

**STORMWATER MANAGEMENT
RULES AND POLICIES
FOR
MIROMAR LAKES COMMUNITY DEVELOPMENT DISTRICT**

Section 1. Short Title, Authority and Applicability

a. This document shall be known and may be cited as the “Stormwater Management Rules and Policies for Miromar Lakes Community Development District”.

b. The Board of Supervisors (the “**Board**”) of Miromar Lakes Community Development District (the “**District**”) has the authority to adopt rules and policies pursuant to Chapter 190 of the Florida Statutes, as amended.

c. These rules and policies shall be applicable to all those property owners, community and condominium associations, persons or entities who are served by, or are utilizing, the master stormwater management system operated by the District.

Section 2. Background, Intent, Findings and Purpose

a. The District was created pursuant to the provisions of Chapter 190, Florida Statutes (the “**Act**”) and was established to provide for ownership, operation, maintenance, and provision of various public improvements, facilities and services within its jurisdiction. The purpose of these rules and policies (individually, each a “**Rule**” and collectively, the “**Rules**”) is to describe the various policies of the District relating to stormwater management.

b. Definitions located within any section of the Rules shall be applicable within all other sections, unless specifically stated to the contrary.

c. A Rule of the District shall be effective upon adoption by affirmative vote of the Board. After a Rule becomes effective, it may be repealed or amended only through the rulemaking procedures specified in these Rules. Notwithstanding, the District may immediately suspend the application of a Rule if the District determines that the Rule conflicts with Florida law. In the event that a Rule conflicts with Florida law and its application has not been suspended by the District, such Rule should be interpreted in the manner that best effectuates the intent of the Rule while also complying with Florida law. If the intent of the Rule absolutely cannot be effectuated while complying with Florida law, the Rule shall be automatically suspended.

d. The District is the operating entity responsible for the long-term operation and maintenance of the master stormwater management system servicing the property located within the boundaries of the District (the “**Master Stormwater System**”). The District owns certain real property and other improvements which comprise the Master Stormwater System. The District also has various easement rights throughout Miromar Lakes enabling the District to operate and maintain the Master Stormwater System. Such easement rights including, without limitation, those arising by way of plat (i.e. platted drainage easements (DEs) and lake maintenance easements

(LMEs)), separately granted and recorded easements, and Section 22.4 of the Declaration of Covenants, Conditions, Restrictions and Easements for Miromar Lakes Beach and Golf Club recorded in Official Records Book 3343, Page 294 of the Public Records of Lee County, Florida, as has been amended. The stormwater lakes, ponds, control structures, lake interconnect piping, littoral plantings and natural wetlands are all integral parts of the Master Stormwater System. The owners and residents of real property within the District play an integral part in keeping the Master Stormwater System functioning properly. The failure of all or a portion of the Master Stormwater System due to improper actions of third-parties could result in significant damage or harm to real property, personal property and/or homes with the District.

e. The overall stormwater management system within the District is permitted through South Florida Water Management District (“**SFWMD**”), U.S. Army Corps of Engineers (“**ACOE**”) and Lee County, and the regulations of such governmental bodies control the design, operation and use of the Master Stormwater System. Notwithstanding such permitting, consistent with the regulations of such entities, there are certain practices and actions that can be controlled to enhance the effectiveness of the Master Stormwater System and improve the overall function and aesthetic value of the Master Stormwater System. As further background, the District has recently undertaken and completed substantial restoration of the lake shorelines throughout the District in response to both long-term, uncorrected erosion and also significant damage caused by Hurricane Irma. Such restoration work was undertaken by the District in accordance with applicable SFWMD and Lee County permits. These Rules are intended to allow for property owners to understand their responsibilities, ensure proper maintenance of the Master Stormwater System, and to avoid such significant and costly widespread restoration in the future.

