

PLANNING AND ZONING COMMISSION BYLAWS

This Maricopa County Planning and Zoning Commission (Commission) is created by the Maricopa County Board of Supervisors (Board) pursuant to A.R.S. §11-802 to conserve and promote the public health, safety, convenience and general welfare. These bylaws are adopted by the Commission pursuant to A.R.S. §11-802J(3).

ARTICLE I – COMMISSION HEARINGS & ZIPPOR MEETINGS

1. Installation of members and officers

The installation of new members and the election of officers shall occur at the first regular hearing of the calendar year or as soon thereafter as possible.

2. Regular Commission hearings and ZIPPOR meetings

(a) Public hearings by the Commission shall be held at least once a month with ZIPPOR meetings to be held once per quarter in February, May, August and November.

(b) All Commission hearings are held in the Maricopa County Board of Supervisors' auditorium at 205 West Jefferson unless otherwise directed by the Chair of the Commission (Chair) All ZIPPOR Committee meetings are held at 205 West Jefferson unless otherwise directed by the Chair. Commission hearings and ZIPPOR meetings shall start at 9:30 A.M. local time.

3. ZIPPOR Committee meeting

This Committee shall be the standing Committee of the Commission and be responsible for reviewing all proposed Zoning Ordinance and Subdivision Regulation amendments, Comprehensive Plan issues, policy and procedure issues, or other related matters.

(a) The Committee shall be composed of all Commissioners. The Planning and Development Department Director (Department Director) may also serve as an ex-officio (non-voting) member of the Committee. Unless the Chair otherwise designates, he/she and the Vice-Chair will serve in the same capacity on the Committee.

(b) The Committee Chair may, as needed and with the consent of the Committee, appoint working groups for specific purposes. Each working group shall include not fewer than two (2) members of the Committee and other members, voting or ex officio, as the Chair deems appropriate. Each working group shall designate a Chair from among its members who are members of the Committee.

4. Special hearings and meetings
 - (a) Special meetings of the Commission may be held at the call of the Chair or by majority vote of the Commission with not less than 24 hour notice to each Commissioner.

5. Public hearings and meetings; executive sessions; minutes
 - (a) All meetings and hearings of the Commission and Committee 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 hearings, meetings and executive sessions.

6. Public hearing and meetings; notice; waiver
 - (a) Notices of hearings and meetings shall be given by the Department. Notices shall be conveyed to each Commissioner at the address furnished to the Department by them, and shall set forth matters coming before the Commission/Committee at the hearing/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 hearing or meeting without objection shall constitute waiver by that Commissioner of any defect in notice.

7. Hearing and meeting quorum; majority
 - (a) 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 (unless a majority vote of the entire commission is required by the provisions of these bylaws).

8. Hearing and meeting minutes
 - (a) Minutes and records of all resolutions, transactions, findings, and determinations shall be kept by the Department. The vote of each Commissioner shall be recorded with each motion and the minutes, records, resolutions, transactions, findings and determinations shall be public record.

9. Transmission of results
 - (a) The Commission shall transmit its recommendations, decisions, findings, reports and official actions, regardless of vote, to the Board of Supervisors.

10. Voting

- (a) 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 or by roll call.

11. Robert's Rules of Order

- (a) All meetings shall be conducted according to Robert's Rules of Order, as amended. In any instance where there is a conflict between these Bylaws and Robert's Rules of Order, these Bylaws shall control.

12. Commission Correspondence

- (a) Any written correspondence or e-mails sent directly to Commissioners via a personal, business, or other mailing address or e-mail account from any interested parties on any case that is intended to be heard by the Commission is considered public record and must be maintained pursuant to Arizona law.
- (b) Any correspondence noted above that is not also copied to the Planning & Development Department must be retained in the event Planning & Development Department receives a Public Records Request.

ARTICLE II - OFFICERS

1. Chair

The Chair shall have the following duties, responsibilities and privileges:

- (a) Preside at hearings and meetings of the Commission;
- (b) Appoint all special committees;
- (c) Generally supervise the conduct and affairs of the Commission;
- (d) Rule on all procedural questions, in consultation with legal counsel as necessary;
- (e) Call for motions on all matters considered by the Commission, but only after interested parties and all Commissioners present have had a reasonable opportunity to be heard;
- (f) Participate in the discussion of and vote on all matters.
- (g) 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 limitation shall nonetheless result in a full and fair hearing on all relevant issues.

- (h) The Chair may enforce any rule adopted by the Board, including the right to clear the hearing room of spectators if the spectators fail to abide by any admonitions or rulings made by the Chair in an effort to keep order at such hearings. Public demonstrations of any kind by principals, witnesses, or spectators at any meeting/hearing before the Board, including cheering, booing, hand clapping, or the interruption by remarks from the audience shall be strictly forbidden, and any person or persons who participate in such conduct after having once been admonished for such conduct, shall be subject to ejection from the hearing room by order of the Chairman.
- (i) Any ruling of the Chair may be reversed by a majority of the Commission.

