

ORDINANCE NO. 00-4 910.5

ORDINANCE APPROVING AMENDMENTS TO THE  
AGREEMENT FOR THE ESTABLISHMENT OF THE  
JOINT CITY-COUNTY PLANNING COMMISSION OF  
WARREN COUNTY AND THE JOINT CITY-COUNTY  
BOARD OF ADJUSTMENTS

WHEREAS, the Cities of Bowling Green, Oakland, Plum Springs, Smiths Grove, Woodburn and the County of Warren, Kentucky, have in the past participated in a joint planning program to assist and promote the orderly development of their cities and county; and,

WHEREAS, the Kentucky Revised Statutes provide that the legislative bodies of incorporated cities and the Fiscal Court of the County containing those cities must enter and maintain in writing the Agreement to form a joint planning unit; and,

WHEREAS, the Kentucky Revised Statutes provide that said Agreement describes the boundaries of the area involved and contain all details for establishment and administration of the planning unit in regard to planning commission organization, preparation of plans, and aids to plan implementation, method of appropriation of financial support; and the Agreement shall be by regulation and the Agreement shall be executed by the parties of the Agreement and filed in the Office of the Warren County Clerk; and,

WHEREAS, it is hereby been determined necessary to amend the Agreement to provide for certain changes in the organization and administration of the joint planning unit; and,

NOW, THEREFORE, BE IT ORDAINED by the City of Smiths Grove, Kentucky, as follows:

1. That the attached draft Amended and Restated Agreement for the establishment of the Joint City-County Planning Commission of Warren County and the Joint City-County Board of Adjustment is hereby approved and adopted as if copied in full and Mayor Walter McCay is hereby authorized to execute the final Agreement on behalf of the City of Smiths Grove, Kentucky.
2. The provisions of this Ordinance are hereby declared severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

(ORDINANCE NO. 00-4 910.5)

3. All prior Orders, Resolutions or Ordinances or parts of any Orders, Resolutions or Ordinances in conflict are hereby repealed.
4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on Oct. 23, 2000, and given final reading on Nov. 2, 2000, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS 424.

ADOPTED: November 2, 2000

APPROVED: Walter J. Mc Coy, Jr.

ATTEST: Jodi T. Weissman

# Memo

**To:** Cities of Bowling Green, Plum Springs, Smiths Grove, Woodburn and Oakland,  
Kentucky and the Fiscal Court of Warren County, Kentucky

**From:** Steve Hunter

**Subject:** Inter-agency Agreement

**Date:** January 17, 2001

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The Amended and Restated Agreement has been recorded and your copy is enclosed.

If you have any questions, please call me at 842-1953.

ORDINANCE NO. BG2000 - 45

ORDINANCE AMENDING AGREEMENT RELATED TO THE CITY-COUNTY PLANNING  
COMMISSION

ORDINANCE AUTHORIZING MAYOR TO EXECUTE  
AMENDED AND RESTATED AGREEMENT FOR THE  
ESTABLISHMENT OF THE JOINT CITY-COUNTY  
PLANNING COMMISSION OF WARREN COUNTY  
AND THE JOINT CITY-COUNTY BOARD OF  
ADJUSTMENTS

WHEREAS, the cities of Bowling Green, Oakland, Plum Springs, Smiths Grove, Woodburn and the County of Warren, Kentucky, have in the past participated in a joint planning program to assist and promote the orderly development of their cities and county; and,

WHEREAS, the Kentucky Revised Statutes provide that the legislative bodies of incorporated cities and the Fiscal Court of the county containing those cities must enter and maintain in writing an agreement to form a joint planning unit; and,

WHEREAS, Warren County and the above named cities have previously approved and adopted an Amended and Restated Agreement for the Establishment of the Joint City-County Planning Commission of Warren County and the Joint City-County Board of Adjustments; and,

WHEREAS, it has been recommended by the Planning Commission that certain amendments are necessary to the Agreement to provide for certain changes in the organization and administration of the joint planning unit, and the Board of Commissioners hereby determines that these recommended changes are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky, as follows:

1. That the attached Amended and Restated Agreement for the Establishment of the Joint City-County Planning Commission of Warren County and the Joint City-County Board of Adjustments, a copy of which is attached and made a part of this Ordinance as if copied in full herein, is hereby approved.

