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Coastal Zone Management Program

CHESAPEAKE BAY PRESERVATION

AREA ORDINANCE

COASTAL ZONE

INFORMATION CENTER

NORTHUMBERLAND COUNTY, VIRGINIA

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CHESAPEAKE BAY PRESERVATION AREA ORDINANCE FOR NORTHUMBERLAND COUNTY, VIRGINIA

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ARTICLE 1 - TITLE; FINDINGS OF FACT; PURPOSE AND INTENT

1-1. Title.

This Ordinance shall be known as the "Chesapeake Bay Preservation Area Ordinance for Northumberland County, Virginia."

1-2. Findings of fact.

The Chesapeake Bay and its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Northumberland County and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Northumberland County's economy and the welfare of its citizens.

The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. These waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, water in the Bay and consequently the quality of life in Northumberland County and the Commonwealth of Virginia.

1-3. Purpose and Intent.

1-3-1. This Ordinance is enacted to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act). The intent of the Governing Body and the purpose of these regulations is to (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollutionstate waters;
(2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be

expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Northumberland County.

1-3-2. These regulations shall be in addition to and shall accompany all other County regulations where they are applied; including the Zoning Ordinance, Erosion and Sediment Control Ordinance, Site Plan Development Process, Flood Plain Management Ordinance, Subdivision Ordinance, and the Northumberland County Building Code Ordinance.

1-3-3. This Ordinance is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) of the Code of Virginia.

ARTICLE 2 - DEFINITIONS

2-1. General rules of construction.

The following general rules of construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.

2. Words used in the present tense include the past and future tenses, and the future the present.

3. The word "shall" is always mandatory. The word "may" is permissive.

4. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

2-2. Definitions.

2-2-1. Administrator: The official charged with the enforcement of this Ordinance. He may be an appointed or elected official who is, by formal resolution, designated to the position by the Governing Body.

2-2-2. Agricultural lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

2-2-3. Applicant: Any person who is responsible for any undertaking that requires a site plan development process or a building permit.

2-2-4. Best management practices or BMPs: A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

2-2-5. Buffer area: An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

2-2-6. Chesapeake Bay Preservation Area or CBPA: Any land designated by Northumberland County pursuant to Part III of the Chesapeake Bay Preservation Area Designation

and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. The Chesapeake Bay Preservation Area consists of Resource Protection Areas and Resource Management Areas.

2-2-7. Construction footprint: The area of all impervious surface, including but not limited to, buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.

2-2-8. County, the : The County of Northumberland, Virgnia.

2-2-9. Circuit Court, the: The Circuit Court of Northumberland County, Virginia.

2-2-10. Development: The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

2-2-11. Diameter at breast height or DBH: The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

2-2-12. Governing Body: The Board of Supervisors of Northumberland County, Virginia.

2-2-13. Impervious cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

2-2-14. Nonpoint source pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as run-off from agriculture and urban land development and use.

2-2-15. Nontidal wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

2-2-16. Noxious weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

2-2-17. Person: An individual, trustee, executor, other

fidiciary, corporation, firm, partnership, association, organization, or any other entity acting as a unit.

2-2-18. Site plan development process: The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article, prior to any clearing or grading of a site or the issuance of a building permit.

2-2-19. Redevelopment: The process of developing land that is or has been previously developed. Redevelopment shall only occur on parcels which have at least 40 percent impervious cover existing.

2-2-20. Resource Management Area or RMA: That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land typed that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

2-2-21. Resource Protection Area or RPA: That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

2-2-22. Tidal shore or shore: Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

2-2-23. Tidal wetlands: Vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia.

2-2-24. Tributary stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24000).

2-2-25. Water dependent facility: A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are nor limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

2-2-26. Wetlands: Tidal and nontidal wetlands.

ARTICLE 3 - CHESAPEAKE BAY PRESERVATION AREA DESIGNATION

3-1. Areas of Applicability.

The Chesapeake Bay Preservation Area Regulations shall apply to all unincorporated areas of Northumberland County, Virgnia identified as Chesapeake Bay Preservation Areas as designated by the Governing Body and as shown on the Northumberland County Chesapeake Bay Preservation Area (CBPA) map. The CBPA map is hereby adopted by reference and declared to be a part of this Ordinance.

