

ARTICLE 3 Administration

3.1 Administrator

This ordinance shall be administered by the zoning administrator who shall be appointed by the town council of Middleburg, Virginia to perform the following duties:

- A. Assure that all requirements of this ordinance are fully met by a subdivider or developer.
- B. Receive, review, and maintain records of all submissions made under this ordinance.
- C. Distribute copies of plans and plats to appropriate officials and agencies for their review.
- D. Provide for the inspection of improvements required by this ordinance.
- E. Determine instances of noncompliance with this ordinance on the basis of an interpretation of this ordinance and review comments of officials and agencies.
- F. Issue orders for compliance to subdividers and developers, including orders to discontinue work in the event of non-compliance with this ordinance, and institute such action as may be necessary to secure compliance with this ordinance.
- G. Review and either approve or disapprove applications for boundary line adjustments and family subdivisions, in accordance with the applicable provisions of this ordinance.
- H. Review and either approve or disapprove applications for construction plans in accordance with the applicable provisions of this ordinance; provided, however, that construction plan applications within the one-mile subdivision jurisdiction area shall be reviewed and approved only by Loudoun County. (Amended 1/21/99)

3.2 Planning Commission

The planning commission shall perform the following duties:

- A. Evaluate the recommendations of the administrator with regard to subdivision and development applications.
- B. Review and either approve, conditionally approve, or disapprove preliminary plat applications, in accordance with the requirements of this ordinance, the zoning ordinance and all other applicable town regulations; provided, however, that any application within the one-mile subdivision jurisdiction area must meet the requirements of the Loudoun County Zoning Ordinance, as determined through a review of such application by the appropriate county officials. (Amended 1/21/99)

- C. Review and either approve or disapprove final plat and final site plan applications, in accordance with the requirements of this ordinance, the zoning ordinance and all other applicable town regulations; provided, however, that any final plat application within the one-mile subdivision jurisdiction area must meet the requirements of the Loudoun County Zoning Ordinance, as determined by the appropriate county officials. (Amended 1/21/99)
- D. Review and make recommendations to the town council regarding applications for waivers and exceptions to this ordinance.
- E. Make recommendations to the town council concerning amendments to this ordinance.

3.3 Town Council

The town council shall perform the following duties:

- A. Approve or disapprove and modify performance agreements and bond guarantees, as described in Section 7.10 of this ordinance.
- B. Accept public improvements which have been installed in accordance with final plans, subject to the conditions of Section 7.10 of this ordinance.
- C. Release subdividers and developers from obligations of performance agreements and release performance bonds posted to guarantee such contracts, as described in Section 7.10.
- D. Review and either approve or disapprove applications for waivers and exceptions, in accordance with the provisions of this ordinance.

3.4 Waiver and Exception (Amended 10/13/11)

Upon application and fee payment by a developer, the town council may:

- A. Grant exceptions from the requirements of subdivision and site plan approval which are reasonable and consistent with the purpose and intent of this ordinance; are necessary to ensure conformance with the comprehensive plan; or in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

3.5 Minor Subdivision Approval (Added 10/13/11)

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.

- A. Minor subdivisions consisting of up to two (2) lots shall be reviewed by the Administrator without further review by the Planning Commission. Only a final record

plat is required to be submitted by the applicant under the minor subdivision process. If the applicant wishes to appeal any aspect of the minor subdivision process, as determined by the Administrator, the minor subdivision application will be referred to the Planning Commission for final disposition.

- B. The administrator may approve a minor subdivision if the following criteria are met:
1. The subdivision conforms to all applicable zoning regulations.
 2. The subdivision does not involve the creation or extension of any public street, or private road.
 3. The subdivision does not obstruct the floodplain or a planned street.
 4. The subdivision does not adversely affect any part of any adopted plan.
 5. The subdivision does not in any way violate the intent of the subdivision ordinance or any applicable zoning ordinance.
 6. The parcel to be subdivided shall be less than one (1) acre in size.