City of Benson
City Council Communication

Regular Meeting **November 23, 2015**

To: Mayor and Council Agenda Item # 2

From: Brad Hamilton, P.E., Public Works Director/City Engineer

Subject:

Adoption of the Planning & Zoning Commission Bylaws

Discussion:

On February 15, 2005, the Planning & Zoning Commission adopted bylaws for the Commission to follow, which are dated March 4, 2005. While these bylaws have been followed for the past 10 years by the Commission, they were never recognized by City Council. The Commission would like to rectify that situation by having Mayor and Council recognize the bylaws that the Commission is currently following.

Attachments:
March 4, 2005 P&Z Commission bylaws

Staff Recommendation:

Staff recommends that Council adopt and recognize the March 4, 2005 Planning & Zoning Commission bylaws

BY LAWS
OF
PLANNING AND ZONING COMMISSION

CITY OF BENSON

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BY LAWS
OF
CITY OF BENSON PLANNING AND ZONING COMMISSION

As amended January 11, 2005

PREAMBLE

The Planning and Zoning Commission is organized:

1] To hold public hearings and make recommendations to the City Council on all requests or proposal for amending, changing or adding to the zoning ordinance.

2] To perform all functions related to review and approval of site plans which may be assigned to the commission.

3] To prepare or cause to be prepared a comphrensive general development plan for the physical development of the city and its environs.

4] To review and make recommendations for approval or disapproval to the City Council for all subdivision plats.

The commission shall make its own rules and regulations and by laws for its own government.

ARTICLE I-Organization, Government

Section 1.01 ***Organization*** – The Planning and Zoning Commission is composed of seven (7) members. The members must be full time residents of the city, all of whom are appointed by the City Council, to serve until successors are appointed. Replacement members will be appointed to the term remaining.

Section 1.02 ***Term of Office*** – Members are appointed for a term of three (3) years commencing August 1 of a calendar year. Commission members are eligible for reappointment.

Section 1.03 ***Bylaws*** – The Commission may from time to time pass rules and regulations for its own government. Such rules and regulations shall be subject to a majority vote of the full Commission.

ARTICLE II-Officers, Elections, Duties and Staff

Section 2.01 ***Officers. Elections, and Duties*** – The Commission shall elect annually a Chairman and Vice Chairman from among the appointed commissioners. Said election shall occur at the first Commission meeting held in August where a membership quorum is present.

1] The term of the Chairman and Vice Chairman shall be for one (1) year. The Chairman and Vice Chairman shall be eligible for reelection.

2] The Vice Chairman shall act as Chairman in the absence of the latter. In the absence of the Chairman and Vice Chairman, the senior member, based on years of membership, shall act as Chairman.

3] Any vacancy for Chairman or Vice Chairman that may occur for any reason shall be filled from the commission membership by a majority vote of the membership at the next scheduled meeting where there is a quorum present. The successor(s) will serve for the remainder of the term.

4] The Chairman and Vice Chairman may be removed from office at any time by a three fourths (3/4) majority vote of the full commission membership.

Section 2.02 ***Staff*** – Assistance will be provided by the City of Benson staff on as needed basis. Staff shall furnish professional and technical advice to the commission membership. The City Attorney, or a designated representative shall provide legal advice on all points of order, procedure, or other business conducted by the Commission.

ARTICLE III – Meetings

Section 3.01 ***Regular Meetings*** **-**

1] Regular meetings will be held on the first Tuesday of each month at 7:00 P.M. in the Council Chambers of city hall unless advertised differently. In the event that an urgent matter arises, the Chairman of the Planning and Zoning Commission, or the Vice Chairman of the Commission may call for a meeting on any day that a majority of the commissioners can attend.

2] Regular meetings of the commission shall be open to the public in accordance with Arizona Revised Statues §38-431.01.

3] Minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions, shall be filed with the City Clerk as a public record. For any matter under consideration, any person may submit written comments and if attending in person, may speak to the issue upon being recognized by the Chairman and stating his or her name and address and the names of any persons on whose behalf they are appearing.

Section 3.02 ***Work Sessions*** –

1] Work sessions for any purpose may be held on the call of the Chairman or request of two or more members, or by staff giving notice to all the members by telephone or personal delivery, or by verbal comment during a regular meeting, all at least twenty-four (24) hours notice before the meeting. At least twenty-four (24) hours notice shall be given to the general public by posting such notice in the Council chambers of city hall, the public library and at the U.S. post office. The call and notice shall specify the time and place of the work session and an agenda of the business to be transacted.