3-2. The Resource Protection Area (RPA) includes:

a. Tidal wetlands;

b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands, tributary streams, and ponds located within the floodplain;

c. Tidal shores;

d. Ponds located within the floodplain;

e. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections a. through d. above, and along both sides of any tributary stream, provided that the buffer area shall extend at least 50 feet landward of any beach or dune.

3-3. The Resource Management Area (RMA) is composed of concentrations of the following land categories: floodplains; highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the RPA; other lands Northumberland County feels are necessary to protect the quality of state waters. The RMA includes all areas of Northumberland County not included in the RPA.

3-4. The Chesapeake Bay Preservation Area Map references the general location of all CBPAs and should not be used to determine the exact location of these areas. Each request for any activity within the CBPAs will be determined on a site specific basis related to the property.

ARTICLE 4 - CHESAPEAKE BAY PRESERVATION AREA REGULATIONS

4-1. Use Regulations.

Permitted uses, special permit uses, accessory uses, and special requirements shall comply with the standards set forth by the Zoning Ordinance, unless specifically modified by the requirements set forth in this Ordinance.

4-2. Lot size.

Lot size shall be subject to the requirements of the Zoning Ordinance, provided that any lot shall have sufficient area outside the Resource Protection Area to accommodate an intended development, in accordance with the performance standards in Section 4-9, when such development is not otherwise allowed in the RPA.

4-3. Required Conditions.

4-3-1. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to the site plan development process, including the approval of a final plan in accordance with Section 5-12 of this Ordinance.

4-3-2. Development in RPAs may be allowed only if it: (i) is water dependent; or (ii) constitutes redevelopment.

4-3-2-1. A new or expanded water dependent facility may be allowed provided that:

a. It does not conflict with the Comprehensive Plan;

b. It complies with the performance criteria set forth in Section 4-6 of this Ordinance;

c. Any non-water dependent component is located outside of Resource Protection Areas;

d. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.

4-3-2-2. Redevelopment shall conform to applicable stormwater management and erosion and sediment control criteria set forth in this Article and Article 5.

4-4. Conflict with other Regulations.

In any case where the requirements of this Ordinance conflict with any other provision of the Northumberland County Ordinances or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

4-5. Interpretation of Resource Protection Area Boundaries.

4-5-1. Delineation by the Applicant.

When an environmental site assessment is required by the Administrator, the applicant shall determine the site specific boundaries of RPA features, subject to approval by the Administrator and in accordance with Section 5-6 of this Ordinance. The CBPA map shall be used as a guide to the general location of RPAs.

4-5-2. Delineation by the Administrator.

When an environmental site assessment has been required by the Administrator, the applicant wishing to construct a dwelling unit or any structure secondary to a dwelling unit may request the Administrator to delineate the landward extent of tidal wetlands, tidal shores, nontidal wetlands and ponds located within the RPA. The Administrator or his duly authorized representative may then perform these delineations as requested in accordance with Article 5 of this Ordinance.

4-5-3. Where Conflict Arises Over Delineation.

Where the applicant has provided a site-specific delineation of the RPA, the Administrator or his duly authorized representative shall verify the accuracy of the boundary delineation. In verifying the site-specific RPA boundary the Administrator shall approve or disapprove the boundary delineation in accordance with Section 5-12 of this Ordinance.

4-6. Performance Standards.

4-6-1. Purpose and Intent.

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or

pesticides, filters stormwater run-off. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater run-off potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.

4-6-2. General Performance Standards for Development and Redevelopment.

4-6-2-1. Land disturbance shall be limited to the area necessary to provide for the desired use or development.

a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.

b. The construction footprint shall not exceed 60% of the site.

c. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Administrator.

4-6-2-2. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.

a. Existing trees over ten (10) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. General woodlot management including removal of diseased trees or trees weakened by age, storm, fire, or other injury as well as silvicultural activities are exempt from this requirement.

b. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Administrator.

c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected around any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of

equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

4-6-2-3. Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use of development permitted.

a. Grid and modular pavements which promote infiltration shall be considered for any required parking area, alley, or other low traffic driveway.

b. Parking areas and driveways shall be designed so as to minimize impervious surface.

