

FAQ – 2021 Stormwater Development Code

For all questions, please refer to Ordinance 2021-14654 which can be found at:

<https://www.naplesgov.com/streetsstormwater>

Question 1: How do I obtain a copy of the drawings of an existing stormwater management system?

Answer 1: If you are using a licensed professional, generally they will know how to obtain the drawings. Otherwise, you may obtain the drawings by making a records request by going to the City of Naples website. Go to:

naplesgov.com

City Services

Public Records

RECORDS REQUEST FORM – BUILDING DEPARTMENT ONLY

The URL is:

<https://naplesfl.justfoia.com/Forms/Launch/c1f9edb8-02f0-4d8c-a890-536d7525c2de>

If you have further questions, you may send an email to:

PublicRecordsRequest@naplesgov.com

Question 2: The 2021 stormwater code includes a requirement that existing stormwater management systems be inspected every five years. What does the inspection include?

Answer 2: The inspection must be completed by a Florida licensed professional as defined in Section 16-51 of the code. It is up to the licensed professional to determine whether they can legally perform, and have the expertise to perform, the inspection and certify the stormwater system. Section 30-340 of the code the inspection report to be **signed and sealed** by a Florida licensed professional. The report must confirm and certify that the stormwater management system **remains consistent with, and is operating according to**, the permitted design requirements. The signed and sealed report can be in the form of a letter provided to the homeowner and the Streets and Stormwater Department.

Question 3: What are the City's requirements for a property that must obtain an Environmental Resource Permit (ERP) from the SFWMD, or the FDEP?

Answer 3: Refer to Section 16-115; (b); b.; 3. of the code. The SFWMD volumetric requirements are based on wet detention. The District provides for a 25% reduction in volume for dry detention and a 50% reduction in volume for retention. Section 16-115 of the stormwater code does not allow the reductions in volume for ERPs within the City of Naples.

Question 4: For a property that was CO'd before the 2007 stormwater code, and does not have an existing stormwater management system, is a new stormwater management system required?

Answer 4: If an application is made for a new construction permit, an addition or alteration permit, a driveway permit, a site work permit, or a pool permit, a review will be made by the Streets and Stormwater Department to determine if compliance with 2021 stormwater code is required. If the review determines the planned activity on the property meets the definition of new development, remodeling or redevelopment, or substantial improvement, then compliance with the criteria in the 2021 stormwater code will be required. Note: The definitions are included in Section 16-51 of the code.

Question 5: For a property that was CO'd after the 2007 stormwater code, and does have an existing stormwater management system, is a new stormwater management system required?

Answer 5: If the property has a permitted and properly functioning stormwater management system no change is required, unless an activity on the property requires a new construction permit.

Question 6: A property was CO'd after the 2007 stormwater code and has a permitted stormwater swale system. The property owner wants to make changes to the property (such as adding a pool) and change the stormwater management system to an underground system. What is required by the 2021 stormwater code?

Answer 6: Under this scenario, the property will no longer have a permitted and properly functioning stormwater management system. The previously permitted system is being replaced. The new stormwater management system will be required to meet the criteria of the 2021 stormwater code.

Question 7: Permits were issued for activities on a property prior to the effective date of the 2021 stormwater code. Work stopped on the property, a stormwater management system was never constructed, and the permits that were issued expired. What is required for the stormwater management system?

Answer 7: Any new construction, addition or alteration, driveway, site work, or pool permits obtained after July 15, 2021 will trigger a review for compliance with the 2021 stormwater code criteria.

Question 8: The net increase of impervious area is less than 250 square feet. Are no changes are required for an **existing** stormwater management system?

Answer 8: For properties that have a permitted and properly functioning stormwater management system, a new construction permit will be the only trigger for a review for compliance with the criteria in the 2021 stormwater code.

For properties that do not have a permitted and properly functioning stormwater management system, any activities that meet the definitions of new development, remodeling or redevelopment, or substantial improvement must comply with the criteria with the criteria in the 2021 stormwater code. There are several activities in the definitions, in addition to the 250 square feet, that would require a stormwater management system. The definitions are in code section 16-51.

