



AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
March 11, 2026 AT 6:00 PM
116 FIRST STREET
NEPTUNE BEACH, FL 32266

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of January 14, 2026 CDB Minutes
4. **DP26-02:** Heritage Tree Removal as outlined in Chapter 27 Section 27-448. "Champion and heritage trees" Unified Land Development Code of Neptune Beach for Brian Nicolas for the property 424 Driftwood Rd, Neptune Beach, Florida (RE Parcels 17855-0000). The applicant requests to remove a 29" Diameter at Breast Height Heritage Magnolia in order to build a single family home. The property is in the R-2 zoning district.
5. Subcommittee Reports
6. Open Discussion
7. Adjourn



MINUTES
COMMUNITY DEVELOPMENT BOARD
January 14, 2025, 6:00 P.M.
COUNCIL CHAMBERS
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person on Wednesday January 14, 2026 at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Greg Swchwarzenberger, Chair
Rene Atayan, Vice-Chair
Charlie Miller, Member
Hillary Weatherhead, Member
Will Hilton, Member
Tony Mazzola, Member
Lynda Padrta, Member

Coral Messina, Alternate Member, was also in attendance.

The following staff members were present:

Heather Whitmore, Community Development Director
Paul Waters, City Attorney
Dallas Alvarez, Administrative Assistant

**Call to Order
&
Roll Call**

Chair Swchwarzenberger called the meeting to order at 6:00 p.m.

Pledge

Pledge of Allegiance.

Minutes

Approval of Minutes for the November 12, 2025 meeting.

Made by Mazzola, seconded by Padrta.

MOTION: TO APPROVE NOVEMBER 12, 2025 MINUTES, AS SUBMITTED.

Roll Call Vote:

Ayes: - Weatherhead, Mazzola , Miller, Padrta, Hilton, Atayan, Swchwarzenberger
Noes: 0

MOTION CARRIED

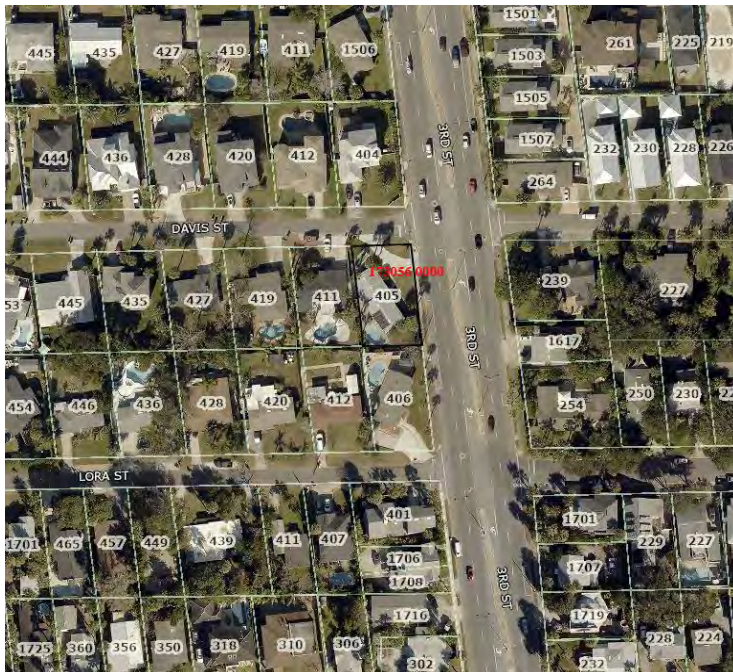
V26-01: Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Matthew D Wilford & Ashley Wilford for the property currently known as 405 Davis Street (RE# 173056-0000). The applicant requests a variance from Table 27-239 R-3 side yard setback to permit a +/- four (4) foot setback in lieu of the required seven (7) foot yard minimum setback. The property is in the R-3 zoning district.

I. BACKGROUND:

Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Matthew D Wilford & Ashley Wilford for the property currently known as 405 Davis Street (RE# 173056-0000). The applicant requests a variance from Table 27-239 R-3 side yard setback to permit a +/- four (4) foot setback in lieu of the required seven (7) foot yard minimum setback. The property is in the R-3 zoning district.

II. DISCUSSION:

The applicant requests a variance from Table 27-239 for the western interior side yard to allow a +/- four (4) foot setback rather than the required seven foot. The home is located on the south western corner of the intersection of Third and Davis Street. The purpose of the request is to renovate an existing single-family home. The current, existing side setback on the western side of the home is two and a half (2.5) feet. The current garage has a crumbling foundation and needs to be replaced. The owners would like to retain as much of the original footprint and layout of the home as possible. The side yard setbacks will be more compliant, with a 4.34 foot and 3.95 foot setback on the western side yard. The addition is both lateral and vertical. The owners propose to add a second floor to the northern side of the home, over the garage replacement.



III. FINDINGS:

1. The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same

zoning district.

a. Applicant Response: The current, pre-existing condition(s) prevent positive drainage due to the close proximity to the neighboring property line as well as uncomplying to the current code. The neighboring property elevations are higher than ours which produces a "ponding" effect on our property. Additionally, our current site conditions exceed the 50% lot coverage outside of the code.

b. Staff Response: The property is unique in size or peculiar in circumstances. The non-complying setback is existing. The current side setback on the western side of the home is two and a half (2.5) feet. The owner's plan to retain as much of the original footprint and layout of the home and must maintain required front and street side setbacks.

2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.

a. Applicant Response: The proposed variance will allow our property to become more compliant with the current, allowable setbacks as well as bringing the lot coverage within the required 50%.

b. Staff Response: The requested variance for the side setback is the minimum necessary to allow for minimal repair/replacement of the existing home on the same general footprint.

3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.

a. Applicant Response: The proposed variance will provide more distance along the western side allowing us to create a positive drainage area. Currently, our site is the lowest of the surrounding sites and we do not plan on raising the site elevation but utilizing pop-up, "french-style" drainage and swales to direct shedding water to the street and away from neighboring properties.

b. Staff Response: The proposed variance to the side setbacks would not negatively impact adjacent and nearby properties or the public in general, as it would bring the home more in compliance. The variance is minimal to accommodate the hardship.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

a. Applicant Response: The proposed variance will increase property value by allowing us to renovate and modify the home increasing the square footage and providing an elevation that fits the look of the area. In addition, the variance will allow for a more appealing landscaping once the renovation/addition is complete.

b. Staff Response: The proposed variance to the side setbacks would not substantially diminish property values in or alter the essential character of the area surrounding the site. The variance is minimal to accommodate the hardship.

5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.

a. Applicant Response: If the variance is granted, the changes will bring our site/home closer to compliance with the Unified Land Development Code by decreasing the lot coverage and shifting the side setbacks closer to compliance. Additionally, the home modification would improve the aesthetics of our home to match the existing neighboring beach design.

b. Staff Response: The variance request is in harmony with the general intent of the LDC.

6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.

a. Applicant Response: The current site/home conditions are pre-existing and in place when we purchased our home. Our intent is to rectify, to the best of our ability, the current non-conformities.

b. Staff Response: The variance request for side setback is not created through the actions of the property owner. The current side setback on the western side of the home is two and a half (2.5) feet. The owner's plan to retain as much of the original footprint and layout of the home and must maintain required front and street side setbacks.

7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

a. Applicant Response: The proposed variance, if approved, would not provide special privileges as we are attempting to better the property by complying with current code through increasing the side setback and decreasing the lot coverage.

b. Staff Response: Granting the variance request for the side setback would not confer upon the applicant a special privilege not granted in the zoning district.

IV. CONCLUSION: Staff recommends approval of the variance request to allow a +/- four (4) foot western interior side setback rather than the required seven foot as requested.

Heather Whitmore explained variance V26-01 to the board and attendees. She told of the drooping garage and explained that once replaced that the property would be more compliant and the footprint would be smaller.