4-6-2-4. Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family dwellings, septic tanks and drainfields, shall comply with the requirements of the Northumberland County Erosion and Sediment Control Ordinance.

4-6-2-5. All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years.

4-6-2-6. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided and must meet with the approval of the Health Official. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Official. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.

4-6-2-7. For any development or redevelopment, stormwater run-off shall be controlled by the use of best management practices that achieve the following:

a. For development, the post-development nonpoint source pollution run-off load shall not exceed the pre-development load, based on the calculated average land cover condition of Virginia's Chesapeake Bay watershed as specified in Appendix C of the Local Assistance Manual. All nonpoint source calculations shall be performed as specified in Appendix C of the Local Assistance Manual.

b. For redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent.

The Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater run-off quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution run-off load exceed the pre-development load;

2. Run-off pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;

3. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Ordinance.

c. For redevelopment, both the pre-and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.

4-6-2-8. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U. S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Ordinance. Such a plan shall be approved by the local Soil and Water Conservation District by January 1, 1995.

4-6-3. Buffer Area Requirements.

To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100 foot buffer area of vegetation that is effective in retarding run-off, preventing erosion, and filtering nonpoint source pollution from run-off shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the RPA, in

accordance with Articles 3 and 5 of this Ordinance.

The 100 foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full 100 foot buffer area may be employed in lieu of the 100 foot buffer if approved by the Administrator after consideration of the water quality impact assessment, in accordance with Section 5-9 of this Ordinance.

4-6-3-1. The buffer area shall be maintained to meet the following additional performance standards:

In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:

a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding run-off, preventing erosion, and filtering nonpoint source pollution from run-off.

b. Any path shall be constructed and surfaced so as to effectively control erosion.

c. Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the recommendation of the Department of Forestry.

d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

4-6-3-2. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the width of the buffer may be modified in accordance with the following criteria:

a. Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable

area for a principal structure and necessary utilities;

b. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and

c. In no case shall the reduced portion of the buffer area be less than 50 feet in width.

4-6-3-3. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. the agricultural buffer area may be reduced as follows:

a. To a minimum width of 50 feet when the adjacent land is implementing a federal or state funded agricultural best management practices program, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area;

b. To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the local Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Ordinance.

c. The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District.

4-7. Nonconforming use and development waivers.

The lawful use of a building or structure which existed on September 20, 1990 or which exists at the time of any amendment to this Ordinance, and which is not in conformity with the provisions of the this Article may be continued in accordance with Article 11 of the Zoning Ordinance.

No change or expansion of use shall be allowed with the exception that:

4-7-1. The Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling

and alterations or additions to such nonconforming structures provided that:

a. There will be no net increase in nonpoint source pollution load;

b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of the Northumberland County Erosion and Sediment Control Ordinance.

c. Any expansion or enlargement does not exceed 50% of existing square footage.

4-7-2. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Administrator and shall include for the purpose of proper enforcement of this Ordinance, the following information:

a. Name and address of applicant and property owner;

b. Legal description of the property and type of proposed use and development;

c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of RPAs;

d. Location and description of any existing private water supply or sewage system.

4-7-3. A nonconforming use and development waiver shall become null and void six months from the date issued if no substantial work has commenced.

4-8. Exemptions.

4-8-1. Exemptions for Utilities.

Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the requirements of this Ordinance provided that:

a. To the degree possible, the location of such utilities and facilities should be outside RPAs;

b. No more land shall be disturbed than is necessary to provide for the desired utility installation;

c. All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

d. Any land disturbance exceeding an area of 2,500 square feet complies with all requirements of the Northumberland County Erosion and Sediment Control Ordinance.

4-8-2. Exemptions for Silvicultural Activities.

Silvicultural activities are exempt from the requirements of this Ordinance.

4-8-3. Exemptions in Resource Protection Areas.

The following land disturbances in Resource Protection Areas may be exempted from the requirements of this Article: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that:

a. Any required permits, except those to which this exemption specifically applies, shall have been issued;

b. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

c. The intended use does not conflict with nearby planned or approved uses; and

d. Any land disturbance exceeding an area of 2,500 square feet shall comply with all requirements of the Northumberland County Erosion and Sediment Control Ordinance.

4-9. Exceptions.

