



**PLANNING & ZONING  
COMMISSION**

**BY-LAWS**

**ALEXANDRIA, KY**

Updated

July 18, 2023

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## **Article I. Authority and Purpose**

The role, or authority, of the Alexandria Planning and Zoning Commission (hereafter **Commission**) of the City of Alexandria, Kentucky, shall be those as set forth in the Revised Statutes of the Commonwealth of Kentucky, Chapter 100 et. seq., including all amendments and supplements thereto and, further, those powers and duties delegated to the Commission by the legislative body (hereafter **City Council**) of Alexandria, Kentucky, in accordance with KRS Chapter 100, including enabling law.

## **Article II. Members**

Members of the Commission are appointed in conformity with the provisions of KRS 100.133 and KRS 100.141. The Commission shall be composed of seven (7) members, at least two-thirds (2/3) of which shall be citizen members. The term of office for Commission members shall be four (4) years, but in staggered pattern, in accordance with KRS 100.143.

All members of the Commission shall, before entering upon their duties, qualify by taking the oath of office as set forth in Section 228 of the Constitution of the Commonwealth of Kentucky.

Members of the Commission shall be compensated according to Alexandria City Code of Ordinances Section 31.44 (E).

Vacancies on the Commission shall be filled within sixty (60) days by the Mayor of the City of Alexandria, Kentucky, with the approval of the City Council. If the appropriate appointing authority fails to act within that time; however, the Chairperson of the Commission shall fill the vacancy with the approval of the Commission.

When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of the term.

Removal of a Commission member during an unexpired term may be made by the resignation of the member or removal by the appointing authority for any of the following reasons:

- Absence from three (3) consecutive meetings or three (3) meetings semiannually without legitimate reason;
- Inefficiency;
- Neglect of duty;
- Malfeasance or a conflict of interest;
- Improper, unlawful or unethical behavior or action.

Such removal shall be in accordance with the procedure set forth in KRS 100.157 and in accordance with all applicable law.

## **Article III. Officers**

Officers of the Commission shall consist of the Chair, Vice Chair, and Treasurer. All offices shall be filled by citizen members. The specific duties of each officer are listed below.

- **Chair**. The Chair shall be the presiding officer of all business meetings and public hearings of the Commission in accordance with parliamentary procedures. The Chair shall serve as the Chair of the Executive Committee and shall execute documents on behalf of the Commission at its direction or the request of its duly authorized representative. The Chair shall set the meeting and public hearing agenda and, where applicable, represents the Commission before any member legislative unit. The Chair shall act as an “ex-officio” member of any Commission committee. The Chair is also responsible for making all committee appointments and calling all meetings and public hearings to order.
- **Vice-Chair**. The Vice-Chair shall assist the Chair upon request and shall automatically assume the duties of the Chair in his or her absence, including calling any meeting or public hearing to order.
- **Treasurer**. The Treasurer shall create, monitor, and advise the Commission regarding its budget. The Treasurer interacts with the City Administrator and /or Finance officer on budget and finance related matters of the Commission as needed.

The term of office for each officer of the Commission shall be one (1) year, or until his/her successor is elected.

The City shall assign a staff person to serve as the administrative secretary to the Commission.

#### **Article IV. Nomination and Election of Officers**

Nomination of officers shall be made from the citizen members at the first regular Commission meeting of each year. Election of officers shall take place immediately following nominations. Voting may take place by voice or written ballot (as long as such ballots identify each member voting) at the option of the Chair.

The nominated member receiving a majority vote shall be declared elected and shall serve for a term of one (1) year or until his/her successor is elected.

Vacancies in unexpired terms of officers shall be filled immediately by regular election procedures.

#### **Article V. Meetings and Hearings**

Regular meetings of the Commission shall be held on the first and third Tuesdays of each month at the City Building in Alexandria, Kentucky. The Chair may cancel a scheduled meeting due to an emergency, lack of a quorum, or lack of business. All regular meetings shall begin at 7:00 p.m. local time.

