

**BY-LAWS OF THE PLANNING BOARD
OF THE CITY AND COUNTY OF DENVER**

Adopted pursuant to Denver Revised Municipal Code Section 12-43

Article I. Appointments.

Section 1. The Planning Board shall consist of eleven members (11) appointed by the Mayor. The Mayor shall appoint the members of the board for staggered terms of three (3) years.

Section 2. Annually, the mayor shall appoint a Chair to preside over the Planning Board for the ensuing year.

Section 3. The Manager of the Department of Community Planning and Development (CPD) shall not be a member of the board, but shall serve as secretary.

Section 4. The Chair shall designate one of the other members of the Board to be the Vice-Chair. In the absence of the Chair, the Vice-Chair shall exercise all the powers of the Chair.

Article II. Duties and Responsibilities

Section 1. The Planning Board shall assist CPD in preparing the City's comprehensive plan, including small area, corridor, neighborhood, district and other plans, to promote the orderly growth and development of the city.

Section 2. The Planning Board shall perform such planning and zoning duties and responsibilities as provided in the Revised Municipal Code and Chapter 59 on Zoning.

Section 3. The Planning Board shall grant or deny variances as provided under the view plane articles of Revised Municipal Code Chapter 10 on buildings and building regulations.

Section 4. The Planning Board shall undertake investigations, studies, reports, and similar evaluations as may be requested by the Manager of CPD, and conduct public meetings and advise the Manager as to policy options and proposed courses of action.

Section 5. The Planning Board may perform other duties attached as Exhibit 1 and shall perform other duties that may be delegated to the Board by ordinance and the Manager.

Article III. Meetings, Quorum, Vote, Attendance of the Board

Section 1. Meetings.

- (a) The regular meetings of the Board shall be held twice a month, on the first and third Wednesday.
- (b) The Chair may cancel regular meetings for cause, including by way of example and not of limitation: absence of a quorum, absence of an agenda, meeting date falls on a holiday, or an extraordinary number of regular and special meetings during the preceding 90 days. Notice of such cancellation shall be given to the members at least 24 hours in advance, if possible. No meeting may be cancelled if the Board has failed to meet during the preceding 30 days. If a regular meeting is cancelled, that fact and the cause shall be set forth in the minutes of the Board.

Section 2. Special Meetings. The Chair may call special meetings of the Board. At least 48 hours notice of special meetings by mail or electronic mail shall be given to all members of the board. Notice of special meetings shall also be posted at the location of the meeting, the offices of CPD, and the first floor of the City and County Building at least 48 hours prior to the meeting.

Section 3. Quorum. A quorum of the Board members shall be present to conduct the business of the Board. A quorum consists of a majority of the members, or five (5) members, whichever is fewer. Members may be present via telephone conferencing, at the discretion of the Chair, provided they are able to hear, comment and vote on the business before the Board.

Section 4. Vote. Unless otherwise provided for by ordinance, all actions of the Board must be taken by the concurring vote of the majority of the members present, or five (5) votes, whichever is greater.

Section 5. Proxy voting. Proxy voting may be done by any member who expects to be unable to attend a meeting, but only under the following conditions:

- (a) The proxy vote must be specific as to the question voted on and limited to such question and shall be in writing in substantially the form attached hereto as Exhibit 2;
- (b) The proxy vote must be either in the affirmative or in the negative on the question voted on, and may not be qualified in any way;
- (c) The proxy vote must be given in writing to the Manager of CPD or to another member of the Board in time to be cast at the meeting, and must be entered as a proxy vote in the minutes of the meeting;
- (d) The proxy vote must be ratified by the declaration of the proxy voter at the next regular or special meeting at which the member is present, and such ratification must be entered in the minutes of the meeting;
- (e) If the member attends the meeting at which the vote is taken, the proxy shall automatically be revoked.

Section 6. Attendance.

- (a) It is the official policy and expectation of the Planning Board to have its members regularly attend Board meetings. Regular attendance is vital to conduct the business of the Board, to have a quorum of the Board, to have informed Board members and quality participation, and to respect the time and interest of the public.
- (b) If any member of the Board is absent from any regular meeting, such member shall give the reason for the absence to the Manager of CPD and the Chair of the Board. The Clerk of the Board shall keep records of board member attendance and whether each absence is excused or unexcused
- (c) Any absence from a Board meeting due to sickness of a Board member, the death of a member of the member's family, court subpoena, or absence from the City, shall be considered an excused absence. Other absences may be deemed excused at the discretion of the Chair. All other absences shall be considered unexcused.
- (d) If any member of the Board has six (6) unexcused absences from regular meetings in any year, such absences shall be considered an indication of lack of intent to continue

serving on the Board. The Chair may report such lack of intent to the Mayor and request that the member be removed from the Board for cause and that a new member be appointed to fill the vacancy.

