

**CITY OF LONE TREE**



**Planning  
Commission  
Bylaws and  
Rules of  
Procedure**

Amended and Restated April 11, 2023

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Attachment A Council Adopted Policy No. 09-06, as amended

**PART I AUTHORITY AND PURPOSE**

The City of Lone Tree Planning Commission is authorized to adopt guidelines and procedures pursuant to Section 2-4-20(b) of the Municipal Code. The purpose of the *City of Lone Tree Planning Commission Bylaws and Rules of Procedure* is to aid the Planning Commission in conducting its business.

**PART II MEMBERS**

**Section 1 Membership**

Unless otherwise authorized by City Council (hereinafter referred to as "Council"), the City of Lone Tree Planning Commission (hereinafter referred to as "Commission") shall consist of seven (7) members.

**Section 2 Conformance with Council Adopted Policy (CAP) No. 09-06**

Member terms, appointment, and conduct of members is governed by Council Adopted Policy No. 09-06 ("CAP 09-06"), as amended.

**Section 3 Election of Officers/Board of Adjustment and Appeals Alternate**

The election of a Chair, Vice Chair/Secretary, and alternate to the Board of Adjustment and Appeals (BOAA) shall be held at the first regular meeting in each calendar year, or at the next regular meeting following the permanent vacation of any officer's seat on the Commission. Nominations are made from the floor during the regular meeting and the election shall be held thereafter as the first order of business. Each officer shall be elected by a majority vote of all members of the Commission.

The Planning Commission members shall be elected and serve their terms in accordance with the terms provided in CAP 09-06.

**PART III POWERS, DUTIES, AND RESPONSIBILITIES**

**Section 1 Commission**

The City of Lone Tree Planning Commission shall carry out such powers, duties, and responsibilities delegated to it by City Council pursuant to Sections 2-4-20, 16-1-180 and 17-1-170 of the Lone Tree Municipal Code, as amended.

**Section 2 Chair**

The duties of the Chair shall be pursuant to CAP 09-06, as amended, and as follows:

- A. Preside at all hearings/meetings of the Commission and perform the duties normally conferred by parliamentary usage on such officers unless otherwise directed by a majority of the members present and in session by duly adopted motion.
- B. See that all actions of the Commission are properly taken.
- C. Appoint all standing and temporary committees unless otherwise directed by the City Council.
- D. In consultation with the Community Development Director, cancel regular meetings due to reasons including, but not limited to, a lack of a quorum, absence of business to conduct, City holidays, or hazardous weather conditions.

**Section 3 Vice-Chair/ Secretary**

Duties of the Vice-Chair/Secretary shall be pursuant to CAP 09-06, and as follows:

- A. In the case of absence or disability of the Chair, the Vice-Chair/ Secretary shall perform the functions of the office of the Chair.
- B. If both the Chair and Vice-Chair/Secretary are absent, then the Commission may call upon the Director to chair the meeting in a non-voting capacity.

**Section 4 Other City Personnel**

- A. Recording Secretary. A city employee appointed by the Community Development Director shall serve as recording secretary of the Commission to keep minutes of the meetings and perform such other duties as may be ordered by the Community Development Director. The recording secretary shall attend all meetings of the Commission. The recording secretary shall prepare and furnish each member of the Commission a copy of summary minutes of all Commission meetings.
- B. Community Development Director. The Community Development Director, or designee, shall attend all meetings of the Commission. The Community Development director may make recommendations to the Commission and may take part in discussions on all matters coming before the Commission but shall have no vote in the meetings of the Commission.

## **PART IV      MEETINGS**

### **Section 1      Meetings to be Public**

All regular, study sessions, or special meetings of the Commission, including meetings and study session held via telephonic or electronic means, shall be open to the public in accordance with the Open Meetings Act, C.R.S. § 24-6-401, et seq. Executive Sessions may be held in the manner and for those purposes as permitted in C.R.S. §24-6-402(4) and under the Home Rule Charter as amended. Meetings at which three (3) or more Commission members are present, and during which any public business is discussed, or any formal action may be taken, are considered open to the public and shall be noticed as such in conformance with the Colorado Open Meetings Law. Commission members may use electronic mail to communicate with each other and City staff. Electronic mail, however, should not be used to discuss the merits of a pending land use application or to elicit members' reactions to a pending land use application because such correspondence might be deemed a "meeting" under the Colorado Open Meetings Law thereby necessitating public notice and provision for public participation.