4-9-1. A request for an exception to the requirements of this Article shall be made in writing to the Administrator. It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area through the performance of a water quality impact assessment which complies with the provisions of Section 5-9 of this Ordinance.

4-9-2. The Governing Body shall review the request for an exception after submission of a water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Governing Body finds:

1. Granting the exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners;

2. The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;

3. The exception request is the minimum necessary to afford relief;

4. The exception request will be consistent with the purpose and intent of this Ordinance, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

4-9-4. Any person or persons jointly or severally aggrieved by any decision of the Governing body, or any taxpayer or any officer, department, board, or bureau of the County or any municipality therein, may present to the Circuit Court a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Governing Body.

ARTICLE 5 - SITE PLAN DEVELOPMENT PROCESS

5-1. Purpose and Intent.

This Article is enacted to assure compliance with this Ordinance and all applicable ordinances and regulations, to protect and enhance the values of the natural environment in Northumberland County, to protect the economic value of the natural environment from unwise and disorderly development, to ensure the efficient use of land, and to create standards in the layout, design, landscaping, and construction of development.

5-2. Application.

The site plan development process as described in this Article must be followed for all development or redevelopment in CBPAs requiring a zoning permit, special exceptions permit, conditional use permit, wetlands permit, or rezoning request; or for a subdivision, planned unit development or cluster development.

Any development or redevelopment exceeding 2,500 square feet of land disturbance shall follow the site plan development process prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this Ordinance.

5-3. Procedures for Plan Preparation and Submission.

In addition to the requirements of this Ordinance, the Zoning Ordinance, the Subdivision Ordinance, and any other related ordinances or laws, the site plan development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Administrator. The Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

5-3-1. Prior to submitting a plan, the applicant may schedule a pre-application conference with the Administrator. Sketched plans may be submitted prior to or on the conference date. Due to existing site conditions, the Administrator may waive certain requirements of the site plan development process.

5-3-2. The following plans or studies shall be submitted, unless otherwise provided for:

1. A site plan or subdivision plat;

2. An environmental site assessment;

3. A landscape plan;

4. A stormwater management plan;

5. An erosion and sediment control plan;

6. A water quality impact assessment.

5-4. Site Plan.

Two copies of the site plan shall be submitted and shall be clearly drawn to scale and shall show the following unless otherwise indicated by the Administrator:

1. Name and address of the applicant, owner of the parcel, and the plan preparer.

2. Location of the property including name of subdivision, tax map parcel number, and name of street where property is located.

3. A boundary survey of the tract (if available) or site plan limit showing north arrow and property line measurements.

4. Location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way.

5. Existing zoning.

6. Date, scale, and number of sheets.

7. The location of all existing and proposed structures, including marine structures and temporary structures. In the case of temporary structures the date when the structure will be removed must be indicated.

8. The location and extent of all wooded areas before development; the proposed construction footprint, with indication of post-development cover.

9. Computations shall include the total site area in acres, the approximate amount and percentage of the site to be covered by open space and the amount and

percentage to be covered by impervious surface after development.

10. The location of all existing and proposed septic tanks and drainfield sites including reserve sites; the location of all existing and proposed wells.

11. The location of all existing and proposed easements for streets, overhead and underground utilities, drainage, or any other easements which may exist or are proposed on the property.

12. The location of all curb cuts as approved by the Virginia Department of Transportation.

13. The location and layout of any driveways or parking areas, or any other paved or graveled areas.

14. The shortest distances from all property lines to all existing and proposed structures.

15. The approximate limit of all Resource Protection Area features and any additional required buffer areas if an environmental site assessment is not submitted.

16. The approximate limit of the 100-year floodplain.

17. Included with the site plan shall be documentation of all existing permits and applications relevant to the parcel, including but not limited to: Health Department permits for all wells and septic drainfields; all existing zoning permits and zoning applications; applications for rezoning, special use permits, and zoning variances.

5-5. Environmental Site Assessment. -

An environmental site assessment is required to determine the exact boundaries of Resource Protection Areas and any other environmentally sensitive features located on the property.

The Administrator may waive the requirement for an environmental site assessment when the following features apply:

1. No RPA features or any features as listed in Section 5-5-1 are present within twenty feet of the proposed construction footprint;

2. The Administrator deems it unnecessary due to the unique characteristics of the site or intensity of the proposed development.

