



**Planning Commission
Bylaws and Rules of Procedure**

Amended and Restated January 28, 2025

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PART I: AUTHORITY AND PURPOSE

The City of Lone Tree Planning and Zoning Commission (“**Commission**”) is authorized to adopt rules of procedure for the proper conduct and transaction of its business pursuant to Article VII, Section 2 of the Home Rule Charter for the City of Lone Tree (“**Charter**”) and Section 2-4-20(b) of the City of Lone Tree Municipal Code (“**Municipal Code**”). The purpose of this *City of Lone Tree Planning Commission Bylaws and Rules of Procedure* (“**Bylaws**”) is to establish the rules of procedure of the Commission, as authorized by the Charter and Municipal Code, to aid the Commission in conducting its business.

Notwithstanding the Bylaws, the powers and duties of the Commission are limited and controlled by the Charter, Municipal Code, and Council Adopted Policy No. 09-06 (“**CAP 09-06**”) (collectively with the Bylaws, the “**Governing Documents**”), as each is amended from time to time. In the event of a direct conflict between the provisions in the Governing Documents, the Charter controls over the Municipal Code, the Municipal Code controls over CAP 09-06, CAP 09-06 controls over the Bylaws, and the Bylaws control over any rules and/or procedures adopted by the Commission unless the adopted rules and/or procedures expressly state otherwise.

The Commission shall follow the advice and guidance of the City’s Community Development Director (“**Director**”) and the City Attorney’s Office regarding legal questions, procedural practices of the Board, and the application of the provisions in the Governing Documents.

PART II: MEMBERS

Section 1: Membership

Unless otherwise limited by ordinance of City Council (“**Council**”), the Commission shall consist of seven (7) members (“**Commissioner(s)**”). Qualifications, application, appointment, and term limits of Commissioners are governed by Article VII, Section 3 of the Charter and by CAP 09-06.

Section 2: Commission Officers

The officers of the Commission shall be Chair and Vice-chair/Secretary (hereinafter, the Vice-chair/Secretary shall be referred to simply as “**Vice-chair**”). The Commissioners shall elect the Chair and Vice-chair (collectively, “**Commission Officers**”) from among the Commissioners. The election of the Commission Officers shall be governed by the procedures applicable to the Commission in the CAP 09-06 for the election of a Chair and Vice-chair.

Section 3: Board of Adjustment and Appeals Alternate

The Commission shall select one of the Commissioners to serve as an alternate on the City of Lone Tree Board of Adjustment and Appeals (“**BAA**”) in the event of an absence or vacancy on the BAA.

PART III: POWERS, DUTIES, AND RESPONSIBILITIES

Section 1: Commission

The Commission shall have those powers and duties delegated to it by City ordinances and resolutions, including without limitation, the powers granted to the Commission in Section 2-4-20 and in Chapter 16 and Chapter 17 of the Municipal Code.

Section 2: Chair

The Chair has the following powers and duties:

- A. Conduct and preside at Commission meetings and at public hearings before the Commission; and
- B. All powers and duties of the Chair as set forth in CAP 09-06.

Section 3: Vice-chair

The Vice-chair has the following powers and duties:

- A. Perform the functions of the Chair in the Chair's absence; and
- B. All powers and duties of the Vice-chair as set forth in CAP 09-06.

Section 4: Commissioners

Individual Commissioners shall have the power and duties afforded Commissioners in these Bylaws and in CAP 09-06, including as example and without limitation, attending Commission meetings and calling upon the Director to chair a meeting, in a non-voting capacity, if both the Chair and Vice-chair are absent.

Section 5: City Personnel

- A. Recording Secretary. A city employee appointed by, and at the discretion of, the 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 Director. The recording secretary shall attend all meetings of the Commission. The recording secretary shall prepare and furnish each Commissioner a copy of the minutes taken by the recording secretary during a Commission meeting.
- B. Community Development Director. The Director or the Director's designee shall attend all meetings of the Commission. The Director, and designee when appointed, 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: COMMISSION MEETINGS

Section 1: Meetings and Study Sessions to be Open and Public

Commission meetings are subject to the requirements and restrictions in the Colorado Open Meetings Act, codified at Section 24-6-401, *et seq.*, C.R.S. (the “**Open Meetings Law**” or “**OML**”). A “meeting” is any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication. Meetings of three (3) or more Commissioners at which any public business is discussed or at which any formal action may be taken by the Commission are deemed public meetings that must be open to the public at all times.

