

# **BY-LAWS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISBEE**

## **Article I: Authority**

This Commission has been established to perform the functions delegated to it for the proper administration of the Zoning Code and General Plan of the City of Bisbee. The Commission has been delegated the full authority necessary to fulfill these obligations. These By-laws are hereby adopted to assist the Commission in carrying out these responsibilities in an orderly manner. Nothing included herein shall be interpreted in any manner that is inconsistent with the provisions of the City Code or Zoning Code, as adopted by the City of Bisbee, or with the applicable laws of this State.

## **Article II: Powers and Duties of the Commission**

The Commission shall:

- A. Make studies and recommend to the City Council plans, goals and objectives relating to growth, development, and redevelopment of the City and surrounding planning area.
- B. Develop and recommend to the City Council policies, Ordinances, administrative procedures, and other means for carrying out plans and land use decisions in a coordinated and efficient manner.
- C. Make recommendations to the City Council concerning proposed special use permits and proposed Zoning map changes.
- D. Perform other duties assigned by the City Council within the scope of land use regulation.
- E. Hold monthly meeting and public hearings when necessary in accordance with the Zoning Code.

## **Article III: Meeting Procedures**

- A. The City staff assigned to Commission Meetings shall hereafter be referred to as the Staff Liaison, The Staff Liaison shall maintain audio recordings and/or minutes for all meetings, as required by law.
- B. All votes by the Commission, except to adjourn, shall be by roll call vote. The Chairperson shall be the last to vote. All actions of the Commission shall be made upon motion and each motion shall require a second prior to any vote. In the case of a tie vote, the motion fails.
- C. Call to the Public. Each Commission Agenda shall include a Call to the Public, in which members of the public may address the Commission on items not on the agenda. Speakers at Call to the Public shall address the Commission or staff only, and shall be afforded three minutes to speak. Commissioners may not make comments or otherwise

discuss matters raised by members of the public, but may direct staff to follow up on items as deemed necessary.

#### **Article IV: Vacancies**

A. The Commission shall request that staff provide not less than thirty days prior notice to the public for all vacancies on this Commission and of the scheduled end of the current term for all Commission members.

B. When vacancies occur on the Commission, or when the term of any Commission member is scheduled to conclude within 30 days, the Commission shall consider all potential applicants for the position and shall recommend a candidate for that position, for appointment by the Mayor and Council.

#### **Article V: Officers**

A. The Commission shall elect a Chairperson and a Vice Chairperson from among its membership for a one year term. This election shall occur at the January meeting of each year, or at the next available meeting, if there is no meeting in January.

B. The Chairperson shall preside at all hearings and meetings of the Commission. It is the responsibility of the Chairperson to assure that proper order is maintained during all meetings of the Commission. The Chairperson shall sign all documents on behalf of the Commission, assist city staff in the preparation of the Commission's agenda and represent the Commission before the Council, as necessary.

C. In the absence of the Chairperson, the Vice Chairperson shall conduct the duties of the Chairperson.

D. When both the Chairperson and Vice-Chairperson are absent, the remaining members shall elect a chairperson pro-tem from among the members present to serve as the Chairperson for that meeting only.

#### **Article VI: Staff of the Commission and their Duties**

A. City staff members that are assigned to the assist the Commission will provide available information, advise the Commission on matters relating to planning, development and redevelopment, and assume the responsibility for preparing the agenda and all other documents needed by the Commission.

B. The City employee designated by the City Manager as to serve as the Staff Liaison for the Commission shall maintain all official records of the Commission; prepare and maintain the recorded minutes of all meetings of the Commission; be the custodian of the Commissions records; prepare and post all notices required by law or by the Commission's by-laws; prepare agendas and packets of all business to be transacted by the Commission and notify the Commission members and the public of all meetings.

C. Copies of all agendas and action agendas of Commission meetings shall be sent to the Mayor and City Council for their information.

D. The City Attorney, or a designated representative, shall render legal counsel to the Commission on an as needed basis, unless barred by any conflict of interest.

#### **Article VII: Quorum and Voting Requirements**

A. Four or more Commission members shall constitute a quorum. Exofficio members shall not be counted within a quorum or have voting privileges.

B. A majority of the Commission members present and eligible to vote on that action shall be required to pass a motion. In the event of a tie vote, the measure shall not pass. In the event of a tie vote on any matter upon which the Commission is required to make a recommendation to the Council, the matter shall be reported to the Council as "not approved" by the Commission.

C. All votes shall be recorded by the Staff Liaison.

D. In the event that a meeting is not held due to the lack of a quorum, all matters scheduled for public hearing and/or action shall automatically be continued to the next regularly scheduled meeting, unless a special meeting date is designated. The Staff Liaison shall announce the date of the next Commission meeting to all persons who are present for that meeting.

