



**BY-LAWS OF THE CITY-COUNTY PLANNING COMMISSION
WARREN COUNTY, KENTUCKY (“COMMISSION”)**

Section 1 - MEMBERSHIP

- (1) A citizen member, shall be required to undergo training with regard to the rules, regulations and statutes on planning and zoning as from time to time conducted or arranged by the Commission staff in accordance with KRS 147A.027.

Section 2 - OFFICERS AND DUTIES

- (1) The officers of the Commission shall consist of a Chairperson, Vice Chairperson and Secretary. The Chairperson and Vice Chairperson shall be members of the Commission and shall be eligible for re-election upon the expiration of their term. The Secretary shall be the Executive Director of the Commission, or their designee. The Secretary shall not have voting power.
- (2) The Chairperson and the Vice Chairperson shall serve for terms of one (1) year each or until their successor has been duly qualified and elected. Such terms shall commence at the first regular meeting of the Commission in July of each year.
- (3) The Chairperson shall preside at all meetings and hearings of the Commission and decide all points of order and procedure and administer oaths of witnesses. The Chairperson shall have the authority to appoint all committees of the Commission. In addition to the foregoing, the Chairperson shall perform such other duties and responsibilities as from time to time presented by the Commission.
- (4) The Vice Chairperson shall act in the capacity of the Chairperson in their absence, and in the event of the position of the Chairperson becoming vacant, the Vice Chairperson shall succeed to this office for the unexpired



term of the Chairperson. In addition to the foregoing, the Vice Chairperson shall perform such other duties and responsibilities as from time to time presented by the Commission.

- (5) If neither the Chairperson or Vice Chairperson are present for any meeting of the Commission, the meeting shall be called to order by the Executive Director. Upon determining that a quorum exists, the Executive Director shall immediately open the floor for nomination and election of a temporary chairperson. No other business shall be conducted until a Temporary Chairperson has been elected. The Temporary Chairperson shall preside at the meeting until the Chairperson or Vice Chairperson are present. The Executive Director shall not have the power to vote while so serving.
- (6) The Secretary shall keep the minutes of the Commission, shall attend to the giving of notice of meetings of the Commission and be responsible for the authenticating of records of the Commission. In addition to the foregoing, the Secretary shall perform such other duties and responsibilities as from time to time are prescribed by the Commission.

Section 3 - COMMITTEES

- (1) The Committees of the Commission shall consist of a Nominating Committee, Personnel Committee and a Budget Committee, together with such other ad hoc committees as from time to time created by the Commission or the Chairperson.
- (2) The Nominating Committee shall nominate all officers for election by the Commission. The Committee shall have such other duties and responsibilities as from time to time prescribed by the Commission or the Chairperson.
- (3) The Budget Committee shall be responsible for creating and recommending an annual budget for the operations of the Commission.



The Committee shall have such other duties and responsibilities as are from time to time prescribed by the Commission or the Chairperson.

- (4) The Personnel Committee shall be responsible for hearing all matters related to personnel policies of the Commission and shall present its findings and recommendations to the Commission for action. The Committee shall have such other duties and responsibilities as are from time to time prescribed by the Commission or the Chairperson.
- (5) The number of Committee members shall be determined by the Chairperson.
- (6) Subcommittee meetings may be conducted by video teleconference.

Section 4 - MEETINGS

- (1) All meetings of the Commission shall be open to the public as provided in KRS Chapter 61.810.
- (2) Regular meetings of the Commission shall be held at such place as the Commission may from time to time designate. The dates, times and locations for such meetings shall be established by the Commission by the adoption of an annual calendar and a filing schedule. The schedule of meetings may be amended from time to time by the Commission as necessary to accomplish the Commission's business.
- (3) Special meetings may be called upon the request of the Chairperson or of a majority of the members of the Commission. Notice of Special Meetings shall be given by the Secretary to the members of the Commission at least twenty-four (24) hours prior to such meetings and shall state the purpose, date, location and time of the meeting. The Secretary shall give notice to interested media organizations and post a notice at the Commission Office in accordance with KRS 61.823(4). Any Special Meeting which will involve a Public Hearing must otherwise comply with all public notice requirements of KRS 424 and the Zoning Ordinance.