f. In terms of SFWMD, the overall stormwater management system was originally permitted in 1999 under SFWMD Environmental Resource Permit #36-03568-P (“**Original Permit**”). Since the issuance of the Original Permit and as development within the District has progressed, there have been various modifications to the Original Permit that have been approved and issued by SFWMD. The Original Permit, as modified, is collectively referred to herein as the “**SFWMD Permit**”. The stormwater management system under the SFWMD Permit is broken up into five (5) drainage basins. Generally speaking, drainage basins 1, 2, 3 and 4 are located on the west side of Ben Hill Griffin Parkway and drainage basins 5 and 6 are located on the east side of Ben Hill Griffin Parkway. Drainage basins 5 and 6 were combined into one drainage basin when the old Rinker mine lake (commonly referred to as the North Lake) and the south recreational lake for Miromar Lakes (commonly referred to as the South Lake) were connected under SFWMD Permit 36-03568-P-04, Application 031211-5.

g. The District has an ownership interest in various designated lake tracts throughout Miromar Lakes (each individually, a “**Lake Tract**” or collectively, the “**Lake Tracts**”), which ownership interests are either fee simple or an easement interest. Attached hereto and made a part hereof as **Exhibit “A”** is a map of the District reflecting the various drainage basins and also the Lake Tracts operated by the District. The delineation of Lake Tracts is, however, only one part of the composition of the Master Stormwater System. In addition, it is customary throughout Miromar Lakes that immediately landward of each Lake Tract, there is a 20’ lake maintenance easement (“**LME**”) dedicated to the District that allows the District to access the lakes for purposes that include: (i) maintenance of the lake and related stormwater improvements; (ii) installation and

maintenance of various lake bank improvements such as installation of rip rap or other lake bank stabilizing materials; and (iii) installation of littoral plants.

Section 3. Lake Area Maintenance Responsibilities

a. With respect to those lake areas owned or operated by the District that are part of the Master Stormwater System, the following shall apply:

i. Except as otherwise provided herein, the District will be responsible for maintenance of the following: (1) each Lake Tract and (2) any improvements owned and operated by the District within an LME associated with a Lake Tract. The maintenance of the District will include maintenance of the lake bank against normal erosion and deterioration. For purposes of these Rules “normal erosion and deterioration” means erosion or deterioration caused by (A) seasonal ground water fluctuations; (B) wave action along the shoreline from the wind or boating; (C) drainage from rain events (but excluding improperly controlled runoff from upland property); (D) tropical storm or hurricane events causing abnormal wave action.

ii. The District is responsible for the maintenance of littoral plants within littoral zones designated pursuant to applicable permits. Adjacent Owners (defined below) shall not alter, modify, or remove littoral plants within applicable littoral zones without the prior, written approval of the District, which approval may be withheld in the District’s discretion. Further, Adjacent Owners shall not place any landscaping other than grass (together with any accompanying irrigation) in an LME.

iii. The District shall not be responsible for beach areas or beach maintenance. Beach areas and beach maintenance shall be the responsibility of Miromar Lakes Master Association, Inc. or other neighborhood association designated such responsibility.

iv. The District shall not be responsible for any docks that are installed into an LME or Lake Tract or any damage to an LME or Lake Tract caused by any such dock. The Owner of the dock shall be responsible for operation and maintenance of the dock and responsible for any damage to an LME or Lake Tract caused by the dock.

v. Each property owner adjacent to a Lake Tract (whether it be a private property owner and/or a community association) (an “**Adjacent Owner**”) shall be responsible for the maintenance of its property adjacent to the Lake Tract (excluding any improvements owned and operated by the District in the LME on the Adjacent Owner’s property, which are the maintenance responsibility of the District). The Adjacent Owner will be responsible for preventing against erosion and damage to the lake bank located in the Lake Tract and/or the LME caused by uncontrolled runoff or discharge, construction activities or other upland activities on the Adjacent Owner’s property that may accelerate erosion. An Adjacent Owner is not permitted to install any improvements within an LME or Lake Tract without the prior approval of the District, which the District may withhold in the District’s discretion. Any improvements so installed without the approval of the District will be deemed by the District a non-approved encroachment and the District may require removal and restoration of the LME and/or Lake Tract at the owner’s sole cost and expense. Except as otherwise provided, only grass and accompanying irrigation are

