

City of Lake Alfred  
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**Community Development**

Building | Code Enforcement | Planning | Zoning

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**PLANNING AND ZONING BOARD  
AGENDA**

**CITY COMMISSION CHAMBERS  
FEBRUARY 8, 2024  
6:00 P.M.**

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**Call to Order**

**Invocation and Pledge of Allegiance**

**Roll Call:** Linda Bourgeois, City Clerk

**Approval of Minutes:** January 11, 2024

**Business Items:**

1. City Manager's Presentation
2. Discussion Item - Green Swamp Overlay and the ISR transfer options.

**Public Comments:**

**Board Member Comments:**

**Next Meeting:**

- Regular Meeting: March 14, 2024

**Adjourn**

**PLANNING AND ZONING BOARD**  
**February 8, 2024**

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**BUSINESS ITEM NO. 1.** Green Swamp Overlay District and the ISR transfer options.

**Issue:** The Planning and Zoning Board will discuss provisions laid forth in the ULDC regarding the Green Swamp Overlay District and ISR transfer options.

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Discuss and review the Green Swamp Overlay District and ISR transfer options. The goal of the discussion is to bring awareness to these applicable sections of the ULDC.

**Attachment:**

- Excerpt from ULDC

### Sec. 2.3.3. Green Swamp Overlay District (GS)

#### A. Purpose.

1. Pursuant to Article II, Section 7 of the Florida Constitution and F.S 380.0551, the Green Swamp Area of Critical State Concern (GSACSC or Green Swamp) has been determined to be an area of statewide environmental value. In recognition of this, Lake Alfred shall preserve the integrity of the Green Swamp as an intact ecosystem of statewide significance by protecting its natural resources, including but not limited to, hydrologic regimes, wetland and upland communities, floodplains, ecologic connectivity, wildlife, and aquifer recharge.
2. Lake Alfred shall also pursue a land use strategy within the GSACSC that emphasizes passive parks, agriculture, and very low to low density residential development protective of the natural environment.
3. The City shall utilize the Conservation Future Land Use district to designate areas for conservation and designate upland areas for preservation for wildlife corridors and connectivity. Within the GSACSC, the City shall implement development criteria such as drainage patterns, soil types, flood types, flood zones, and indigenous vegetation and wildlife to protect natural resources. Lake Alfred, through implementation of these regulations and the Comprehensive Plan, work to balance the protection of the GSACSC as a natural resource of critical state and regional importance with the demands of future growth and development.

B. **Applicability.** All development within the Green Swamp Overlay District, as depicted on the Future Land Use Map, annexed into the City Limits of Lake Alfred shall occur in accordance with the regulations included in this Article, the Lake Alfred Comprehensive Plan, the Lake Alfred Code of Ordinances, and all other laws and policies within Florida Statutes. Where there is a conflict, the more stringent policy or standard shall apply. Requirements addressed in this section are specific to the Green Swamp.

C. **Agricultural Exemption.** Agricultural uses may be exempt based if a bona fide agricultural use has been established on and/or for the property.

D. **Green Swamp boundary.** The GSACSC was designated in 1979 by the Florida Legislature pursuant to Florida Statutes. It is legally described within Rule 28-26.002, Florida Administrative Code as adopted in the Lake Alfred Comprehensive Plan. The boundary of the GSACSC as it relates to the boundaries of the City of Lake Alfred City limits and the City of Lake Alfred Public Supply Service Area is depicted on the Future Land Use Map.

E. **Annexation within the public supply service area.** Based on the information contained in the adopted Development Limitations Map, the City will notify potential applicants for annexation within the Public Supply Service Area of the portions of their property that shall be assigned a Conservation Future Land Use designation.

#### F. Development limitation map.

1. To ensure the conservation and protection of all floodplain and wetland areas, areas designated as historical archaeological sites, and other sensitive habitat and natural areas within the Green Swamp ACSC, the data used to develop the Development Limitations Map shall be considered when any development is proposed within the Green Swamp ACSC.
2. There shall be no right to transfer density from wetlands, floodplains, or lakes within the same ownership nor from one owner to another on the same parcel or on different parcels. However, density may be transferred from the upland buffers associated with these areas and the aquifer recharge area (K.7 below).

