

## **AGENDA**

**MAY 18, 2021**

### **DEVELOPMENT PERMITS AND APPEALS BOARD VIRTUAL STUDY SESSION 6:00 P.M.**

To attend use the following link:

<https://thorntonco.zoom.us/j/91046185637>

Or Call 1(346) 248-7799 and Enter 910-4618-5637

- 1) CHARTER AUTHORITY
- 2) BYLAWS
  - A. See attached documentation provided.
- 3) LEGAL ASPECTS
- 4) REVIEW SCOPE
- 5) STAFF MEMO ORGANIZATION AND CONTENT
- 6) KEY LINKS
  - A. See attached documentation provided.

**EXHIBIT C**

**CITY OF THORNTON  
DEVELOPMENT PERMITS AND APPEALS BOARD  
BYLAWS**

**Adopted by City Council  
April 13, 2010, 2011  
Recommended by DPAB  
March 16, 2010, 2011  
Revised April 16, 2011**

DEVELOPMENT PERMITS AND APPEALS BOARD BYLAWS

**TABLE OF CONTENTS**

DEFINITIONS .....	1
Section 1. Meetings Generally.....	<b>Error! Bookmark not defined.</b>
1.1 Regular Meetings	<b>Error! Bookmark not defined.</b>
1.2 Special Meetings	<b>Error! Bookmark not defined.</b>
1.3 Study Sessions	2
1.4 Continued Meetings	<b>Error! Bookmark not defined.</b>
1.5 Cancellation	<b>Error! Bookmark not defined.</b>
1.6 Quorum	<b>Error! Bookmark not defined.</b>
1.7 Delivery of Agendas, Staff Reports and Related Materials	<b>Error! Bookmark not defined.</b>
1.8 Call to Order	<b>Error! Bookmark not defined.</b>
1.9 Order of Business	<b>Error! Bookmark not defined.</b>
Section 2. Public Hearings	3
2.1 The Board	4
2.2 Reopening of a Public Hearing	5
2.3 Meetings Extending Past 10:00 P.M.	4
2.4 Procedure in Absence of Rule	<b>Error! Bookmark not defined.</b>
Section 3. Members	5
3.1 Number	4
3.2 Qualifications	5
3.3 Appointment	5
3.4 Compensation	5
3.5 Vacancies	<b>Error! Bookmark not defined.</b>
Section 4. Officers, Members, Staff and Duties	6
4.1 Officers and Duties	<b>Error! Bookmark not defined.</b>
4.2 City Staff and Duties	<b>Error! Bookmark not defined.</b>
Section 5. Board Members -- Duties and Privileges	8
5.1 Questions of Order	<b>Error! Bookmark not defined.</b>
5.2 Making Motions	<b>Error! Bookmark not defined.</b>
5.3 Right of Appeal	8
5.4 Disqualification of Member from Participation	8
5.5 Attendance Required	<b>Error! Bookmark not defined.</b>
5.6 Excusal from Attendance	9
5.7 Excusal during Meetings	<b>Error! Bookmark not defined.</b>
Section 6. Miscellaneous	9
6.1 Permission required to address Board	<b>Error! Bookmark not defined.</b>
6.2 Decorum during Meeting	9
6.3 Suspension of Bylaws	9
6.4 Amendment of Bylaws	9

## ***DEFINITIONS***

Applicant: The property owner or authorized representative requesting action to be taken by the Development Permits and Appeals Board.

Board: The Development Permits and Appeals Board of the City of Thornton, Colorado

Board Members: Residents of the City of Thornton appointed by the City Council who are qualified electors.

City: The City of Thornton, Colorado.

City Council: The City Council of the City of Thornton, Colorado.

Code: The Thornton City Code.

Meeting: Any meeting of the Board that meets the requirements of Section 2-2 of the Thornton City Code.

Officers: Chair and Vice-Chair of the Board elected by the Board members.

Public Hearing: A hearing conducted at a specific time and place which meet the requirements of the Code where evidence and testimony are presented.

Recording Secretary: An employee of the City of Thornton who is assigned to the Board to handle the clerical work of the Board pursuant to these bylaws.

