

LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE

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[RESERVED]

ARTICLE 5

RESOURCE PROTECTION STANDARDS

5.01.00 Development in Flood-Prone Areas

5.01.01 Purpose and Intent

It is the purpose and intent of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.

This Section shall apply to all areas of special flood hazard within the jurisdictional boundaries of the City of Lake Alfred, except those areas within the Green Swamp Area of Critical State Concern (GSACSC). For regulations regarding development in the floodplains in the GSACSC, refer to Section 5.07.00 of this Article 5. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations.

Areas of special flood hazard that have been or may be identified on a Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA), and any revisions thereto, are adopted by reference and declared to be a part of this Section. In the absence of FIRMs and supporting data, areas of special flood hazard shall be identified by field analysis until such FIRMs are available.

These flood hazard management regulations do not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

Although the degree of flood protection required by this Section is reasonable and appropriate for regulatory purposes, based on scientific and engineering considerations, more severe floods will occur and flood heights may be increased by man-made or natural causes. Consequently, this Section is not intended to imply that land outside the areas of special flood hazard or uses permitted within those areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City or any of its officers or employees for any flood damages that result from reliance on these flood hazard management regulations or any administrative decision lawfully made thereunder.

5.01.02 Standards for Reducing Flood Hazards in the Area of Special Flood Hazard

The following standards apply to all development permitted within the Area of Special Flood Hazard.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order

to alleviate flood problems within the impacted area.

- (B) *Anchoring.* All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of the structure during a base flood. Mobile homes shall be anchored, tied down and blocked in accordance with the standards of Section 15C-1.10, Florida Administrative Code.
- (C) *Construction Materials and Methods.* All new construction and substantial improvements of existing construction shall be constructed with materials and utility equipment resistant to flood damage, and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a base flood.
- (D) *Service Facilities and Utilities*
 - (1) Electrical heating, ventilation, plumbing, air conditioning and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood.
 - (2) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (3) On-site sanitary sewage systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and shall not be installed wholly or partially in a regulatory floodway.

5.01.03 Additional Standards for Reducing Flood Hazards in Areas for Which FIRMs Have Been Prepared

The following standards must be complied with in all areas of special flood hazard for which a base flood elevation has been established as set forth in Section 5.01.01.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.
- (B) *Elevated Buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the flood protection elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(C) *Residential Structures*

- (1) All new construction and substantial improvements of existing construction of residential structures shall be constructed with the lowest floor elevated to or above the flood protection elevation.
- (2) For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater.

Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect.

- (3) Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.

(D) *Accessory Structures.* New construction and substantial improvements to existing accessory structures shall comply with Section 5.01.03(C) of this Section. Walls below the flood protection elevation shall be substantially impermeable to the passage of water. Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.

(E) *Subdivisions*

- (1) All preliminary subdivision proposals shall identify the area of special flood hazard and the elevation of the base flood.
- (2) All final subdivision plans shall identify the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
- (3) All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage, and shall be adequately drained to reduce exposure to flood hazards.
- (4) Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.

5.01.04 Administration and Enforcement

In addition to other administrative and enforcement provisions in this Code, the following provisions shall apply:

(A) *Designation and Duties of Chief Building Official.* The Chief Building Official shall

administer and implement the provisions of these flood hazard management regulations. In addition to duties assigned elsewhere, the Chief Building Official shall:

- (1) Review all proposed developments to assure that the requirements of these regulations have been met.
- (2) Review all certificates submitted to satisfy the requirements of these regulations.
- (3) Notify adjacent communities, the Southwest Florida Water Management District, and the State of Florida Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and, if applicable, provide evidence of such notification to FEMA.
- (4) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by this Section.
- (5) Interpret the boundaries of the Areas of Special Flood Hazard and Areas of Shallow Flooding.
- (6) Maintain all records pertaining to the implementation of these flood damage prevention regulations.