#### G. Wetlands, floodplains, and lakes.

1. There shall be no development within any wetlands or floodplain within the GSACSC. The wetlands and floodplains are mapped on the Development Limitations map so that the boundaries are clearly identifiable.
2. There shall be a 50-foot buffer between any structure and all wetlands, floodplains, water's edge of a lake (Ordinary High-Water Line), and/or Conservation FLU.
  - a. The buffer is in addition to and shall not be a part of any required rear, side, or front yard setback.
  - b. The buffer shall not include any structures other than

- docks, nature paths, or elevated walkways as usually found in natural settings.
  - c. The buffer shall be planted with native species 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 homeowner.
  - d. The buffer may be offered or dedicated to the City of Lake Alfred at the City's option and with the City's consent to accept ownership and/or maintenance.
  - e. In the case where a structure is served by a septic system rather than sanitary sewer, the setback to any part of the septic system shall be the buffer plus seventy-five (75) feet.
  - f. Wetlands shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance activities may be conducted within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices, published by the Florida Division of Forestry. Any isolated wetland of less than one acre shall be exempt from these requirements.
- H. **River and stream crossings.** New river or stream crossings shall be prohibited, unless required for site access. Any such crossings shall:
- 1. Maintain navigability;
  - 2. Not impede natural flow of water; and
  - 3. Be properly permitted through Local, County, State, and Federal agencies, as required.
- I. **Protection of water resources.**
- 1. Lake Alfred shall protect surface and ground water resources associated with the GSACSC for the benefit of present and future residents of Lake Alfred, and to maintain natural hydrologic regimes and biologic functions.
2. Development in the GSACSC shall minimize the adverse impacts to and protect the following:
- a. Floridan Aquifer;
  - b. Normal quantity, quality, and flow of ground and surface water;
  - c. Water available for aquifer recharge;
  - d. Normal supply of ground and surface waters;
  - e. Water quality and quantity in the GSACSC in accordance with the Principles for Guiding Development within the GSACSC;
  - f. Groundwater recharge areas. Protection of aquifer recharge areas in the GSACSC is required by the Principles for Guiding Development for the GSACSC;
  - g. Flood detention areas and the natural flow regime of natural
  - h. drainage basins.
- J. **Natural upland communities, habitat of designated species, and wildlife and natural community connection corridors.** See Section 7.5 of the Land Development Code.
- K. **Development standards.**
- 1. **Minimum Standards established by FAC 28-27.008.** All development within the Green Swamp Area of Critical State Concern shall meet the minimum Standards established in FAC 28-27.008, which include criteria for surface water and stormwater runoff, soils, revegetation, dredged, borrowed or man-made water bodies, and water quality.
  - 2. **Strict regulations.** All development shall be in compliance with and meet or exceed the goals, objectives, and policies adopted in the City's Comprehensive Plan in the Conservation and Future Land Use Elements.
  - 3. **Density.**
    - a. **Without municipal service.** The density shall not exceed one unit per ten acres unless the development is served by paved roads, municipal water and sanitary sewer.
    - b. **With municipal service.** Residential development is

- docks, nature paths, or elevated walkways as usually found in natural settings.
  - c. The buffer shall be planted with native species 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 homeowner.
  - d. The buffer may be offered or dedicated to the City of Lake Alfred at the City's option and with the City's consent to accept ownership and/or maintenance.
  - e. In the case where a structure is served by a septic system rather than sanitary sewer, the setback to any part of the septic system shall be the buffer plus seventy-five (75) feet.
  - f. Wetlands shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance activities may be conducted within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices, published by the Florida Division of Forestry. Any isolated wetland of less than one acre shall be exempt from these requirements.
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  - g. Flood detention areas and the natural flow regime of natural
  - h. drainage basins.
- J. **Natural upland communities, habitat of designated species, and wildlife and natural community connection corridors.** See Section 7.5 of the Land Development Code.
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  - 2. **Strict regulations.** All development shall be in compliance with and meet or exceed the goals, objectives, and policies adopted in the City's Comprehensive Plan in the Conservation and Future Land Use Elements.
  - 3. **Density.**
    - a. **Without municipal service.** The density shall not exceed one unit per ten acres unless the development is served by paved roads, municipal water and sanitary sewer.
    - b. **With municipal service.** Residential development is

permitted on uplands consistent with the adopted Development Limitations Map at a density not greater than four (4) units per developable acre.

