

**LAND USE AND ZONING COMMITTEE AMENDMENT**

The Land Use and Zoning Committee offers the following first amendment to File No. 2019-498:

(1) On **page 1, line 16, after** "PUD;" **insert** "PUD SUBJECT TO CONDITIONS;"; and

(2) On **page 2, line 27½, insert** a new Section 2 to read as follows:

**"Section 2. Rezoning Approved Subject to Conditions.** This rezoning is approved subject to the following conditions. Such conditions shall control over the Written Description and the Site Plan and may only be amended through a rezoning.

(1) Excavation shall be conducted between 7:00 a.m. and 6:00 p.m. on Monday through Friday, and between 7:00 a.m. and 12:00 p.m. on Saturday. No excavation shall be conducted on Sunday.

(2) Excavation operations shall permanently cease no later than two (2) years from the effective date of this rezoning.

(3) The borrow pit shall be excavated in a manner consistent with the provisions set forth in Section 656.905(b) of the Zoning Code.

(4) Prior to excavation, the owner or lessee of land containing the borrow pit shall construct and maintain substantial fences with locking gates not less than six feet in height at all points of access to the excavations with durable warning signs posted thereon not more than 200 feet apart bearing the words DANGER and NO TRESPASSING in letters not less than six inches in height, which shall be maintained by the owner or lessee so as to be clearly legible.

(5) The owner shall submit plans at the time of Verification of Substantial Compliance to the Planning & Development Department for review and approval which show:

(a) An uncomplementary landscape buffer meeting Section 656.1216 (b)&(c) of the Zoning Code, installed and maintained where the borrow pit abuts the south, east and west property lines.

(b) The minimum distance from land under different ownership or a public right-of-way and the borrow pit top of the bank shall be 25 feet, or the depth of the excavation, whichever is greater.

(c) A tree mitigation plan meeting Sections 656.1206 and 656.1207 of the Zoning Code.

(d) A detailed site plan demonstrating that the proposed borrow pit will not be constructed within the boundaries of the MDR Functional Land Use Category or Category II Wetlands.

(6) Upon completion of the excavation, the Subject Property owner/developer shall restore the vegetative buffer along Kernan Boulevard at any point where clearing permits unobscured visibility into the site. The restoration of such areas may include fencing of entry points, fencing along the right-of-way, or a combination of vegetative materials and screening, as approved by the Planning and Development Department.

(7) Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either: (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions

- to the development order.”; and
- (3) Renumber the remaining Sections.
  - (4) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

          /s/ Shannon K. Eller          

Office of General Counsel

Legislation Prepared By: Shannon K. Eller

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