PIMA COUNTY BOARDS OF ADJUSTMENT
AMENDED UNIFORM RULES OF PROCEDURE

ARTICLE I. PREAMBLE

1. The power of each Board of Adjustment is that established in A.R.S. § 11-807 and in P.C.C. Chapter 18.93. Each Board of Adjustment hears and decides applications for variances and temporary use permits as well as appeals of interpretations of the code. Any person aggrieved in any manner by a decision of a Board of Adjustment may appeal to the Superior Court pursuant to A.R.S. § 11-807(D) and P.C.C. § 18.93.070.

ARTICLE II. MEETINGS

1. Regular meetings of the Board of Adjustment shall be held each month, as follows:
   Dist. No. 1: first Monday at ~~2:00 p.m.~~ 1:00 P.M.
   Dist. No. 2: second Monday at 2:00 p.m.
   Dist. No. 3: third Monday at 9:00 a.m.
   Dist. No. 4: second Tuesday at 1:30 p.m.
   Dist. No. 5: second Thursday at 1:30 p.m.

However, an individual Board of Adjustment may at any time change the date and time of its regular meeting.

2. Special meetings shall be held at the call of the Chairperson and at such other times as any three members of the Board may determine.

3. All meetings shall be open to the public, except for executive sessions, pursuant to the Arizona Open Meetings Law, A.R.S. § 38-431 *et seq.*

4. A quorum of the Board of Adjustment shall consist of three members.

5. The Board shall prepare an audio recording or keep minutes of its proceedings recording the vote of each member or indicating the reason for failure to vote on each case and other official actions.

ARTICLE III. OFFICERS

1. A Chairperson and Vice-Chairperson shall be elected at the first meeting in each calendar year, and at the first meeting following a resignation, or termination from the Board for any other reason, of any such officer. Prior to the call for nominations, each Board member shall be polled regarding his or her interest in serving as Chairperson or Vice-Chairperson.

2. The Chairperson shall preside at meetings. The Vice-Chairperson, during the absence or disability of the Chairperson, shall act as chairperson and shall preside at meetings.

3. The Chairperson, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the Board in session at the time.

4. The Executive Secretary, who shall not be a member of the Board, shall be appointed by the Board. He or she shall be the technical advisor for the Board and the custodian of all its records. He or she shall handle all official correspondence and generally supervise the clerical and technical work of the Board.

ARTICLE IV. THE CALENDAR

1. Each case filed in the proper form with the required data shall be numbered serially and shall be placed on the Secretary's calendar. The calendar numbers shall begin anew on January first of each year and shall be hyphenated with the number of the year.

ARTICLE V. DISPOSITION OF CASES

1. No appeal will be considered by the Board unless the appellant or appellant's representative shall appear in person at the hearing thereof.

2. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of an applicant's request for a variance or temporary use permit. A tie vote on any motion to deny a variance or temporary use permit or to uphold any order, requirement, decision or determination of the Zoning Inspector shall not constitute any action having been taken by the Board. A subsequent motion will be required for the Board to take action. However, a tie vote on any motion to grant a variance or temporary use permit or to reverse any order, requirement, decision or determination of the Zoning Inspector shall constitute a denial of the variance or temporary use permit or a denial of the appeal of the Zoning Inspector's action.

3. No application or appeal dismissed or denied can be reconsidered except: (a) on a motion to reconsider the vote, made in the same meeting or the next meeting, by a board member who voted with the majority on the original action, based upon new information or a changed situation; or (b) on a request for a rehearing by the applicant . No request to grant a rehearing can be entertained unless new evidence is submitted that could not have been presented at the previous hearing.

4. The Board may, on the motion of any member, review any decision it has made and may reverse or modify such decision, but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.

5. The Chairperson may enforce any rule adopted by the Board by any appropriate action.

Such actions shall include clearing the hearing room of spectators if the spectators fail to abide by admonitions or rulings made by the Chairperson in an effort to keep order at such hearings.

6. All witnesses shall be sworn before testimony is given by such witnesses. Witnesses so sworn shall be subject to the rules regarding perjury.

7. No person, other than a Board member, shall be permitted to question any person appearing as a witness in a Board hearing.

8. No appeal will be considered if an appeal concerning the same parcel of land and the same section of the code has been denied by the Board in the previous six months.

9. The Chairperson shall have the right to define the issues to be considered at any hearing of the Board and to limit the testimony produced by or offered by any party appearing before the Board by requiring the testimony to be relevant to the issues so defined. Any question asked or any answer given that is not within the issue so defined may be stricken and disregarded by the Board on motion of any party, or its counsel, or on the Board's own motion.

10. In any closing argument before the Board, the proponent shall have the right to open and close. The opponent(s), if any, shall have the right to reply. Each party shall be limited in the time allotted for such arguments, and the time allotted shall be fixed by the Chairperson, whose determinations as to such allotments shall be final.

11. Public demonstrations of any kind by principals, witnesses, or spectators, at any hearing before the Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room on order of the Chairperson. Such conduct shall also constitute a disturbing of the peace, and the Chairperson shall have the right to file charges with the proper authorities if he or she deems it necessary, or expedient, to do so.

12. Petitioners, appellants, and witnesses desiring to contact Board members shall be directed to the Chairperson who shall advise them that, in Arizona, county Boards of Adjustment are quasi-judicial bodies, so that lobbying of Board members is illegal, prejudices Board members, and may result in the dismissal of their application or appeal without action.

ARTICLE VI. ORDER OF MEETINGS

1. Reading of the request or appeal.

2. Verify presence of Appellant.

3. Staff report.

4. Statement by Appellant or his or her representative.

5. Statement(s) by Proponents.

6. Statement(s) by Opponent(s).

7. Closing statement by Appellant, reply, and final statement by Appellant

8. Closure of the public hearing upon motion or by the Chairperson.

9. Discussion and Action by the Board.

ARTICLE VII. SPECIAL PROCEDURES FOR INTERPRETATION HEARINGS

1. In addition to the rules of Article V, the rules of this Article apply to cases where the Board is asked to interpret the meaning of a word or phrase in the Pima County Zoning Code, under the authority of Section 18.93.030(C)(1) of that Code.

2. The application for a Code interpretation or appeal of a decision of the Zoning Inspector must include:

a. A clear statement by the applicant of the exact section and words that need interpretation;

b. A statement of the reason why the interpretation or appeal is necessary. This statement should concentrate on the Zoning Code itself, rather than on details of a particular situation, except where that situation serves as an example of the issue at hand.

c. A full description of the boundaries of the properties in question, or those used in making a decision.

3. At least seven days before hearing on the application, the Chief Zoning Inspector shall prepare a written position statement of his or her position on the mater, citing the Code sections

or definitions which support that position and responding to statements presented by the applicant. This position statement should include any cross-references involved in the applicable Code provisions.

4. A copy of both the application and the Chief Zoning Inspector's statement shall be sent to the Board members and to the applicant for their review at least three days prior to the hearing.

5. The Board may continue a hearing if necessary and may consult with County legal counsel during the interim between hearings. No further memoranda will be accepted at this time from those involved in the dispute.

6. A copy of these rules shall be given to the applicant at the time he receives the application for a Code interpretation or appeal.

ARTICLE VIII. ADOPTION OF RULES

These rules are adopted by the Pima County Board of Supervisors on February 19, 2002 and take effect as of March 21 , 2002. These rules may be amended only by the Board of Supervisors.