

1 APPENDIX D - STORMWATER MANAGEMENT<sup>(1)</sup>

2  
3 Footnotes:

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5 **Editor's note**— Ord. No. 3337, adopted April 22, 2014, effective July 1, 2014, repealed the former App.  
6 D, §§ 1—16, and enacted a new App. D as set out herein. The former App. D pertained to similar subject  
7 matter. See Code Comparative Table for complete derivation.

8 **Cross reference**— Beaches, boats and waterways, Ch. 6; sewers and sewage disposal, Ch. 28; soil  
9 removal and other land-disturbing activities, Ch. 30; streets and sidewalks, Ch. 33; water supply, Ch. 37;  
10 zoning ordinance, App. A; subdivision regulations, App. B; site plan ordinance, App. C; Chesapeake Bay  
11 Preservation Area Ordinance, App. F; Southern Watersheds Management Ordinance, App. G; storm  
12 sewer system discharge ordinance, App. H.

13 Sec. 1-1. - Purpose and authority.

14 A. The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of  
15 the City of Virginia Beach and protect the quality and quantity of state waters from the potential harm  
16 of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable  
17 degradation of properties, water quality, stream channels, and other natural resources, and to establish  
18 procedures whereby stormwater requirements related to water quality and quantity shall be  
19 administered and enforced.

20 B. This ordinance is adopted pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1  
21 of the Code of Virginia, and in compliance with 9VAC25-870-10 et seq. of the Virginia Stormwater  
22 Management Regulations, except as amended by this Ordinance.

23 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

24 Sec. 1-2. - Stormwater management program established.

25 Pursuant to § 62.1-44.15:27 of the Code of Virginia, the City of Virginia Beach hereby establishes a  
26 Virginia stormwater management program for land-disturbing activities and adopts the applicable  
27 Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the  
28 purposes set out in Section 1-1 of this Ordinance. The City Council of the City of Virginia Beach hereby  
29 designates the City Manager, or his designee(s), as the Administrator of the Virginia stormwater  
30 management program.

31 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

32 Sec. 1-3. - Definitions.

33 In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management  
34 Regulations, as amended, which are expressly adopted and incorporated herein by reference, the  
35 following words and terms used in this Ordinance have the following meanings unless otherwise specified  
36 herein. Where definitions differ, those incorporated herein shall have precedence.

37 "*Administrator*" means the City Manager, or his designee(s).

38 "*Agreement in lieu of a stormwater management plan*" means a contract between the VSMP  
39 authority and the owner or permittee that specifies methods that shall be implemented to comply with the

40 requirements of a VSMP for the construction or demolition of a single-family residence; such contract may  
41 be executed by the VSMP authority in lieu of a stormwater management plan.

42 "*Applicant*" means any person submitting an application for a permit or requesting issuance of a  
43 permit under this Ordinance.

44 "*Best management practice*" or "*BMP*" means schedules of activities, prohibitions of practices,  
45 including both structural and nonstructural practices, maintenance procedures, and other management  
46 practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts  
47 of land-disturbing activities.

48 "*Channel*" means a natural or manmade waterway.

49 "*Chesapeake Bay Preservation Act land-disturbing activity*" means a land-disturbing activity including  
50 clearing, grading, or excavation that results in a land disturbance equal or greater than 2,500 square feet  
51 and less than one acre in all areas of jurisdictions designated as subject to the Chesapeake Bay  
52 Preservation Area Designation and Management Regulations (9VAC25-830) adopted pursuant to the  
53 Chesapeake Bay Preservation Act.

54 "*Common plan of development or sale*" means a contiguous area where separate and distinct  
55 construction activities may be taking place at different times on different schedules.

56 "*Construction activity*" means any clearing, grading or excavation associated with large construction  
57 activity or associated with small construction activity.

58 "*Control measure*" means any best management practice or stormwater facility, or other method  
59 used to minimize the discharge of pollutants to state waters.

60 "*Clean Water Act*" or "*CWA*" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly  
61 referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act  
62 Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public  
63 Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

64 "*Department*" means the Department of Environmental Quality.

65 "*Depression storage*" means the amount of rain that is retained on the surface in micro-depressions,  
66 ditches, and other terrain irregularities where water is allowed to collect and pond.

67 "*Development*" means land disturbance and the resulting landform associated with the construction  
68 of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures  
69 or the clearing of land for non-agricultural or non-silvicultural purposes.

70 "*Drainage area*" means a land area, water area, or both from which runoff flows to a  
71 ~~downstream common point (proposed project or the site entry point, project or site outfall, drainage~~  
72 ~~structure, junction, node, upstream end of a culvert or storm drain, upstream face of a waterway crossing,~~  
73 ~~channel, ditch, swale, spillway, weir, point of adequacy or point of analysis), as required.~~

74 ~~"*Energy grade line (EGL)*" means the line that represents the total energy of flow at a given location.~~  
75 ~~It is the sum of the elevation head, the pressure head, and the velocity head.~~

76 "*Flooding*" means a general or temporary condition of partial or complete inundation of normally dry  
77 land areas from:

- 78 (a) The overflow of inland or tidal waters, or  
79 (b) The unusual and rapid accumulation or runoff of surface waters from any source, or  
80 (c) Mudflows, which are akin to a river of liquid and flowing mud on the surfaces of normally dry land  
81 areas, as when earth is carried by a current of water and deposited along the path of the current.  
82 (d) The collapse or subsidence of land along the shore of a lake or other body of water as a result  
83 of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical  
84 levels or suddenly caused by an unusually high water level in a natural body of water,  
85 accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an

86 abnormal tidal surge, some similarly unusual and unforeseeable event that results in flooding as  
87 defined above.

88 "*Floodplain*" means any land area susceptible to being inundated by water from any source.

89 "*General permit*" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF  
90 STORMWATER FROM CONSTRUCTION ACTIVITIES found in Chapter 880 (9VAC25-880-1 et seq.) of  
91 the Regulations authorizing a category of discharges under the CWA and the Act within a geographical  
92 area of the Commonwealth of Virginia.

93 "*Hydraulic grade line (HGL)*" means a line coinciding with the level of flowing water in an open  
94 channel. In a closed conduit flowing under pressure, the HGL is the level to which water would rise in a  
95 vertical tube at any point along the pipe. It is equal to the energy grade line elevation minus the velocity  
96 head,  $V^2/2g$ .

97 "*Hydrologic Unit Code*" or "*HUC*" means a watershed unit established in the most recent version of  
98 Virginia's 6<sup>th</sup> Order National Watershed Boundary Dataset unless specifically identified as another order.

99 "*Impervious cover*" means a surface composed of material that significantly impedes or prevents  
100 natural infiltration of water into soil.

101 "*Land disturbance*" or "*land-disturbing activity*" means a man-made change to the land surface that  
102 potentially changes its runoff characteristics including clearing, grading, or excavation except that the  
103 term shall not include those exemptions specified in section 1-4 of this Ordinance.

104 "*Large construction activity*" means construction activity including clearing, grading and excavation,  
105 except operations that result in the disturbance of less than five acres of total land area. Large  
106 construction activity also includes the disturbance of less than five acres of total land areas that is a part  
107 of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres  
108 or more. Large construction activity does not include routine maintenance that is performed to maintain  
109 the original line and grade, hydraulic capacity, or original purpose of the facility.

110 "*Layout*" means a conceptual drawing sufficient to provide for the specified stormwater management  
111 facilities required at the time of approval.

112 "*Linear development project*" means a land-disturbing activity that is linear in nature such as, but not  
113 limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii)  
114 construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a  
115 railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream  
116 restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be  
117 considered linear development projects.

118 "*Localized flooding*" means smaller scale flooding that may occur outside of a stormwater  
119 conveyance system. This may include high water, ponding, or standing water from stormwater runoff,  
120 which is likely to cause property damage or unsafe conditions.

121 "*Major municipal separate storm sewer outfall*" or "*major outfall*" means a municipal separate storm  
122 sewer outfall that discharges from a single pipe with an inside diameter of thirty-six (36) inches or more or  
123 its equivalent (discharge from a single conveyance other than circular pipe which is associated with a  
124 drainage areas of more than fifty (50) acres); or for municipal separate storm sewers that receive  
125 stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the  
126 equivalent), with an outfall that discharges from a single pipe with an inside diameter of twelve (12) inches  
127 or more or from its equivalent (discharge from other than a circular pipe associated with a drainage areas  
128 of two (2) acres or more).

129 "*Minor modification*" means an amendment to an existing general permit before its expiration not  
130 requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test  
131 protocols, increased monitoring frequency requirements, changes in sampling locations, and changes to  
132 compliance dates within the overall compliance schedules. A minor general permit modification or  
133 amendment does not substantially alter general permit conditions, substantially increase or decrease the  
134 amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility  
135 to protect human health or the environment.

136 *"Natural channel design concepts"* means the utilization of engineering analysis based on fluvial  
137 geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the  
138 purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and  
139 allows larger flows to access its floodplain.

140 *"Natural stream"* means a tidal or nontidal watercourse that is part of the natural topography. It  
141 usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in  
142 cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall  
143 not be considered natural streams; however, channels designed utilizing natural channel design concepts  
144 may be considered natural streams.

145 *"Nonpoint source pollution"* means pollution such as sediment, nitrogen, phosphorous,  
146 hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from  
147 the land surface in a diffuse manner by stormwater runoff.

148 *"Operator"* means the owner or operator of any facility or activity subject to the Act and this chapter.  
149 In the context of stormwater associated with a large or small construction activity or Chesapeake Bay  
150 Preservation Act land-disturbing activity, operator means any person associated with a construction  
151 project that meets either of the following two criteria: (i) the person has direct operation control over  
152 construction plans and specifications, including the ability to make modifications to those plans and  
153 specifications or (ii) the person has day-to-day operational control of those activities at a project that are  
154 necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state  
155 permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out  
156 activities required by the stormwater pollution prevention plan or comply with other permit conditions). In  
157 the context of stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s), operator  
158 means the operator of the regulated MS4 system.

159 *"Outfall"* means, when used in reference to municipal separate storm sewers, a point source at the  
160 point where a municipal separate storm sewer discharges to surface waters and does not include open  
161 conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances  
162 with connected segments of the same stream or other surface waters and are used to convey surface  
163 waters.

164 *"Owner"* means the Commonwealth or any of its political subdivisions including, but not limited to,  
165 sanitation district commissions and authorities, and any public or private institution, corporation,  
166 association, firm or company organized or existing under the laws of this or any other state or country, or  
167 any officer or agency of the United States, or any person or group of persons acting individually or as a  
168 group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any  
169 actual or potential discharge of sewage, industrial wastes, or other wastes or pollutants to state waters, or  
170 any facility or operation that has the capability to alter the physical, chemical, or biological properties of  
171 state waters in contravention of § 62.14-44.5 of the Code of Virginia, the Act and this chapter.

172 *"Peak flow rate"* means the maximum instantaneous flow from a prescribed design storm at a  
173 particular location.

