Commission may also direct the Chair to contact any member not attending the required number of meetings regarding his or her attendance.

3. If after consultation with that Commission member, attendance does not improve over the next six-(6) month period of time, the Chair of the Commission will report the matter to the Chair and appropriate member of the Board of Supervisors. The Board of Supervisors is authorized to remove a Commissioner for cause.

Amended November 21, 1995

Amended July 1, 1999

Amended February 3, 2005

Amended October 7, 2010