5-5-1. The environmental site assessment shall clearly delineate the location and extent of Resource Protection Area features as described in Article 3 of this Ordinance. The assessment shall also clearly delineate the following environmental features if present;

a. Highly erodible soils (erosion index >= 8)including steep slopes 10 % or greater;

c. Highly permeable soils (permeability >= 6 inch/hour;

d. Nontidal wetlands not included in the Resource Protection Area;

e. Hydric soils with depth to water table 0"-18";

f. Shrink and swell clays and marine clays;

g. Other sensitive environmental features as determined by the Administrator.

5-5-2. Wetlands delineations and hydric soil delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989.

5-5-3. Resource Protection Area delineation shall be performed in accordance with Section 4-5 of this Ordinance.

5-5-4. The environmental site assessment shall be certified as complete and accurate by a professional engineer, a certified land surveyor or a certified landscape architect. This requirement may be waived by the Administrator when the proposed use of development would result in less than 5,000 square feet of disturbed area.

5-6. Landscape Plan.

A landscape plan is required by the Administrator to determine the extent of proposed clearing and grading and the types and amount of existing and proposed vegetation.

The Administrator may waive the requirement for the submission of a landscape plan when:

1. All proposed clearing is outside of the RPA;

2. The proposed clearing is less than 20,000 square feet;

3. There is no proposed grading; and

4. The Administrator deems it unnecessary due to the unique characteristics of the site or intensity of the proposed development.

Landscape plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

5-6-1. Contents of the Plan.

a. The landscape plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site ten (10) inches or greater DBH shall be shown on the landscape plan. Where there are groups of trees, stands may be outlined instead. The specific number of trees ten (10) inches or greater DBH to be preserved outside of the construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated on the landscape plan.

b. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Ordinance, shall be shown on the landscape plan.

c. Within the buffer areas, trees to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Ordinance, shall be shown on the plan. Vegetation required by this Ordinance to replace any existing trees within the buffer area shall also be shown on the landscape plan.

d. Any replacement vegetation required by this Ordinance shall be shown on the landscape plan.

e. The landscape plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

5-6-2. Plant specifications.

a. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards for the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.

c. Where areas to be preserved, as designated on an approved landscape plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of two (2) planted trees to one (1) removed. Replacement trees shall be a minimum one and one-half (1.5) inches DBH at the time of planting.

5-6-3. Maintenance.

a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Section.

b. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Section.

5-7. Stormwater Management Plan.

A stormwater management plan is required by the Administrator to determine the amount of stormwater run-off and the required location and size of necessary stormwater structures and/or practices to control this run-off.

The Administrator may waive the requirement for a stormwater management plan when:

1. The construction footprint is outside of the RPA;

2. Post-development impervious surface will cover less than 16% of the site;

3. The administrator deems it unnecessary due to the unique characteristics of the site or intensity of the proposed development.

5-7-1. At a minimum, the stormwater management plan must contain the following:

a. Location and design of all planned stormwater control devices;

b. Procedures for implementing non-structural stormwater control practices and techniques;

c. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;

d. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIA or IIIB Surveyor Certification.

5-7-2. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, or other similar planning documents.

5-7-3. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Local Assistance Manual, Virginia Erosion and Sediment Control Handbook, Virginia Department of Transportation Drainage Manual, or any equivalent engineering methods.

5-7-4. The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Governing Body, then a maintenance agreement shall be executed between the responsible party and the Governing Body.

5-8. Erosion and Sediment Control Plan.

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Ordinance and is in accordance with the Northumberland County Erosion and Sediment Control Ordinance, in conjunction with site plan or subdivision plat approval.

5-9. Water Quality Impact Assessment.

5-9-1. Purpose.

The purpose of the water quality impact assessment is to:

1. identify the impacts of proposed development on water quality and lands within RPAs and other environmentally sensitive lands;

2. ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;

3. protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water,

erosion, or vulnerability to flood and storm damage; and

4. specify mitigation which will address water quality protection.

5-9-2. Water quality impact assessment required.