2] Work sessions may be held before or after any regular meeting, subject to providing notice as specified in Section 2(a) above. When a matter is set for a work session, public testimony may be barred or limited to particular persons at the discretion of the Chairman.

Section 3.03 ***Executive Sessions*** – The commission may hold an executive session closed to the public during regular of special meetings to consider matters permissible in executive sessions

pursuant to Arizona Revised Statue §38-431.03.

Section 3.04 ***Notice of Meetings and Hearings*** –

1] Written notice of all meetings shall be delivered in person to all members and posted at least twenty-four (24) hours prior to the date of the meeting; except where required by an actual emergency, members may be notified by telephone by the secretary of the commission. To allow Commissioners time to study agenda items and prepare for the meeting, all materials will be available to them four (4) days before the scheduled meeting.

2] Notice of time and location of any public hearing to be held by the Commission shall be given as required by Arizona Revised Statue §38-431.01 and city ordinances.

3] Hearings on all matters which a decision is requested by an applicant and required by the commission, the applicant may appear in person or by agent or attorney.

Section 3.05 ***Attendance*** – A member of the commission shall not be absent from regular and/or special meetings for more than three (3) consecutive times without an acceptable excuse. After the absence from three (3) consecutive meetings, the remaining members of the commission shall vote to retain or recommend to the council that the absentee member should be released from his duties on the commission.

Section 3.06 ***Quorum*** – A majority of members of the commission shall constitute a quorum for transacting business at any regular or special meeting. No action shall be taken at any regular or special meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date. At a work session, any number of members may hold discussion on agenda items.

Section 3.07 ***Agendas*** – An agenda shall be prepared by the secretary for each regular meeting, work session, and executive session of the commission. The agenda shall include the various business matters as considered for consideration and possible action by the commission.. Any agenda item request may be withdrawn with consultation with the Secretary. No request may be withdrawn after posting of hearing notice or legal ad published for notification prior to the public hearing thereon without formal consent of the commission.

Section 3.08 ***Field Trips*** – The commission may take view trip(s)s to view property or for other purposes relevant to public hearing (s) or other business matters under consideration. All field trip(s) shall be taken as part of a regular or special meeting. The public shall be given the opportunity to be present to view the property and listen to any reports or comments. The field trip(s) shall be entered into the minutes, therefore establishing that the field trip(s) was taken into consideration as evidence. Nothing contained herein shall prevent less than a quorum of the commission or commission members individually at their own expense and convenience from taking field trip(s) to view the property or other business matters under discussion.

ARTICLE IV-Order of Business

Section 4.01 ***Parliamentary Procedure*** –

1] The Chairman shall call the Commission to order and the Secretary shall record as part of the minutes the members present and absent. The Chairman will call each matter of

business as sequenced in the agenda. The Chairman shall announce the name of the applicant, the location of the property, and the nature of their request. Supporting evidence for and against each matter shall be presented to the Commission.

2] The Chairman shall conduct meetings under modified parliamentary procedures unless such rules are suspended by majority vote of the Commission. The Chairman shall direct questions to the applicant or any person speaking, in order to bring out all relevant facts, circumstances, and conditions affecting the matter being considered, and then call for questions from other members of the Commission and from city staff.

Section 4.02 ***Hearings*** **–**

1] Hearings need not be conducted according to technical, judicial Rules of Evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

2] The Chairman may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings, while ensuring basic fairness and a full airing ot the issues involved. Evidentiary objections shall be waived unless made timely to the hearing.

3] Planning and Zoning hearing applications and site plans or subdivision plans shall be submitted to the Planning and Zoning coordinator thirty (30) days prior to the public meeting. Any evidence or submittals supporting the granting of an application shall be submitted to the Planning & Zoning coordinator thirty (30) days prior to the public meeting

4] The Commission may continue any hearing up to ninety (90) days on any application or other matter for which the applicant fails to appear. The applicant may request in writing that the Commission may act without being present at the hearing, provided however, the Commission may hear those persons requesting to speak in response to the notice of hearing.