- c. **Cluster Development.** Development sites may utilize the Master Planned Community (clustering)
  - d. provisions in Section 3.6.3. along with the ISR incentive (k.7.c below) to reduce lot sizes and cluster residential units to achieve higher net densities per acre while meeting the overall density requirements for the development site.
4. **Minimum development limitations area.** A minimum of 30% of the land within the Lake Alfred Green Swamp ACSC shall be held within the development limitations area. Included in the calculation for the minimum 30% shall be: land located within the 100-year floodplain; and all wetlands and areas largely characterized by wetlands consistent with the adopted Development Limitations Map; but excluding all surface water courses and lakes.
  5. **Impervious surfaces.** Impervious surfaces shall be kept to a minimum. Paving stones or open blocks rather than conventional paving are encouraged; as well as any other building innovations that reduce the amount of overall impervious surface.
  6. **Low Impact Development.**
    - a. **General.** Existing development within the GS is encouraged to incorporate Low Impact Development (LID) strategies into design proposals in order to provide mutual economic, environmental, stormwater management, and aesthetic benefits.
    - b. New Construction and existing developments undergoing substantial improvements that trigger the need for onsite retention improvements are required to incorporate LID strategies into the site design.
    - c. The applicant shall coordinate with the Planning Official and other required permitting agencies on site design for LID strategies.
    - d. **Acceptable LID strategies.** The following is a non-exclusive list of acceptable LID strategies that may be

applied. Additional strategies may be discussed and considered during the development review process.

- i. **Shallow retention areas.** This category includes bioretention basins, rain gardens and planted retention areas. These strategies are an alternative to curb and gutter systems where surface water run-off is purposely directed to landscaped infiltration points/areas, generally designed less than two feet in depth and integrated within the landscaped area of a site and within parking areas.
- ii. **Pervious pavement.** Pervious pavement techniques utilize a variety of materials and construction designs that allow movement and flow of stormwater through sustainable material that contain pores and separation joints with eventual seepage into a base material. Types of pervious pavement include, but are not limited to, porous asphalt and concrete, plastic or concrete grid systems with gravel-filled voids, grass pavers/turf blocks and granitic gravel. Soft gravel, asphalt millings, mulch, crushed limerock or equivalent are not considered pervious pavement.
- iii. **Green roofs.** A green roof is a roof of a building that is partially or completely covered with non-invasive vegetation and a growing medium, planted over a waterproofing membrane. The purpose of a green roof is to absorb and treat rainwater, provide buildings with thermal insulation, mitigate the heat island effect and enhance aesthetics.
- iv. **Resource efficient landscapes.** Resource efficient landscapes are Florida-friendly landscapes as defined by F.S. § 373.185. Resource efficient landscapes shall use in-situ (on site) native soils, avoid soil compaction, provide wildlife habitat, reduce cover of turf grass species, use native plant species best adapted to the conditions present before planting and will not need supplemental water, fertilizer and pesticides once established.

- v. Stormwater reuse: Engineered surface ponds and other catchment devices which store rainfall for future irrigation and other onsite water use or plumbing purposes. Small scale systems can include cisterns and rain barrels.
- e. LID strategies may be approved as set forth in this section, subject to the following, which shall be included by an applicant as part of the development plan submittal:
  - i. The applicant shall demonstrate that the use of LID strategies will address the site's post-development impervious area.
  - ii. LID strategies shall meet all stormwater management requirements required by the Southwest Florida Water Management District and any other permitting agencies.
  - iii. LID strategies shall reduce and/or remove the need for traditional onsite retention (i.e., stormwater ponds) by fifteen percent (15%). Any onsite retention that may still be required shall be designed to maximize developable space and be incorporated in such a way as to contribute to the aesthetic quality of the site.
- f. Maintenance shall be the responsibility of the facility owner unless any maintenance and easement agreements are executed.

7. **Aquifer recharge area.** Recognizing the critical role that the Green Swamp plays in the hydrologic and natural systems of Florida; a portion of the **developable area** shall be reserved for aquifer recharge.

