

**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.

ADOPTED October 3, 2001

REVISED November 5, 2003; October 20, 2004; November 3, 2004; December 4, 2019; May 6, 2020; December 2, 2020; February 22, 2023, December 20, 2023

## **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 in a physical location to conduct the business of the Board. A quorum consists of five (5) members.

**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."

### **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.
- (e) Up to two (2) members may participate in each meeting by electronic means, including any public hearing. Under no circumstances may members participate while driving a vehicle.
- (f) Notification of electronic participation for any reason must be submitted by the member to the Manager on a provided form no later than 2 hours before the start of the meeting on a first-come, first-served basis. Requests submitted less than 2 hours before the start of the meeting will not be accepted and the member may not participate electronically. The form shall indicate which meeting(s) the member would like to attend via electronic means. The Chair shall have the discretion to approve or deny requests submitted less than 2 hours before the start of the meeting in an extraordinary situation.
- (g) If a member who is participating electronically 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 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 occurs 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. COUNCILMEMBER PRESENTATION

- For City Council-initiated map amendments or text amendments, the Councilmember will be provided 10 minutes with the opportunity to present the content of the proposal.

##### 3. 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.
- Upon the unanimous vote of the members present, the Board may waive the requirement for the presentation of a staff report for a map amendment when all of the following are present:
  - The map amendment clearly meets all required rezoning criteria;
  - The map amendment does not involve customized zoning; and
  - The map amendment has minimal controversy or concerns raised by the public.

##### 4. APPLICANT PRESENTATION (if applicable)

- The applicant will be provided 6 minutes to present the content of the proposal.

##### 5. PUBLIC TESTIMONY

- All persons wishing to address the Board at a public hearing shall register their intention to do so online or in person at the staff table. Sign-up closes when the Board opens its meeting.
- 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

ADOPTED October 3, 2001

REVISED November 5, 2003; October 20, 2004; November 3, 2004; December 4, 2019; May 6, 2020; December 2, 2020; February 22, 2023, December 20, 2023

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.

## 6. 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.

## 7. 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.

## 1. BOARD DELIBERATION

- After the hearing is closed, the Board may discuss the proposal. Members of the public shall not participate in the Board discussion.

## 2. 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.
- 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:
  - Adopting the staff report, with or without revisions
  - 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.

ADOPTED October 3, 2001

REVISED November 5, 2003; October 20, 2004; November 3, 2004; December 4, 2019; May 6, 2020; December 2, 2020; February 22, 2023, December 20, 2023

## **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.
- 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:

- Map Amendments (Rezoning)
- 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.

### Exhibit 3

## Documentation of Deliberations

The Board may decide to report its nonofficial acts in the form of a memorandum documenting its deliberations following passage of a motion (“Documentation of Deliberations”). The purpose of this documentation is to summarize key elements of the Board’s deliberations to provide additional insights and context to the entity taking final action and will be used sparingly. The entity taking final action will typically be City Council, but may be the DRC, Zoning Administrator, or others.

#### Process:

- A vote to prepare documentation of deliberations is taken.
- The Chair or Vice-Chair provides key points to staff promptly following the meeting. A second member volunteering to help capture the key points of the deliberation may also be identified to do the same. This may be particularly helpful in capturing the nuances of a split-decision.
- CPD staff prepare a memorandum (typically 2-3 paragraphs).
- CPD staff e-mail a draft to the Board one week in advance of the subsequent Planning Board meeting.
- Members reply directly to staff with suggested changes promptly so that staff can provide a final draft prior to the meeting. Members should not reply to all with any suggested changes, as this would run afoul of the open meetings law.
- The Board approves the final Documentation of Deliberations memo at the subsequent meeting, for which it will be listed on the consent agenda.
  - If given a separate vote, a recommended motion is: *I move that we approve the Documentation of Deliberations for agenda item #X*
- Staff promptly transmits the Documentation of Deliberations to the entity taking final action on the matter. In the case of City Council, the Documentation of Deliberations will be provided to Council staff as a stand-alone document for posting to Legistar. Any staff report updated after the Board approves a Documentation of Deliberations should note the availability of this additional document in records for an action item.

#### Typical use cases:

- Following a deliberation in which analysis of the criteria was complex and involved balancing multiple, possibly contradictory, plan goals and recommendations, for example a rezoning case where multiple plans provided inconsistent recommendations
- Following a deliberation where a position was taken but future decision-makers might benefit from a detailed documentation of key points in the analysis.

ADOPTED October 3, 2001

REVISED November 5, 2003; October 20, 2004; November 3, 2004; December 4, 2019; May 6, 2020; December 2, 2020; February 22, 2023, December 20, 2023



**Note:**

The Documentation of Deliberations is a “nonofficial act” of the Planning Board (per DRMC, Sec. 12-43(b)), and consistent with it, staff will record and include a summary of the votes for any against (if any) and the basis of those votes.

ADOPTED October 3, 2001

REVISED November 5, 2003; October 20, 2004; November 3, 2004; December 4, 2019; May 6, 2020; December 2, 2020; February 22, 2023,  
December 20, 2023

## Exhibit 4 Additional Recommendation Motions

The Board may decide to pass nonofficial acts in the form of supplementary recommendations concerning a legislative matter before the Board to recommend changes or further actions that would, in the Board's view, improve compliance with applicable criteria ("Additional Recommendations"). Additional Recommendations made by the Board will be sent along with the primary motion and included in staff reports and Board meeting records. Additional Recommendation motions will be used sparingly.

### Process:

- In the course of deliberations, a member may propose additional recommendations that the Board could provide that would, if acted upon, improve compliance with applicable criteria.
- The additional motion must be voted on, and this will be a separate vote.
- Staff will include approved Additional Recommendations along with the primary recommendation, and include the Additional Recommendations in staff reports and Board meeting records.

### Typical / Example use cases:

- A proposed text amendment meets criteria to recommend approval, and the Board wants to communicate an additional recommendation to City Council for a change that would make the proposed text amendment more compliant with applicable criteria.
  - Example: When considering the Enhancing Housing Affordability text amendment package in 2022, the Board further recommended to City Council the return of parking minimum changes along frequent transit corridors which had been removed from a prior draft. This additional recommendation was transmitted to City Council by project staff. City Council took that under consideration and developed a compromise change to the text amendment package prior to adoption.
- In deliberations, the Board discusses a conflict between a proposal that meets the criteria and a separate rule, regulation or practice that, if changed, would allow the subject proposal to be more effective. The Board makes an Additional Recommendation that the City follow up on that separate but related matter.
  - Example: When considering a change to the DZC related to side setbacks, a corresponding change in Building Code was identified that would also be needed to make an effective change. An Additional Recommendation was passed to suggest this corresponding change.

### Notes:

- Per City Attorney's Office guidance, Additional Recommendations should only be used for legislative matters, not for quasi-judicial matters such as site-specific

rezonings.

- Additional Recommendations are not “conditions” on the Board’s primary motion. If a change is necessary for an application to comply with criteria and the official action options allow for the Board to recommend “approval with conditions”, that route would be appropriate.
- Additional Recommendations are “nonofficial acts” of the Planning Board (per DRMC, Sec. 12-43(b)), and consistent with it, staff will record and include a summary of the votes for any against (if any) and the basis of those votes.

ADOPTED October 3, 2001

REVISED November 5, 2003; October 20, 2004; November 3, 2004; December 4, 2019; May 6, 2020; December 2, 2020; February 22, 2023,  
December 20, 2023