A water quality impact assessment is required for:

1. any proposed development within an RPA, including any buffer area modification or reduction as provided for in this Ordinance;

2. any development in an RMA as deemed necessary by the Administrator due to the unique characteristics of the site or intensity of the proposed development.

There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

5-9-3. Minor water quality impact assessment.

A minor water quality impact assessment pertains only to development within CBPAs which causes no more than 5,000 square feet of land disturbance and requires any modification or reduction of the landward 50 feet of the 100 foot buffer area. A minor assessment must demonstrate through acceptable calculations that the remaining buffer area and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off. A minor assessment shall include a site drawing to scale which shows the following:

1. Location of the components of the RPA, including the 100-foot buffer area;

2. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

3. Type and location of proposed best management practices to mitigate the proposed encroachment.

5-9-4. Major water quality impact assessment.

A major water quality impact assessment shall be required for any development which:

1. exceeds 5,000 square feet of land disturbance within

CBPAs and requires any modification or reduction of the landward 50 feet of the 100-foot buffer area;

2. disturbs any portion of any other component of an RPA or disturbs any portion of the buffer area within 50 feet of any other component of an RPA; or

3. is located in an RMA and is deemed necessary by the Administrator. The information required in this Section shall be considered a minimum, unless the Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of the land.

The following elements shall be included in the preparation and submission of a major water quality assessment:

5-9-4-1. All of the information required in a minor water quality impact assessment, as specified in Section 5-9-3;

5-9-4-2. A hydrogeological element that:

a. Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.

b. Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.

c. Indicates the following:

1. Disturbance and/or destruction of wetlands and justification for such action;

2. Disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;

3. Disruptions to existing hydrology including wetland and stream circulation patterns;

4. Source location and description of proposed fill material;

5. Location of dredge material and location of dumping area for such material;

6. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;

7. Estimation of pre- and post-development pollutant loads in run-off;

8. Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;

9. Percent of site to be cleared for project;

10. Anticipated duration and phasing schedule of construction project;

11. Listing of all requisite permits from all applicable agencies necessary to develop project.

d. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

1. Proposed erosion and sediment control concepts; concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of run-off velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;

2. Proposed stormwater management system;

3. Creation of wetlands to replace those lost;

4. Minimizing cut and fill.

5-9-4-3. A landscape element that:

a. Identifies and delineates the location of all significant plant material, including all trees on site ten (10) inches or greater DBH. Where there are groups of trees, stands may be outlined.

b. Describes the impacts the development or use will have on the existing vegetation. Information should include:

1. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;

2. Clear delineation of all trees which will be removed;

3. Description of plant species to be disturbed or removed.

c. Describes the potential measures for mitigation. Possible mitigation measures include:

1. Replanting schedule for trees and other

significant vegetation removed for construction, including a list of possible plants and trees to be used;

2. Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.

3. Demonstration that indigenous plants are to be used to the greatest extent possible.

5-9-4-4. A wastewater element, where applicable, that:

a. Includes calculations and locations of anticipated drainfield or wastewater irrigation areas;

b. Provides justification for sewer line locations on environmentally sensitive areas, where applicable, and describes construction techniques and standards;

c. Discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses;

d. Describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.

5-9-4-5. Identification of the existing characteristics and conditions of sensitive lands included as components of Chesapeake Bay Preservation Areas, as defined in Article 3 of this Ordinance.

5-9-4-6. Identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.

5-9-5. Submission and review requirements.

5-9-5-1. Three copies of all site drawings and other applicable information as required by the Administrator shall be submitted to the Administrator for review.

5-9-5-2. All information required in this section shall be certified as complete and accurate by a professional engineer or a Class IIIA or IIIB land surveyor.

5-9-5-3. A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Administrator in conjunction with this Article.

5-9-5-4. As part of any major water quality impact assessment

submittal, the Administrator may request review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Administrator will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

5-9-6. Evaluation procedure.

