

1 When recorded, return to:  
2 Paradise Valley Town Attorney  
3 6401 East Lincoln Drive  
4 Paradise Valley, Arizona 85253  
5  
6

7 **RESOLUTION NUMBER 2020-09**  
8  
9

10 **A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE**  
11 **TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING**  
12 **CHANGES TO THE RULES AND PROCEDURES FOR THE**  
13 **PLANNING COMMISSION**  
14

15 **NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL**  
16 **OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:**

17 WHEREAS, the Town Council desires that certain public bodies of the Town, that  
18 is, the Planning Commission, Board of Adjustment and Hillside Building Committee, have  
19 rules of procedure that are similar so that Town residents, applicants, and the general public  
20 would have an expectation of similar rules in their dealings with each of the Town's public  
21 bodies; and

22 WHEREAS, in addition to adopting the most current set of rules of procedure used  
23 by the Planning Commission the Town Council desires that changes be made to those Rules  
24 of Procedure that will address problematic issues such as: 1) the late submittal of materials  
25 by applicants or residents/general public; 2) surprise submittals of documents or electronic  
26 materials on the night of a Planning Commission meeting; 3) lack of clarity on allotted  
27 speaking times for "spokespersons" for residents or neighborhood groups; and 4) clarity on  
28 timing requirements and agenda setting requirements for motions to reconsider a motion or  
29 action from a prior meeting; and

30 WHEREAS, adoption of uniform rules for each public body and addressing needed  
31 changes will help staff, residents/general public, applicants, and the public bodies maintain  
32 greater transparency, predictability, and openness as well as providing for a more rigorous

1 and thorough review of submitted materials by the Town staff and ensuring that all parties  
2 have sufficient time to review materials submitted for public review prior to scheduled  
3 Planning Commission hearings or meetings.

4 NOW, THEREFORE, BE IT RESOLVED that:

5 1. Pursuant to the provisions of Town Code §2-5-2.C the Town Council hereby  
6 approves and adopts the Rules of Procedure for the Planning Commission of the Town of  
7 Paradise Valley, in the form of Exhibit A attached hereto and incorporated herein by this  
8 reference.

9 2. This Resolution shall take effect thirty (30) days after its adoption.

10 PASSED AND ADOPTED by the Mayor and Council of the TOWN OF  
11 PARADISE VALLEY, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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13  
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15  
16 \_\_\_\_\_  
17 Jerry Bien-Willner, Mayor

18 ATTEST:

19  
20  
21 \_\_\_\_\_  
22 Duncan Miller, Town Clerk  
23  
24  
25

26 APPROVED AS TO FORM:

27  
28  
29 \_\_\_\_\_  
30 Andrew M. Miller, Town Attorney  
31

## **“Exhibit A”**

# **TOWN OF PARADISE VALLEY**

## **Planning Commission Rules & Regulations**

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# **Rules & Regulations**

## **(June 2020)**

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. Applicants shall submit their materials (including electronic materials such as a PowerPoint presentation that the applicant would like to use at the public meeting) at least five (5) days prior to the date and time that the Town staff has designated as the date that the agenda packets will be distributed to the Commission (the "Cut-off Date"). Materials submitted after the Cut-off Date shall not be distributed to the Commission and shall not be considered at the public meeting or hearing on the applicant's matter. If the applicant believes that the consideration of materials submitted after the Cut-off Date need to be placed before the Commission, then the applicants' meeting or public hearing date shall then be continued to another suitable date and the applicant shall pay the costs of re-advertising, re-noticing, and/or re-posting a public hearing. Applicants who have missed the Cut-off Date shall not distribute materials at the public meeting (each a "Hand-out") unless the Hand-out is a copy of materials that were already submitted prior to the Cut-off Date. The Community Development Director may make an exception to allow for a late submittal if it doesn't substantially change but may enhance the clarity of what was previously submitted or is de minimis in nature. Any electronic materials submitted by an applicant, including PowerPoint presentations, shall remain the same as those presented prior to the Cut-off Date and may not contain any new or updated slides or graphics.

Submittals or written statements by the general public shall be submitted at least twenty-four (24) hours prior to the posted public meeting time in order for the staff to be able to assemble and distribute them to the Commission prior to the meeting time. If a resident or member of the general public cannot make a meeting date and time and has a late submittal of material, including an email ("Late Public Submittal Material"), the Late Public Submittal Material may be given to another member of the public who can present that Late Public Submittal Material at the public meeting. Because the Late Public Submittal Material will be first presented at the public meeting, the member of the public shall also be required to have at least ten (10) copies of the Late Public Submittal Material available for distribution (one for each Commission Member, and one copy for the staff, the applicant, and the minutes-taker). Residents and/or the general public may also submit their own written materials or comments at the public meeting, provided that they have at least (10) copies available to distribute. PowerPoint presentations by the general public shall not be permitted; provided, however, a member of the general public may hand-out a printed copy of the PowerPoint "slides" that such member of the public desires to present, provided that at least ten (10) copies of the PowerPoint "slides" are submitted for distribution.

### 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 (I)

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 or city 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. If a spokesperson for an identified group of residents (such as a HOA officer or an attorney, the "Spokesperson") desires to speak on behalf of that group, a larger amount of time may be allotted to the Spokesperson by the Chair, but not in excess of fifteen minutes unless the Chair finds that there are particularly detailed and difficult matters involved in the case. The Chair shall advise the members of a group that has selected a Spokesperson that if the members desire to speak individually at the meeting, the members shall limit their time and avoid any repetition of matters already addressed by the Spokesperson.

- 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. Motion to Reconsider: A motion to reconsider any action taken by the Commission may be made only on the day the action is taken or at the next regular meeting of the Commission. A motion to reconsider must be made by a Member of the Commission who voted one the prevailing side of the motion but may be seconded by any other Member. A question failing by virtue of a tie vote may be reconsidered by motion of any Member of the Commission. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any Member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission. If a Member of the Commission desires to make a motion to reconsider after the Commission has already voted on a matter, then the Member shall contact the Chair and the Community Development Director that they would like to have a motion to reconsider the matter placed on the next Commission agenda; whereupon the Town staff shall distribute notice to persons who have registered with the Town staff that they desire notice of any meeting where a particular property or matter is placed on an agenda. If the motion to reconsider passes, then the Commission shall then take the matter up for discussion and possible action at the same meeting at which the motion to reconsider passed.
- H. The Order of Business of all regular Commission meetings shall generally be as follows:
  - I. 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

All previously adopted and promulgated by-laws and rules and regulations of the Planning Commission of the Town of Paradise Valley, Arizona are hereby repealed.



