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10 ADMINISTRATION PROVISIONS

10-A CONFLICT WITH STATUTES, LOCAL ORDINANCES, OR REGULATIONS.

10-A-1 (7/15/08) Whenever the regulations made under authority of this article require a greater width or size of yards, courts, or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern.

10-B ISSUANCE OF PERMITS AND LICENSES

(2/16/01)

10-B-1 All departments, officials, and public employees of Clarke County who are vested with the duty or authority to issue permits or licenses shall, when issuing said permits or licenses, conform to the provisions of this Ordinance.

10-B-2 Permits for uses, buildings, or purposes shall only be issued when such uses, buildings, or purposes comply with the provisions of this Ordinance.

10-B-3 Any permit or license issued which is in conflict with the provisions of this Ordinance shall be null and void.

10-B-4 (2/16/01) No permit for uses or buildings shall be issued for any subdivided lot (as defined in the Clarke County Subdivision Ordinance) until a subdivision plat has been approved by Clarke County land records, or unless the lot was created and recorded in the land records before August 19, 1957.

10-C VIOLATIONS AND PENALTIES

10-C-1 Violations

Any person, firm, or corporation, whether as owner, lessee, principal, agent, employee, or otherwise, who violates, causes a violation, or permits a violation of any or the provisions of this Ordinance, shall be guilty of a misdemeanor. Each day upon which such violation continues shall constitute a separate offense.

10-C-2 Penalties

(10/18/05) Upon conviction of a violation of this Ordinance, the person, firm, or corporation so convicted shall be subject to the penalties set forth in Section 15.2-2286(A)(5), Code of Virginia.

10-D REMEDIES NOT EXCLUSIVE

The remedies for violations and enforcement of this Ordinance are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

10-E PUBLIC HEARINGS

(11/16/93)

10-E-1 Public hearings held by the Board of Supervisors, Planning Commission, Board of Zoning Appeals, Berryville Area Development Authority, Septic and Well Appeals Board, Historic Preservation Commission or other duly appointed authority, shall be held in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. In accordance with applicable regulations, before such hearings, the following is required:

10-E-1-a Notice of the intended action shall be published once a week for two successive weeks in some newspaper published or having general circulation in Clarke County; provided that such notice for matters to be considered by more than one board or commission may be published concurrently. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than five days or more than twenty-one days after the second advertisement shall appear in such newspaper.
(8/19/03)

10-E-1-b In accordance with Section 15.2-2206, Code of Virginia, 1950, as amended, the applicant for the action requiring a public hearing shall be responsible for providing the notice required in Sections 10-E-1-(b)-(1) and 10-E-1-(b)-(2); and shall bear the cost of said notice. The applicant shall be required to supply the names of those persons that were required to be notified and certify that notice was sent to those to whom notice was required to be sent. The certification of notice and a listing of the persons to whom notice has been sent shall be supplied by the applicant to the zoning administrator at least five days before the public hearing. Any person entitled to notice may waive such right in writing.

1. When a proposed amendment of the zoning ordinance involves a change in zoning classification of twenty-five or fewer parcels of land, then, in addition to the advertising required in Section 10-E-1-(a), written notices shall be given at least five days before the hearing to the owner (as shown on the current real estate assessment records of Clarke County) of each parcel involved, the owners of all abutting property and the owners of property immediately across the street or road from the property affected. If such notice is sent by an applicant other than a representative of the Board of Supervisors, it shall be sent by registered or certified mail. If such notice is sent by a representative of the Board, the notice may be sent first class mail; provided that the representative make affidavit that such mailings have been made and file such affidavit with the records of the case.
2. When a proposed amendment to the Zoning Ordinance involves a change in the zoning map classification of more than twenty-five but less than five hundred parcels of land, then, in addition to the advertising required in Section 10-E-1-(a), written notice shall be given at least 5 days before the hearing to the owners of each parcel of land involved. One notice sent by first class mail to the last known address of such owner as shown on the current real estate assessment records of Clarke County. The party responsible for sending the required notice shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.
3. When a proposed amendment to the Zoning Ordinance involves a change in the zoning map classification of 500 or more parcels of land, written notice to the owners of each parcel of land is not required. Advertising is required as stated in Section 10-E-1-(a).

- 10-E-1-c (8/19/03) At least fifteen days preceding the hearing, the applicant shall erect on the involved parcel or parcels, a sign or signs, indicating the nature of the request and the body reviewing the request. If the public hearing concerns more than five parcels, the number and location of signs to be posted shall be determined by the Zoning Administrator. The Zoning Administrator may require a reasonable deposit for each sign furnished to the applicant. The sign shall be erected by the applicant within ten feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than one foot above the ground. Such sign shall not be erected on the public right-of-way. If more than one such road abuts the subject parcel or parcels, or if no public road abuts thereon, then the number and location of signs shall be determined by the Zoning Administrator. Any sign erected as required by this Section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator, or authorized agent of either, to remove or tamper with any required sign during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fifteen days following the public hearing for which it was erected. Failure to return the undamaged sign or signs within the prescribed time period will result in the forfeiture of the sign deposit.
- 10-E-1-d At the hearing, the applicant shall submit an affidavit that he/she has fully complied with the requirements of this Section as to provision of written notice and posting of the property.
- 10-E-1-e If any hearing is continued to an unspecified date, written notice shall be remailed for notification of the date of continuation to those parties that received notice of the previous hearing, in accordance with Sections 10-E-1-(b) and 10-E-1-(d) of this Ordinance.
- 10-F FEES
Fees for permits, applications, petitions, and other action under the provisions of this Ordinance shall be payable to "Treasurer, Clarke County", in such amount as shall from time to time be set by resolution of the Board of Supervisors.
- 10-G SEVERABILITY
Should any section or provision of this Ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.
- 10-H REPEAL OF CONFLICTING ORDINANCES
The Zoning Ordinance of Clarke County previously adopted with an effective date of December 21, 1977, as amended, is hereby repealed as of the effective date of this Ordinance. All other ordinances or parts thereof which conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.
- 10-I EFFECTIVE DATE
This Zoning Ordinance shall be effective at and after 12:01 A.M. the 14th day of August, 1985.