(Ordinance No. BG2000 - 45)

2. The Mayor is authorized and directed to execute this Amended and Restated Agreement on behalf of the City.

3. The provisions of this Ordinance are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

4. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

5. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on October 17, 2000, and given final reading on November 21, 2000, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: November 21, 2000

APPROVED: Elton Renard  
Mayor, Chairman of Board of Commissioners

ATTEST: Katie Sihaloon  
City Clerk

SPONSORED BY: Charles W. Coates, City Manager, 10/11/2000, 10:30 a.m.

# SATTERFIELD AND HARMON

ATTORNEYS AT LAW

P.O. BOX 9970

BOWLING GREEN, KENTUCKY 42102-4970

DIXIE R. SATTERFIELD\*  
H. EUGENE HARMON

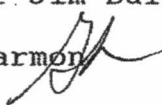
313 EAST TENTH AVENUE  
TELEPHONE (270) 782-1340  
FACSIMILE (270) 782-3997

GEORGE B. BOSTON  
OF COUNSEL

\* ALSO LICENSED  
IN TENNESSEE

## MEMORANDUM

TO: Mayor Renaud  
Commissioner Dan Hall  
Commissioner Joe Denning  
Commissioner Sandy Jones  
Commissioner Jim Bullington

FROM: H. Eugene Harmon 

DATE: October 12, 2000

SUBJECT: City/County Planning Commission Agreement

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On the agenda for October 17<sup>th</sup> is an ordinance authorizing the Mayor to execute an Amended and Restated Agreement for the Establishment of the joint City/County Planning Commission. This Agreement sets out the details for the establishment and administration of the joint planning unit consisting of Warren County and the Cities of Bowling Green, Oakland, Plum Springs, Smiths Grove and Woodburn.

The major changes being proposed at this time start with Paragraph E on Page 17. The proposed language provides that any amendments to the Zoning Ordinance/Resolution and Comprehensive Plan may be proposed by any participant to this agreement or by the Planning Commission. Those

proposals are to go to the Planning Commission for recommendation and following the recommendation of the Planning Commission, the proposed amendment shall be submitted to the appropriate legislative body for approval. Appropriate legislative body is defined as those member legislative bodies whose geographical limits are affected by the amendment.

The primary purpose of this amendment is to make it clear that each member of the Joint Planning Commission, as authorized by State statute, can propose amendments to the Zoning Ordinance that are effective only for that particular member. For example, at this point, only Warren County and the City of Bowling Green have adopted code enforcement as the appropriate enforcement remedy for zoning violations. John Ridley argued before the Code Enforcement Board and now before the Warren District Court and United States District Court that all members of the Planning Commission had to approve an amendment to the Zoning Ordinance before the City of Bowling Green could revise how zoning would be enforced within the city limits. We do not believe that is a requirement of State law, but we wanted to make these amendments to the Agreement to make it clear to everyone that each individual legislative body can propose amendments to the Zoning Ordinance to be effective only for that particular body. There are also other minor housekeeping amendments being made. I anticipate that Andy Gilles and

other staff of the Planning Commission will be available to answer questions as well.

HEH:jem



**AMENDED AND RESTATED AGREEMENT FOR THE  
ESTABLISHMENT OF THE JOINT CITY-COUNTY PLANNING COMMISSION  
OF WARREN COUNTY AND THE  
JOINT CITY-COUNTY BOARD OF ADJUSTMENT**

THIS AGREEMENT made and entered into this 9<sup>th</sup> day of January,  
2001, by the Cities of Bowling Green, Plum Springs, Smiths Grove, Woodburn and Oakland,  
Kentucky and the Fiscal Court of Warren County, Kentucky.

