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## ARTICLE

### 5

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#### DEFINITIONS USED IN SUBDIVISION REVIEW

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##### **INTERPRETATION OF WORDS AND PHRASES:**

For the purpose of these regulations, certain terms, phrases, words, and their derivatives, are herewith defined as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. Words used in the future tense include the present; words used in the present tense include the future; words used in the singular form include the plural; words used in the plural form include the singular; words used in the masculine include the feminine; words used in the feminine include the masculine.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

##### Access Management

Refers to regulations set forth in Article 32 of the Boone County Zoning Regulations, which promote safe and reasonable access between public and private roads and adjacent land in Boone County.

##### Alley

Public right-of-way which affords a secondary means of access to abutting property and which connects between two public streets. An alley is not a street as defined in this article and any lot frontage on an alley may not be used for meeting lot frontage requirements.

##### Board of Adjustment and Zoning Appeals

An appointed board responsible for hearing appeals of determinations made by the zoning administrator and considers requests for variances and conditional use permits as outlined in the zoning regulations.

##### Boone County

Refers to both the unincorporated and incorporated areas of Boone County, Kentucky.

##### Block

A parcel of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street, but part of the block.

### Block Length

The distance between intersections of through streets such as distance being measured parallel to the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

### Building Inspector

A person employed by the applicable legislative body and registered with the Kentucky Department of Housing, Buildings and Construction per K.R.S. 198B duly authorized representative, whose responsibility it is to inspect items required by these regulations.

### Cemetery

A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for inurement, burial ground consisting of one (1) or more marked or unmarked graves, and a burial mound or other burial facility.

### Certificate

Refers to the required certificates for Final Plat and Conveyance Plat Review in Article 6 of this document.

### Certificate of Occupancy

A certificate which must be obtained prior to occupancy of any premises.

### Comprehensive Plan

A plan, or any portion thereof, adopted by the Planning Commission in accordance with Chapter 100 of the Kentucky Revised Statutes which establishes policies for public and private actions and decisions to safeguard the development of public and private property in the most appropriate manner. A comprehensive plan shall contain, as a minimum, a statement of goals and objectives, principles, policies, and standards; a land use plan element; a transportation plan element; a community facilities plan element; and any additional elements.

### Conventional Subdivision

A subdivision which is not designed and developed in accordance with the Open Space Residential Subdivision requirements described in these regulations and Article 31 of the Boone County Zoning Regulations, but is developed in accordance with the standard subdivision and zoning requirements.

### Conveyance Plat (formerly Deed Plat or Convenience Plat)

A type of plat used in the minor division of land, which is approved by the Boone County Planning Commission and recorded in the county clerk's office. A conveyance plat is used to transfer a minor division of land in an expeditious manner without subjecting an applicant to the formal subdivision review process or a major division of land procedure. A conveyance plat may be informally called an "identification" or a "ID" plat.

### Covenant

A written promise or pledge which is typically a private restriction that applies to land use matters within certain subdivisions.

### Culvert

A transverse drain that channels under a bridge, street, or driveway.

### Detention Basin

A dry stormwater detention area that is used to detain stormwater runoff a specified length of time to keep the flow of water from the subject area to that of pre-development flow.

### Developer

Synonymous with the term "subdivider" or "applicant." Also see definitions of "owner" and "subdivider."

### Easement

A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage, access, or other specified purposes.

### Engineer

A licensed Professional Engineer (P.E.) in good standing with the Kentucky State Board of Licensure for Professional Engineers and Professional Land Surveyors. The Engineer responsible for designing the public and private improvements on each plan shall be retained by the applicant or property owner to assure that the improvements are made in accordance with the approved plans by the Boone County Planning Commission and with the Boone County Subdivision Regulations. Also referred to in these regulations as "Professional Engineer" or "Kentucky Licensed Professional Engineer."

### Final Plat

A subdivision plat prepared in accordance with the provisions herein in which said plat is designated to be placed on record with the county clerk after approval by the planning commission.

### Flag Lot

An irregularly shaped lot where access is provided from a public street frontage through a narrow, unobstructed strip (or "panhandle") which is part of the building lot, and that may be shared with one adjoining flag lot. The building site within a flag lot does not immediately abut a public street, but is located at the terminus of the access strip described herein (see Section 315).

### Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland water; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and, (c) mud slides which are caused or precipitated by accumulations of water on or underground.