Applicant Ashly Wilford introduced herself and explained that with this variance there will be more space between the fence and property line and answers questions about the fence placement that was asked by Tony Mazzola and William Hilton.

V. RECOMMENDED MOTION:

a. I recommend approval of V26-01

OR

b. I recommend denial of V26-01

Made by Miller, seconded by Atayan.

MOTION: TO APPROVE V26-01

Roll Call Vote:

Ayes: Weatherhead, Mazzola, Miller, Padra, Hilton, Atayan, Schwartzenberger

Nos: 0

MOTION APPROVED

V26-02: Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Danaila Hughes and Madeleine Granados for the property currently known as 618 Oleander Court (RE# 176978-1008). The applicant requests a variance from Table 27-239 R-1 side yard setback to permit a +/- six and half (6.5) foot setback in lieu of the required ten (10) foot yard minimum setback. The property is in the R-1 zoning district.

I. BACKGROUND:

Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Danaila Hughes and Madeleine Granados for the property currently known as 618 Oleander Court (RE# 176978-1008). The applicant requests a variance from Table 27-239 R-1 setback to permit a +/- six and half (6.5) foot northern side yard setback in lieu of the required ten (10) foot yard minimum setback.

II. DISCUSSION:

The applicant requests a variance from Table 27-239 R-1 yard setback to permit a +/- six and half (6.5) foot northern side setback in lieu of the required ten (10) foot yard minimum setback. The vacant lot is located at the cul-de-sac terminus of Oleander Court. The purpose of the request is to build a new single-family home. The applicant would like to extend the home's northern face roof line for architectural design reasons.



III. FINDINGS:

1. The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.

a. Applicant Response: Specifically, the lot contains an irregular and angled side property line that significantly reduces the usable building envelope. Strict enforcement of the side setback requirement, when applied to this angled boundary, creates a hardship by forcing unfavorable building geometry at the front right portion of the structure. This results in complex roof intersections and constrained wall conditions that complicate proper roof-to-wall connections and long-term waterproofing.

b. Staff Response: The property is not unique in size or peculiar in circumstances. The lot is currently vacant. The preexisting home met all required setbacks.

2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.

a. Applicant Response: The requested variance represents the minimum relief necessary to allow reasonable use of the property while maintaining sound construction practices. The proposed design minimizes encroachment into the side setback and allows for straightforward roof geometry, compliant structural connections, and continuous waterproofing assemblies. No additional or unnecessary setback reduction is requested beyond what is shown on the submitted site plan.

b. Staff Response: The requested variance for the side setback is not the minimum necessary to allow for construction of a single-family home.

3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.

a. Applicant Response: Granting the requested variance will not adversely affect adjacent or nearby properties or the public in general. The proposed placement maintains appropriate separation between structures and does not obstruct light, air, or access. The new construction proposed will elevate surrounding property values.

b. Staff Response: It's unknown if the proposed variance to the side setback would negatively impact adjacent and nearby properties or the public in general.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

a. Applicant Response: The proposed variance will not diminish surrounding property values nor alter the established character of the neighborhood. The scale, massing, and architectural style of the proposed improvement are consistent with nearby residences and compatible with existing development patterns.

b. Staff Response: It is unknown if the proposed variance would diminish property value.

5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.

a. Applicant Response: The requested variance is in harmony with the general intent and purpose of the Unified Land Development Code by allowing reasonable

residential development while maintaining neighborhood character and promoting safe, durable construction.

b. Staff Response: The variance request is not in harmony with the general intent of the LDC.

6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.

a. Applicant Response: The need for the proposed variance has not been created by the applicant or any developer. The hardship arises from the original configuration of the lot, including the angled side property line, which predates the applicant's ownership.

b. Staff Response: The variance request is created through the actions of the property owner.

7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

a. Applicant Response: Granting the requested variance will not confer any special privilege denied to other properties within the same zoning district. The relief requested is narrowly tailored to address conditions unique to this parcel and does not permit development otherwise prohibited by the Unified Land Development Code.

b. Staff Response: Granting the variance request for the side setback would not confer upon the applicant a special privilege not granted in the zoning district.

IV. CONCLUSION: Staff recommends denial of the variance request to allow a +/- six and half (6.5) foot side setback in lieu of the required ten (10) foot yard setback.

William Hilton asks about the bumped-out wall in the house.

Applicant Madeleine Granados and her contractor described the context of the property and flood zone. They go on to explain the wall to roof connection and weatherproofing as well as the current plans make for a better-looking house.

Linda Padrta wants to know why the home can't be built within our code and asks about the flood zone X and AE.

Heather Whitmore explained the 50% rule, freeboard, Florida building code and flood zone.

Tony Mazzola asked if this was for astatic only.

Contractor answered yes but also explained that the design helps with water damage and runoff.

Rane Atayan gave examples of what has been done on smaller lots and suggested to applicants that they pivot and choose another design.

William Hilton said that this application doesn't meet the test of unique or peculiar circumstances.

V. RECOMMENDED MOTION:

a. I recommend approval of V26-02

OR

b. I recommend denial of V26-02

Made by Hilton, seconded by Padtra.

MOTION: TO DENY V26-02

Roll Call Vote:

Ayes: Weatherhead, Mazzola, Miller, Padtra, Hilton, Atayan, Schwartzberger

Nos: 0

MOTION APPROVED

DP26-01: Application for Preliminary Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach for Reve Brewing for the property 1501 Atlantic Blvd, Neptune Beach, Florida (RE Parcels 173424-0200). The applicant requests a Development Plan approval to permit a 2,307 SF restaurant and taproom with outdoor seating. The property is in the C-2 zoning district.

I. BACKGROUND:

The applicant requests a Development Plan approval to permit a 2,307 SF restaurant and tap room with associated parking and outdoor seating. The property is in the Commercial-2 (C-2) zoning district and has a Commercial I comprehensive plan future land use designation.

II. DISCUSSION:

Reve Brewing requests approval of the attached development plan for a restaurant and tap room located at 1501 Atlantic Blvd. The applicant proposes to convert the 2,300 SF building from office to restaurant, with 68 total seats (56 indoor/12 outdoor), 22 parking spaces, and 20 bikes spaces. The C-2 zoning district allows restaurants with outdoor seating as a permitted use.

The property is shown in attached vicinity maps and is located at the southwest corner of Atlantic and Brant Boulevard. The 13,000 SF lot contains a 2,300 SF single story building. The site's current impervious lot coverage is 90%, composed largely of concrete parking. The site is bound to the north by mixed commercial and light industrial, to the south by retail, to the east by retail, and to the west by retail.

The 68 seat bar requires a minimum of 19 parking spaces, based on one (1) space per four (4) seats and two (2) spaces for employees. The site is served by 17 standard parking spaces, five golf cart spaces, and 20 bicycle spaces. The project is an interior conversion, so the site's post-development impervious lot coverage will not change.

The project has been issued a Certificate of Concurrency (attached) for traffic. The project traffic volume will not decrease the current level of service on the immediate traffic network. The project will generate approximately 109 net new trips per day. Atlantic Blvd from Mayport to Third Street has adequate available traffic capacity to permit 109 new trips without a reduction in level of service.

III. DP26-01 FINDINGS:

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders state the community development board shall conduct a quasijudicial public hearing and shall consider the following factors when issuing a development order:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff Response: The proposed restaurant and brewery use is consistent with the surrounding zoning and uses. The site is surrounded by commercial uses on all sides.

2. Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Staff Response:

Traffic: The project has been issued a Certificate of Concurrency (attached) for traffic. The project traffic volume will not decrease the current level of service on the immediate traffic network. The project will generate approximately 109 net new trips per day. Atlantic Blvd from Mayport to Third Street has adequate available traffic capacity to permit 109 new trips without a reduction in level of service.

Water/Sewer: This project has been issued a water and sewer letter of available from City of Neptune Public Works.

School: Not applicable

Drainage: Not applicable as site impervious will not change.