(B) Certification of As-Built Elevations

- (1) For development activity that includes structures, and in areas where base flood elevations are available, the developer shall submit to the Chief Building Official a certification prepared by a registered land surveyor or licensed professional engineer of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
- (2) The Chief Building Official shall review submitted floor elevation survey data and inform the applicant of deficiencies within five (5) working days. No work shall be permitted to proceed until the deficiency is removed in the opinion of the Chief Building Official. Failure to submit the certification or to make required corrections shall be cause to issue a stop-work order for the project.
- (3) Upon submittal of certified elevations and/or a determination by the Chief Building Official that the development meets all of the applicable requirements of this Section, the Chief Building Official shall issue a certificate of compliance. All work performed before the issuance of this certificate shall be at the risk of the developer.

(C) Enforcement

- (1) Any violation of this Section is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In addition to any remedy or penalty provided herein or by law, any person who violates the provisions of these flood damage prevention regulations shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.
- (3) Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

5.02.00 Potable Water Wellfield Protection from Hazardous Materials

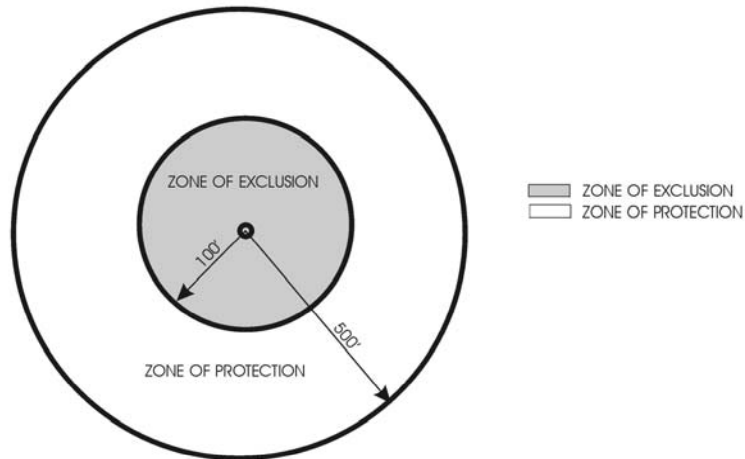
5.02.01 Purpose and Intent

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of Lake Alfred by providing for regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply wells, thereby providing protection of the principal source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of potable quality water is of primary importance to the future of the City. Therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

5.02.02 Establishment of Wellfield Protection Zone

- (A) *Zone of Protection.* The Zone of Protection with a radius of 500 feet is hereby established around each of the City's public supply potable water wells, as provided in Infrastructure Policy 5.3 of the Comprehensive Plan. The City will keep an annually updated list of all uses that generate or store hazardous materials within 500 feet of every wellhead. Wellheads and wellhead protection areas shall be mapped on the Future Land Use Map of the Comprehensive Plan. Specifically, the map shall show the location of each well within the City, including all wells not currently within the City limits but part of the City's water system, and identify the 500 foot protection zone around each well. Wellhead protection areas shall be identified in order to prohibit development or the establishment of new uses from locating within the identified zone of protection that may be a potential source of pollution to the potable water system.

WELLHEAD PROTECTION AREA



- (B) *Zone of Exclusion.* A Zone of Exclusion with a radius of 100 feet is hereby established around each of the City's public supply potable water wells, as provided in Future Land Use Policy 2.13 of the Comprehensive Plan. It is the intent of the City to exclude uses that generate or store hazardous wastes from within a 100 foot radius of every potable water well, known as the zone of exclusion. The City further prohibits existing uses from being reestablished once the use has ceased that generate or store hazardous materials within the exclusionary zone.
- (C) Where a property lies partly outside the Zone of Protection, development standards contained in this Section shall apply only to that part of the property lying within the Zone. Where the Zone of Protection boundary passes through a building, the entire building shall be considered to be in the protection zone.
- (D) Development regulations provided in this Section shall be applicable to designated cones of influence for all municipal public supply wells. Prior to designation of, or in the absence of sufficient information to identify cones of influence, the City of Lake Alfred will utilize, as it becomes available, the most current data available from the water management district or any other government agency to identify the cone of influence around each well, in order to afford the most protection to the potable water supply. Upon receipt and evaluation of such data, the City shall use the data to update the Future Land Use Map series of the Comprehensive Plan of the City with respect to the wellhead protection

areas.