- a. Aquifer recharge area may include:
  - i. Reserved natural habitat,
  - ii. Passive recreation as defined in Sec. 3.3.5.A.2
  - iii. Paths and trails (with less than 0.10 ISR),
  - iv. 100% of dry stormwater retention,
  - v. Upland buffers (Setbacks associated with wetlands, floodplains, or lake protection).
- b. Aquifer recharge does not include:

- i. Conservation FLU,
- ii. wetlands,
- iii. surface water.
- iv. Floodplains,
- v. Any portion of a developable residential lot.
- vi. Right-of-way.

c. **Aquifer Recharge / Lot ISR Conversion.**

- i. To provide opportunities for compatible development, a minimum of 30% of the developable area for a particular development shall be held in open space for aquifer recharge.
- ii. The maximum ISR allowed per residential lot is 0.50 based on the required 30% open space requirement.
- iii. Additional ISR may be added per lot for an equivalent percentage increase in open space on a one-for one basis. Figure 2.3.3.K provides examples of the relationship between aquifer recharge provisions and maximum permitted ISR per lot.

Figure 2.3.3.K. Aquifer Recharge/ISR Conversion Matrix

| Aquifer Recharge Area  | Maximum ISR allowed per lot |
|------------------------|-----------------------------|
| 1%                     | 0.51                        |
| 2%                     | 0.52                        |
| 10%                    | 0.60                        |
| Up to a maximum of 35% | 0.85                        |

8. **Effective recharge areas.**

- a. Projects or portions of projects in Most Effective Recharge Areas shall retain three inches of runoff from directly connected impervious areas within the project. Applicants may instead demonstrate that the post-development recharge will be equal

to or greater than the pre- development recharge.

- b. "Most Effective Recharge Areas" are defined as those areas with soils classified by the Soil Conservation Service as Type "A" Hydrologic Soil Group.
  - c. "Directly connected impervious areas" are defined as those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel or other man-made conveyance.
  - d. Stormwater shall be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.
  - e. Pollution abatement requirements shall be the first inch (or 2.5 times the impervious area) of run off for the developed site, or as per the Water Management district, with this volume being recovered within 72 hours.
  - f. Single family detached homes developed without a subdivision plat are exempt from this standard.
9. **Wildlife corridors.** To ensure connections to wildlife corridor in the uplands are not disrupted, and to preserve the natural systems within the uplands of a developable area, open space areas within a development shall be designed adjacent to and connected with the surrounding wildlife corridors. These corridors could be an adjacent open space, natural area, conservation area, wetland or floodplains buffer, and/or include open space within an adjacent development.
10. **Protecting existing agriculture.** To ensure that agricultural areas and uses are not impacted by development, a buffer of open space shall be provided between the development and agriculture wherever a developable area is adjacent to an agricultural use.
- a. Open space areas within a development are to be designed adjacent and connected to the surrounding

open space areas of all other developments.

- b. The buffer area may be rented out as pasture land for horses, cattle, or similar grazing animals by the owner of the land, such as the homeowners' association or the City, at a minimum of one acre of pasture per animal.
  - c. The buffer area may be planted and farmed with non-motorized equipment and without the spraying of airborne pesticides or fertilizers or other contaminants that could cause harm to the people in the adjacent development. This section does not apply to bona fide agricultural operations.
11. **Locate development away from environmentally sensitive lands.** Development shall be configured to preserve connections to existing environmentally sensitive lands to the greatest extent practical.
12. **Minimizing disturbance.** Minimize site disturbance and alteration of terrain, through use of design techniques that protect native vegetation and minimize earth movement such as reduced lane widths, stem-wall construction, and swales.
13. **Species list.** A study of listed species is required for all proposed development, based on site verification. If it is determined that listed species are located on the site, a habitat management plan shall be prepared and implemented using guidelines and criteria of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS). This plan shall be reviewed by the appropriate agency (FFWCC or USFWS) prior to commencement of development.
14. **Dark skies.** Dark skies shall be preserved in new developments or construction/renovation that installs or replaces lighting as described in Sec. 4.6.3.
15. **Conservation easements.** Common open space, wetlands, aquifer recharge area, and other natural features protected in perpetuity shall be identified as a separate tract, with associated conservation easement, development agreement, or similar recorded and legally binding instrument, on a recorded plat unless already designated with Conservation FLU.



