

## ORDINANCE 21-12

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY CODE AT CHAPTER 18 "ENVIRONMENT," ARTICLE VIII "STORMWATER REGULATIONS," TO CREATE SECTION 18-215 TO PROVIDE FOR STORMWATER MANAGEMENT DESIGN CRITERIA; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the National Flood Insurance Program Community Rating System ("CRS") is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (the "Program"); and

**WHEREAS**, the City of Marco Island (the "City") is a CRS community; and

**WHEREAS**, in CRS communities, the flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community's efforts that address the Program's three goals: (1) reduce and avoid flood damage to insurable property; (2) strengthen and support the insurance aspects of the Program; and (3) foster comprehensive floodplain management; and

**WHEREAS**, 2017 CRS manual, an addendum to the Coordinator Manual, the guidebook for the CRS, became effective, requiring certain amendments to the City Code to provide for stormwater management design criteria; and

**WHEREAS**, City Council deems it to be in the best interest of the City to approve this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**SECTION 1. Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent of this Ordinance.

**SECTION 2. Amendment and Adoption.** That Chapter 18 "Environment," Article VIII "Stormwater Regulations" of the Code of Ordinances of the City of Marco Island, Florida, is hereby amended to create Section 18-215 to read as follows:<sup>1</sup>

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<sup>1</sup> Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strike through~~.

## CHAPTER 18 – ENVIRONMENT

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### ARTICLE VIII. – STORMWATER REGULATIONS

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#### **Sec. 18-215. - Stormwater Management Design Criteria**

##### **(a) Applicability**

This article shall apply to any development not specifically exempted by subparagraph (b) below.

##### **(b) Exemptions**

The following are exempt from the requirements of this Section:

- (1) One (1) single family home, on an individual site, used for housing.
- (2) One (1) duplex structure, on an individual site, used for housing.
- (3) One (1) triplex structure, on an individual site, used for housing.
- (4) Storage buildings, sheds, swimming pools, and other accessory structures constructed on (1), (2), or (3) above.
- (5) Model homes. Additional temporary parking spaces may be installed as long as they are removed when the model home use changes.
- (6) Fences.
- (7) Agricultural related activities, which cause insignificant hydrological impacts as determined by the City Engineer.

##### **(c) Special Circumstances**

- (1) Any development located within a subdivision or other area that has a city or county approved master stormwater system is only subject to review for compliance with parameters of the approved master stormwater management plan.

##### **(d) Stormwater Plan**

It shall be unlawful to engage in any development activity prior to obtaining approval of a stormwater plan by the City Engineer in accordance with the provisions of this Section.

(e) Minimum Design Standards for Stormwater Plans

- (1) The design for the stormwater management facility shall be consistent with the requirements of the SFWMD and furthermore shall include hydrologic analysis acceptable to the City Engineer. Design of control structures and detention/retention facilities shall be based on both the 10-year, 1-hour and 25-year, 72-hour return periods and peak flows controlled to meet the pre-development discharge rates. All retention systems will need to demonstrate full recovery within 72 hours. Finished floor elevations shall be based off available Federal Emergency Management Agency ("FEMA") data. If no FEMA model/data is available (i.e., Zone X), the greater of 100 year-72 hour zero discharge calculation or 18" above crown elevation of City road shall be used.
- (2) All stormwater calculations, reports, and plans shall be signed and sealed by a Florida registered professional engineer.
- (3) Stormwater pond slopes above actual water surface and swales shall be stabilized.
- (4) Construction of private stormwater storage facilities are prohibited in public rights-of-way and/or easements.
- (5) Artificial watercourses shall be designed considering soil type to prevent erosion.
- (6) Stormwater outfalls should discharge into a City-approved drainage system. Whenever the discharge structure/outfall pipe does not abut a city/county/state or similar facility, the applicant shall submit documentation demonstrating legal rights to convey discharge across private property.
- (7) Water quality treatment to follow all current FDEP/SFWMD requirements, including nutrient loading analyses.