5.02.03 Wellfield Protection Zone Permits

Except as otherwise provided, no person shall construct, modify, install or replace a hazardous substance storage system within a protection zone. Any such system existing prior to adoption of this Code shall require a wellfield protection permit as provided in this Section, and shall be subject to the containment standards in 5.02.04(D).

5.02.04 Wellfield Protection Restrictions

- (A) Unless otherwise provided in this Section, new non-residential use, handling, production or storage of hazardous substances shall be prohibited within the wellfield protection zone.
- (B) *Existing Activity.* Any person with existing non-residential activity shall have a period of one (1) year from the adoption of this Section to apply for a permit without a fee. Thereafter, said person shall be subject to the fee schedule adopted in connection with this Code.
- (C) *Exemptions.* The following activities or uses are exempt from the provisions of this Section:
 - (1) The transportation of any hazardous substance through the Zone of Protection.
 - (2) Agricultural uses, except that said uses shall comply with Chapter 487.011 et. seq., the Florida Pesticide Law and the Florida Pesticide Application Act of 1974 and Rule 5E-2.011 et seq. and Rule 5E-9.001 et seq., Florida Administrative Code.
 - (3) The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
 - (4) Fire, police, emergency medical services, governmental emergency management center facilities, and public utilities.
 - (5) Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
 - (6) Office uses, except for the storage, handling or use of hazardous substances.
 - (7) Repairing or maintaining any facility or improvement on lands within the Zone of Protection.
 - (8) Storage tanks that are constructed and operated in accordance with the storage tanks regulations as set forth in Chapter 17-61, Florida Administrative Code.
 - (9) Geotechnical borings.

(10) Residential activities.

(D) *Containment Standards.* Primary and secondary levels of containment shall be required for all new and previously existing hazardous materials storage systems, except those exempted under subsection 5.02.04(C) and those that are the object of modified requirements under Section 5.02.05. Containment standards shall apply to all areas of use, production, and handling; to all storage areas; and to above-ground and underground storage areas.

(1) Primary Containment. All primary containment shall be product-tight.

(2) Secondary Containment. All secondary containment shall be:

- a. Constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the discharged hazardous substances;
- b. Equipped with leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment;
- c. Adequate in capacity to handle 111 percent of the total volume of the container(s) in order to contain all spills, leaks, overflows, and precipitation until appropriate action can be taken;
- d. Constructed of materials of sufficient strength to preclude loss of any hazardous substances to the external environment; and
- e. Sheltered so that the intrusion of precipitation is inhibited.

(E) *Monitoring Capacity.* All storage systems to which these regulations apply shall be designed with the capability of visually detecting that a hazardous substance stored in primary containment has entered secondary containment. Non-visual techniques may be approved by the City Commission where such techniques are proven to be reliable.

(F) *Miscellaneous Requirements*

(1) Devices or materials to absorb or contain the hazardous substances shall be available in sufficient supply so as to control and collect the total quantity of hazardous substances on the site. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of hazardous substances plus absorbent material.

(2) Procedures shall be established by the applicant for periodic in-house inspection and maintenance of containment and emergency equipment. Such procedures shall be provided to the Chief Building Official in writing. A checklist and schedule of regular maintenance shall be established and a log shall be kept of inspections and maintenance. Such logs and records shall be kept available for inspection by the Chief Building Official.

5.02.05 Modification of Requirements

Any person affected by this Section may petition the City Commission for modification from the prohibitions of this Section, provided that the person demonstrates that special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply in the event of a spill.