174 *"Percent impervious"* means the impervious area within the site divided by the area of the site  
175 multiplied by 100.

176 *"Permit"* or *"VSMP Authority Permit"* means an approval to conduct a land-disturbing activity issued  
177 by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and  
178 which may only be issued after evidence of general permit coverage has been provided by the  
179 Department, if required.

180 *"Permittee"* means the person to whom the VSMP Authority Permit is issued.

181 *"Person"* means any individual, corporation, partnership, association, state, municipality,  
182 commission, or political subdivision of a state, governmental body, including federal, state, or local entity  
183 as applicable, any interstate body or any other legal entity.

184 ~~*"Point of adequacy"* means a point in the downstream receiving stormwater conveyance system  
185 where it has adequate capacity to convey the design storm discharge under proposed conditions to a~~

186 ~~receiving water body, as determined by the City of Virginia Beach Public Works Design Standards~~  
187 ~~Manual and the latest City of Virginia Beach amendments to the Virginia Department of Transportation~~  
188 ~~Design Manual.~~

189 *"Point of discharge"* means a location at which concentrated stormwater runoff is released.

190 *"Pollutant discharge"* means the average amount of a particular pollutant measured in pounds per  
191 year or other standard reportable unit as appropriate, delivered by stormwater runoff.

192 *"Pollution"* means such alteration of a physical, chemical or biological properties of any state waters  
193 as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the  
194 public health, safety or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with  
195 reasonable treatment for use as present or possible future sources of public water supply; or (c)  
196 unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (j)  
197 an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of  
198 sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to  
199 cause pollution, but which in combination with such alteration of or discharge or deposit to state waters by  
200 other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into  
201 state waters; and (iii) contributing to the contravention of standards of water quality duly established by  
202 the State Board, are "pollution" for the terms and purposes of this chapter.

203 *"Postdevelopment"* refers to conditions that reasonably may be expected or anticipated to exist after  
204 completion of the land development activity on a specific site.

205 *"Predevelopment"* refers to the conditions that exist at the time that plans for the land development of  
206 a tract of land are submitted to the VSMP authority. Where phased development or plan approval occurs  
207 (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at  
208 the time prior to the first item being submitted shall establish predevelopment conditions.

209 *"Prior developed lands"* means land that has been previously utilized for residential, commercial,  
210 industrial, institutional, recreation, transportation or utility facilities or structures, and that will have the  
211 impervious area associated with those uses altered during a land-disturbing activity.

212 *"Qualified personnel"* means a person knowledgeable in the principles and practices of erosion and  
213 sediment and stormwater management controls who possesses the skills to assess conditions at the  
214 construction site for the operator that could impact stormwater quality and quantity and to assess the  
215 effectiveness of any sediment and erosion control measures or stormwater management facilities  
216 selected to control the quality and quantity of stormwater discharges from the construction activity. For  
217 VSMP authorities this requires the use of a person who holds a certificate of competency from the State  
218 Board in the areas of project inspection for ESC and project inspection for SWM or combined  
219 administrator for ESC and combined administrator for SWM as defined in 9VAC25-850-10 or a  
220 combination of ESC and SWM qualifications from these two areas.

221 *"Regulations"* means the Virginia Stormwater Management Program (VSMP) Regulations, 9VAC25-  
222 870, as amended.

223 *"Runoff coefficient"* means the fraction of total rainfall that will appear at a conveyance as runoff.

224 *"Runoff"* or *"stormwater runoff"* means that portion of precipitation that is discharged across the land  
225 surface or through conveyances to one or more waterways.

226 *"Runoff characteristics"* include maximum velocity, peak flow rate, volume, and flow duration.

227 *"Runoff volume"* means the volume of water that runs off the site from a prescribed design storm.

228 *"Schedule of compliance"* means a schedule of remedial measures included in a state permit,  
229 including an enforceable sequence of interim requirements (for example, actions, operations, or milestone  
230 events) leading to compliance with the Act, the CWA and regulations.

231 *"Site"* means the land or water area where any facility or land-disturbing activity is physically located  
232 or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing  
233 activity. Areas channelward of mean low water shall not be considered part of a site.

234 "Site hydrology" means the movement of water on, across, through and off the site as determined by  
235 parameters including, but not limited to, soil types, soil permeability, vegetative cover, seasonal water  
236 tables, slopes, land cover, and impervious cover.

237 "Small construction activity" means

238 1. Construction activities including clearing, grading, and excavating that results in land disturbance  
239 of equal to or greater than one acre, and less than five acres. Small construction activity also  
240 includes the disturbance of less than one acre of total land area that is part of a larger common  
241 plan of development of sale if the larger common plan will ultimately disturb equal to or greater  
242 than one and less than five acres. Small construction activity does not include routine  
243 maintenance that is performed to maintain the original line and grade, hydraulic capacity, or  
244 original purpose of the facility. The State Board may waive the otherwise applicable requirements  
245 in a general permit for a stormwater discharge from construction activities that disturb less than  
246 five acres where stormwater controls are not needed based on a "total maximum daily load"  
247 (TMDL) that addresses the pollutant(s) of concern or, for nonimpaired waters that do not require  
248 TMDLs, an equivalent analysis that determines allocations for small construction sites for the  
249 pollutant(s) of concern or that determines that such allocations are not needed to protect water  
250 quality based on consideration of existing in-stream concentrations, expected growth in pollutant  
251 contributions from all sources, and a margin of safety. For the purpose of this subdivision, the  
252 pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total  
253 suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause  
254 of impairment of any water body that will receive a discharge from the construction activity. The  
255 operator must certify to the State Board that the construction activity will take place and  
256 stormwater discharges will occur, within the drainage area addressed by the TMDL or equivalent  
257 analysis.

258 2. Any other construction activity designated by the either State Board or the EPA regional  
259 administrator, based on the potential for contribution to a violation of a water quality standard or  
260 for significant contribution of pollutants to surface waters.

261 "Special Flood Hazard Area" means the land in the floodplain subject to a one (1) percent or greater  
262 chance of being flooded in any given year as set forth in the Floodplain Ordinance (Appendix K).

263 "State" means the Commonwealth of Virginia.

264 "State Board" means the State Water Control Board.

265 "State permit" means an approval to conduct a land-disturbing activity issued by the State Board in  
266 the form of a state stormwater individual permit or coverage issued under a state general permit or an  
267 approval issued by the State Board for stormwater discharges from an MS4. Under these state permits,  
268 the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and  
269 regulations, the Virginia Stormwater Management Act and the Regulations.

270 "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of  
271 Virginia.

272 "State waters" means all water, on the surface and under the ground, wholly or partially within or  
273 bordering the Commonwealth or within its jurisdiction, including wetlands.

274 "Stormwater" means precipitation that is discharged across the land surface or through conveyances  
275 to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff  
276 and drainage.

277 "Stormwater Appeals Board" is the appeal authority designated by City Council to hear appeals from  
278 any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action  
279 of the City taken in regard to the Ordinance ~~without a formal hearing.~~ The Stormwater Appeals Board  
280 shall be appointed by City Council and shall consist of ~~six (6) members, one (1) five (5) voting citizen~~  
281 ~~members and two (2) alternates. The five (5) voting members and two (2) alternates shall include citizens~~  
282 ~~from the DepartmentCity of Planning, one (1) from the Department of Public Works, one (1) from the~~  
283 ~~Department of Public Utilities and Virginia Beach who will serve a term of three (3) citizen members-years~~

284 with a maximum of two (2) consecutive terms and three (3) of whom shall have professional or  
285 educational experience in civil engineering, land surveying, landscape architecture, environmental  
286 sciences, earth science, soil science, natural resources, chemistry, or other commensurate professional  
287 or educational background. The city attorney or his designee shall serve as legal counsel to the  
288 Stormwater Appeals Board and the departments of Public Works and Planning shall be staff to the  
289 Stormwater Appeals Board.

290 "*Stormwater conveyance system*" means a combination of drainage components that are used to  
291 convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

- 292 1. "*Manmade stormwater conveyance system*" means a pipe, ditch, vegetated swale, or other  
293 stormwater conveyance system constructed by man except for restored stormwater conveyance  
294 systems;
- 295 2. "*Natural stormwater conveyance system*" means the main channel of a natural stream and the  
296 flood-prone area adjacent to the main channel; or
- 297 3. "*Restored stormwater conveyance system*" means a stormwater conveyance system that has  
298 been designed and constructed using natural channel design concepts. Restored stormwater  
299 conveyance systems include the main channel and the flood-prone area adjacent to the main  
300 channel.

301 "*Stormwater discharge associated with construction activity*" means a discharge of stormwater runoff  
302 from areas where land-disturbing activities (e.g., clearing, grading, or excavation); construction materials  
303 or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling); or  
304 other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch  
305 plants) are located.

306 "*Stormwater management facility*" means a control measure that controls stormwater runoff and  
307 changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period  
308 of release or the velocity of flow.

309 "*Stormwater management plan*" means a document(s) containing material describing methods for  
310 complying with the requirements of section 1-6 of this Ordinance.

311 "*Stormwater Pollution Prevention Plan*" or "*SWPPP*" means a document that is prepared in  
312 accordance with good engineering practices and that identifies potential sources of pollutants that may  
313 reasonably be expected to affect the quality of stormwater discharges from the construction site, and  
314 otherwise meets the requirements of this Ordinance. In addition the document shall identify and require  
315 the implementation of control measures, and shall include, but not be limited to the inclusion of or the  
316 incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater  
317 management plan, and a pollution prevention plan.

318 "*Subdivision*" means the same as defined in Section 1.4 of the Subdivision Regulations of the City of  
319 Virginia Beach [Appendix B].

320 "*Total maximum daily load*" or "*TMDL*" means the sum of the individual wasteload allocations for  
321 point sources, load allocations for nonpoint sources, natural background loading and a margin of safety.  
322 TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The  
323 TMDL process provides for point versus nonpoint source trade-offs.

324 "*Virginia Stormwater BMP Clearinghouse Website*" means a website that contains detailed design  
325 standards and specifications for control measures that may be used in Virginia to comply with the  
326 requirements of the Virginia Stormwater Management Act and associated regulations.

327 "*Virginia Stormwater Management Act*" or "*Act*" means Article 2.3 (§ 62.1-44.15:24 et seq.) of  
328 Chapter 3.1 of Title 62.1 of the Code of Virginia.

329 "*Virginia Stormwater Management Handbook*" means a collection of pertinent information that  
330 provides general guidance for compliance with the Act and associated regulations and is developed by  
331 the department with advice from a stakeholder advisory committee.

332 "Virginia Stormwater Management Program" or "VSMP" means a program approved by the State  
333 Board after September 13, 2011, that has been established by a locality to manage the quality and  
334 quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances,  
335 rules, permit requirements, annual standards and specifications, policies and guidelines, technical  
336 materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and  
337 evaluation consistent with the requirements of this article and associated regulations.

338 "Virginia Stormwater Management Program authority" or "VSMP authority" means an authority  
339 approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management  
340 Program.

