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**ARTICLE 6  
VARIANCES, ENFORCEMENT, AND PENALTIES FOR VIOLATION**

**Section 6.100 Conditions for Modifications**

The Planning Commission may vary or modify Regulations only under the following conditions:

**6.101 Hardship**

If it is found by the Planning Commission that strict enforcement of these regulations would these regulations.

**6.102 Absence of Detriment**

No granting of a variance shall be materially detrimental to the public welfare or injurious to the surrounding improvements or subdivisions.

**6.103 Conformance to Comprehensive Plan and/or Official Plan**

The granting of the variance shall not be contrary to the objectives of these Subdivision Regulations, the Comprehensive Plan and/or Official Plan.

**6.104 Conditioned Variance**

In granting a variance or modification; the Planning Commission may require such conditions as will, in its judgement, substantially secure the objectives of the standards or requirements so varied or modified.

**6.105 Design Innovations and Large Scale Development**

Plans for complete neighborhoods or other design innovations which, in the opinion of the Planning Commission, achieve the basic objectives of these regulations may be granted a variance or modification of these regulations. The Planning Commission shall require those conditions, such as covenants or other legal provisions, which it feels are necessary to assure conformity to, and achievement of, the proposed subdivision plan.

**6.106 Variances in Conflict with the Zoning Regulations**

When a variance from the Subdivision Regulations is granted, and such variance would constitute a variance from adopted Zoning Regulations, the variance shall only be granted by the Planning Commission with the condition that the variance is also granted by the Zoning Board of Adjustment. An application for a variance shall first be considered by the Planning Commission, and then by the Board of Adjustment. The Board of Adjustment shall have jurisdiction only where the

Zoning Regulations are in effect, and shall follow the procedure set forth in the said Zoning Regulations. In no case shall such a variance affect density requirements as established by the Zoning Regulations.

## **Section 6.200 Enforcement**

### **6.201 Voidance and Inability to Record Properties in Non-Approved Subdivision**

No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received in writing, final approval of the Planning Commission, and recorded by the County Clerk. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of sub-lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling, or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

### **6.202 Utility Improvements Conditioned to a Legal Public Status of the Street**

No board, public officer, or authority shall accept, layout, improve, or authorize utilities to be laid in any street within the territory for which the Planning Commission has adopted these Subdivision Regulations unless the street has received a legal status of public street prior to the adoption of the Subdivision Regulations or unless a street corresponds with a street shown on the Major Thoroughfare Plan or equivalent; or unless a street on a Subdivision Plat or a street plan has been approved by the Planning Commission.

## **Section 6.300 Penalties for Violations**

Any subdivider, County Court Clerk, public official, or other person who violates and does not comply with these Subdivision Regulations, the conditions set forth by the Planning Commission, Board of Adjustment, or any court, or does not comply with the plans presented and approved, may have the Planning Commission take the following actions against him.

### **6.301 Injunctions**

The Planning Commission may apply for an injunction against any type of subdivision construction by a subdivider or a landowner where these Subdivision Regulations have been violated.

### **6.302 Withholding Building Permits and Certificates of Occupancy**

The Planning Commission may direct the authorized officer not to issue building permits in the subdivision in question.

### **6.303 Fine**

The Planning Commission may take action to fine any person or entity who is in violation of these provisions or any of the regulations adopted pursuant hereunder for which no other penalty is provided. Any County Clerk who receives, files, or records a Subdivision Plat in violation of the provisions of these regulations shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) as provided in the Kentucky Revised Statutes, Chapter 100.991.