5.02.06 Maintenance, Repair, or Replacement

- (A) *Modification or Repair.* Any modification or repair of a storage system, other than minor repairs or emergency repairs, shall be in accordance with plans to be submitted to the Chief Building Official and approved prior to the initiation of such work.
- (B) *Emergency Repairs.* A facility owner or operator may make emergency repairs to a storage system in advance of seeking an approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment.
- (C) *Replacement.* Replacement of any existing storage system for hazardous substances must be in accordance with the new installation standards.

5.02.07 Out-of-Service Storage Systems

- (A) *Systems Temporarily Out of Service.* Storage systems that are temporarily out of service, and are intended to be returned to use, shall continue to be monitored and inspected. Any storage system that is not being monitored and inspected in accordance with this Section shall be closed or removed in a manner approved by the Chief Building Official.
- (B) *Closure of Facilities.* Upon closure of a hazardous substance storage system for any reason, the facility owner or operator shall file an application with the Chief Building Official of intention to close the storage system. Said application shall be processed as provided in 5.02.03(A) of this Section. By signing the wellfield protection permit application, the owner is held responsible to adhere to the closure procedures outlined in this Section. An application to close a hazardous substance storage facility shall include the following:
 - (1) A schedule of events to complete the closure of this activity that does or did store, handle, use, or produce hazardous substances. As a minimum, the owner/applicant shall address the following:
 - a. Disposition of all hazardous substances and contaminated containers.
 - b. Cleanup of the activity and environs to preclude leaching of hazardous substances into the aquifer.
 - c. Certification by the Chief Building Official that disposal and cleanup have been completed in an acceptable manner. Certification may be waived if the applicant provides evidence to the Chief Building Official that all of the following conditions apply to the subject land use facility or activity:

- 1) The entire operation is maintained inside the building(s) of the facility.
- 2) The method of removing operating waste is not a septic tank, sewer main, or floor drain.
- 3) There is no evidence of spills permeating floors or the environs.
- 4) There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial or special waste.
- 5) There is no evidence of past contamination in the public drinking water well(s) associated with a facility located in the Zone of Protection.
- 6) The applicant shall provide a sworn statement that disposal and cleanup have been completed in a manner acceptable to the Chief Building Official.

(2) The Chief Building Official shall inspect the facility to determine whether or not the requirements of this subsection have been met.

(C) *Abandoned Systems.* Whenever an abandoned storage system is located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed by the owner of the property at a reasonable time as determined by the Chief Building Official. Provided, however, such reasonable time for filing shall be not more than six (6) months.

5.02.08 Appeals

Determinations of the Chief Building Official may be appealed in writing within 30 days of said determination to the City Commission by the applicant. In not more than sixty (60) days the City Commission shall meet and rule to uphold, modify or reverse the determination of the Chief Building Official.

5.02.09 Fee Resolution

The City of Lake Alfred may, at its option, adopt a fee schedule by resolution to provide for the funding for the administration of this Section.

5.03.00 Wetlands Protection

5.03.01 Purpose and Intent

The Lake Alfred City Commission has determined that wetlands contiguous to waters of the state, and non-contiguous and isolated wetlands serve important functions in the hydrologic cycle and ecological system and therefore require protection. It is the purpose and intent of this Section to provide for the protection, maintenance, and enhancement of wetlands within the City of Lake Alfred in accordance with the adopted comprehensive plan, recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all

citizens to protection and purity of the waters of the City of Lake Alfred and their associated wetland ecosystems. It is further the purpose and intent of this Section to ensure that there be no net loss of wetlands as defined in this Code. This Section shall apply to all areas of wetlands within the jurisdictional boundaries of the City of Lake Alfred, except those areas within the Green Swamp Area of Critical State Concern (GSACSC). For regulations regarding development in the wetlands in the GSACSC, refer to Section 5.07.00 of this Article 5.

5.03.02 Relationship to Other Requirements Relating to Wetlands Protection

In addition to meeting the following wetlands protection requirements, development plans shall comply with applicable federal, state and water management district regulations. In all cases the strictest of the applicable standards shall apply.

5.03.03 Protection Zones Established

Two zones of protection for wetlands are hereby established. The protection zones shall be known as the wetland protection and wetland transitional zones.