341 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3449, 5-3-16; Ord. No. 3618, 6-16-20)

342 Sec. 1-4. - Stormwater applicability and exemptions.

- 343 A. Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority  
344 permit or an executed agreement in lieu of a stormwater plan has been issued by the Administrator in  
345 accordance with the provisions of this Ordinance.
- 346 B. When a VSMP permit is not required pursuant to an exemption listed below, all land disturbing activities  
347 that disturb two thousand five hundred (2,500) square feet or more of land must obtain a Land  
348 Disturbing Permit in accordance with the provisions of the City of Virginia Beach Erosion and Sediment  
349 Control Ordinance (Chapter 30).
- 350 C. A Chesapeake Bay Preservation Act Land-Disturbing Activity shall not be required to obtain a general  
351 Permit, but will be required to obtain a Land Disturbing Permit and be subject to an erosion and  
352 sediment control plan consistent with the requirements of the Erosion and Sediment Control  
353 Ordinance, a stormwater management plan as outlined under section 1-6, the technical criteria and  
354 administrative requirements for land-disturbing activities outlined in sections 1-10 through 1-19 and 1-  
355 22 through 1-27, the variance procedures of section 1-21 and the requirements for control measures  
356 and long-term maintenance outlined under section 1-28.
- 357 D. Single-family residences separately built and disturbing less than one (1) acre and that are part of a  
358 larger common plan of development or sale, and not located in the Chesapeake Bay Preservation  
359 Area, shall operate in accordance with the general permit and required SWPPP, but shall not be  
360 required to complete a registration statement.
- 361 E. Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless  
362 otherwise required by federal law:
- 363 1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects  
364 conducted under the provisions of Title 45.1 of the Code of Virginia;
  - 365 2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or  
366 harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as  
367 additionally set forth by the State Board in regulations, including engineering operations as  
368 follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds,  
369 ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and  
370 land irrigation; however, this exception shall not apply to harvesting of forest crops unless the  
371 area on which harvesting occurs is reforested artificially or naturally in accordance with the  
372 provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted  
373 to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of  
374 Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
  - 375 3. Single-family residences separately built and disturbing less than one acre and not part of a larger  
376 common plan of development or sale, including additions or modifications to existing single-family  
377 detached residential structures, unless the land disturbance is located in the Chesapeake Bay  
378 watershed. In the Chesapeake Bay watershed, single-family residences separately built and  
379 disturbing less than two thousand five hundred (2,500) square feet are exempt;



- 380 4. Land-disturbing activities that disturb less than one acre of land area, and not part of a larger  
381 common plan of development or sale, except in areas designated by the City as subject to the  
382 Chesapeake Bay Preservation Area Designation and Management Regulations, where land  
383 disturbing activities less than two thousand five hundred (2,500) square feet are exempt;
- 384 5. Discharges to a sanitary sewer;
- 385 6. Activities under a State or federal reclamation program to return an abandoned property to an  
386 agricultural or open land use;
- 387 7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity,  
388 or original construction of the project. The paving of an existing road with a compacted or  
389 impervious surface and reestablishment of existing associated ditches and shoulders shall be  
390 deemed routine maintenance if performed in accordance with this subsection; and
- 391 8. Conducting land-disturbing activities in response to a public emergency where the related work  
392 requires immediate authorization to avoid imminent endangerment to human health or the  
393 environment. In such situations, the Administrator shall be advised of the disturbance within seven  
394 days of commencing the land-disturbing activity and compliance with the administrative  
395 requirements of subsection A. is required within thirty (30) days of commencing the land-  
396 disturbing activity.

397 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

398 Sec. 1-5. - Submission and approval of plans.

- 399 A. No VSMP authority permit shall be issued by the Administrator, until the following items have been  
400 submitted to and approved by the Administrator as prescribed herein:
- 401 1. A plan review package that includes a general permit registration statement, if required.  
402 Registration statements are not required for detached single-family home construction, within or  
403 outside of a common plan of development or sale; however such construction must adhere to the  
404 requirements of the general permit;
- 405 2. An erosion and sediment control plan approved in accordance with the City of Virginia Beach  
406 Erosion and Sediment Control Ordinance (Chapter 30);
- 407 3. A stormwater management plan that meets the requirements of section 1-6 of this Ordinance or  
408 an executed agreement in lieu of a stormwater management plan; and
- 409 4. When the development of property is proposed, a site plan or subdivision construction plan  
410 incorporating all applicable requirements of the Subdivision Regulations (Appendix B) and Site  
411 Plan Ordinance (Appendix C).
- 412 B. No VSMP authority permit shall be issued until evidence of general permit coverage is obtained, if  
413 required.
- 414 C. No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 1-33,  
415 are received, and a reasonable performance bond required pursuant to section 1-34 of this Ordinance  
416 has been accepted.
- 417 D. No VSMP authority permit shall be issued until the Stormwater Management Facility Maintenance  
418 Agreement is submitted and approved pursuant to section 1-28 of this Ordinance.
- 419 E. No VSMP authority permit shall be issued unless and until the permit application and attendant  
420 materials and supporting documentation demonstrate that all land clearing, construction, disturbance,  
421 land development and drainage will be done according to the approved plan.
- 422 F. No grading, building or other local permit shall be issued for a property unless a VSMP authority permit  
423 has been issued by the Administrator, unless such activity is exempt.

424 G. No VSMP authority permit shall be issued until an Agreement in Lieu of a Stormwater Plan, if required,  
425 has been executed, submitted and approved.

426 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

427 Sec. 1-6. - Stormwater management plan; content of plan.

428 A. The Stormwater Management Plan, required in section 1-4 of this Ordinance, must apply the  
429 stormwater management technical criteria set forth in sections 1-10 through 1-19 and 1-22 through 1-  
430 27 of this Ordinance to the entire site or common plan of development or sale where applicable,  
431 consider all sources of surface runoff and all sources of surface and groundwater flows converted to  
432 surface runoff. Individual lots in new residential, commercial or industrial developments shall not be  
433 considered separate land-disturbing activities. Approved stormwater management plans for  
434 residential, commercial or industrial subdivisions govern the individual parcels within that plan  
435 throughout the development life of the lots even with subsequent owners.

436 The Stormwater Management Plan shall include the following information:

- 437 1. Information on the type and location of stormwater discharges; information on the features to  
438 which stormwater is being discharged including surface waters and the predevelopment and  
439 postdevelopment drainage areas;
- 440 2. Contact information including the name, address, and telephone number of the owner, and the  
441 applicant if not the owner, and the GPIN and parcel number of the property or properties affected;
- 442 3. A narrative that includes a description of current site conditions and final site conditions;
- 443 4. A general description of the proposed stormwater management facilities and the mechanism  
444 through which the facilities will be operated and maintained after construction is complete;
- 445 5. Information on the proposed stormwater management facilities, including:
  - 446 i. The type of facilities;
  - 447 ii. Location, including geographic coordinates expressed in U.S. Survey Feet and based on the  
448 Virginia State Plane Coordinate System, South Zone, NAD 1983/1993 (High Accuracy  
449 Reference Network) (HARN) or Latitude and Longitude;
  - 450 iii. Area treated, measured in square feet and acreage; and
  - 451 iv. The surface waters into which the facility will discharge;
- 452 6. Hydrologic and hydraulic computations, including runoff characteristics;
- 453 7. Documentation and calculations verifying compliance with the water quality and quantity  
454 requirements of sections 1-10 through 1-19 or 1-22 through 1-27 of this Ordinance;
- 455 8. A map or maps of the site that depicts the topography of the site and includes:
  - 456 i. All contributing drainage areas;
  - 457 ii. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
  - 458 iii. Soil types, forest cover, and other vegetative areas;
  - 459 iv. Current land use including existing structures, roads, and locations of known utilities and  
460 easements;
  - 461 v. Sufficient information on adjoining parcels ~~upstream to the watershed limits and adjoining~~  
462 ~~parcels downstream contributing to the point of adequacy,~~ to assess the impacts of  
463 stormwater from the site on these parcels;
  - 464 vi. The limits of clearing and grading, and the proposed drainage patterns on the site;

- 465           vii. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities;  
466           viii. Proposed land use with tabulation of the percentage of surface area to be adapted to  
467           various uses, including but not limited to planned locations of utilities, roads, and easements;  
468           ix. All Chesapeake Bay Preservation Area designations of Resource Protection Areas,  
469           including variable width buffers;  
470           x. All Southern Rivers Watershed buffers and nontidal wetlands, pursuant to Appendix G of the  
471           Virginia Beach City Code; and  
472           xi. Any other information reasonably necessary for an evaluation of the development activity.
- 473 B. If an operator intends to meet the water quality or quantity requirements set forth in sections 1-10  
474 through 1-19 and 1-22 through 1-27 of this Ordinance through the use of off-site compliance options,  
475 where applicable, then a letter of availability from the off-site provider must be included. Approved off-  
476 site options must achieve the necessary nutrient reductions prior to the commencement of the  
477 applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of  
478 Virginia.
- 479 C. If an operator intends to meet the water quality and quantity requirements available in an existing off-  
480 site regional or locally shared stormwater management facility, pursuant to a previously approved plan,  
481 documentation shall be required indicating that the facility meets the quality and quantity technical  
482 criteria set forth in sections 1-10 through 1-19 and 1-22 through 1-27 of this Ordinance and that a  
483 Stormwater Management Facilities Maintenance Agreement acceptable to the City has been recorded  
484 and that all necessary easements are in place to access and utilize the Stormwater Management  
485 Facility.
- 486 D. Elements of the stormwater management plans that include activities regulated under Chapter 4 (§  
487 54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a  
488 professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of  
489 Chapter 4 of Title 54.1 of the Code of Virginia.
- 490 E. A maintenance agreement and adequate easements shall be executed and recorded to ensure  
491 responsibility for the maintenance of any stormwater management facilities constructed under the  
492 requirements of this ordinance, unless exempted from this requirement under section 1-28, and to  
493 ensure appropriate access to such facilities for maintenance, inspection and corrective action.

494 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3369, 9-16-14; Ord. No. 3618, 6-16-20)

495 Sec. 1-7. - Review of stormwater management plans.

- 496 A. The Administrator shall review stormwater management plans and shall approve or disapprove a  
497 stormwater management plan according to the following:
- 498 1. The Administrator shall determine the completeness of a plan submittal package in accordance  
499 with section 1-6 of this Ordinance, and shall notify the applicant, in writing, of such determination,  
500 within fifteen (15) calendar days of receipt. If the plan is deemed to be incomplete, the above  
501 written notification shall contain the reasons the plan submittal package is deemed incomplete.
- 502 2. The Administrator shall have an additional sixty (60) calendar days from the date of the  
503 communication of completeness to review the plan, except that if a determination of completeness  
504 is not made within the time prescribed in subdivision 1., then the plan shall be deemed complete  
505 and the Administrator shall have sixty (60) calendar days from the date of submission to review  
506 the plan.
- 507 3. The Administrator shall review any plan that has been previously disapproved, within forty-five  
508 (45) calendar days of the date of resubmission.
- 509 4. During the review period, the plan shall be approved or disapproved and the decision  
510 communicated in writing to the person responsible for the land-disturbing activity or his

511 designated agent. If the plan is not approved, the reasons for not approving the plan shall be  
512 provided in writing. Approval or denial shall be based on the plan's compliance with the  
513 requirements of this Ordinance.