The Commission may enter an executive session during a meeting but only for the purposes of seeking legal advice, and in strict compliance with the requirements of, Section 24-6-402(4)(b), C.R.S., and only after consultation with (and participation to include) the City Attorney’s Office.

Section 2: Quorum Requirements

A. Meetings

A meeting shall not be opened unless four (4) or more Commissioners are in attendance. For all purposes herein, a quorum of the Commission exists if four (4) Commissioners are in attendance at the opening of the meeting. A quorum of the Commission is not destroyed following the opening of a meeting notwithstanding a Commissioner’s voluntary leaving, a declaration of a conflict of interest, recusal, or abstention from discussion or voting on any business before the Commission by one of the four Commissioners that established the quorum for the meeting.

In the absence of the quorum needed to open a meeting, the Commissioners present, within a reasonable time after gathering and in consultation with the Director or the Director’s designee, shall either cancel the meeting or adjourn the start of the meeting to a later start time on the same day.

If a meeting is not opened due to lack of a quorum, the Director will reschedule the meeting to the earliest possible time and date. Staff will post a notice of such rescheduling at the meeting place location and on the City’s website. If such notice of the rescheduled meeting is posted, any application that requires public notice will not be required to re-notice.

B. Study Sessions

No quorum shall be required for any study session of the Commission.

Section 3: Regular Meetings

Unless noticed in advance otherwise by or at the direction of the Director, the Commission shall meet in regular session on the 2nd and 4th Tuesday of every month at 8527 Lone Tree Parkway, in Lone Tree, at a time noticed in advance by or at the direction of the Director.

Section 4: Special Meetings

- A. Special meetings may be called at the request of the Commission Chair or the Director. No special meeting shall be called unless a majority of the Commissioners are available to participate.
- B. Special meetings may be held at such times 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 to impose 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.
 - 3. The Chairperson shall preserve decorum and decide all questions of order, subject to appeal to the Commission. If a Commissioner transgresses the rules of the Commission, the Chairperson shall call the Commissioner 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 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. Commissioners 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, Commissioners cannot consider evidence outside of the confines of the public hearing and should not engage in any conversations or communications about any land use application, including, but not limited to, 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.

Following the Commission's final decision on any land use application that may proceed to be considered by Council, Commissioners shall not communicate with Council Members in any form or manner that would constitute or create an ex parte contact for the Council Members, which includes any conversation or communication about the land use application before and during Council's public hearing thereon. Commissioners shall not provide public comment in the capacity of a Commissioner or on behalf of the Commission during a public hearing that is before Council.

C. Agenda.

1. *Open public hearing.* The Chair will open the public hearing on the item.
2. *Introduction of the item.* The Chair will introduce the item and provide an explanation of public hearing procedures.
3. *Open public testimony.* The Chair will open public testimony by calling for Staff's introduction and presentation.
 - a. Staff name
 - b. Project name and number
 - c. Description of request
 - d. Name of applicant.
4. *Staff presentation.* Staff shall present application materials, a narrative of the project, its analysis and findings.
5. *Applicant presentation.* The applicant shall, when called to the podium by the Chair:
 - a. State name.
 - b. Who the applicant 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 hearing 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 the Commission (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.* The Chair shall close public comment after all persons of the public requesting to speak on the hearing item before the Commission have had the opportunity to speak.
 8. *Applicant Rebuttal / Staff's Final comment.*
 - a. The Chair shall ask the applicant for any final comments/rebuttal to public comments.
 - b. The Chair shall ask Staff for final comments, a summary of outstanding conditions, and a list of actions to be taken.
 9. *Final questions / Close Public Testimony.* The Chair shall provide the Commissioners the opportunity to ask the applicant, staff, and the public speakers any questions. In the event the Commissioners' questions provoke testimony of new facts by a party, the non-testifying parties (including public comment) shall be allowed the opportunity to respond. Following the conclusion of all questions and additional testimony, if any, the Chair shall close the public testimony and then proceed to call for a motion from the Commissioners.
 10. *Motion and deliberations by Planning Commission.* Motion and voting shall be controlled by Section 9 below. During deliberations on a motion and before voting commences, Commissioners may ask clarification questions of the applicant and staff. Clarification questions shall be limited in scope to requesting the clarification of a fact presented if there is a disagreement between the Commissioners regarding their understanding of the evidence or testimony in question. No new material facts may be presented in response to a clarification question without reopening public testimony and allowing the applicant, staff, and the public the opportunity to provide additional rebuttal, if any.
 11. *Close public hearing.* After the deciding vote is taken, the Chair shall close the public hearing on the agenda item and move to next agenda item.