(A) Wetland Protection Zone

There is hereby created a wetlands protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:

- (1) Areas within the dredge and fill jurisdiction of the Department of Environmental Protection (DEP) as authorized by Section 403 of the Florida Statutes.
- (2) Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
- (3) Areas within the jurisdiction of the Southwest Florida Water Management District pursuant to Rule 40D-4, Florida Administrative Code.
- (4) Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, DEP, and the Southwest Florida Water Management District (SWFWMD), shall have the most restrictive agency wetlands boundary determination recognized by the City as the wetlands boundary. The term most restrictive is used here to mean the boundary covering the largest area.
- (5) In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.
- (6) In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping,

photography, hydrology, and other relevant historical information.

(B) Wetland Transitional Zone

There is hereby created a wetland transitional zone adjacent to each wetland protection zone. The transitional zone is an area having a direct ground- or surface water influence and functions as a buffer between wetlands and development. The purpose of the transitional zone is to minimize the adverse effects of development upon the wetland itself. This zone shall encompass all land within 200 feet of the boundary of the wetland protection zone unless the applicant is able demonstrate to the City Commission's satisfaction that the functions of the wetland can be protected with a smaller transitional zone. In no case, however, shall a transitional zone of less than thirty (30) feet be approved.

5.03.04 Permits Required

Except as provided in Subsection 5.03.05, no person shall remove, fill, drain, dredge, clear, destroy or alter any wetland as defined in this Code without first submitting a wetland management plan to the Chief Building Official and obtaining from the City Commission a wetland alteration permit. This permit may be issued concurrently with any other land development permits issued by the City.

5.03.05 Exemptions

Activities or development types that are exempted from this Section include:

- (A) Nonmechanical clearing of vegetation from an area of less than 10 percent of the protected zone.
- (B) Minor maintenance or emergency repair to existing structures of improved areas.
- (C) Cleared walking trails having no structural components.
- (D) Timber catwalks and docks four (4) feet or less in width.
- (E) Utility crossings.
- (F) Maintenance of drainage systems, including routine dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way.
- (G) Bona fide mosquito control activities.
- (H) Activities approved by a federal, state, or regional agency prior to adoption of this Section.

5.03.06 Development Standards

- (A) *Wetland Zone.* Except as otherwise provided in this Section, it is presumed that development will have an adverse effect on wetlands. No activities other than those listed below shall be undertaken in a wetland protection zone.

Activities Permitted in Wetland Protection Zones. The following activities and development types generally may be undertaken unless the City Commission determines in a specific case that a listed activity or development type would have a significant adverse impact on the wetland protection zone:

- (1) Scenic, historic, wildlife, or scientific preserves.
- (2) Minor maintenance or emergency repair to existing boat docks, walking trails, and timber catwalks.
- (3) Cultivating agricultural or horticultural products that occur naturally in the wetland.
- (4) Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
- (5) Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapters 17-25, Florida Administrative Code.
- (6) Construction of foot bridges and vehicular bridges.

- (B) *Upland Zone.* All development in an upland zone shall be in accordance with the Future Land Use Map of the Comprehensive Plan and the zoning classification, and shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent wetland. Where a development site lies partly within the wetland zone and partly within the upland zone, the acreage within a wetland zone may be used to determine the total allowable units or square footage of development that will be allowed on a site. This development potential shall be transferred from the wetland zone to the upland zone.

Special Standards for Upland Zones. The following standards shall apply within upland zones:

- (1) Natural vegetative buffer areas shall be retained between all development and all wetlands where such buffer areas exist. The minimum width of the buffer shall be twenty-five (25) feet and the average of all wetland buffers shall be forty (40) feet. No structures shall be located in such areas. Impervious surfaces shall be limited to roads or walking trails providing access to a body of water. Where a natural buffer area does not exist, an equivalent buffer shall be created.
- (2) The developer shall completely restore any portion of a wetland zone damaged as a result of construction activity in the upland zone.
- (3) The City Commission may require other reasonable protective measures to be undertaken within the upland zone as necessary to prevent significant adverse effects on a wetland. Protective measures may include, but are not limited to:
 - a. Maintaining natural drainage patterns.

