BY-LAWS OF THE HENDERSON CITY BOARD OF ZONING ADJUSTMENT

Amended and Approved May 8, 2013

ARTICLE I – OBJECTIVES:

The objectives and purposes of the City Board of Zoning Adjustment of Henderson, Kentucky, are those set forth in the officially adopted "Zoning Regulation of Henderson, Kentucky", the Kentucky Revised Statutes, Chapter 100 and amendments and supplements thereto, and the joint agreement establishing a joint planning unit between the City of Henderson, the County of Henderson, and the City of Corydon, Kentucky.

ARTICLE II – OFFICERS AND THEIR DUTIES:

Section 1 – The officers of the Henderson City Board of Zoning Adjustment shall consist of a Chairman, Vice-Chairman, and Secretary. Further, designated Code Enforcement staff shall serve as Executive Secretary.

Section 2 – The Chairman shall be the presiding officer at all meetings and shall perform his duties as described by proper parliamentary procedure.

Section 3 – Under proper parliamentary procedure the Chairman's duties are as follows; To open and call the meeting to order; to announce the business to be conducted; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved or necessarily rise in the course of proceedings and to announce the result of the vote; to vote only to break a tie vote and to refrain from debate on any question to be voted on; to protect the Board from unnecessary and frivolous motions by not recognizing them; to speed up proceedings as much as possible; to require order and sincerity in meetings; to inform the group present to a point of order or a practice pertinent to pending business; and to authenticate by his signature when necessary, all acts, orders and proceedings of the Board.

Section 4 – The Chairman shall conduct business only for the benefit of the Board involved and shall reflect no personal prejudice in any matter.

Section 5 – The Vice-Chairman shall assist the Chairman in any way possible subject to the Chairman's request. Upon the absence of the Chairman, the Vice-Chairman shall automatically become the presiding officer of the Board. In case of absence of both the Chairman and Vice-Chairman, the Secretary shall automatically become the presiding officer of the Board.

Section 6 – The duties of the Secretary is to oversee the Executive Secretary. The duties of the Executive Secretary are as follows: To keep a copy of records and minutes of each meeting or hearing of the Board; to keep a roll of the members and to call the roll at each meeting or hearing of the Board.

ARTICLE III – NOMINATION AND ELECTIONOF OFFICERS

Section 1 – Nominations of officers shall be made at the first regular meeting held after each new fiscal year.

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, roll call or general account.

Section 3 – A candidate receiving a majority of the entire membership shall be declared elected and shall serve for a term of four (4) years or until his successor shall take office. Officers are eligible for re-election.

Section 4 – Vacancies in unexpired terms of office shall be filled immediately by the Mayor and approved by the Board of Commissioners.

ARTICLE IV – MEMBERSHIP

Section 1 – Vacancies on the Board shall be filled within sixty (60) days by the City Commission. If the City Commission fails to act within that time, 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 the term.

Section 2 – All members of the Board of Adjustments shall, before entering into their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any Judge, Notary Public, Clerk of a Court, or Justice of the Peace within the district or county in which he/she resides.

Section 3 – Any member who is absent from three (3) consecutive regularly scheduled meetings or who is absent from six (6) regularly scheduled meetings within a fiscal year, without good cause (cause to be determined by the Board) shall be suspended from the Board and a formal notification of this action shall be forwarded to the City Commission. If the City Commission fails to take action within sixty (60) days concerning removal of the suspended member and appointment of a new member to fill the vacancy, the Planning Commission shall have the authority to remove the suspended member and fill the vacancy. The above shall not apply to called meetings.

ARTICLE V – MEETINGS

Section 1 – Meeting shall be scheduled for the second Wednesday of each month except January.

Section 2 – A quorum of a meeting is such a number as must be present in order that business can be legally transacted. The quorum refers to the number present, not the number voting.

Section 3 – The Board shall consider a quorum present when a majority (over one-half) of the total members of the Board is in attendance.

Section 4 – A simple majority of all members present where there is a properly constituted quorum shall be necessary to transact any official business.

Section 5 – Special meetings may be called by the Chairman. Such a meeting may be requested by a quorum of the Board and must be called by the Chairman. The notice of such a meeting shall specify the purposes of such a meeting, and no other business may be considered except by unanimous consent of the Board. The Chairman shall notify all members of the Board by written notice not less than seven (7) days in advance of such special meeting. This notice shall contain the date, time, place and subject of discussion.

Section 6 – All meetings at which official action is taken shall be open to the general public.

ARTICLE VI – ORDER OF BUSINESS

Section 1 – The order of business at regular meetings shall be:

a. Roll call
b. Public Hearing and Public Hearing Decisions

c. Regular Meeting
   1. Approval of Minutes of Previous Meeting
   2. Non-Public Hearing Items
   3. Other Business
   4. Adjornment

Section 2 – The standard order of business outlined in Section 1, may at the discretion of the Chairman, be amended as required to facilitate the orderly transaction of official business.

ARTICLE VII – EMPLOYEES

Section 1 – The Board may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties under the terms of Chapter 100 of the Kentucky Revised Statutes.

ARTICLE VIII – HEARINGS

Section 1 – In addition to those required by law, the Board may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Section 2 – The matter before the Board shall be presented in summary by the Zoning Administrator and parties in interest shall have privilege of the floor. No record or statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Section 3 – A record shall be kept of those speaking before the board.

ARTICLE IX - TRANSACTION OF BUSINESS

Section 1 – Any member of a Board who has any financial interest in any question called to vote shall notify the Board of such interest and thus disqualify himself from voting on the matter

Section 2 – Any member of a Board who fails to notify the Board of his financial interest in a question called to vote, shall have his voting qualification judged by the Board to his amount of interest in the question and his right to vote on it.

Section 3 – Any member of the Board found to have any financial interest in a question called to vote shall not be considered in the quorum count prior to voting.

ARTICLE X – AMENDMENTS

Section 1 – These by-laws may be amended by a simple majority of the total membership of the Board of Zoning Adjustment.

APPROVED AND ADOPTED BY THE HENDERSON CITY BOARD OF ZONING ADJUSTMENT

Robert F Boone

Chairman

May 8, 2013

Date