permitted within an LME. Encroachments into an LME may be applied for and considered by the District pursuant to separate procedures established by the District; provided, however, that any encroachment into an LME (including, without limitation, hardscaping, walkways or pavers) will only be considered in situations involving a showing of hardship by the owner. For clarity, the maintenance activities of the Adjacent Owner will include, without limitation, maintenance of the following: (i) grass located within the LME together with any accompanying irrigation; (ii) any encroachment into an LME that has received approval from the District; (iii) boat docks; and/or (iv) rip rap placed by the Adjacent Owner that has not been accepted by the District for maintenance. All maintenance by an Adjacent Owner must be in accordance with the SFWMD permit and other applicable federal, state, and local laws, codes, ordinances, regulations and permits. Attached hereto and made a part hereof as **Exhibit "B"** are various example sketches showing various common scenarios showing the allocation of maintenance responsibilities between the District and an Adjacent Owner.

b. In the event an Adjacent Owner fails to undertake and complete the maintenance required under this Section, the District shall have the right to complete such maintenance and either charge or assess the Adjacent Owner for the cost of such work. Further, if such Adjacent Owner's failure to complete the maintenance required hereunder results in damage to property of the District, the District reserves the right to charge or assess the Owner for the cost of any such damage.

Section 4. Drainage Directly into Lakes

a. Runoff from normal rain events, tropical storms and hurricanes originating from impervious surfaces such as roofs, gutters and downspouts, may cause significant lake bank erosion and washouts throughout the District and may otherwise affect the proper operation of the Master Stormwater System. Based upon prior experiences of the District, undertaking corrective action for such events may result in the District expending significant sums of money to restore the Master Stormwater System (including lake banks) to maintain compliance with applicable permits and ensure public safety. This Section is intended to establish a rule and policy relating to the installation and use of gutters and downspouts which are designed to discharge via overland flow or otherwise directly into the District's lakes in order to ensure the preservation of property and the proper functioning of the Master Stormwater System. The purpose of this Section is so that the District and all property owners remain in compliance with the SFWMD Permit and Lee County permits and regulations.

b. Pursuant to the SFWMD Permit, stormwater may not be discharged directly into the recreational lakes. The recreational lakes are reflected on Exhibit "A". Any property owner whose property is located adjacent to a lake that is the responsibility of the District to maintain (either recreational lake or otherwise) and who is seeking or attempting to discharge stormwater by gutters/downspouts and/or other improvements directly into such lake must follow the procedures set forth herein. The requesting owner ("**Requesting Owner**") shall submit a request to the District for the applicable installation, including the Requesting Owner's proposed plans. The District will review whether any additional permitting through SFWMD and/or Lee County is required for the installation of such improvements. If additional permitting is required, then the Requesting Owner shall be solely responsible for the cost and expense of any additional planning,

design, engineering and permitting required for the installation of such improvements. Further, the District will review the request and advise the Requesting Owner on the manner in which the installation shall be made so as to minimize potential negative impacts to the Master Stormwater System or the District's maintenance thereof. The Requesting Owner shall be solely responsible for all costs and expenses relating to the installation of the improvements. All work shall be performed and completed consistent with applicable permits and approvals. Once the installation is made, the Requesting Owner (or the Requesting Owner's successor in title) will be responsible for the maintenance of the improvements, even any improvements that might be located within a Lake Tract.

Section 5. Rip Rap Installation and Maintenance

a. Rip rap is installed in various areas within the District. The installation of rip rap is strictly controlled by applicable federal, state, and local laws, codes, ordinances, regulations and permits. For example, on all internal water management lakes within the District, Lee County regulations currently permit no more than twenty percent (20%) of shoreline to be encumbered by rip rap. The District applied for, and received, an administrative amendment to the applicable zoning ordinance (referred to as ADD201500070) that allows maximum of sixty-five percent (65%) of the shorelines of those portions of the recreational lakes located within the boundaries of the District to be encumbered by rip rap or other hardened shore treatment. The installation of new rip rap in an LME and/or Lake Tract will be controlled by the District is subject to the written approval of the District, which approval may be withheld in the District's discretion.