514 5. If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the  
515 time provided above in subdivision 2., the plan shall be deemed approved.

516 6. All written correspondence shall be by email or facsimile unless requested otherwise in writing by  
517 the applicant.

518 B. Approved stormwater plans may be modified as follows:

519 1. Modifications to an approved stormwater management plan shall be allowed only after review and  
520 written approval by the Administrator. The Administrator shall have sixty (60) calendar days to  
521 respond in writing either approving or disapproving such request.

522 2. The Administrator may require that an approved stormwater management plan be amended,  
523 within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

524 C. The Administrator shall require the submission of a construction record drawing for permanent  
525 stormwater management facilities and stormwater conveyance systems. The Administrator may elect  
526 not to require construction record drawings for stormwater management facilities and stormwater  
527 conveyance systems for which recorded maintenance agreements are not required pursuant to section  
528 1-28. Prior to the release of the surety and final approval of the facility by the City a construction record  
529 drawing for permanent stormwater management facilities and stormwater conveyance systems shall  
530 be submitted, inspected and approved by the Administrator. The construction record drawing shall be  
531 appropriately sealed and signed by a professional registered in the Commonwealth of Virginia,  
532 certifying that the stormwater management facilities and stormwater conveyance systems have been  
533 constructed in accordance with the approved plan.

534 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

535 Sec. 1-8. - Stormwater pollution prevention plan; content of plan.

536 A. The Stormwater Pollution Prevention Plan (SWPPP) is not required to be submitted for review and  
537 approval, however, it is a requirement of the VSMP and general permit and will be reviewed during  
538 inspections. Specific components of the SWPPP, as required by section 1-6 will be reviewed.

539 B. The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section  
540 9VAC25-870-54, but not limited to, an approved erosion and sediment control plan, an approved  
541 stormwater management plan, a pollution prevention plan for regulated land disturbing activities and  
542 a description of any additional control measures necessary to address a TMDL if required.

543 C. The SWPPP must also comply with the requirements and general information set forth in Section  
544 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.

545 D. The SWPPP shall be amended by the operator whenever there is a change in design, construction,  
546 operation, or maintenance that has a significant effect on the discharge of pollutants to state waters  
547 which is not addressed by the existing SWPPP.

548 E. The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is  
549 unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction  
550 site. Operators shall make the SWPPP available for public review in accordance with Section II of the  
551 general permit, either electronically or in hard copy.

552 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

553 Sec. 1-9. - Pollution prevention plan; content of plan.

- 554 A. A Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and  
555 updated as necessary and must detail the design, installation, implementation, and maintenance of  
556 effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such  
557 measures must be designed, installed, implemented, and maintained to:
- 558 1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and  
559 other wash waters. Wash waters must be treated in a sediment basin or alternative control that  
560 provides equivalent or better treatment prior to discharge;
  - 561 2. Minimize the exposure of building materials, building products, construction wastes, trash,  
562 landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other  
563 materials present on the site to precipitation and to stormwater; and
  - 564 3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak  
565 prevention and response procedures.
- 566 B. The pollution prevention plan shall include effective best management practices to prohibit the  
567 following discharges:
- 568 1. Wastewater from washout of concrete, unless managed by an appropriate control;
  - 569 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds,  
570 and other construction materials;
  - 571 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - 572 4. Soaps or solvents used in vehicle and equipment washing.
- 573 C. Discharges from dewatering activities, including discharges from dewatering of trenches and  
574 excavations, are prohibited unless managed by appropriate controls.

575 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

576 Sec. 1-10. - Applicability of technical criteria for regulated land disturbing activities.

577 Except as grandfathered in accordance with the provisions of section 1-20, sections 1-10 through 1-  
578 19 establish the minimum technical criteria for regulated land-disturbing activities that shall be employed  
579 to protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff  
580 resulting from land-disturbing activities.

581 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

582 Sec. 1-11. - Water quality design criteria requirements.

- 583 A. In order to protect the quality of state waters and to control the discharge of stormwater pollutants from  
584 regulated activities, the following minimum design criteria and statewide standards for stormwater  
585 management shall be applied to the site.
- 586 1. New development. The total phosphorus load of new development projects shall not exceed 0.41  
587 pounds per acre per year, as calculated pursuant to section 1-12.
  - 588 2. Development on prior developed lands.
    - 589 a. For land-disturbing activities disturbing greater than or equal to one acre that results in no  
590 net increase in impervious cover from the predevelopment condition, the total phosphorus  
591 load shall be reduced at least twenty (20) percent below the predevelopment total  
592 phosphorus load.

- 593 b. For regulated land-disturbing activities disturbing less than one acre that result in no net  
594 increase in impervious cover from the predevelopment condition, the total phosphorus load  
595 shall be reduced at least 10% below the predevelopment total phosphorus load.
- 596 c. For land-disturbing activities that result in a net increase in impervious cover over the  
597 predevelopment condition, the design criteria for new development shall be applied to the  
598 increased impervious area. Depending on the area of disturbance, the criteria of subdivisions  
599 a. or b. above, shall be applied to the remainder of the site.
- 600 d. In lieu of subdivision c., the total phosphorus load of a linear development project occurring  
601 on prior developed lands shall be reduced twenty (20) percent below the predevelopment  
602 total phosphorus load.
- 603 e. The total phosphorus load shall not be required to be reduced to below the applicable  
604 standard for new development unless a more stringent standard has been established by  
605 the City.
- 606 B. Compliance with subsection A. of this section shall be determined in accordance with section 1-12.

607 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

608 Sec. 1-12. - Water quality compliance.

- 609 A. Compliance with the water quality design criteria set out in sections A.1. and A.2. of section 1-11 shall  
610 be determined by utilizing the Virginia Runoff Reduction Method or another equivalent methodology  
611 that is approved by the State Water Control Board.
- 612 B. The BMPs listed in 9VAC25-870-65.B are approved for use as necessary to effectively reduce the  
613 phosphorus load and runoff volume in accordance with the Virginia Runoff Reduction Method. Other  
614 approved BMPs found on the Virginia Stormwater BMP Clearinghouse Website may also be utilized.  
615 Design specifications and the pollutant removal efficiencies for all approved BMPs are found on the  
616 Virginia Stormwater BMP Clearinghouse Website.
- 617 C. However, where a site drains to more than one HUC, the pollutant load reduction requirements shall  
618 be applied independently within each HUC unless reductions are achieved in accordance with a  
619 comprehensive watershed stormwater management plan in accordance with section 1-19. The City's  
620 Stormwater Drainage Basin boundary shall be used in lieu of the HUC boundaries for pollutant load  
621 reduction calculations except in the Lower Southern Rivers drainage basin where HUCs have been  
622 combined.
- 623 D. Offsite alternatives where allowed in accordance with section 1-14 may be utilized to meet the design  
624 criteria of subsection A. of section 1-11.

625 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

Sec. 1-13. - Water quantity.

- A. Channel protection ~~and~~, flood protection, design storm, and check storm criteria shall be addressed in  
accordance with the minimum standards set out in this section.
- B. Channel protection. Concentrated stormwater flow shall be released into a stormwater conveyance  
system and shall meet the criteria in subdivision 1, 2, or 3 of this subsection, where applicable, from  
the point of discharge to the limits of analysis defined in subdivision 4 of this subsection.
1. Manmade stormwater conveyance systems. When stormwater from a development is discharged  
to a manmade stormwater conveyance system, following the land-disturbing activity, either:
- a. The manmade stormwater conveyance system shall convey the postdevelopment peak flow  
rate from the two-year 24-hour storm event without causing erosion of the system. Detention

of stormwater or downstream improvements may be incorporated into the approved land-disturbing activity to meet this criterion, at the discretion of the VSMP authority; or

- b. The peak discharge requirements for concentrated stormwater flow to natural stormwater conveyance systems in subdivision 3 of this subsection shall be met.
2. Restored stormwater conveyance systems. When stormwater from a development is discharged to a restored stormwater conveyance system that has been restored using natural design concepts, following the land-disturbing activity, either:
    - a. The development shall be consistent, in combination with other stormwater runoff, with the design parameters of the restored stormwater conveyance system that is functioning in accordance with the design objectives; or
    - b. The peak discharge requirements for concentrated stormwater flow to natural stormwater conveyance systems in subdivision 3 of this subsection shall be met.
  3. Natural stormwater conveyance systems. When stormwater from a development is discharged to a natural stormwater conveyance system, the maximum peak flow rate from the one-year 24-hour storm following the land-disturbing activity shall be calculated either:

- a. In accordance with the following methodology:

$$Q_{\text{Developed}} \leq \text{I.F.} \cdot (Q_{\text{Pre-Developed}} \cdot RV_{\text{Pre-Developed}}) / RV_{\text{Developed}}$$

Under no condition shall  $Q_{\text{Developed}}$  be greater than  $Q_{\text{Pre-Developed}}$  nor shall  $Q_{\text{Developed}}$  be required to be less than that calculated in the equation  $(Q_{\text{Forest}} \cdot RV_{\text{Forest}}) / RV_{\text{Developed}}$ ; where

I.F. (Improvement Factor) equals 0.8 for sites > 1 acre or 0.9 for sites ≤ 1 acre.

$Q_{\text{Developed}}$  = The allowable peak flow rate of runoff from the developed site.

$RV_{\text{Developed}}$  = The volume of runoff from the site in the developed condition.

$Q_{\text{Pre-Developed}}$  = The peak flow rate of runoff from the site in the pre-developed condition.

$RV_{\text{Pre-Developed}}$  = The volume of runoff from the site in pre-developed condition.

$Q_{\text{Forest}}$  = The peak flow rate of runoff from the site in a forested condition.

$RV_{\text{Forest}}$  = the volume of runoff from the site in a forested condition; or

- b. In accordance with another methodology that is demonstrated by the City to achieve equivalent results and is approved by the State Board.

4. — Limits of analysis. ~~Stormwater~~Unless subdivision 3 of this subsection is utilized to show compliance with the channel protection criteria, stormwater conveyance systems shall be analyzed for compliance with channel protection criteria to ~~the~~ the point of adequacy as determined in subsection C, where either:

a. Based on land area, the site's contributing drainage area is less than or equal to 1.0% of the total watershed area or where a City model is used; or

b. Based on peak flow rate, the site's peak flow rate from the one-year 24-hour storm is less than or equal to 1.0% of the existing peak flow rate from the one-year 24-hour storm prior to the implementation of any stormwater quantity control measures.

