

Sec. 42-30. Zoning permits.

- (a) A zoning permit shall be required before any use may be established on any property subject to the requirements of this chapter, or before any building or structure may be constructed, reconstructed, enlarged, erected, moved or structurally altered. Improvements subject to the requirements of a zoning permit shall be classified as major or minor improvements in accordance with the provisions of subsection (d) of this section.
- (b) The zoning permit application shall certify that the proposed project, as demonstrated by the drawings, sketches, plans and/or specifications filed with the zoning administrator, will be in compliance with the provisions of this chapter and chapter 30, subdivisions, and such application shall contain the signatures of the property owner of record and the applicant, if other than the property owner.
- (c) Any applicant for zoning permits shall, at the time of application, provide satisfactory evidence that all real estate taxes which have assessed against the property which is the subject of the application and all other town charges due and owing from the property owner and applicant have been paid in full.
- (d) For the purposes of zoning permits:
 - (1) The term "minor improvements" includes fences, decks, satellite dish antennas larger than 24 inches, aboveground swimming pools and spas, storage sheds having a footprint area of 150 square feet or less, additions to buildings or structures whereby the footprint area of the addition does not exceed 150 square feet, and all other such minor improvements or accessory uses;
 - (2) The term "major improvements" includes the establishment of any principal use, construction of any building or structure not subject to paragraph (d)(1) above, parking lots, loading areas and all other vehicular parking, storage or maneuvering areas, detached garages, storage sheds having a footprint area exceeding 150 square feet, additions to buildings or structures whereby the footprint area of the addition exceeds 150 square feet, inground swimming pools and spas, and all other such major improvements.
- (e) Any applicant for zoning permit for minor improvements shall submit with the zoning permit application a modified location plan drawn to scale, showing the actual shape and dimensions of the lot, the exact location and size and shape of existing structures and the proposed location, shape and size of the minor improvement. The applicant shall provide any additional information required by the zoning administrator with regard to the lot, existing structures and the proposed minor improvement as may be necessary for the enforcement of this chapter.
- (f) Any application for zoning permit for major improvements shall submit with the zoning permit application an acceptable location plan drawn at a scale of not more than one inch to 50 feet. Such location plan shall include the following information:
 - (1) The name of the property owner, the name of the surveyor or engineer who prepared the plan, zoning and present use of adjacent parcels; departing property lines, minimum setback lines, north arrow; the source of the boundary; the source of the topography, date of the drawing and dates of any revisions;
 - (2) Existing topography for the site and proposed grading supplemented by spot elevations as necessary to demonstrate adequate drainage. Any modification of existing drainage patterns shall be noted on the plan;
 - (3) Location and dimensions of all existing and proposed improvements;
 - (4) Provision and schedule for the adequate control of stormwater, including the location, size, type and grade of all ditches, swales and other improvements;
 - (5) Provision for adequate erosion and sedimentation control, including stabilization of the site at the completion of construction;

- (6) Any other information regarding the subject property or adjoining properties as may be necessary for the enforcement of this chapter as determined by the zoning administrator; and
 - (7) Locations, dimensions, descriptions and instrument numbers for all easements located on the subject property.
- (g) One copy of the plans shall be returned to the applicant together with the approved or disapproved zoning permit.
 - (h) Where a site plan has been submitted and approved in accordance with the provisions of Article IV of chapter 30 of the Town Code, one copy of the approved site plan shall be submitted in lieu of the plans required by subsection (f) of this section.
 - (i) Before a zoning permit is issued, the plans and intended use shall demonstrate conformity in all respects to the provisions of this chapter. Zoning permits shall be issued within fifteen days of receipt of a complete application, provided the proposed construction or use conforms to this chapter.
 - (j) A zoning permit shall expire automatically within one year of the date of issuance if the use authorized or substantial work required has not commenced. If, after work is begun, such work is suspended for a period of one year, the zoning permit shall automatically expire. Exterior construction of structures shall be completed within one year of the date of issuance of the permit. Upon application by the permit holder, the zoning administrator may extend the permit without charge for additional periods not to exceed six months, if:
 - (1) The permit has not yet expired;
 - (2) The permit recipient has proceeded with due diligence and in good faith; and
 - (3) Conditions have not substantially changed compared to what has been represented in the zoning permit application and accompanying documentation, provided there has been no change in circumstances such as an amendment to the applicable zoning regulations, fraud, or a mistake that would justify, in the opinion of the zoning administrator, denial of the extension as requested.
 - (k) Water and sewer connections, if available, may be approved at the time zoning permits are issued upon receipt of completed applications and payment of all fees therefor.
 - (l) The zoning administrator shall make a good faith effort to ensure that all Town Code requirements applicable to the applicant's property and/or project have been met prior to issuance of the zoning permit.

(Ord. of 9-21-2006, § 10-4)

Sec. 42-31. Certificate of zoning compliance.