b. Any property owner whose property is located adjacent to a Lake Tract maintained by the District and who desires to install rip rap in either the Lake Tract and/or LME adjacent to the Lake Tract must follow the procedures set forth herein. The requesting owner ("**Requesting Owner**") shall submit a request to the District for approval of the installation of rip rap, including the Requesting Owner's proposed plans. The District will review (i) whether the installation of rip rap as proposed is acceptable to the District in its discretion and (ii) whether any additional permitting through SFWMD, Lee County or ACOE is required for such installation of such rip rap. If additional permitting is required, then the Requesting Owner will be solely responsible for the cost and expense of any additional planning, design, engineering and permitting required for the installation of such improvements. If the installation is approved by the District, the approval will be subject to such condition imposed by the District and the District will advise the Requesting Owner on the manner in which the installation of the rip rap shall be made so as to minimize potential negative impacts to the Master Stormwater System or the District's maintenance thereof. The Requesting Owner shall be solely responsible for all costs and expenses relating to the installation of the improvements. All work shall be performed and completed consistent with applicable permits and approvals. Following installation, the Requesting Owner (or the Requesting Owner's successor in title) will be responsible for the maintenance of all rip rap installed unless and until the rip rap is accepted by the District for maintenance. The Requesting Owner shall notify the District when the installation of the rip rap is complete and the District will inspect the installation to make certain the work is completed consistent with the applicable permits and approvals, including the District's approval. Once the installation is deemed complete to the satisfaction of the District, the District will formally accept responsibility for maintenance of the rip rap installed in the Lake Tract and/or LME. Notwithstanding any acceptance by the

District, the Requesting Owner will remain be responsible for all rip rap installed outside the Lake Tract and/or LME.

Section 6. Maintenance of Inlets and Storm Drains

a. The District will maintain those storm drains and inlets that are a part of the overall stormwater management system that (i) are located within property owned by the District, platted drainage easements (DEs) in favor of the District and/or other separately recorded drainage easements in favor of the District and (ii) have been conveyed to the District for operation and maintenance. As of the date of these Rules, not all storm drains and inlets in every neighborhood or condominium within the District have been turned over to the District. If storm drains and inlets have not been turned over to the District, the applicable owner of such storm drains and inlets (whether it be Miromar Lakes Master Association, Inc., a neighborhood association, or condominium association) shall be responsible for their operation and maintenance.

b. For any neighborhood or condominium that desires to turn over its storm drains and inlets to the District, the District will accept the storm drains and inlets for operation and maintenance upon completion of the following: (i) the storm drains and inlets must be tested and inspected by the District Engineer and determined to be in good and proper working order; (ii) any deficiencies identified in the District Engineer’s inspection in subsection (i) must be fully corrected by the applicable neighborhood or association; (iii) the storm drains and inlets must be transferred by bill of sale acceptable to the District; (iv) the District must be provided easement or other ownership rights necessary for operation and maintenance of the storm drains and inlets; and (v) the applicable neighborhood or condominium must bear all costs of the transfer including the costs of the inspection, any corrective work and any costs of the District including legal and other engineering costs associated with the transfer.

Section 7. Compliance with Laws

All property owners, community and condominium associations, persons or entities who are served by, or are utilizing, the Master Stormwater System shall, in addition to these Rules, be obligated to comply with all applicable federal, state, and local laws, codes, ordinances, regulations and permits including, without limitation, all permits issued by SFWMD for the operation and use of the Master Stormwater System.