- C. Flood protection. Concentrated stormwater flow shall be released into a stormwater conveyance system and shall meet the following criteria as demonstrated by use of acceptable hydrologic and hydraulic methodologies. Adequacy of the downstream system must be demonstrated for all the following:

1. ~~The downstream system must adequately convey the design storm to the point of adequacy, using freeboard heights and headwater depths stipulated in the City of Virginia Beach Public Works Design Standards Manual and the referenced documents.~~ Concentrated stormwater flow to stormwater conveyance systems that currently do not experience localized flooding during the 10-year 24-hour storm event: The point of discharge releases stormwater into a stormwater conveyance system that, following the land-disturbing activity, confines the post-development peak flow rate from the 10-year 24-hour storm event within the stormwater conveyance system. Detention of stormwater or downstream improvements may be incorporated into the approved land-disturbing activity to meet this criterion, at the discretion of the VSMP authority.
  2. ~~Concentrated stormwater flow to stormwater conveyance systems that currently experience localized flooding during the 10-year 24-hour storm event. The point of discharge either:~~
    - a. ~~Confines the post-development design-year Hydraulic Grade Line shall not increase over peak flow rate from the 10-year 24-hour storm event within the stormwater conveyance system to avoid the localized flooding. Detention of stormwater or downstream improvements may be incorporated into the approved land-disturbing activity to meet this criterion, at the discretion of the VSMP authority; or~~
    - b. ~~Releases a post-development peak flow rate for the 10-year 24-hour storm event that is less than the predevelopment design-year Hydraulic Grade Line in all receiving channels and water bodies and upstream facilities.~~ peak flow rate from the 10-year 24-hour storm event. Downstream stormwater conveyance systems do not require any additional analysis to show compliance with flood protection criteria if this option is utilized.
  3. Limits of analysis. ~~Stormwater~~Unless subdivision 2.b. of this subsection is utilized to comply with the flood protection criteria, stormwater conveyance systems shall be analyzed for compliance with flood protection criteria to ~~the~~ a point where:
    - a. The site's contributing drainage area is less than or equal to 1.0% of the total watershed area draining to a point of analysis in the downstream stormwater conveyance system;
    - b. Based on peak flow rate, the site's peak flow rate from the 10-year 24-hour storm event is less than or equal to 1.0% of the existing peak flow rate from the 10-year 24-hour storm event prior to the implementation of any stormwater quantity control measures; or
    - c. The stormwater conveyance system enters a mapped floodplain or other flood-prone area, adopted by ordinance, of any locality.
- D. Design and Check Storms.** In addition to satisfying the criteria in Section 2.C above, concentrated stormwater flow shall be released into a stormwater conveyance system and shall meet all applicable criteria as outlined in the Public Works Design Standards Manual. All land disturbance projects that increase the impervious area by more than 20,000 square feet shall:
1. Use EPA SWMM or value enhanced SWMM programs that can directly exchange input data with EPA SWMM for hydrologic and hydraulic calculations; and,
  2. Perform upstream and downstream drainage analyses to demonstrate adequacy— of the downstream system.
- D. E.** Increased volumes of sheet flow resulting from pervious or disconnected impervious areas, or from physical spreading of concentrated flow through level spreaders, must be identified and evaluated for potential impacts on down-gradient properties or resources. Increased volumes of sheet flow that will cause or contribute to erosion, sedimentation, or flooding of down gradient properties or resources shall be diverted to a stormwater management facility or a stormwater conveyance system that conveys the runoff without causing down-gradient erosion, sedimentation, or flooding.
- E.F.** For purposes of computing predevelopment runoff, all pervious lands on the site shall be assumed to be in good hydrologic condition in accordance with the U.S. Department of Agriculture's Natural



Resources Conservation Service (NRCS) standards, regardless of conditions existing at the time of computation. ~~Onsite areas which provide depression storage must be accounted for in all calculations. Predevelopment runoff calculations utilizing other hydrologic conditions may be utilized provided that it is demonstrated to and approved by the VSMP authority that actual site conditions warrant such considerations.~~ Predevelopment runoff calculations utilizing other hydrologic conditions may be utilized provided that it is demonstrated to and approved by the VSMP authority that actual site conditions warrant such considerations.

**FG.** Predevelopment and postdevelopment runoff characteristics and site hydrology shall be verified by site inspections, topographic surveys, available soil mapping or studies, and calculations consistent with good engineering practices. Guidance provided in the Virginia Stormwater Management Handbook and on the Virginia Stormwater BMP Clearinghouse website shall be considered appropriate practices.

~~**G.** The entire drainage area must be considered when determining the design storm and hydrologic methods. This includes both onsite and offsite contributing drainage areas. For drainage areas less than three hundred (300) acres, a ten year, twenty four hour design storm event for capacity design shall be used; for drainage areas equal to or greater than three hundred (300) acres, but less than five hundred (500) acres, a twenty five year, twenty four hour design storm event shall be used; for drainage areas equal to or greater than five hundred (500) acres, a fifty year, twenty four hour design storm event shall be used.~~

(Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

1 Sec. 1-14. - Offsite compliance options.

2 A. Offsite compliance options that the City may allow an operator to use to meet required phosphorus  
3 nutrient reductions include the following:

- 4 1. Offsite controls utilized in accordance with a comprehensive stormwater management plan  
5 adopted pursuant to section 1-19 for the local watershed within which a project is located;
- 6 2. A locality pollutant loading pro rata share program established pursuant to § 15.2-2243 of the  
7 Code of Virginia or similar local funding mechanism;
- 8 3. The nonpoint nutrient offset program established pursuant to § 62.1-44.15:35 of the Code of  
9 Virginia;
- 10 4. Any other offsite options approved by an applicable state agency or state board; and
- 11 5. When an operator has additional properties available within the same HUC or upstream HUC that  
12 the land-disturbing activity directly discharges to or within the same watershed as determined by  
13 the City, offsite stormwater management facilities on those properties may be utilized to meet the  
14 required phosphorus nutrient reductions from the land-disturbing activity.

15 B. Notwithstanding subsection A. of this section, and pursuant to § 62.1-44.15:35 of the Code of Virginia,  
16 operators shall be allowed to utilize offsite options identified in subsection A. of this section under any  
17 of the following conditions:

- 18 1. Less than five (5) acres of land will be disturbed;
- 19 2. The postconstruction phosphorus control requirement is less than ten (10) pounds per year; or
- 20 3. At least seventy-five (75) percent of the required phosphorus nutrient reductions are achieved on-  
21 site. If at least seventy-five (75) percent of the required phosphorus nutrient reductions cannot be  
22 met on-site, and the operator can demonstrate to the satisfaction of the City that (i) alternative  
23 site designs have been considered that may accommodate on-site best management practices,  
24 (ii) on-site best management practices have been considered in alternative site designs to the  
25 maximum extent practicable, (iii) appropriate on-site best management practices will be  
26 implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance

27 requirements cannot practicably be met on-site, then the required phosphorus nutrient reductions  
28 may be achieved, in whole or in part, through the use of off-site compliance options.

29 C. Notwithstanding subsections A. and B. of this section, offsite options shall not be allowed:

30 1. Unless the selected offsite option achieves the necessary nutrient reductions prior to the  
31 commencement of the operator's land-disturbing activity. In the case of a phased project, the  
32 operator may acquire or achieve offsite nutrient reductions prior to the commencement of each  
33 phase of land-disturbing activity in an amount sufficient for each phase.

34 2. In contravention of local water quality-based limitations at the point of discharge that are (i)  
35 consistent with the determinations made pursuant to subsection B of § 62.1-44.19:7 of the Code  
36 of Virginia, (ii) contained in a municipal separate storm sewer system (MS4) program plan  
37 accepted by DEQ, or (iii) as otherwise may be established or approved by the State Board.

38 3. Within the Southern Rivers watershed, the exchange of credits within an area subject to an  
39 approved local TMDL, for total phosphorus or total nitrogen shall be limited to those credits  
40 generated upstream of where the discharge reaches impaired waters in accordance with the  
41 Virginia State Water Control Board regulation 9VAC25-900-91 Exchange of credits.

42 D. In order to meet the requirements of section 1-13 described in subdivisions 1. and 2. of subsection A.  
43 of this section may be utilized.

44 E. In accordance with § 62.1-44.15:35F of the Code of Virginia, nutrient credits used pursuant to  
45 subsection A. shall be generated in the same or adjacent eight-digit hydrologic unit code as defined  
46 by the United States Geological Survey as the permitted site except as otherwise limited in subsection  
47 C. Nutrient credits outside the same or adjacent eight-digit hydrologic unit code may only be used if it  
48 is determined by the Director that no credits are available within the same or adjacent eight-digit  
49 hydrologic unit code when the Director accepts the final site design. In such cases, and subject to  
50 other limitations imposed in this section, credits available within the same tributary may be used. In no  
51 case shall credits from another tributary be used.

52 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

53 Sec. 1-15. - Design storms and hydrologic methods.

54 A. Unless otherwise specified, the prescribed design storms are one hundred twenty (120) percent of the  
55 one-year, two-year, ten-year, twenty-five-year, fifty-year and one hundred-year twenty-four-hour  
56 storms using the rainfall precipitation frequency data recommended by the U.S. National Oceanic and  
57 Atmospheric Administration (NOAA) Atlas 14, Volume 2 Version 3.0. Partial duration time series, as  
58 adjusted by the City of Virginia Beach Public Works Design Standards Manual, shall be used for the  
59 precipitation data.

60 B. Unless otherwise specified, all hydrologic analyses shall be based on the existing watershed  
61 characteristics and how the ultimate development condition of the subject project will be addressed.

62 ~~C. Except as allowed in subsection D. below, all analysis shall use dynamic modeling. The U.S.~~  
63 ~~Department of Agriculture's Natural Resources Conservation Service (NRCS) synthetic 24-hour~~  
64 ~~rainfall distribution and models, including, but not limited to TR-55 and TR-20; hydrologic and hydraulic~~  
65 ~~methods developed by the U.S. Army Corps of Engineers; or other standard hydrologic and hydraulic~~  
66 ~~methods, shall be used to conduct the analyses described in this part. Predeveloped vs. post-~~  
67 ~~developed runoff comparisons shall be performed using the same method of analysis.~~

68 ~~D. When total land disturbance is less than twenty thousand (20,000) square feet or the proposed~~  
69 ~~impervious area is at least ten (10) percent less than the existing impervious area, stormwater design~~  
70 ~~may use any computer design program that utilizes the twenty-four-hour design storm hyetograph with~~  
71 ~~increased precipitation and the static tailwater provided by the City of Virginia Beach. Analysis of~~  
72 ~~upstream and downstream impacts is not required under these conditions. When total proposed~~  
73 ~~(increased) impervious area is greater than 20,000 square feet of new impervious area, the hydrologic~~

74 methods in the PWDSM shall apply in lieu of subsection C above. Project shall use EPA SWMM or  
75 value enhanced SWMM programs that can directly exchange input data with EPA SWMM for  
76 hydrologic and hydraulic calculation.E. The entire drainage area must be considered when  
77 determining the design storm and hydrologic methods. This includes both onsite and offsite  
78 contributing drainage areas. For drainage areas less than three hundred (300) acres, a ten-year,  
79 twenty-four-hour design storm event for capacity design shall be used; for drainage areas equal to or  
80 greater than three hundred (300) acres, but less than five hundred (500) acres, a twenty-five-year,  
81 twenty-four-hour design storm event shall be used; for drainage areas equal to or greater than five  
82 hundred (500) acres, a fifty-year, twenty-four-hour design storm event shall be used.