Section 7. Minutes. After each Board meeting, the minutes thereof shall be promptly distributed to every member of the Board.

Section 8. Agenda. The Manager of CPD and the Chair of the Board shall prepare the agenda for each regular meeting. Routine matters that do not require discussion may be placed on a consent agenda to be approved by block vote. Any Board member may request that an item be removed from the consent agenda for full Board discussion, deliberation and vote.

Article IV. Planning Board Hearings

Section 1. Planning Board public hearings should be conducted in accordance with the procedures outlined in Exhibit 3.

Section 2. Robert's Rules of Order shall be used for any matters not covered by Exhibit 3.

Article V. Planning Board Committees and Subcommittees

Section 1. Committees

- (a) A committee is a committee of Board members, named to investigate, analyze and make recommendations to the Board on specified subjects. Committees may be standing committees or may terminate upon completion of matters assigned. A list of committees is attached as Exhibit 4.
- (b) Committees may be committees of the whole. If the committee is less than the whole, the Chair shall designate the committee members and name the chair of the committee.
- (c) Committees are not authorized to speak for the Board on any policy matters or on matters beyond the scope of the specified subjects assigned to the committee. Upon the completion of the assigned investigation, analysis and recommendation, the committee shall report to the Board.

Section 2. Subcommittees.

- (a) A subcommittee is an ad hoc committee of at least one Board member, and one or more additional committee members who need not be Board members. It has the same functions as a Board committee.
- (b) The Chair of the Board shall name subcommittee members. The chair of the subcommittee shall be named by the Chair of the Board from among the Board members of the subcommittee. The Chair of the Board may, in his discretion, delegate the power to appoint non-Board members of the subcommittee to the chair of such subcommittee.
- (d) Subcommittees are not authorized to speak for the Board on any policy matters or on matters beyond the scope of the specified subjects assigned to the committee. Upon the completion of the assigned investigation, analysis and recommendation, the

subcommittee shall report to the Board. Upon completion of its assigned task, the subcommittee shall be disbanded.

Section 3. Operations of Committees and Subcommittees.

- (a) CPD shall provide the staff for committees and subcommittees.
- (b) Meetings of these committees and subcommittees shall be open meetings, but no statements for the public information media shall be issued directly from the committee or subcommittee. Statements for the information of the public shall be issued through the Board.

Article VI. Public Statements

Section 1. Statements for the public information media shall be issued by the Chair or the Chair's designee on behalf of the Planning Board after consent and approval by the Board. No individual Board member shall make public statements on behalf of the Planning Board without prior consent and approval of the board.

Section 2. Nothing in this section shall limit or infringe on the member's right to free speech and expression as an individual.

Article VII. Reports

The Manager of CPD shall present to the Board a summary of the work done by the Board at least annually, or as requested by the Board.

Article VIII. Amendments

These bylaws may be amended at any meeting of the Board by vote as set forth in Article III, Section 4, provided that written notice of such amendments shall have been given at least five (5) days prior to such meeting.

Exhibit 1
Duties and Responsibilities of the Board

1. Comprehensive, neighborhood, corridor and district plans and studies (see RMC Chapter 12-61 and 12-17)
 - Review new comprehensive plans and amendments to existing plans for appropriate vision, direction and public policy.
 - Review small area and topical plans for compliance with the comprehensive plan and city policies.
 - Conduct public hearings to take testimony regarding proposed plans.
 - Develop an annual report on the implementation progress of the comprehensive plan and recommend priority actions.
2. Recommendations to City Council regarding Planned Unit Developments (see RMC Chapter 59-515(c))
 - Review PUD applications for consistency with comprehensive and other plans and appropriate use and design.
3. Recommendations to City Council via the Zoning Administrator regarding mixed use zone district map amendments (see RMC Chapter 59-301(b) and RMC Chapter 59-650)
 - Review mixed-use zoning proposals for appropriate application of MU-zone district.
4. Recommendations to City Council regarding Zoning Code language amendments (see RMC Chapter 12-45(3)).
 - Review significant language changes to the Zoning Code (those which implement substantive policy changes) for consistency with the Comprehensive Plan;
 - Take public comment in a public hearing, following the Board's standard public hearing notice unless otherwise governed by law; and
 - Formulate recommendations to the City Council.
5. Recommendations to Zoning Administrator (see RMC Chapter 59)
 - Advise the Zoning Administrator on a variety of issues, including comprehensive sign packages, conditional uses in some districts (Green Valley Ranch, Platte River Valley), and development in hospital zones.
 - Take public testimony regarding the proposals.
6. Review and Approval of General Development Plans in T-MU-30 (See RMC Chapter 59-314(f))
 - Review and approve General Development Plans for transit-oriented development within T-MU-30 Zone Districts based on consistency with the comprehensive plan, compliance with rules and regulations and consistency with design guidelines.
7. Design review (see RMC Chapter 59)
 - Review final project design with a recommendation for the Zoning Administrator to approve, modify, or deny the design of projects in Arapahoe Square (B8A), Cherry Creek East, the Commons, and Highlands Garden.

