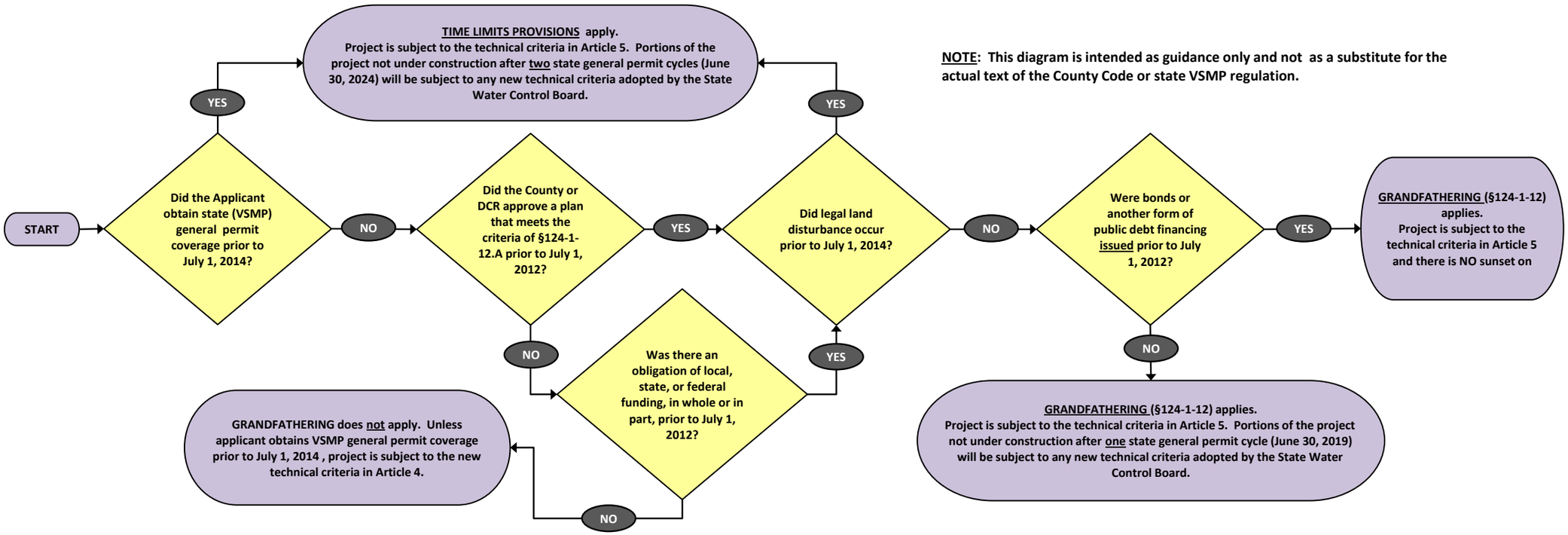
Grandfathering / Time Limits - Public Sector Projects
Which Design Criteria Apply?



NOTE: This diagram is intended as guidance only and not as a substitute for the actual text of the County Code or state VSMP regulation.

Code Section 124-1-12. Grandfathering

A. Any land-disturbing activity shall be considered grandfathered by the Director and shall be subject to the technical criteria in Article 5 provided:

1. A currently valid proffered rezoning or P district rezoning or other rezoning with a plan of development, special exception, special permit, variance, preliminary or final subdivision plat, subdivision construction plan, preliminary or final site plan, or grading plan, was approved by the County prior to July 1, 2012;

2. The proffered rezoning or P district rezoning or other rezoning with a plan of development, special exception, special permit, variance, preliminary or final subdivision plat, subdivision construction plan, preliminary or final site plan, or grading plan provides sufficient information to demonstrate that the resulting land-disturbing activity will comply with the technical requirements of Article 5 and include, as a minimum, the following: (i) a conceptual drawing that identifies the location of the proposed stormwater facilities; (ii) pre- and post-development calculations that detail the required pollutant reduction necessary to comply with the water quality design criteria; and (iii) calculations necessary to determine compliance with the water quantity design criteria; and

3. The proffered rezoning or P district rezoning or other rezoning with a plan of development, special exception, special permit, variance, preliminary or final subdivision plat, subdivision construction plan, preliminary or final site plan, or grading plan has not been subsequently modified or amended in a manner resulting in an increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge or the volume or rate of runoff; and,

4. A state permit has not been issued prior to July 1, 2014; and

5. Land disturbance did not commence prior to July 1, 2014.