

**RULE 1**  
**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 After a Rule becomes effective, it may be repealed or amended only through the rulemaking procedures specified in these Rules.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.

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The District also has various easement rights throughout the 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 with 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, at the time of preparation and adoption of these Rules, the District has been undertaking and completing 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 is being 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

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Lake) and the south recreational lake for Miromar Lakes (commonly referred to as the South Lake) were connected under SFMWD Permit 36-03568-P-04, Application 031211-5. Each drainage basin has its own control elevation (i.e. mean high water elevation). Attached hereto and made a part hereof as **Exhibit "A"** is a copy of a map of the District reflecting the various drainage basins and also indicating the applicable control elevation for each drainage basin.

**Section 3. Lake Area Maintenance Responsibilities**

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

i. The District will be responsible for the maintenance of the property from the applicable control elevation down. The adjacent property owner(s) (whether it be private property owner(s) and/or a community association) (sometimes referred to herein individually as an "**Adjacent Owner**" and collectively as the "**Adjacent Owners**") shall be responsible for maintenance of its property from the applicable control elevation up. Such maintenance of the Adjacent Owner shall include the maintenance of any rip rap that is now, or hereinafter, located above the control elevation. 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"** is a sketch showing the location of the typical division of maintenance responsibilities between the District and an Adjacent Owner.

ii. The District will responsible for the maintenance of littoral plants within littoral zones designated pursuant to applicable permits. Adjacent Owners 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 sole discretion.

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

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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 located adjacent to a lake that is the responsibility of the District to maintain (either recreational lake or otherwise) who is seeking or attempting to discharge stormwater by gutters/downspouts and/or other improvements directly into such lake must follow the procedures. 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 below the applicable control elevation.

**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



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the applicable zoning ordinance (referred to as ADD201500070) that allows maximum of sixty-five percent (65%) of the shorelines of those portion of the recreational lakes located within the boundaries of the District to be encumbered by rip rap or other hardened shore treatment

b. Any property owner located adjacent to a lake that is the responsibility of the District to maintain who is seeking or attempting to install rip rap must follow the procedures. 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, Lee County or ACOE is required for such 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 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. Once the installation is made, the Requesting Owner (or the Requesting Owner's successor in title) will be responsible for the maintenance of the all rip rap above the applicable control elevation. To the extent the work is completed consistent with the applicable permits and approvals, the District will accept responsibility for maintenance of the rip rap below control elevation.

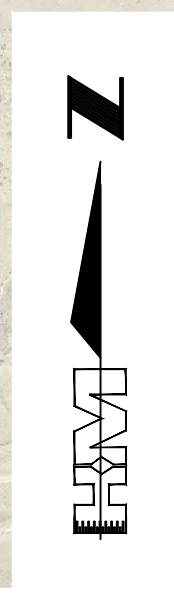
**Section 6. Maintenance of Inlets and Storm Drains**

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 it's operation and maintenance.




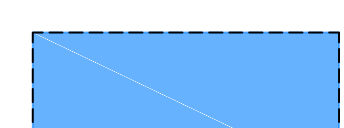
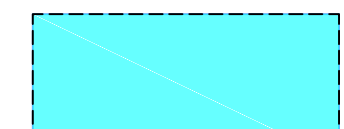

b. For any neighborhood or condominium that desires to turn over its storm drains and inlets to the District, the District will accept the storm drains and inlets for operation and maintenance upon completion of the following: (i) the storm drains and inlets must be tested

**Exhibit "A"**  
**Drainage Basin Map**





**LEGEND**

-  MIROMAR LAKES CDD BOUNDARY
-  DRAINAGE BASIN 5/6 BOUNDARY
-  DRAINAGE BASINS 1, 2 & 3 BOUNDARY
-  LAKE AREAS MAINTAINED BY MIROMAR LAKES CCD
-  LAKE AREAS 5/6 - RECREATIONAL LAKES
-  EACH SHORELINE

DRAINAGE  
BASIN 5/6  
W.S.W.T. = 18.00 N.G.V.D.  
LAKE 5/6 NORTH

DRAINAGE  
BASIN 1  
W.S.W.T. = 17.50 N.G.V.D.

DRAINAGE  
BASIN 5/6  
W.S.W.T. = 18.00 N.G.V.D.  
LAKE 5/6 SOUTH

DRAINAGE  
BASIN 2  
W.S.W.T. = 16.75 N.G.V.D.

DRAINAGE  
BASIN 3  
W.S.W.T. = 16.00 N.G.V.D.

DRAINAGE  
BASIN 4  
W.S.W.T. = 16.00 N.G.V.D.



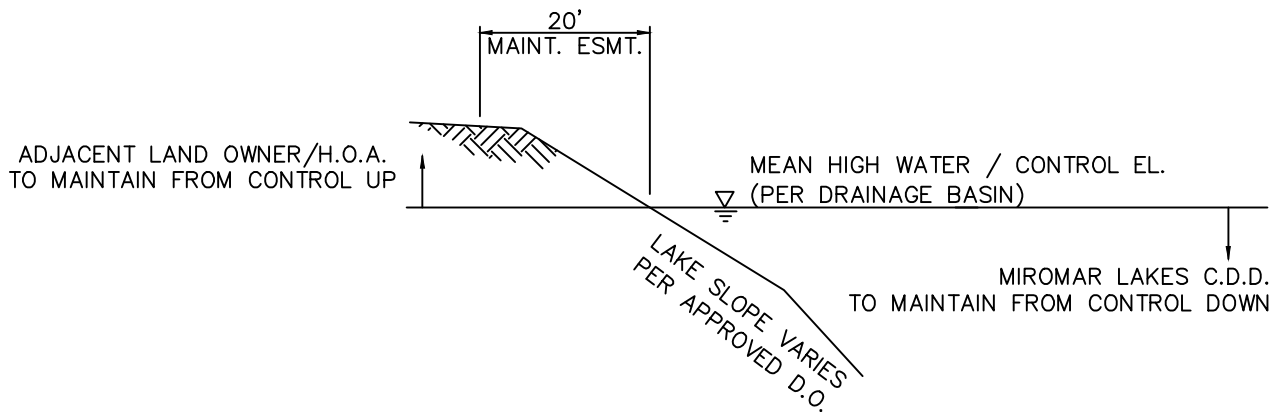
6200 Whiskey Creek Drive  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of  
Authorization No.1772

**MIROMAR LAKES - CDD  
DRAINAGE EXHIBIT**

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**Exhibit “B”**  
**Example Division of Maintenance Responsibility**  
**Based Upon Control Elevation**



TYPICAL STORMWATER LAKE SECTION  
N.T.S.



6200 Whiskey Creek Drive  
Fort Myers, FL. 33919  
Phone : (239) 985-1200  
Florida Certificate of  
Authorization No.1772

Miromar Lakes CDD  
Typical Stormwater Lake Section  
Exhibit B

DATE: June 2018

JOB No. 2003.022

SHEET No. 1