

TOWN OF JEROME PLANNING AND ZONING COMMISSION BYLAWS
Updated: July 14, 2020

I. ORGANIZATION AND RESPONSIBILITIES

A. Commission, Officers and Staff

- (1) Commissioners shall make unbiased, well-reasoned decisions and recommendations to the Town Council on planning and zoning issues based on commonly accepted land use principles, Town Codes, and the health, comfort, convenience, safety and general welfare of the residents of Jerome. Commissioners are expected to study the agenda packet and visit the case sites before each meeting and to educate themselves on planning issues. See Section 104 of the Town of Jerome Zoning Ordinance for a detailed description of responsibilities.
- (2) The Commission shall elect a Chair and Vice Chair annually from among the appointed members at its first meeting in March of each year. The election may be postponed by a majority vote of the members of the Commission present. If the election is postponed, the current Chair and Vice Chair will remain in office until the election.
 - a) The term of Chair and Vice Chair shall be one (1) year. No individual may serve consecutively as Chair, or consecutively as Vice Chair, for more than two one-year terms.
 - b) The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the senior member, based upon years of membership, shall act as Chair.
 - c) Any vacancy in the office of Chair or Vice Chair shall be filled from the Commission membership by majority vote of the Commission members present at the next meeting. Any Chair or Vice Chair so elected shall serve for the remainder of the vacated term.
 - d) The Chair or Vice Chair may be removed from office by a majority vote of the full Commission.
- (3) The Chair shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws.
 - a) The Chair shall have the right to vote on all matters before the Commission and to make or second motions if a motion or a second is not made by another member of the Commission.

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- (4) The Zoning Administrator, or designated representative, shall serve the Commission as Executive Secretary. Planning staff shall furnish professional and technical advice to the Commission.

II. MEETINGS

A. Regular Meetings

- (1) Regular meetings shall be held at the call of the Chair on the third Wednesday of each month at 6:00 P.M. and may be preceded or followed by a study session. Meetings may be held on another date set by the Chair and Zoning Administrator. Whenever a legal holiday is the same day as a meeting, such meeting shall either be cancelled or rescheduled.
- (2) Meetings of the Commission shall be open to the public, except for executive sessions held pursuant to A.R.S. § 38-431.03. The minutes of the public proceedings shall be filed in the Planning Department as a public record. At the public hearing, upon being recognized by the Chair and stating their name and the names of persons on whose behalf they are appearing, any person may speak about the matter being considered. The Chair, at their discretion, may limit the discussion.
- (3) The Commission may, by a single consent motion, approve any number of applications where the Commission, staff, and applicant are in agreement and where, after call and invitation by the Chair to do so, no member of the Commission, staff, or public wishes to address any particular item designated for consent action by the Commission. Should any member of the Commission, staff, or public so request, the Commission shall then withdraw an item from the consent agenda for the purpose of public discussion and separate action.
- (4) Petitions, remonstrances, communications, and comments or suggestions from the citizens present may be heard by the Commission if Petitions from the Public is listed as an item on the agenda. All such remarks shall be addressed to the Board as a whole, and not to any member thereof. Such remarks shall be limited to three (3) minutes per speaker, unless additional time is granted by the Chair. The Commission's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.

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- (5) Regular meetings of the Commission shall be held in the Council Chambers of the Jerome Civic Center, 600 Clark Street, Jerome, Arizona, unless a different location is set forth in the notice of the meeting.
- (6) Commissioners are expected to attend all meetings and study sessions unless prior notice of an inability to attend is provided to the Chair or Zoning Administrator. Meetings may be attended in person or telephonically, with advance notice to the Chair or Zoning Administrator. Failure to attend a meeting or notify the Chair or Zoning Administrator of an absence may result in a recommendation to the Town Council that the Commission member be removed from the Commission. Commission members are subject to the automatic removal provisions set forth in Section 104 of the Town of Jerome Zoning Ordinance.

B. Study Sessions

- (1) Study sessions for any purpose may be held at the call of the Chair, at the request of two or more members, or at the request of staff. Such requests shall be made at least 24 hours prior to the study session by submittal to the Zoning Administrator or by verbal request made at a Planning and Zoning Commission meeting. Notice to the public of the study session shall be posted at the Civic Center at least 24 hours before the study session, and as otherwise required by the Zoning Ordinance and Arizona state law. The call and notice shall include the time and place of the study session, and an agenda of the business to be transacted.
- (2) Study sessions may be held before or after any regular or special meeting of the Commission, subject to providing notice as set forth herein. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chair.

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C. Quorum

Three (3) members shall constitute a quorum for transacting business at any 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 study session, any number of Commission members may discuss agenda items.

D. Agenda

The Zoning Administrator shall prepare an agenda for each Commission meeting and study session. The agenda shall include all matters of business scheduled for consideration by the Commission. Items may be added to an agenda prior to posting at the request of the Chair or any Commissioner.

