

Article II - CITY PLANNING COMMISSION*

Sections:

19-16 - Established.

A city planning commission is hereby established. (Ord. No. 1453-411, § 12, 4-18-11)

19-17 - Members.

- (a) The city planning commission shall be comprised of seven (7) members.
- (b) The members of the city planning commission shall be residents of the city. The members of the commission shall be appointed by the mayor subject to approval by the city council. These appointments shall be for a period of three (3) years each, with the terms of members so staggered that the terms of no more than three (3) members shall expire in any one year. Members shall not hold any other municipal or county office.
- (c) In the event of the death or resignation of a member of the city planning commission, the vacancy may be filled for the unexpired term. The terms of all members shall extend until their successors are appointed and qualified. City planning commission members shall serve at the pleasure of the city council and may be removed as provided in the city council rules of procedure.
- (d) All members of the city planning commission shall serve without pay. Members of such commission may be reimbursed for actual expenses incurred in connection with their duties upon approval of such expenditures by the city council. (Ord. No. 1453-411, § 12, 4-18-11)

19-18 - Officers.

The city council shall select a chairman and vice-chairman from among the appointees to the planning commission; such officers shall serve for one year and until their successors are selected by the city council. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The chairman shall have the power to administer oaths and to take evidence. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. (Ord. No. 1453-411, § 12, 4-18-11)

19-19 - Meetings.

- (a) Meetings of the planning commission shall be governed by the city council rules of procedure.
- (b) Four (4) members of the planning commission shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the commission. In this connection the minutes of the meetings shall reflect the "ayes" and "nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a determination by the city attorney that the member has a conflict of interest under Arizona law, in which case such member shall take no part in the deliberations on the matter in question. The planning commission shall conduct its meetings in accordance with the Arizona Open Meeting Law. (Ord. No. 1453-411, § 12, 4-18-11)

19-20 - Powers and duties.

It shall be the duty of the city planning commission:

- (a) To formulate, create and administer any lawful plan duly adopted by the city council for the present and future growth of the city, pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as "planning" and "zoning".
- (b) To make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the city.
- (c) In cooperation with adjacent areas, to recommend to the city council revisions in such plans which, in the opinion of the commission, are for the best interest of the citizens of the city.
- (d) To advise the city council in all such matters that may pertain to planning and zoning.
- (e) When required by state law, city ordinance or by request of the city council, hold public hearings and provide recommendations to the city council regarding matters pertaining to planning and zoning. (Ord. No. 1453-411, § 12, 4-18-11)

19-21—19-35 - Reserved.

RESOLUTION NO. 3398-917

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE PLANNING AND ZONING COMMISSION BYLAWS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The City of Avondale Planning and Zoning Commission Bylaws, Amended and Restated September 11, 2017 (the "Bylaws"), are hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, September 18, 2017.



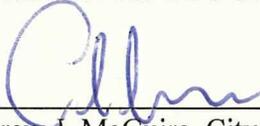
Kenneth N. Weise, Mayor

ATTEST:



Carmen Martinez, City Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3398-917

[Bylaws]

See following pages.

BYLAWS
PLANNING AND ZONING COMMISSION
CITY OF AVONDALE, ARIZONA

AMENDED AND RESTATED SEPTEMBER 18, 2017

I. **ORGANIZATION**

A. **MEMBERSHIP**

- (1) The City Planning Commission shall be composed of a total of seven members and one or more alternate members who shall be selected and serve as set forth in the city council rules of procedure.
- (2) Members shall be residents of Avondale.

B. **POWERS AND DUTIES**

- (1) It shall be the duty of the Avondale Planning Commission:
 - (a) To formulate, create and administer any lawful plan duly adopted by the City Council for the present and future growth of the City, pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith.
 - (b) To recommend to the City Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the City.
 - (c) To advise the Council in all such matters that may pertain to planning and zoning.
- (2) In matters requiring official action by the Mayor and Council, the Commission shall, after giving due public notice thereof, hold at least one public hearing, wherein it shall determine the nature of its recommendations by the affirmative vote of at least four of its members, enter its action thereon over the signature of the Chairperson, and forward its recommendation to the Mayor and City Council for public hearing and action.

C. **OFFICERS AND STAFF**

- (1) Prior to the first January meeting of the Commission each year, the Mayor and City Council shall select a Chairperson and Vice Chairperson from among the current members of the Commission.
 - (a) The term of Chairperson and Vice Chairperson shall be one year. Any member serving as Chairperson or Vice Chairperson shall be eligible for re-appointment.
 - (b) The Vice-Chairperson shall act as Chairperson in the Chairperson's absence. In the absence of the Chairperson, the senior member, based upon years of membership, shall act as Chairperson.
 - (c) Any vacancy for Chairperson or Vice Chairperson as may occur for any reason shall be filled from the Commission membership by the City Council, for the remainder of the term.