### Flood - 100 Year Frequency

The highest level of flooding that, on the average, is likely to occur every 100 years.

### Flood Plain or Flood Prone Areas

Any normally dry land area that is susceptible to being inundated by water from any source.

### Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

### Flowline

The transition point between the gutter and the face of the curb. For a cross or valley pan, it is the center of the pan. Where no curb exists, the flowline will be considered the edge of the outside traveled lane.

### Geotechnical Engineer

A qualified individual, who is an engineer licensed in the Commonwealth of Kentucky, and who possesses a masters degree in Civil Engineering with a specialty in Geotechnical Engineering from an ABET accredited Civil Engineering Program, or at least three years of documented experience as a practicing geotechnical engineer, and who has a minimum of one year of local geotechnical engineering work experience.

Upon individual requests made to the Geotechnical Group - Cincinnati Chapter ASCE (American Society of Civil Engineers) c/o its current president, the above criteria and requirements may be used by the Boone County Planning Commission for acceptance onto the List of Qualified/Recognized Geotechnical Engineers as a professional employed by a firm. Prior to authorization of performing any geotechnical engineering work required, individual engineers in responsible charge must be included on the List.

### Grading Plan

A temporary plan used in certain cases due to construction time limitations, unique soil conditions, and weather conditions, where an applicant or subdivider may begin to grade a site after approval of a Preliminary Plat, but prior to the submittal of an Improvement Plan and which is subject to the conditions stated in this document (see Section 290).

### Homeowners Agreement

A legal document involving agreement among property owners for certain rights and privileges for the use of land. Homeowners Agreements usually involve the joint use of open space, common areas, sidewalks, recreational facilities, driveways, etc. Typically, such Agreements address items such as a legal description of the land area, identifying members of the agreement, explanation of rights and privileges, purpose of the agreement (e.g. access), assessments, maintenance, construction material, utility crossovers, etc.

### Impervious Surface

An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

### Improvement Plan

The engineering plans showing types of materials and construction details for the physical structures, facilities, and public improvements to be installed in, or in conjunction with, the proposed subdivision (see Section 245).

### Inspector

An individual or group of individuals representing a legislative body, public utility, or other organization whose responsibility is to inspect the construction and installation of public improvements.

### Junction Box

A stormwater manhole that connects two or more drainage pipes. Used where there is a change in direction, change in elevation, or change in size of the pipes.

### Legislative Body

The elected body of the city or Fiscal Court having territorial jurisdiction over a proposed subdivision, which is responsible for the inspection and acceptance of publicly dedicated subdivision improvements, and which is responsible for the ownership and maintenance of such improvements after dedication pursuant to KRS Chapter 100 (see Section 150).

### Lot

A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development. "Lots" are the basic unit of a subdivision plan or the smallest division of land owned by someone. For the purposes of the requirements of the Boone County Zoning Regulations, refer to the definition of "lot" in Article 40 of the Boone County Zoning Regulations.

### Lot Area

See Article 40 of the Boone County Zoning Regulations.

### Lot, Corner

A corner lot is a lot situated at the intersection of two streets and has frontage on both streets.

### Lot, Double Frontage

A lot having two or more of its non-adjointing property lines abutting upon a street or streets. A corner lot is not a double frontage lot.

### Lot Front or Frontage

See Article 40 of the Boone County Zoning Regulations.

### Lot Line, Rear

The boundary line of a lot which is opposite the front lot line of such lot. In the case of a triangular shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to the front lot line. In the case of a corner lot, the rear lot line is the line opposite the front lot line which any structure faces.

### Lot Line, Side

Any boundary line of a lot, other than a front lot line or rear lot line.

### Lot of Record

A lot which is a part of a subdivision according to a specific recorded plat or survey, the plat of which has been officially approved by the planning commission and recorded in the office of the county clerk. Also means a lot which is part of a subdivision according to a specific recorded plat, survey, or written legal description which is recorded in the office of the county clerk, but did not legally require approval of the planning commission at the time of its recording.

### Maintenance Acceptance

Maintenance acceptance follows public dedication whereby a legislative unit accepts a public improvement such as an existing or a future road or a utility for maintenance purposes.

### Minor Division of Land

A minor division of land is a procedure which involves the division of land in five (5) buildable lots or less from the parent tract, and where there is no need for public street and utility improvements. A conveyance plat (formerly known as a deed plat or a convenience plat) is required for this type of procedure.

