

**LAND USE AND ZONING COMMITTEE AMENDMENT**

The Land Use and Zoning Committee offers the following amendment to File No. 2024-786:

- (1) On **page 1, line 18**, after "L-5959-24C;" insert "PUD SUBJECT TO CONDITIONS;"
- (2) On **page 3, line 23½**, insert a new Section 4 to read as follows:

**"Section 4. Rezoning Approved Subject to Conditions.** This rezoning is approved subject to the following conditions. Such conditions control over the Written Description and the Site Plan and may only be amended through a rezoning:

- (1) Development of structures and allowed permitted uses listed within the written description, may only occur in areas of the PUD which are designated as the CGC land use category.
- (2) **Preservation of Trees Outside of the Development Footprint.** All protected, non-invasive, and healthy trees *within* the delineated wetland boundaries and *outside* the designated development footprint shall remain untouched and undisturbed throughout all phases of construction and post-construction activities, except in the following circumstances:

**1. Public Safety Threats:**

Any tree that is deemed by a certified arborist or other qualified professional to pose an immediate threat to public safety due to instability, disease, or structural damage may be removed. Documentation of the threat, including an arborist's report and photographic evidence, shall be provided to the local governing authority prior to removal, unless emergency action is required.

**2. Obstruction of Navigable Waterways:**

Trees or vegetation that obstruct navigation or impede the flow of Pottsburg Creek or any other regulated waterway, as determined by a licensed professional and confirmed by the appropriate water management authority, may be removed or pruned to the extent necessary to restore safe passage.

**3. Utility Installation and Maintenance:**

Trees within easements for utility infrastructure (e.g., electrical, water, or sewer lines) that directly impede the safe installation, operation, or maintenance of essential utilities may be removed, subject to approval by the governing authority and adherence to best practices for minimizing environmental impact.

**4. Compliance with Regulatory Requirements:**

Trees that are required to be removed to comply with local, state, or federal regulations, including flood mitigation measures or other environmental mandates, may be removed. Written approval from the relevant regulatory body must be obtained and documented.

**5. Unavoidable Impacts Due to Approved Development Activities:**

In rare cases where a tree is located directly within the approved development footprint and no reasonable design modifications can avoid its removal, the developer may proceed with removal, provided that all mitigation measures outlined in the Jacksonville municipal code are followed.

**Mitigation Measures for Exceptions:**

For any tree removed under these exceptions, the developer shall implement the following mitigation strategies:

- Replanting native, non-invasive species at a ratio of 1:1 within the development site or nearby area, as approved by the governing authority.
- Contributing to an established tree preservation fund or land conservation program as an alternative to onsite replanting.

- Engaging an arborist to develop and execute a habitat restoration plan for impacted areas, ensuring the long-term health of the ecosystem. None of the requirements set forth above shall be deemed as a waiver of any requirement under Part 12 of the Zoning Code. In the event of a conflict between these conditions and the requirements of Part 12 of the Zoning Code, the more restrictive requirement shall apply.

(3) **Parking Lot Green-Screen.** The portion of the property designated as a parking lot and directly adjacent to Beach Blvd shall be screened from view to the greatest extent reasonably possible through some or all of the following measures:

**1. Greenery and Landscaping:**

- Install a continuous row of native, evergreen shrubs along the perimeter of the parking lot facing Beach Blvd for both horizontal and vertical screening.

- Use a mix of native ground cover and low-maintenance flowering plants to enhance the visual appeal and ecological benefits of the landscaping.

**2. Fencing and Trellises:**

- If additional screening is required, install decorative fencing that complements the character of the area.

- o Incorporate green walls or trellises planted with climbing vines to provide additional coverage and aesthetic value.

**3. Landscape Berms:**

- o Where feasible, construct landscaped berms with gentle slopes and integrated plantings to elevate the screening effect and reduce visibility from Beach Blvd.

**Maintenance Commitment:**

To ensure long-term compliance, all plantings and screening structures shall be maintained in a healthy and attractive condition. Dead or damaged plants shall be replaced promptly, and irrigation systems will be installed and maintained to support healthy growth.

(4) **Removal of waterway obstructions.** During the construction of the seawall/bulkhead wall on the subject property, all existing piles, dock remnants, or other man-made obstructions within the project area that impede or block the safe navigation of Pottsburg Creek shall be removed.

**1. Assessment and Planning:**

- o Prior to construction, a detailed survey of the waterway adjacent to the property will be conducted to identify any navigational hazards, including deteriorated piles, broken dock components, or other debris.

o A licensed marine contractor will be engaged to plan and execute the safe removal of these obstructions.

**2. Removal Process:**

o All removal activities will be conducted in compliance with applicable local, state, and federal regulations, including those governed by the Florida Department of Environmental Protection (FDEP), the U.S. Army Corps of Engineers, and local water management authorities.

o Best practices will be employed to minimize disturbances to the waterway and the surrounding environment.

**3. Post-Construction Verification:**

o Upon completion of the seawall or bulkhead wall, a final inspection will be conducted to ensure that the waterway is free of obstructions and meets safe navigation standards. Documentation of compliance will be provided to the appropriate regulatory authorities as required.”;

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

Form Approved:

          /s/ Dylan Reingold          

Office of General Counsel

Legislation Prepared By: Dylan Reingold

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