

Appendix A

Definitions

1. Terms Defined. Words contained in this Appendix A are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this section shall be defined by reference to:
 - (1) Chapter 2 of the State Building Code (Standard Building Code, 1997) or, if not defined therein, in
 - (2) the Webster's Third New International Dictionary, unabridged, 1993, which documents are hereby incorporated by reference as if set forth in their entirety herein. Words and terms not defined in this Appendix but defined elsewhere in this Ordinance shall be given the meanings set forth therein. Particular uses not defined herein shall have the meaning assigned in the Use Matrix and the NAICS Manual (see §§ 4.5 and 4.6 of this Ordinance.
2. Word Usage. In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:
 - Words used or defined in one tense or form shall include other tenses and derivative forms.
 - Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
 - The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
 - The word "shall" is mandatory.
 - The word "may" is permissive.
 - The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
 - The word "Town" shall refer to the Town of Badin.
 - The word "Board" shall mean the Board of Adjustment.
 - The words "Planning Board" shall mean the Town Planning and Zoning Board.
 - The words "Recorder" and "Recorder of Deeds" shall mean the County Register of Deeds.
 - In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
 - All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of North Carolina or the Town; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
 - The words "include" and "including" mean include or including by way of illustration and not by way of

ADVANCEMENT OF CAPACITY - The provision, by an Applicant for development approval or any other entity or person, of a Public Facility, or funding sufficient to ensure the acquisition of any necessary right-of-way and construction of a Public Facility, prior to the scheduled date of construction of the Public Facility in the Capital Improvements Program.

CUL-DE-SAC - A short, dead-end street terminating in a vehicular turn-around area.

CURB FACE - The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURB - A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

CURB OUTLET SYSTEM - Curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

CURVILINEAR - Curvilinear grid street pattern is a modified street grid that provides fewer connections more easily adapts to the terrain.

DEVELOPER - A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval under this Ordinance.

DEVELOPMENT - The division of a parcel of land into two or more parcels; the construction, reconstruction conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single family residential lot. The term "development" includes all of the activities listed in the definition of "development" in 15A NCAC 2H.1002, which definition is hereby incorporated by this reference, and any of the following activities: a) Change in use. b) Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site. c) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials. d) Erection of a permanent sign. e) Any activity increasing the need for parking. f) Construction, elimination or alteration of a driveway onto a public street.

DEVELOPMENT ORDER - Any action granting, denying or granting with conditions, an application for a development permit.

DEVELOPMENT PARCEL - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner

or developer as land to be used or developed as a unit or which has been used or developed as a unit.

DEVELOPMENT PERMIT - Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the Town or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

DEVELOPMENT RIGHT - The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

DRIVEWAY - A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

FINAL PLAT - A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Article 6 of this Ordinance.

FLAG LOT - See "Lot, Flag."

FRONT - Any public street frontage, not including alleys.

FRONTAGE - The distance in which a property line is common with a public or private street road right-of-way, or a recorded access easement. See section 1.6.E.3. for provisions regarding access easements.

FRONTAGE, DOUBLE - A lot which extends from one street frontage to another street

IMPROVEMENTS - Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

LOCAL ROAD OR LOCAL STREET - Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

LOT - A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by

some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

MAJOR SUBDIVISION - All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

OPEN SPACE - Any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. (Source: NCGS § 160A-407)

PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION - An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

PHASED DEVELOPMENT PLAN - A plan which has been submitted to a Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan. (Source: NCGS § 160A385.1)

PUBLIC LAND FOR DEDICATION AND OWNERSHIP - Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the Town Board and dedicated for the public's use or benefit.

PUBLIC RIGHT-OF-WAY - Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

PUBLIC SPACE -A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

PUBLIC WATER SYSTEM - A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes: a. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and b. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system. A public water system is either a "community water system" or a "noncommunity water system" as follows: a. "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents. b. "Noncommunity water system" means a public water system which is not a community water system. (Source: NCGS § 130A-313)

RESERVATION - Reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

RIGHT-OF-WAY - 1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; 2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this Ordinance, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the Town for roads or streets, or a right-of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

ROADWAY - The improved portion of a street within a right-of-way and/or easement.

ROAD - A public or private highway, hard-surface road, dirt road, or railroad. (Source: NCGS § 113A-33)

SEWAGE - Water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

SEWAGE DISPOSAL SYSTEM - Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and

all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

SEWERS - Mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

SEWER SYSTEM - Pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems.

SIDEWALK - The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SKETCH PLAN - A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

SUBDIVIDE or "**SUBDIVIDE LAND**" - The act or process of creating a Subdivision.

SUBDIVIDER - Any Person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION - All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development whether immediate or future, and all divisions of land involving the dedication of a new street or change in existing streets; provided, however, that the following shall not be included within this definition: (1) the combination or re-combination of portions of previously platted subdivided or recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance; (2) the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved, (3) the public acquisition, by purchase, of strips of land for the widening or the opening of streets; and (4) the division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance. (Source: NCGS § 160A-376). See Article 5 of this Ordinance.

STREET - Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

STREET FRONTAGE - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.