

ORDINANCE 07-11807

AN ORDINANCE REGARDING STORMWATER; AMENDING SECTION 16-51, DEFINITIONS, FOR THE PURPOSE OF ADDING DEFINITIONS FOR SPECIFIC DRAINAGE TERMS; AMENDING SECTION 16-114, SUBMISSION OF SIDEWALK, STREET AND PROJECT SITE DRAINAGE AND DRIVEWAY PLANS, FOR THE PURPOSES OF REQUIRING PERIMETER WALLS; ADDING SECTION 16-115, STORMWATER CONSTRUCTION STANDARDS, FOR THE PURPOSE OF ESTABLISHING STORMWATER CONSTRUCTION STANDARDS; CODE OF ORDINANCES OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 16-114 and Section 16-291 of the Code of Ordinances of the City of Naples requires new construction to provide a surface water management plan, provide for proper grading, provide for stormwater discharge to a water management system, provide for the control of water discharge to protect abutting property; and

WHEREAS, the City of Naples Comprehensive Plan identifies the 5-year, 1-hour storm event as the recommended level of service goal for conveyance systems in the City of Naples and identifies the SFWMD Criteria as the recommended level of service goal for meeting water quality standards in the City of Naples; and

WHEREAS, there is a need to adopt specific standards and details to guide the development community to ensure the proper design and installation of stormwater facilities, grading techniques, and development practices to ensure that the applicable provisions of the current Naples Code and goals of this ordinance are met; and

WHEREAS, there is a need to control stormwater from new developments, re-developments and substantial improvements by meeting goals defined herein as: **GOAL "A"** - To prevent adjacent and downstream property from experiencing erosion, surface flooding, or groundwater seepage; **GOAL "B"** - To ensure a reasonable level of water quality treatment of stormwater prior to discharge to downstream stormwater management systems; and

WHEREAS, to provide reasonable flexibility and incentive based options so that the development community can be innovative in meeting the GOALS stated above, the City encourages the use of the latest Best Management Practices (BMPs) and Low Impact Development (LID) approaches as defined by the State of Florida; and

WHEREAS, specific stormwater standards for conveyance and water quality have been drafted as being in the best interest of the public for protection of public facilities and private property; and

WHEREAS, on May 9, 2007, the Planning Advisory Board reviewed a prior proposed amendment and recommended by vote of 7 to 0, that City Council adopt the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 16-51 of the Code of Ordinances of the City of

Naples, Florida, is hereby amended to read as follows (with underlining indicating additions and ~~strikeout~~ indicating deletions):

Sec. 16-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structures (type I) are nonhabitable structures that normally have a roof and a measurable floor area, or ground surface area, e.g. gazebos, sheds, detached garages, chickees, boathouses, swimming pools, etc.

Accessory structures (type II) are nonhabitable structures that usually do not have a roof and a measurable floor area, e.g. fences, signs, driveways, sidewalks, exterior screen walls, etc.

Commercial means all other occupiable areas that are not classified as residential, including multifamily residential.

Detention Facility is a facility used to temporarily store stormwater runoff and rainfall that recovers its storage volume by the controlled release of water through designed drawdown structures and mechanisms (see "Retention Facility" for contrast)

Gross square footage is the total square footage of the structure measured to the outside of the exterior walls, or column lines where there are no walls. This is the same as the building footprint. Where the structure contains multiple floors (stories), the gross square footage is calculated to include the area of all floors (stories).

Impact fees are charges assessed and collected on newly developed property by local governments. The intent of the fee is to recover the cost incurred by providing public amenities required for the new development.

Impermeability is the relative inability of a material to allow the flow of water to pass through the material, typically associated with solid surfaces that prohibit rainfall or both rainfall and rainfall runoff from entering and passing through the material.

Impervious means impenetrable or impermeable by water.

