

**BY-LAWS
VERSAILLES-MIDWAY-WOODFORD COUNTY
PLANNING AND ZONING COMMISSION**

ARTICLE I

The objectives and purposes of the Planning and Zoning Commission of Versailles-Midway-Woodford County, hereinafter referred to as the "COMMISSION", are those set forth in Kentucky Revised Statutes Chapter 100 and amendments and supplements thereto and those powers and duties delegated to the "Commission" by virtue of the Inter-Governmental Agreement for a joint City-County Planning Unit, a Joint City-County Planning Commission, executed by the City of Versailles, City of Midway and County of Woodford by and through their appropriate heads of government upon authorization from each of them, respectively.

ARTICLE II

Section 1. The "Commission" shall consist of a total of nine members with all of the members being citizen members.

- (A) The City of Versailles shall be represented by four members which shall be citizen members appointed by the Mayor of the City of Versailles, all of which shall be approved by the City Council, for the City of Versailles.
- (B) The City of Midway shall be represented by one member, whom shall be a citizen member appointed by the Mayor of the City of Midway and approved by the City Council, for the City of Midway.
- (C) Woodford County shall have four members, which shall be citizen members appointed by the County Judge, all of which shall be approved by the magistrates of the Fiscal Court.

Section 2. Term of Office

- (A) The term of office of citizen members shall be four years ending on November 1 of the designated year. The terms of those first appointed shall be staggered so that a proportionate number serve one, two and three years, respectively, with later appointments or reappointments continuing the staggered pattern for a term of four years.

Section 3. Vacancies

- (A) Vacancies due to resignation, removal, or termination of membership shall be filled within sixty (60) days by the appropriate appointing authority. If the authority fails to fill the vacancy within sixty (60) days, the Commission shall notify the appropriate appointing authority of the lapse of time. When a vacancy occurs other than through expiration of the term of membership, it shall be filled for the remainder of that term.
- (B) Any member of the "Commission" who misses three consecutive meetings without cause shall be considered to have tendered his resignation to the "Commission" and the "Commission" shall forthwith notify the appropriate appointive legislative body of this member's resignation and shall request that said body make an immediate appointment to fill this vacancy within thirty (30) days.

Section 4. Oath of Office

All members of the "Commission" shall, before entering upon their duties, qualify by taking the Oath of Office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any person qualified by the Kentucky Revised Statutes to administer such oath.

ARTICLE III - OFFICERS

Section 1. The officers of the "Commission" shall consist of Chair, Vice-Chair, and a Secretary.

Section 2. Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways: Voice, show of hands, rising, balloting, or roll call.

Section 3. The first regular meeting held in January shall be the date of the annual election and those officers elected at this time shall immediately take office and serve for one year.

Section 4 The Chair shall be the presiding officer at all meetings and hearings of the "Commission". The Chair shall conduct business only for the benefit of the "Commission" involved and shall reflect no al prejudice in any matter. The Chair shall be bonded in the sum of \$10,000, said bond being posted in the Bond Book in the Woodford County Clerk's Office. The Chairman shall conduct all meetings according to Robert's Rules of Order and his duties are as follows:

- (A) To open and call the meeting to order;
- (B) To announce the order of business to be conducted;
- (C) To recognize members entitled to the floor;
- (D) To state and put to vote all questions which are regularly moved or unnecessarily arise in the course of proceedings and to announce the result of the vote;
- (E) To vote on all matters before the "Commission", if the Chair so chooses;
- (F) To keep the "Commission" from unnecessary or frivolous motions by not recognizing them;
- (G) To speed up proceedings as much as possible;
- (H) To inform the group present to a point of order or a practice pertinent to pending business;
- (I) After "Commission's" approval the Chair is to authenticate all actions, orders, and proceedings of the "Commission" by their signature.

Section 6. The Vice-Chair shall assist the Chair in any way possible upon the Chair's request. Upon the absence of the Chair, the Vice-Chair shall automatically become the presiding officer of the "Commission" and shall have all powers, duties, and responsibilities of the Chair as set in these bylaws. The Vice-Chair shall be bonded in the sum of \$10,000, said bond being posted in the Bond Book in the Woodford County Clerk's Office.

