

ARTICLE 18

Administration and Enforcement

18.1. Enforcement, Zoning Administrator

This, Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Town Council of Round Hill, Virginia. The Zoning Administrator shall have all the necessary authority on behalf of the governing body to administer and enforce the Zoning Ordinance, including the following duties:

1. Interpretation. Interpret the provisions of this Ordinance.
2. Inspections. Conduct inspections of buildings, structures, and uses of land to determine compliance with this Ordinance and, in the case of any violation, to notify in writing the person or persons responsible specifying the nature of the violation and ordering appropriate corrective action.
3. Zoning Map Maintenance. Maintain the Zoning Map in current status.
4. Record Maintenance. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, occupancy certificates, and all official actions on administrative appeals, variances, special exceptions, conditional uses, amendments, changes of zoning district boundaries and reclassification of property.
5. Annual Report Preparation. Prepare and submit an annual report to the Council on the administration of this Ordinance, setting forth such statistical data and information as may be of interest and value in advancing and furthering the purpose of this Ordinance.
6. Maintain Ordinance. Maintain a true copy of this Ordinance in current status and file the same in the office of the Clerk of the Circuit Court of Loudoun County, Virginia.
7. Pursue Legal Remedies. The Zoning Administrator may bring legal action to insure compliance with the Ordinance, including injunction, abatement, or other appropriate action or proceeding.
8. Guidelines and Assistance. The Zoning Administrator shall be guided in all actions pursuant to this Ordinance by the purposes, intent and spirit of this Ordinance and the standards set forth in Article 1 of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of the Town of Round Hill and Loudoun County, Virginia pursuant to their respective fields.

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18.2. Enforcement of Board of Zoning Appeals Decisions

The Zoning Administrator shall see that the decisions of the Board of Zoning Appeals are complied with.

18.3. Enforcement of Minimum Requirements

In enforcing the minimum requirements in zones, the Zoning Administrator shall notify by registered mail any person responsible for an alleged violation, stating the reason why it is believed that a violation exists in fact and shall require the said person either:

- a. to notify the Zoning Administrator in writing that the violation has been corrected and to state in detail the manner in which such correction has been made; or
- b. to deny in writing that the violation exists.

If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provision of Article 15.4, Board of Zoning Appeals, on forms provided by the Zoning Administrator for that purpose.

Failure to reply in writing to the Zoning Administrator within ten (10) days of receipt of such notice shall be deemed as cause for action, whereupon the Zoning Administrator shall proceed within enforcement as provided in this Article.

18.4 Zoning Permits

1. Permit Required. No permitted principal or accessory structure shall be constructed, reconstructed, moved, altered or added to, or excavation or grading begun therefore, without first making proper application, paying the required fee and receiving a zoning permit from the Zoning Administrator.
2. Structures in Violation. No zoning permit shall be issued where it appears that the structure to be constructed or the use contemplated would be in violation of the provisions of this Ordinance or any other applicable law, ordinance or regulation. The issuance of such zoning permit, however, shall not afford protection to any owner who is found to be violating this or any other applicable law, ordinance or regulation.

18.5 Permit Requirements

An application for a zoning permit shall be made to the Zoning Administrator on forms to be provided by the Zoning Administrator who shall require and be furnished with all such plans and documents as may be required to determine whether the proposed structure and facilities will be in compliance with the provisions of this Ordinance. Plans and documents may consist of the following:

1. Grading Permit

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2. Certificate regarding water and sewer connections
3. A site plan showing the location and dimensions of all structures, property lines, public roads, private access easements, off-street parking, and signs and indicating the intended use and number of units.

18.6. Posting

Upon receipt, a zoning permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving. Before a zoning permit is issued the plans and intended use shall indicate conformity in all respects to the provisions of this Ordinance. Zoning permits shall be issued within ten days of application, provided the proposed building conforms to this Ordinance.

18.7. Occupancy Certificate, Required

1. Certificate Required. No person shall occupy or use any parcel of land or any newly constructed, reconstructed, moved, altered or enlarged building, except detached single-family dwelling, without first making proper application for and receiving an occupancy certificate therefor issued by the Zoning Administrator.
2. Requirements. Such certificate shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this Ordinance. The occupancy certificate shall state 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 Ordinance. Occupancy certificates shall be issued within ten days of application therefore provided the use or building conforms to this Ordinance.
3. Requested. Upon written request from the owner or tenant, the Zoning Administrator shall issue an occupancy certificate for any building or premises existing at the effective date of this Article, certifying after inspection the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance.
4. Reoccupation. An occupancy certificate shall be secured from the Zoning Administrator prior to reoccupation or reuse of any lot, building or structure in previous established use when such reoccupation or reuse of a different character or type than that of the previous established use. The occupancy certificate shall state that the extent and kind of use proposed to be made of the lot, building or structure conforms to the provisions of this Ordinance.

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18.8. Time Limits and Zoning Permit

Any zoning permit issued shall become invalid if the authorized work is not commenced within 12 months of the date of issuance, or is suspended or abandoned for a period of 12 months; provided that the Zoning Administrator may, upon good cause shown, extend a permit without charge for an additional period not exceeding 6 months.

18.9. Commission Permits

No street, park or other public area, or public structure, or public utility, public building or public service corporation other than railroads, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination the Commission may, and at the direction of the Town Council shall, hold a public hearing, after notice as required by Section 15.1-431.

The Commission shall communicate its findings to the Council, indicating its approval or disapproval with written reasons therefore. The Council may overrule the action of the Commission by a vote of a majority of the membership thereof. Failure of the Commission to act within sixty (60) days of such submission unless such time shall be extended by the Council, shall be deemed approval. In case of disapproval, the owners or their agents may appeal the decision of the Commission to the Council within ten days after the decision of the Commission. The appeal shall be by written petition to the Council setting forth the reasons for the appeal.

A majority vote of the Council shall overrule the Commission.

1. Widening of Highways and Streets. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporation shall not require approval unless involving a change in location or extent of a street or public area.
2. Commission Permit: Issuance. The Zoning Administrator shall issue a commission permit following approval by the Planning Commission. Said approval shall be subject to ratification by the Town Council pursuant to provisions of Section 15.1456, Code of Virginia, provided however that failure of the Council to act within sixty days (60) of the date of transmittal of approving action of the Commission shall constitute ratification.

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18.10. Fees for Permits, Amendments

The Town Council shall, at its discretion, set appropriate fees for the review and processing of zoning permits, commission permits, applications for amendments and other applications or submissions requiring processing and review. The fees enacted by the Town Council shall be set forth on schedules and incorporated by reference into this Ordinance. At its discretion, the Town Council may amend the fees set forth on the schedules and, upon adoption, such amended schedules shall be incorporated as part of this Ordinance.

18.11. Disclosure of Real Parties in Interest

- a. Mandatory Disclosure of Real Parties in Interest. All applications for zoning map amendment petitions, special exceptions, and variances shall disclose at the time of application the equitable ownership of the real estate which is the subject of the application. In such cases, the applicant shall list the names and addresses of all persons who hold a beneficial interest in the subject property. However, the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. The applicant shall keep this information current at all times during the processing of the application.

[Amended June 21, 2007]