

O-2013-6

AN ORDINANCE

REPEALING AND REENACTING SECTION 2.01.020 OF THE LAKEWOOD MUNICIPAL CODE REGARDING SERVICE ON MORE THAN ONE BOARD OR COMMISSION AND REPEALING AND REENACTING CHAPTER 2.16 REGARDING THE PLANNING COMMISSION AND BOARD OF ADJUSTMENT

WHEREAS, Chapter 2.01 of the Lakewood Municipal Code contains regulations governing the membership and conduct of the City's various Boards and Commissions; and

WHEREAS, Section 2.01.020 specifically provides that no person serving on one city board or commission may be appointed to serve on another Lakewood board or commission; and

WHEREAS, on December 10, 2012, the Lakewood City Council approved a comprehensive update of the Zoning Ordinance and Zoning Map; and

WHEREAS, the new Zoning Ordinance provides that in the interests of efficiency, the members appointed to serve on the City's Planning Commission shall hereafter also assume the responsibilities of the City's Board of Adjustment; and

WHEREAS, in order to fully implement the new Zoning Ordinance and complete the merger of the Planning Commission and Board of Adjustment, an amendment to Section 2.01.020 of the Municipal Code is necessary to create a specific exception to the general prohibition against serving on more than one board or commission; and

WHEREAS, Chapter 2.16 of the Municipal Code describes the membership, terms, compensation and related matters concerning the City's Planning Commission and Board of Adjustment; and

WHEREAS, Chapter 2.16 must also be amended to reflect the fact that the membership of the Planning Commission shall be the same as the membership of the Board of Adjustment; and

WHEREAS, the City Council finds that the amendment of Section 2.01.020 and Chapter 2.16 of the Municipal Code advance the health, safety and welfare of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Section 2.01.020 of the Lakewood Municipal Code is repealed and reenacted to read in full as follows:

2.01.020 Service on more than one board or commission

A. Except as provided herein, no person serving as a member of a city board or commission may be appointed to serve on another city board or commission at the same time, nor may any person be appointed to serve on any two city boards or commissions simultaneously. This section applies to those city boards and commissions as outlined in the Council Policy and Procedures Manual, except that the members of the Planning Commission shall serve simultaneously as the members of the Board of Adjustment, and the terms of office for members of the Planning Commission shall run concurrently with the terms of office for members of the Board of Adjustment.

B. Except as provided in subsection A, above, in the event a person serving on one board or commission is appointed to serve on another board or commission, he will be required to resign from the board or commission upon which he is presently serving, unless the term which the person is presently serving expires in ninety days or less. The city's application form for boards and commissions shall reflect this requirement.

SECTION 2. Chapter 2.16 of the Lakewood Municipal Code is repealed and reenacted to read in full as follows:

PLANNING COMMISSION – BOARD OF ADJUSTMENT

2.16.010 Planning Commission

A. The City Planning Commission, previously established by city ordinance shall consist of seven members appointed by City Council. The terms of the members shall be four years or until such time as their successors are appointed. The City Council shall appoint one member from each ward and shall appoint two additional members from the city at large; provided, however, there shall not be two at-large appointments from the same ward. Persons appointed to the Planning Commission may serve a maximum of two consecutive terms as a member of the Planning Commission. This limitation applies whether the person is appointed as a representative of a ward or as a representative of the city at large; provided, however, any person appointed who serves or has served at least one-half of a term on such board or commission shall be considered to have served a term on such board or commission.

B. The members appointed to serve as the Planning Commission shall also serve as and perform the duties of the Board of Adjustment. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently.

C. Appointments to fill vacancies in members of the Planning Commission shall be for the unexpired term of office. Should ward boundaries be changed, causing the two at-large members to reside in the same ward, the at-large member with the shortest remaining term shall be deemed to have automatically vacated the position. City Council shall thereupon appoint a new at-large member to serve the balance of the term.

D. Compensation in an amount to be set by Council resolution shall be paid to each Planning Commission member. Each member of the Planning Commission may be reimbursed for actual expenses incurred as such member. The expenses shall be documented to the Secretary to the Planning Commission.

E. The Planning Commission may adopt reasonable rules and regulations, in conformity with applicable ordinances and the Charter of the City, governing its internal operations, and such rules and regulations shall be made available to the public in written or printed form at the office of the Planning Department. The Commission has all the powers and duties of a planning commission in accordance with the ordinances and the Charter of the City.

F. A quorum shall consist of five of the seven members of the Planning Commission. An affirmative vote of a majority of those members of the Planning Commission present shall be necessary to pass any item at a Planning Commission meeting.

Section 3. Section 2.16.030 of the Lakewood Municipal Code is repealed and reenacted to read in full as follows:

2.16.030 Board of Adjustment

A. The City of Lakewood Board of Adjustment, previously established by City Ordinance, shall consist of seven members appointed by City Council, except for that period of time provided for in subsection (B) of this section. The terms of the members shall be four years or until such time as their successors are appointed. The City Council shall appoint one member from each ward and shall appoint two additional members from the city at large; provided, however, there shall not be two at-large appointments from the same ward.

B. The members of the Board of Adjustment shall be those individuals appointed to serve as the Planning Commission. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently

C. a. A quorum of the Board shall consist of five members.

b. The Board shall approve, modify or deny variances, appeals and other substantive matters before the Board using the form of a resolution.

c. The concurring vote of a majority of those members present shall be necessary to approve a variance or to carry out any other matters before the Board.

d. The Board shall list reasons for the record when a resolution to approve fails or a resolution to deny passes.

D. Appointments to fill vacancies in members of the Board shall be for the unexpired term of office.

E. Each member of the Board of Adjustment may be reimbursed for actual expenses incurred as such member. The expenses shall be documented to the Secretary to the Board of Adjustment.

F. The Board of Adjustment may adopt reasonable rules and regulations, in conformity with ordinances of the City of Lakewood, governing its internal operations, and such rules and regulations shall be made available to the public in written or printed form at the office of the Planning Department.

SECTION 3. This ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 11th day of February, 2013; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of February, 2013; set for public hearing on the 25th day of February, 2013, read, finally passed and adopted by the City Council on the 25th day of February, 2013 and, signed and approved by the Mayor on the 26th day of February, 2013.

Bob Murphy, Mayor

ATTEST:

Margy Greer, City Clerk

APPROVED AS TO FORM:

Tim Cox, City Attorney