

# ENGLEWOOD PLANNING AND ZONING COMMISSION BYLAWS

THE ENGLEWOOD PLANNING AND ZONING COMMISSION HAS ADOPTED THE FOLLOWING  
BYLAWS FOR THE TRANSACTION OF BUSINESS.

## ARTICLE I MEMBERSHIP

- A. The membership of the Planning and Zoning Commission ("Commission") shall be as set forth in Englewood Charter § 56. Term Limits are as set forth in Englewood Municipal Code § 2-13-1.
- B. The members of such Commission shall serve without compensation.
- C. Members of the Commission shall make it a regular practice to attend the full length of the Commission meetings commonly held the Tuesday following the first and third Monday of each month on an "as needed" basis and any scheduled special meetings or study sessions. If, for any reason, a Commissioner cannot attend the scheduled meeting, it is the Commissioner's responsibility to notify the Chair or Staff Liaison of the absence prior to the meeting. In the event the first or third Monday is a holiday, then the Commission shall meet on the Wednesday immediately following the Monday holiday.
- D. If a Commissioner is absent from three consecutive meetings without notifying the Chair or Staff Liaison prior to the meeting, or is absent from five total meetings during a calendar year with or without notification to the Chair or Staff Liaison, then upon a motion by the Commission, the name of the Commissioner will be forwarded to the Governing Body for removal from the Commission.
- E. Alternate Member. An alternate member is appointed by the City Council to better assure that the business of the body does not stop due to lack of quorum of the membership. The Alternate will receive the same meeting packet as regular members, and are held to the same attendance standards as regular members. An alternate member is expected to meet the same attendance standards as regular members, be knowledgeable about the topics before the body, and be ready to decide any matter brought before the body, as they may be called on to serve at any time. When an alternate member serves in the place of a regular member they are counted as part of the quorum, and they vote on all matters brought before the body during the meeting where they are serving, except for public hearings which are already in process. If an alternate serves as a member at the beginning of a public hearing they shall remain part of the hearing panel until the conclusion of the public hearing.

## ARTICLE II OFFICERS

- A. Elections. The Commission shall elect annually at its first meeting in February, or as soon thereafter as possible, a Chair and a Vice Chair. The term of office is from the date of election until the date a successor is elected. An individual may serve no more than two consecutive terms of office. An individual who has served two consecutive terms in the same office may again become eligible to serve in such office two years after concluding two consecutive terms.
- B. Meeting Chair. The Chair shall preside at all meetings of the Commission. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the Staff Liaison shall call the meeting to order and shall preside to select a temporary Chair. The Staff Liaison shall forthwith relinquish the Chair after selection of a temporary Chair.
- C. Rules of Procedure. The Chair shall, with the recommendation and advice of legal counsel, decide all points of order and procedure, unless overruled by a majority of the total membership of the Commission.
- D. Right of Chair to Vote. The Chair shall have the right to make motions and to second motions without vacating the Chair; however, it is preferable other Commissioners make all motions. Provided, however, that when the Staff Liaison is acting as temporary chair in accordance with these rules they shall have no vote.
- E. Vice Chair. The Vice Chair shall work in cooperation with the Chair and shall perform such duties as the Commission may assign to him or her. In the event of the death, absence, incapacity, inability or refusal of the Chair to act as the Chair, the Vice Chair shall be vested with all the powers and perform all of the duties of the office of Chairperson. In the absence of the Chair, the Vice Chair shall preside at all meetings of the Commission at which he or she may be present. The Vice Chair shall have such other or further duties or authority as may be prescribed elsewhere in these Bylaws or from time to time by the Commission.
- F. Authority to Sign Documents. The Chair and the Staff Liaison shall sign all official documents of the Commission. Any documents or communications from the Commission shall be signed "By Order of the City Planning and Zoning Commission."
- G. The Staff Liaison, as assigned by the Community Development Department, shall be the custodian of all the books, papers and records of the Commission and shall, at such reasonable times as may be requested, permit an inspection of such books, papers and records by any member of the Commission.
- H. The Staff Liaison shall be the administrative and clerical officer of the Commission, and subject to these Bylaws and the direction of the Commission, the Staff Liaison shall submit reports on all official matters occurring between meetings; conduct all

official correspondence; send all notices required by these Rules and orders of the Commission; attend all meetings and hearings; keep the Minutes of the Commissions proceedings; and generally supervise all the clerical and technical work of the Commission.