- (4) Video teleconference electronic meetings may be conducted provided that proper notice is given in accordance with KRS 61.823. Public hearings must comply with all public notice and hearing requirements of KRS 100, KRS 424 and the Zoning Ordinance.

Section 5 - QUORUM

- (1) A simple majority of the total membership of the Planning Commission, as established by the interlocal agreement, shall constitute a quorum.
- (2) A simple majority of all members present where there is a properly constituted quorum shall be necessary to transact any official business except that a vote of a simple majority of the total membership shall be necessary for the adoption of amendment of the Commission's by-laws, for the elements of the Comprehensive Plan or regulations, or for the hiring, dismissal, or disciplining of employees.
- (3) Video teleconference participation by members of the Commission shall count towards a quorum for transaction of business as allowed in Section 3 and applicable items in Section 4.

Section 6 - ORDER OF BUSINESS

- (1) The Secretary shall prepare an agenda for each meeting and the order of business shall generally be as follows:
 - a. Roll Call/Determination of quorum
 - b. Approval of minutes
 - c. Financial Report (if applicable)
 - d. Subdivisions Report
 - e. Site Development Plans Report
 - f. Public hearings
 - g. Old Business
 - h. New Business



- i. Discussion Items
 - j. Other business as permitted by the Chairperson
- (2) The Commission, by simple majority vote may recess a regular or special meeting if all business cannot be finalized on the day of the hearing. No further public notice shall be necessary for the reconvening of such meeting. However, the time, date and location of such meeting shall be designated and announced by the Chairperson prior to recess. Upon reconvening the recessed meeting in which a public hearing was in process, only those members of the Commission who were present when any public hearing was commenced may participate, deliberate, and vote in the reconvened hearing.
- (3) Unless otherwise directed by the Chairperson, postponement of a scheduled hearing of a case will be considered as a withdrawal and must be given public notice as if for a new filing.

Section 7 - PUBLIC HEARINGS

- (1) Per KRS Chapter 100, the Commission holds public hearings prior to: adopting or revising the Comprehensive Plan, Subdivision Regulations or other related documents; making recommendations to the legislative bodies on text changes, zoning map amendments and other land use decisions; and other applications such as variances or conditional uses that require a public hearing prior to a decision as outlined in either KRS Chapter 100 or local zoning ordinances. In addition to these hearings required by law, the Planning Commission may hold a public hearing whenever it decides that such hearing will be in the public interest.
- (2) The order of presentation of any public hearing shall be as follows:
- a. The Chairperson shall call the hearing.
 - b. The Staff of the Commission shall present its report concerning the application, the Comprehensive Plan regarding the proposed



zoning map amendment or other issues before the Commission for hearing.

- c. The applicant shall present its case, including an opening statement and the testimony of any witnesses.
- d. Any persons in opposition may present their case, including an opening statement and the testimony of any witness.
- e. Following the testimony of each witness, the opponents of such witnesses shall be entitled to cross-examine such witness.
- f. The applicant may present rebuttal witnesses.
- g. At the conclusion of the presentation of evidence, the objectors may present a closing statement, followed by a closing statement of the applicant.
- h. Following the closing statements by the applicant and the opponents, the Commission staff may present a closing statement.
- i. Following the closing statement by the staff, the Commission shall consider the petition.
- j. The Rules of Evidence shall not govern the presentation of proof before the Commission. Minimum due process standards shall govern the admission of evidence.
- k. The Chairperson may establish appropriate time limits for the presentation of opening or closing statements or presentation of evidence; the Chairperson may also limit the number of arguments deemed to be redundant.
- l. During the course of the hearing, the Chairperson will accept questions regarding procedures, interpretation of statutes, regulations or other rules. Commission members may direct questions to the staff, the applicant, the proponents or opponents at any time during the hearing.



- m. All exhibits which shall be tendered to the Commission for examination shall be introduced and marked with the appropriate exhibit number.
- n. All witnesses presented before the Commission shall testify under oath.