- (a) A Certificate of Zoning Compliance is intended to verify the present zoning classification of a subject property or use thereon in order to certify the conformity of uses, buildings, structures, and parcels with the requirements of the Zoning Ordinance. The Certificate of Zoning Compliance shall be issued by the Zoning Administrator in order to determine the following, to the extent applicable to the request:
 - (1) The location of the property within a particular zoning district;
 - (2) The uses allowed by right or through the issuance of a conditional use permit and whether a particular use is permitted by right or through the issuance of a conditional use permit within a particular zoning district;

- (3) The setbacks, height, lot coverage, and other requirements applicable to buildings and structures located on a piece of property and whether or not a building or structure conforms to the same within the zoning district so located; and
 - (4) The lot area, width, depth, and density requirements applicable to a piece of property and whether or not a parcel or building lot conforms to the same within the zoning district so located.
 - (5) Whether the parking and loading areas on one or more properties comply with the minimum off-street parking and loading requirements of Article VIII of this chapter for the uses and buildings associated therewith.
- (b) Confirmation of existing use. Upon application from the owner, and to the extent applicable to the request, the zoning administrator shall issue or reissue a zoning certificate for any building, structure, parcel or use of the premises existing at the effective date of this chapter, certifying after inspection the type and extent of the use made of the structure or premises and whether such use conforms to the provisions of this chapter. At the time of conveyance or transfer in title of the property, a zoning certificate may be issued or reissued by the zoning administrator to a new owner provided the use of the property remains substantially the same. If the use has changed or is determined to be substantially different in the opinion of the zoning administrator, a new application shall be filed and a determination made at that time as to whether such use conforms to this chapter, otherwise no such determination as to the conformity of a structure or use to the provisions of this chapter previously made on any such certificate shall be considered binding on the Town or zoning administrator.
 - (c) Change in use. A zoning certificate shall be obtained from the zoning administrator prior to the reoccupation or reuse of any parcel, building or structure or reestablishment of a previously established use by any such owner or tenant when such reoccupation or reuse is of the same use listed in the applicable zoning district regulations as the previously established use but creates the need for or proposes additional improvements or modifications to the building or site as required by this chapter compared to the previously established use. The zoning certificate shall state the nature and extent of the proposed use of the lot, building or structure and the zoning administrator shall certify whether the same conforms to the provisions of this chapter, provided that any such reoccupation or reuse which generates the requirement for additional off-street parking or loading spaces under Article VIII of this chapter and such additional spaces are not present on the property or site, or are not otherwise provided in accordance with other applicable provisions of this chapter pertaining to off-street, on-street and/or shared parking, shall require approval of a zoning permit in accordance with Section 42-30 prior to construction of an any such improvements.
 - (d) Any applicant for a zoning certificate shall, at the time of application, provide satisfactory evidence that all real estate taxes which have been assessed against the property which is the subject of the application and all other town charges due and owing from the property owner and applicant have been paid.
 - (e) Zoning certificates shall be issued within fifteen days of receipt of a complete application, provided the building, structure, lot and/or use conforms to the applicable provisions of this chapter.

(Ord. of 9-21-2006, § 10-5)

Sec. 42-32. Occupancy permits.

- (a) No person shall occupy any newly constructed, reconstructed, moved, structurally altered or enlarged building, including any building for which a certificate of occupancy is required by the Loudoun County Department of Building and Development, without first making proper application for and receiving an occupancy permit issued by the zoning administrator. If, due to circumstances beyond the applicant's control, the applicant is unable to meet all of the standards and requirements of this chapter, the zoning administrator may approve a temporary occupancy permit authorizing use

of the structure for such period of time as in his reasonable discretion is appropriate, provided that the applicant offers reasonable assurances, including a cash or surety bond when appropriate, that the standards and requirements will be met before the expiration of the temporary occupancy permit.

- (b) The applicant shall request zoning approval of an occupancy permit upon satisfactory completion of all work, including the installation of all applicable improvements as required by this chapter and chapter 30. Applicants shall, at the time of request, provide satisfactory evidence that all real estate taxes which have been assessed against the property which is the subject of the application and all other town charges due and owing from the property owner and applicant have been paid.
- (c) The applicant shall submit to the zoning administrator one copy of an as-built building location plan or survey showing the locations of all physical improvements on the property, prepared by a certified surveyor or registered engineer, and such plat shall show the following information:
 - (1) The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein;
 - (2) The location, dimensions and height of any building, structure or addition;
 - (3) The perpendicular distance from all property lines to the nearest point of each building, structure or addition, shown to the nearest one-tenth of a foot;
 - (4) The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a multi-family dwelling;
 - (5) The location and configuration of any off-street parking spaces;
 - (6) The existence of any area designated as 100-year floodplain as per the applicable FEMA flood insurance rate map;
 - (7) The locations, dimensions, descriptions and instrument numbers for all easements located on the subject property; and
 - (8) The signature and certification of the preparer of the plan.
- (d) The occupancy permit shall certify that the completed improvement or relocation has been inspected by the zoning administrator and has been found to be in compliance with the provisions of this chapter.

(Ord. of 9-21-2006, § 10-6)