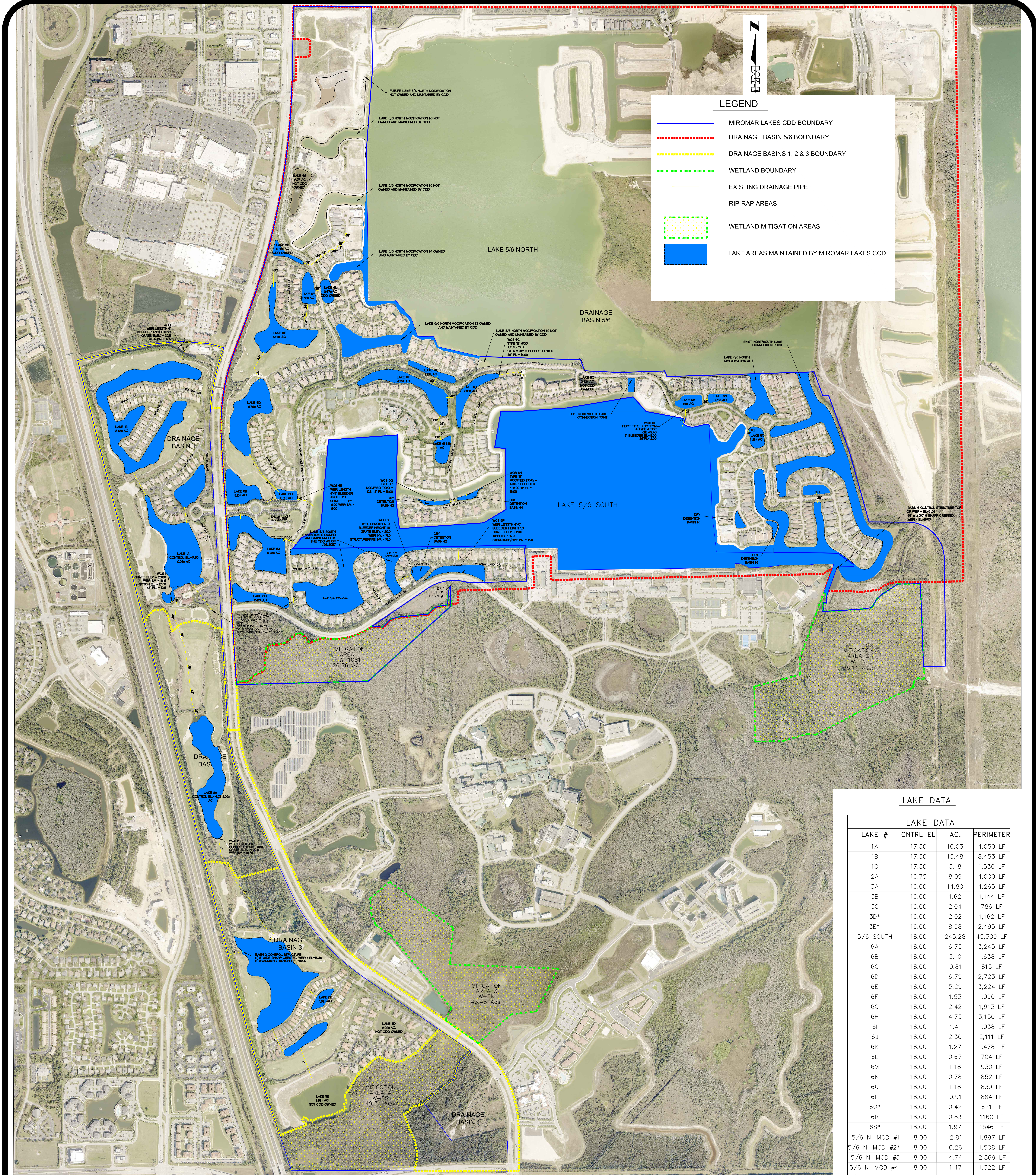
Section 8. Enforcement

The District shall have any and all rights available under the Act and Florida law to enforce the provisions of these Rules. The District’s staff including, without limitation, the District Manager shall have the authority to act on behalf of the District with respect to the enforcement of these Rules including, without limitation, taking any actions necessary to the enforcement and/or prosecution of violations of these Rules consistent with Florida law. In addition to, and not as a limitation on the District, the District shall have the right to notify SFWMD, Lee County or any other appropriate regulatory body of a violation of these Rules or any existing permits issued by any such regulatory body.

Section 9. Effective Date

These Rules shall be effective upon their adoption.

Exhibit "A"
Drainage Basin Map



LEGEND

- MIROMAR LAKES CDD BOUNDARY
- - - DRAINAGE BASIN 5/6 BOUNDARY
- - - DRAINAGE BASINS 1, 2 & 3 BOUNDARY
- - - WETLAND BOUNDARY
- EXISTING DRAINAGE PIPE
- RIP-RAP AREAS
- WETLAND MITIGATION AREAS
- LAKE AREAS MAINTAINED BY MIROMAR LAKES CDD