WITNESSETH:

WHEREAS, the Cities of Bowling Green, Plum Springs, Smiths Grove, Oakland and  
Woodburn, Kentucky, and Warren County, Kentucky, have in the past participated in a joint  
planning program to assist and promote the orderly development of their cities and county; and,

WHEREAS, the Kentucky Revised Statutes provide that the incorporated cities and their  
county may continue to participate in a joint planning program; and,

WHEREAS, the Cities of Bowling Green, Plum Springs, Smiths Grove, Oakland and  
Woodburn, Kentucky, and Warren County, Kentucky have in the past formed a joint planning  
unit known as the City-County Planning Commission of Warren County, Kentucky; and

WHEREAS, the Kentucky Revised Statutes provide that the legislative bodies of  
incorporated cities and the Fiscal Court of the County containing those cities must enter and  
maintain in writing the Agreement to form a joint planning unit; and,

WHEREAS, the Kentucky Revised Statutes provide that said Agreement describes the  
boundaries of the area involved and contain all details for establishment and administration of  
the planning unit in regard to planning commission organization, preparation of plans, and aids

**Amended & Restated Joint Agreement for the  
City-County Planning Commission of Warren County**

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to plan implementation, method of appropriation of financial support; and, that the Agreement shall be by regulation and the Agreement shall be executed by the parties of the Agreement and filed in Office of the Warren County Clerk; and,

WHEREAS, it is necessary to amend the original Agreement to provide for certain changes in the organization and administration of the joint planning unit; and,

NOW, THEREFORE, BE IT RESOLVED, THAT the legislative bodies of the Cities of Bowling Green, Plum Springs, Smiths Grove, Woodburn and Oakland acting by and through their respective Mayors, and the Fiscal Court of Warren County, acting by and through its Judge/Executive, do hereby make this their amendment to the Agreement creating a Joint City-County Planning Unit and a Joint City-County Planning Commission and do hereby make this their amendment to the Agreement creating a Joint City-County Board of Adjustment (except Smiths Grove) dated August 24, 1966 and recorded in Deed Book 366, page 197; dated August 18, 1975 and recorded in Deed Book 585, page 209; dated February 8, 1978 and recorded in Deed Book 463, page 559; and dated August 10, 1987 and recorded in Deed Book 585, page 216; and dated December 1, 1998, and recorded in Deed Book 778, page 252 in the Office of the Warren County Clerk; and,

FURTHER, BE IT RESOLVED, THAT the Agreement by and between these parties is as follows:

**Amended & Restated Joint Agreement for the  
City-County Planning Commission of Warren County**

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**A. Planning Unit**

1. The Cities of Bowling Green, Plum Springs, Smiths Grove, Woodburn, and Oakland, Kentucky, and the County of Warren do hereby continue the joint planning unit and joint planning program as provided in this Agreement and by the Kentucky Revised Statutes.
2. The area of jurisdiction of the joint planning operation of the Planning Commission shall include all land within the unincorporated areas of Warren County and all land within the corporate limits of the Cities of Bowling Green, Plum Springs, Smiths Grove, Woodburn, and Oakland. The area of zoning enforcement, the planning program, and subdivision regulation control shall include all land within the unincorporated areas of Warren County and all land within the corporate limits of the Cities of Bowling Green, Plum Springs, Smiths Grove, Woodburn, and Oakland.

**B. City-County Planning Commission of Warren County, Kentucky**

1. The joint planning commission known as the City-County Planning Commission of Warren County, Kentucky is hereby reconstituted. The Commission shall have the powers, duties, and responsibilities set forth in Kentucky Revised Statutes Chapter 100.
2. The Planning Commission, pursuant to Kentucky Revised Statutes 100.141, shall consist of a total of twelve (12) members. These

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City-County Planning Commission of Warren County**

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members shall not include elected officials. Members shall be appointed as follows:

- (a) Warren County - Four (4) members appointed by the County Judge/Executive with the approval of the Fiscal Court;
  - (b) City of Bowling Green - Four (4) members appointed by the Mayor with the approval of the Board of Commissioners;
  - (c) City of Plum Springs - One (1) member appointed by the Mayor with the approval of their respective legislative body;
  - (d) City of Smiths Grove - One (1) member appointed by the Mayor with the approval of their respective legislative body;
  - (e) City of Woodburn - One (1) member appointed by the Mayor with the approval of their respective legislative body; and,
  - (f) City of Oakland - One (1) member appointed by the Mayor with the approval of their respective legislative body.
3. Pursuant to Kentucky Revised Statutes 100.143 the member term shall be four (4) years ending June 30 of the designated year. The term of all present citizen members shall continue to be staggered as presently appointed. Appointments to fill vacancies shall be made so that a staggered pattern of terms may be maintained.

