

**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 (“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 Chair shall preside at all meetings and shall be responsible for the conduct of such meetings in accordance with these by-laws and Robert’s Rules of Order.

Section 4. The Board shall elect a Vice-Chair annually. In the absence of the Chair, the Vice-Chair shall exercise all the powers of the Chair. In the absence of the Chair and Vice-Chair, the Board shall elect a Chair Pro-tem for the meeting or portion of the meeting for which the Chair and Vice-Chair are absent.

Section 5. The Manager of the Department of Community Planning and Development or their designee (“Manager”) shall not be a member of the board but shall serve as secretary.

Article II. Duties and Responsibilities

Section 1. The Board shall assist the Department of Community Planning and Development (“CPD”) in preparing the comprehensive plan, including small area, corridor, neighborhood, district and other plans of the City and County of Denver (“City”), to promote growth and development in alignment with the City’s adopted vision.

Section 2. The Board shall perform such planning and zoning duties and responsibilities as provided in the Charter of the City, Denver Revised Municipal Code (D.R.M.C.), Denver Zoning Code (DZC), Former Chapter 59 of the D.R.M.C., and Colorado State Statute.

Section 3. The Board shall grant or deny variances as provided under the view plane articles of Chapter 10, D.R.M.C., Buildings and Building Regulations.

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

Section 5. The Board may perform other duties 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. The Chair will coordinate with the Manager on any cancellation.

Section 2. Special Meetings. The Chair may call special meetings of the Board. At least 48 hours notice of special meeting by electronic mail shall be given to all members of the Board. Notice of special meetings shall also be posted at the location where the special meeting is to be held and the offices of CPD, at least 48 hours prior to the special meeting. The Chair will coordinate with the Manager on any Special Meeting.

Section 3. Quorum. A quorum of the Board members shall be present to conduct the business of the Board. A quorum consists of five (5) members.

During a period of emergency declared by State, Mayor, or City officials, or when extenuating circumstances exist as determined by the city leadership working with the Board Chair, Board members may be provided alternative methods of participating in the meeting either by telephone, electronically, or by other means of communication (“alternative methods of participation”).

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. When the Board is required to take action constituting a recommendation to the Zoning Administrator or City Council, and the Board is unable to pass a motion due to a failure of required concurring votes, then the matter shall be forwarded to the Zoning Administrator or City Council as “Planning Board provides no recommendation on this matter.”

During a period of emergency declared by the State, Mayor, or City officials, or when extenuating circumstances exist as determined by the city leadership working with the Board Chair, votes of the Board members who are participating via alternative methods of participation will be counted as part of the Board action. However, if a member has been dropped from the meeting at the time of vote due to electronic problems, no vote will be counted unless the member is able to rejoin the meeting on their own, or after a brief recess the member is successfully re-connected to the meeting.

Section 5. Attendance.

- (a) It is the official policy and expectation of the 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 Board Clerk 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, a death in the Board member's family, or court subpoena 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. The Chair will coordinate with the Manager on determination of absences.
- (d) If any member of the Board has six (6) unexcused absences from regular meetings in any calendar year, such absences shall be considered an indication of an intent to discontinue serving on the Board. The Chair may report such 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. The Chair will coordinate with the Manager on any report to the Mayor.

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

Section 8. Agenda. The Manager and the Chair shall prepare the agenda for each regular meeting. The agenda shall be sent to members of the Board and made available to the public one week prior to the meeting. Routine matters that do not require discussion may be placed on a consent agenda to be approved by block vote. Criteria for determining matters that may be placed on the consent agenda are outlined in Exhibit 2. Any Board member or member of the public 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. Public hearings of the Board will be conducted in accordance with the procedures outlined in Exhibit 1.

Section 2. Robert's Rules of Order shall be used for any matters not covered by Exhibit 1.

Article V. 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 Board after consent and approval by the Manager and Board. No individual Board member shall make public statements on behalf 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 VI. Reports

The Manager shall present to the Board a summary of the work done by the Board as requested by the Board.

Article VII. 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 at least seven (7) calendar days prior to such meeting.

Article VIII. Ethics

Section 1. Members of the Board are subject to the Code of Ethics (D.R.M.C. Article 4 Chapter 2).

Section 2. Any Board member having a financial interest in any action before the Board shall not participate in the consideration of such action as a member nor vote on such measure.

Exhibit 1

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 Board's 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

- CPD staff or other city agency staff will provide the staff report. The staff report will include a summary of the proposal and analysis of the relevant criteria for evaluation.
- CPD staff will recommend approval, approval with conditions, or denial of the item.

3. APPLICANT PRESENTATION (if applicable)

- The applicant will be provided with the opportunity to present the content of the proposal.

4. PUBLIC TESTIMONY

- All persons wishing to speak shall register to speak prior to the public hearing.
- The Chair will call speakers for the public hearing in an orderly manner.
- Speakers will be limited to three (3) minutes, unless otherwise stated by the Chair to provide reasonable accommodation for those with a disability or requiring translation services. Speakers will be given a 30-second warning and a signal when their time is expired. One speaker may cede their time to another speaker for a total of six (6) minutes. Speakers must be present to cede time to another speaker. A time limit longer or shorter than three (3) minutes per speaker may be established upon the affirmative vote of a majority of members present.
- Speakers should 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.

5. QUESTIONS BY BOARD MEMBERS

- After hearing all testimony, members of Board may ask clarifying 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.
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8. BOARD DECISION

- The Board will make its decision based on established criteria.
- A Board member may make a motion to recommend approval, approval with conditions, or to deny the application or supplement to the Comprehensive Plan.
- The Board shall approve, approve with conditions, or deny when required by ordinance or regulations.
- 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, including Findings in the oral motion
- A vote shall be taken and recorded in the minutes.

Exhibit 2

Criteria for Consent Agenda

The following criteria will be used to determine which matters that go to the Board may be placed on the consent agenda:

- Comprehensive Sign Plans (CSP):
 - The CSP clearly meets all required criteria;
 - Minimal controversy or concerns raised by the public.
- Map Amendments (Rezoning):
 - The rezoning application clearly meets all required rezoning criteria
 - No customized zoning (e.g. Waivers, PUDs)
 - Minimal controversy or concerns raised by the public.
- Design Review:
 - The application clearly meets all required criteria;
 - Minimal controversy or concerns raised by the public.

The following matters that go before the Board will not be placed on the consent agenda:

- Supplements to the Comprehensive Plan (e.g. NPI Plans, Small Area Plans);
- Text Amendments to the Denver Zoning Code;
- Historic Landmark Districts; and
- Denver Urban Renewal Authority items.

An item will be removed from the consent agenda for the following reasons:

- A member of the public has attended the meeting and will provide public comment.
- A member of the Board has requested the item be removed from the consent agenda.
- The applicant has requested that the item be removed from the consent agenda.