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

Staff Response: The proposed restaurant and brewery use is consistent with the surrounding zoning and uses. This is an interior conversion; therefore, the site plan will remain generally the same. The site provides the required minimum parking.

4. Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.

Staff Response: The restaurant site plan and building are consistent with comprehensive plan Commercial-1 land use which states:

Commercial I: These areas shall include offices, professional services, retail sales, and light industrial/artisan uses that serve one or more local neighborhoods.

5. Applicable regulations, review procedures, and submission requirements.

Staff Response: The proposed restaurant and brewery use is consistent with the surrounding zoning and uses. This is an interior conversion; therefore, the site plan will remain generally the same. The site provides the required minimum parking.

6. Concerns and desires of surrounding landowners and other persons.

Staff Response: The development order request was noticed as required to property owners within 300 feet. A sign was posted on the property according to requirements. Staff have not received any comments from the public.

7. Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Staff Response: The proposed restaurant and brewery use is consistent with the surrounding zoning and uses. This is an interior conversion; therefore, the site plan will remain generally the same. The site provides the required minimum parking.

IV. STAFF RECOMMENDATION

Staff recommends approval of the application for development plan DP26-01 for Reve Brewing to permit a 2,307 SF restaurant and tap room with associated parking and outdoor seating, as presented.

The developer shall submit a final development plan for review by the City Council.

The final development plan shall be consistent with the preliminary development Plan shall contain no land uses different than those approved in the preliminary development plan.

Rene Atayan wanted clarification on whether the establishment was an active brewery or if the brewery would remain on Mayport Rd.

Heather Whitmore answered that it would not be a production facility and would not affect Neptune Beach water.

Linda Padrta asked about special licensing and minimum number of seats for liquor license.

Heather Whitmore responded with codes for seat requirements when serving alcohol as well as minimum setbacks from churches and schools.

V. RECOMMENDED MOTION:

DP26-01

a. I recommend approval of DP26-01

OR

b. I recommend denial of DP26-01

Made by Hilton, seconded by Mazzola.

MOTION: TO APPROVE DP26-02

Roll Call Vote:

Ayes: Weatherhead, Mazzola, Miller, Padrta, Hilton, Atayan, Schwarzenberger

Nos: 0

Subcommittee Reports

Ranee Atayan told everyone that she is looking forward to the Historical Preservation Committee and appreciates all that will be participating. She gave the news that the 18-month sunset clause will be resetting the clock to January and thanked Attorney Paul Waters for setting that up.

Adjourn 7:26PM



STAFF REPORT

MEETING DATE: March 11, 2026
BOARD/COMMITTEE: Community Development Board
APPLICATION NUMBER: DP26-02

TO: Community Development Board

FROM: Heather Whitmore, AICP, PTP Community Development Director

DATE: March 5, 2026

SUBJECT: DP26-02: 424 Driftwood Rd Heritage Tree Removal

I. BACKGROUND:

The applicant requests a Heritage Tree Removal as outlined in Chapter 27 Section 27-448. “Champion and heritage trees” Unified Land Development Code of Neptune Beach for Brian Nicolas for the property 424 Driftwood Rd, Neptune Beach, Florida (RE Parcels 178855-0000).

II. DISCUSSION:

The applicant requests to remove a 30” Diameter at Breast Height Heritage Magnolia in order to build a single family home. Neptune Beach LDC identifies Southern Magnolia trees 20” or greater as Heritage Trees.

The 30” Magnolia is one of several trees the applicant seeks to remove to build a home. It is the only heritage tree. *Heritage tree* is defined by the Neptune Beach LDC as *any tree that because of its age, size, type, historical association, or horticultural value is of special importance to the city.*

LDC ARTICLE IX. - Tree Protection and Landscaping (as attached) Section 27-448 (d) states “The removal, relocation or replacement of any champion or heritage trees shall be by community development board approval. The city council will approve the removal, relocation or replacement of any heritage or champion tree when such



Figure 1: 30" Magnolia Heritage Tree at 424 Driftwood Rd

In August 2025, the applicant demolished a +/- 1,600 SF home on the subject lot. The applicant now requests to remove the 30" Heritage Magnolia to build a 3,500 SF. Sec. 27-448 states "Champion and heritage trees shall be considered regulated trees in all areas of the city, and their removal shall be strongly discouraged."

The Neptune Beach Comprehensive Plan states, "Future development and redevelopment shall preserve the residential character of the City by 1) retaining the primarily residential character of Neptune Beach, 2) coordinating densities on the Future Land Use Map (FLUM) and the Zoning Map with desirable existing conditions, and 3) protecting and preserving the dense tree canopy and coastal waterway access."

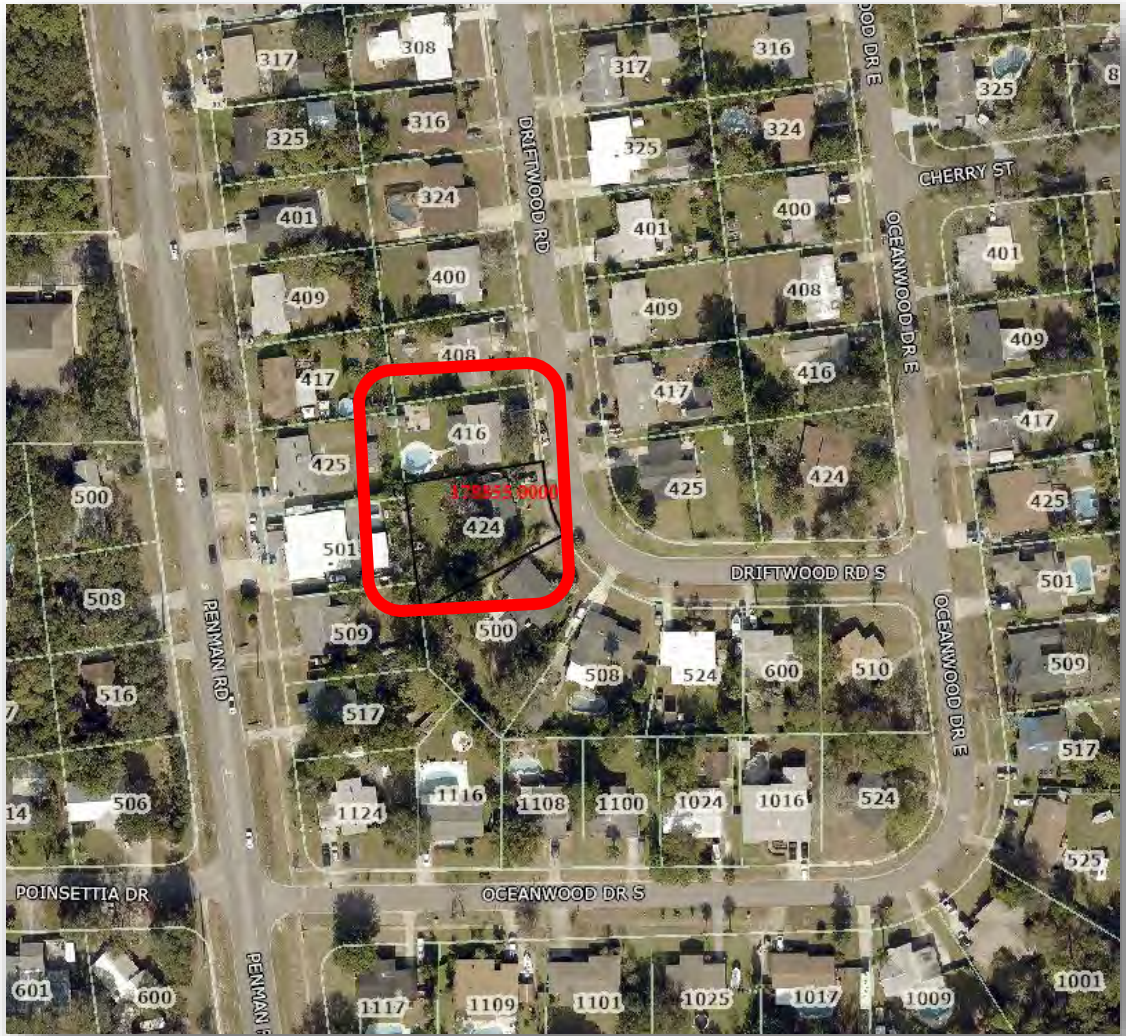


Figure 2: 424 Driftwood Rd

Policy A.1.1.3 states “The City shall continue to enforce its tree protection, landscaping, and buffering regulations as well as to protect its right-of-way.”

