

ARTICLE VII
DEFINITIONS

700 INTERPRETATION

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows: The word "person" includes an individual, a corporation, a partnership, and incorporated association, or any other similar entity. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory, the word "should" is directive but not necessarily mandatory, the word "may" is permissive. The phrase "used for" includes, "arranged for", "designed for", "intended for", "maintained for", or "occupied for". The word "lot" includes the words "plat" or "parcel". Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan or Zoning Ordinances, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other practices and otherwise according to common usage, unless the context clearly indicates otherwise.

710 DEFINITION OF TERMS - As used in these Regulations, the following terms shall be defined as follows:

AGRICULTURAL USE (KRS 100.111): Shall mean the use of:

- a. A tract of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agriculture use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- b. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155.
- c. A tract of at least five (5) contiguous acres used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

- d. A tract of land used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph (d) shall only apply to acreage that was being used for these activities before July 13, 2004.

ALLEY - See street.

ARCHITECT, LANDSCAPE - Shall be a person licensed as a Landscape Architect by the State of Kentucky.

BLOCK - An area of land containing two or more lots and bounded by streets providing access to such lots.

BLUE LINE STREAM, SOLID - A stream defined and designated as such on seven and one-half minute quadrangle topographic maps published by the U.S. Geologic Survey.

BUFFER (OR BUFFERING) - The use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

BUILDING - Any man-made physical structure, or part thereof, and public land, railroad rights-of-way or waterways, affixed to the land and intended for work, residence, or other occupancy. This term includes manufactured homes, but does not include awnings, canopies, or similar structures.

BUILDING AND ZONING OFFICIAL - The designated representative of the Versailles-Midway-Woodford County Planning Commission who is responsible for the administration and enforcement of building and zoning regulations.

BUILDING SETBACK LINE - A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required yard. The term also includes front yard setback, side yard setback, and rear yard setback.

CALIPER - The diameter of a tree trunk, usually measured at 4.5 feet above the natural grade of the surrounding ground.

COMMISSION (KRS 100.111): Versailles-Midway-Woodford County Planning Commission established pursuant to Chapter 100 of the Kentucky Revised Statutes.

COMMON ACCESS EASEMENT - An unobstructed passageway for two or more lots, typically crossing or occupying a portion of more than one lot that provides access to

garages, utilities and services such as garbage collection.

COMMON AREA - Any part of a development designed and intended to be used in common by the owners, residents, or tenants of the development and by the general public if the area is so designated. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, tenants and/or the general public.

COMMON OPEN SPACE - All open space, or portions thereof, including landscaping, screening, and buffering, which is part of a Common Area.

COMPREHENSIVE PLAN - The plan which shall serve as a guide for the physical development of the area within the jurisdiction of the Planning Commission, which has been adopted by the Planning Commission, the Fiscal Court, the City Council of Midway and the City Council of Versailles. Such Plan shall include all elements whether expressed in words, graphics, or other forms.

CONSTRUCTION EASEMENT - A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

CONSTRUCTION PLANS OR DRAWING - The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of the Subdivision Regulations. This term also includes Construction Drawings.

CONSERVATION EASEMENT - The grant of a property right stipulating that the described land will remain in its natural or existing state and limiting further future or additional development.

CONSERVATION LINE - A line drawn on private lots that stipulates land uses for the purpose of rural conservation.

CUL-DE-SAC - See Street.

CURB - The concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

DAY - The term shall mean calendar day unless otherwise specified.

DECELERATION LANE - An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

DEDICATION - The transfer of property from the owner to another party.

DEED - A legal document conveying ownership of real property.

DEED RESTRICTION - See Restrictive Covenant.

DEVELOPER - Any person, firm, corporation, partnership, or association including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

DEVELOPMENT PLAN (KRS 100.111): Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.

EASEMENT - Any strip of land for public or private utilities, drainage, sanitation, access or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of servitude.

ENGINEER - A person currently registered and licensed to practice civil engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

ENVIRONMENTALLY SENSITIVE AREA - Any area which due to its natural or physical setting may have environmental problems with regard to development. Areas included are (but are not limited to) areas of steep slope (over 12%), floodplains, sinkholes, areas of poor soil, improper fills, wetlands, significant tree stands, aquifer recharge areas, and similar areas.