Section 7. The duties of the Secretary are as follows:

- (A) To keep records and minutes of each meeting or hearing of the "Commission";
- (B) To keep a roll of members and to call the roll when required;
- (C) To notify officers and "Commission" members of their appointment and to furnish the "Commission" members with minutes of the previous "Commission" meeting and all applications for zone change and a list of items to be brought before the "Commission" at its next regular or special meeting;
- (D) To record the number of votes for and against each question put to vote;
- (E) To indicate any absences or disqualifications from voting when a question is put to vote and other duties which may be assigned to them.

Section 8. In the event that the Chair and Vice-Chair are absent the members present shall elect a temporary Vice-Chair said temporary Vice-Chair having all powers and duties of the regular and duly elected Chair and Vice-Chair.

ARTICLE IV

STANDING COMMITTEES: The "Commission" shall have four standing Committees, each of which shall consist of at least three (3) members.

- (1) Subdivision Regulations, Plat Review, and Zoning Ordinance, and/or Zone Change Request Committee: It shall be the duty of the members that serve on this committee to advise the "Commission" of subdivision regulations and zone change requests. Members serving on this committee shall attend the Technical Review Committee meetings on a rotating basis. Further, it shall be the duty of this committee to advise the Comprehensive Plan and Zoning Map Committee of needed amendments to existing Zoning Ordinances and Subdivision Regulations.
- (2) Personnel and Budget Committee: It shall be the duty of this committee to serve as a liaison between the Legislative Branches and the "Commission" in its adoption of an Annual Budget as well as any budget revisions that may be necessary during the year. This Committee shall review the performance of the "Commission" staff periodically and screen applicants for any necessary additions and/or replacements. The Committee shall be composed of one representative from each Legislative Branch.
- (3) Planning Director/Zoning Administrator and Legal Committee: This Committee shall consult with the Legal Counsel and Planning Director/Zoning Administrator of the "Commission" regarding enforcement of all zoning orders, resolutions, ordinances, and statutes and recommend areas in which new orders, resolutions and ordinances should be enacted to implement the Comprehensive Plan.
- (4) Comprehensive Plan and Zoning Map Review Committee: It shall be the duty of this Committee to update the Comprehensive Plan as required by Statute (KRS 100.197) and to keep pertinent records for future updating. Also, the Committee shall be responsible for keeping the Zoning Maps current by assuring that new entries are made as changes are approved by the Legislative Branches.

- (5) The members of each Committee shall be selected by way of nomination and election in the same manner as the officers are elected pursuant to Article III, Sections 2 and 3 of these By-Laws. The Chair shall then be elected in the same manner, by the members of the Planning Commission from the members of the Sub-Committee. All members shall serve on at least two (2) Committees but no member shall serve on more than three Committees, except the Chairman who will not be a member of any committee but can attend any committee meeting upon notice to the public..

ARTICLE V

Section 1. Meetings

- (A) Regular meetings shall be held on the second Thursday of each month at 6:30 p.m. at the Woodford County Courthouse or other place designated by the Chair.
- (B) The fourth Thursday of each month shall be set aside for public hearings although public hearings may be held on the second Thursday. The meeting shall be held at 6:30 p.m. at the Courthouse or other place designated by the Chair.
- (C) In addition to those required by law, the "Commission" may hold public hearings at its discretion when it is apparent that such hearing will be in the public interest.
- (D) Special meetings shall be held at the call of the Chair who shall give written or oral notice to all members at least seven (7) days prior to the meetings. The notice shall contain the date, time, place, and the subject or subjects which shall be discussed.