83

84 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

85 Sec. 1-16. - Stormwater harvesting.

86 In accordance with § 62.1-44.15:28 of the Code of Virginia, stormwater harvesting is encouraged for  
87 the purposes of landscape irrigation systems, fire protection systems, flushing water closets and urinals,  
88 and other water handling systems to the extent such systems are consistent with federal, state and City  
89 regulations.

90 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

91 Sec. 1-17. - Linear development projects.

92 Linear development projects shall control postdevelopment stormwater runoff in accordance with a  
93 site-specific stormwater management plan or a comprehensive watershed stormwater management plan  
94 developed in accordance with these technical criteria.

95 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

96 Sec. 1-18. - Stormwater management impoundment structures or facilities.

97 Stormwater management wet ponds and extended detention ponds that are not covered by the  
98 Impounding Structure Regulations (4VAC50-20) shall, at a minimum, be engineered for structural integrity  
99 for the 100-year storm event.

100 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

101 Sec. 1-19. - Comprehensive stormwater management plans.

102 The City may develop comprehensive stormwater management plans to be approved by DEQ that  
103 meet the water quality objectives, quantity objectives, or both of this chapter:

- 104 1. Such plans shall ensure that offsite reductions equal to or greater than those that would be  
105 required on each contributing site are achieved within the same HUC or within another locally  
106 designated watershed. Pertaining to water quantity objectives, the plan may provide for  
107 implementation of a combination of channel improvement, stormwater detention, or other  
108 measures that are satisfactory to the locality's VSMP authority to prevent downstream erosion  
109 and flooding.
- 110 2. If the land use assumptions upon which the plan was based change or if any other amendments  
111 are deemed necessary by the locality's VSMP authority, such authority shall provide plan  
112 amendments to the department for review and approval.

- 113 3. During the plan's implementation, the locality's VSMP authority shall document nutrient reductions  
114 accredited to the BMPs specified in the plan.
- 115 4. State and federal agencies may develop comprehensive stormwater management plans, and  
116 may participate in locality-developed comprehensive stormwater management plans where  
117 practicable and permitted by the locality's VSMP authority.

118 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

119 Sec. 1-20. - Grandfather provisions.

- 120 A. Any land-disturbing activity shall be considered grandfathered by the Administrator and shall not be  
121 subject to the technical criteria of sections 1-10 through 1-19 of this Ordinance, but shall be subject to  
122 the technical criteria of sections 1-22 through 1-27 of this Ordinance provided:
- 123 1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final  
124 subdivision plat or a preliminary or final site plan or any document determined by the City to be  
125 equivalent thereto was (i) approved by the City prior to July 1, 2012, (ii) provided a layout as  
126 defined in 9VAC25-870-10, (iii) will comply with sections 1-22 through 1-27 of this Ordinance, and  
127 (iv) has not been subsequently modified or amended in a manner resulting in an increase in the  
128 amount of phosphorus leaving each point of discharge, and such that there is no increase in the  
129 volume or rate of runoff; and
- 130 2. A state permit has not been issued prior to July 1, 2014; and
- 131 3. Land disturbance did not commence prior to July 1, 2014.
- 132 B. Local, state and federal projects shall be considered grandfathered and shall be subject to the  
133 technical criteria of sections 1-22 through 1-27 of this Ordinance provided:
- 134 1. There has been an obligation of local, state or federal funding, in whole or in part, prior to July 1,  
135 2012, or the department has approved a stormwater management plan prior to July 1, 2012; and
- 136 2. A state permit has not been issued prior to July 1, 2014; and
- 137 3. Land disturbance did not commence prior to July 1, 2014.
- 138 C. Land-disturbing activities grandfathered under subsections A and B shall remain subject to the criteria  
139 of sections 1-22 through 1-27 for one additional state permit cycle. After such time, portions of the  
140 project not under construction shall become subject to the technical requirements of sections 1-10  
141 through 1-19 and any new technical criteria adopted by the State Board.
- 142 D. In cases where governmental bonding or public debt financing has been issued for a project prior to  
143 July 1, 2012, such project shall become subject to the technical requirements of sections 1-22 through  
144 1-27 of this Ordinance.
- 145 E. Land-disturbing activities that obtain an initial state permit or commence land disturbance prior to July  
146 1, 2014 shall be conducted in accordance with the technical criteria found in sections 1-22 through 1-  
147 27 of this Ordinance. Such projects shall remain subject to these technical criteria for two (2) additional  
148 state permit cycles. After such time, portions of the project not under construction shall become subject  
149 to any new technical criteria adopted by the State Board.
- 150 F. Land-disturbing activities that obtain an initial state permit on or after July 1, 2014 shall be conducted  
151 in accordance with the technical criteria found in sections 1-10 through 1-19 of this Ordinance, except  
152 as provided for above. Such projects shall remain subject to these technical criteria for two (2)  
153 additional state permit cycles. After such time, portions of the project not under construction shall  
154 become subject to any new technical criteria adopted by the State Board.

155 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

156 Sec. 1-21. - Variances.

- 157 A. The Administrator may grant variances to the technical requirements of sections 1-10 through 1-14;  
158 ~~and ; 1-16 through 1-19;~~ and 1-22 through 1-27, provided that:
- 159 1. The variance is the minimum necessary to afford relief;
  - 160 2. Reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations,  
161 and this Ordinance are preserved;
  - 162 3. Granting the variance will not confer any special privileges that are denied in other similar  
163 circumstances;
  - 164 4. Variance requests are not based upon conditions or circumstances that are self-imposed or self-  
165 created;
  - 166 5. The variance will not substantially increase the flow rate of stormwater runoff;
  - 167 6. The variance will not have an adverse impact on a wetland, channel, water body or upstream or  
168 downstream of a receiving body of water;
  - 169 7. The variance will not contribute to the degradation of water quality;
  - 170 8. ~~Will~~ The variance will not be of substantial detriment to adjacent property or adversely affect the  
171 character of adjoining neighborhoods;
  - 172 9. Economic hardship alone is not sufficient reason to grant a variance from the requirements of this  
173 Ordinance;
  - 174 10. No variance to the requirement that the land-disturbing activity obtain required VSMP authority  
175 permit shall be given by the Administrator, nor shall the Administrator approve the use of a BMP  
176 not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure  
177 not duly approved by the Department of Environmental Quality; and
  - 178 11. No variance to requirements for phosphorus reductions shall be allowed unless offsite options  
179 otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- 180 B. The Administrator may grant variances to the City requirements of this Ordinance, provided that:
- 181 1. The variance does not involve any requirements imposed under the State Code or Regulations;  
182 and
  - 183 2. Reasonable and appropriate conditions may be imposed so that the intent of the Act, the  
184 Regulations and this Ordinance are preserved.
- 185 C. Nothing in this section shall preclude an operator from constructing to a more stringent standard at  
186 their discretion.

187 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

188 Sec. 1-22. - Applicability.

189 The following sections 1-22 through 1-27 specify the technical criteria for regulated land-disturbing  
190 activities that are not subject to the technical criteria of sections 1-10 through 1-19.

191 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

192 Sec. 1-23. - General.

- 193 A. Determination of flooding and channel erosion impacts to receiving streams due to land-disturbing  
194 activities shall be measured at each point of discharge from the land disturbance and such

195 determination shall include any runoff from the balance of the watershed that also contributes to that  
196 point of discharge.

197 B. The specified design storms shall be defined as a twenty-four-hour storm using the NOAA Type "C"  
198 twenty-four-hour, twenty-five-year rainfall distribution recommended by the U.S. Department of  
199 Agriculture's Natural Resources Conservation Service (NRCS) when using NRCS methods or as the  
200 storm of critical duration that produces the greatest required storage volume at the site.

201 C. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development  
202 to be in good condition (if the lands are pastures, lawns, or parks), with good cover (if the lands are  
203 woods), or with conservation treatment (if the lands are cultivated); regardless of conditions existing  
204 at the time of computation.

205 D. Construction of stormwater management facilities or modifications to channels shall comply with all  
206 applicable laws, regulations, and ordinances. Evidence of approval of all necessary permits shall be  
207 presented.

208 E. Impounding structures that are not covered by the Impounding Structure Regulations (4VAC50-20)  
209 shall be engineered for structural integrity during the 100-year storm event.

210 F. Predevelopment and postdevelopment runoff rates shall be verified by calculations that are consistent  
211 with good engineering practices.

212 G. Outflows from a stormwater management facility or stormwater conveyance system shall be  
213 discharged to an adequate channel.

214 H. Proposed residential, commercial or industrial subdivisions shall apply these stormwater management  
215 criteria to the land disturbance as a whole. Individual lots in new subdivisions shall not be considered  
216 separate land-disturbing activities, but rather the entire subdivision shall be considered a single land  
217 development project. Hydrologic parameters shall reflect the ultimate land disturbance shall be used  
218 in all engineering calculations.

219 I. All stormwater management facilities shall have an inspection and maintenance plan that identifies the  
220 owner and the responsible party for carrying out the inspection and maintenance plan.

221 J. Construction of stormwater management impoundment structures within a Federal Emergency  
222 Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible.  
223 When this is unavoidable, all stormwater management facility construction shall be in compliance with  
224 all applicable regulations under the National Flood Insurance Program, 44CFR Part 59.

225 K. Natural channel characteristics shall be preserved to the maximum extent practicable.

226 L. Land-disturbing activities shall comply with the Virginia Erosion and Sediment Control Law and  
227 attendant regulations.

228 M. Flood control and stormwater management facilities that drain or treat water from multiple  
229 development projects or from a significant portion of a watershed may be allowed in resource  
230 protection areas defined in the Chesapeake Bay Preservation Act provided such facilities are allowed  
231 and constructed in accordance with the Stormwater Management Act and this chapter, and provided  
232 that (i) the local government has conclusively established that the location of the facility within the  
233 resource protection area is the optimum location; (ii) the size of the facility is the minimum necessary  
234 to provide necessary flood control, stormwater treatment, or both; (iii) the facility must be consistent  
235 with a comprehensive stormwater management plan developed and approved in accordance with  
236 Section 1-19 or with a VSMP that has been approved prior to July 1, 2012, by the board, the  
237 Chesapeake Bay Local Assistance Board prior to its abolishment on July 1, 2012, or the Board of  
238 Conservation and Recreation; (iv) all applicable permits for construction in state or federal waters must  
239 be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of  
240 Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources  
241 Commission; (v) approval must be received from the local government prior to construction; and (vi)  
242 routine maintenance is allowed to be performed on such facilities to assure that they continue to  
243 function as designed. It is not the intent of this subdivision to allow a best management practice that

244 collects and treats runoff from only an individual lot or some portion of the lot to be located within a  
245 resource protection area.