LAKE DATA

LAKE #	CNTRL EL.	AC.	PERIMETER
1A	17.50	10.03	4,050 LF
1B	17.50	15.48	8,453 LF
1C	17.50	3.18	1,530 LF
2A	16.75	8.09	4,000 LF
3A	16.00	14.80	4,265 LF
3B	16.00	1.62	1,144 LF
3C	16.00	2.04	786 LF
3D*	16.00	2.02	1,162 LF
3E*	16.00	8.98	2,495 LF
5/6 SOUTH	18.00	245.28	45,309 LF
6A	18.00	6.75	3,245 LF
6B	18.00	3.10	1,638 LF
6C	18.00	0.81	815 LF
6D	18.00	6.79	2,723 LF
6E	18.00	5.29	3,224 LF
6F	18.00	1.53	1,090 LF
6G	18.00	2.42	1,913 LF
6H	18.00	4.75	3,150 LF
6I	18.00	1.41	1,038 LF
6J	18.00	2.30	2,111 LF
6K	18.00	1.27	1,478 LF
6L	18.00	0.67	704 LF
6M	18.00	1.18	930 LF
6N	18.00	0.78	852 LF
6O	18.00	1.18	839 LF
6P	18.00	0.91	864 LF
6Q*	18.00	0.42	621 LF
6R	18.00	0.83	1,160 LF
6S*	18.00	1.97	1,546 LF
5/6 N. MOD #1	18.00	2.81	1,897 LF
5/6 N. MOD #2*	18.00	0.26	1,508 LF
5/6 N. MOD #3	18.00	4.74	2,869 LF
5/6 N. MOD #4	18.00	1.47	1,322 LF
5/6 N. MOD #5*	18.00	4.72	2,877 LF
5/6 N. MOD #6*	18.00	3.42	2,278 LF
5/6 N. FUTURE MOD.*	18.00	2.77	1,947 LF
D.D.A. #1	18.00	0.61	
D.D.A. #2	18.00	1.54	
D.D.A. #3	18.00	0.50	
D.D.A. #4	18.00	0.41	

BASIN #	CONTROL	MIN ROAD	MIN FFE	CONTROL STRUCTURE	BASIN #	CONTROL	MIN ROAD	MIN FFE	CONTROL STRUCTURE
1	17.50	19.50	21.50	6" WIDE SHARP CRESTED WEIR @ EL=18.15 6' W x 0.65' H V-NOTCH @ EL=17.50 REC. BODY: BASIN2	4	16.00	19.20	22.00	0.32" DIA. ORIFICE @ EL=16.00 ADJACENT SLOUGH
2	16.75	18.75	21.50	6" WIDE SHARP CRESTED WEIR @ EL=17.58 6' W x 0.83' H V-NOTCH @ EL=16.75 REC. BODY: BASIN3	5	18.00	20.00	22.00	(2) 9' WIDE SHARP CRESTED WEIR @ EL=19.00 (2) 9' W x 1.00' H V-NOTCH @ EL=18.00 REC. BODY: EXISTING LAKE
3	16.00	18.30	21.50	8' WIDE SHARP CRESTED WEIR @ EL=16.46 8' W x 0.46' H V-NOTCH @ EL=16.00 REC. BODY: 1-75 SWALE	6	18.00	20.00	22.00	22' W x 1.78' H SHARP CRESTED WEIR @ EL=18.22 22' W x 0.22' H V-NOTCH @ EL=18.00 REC. BODY: ADJACENT SLOUGH

* REPRESENTS LAKES NOT OWNED BY MIROMAR LAKES CDD



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Phone : (239) 985-1200
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Authorization No.1772