- b. Limiting the removal of vegetation.
- c. Minimizing the amount of fill used in the development activity.
- d. Prohibiting or limiting the use of septic tanks.

5.03.07 Mitigation

The City Commission may require mitigation of adverse impacts on wetlands as a condition of development approval if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetlands areas. A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the town. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan may include, but is not limited to, the following actions:

- (A) Preservation and maintenance regulations to reduce or eliminate the impact over time.
- (B) Compensation for the impact through enhancement of existing wetlands, reestablishment of wetlands that are no longer functioning, or the creation of new wetlands.
- (C) Repair, rehabilitation, or restoration of the wetland.
- (D) Specific design requirements based upon conditions of the site and the type of wetland to be created or restored.
- (E) Periodic monitoring to remove exotic or nuisance vegetation.
- (F) Preservation or creation of an appropriate habitat in an adjacent wetland zone.

A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, Florida Statutes, and Section 5.06.00 of this Code on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from future development. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

5.03.08 Prohibited Ongoing Activities

The following standards apply to post-development activities taking place within any wetland or upland zone.

- (A) *Clearing.* Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- (B) *Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes.* No fuel or toxic substances shall be stored, transferred, or sold in a wetland or an upland zone.

- (C) *Fertilizers, Herbicides, or Pesticides.* Fertilizers, herbicides, or pesticides shall not be applied in a wetland, except for projects conducted under the authority of Sections 373.451 - 373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.

5.04.00 Lake Protection

5.04.01 Purpose and Intent

It is the purpose of this Section to maintain lake water quality and reduce nutrient loading in the lakes of the City of Lake Alfred. In order to achieve this, the following standards restrict the amount of clearing or removal of shoreline vegetation and require the most appropriate stormwater treatment technology. This Section shall apply to all lakes within the jurisdictional boundaries of the City of Lake Alfred, except those lakes within the Green Swamp Area of Critical State Concern (GSACSC). For regulations regarding development on lakeshores in the GSACSC, refer to Section 5.07.00 of this Article 5.

5.04.02 Relationship to Other Requirements Relating to Lake Protection

In addition to meeting the requirements of this Section, development plans shall comply with applicable Federal, State and water management district regulations. In all cases, the strictest of the applicable standards shall apply.

5.04.03 Shoreline Protection Zones Established

A Shoreline Protection Zone for all lakes in the City of Lake Alfred is hereby established. The Shoreline Protection Zone extends from the water's edge to a point fifty (50) feet landward of the Ordinary High Water Line.

5.04.04 Development Standards for Shoreline Protection Zones

All development in the Shoreline Protection Zone, including marinas, boat launching facilities and ramps, docks, piers, walkways and boat houses permitted in conformance with other applicable requirements of this Code, shall be designed, constructed and maintained to avoid adverse effects on the lakes of the City of Lake Alfred. In order to achieve this, all development proposed to be located in the Shoreline Protection Zone shall comply in all respects with the following requirements:

- (A) Existing development within the Shoreline Protection Zone shall not be expanded, added on to, or increased in any way unless it complies with all of the standards contained in this section.
- (B) To the maximum extent feasible, all natural drainage patterns shall be retained, and the amount of fill used in the development activity shall be kept at the absolute minimum to accommodate permitted development.

