

## **ARTICLE I. GENERAL PROVISIONS**

### **Section 1: Title**

This ordinance shall be known and may be cited as the Town of Middleburg Zoning Ordinance.

### **Section 2: Purpose and Intent**

This ordinance, as adopted and amended, is for the general purpose of promoting the health, safety, and general welfare of the public; recognizing and providing for the needs of business; providing that the growth of the community be consonant with the efficient and economical use of public funds; and implementing the intent, goals, policies and action strategies of the adopted comprehensive plan. To these ends, it is the intent of this chapter to:

- (1) Provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- (2) Reduce or prevent congestion in the public streets;
- (3) Facilitate the creation of a convenient, attractive and harmonious community;
- (4) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (5) Protect against destruction of or encroachment upon historic areas;
- (6) Protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health, or property from fire, flood, panic or other dangers;
- (7) Encourage economic development activities that provide desirable employment and enlarge the tax base;
- (8) Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
- (9) Promote affordable housing; and
- (10) Protect surface water and groundwater, as defined in Title 62.1-44.85(8), Va. Code. Ann.

**Section 3: Authority**

- (a) This ordinance is adopted pursuant to the authority contained in Article 7, Chapter 22 of Title 15.2 of the 1950 Code of Virginia, as amended. (Amended 5/14/98)
- (b) Whenever any provision of this ordinance refers to or cites a section of the 1950 Code of Virginia, as amended, and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

**Section 4: Jurisdiction**

- (a) This ordinance shall be effective within the corporate boundaries of the Town of Middleburg, Loudoun County, Virginia.
- (b) Whenever property shall be added to the town by adjustment of town boundaries, such property automatically shall be zoned A-C, Agricultural Conservancy, without any further action, effective upon the date the boundary adjustment shall have been finally approved by a court of competent jurisdiction. Subsequent rezoning of the property may be made in accordance with the provisions of Article XVIII, Amendments. (Amended 9/13/01)

**Section 5: Effective Date**

The provisions of this ordinance were originally adopted and became effective at 12:00 am on February 10, 1995.

**Section 6: Exclusive Nature**

Except as otherwise expressly provided herein, this ordinance shall be deemed exclusive in nature, and only those uses specified shall be permitted in the various zoning districts. If a use is not specified in a zoning district, it shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may only be permitted after appropriate amendment to the text of this ordinance.

**Section 7: Conformity**

No person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all applicable provisions of this ordinance, subject to the provisions of Article VIII of this ordinance (Non-conforming Situations).

**Section 8: Interpretation When More than One Standard Applies**

Whenever more than one regulation or standard applies to any use, structure, activity or undertaking subject to any provision of this ordinance, the most restrictive or stringent shall govern.

**Section 9: Fees**

- (a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be established by ordinance of the town council filed in the office of the town clerk.
- (b) Fees shall be tendered with submission of a signed application or notice of appeal.

**Section 10: Severability**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

**Section 11: Computation of Time**

The time within which an act is to be done after any event shall be computed by excluding the day on which the event occurred, unless otherwise specifically provided. If the last day is a Saturday, Sunday or legal holiday, the act shall be required to be done on the next day that is not a Saturday, Sunday or legal holiday.

**Section 12: Miscellaneous**

Except when the context clearly indicates otherwise:

- (a) Words using the masculine gender in this ordinance include the feminine and neuter.
- (b) Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

**Section 13: Lot Access Requirements**

No structure shall be erected upon any lot which does not have frontage on a public street except as provided in the Town of Middleburg Street and Parking Ordinance.

**Section 14: Public Uses and Facilities**

- (a) Public facilities, structures, and uses, as those terms are used herein, shall include but not be limited to streets, connections to existing streets, parks or other public areas, public buildings or public structures, public utility facilities, or public service corporation facilities, whether publicly or privately owned, but shall not include railroad facilities, high power electrical transmission lines in excess of one hundred and fifty (150) kilovolts which are subject to review and approval by the Virginia State Corporation Commission,

or a public telecommunications facility (not including television and radio towers or structures not necessary to house electronic apparatus) that has received approval and funding by the Virginia Public Broadcasting Board pursuant to Section 2.2-2426, VA Code Ann. For purposes of this section, the foregoing facilities, structures, and uses shall be referred to as public facilities. The term “public facility” or “public use” shall not, however, include the business office of any of the foregoing unless owned and operated by a governmental body.

- (b) When located on land within an historic overlay district, public buildings shall be subject to the provisions of Section 62.

**Sections 15 through 16: Reserved**