

CITY OF LAKEWOOD

RULES AND REGULATIONS GOVERNING THE PROCEDURES OF THE PLANNING COMMISSION (AS ADOPTED AUGUST 6, 2008)

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ARTICLE 1
GENERAL PROVISIONS

Section 1.1 Applicable City Charter, Municipal Code and Ordinances and These Rules and Regulations

The Planning Commission (hereinafter referred to as "the Commission") shall be governed by the City Charter, Municipal Code, and Ordinances, and the Rules and Regulations of the Commission as set forth herein.

Section 1.2 Requirements for Familiarity with City Charter, Municipal Code, and Ordinances, and the Rules and Regulations affecting the Commission, and Information Pertaining to Cases Presented for Review to the Commission

Upon taking office all members of the Commission shall familiarize themselves with the materials listed in Section 1.1 above, and while in office, they shall maintain such knowledge and knowledge of amendments and additions.

Commission members should make a good faith effort to visit any site which is the subject of a request for review by the Commission for the purpose of acquainting themselves with the site's physical layout and its relation to surrounding properties and uses, and to help them in visualizing the effect of granting the particular request (whether rezoning, final plat, special use permit, etc.).

ARTICLE 2
MEMBERS AND OFFICERS

Section 2.1 Members

Every member of the Commission shall be a resident of the City of Lakewood and the ward from which he or she is appointed, and shall have such qualifications as the City Council deems necessary and desirable in the best interests of the City. At-large members may reside in any ward.

Section 2.2 Appointment

The Commission shall consist of seven (7) members appointed by the City Council. The City Council shall appoint one (1) member from each of the City's five (5) wards and two (2) additional members from the City at large; provided, however, there shall not be two (2) at-large appointments from the same ward.

Section 2.3 Advising Candidates During the Selection Process

It shall be the responsibility of the City Council Screening Committee to advise candidates applying for appointment to the Planning Commission of the estimated time commitment

required for service on the Commission, including regular attendance at meetings and review of staff reports and other materials, and of the need for Commission members to be familiar with these Rules and Regulations. Each candidate shall receive a copy of these Rules and Regulations upon receipt of his or her application. In order to be considered for appointment, each candidate must express during his or her interview a willingness to meet these obligations.

Section 2.4 Term of Office

The terms of members shall be four (4) years or until such time as the member's successor is appointed. Any member appointed to fill an unexpired term shall serve until the end of the four-year term to which his or her predecessor was appointed.

Section 2.5 Secretary to the Planning Commission

The City shall provide the Commission with a Secretary. At the direction of the Chair, the Secretary to the Planning Commission shall be responsible for (a) attending meetings and hearings; (b) preparing the agendas for meetings; (c) taking and preparing minutes of meetings showing the vote of each member upon every question, and (d) administering the oath to people who want to testify during the public hearing. The Secretary shall also be the custodian of the Commission's records, and as such shall prepare all official correspondence, send out all notices, compile records and maintain Commission files. Before each regular Commission meeting the Secretary shall have delivered to each Commission member a packet containing (a) the agenda for the next meeting; (b) the staff report and any submissions made relative to items on the agenda; and (c) a copy of the minutes of the previous meeting.

Section 2.6 Officers

The officers of the Commission shall be the Chair, Vice-Chair and Secretary. The Commission shall hold its annual election of officers at the first regular meeting after the Commission is seated for the year. Each of the officer's terms shall be for one year.

The selection of the Chair shall be held by secret ballot. The Secretary to the Commission shall preside until the election of the Chair. In the case of a tie vote, with the tied candidates having a greater number of votes than any other member running for Chair, the Secretary to the Planning Commission shall disclose the names of the tied candidates and another ballot shall be taken, until one candidate for Chair has received a majority vote of all seated members of the Commission.

The Vice-Chair shall be selected in the same manner as the Chair. He or she shall perform the same functions as the Chair during the disqualification, absence or disability of the Chair, or may be designated as the acting Chair at the discretion of the Chair in order to provide additional training for the Vice-Chair.

The Secretary of the Commission shall be selected in the same manner as the Chair and Vice-Chair.

In case of vacancy in the office of Chair, the Vice-Chair shall succeed the Chair and serve the unexpired term as Chair. A new Vice-Chair shall be selected at the next regular session of the Commission. The Chair or, in his absence, the Vice-Chair, shall conduct the meeting in accordance with City Ordinances and these Rules and Regulations. In the absence of the Chair and the Vice-Chair, the Secretary of the Commission shall preside. All officers shall have the same voting rights as other members.

Section 2.7 Compensation

Each member of the Commission shall receive such compensation as is set by the City Council. Each Commissioner may be reimbursed for actual expenses incurred as a member. All expenses must be documented to the Secretary to the Commission.

