

ORDINANCE NO. 1312

APPROVED BY THE BOARD OF SUPERVISORS: August 8, 2023

ORDINANCE — To Amend and Reordain Section 10-28 Titled “Definitions,” Section 10-34 Titled “Erosion and sediment control plan requirements for VESCP land-disturbing activities,” Section 10-35 Titled “Stormwater management plan requirements for VSMP and CBPA land-disturbing activities,” and Section 10-42 Titled “General Construction Permit requirements” of the Code of the County of Henrico to Conform to 2023 Changes in State Law Regarding Stormwater Management

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 10-28 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-28. Definitions.

. . . .

Agreement in lieu of an erosion and sediment control plan means a contract executed by the administrator and the owner in lieu of an erosion and sediment control plan for construction of a (i) single-family residence or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, which specifies conservation measures to be used during construction.

Agreement in lieu of a stormwater management plan means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VSMP for the construction of a (i) single-family residence or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

. . . .

Farm building or structure means the same as that term is defined in Code of Virginia, § 36-97 and also includes any building or structure used for agritourism activity, as defined in Code of Virginia, § 3.2-6400, and any related impervious surfaces including roads, driveways, and parking areas.

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2. That Section 10-34 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-34. Erosion and sediment control plan requirements for VESCP land-disturbing activities.

. . . .

(c) An agreement in lieu of an erosion and sediment control plan may be substituted for an ESC plan when the VESCP land-disturbing activity results from the construction of a (i) single-family residential structures, including additions or modifications to an existing single-family detached residential structure, or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent.

(d) A certificate of competence shall not be required for persons carrying out an agreement in lieu of a plan. However, if a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this article.

3. That Section 10-35 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-35. Stormwater management plan requirements for VSMP and CBPA land-disturbing activities.

(a) A SWM plan must be prepared for VSMP land-disturbing activities and CBPA land-disturbing activities. However, an agreement in lieu of a stormwater management plan may be substituted for a SWM plan when the VSMP land-disturbing activity results from the construction of a (i) single-family residence or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent.

. . . .

4. That Section 10-42 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-42. General Construction Permit requirements.

. . . .

(b) All VSMP land-disturbing activities must satisfy the following requirements:

- (1) The owner must submit a GCP application/registration statement to the administrator; however, in accordance with § 62.1-44.15:28 of the Code of Virginia, no registration statement is required for a small construction activity, as defined in Code of Virginia, § 62.1-44.15:24, involving a single-family detached residential structure, within or outside a common plan of development or sale;

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5. That this ordinance will be in full force and effect on and after its passage as provided by law.