### Major Division of Land

A major division of land is a procedure, which involves the division of land in six (6) buildable lots or more from the parent tract, and/or where there is a need for either public or private street and utility improvements. A Preliminary Plat, Improvement Plan, and Final Plat are required for this type of procedure.

### Monuments

Permanent man-made markers used to mark corners of property boundaries or points of change in street alignment. Monuments must be in accordance with 201 KAR 18.150.

### Multi-Use Trail

A trail or path that is physically separated from motorized vehicular traffic by an open space or barrier. Sometimes referred to as a combination bicycle/pedestrian path or shared use path, it is designed to be used by a combination of bicyclists, pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

### Noise Exposure Map

A map that presents existing and projected aircraft noise contours and identifies the incompatible land uses affected by the noise contours.

### Open Space and Cluster Subdivisions

Two types of residential subdivisions that are designed and developed in accordance with the Open Space and Cluster Subdivision requirements described in these regulations and Article 31 of the Boone County Zoning Regulations.

### Owner

The person, persons, or other entity having legal title to particular real estate, or such other person, persons, or entity acting on behalf of and with the written permission and authority of the legal title holder, such as a holder of an option or contract to purchase the real estate, or a lessee. In the context of these regulations, "owner" means the person, persons, or entity bearing responsibility for a development review application or proposal, and the term "owner" may be used interchangeably with terms such as applicant, developer, subdivider, owner by option, etc. Also see definitions of "developer" and "subdivider."

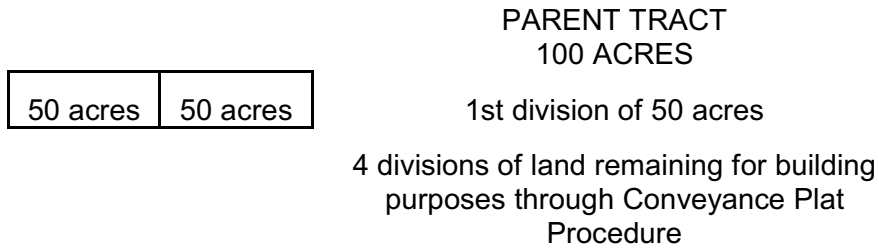
### Parcel

Synonymous with the term "lot."

### Parent Tract

Refers to any existing parcel of land shown as a unit or contiguous units in common ownership. The parent tract may be subdivided in accordance with the requirements of a minor and major division of land.

Example:



Patio Home

A detached single family dwelling unit, situated on a typically reduced width lot, with a reduced or no side yard setback on one side of the lot to facilitate better overall use of the lot, and to incorporate some aspects of cluster style developments within Conventional Subdivisions (See Section 3159 of the Boone County Zoning Regulations).

Performance Bond or Surety Bond

An agreement by a subdivider or developer with the appropriate city or county government or water and sewer commission/district having jurisdiction for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement (see Article 4).

Planned Development

A defined land area to be planned and developed as a single development or an ordered series of developments. A planned development may include a variety of land use types and densities that are characterized by imaginative designs. A planned development's imaginative design shall creatively address architectural design, location of structures, integration of differing land uses, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, and the preservation of natural topography, drainage, and vegetation (see Articles 15 and 16 of the Boone County Zoning Regulations).

Planning Commission

Public agency in the county empowered to prepare a comprehensive plan, zoning regulations, subdivision regulations, special regulations, and corridor or special area studies. The planning commission is responsible for evaluating proposed land use changes and their conformance with any applicable plans or regulations (see Section 150).

Planning Commission's Staff

Individuals employed by the Planning Commission or related Boards under direct employment or by a contractual agreement.

Plat

A map of a tract, parcel, or subdivision of land prepared in accordance with the requirements specified in these regulations.

### Preapplication Meeting

Informal discussions between a developer or individual and the planning staff occurring prior to the submission of an application for action by the Planning Commission. The preapplication meeting allows the planning staff to acquaint the applicant with the applicable procedures and regulations, suggest improvements to a proposed design, encourage the applicant to contact appropriate authorities on the provision of public utility service, and provide the applicant with any pertinent information relating to the proposed application.

### Preliminary Plat

A plat of a proposed subdivision prepared in accordance with the provisions herein for presentation to the planning commission for its action (see Section 215).