Section 2. Procedures for Public Hearings

- (A) Notice of such hearings shall be distributed to the "publication area" as defined in the Kentucky Revised Statutes 424.110. Notice shall be published at least once but may be published two or more times, provided that one publication occurs not less than seven (7) days nor more than twenty-one (21) days before the occurrence of the hearing.
- (B) The "Commission" shall hold a 'trial-type' hearing.
- (C) The matter before the "Commission" shall be presented in summary by the Chair or a designated member of the "Commission" or staff, and parties in interest shall have privilege on the floor. No record of statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.
- (D) A record shall be kept of those speaking before the "Commission" by the Secretary.
- (E) Applicant's Opening Presentation and Presentation of Witnesses – 30 minutes – Cross-examination or questions from the Commission can follow related to the presentation.
Represented Public or Opposition's Legal Opening Presentation and Presentation of Witnesses – 30 minutes – Cross-examination or questions from the Commission can follow related to the presentation.
Individual Public Comment – 5 minutes – Redundant comments will be limited but there is no limit on the number of persons wishing to speak.
Closing Statement- 5 minutes for Applicant.

Those representing the public and individuals wishing to speak must sign up upon arriving at the meeting and will be called upon to speak in that order. Time cannot be yielded to others. Written comments can be submitted prior to or at the meeting and will be made part of the public record. If more than one opposition group has legal representation, the 30 minutes shall be split between groups. *Adopted: August 12, 2021*

The "Commission" shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the "Commission" closes the public hearing upon such proposal.

(F) Postponement of Public Hearings and Withdrawal of Applications:

It shall be the policy of the "Commission" to not permit a public hearing to be postponed after legal notice has been published by the local newspaper.

In the event the "Commission" permits the postponement of a public hearing the applicant shall be responsible for the cost of providing public notice of the new hearing date and shall be responsible for re-notifying all adjoining property owners of the new hearing date, costs of such re-notification to also be borne by the applicant.

If the applicant withdraws an application for a zoning change or subdivision approval after legal notice is advertised in the local newspaper, the "Commission" will not consider a new application on the same property for a period of ninety (90) days from the date of withdrawal.

(G) Reopening a Public Hearing

A public hearing, once closed may be reopened only under the following circumstances and subject to the following conditions:

1. A motion must be made, seconded and then approved by a simple majority of the entire "Commission" to reopen the hearing and must specify as grounds for reopening the hearing matters raised at the original hearing that need particular clarification.
2. Matters to be considered and testimony/evidence offered at the hearing are limited to those specified in the motion.
3. The deadline for the "Commission" action established at the close of the original hearing shall not be extended by action for rehearing.
4. Deference will be given to submission of written comments to clarify the matter in lieu of reopening the rehearing. The "Commission" may by motion made, seconded and then approved by a simple majority of the entire "Commission", restrict evidence to be presented to written comments/report to be submitted by staff or parties with a chance for rebuttal. The "Commission" as part of the motion shall establish time limits for submittals.
5. A hearing may only be reopened once per application.
6. Notice of the reopened hearing must be given in the same manner as the original hearing.
7. Subject to the requirements above, the reopened hearing must meet the other procedural requirements for public hearings.
8. Requests for reopening hearings from parties outside the Planning Commission will not be allowed.

Section 3. Order of Business

The recommended order of business at regular and special meetings shall be as follows, but shall always remain subject to the wishes of the Chair:

- (A) Roll Call
- (B) Reading of minutes of previous meeting
- (C) Old and unfinished business
- (D) New Business
- (E) Communications and Bills
- (F) Report of officers and standing committees
- (G) Reports of special committees
- (H) Special orders
- (I) Adjournment

Section 4. Quorum

A simple majority of the total membership of a planning commission as established by regulation or agreement shall constitute a quorum. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any business of the Commission, except that vote of a simple majority of the total membership shall be necessary for the adoption or amendment of Comprehensive Plan.

- (A) A member having a 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, and he shall not be counted for the purpose of a quorum.
- (B) Any member of a planning commission who fails to notify the "Commission" of their financial interest in a question called to vote, shall have his voting qualifications judged by the "Commission" as to their amount of interest in the question and his right to vote on it.

ARTICLE VI - EMPLOYEES

Section 1. The "Commission" may employ staff and planning assistance to aid in the work of the "Commission". Such employment shall be approved by a simple majority of the total required membership.