5] Witnesses shall not ordinarily be sworn in unless a specific request thereof is made and granted prior to taking of any testimony. The Chairman may, upon request of any member of the hearing body or upon advice of the City Attorney, require that all witnesses be sworn in before giving testimony in a particular matter. Witnesses may be sworn in as a group prior to presentation of the staff report.

6] A member who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon by the Commission, provided that the member has listened to the tape recording made, or has reviewed the minutes of any portion of the hearing from which the member was absent. The member must state for the record prior to voting that the member deems himself or herself to be familiar with the record. A member who misses only the presentation of the staff report may vote on that matter at the time it is acted upon. The member must state for the record that the member has read the staff report and is familiar with it.

7] To expedite the conduct of the hearing, the Chairman may limit the amount of time a person may use in addressing the hearing body. The Chairman may also limit the

speakers or testimony upon a particular issue in order to avoid repetitious and cumulative evidence.

8] The burden of proof of all legal requirements to the granting of the relief or action sought shall be upon the party requesting such relief or action

Section 4.03 ***Voting-***

1] After all evidence has been submitted to the Commission, each case shall be heard, considered and acted upon in public hearing.

2] In taking action on any application or other matter, the Commission may grant unconditional approval, grant approval with conditions, modify the request so as to make it more restrictive, or deny the item altogether. In these actions, the Commission shall be guided by (a) the provisions of the City of Benson General Plan (b) the Benson Zoning Regulations (c) Subdivision Regulations and (d) other development standards, policies, and area plans as adopted by the City of Benson.

3] By majority vote, the Commission may defer action on any matter when it concludes that additional time for further study or input is necessary. If continued, any public hearing shall be continued to a date certain; if tabled, any public hearing shall be subject to the requirements of readvertising and renotice, as if a new application were being considered, and upon a majority vote by the Commission to remove it from the table.

4] A majority vote of those commission members present and voting shall be required to take official action including but not limited to the adopting of policy or submitting recommendations. When a motion in favor of any application or other matter fails to receive an affirmative majority vote, i.e., a tie vote, it shall be entered into the minutes as a vote to deny the application being considered. When a motion for denial of any application or other matter fails to receive an affirmative vote, it shall be entered in the minutes as a vote to deny the application being considered. In the event that there is no motion, or the motion dies for lack of a second, it shall be entered into the minutes as a denial of the application being considered. Nothing contained herein shall prevent any member from making a subsequent motion on any matter where a prior motion is not approved by a majority vote of all members present.

5] A member shall disqualify himself or herself and abstain from voting whenever he or she has, or may have, a conflict of interest in the case under consideration, as described by the Arizona Revised Statues §38-501.

6] Each member attending shall be entitled to one (1) vote. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon, and shall indicate any absence or failure to vote. No member shall be excused from voting except on matters of his own official conduct, or such matters as referred to in Section 4.03 (5) above.

7] A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

Section 4.03 ***Recommendations to City Council*** – The Commission shall forward a recommendation to City Council of its findings and /or action(s) in writing with respect to the merits of the application within thirty (30) days of the conclusion of the public hearing. Said recommendation shall be signed by the Chairman of the Commission.

ARTICLE V- Official Records

Section 5.01 ***Retention of Files*** – The official records of the Commission shall include these rules and regulations, minutes of meetings, resolutions, and its adopted reports, which shall be deposited with the Planning and Zoning Administrator. Said records shall be available for public inspection during customary office hours. All applications and other matters coming before the Commission shall be filed in accordance with the City's general filing system Original papers of all applications and other matters shall be retained for not less than five (5) years after date of application. Thereafter, such matters may be microfilmed or by other electronic means, along with other special matters as the Secretary deems essential, for permanent record.

Section 5.02 ***Recording of Meetings*** – All public meetings of the Commission will be recorded by electronic device. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, at his or her own expense, may do so, provided that he or she consults the Commission's secretary to arrange facilities for such recording prior to the commencement of the meeting, or does not otherwise disrupt the Commission's proceedings.

ARTICLE VI - Amendments

Section 6.01 ***Amendments*** – These Bylaws may be amended from time to time by majority vote at any meeting of the Commission provided that notice of said proposed amendment is given to each member in writing at least five (5) days prior to said meeting. Such amendment, if so approved, shall become effective at the next regular meeting of the Commission.