

## Chapter 60

### Stormwater Detention Ordinance

#### **§ 60-1. Title.**

This chapter shall be known as the "Stormwater Detention Ordinance of Arlington County, Virginia."

#### **§ 60-2. Purpose.**

The purpose of this chapter is to reduce the harmful effects of stormwater runoff on streambeds, banks, parklands, private properties and other areas in Arlington County by requiring the installation of on-site stormwater detention facilities as properties are developed or redeveloped within the county.

#### **§ 60-3. Applicability.**

The provisions of this chapter shall apply to any work for which a site development plan and/or building permit is required and shall apply to any work requiring a permit for which other changes in the land use are made which change the runoff characteristics. The provisions of this chapter shall apply in all use districts under the zoning ordinance of Arlington County except for single unit residential development that occurs within the Potomac Watershed.

Potomac Watershed: The basin that drains directly into the Potomac River without passing through Four Mile Run Watershed.

Four Mile Run Watershed: The basin that drains directly into Four Mile Run, which ultimately empties into the Potomac River.

#### **§ 60-4. Manual of operation.**

The director of the department of public works shall prepare and set forth in the form of a manual, guidelines for compliance of the standards of this chapter. The manual will assist those persons who are required to comply with the provisions of the stormwater detention ordinance and may be secured at the department of public works and shall be followed unless otherwise specified. The director of the department of public works shall act as the county manager's designee for control, final approval of submitted plans, and waiver of requirements.

#### **§ 60-5. Criteria.**

(a) Plan submittal and waiver of requirements: Site, subdivision and building plans submitted to the department of public works will include plans and design calculations for each detention facility proposed. Detention facilities shall be designed so that they do not become health or safety hazards. Whenever the benefits resulting from full compliance with this chapter are not sufficient to warrant the required detention capacity, the applicant may appeal to the county manager or his designee for a determination. Upon determination, the county manager may waive or vary the requirements of the ordinance to the extent necessary to take account of the following factors and at the same time to maintain the maximum stormwater detention system. One or more of the following factors must be found to exist in order to grant a waiver or variance of the requirements:

(1) The proposed use is a temporary use, not to exceed five (5) years and not to be renewed for any combination of periods which would exceed five (5) years, unless permanent improvements are made in connection with undertaking the temporary use which are likely to outlast the period of temporary use.

(2) The proposed use will have a nominal impact on the stormwater runoff characteristics and the provisions of a detention system will not produce a positive effect on the downstream storm sewer or watershed area.

(3) The positive effect of the benefits on the downstream storm sewer or watershed area gained by the construction of a detention facility are slight and the cost of construction exceeds the ordinary cost of construction of detention facilities in Arlington County.

(b) Improvements on developed or undeveloped areas.

(1) Whenever any work for which a site development plan or a building permit is required is undertaken on a developed site or previously undeveloped site, then the person or persons undertaking the work shall provide stormwater detention capacity sufficient to accommodate the maximum storage required for a ten-year rain storm at the runoff rate on the developed site (using the applicable runoff coefficient) and a release rate which would be equivalent to that for the ten-year rain storm using an assumed runoff coefficient of 0.2 on the site work. Insubstantial remodeling which has no impact on stormwater runoff from the site is exempted from this chapter and shall not be considered "work" as that word is used in this chapter.

(2) Whenever any said work is undertaken on a site which is located within the Four Mile Run Watershed, the following requirement shall be met in order to comply with measures authorized by the United States Congress under Section 201 of the 1965 Flood Control Act (PL 89-298) and reauthorized under Section 84 of the Water Resources Development Act of 1974 (PL 93-251). Within the Four Mile Run Watershed, the person or persons undertaking the said work shall provide stormwater detention capacity sufficient to accommodate the maximum storage required for a one hundred-year rain storm at the runoff rate on the developed site (using the applicable runoff coefficient) and a release rate which would be equivalent to that for the ten-year rain storm using an assumed runoff coefficient of 0.3 on the site of the work. In the event that the release rate from the site would have a negative impact and impair the effectiveness of the flood control improvement by increasing the runoff, the county manager is vested with the authority to vary the release rate in order to comply with the aforesaid federal laws.

(c) Construction and maintenance. Construction of all detention facilities shall be in conformance with approved plans. The county may require a test operation of facility during or after construction as a condition of approval. All plans submitted for stormwater detention systems shall describe an adequate procedure of normal maintenance for the detention system. It shall be the responsibility of the owner of the property on which the detention system is located to provide adequate maintenance for proper functioning of the detention system. Periodic inspection by the department of public works may be made to determine conformity with the ordinance. The property owner shall cause a certification of maintenance to be prepared annually no later than March 31<sup>st</sup> by a licensed Master Plumber, Registered Engineer or Licensed Surveyor using forms provided by the Department of Public Works. Such certification shall state that the detention system is properly functioning. The submittal of plans for such a system or the purchase of property on which such a system is located shall be deemed an acceptance of responsibility for normal and capital maintenance of the system. Additionally, this responsibility of maintenance shall be duly recorded in the land records of Arlington County prior to the issuance of any construction permit.

#### **§ 60-6. Penalty.**

(a) Any development or redevelopment in which an applicant is required to build and maintain a stormwater detention system and fails to do so, the development or redevelopment shall be considered an unlawful use of land and the applicant shall be deemed in violation of this chapter.

(b) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00), nor shall it exceed one thousand dollars (\$1,000.00) or thirty (30) days imprisonment, or both, for each violation. Where there is a continuing violation of this chapter from day to day, such violation shall constitute a separate offense.

#### **§ 60-7. Severability.**

If any provision of this chapter is declared to be invalid, such declaration shall not affect, impair or invalidate the remaining provisions of this chapter.