246 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

247 Sec. 1-24. - Water quality.

248 A. Compliance with the water quality criteria may be achieved by applying the performance-based criteria  
249 or the technology-based criteria to either the site or a planning area.

250 B. Performance-based criteria. For land-disturbing activities, the calculated postdevelopment nonpoint  
251 source pollutant runoff load shall be compared to the calculated predevelopment load based upon the  
252 average land cover condition or the existing site condition. A BMP shall be located, designed, and  
253 maintained to achieve the target pollutant removal efficiencies specified in Table 1 of this section to  
254 effectively reduce the pollutant load to the required level based upon the following four applicable land  
255 development situations for which the performance criteria apply:

256 1. Situation 1 consists of land-disturbing activities where the existing percent impervious cover is  
257 less than or equal to the average land cover condition and the proposed improvements will create  
258 a total percent impervious cover that is less than the average land cover condition.

259 Requirement: No reduction in the after disturbance pollutant discharge is required.

260 2. Situation 2 consists of land-disturbing activities where the existing percent impervious cover is  
261 less than or equal to the average land cover condition and the proposed improvements will create  
262 a total percent impervious cover that is greater than the average land cover condition.

263 Requirement: The pollutant discharge after disturbance shall not exceed the existing pollutant  
264 discharge based on the average land cover condition.

265 3. Situation 3 consists of land-disturbing activities where the existing percent impervious cover is  
266 greater than the average land cover condition.

267 Requirement: The pollutant discharge after disturbance shall not exceed (i) the pollutant  
268 discharge based on existing conditions less 10% or (ii) the pollutant discharge based on the  
269 average land cover condition, whichever is greater.

270 4. Situation 4 consists of land-disturbing activities where the existing percent impervious cover is  
271 served by an existing stormwater management BMP that addresses water quality.

272 Requirement: The pollutant discharge after disturbance shall not exceed the existing pollutant  
273 discharge based on the existing percent impervious cover while served by the existing BMP.

274 The existing BMP shall be shown to have been designed and constructed in accordance with  
275 proper design standards and specifications, and to be in proper functioning condition.

276 C. Technology-based criteria. For land-disturbing activities, the postdeveloped stormwater runoff from  
277 the impervious cover shall be treated by an appropriate BMP as required by the postdeveloped  
278 condition percent impervious cover as specified in Table 1 of this section. The selected BMP shall be  
279 located, designed, and maintained to perform at the target pollutant removal efficiency specified in  
280 Table 1 or those found in Section 1-12. Design standards and specifications for the BMPs in Table 1  
281 that meet the required target pollutant removal efficiency are available in the 1999 Virginia Stormwater  
282 Management Handbook. Other approved BMPs available on the Virginia Stormwater BMP  
283 Clearinghouse Website may also be utilized.

284 Table 1\*

Water Quality BMP	Target Phosphorus Removal Efficiency	Percent Impervious Cover
Vegetated filter strip	10%	16—21%
Grassed Swale	15%	
Constructed wetlands	20%	22—37%
Extended detention (2 × WQ Vol)	35%	
Retention basin I (3 × WQ Vol)	40%	
Bioretention basin	50%	38—66%
Bioretention filter	50%	
Extended detention-enhanced	50%	
Retention basin II (4 × WQ Vol)	50%	
Infiltration (1 × WQ Vol)	50%	
Sand filter	65%	67—100%
Infiltration (2 × WQ Vol)	65%	
Retention basin III (4 × WQ Vol with aquatic bench)	65%	
*Innovative or alternate BMPs not included in this table may be allowed at the discretion of local program administrator or the department.		
Innovative or alternate BMPs not included in this table that target appropriate nonpoint source pollution other than phosphorous may be allowed at the discretion of the local program administrator or the department.		



287 Sec. 1-25. - Stream channel erosion.

- 288 A. Properties and receiving waterways, both upstream and downstream of any land-disturbing activity  
289 shall be protected from erosion and damage due to changes in runoff rate of flow and hydrologic  
290 characteristics, including, but not limited to, changes in volume, velocity, frequency, duration, and peak  
291 flow rate of stormwater runoff in accordance with the minimum design standards set out in this section.
- 292 B. The VSMP authority shall require compliance with subdivision 19 of 9VAC25-840-40 of the Erosion  
293 and Sediment Control Regulations, promulgated pursuant to the Erosion and Sediment Control Law.
- 294 C. The VSMP authority may determine that some watersheds or receiving stream systems require  
295 enhanced criteria in order to address the increased frequency of bankfull flow conditions (top of bank)  
296 brought on by land-disturbing activities or where more stringent requirements are necessary to address  
297 total maximum daily load requirements or to protect exceptional waters. Therefore, in lieu of the  
298 reduction of the two-year postdeveloped peak rate of runoff as required in subsection B. of this section,  
299 the land development project being considered shall provide twenty-four-hour extended detention of  
300 the runoff generated by the one-year, twenty-four-hour duration storm, as defined in this ordinance.
- 301 D. In addition to subsection B. and C. of this section, the VSMP authority by local ordinance may in  
302 accordance with § 62.1-44.15:33 of the Code of Virginia, or the board by state regulation may, adopt  
303 more stringent channel analysis criteria or design standards to ensure that the natural level of channel  
304 erosion, to the maximum extent practicable, will not increase due to the land-disturbing activities.  
305 These criteria may include, but are not limited to, the following:
- 306 1. Criteria and procedures for channel analysis and classification.
  - 307 2. Procedures for channel data collection.
  - 308 3. Criteria and procedures for the determination of the magnitude and frequency of natural sediment  
309 transport loads.
  - 310 4. Criteria for the selection of proposed natural or manmade channel linings.

311 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

312 Sec. 1-26. - Flooding.

- 313 A. Upstream, downstream and adjacent properties and waterways shall be protected from damages from  
314 localized flooding due to changes in runoff rate of flow and hydrologic characteristics, including, but  
315 not limited to, changes in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff  
316 in accordance with the minimum design standards set out in this section.
- 317 B. The ten-year ~~postdeveloped~~ post developed peak rate of runoff from the development site shall not  
318 exceed the ten-year predeveloped peak rate of runoff ~~nor provide any increase in HGL upstream to~~  
319 ~~the watershed limits and adjoining parcels downstream contributing to the point of adequacy.~~
- 320 C. In lieu of subsection B. of this section, the City may, by ordinance in accordance with § 62.1-44.15:33  
321 of the Code of Virginia, adopt alternate design criteria based upon geographic, land use, topographic,  
322 geologic factors, or other downstream conveyance factors as appropriate.
- 323 D. Linear development projects shall not be required to control ~~postdeveloped~~ post developed stormwater  
324 runoff for flooding, except in accordance with a watershed or regional stormwater management plan.

325 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

326 Sec. 1-27. - Regional (watershed-wide) stormwater management plans.

327 Water quality requirements and where allowed, water quantity requirements, may be achieved in  
328 accordance with sections 1-14 and 1-19.

329 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

330 Sec. 1-28. - Long-term maintenance of permanent stormwater facilities.

331 A. The Administrator shall require the provision of long-term responsibility for and maintenance of  
332 stormwater management facilities and other techniques specified to manage the quality and quantity  
333 of runoff. Such requirements shall be set forth in a Stormwater Management Facilities Maintenance  
334 Agreement recorded in the local land records of the Virginia Beach Circuit Court, prior to issuance of  
335 a VSMP permit and shall:

- 336 1. Be submitted to the Administrator for review, approval and recordation prior to the issuance of the  
337 VSMP permit;
- 338 2. Be stated to run with the land;
- 339 3. Provide for all necessary access to the property for purposes of maintenance and regulatory  
340 inspections;
- 341 4. Provide for inspections and maintenance and the submission of inspection and maintenance  
342 reports to the Administrator;
- 343 5. Be enforceable by all appropriate governmental parties; and
- 344 6. Be approved for legal sufficiency by the City Attorney.

345 B. ~~At the discretion of the Administrator, such~~ A recorded ~~instruments need~~ instrument is not ~~be~~ required  
346 for stormwater management facilities designed to treat stormwater runoff primarily from an individual  
347 residential lot on which they are located, ~~provided it is demonstrated to the satisfaction. An agreement~~  
348 in lieu of the Administrator plan shall be entered into that provides an enforceable mechanism to ensure  
349 future maintenance of such facilities will be addressed through an enforceable mechanism.

350 C. ~~If a recorded instrument is not required pursuant to the subsection above, the~~ The Administrator  
351 ~~shall develop~~ has developed a strategy for addressing maintenance of stormwater management  
352 facilities designed to treat stormwater runoff primarily from an individual residential lot on which they  
353 are located. Such a strategy may include periodic homeowner inspections, homeowner outreach and  
354 education, or other method targeted at promoting the long-term maintenance of such facilities. Such  
355 facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.

356 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

357 Sec. 1-29. - Monitoring and inspections.

358 A. The Administrator shall inspect the land-disturbing activity during construction for:

- 359 1. Compliance with the approved erosion and sediment control plan;
- 360 2. Compliance with the approved stormwater management plan;
- 361 3. Development, updating, and implementation of a pollution prevention plan; and
- 362 4. Development and implementation of any additional control measures necessary to address a  
363 TMDL.

364 B. The Administrator may, at reasonable times and under reasonable circumstances, enter any  
365 establishment or upon any property, public or private, for the purpose of obtaining information or  
366 conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.

367 C. In accordance with a performance bond with surety, cash escrow, letter of credit, any combination  
368 thereof, or such other legal arrangement or instrument, the Administrator may also enter any  
369 establishment or upon any property, public or private, for the purpose of initiating or maintaining  
370 appropriate actions which are required by the permit conditions associated with a land-disturbing

371 activity when a permittee, after proper notice, has failed to take acceptable action within the time  
372 specified.

373 D. Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP  
374 authority permit applicant or permittee, or any such person subject to VSMP authority permit  
375 requirements under this Ordinance, to furnish when requested such application materials, plans,  
376 specifications, and other pertinent information as may be necessary to determine the effect of his  
377 discharge on the quality of state waters, or such other information as may be necessary to accomplish  
378 the purposes of this Ordinance.

379 E. Post-construction inspections of stormwater management facilities required by the provisions of this  
380 Ordinance shall be conducted by the Administrator pursuant to the City's adopted and State Board  
381 approved inspection program, and shall occur, at minimum, at least once every five (5) years.

382 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

383 Sec. 1-30. - Hearings.

384 A. Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any  
385 action of the City taken in regard to the Ordinance without a formal hearing, may demand in writing a  
386 formal hearing by the Stormwater Appeals Board, who is designated by the City Council as its appeals  
387 body, provided ~~a petitionan application~~ requesting such hearing is filed with the  
388 ~~Administrator~~Department of Planning and Community Development, Development Services Center  
389 within thirty (30) days after notice of such action is given by the Administrator.

