ORD-3618

AN ORDINANCE TO AMEND SECTIONS 1-1, 1-3, 1-5, 1-6, 1-7, 1-13, 1-14, 1-15, 1-20, 1-23, 1-24, 1-25, 1-26, 1-30, 1-35, AND 1-37 APPENDIX D, STORMWATER MANAGEMENT

SECTIONS AMENDED: Appendix D, Stormwater Management Sections 1-1, 1-3, 1-5, 1-6, 1-7, 1-13, 1-14, 1-15, 1-20, 1-23, 1-24, 1-25, 1-26, 1-30, 1-35, and 1-37

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That Appendix D, Stormwater Management Ordinance Sections 1-1, 1-3, 1-5, 1-6, 1-7, 1-13, 1-14, 1-15, 1-20, 1-23, 1-24, 1-25, 1-26, 1-30, 1-35, and 1-37, of the Code of the City of Virginia Beach, Virginia, are hereby amended to read as follows:

Sec. 1-1. - Purpose and authority.

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

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 of the Code of Virginia, and in compliance with 9VAC25-870-10 et seq. of the Virginia Stormwater Management Regulations~~.~~, except as amended by this ordinance.

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Sec. 1-3. - Definitions.

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

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"Department" means the Department of Environmental Quality.

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

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

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

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

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

(a) The overflow of inland or tidal waters, or

(b) The unusual and rapid accumulation or runoff of surface waters from any source, or

(c) Mudflows, which ~~area proximately caused by flooding as defined in paragraph (1)(b) of this definition and~~ are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(d) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, some similarly unusual and unforeseeable event that results in flooding as defined above.

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

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

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

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

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"Point of Adequacy" means a point in the downstream receiving stormwater conveyance system where it has adequate capacity to convey the design storm discharge under proposed conditions to a receiving water body, as determined by the City of Virginia Beach Public Works Design Standards Manual and the latest City of Virginia Beach amendments to the Virginia Department of Transportation Design Manual.

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

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

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

by the State ~~Water Control~~ Board, are "pollution" for the terms and purposes of this chapter.

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

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"Small construction activity" means

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

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

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"Stormwater Appeals Board" is the appeal authority designated by City Council to hear appeals from any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action of the City taken in regard to the Ordinance without a formal hearing. The Stormwater Appeals Board shall be appointed by City Council and shall consist of six (6) members, one (1) from the Department of Planning, one (1) from the Department of Public Works, one (1) from the Department of Public Utilities and three (3) citizen members. The city attorney or his designee shall serve as legal counsel to the Stormwater Appeals Board.

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

A. No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:

1. A plan review package that includes a general permit registration statement, if required. Registration statements are not required for detached single-family home construction, within or outside of a common plan of development or sale; however ~~the~~ such construction must adhere to the requirements of the general permit;

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

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

The Stormwater Management Plan shall include the following information:

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8. A map or maps of the site that depicts the topography of the site and includes:

   i. All contributing drainage areas;

   ii. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

   iii. Soil types, forest cover, and other vegetative areas;

   iv. Current land use including existing structures, roads, and locations of known utilities and easements;

   v. Sufficient information on adjoining parcels <u>upstream to the watershed limits and adjoining parcels downstream contributing to the point of adequacy,</u> to assess the impacts of stormwater from the site on these parcels;

   vi. The limits of clearing and grading, and the proposed drainage patterns on the site;

   vii. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities;

   viii. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements;

   ix. All Chesapeake Bay Preservation Area designations of Resource Protection Areas, including variable width buffers;

   x. All Southern Rivers Watershed buffers and nontidal wetlands, pursuant to Appendix G of the Virginia Beach City Code; and

   xi. Any other information reasonably necessary for an evaluation of the development activity.

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E. A maintenance agreement and adequate easements~~,~~ <u>shall be</u> executed and recorded to ensure responsibility for the maintenance of any stormwater management facilities constructed under the requirements of this ordinance, unless exempted from this requirement under section 1-28, and to ensure appropriate access to such facilities for maintenance, inspection and corrective action.

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

A. The Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:

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

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

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

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Sec. 1-13. - Water quantity.

A. Channel protection and flood protection 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 a point~~ to the limits of analysis defined in subdivision 4 of this subsection.

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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:

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

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

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

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

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

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

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

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

RV_{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 ~~Water Control~~ Board.

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

~~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~~

~~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 ~~one of~~ 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. 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 postdevelopment 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 postdevelopment 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 postdevelopment peak flow rate for the 10-year 24-hour storm event that is less than the predevelopment 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.~~

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.

2. The post-development design year Hydraulic Grade Line shall not increase over the predevelopment design year Hydraulic Grade Line in all receiving channels and water bodies and upstream facilities.

3. Limits of analysis. ~~Unless subdivision 2.b. of this subsection is utilized to comply with the flood protection criteria,~~ sStormwater conveyance systems shall be analyzed ~~from~~ for compliance with flood protection criteria to ~~a~~ the point of adequacy. ~~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. 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. ~~If all runoff from the site is sheet flow and the conditions of this subsection are met, no further water quantity controls are required.~~

E. 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.

F. 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 300 acres, a 10-year, 24-hour design storm event for capacity design shall be used; for drainage areas equal to or greater than 300 acres, but less than 500 acres, a 25-year, 24-hour design storm event shall be used; for drainage areas equal to or greater than 500 acres, a 50-year, 24-hour design storm event shall be used.