Section 8: Continuance of Agenda Items

Any agenda item of the Commission, including public hearings, may be continued to a date and time certain.

Section 9: Parliamentary Procedures and Voting

A. Parliamentary Procedure.

The following procedures govern the conduct of Commission meetings. In the event an action of the Commission is not addressed in this Section 9, the Commission may rely on Robert's Rules of Order for general guidance. The following procedures and Robert's Rules of Order are intended to serve as a guide to running an efficient meeting. Failure to strictly adhere to Robert's Rules of Order will not invalidate any decision or vote by the Commission.

B. Making Motions.

1. Main Motion.

- a. Only one main motion may be on the floor at a time.
- b. The statement of a motion as conditioned must be uninterrupted even if another Commissioner intends to amend the motion.
- c. The main motion requires a second. A main motion that does not receive a second is dead on the floor. A main motion may be withdrawn or modified by the Commissioner that made the main motion before it receives a second. Once a main motion receives a second, it cannot be voluntarily or unilaterally withdrawn or modified.
- d. Discussion then takes place. All Commissioners shall have the opportunity to participate in the discussion.

2. Amendments to the Main Motion.

- a. Formal Amendment - A formal amendment to the main motion requires a subsidiary motion. While the main motion is on the floor, a Commissioner 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. If the amendment is approved, then the amended main motion is once again read and debate continues on the main motion as amended.
- b. Friendly Amendment - A friendly amendment can be offered to the Commissioner who made the main motion *before the main motion receives a second*. 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 Commissioner who made the original motion may choose not to accept the friendly amendment).

3. *Reconsidering an adopted motion.*

If any change is desired to an adopted motion, a Commissioner who voted for the original motion may initiate a motion to reconsider the original 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. (This **does not** apply to public hearings on land use applications.)

C. Voting.

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

1. *One Vote per Commissioner.* Each voting Commissioner shall have one vote unless provided otherwise in these Bylaws.
2. *Majority Rules.* An affirmative vote of the majority of the voting Commissioners is required to pass a motion. For the purpose of counting votes only, "voting Commissioners" shall include Commissioners who voluntarily leave a meeting after a quorum is established and those who abstain or are recused from voting, pursuant to these Bylaws.
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 Commissioner 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 Commissioners have had an opportunity to speak, the Chair will call for the vote. Those giving a dissenting vote may state their reasons for the record.
5. *Recusal from Voting.* Except as allowed otherwise herein, a Commissioner shall be recused and shall not vote on:
 - a. Any motion to resolve an agenda item if the Commissioner was not present for the entirety of a hearing on an agenda item during a prior meeting that will be resolved by the motion. The recused Commissioner shall continue to count toward a quorum for the meeting, but a recusal under this subsection shall not be counted as a "voting Commissioner". Notwithstanding the foregoing, a Commissioner that is present for a substantial portion of a hearing may vote on a motion to resolve

an agenda item if the Commissioner reasonably believes that the Commissioner is fully informed of all the evidence and testimony presented during the hearing.