390 B. The hearings held under this Section shall be conducted by the Stormwater Appeals Board at any time  
391 and place authorized by the Stormwater Appeals Board~~-, but should be scheduled within sixty (60)~~  
392 ~~days of the notice of appeal.~~

393 C. A verbatim record of the proceedings of such hearings shall be taken and filed with the Stormwater  
394 Appeals Board. Depositions may be taken and read as in actions at law.

395 D. The Stormwater Appeals Board, shall have power to ~~issue request the issuance of~~ subpoenas and  
396 subpoenas duces tecum, ~~and at the request of any party shall issue such subpoenas.~~ The failure of a  
397 witness without legal excuse to appear or to testify or to produce documents shall be acted upon by  
398 the Stormwater Appeals Board, whose action may include the procurement of an order of enforcement  
399 from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement  
400 for mileage as in civil actions.

401 ~~E. The standard of appeal shall be as listed in section 1-21, A and B, Variances, of this Ordinance. The~~  
402 ~~Board's authority is to hear appeals and determine if the departments of Public Works or Planning's~~  
403 ~~administrative decisions and variances regarding interpretation and implementation of this ordinance~~  
404 ~~are valid. The Board should examine the evidence presented to the department and any additional~~  
405 ~~evidence that is relevant.~~

406 ~~F. The time limitations above shall not commence until the application is complete, including a fee of five~~  
407 ~~hundred dollars (\$500.00), and all documentation.~~

408 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

409 Sec. 1-31. - Appeals.

410 Within thirty (30) days of the decision of the Stormwater Appeals Board a decision entered pursuant  
411 to section 1-30 may be appealed to the Circuit Court of the City of Virginia Beach. The petition for appeal  
412 shall be filed in writing within thirty (30) days of the date of the decision, determination or action, shall  
413 state clearly the grounds on which the appeal is based.

414 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

415 Sec. 1-32. - Enforcement.

416 A. If the Administrator determines that there is a failure to comply with the VSMP authority permit  
417 conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee  
418 or person responsible for carrying out the permit conditions by any of the following: verbal warnings  
419 and inspection reports, notices of corrective action, consent special orders, and notices to comply.  
420 Written notices shall be served by registered or certified mail to the address specified in the permit  
421 application or by delivery at the site of the development activities to the agent or employee supervising  
422 such activities.

423 1. The notice shall specify the measures needed to comply with the permit conditions and shall  
424 specify the time within which such measures shall be completed. Upon failure to comply within  
425 the time specified, a stop work order may be issued in accordance with subsection B. or the permit  
426 may be revoked by the Administrator.

427 2. If a permittee fails to comply with a notice issued in accordance with this section within the time  
428 specified, the Administrator may issue an order requiring the owner, permittee, person  
429 responsible for carrying out an approved plan, or the person conducting the land-disturbing  
430 activities without an approved plan or required permit to cease all land-disturbing activities until  
431 the violation of the permit has ceased, or an approved plan and required permits are obtained,  
432 and specified corrective measures have been completed.

433 Such orders shall become effective upon service on the person by certified mail, return receipt  
434 requested, sent to his address specified in the land records of the locality, or by personal  
435 delivery by an agent of the Administrator. However, if the Administrator finds that any such  
436 violation is grossly affecting or presents an imminent and substantial danger of causing harmful  
437 erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth  
438 or otherwise substantially impacting water quality, it may issue, without advance notice or  
439 hearing, an emergency order directing such person to cease immediately all land-disturbing  
440 activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to  
441 the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency  
442 order. If a person who has been issued an order is not complying with the terms thereof, the  
443 Administrator may institute a proceeding for an injunction, mandamus, or other appropriate  
444 remedy in accordance with this section.

445 B. In addition to any other remedy provided by this Ordinance, if the Administrator or his designee  
446 determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such  
447 informal or formal administrative enforcement procedures in a manner that is consistent with the  
448 provisions of this Ordinance, State law and regulations.

449 C. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order,  
450 approved standard or specification, or any permit condition issued by the Administrator may be  
451 compelled in a proceeding instituted in the Circuit Court of the City of Virginia Beach by the City to  
452 obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

453 D. Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply  
454 with any order of the Administrator, shall be subject to a civil penalty, ordered by the Circuit Court, not  
455 to exceed thirty-two thousand five hundred dollars (\$32,500.00) for each violation within the discretion  
456 of the court. Each day of violation of each requirement shall constitute a separate offense.

457 1. Violations for which a penalty may be imposed under this Subsection shall include but not be  
458 limited to the following:

459 i. No state permit registration;

460 ii. No SWPPP;

461 iii. Incomplete SWPPP;

- 462 iv. SWPPP not available for review;
  - 463 v. No approved erosion and sediment control plan;
  - 464 vi. Failure to install stormwater BMPs or erosion and sediment controls;
  - 465 vii. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
  - 466 viii. Operational deficiencies;
  - 467 ix. Failure to conduct required inspections;
  - 468 x. Incomplete, improper, or missed inspections; and
  - 469 xi. Discharges not in compliance with the requirements of Section 9VAC 25-870-1170 of the
  - 470 general permit.
- 471 2. The Administrator may institute proceedings for collection of the civil penalty and the action may
  - 472 be prosecuted in the appropriate court.
  - 473 3. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm
  - 474 caused by the violation and also the economic benefit to the violator from noncompliance.
  - 475 4. Any civil penalties assessed by a court as a result of a summons issued by the City shall be paid
  - 476 into a segregated account into the treasury of the City of Virginia Beach to be used for the purpose
  - 477 of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and
  - 478 abating environmental pollution therein.
  - 479 5. Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person
  - 480 who willfully or negligently violates any provision of this Ordinance, any order of the Administrator,
  - 481 any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by
  - 482 confinement in jail for not more than twelve (12) months or a fine of not less than two thousand
  - 483 five hundred dollars (\$2,500.00) or both.

484 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

485 Sec. 1-33. - Fees.

- 486 A. Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and
- 487 issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with
- 488 the fees in Table 1. When a site or sites has been purchased for development within a previously
- 489 permitted common plan of development or sale, the Applicant shall be subject to fees in accordance
- 490 with the disturbed acreage of their site or sites according to Table 1.

491 Table 1: Fees for stormwater plan review

Fee type	City Stormwater Plan Review Fee	Fee paid directly to the Commonwealth
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	Single family: \$205 Duplex: \$205 All others: \$600	\$0

General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	Single family: \$205 Duplex: \$205 All others: \$600	\$81 Single family: \$0
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	Single family: \$205 Duplex: \$205 All others: \$1944	\$756 Single family: \$0
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$2,448	\$952
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$3,240	\$1,260
General/Stormwater Management - Large Construction Activity/Land Clearing (with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$4,392	\$1,708
General/Stormwater Management - Large Construction Activity/Land Clearing (with land disturbance acreage equal to or greater than 100 acres)	\$6,912	\$2,688

492

493 \* If the project is completely administered by the Department such as may be the case for a state or  
494 federal project or projects covered by individual permits, the entire applicant fee shall be paid to the  
495 Commonwealth.

496 B. Fees for the modification or transfer of registration statements from the general permit issued by the  
497 State Board shall be imposed in accordance with Table 2. If the general permit modifications result in  
498 changes to stormwater management plans that require additional review by the City of Virginia Beach,  
499 such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the  
500 total disturbed acreage of the site. In addition to the general permit modification fee, modifications  
501 resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid  
502 and the permit fee that would have applied for the total disturbed acreage in Table 1.

503 Table 2: Fees for the modification or transfer of registration statements for the General Permit for  
504 Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 100 acres)	\$700

505

506 C. The following annual permit maintenance shall be imposed in accordance with Table 3, including fees  
507 imposed on expired permits that have been administratively continued. With respect to the general  
508 permit, these fees shall apply until the permit coverage is terminated.

509

Table 3: Permit Maintenance Fees

Type of Permit	Fee Amount
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400

General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater 100 acres)	\$1,400

510

511 General permit coverage maintenance fees shall be paid annually to the City of Virginia Beach, by the  
512 anniversary date of general permit coverage. No permit will be reissued or automatically continued  
513 without payment of the required fee. General permit coverage maintenance fees shall be applied until a  
514 Notice of Termination is effective.

515 D. The fees set forth in subsections A. through C. above, shall apply to:

516 1. All persons seeking coverage under the general permit, if required.

517 2. All permittees who request modifications to or transfers of their existing registration statement for  
518 coverage under a general permit.

519 3. Persons whose coverage under the general permit has been revoked shall apply to the  
520 Department for an Individual Permit for Discharges of Stormwater From from Construction  
521 Activities.

522 4. Permit and permit coverage maintenance fees outlined under section 1-33 C. may apply to each  
523 general permit holder.

524 E. No general permit application fees will be assessed to:

525 1. Permittees who request minor modifications to general permits as defined in section 1-3 of this  
526 Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater  
527 management plans that require additional review by the Administrator shall not be exempt  
528 pursuant to this Section.

529 2. Permittees whose general permits are modified or amended at the initiative of the Department,  
530 excluding errors in the registration statement identified by the Administrator or errors related to  
531 the acreage of the site.

532 F. All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any  
533 incomplete payments. Interest may be charged for late payments at the underpayment rate set forth  
534 in § 58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate.  
535 A ten (10) percent late payment fee shall be charged to any delinquent (over ninety (90) days past  
536 due) account. The City of Virginia Beach shall be entitled to all remedies available under the Code of  
537 Virginia in collecting any past due amount.

538 (Ord. No. 3337, 4-22-14, eff. 7-1-14)



539 Sec. 1-34. - Performance bond.

540 Prior to issuance of any permit, the Applicant may be required to submit a reasonable performance  
541 bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement  
542 acceptable to the City Attorney, to ensure that measures could be taken by the City at the Applicant's  
543 expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate  
544 actions which may be required of him by the permit conditions as a result of his land-disturbing activity. If  
545 the City takes such action upon such failure by the Applicant, the City may collect from the Applicant for  
546 the difference should the amount of the reasonable cost of such action exceed the amount of the security  
547 held, if any. Within sixty (60) days of the completion of the requirements of the permit conditions, such  
548 bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion  
549 thereof, shall be refunded to the Applicant or terminated.

550 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

551 Sec. 1-35. - Public Works Design Standards Manual.

552 The Public Works Design Standards Manual, including all future amendments thereto is hereby  
553 adopted and incorporated by reference into this Ordinance.

554 (Ord. No. 3337, 4-22-14, eff. 7-1-14; Ord. No. 3618, 6-16-20)

555 Sec. 1-36. - Severability.

556 Each separate provision of this Ordinance is deemed independent of all other provisions herein so  
557 that if any provision or provisions of this Ordinance be declared invalid, all other provisions thereof shall  
558 remain valid and enforceable.

559 (Ord. No. 3337, 4-22-14, eff. 7-1-14)

560 Sec. 1-37. - Reserved.

561 **Editor's note**— Ord. No. 3618, adopted June 16, 2020 repealed § 1-37, which pertained to  
562 effective date and derived from Ord. No. 3337, 4-22-14, eff. 7-1-14.