Impervious area means the percentage of the lot land area covered by impervious surfaces such as buildings or structures, swimming pools, decks, lanais, patios, driveways, and also includes any surface covered by concrete, bricks, blocks, flagstones, paving, sealant, or any other impermeable material. Standard engineering coefficients of permeability shall be used for partially pervious materials.

Occupiable areas are, for the purpose of this article, defined as any enclosed space that can be occupied by humans. This would include every square foot of floor area under the same roof of residential and commercial buildings computed to the outside of the exterior walls, or column line for areas without exterior walls, of the structure. In a residential structure this would include attached garages, carports, storage rooms, etc.

Paved areas are any exterior areas covered with human-made or natural materials to provide a walking or vehicle traversing surface as opposed to real grass or other vegetation. Materials could include but shall not necessarily be limited to concrete, asphalt, brick, stone, and astro-turf type surfaces.

Penalty fees are additional fees imposed upon the project for failure to comply with some requirements of this article.

Permit fees means monies collected for the processing of permits and operation of the building and zoning division.

Plan review fees are fees collected at the time an application for a permit is submitted to the building and zoning division to cover the cost of reviewing the plans and specifications for code compliance. This fee will be charged for all construction projects involving habitable structures and accessory structures where plans have to be submitted.

Residential means 1- or 2-family units of occupiable areas.

Retention Facility is a facility used to store stormwater runoff and rainfall that recovers its storage volume only when the water evaporates, transpires, or percolates from the facility.

Re-development is any construction activity on a site where the aggregate of actions and/or costs to reconstruct, modify, alter, or improve the property, whether in one phase or in multiple phases, are anticipated to do any of the following: (1) increase the appraised value of the property more than 50% of its current appraised value; (2) replaces the existing building or reconstructs more than 50% of the area under existing roof; (3) raises more than 50% of the existing finished floor; or (4) modifies the existing site grading sufficiently to warrant concern that the new activities could create problems for offsite or adjacent property.

Surcharge fees are additional fees imposed by some level of government to be used for some specific purpose.

Temporary use permits are permits issued for special activities or events that do not meet local zoning requirements. These permits are issued for a specific time period determined by the building official based on the applicant's request.

Section 2. That Section 16-114 of the Code of Ordinances of the City of Naples, Florida, is hereby amended to read as follows (with underlining indicating additions):

Sec. 16-114. Submission of sidewalk, street and project site drainage and driveway plans.

No building permit shall be issued for any building in the city unless a site plan is submitted with the application for such building permit illustrating the location of driveways, sidewalks if required by ordinance, parking strips consistent with this Code and perimeter retaining structures or a surface water management plan which provides for containment of runoff on-site with surplus routed to rights-of-way

or right-of-way swales for drainage as applicable.

Section 3. That Section 16-115 of the Code of Ordinances of the City of Naples, Florida, is hereby added to read as follows (with underlining indicating additions):

Sec. 16-115 Stormwater construction standards.

(a) Any new development, redevelopment or substantial improvement of platted properties within the City of Naples shall be reviewed to assure compliance with the following minimum stormwater design criteria:

<u>LAND USE</u>	<u>CONVEYANCE/QUANTITY</u> <u>(GOAL "A")</u>	<u>STORAGE/QUALITY</u> <u>(GOAL "B")</u>
Single Family	(A)	(B)
Multi-Family	(A)	(B)
Non-Residential/ Mixed Use	(A)	(B)

TECHNICAL CRITERIA NOTES:

(A) Unless otherwise specified by previous South Florida Water Management District (SFWMD) permits or District criteria, a storm event of a one-hour duration and 5 year return frequency shall be used in computing the minimum off-site discharge rates from private properties to the City's stormwater system. The stormwater conveyance system should be designed sufficiently so that the conveyance shall pass the design flow while ensuring that the backwater head does not exceed the proposed berms, walls or other containment systems in a twenty five year - 24 hour storm event. The side lot swales and other emergency conveyance facilities may be designed to pass the water forward to the Public Right of Way.