### Private Access Driveway

A privately owned driveway at the side or rear of a lot or lots that affords vehicular access to said lot or lots by a means other than a public street. A private access driveway may be used in instances where due to unique topographical conditions or existing layout of a public road, direct access from an individual lot to the public would be dangerous in terms of traffic safety; in such instances, the frontage on a public street may be used to meet the subdivision and zoning requirements only if the proposed structures face the public road. A private access driveway is not a street as defined in this article and any lot frontage on a private access driveway may not be used for meeting lot frontage requirements (see Section 305).

### Project Review Committee

The Committee responsible for the technical evaluation of major subdivision applications required under these regulations. Membership may include, but is not limited to, a representative(s) from the Planning Commission, applicable public works department, applicable water and/or sewer district, applicable county or city engineer, applicable fire district or the Fire Chief's Association, and the Boone County Building Department. A different project review committee may be formed for any of the legislative bodies served by the Planning Commission.

### Public Dedication

Public dedication involves a property owner voluntarily transferring land for public use. Public dedication includes the transfer of land ownership to allow the public access to a street, utility or vacant property. Public dedication does not imply public maintenance.

### Public Maintenance

Public maintenance involves the maintenance of utilities and roads by legislative bodies and public utilities. Public street and utility maintenance usually involves the following.

1. Developer files a Preliminary Plat and an Improvement Plan with the Boone County Planning Commission.
2. Upon approval of the above, the developer may commence construction of project.
3. All public improvements (e.g. street, storm sewer, sanitary sewer and water, et al) must be inspected during the course of construction by the appropriate Inspector in order to demonstrate compliance with approved plats, plans and construction specifications.



4. The streets in a given section shall be accepted for maintenance and dedicated to the appropriate legislative body after a section is completed, provided they, along with the storm sewers, pass the final inspections of the legislative unit. This acceptance shall occur forty-five (45) days from the recording of the final plat if no bond or guarantee is posted. (See Appendix F in Article 6.)
5. Items requiring repair or completion such as sidewalks, street lights, final grading, crack filling, etc. can be done after the street section final plat is approved, provided a performance bond, escrow pledge or irrevocable letter of credit is posted with the appropriate legislative body.
6. Sidewalks fronting all lots determined to not be buildable nor readily buildable shall be completed prior to acceptance of the street section or a guarantee posted.
7. If, after one (1) year after acceptance of a street, items against which the bond or pledge was posted have not been completed, the developer will be contacted to complete such items within ninety (90) days. Should the developer not complete said items within ninety (90) days, the appropriate legislative body shall contract to have items completed and charged against the posted bond or pledge. However, if during the one (1) year plus the ninety day period mentioned above, the appropriate legislative body determines any of the items covered by the bond or pledge to be required immediately, due to safety or protection of property under emergency situations, said emergency repairs/improvements shall be completed at once at the expense of the developer or his bond/pledge. A one (1) year renewal of the bond or pledge is possible by agreement between the legislative body and the developer.
8. A Final Plat shall be signed by an appropriate official from a City or County or public utility upon recommendation from officials conducting such inspection of a public improvement. If a bond or guarantee is posted and public improvements are completed and inspected, the appropriate official representing the City or County shall release the bond or guarantee and amend the Final Plat.

#### Record Drawing

A mylar drawing showing field documented as-built conditions of improvements and grades, as specified in Article 2, that were constructed pursuant to an approved Improvement Plan and/or Grading Plan if applicable. A record drawing is a separate sheet(s) that is submitted concurrent with a Final Plat application.

#### Record Plat

A Conveyance Plat or Final Plat, including a Condominium Property Regime Plat, prepared in accordance with the requirements of these regulations.

#### Resubdivision

A subdivision which resubdivides a previously recorded subdivision plat, and may include new public improvements.

#### Retention Basin

A pond or lake that is used to retain stormwater runoff until reaching a level of an overflow device that is designed at a specified elevation.

#### Right-of-Way

A general term denoting land, property, or interest therein, usually dedicated for such uses as a

street, alley or railroad. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

#### Roads

See definition of "streets" and following street classifications.

#### Setback Line

See Article 40 of the Boone County Zoning Regulations for the definition of "yards" and Article 31 of the Boone County Zoning Regulations for specific requirements.

#### Sidewalk

A portion of the road right-of-way outside the roadway, or a pathway on private property, which is improved for pedestrian traffic.

#### Streets

Any vehicular ways except alleys or private access driveways. The following shall be used to classify all streets:

##### Street, Arterial

Public thoroughfares which serve the major movements of traffic within and through the community. Such roads are defined in the Boone County Comprehensive Plan.