Special meetings may be called at the request of the Chair or of three (3) members of the Commission. Notice of such a meeting shall specify the purpose of the meeting, and no other business may be considered during such meeting.

The Commission members should be notified by oral or written notice seven (7) days, but no less than Twenty-Four (24) hours, in advance of such special meeting. This notice shall contain the date, time, place, and subject of discussion.

Public hearings shall be held during the course of the business meetings, unless a hearing is known to be of such a magnitude that holding it during the course of a business meeting would disrupt the orderly progression of that meeting. In that event, the Chair may request that the public hearing be continued or moved to another scheduled date provided it meets regulatory and statutory guidelines regarding the timing and notice of such a meeting. Scheduled public hearings may be canceled by the Chair due to an emergency, or due to the lack of an individual request before the Commission.

Public hearings shall follow this basic outline. This outline may be altered by the Chair at the start of the hearing:

- a. Planning Staff will present facts and make a recommendation based on their investigations. Commission members may pose questions to Staff to clarify their facts and recommendations.
- b. The Commission will then take testimony from the Applicant. Commission members may pose questions to either the Applicant and/ Staff to clarify the information provided.
- c. The Commission will then take testimony from the Public. Only those persons that have registered to speak prior to the start of the meeting may do so unless otherwise permitted by the Chair. Comments, questions, or cross examinations are welcome during a person's time to speak.
- d. The Chair will provide the Applicant and Public time to rebut comments made, address concerns raised, answer questions asked, or provide cross examination. In order to preserve time, prevent actions designed to disrupt the progress of the hearing and ensure the orderly flow of the hearing, if more than one person is present in support or opposition to the party with the floor, it is encouraged that one person should represent the group although not required.
- e. The Commission will then recess the hearing for discussion among the Commission Members. Comments or questions from the audience will not be permitted while the public hearing is in recess.
- f. The Commission will then reopen the hearing to ask for clarifications from staff or anyone who gave testimony.
- g. The Commission will then close the hearing and take action.

Plan review, variance and waiver decisions are made by the planning commission. Text and map amendment decisions take the form of recommendations which are sent on to City Council.

#### **Article VI. Minutes and Records**

The Commission shall keep minutes and complete records of proceedings pursuant to KRS 100.167 as amended. At a minimum, the minutes shall include findings, determinations, the names of members making and seconding motion, the number of votes for and against each motion, and if any member is absent or disqualified from voting, indicating the reason. Minutes of meetings of the Commission shall, upon approval, serve as the official records of the Commission.

All meetings and hearing at which official action is taken shall be open to the general public.

## **Article VII. Applications, and Agendas**

Only those applications determined by staff to be complete according to requirements included in the applicable Zoning Ordinance or Subdivision Regulations shall be included on the Commission's agenda. The determination of completeness shall not be based on the perceived merits of the proposal but on whether all submission requirements have been met.

The requirements for the submission of applications and requests are set forth in the Zoning Ordinance and Subdivision Regulations. Under no circumstances may the Commission entertain a request by any citizen for an advisory opinion.

## **Article VIII. Parliamentary Procedure**

Formal action on requests before the Commission shall only occur at business meetings.

The form and character of motions by members of the Commission shall conform to those stated in ***Robert's Rules of Order, revised edition*** and motions shall be accompanied by the reasons or basis for the action, including any applicable findings of fact and a summary of the evidence supporting the position. Business may only be conducted once a determination of a quorum has been made. A majority of the Commission members shall constitute a quorum. A majority of the quorum present at the business meeting or public hearing shall be required to pass a motion; except a vote of a majority the entire Commission membership shall be required for the adoption or amendment of the by-laws.

Votes on motions shall be taken by roll call vote on all applications before the Commission. A verbal vote may be taken for administrative procedures. except that the Chair, if applicable, shall vote last. Abstentions from voting are counted with the majority in the determination of a motion.