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City-County Planning Commission of Warren County**

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4. As set forth in Kentucky Revised Statutes 100.153, citizen members may be reimbursed for expenses or may receive compensation.

**C. City-County Board of Adjustment**

1. The Board of Adjustment, known as the City-County Board of Adjustment of Warren County, Kentucky, is hereby continued. The Board shall have the powers, duties and responsibilities set forth in Kentucky Revised Statutes Chapter 100.
2. The Board of Adjustment shall consist of seven (7) citizen members, all of whom must be citizen members and no more than two (2) of whom may be citizen members of the Planning Commission. The membership, including citizen members, of the Board of Adjustment shall be appointed as follows:
  - (a) Warren County - Three (3) members appointed by the County Judge/Executive with the approval of the Fiscal Court, and
  - (b) City of Bowling Green - Four (4) members appointed by the Mayor with the approval of the Board of Commissioners.
3. The terms of office shall be four (4) years ending on June 30 of the designated year. The term of all present members shall continue to be

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staggered as presently appointed. The Board of Adjustment shall otherwise be organized and operated in accordance with Kentucky Revised Statutes 100.217.

4. As set forth in Kentucky Revised Statutes 100.217, citizen members may be reimbursed for expenses or may receive compensation.
5. The area of jurisdiction of the Board of Adjustment shall include all land within the unincorporated areas of Warren County and all land within the corporate limits of the Cities of Bowling Green, Plum Springs, Woodburn, and Oakland, provided, however, that each fifth or sixth class city may have an additional Board of Adjustment as provided in Kentucky revised Statutes Chapter 100.217 or such city may assign this function to the City-County Board of Adjustment.

**D. Financing the Joint Planning Operation**

1. Prior to the beginning of the Commission's Fiscal Year (July 1), the Commission shall adopt a budget outlining the expected expenditures and needed revenues. This budget shall then jointly be presented to the Mayor and Board of Commissioners of the City of Bowling Green and the County Judge/Executive and Fiscal Court of Warren County.
2. This budget shall contain funds for the basic administration of the program, pursuant to Kentucky Revised Statutes 100.177, and of that part

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City-County Planning Commission of Warren County**

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of the budget, the City of Bowling Green shall pay fifty percent (50%) of such budget and the County of Warren shall pay fifty percent (50%) of such budget. However, any party may provide additional funding for the staffing, planning, administration, or enforcement of any jurisdiction-specific project or program.

3. The Cities of Smiths Grove, Plum Springs, Oakland, and Woodburn shall make a minimum annual contribution of \$1,200.00. Said contributions may be made by the Warren Fiscal Court on behalf of the 5<sup>th</sup> and 6<sup>th</sup> class cities of Smiths Grove, Oakland, Plum Springs, and Woodburn.
4. Notwithstanding the provisions of Section D-2 and D-3 above, regarding the cities contribution to the Joint Planning Operation, the budget of the City-County Planning Commission may be amended at any time, or from time to time, to request additional contributions to the planning program.

E. Approval of Amendments to the Zoning Ordinance/Resolution and  
Comprehensive Plan

Amendments to the Zoning Ordinance/Resolution and Comprehensive Plan may be proposed by any participant to this Agreement or by the Planning Commission. As required by Kentucky Revised Statutes 100.211(2), amendments to the text of the Zoning Ordinance/Resolution shall be first referred to the Planning Commission for recommendation.

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City-County Planning Commission of Warren County**

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Following the recommendation of the Planning Commission the proposed amendment shall be submitted to the appropriate legislative body.

"Appropriate Legislative Body" as used in this section shall be defined as those member legislative bodies whose geographic limits are affected by the said amendment. It is agreed that the appropriate legislative body shall either adopt or reject the proposed amendment within ninety (90) days of the Planning Commission's recommendation. The failure of the appropriate legislative body to act on the recommendation of the Planning Commission within ninety (90) days of the date upon which the Planning Commission makes such recommendation shall be deemed, pursuant to this agreement, to constitute an affirmative vote of the majority of the appropriate legislative body, by operation of law.