- b. The minutes of a meeting that the Commissioner did not attend.
 - c. Any matter in which the Commissioner has a personal or private interest (a “conflict of interest”). A Commissioner who believes they have a conflict of interest in a pending matter must consult with the Director and the City Attorney for guidance before the matter is heard by the Commission. A Commissioner that is deemed to have a conflict of interest shall declare that interest publicly at the beginning of the hearing and withdraw from participating in any deliberations on the matter. A Commissioner that declares a conflict of interest shall leave the meeting room before the hearing is commenced and shall not return until after the matter is resolved by final vote of the Commission. A Commissioner recused due to a conflict of interest shall continue to count toward a quorum for the meeting and may count toward the number of Commissioners required to have a quorum for a public hearing, although the Commissioner must still leave the meeting room during the public hearing. If the Commissioner is counted for purposes of meeting a quorum for a public hearing, the Commissioner shall not count as a vote for or against the public hearing item; the Commissioner’s “vote” shall be recorded as a recusal.
6. *Abstaining from Voting.* Abstentions are not allowed. Commissioners that are not recused from voting shall vote “Yes” or “No” on a motion. A Commissioner that abstains from voting shall be deemed as voting “No”, and the abstention shall be counted as a “No” vote. An abstaining Commissioner shall count toward the number of Commissioners required to have a quorum to conduct business and shall be deemed as present for voting.

PART V: AMENDMENTS TO THESE BYLAWS

These Bylaws may be amended, after review and consultation with the City Attorney’s Office, 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.

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

See attached.

**CITY COUNCIL ADOPTED POLICY
CITY OF LONE TREE**

SUBJECT: City Commissions, Boards and Committees Appointment and Procedure Policy

CAP#: No. 09-06, as amended and restated

Adopted
December 15, 2009

Amended
September 25, 2024

Previously Amended
July 19, 2011
March 18, 2014
October 16, 2018
April 19, 2022
May 2, 2023

I. INTENT:

The purpose of this policy is to standardize procedures for the selection, appointment, membership, operations, conduct and removal procedures for City Council appointed Commissions, Boards and Committees.

II. APPLICABILITY:

This policy shall apply to the Commissions, Boards and Committees (CBC) created under the City Home Rule Charter, City ordinance as codified in the Municipal Code, or formed by resolution of the Lone Tree City Council. This policy shall be construed in conformance with Article VII of the Home Rule Charter and the Municipal Code. In the event of a direct conflict between the provisions in this policy and the Home Rule Charter or the Municipal Code, the Charter controls over the Municipal Code and the Municipal Code controls over this policy.

III. PROCEDURES:

A. Appointments; Reappointment; Terms - General.

1. No person shall serve more than two (2) consecutive terms on the same CBC, except members of the Board of Adjustment & Appeals who shall not be subject to term limits. Term limited members shall wait a full term before seeking reappointment to the CBC he/she previously served on. Under this policy, partial terms of office to fill a vacancy on a CBC shall not count as a full term.

2. The terms of office of CBC members shall be three (3) years. Youth Commissioners' terms are two years.
3. Terms of CBC members will be from January 1 – December 31, except for the Youth Commission which will be September 1 – August 31.
4. A person appointed to fill a vacancy on a CBC shall serve for the remainder of the incumbent member's term.

B. Application; Interview Process

1. The City will advertise CBC vacancies through its website and/or other mediums.
2. Anyone interested in a CBC must submit a completed application to the City Clerk by the deadline established by the City.
3. A subcommittee of two Council Members shall be appointed by a majority vote of City Council to interview any applicants.
4. The subcommittee will interview the applicants and bring its recommendations to City Council for consideration of appointment by resolution of the City Council.
5. In the event of a vacancy within one year of the appointment being made, the City Council may rely on the previous list of applicants to appoint a person to fill a vacancy.
6. City Council, in its discretion, may forego the application and interview process for current CBC members in good standing that seek reappointment for a second term.

Good Standing - A member in good standing must maintain a good attendance record, be present throughout the entire meeting, contribute to the goals of the CBC, and represent the City of Lone Tree in a positive manner.

IV. MEMBER CONDUCT AND REMOVAL:

- A. CBC members are expected to conduct themselves in the course of their duties in a fair, courteous and professional manner. CBC members shall not engage in any discriminatory, harassing or other inappropriate conduct. Inappropriate conduct includes sexually implicit or explicit communications with staff, CBC members, or others whether in written form (e.g., emails, notes, text messages), verbal form (e.g., comments, jokes, foul or obscene language) or physical or nonverbal behavior (e.g., unwelcome touching, grabbing, fondling).
- B. It is expected that CBC members attend at least 80% of the regularly scheduled meetings held in a twelve-month period. Member absences in excess of 20% must be reported to the City Council by the City Clerk or staff liaison as soon as practical.