**MIROMAR LAKES - CDD
DRAINAGE EXHIBIT**

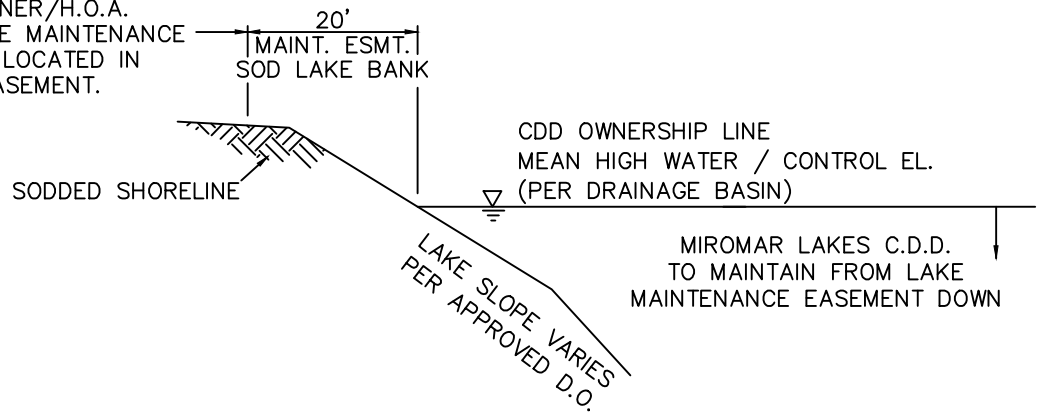
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Exhibit "B"
Examples of the Division of Maintenance Responsibility

Exhibit B-1

This example depicts the typical case of a sodded shoreline adjacent to a Lake Tract and illustrates the division of maintenance responsibility between the District and the Adjacent Owner.

ADJACENT LAND OWNER/H.O.A.
TO MAINTAIN UP TO LAKE MAINTENANCE
EASEMENT AND SOD LOCATED IN
MAINTENANCE EASEMENT.



TYPICAL STORMWATER LAKE SECTION

N.T.S.

NOTE 1: NO OWNER SHALL PLACE ANY IMPROVEMENTS ON OR
WITHIN A LAKE MAINTENANCE EASEMENT WITHOUT PRIOR APPROVAL
OF MIROMAR LAKES COMMUNITY DEVELOPMENT DISTRICT. APPROVAL
OF SUCH IMPROVEMENTS DOES NOT MEAN MLCDD SHALL MAINTAIN
SUCH IMPROVEMENTS



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Miromar Lakes CDD Typical Stormwater Lake Section Exhibit B.1

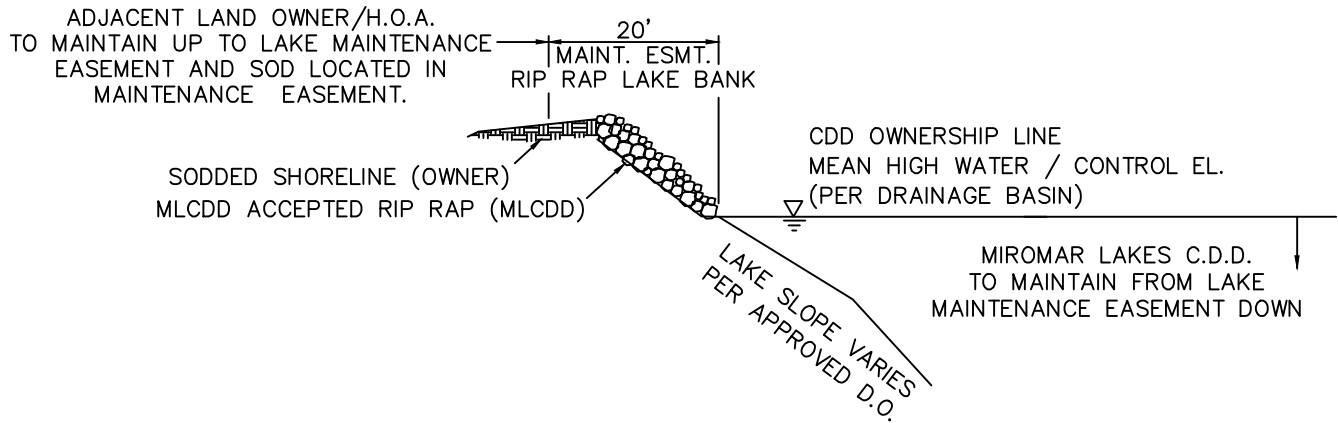
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SHEET No. 1 OF 3

Exhibit B-2

This example depicts the typical case where rip rap has been placed within the Lake Maintenance Easement adjacent to a Lake Tract by an Adjacent Owner (or predecessor), which rip rap has been accepted by the District for maintenance. The division of maintenance responsibility between the District and the Adjacent Owner is illustrated.