- (2) The Chairperson 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 by-laws. The Chairperson shall have the right to vote on all matters before the Commission, and shall also have the right to make or second motions in the absence of a motion, or a second made by a member.
- (3) The City of Avondale Development Services Director, or his/her designated representative, shall serve the Commission as Secretary. The City of Avondale Planning Staff shall furnish professional and technical advice to the Commission.
- (4) The Avondale City Attorney, or his designated representative, shall have the responsibility of furnishing such legal advice on all points of points of order, procedure, or other matters as may be requested by the City Council from time to time.

II. MEETINGS

A. REGULAR MEETINGS

- (1) The Commission shall hold one regular meeting each month, unless the Development Services Director or his/her authorized designee determines there are no scheduled agenda items. Regular meetings shall be held at the Council Chambers, 11465 West Civic Center Drive, Avondale, Arizona, unless advertised differently.
- (2) Regular meetings of the Commission shall be open to the public and the minutes of its examinations and other official actions, shall be filed in the Development Services Department as a public record. For any matter under consideration, any person may submit written comments and recognized by the Chairperson and stating his or her name and address and the names of any persons on whose behalf he or she is appearing.
- (3) The Commission may, by a single consent motion, approve routine or non-controversial matters before the Commission. Should any members of the Commission or public so request, the Chairperson shall withdraw any item from the consent agenda for the purpose of public discussion and separate action.

B. WORK SESSIONS

- (1) The Commission may hold work sessions as necessary.
- (2) Work sessions may be held on the call of the Chairperson, request of two or more members or by Staff request. All work session notices shall be given at least 24 hours before the meeting.
- (3) Work sessions may be held before or after any regular meeting, subject to providing notice as provided herein. When a matter is set for a work session, public testimony may be barred or limited.

C. EXECUTIVE SESSIONS

If the City Attorney is present, the Commission may hold an executive session closed to the public during a regular or special meeting to consider matters permissible in executive sessions pursuant to the laws of the State of Arizona.

D. **NOTICE OF MEETINGS AND HEARINGS**

- (1) Written notice of all meeting to Commission members shall be delivered by mail, email or in person, unless a Commission member specifically request notice by mail, email or in person delivery, at least 24 hours before the date of meeting; except that where required by an actual emergency, members may be notified by telephone by the Secretary.
- (2) Notice of time and place of any public hearing to be held by the Commission shall be given as required by State Law and City ordinances.
- (3) Hearings on all matters on which a decision of the Commission is required by law, shall be open to the public. The applicant shall appear in his or her behalf, or may be represented by counsel or agent.

E. **QUORUM**

- (1) A majority of the members of the Commission shall constitute a quorum for transacting business at any meeting. No action shall be taken at any meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.
- (2) Alternate Member Quorum. At a meeting where a majority of the members are not present and the alternate members are present, the alternate members may be counted to constitute a quorum to conduct the meeting. The alternate members may also vote at the meeting. At a Commission meeting where a majority of the members are present to constitute a quorum, the alternate members will not count towards the quorum and may not vote at the meeting.

F. **AGENDA**

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 matters of business as scheduled for consideration by the Commission.

G. **WITHDRAWAL OF REQUEST**

Any request may be withdrawn upon request to the Secretary, but no request shall 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.

II. **ORDER OF BUSINESS**

A. **MEETING PROCEDURE**

The Chairperson shall conduct all Meetings pursuant to the City Council Rules of Procedure.

B. **HEARING CONDUCT**

- (1) The Chairperson 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 of the issues involved.

- (2) Any evidence supporting the granting or denial of an application shall be submitted to the Development Services Department prior to the public meeting or to the Commission during the public meeting.
- (3) The Commission may continue the hearing up to 60 days on any application or other matter for which the applicant fails to appear, unless the applicant has requested in writing that the Commission act without him or her being present at the hearing; provided, however, the Commission may hear those persons requesting to speak in response to the notice of hearing.

C. **VOTING**

- (1) After all evidence has been submitted to the Commission, each case shall be heard, considered and acted upon in public meeting.
- (2) In taking action on any application or other matter, the Commission may grant approval, grant approval with conditions, modify the request, or deny the item. In these actions, the Commission shall be guided by the provisions of the City of Avondale General Plan and elements thereof, the Avondale Zoning Ordinance, Subdivision Code, and other development standards, policies, and area plans as adopted by the City Council.
- (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.
- (4) A majority vote of those Commission members present and voting shall be required to take official action. 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 considered. In the event that there is no motion, or the motion dies for a lack of a second, it shall be entered into the minutes as a denial of the application being considered. Nothing 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 and provided by Arizona Revised Statutes (ARIZ. REV. STAT. § 38-501, *et seq.*) and the Avondale City Code.
- (6) Each member attending shall be entitled to one vote. The minutes of the proceedings shall indicate the vote of each absence or failure to vote. No member shall be excused from voting except on matters involving conflicts of interest.
- (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.

D. **RECOMMENDATION TO CITY COUNCIL**

The Commission shall forward a recommendation to City Council of its findings and/or action (s) in writing respect to the merits of an application within 45 days of the conclusion of the public hearing on the matter.