### ARTICLE III MEETINGS

- A. The Commission shall operate in accordance with those Rules of Order officially adopted by the Governing Body of the City of Englewood.
- B. Regular Meetings. The regular meeting of the Commission shall be held on the Tuesday following the first and third Monday of each month, and such meeting shall commonly commence at 7:00 p.m. In the event the first or third Monday is a holiday, then the Commission shall meet on the Wednesday immediately following the Monday holiday. If the regular meeting of the Commission should fall on a legal holiday, the Commission shall set another date for such meeting; except that the Chair may cancel a regular meeting with at least two (2) days prior notice for the following reasons:
- i. it is determined that a quorum will not be present;
  - ii. no subjects are scheduled for the agenda; or,
  - iii. other reasonable circumstances.

During the months of November and December the Commission will hold only one regular meeting on the Tuesday following the first Monday of each month, and such meeting shall commence at 7:00 p.m.

- C. Special Meetings/Study Session Meetings/Rescheduled Regular Meetings. Special meetings of the Commission or Study Session may be held for any purpose or purposes. Special meetings may be called by the Chair, or by a majority of the Commission by notice duly given in the manner hereinafter provided.

All members of the Commission shall be notified, either during a scheduled meeting, or by telephone and/or electronic notice, of the time and date of a special meeting, study session, or a rescheduled meeting.

- D. Notice of Special Meetings/Rescheduled Meetings. Notice of any Special meeting of the Commission or Study Session meeting shall be carried out by the Staff Liaison to the commission upon written request by the Chair or written request of a majority of the commission, and in conformance with the Colorado Open Meetings Act.

- E. Open Meeting Act. All meetings shall be open to the public and carried out in conformance with the Colorado Open Meetings Act.
- F. Quorum. Five members of the Commission shall constitute a quorum.
- G. Agenda. A draft agenda containing the anticipated business of the Commission shall be forwarded to the Chair by the Staff Liaison at least five days prior to the date of the meeting. The Chair shall review the agenda, modify the agenda as desired, and return a final and approved copy of the agenda to the Staff Liaison for posting in accordance with City notice requirements. Meeting format shall be set forth in a policy adopted by the Commission. The format of meetings may be modified from time to time at the discretion of the Commission.
- H. Voting. Each Commission member present at any meeting shall be entitled to cast one vote on each matter coming before such meeting for decision. An item shall be passed upon approval by a majority of the members present, unless otherwise required by law. If a roll call vote is taken, all votes shall be recorded so as to attribute each "yea" and "nay" vote, or abstention if not voting, to the name of the respective Commission member.
- I. Tie Votes. Votes resulting in a tie shall fail as a tie does not signify the support of a majority of the membership present and voting.
- J. Conflict of Interest/Abstention. Members of the Commission have a duty to vote unless they have an actual conflict of interest. A conflict of interest is generally considered to be any matter in which an individual or their spouse has a fiduciary (financial) interest in the outcome of such matter. In case of a conflict of interest between a Commission member and any business under consideration by the Commission, the Commissioner shall notify the Commission as soon as such conflict becomes apparent. A Commissioner shall publicly state for the record any conflict of interest such Commissioner has on any matter brought before the Commission and abstain from voting on such matter. After a member has declared a conflict of interest they shall not be heard on such matter.

The Chair may question any member off the record regarding possible conflicts of interest prior to discussion of such matter.

Discretionary abstention shall be in accordance with Bob's Rules of Procedure.

- K. Attendance. Each Commission member, including the Alternate Member, shall be obligated to attend each regularly scheduled and special meeting of the Commission in order to assure the efficient operation of the Commission. If for any reason, a member knows they will not be able to attend a meeting, they will notify the Chair or Staff Liaison by e-mail.

- L. When a meeting/public hearing has been set to consider a request which involves property at a specific location, the members shall make an effort to view the location prior to the specified meeting. The Commission members shall also be thoroughly familiar with any special materials, maps, or reports they may have received prior to the meeting/public hearing.