- (C) Point source and nonpoint source discharges into any lake are prohibited.
- (D) All development shall be designed, located, constructed and maintained in a manner that minimizes environmental damage.
- (E) All development shall be set back 50 feet from the Ordinary High Water Line.
- (F) The combined impervious surface of all permitted buildings, structures, walkways and paved areas on a site that includes any portion of the Shoreline Protection Zone shall not exceed forty (40) percent of the land area of the entire site.
- (G) Within the Shoreline Protection Zone, a minimum of fifty (50) percent of the natural vegetation shall be retained, maintained and protected.
- (H) If no natural vegetation exists, buffers shall be planted and maintained to maturity to achieve a minimum cover of forty (40) percent of the site within the Shoreline Protection Zone. Buffers may be linear or clustered and shall be composed of native plant species found growing in the vicinity of the site, or may be plants selected from the lists of species in Section 3.07.00.
- (I) The developer shall limit the removal of vegetation to the minimum necessary to carry out a permitted development activity, and shall expeditiously restore any portion of the Shoreline Protection Zone damaged or removed during construction by replanting native grasses and ground covers or appropriate substitutes.
- (J) The City Commission may require other reasonable protective measures to be undertaken within the Shoreline Protection Zone to prevent significant adverse effects on a lake. Protective measures may include, but are not limited to:
 - (1) Prior approval of any plan to dredge the lake bottom and dispose of spoil either on the site or at other locations.
 - (2) Prior approval of any plan to construct channels in a lake. In particular, such a plan shall demonstrate by design and other assurances how it will prevent slumping and erosion, and promote revegetation of underwater slopes and banks.

5.04.05 Activities Exempt from the Development Standards in the Shoreline Protection Zones

- (A) Emergency repairs to existing structures and facilities, where such repairs are necessary for the preservation of life, health, or property and are undertaken to promote the purposes of this Section.
- (B) Activities associated with maintenance of a structural stormwater or drainage control system, where such activities do not constitute major construction or rebuilding.

- (C) Mowing and maintenance of lawns and other vegetation that does not result in the prohibited clearance of shoreline vegetation.
- (D) Development of a "Wetlands Storm Water Discharge Facility" or a "Treatment Wetland" in accordance with State permits received under Chapters 17-25 and 17-6, Florida Administrative Code.
- (E) Utility crossings and the installation of underwater utility lines or facilities, including water, wastewater, electricity, communication cables, oil or gas. Lines may be entrenched in (not exceeding 10,000 cubic yards of dredging), laid on, or embedded in bottom waters.
- (F) Construction, replacement or widening of all types of permitted bridges.
- (G) Clearing of shoreline vegetation from the water's edge to the landward edge of the shoreline protection zone, to create a walking trail having no structural components, not to exceed four (4) feet in width.
- (H) Installation of channel markers and permitted signs and fences.
- (I) Bona fide mosquito control activities.
- (J) Scenic, historic, wildlife, or scientific preserves.

5.04.06 Clearing in the Lakes and in the Shoreline Protection Zone

- (A) A permit shall be required to clear any mature vegetation in the Shoreline Protection Zone, to clear more than ten (10) feet of shoreline, and for any clearing activity in a lake.
- (B) The Chief Building Official shall grant a permit when:
 - (1) An application is submitted and reviewed that demonstrates that the planned clearing is for a permitted purpose under this Code.
 - (2) The clearing will be conducted in accordance with the erosion control requirements of Section 5.05.01.
 - (3) The clearing includes a commitment to replant the are with varieties of vegetation that will not increase the nutrient levels in the lake above those existing at the time of the proposed clearing.
 - (4) The clearing will not otherwise violate the intent and purpose of this Section.
- (C) All mechanically cleared or trimmed vegetation shall be removed from the lake and shoreline within twenty-four (24) hours of the conclusion of the clearing activities.

5.04.07 Mitigation

The City Commission may require mitigation of adverse impacts on the shoreline of a lakes as a

condition of development approval, if it finds that such impacts are unavoidable. In such cases, action may be taken during or after development to reduce or counteract damage to shoreline areas. A mitigation plan approved by a Federal, State, or regional agency shall be acceptable to the City. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan may include, but is not limited to, the following actions:

- (A) Minimizing impacts by limiting the degree or magnitude of a development action in a particular area of a site.
- (B) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the project.
- (C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (D) Compensating for the impact by replacing or providing substitute resources or environments through creation of new shoreline, enhancement of existing lakes or reestablishment of shoreline vegetation in the littoral zone.