(f) Performance Standards for Stormwater Plans

To ensure attainment of the objectives of this Section and that performance standards will be met, the design, construction, and maintenance of stormwater systems shall, at a minimum, be consistent with the following standards:

- (1) Channeling untreated runoff directly into off-site water bodies is prohibited.
- (2) Discharge of runoff from detention ponds shall not exceed the calculated predevelopment rate, or rate determined by a basin study, whichever is less, as determined by the City Engineer.

- (3) The banks of detention and retention areas shall be stabilized and maintained to the approved design.
- (4) Vegetated areas shall be created, or where practicable, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of these areas shall be sufficient to prevent erosion, trap the sediment or overload runoff, provide access to the water body, and allow for periodic flooding without damage to structures.
- (5) Intermittent watercourses such as swales and ditches shall be vegetated.
- (6) The use of the stormwater facilities and vegetated buffer zones as open space, recreation, and conservation areas shall be encouraged, and wetlands, lakes, and other natural water bodies shall not be used as primary sediment traps.
- (7) Those areas that are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected.
- (8) Control of erosion by sedimentation facilities shall be established prior to development and receive regular maintenance to ensure that they continue to function properly.
- (9) Disturbed areas shall be revegetated, stabilized and protected from erosion as soon as possible.
- (10) Design to resist saltwater intrusion by adhering to applicable best management practices.
- (11) Stormwater facilities are required to be maintained to design parameters.

(g) Content of Stormwater Plans

All stormwater plans must be signed and sealed by a Florida professional engineer. These plans will present, at the minimum:

- (1) The existing hydrological conditions of the site and of receiving water shall be described where appropriate, including the following:
  - a. The direction, flow rate, and volume of flow of surface water runoff under predevelopment conditions for both the 10 year-1 hour and 25 year-72 hour return periods.
  - b. The location of areas on the site where surface waters collect.

- c. A description of all watercourses, wetlands, and water bodies on or adjacent to the site.
  - d. Groundwater levels, including seasonal fluctuations, using U.S. Soil Conservation Service ("SCS") methodology or other appropriate means. (Give elevations based on North American Vertical Datum ("NAVD") wherever possible.)
  - e. A map and description of the 100-year floodplain.
  - f. Plans shall be at a scale acceptable to the City Engineer.
  - g. Elevations in floodplains shall be NAVD.
  - h. A current boundary description is required as prepared by a professional land surveyor.
  - i. A site plan is required showing any easements of records.
  - j. The engineer of record shall provide a soil percolation rate and an estimated wet season groundwater elevation and shall describe the methodology used, determining each, which shall be consistent with the application submittal.
  - k. Provide a topographic survey, which is needed to accommodate review of stormwater management facilities.
  - l. Dimensions used in stormwater computation shall be shown on plans.
  - m. Other information and data may be required by the city engineer.
- (2) All components of the stormwater system and measures for the detention, retention or infiltration of water and control structures shall be described where appropriate, including:
- a. The channel, direction, flow rate and volume of surface water that will be conveyed from the site, with a comparison of predevelopment conditions.
  - b. Detention and retention areas, including plans for discharge of contained water. These measures are to be designed to control both the 10 year-1 hour and 25 year-72 hour storm events.
  - c. A plan for the control of erosion and sedimentation, which specifies the type and location of control measures, the stage of

development at which they will be put into place or used, and provisions for the maintenance of them.

- d. Any other information that the engineer of record and the City engineer consider necessary for an evaluation of a proposed development.

- (3) The City Engineer, after reviewing the stormwater plan, may require additional information to evaluate the plan on its impact on water resources and/or maintenance of the stormwater system.

**SECTION 3. Codification.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Marco Island, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**SECTION 4. Conflicts.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

**SECTION 5. Severability.** If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

**SECTION 6. Effective Date.** This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 7<sup>th</sup> day of September 2021.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

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Laura Litzan, City Clerk

By: \_\_\_\_\_  
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney