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## Chapter 3109 - AREA COMMISSIONS— PROCEDURES FOR ESTABLISHMENT

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### **3109.01 - Purpose.**

Area commissions are established to afford additional voluntary citizen participation in decision-making in an advisory capacity and to facilitate communication, understanding and cooperation between neighborhood groups, city officials and developers. Disclosure of the by-laws, procedures and rules assures accessibility of necessary information. General standards and filing procedures serve as guidelines for establishment of area commissions, assure compliance with minimum requirements, effect area representation, and permit flexibility and individuality without the legislative burden of detailed codification and periodic amendments for each commission. Filing also provides reference models for other neighborhood groups.

*(Ord. 2654-96 § 1 (part).)*

### **3109.02 - Petition.**

Persons residing, working, or owning property in an area of the city meeting the qualifications herein, who desire to participate in decision-making on a representative advisory area commission basis, may petition council for the establishment of a commission area, for the approval of proposed by-laws, rules and selection procedures, and for the creation of an area commission in accordance with the provisions of this chapter. The petition shall contain:

- A.  
A concise description of the proposed commission area;
- B.  
A brief description of those residents who agree to serve as a task force for the commission area from the time it is established by council until the area commission is organized;
- C.  
A designation of one (1) member of the task force as agent to receive notices;
- D.  
A statement that the proposed by-laws, rules and selection procedure for the area commission to be created are attached to the petition and will be filed with the city clerk; and
- E.  
The signatures, residence addresses and signing dates of no less than five hundred (500) residents of the proposed commission area and owners of property therein.

The proposed by-laws, rules and selection procedure for the area commission to be created shall be reasonable and consistent with this code and applicable law and shall be attached to the petition and filed with the city clerk who shall maintain them for inspection by any interested party.

*(Ord. 2654-96 § 1 (part).)*

### **3109.03 - Notification of residents.**

Within thirty (30) days after filing the petition with its attachments, the task force named therein shall notify residents of the proposed commission area of: (1) the filing with the city clerk; (2) its general provisions including the area boundaries; and (3) the method for objecting thereto. Suitable notice may be given by door-to-door distribution or publication in an area newspaper and shall also be given in The City Bulletin. Within sixty (60) days of such notice, any interested party who objects to the petition, signatures, proposed boundaries, proposed by-laws, rules or selection procedure may file a written objection or an alternate petition with attachments with the city clerk in accordance with C.C. 3109.02. No petition presented pursuant to this chapter shall be considered less than sixty (60) days after notice of its filing has been given to residents of the area.

#### **3109.04 - Revision of documents.**

Prior to council's approval, a revised version of a document which was attached to the filed petition may be submitted by the task force in order to comply with this chapter, a generally accepted practice, or an objection raised. Thereafter such documents may be amended only in the manner provided in the appropriate by-laws. Any amendment shall be certified to and filed with the city clerk immediately after its adoption and no amendment shall take effect within less than thirty (30) days after promulgation by publication in The City Bulletin.

(Ord. 2654-96 § 1 (part).)

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#### **3109.05 - Commission area.**

To qualify as a commission area, an area of the city described in a petition for its establishment shall:

- A. Consist of a compact, homogeneous area that is manageable in size, being large enough for recognition and small enough for effective representation;
- B. Maintain neighborhood identity and cohesiveness;
- C. Whenever feasible, coincide with a designated city planning area;
- D. Be compatible with boundaries of existing commission areas; and
- E. Be described by the centerline of natural or artificial boundaries with the fewest changes in course practical, together with an indication of the number of acres and dwelling units contained therein.

Commission areas heretofore established by ordinance of council and presently in existence are hereby declared to be in conformance with this section.

In establishing a new commission area the boundaries shall be set forth in Chapter 3111. The city clerk shall give notice of council's action to the agent named in the petition. Council's designation of the proposed area as a commission area shall serve as approval of the initiating petition and attached documents.

(Ord. 2654-96 § 1 (part).)