Sec. 1-14. - Offsite compliance options.

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

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

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

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

A. Unless otherwise specified, the prescribed design storms are 120% of the one-year, two-year, ~~and~~ 10-year, 25-year, 50-year and 100-year 24-hour storms using the ~~site-specific~~ rainfall precipitation frequency data recommended by the U.S. National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 2 Version 3.0. Partial duration time series, as adjusted by the City of Virginia Beach Public Works Design Standards Manual, shall be used for the precipitation data.

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

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

D. ~~For drainage areas of two hundred (200) acres or less, the City may allow for the use of the Rational Method for evaluating peak discharges.~~ When total land disturbance is less than 20,000 square feet or the proposed impervious area is at least 10% less than the existing impervious area, stormwater design may use any computer design program that utilizes the 24-hour design storm hyetograph with

increased precipitation and the static tailwater provided by the City of Virginia Beach. Analysis of upstream and downstream impacts is not required under these conditions.

~~E. For drainage areas of two hundred (200) (2) acres or less, the city may allow for the use of the Modified Rational Method and NRCS methods for evaluating volumetric flows to stormwater conveyances.~~

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Sec. 1-20. - Grandfather provisions.

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C. Land-disturbing activities grandfathered under ~~this~~ Subsections A and B shall remain subject to the criteria of sections 1-22 through 1-27 for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to the technical requirements of sections 1-10 through 1-19 and any new technical criteria adopted by the State ~~b~~Board.

D. In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall become subject to the technical requirements of sections 1-22 through 1-27 of this Ordinance.

E. Land-disturbing activities that obtain an initial state permit or commence land disturbance prior to July 1, 2014 shall be conducted in accordance with the technical criteria found in sections 1-22 through 1-27 of this Ordinance. Such projects shall remain subject to these technical criteria for two additional state permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the State ~~b~~Board.

F. Land-disturbing activities that obtain an initial state permit on or after July 1, 2014 shall be conducted in accordance with the technical criteria found in sections 1-10 through 1-19 of this Ordinance, except as provided for above. Such projects shall remain subject to these technical criteria for two additional state permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the State ~~b~~Board.

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Sec. 1-23. - General.

A. Determination of flooding and channel erosion impacts to receiving streams due to land-disturbing activities shall be measured at each point of discharge from the land disturbance and such determination shall include any runoff from the balance of the watershed that also contributes to that point of discharge.

B. The specified design storms shall be defined as ~~either~~ a 24-hour storm using the NOAA Type "C" 24, hour, 25-year rainfall distribution recommended by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) when using NRCS methods or as the storm of critical duration that produces the greatest required storage volume at the site. ~~when using a design method such as the Modified Rational Method~~

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Sec. 1-24. - Water quality.

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

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Sec. 1-25. - Stream channel erosion.

A. Properties and receiving waterways, both upstream and downstream of any land-disturbing activity shall be protected from erosion and damage due to changes in runoff rate of flow and hydrologic characteristics, including, but not limited to, changes in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this section.

B. The VSMP authority shall require compliance with subdivision 19 of 9VAC25-840-40 of the Erosion and Sediment Control Regulations, promulgated pursuant to the Erosion and Sediment Control Law.

C. The VSMP authority may determine that some watersheds or receiving stream systems require enhanced criteria in order to address the increased frequency of bankfull flow conditions (top of bank) brought on by land-disturbing activities or where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional waters. Therefore, in lieu of the reduction of the two-year postdeveloped peak rate of runoff as required in subsection B. of this section, the land development project being considered shall provide 24-hour extended detention of the runoff generated by the one-year, 24-hour duration storm, as defined in this ordinance.

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Sec. 1-26. - Flooding.

A. Upstream, ~~D~~downstream and adjacent properties and waterways shall be protected from damages from localized flooding due to changes in runoff rate of flow and hydrologic characteristics, including, but not limited to, changes in volume, velocity,

frequency, duration, and peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this section.

B. The 10-year postdeveloped peak rate of runoff from the development site shall not exceed the 10-year predeveloped peak rate of runoff nor provide any increase in HGL upstream to the watershed limits and adjoining parcels downstream contributing to the point of adequacy.

C. In lieu of subsection B. of this section, the City may, by ordinance in accordance with § 62.1-44.15:33 of the Code of Virginia, adopt alternate design criteria based upon geographic, land use, topographic, geologic factors, or other downstream conveyance factors as appropriate.

D. Linear development projects shall not be required to control postdeveloped stormwater runoff for flooding, except in accordance with a watershed or regional stormwater management plan.

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Sec. 1-30. - Hearings.

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B. The hearings held under this Section shall be conducted by the Stormwater Appeals Board at any time and place authorized by the Stormwater Appeals Board.

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Sec. 1-35. - Public ~~w~~Works ~~specifications and~~ Design ~~s~~Standards Manual.

The Public Works ~~Specifications and~~ Design Standards Manual, including all future amendments thereto is hereby adopted and incorporated by reference into this ordinance. ~~However, whenever the Public Works Specifications and Standards and the State regulations, including the BMP Clearinghouse conflict, the State regulations and the BMP Clearinghouse shall control, unless the more stringent provision of the Specification and Standards was applicable prior to January 1, 2013.~~

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Sec. 1-37. - Effective date.

This ordinance shall become effective on ~~July 1, 2014~~ _____.

Adopted by the Council of the City of Virginia Beach, Virginia on the 16th day of June, 2020.