- Hear appeals of staff decisions related to design review of new projects in Capitol Hill (OD1), Uptown (R4X), and Cherry Creek North (CCN).

8. Rules and regulations for CPD (see RMC Chapter 12-18)

- Review proposed rules and regulations for new development, design guidelines, streetscape standards and other issues regulated by CPD.
- If so delegated by the Manager of CPD, hear public testimony about the proposed rules and regulations and adopt the rules and regulations.

9. Variances to the view preservation ordinance (see RMC Chapter 10)

- Review applications for variances for new construction to penetrate the height restrictions for the protection of views.
- Hear public testimony and make findings of fact related to the proposed variance before approving or denying the variance request.

10. Capital Improvements Program budget (see RMC Chapter 12-17)

- If so delegated by the Manager of CPD, advise the Mayor on the annual capital improvement program six year needs assessment and two year plan.

11. Review of historic districts and structures (see RMC Chapter 30)

- Review applications for designating historic districts and structures for consistency with the comprehensive plan and other planning matters.

12. Review of urban renewal plans (see Colorado Revised Statutes 31-25-107(2))

- Review plans for redevelopment of blighted areas for consistency with the Comprehensive Plan.

13. Advice to the Manager of CPD and Mayor

- The Board may formulate advice for the Manager on planning and development matters.
- The Board may formulate advice for the Mayor on planning and development matters.

Exhibit 2
Sample proxy vote

I, _____, a member of the Denver Planning Board, authorize my proxy vote on Agenda Item [insert number and title] for the [insert date] meeting of the Planning Board [for/against] the motion:

Signed _____

Print Name _____

Date _____

Exhibit 3
Notice and Procedures for Public Hearings

NOTICE

1. Planning Board public hearings shall be listed on the meeting agenda.
2. Agendas shall be distributed to board members, posted on the Planning Board website and distributed to any member of the public by request.
3. Other public notice shall be provided as required by state statute, ordinance, rule, regulation or law.

PROCEDURES

1. OPENING THE HEARING

- The Chair will announce the subject of the public hearing, review the public hearing process and declare the hearing open.

2. STAFF PRESENTATION

- A staff member from Community Planning and Development or other city agency will summarize the proposal and the criteria for evaluation.

3. APPLICANT PRESENTATION

- The applicant will present the content of the proposal.

4. STAFF RECOMMENDATION

- The staff member will analyze how the proposal does and does not meet established criteria.
- The staff member will recommend approval, approval with conditions, or denial of the proposal.

5. PUBLIC TESTIMONY

- The Board Chair will call speakers for the public hearing in an orderly manner.
- Speakers will be limited to three (3) minutes, unless otherwise modified by the Chair. Speakers will be given a 30-second warning and a sign when their time is finished.
- Speakers must state their name and address before making a statement. They should indicate whether they support, oppose or are neutral about the proposal.
- The Board will make its recommendation based on established criteria. A list of criteria will be provided to the public, as will the procedures for the public hearing.

5. QUESTIONS BY BOARD MEMBERS

- After hearing all testimony, members of Planning Board may ask questions of people who have testified at the public hearing including the applicant and staff.

6. CLOSING THE HEARING

- After the question period, the Chair may close the public hearing unless the Board votes to continue the hearing to a date certain.

7. BOARD DELIBERATION

- After the hearing is closed, the Board will discuss the proposal. Members of the public shall not participate in the Board discussion.
- The Board will make its decision based on established criteria.

8. BOARD DECISION

- A Board member may make a motion to approve, approve with conditions, or to deny the application.
- The Board shall make Findings when required by ordinance or regulations. Methodologies for making official Findings may include:
 - a. Adopting the staff report, with or without revisions
 - b. Directing staff to write Findings to be adopted at a later date
 - c. Including Findings in the oral motion
- A vote shall be taken and recorded in the minutes.

Exhibit 4

Board Committees

Planned Unit Development Committee

A standing committee of three board members which hears testimony on PUD applications and makes recommendations to City Council. Board members alternate serving on the committee.

Hospital Zone District Committee

A standing committee of three board members which hears testimony on applications for construction in hospital zone districts and makes recommendations to the Zoning Administrator. Board members alternate serving on the committee.

Budget/CIP Committee

A standing committee to review annual City budget proposals, the capital improvements program six year needs assessment and two year plan.

Design Review Committee

A standing committee to review proposals for new construction in design review districts.