

**RULES AND PROCEDURES
FOR THE PLANNING AND ZONING COMMISSION OF THE
CITY OF AURORA, COLORADO**

I. POWERS

The Planning and Zoning Commission (hereafter known as “the Commission”) shall exercise the powers and perform each and all of the duties specified by Charter Section 9-5, Sections 106-26 to 106-29 of the City Code, and City Code Chapter 146.

II. FUNCTION AND DUTIES OF THE COMMISSION

It shall be the function and duty of the Commission to review and update the Comprehensive Plan including any areas outside its boundaries, subject to the approval of City Council. The Comprehensive Plan, accompanied by maps, plats, charts and other descriptive matter, shall show the Commission’s recommendation for the development of the City, including such other studies as may be provided by the Planning Department, Traffic Department, Parks Board, Utilities Department, and other departments as appropriate for the development of the City. The Commission shall review all changes and amendments in the Zoning Code.

The Commission shall receive from the City Council, matters for its recommendation and report on any ordinance, resolution, or other proposal relating to matters or subjects deemed to warrant or require the Commission’s attention. The Commission shall promptly report to the City Council thereon, making such recommendations and giving such counsel as it may deem proper. When directed by City Council, the Commission shall hold fact-finding hearings on any of the matters or subjects referred to it for recommendation and report. Such fact-finding hearings shall be held pursuant to notice, as provided by provisions of the Zoning Ordinance. A report of City Council minutes regarding Commission matters shall be furnished to the Commission by the Secretary. Such reports shall accompany the Commission meeting agenda subsequent to Council meeting.

III. PLACE OF BUSINESS

Administrative business of the Commission, including the filing of applications, requests or plats shall be conducted through the office of the Planning Department of the City of Aurora during the regular business hours of that office.

IV. MEETINGS

- A. Planning Commission meetings are Quasi-Judicial and Public Hearings under Colorado Revised Statutes Sec. 24-6-402. Planning Commission members shall avoid Ex Parte contacts, specifically, those contacts involving communications outside a public hearing between a board member and a party or member of the public. The City Attorney shall ensure Commission members are well informed on matters pertaining to Public Hearings, Quasi-Judicial Actions, Bias and Conflict of Interest, Standards of Conduct, Personal or Private Interests, Prejudgment, and Ex Parte Contacts.
- B. Unless otherwise specified by the Chairperson, regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month, for the purpose of conducting all business regularly brought before the Commission. The agenda for such meetings shall be prepared by the Secretary of the Commission and shall be distributed to the Commissioners at least five (5) days before the meeting to which it pertains. Notice of each meeting shall be posted as required by the Aurora City Code.
- C. Study sessions may be scheduled by the Vice-Chairperson if necessary to further study or investigate matters properly coming before the Commission. The agendas for study sessions shall be prepared by the Secretary of the Commission in conference with the Chairperson and shall be distributed at least five (5) days prior to the study session. Notice of the study sessions must also be posted as required by Aurora City Code. Additional study sessions may be necessary.
- D. Executive sessions of the Planning Commission may be convened only if the majority of the members of the Commission present vote publicly to hold such a session, the subject matter to be considered is one of those listed in Subsection (1) of this Section and a public announcement is made as to which category of Subsection (1) the matter concerns.
 - 1. An executive session may be convened only on the following matters:
 - (1) Legal Consultation regarding a suit which names the Commission or any of its members, has been filed against the City and has received formal written notice that suit against the City is imminent.
 - (2) Legal Advice from the City Attorney on specific legal questions.
- E. All Commission members shall be notified by the Secretary of the Commission of regular meetings, study sessions, executive sessions, and special meetings.

V. NUMBER OF MEMEBERS, TENURE, VACANCIES, DUTIES

- A. The Commission shall consist of seven (7) voting members appointed by City Council.
- B. A representative of the Planning Department shall serve as ex-officio (non-voting) member.
- C. A representative of the City Attorney shall serve as the attorney for the Commission.
- D. Members shall be registered electors, and residents of the City of Aurora for at least one (1) year immediately preceding the date of their appointment. No member shall hold paid office or position in the City administration. If any member ceases to be a resident of the City of Aurora or begins to hold paid office or position in the City administration, then membership on the Commission shall immediately terminate.
- E. The terms of the members shall be overlapping and of three (3) year duration. At the expiration of a commissioner's term, the member may apply for re-appointment by the City Council.
- F. If a commissioner wishes to resign prior to the completion of the term, the commissioner shall do so by submitting a letter of resignation to City Council with a copy sent to the Commission Chairperson and Secretary.
- G. Attendance
 - 1. Any Commission member who attends less than 75% of all scheduled meetings during a 12-month period shall be asked to reconfirm to the Chairperson their commitment to remain on the Commission. After the Chairperson speaks to the member the Chairperson will report back to the Commission for a final decision. The results of this communication shall be submitted to the City Council for their information as appropriate.
 - 2. Commission members shall notify the Secretary of the Commission their inability to attend a regular meeting or study session as far in advance as possible.
- H. Duties and Responsibilities
 - 1. Attend all scheduled Meetings, Study Sessions, and Executive Sessions, subject to the absence stipulations noted below.
 - 2. Prior to Meetings and Sessions, thoroughly review all agenda items and associated materials distributed to the Commission for consideration.