The Neptune Beach Comprehensive Plan states the City shall protect, conserve, and enhance natural features and any other environmental resources including wetlands, wildlife habitats, estuarine systems, and surface groundwater resources. Policy A.1.1.3 requires the City to “Protect the City’s existing tree canopy and implement a street tree program that encourages homeowners and businesses to plant more shade trees by committing to maintaining the trees once they are planted.”

III. CONCLUSION:

The requested tree removal is not consistent with the City's Land Development Code or Comprehensive Plan.

The home can be placed in an alternative location to avoid the tree. The tree removal is not necessary to allow the reasonable use of the parcel of land.

The effect of the tree removal is not in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.

The 30" Heritage Magnolia is a unique and peculiar circumstance to this property, which creates an exceptional and unique hardship that is not shared by other property owners in the same zoning district.

Staff recommends the applicant seek a variance on the front, side, or rear setback to allow the same or similar building footprint area.

Staff recommends denial of the remove a 30" Diameter at Breast Height Heritage Magnolia.

The City Arborist Blake West recommends denial of the 30" Diameter at Breast Height Heritage Magnolia, as stated in the attached letter.

Staff further recommends that should this tree be removed or damaged for any reason, the applicant shall pay a sum equal to two times one hundred eighty-five dollars (\$185.00) per caliper inch in accordance with *Section 27-452 Unauthorized removal of or damage to regulated trees*, which stated "If a ... heritage or champion trees as defined in section 27-448, is removed without permit, or is altered or damaged such that the likelihood for disease or premature death is increased, the tree removal contractor and/or property owner shall pay a fine of twice the tree fund fee, as established in section 27-458 per diameter inch of the trunk, measured at four and one-half (4½) feet above the ground."

IV. RECOMMENDED MOTION:

a. I recommend approval of DP26-02

OR

b. I recommend denial of DP26-02

Heritage Tree Removal 424 Driftwood

Written by Blake West, Neptune Beach Project Manager, ISA Arborist, B.S. Botany University of Florida, 9 years' experience in Landscape design and arboriculture.

Heritage trees can only be inherited. Attempts to replace them with comparable trees rarely succeed because trees need long-term specialized care and/or a forested situation that no longer exists to grow to the size, health and stature we deem "heritage." This is especially true in Neptune Beach where ocean weather sprays salt and wind that kills young, unprotected trees, as evidenced by sites like Jarboe park where trees planted in protected locations survive but trees in unprotected locations repeatedly fail.

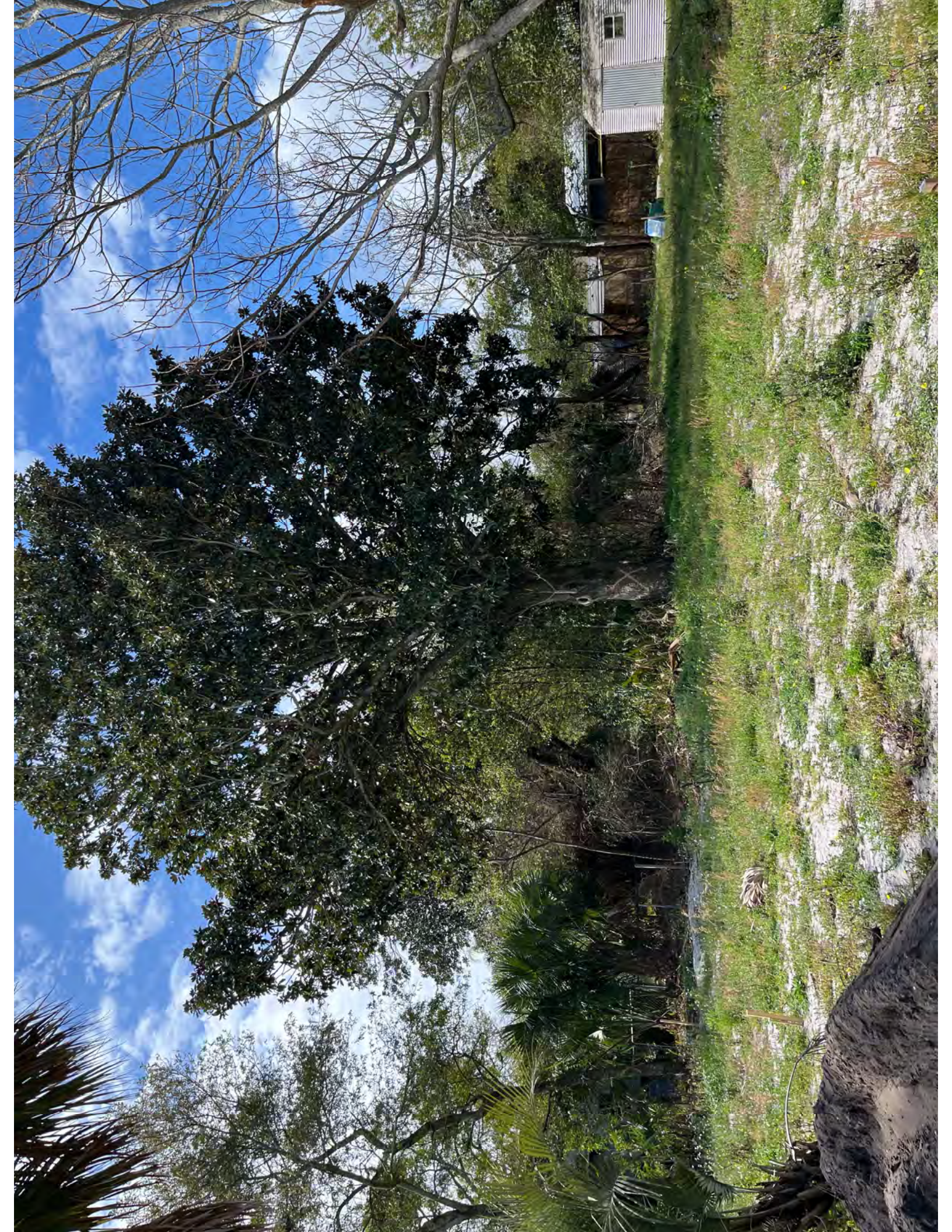
The Neptune Beach Comprehensive plan, City Manager and City Arborist all intend to preserve and enhance tree canopy in Neptune Beach.

Comprehensive Plan Objective A.1.6 Environmental Resources: "The City shall protect, conserve, and enhance natural features and any other environmental resources including wetlands, wildlife habitats, estuarine systems, and surface groundwater resources." This tree serves as important wildlife habitat, especially migratory bird species that rely on evergreen trees with open form and adequate size for roosting in large groups. In early March, I observed hundreds of American Robins (protected migratory species) utilizing this specific tree for roosting and forage cover. Consider, bird populations are declining faster than anticipated (30% population loss since 1970... 3 billion birds (Rosenberg 2019)) and Neptune Beach is uniquely situated as a sort of funnel along the Atlantic Flyway migratory path.

A.1.6.12: Policy to protect the City's existing tree canopy. City efforts to establish Magnolia trees were mostly unsuccessful in recent years, due to unprotected conditions and unknown conditions, perhaps a new disease, that eventually cause death. Spatial and environmental requirements for establishing large Magnolia trees are very limited in Neptune Beach, making heritage trees such as this Magnolia essentially irreplaceable and protection therefore important.