F.E.M.A. - The U.S. Federal Emergency Management Agency or any successor agency.

FILL - A deposit of soil, rock, or other non-deteriorating material used to replace or supplement the original soil or subsoil. A Construction fill@ is a term used to describe fill upon which any permanent structure or human occupancy or other permanent construction for human use (such as roads, parking areas, etc.) shall be built.

FLOODPLAIN - Low lying land that is susceptible to flooding from any source. The floodplain consists of two sections--the floodway, which is the channel for a water course and that portion of land needed for the passage of a determined amount of water (normally a 100-year flood), and the flood fringe or that portion of the floodplain outside the floodway, but still subject to flooding.

GEOLOGIC HAZARD AREA - An area in which environmental problems are so numerous that even severely limited development could pose a serious problem to the immediate or surrounding areas. Examples include excessive floodplain areas, clustering of sinkholes, cliff areas, areas that have potential collapse problems due to underground caves near the surface, and similar areas.

GRADE - The slope of a road, street or other unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

GRADING - Any stripping, cutting, filling, or stockpiling of earth or land, including land in its cut or filled condition, to create new grades.

GROUNDWATER - The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

HOMEOWNERS ASSOCIATION - A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities. Participation in the Association may or may not be mandatory.

HORIZONTAL PROPERTY (KRS 381.805/381.9101): Property developed under the rules and regulations as defined by Kentucky Revised Statutes in Chapter 381.805 or KRS 381.9101 et. seq. (Also referred to as Condominiums).

IMPROVEMENTS (OR SITE IMPROVEMENTS) - Any grading, filling or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, street lights, landscaping, permanent reference monuments (PRMs) permanent control points (PCPs), or any other improvement required by these regulations or by the Planning Commission.

INFRASTRUCTURE - Facilities and services needed to sustain industrial, residential, commercial and all other land use activities.

INTERIOR WALK - A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

LAND CLEARING - Removal of all trees and/or vegetation from the land surface to the mineral soil.

LAND SURVEYOR - A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

LEGISLATIVE BODY (KRS 100.111): Means the chief body of the city, consolidated local government, urban-county government, charter county government, or unified local government with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court.

LOT - A tract or parcel of land intended for transfer of ownership, use or improvement.

LOT AREA (SIZE) - The amount of surface land contained within the property lines of a lot, including land within easements on the lot, but excluding any land within street rights-of-way.

LOT, DEPTH - The average horizontal distance between the front and rear property lines of a lot.

LOT, DOUBLE FRONTAGE - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT FRONTAGE - The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

LOT OF RECORD - A lot which is included in a subdivision, the plat of which has been recorded in the office of the Woodford County Clerk.

LOT, REVERSE FRONTAGE - A double frontage lot extending between and having frontage on a freeway, arterial, or collector street and a local street, and with vehicular access solely from the latter.

LOT WIDTH - Generally, the distance measured along the building setback line, between the two side property lines of a lot--although at times the measurement will be along the right-of-way line or back property line.

MONUMENT - A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice of Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

OWNER - The owner of the land proposed to be subdivided whose name last appears on the tax rolls.

PAVEMENT - That portion of a street intended for vehicular movement.

PLANNING DIRECTOR - The designated representative of the Versailles-Midway-Woodford County Planning Commission who is responsible for the preparation of the community's Comprehensive Plan and the administration and enforcement of land development regulations, including but not limited to the Zoning Ordinance and Subdivision Regulations.

PHASE - The designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

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.

PROPERTY - A lot, parcel, or tract of land together with the building and structures located thereon.

PROPERTY OWNERS ASSOCIATION - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner or a portion of a subdivision - be it lot, parcel, site, unit plat, condominium, or any other interest - is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

PUBLIC SPACE - Any area, lot, building site or development site that has been reserved or dedicated for public use.

PUBLIC UTILITY - Any public or private utility, such as but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

RESTRICTIVE COVENANT - A restriction on the use of land usually set forth in the deed.

RIGHT-OF-WAY - Land reserved for use of a street, interior walk, or for other public purposes such as underground and above ground utilities.