## **Section 1. Meetings Generally**

### **1.1 Regular Meetings**

The Board shall meet in regular session at 6:00 p.m. on the first and third Tuesdays of each month. When a scheduled meeting falls on a holiday, which is officially recognized by the City, election day, or there is a conflict with a City Council meeting, the staff shall reschedule the meeting. The Board may by motion cancel any regular meeting or as provided herein. The place of meeting shall be the Chambers in the Civic Center building unless otherwise designated. All meetings of the Board shall be Open Meetings as provided in Section 2-2 of the City Code.

### **1.2 Special Meetings**

Special meetings may be called by the Recording Secretary or by the Chair or Vice-Chair of the Board, with at least twenty-four (24) hours written notice to each member, served personally or electronically, or by other technology.

### **1.3 Study Sessions**

Study sessions are informal meetings during which general topics are discussed which contribute to the information and education of the Board members. Study Sessions are open to the public. No business shall be conducted and no formal action or decisions shall be made at a Study Session.

### **1.4 Continued Meetings**

Any regular or special meeting may be continued to a special meeting, the next regularly scheduled meeting or any other regularly scheduled meeting of the Board. Such continuance to a time and place certain shall not require additional public notice.

### **1.5 Cancellation**

The Board may by motion cancel any regular meeting. If no business is scheduled before the Board, or if it is apparent that a quorum will not be available, any meeting may be canceled by the Development Director or designee, after consulting with either the Chair or Vice-Chair, by giving notice to all members and applicants at least one hour before the time set for such meeting. Cancellation of the meeting would be posted immediately upon decision.

### **1.6 Quorum**

A majority of the members of the Board in office at the time of the meeting shall constitute a quorum for the transaction of business at all Board meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date.

In the absence of all members, the Recording Secretary may adjourn any meeting to a later time or date.

1.7 Delivery of Agendas, Staff Reports and Related Materials

On the Friday preceding any Board meeting, the Development Director or designee will have an agenda showing the order of business, copies of communications, staff reports with supporting documents, and other items relating to the business for each Board member available at the Civic Center. If the Development Director or designee finds that the materials will not be available by the Friday preceding the meeting, the Recording Secretary shall notify the Board members when the materials will be available.

1.8 Call to Order

The Chairperson shall call the members to order at the hour appointed for the Board to meet.

1.9 Order of Business

The business of all meetings of the Board shall be transacted based on an agenda presented by City staff or amended by motion at the meeting. The Board's agenda shall be arranged by the City staff in a manner judged to be most appropriate for the agenda items to be heard. The Development Director or designee shall establish the agenda.

**Section 2. Public Hearings**

- 2.1 The Board shall hold a public hearing on all applications and appeals as required by Chapter 18 of the Code.
- a. Notice of the public hearing will be provided to the public pursuant to the applicable Code provisions.
  - b. The public hearing shall be conducted as an administrative public hearing where the strict rules of evidence shall not apply but shall be used as a guide for the admittance of evidence. The applicant has the burden to establish to the satisfaction of the Board by preponderance of the evidence that the applicant's request is appropriate under applicable Code provisions.
  - c. All Board actions on applications shall be in the form of a resolution which states the findings the Board has made in support of its action.
  - d. Every person who wants to testify before the Board shall be recognized by the Chairperson, and shall be sworn before any testimonial evidence is taken. Any materials presented to the

Board during the public hearing must be identified and entered into the record as an exhibit with a specific number. The Chairperson shall interrupt the testimony, if necessary, in order to accomplish such identification. All materials shall become the property of the City and remain with the Secretary.

- e. The Chairperson may set a time limit for individual speakers as well as a total time limit within which all those desiring to be heard will be confined.

2.2 Reopening a Public Hearing. Whenever a public hearing has been opened and continued to another date or where it has been closed or the floor has been closed and the Board wishes to take additional evidence prior to a vote or a reconsideration of a vote, the Chairperson may reopen the public hearing or reopen the floor for purposes of taking such additional evidence. The Chairperson may limit the scope of such evidence to be taken.

### 2.3 Meetings Extending Past 10:00 P.M.

At 10:00 p.m., if the regular meeting of the Board has not previously been adjourned, further proceedings shall be conducted as follows: all public hearings not previously considered shall be opened and continued to another date. Further proceedings shall not extend beyond 30 minutes after 10:00 p.m. and shall be limited to the business then under consideration. All other matters remaining on the agenda shall be continued to another date.