A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, Florida Statutes, and Section 5.06.00 of this Code over the area that is the object of the mitigation plan. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

5.04.08 Prohibited Ongoing Activities

The following standards apply to post-development activities taking place within any Shoreline Protection Zone.

- (A) Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- (B) Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective clean-up of spills that do occur.
- (C) Fertilizers, herbicides, or pesticides shall not be applied in a primary shoreline protection zone except for projects conducted under the authority of Sections 373.451 - 373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and mosquito control programs authorized by a government agency.

5.05.00 Erosion Control

5.05.01 Required Soil Conservation Measures

The following soil conservation measures shall apply to all development activities requiring site development plan or subdivision reviews:

- (A) *During Construction.* The developer shall follow standard practices as specified in the Erosion Control Handbook - Florida published by the U.S. Dept. of Agriculture, Soil Conservation Service, latest edition, or details specifically approved by the City to prevent erosion and depositing of soils off the construction site.

- (B) *After Construction.* All disturbed areas shall be mulched, seeded or sodded as required by the town, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site or off-site erosion or windblown loss of soils shall be deemed a violation of this Section.

5.06.00 Conservation Easements

As a condition for approval of a development permit or development order, or as part of a development agreement established under Section 6.02.00 of this Code, any person, corporation or entity owning property in the City of Lake Alfred may create a conservation easement. Conservation easements shall be subject to the provisions of Section 704.06, F.S., and may be used to prevent or prohibit the following activities:

- (A) Construction or placing of buildings, roads, signs or other advertising, utilities, or other structures on or above the ground.
- (B) Dumping or placing of soil or other substances or materials as landfill, and dumping of trash, waste, or unsightly or offensive materials.
- (C) Removal or destruction of trees, shrubs, or other vegetation.
- (D) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface of the ground.
- (E) Any use that alters the natural condition of the land or water area.
- (F) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- (G) Any use that is detrimental to the retention of land or water areas.
- (H) Any use that is detrimental to the preservation of properties of historical, architectural, archaeological, or cultural significance.

Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by the exercise of the power of eminent domain. They may be assigned to other governmental agencies, charitable organizations, or trusts authorized to acquire such easements. Conservation easements run with the land and are binding on all subsequent owners of the property. Conservation easements entitle holder to enter the land in a reasonable manner and at reasonable times to assure compliance with the purpose(s) of the easement. All conservation easements shall be recorded and indexed in the public records of Polk County in the same manner as any other instrument affecting the title to real property.

5.07.00 Green Swamp Wetlands and Floodplains and Lakes

Pursuant to the Agreement between the City, the DCA and the County, development within the Green Swamp Area of Critical State Concern (GSACSC) is regulated by the Agreement. Further regulations are found in Article 3, Section 3.08.00.

- (A) There shall be no development within any wetlands or floodplain within the GSACSC.
- (B) The wetlands and floodplains within the Green Swamp ACSC are mapped so that the boundaries are clearly identifiable.
- (C) Within the Green Swamp ACSC there shall be a 50 foot buffer between all *wetlands* and structures. This buffer may be considered as part of a setback, but may not contain any structures of any kind, including accessory structures.
- (D) Within the Green Swamp ACSC there shall be a 50 foot buffer between all *floodplains* and structures. This buffer may be considered as part of a setback, but may not contain any structures of any kind, including accessory structures, and must be planted in native species.
- (E) Within the Green Swamp ACSC the 50 foot buffer shall be planted with native species, in order to encourage the establishment of wildlife habitat. This buffer shall be planted by the developer as a condition of the building permit, and shall be maintained by the home owner.
- (F) Within the Green Swamp ACSC there shall be a 50 foot buffer area from the water's edge to a point 50 feet landward of the Ordinary High Water Line, thus creating a 50 foot setback between lakeshore and structures, at a minimum. This buffer may be considered as part of a setback, and may not contain any structures or accessory structures, other than docks or elevated walkways as usually found along shorelines for lake access. See "Shoreline Protection Zone" text, section 5.04.03 of this Article for City-wide regulations.

[RESERVED]