

ARTICLE 7

DEFINITIONS

SECTION 7.1 Use of Terms

All words herein used in the present tense shall include the future tense, the singular shall include the plural, and plural the singular.

The word “shall” is mandatory, not permissive or directory.

The word “used” includes arranged, designed or intended to be used.

SECTION 7.2 Defined Terms

Unless otherwise provided, the following words and phrases are defined as follows.

ADA: Americans with Disabilities Act

ALLEY: A Public or private way permanently reserved as a secondary means of vehicular service access to abutting property.

AS-BUILT PLANS: Documents that depict the actual configuration of installed Improvements.

AVERAGE DAILY TRAFFIC (ADT): The number of vehicles that pass a certain point during a 24-hour period.

BACKGROUND TRAFFIC: The existing traffic levels without the proposed development for current conditions or projected traffic excluding the proposed development and including surrounding developments at built-out conditions.

BLOCK: A surface of land area separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

BORDER STRIP: A strip of land that is of insufficient width/depth to be considered a buildable Lot that only serves to separate a dedicated public way from lands that would otherwise be adjacent. Border strips have no effect on otherwise adjacent properties with respect to access.

BOUNDARY DESCRIPTION: The metes and bounds text that traces the outer perimeter of the property.

BUFFER STRIP: Grassed or landscaped area between the curb and gutter or the shoulder and the sidewalk.

BUILDING: A structure built or constructed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on, or fixed connection to the ground.

BUILDING SETBACK LINE: A line across a lot beyond which no building may extend, as established by Ordinance. A building setback line in some instances may coincide with the property line.

BUILT-OUT: The fully developed condition of the property.

CASH SURETY: Cash used as the guarantee that Improvements outlined in a Subdivision plan or development plan will be completed.

CORPORATE SURETY BOND: A performance bond provided by an insurance company that guarantees that improvements outlined in a subdivision plan or development plan will be completed.

COMMISSION: Means the Danville- Boyle County Planning and Zoning Commission, KY.

COMMON RECREATIONAL SPACE: The area of a subdivision open and unobstructed to the sky and which is legally accessible to and usable by all residents of the development. Common Recreational Space may include, but not be limited to, wooded areas, watercourses, greenway trails, recreational facilities (i.e. swimming pools, golf courses, playgrounds, soccer practice fields, picnic or passive play areas. These areas are not to be part of any drainage areas.

COMPACTION: The state of the soil matrix measured by the density relative to a standard determined by laboratory analysis.

CONSTRUCTION PLANS: All drawings standards and specifications needed to complete Improvements.

CONTROL MONUMENTS: Survey markers set in accordance with 201 KAR 18.150 used to locate boundaries and installed Improvements.

COVENANTS: Rules that are agreed to by owners that govern the subject property.

CULVERTS: Underground conduits used to convey storm water runoff flows.

DEED RESTRICTIONS: Requirements stated in the property deed that governs activity on that property.

DENSE GRADE (DGA): Crushed aggregate containing a graded mix that will stabilize when compacted.

DETENTION BASIN: A drainage storage structure that will delay the discharge of accumulated storm water runoff.

DEVELOPER: An individual, partnership, corporation, or other legal entity or agent thereof, which undertakes the activities covered by these regulations. In as much as, the subdivision plan drawings are merely a necessary means to the end of assuring development, the term Developer includes subdivider, owner, builder, etc. although the persons and their precise interests may vary at different project stages.

DRAINAGE PLAN: A detailed study and design of the storm water flow and control within a designated area that minimizes erosion, sedimentation, and flooding.

DRAINAGE STRUCTURE: Physical elements of the Drainage Plan. These include but are not limited to ditches, pipes, basins and discharge equipment.

EASEMENT: The right to use another person's property, but only for a limited and specifically named purpose. The owner generally may continue to make restricted use of such land since he has given up only certain, and not all, ownership rights.

ENGINEER: A qualified person registered and currently licensed by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.

EROSION PROTECTION: Stabilization measures used to prevent natural elements from disturbing soil.

FARM PLAT: The record document that may be used to define large farm properties.

FILL: Imported material used to raise the elevation of land.

FINAL PLAT: The drawing containing all required information incorporating all changes necessary for recording.

FINISHED FLOOR ELEVATION (FFE): The minimum elevation that can be used for construction of an occupied level of a structure.

FLOOD, 100-YEAR: A flood having a one percent chance of being equaled or exceeded in any given year.

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD, BASE: A flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).

FLOOD HAZARD AREA OR SPECIAL FLOOD HAZARD AREA: Any area inundated by the 100-year flood as delineated by the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM).

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Hazard Boundary map and the water surface elevation of the base flood.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source.

FLOODWAY: The channel of a river or other watercourse or the depressed area of a sink and the adjacent land area that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than an elevated height.