### 2.3 Procedure in Absence of Rule

In the absence of a bylaw to govern a point of procedure, reference shall be made to Robert's Rules of Order Newly Revised, as amended from time to time.

## **Section 3. Members**

### 3.1 Number

There shall be a maximum of nine members on the Board.

### 3.2 Qualifications

Members of the Board shall be qualified electors of the City of Thornton and shall have such qualifications as the City Council shall deem necessary and desirable in the best interest of the City, except that:

- a. No member of the Board shall be an elected official of the City; and
- b. No member of the Board shall be otherwise employed by the City.

### 3.3 Appointment

City Council shall appoint members to the Board. Any member of the Board shall be eligible for reappointment.

### 3.4 Compensation

Members of the Board may be compensated for each meeting attended. City Council shall determine the rate of compensation. No member shall be required to accept compensation.

### 3.5 Vacancies

A vacancy shall exist when any member dies, resigns, is removed, is not reappointed, ceases to be a qualified elector of the City, or becomes an elected official or an employee of the City. Any vacancy shall be filled for the unexpired term of the member whose place has become vacant. Vacancies shall be filled according to the Code and these bylaws.

## **Section 4. Officers, Members, Staff and Duties**

### 4.1 Officers and Duties

- a. At its first regular meeting in April or at the next regular meeting following the permanent vacancy of the Chairperson or Vice-Chairperson seat, the Board shall elect a Chairperson and a Vice-Chairperson during such meeting. The terms for the Chairperson and Vice-Chairperson shall be for one year. A member may hold the office of Chairperson more than once during the member's term but may not hold the office of Chairperson for more than two consecutive terms. The members should rotate the position of Chairperson and Vice-Chairperson whenever possible. Any person so elected, notwithstanding the expiration of the term of election, shall serve as an officer until a successor is elected. In the event no members accept nominations for Chairperson or Vice-Chairperson, the City staff shall inform the City Council. The Chairperson is a voting member of the Board and is accorded the same rights and privileges accorded other members.
- b. It is the responsibility of the Chairperson to conduct Board meetings in accordance with the Code, these Bylaws, and Robert's Rules of Order. Where the Bylaws conflict with Robert's Rules of Order, the Bylaws shall take precedence. The Chairperson, subject to this protocol, shall decide all points of order or procedure.



- c. In the absence of the Chairperson, the Vice-Chairperson shall be accorded the same privileges and responsibilities as is the Chairperson.
- d. In the absence of both the Chairperson and the Vice-Chairperson, the Recording Secretary shall call the Board to order and shall call the roll of members. If there is a quorum, the Board shall elect a temporary Chairperson to conduct the meeting until the Chairperson or Vice-Chairperson arrives.
- e. The Chairperson shall have the responsibility to ensure that all meetings are conducted in an open and fair manner and shall ensure that no individual member's opinion is allowed to dominate a meeting. The Chairperson shall clearly document any problems or issues and work with members who deviate from acceptable procedural standards. If a member has not taken steps to comply with such standards, on the second incident which is noted by the Chairperson, the Chairperson will notify the Development Director to advise the City Manager and the City Council of the matter. If the Chairperson is not following the standards, the Development Director shall notify the City Manager who will forward the issue to City Council. The Chairperson shall assist the Development Director in training of new members. The Chairperson shall act as liaison with the City Council and communicate City Council goals and policies to the Board.

#### 4.2 City Staff and Duties

- a. Recording Secretary. A City employee appointed by the Development Director or designee shall serve as Recording Secretary of the Board and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ordered by the Chair, Board or Development Director or designee. The Recording Secretary will prepare summary minutes of each meeting. The Chair shall sign the summary minutes after their approval and correction, and the Recording Secretary shall attest to the Chair's signature. The Recording Secretary shall furnish each member of the Board with a copy of the summary minutes of all Board meetings. Publication of all official notices for the Board shall be the responsibility of the Recording Secretary.
- b. City Development Representative. The Development Director or designee shall attend all meetings of the Board. The Development Director or designee and staff members may make recommendations to the Board and may take part in discussions on all matters coming before the Board but shall have no vote in the meetings of the Board.

- c. City Attorney Representative. The City Attorney or designee shall attend all public hearing meetings of the Board. Any member of the Board may at any time call upon the City Attorney or designee for an oral or written opinion to decide any question of law. The City Attorney or designee shall be the parliamentarian.