E. Field Trips

The Commission may take field trips to view property or for any purpose relevant to a public hearing or matter under consideration. All Commission field trips shall be taken as part of a regular or special meeting or study session. All interested persons shall be given the opportunity to be present to view the property and hear any reports or comments. A record of the field trip shall be entered into the minutes and shall indicate that the field trip was considered as evidence. Nothing herein shall prevent less than a quorum of the Commission, or Commission members individually at their own convenience and expense, from taking field trips to view property that is the subject of an application or other matter being considered.

III. ORDER OF BUSINESS

A. Parliamentary Procedure

- (1) The Chair shall call the Commission to order and the Secretary shall record the members present or absent. The Chair may call each item of business in the order of the approved agenda. The Commission, by majority vote, may change the order of the posted agenda to accommodate the Commission, staff, the applicant, or members of the public.
- (2) The Chair shall conduct meetings pursuant to Robert's Rules of Order unless such rules are suspended by majority vote of the Commission.

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B. Hearing Conduct

All public hearings of the Commission shall be conducted in conformance with Arizona state law.

C. Public Hearing Testimony

- (1) Public 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 upon which reasonable persons are accustomed to rely in the conduct of serious affairs.
- (2) Any person may appear at a public hearing and submit oral or written evidence related to the application, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall state their name, and, if appearing on behalf of a person or organization, the name of the person or organization being represented.
- (3) The Chair may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- (4) The Chair may exclude testimony that is irrelevant, immaterial, or redundant and may make other rulings necessary for the orderly conduct of the proceedings, while ensuring basic fairness and a full airing of the issues involved. Evidentiary objections shall be waived unless made timely to the hearing.
- (5) If testimony or evidence is excluded as irrelevant, immaterial, or redundant, the person offering such testimony or evidence shall be given an opportunity to offer a written statement in regard to such testimony or evidence for the record. Such written statement shall be presented to the Zoning Administrator within three (3) working days of the hearing.
- (6) If an applicant fails to appear, the Commission may continue the hearing on the matter until the next regularly scheduled meeting or special meeting, unless the applicant has requested in writing that the Commission act without the applicant being present at the hearing. The Commission may hear persons requesting to speak on such a matter, even if the matter is to be continued.

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D. Voting

- (1) In taking action on any application or other matter, the Commission may recommend to the Council or grant approval, grant approval with conditions, modify the request so as to make more restrictions, or deny the item altogether, as set forth in the Zoning Ordinance. In making its decisions, the Commission shall be guided by the provisions and elements of the General Plan, the Zoning Ordinance, development standards, policies, and area plans adopted by the Town.
- (2) Three (3) members shall constitute a quorum. The affirmative vote of three (3) members shall be required for the passage of any matter before the Board. The minutes of the meeting shall reflect the “ayes” and “nays” cast on a particular measure and shall reflect the vote of each member present.
- (3) Members shall recuse themselves, abstain from voting, leave the dais, and leave the meeting chambers during discussion and action whenever they have a conflict of interest in the item under consideration, as required by the Arizona Revised Statutes, A.R.S. § 38-501 to § 38-511.
- (4) Each member attending shall be entitled to one 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 in compliance with Section III.D.3 of these bylaws.
- (5) When making a motion to recommend or approve, approve with modifications and/or conditions, revoke, or deny the request, the Commission shall make findings of fact required by the Zoning Ordinance. If not specifically stated, a motion to adopt or approve staff recommendations or simply to approve the action under consideration shall be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter. Whenever practical, Commission decisions should be documented by a written Resolution. Copies of the resolutions shall be maintained at Town Hall.

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- (6) A member who is absent from any portion of a public hearing conducted by the Commission may not vote on the matter at the time it is acted upon by the Commission, unless they have reviewed the minutes or the recording of any portion of the hearing from which they were absent, and state for the record prior to voting that they deem themselves to be familiar with the record. A member who misses only the presentation of the staff report may vote on the matter at the time it is acted upon by the Commission, provided that they state for the record that they read the staff report and are familiar with it.

E. Recommendation to Town the Council

The Zoning Administrator shall forward all recommendations to the Town Council of the Commission's findings and/or actions and reasons therefor in writing with respect to the merits of the application at the conclusion of the public hearing. The item shall be scheduled for review by the Council in accordance with the provisions of the Zoning Ordinance.

IV. OFFICIAL RECORDS

A. Retention of Files

The official records of the Commission shall include these rules and regulations, resolutions, minutes, and records of all Commission proceedings, the originals of which shall be kept and filed as public records in the Planning Department and copies and or electronic copies kept in the office of the Town Clerk. All applications and other matters coming before the Commission shall be filed in the Planning Department in accordance with that department's general file system. Original papers of all applications and other matters shall be retained in compliance with the State of Arizona's Document Retention Schedule.

B. Recording of Meetings

Minutes of public meetings of the Commission shall be recorded in written and audio form. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter may do so at their own expense. Advance notice to the Director of Planning to arrange facilities for such recording shall be made at least 72 hours prior to commencement of the meeting. Such recording shall not disrupt the proceedings and may, at the discretion of the chair, be stopped if it is disruptive.

V. AMENDMENTS

These bylaws may be amended by majority vote of Commission members present at any meeting of the Commission provided that notice of said proposed amendment is given to each member in writing at least 5 (five) days prior to said meeting. Such amendment shall become effective at the next meeting of the Commission.