### **Section 2      Quorum**

A quorum of the Commission shall consist of four (4) members. No meeting shall be held unless a quorum is present. In the absence of a quorum, any scheduled meeting shall be terminated by the presiding members within a reasonable time after gathering. If a meeting has not been convened due to lack of a quorum, the Community Development Director will reschedule the meeting at the earliest possible time. Staff will then post a notice of such continuance and rescheduling at the meeting place location. If such notice of continuance is posted, any application that requires public notice will not be required to re-notice.

### **Section 3      Regular Meetings**

The Commission shall meet in regular session no more than twice per month on a day and time agreed upon by the Commission members when agenda items warrant a meeting.

### **Section 4      Special Meetings**

- A. Special meetings may be called at the request of the Commission Chair or the Community Development Director. No special meeting shall be called unless a majority of the Commissioners is available to participate.
- B. Special meetings may be held at such a time other than regularly scheduled hearings/meetings and at a date and time agreed upon by a majority of the Commissioners.
- C. Study sessions or workshops can be called by the Director at any time for educational purposes. No formal action or decisions can be made at any gathering other than a public hearing/meeting as may be established above.

## **Section 5      Notice**

Notice for any meeting of the Commission shall comply with the Colorado Open Meetings Law and applicable City requirements.

## **Section 6      Order of Business**

- A. Open Meeting; Roll Call. The Chair shall open the meeting and provide roll call.
- B. Conduct of Business
  - 1. The Chair shall conduct the business as presented on the agenda unless an amended agenda is approved by motion of the Commission.
  - 2. The Chair has the discretion of imposing reasonable time limits for input from the applicant and the public when determined to be necessary. In general, a 3-minute time limit shall be the customary time limit for individuals and a 5-minute time limit shall be the customary time limit for persons representing groups or organizations.
  - 3. The Chairperson shall preserve decorum and decide all questions of order, subject to appeal to the Commission. If a Commission member transgresses the rules of the Commission, the Chairperson shall call the member to order, in which case they shall relinquish the floor unless permitted to explain.

## **Section 7      Public Hearing Procedures**

- A. Procedures.

Public hearings required by state law or the Lone Tree Municipal Code shall be conducted in general conformance with the procedures set forth in this Section. Deviations from these procedures that do not substantially affect the fairness and outcome of the hearing shall be permitted and shall not jeopardize or nullify the hearing or the Commission's decision.
- B. Quasi-Judicial Hearings.

The nature of public hearings on land use applications before the Commission is considered quasi-judicial. Commission members are required to consider only such evidence and testimony that is presented during the public hearing, including application materials, public testimony and written comments, and City staff reports submitted to the Commission. Consequently, Commission members cannot consider evidence outside of the confines of the public hearing and should not engage in conversations or communications about any land use application with an applicant, members of the public or other Commissioners before the public hearing or during any recess from the public hearing. However, the Commission may take notice of the laws, codes, ordinances, statutes, and regulations of the City, state, and the United States. The purpose of these restrictions is to afford applicants due process in terms of a fair and unbiased process and to allow the Commission to make an impartial and objective decision.

C. Agenda:

1. Open public hearing on item.
2. Introduction of the item by the Chair and explanation of public hearing procedures.
3. Staff introduction
  - a. Staff name
  - b. Project name and number
  - c. Description of request
  - d. Name of applicant.
4. Staff presentation. Staff shall present the staff report and other information or material and introduce the applicant.
5. Applicant presentation  
The applicant shall, when called to the podium by the Chair:
  - a. State name.
  - b. Who he/she represents (if applicant's representative).
  - c. Provide a brief description of the request.
  - d. Answer questions from the Commission.
6. Public comment. Those persons requesting to speak on the item before the Commission will be called upon by the Chair.

Instructions to Speakers:

The Chair shall instruct speakers in the audience to:

- a. State name, place of residence, and whether they represent themselves or some organization.
  - b. Address all questions and concerns to members (dialogue between the applicant and those members of the public addressing the Commission is not permitted).
  - c. Avoid undue repetition of issues.
7. Closure of public comment

Upon closure of the public comment/testimony portion of the hearing, the Chair shall ask the members if they have any final questions of the applicant or staff. No other public testimony will be taken after the hearing/meeting is closed. The public testimony portion of the hearing may be reopened only for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony.

- a. The Chair shall ask the applicant for any final comments/rebuttal.
  - b. The Chair may ask Staff for final comments, a summary of outstanding conditions, and a list of actions to be taken.
8. Final comment
  9. Motion, deliberations and voting by Planning Commission.

10. Close public hearing on item and move to next agenda item.

## Section 8 Continuanance of Agenda Items

Any agenda item of the Commission, including public hearings, may be continued to a time and date certain. A public hearing that is continued or tabled indefinitely must be re-noticed in accordance with applicable notice requirements for such matter.

## Section 9 Voting and Parliamentary Procedures

### A. Motion procedure.

Parliamentary procedure in Planning Commission meetings shall be generally governed by Robert's Rules of Order, and as described below, as amended from time to time.

#### 1. Main Motion

- a. The statement of a motion as conditioned must be uninterrupted even if another Member intends to amend the motion. The main motion requires a second.
- b. Discussion then takes place. Debate is permitted only on the main motion.

#### 2. Amendments to the Main Motion

- a. Formal Amendment - A formal means of amending the main motion requires a secondary motion. While the main motion is on the floor, a member may move to amend it. (A motion to amend requires a second.) The motion is read as it would be amended and debate centers on the amendment only. A vote for approval or denial is taken on the amendment. The motion is once again read, and debate continues on the main motion.
- b. Friendly Amendment - A friendly amendment can be offered to the Member who made the main motion. This is a suggested change, which if accepted, does not require a second or a formal vote. If a friendly amendment is offered and accepted, the Chair reads the main motion as changed. (The Member who made the original motion may choose not to accept the friendly amendment).

#### 3. Reconsidering the adopted motion

If any change is desired in an adopted motion, a member who voted for the original motion may initiate a motion for reconsideration of the motion. (A motion to reconsider requires a second.) After debate, a vote is taken to reconsider. If a majority of those present vote to reconsider, the original motion returns to the floor.

### B. Voting

After all discussion has taken place, the Chair shall call for the vote. Any member may explain their vote after the motion is made. The Commission's recommendation or decision on any matter shall contain reasonable findings of fact to support its recommendation or decision.

#### 1. Total Number of Votes

At any meeting, each member of the Commission shall have one vote.



## 2. Majority Rules

- a. An affirmative vote of the majority of members present (when those present constitute a quorum) is required to pass any motion.
- b. An abstention shall be counted as a no vote.
- c. In the event of a tie vote, the motion being voted on shall be forwarded to the Council noting the tie vote. A vote on a motion resulting in a tie fails.

## 3. Tie Votes

In the case of a tie in votes on any affirmative motion (e.g., motion to recommend approval), the proposed action shall be declared by the Chair as denied. However, a tie in votes upon a negative motion (e.g., motion to recommend denial) shall not be construed to constitute approval, and in such event, a Commission member is encouraged to make an affirmative motion to resolve the matter.

## 4. Order of Voting

Before voting, the Chair will provide a summary of the issues and conditions. Issues stated will be included in the minutes; conditions will be made clear and be part of the vote. The Chair will call for the motion/question, along with a second on the motion. The Chair will then ask for discussion on the motion. When all Planning Commissioners have had an opportunity to speak, the Chair will call the vote. Those giving a dissenting vote should state their reasons for the record.

## 5. Conflicts of Interest

A Planning Commission member should recuse themselves from voting only where there is a declared conflict of interest pursuant to the City's Code of Ethics set forth in Article VII of Chapter 2 of the Municipal Code, or in the case where a vote is taken on the minutes of a previous meeting or hearing that a Planning Commission member did not attend. A Commission member who believes they have a conflict of interest in a pending matter should consult with the Community Development Director and the City Attorney for guidance before the matter is heard by the Commission. A Commission member with a conflict of interest should declare that interest publicly at the beginning of the meeting, abstain from voting on the matter, withdraw from participating in any deliberations on the matter, and leave the meeting room where the deliberations are to occur.

## 6. Abstentions from Voting.

Abstentions are considered a "no" vote. The member abstaining does count towards establishing a quorum at the meeting to allow the transaction of business.

## 7. Recommendations or actions

- The Commission shall make one of the following recommendations or actions.
- a. Approval of the application without conditions.
  - b. Conditional Approval of the application indicating recommended conditions.

- c. Denial of the application indicating the reasons for denial.
- d. Continuance of the application or item to a date and time certain.

**PART V**      **AMENDMENTS TO THESE BYLAWS**

These Bylaws may be amended by a majority vote of the Commissioners at a regular or special meeting.

**PART VI**      **SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of these Bylaws and Procedures is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these Bylaws and Procedures.