Our City Code requires a tree protection zone around heritage trees that is one foot per inch of Diameter of tree trunk multiplied by 1.5. This would prevent excavation and driving machinery over that entire area (approximately 45 ft radius on all sides of the tree) (this rule has probably already been broken with the demolition of the home).

As City Arborist for Neptune Beach, I suggest upholding our code and Comprehensive Plan as they pertain to this tree.

















Sec. 27-434. - Exceptions.

Certain activities may be allowed in a wetland protection zone when it is shown by competent and substantial evidence that the proposed activity would not have a significant adverse effect on the wetland zone.

Secs. 27-435—27-440. - Reserved.

ARTICLE IX. - TREE PROTECTION AND LANDSCAPING⁽¹⁴⁾

Sec. 27-441. - Reserved.

Sec. 27-442. - Purpose and intent.

The purpose of this article is to preserve and protect trees within the city; to provide minimum landscaping criteria; to ensure preservation of the existing native landscape; and to ensure quality landscape design, installation, and maintenance of new landscaping that will enhance the city's natural landscape. To this end, the subsequent sections are provided to achieve the following goals:

- (1) Improve the appearance of commercial, governmental, industrial and residential areas through incorporation of landscaping into development in ways that harmonize and enhance the natural and manmade environment;
- (2) Preserve existing natural trees and vegetation. Discourage removal of any healthy, noninvasive trees and clear-cutting of wooded land;
- (3) Incorporate native plants, plant communities and ecosystems into landscape design where possible;
- (4) Maintain the existing natural character of the city through preservation of existing trees and vegetation;
- (5) Balance the existing landscape with new landscape additions that are complementary;
- (6) Provide landscape buffers to enhance transportation corridors, abate noise, minimize adverse impacts of adjacent differing land uses, and reduce surface heat of impervious surfaces;
- (7) Promote water and energy conservation through Xeriscape principles;
- (8) Reduce maintenance costs through preservation of existing landscape, and through appropriate and proper use of plant materials; and
- (9) Promote and support city-wide tree planting to enhance the city's designation as a Tree City U.S. A by upholding the program's four (4) overarching standards:
 - Maintaining a tree board or department;
 - Having a community tree ordinance;
 - Spending at least \$2 per capita on urban forestry; and
 - Celebrating Arbor Day.

Sec. 27-443. - Applicability.

The terms and provisions of this article shall apply to all land uses within the city. Special provisions for single-family or two-family (duplex) lots are addressed in section 27-457 of this article.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-444. - Definitions.

Refer to article I for definitions.

Sec. 27-445. - Permit required for tree removal or relocation.

No person shall directly or indirectly cut down, destroy, remove move, or effectively destroy through damaging, or authorize the cutting down, destroying, removing, moving, or damaging of any and all living trees greater than six (6) inches or more in caliper or two (2) feet in circumference, whichever dimension is lesser, at a point four and one-half (4½) feet above ground level, without Tree Permit. Trees which require such permit for removal or relocation shall hereinafter be called "regulated trees."

(1) Exceptions are as follows:

- a. **No heritage or champion tree as defined in this article may be removed or relocated except as noted in section 27-448.**
- b. Hazard trees which have been identified by an ISA certified arborist or Florida licensed landscape architect with up-to-date Tree Risk Assessment Qualification and which have been inspected and documented per ISA standards may be removed, relocated, ~~or~~ replaced, trimmed, or pruned, without a Tree Permit or replacement trees. Removal or replacement shall only be permitted in this instance if the risk assessment documentation does not indicate any other practical mitigation alternatives, such as pruning, topping, bracing, or removal of the target. The city manager or designee shall review all risk assessment documentation to verify the conditions for removal prior to any action.
- c. Removal or relocation of regulated trees subject to development plan approval shall not require a separate Tree Permit in conjunction with the development plan. Plans for tree removal or relocation will be considered and either approved or denied as part of the development review process. After a certificate of occupancy has been issued for a development, any tree removal shall require either Tree Permit or an approved plan amendment. Failure to obtain a permit before removing or relocating a regulated tree shall be subject to the measures in section 27-452.
- d. Any tree that poses a danger to life safety, city infrastructure, or property, as verified by an ISA certified arborist or Florida licensed landscape architect with up-to-date Tree Risk Assessment Qualification, may be removed by order of the city manager or designee.
- e. Any tree species identified by an ISA certified arborist or Florida licensed landscape architect as a Category I or Category II invasive by the Florida Exotic Pest Plant Council shall be identified and removed from the property. No Tree Permit or replacement trees are needed for their removal.
- f. Replacement trees from the city's tree list, located in section 27-450 shall be required for any trees removed per section 27-447

(2) Removal of trees located in a buildable area or yard area where a structure or improvement is to be placed and for which a Tree Permit application has been filed may be approved by the city manager or designee, so long as it has been demonstrated by the property owner that the tree or trees

unreasonably restricts the permitted use of the property and that no other building footprint and/or site configurations are possible without removal of said trees. Trees located in the front yard setback shall not be considered to be located within the buildable area or yard. Ingress and egress to the garages are not considered the buildable area or yard. Trees on the public right-of-way shall not be considered for removal as a result of restrictions to ingress or egress to garages or parking on the site, except if demonstrated that there is no other reasonable access to and from the property from the public right-of-way. An application for a Tree Permit must be filed, per the requirements of section 27-446. Replacement trees may be required for any trees removed.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2004-19, § I, 1-3-05; Ord. No. 2006-02, § 1, 3-6-06; Ord. No. 2006-12, § I, 7-10-06)

Sec. 27-446. - Permit application procedures.

The following procedures shall be followed and shall govern the granting of Tree Permits pursuant to this section:

- (1) **Application.** Permits for removal, relocation or alteration of trees shall be obtained by making application in a form prescribed by the city council to the following appropriate public bodies:
 - a. For removal or relocation of regulated trees not associated with a site plan approval of the community development board, an application shall be filed with the city manager's office, as described below.
 - b. For pruning of six-inch or larger diameter limbs on regulated trees, Tree Permit will be required. This provision relates to pruning or alteration only and applies to any development.
- (2) **Submittals.** No permit fee shall be charged for authorized tree removal within the city. Each application for Tree Permit to alter, remove, relocate, or replace trees covered herein shall be accompanied by a written statement indicating the reasons for the requested action, at least one (1) photograph for each tree designated for removal showing its current overall condition, and two (2) copies of a legible site plan drawn to the largest practical scale indicating the following:
 - a. Location, species and size of all existing trees on the site, assigned with a unique identification number, and a proposed outcome (e.g.: donated, retained, removed, or relocated).
 - b. Trees designated for on-site relocation shall clearly illustrate both the existing and proposed locations and shall identify likely means of access and method of relocation.
 - c. **Champion and heritage trees, as defined in section 27-448, shall be identified as such on all submittals and any associated removal or replacement calculations shall be separate from all other trees and considered on a tree-by-tree basis. Size of tree shall be measured per section 27-445.**
 - d. Location of all existing or proposed structures, improvements, and site uses, properly dimensioned in reference to property lines, setback and yard requirements in spatial relationship.
 - e. Location and dimension of all required landscape buffers or screening areas.
 - f. Proposed changes, if any, in site elevations, grades and major contours.
 - g. Location of existing or proposed utility service.
 - h. Applications involving developed properties may be based on drawings showing only that portion of the site directly involved and adjacent structures and vegetation.
 - i. For trees that are to be retained, each application should contain the extents of all tree protection boundaries on site per section 27-449 and a statement of how these tree areas are to be protected during construction and landscape operations.