##### Street, Cluster Option

A development option for limited access residential streets that includes the types of features outlined in the Cluster Option exhibit in Section 305.F. This includes a means of dissipating or infiltrating storm water thereby decreasing the amount that leaves a street right-of-way during a rain event and can include features such as bioswales, extended detention basins, and stream reclamation.

##### Street, Collector

Public thoroughfares which serve to collect and distribute traffic primarily from subcollector to arterial streets. Such roads are defined in the Boone County Comprehensive Plan. Collector streets are designed to serve five hundred (500) or more residential lots or housing units or fifty (50) or more commercial or industrial lots or uses.

##### Street, Cul-De-Sac

A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around. This type of street serves twenty-five (25) residential lots or units or less (see Section 305).

##### Street, Expressway

A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

##### Street, Freeway

A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access.

Street, Frontage Road (Service or Access Road)

A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to adjoining properties.

Street, Limited Access Residential

A subcollector or collector street with no direct access for individual lots. Such streets are intended to provide direct and safe circulation within and between developing residential areas and the major street network. The limited access roadway classification is described in the Boone County Transportation Plan 2030.

Street, Local

Roadways which are designed to be used primarily for direct access to adjoining properties. A type of street designed to serve less than one hundred (100) residential lots or units.

Street, Private

A privately owned and maintained street that provides access to adjoining property for private users of such property. Lot frontage on an approved private street may be used for meeting lot frontage regulations required by the Boone County Zoning Regulations. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat (see Section 305).

Street, Public

A public roadway, constructed within the boundaries of an officially dedicated public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

Street, Residential Condominium

A publically dedicated local street with a reduced right-of-way width which may be used in residential condominium developments.

Street, Subcollector

A street designed to provide a traffic route from local to collector streets. A type of street designed to serve one hundred (100) to five hundred (500) residential lots or fifty (50) or less commercial or industrial lots or uses.

Street, Urban

A development option available for cul-de-sacs, residential condominium streets, local streets, limited access sub-collector streets, and sub-collector streets which has tighter-knit, urban characteristics by using box curbs, integral sidewalks immediately at the back of the street curb, and narrower pavement width at intersections.

Street Tree

A tree installed in a right-of-way adjacent to a street, or on private property adjacent to a street right-of-way, in accordance with these regulations to improve visual and environmental qualities of a streetscape area (see Section 305 of these regulations and Section 3619 of the Boone County Zoning Regulations).

Subdivider

Any individual, firm, association, syndicate, co-partnership, corporation, trust, governmental agency or any other legal entity commencing proceedings under these regulations, to create a subdivision

of land as defined herein for himself or for another. Where the subdivider is other than the Owner(s) of the property, evidence that the Owner(s) is aware of any proposed subdivision shall be provided to the Commission. Also see definitions of "owner" and "developer."

Subdivision (also referred as development or project)

The division of a parcel of land into two or more lots or parcels or tracts for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided, and also includes the creation of remainder or residual tracts.

Surveyor

A licensed Professional Land Surveyor (PLS) in good standing with the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors. Also referred to in these regulations as "Land Surveyor" or "Kentucky licensed Land Surveyor."

Tract

A parcel or lot identified by letter or number, the boundaries of which are shown on the recorded subdivision plat. Also means a parcel or lot defined by a legitimately recorded legal description.

Use

The specific purposes for which land and/or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Waiver

An exception to the literal requirements of the subdivision regulations that is reviewed and granted by the Zoning Administrator in accordance with Section 155 (also see term "variance").

Watercourse

A natural or man-made channel through which water flows. Sheet drainage or minor swales across lots shall not, for the purposes of these regulations, be considered as watercourses.

Variance

An exception from the literal enforcement of the zoning regulations. The term "variance" is defined in Article 40 of the Boone County Zoning Regulations, and a variance is reviewed and granted in accordance with the procedures outlined in Article 2 of the Boone County Zoning Regulations (also see term "waiver").

Vicinity Map

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

Zoning Regulations

The Boone County Zoning Regulations. See definition of "zoning regulations" in Article 40 of the Boone County Zoning Regulations.

Zoning Administrator

The individual who administers, interprets, and enforces the provisions of the subdivision

regulations (see Section 150). See Article 40 of the Boone County Zoning Regulations for the definition of "Zoning Administrator" as this term relates to the Boone County Zoning Regulations.