FLOOR AREA RATIO (FAR): The ratio of gross floor area of all structures on a lot to total lot area.

FRONTAGE: The length of the front lot line measured at the street right-of-way line. A property line that abuts a fully controlled access street and which permanently has no access to that street shall be deemed to not have frontage.

GRADE: The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed as a ratio of the vertical rise to the horizontal distance.

HEADWALL: The structure used to stabilize the inlet or outlet of a culvert.

HORIZONTAL PROPERTY: Property developed under the rules and regulations as defined by Kentucky Revised Statutes in Chapter 381.805 et. seq. (Also referred to as condominiums)

HOMEOWNERS ASSOCIATION: A chartered organization representing property owners in a defined area.

IMPROVEMENTS: Physical changes made to raw land, and structures placed on or under the land surface, to make the land more usable for man's activities. Typical improvements in these regulations would be grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, trees, etc.

LANDSCAPE ARCHITECT: A qualified person currently licensed by the State Board of Examiners and Registration of Landscape Architects of Kentucky.

LEGISLATIVE BODY: The governing organization that has jurisdiction and responsibility for accepting the public facilities constructed on the Property.

LETTER OF CREDIT: A financial instrument that guarantees the fulfillment of the Developer's construction contract obligations.

LEVEL OF SERVICE: A scale that measures the amount of traffic that a Roadway or intersection can accommodate, based on such factors as maneuverability, driver dissatisfaction, and delay.

LOT: A portion or parcel of land considered as a unit, in single ownership and not divided by a street. The lot does not include any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is in the name of the owner of the lot.

MEDIAN: The element that divides traffic lanes and prevents traffic from crossing.

MONUMENTS: Survey markers set to 201 KAR 18.150 used to locate boundaries and installed Improvements. Intended to be located in an undisturbed area and used to establish reliable control for the area during construction and for future use.

NON-BUILDABLE AREA: The portion of a lot rendered unsuitable for location of a structure due to easements or physical restrictions.

NON-CONFORMING LOT OF RECORD: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment the Zoning Ordinance and these regulations, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

OPEN SPACE: The area of a lot open and unobstructed to the sky. Open space may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenways trails, swimming pools, tennis courts and play grounds. Open space shall not be deemed to include driveways, travel-ways, parking lots, storage areas for vehicles and material, or areas in permanent drainage easements.

OPEN SPACE, COMMON: The area of a lot open and unobstructed to the sky. Common Open Space is legally accessible to and usable by all residents of the development and may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenways trails, swimming pools, tennis courts and play grounds. Common Open Space shall not be deemed to include driveways, travel-ways, parking lots, storage areas for vehicles and material, or areas in permanent drainage easements.

PAVEMENT WIDTH: The dimension from face of curb to face of curb for curb and gutter roads or the dimension from edge to edge of hard surface for other roadways.

PEAK HOUR: The traffic count that represents the highest volume of traffic in a one-hour period.

PLANNING COMMISSION: The Danville-Boyle County Planning and Zoning Commission, Kentucky.

PLAT: The recording document for subdivisions that contains all required signatures and notations.

PLAT RESTRICTIONS: Requirements stated in the plat notes that governs development activity on that property or properties.

PRELIMINARY LOT LAYOUT: The initial plan drawing of the lots and road layout.

PRIVATE EASEMENTS: Noted grants of access or exclusion of use that are placed on property.

PUBLIC IMPROVEMENTS: Facilities that are necessary for access or use which are installed for the benefit of the general population.

PUBLIC PARKLAND: Open lands developed for the use of the general population and shall be defined as the area of a subdivision open and unobstructed to the sky and which is owned by the local municipality or government and is legally accessible to all citizens of Boyle County. These lands may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenway trails, recreational facilities such as public swimming pools, public golf courses, playgrounds, picnic and passive play areas.

RECORDING PLAT: Original Plat to be recorded in the Boyle County Clerk's office.

RETENTION BASIN: A drainage storage structure that prevents surface runoff from passing to other surface structures or facilities.

RIGHT-OF-WAY: A strip of land dedicated to the public to accommodate access and/or utilities to lots or tracts. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROADWAY: That portion of a street intended for vehicular traffic.

SKETCH PLAN: The basic concept outline for a proposed subdivision.

SLOPE: The inclined portion of land. The degree of slope is normally expressed in terms of the amount of vertical change for a certain amount of horizontal change.

SOIL EROSION AND SEDIMENT CONTROL PLAN: Documents that show the means that will be employed to stabilize the surface soils and to prevent any eroded soil from leaving the property.

STREET, ARTERIAL: A street primarily for moving vehicles safely and efficiently, providing direct connection with major state, federal, and interstate Roadways, and providing connection between points of heavy traffic generation and neighborhoods at moderate speeds. Arterial streets contain directional flow separated by mountable, non-mountable, or barrier medians and served by one (1) to three (3) lanes in each direction.