- j. A statement that identifies replacement trees for any trees removed. Any regulated tree being removed that requires a Tree Permit, per section 27-445, shall be replaced with ~~two (2)~~ trees per the requirements of section 27-447.
 - k. Application review and permit issue. Upon receipt of proper application, the city manager or designee shall review the application, and may request more documentation before making a determination to either approve, approve with conditions, or deny the permit within ten (10) working days of filing. This may include a field check of the site and referral of the application for recommendations to other appropriate administrative departments or agencies.
- (3) *Permit form.* Permits shall be issued by the city manager and may set forth in detail the conditions upon which the permit is granted. One (1) permit may cover several trees or groups of trees for one (1) parcel of land, or for multiple, contiguous parcels.

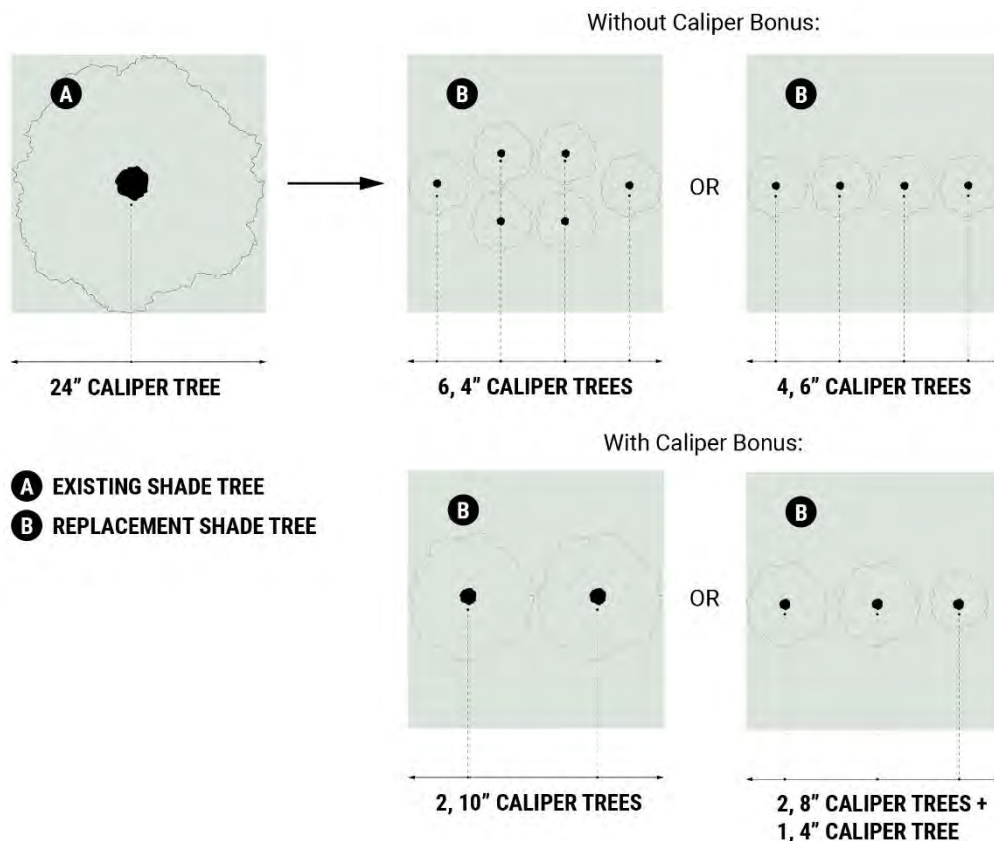
(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 2, 3-6-06; Ord. No. 2010-14, § 41, 9-7-10)

Sec. 27-447. - Standards for replacement or relocation (a)

Replacement or relocation.

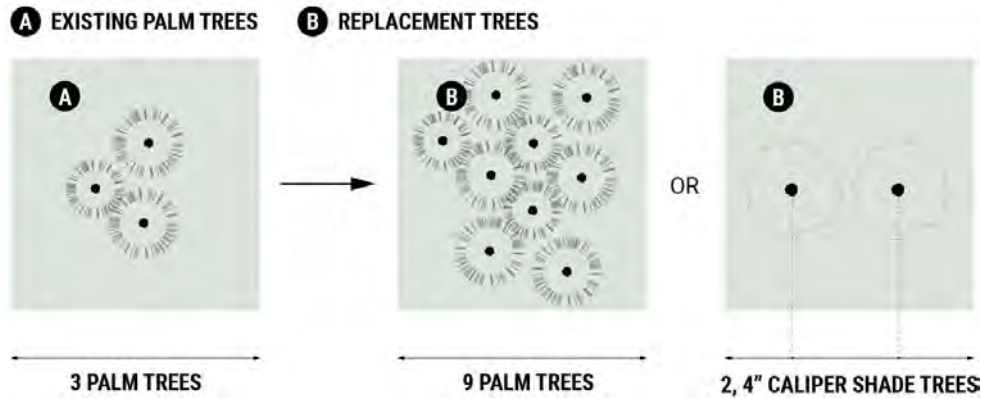
- (1) ***Replacement.*** In all cases wherein this Code shall require replacement of any tree removed, the replacement shall be made as defined in this section. In determining the required replacement of trees, the city manager or designee shall consider the intended use of the property, with an evaluation of the following:
 - a. *Size.* Replacement trees shall be a minimum of four (4) inch caliper with a height of at least ten (10) feet for shade trees, or eight (8) feet for ornamental and understory trees. All replacement trees shall be Florida Nursery Grade Number 1 or better. The property owner shall guarantee survival of replacement trees for one (1) year from the date of planting, barring any force majeure events.
 - b. *Caliper Bonus.* The use of larger diameter trees to accommodate the required replacement is strongly encouraged. Each additional inch of size provided, including and above eight (8) inch caliper shall be counted with a two (2) inch bonus (e.g.: a ten (10) inch caliper replacement tree may be counted as a twelve (12) inch caliper replacement tree). The caliper bonus shall not apply to the replacement of heritage or champion trees.
 - c. *Shade trees,* as defined by the city’s approved tree list located in section 27-540, which are designated for removal, shall be replaced on an inch-for-inch (1:1) diameter basis with one or more trees from the same shade tree portion of the city’s tree list. The sum total of the calipers of the replacement trees must equal or surpass that of the removed tree or trees (e.g.: a twenty-four (24) inch caliper oak designated for removal may be replaced by six (6), four (4) inch caliper shade trees or four (4), six (6) inch caliper shade trees – or – utilizing the caliper bonus defined in this section, two (2), ten (10) inch caliper shade trees or two (1), eight (8) inch caliper and one (1), four (4) inch caliper shade trees). Caliper measurement shall be rounded up to the nearest inch.

Figure 27-447-1



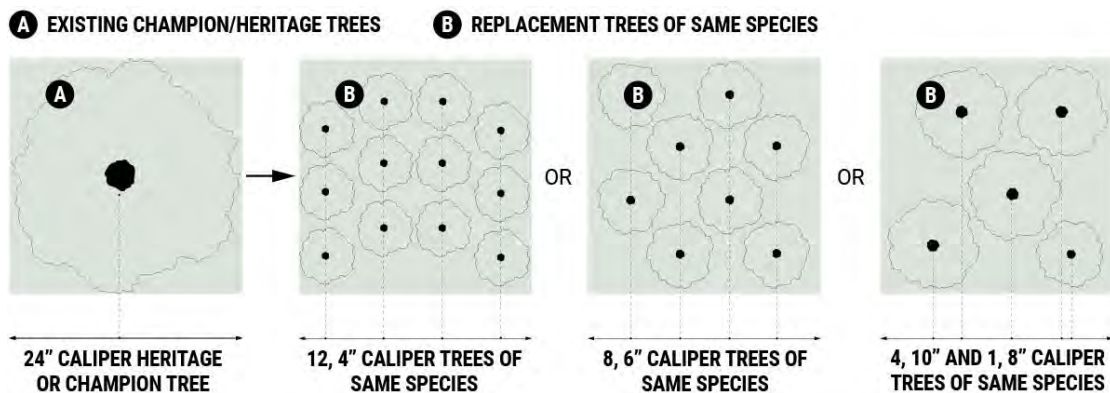
- d. *Palm trees* of any species designated for removal may be replaced on a one-to-three (1:3) basis with palm species from the city’s approved tree list located in section 27-450 (e.g.: three (3) palms designated for removal shall be replaced by a minimum of 9 palm trees). Palm trees designated for removal may also be replaced on a two-to-one (2:1) basis, rounding up to the next even number, with tree species from the shade tree portion of the city’s approved tree list (e.g.: five (5) palm trees designated for removal shall be rounded to six (6), requiring a minimum of three (3), four (4) inch caliper shade trees as replacement – or – utilizing the caliper bonus defined in this section, one (1), ten (10) inch caliper shade tree).