5-9-6-1. Upon the complete review of a minor water quality impact assessment, the Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of Article 4 and make a finding based upon the following criteria in conjunction with this Article:

a. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;

b. The development, as proposed, meets the purpose and intent of Article 4 of this Ordinance;

c. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

5-9-6-2. Upon the completed review of a major water quality impact assessment, the Administrator will determine if the proposed development is consistent with the purpose and intent of this Article and make a finding based upon the following criteria in conjunction with this Article:

a. The disturbance of wetlands will be minimized;

b. The development will not result in significant disruption of the hydrology of the site;

c. The development will not result in significant degradation to aquatic vegetation or life;

d. The development will not result in unnecessary destruction of plant materials on site;

e. Proposed erosion and sediment control practices are adequate to achieve the reductions in run-off and prevent off-site sedimentation;

f. Proposed stormwater management practices are adequate to control the stormwater run-off to achieve

the required standard for pollutant control;

g. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;

h. The design and location of any proposed drainfield will be in accordance with the requirements of this Ordinance;

i. The development, as proposed, is consistent with the purpose and intent of Article 4 of this Ordinance;

j. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

5-9-6-3. The Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Administrator based on the criteria listed above in sections 5-9-6-1 and 5-9-6-2.

5-9-6-4. The Administrator shall find the proposal to be inconsistent with the purpose and intent of this Ordinance when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Administrator based on the criteria listed in sections 5-9-6-1 and 5-9-6-2.

5-10. Plan Requirements for Subdivisions, Cluster Developments, and Planned Unit Developments.

In addition to the requirements for submission of a preliminary site plan, the following information shall be shown on all site plans for industrial, commercial, multi-family, public and planned unit developments as well as for land divisions and subdivisions unless otherwise indicated by the Administrator.

1. Title of the project.

2. Vicinty map at a scale of no less than one inch equals two thousand (2,000) feet.

3. County, state, magisterial district, names and numbers of adjacent roads, streams, and bodies of water, or other landmarks sufficient to clearly identify the location of the property.

4. A boundary survey of the tract with an error of closure within the limit of one in ten thousand (10,000), related to true north, grid north, or magnetic north, showing the location and type of

boundary evidence.

5. Scale of plat (no larger than one inch to two hundred (200) feet, unless previously approved by the Subdivision Agent or Zoning Administrator).

6. Date of completion and any subsequent revisions.

7. Location, width, names and numbers of all existing and proposed streets and easements in and adjoining the site.

8. Location of all existing and proposed entrances to site.

9. Number of lots in subdivision.

10. Acreage of individual lots.

11. Total length of shoreline.

12. Names of owners and locations of abutting properties.

13. Proposed lot layout, lot numbers, block letters, and dimensions of lots (or locations of cluster development or planned unit development).

14. Location of and description of proposed sewage disposal systems. In the case of septic systems, both promary and reserve sites must be located and a professional soils report stating the suitability of the land for such systems shall be included.

15. Water supply and distribution plan.

16. Fire protection plan.

17. Refuse disposal plan.

18. Stormwater management plan (see Section 5-7).

19. Provisions for off-street parking including areas for recreational vehicles, boats, etc. Indications of type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided.

20. Location or proposed location of each building on the site, including any accessory buildings, utility lines, street lights, etc.

21. Location, height and type of all external lighting.

22. Location, size and height of all existing and

proposed signs.

23. Location and identification of all other proposed facilities (swimming pools, tennis courts, etc.)

24. Conceptual grading plan showing soil types, limits of clearing and grading, existing and proposed grades, and location of natural watercourses, wetlands, and floodplains.

23. Such other information as may be required by the Administrator.

24. Plans for subdivisions, cluster developments, and planned unit developments must be signed and certified by a professional engineer or architect.

5-11. Final Plan.

A final plan shall be a site plan and all other plans as required by the Administrator.

5-11-1. Final plans for all lands within CBPAs shall include a maintenance agreement as deemed necessary and appropriate by the Administrator to ensure proper maintenance of best management practices in order to continue their functions.

5-11-2. Final Plan Review Procedures.

5-11-2-1. Final plans shall be submitted to the Administrator. The filing of the final plan in addition to a zoning permit application signed by the applicant or his or her agent, together with payment of the prescribed filing fees, shall constitute an application for zoning approval.

5-11-2-2. The Administrator shall check the final plan for general completeness and compliance with such administrative requirements as are established.

