

10) ADMINISTRATION AND ENFORCEMENT

10-1 TOWN COUNCIL

The Council of the Town of Lovettsville shall, under this Zoning Ordinance, have the following powers and duties:

- (a) To initiate, consider and make final decisions upon proposed amendments to these Zoning Ordinance regulations.
- (b) To initiate, consider, and make final decisions upon proposed amendments to the Official Zoning Map, including amendments to proffered conditions.
- (c) To consider and make decisions regarding conditional uses as specified by this Ordinance.
- (d) To establish fees, charges, and other expenses imposed by this Ordinance.
- (e) To appoint members of the Planning Commission and any other board or commission as now or may be required by the Zoning Ordinance.
- (f) To take all other steps necessary, including appropriate administration and legal actions in order to ensure the enforcement of these zoning regulations.
- (g) To hear and determine all appeals from the decision of the Zoning Administrator relating to proffered conditions.

10-2 PLANNING COMMISSION

The Planning Commission shall be composed of no fewer than five (5) members appointed by the Town Council. Four members, all of whom shall be residents of the Town and at least three of whom shall be owners of real property, and shall serve for a staggered term of four (4) years.

A member of the Town Council shall serve as a nonvoting member of the Planning Commission. The term of this member shall be coextensive with the term of office to which he/she has been elected or appointed, unless the Town Council, at the first regular meeting each year appoints another Council member to serve as their representative. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.

Notwithstanding the foregoing provision, a member of a local Planning Commission may be removed from office by the local governing body without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission, or is absent from any four meetings of the Commission within any 12 month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

The Planning Commission shall, under this Zoning Ordinance, have the following powers and duties:

- (a) To review zoning permit applications made by property owners and referred by the Zoning Administrator where a use is not specifically permitted under this Zoning Ordinance. In such cases the Planning Commission shall make its recommendations to the Town Council within sixty (60) days as to whether:
 - (i) To amend the Ordinance to allow the unrestricted use in the District;
 - (ii) To amend the Ordinance to allow the use with a conditional use permit;

- (iii) To amend the Ordinance by rezoning the district and hereby allow the use, or;
- (iv) To deny the use in the District. The Planning Commission may hold a separate public hearing or a joint public hearing, as provided by law, with the Town Council. If after sixty (60) days, no public hearing has been set or no recommendation has been made by the Planning Commission, the Town Council may assume the Planning Commission recommends approval of the application.
- (b) To review proposed changes and amendments to the Zoning Ordinance and make recommendations to the Town Council.
- (c) To review proposed changes and amendments to the Zoning Map, including amendments to proffered conditions and make recommendations to the Town Council.
- (d) To review and make recommendations regarding conditional uses as specified by this Ordinance.
- (e) To review and recommend changes to the Comprehensive Plan in accordance with the provisions of the Code of Virginia Section 15.2-2223 et seq.
- (f) To review and make recommendations on fees, charges, and other expenses imposed by this Ordinance.

10-3 ZONING ADMINISTRATOR

The Zoning Administrator shall report to the Town Manager and be appointed by resolution of the Town Council. In addition to those responsibilities specifically prescribed elsewhere in this Ordinance the Zoning Administrator shall have the following powers and duties:

- (a) Referrals. If, in any district established under this Ordinance a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission. The Planning Commission shall in turn make its recommendation to the Town Council within sixty (60) days.
- (b) Issue Zoning Permits. The Zoning Administrator shall, upon demonstration by the applicant that a proposed use or structure complies with all, applicable ordinance requirements, issue zoning permits.
- (c) Issue Sign Permits. The Zoning Administrator shall issue a sign permit for all signs requiring such a permit as provided in this ordinance,
- (d) Interpret and Maintain Zoning Ordinance. The Zoning Administrator shall provide written interpretations of this ordinance, including making conclusions of law and findings of facts with the concurrence of the Town Attorney, in connection with the administration, application and enforcement of the ordinance in specific cases, including the determination of rights under Virginia Code Section 15.2-2307 The Administrator shall maintain a true and accurate copy of this Ordinance, including all amendments and interpretations.
- (e) Interpret and maintain official Zoning Map. The Zoning Administrator shall interpret the Official Zoning Map as it relates to specific properties within the Town. The Zoning Administrator shall also maintain the Official Zoning Map by