3. Prior to Meetings, visit all sites identified in the agenda to gain actual perspective on items being brought up for consideration.
4. Review all minutes of recent Meetings, Study Sessions, and Executive Sessions for accuracy.
5. Attend training sessions and seminars as needed. The Planning Department may request appropriate funding for Commissioner training during the budget process. A request for funding, in an amount recommended by the Commission, shall be forwarded to the Director of Planning, by April 1st of each calendar year, or soon thereafter. The Director of Planning shall include this funding in the Department Budget or through another budget or funding process as required. The city of Aurora will pay Commissioner registration costs for approved training programs. For training in the metro area, Planning Commissioner shall be responsible for their own transportation costs and the cost for meals and all other expenses, not included in the training registration. Cost reimbursement for Commissioners attending training and seminars, outside of the metro area, shall be determined on a case-by-case basis.
6. New Commissioners
 - a) When possible, new Planning Commissioners should meet with staff and the City Attorney's Office to review the rules and procedures for the Commission prior to their first official meeting, and
 - b) Along with one current commissioner, visit the site(s) for an upcoming meeting to gain perspective on how proposals are evaluated.

VI. CONDUCT OF BUSINESS

A. Order of Business at the Commission meetings

1. Call to order and roll call/determination of quorum
2. Pledge of allegiance
3. Approval of minutes
4. Approval of agenda
5. Agenda items in the order in which they appear on the agenda
 - a) Staff's presentation and questions asked of the staff.
 - b) Applicant's comments and questions of the applicant.
 - c) Public comments and questions by the Commissioners of the presenters.
 - d) Applicant response to comments.

- e) Motion and second, Commission discussion. During discussion, Commissioners may give thoughts and opinions regarding the agenda item and the record made at the public hearing.
 - f) Vote.
- 6. Public invited to be heard
 - 7. Miscellaneous items of business
 - 8. Report by the Director of Planning
 - a) The report to the Commission shall include any decisions made by City Council related to Planning and Zoning matters having occurred since the last Commission meeting, as well as any relevant administrative decisions made by the Planning Director, or designee.
 - 9. Report by the City Attorney
 - 10. Adjournment

B. Quorum and voting

- 1. A quorum shall be four voting members of the Commission. All administrative business of the Commission must be transacted by quorum.
- 2. Any action taken by a majority of the Commission members present and voting, when those members constitute a quorum, at any regular meeting, executive session, or study session of the Commission shall be deemed and taken as the action of the entire Commission.
- 3. A member of the Commission shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest (Sec.24-18-108.5, C.R.S.).
- 4. After all facts have been presented, and all reasons for the acceptance or rejection of an agenda item have been considered and discussed, the Commission shall make its decision during the public meeting. Such decisions shall be forwarded to the City Council as soon as practical by the Planning Director, but in no case later than the next meeting of City Council.
- 5. In the event of a tie vote, the motion shall be deemed to have failed. The applicant may determine whether the decision shall be forwarded to City Council, be deferred until the next regularly scheduled Commission meeting or withdrawn completely.

6. If the Commission votes to reconsider action taken on any agenda item, final action on that item cannot be taken until the next regular meeting of the Commission, unless all interested parties are still in attendance at the meeting when the vote to reconsider is taken. If action is not to be taken until a subsequent meeting, all interested parties must be notified.
7. No application or request shall be resubmitted to the Commission by the proponent thereof within a period of six (6) months, unless a substantial change in the original application or request has been made. Whether a substantial change has occurred from the original application shall be determined by the record made, and through a majority vote of the Commission.
8. Unless approved by majority vote of commission members, the Commission will not begin consideration of any agenda items after 10:30 PM. The public meeting will be concluded not later than 11:00 PM. A meeting may be extended past 11:00 PM by a majority vote of the Commission.
9. Any items not completed due to termination of the meeting will be the first items on the agenda of the next regular Commission meeting.
10. Pursuant to the Aurora City Code, the Commission shall make all recommendations for changes to the Comprehensive Plan by not less than a two-thirds vote of the entire membership of the Commission. Therefore, no less than 5 commissioners.