Figure 27-447-2



- e. *Understory and ornamental trees*, as defined by the city’s approved tree list, located in section 27-450, designated for removal, shall be replaced on an inch-to-inch (1:1) diameter basis, or equivalent measure, with tree species from the shade tree or understory and ornamental tree portions of the city’s tree list. As with shade tree replacement (see figure 27447-1), the sum total of the calipers of the replacement trees must equal or surpass that of the removed understory / ornamental tree or trees (e.g.: a twelve (12) inch caliper ornamental tree designated for removal shall require a minimum of three (3), four (4) inch caliper trees or two (2), six (6) inch caliper trees as replacement – or – utilizing the caliper bonus defined in this section, one (1), ten (10) inch caliper tree). Caliper measurement shall be rounded up to the nearest inch.
- f. *Heritage or champion trees*, as defined in section 27-448, designated for removal shall be replaced on a one-for-two-inch (1:2) diameter basis, with a tree or trees of the same species. The sum total of the calipers of the replacement trees must at least double that of the removed heritage or champion tree (e.g.: a twenty-four (24) inch caliper bald cypress designated for removal shall require replacement bald cypress trees of a combined forty-eight (48) inch caliper, such as twelve (12), four (4) inch caliper trees; eight (8), six (6) inch caliper trees; six (6), eight (8) inch caliper trees; or four (4), twelve (12) inch caliper trees). Caliper measurement shall be rounded up to the nearest inch. The caliper bonus may not be used for the replacement of heritage or champion trees.

Figure 27-447-3



- g. Replacement may not be required for diseased trees being removed. Documentation of diseased trees shall accommodate all submittals as described in section 27-446.
 - h. *Maintenance of replacement trees.* Replacement trees shall be maintained through appropriate watering, nutrients, and pruning to guarantee their survival and growth. The city manager or designee shall require any replacement trees that die within five (5) years of planting shall be replaced to meet the original requirements.
- (2) **Relocation.** Trees relocated within the site, shall be placed as close as possible to the original tree location, and shall not be relocated to interfere with the root systems or canopy of any champion or heritage tree. The relocation of palm trees into clusters of the same species is encouraged. All relocated trees shall be warranted for a period of five (5) years and kept in good health. Replacement of relocated trees, should they not survive the warranty period, shall be replaced at a one-to-one (1:1) ratio.
- (b) **Alternatives to on-site replacement.** If upon evaluation of these conditions, it is determined by the city manager or his designee that the applicant's site may not best be suited for the location of some or all of the required replacement trees, the city manager may allow the applicant to contribute to the city's tree fund per section 27-458.
 - (c) **Off-site tree replacement locations.** Staff will evaluate locations for tree replacement out of the tree fund, section 27-458, based on location and type of tree to be planted.
 - (d) **Credit for existing trees.** Existing vegetation may be credited for landscape materials required by this section. Such vegetation shall meet the minimum specifications for new landscape material and be located within the area for which credit is requested.
 - (1) Credit for trees shall be granted at an inch-for-inch basis. No credit shall be granted where existing vegetation does not satisfy screening purposes, serve necessary functions or meet minimum planting standards, as defined in this Code.
 - (2) The city may grant credit for existing trees which are defined as heritage or champion trees in this Code at a two-inch for one inch (2:1) basis. This provision shall be reviewed on a case-by-case basis depending on surrounding existing vegetation, and the age, health, type, size and location of the specimen tree. If the tree dies, the developer or property owner shall be required to install a replacement tree as required in this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-448. - Champion and heritage trees.

- (a) **Champion trees** are those trees that have been identified by the state division of forestry as being the largest of their species within the state or by the American Forestry Association as the largest of their species in the U.S. The current list of champion trees in the city and the county which have been identified is on file in the department of planning and development.
- (b) **Heritage trees.** The following species are heritage trees:
 - (1) Bald cypress (*Taxodium distichum*) twenty (20) inches in diameter or greater.
 - (2) Cedar (*Juniperus silicicola*) (Southern red cedar), *J. virginiana* (Eastern red cedar) twenty (20) inches in diameter or greater.
 - (3) Elm (*Ulmus alata*) (winged elm), *Ulmus american floridana* (Florida elm) thirty (30) inches in diameter or greater.

- (4) Heritage oaks (*Quercus alba* (white oak), *Q. austrina* (bluff oak), *Q. geminata* (sand live oak), *Q. prinus* (swamp chestnut or basket oak), *Q. virginiana* (live oak) thirty (30) inches in diameter or greater.
 - (5) Hickory (*Carya illinoensis*) (pecan), *C. tomentosa* (mockernut), *C. glabra* (pignut hickory) thirty (30) inches in diameter or greater.
 - (6) Loblolly bay (*Gordonia lasianthus*) twenty (20) inches in diameter or greater.
 - (7) **Magnolia (*Magnolia grandiflora*) (Southern magnolia), *Magnolia virginiana* (sweetbay magnolia) twenty (20) inches in diameter or greater.**
 - (8) Maples (*Acer rubrum*) (red maple), *A. barbatum* (Florida maple) twenty (20) inches in diameter or greater.
 - (9) Tupelo (*Nyssa sylvatica*) thirty (30) inches in diameter or greater.
 - (10) White ash (*Fraxinus americana*) thirty (30) inches in diameter or greater.
- (c) **Champion and heritage trees shall be considered regulated trees in all areas of the city, and their removal shall be strongly discouraged.**
 - (d) **Prior to removal of any tree, the owner shall give the City first right of refusal to relocate any/all heritage or champion trees, otherwise designated for removal by the applicant.**
 - (e) **Any permission given for the removal of any heritage or champion tree that is healthy and that is not causing structural damage, whether this permission is through an approved development plan or through the issuance of Tree Permit, will require replacement on a two inch-for-one inch (2:1) basis, measured per specifications of section 27-445. Trees may be planted on-site or off-site or given to the city for planting on public property.**
 - (f) **The removal, relocation or replacement of any champion or heritage trees shall be by community development board approval. The city council will approve the removal, relocation or replacement of any heritage or champion tree when such removal, relocation or replacement is proposed as part of the subdivision approval process.**

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 3, 3-6-06; Ord. No. 2010-14, § 42, 9-7-10)

Sec. 27-449. - Tree preservation during development and construction.

- (a) *Barriers required.* During construction, protective barriers shall be placed, as necessary, to prevent the destruction or damaging of trees. Trees destroyed or receiving major damage shall be replaced before issuance of a certificate of occupancy or use, if such certificate is required, unless approval for their removal has been granted under permit. The city manager or designee shall determine what trees, if any, require protection or replacement.
- (b) *Barriers.* All regulated trees not designated for removal shall be required by the terms of the permit to be protected by barriers erected prior to construction of any structures, road, utility service or other improvements.
- (c) *Encroachment prevention.* Such barriers shall be plainly visible and shall create a continuous boundary in order to prevent encroachment by machinery, vehicles or the storage of materials. Protective posts of nominal two (2) inches by four (4) inches or larger wooden posts, two (2) inches outer diameter or larger pipe, or other post material of equivalent size and strength shall be implanted deep enough in the ground to be stable with at least three (3) feet of the post visible above the ground.