## **Section 5. Board Members--Duties and Privileges**

### 5.1 Questions of Order

The Chairperson shall decide all questions of order, subject to appeal to the Board. If a member transgresses the rules of the Board, the Chairperson shall call the member to order, in which case the member shall relinquish the floor unless permitted to explain.

### 5.2 Making Motions

A motion presented by any member will require a second. The Chairperson will have the same rights and privileges of making motions as any other member.

### 5.3 Right of Appeal

Any member may appeal a ruling of the Chairperson to the Board. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the Chairperson may briefly explain the reason for the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chairperson shall then put the question, "Shall the decision of the Chairperson be sustained?" If a majority of the members present vote "Yes," the ruling of the Chairperson is sustained; otherwise it is overruled.

### 5.4 Disqualification of Member from Participation

No member may participate in the debate or vote upon any question when in violation of the Code. A request to be excused from participation in or voting upon a question for any other reason must be made before the vote is taken.

#### 5.5 Attendance Required

A written report signed by the Chairperson shall be sent to the City Council concerning any member of the Board who has three ~~consecutive unexcused~~ absences in a calendar year from Board meetings for Council ~~for~~ review. Such report shall be sent to the City Council within three days following such member's third ~~unexcused~~ absence.

#### 5.6 Excusal from Attendance~~Notice of Absence~~

~~Any member who is going to be absent from a Board meeting~~ ~~No member shall be excused from attendance at a Board meeting unless the member has informed the Chair,~~ shall notify the Development Director or designee or the Recording Secretary prior to the meeting of the reason for their absence.

#### 5.7 Excusal during Meetings

No member may ~~be excused while~~ leave during the ~~in~~ a meeting without permission from the Chairperson.

### **Section 6. Miscellaneous**

#### 6.1 Permission required to address Board

Except during a public hearing, persons other than members of the Board and City officials shall not be permitted to address the Board except upon recognition by the Chairperson. Any Board member may request the Chairperson to recognize any person other than a City official. If permission is not granted, the decision of the Chairperson may be appealed in the manner prescribed in the Bylaws.

#### 6.2 Decorum during Meeting

The Chairperson shall preserve decorum during a meeting. The Chairperson shall have the right to eject, after reasonable warning, any person disrupting a meeting. No signs or placards will be displayed by an applicant or members of the audience in the audience section during a public hearing. Loud sounds such as cheering or applause shall be limited by the Chairperson. Video or audio recording of a hearing by persons other than City employees is at the discretion of the Chairperson and in no event shall any recording interfere or impede a meeting.

#### 6.3 Suspension of Bylaws

Any provision of these Bylaws not governed by the Code, may be temporarily suspended at any meeting of the Board by a majority vote of those present. Any rule may be suspended by general consent if presented by the Chairperson and if there are no objections from any member.

6.4 Amendment of Bylaws

- a. These Bylaws may be amended by City Council.
- b. —The Board may recommend amendment of these Bylaws to the City Council may be amended by a majority vote of those present at a meeting, as a regular item on the Board's agenda. Such adoption The amendment shall not be effective until it is the revised Bylaws are approved by Council. Any recommendation for such alterations or amendments shall be submitted in writing at the meeting preceding action on the amendment ~~their adoption~~ and ~~they~~ the amendment shall be placed on the agenda under new business. This requirement shall be waived only by unanimous consent with the recorded vote of all members.



# Development Permits and Appeals Board (DPAB)

## Key City Webpages

1. **City Council**  
<https://www.thorntonco.gov/government/city-council/Pages/council-meetings.aspx>
2. **City Development**  
<https://www.thorntonco.gov/government/citydevelopment/Pages/default.aspx>
3. **Current Planning and Zoning**  
<https://www.thorntonco.gov/government/citydevelopment/Pages/planning-zoning.aspx>
4. **Development Code**  
[https://www.municode.com/library/co/thornton/codes/code\\_of\\_ordinances?nodeId=CO\\_CH18DECO](https://www.municode.com/library/co/thornton/codes/code_of_ordinances?nodeId=CO_CH18DECO)
5. **City Maps**  
<https://data-cityofthornton.opendata.arcgis.com>