

ARTICLE 1

GENERAL PROVISIONS

SECTION 1.1 Title

The full title of these regulations shall be the Subdivision Regulations of Boyle County, Kentucky. As a short title, these regulations shall be known and cited as the Subdivision Regulations.

SECTION 1.2 Authority and Administrative Agency

The Danville-Boyle County Planning and Zoning Commission has been empowered to prepare rules and regulations governing the subdivision of land within Boyle County and the cities of Danville, Junction City and Perryville under the authority of Section 100.273 of the Kentucky Revised Statutes. The Planning Commission shall be the administering agency for the Subdivision Regulations. The Planning Commission delegates the power to review and approve Preliminary Subdivision Plats to the Danville-Boyle County Planning and Zoning Commission Technical Review Committee and the Director or his designee in accordance with these regulations. (KRS Section 100.281)

SECTION 1.3 Area of Jurisdiction

All persons, firms, or corporations laying out, subdividing, or platting lands within Boyle County and the cities of Danville, Junction City and Perryville shall comply with these Subdivision Regulations.

SECTION 1.4 Purpose

The Subdivision Regulations of Boyle County, Kentucky are the adopted rules and regulations relating to the Subdivision of property within all applicable jurisdictions as stated in Section 1.3. These regulations are designed for the following purposes:

- A. To guide the development of aesthetic, and economically stable residential, commercial, and industrial areas;
- B. To provide safe and efficient traffic flow;
- C. To coordinate developments and provide for efficient provision of adequate public services;
- D. To protect environmentally and geological, sensitive areas;
- E. To maximize fire and police protection;
- F. To minimize flooding hazards; and,
- G. To comply with the Zoning Ordinance(s) of Boyle County and the cities of Danville, Junction City and Perryville in order to promote the public health, safety and general welfare of the citizens of all applicable jurisdictions.

SECTION 1.5 Exceptions

Where it can be shown that there are extraordinary hardships in the way of compliance with these regulations, the Danville-Boyle County Planning and Zoning Commission shall have the power to grant an exception from these regulations if the no other ordinances of local government are violated, and the exception is the minimum exception necessary to provide relief from the demonstrated hardship. Financial disadvantage to the owner is not proof of hardship within the purpose of this regulation.

SECTION 1.6 Amendments

The Danville-Boyle County Planning and Zoning Commission may from time to time revise, modify or amend these regulations by appropriate action after a public hearing has been held.

SECTION 1.7 Separability and Previous Regulations

Should any section, subsection, paragraph, or provisions of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations. It is the intention of the Danville-Boyle County Planning and Zoning Commission to adopt each provision of these regulations separately. Any previous Subdivision regulations adopted by the Danville-Boyle County Planning and Zoning Commission are hereby repealed.

SECTION 1.8 Effective Date

Any Subdivision in which the application has been properly submitted and accepted by the Planning Commission on or after the effective date of these Subdivision Regulations shall comply with all provisions herein. Any Subdivision that has received Preliminary Plat Approval, or Preliminary Plat Approval based on the review of a Site Development Plan, prior to the effective date of these Subdivision Regulations shall continue to comply with the previous Subdivision Regulations, and all provisions therein, that were in effect as of the date of Preliminary Plan Approval WITH ONE EXCEPTION: As of the effective date of these Subdivision Regulations, ALL Subdivisions with Preliminary Plat Approval that have not been completed or recorded will be granted a three (3) year Preliminary Plat Approval beginning with the effective date of the prior approval. At the end of the three (3) year time frame, if the Subdivision is not complete or recorded, it shall comply with these Subdivision Regulations and all provisions herein. The Planning Commission may give special consideration, which may include a time extension, for large scale projects that have demonstrated continuous construction progress throughout the approval period.

SECTION 1.9 Relationship to Zoning Ordinance and other Ordinances

Plans and Plats filed pursuant to these Subdivision Regulations shall be required to comply with applicable Zoning Ordinances or other regulations, rules, ordinances, or laws established by all applicable jurisdictions. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the applicable jurisdictions or the whole or part of any existing or future private Covenants or deeds, the most restrictive shall apply in all cases.

SECTION 1.10 Land Sold in Violation of Subdivision Regulations

When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, the owner or owners of record shall file Plats of the land in accordance with these regulations. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of these regulations, the land shall be governed by the Subdivision regulations both prior to and after the Platting of the land by the owner of record as if a Plat had been filed in accordance with the provisions of these regulations. Plats filed pursuant to these regulations may be filed by the last transferee in the chain of title including holders of deeds, which may otherwise be void under KRS 100.277(2).

SECTION 1.11 Penalties (KRS 100.991)

- A. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of these regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate violation.
- B. Any person, owner or agent who violates these regulations shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
- C. The Planning Commission may appoint enforcement officers who shall have authority to issue citations for violations of these regulations, which the officer has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time pursuant to the citation.
- D. The procedure for citations issued by an enforcement officer shall be as provided in KRS 431.015.