F. Enforcement Officers

1. The enforcement officers for the joint City-County Planning Commission shall be the following:
  - (a) Executive Director of the City-County Planning Commission or their designee;
  - (b) Codes Enforcement Officer(s) of the City-County Planning Commission;



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- (c) Building Inspector(s) and Code Enforcement Officer(s) of the City of Bowling Green, whose area of enforcement shall be limited to the corporate limits of the City of Bowling Green, Kentucky;
- (d) The Building Inspector of the City of Smiths Grove, whose area of enforcement shall be limited to the corporate limits of the City of Smiths Grove, or their designee;
- (e) The Building Inspector(s) of Warren County, whose area of enforcement shall include all that portion of Warren County not included in the corporate limits of the City of Bowling Green, Kentucky.

G. Ratification of Existing Laws

- 1. This Agreement hereby ratifies, adopts, and promulgates all existing rules, regulations, ordinances, orders, and resolutions either adopted by the Cities of Bowling Green, Smiths Grove, Oakland, Woodburn, and Plum Springs, Warren County, and the existing City-County Planning Commission of Warren County until otherwise amended.
- 2. The parties agree to be bound by this Agreement, the Zoning Ordinance/Resolution, the Comprehensive Plan, and Kentucky Revised Statutes Chapter 100. The parties also agree that any

**Amended & Restated Joint Agreement for the  
City-County Planning Commission of Warren County**

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statutes, rules, regulations, ordinances, orders, and resolutions, hereto passed or hereafter passed which is contrary to any of the statutes, rules, regulations, ordinances, orders, and resolutions described in the preceding sentence shall be void and controlled by said statutes, rules, regulations, ordinances, orders and resolutions.

H. Effective Date

This Agreement shall be in full force and effect upon execution of the last party to execute this Agreement.

I. Modification of Agreement

This Agreement represents the entire Agreement between the parties. Any modifications of this Agreement or additional obligation assumed by any party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

J. Assignability

This Agreement is not assignable.

**Amended & Restated Joint Agreement for the  
City-County Planning Commission of Warren County**

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K. Partial Invalidity

The invalidity of any portion of this Agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

L. Choice of Law

It is the intention of the parties of this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and under and pursuant to the laws of the Commonwealth of Kentucky and that, in any action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the Commonwealth of Kentucky shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which any action or special proceeding may be instituted.

**Amended & Restated Joint Agreement for the  
City-County Planning Commission of Warren County**

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M. No Waiver

The failure of any party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

N. Paragraph Headings

The titles to the paragraphs of this Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Agreement.

**Amended & Restated Joint Agreement for the  
City-County Planning Commission of Warren County**

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IN WITNESS WHEREOF, the undersigned parties, acting by and through their Chief Executive, have caused this Agreement to be executed and their seals herein to be affixed as of the day and the year first above written.

ATTEST:

Jan Holder  
My Notary Expires: 5/13/01

CITY OF BOWLING GREEN

BY: Sandy Jones  
MAYOR; Dated: 1/9/01

ATTEST:

Shirley Carter  
My Notary Expires: 1/7/2001

CITY OF SMITHS GROVE

BY: Walter J. McCall, Jr.  
MAYOR; Dated: 11/29/00

ATTEST:

Debbie Stinson  
My Notary Expires: 1-22-2004

CITY OF PLUM SPRINGS

BY: Thomas E. Clayton  
MAYOR; Dated: 1/4/01

ATTEST:

Sally Elizabeth Sheet  
My Notary Expires: 11-8-2004

CITY OF WOODBURN

BY: James T. [Signature]  
MAYOR; Dated: 12-4-00

ATTEST:

Debbie Stinson  
My Notary Expires: 1-22-2004

CITY OF OAKLAND

BY: W. Mansfield  
MAYOR; Dated: 1-5-2001

ATTEST:

[Signature]  
My Notary Expires: 7-8-2001

WARREN COUNTY FISCAL COURT

BY: [Signature]  
JUDGE/EXECUTIVE; Dated: 1-9-2001

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DOCUMENT NO: 367254  
RECORDED ON: JANUARY 12, 2001 02:52:40PM  
TOTAL FEES: \$29.00  
COUNTY CLERK: YVONNE GUY  
COUNTY: WARREN COUNTY  
DEPUTY CLERK: CARLA HILL