Section 2.8 Removal of Commission Members

Any member may be removed by the City Council in accordance with City policy on removal of board/commission members

Section 2.9 Vacancies

A vacancy shall exist when any member dies, resigns, is removed pursuant to City policy, is not reappointed, ceases to be a resident of the City or applicable ward, or becomes an elected official or an employee of the City. The City Council shall appoint a new member to fill the unexpired term of the member whose position has become vacant. A Commissioner who ceases to be a resident of the ward may continue to serve until a new member has been appointed by the City Council.

ARTICLE 3 **POWERS OF THE COMMISSION**

Section 3.1 Comprehensive Plan

The Planning Commission is responsible for the adoption, amendment, and maintenance of the City's Comprehensive Plan, subject to the approval of the City Council pursuant to § 31-23-206, C.R.S.

Section 3.2 Preliminary Maps

The Commission may hear preliminary map cases in accordance with the Subdivision Ordinance.

Section 3.3 Final Plats

The Commission may hear final plat cases in accordance with the Subdivision Ordinance.

Section 3.4 Annexations

In accordance with state law, the Commission is authorized to review annexation proposals and to make recommendations to the City Council on such annexations, but has no authority to approve or deny any annexation.

Section 3.5 Rezoning

The Commission shall function as the City Council's fact-finding hearing agency on all rezoning applications. During the fact-finding hearing, the Commission may hear and consider any relevant evidence or statement including, without limitation; applications, staff reports, recommendations and any relevant testimony. The Commission shall forward a recommendation to the City Council on each rezoning proposal.

Section 3.6 Special Use Permits

The Commission shall review special use permit applications as required by the Zoning Ordinance and shall consider any relevant evidence or statement including, without limitation; applications, staff reports, recommendations and any relevant testimony, at a public hearing, and shall by resolution approve, deny or conditionally approve such special use permits in accordance with the standards of the Zoning Ordinance.

Section 3.7 Vacations

In accordance with state law and/or the Subdivision Ordinance, the Commission may review proposals for vacations of rights-of-way for existing, constructed streets. The Commission shall consider any relevant evidence or statement including, without limitation; applications, staff reports, recommendations and any relevant testimony, at a public hearing, and shall by resolution recommend to the City Council the approval, denial or conditional approval of the proposed vacation. The Commission may also review and make recommendations on requests for vacations of easements and unconstructed public rights-of-way at the sole discretion of the Director of Community Planning and Development.

Section 3.8 Appeals

The Commission is authorized to hear appeals from the following actions:

1. Denial of a Final Site Plan;
2. Approval or denial of a Preliminary Map; and
3. Approval or denial of a Final Plat

The Commission may approve, deny or conditionally approve any appeal. When any appeal is filed, the appellant and/or applicant, if applicable, shall file all information to be presented to the Commission no later than three weeks prior to the scheduled date of the appeal hearing.

Section 3.9 Official Development Plan Modifications

The Commission shall review proposed modifications to Official Development Plans in accordance with the Zoning Ordinance and shall consider any relevant evidence or statement including, without limitation; applications, staff reports, recommendations and any relevant testimony..

Section 3.10 Conditions

The Commission may impose conditions on any recommendation to City Council or on any motion for approval by the Commission, including conditions that are different from those requested by the applicant.

Section 3.11 Other Plans

The Commission shall review all proposed adoptions, changes or amendments to the Capital Improvement Program, Comprehensive Plan, Neighborhood Plans and any other plans that may be presented to the Commission.

Section 3.12 Other Legislative Matters

The Commission shall review other matters brought to the Commission by staff or City Council.

ARTICLE 4
CONDUCT OF MEMBERS

Section 4.1 Right of Floor

No person, including Commission members, staff and citizens may speak unless recognized by the Chair according to Robert's Rules of Order.

Section 4.2 Motions

After a motion is made and seconded, the Chair shall open the matter for discussion among Commission members. After all Commission members have had an opportunity to speak, the Chair shall instruct the Secretary to conduct a roll call vote. Any amendment to a motion, whether it is for the purpose of adding to, deleting from, or changing the character of the original motion, shall require a majority vote of members for adoption of the amendment.

Section 4.3 Representation of Applicant

No member of the Commission may represent any applicant or be present in chambers addressing the Commission on behalf of any applicant on any matter on which the Commission is to make a decision or recommendation.

Section 4.4 Conflict of Interest

No member may participate in any case in which he has a financial interest in the property or action concerned. Any member may voluntarily recuse himself or herself because of any conflict of interest, following disclosure of the nature of the conflict on the record.

Section 4.5 Current Members May Not Appear Before the Commission

No member of the Commission may appear before the Commission as an applicant, witness or representative in any quasi-judicial proceeding.

Section 4.6 Expression of Bias, Prejudice or Opinion

No member may discuss any quasi-judicial matter pending before the Commission with any party or interested person, except City staff, outside of the public hearing, nor may any member vote on any quasi-judicial matter on which he or she has any bias or prejudice or has formed an opinion on the outcome of the matter before the hearing. Commission members may discuss legislative matters and other general matters pertaining to planning and development in the City outside of public hearings.

Section 4.7 Decorum and Order

The Chair shall preserve decorum and decide all questions of order before the Commission. All meetings of the Commission shall be in accordance with Robert's Rules of Order.