**ARTICLE IV  
CAPITAL IMPROVEMENT RECOMMENDATIONS**

- A. In accordance with Englewood Charter § 58, the Commission shall annually submit to the City Manager, not less than ninety days prior to the submission of the City's annual budget, a list of recommended capital improvements.
- B. Each year the Chair of the Commission, with the assistance of the Staff Liaison, shall invite the City Manager, or the Manager's designee, to attend a regular meeting of the Commission. At such regular meeting the Commission shall review a list of recommended capital improvements with the Manager, or designee, and discuss such recommendations with the Manager, or designee.
- C. The goal of reviewing the annual list with the Manager, or designee, is to inform the Manager of the Commission's view of those capital projects which are necessary or desirable to meet the goals of the master plan, or provide infrastructure to support the goals of the master plan.

**ARTICLE V  
HEARING OF CASES**

- A. All meetings of the Commission and all official actions taken by the Commission shall be public. Information received by any Commissioner, either verbally or in writing, outside the public hearing and before a decision is made on the matter, shall be fully and publicly disclosed to the Commission as a whole. All Commissioners shall base their decision on any matter heard through public hearing only on the information presented at such public hearing, information fully and publicly disclosed prior to the closure of the public hearing, and information set forth in Charter, Code, or State law.
- B. Where any Charter provision, statute, ordinance, or other law requires a Hearing before the Planning and Zoning Commission, voting on such matter shall only be by those members present at the Hearing.

**ARTICLE VI  
RECOMMENDATIONS TO COUNCIL**

All recommendations to the City Council shall be transmitted in writing stating the meeting date, motion and vote. A record of the Findings of Fact shall also accompany the recommendations, all in accordance with Englewood Municipal Code, Title 16, Unified Development Code of the City of Englewood.

**ARTICLE VII  
POWERS AND DUTIES**

Article VIII, Section 58 of the Home Rule Charter, defines the duties of the Planning and Zoning Commission. In addition to those duties set forth above, the Commission shall:

- A. Prepare and submit to the City Council for its approval a Comprehensive Plan, and current modifications thereof, for the physical development of the City.
- B. Review all plats of proposed major subdivisions submitted to the Commission, and prepare a recommendation to the City Council.
- C. Prepare and recommend to the City Council a comprehensive zoning ordinance and propose amendments or revisions thereto with such provisions as the Commission shall deem necessary or desirable for the promotion of the health, safety, and general welfare of the inhabitants of the City.
- D. Hold public hearings on all cases of rezoning.
- E. Decide matters regarding conditional uses and interpretations of Title 16.
- F. Consider all applications for amendments, modifications or revisions of the Unified Development Code and Planned Unit Development applications, and forward such applications to the City Council with its recommendations thereon.
- G. Conduct public hearings as it deems necessary.
- H. In addition to the duties set forth in the Charter and the State Statutes, there are several implied duties of the Commission which are essential to the successful implementation of the Comprehensive Plan. In short, it is the Commission's duty and obligation to review any act which would change or alter the Comprehensive Plan or any part thereof. In some cases, the action taken by the Commission is final with the right to appeal to either the City Council or the Board of Adjustment, depending upon the nature of the case. In other cases, the Commission serves as an advisory body to the Council, recommending the action that it feels the Council should take.

**ARTICLE VIII  
RECORDS AND REPORTS**

- A. The record of all Commission meetings and hearings shall be kept on file in the office of the Community Development Department in such manner as to be available for public inspection during the regular office hours of the City.
- B. Reports shall be made to the City Council as the Council shall from time to time require.
- C. The Staff Liaison of the Commission shall submit to the City Manager, at such date as the City Manager shall determine, estimates of revenue and expenditure of the Commission.

**ARTICLE X  
AMENDMENTS**

Amendments to these Bylaws may be introduced at any meeting of the Commission and voted on at the same or any subsequent meeting, provided that notice of the consideration of any such amendment or passage, either in the form of a letter or official Agenda of the Commission, is distributed to each member prior to its first introduction at a regular meeting.

**CERTIFICATE**

The foregoing Bylaws were duly adopted as and for the Bylaws of Englewood, Colorado Planning and Zoning Commission were adopted at its regular meeting held on June 5, 2018, and are hereby signed By Order of the City Planning and Zoning Commission.

  
\_\_\_\_\_  
Chair of the Commission

  
\_\_\_\_\_  
Staff Liaison of the Commission