2. Vice-Chair:

The Vice-Chair shall perform the duties of the Chair during their absence. In the event that both the Chair and Vice-Chair are absent, then the members present shall choose one from among their number to be Chair pro-tem of the hearing/meeting.

ARTICLE III - ELECTIONS AND APPOINTMENTS

- 1. The Chair and Vice-Chair shall be elected annually by an affirmative vote of a quorum of the entire Commission (minimum of six members).
- 2. Any vacancy of the Chair or Vice-Chair may be filled by an affirmative vote of a quorum of the entire Commission (minimum of six members) at any regular hearing or special hearing called for such purpose.
- 3. No Commissioner shall serve successive terms as the Chair or Vice-Chair.

ARTICLE IV - ORDER OF BUSINESS

- 1. Call to order
- 2. Roll call
- 3. Approval/postponement of the minutes of the previous hearing(s)/meeting(s)
- 4. Continuance Agenda
- 5. Consent Agenda
- 6. Regular Agenda (Unfinished first then 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 shall be presented through the Department and include a written report.
2. No motion for reconsideration shall be entertained after adjournment of the hearing at which the original decision was made.
3. A consent agenda may be prepared for cases that are non- controversial. For consent agenda consideration an item must have a positive recommendation from staff and not have opposition from either a governmental agency or the general public. Any Commissioner may remove a case from the consent agenda for complete presentation and consideration. Items shall be removed from the consent agenda if there is opposition present to speak and it is an item requiring a public hearing.
4. A continuance agenda may be prepared for items recommended for continuance by staff or upon request by the applicant. These items may be moved for continuance either indefinitely or to a date certain.
5. A regular agenda may be prepared for all unfinished and/or new business items. Unfinished Business is consideration of all matters continued from a previous hearing/meeting, and New Business constitutes a public hearing on any new matter. Regular agenda items receive a complete presentation from staff and a full public hearing.

ARTICLE VI- PUBLIC HEARINGS

1. When a matter is advertised and scheduled for a hearing it may be heard and acted upon on the record whether or not any person 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 states the item number and calls on the Department Director or their designee to summarize the case;
 - (b) The Chair calls on the applicant or their representative to speak in support of the application;
 - (c) The Chair calls on other persons in favor of the application to speak on its merits;
 - (d) The Chair calls on those opposed to the application to speak on its deficiencies;
 - (e) The Chair may call on the applicant for rebuttal of opposition;

3. All questions and comments must be directed through the Chair to present general discussion between those in favor of the application and those in opposition.
4. Commissioners from the supervisor districts in which applicable cases are located shall, if present, have the first opportunity to offer motions and seconds to approve, deny, or continue such cases.
5. The concurring vote of a majority of the Commission present shall be required for the approval of any motion. The vote of each member present on each motion shall be recorded along with the reason(s) for such vote if requested by the Commissioner casting said vote.

ARTICLE VII- AMENDMENT OF BYLAWS

1. These bylaws or any part thereof may be amended at a Commission hearing with an affirmative vote of a quorum of the entire Commission (minimum of six members) after not less than a three (3) day notice has been given to all Commission members. A copy of the proposed amendment(s) shall be provided and require the concurring vote of a majority of the quorum for any amendment or change in these Bylaws to become effective.

ARTICLE VIII - CONFLICT OF INTEREST

1. Any member of the Commission with a substantial interest in the outcome of any matter brought before the Commission, as defined in A.R.S. Section 38-502, shall make known that interest, and the minutes of that meeting or hearing shall record that the member made such fact known. The member shall refrain from voting or in any way participating in that matter.
2. In addition to the conflicts of interest outlined in paragraph 1 of this Article, any member who feels that for personal reasons they should not participate in a matter before the Commission may refrain from voting or participating in that matter without stating their reasons for doing so.

ARTICLE IX - SPECIAL STUDIES

1. Requests for studies or specific actions by Planning and Development Department staff shall be made through the Department Director and only be approved by a majority vote of the Commission. However, the Chair and the Department 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 and hearings. Attendance in person is preferred, but members unable to attend in person may also attend telephonically if such capability is available. It is expected that each Commission member attend a minimum of seventy-five (75) percent of noticed Commission meetings and hearings over any six (6) month period.
2. If a Commission member does not meet the above minimum requirement the Chair may contact the member to discuss the situation. A majority of the Commission may also direct the Chair to contact any member about their attendance at the required number of meetings or hearings.
3. If after consultation with that Commission member their attendance does not improve over the next six-(6) month period, the Chair shall report the matter to the Board member whose district the Commissioner represents. The Board is authorized to remove a Commissioner for cause.

Amended - November 21, 1995

Amended - July 1, 1999

Amended - February 3, 2005

Amended - October 7, 2010

Amended - December 12, 2013

Amended - November 9, 2017 for the 2018 PZ and ZIPPOR dates

Amended – December 9, 2021 – Updated PND address, Elections & Appointments, and Commission Correspondence