C. Presentation and Public Comment

1. Presentation by any applicant on any agenda item may not exceed 10 minutes unless a request is made by a commissioner to extend the presentation for a maximum of 5 additional minutes. A request by a commissioner or commissioners for more than 5 additional minutes for an applicant presentation shall require a majority vote of the Commission.
2. Interested parties can address the Commission during the hearing of the item. Speakers should limit their comments to new testimony only. A time limit of three (3) minutes is recommended. The Chairperson may extend these time limits, or a commissioner can request additional time for a speaker.
3. The hearsay rule is relaxed during Commission hearings. Hearsay is evidence gathered from a person not present at the hearing that is being offered for the truth of the matter asserted. Such evidence usually concerns some event, condition, or thing of which the person presenting the evidence had no direct experience. As a result, such evidence cannot be adequately substantiated. because no judge presides over the hearing and attorneys are often not present to represent the applicant, hearsay evidence is admitted and given the appropriate weight in rendering a decision. There is, however, one instance in which a party may be materially harmed. That is, when an individual cites to an expert opinion of a technical nature. An expert is defined as an individual

who by professional education, training, skill and experience is believed to have expertise and specialized knowledge in a subject beyond that of an average person. The expert usually has a professional license in the field that they have an expertise in. In consideration of the substantial amount of time and resources the parties have invested in the matter, the Commission will not accept testimony from an individual citing an expert opinion unless that expert's qualifications, background, and expert opinion is presented in writing to City staff and the applicant by the Friday prior to the hearing. This information will be added to the Commission packet available to the public.

4. The person representing an application at the Commission must have the authority to agree to change or conditions requested by the Commission during its hearing and review of the application. If an applicant, or his empowered agent is not present at the Commission meeting to answer Commission questions or to agree to conditions, the item may be deferred by the Chairperson or a majority vote of the commissioners to the next regular Commission meeting. Said applicant shall be advised by the Planning Department of the reason for deferral and of the new schedule date.
5. a) Hearing on Use Violation. No application shall be heard by the Commission if the proposed use has been cited or given a notice of violation by the City for a zoning or use hearing violation and such use is in operation and open for business prior to the hearing before the Commission. An application may be processed for a hearing by the Commission only if the use has ceased operation on the site and remains closed during the period from application to final decision.
- b) Exception. An applicant may file a written request to the Chairperson of the Commission for leave to stay open pending a hearing, and the Chairperson may grant the request if he or she finds that enforcement of the closure requirement would result in unique, unnecessary, and unreasonable hardship to the applicant.

D. Rules of Order

1. O. Garfield Jones, Parliamentary Procedure at a Glance shall govern the parliamentary procedure, and deviation from such rules shall be at the discretion of the Chairperson.
2. The Chairperson of the Commission shall have the right to eject, after reasonable warning, any person disrupting a Commission meeting.

- E. The Planning Director shall be the Secretary of the Commission or can designate someone in the Planning Department as the Secretary of the Commission. It shall be the Director's duty or their designee to keep a record of the resolutions, transactions, findings, and determinations of the Commission, as well as minutes of Commission hearings. The records shall be open to the public.

VII. ELECTION AND DUTIES OF OFFICERS

- A. A Chairperson, First Vice-Chairperson and Second Vice-Chairperson shall be elected from the members of the Commission at the first regular meeting in January if all appointed commissioners are present. If a commissioner or commissioners are absent the vote may be delayed until all members are present, at the discretion of the majority of the commissioners present in January. If the election is delayed, it shall be conducted at the next meeting where all appointed commissioners are present. By the first meeting in February with a quorum present upon a motion by a commissioner an election can be held.
1. It shall be the duty of the Chairperson to preside over all regular or special meetings of the Commission.
 2. The First Vice-Chairperson shall preside over all study sessions and in the absence of the Chairperson shall preside over all regular or special meetings of the Commission.
 3. The Second Vice-Chairperson shall preside over all meetings and study sessions of the Commission in the absence of the Chairperson and the First Vice-Chairperson of the Commission.
- B. The officers shall be elected to serve one-year terms, for a maximum of three terms or until their successors are elected. Their term of office shall begin at the close of the meeting at which they are elected. No member shall hold more than one office at a time.
1. The Chairperson needs to have served for at least one year on the Commission.
 2. Officer rotations shall be considered a positive practice by the Commission. It is recommended a Commissioner spend no more than 3 years as Chairperson. Officers in the position of First Vice-Chairperson and Second Vice-Chairperson shall be considered “in training” for advancement to a higher position.
- C. In the event of a vacancy in any officer position, an election to fill the vacancy shall take place at the first regular Commission meeting subsequent to occurrence of vacancy.

(sc/March 2005)
(sc/January 2008)
(gk/February 2015)
(gk/March 2017)
(dm/March 2019)
(sc/February 2023)