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#### **3109.06 - Area commissions ratified.**

Each area commission heretofore previously created by ordinance of council and presently in existence is hereby ratified and declared to be in conformity with the provisions of this chapter upon a certified copy of its by-laws, rules and selection procedure, all of which shall be reasonable and consistent with this code and applicable law, having been filed with the city clerk; and no petition shall be required of such area commission heretofore created and hereby ratified.

(Ord. 2654-96.)

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#### **3109.07 - Commission members.**

Each area commission shall consist of the number of members prescribed in its by-laws, limited, however, to no less than seven (7) nor more than twenty-one (21). An odd number of commissioners is recommended for a decisive vote. All members shall be appointed by the mayor with the concurrence of council.

(Ord. 2654-96 § 1 (part).)

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#### **3109.08 - Selection procedure.**

Nominations for the mayor's consideration may be made from the commission area in accordance with its duly authorized selection procedure. Any such selection procedure shall be followed by the task force in selecting nominees for the first area commission in the area and by each area commission thereafter. A method for amendment of the procedure may be provided in the by-laws.

(Ord. 2654-96 § 1 (part).)

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#### **3109.09 - Terms.**

Members of an area commission shall serve without compensation for the term specified in such commission's by-laws, provided, however, that the term shall be for no less than two (2) nor more than four (4) years. The by-laws shall provide that initial appointments be made for no less than a year nor more than a full term arranged to assure future continuity of experienced service; subsequent full-term appointments shall be of uniform length. Commission members presently serving on those commissions ratified by C.C. 3109.06 shall continue to completion of their terms.

(Ord. 2654-96 § 1 (part).)

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#### **3109.10 - Vacancies.**

Any vacancy caused by death, resignation, disqualification, or other means shall be filled for the unexpired term by mayoral appointment with council's concurrence. The affected area commission may nominate a candidate for the mayor's consideration.

(Ord. 2654-96 § 1 (part).)

### **3109.11 - Task force duties.**

The task force named in the petition shall represent the commission area by filing the petition and documents, making any necessary revision of the documents prior to approval, giving notice to the area pursuant to C.C. 3109.03 and instituting the selection procedure, if any, for nominations to the area commission. When nominees have been chosen, in accordance with any such selection procedure, the task force shall certify the results to the mayor and to the city clerk. During the interim between council's approval and the organization of the area commission, the task force may serve the commission area by performing any necessary functions in C.C. 3109.14. As soon as the appointed members organize the area commission, the task force having completed its purpose shall disband and cease to represent the area.

(Ord. 2654-96 § 1 (part).)

### **3109.12 - Appointment delay.**

In the event notification of appointment by the mayor to an area commission is not received by the city clerk within thirty (30) days after: (1) receipt of the certified results of the selection procedure from the appropriate task force or area commission; or (2) receipt of notice of a vacancy or nomination of a candidate to fill such vacancy, whichever occurs later; each such nominee shall be presumed qualified to serve until actual notice of a mayoral appointment to such position and term is received, and such nominee shall have all the privileges and duties of area commission membership during the interim.

(Ord. 2654-96 § 1 (part).)

### **3109.13 - Organization.**

As soon as convenient after the members have been appointed and approved, or qualified as provided hereinabove, but in no event more than sixty (60) days thereafter, the area commission shall meet and organize by: (1) the election of a chairperson, secretary and any other officer prescribed by its by-laws; (2) the adoption of its rules of procedure; and (3) the provisions for regular and special meetings. Records of all proceedings shall be maintained and open to the public.

(Ord. 2654-96 § 1 (part).)

