

MURRAY BOARD OF ZONING ADJUSTMENTS

BY-LAWS

The Murray Board of Zoning Adjustments (“BZA”) is established as provided by KRS 100. The BZA’s main function is to consider conditional use permits and dimensional variances relating to City of Murray Zoning Ordinance.

ARTICLE I

MEMBERSHIP

SECTION I.

Number of Members — The Number of BZA members shall be seven (7), all of whom shall be citizen members. No more than two (2) BZA members may be citizen members of the City of Murray Planning Commission. The Mayor of the City of Murray shall appoint all BZA members.

SECTION II.

Vacancies — Vacancies on the BZA shall be filled within sixty (60) days by the appointing authority. If vacancies in membership are not filled within sixty (60) days by the appropriate appointing authority, then the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

SECTION III.

Term of Office — The term of office for BZA members shall be four (4) years.

SECTION IV.

Oath of Office — All BZA members 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 Judge, County Judge/Executive, notary public, clerk of a court, or justice of the peace within the county in which he resides.

SECTION V.

Reimbursement — The BZA members will receive forty dollars (\$40.00) for each meeting they attend for reimbursement of expenses incurred in the review of items before the Board. The members will also be reimbursed for travel, room, meals and other actual costs associated with official BZA business subject to advance authorization by the City of Murray City Administrator and Mayor.

SECTION VI.

Removal — Any BZA member 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 BZA member shall submit a written statement to the board setting forth the reasons for removal, and the statement shall be read at the next BZA meeting, which shall be open to the general public. A member so removed shall have the right to appeal in the Calloway Circuit Court. Any member may be removed if he or she is absent from three (3) consecutive meetings or more than 50% of the board's meetings within a one (1) year period.

ARTICLE II

NOMINATION AND ELECTION OF OFFICERS

SECTION I.

The BZA annually shall elect a chairman, vice-chairman, secretary, and any other officers which it deems necessary. Any officer shall be eligible for re-election at the expiration of his term.

The term of office shall be effective on January 1 of each year.

SECTION II.

Nominations of officers shall be made by the members at the annual organization meeting which shall be held on the Wednesday following the third Tuesday in October of each year. The term of office for each officer elected shall begin January 1 following the October election.

SECTION III.

Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways: voice, show of hands, balloting, roll call, or general consent.

SECTION IV.

A candidate receiving a simple majority vote of all members present where there is a properly constituted quorum shall be declared elected and shall serve for a term of one (1) year effective the first day of January immediately following the October election or until his successor shall take office.

SECTION V.

Vacancies in unexpired terms of office shall be filled immediately by regular election procedure.

ARTICLE III

OFFICERS DUTIES

SECTION I.

The Chairman's general duties are to open and call the meeting to order; announce the business to be conducted; recognize members entitled to the floor; state and put to vote all questions which are regularly moved or necessarily arise in the course of proceedings and to announce the result of the vote; expedite proceedings; maintain order and sincerity in meetings; inform the group present to a point of order or a practice pertinent to pending business; and authenticate, by his signature when necessary, BZA activities and proceedings. The Chairman shall be a voting member of the BZA.

SECTION II.

The Vice-Chairman and Secretary shall assist the Chairman at the Chairman's request. If the Chairman is absent, the Vice-Chairman shall become the presiding officer of the BZA. If the Chairman and Vice-Chairman are absent, the Secretary shall become the presiding officer of the BZA.

ARTICLE IV

MEETINGS

SECTION I.

Meetings shall be held on the Wednesday following the 3rd Tuesday of each month at 4:30 p.m. at the City of Murray City Hall, 104 North Fifth Street, Murray, Kentucky or at such other location as the BZA may deem appropriate.

SECTION II.

The BZA shall consider a quorum present when a simple majority of the total membership of the BZA is in attendance. In the event any member of the BZA is disqualified from voting on a particular issue in accordance with Article VI below and such disqualification results in less than a simple majority of the total membership of the BZA being present to consider the issue, a quorum shall not exist for purposes of voting on that particular matter.

SECTION III.

The Chairman may call special meetings. Such a meeting may be requested by a quorum of the BZA but shall be called by the Chairman. The meeting notice shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the BZA. The Chairman shall notify all board members by oral or written notice not less than seven (7) days in advance of such special meetings. This notice shall contain the date, time, place and subject of discussion.

SECTION IV.

All meetings shall be open to the general public.

ARTICLE V

ORDER OF BUSINESS

SECTION I.

The order of business at regular meetings shall be:

- (a) Call to Order and Welcome Guests.
- (b) Reading and Adoption of the Minutes of Previous Meeting.
- (c) Communication and Bills.
- (d) Reports of Officers and Standing Committees.
- (e) Reports of Special Committees.
- (f) Special Orders.
- (g) Old and Unfinished Business.
- (h) New Business.
- (i) Adjournment.

ARTICLE VI

TRANSACTION OF BUSINESS

SECTION I.

Any member of the BZA who has any direct or indirect financial interest in the outcome of any question before the BZA 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 in considering the issue upon which the conflict arises.

SECTION II.

Any member of the BZA who fails to notify the BZA of his financial interest in the question called to vote, shall on motion have his voting qualification judged by the members of the BZA as to his degree of interest in the questions and his right to vote on the issue.

SECTION III.

Any BZA member found to have any financial interest in a question called to vote shall not be considered in a quorum count prior to voting.

SECTION IV.

A simple majority vote 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 BZA membership shall be necessary for the adoption or amendment of the BZA's by-laws.

SECTION V.

Any procedural matters in the conduct of business not covered in these by-laws shall be governed by "Roberts Rules of Order".

SECTION VI.

All minutes and records of all proceedings, including regulations, transactions, findings and determinations shall be filed in the City of Murray Planning and Zoning Department office, which shall be considered the office of the BZA. A transcript of the entire proceedings of the BZA meeting shall be provided, if requested, by a party at the expense of the requesting party,

and the transcript shall constitute the record.

SECTION VII.

The BZA shall have subpoena power to compel witnesses to attend its meetings and give evidence bearing upon the questions before the BZA. The BZA Chairman shall have the power to administer the oaths to witnesses prior to their testifying before the BZA on any issue.

ARTICLE VII

HEARINGS

SECTION I.

In addition to those hearings required by law, the BZA may hold public hearings at its discretion when it is apparent that such hearings will be in the public interest.

SECTION II.

Notice of such hearings shall be published as required by Kentucky Revised Statutes Chapter 424 which requires notices to be published at least once but not less than seven days nor more than 21 days prior to the date of the hearing.

SECTION III.

The matter before the BZA may be summarized by the Chairman, a designated board member or a member of the City of Murray Planning Department and parties in interest shall have the privilege of the floor. The Chairman or a designated member of the BZA in the absence of the Chairman shall preside over the hearing and establish the procedure to be followed.

SECTION IV.

A record shall be kept in the minutes of those speaking before the BZA.

SECTION V.

The BZA may appoint one or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendations to the BZA based upon a transcript of record of the hearing.

ARTICLE VIII

ORIENTATION AND CONTINUING EDUCATION REQUIREMENTS

SECTION I.

BZA MEMBERS:

(a) Within one (1) year prior to appointment to the BZA, or within one hundred twenty (120) days of appointment to the BZA, each BZA member shall attend a minimum of four (4) hours of orientation training.

(b) Each BZA member, starting from their date of appointment, shall be required to attend a minimum of eight (8) hours of continuing education within each period of two (2) consecutive years.

(c) BZA members failing to complete the required minimum number of orientation training hours or continuing education hours within the time allotted shall be subject to removal from office according to the provisions of KRS 100.

SECTION II.

BZA STAFF:

The following regulations shall apply to planning professionals, zoning administrators, administrative officials, and each planning professional's deputy and assistant whether employed by or contracted by the BZA:

(a) Within one (1) year prior to being employed by or contracted by the BZA, or within one hundred twenty (120) days of being employed by or contracted by the BZA, each planning professional, zoning administrator, administrative official, and each planning professional's deputy and assistant shall attend a minimum of eight (8) hours of orientation training.

(b) Each planning professional, zoning administrator, administrative official, and each planning professional's deputy and assistant employed by or contracted by the BZA starting from their date of employment or contract, shall be required to attend a minimum of sixteen (16) hours of continuing education within each period of two (2) consecutive years.

(c) The BZA shall not employ a planning professional, zoning administrator, administrative official, or planning professional's deputy or assistant who fails to comply with the required minimum number of orientation training hours or continuing education hours within the time allotted in the capacity of a planning professional, zoning administrator, administrative official, or planning professional's deputy or assistant.

SECTION III.

Record of compliance with the requirements of this Article VIII shall be maintained, in written form, in the City of Murray Planning Department office.

ARTICLE IX
AMENDMENTS

SECTION I.

These by-laws may be amended by a vote of a simple majority of the total membership of the BZA. The amendment(s) shall be effective at the next regularly scheduled meeting of the BZA.

ADOPTED BY: MURRAY BOARD OF ZONING ADJUSTMENTS

DATE: 7-20-05

CHAIRMAN: W. Whitaker
WILLIAM WHITAKER