STREET, CIRCLE: A Loop street where both ends terminate at the same intersection.

STREET, COLLECTOR: A street that functions to conduct traffic between major Arterial streets, minor activity centers, and Local streets and provides access to adjacent property. Collector streets contain a directional flow served by one (1) or two (2) lanes in each direction and may or may not permits on-street parking.

STREET, COMMERCIAL-INDUSTRIAL: A Local street with two (2) ends open to vehicular traffic or a Cul-De-Sac which serves to conduct commercial traffic to and from place of business or industrial establishments and constructed to sustain the weight and safety requirements imposed by commercial-oriented traffic.

STREET, CUL-DE-SAC: A Local street with only one (1) end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround. The length of a cul-de-sac is measured along the centerline of the street from the centerline intersection of a through street to the center of the cul-de-sac bulb radius.

STREET, DEAD-END: A street similar to a Cul-De-Sac except that it provides no turnaround circle at the closed end. Dead end streets are not allowed in any proposed Subdivision.

STREET, EXPRESSWAY: A highway for through traffic, with full control of access and Grade separations at intersections. Arterials are the only class of street that generally should be connected with expressways at interchange points.

STREET, FRONTAGE ROAD: A street used for the exclusive purpose of providing access to properties adjacent to Arterial streets, limited access highways, or railroad rights-of-way. Frontage Road may include the terms Backage Road, rear Frontage Road or Reverse Frontage Road. Frontage Roads provide for two (2) way traffic at a slow rate of speed and parallel to the Arterial street, limited access highway, or railroad right-of-way.

STREET GEOMETRICS: All dimensions describing the physical requirements or characteristics of a Roadway.

STREET, HALF: A partial street constructed on the boundary of a property typically only on one side of a centerline.

STREET, LOCAL: Streets providing vehicular access and services to abutting property. A local street has a directional flow served by one (1) lane in each direction and allows on-street parking. The layout of a local street should discourage through traffic.

STREET, LOOP: A Local street where both ends terminate at an intersection with the same street.

STREET, PRIVATE: A means of access within a planned developed project that gives access to a public street and is owned and maintained by the property owners.

STREET, PUBLIC: A publicly maintained roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords a primary means of access to abutting property. The word “public street” may include the words road, highway, Thoroughfare, avenue, drive, circle, parkway, place, court, way or similar term.

STREET, RESIDENTIAL: A Local street with two (2) ends open to vehicular traffic and serving to conduct traffic to and from dwelling units to other streets within the street system.

STREET, STUB: A Local street used only as a temporary turnaround and constructed as part of a continuing street plan. If the Stub street is more than one lot in length, then a turnaround must be installed.

STREET, THOROUGHFARE: A street that serves to move traffic through an area or neighborhood.

STREET, THROUGH: A local street where both ends terminate at intersections with another street(s).

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, Plat, or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.

Subdivision, Major: The subdivision of land into four or more lots; or the subdivision of land which requires the construction, improvement, or widening of streets; or the major

construction of utility lines and other public services, singularly or in combination with any of the above.

Subdivision, Minor:

- A. Where a subdivision contains three (3) lots or fewer, counting the remainder of the original tract; and fronts on an existing public street; and involves no opening, widening or extension of a right-of-way streets or easement of utilities; nor has it been part of a minor plat recorded during the last five (5) years.
- B. Where a subdivision provides for the transfer of land between adjacent property owners and does not involve creation of any new lots or building sites.
- C. Where any number of lots are consolidated into three (3) lots or less and involve no new public improvements.
- D. Where there is a need to make technical revisions to a recorded final plat of any engineering or drafting nature or similar small discrepancy, but not including public improvements requirements.

SUBGRADE: The supporting material immediately below the design pavement or foundation section.

SURVEYOR: A person licensed as a Land Surveyor by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

TANDOM AXLE TRUCK (Loaded): A vehicle weighing sixteen to twenty tons or similar equipment capable of producing an equivalent loading

TOPOGRAPHIC SURVEY: A generalized description of the existing drainage conditions for a site. At a minimum, ten (10) foot contours from a USGS 7.5 minutes series topographic quadrangle map. A graphical representation of the existing drainage structure locations, along with a narrative describing the existing drainage conditions for the site and the sizes of existing drainage structures, should be included.

TRAFFIC IMPACT STUDY: The collection, processing and report of data showing current and future conditions of vehicular movement.

VEHICLES PER HOUR (VPH): The number of vehicles that pass a certain point during a sixty (60) minute period.

ZERO LOT LINE: The location of a building on a Lot in such a manner that one of the buildings sides rest directly on a property line.

ZONING ORDINANCE: The Zoning Ordinance of Boyle County and the cities of Danville, Junction City and Perryville.