As noted above in Answer 3, properties that had a permitted stormwater management system that is being removed, or replaced, will require compliance with the criteria in the 2021 code. That is because the system will no longer be properly functioning as it was permitted.

Question 9: A property was CO'd after the 2007 stormwater code and has an existing stormwater management system that needs to be repaired. Is the repaired system required to comply with the 2007 code, or the 2021 code?

Answer 9: Repairs can be made to an existing, permitted, system to keep it functioning properly. These repairs do not require compliance with the 2021 stormwater code. As noted in Answer 3, replacement of a system is not a repair and would require compliance with the 2021 stormwater code.

Question 10: A property that **does not have** an existing stormwater management system is building a new pool, deck, lanai, etc. that will increase the impervious area in the back yard by greater than 250 square feet. Can the increase in the back yard be offset by replacing the existing paved driveway with a permeable pavement system?

Answer 10: Yes, an impervious paved driveway replaced with permeable pavement system will be allowed to offset an increase in impervious area elsewhere on the property. The offset must result in an increase of impervious area on the site by 250 square feet, or less, in accordance with Code Section 16-51. A permeable pavement system must also comply with all the definition in Code Section 16-51, including the requirement to be designed by a Florida licensed professional engineer. The design must be approved by the Streets and Stormwater Department as part of the permitting process. The property owner is responsible for obtaining all necessary permits including, but not limited to, pool, site work, driveway, and right-of-way. The property owner must comply with all sections of the municipal code.

The offset may be used to avoid the “increases the impervious area on the site by greater than 250 square feet” trigger for a new stormwater management system. However, other triggers within the code may still require a new stormwater management system.

Question 11: Can the requirement for a stormwater management system be avoided by creating multiple small projects?

Answer 11: No, creating multiple small projects cannot be used to avoid the requirement. In accordance with the Code Section 16-51 the requirement for a stormwater management system can be triggered by “any construction activity on a site where the aggregate of actions or costs to reconstruct, modify, alter, or improve the property, whether in one phase or in multiple phases”. When a permit application is reviewed by the Streets and Stormwater Department, past work is considered to determine “the aggregate of actions or costs” will trigger the need for a stormwater management system. Past work does have a cumulative effect and will be considered as multiple phases.

Question 12: With regard to an existing home that does not have a stormwater management system. If the home is damaged by a hurricane, will the repair work trigger the requirement to meet the current stormwater criteria?

Answer 12: It is possible that the repair work would also require meeting the stormwater criteria found in Code Section 16-115. Repair work could be needed as the result of damage due to a hurricane, a fire, or other event and will require various permits. These permits will result in a stormwater review. The review will determine:

Are the repairs remodeling or redevelopment? If yes, then the stormwater criteria must be met. Remodeling or redevelopment is defined in Code Section 16-51. This could be the case if the repairs include improvements that go beyond “restoring the structure to its before damaged condition”.

Are the repairs substantial improvement? If yes, then the stormwater criteria must be met. The definition of *Substantial improvement* is found in Code Section 16-51. This definition intentionally references Code Section 16-112. The definition of substantial improvement includes the following: “If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed.” The definition of *Substantial damage* is found in Code Section 16-144 and “means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.” *Market value* (of the structure) means the building value, which

is the property value excluding the land value and that of the detached accessory structures and other improvement on site as established by what the local real estate market will bear.” The complete definition of market value is found in Code Section 16-144.

Question 13: What is the difference between appraised and market value? Is market value defined? Is there a specific definition for structure? Does it include things like a pool, etc.?

Answer 13: The definition of Remodeling or Redevelopment found in Section 16-51 of the code references market value and not appraised value. Appraised value was not used because it is not defined in the code. Market value was used to be consistent with the Building Department. The definition of market value is found in 16-144 of the code and reads as follows:

“Market value (of the structure) means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site as established by what the local real estate market will bear. Market value can be established by an independent certified appraiser (other than a limited or curbside appraisal, or one based on income approach), actual cash value (replacement cost depreciated for age and quality of construction of building), within six months of permit submittal, or the current Collier County Property Appraiser’s assessment plus 20 percent.”

Note that market value excludes detached accessory structures. Accessory structures are defined in Section 16-51 of the code, as follows:

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, 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.