A member not wanting his or her vote to be counted shall state the reason(s) therefore into the record prior to the discussion, deliberation, vote, and shall leave the Commissioner seating area. Members shall only abstain from voting due to a conflict of interest or any other matter that affects their ability to be unbiased. Passing a vote by a member shall be reflected in the minutes and reflect the majority vote. In the event of a tie vote, the motion proposed shall be defeated.

## **Article IX. Appointment of Professional Staff to Serve the Commission**

The Commission may delegate some of its duties to its professional staff. These individuals shall be considered as Commission's "duly authorized representatives". The Commission may also utilize professional staff , including planners and engineers, as it deems necessary to accomplish its assigned duties. The approval of a contractual agreement for services must be approved by the City.

The Commission may be represented by an attorney or firm of attorneys selected by the City who is qualified to practice law within the Commonwealth of Kentucky. This attorney shall not be a

member of the Commission nor hold an elective or appointive office within the City. Said attorney should attend regular meetings and other meetings at the request of the Chair. The attorney shall provide legal review, advice and any other services as needed or requested by the Chair, Vice-Chair, or staff. Said attorney shall receive as compensation an agreed upon by the City.

#### **Article X. Duties of the Chair Regarding Public Conduct Before the Commission**

During all meetings, the public has a duty and obligation to remain in civil order. Any conduct that interferes with the equitable rights of others to provide comment or which interferes with the orderly progression of business of the Commission, the individual or individuals will be ruled "out of order" by the Chair and the Chair shall direct the offenders to remain silent. Once this occurs and the disruptive behavior continues, the Chair shall instruct the offender(s) to leave the room. If the person(s) fail(s) to comply, the Chair, or his designee, shall then contact the Police Department or other legal authorities to remove the individual(s) from the room where the meeting is being held for the benefit of the public.

#### **Article XI. Administration of Funds**

The City shall appropriate out of its general revenues for the expenses and accommodation necessary for the work of the Commission, as authorized by KRS Chapter 100.177. The Commission, through its Treasurer, shall establish a budget for each fiscal year based upon this appropriation.

The request to administer funds of the Commission shall be the responsibility of the entire membership of the Commission. Any expenditure of funds will require a vote of a simple majority of a quorum.

If the appropriation is inadequate to cover budgeted or unanticipated expenses, the Commission may request additional assistance from the City to cover costs.

All disbursements are to be made through the City Finance Officer.

#### **Article XII. Orientation and Continuing Education**

Each member and staff shall comply with the training and education requirements established by House Bill 55 (HB55). Each member and staff shall be responsible for obtaining written documentation of any continuing education course for which credit is claimed. That documentation shall be filed with the secretary of the Commission.

#### **Article XIII. Separability / Severability**

Should any article of these bylaws be found to be unlawful by any Court, for any reason whatsoever, the remaining articles shall remain in full force and effect as each and all of them are severable from one another.

**Article XIV. Adoption and Amendment of By-Laws**

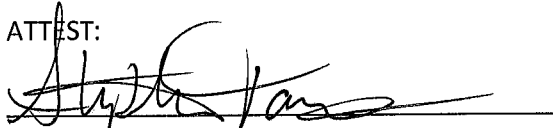
These Commission by-laws shall be binding upon review by the members thereto and legal counsel and upon adoption by a majority vote of the general membership of the Commission. These By-laws may be amended by a vote of a simple majority of the total membership of the Commission at a regular or special meeting, provided that prior notice of such change has been distributed to all Commission members at least seven (7) days prior to such meeting.

**THESE BY-LAWS WERE ADOPTED AND APPROVED BY THE ALEXANDRIA PLANNING AND ZONING COMMISSION AND MADE EFFECTIVE THIS 18<sup>th</sup> DAY OF JULY, 2023.**



NICK REITMAN  
CHAIRMAN

ATTEST:



STEPHANIE TARTER  
CITY CLERK