16. **Landscaping.**

- a. Use of Best Management Practices for native landscaping and "right plant-right place" landscaping techniques to provide compatibility with the natural environment and minimize the use of chemicals, pesticides, and water for irrigation.
- b. No invasive exotic plant species shall be used in landscaping.
- c. Irrigation, beyond landscape establishment, is prohibited (except for food production).
- d. Where a new development creates more than 20 residential lots along CR 557 or CR 557A, a minimum Type D bufferyard, with a berm in lieu of a fence or wall, shall be required along the right-of-way.

L. **Neighborhood support commercial development.**

Neighborhood support commercial uses with floor area greater than 2,000 square feet are allowed within residential districts, subject to PUD approval (see Section 2.3.5) and the following special considerations.

- 1. Neighborhood support commercial developments shall be minor scale (equal to or less than 7,500 square feet of gross floor area) and consistent with the scale and character of existing neighborhoods and businesses.
- 2. Neighborhood support commercial uses are limited to parcels abutting collector or arterial roadways.
- 3. Neighborhood support commercial uses may be permitted in areas that are specifically designated and platted for neighborhood commercial uses.
- 4. Neighborhood support commercial development, other than home occupations, is prohibited on interior subdivision streets.

M. **Uses and Zoning provisions.**

- 1. Allowed uses, and their provisions, are described in Article 3.
- 2. Prohibited uses include, but are not limited to:
  - a. Civic Uses: Educational facilities and Major

government facilities.

- b. Commercial Uses: Hospitals
- c. Industrial: All Heavy Industrial uses
- d. Transportation/ Utilities uses: airports, power generation
- e. Sewage disposal facility including wastewater sludge, package plants.
- f. Mining activities for peat and lime rock mining and sand.
- g. Uses that would generate emissions, discharge or waste that may result in soil and /or groundwater contamination.
- h. Prohibited Zoning Districts: The assignment of the Heavy Industrial (1-2) Zoning District is prohibited. Institutional and utility uses such as hospital, airport/aviation, correctional facility, electric power plant, jail, and sewage disposal facility including wastewater sludge, package plants, as well as peat and lime rock mining and sand mining.

N. **Permitting requirements and effective dates.**

- 1. **In accordance with Chapter 73C-44.002, F.A.C., and the Memorandum of Understanding** with the Florida Department of Economic Opportunity (DEO), the Planning Official shall deliver development orders to DEO for approvals including:
  - a. Subdivision plats.
  - b. Site plans.
  - c. Conditional uses.
  - d. Recreational and institutional uses including golf courses.
  - e. Any development of principal structures utilizing septic tanks.
  - f. Unified Land Development Regulations.
  - g. Zoning and Rezonings,

- h. Variances.
- i. Accessory units that include a kitchen, bedroom or bathroom.
- j. Family density exceptions.
- k. Excavations.
- l. Any other development approval not referenced as an exemption.

2. **Exemptions.**

- a. The construction of a single- unit dwelling in a subdivision, provided DEO has approved the construction plans and any amendment to the Development Order;
- b. New construction or expansion of accessory structures which do not include kitchens, bedrooms or bathrooms;
- c. Final plats of subdivisions when DEO has approved the construction plans and any amendments to the Development Order;
- d. New construction of pole barns or agricultural structures which do not include kitchens, bathrooms or bedrooms;
- e. Expansion, replacement or repair of single-family dwellings, or agricultural structures;
- f. Demolition activity;
- g. Installation, replacement or repair of rip rap revetments, sea-walls, boat ramps, and docks with an appropriate federal and state permit;
- h. Temporary structures and uses in existence for less than 30 days;
- i. Signage and cell towers that do not require access thorough wetlands; and
- j. Lot line deviations, provided both lots are not reduced in size to less than what was available prior to request for approval.

- 3. It shall be the responsibility of the developer to provide all necessary exhibits, applications, or documents to the City to

be included in the development order for rendition to the DEO.

- 4. City permits will include a reminder note that a development order in the Green Swamp Area of Critical State Concern shall not take effect or be acted upon by the developer until 45 calendar days after rendition to the DEO, unless a later date is specified in the order. If no comments are received from the DEO by the 45th day, the development order may be acted upon.