### **3109.14 - Functions and duties.**

An area commission is an advisory body. No duty or function of an area commission shall invalidate any action of council. In general, an area commission shall:

- A. In the interests of local planning for local needs, identify and study the problems and requirements of the commission area in order to:
  - (1) Create plans and policies which will serve as guidelines for future development of the area;
  - (2) Bring the problems and needs of the area to the attention of appropriate government agencies or residents; and
  - (3) Recommend solutions or legislation.
- B. Aid and promote communications within the commission area and between it and the rest of the city by means of:
  - (1) Regular and special meetings of the commission which are open to the public;
  - (2) Public hearings on problems, issues, and proposals affecting the area;
  - (3) Public forums and surveys to provide an opportunity for area residents, businesses, and organizations to state their problems and concerns;
  - (4) Soliciting active cooperation of all segments of the area and city, including organizations, institutions, and government;
  - (5) Initiating proposals and supporting those introduced by individual citizens or area organizations, which will enhance the quality of life enjoyed by area residents and preserve the unique residential and commercial mix of the area; and
  - (6) Promoting and encouraging businesses whose functions, methods of operation, architectural appearance, and locations are consistent with the character and requirements of the area.
- C. Initiate, review and recommend criteria and programs for the preservation, development, and enhancement of the commission area, including, but not limited to, parks, recreational areas, sidewalks, streets and traffic, by means of:
  - (1) Reviewing the proposed capital improvements budget and proposing new items and changes relating to the area;
  - (2) Making recommendations for restoration and preservation of the historical elements within the area; and
  - (3) Receiving and reviewing for recommendation, prior to adoption by governmental bodies, any new or revised comprehensive plan affecting the area.
- D. Recommend priorities for and review government services and operation of the various government departments in the commission area by means of:
  - (1) Requesting and receiving from departments or agencies periodic reports concerning governmental services or practices in the area;

- (2) Meeting with administrative heads of any department or agency, or any of their subordinates, to obtain additional information deemed necessary for the commission to fulfill its functions;
  - (3) Requesting and receiving from departments or agencies, prior to implementation, full reports on any proposed changes in service or practice in the area, and recommending approval or disapproval of the proposed changes;
  - (4) Reviewing and evaluating pending legislation substantially affecting the area prior to its consideration by council; and
  - (5) Regularly receiving for review, comment and recommendation from the development regulation division copies of applications and notices of all public hearings related to rezonings, special permits, variances, demolitions, and zoning appeals regarding property located wholly or partially within the area.
- E. Recommend persons from the commission area for nomination to membership on city boards and commissions which make decisions or recommendations affecting the commission area.

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*(Ord. 2654-96 § 1 (part).)*

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### **3109.15 - Land use procedures.**

- A. The area commission may meet with applicants for rezonings, special permits, demolition permits, or variances regarding property wholly or partly within its commission area to discuss the proposal, its relationship to the area, and possible modifications. In order to assist decision-making without disrupting existing procedures, the area commission shall conduct such meetings and notify the appropriate body of its recommendations in a timely manner. Upon good cause shown, inability of the area commission to make a recommendation may be grounds for postponement of subsequent action by other bodies.
- B. Suggestions and comments of the area commission shall be advisory only and failure of the applicant to comply therewith shall not in itself constitute grounds for denial of the application. Failure of the applicant to consult the appropriate area commission in a timely manner, however, may be grounds for postponement of further action by other bodies.

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*(Ord. 2654-96 § 1 (part).)*

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### **3109.16 - Assistance.**

Pertinent technical and planning assistance and liaison will be made available by the city to the area commission to the extent practical and in relation to planning programs, budgets and priorities.

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*(Ord. 2654-96 § 1 (part).)*

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### **3109.17 - Notice.**

- (A) Each applicant for a rezoning, special permit, variance, zoning appeal, or demolition permit shall be notified of the existence of an area commission with advisory jurisdiction concerning the application and shall be advised to contact such commission. A copy of any pertinent document necessary for informed advice shall be forwarded to such area commission promptly after its receipt by the department.
- (B) The director shall promptly transmit a copy of agendas or notices as issued for public hearing related to rezoning, special permits, variances, and zoning appeals, regarding property located wholly or partially within a commission area to the chairperson of the appropriate area commission as a matter of information and for comments and advice. In addition, the city clerk shall include such chairperson on the council's mailing list for agendas. However, the area commission shall be responsible for confirming that the mailing lists contain the currently appropriate name and address for proper notification. Failure of notification shall not constitute grounds for denial of a requested action or reversal of a prior decision; however, such failure may be a cause for postponement if appropriate.

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*(Ord. 1045-98 § 4.)*

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