- C. CBC members are required to contact the City staff liaison at least 24 hours prior to any meeting at which they expect to be absent or late.
- D. CBC members shall comply with the Code of Ethics set forth in Article VII of Chapter 2 of the Municipal Code. Accordingly, a CBC member who has a financial interest in any matter proposed or pending before the CBC shall disclose such interest to the staff liaison and City Attorney prior to any discussion of the pending matter, shall not vote on the matter, and shall refrain from attempting to influence the decisions of the other members of the CBC in voting on the matter.
- E. CBC members shall not use Commission meetings or events for business or political purposes.
- F. Removal of a member of the Planning Commission or the Board of Adjustment and Appeals shall be governed by Article VII of the Charter. Reasons for removal may include, but are not limited to:
 - 1. Excessive absences from CBC meetings.
 - 2. Non-performance of duties, or illegal or inappropriate conduct as described in this policy.
 - 3. Violation of the Code of Ethics.
 - 4. Conviction of any felony.
- G. CBC members not serving on the Planning Commissioners or Board of Adjustment and Appeals may be removed for any reason at the discretion of City Council by a majority vote.

V. CHAIR AND VICE CHAIR/SECRETARY:

- A. Election of Chair and Vice Chair/Secretary.

If applicable, the election of a Chair and Vice Chair/Secretary shall be held at the first regular meeting in January of each year or at the next regular meeting after any new appointments are made each year. This shall be the first order of business at that meeting and the incumbent Chair shall preside until the election of his or her successor. Any member may nominate any member, including themselves, as a candidate for Chair and Vice Chair/Secretary. After nominations have been made, each officer shall be elected by a majority vote of all members of the CBC and shall have a term of one year. Vacancies in the Chair or Vice Chair/Secretary position shall be filled as soon as possible by the process herein described. No member of a CBC shall hold the same office for more than two consecutive one-year appointments, except for the Board of Adjustment and Appeals which has no such limit on serving as an officer.

B. Chair and Vice Chair/Secretary Duties and Expectations

1. The Chair shall preside at all meetings and guide the Commission through the agenda items and provide order to the proceedings.
2. The Vice Chair shall act as the Chair in the Chair's absence.
3. The Chair is authorized to sign meeting minutes and all other documents presented to the Chair by the City staff liaison, City Attorney or City Manager. In the absence of the Chair, the Vice Chair may sign any documents required to be signed by the Chair.
4. The Chair shall be prepared at meetings and have general knowledge of each item on the agenda.
5. The Chair shall facilitate open and fair discussions at all meetings.

VI. QUORUM; OPERATIONS OF COMMISSIONS, BOARDS AND COMMITTEES:

- A. A quorum shall consist of a majority of the seated members, except that a quorum of the Planning Commission shall be four members. No official business shall be conducted without a quorum present.
- B. All CBC meetings shall be open to the public in accordance with the State of Colorado Open Meetings Act, C.R.S. § 24-6-401, *et seq.* CBC members should not discuss City business or make decisions via e-mail or anywhere outside a noticed public meeting of the CBC.
- C. CBCs may rely on Robert's Rules of Order for general procedural guidance in running an efficient meeting. Failure to strictly adhere to Robert's Rules of Order will not invalidate any decision or vote by a Board, Commission or Committee.
- D. Minutes are required for all regular and special meetings of the CBCs.
- E. CBC members shall follow the advice and guidance of the City staff liaison and the City Attorney's office regarding legal or procedural questions pending before it.

VII. STAFF LIAISONS:

- A. The City Manager will assign staff members to act as liaisons to each CBC. The staff liaison, or liaisons, will assist with preparation of agenda packets, making meeting arrangements, recording meeting minutes, providing for orientation and training of members (as needed), and advising on matters of City policy and procedures. The staff liaison shall maintain an attendance record of members of their responsible CBC. The staff liaison shall report member absences in excess of 20% to the City Clerk in a timely manner.

- B. The City Clerk shall be responsible for maintaining an accurate record of CBC term limits including dates of appointment and reappointment, and vacancies, and shall provide reports of the same to City Council upon request by City Council or the City Manager.

APPROVED THIS 5TH DAY OF NOVEMBER 2024.



Manna Hammer
Mayor

Patricia Deepen
Attest:
City Clerk