Section 8 - DECISIONS

- (1) Decisions on an action by the Commission which requires an action by a legislative body shall be forwarded by the Secretary after approval of the official minutes are approved by the Commission.
- (2) For those hearings containing a general development plan which result in a statement of development plan conditions the Secretary shall not forward the Commission's recommendation to the appropriate legislative body until a recordable set of development plan conditions containing all of the conditions agreed to by both the Commission and the applicant has been tendered by the applicant.
- (3) Upon failure to submit the recordable development plan conditions within the timeframe as set out in Section 8(1) and 8(2) above, the Secretary may place a request for action on the agenda of the next Commission meeting at which time the Commission shall reconsider the application. Additional fees will be levied for the rehearing.

Section 9 - MINUTES

- (1) The minutes of the meeting of the Commission, together with the video record, shall constitute the record of the Commission actions. Minutes of the meeting or copies of the video record shall be made at the expense of the requesting party.

Section 10 - EMPLOYEES AND CONTRACTS

- (1) The Commission may employ a staff or contract with planners or other persons as it deems necessary, to accomplish its assigned duties and functions. The Commission shall designate one staff member to serve as Executive Director.
- (2) The Commission may select an attorney to act as general counsel to the Commission. This attorney should be qualified to practice law in the Commonwealth of Kentucky and not be a member of the Commission or hold an office that appoints members to the Commission. The attorney shall attend all regular Commission meetings at the request of the Chairperson or Director. Compensation shall be established by contract and payable from the funds of the Commission.

Section 11 - COMPENSATION TO CITIZEN COMMISSION MEMBERS

- (1) Citizen Commission members shall be compensated at a rate designated from time to time by the Commission from the Commission's appropriation.
- (2) Reimbursement for expenses may be authorized by the Commission for all Commission members.

Section 12 - FISCAL YEAR AND FINANCIAL

- (1) The Fiscal Year of the Commission shall be from July 1 to June 30.
- (2) Following the close of the fiscal year, the Commission shall have an audit prepared by a certified public accountant, licensed in the Commonwealth of Kentucky, who shall be selected by the Commission.
- (3) The funds of the Commission shall be deposited in such commercial bank(s) as may from time to time be designated by the Commission.
- (4) All checks of the Commission shall require at least two of the following signatures: Chairperson or Vice Chairperson, and the Executive Director.



Section 13 - DISQUALIFICATION OF MEMBERS

- (1) Any member of the Commission who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question. Further the member shall not participate in the deliberations of the matter when there is a conflict of interest and shall not be counted for the purpose of a quorum.
- (2) Any member of the Commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the Commission shall submit a written statement to the Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Commission, which shall be open to the general public. The member so removed shall have the right of appeal in the Circuit Court. KRS 100.157

Section 14 - GOVERNANCE

- (1) Proceedings of the Commission shall be governed by these By-laws; no other rules of parliamentary order shall be construed to govern the proceedings of this Commission.

Section 15 - PROCEEDINGS/RECORDS

- (1) Any proceedings of the Commission and all records of the Commission, unless excepted by appropriate action of the Commission or By-laws, shall be open to the public.



Section 16 - APPLICATION PROCEDURES

- (1) Every matter on which the Commission is authorized or required to act shall be presented to the Commission in writing. Applications furnished by the Commission may be supplemented by other materials as necessary.
- (2) The Commission shall, from time to time, adopt a filing fee and price schedule setting the fee to be charged in conjunction with filing various types of applications, services and publications.
- (3) An applicant for a zoning map amendment may withdraw its application at any time prior to action of the Commission or legislative body. Such request for withdrawal shall be in writing and shall be presented to the Commission for inclusion in the official record of the requested application.

Section 17 - MISCELLANEOUS

- (1) These rules may be amended at any regular or special meeting by a simple majority of the total membership of the Commission.

ADOPTED BY THE CITY-COUNTY PLANNING COMMISSION OF WARREN COUNTY
THIS THE 7th DAY OF April, 2020.

Chairperson

Attest