#### **Article VIII: Meetings and Notice**

A. All meetings shall be open to the public in compliance with state or City laws. Notices of all meetings must be posted not less than twenty-four hours in advance, with a detailed agenda of business to be conducted. It is the policy of the Commission to attempt, if possible, to have the agendas posted and distributed at least seventy-two hours prior to meeting, but no meeting shall be deemed to be inconsistent with these By-Laws if it meets the minimum legal requirements.

B. Regular Meetings of the Commission shall be held on the third Thursday of each month at the time and place as set forth in the notice of meeting.

C. In the event that a regular meeting date falls on a public holiday, no regular meeting shall be held on that day. The Chairperson may reschedule this meeting to another business day or cancel the meeting if there is no pressing business.

D. Tabled, Continued or Postponed Matters. In the event that the Commission wishes to table, postpone or continue a scheduled matter to another meeting date, a date, time and place must be set by the Commission prior to the regular motion to adjourn.

E. Special Meetings of the Commission may be held at the call of the Chairperson or at the written request of any three (3) or more Commission members, with a minimum of 24 hours notice. The Staff Liaison shall prepare an agenda for such meetings and shall post these a minimum of 24 hours before date and time of the meeting, or if possible 72 hours prior. The Staff Liaison shall keep an audio recording of Special Meetings.

**F. Study Sessions/Workshops** may be convened in the same manner as prescribed for calling of a special meeting provided that no official action shall be taken at any such meeting.

**G. Notices and agendas** shall be posted in the locations required by the City for posting other legal notices. Only those items indicated on the agenda shall be discussed. Written notification of all meetings shall be furnished to each Commission member at least 72 hours in advance of any meeting, if possible, to permit perusal and evaluation of the issues to be deliberated.

**I. Staff Reports:** A written staff report shall be provided to Commission members and the public for all agenda items requiring Commission action in order to assist intelligent action by the Commission. These reports shall include all available information necessary for a clear understanding of the issues by the Commission and may include maps, surveys, drawings, plans and other descriptive data to clearly outline the problem, suggested solutions and historical information. If the item requires legal notice and/or mailed notice to effected property owners, the staff report shall include the date such notice was published, the date of mailings to effected property owners, and a summary of public comment received to date. In order for staff to prepare this report, staff shall establish deadlines for the submission of application materials and may reject any application that is incomplete.

#### **Article IX: Hearings of the Commission**

**A. Public Hearing.** At a public hearing on any matter, the Commission shall first allow the City Staff to present an explanation of the issue. The Commission will then allow the applicant to present his or her position. The Commission will then open the public hearing phase, and hear comments, for or against the proposal, from members of the public. The applicant will then be provided with an opportunity for a brief rebuttal, whereupon the public hearing shall be closed. At the conclusion of the public hearing stage, staff will be allowed to present a recommendation, if they choose to do so. Upon the close of the public hearing, no additional comments from the public, the applicant, or any opposition will be permitted. The Commission members, however, will have the right to ask specific questions of any party or member of the public. The Commission reserves the right to limit the time allowed for each speaker. Generally a property owner or representative requesting a rezoning, plat approval, special use permit or similar approval will be allowed not more than 15 minutes to present his or her position and members of the public will be allowed not more than 5 minutes each. The Applicant shall have five minutes for rebuttal, if necessary. The Chairperson has the right to increase or decrease these time limits as may be necessary for the full and efficient presentation of each such application.

**B.** Unless otherwise constrained these By-laws, the proceedings of the Commission shall be conducted in an informal manner, to facilitate communication among the Commission, the applicant and the public. The Commission, however, reserves the right to limit and to control public comment as necessary to maintain proper decorum, to prevent personal attacks, and to conduct the business of the Commission in an appropriate and efficient manner.

**Article X: Amendments to these By-Laws**

A. These By-Laws may be amended by the Commission, upon motion, at any meeting of the Commission, provided that a copy of any proposed amendment has been provided to the Commission members not less than ten (10) days prior to such meeting.

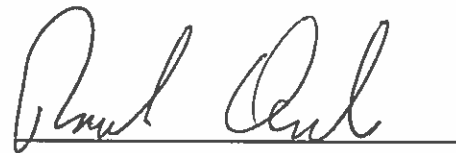
**Article XI: Recordation**

A. A certified copy of these By-Laws and any subsequent amendments shall be placed on record in the office of the City Clerk within five (5) days following the date of adoption.

Approved and Adopted by the City of Bisbee Planning and Zoning Commission this 16th day of June, 2016.

  
Keith Dennis, Chairperson

**APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee this 5<sup>th</sup> day of July, 2016.

  
Ronald Oertle, Mayor  
City of Bisbee

**APPROVED AS TO FORM:**

  
Britt Hanson, City Attorney