- (A) The Planning Director/Zoning Administrator shall be employed by the "Commission" on a yearly basis. The Director/Zoning Administrator shall enforce the planning and zoning regulations and ordinances that come under the jurisdiction of this "Commission" as well as collect and deposit all fees and charges authorized by the "Commission". The Director/ Zoning Administrator may, upon approval of a majority of the "Commission", assume the duties and responsibilities of the Secretary as set out in these bylaws, but will not be counted as one of the board members nor have any vote on the "Commission". The Director/ Zoning Administrator shall be bonded in the sum of \$10,000 which shall be recorded in the Bond Book in the office of the Woodford County Court Clerk.
- (B) Legal Officer: The Planning and Zoning Commission, pursuant to KRS 100, may employ as its own legal counsel a duly authorized and licensed attorney or firm who shall

advise the "Commission" in regards to legal matters coming before the "Commission". Legal counsel is to attend all regular meetings and special meetings of the "Commission". If the legal officer is unable to attend any meeting, it shall be his responsibility to either have the City Attorney of Midway or Versailles attend the meeting or the Woodford County Attorney.

- (C) The "Commission" may employ Clerical Staff and other technical staff to carry out the routine business of the Planning and Zoning Office and to assist the Secretary in the performance of his duties and perform such other duties as may be assigned by the Chair.

ARTICLE VII - TECHNICAL REVIEW COMMITTEE

Section 1. The "Commission" shall form a Technical Review Committee (T.R.C.) to review all items submitted for the "Commission's" consideration, including, but restricted to:

- (A) Zone change requests,
- (B) Preliminary subdivision plats,
- (C) Final subdivision plats,
- (D) Construction plans,
- (E) Performance bonds,
- (F) Lot line adjustments and other minor plats.

It shall be the duty of the T.R.C. to review all submissions for conformance with the Comprehensive Plan and compliance with the Zoning Ordinances, the Subdivision Regulations, and operational policies of the "Commission", in writing, along with any recommendations it may consider appropriate.

Section 2. The T.R.C. shall be composed of:

- (A) Members of the "Commission's" Standing Committee on Subdivision Regulations, Plat Review, Zoning Ordinance, and/or Zone Change Requests.
- (B) The Planning Director/ Zoning Administrator.
- (C) The "Commission's" engineering consultant.
- (D) The "Commission's" planning consultant.
- (E) The County Road Engineer.
- (F) A County Health Department representative.
- (G) Others who may participate and advise on problems related to their special expertise and knowledge; including public utility representatives.

Section 3. Details operating procedures of the T.R.C. and the specific responsibilities of members shall conform to guidelines established by the "Commission".

ARTICLE VIII - FINANCES

Section 1. The legislative bodies in the planning unit may appropriate out of the general revenues for the expenses and accommodations necessary for the work of the "Commission". The "Commission" shall have the right to receive, hold, and spend funds which it may legally receive from any and every source for the purpose of carrying out the duties they are charged with. The "Commission" is authorized to establish and alter a fee schedule for consideration of applications and for permits.

Section 2. The "Commission" gives the power to collect and administer funds to the Planning Director/Zoning Administrator. Funds are to be placed in an appropriate banking depository designated by the "Commission" at its first regular meeting in January of each year. All funds received shall be reported to the "Commission" at its regular meeting along with a list of expenditures.

Section 3. An annual audit shall be performed of all receipts, expenditures, and funds on hand. An annual financial report shall be given once the audit is complete by the Planning Director/Zoning Administrator or Auditor.

Section 4. All citizen members shall be entitled to compensation for service on the Commission. Each respective legislative body shall set a salary amount and method of payment (i.e. weekly, monthly, per meeting attended, etc.) for its appointees each fiscal year and that agency's budget should include an appropriation for this compensation amount. (Per amended inter-governmental agreement)

ARTICLE IX - AMENDMENTS

Section 1. These bylaws may be amended by a vote of a simple majority of the total membership of the "Commission".

Adopted by the Versailles-Midway-Woodford County Planning and Zoning Commission - April 22, 1976, as amended June 23, 1983, October 9, 1986, May 12, 1988, and June 13, 1991, October 14, 1993, January 13, 2000, February 14, 2002, October 8, 2009, October 11, 2012, August 12, 2021

Patty Perry, Chair

ATTEST