STORMWATER LAKE SECTION WITH RIP RAP

N.T.S.

NOTE 1: NO OWNER SHALL PLACE ANY IMPROVEMENTS ON OR
WITHIN A LAKE MAINTENANCE EASEMENT WITHOUT PRIOR APPROVAL
OF MIROMAR LAKES COMMUNITY DEVELOPMENT DISTRICT. APPROVAL
OF SUCH IMPROVEMENTS DOES NOT MEAN MLCDD SHALL MAINTAIN
SUCH IMPROVEMENTS



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Miromar Lakes CDD Typical Stormwater Lake Section Exhibit B.2

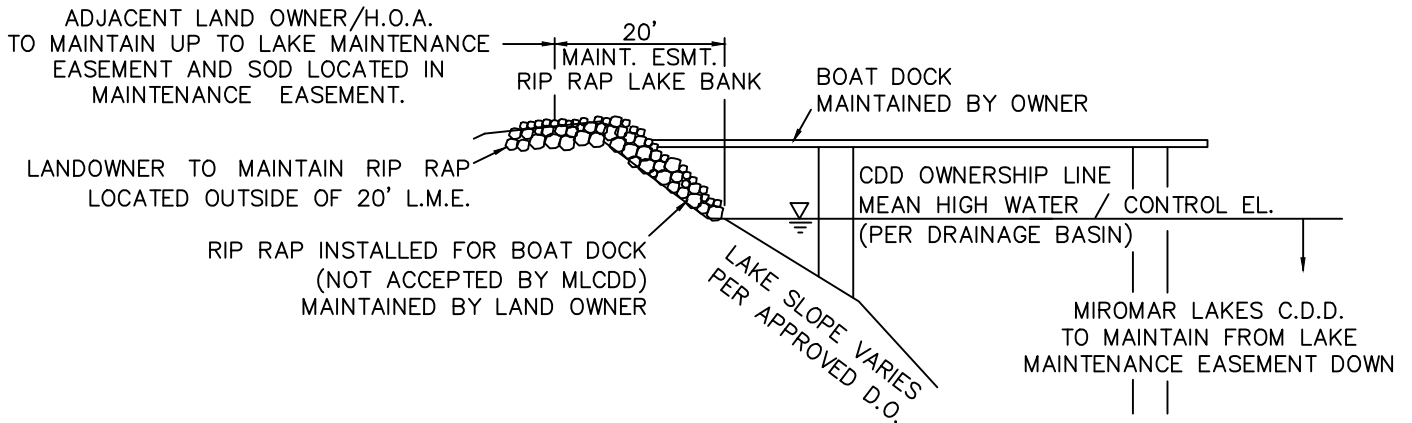
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June 2021 (REV)

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SHEET No. 2 OF 3

Exhibit B-3

This example depicts the typical case involving the following conditions: (i) a boat dock has been installed by the Adjacent Owner (or predecessor) that extends into the Lake Tract and (ii) rip rap has been placed within the Lake Maintenance Easement and Lake Tract by the Adjacent Owner (or predecessor), which rip rap has not been accepted by the District for maintenance. The division of maintenance responsibility between the District and the Adjacent Owner is illustrated.



STORMWATER LAKE SECTION WITH LAND OWNER RESPONSIBILITY

N.T.S.

NOTE 1: NO OWNER SHALL PLACE ANY IMPROVEMENTS ON OR WITHIN A LAKE MAINTENANCE EASEMENT WITHOUT PRIOR APPROVAL OF MIROMAR LAKES COMMUNITY DEVELOPMENT DISTRICT. APPROVAL OF SUCH IMPROVEMENTS DOES NOT MEAN MLCDD SHALL MAINTAIN SUCH IMPROVEMENTS

ANY DAMAGE TO LAKE BANK OR LAKE CAUSED BY THE INSTALLATION OR MAINTENANCE OF A BOAT DOCK OR RIP RAP PLACED BY OWNER, SHALL BE THE RESPONSIBILITY OF THE OWNER TO REPAIR



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Miromar Lakes CDD Typical Stormwater Lake Section Exhibit B.3

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SHEET No. 3 OF 3