

1989

No. 39

AN ORDINANCE, ORDER AND REGULATION TO PROVIDE FOR A JOINT CITY - COUNTY PLANNING COMMISSION AND A JOINT CITY - COUNTY PLANNING UNIT FOR THE COUNTY OF FRANKLIN AND THE CITY OF FRANKFORT, KENTUCKY, AND A JOINT CITY - COUNTY BOARD OF ADJUSTMENT FOR THE COUNTY OF FRANKLIN AND THE CITY OF FRANKFORT, KENTUCKY, AND TO REPEAL ALL ORDINANCES, ORDERS AND REGULATIONS IN CONFLICT HEREWITH.

WHEREAS, the City Commission of the City of Frankfort, Kentucky, and the Fiscal Court of Franklin County, recognize the need for a joint planning program to ensure the orderly development of our community; and

WHEREAS, the Kentucky Revised Statutes, Section 100.121 as enacted by the Kentucky General Assembly authorizes the legislative bodies of cities and the fiscal court of the county containing the cities to enter into an agreement to form a joint planning unit; and

WHEREAS, it is the desire of the City of Frankfort and the County of Franklin to continue our communities joint planning effort under the authority of Chapter 100 of the Kentucky Revised Statutes; and

WHEREAS, Section 100.127 of the Kentucky Revised Statutes provides that all agreements for joint city-planning units shall be in writing; shall describe the boundaries of the area involved, shall contain all details which are necessary for the establishment and administration of the planning units, shall state the method of proration of financial support, and the agreement shall be approved by regulation and executed by the parties to the agreement, and the agreement then filed in the office of the County Court Clerk of Franklin County, and

WHEREAS, Section 100.217 of the Kentucky Revised Statutes provides that a board or boards of adjustment shall be appointed for the planning unit before any zoning regulation may have legal effect within the planning unit;

NOW, THEREFORE, BE IT ORDAINED, ORDERED, RESOLVED AND AGREED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKFORT AND THE FISCAL COURT OF FRANKLIN COUNTY THAT THEY DO HEREBY MAKE THEIR AGREEMENT TO THE FOLLOWING:

A. PLANNING UNIT CREATED

1. PLANNING UNIT CREATED - The City of Frankfort and the County of Franklin do hereby form a joint planning unit by combining their planning operations into a joint city-county planning program.
2. AREA OF JURISDICTION - The area of jurisdiction of the joint city-county planning operation shall include all of the City of Frankfort and the County of Franklin.

B. PLANNING COMMISSION CREATED

1. PLANNING COMMISSION CREATED - A joint planning commission is hereby created which shall be known as the "Frankfort-Franklin County Planning Commission." The City and County shall have equal representation on the Commission, and at least two-thirds of the members shall be citizens who are not elected officials, appointed officials, or public employees of the City or County. The Mayor and County Judge shall appoint the members with the

approval of their respective legislative bodies.

- a. Number of Members - The Planning Commission shall consist of a total of eleven (11) members.
- b. City Members - The City's representatives shall total five (5) members of which at least four (4) shall be citizen members and one (1) may be a non-citizen member.
- c. County Members - The County's representatives shall total five (5) members of which at least four (4) shall be citizen members and one (1) may be a non-citizen member.
- d. Governor's Appointment - The Governor of the Commonwealth under authority of KRS 100.133 (2) shall appoint one (1) person to the Commission who shall serve until replaced.
- e. Term of Office - The term of office shall be four (4) years ending on July 1st of the designated year, and terms of those first appointed shall be staggered so that a proportionate number serve one (1), two (2) three (3), and four (4) years respectively, with later appointments or reappointments continuing the staggered pattern and July 1st date.

The term of office for any person appointed to the Commission and designated as an

ex-officio or non-citizen member by the responsible legislative body shall serve until the conclusion of their term in office or until replaced by the legislative body.

KRS 100.147 - Vacancies on the Planning Commission shall be filled within sixty (60) days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the terms of office, it shall be filled for the remainder of that term.

2. REIMBURSEMENT AND COMPENSATION OF MEMBERS - All members shall be reimbursed for any necessary expenses authorized by the Planning Commission, but only citizen members may be compensated for their meeting time. For each official commission meeting attended each citizen member shall be compensated a sum of twenty-five (\$25.00) dollars, with the total compensation for each member in any one (1) year not to exceed three hundred (\$300.00) dollars.
3. METHOD OF PRORATION OF FINANCIAL SUPPORT - The Commission shall have the right to receive, hold, and spend funds which it may legally receive from

any and every source, including applicant fees. As for the proration of City and County contributions, it is agreed that the Franklin County Fiscal Court will appropriate one-half ( $\frac{1}{2}$ ), and that the Board of Commissioners of the City of Frankfort shall appropriate the remaining one-half ( $\frac{1}{2}$ ). Request for contributions must be submitted no later than February 1, and approval by the respective legislative bodies each fiscal year.

4. OTHER DETAILS OF COMMISSION OPERATION - All other details for the joint City-County Planning Commission operation which are necessary for the establishment and administration of the Commission, for the preparation of plans, and for the assistance to help implement the plan shall be as described in Chapter 100 of the Kentucky Revised Statutes as passed in 1966, and as may be amended from time to time. The Planning Commission shall adopt By-Laws not inconsistent with Chapter 100, this agreement and ordinances and regulations approved by the City Commission and the Fiscal Court.
5. LEGAL COUNSEL - The Planning Commission shall have legal advise and guidance through services of an attorney. Employment of legal counsel shall be detailed in a contract subject to the approval of

the City and County legislative bodies. Should the Commission's attorney disqualify himself on any subject matter pending before the Commission, the Commission shall request counsel from either the City or County Attorney. The City or County Attorney may act consistent with the request of the Planning Commission or recommend outside counsel.

C. BOARD OF ADJUSTMENT CREATED

1. Board of Adjustment Created - A joint Board of Adjustment is hereby created which shall be known as the "City-County Board of Adjustment of Frankfort and Franklin County, Kentucky." The Mayor and the County Judge shall appoint the members with the approval of their respective legislative bodies.
  - a. Number of Members - The Board of Adjustment shall consist of a total of seven (7) members.
  - b. City Members - The City's representation shall total three (3) members who shall be citizens, freeholders, taxpayers and legal voters of the City.
  - c. County Members - The County's representation shall total three (3) members who shall be citizens, freeholders, taxpayers and legal

voters of the County.

d. The Mayor of the City of Frankfort shall appoint one (1) member, who shall be a citizen, freeholder, taxpayer and legal voter of the City of Frankfort. This member shall be chosen from a list of not less than three (3) candidates provided by the Planning Commission and shall not be a member of the Planning Commission. This provision shall become effective July 1, 1989.

e. Term of Office - The term of office of all members shall be four (4) years, ending on July 1 of the designated year, and terms of those first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively, with later appointments or reappointments continuing the staggered pattern and July 1 date.

2. REIMBURSEMENT AND COMPENDATION OF MEMBERS - All members shall be compensated for any authorized expenses and compensated for their meeting time. For each official meeting attended, each member shall be paid a sum of twenty-five (\$25.00) dollars, with the total compensation in any one (1) year not to exceed three hundred

(\$300.00) dollars.

3. OTHER DETAILS OF THE BOARD'S OPERATION - All other details for the joint City-County Board of Adjustment operation which are necessary for the establishment and administration of the Board shall be as described in Chapter 200 as passed in 1966, amended, and as may be amended in the future of the Kentucky Revised Statutes and the Planning and Zoning ordinances and regulations not inconsistent herewith.

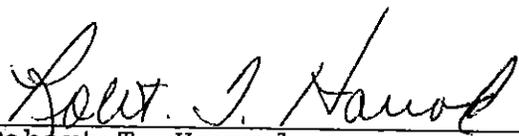
D. AMENDMENT OF AGREEMENT

AMENDMENT TO THIS AGREEMENT - This agreement may be amended from time to time by the mutual consent of the City Commission and the Fiscal Court, with such amended agreement filed in the County Clerk's Office.

ORDINANCE NO. 39 SHALL BECOME EFFECTIVE ON  
THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, SECONDED AND GIVEN FIRST READING APPROVAL  
at a duly convened meeting of the Fiscal Court of Franklin County,  
Kentucky, held on the 10th day of March, 1989.

GIVEN SECOND READING AND ADOPTED at a duly convened  
meeting of the Fiscal Court of Franklin County, Kentucky, held  
on the 24th day of March, 1989, and of record in  
Fiscal Court Order Book 15, Page 304.

  
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Robert T. Harrod  
Franklin County Judge/Executive

ATTEST:

  
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Fiscal Court Clerk

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