

# **TOWN OF PARADISE VALLEY**

## **Planning Commission Rules & Regulations**

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# **Rules & Regulations**

**October 21, 2008**

These "Rules and Regulations" are intended to amplify and clarify how the Planning and Zoning Commission, which may also be referred to as the Planning Commission, will conduct its business and carry out its responsibilities as further described in Town Code Section 2-5-2, and in the Arizona Revised Statutes Sections 9.461 and 9.462.

## **Section I.    Application Requirements**

Applications for land divisions or zoning permits shall not be deemed to have been filed or properly submitted until the applicant has provided all data, plans, and information required by the Town's Checklist for that permit, and other materials relevant to the application that the Planning Director, reasonably believes are necessary for the Planning Commission and the Town Council to evaluate, analyze, or understand the subject matter of the application. Such applications may only be filed by the owner of the land that is the subject of the application, or another person with proper authority from the owner.

## **Section II.   Scheduling and Advertising of Hearings**

When an applicant for a preliminary subdivision plat, final subdivision plat, Special Use Permit, amendment to a Special Use Permit, a zoning change, an amendment to the General Plan or abandonment has been accepted as complete, the Planning Director will assign the application a case number, schedule the application for a meeting, and advertise the meeting as required by law, which shall be not more than forty days from the date of acceptance of the application as complete. The applicant shall be notified of the date, time, and place of the meeting, or hearing, and shall be responsible for mailing notice to all property owners legally entitled to notice as well as other property owners which the planning director determines may be specially affected by the application and providing the Town with an "Affidavit of Mailing" listing all owners noticed.

## **Section III.   Recording of Meetings**

Regular and special public meetings of the Planning Commission shall be recorded by audio/video tapes and/or some other electronic means and shall be kept in the Town Clerk's office.

## **Section IV.   Chair and Acting Chair**

- A.   The Chair of the Planning Commission shall preside at all meetings of the Planning Commission.
- B.   When the Chair of the Planning Commission will not be present at a regular or special meeting of the Commission, he shall, prior to the meeting, select a member of the Commission to be Acting Chair. If he does not select an Acting Chair and a quorum of the Commission is present at the meeting, the members present shall elect an Acting Chair. In either case, such Acting Chair shall exercise all powers and prerogatives of the Chair until such time as the Chair is present at a regular or special meeting of the Commission.

## Section V. Meeting Procedures

- A. All meetings of the Commission shall be held at the Paradise Valley Municipal Complex, 6401 E. Lincoln Drive, in the Town of Paradise Valley, or such other location as the Chair may determine.
- B. Meeting times
  - I. Regular meetings of the Commission shall be held on the first and third Tuesday of each month at a time designated by the Chair, except (1) when the date for any regular meeting is a legal holiday for the Town of Paradise Valley, and (2) when the Commission or the Chair cancels a meeting.
  - 2. Special meetings of the Commission may be called at any time by the Chair, provided that each member is personally given notice at least forty-eight (48) hours prior notice.
- C. Quorum - No meeting of the Commission can convene or continue unless four members are present.
- D. Decisions and actions
  - I. All decisions of the Commission shall be by an affirmative vote of a majority of those members present, including any member or members who abstain from voting.
  - 2. The vote, or abstention from voting, of every member on all matters voted upon shall be recorded in the minutes of the meeting.
  - 3. No member who is present at a meeting of the Planning Commission may abstain from voting unless:
    - (a) the member was not present for all or a portion of the hearing on the subject to be voted upon; or
    - (b) the member has a conflict of interest, in which case, the member should state the conflict before the business is discussed by the Commission, remove himself from the meeting room, and not vote on the matter, or
    - (c) because of certain facts, the member believes he cannot fairly and impartially consider and vote on the subject because of his personal interest in the subject or his prejudice on the subject.
  - 4. When a member who is present at a meeting of the Planning Commission does abstain from voting, he shall publicly state the reason for such abstention prior to or at the time of the vote.

E. During a public hearing, or at other times at the discretion of the Chair, persons present at a Planning Commission meeting may speak and address the Commission to express an opinion on any matter before the Commission. A person may not address or speak to the Commission or present evidence to the Commission unless he has first been recognized by the Chair and stated his name and town of residence. If the Chair reasonably believes it is necessary to do so in order to expedite the Commission's action on a matter, he may impose reasonable time limits upon the oral statements of any persons wishing to address the Commission.

Any person may submit written comments to the Commission. Such comments will be provided to the members of the Commission, at their homes or offices, if they are delivered to the Planning Department at least 48 hours before the meeting to which they relate; otherwise they will be distributed at the meeting.

- F. All or any part of a Commission meeting may be recorded by any person in attendance by means of a tape recorder, camera or other means of audio or video reproducing, provided the Commission Chair determines that there is no interference with the conduct of the meeting.
- G. The Order of Business of all regular Commission meetings shall generally be as follows:
  - 1. Call to Order
  - 2. Roll Call
  - 3. Approval or Amendment of the Minutes of the Previous Meeting
  - 4. Regular Business
  - 5. Commissioner/Staff Comments
  - 6. Adjournment

#### Section VI. Subcommittees

The Chair, or the members of the Commission, may establish standing subcommittees within the Commission to consider any matter within the purview of the Commission if they find that creation of such a subcommittee will expedite the consideration and processing of such applications by the Commission. The membership of such a subcommittee shall be appointed by the Chair, and shall consist of three or fewer members, one of whom shall be appointed as the Subcommittee Chair by the Chair of the Commission. The Chair of the Commission, or the members of the Commission, dissolve and disband such-subcommittees if find that they do not expedite the consideration and processing of Planning Commission matters.

#### Section VII. Commission Secretary

The Planning Director shall serve as the Commission Secretary and shall:

- A. Attend all Commission meetings and prepare all minutes or designate a substitute.
- B. Prepare the agenda of matters to be considered by the Commission prior to every meeting, distribute copies of these agenda to the members of the Commission prior to every meeting, and post one copy of the agenda in a conspicuous place in the Paradise Valley Municipal Complex at least 24 hours before the meeting.
- C. Provide a report to the commission regarding future agenda items.

#### Section VIII. Repeal of Previously Adopted By-Laws and Rules

The previously adopted and promulgated "by-laws and Rules and regulations of the Planning Commission of the Town of Paradise Valley, Arizona", dated MAY 5, 1998, are hereby repealed.

Revised 10/21/08

Revised 5/5/98

Revised 10/15/96

Adopted 1/17/94

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DOLF STROM, Chair