



*The Town of Leesburg*  
**INFORMATIONAL MEMORANDUM**  
DEPARTMENT OF PLAN REVIEW  
October 29, 2020

**To:** Land Development Community  
DPR and P&Z Staff

**From:** William R. Ackman, Jr. P.E., Director,  
Department of Plan Review; and  
Michael Watkins  
Zoning Administrator

**RE: Land Development PROCESS CLARIFICATION**

**EFFECTIVE IMMEDIATELY: ZONING PERMITS FOR ALL LAND DISTURBANCE ACTIVITIES SHALL BE APPROVED PRIOR TO SCHEDULING A PRECONSTRUCTION CONFERENCE ASSOCIATED WITH ANY TYPE OF CONSTRUCTION DRAWING OR SITE PLAN**

**Current (OLD) Process:**

The approval process for any type of construction drawing or site plan that proposes land disturbing activities and/or the installation of utilities includes a “Zoning Clearance Letter” to notify Loudoun County that they are authorized by the Town to review, but not release grading and sediment control permits as well as any associated building permits. Once all plan approval requirements were met, a second “Plan Approval” letter is issued which authorizes the County to release grading and sediment control permits. (At the appropriate time, the applicant is required to submit a separate formal zoning permit application, which requires approval by the Town prior to the County issuing any building permits for the development.)

**NEW Required Process:**

In consultation with the Town Attorney’s Office and the Zoning Administrator, it has been determined that a specific Zoning Permit, **is required** prior to commencing with any land disturbing activities.

**Therefore, and effective immediately,** a Zoning Permit application, *for land disturbing activities only*, shall be submitted to the Town (with all applicable fees) ***prior to*** requesting a preconstruction conference. The “Zoning Clearance Letter” to Loudoun County related to any Construction Drawings or any type of Site Plan will reference this requirement. In addition, the final “Approval Letter” to the applicant for the Construction Drawing or Site Plan (as the case may be) shall also make reference to this same requirement. Please be advised that the Applicant will now be required to sign the “Approval Letter” (acknowledging that they will obtain a Zoning Permit for Land Disturbing Activities prior to scheduling a preconstruction

conference with Town and County inspectors) before the Town will release the final approved Construction Plans or Site Plans (as the case may be).

To summarize, a preconstruction conference shall not occur until the applicant provides the Town's Field Inspectors a valid Zoning Permit for Land Disturbing Activities (which is only good for one year). If the Zoning Permit for Land Disturbing Activities expires, a new Zoning Permit shall be applied for and approved prior to scheduling a preconstruction conference. ***A separate Zoning Permit application and Public Facilities Permit (PFP) fees will still be required for all structures at the appropriate time as may be applicable.*** (Please reference new recommended process below.) Should construction commence without first obtaining a valid Zoning Permit for land disturbing activities, a STOP WORK ORDER will be issued by the Town.

Exception: Construction Drawings or Site Plans submitted for extensions of water and or sanitary sewer located within the JMLA but outside of the Town's corporate limits **will not** require a Zoning Permit.

### **Ordinance Requirements:**

The applicable section of the Town of Leesburg Zoning Ordinance reads as follows:

#### ***3.7.1 When Permits Required***

*No wall, building, structure, or part thereof, shall be built, constructed, reconstructed, moved, altered or added to; no excavation or filling operation shall commence; no activity which requires a Loudoun County building permit shall commence; and no change in use or nonresidential tenancy shall be permitted until an application is submitted and a zoning permit is issued by the Zoning Administrator, in accordance with the provisions of this Zoning Ordinance. Change in nonresidential tenancy shall not be construed to mean a change of business name or a change in the ownership/operator of a legally permitted business.*

### **Recommended "NEW" Process:**

The following process is recommended to streamline the Zoning Permit approval process to minimize delays in the overall Land Development approval process.

- Once the Site Plan or set of Construction Drawings are in an approvable format, the Town will continue to issue a "Zoning Clearance Letter" to Loudoun County. Based upon a prior understanding between the County and the Town, this letter will allow County Staff to begin reviewing building permit and grading permit application. Please be advised of the following:
  - ❖ However, a reference will be added to the "Zoning Clearance Letter" stating that a complete Zoning Permit application for land disturbing activities, (with all applicable fees) shall be submitted to the Town for review **and** said Zoning Permit must be approved **prior to** requesting a preconstruction conference.
  - ❖ Upon receipt of the Zoning Clearance Letter, the County will begin their reviews but will not release any approved permits until such time as the Town copies the formal approval letter to the County (which will also reference the requirement for an approved Zoning Permit for land disturbing activities).
- Once the Site Plans or Construction Drawings (as the case may be) are ready for final approval (with the bond posted and all plats recorded), the Town will issue a formal

Approval letter. Please be advised of the following:

- ❖ A specific approval condition will be added to the “Final Approval Letter” stating that a complete Zoning Permit application for land disturbing activities, (with all applicable fees) shall be submitted to the Town for review **and** said Zoning Permit must be approved **prior to** requesting a preconstruction conference. A signature line for the Applicant to sign acknowledging this requirement will also be added to the “Approval Letter”.
- ❖ Prior to the Town releasing the final approved Construction Plans or Site Plans, the Applicant shall now be required to sign the “Approval Letter” (acknowledging the requirement to obtain a ‘Zoning Permit for Land Disturbing Activities’ prior to scheduling a preconstruction conference) and return it to the Town.
- To expedite the new process, the Applicant may submit the Zoning Permit Application for land disturbing activities concurrent with the *Signature Set submittal* of any Site Plan or set of Construction Drawings (as the case may be). This concurrent review may be advantageous for projects that want to get under construction quickly, but is not required.
- For other projects that may not have a need to start construction as soon as the Construction or Site plans are approved, the Zoning Permit for land disturbing activities can come in at a later date. However, please be advised that this Zoning Permit Application for land disturbing activities, must be submitted for review and approved by the Town’s Zoning Department **prior to** scheduling a preconstruction conference.
- All Zoning Permit applications may be submitted electronically to [permitting@leesburgva.gov](mailto:permitting@leesburgva.gov) or in person at the Second Floor Counter of Town Hall.
- The Zoning Permit application shall include the required fees for a residential or commercial application. Currently, the fees are:
  - ❖ \$300 for Non-Residential Zoning Permits
  - ❖ \$350 for all Residential Zoning Permits
- Upon verification that all plan approvals are in place, as well as Staff verification that the permit application package is approvable, the Zoning Permit (for land disturbing activities only) may be issued\*.
- Once the Zoning Permit (for land disturbing activities only) has been approved and issued, the Applicant as well as the Department of Public Works will be notified.
- The Applicant may then schedule a preconstruction conference with the applicable County and Town Site Inspectors.
- At the appropriate time, the applicant can then submit a separate completed Zoning Permit application package(s) for all proposed structures, with all applicable fees, to the Town for review.
- Upon verification that all plan approvals are in place, as well as Staff verification that the permit application package is approvable **and** upon payment of all applicable Public Facilities Permit (PFP) fees, the Zoning Permit (for specified structures) may also then be issued\*.

*\*Please be advised that additional requirements may apply especially for projects subject to previously approved Rezoning or Special Exception Applications.)*