ROADWAY - The portion of the street right-of-way which contains the street pavement and gutter and is used primarily as a channel for vehicular movement and secondarily as a channel for storm water.

SEDIMENT - Solid material that may be mineral or organic and is in suspension, is being transported, or has moved from its site of origin by water.

SEDIMENTATION - The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

SETBACK - See "Building Line".

SIGHT DISTANCE (ALONG ROAD) - A straight line with unobstructed view measured between a point four feet (4') above the finished grade of a road, at the centerline of each traffic lane, and a point at a given minimum distance away from the first point, located one foot (1') above finished grade at the centerline of the same traffic lane.

SIGHT DISTANCE (ACROSS INTERSECTIONS) - A straight line with unobstructed view measured in either direction across the corner between points, each seventy-five feet (75') back from the theoretical intersection of the edges of the pavement prolonged; one point four feet (4') above the grade of the pavement edge, the second point one foot (1') above the grade of the pavement edge.

SIGHT TRIANGLE - A triangular shaped area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

STREET - A street in its general sense herein, is an area of land designated for public use within defined limits in order to provide a means for vehicular and pedestrian movement. The right-of-way limits of any street shall include the street pavement, curb and gutter (or open ditches), sidewalks, and may provide space for the location of utilities. The right-of-way limits of any street shall be coincident to the property line of the adjacent or the abutting lot. Streets are classified specifically herein as follows:

1. Expressways: Expressways rank first in the classification of streets and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade separated interchange with merging deceleration and acceleration lanes.
2. Arterial: Arterial streets rank second in the classification of streets and are used primarily for vehicular movement and are used secondarily for vehicular access to abutting properties. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than providing each abutting property to have its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.
3. Collector Streets: Collector streets rank third in the classification of streets and are principally used for vehicular movement; however, access to abutting properties are planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way widths, and speed control.
4. Local Streets: Local streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on minor streets should have an origin or destination in the immediate vicinity, whereas all types of through traffic should be eliminated. Local streets are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Local streets require the least amount of vehicular movement and may be further classified into five categories as follows:

- a. Continuing Streets: Continuing streets are minor streets having two open ends; each end generally connecting with different streets. One or more other streets may intersect such a street between its two open ends, and property abuts both sides of such a street.
- b. Marginal Access Streets: Marginal access streets are minor streets generally having two or more access points to the major system by connecting to a street of higher classification. Property that abuts only one side of such a street whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.
- c. Loop Streets: Loop streets are minor streets having two open ends each and generally connecting with the same street. No other streets intersect between its two ends and property abuts on both sides thereof.
- d. Cul-de-Sacs: Cul-de-Sacs are minor streets having only one open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end, unless future plans provide for its continuation for an open end or a turn-around circle. Temporary turn-around circles may be required when deemed necessary by the Planning Commission.
- e. Alleys: Alleys are streets generally having two open ends with each end connecting to different streets. Alleys generally provide service and access to the rear of abutting properties on both sides thereof and are not intended for general traffic circulation.

STREET TREE ALIGNMENT LINE - A generally straight line that street trees are to be planted along. This alignment is parallel with the street.

STREET TREE - A deciduous canopy tree, of a hardy species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

STREETSCAPE - This term refers to the various components that make up a street, both in the right-of-way, and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

STUB STREET - A street that usually ends at a property line and is designated to be extended to adjoining property in the future.

SUBDIVIDER - Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

SUBDIVISION (KRS 100.111): The division of a parcel of land into three (3) or more lots or parcels except in a county containing a city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; 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; provided that a division of land for agricultural use 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; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision.

SUBDIVISION/ MAJOR - Shall be those subdivisions of land which are generally of major significance to the community's future development and shall include all subdivisions which do not conform to the definitions established for minor subdivisions.

SUBDIVISION/ MINOR - Shall be those subdivisions of land which are generally of minor planning significance to the community's future development and include only the subdivision defined in these regulations. Such minor subdivisions shall conform specifically to the requirements established in these regulations.

ZONING ORDINANCE - The officially adopted Zoning Ordinance of Versailles-Midway- and Woodford County together with any and all amendments thereto.