ARTICLE 5 **MEETINGS AND HEARINGS**

Section 5.1 Regular Meetings

Regular meetings of the Commission will generally be held at 7:00 PM on the First and Third Wednesday of each month at the City of Lakewood Council Chambers, 480 South Allison Parkway, except as otherwise designated by the Commission. Changes in meeting times and dates shall be posted with the agenda for such meetings.

Section 5.2 Special Meetings

Special meetings may be called by the Chair, or at the request of a majority of members.

Section 5.3 Study Sessions

Study sessions are informal meetings during which general planning topics are discussed which contribute to the continuing education and training of Commission members. Study sessions shall be open to the public. Study sessions may be held at the discretion of the Commission. The Commission may prepare a tentative list of items to be considered during the year and may

update the list as needed at the discretion of the Chair and the Director of Community Planning and Development.

Section 5.4 Continued Cases

Any regular public hearing may be continued to the next regularly scheduled meeting. If a Commissioner was not present at the initial meeting of a matter that has been continued, the member may only participate in and vote on the matter if he or she listens to the official recording of the meeting.

Section 5.5 Cancellation

If no business is scheduled before the Commission, a meeting may be canceled by the Secretary to the Commission after consulting with the Chair and by giving notice to all Commissioners at least two hours before the time set for the hearing. If a quorum is not present, all matters shall be automatically continued to the next appropriate hearing date.

Section 5.6 Quorum

A quorum of the Commission shall consist of five (5) members. If a quorum is not present, the matter shall be rescheduled. A concurring vote of a majority of those members present is required to approve any matter before the Commission.

Section 5.7 Order of Business at Meetings

The order of business is generally established by the agenda. Changes in the agenda will be discussed by the Commission and the decision on any changes will be announced by the Chair at the beginning of the public hearing. The normal order of business shall be as follows:

- a. Call to Order
- b. Roll Call
- c. Consent Agenda
- d. Preliminary Maps
- e. Subdivisions
- f. Special Use Permits
- g. Annexations
- h. Rezoning
- i. Vacations
- j. Appeals
- k. Modifications
- l. Comprehensive Plan and/or other plans
- m. Approval of Minutes
- n. Other Business
- o. Adjournment

Cases pertaining to the same parcel of property may be considered together or sequentially, but a separate motion shall be required for each individual case.

Section 5.8 Public Hearings

- a. The Commission shall hold a public hearing on all applications as required by the Zoning Ordinance, Subdivision Ordinance and/or Municipal Code.
- b. During every meeting prior to the first public hearing, the Chair shall explain to those present the order of business at public hearings.
- c. The Chair shall instruct the Secretary to the Commission to swear in all individuals who want to testify during any public hearing and shall have discretion to limit or expand testimony.
- d. The order of business for each case at a public hearing shall be as follows:
 1. The Secretary to the Planning Commission announces the applicant's case;
 2. The applicant presents the case;
 3. City staff presents the staff report;
 4. The Chair opens the Public Comment portion and persons wishing to comment upon the applicant's request may provide relevant testimony and evidence;
 5. The Commission may question the applicant, interested persons and staff;
 6. The Chair closes the public comment and the Commission discusses the case;
 7. The Chair calls for a Motion and second. The Chair identifies the person making a second and the motion is discussed.
 8. The Commission makes findings and votes on the application; and
 9. The Chair states the outcome of the vote.
- e. Any materials presented to the Commission during the public hearing shall be identified and entered into the record.
- f. The Commission shall, by resolution, approve, modify or deny, or recommend approval or denial of, all matters before the Commission.
- g. The Commission, through the Secretary to the Commission, shall keep minutes of its proceedings and records of its examinations and of the official actions, all of which shall be filed in the offices of the City and shall be of public record.

ARTICLE 6

RECONSIDERATION AND APPEALS

Section 6.1 Reconsideration

The Commission may allow reconsideration of any decision in accordance with Robert's Rules of Order. The Commission may consider any request by an applicant to continue a case due to

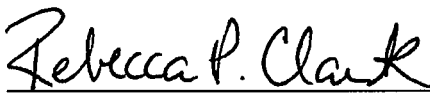
changes to the development proposal. No case may be continued to the Commission's next meeting, but instead must be continued to no earlier than the second next regularly scheduled meeting in order to allow the staff and interested persons adequate time to review the applicant's proposed changes.

Section 6.2 Appeal

Any decision of the Commission for which the Commission has final decision-making authority pursuant to the Subdivision or Zoning Ordinance may be appealed to the Jefferson County District Court within thirty (30) days of the decision. Any other decision of the Commission may be appealed to the City Council in accordance with the process outlined in the Subdivision or Zoning Ordinances.

RECOMMENDED AND APPROVED:

By:




Rebecca Clark, Director
Community Planning and Development

By:



John Plotkin, Chair
Planning Commission

APPROVED AS TO FORM:



Timothy P. Cox, City Attorney