5-11-2-3. All final plans which are appropriately submitted and conform to standards and requirements set forth in this Ordinance shall be reviewed by the Administrator relative to:

1. Compliance with all applicable requirements of this Ordinance and the Zoning Ordinance, including but not limited to setbacks, height of building, lot area, lot coverage, landscaping and screening;

2. Location and design of vehicular and pedestrian access points, to include concurrence from the Virginia

Department of Transportation on proposed entrances and exits from public streets;

3. Location and adequacy of automobile parking areas;

4. Adequacy of drainage, sewage disposal, and compliance with established design criteria, construction standards, and specifications;

5. Protection of environmentally sensitive features;

6. Provision of adequate erosion and sedimentation control measures of both a temporary and permanent nature.

5-11-2-4. The Administrator shall consider the final plan in light of the provisions of this Ordinance and approve or disapprove the final plan within sixty (60) days from submission of the plan. In the case of disapproval, the Administrator may suggest modifications, requesting thereon any changes or additional information that will be required. One copy of the final plan shall be returned to the applicant, with the date of such approval or disapproval noted thereon over the signature of the Administrator.

5-11-2-5. If the Administrator fails to approve or disapprove a final plan within sixty (60) days after it has been officially submitted for approval, the applicant, after ten (10) days notice to the Administrator, may petition the Governing Body to decide whether the plat should be approved or disapproved.

5-12. Installation and bonding requirements.

a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no Certificate of Occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved final plan.

b. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan; a Certificate of Occupancy may be issued only if the applicant provides to the Governing Body a form of surety satisfactory to the Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.

c. All required landscaping shall be installed and approved by the first planting season following issuance of a Certificate of Occupancy or the surety may be forfeited to the Governing Body.

d. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Governing Body. The Governing Body may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

e. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Administrator, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Administrator may require a Certificate of Substantial Completion from a Professional Engineer or Class IIIb Surveyor before making a final inspection.

5-13. Period of Validity of Approved Final Plan.

An approved final plan shall become null and void if no significant work is done or development is made on the site within one year from final plan approval. Construction or development may begin upon approval of the final plan by the Administrator and acquisition of appropriate permits. The Governing Body may grant a single six month extension upon written request of the applicant.

5-14. Minor or Major Adjustment in Approved Final Plan.

5-14-1. After a final plan has been approved by the Administrator, minor adjustments of the final plan, which comply with the spirit of this Article and other provisions of this Ordinance and with the general purpose of the comprehensive plan for development of the area, may be approved by the Administrator. Deviation from an approved final plan without the written approval of the Administrator shall void the plan and the Administrator shall require the applicant to resubmit a new plan for consideration.

5-14-2. Any major revision of an approved final plan may be made in the same manner as originally approved and any requirements of this Article may be waived by the Administrator in specific cases where such requirement is found to be unreasonable and where such waiver will not be adverse to the purpose of this Ordinance.

5-15. Administration and Administrative Responsibility.

Administration of the plan of development process shall be in accordance with this Ordinance, the Zoning Ordinance and the Subdivision Ordinance.

5-16. Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the final plan is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Governing Body. The appeal must be made in writing and filed within thirty (30) days after notification of the decision as provided in Section 5-11-2-4 of this Ordinance. In granting an appeal, the Governing Body must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Ordinance. If the Governing Body finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

ARTICLE 6 - ENFORCEMENT

6-1. Enforcement procedures.

If the Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If such violation continues, the Administrator shall immediately notify the Commonwealth's Attorney of such violation.

The Commonwealth's Attorney shall immediately institute an appropriate action or proceeding in law or equity to prevent such violations, or to restrain, correct, or abate such violation.

6-2. Enforcement remedies.

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Administrator, with the assistance of the Commonwealth's Attorney, in addition to other remedies, may institute in the name of the County any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

6-3. Violation and penalty.

All departments, officials, and public employees of Northumberland County which are vested with the duty and authority to issue permits, approve plans or conduct other activities to ensure compliance with this Ordinance shall conform to the provisions of this Ordinance. They shall issue permits, approve plans and conduct other activities that allow uses, buildings, or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit or plan, if issued or approved in conflict with the provisions of this Ordinance, shall be null and void.

Any person, firm, or corporation, whether as principal, agent, employed or otherwise, violating, causing, or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and,

upon conviction thereof, shall be fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

ARTICLE 7 - FEES

7-1. Fees.

Fees are established by the Governing Body and are designated to help defray the cost of administering this program.

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