(B) Unless otherwise specified by previous South Florida Water Management District (SFWMD) permits or District criteria, water quality standards shall be determined based upon selecting the most appropriate pollutant removal presumption to the corresponding BMP technique. The BMP guidelines used must meet a presumed pollutant removal of 85% Total Suspended Solids (TSS), Total Nitrogen (TN), and Total Phosphorus (TP). BMPs that do not effectively remove TN and TP such as "dry detention" will be discouraged. Innovative approaches and LID techniques that reduce percent impervious are encouraged. Although reductions in storage volume may be given to BMPs that use "retention" and exfiltration, under no circumstances will the design storage volume be allowed to be less than half inch (0.5") of retention storage volume nor less than 1.25 inch of dry detention storage volume (based on total site area). The following special conditions shall apply in meeting the above standards: a) on single family lots no more than one-half inch of detention or retention shall be stored underground in vaults, exfiltration pipes, or french drains; b)

rainfall runoff from roof drains can be disregarded from the water quality calculations (GOAL "B") but not from the conveyance calculations (GOAL "A") since roof water is not a major source of pollutant concern but it is a major concern for release into the public system for flooding considerations. Directly connected impervious area (DCIA) is discouraged for purposes of GOAL "A". c) retention systems shall be designed and located no less than 18 inches above the wet season water table; exfiltration and pervious pavement shall be designed to be a minimum of 24 inches above the wet season water table; d) where special filtering materials are utilized, where swimming pools and patio areas are designed for storage or where special retention provisions are provided consistent with SFWMD criteria or consistent with Chapter 62 of the Florida Administrative Code, the building official may credit such areas in the computation of total on-site storage.

(b) All implementation of stormwater improvements shall conform to the above standards and shall include compliance with the following special criteria:

- (1) Plans and specifications signed and sealed by an appropriate design professional shall be submitted for review and approval prior to the issuance of City permits. Upon completion of the construction of stormwater improvements and prior to receiving a certification of occupancy or completion, a certification with record documents shall be submitted by the design professional stating that the work has been satisfactorily completed in accordance with the plans and specifications.
- (2) Establishment, re-establishment or maintenance of swales within the abutting City street right-of-way in accordance with the City's Right-of-Way Standards Handbook.
- (3) Prohibition of stormwater discharge into a platted alley unless a drainage conveyance system exists within the alley with sufficient surplus capacity to handle the quantity of runoff proposed for discharge to the alley.
- (4) Roof gutters are required as an erosion control technique that also follows the philosophy of reducing DCIA and shall be installed on all buildings. However, in special cases, where the side yard widths are greater than 10 feet, the building official may allow an exemption as long as the roof directs less than 25% of the roof runoff to a side yard area, and erosion control is adequately addressed.
- (5) Streets, driveways and sidewalks shall be designed to minimize potential for increasing the runoff from private property to the City's stormwater system.
- (6) The property owner shall maintain the stormwater system in accordance with the stormwater plan certified at the time of issuance of a certification of occupancy. The building official reserves the right to reject any BMP or innovative technique proposed to meet the goals of the ordinance if the applicant does not provide adequate assurances through a maintenance plan that

the system will be effectively maintained in perpetuity.

(c) The environmental protection of downstream water bodies is vital to this ordinance as part of GOAL "A". In rare instances where an existing property has elevations that will not grade back into the required stormwater master system, then as a minimum, the City requires some form of pretreatment before discharge to the canal, lake, bay or other water body. Innovative BMPs shall be employed to accomplish this including (but not limited to): interceptor swales, containment berms, rain gardens and interconnection into the seawall rock drain system.

Section 4. That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect 60 days after adoption at the second reading.

APPROVED AT FIRST READING THIS 3RD DAY OF OCTOBER, 2007.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 17TH DAY OF OCTOBER, 2007.

Bill Barnett, Mayor

Attest:

Approved as to form and legality:

Tara A. Norman, City Clerk

Robert D. Pritt, City Attorney

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Date filed with City Clerk: _____