

ARTICLE 2
Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of this ordinance, have the meaning herein indicated.

Administrator: The Zoning Administrator or other duly appointed agent of the Town of Middleburg.

Alley: A right-of-way less than 30 feet in width designated as an alley on a recorded plat or dedicated as such in a recorded deed.

Building Restriction Line, Building Setback Line, Building Line: Line beyond which the foundation wall and/or any enclosed porch, vestibule, or other such portion of a building shall not project.

Town council: The Town Council of Middleburg, Virginia. Also referred to as the governing body.

Cul-de-sac: A local street with only one outlet and having an appropriate turn-around for safe and convenient reversal of traffic movement.

Developer: A person who is responsible for any undertaking that requires a zoning permit, special use permit or sign permit.

Development: A use or activity which is to be done pursuant to a zoning permit, special use permit or sign permit.

Drainage System: The open channel, pipe lines, culverts, inlets and appurtenances used for the collection and conveyance of storm waters to the point of discharge.

Easement: A right-of-way granted for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures other than those approved for purposes of the easement.

Engineer: A professional engineer licensed by the Commonwealth of Virginia.

Improvement: A road, street, parking area, loading areas, sidewalk or pedestrian way, curb and gutter, water main, sewer main, drainage facility, stormwater management facility, landscaping, recreational facility, or other structure or facility as may be required under this Ordinance or the Zoning Ordinance. The term "improvement" shall also include those physical improvements contained in proffered conditions accepted by the town council.

Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot, Corner: A lot abutting on and at the intersection of two or more streets.

Lot, Depth of: The average horizontal distance between the front and the rear lot lines measured along a straight line.

Lot, Double Frontage: A lot having its front and rear yards each abutting on a street.

Lot Frontage: The portion of a lot extending along a street line.

Lot, Interior: Any lot other than a corner lot; including a through lot.

Lot of Record: A lot depicted on a plat or by metes and bounds description which has been lawfully created and recorded in the office of the Clerk of the Circuit Court.

Minor Subdivision: The division of a single lot or parcel of land into not more than two (2) lots, provided that the requirements of Section 3.5 are met.

National Map Accuracy Standards: The horizontal and vertical accuracy parameters for mapping, Bureau of the Budget, 1947, as revised. The horizontal accuracy standard requires that the position of ninety percent (90%) of all points tested will be accurate within 1/30th of an inch (0.085 centimeters). The vertical accuracy standard requires that elevations of ninety percent (90%) of all points tested should be correct within one-half of the contour interval.

Open space: Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes.

Outlot: A parcel of land identified on a subdivision plat which does not meet lot area and lot width requirements.

Planning commission: The Planning Commission of the Town of Middleburg, Virginia.

Plat: A map or maps of a subdivision.

Public Improvement: An improvement that has been or will be dedicated for public use or that is designed to provide adequate transportation, water, sewerage, flood protection, or recreational facilities or to serve other public requirements in accordance with this Ordinance and the Zoning Ordinance.

Road: Street, avenue, way, court, drive and the like.

Road, Public: A road which is part of the State-maintained highway system at the time of adoption of this ordinance or roads meeting Virginia Department of Transportation specifications, and acceptable for maintenance by the State, bonded as provided in this ordinance, or accepted in the State maintained highway system after the effective date of this ordinance.

Sewerage System: The pipelines, conduits, pumping stations, force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment plant or point of ultimate disposal.

Site Plan: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of proposed development.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street, Center line of: A line established as a center line of a street by any state, county, town or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or, if there be no center line established or if there exists conflict among several maps, the center line of a street shall be a line lying midway between the street or right-of-way lines thereof. When the street lines are indeterminate and pavement or a well defined traveled way exists, the center line is assumed to be a line midway between the edges of such pavement or traveled way.

Street Width: The shortest distance between street lines, measured across the street right-of-way.

Subdivision: The division of a parcel of land into two or more lots for the purpose of transfer of ownership or building development, or, if the division or allocation of land for the opening, widening, or extension of any street is involved in such division, any division of land. The term includes re-subdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subdivider: The legal or beneficial owner or owners of any land included in a proposed subdivision. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Surveyor: A certified land surveyor licensed by the Commonwealth of Virginia.

Town Engineer: A professional engineer licensed by the Commonwealth of Virginia and retained by the Town of Middleburg to review plans and advise the town regarding land development applications.

Water Line, Water Main: The pipe lines and associated appurtenances used for the distribution of potable water to all customers of the system in addition to providing water required for fire protection.

Yard: An area on the same lot with a building or group of buildings, lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures permitted by the zoning ordinance.