- (d) *Drip line.* Barriers shall be placed at the drip line, though never less than ten (10) feet from the trunk of a protected tree unless approved by an arborist and the city manager or designee, for all trees determined to remain and for relocated trees, both before and after relocation. **Barriers for champion and heritage trees shall extend to one-and-a-half times (1.5x) the extents of the drip line.**
- (1) In cases where complying with the above placement of barriers is found to unduly restrict development of the property, the city manager or designee may approve alternative methods of protection.
 - (2) No grade changes shall be made within the protective barrier zones without prior approval of the city manager or designee. Where roots greater than one (1) inch in diameter are damaged or exposed, they shall be cut cleanly and recovered with soil.
 - (3) Protective barriers shall remain in place and intact until such time as landscape operations begin or construction needs dictate a temporary removal that will not harm the tree.
 - (4) Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of two (2) inches unless specifically approved otherwise by the city manager or designee, the community development board the city council as applicable.
 - (5) No building materials, machinery or harmful chemicals shall be placed within protective barriers, except short-duration placements of fill soil that will not harm the tree. Such short-duration placements shall not exceed thirty (30) days.
 - (6) The standards established in the *American National Standard for Tree Care Operations* (ANSI A300), Part 5 – ‘Management of Trees and Shrubs During Site Planning, Site Development, and Construction,’ as published by the Tree Care Industry Association, the standards of the National Arborist Association, or other nationally recognized arboricultural standards approved by the city manager or designee shall be used as guidelines for tree protection, planting, pruning and care.
 - (7) Attachments to trees prohibited. No attachments or wires other than those of a protective and nondamaging nature shall be attached to any tree.
 - (8) Any/all measures shall be taken to avoid soil compaction impacting protected trees for the duration of construction. In cases where the temporary removal of a barrier may be necessary, a sufficient layer of mulch or similar materials shall be placed so as to prevent soil compaction.
 - (9) Inspections. The city manager or designee shall conduct periodic inspections of the site before work begins and/or during clearing, construction and/or post-construction phases of development in order to ensure compliance with these regulations and the intent of this section. (*Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 43, 9-7-10*)

Sec. 27-450. - Approved tree list.

- (a) City tree list: Replacement trees, as required per section 27-447 be selected from the following list. This list was generated based on species hardiness, disease- and pest-resistance, availability and size variance. It is not the intent to unreasonably limit the selection of replacements. Therefore, replacement trees not included on the city's tree list but suggested by the applicant may be considered, and approved or denied, during the Tree Permit application process.

Table 27-449.1 - City Of Neptune Beach Approved Tree List

SHADE TREES	
Common Name	Botanical Name
Ash, Green	Fraxinus pennsylvanica
Ash, Water	Fraxinus caroliniana
Birch River	Betula nigra
Bay, Loblolly	Gordonia lasianthus
Cedar Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Cypress, Leyland	Cypressocyparis leylandii
Dogwood Flowering	Cornus Florida
Eastern Redbud	Cercis canadensis
Elm, Florida	Ulmus americana
Fringetree	Chionanthus virginicus
Gumbo-Limbo	Bursera simaruba
Hickory, Pecan	Carya spp
Holly	Ilex opaca
Holly, Yaupon	Ilex vomitoria
Southern Magnolia	Magnolia grandiflora
Maple, Red	Acer rubrum
Maple, Florida	Acer saccharum subsp. floridanum
Oak, Laurel	Quercus laurifolia
Oak, Live	Quercus virginiana
Oak, Shumard Red	Quercus shumardii
Oak, Turkey	Quercus laevis
Pine, Loblolly	Pinus taeda

Pine, Long-leaf	<i>Pinus palustris</i>
Pine, Pond	<i>Pinus serotina</i>
Pine, Slash	<i>Pinus elliottii</i>
Pine, Sand	<i>Pinus clausa</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sparkleberry	<i>Vaccinium arboreum</i>
Sycamore	<i>Platanus occidentalis</i>

PALM TREES	
Common Name	Botanical Name
Palm, Cabbage	<i>Sabal palmetto</i>
Palm, Canary Island Date	<i>Phoenix canariensis</i>
Palm, European Fan	<i>Chamerops humilis</i>
Palm, Pindo	<i>Butia capitata</i>
Palm, Washington	<i>Washingtonia robusta</i>
Palm, Windmill	<i>Trachycarpus fortunei</i>
UNDERSTORY OR ORNAMENTAL TREES	
Common Name	Botanical Name
Cedar, Red	<i>Juniperus virginiana</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Elm, Winged	<i>Ulmus alata</i>
Flatwoods Plum	<i>Prunus umbellata</i>
Hickory, Pecan	<i>Carya spp.</i>

Holly, American	Ilex opaca
Holly, Dahoon	Ilex cassine
Holly, East Palatka	Ilex attenuata
Holly, Yaupon	Ilex vomitoria
Jerusalem Thorn	Parkinsonia aculeata
Loquat, Japanese Plum	Eriobotrya japonica
Oak, Myrtle	Quercus myrtifolia
Oak, Sand Live	Quercus geminata
Oleander	Nerium oleander
Olive	Olea europaea
Pawpaw	Asimina spp.
Podocarpus, Yew	Podocarpus macrophyllus
Privet, Glossy	Ligustrum lucidum
Privet, Japanese	Ligustrum japonicum
Redbud	Cercis canadensis
Wax Myrtle	Myrica cerifera

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-451. - Regulations pertaining to utility companies.

- (a) In the event any electric, water, telephone, or other public utility firm or corporation plans to extend, maintain, or relocate service such that any tree on any unimproved lot or tract will be removed, said utility shall make application for Tree Permit as described in section 27-446. Any public utility wishing to prune trees on a right-of-way shall notify the city manager in writing one (1) week in advance of the time and place these pruning activities will take place. The city manager or designee shall supervise these activities as necessary and shall have the authority to regulate or halt such pruning when these actions are deemed detrimental to the trees or beyond that needed to insure continued utility service.
- (b) A utility company shall not remove or alter any trees at a distance greater than five (5) feet from the utility pole, structure or conductor within the city without a permit having first been obtained.
- (c) The city shall observe the requirements of this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-452. - Unauthorized removal of or damage to regulated trees.

- (a) If a regulated tree, to include heritage or champion trees as defined in section 27-448, is removed without permit, or is altered or damaged such that the likelihood for disease or premature death is

increased, the tree removal contractor and/or property owner shall pay a fine of twice the tree fund fee, as established in section 27-458 per diameter inch of the trunk, measured at four and one-half (4½) feet above the ground. In the event that a tree has been completely removed from the site, the measurement will be taken as the diameter of the remaining stump. In the event that no portion of a stump remains, documents such as a tree survey, building plans, etc. may be used to determine the size of the regulated tree removed. All violations of section 27-452 shall be referred to the code enforcement board for disposition.

- (b) Clear-cutting of land is prohibited. If any parcel of land is clear cut without a tree removal permit, the tree removal contractor and/or property owner shall be subject to enforcement in accordance with article VII of chapter 2 of this code and fined a minimum of \$5,000.
- (c) All fines imposed through the code enforcement process in article VII of chapter for unauthorized removal or damage of regulated trees shall be paid to the City of Neptune Beach. All fines collected shall be deposited into the city's tree mitigation fund.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 4, 3-6-06)

Sec. 27-453. - Procedure for appeal.

- (a) Any denial of Tree Permit by the city staff of this article may be appealed within thirty (30) days of said decision to the community development board for final disposition as specified in section 27-133. The community development board through competent testimony may, in their discretion, affirm, overturn, or modify any decision made in the administration of this article.
- (b) Appeals of the enforcement of this article shall be made as provided for in section 27-445.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 5, 3-6-06; Ord. No. 2010-14, § 44, 9-7-10)

Sec. 27-454. - Violation; denial of permits, certificates.

No building permits shall be issued on lands where violations of this article are determined to exist, including payment of all fines levied for violations, or appropriate remedial action as agreed to by the city manager or designee and completed by the owner of the land. A certificate of occupancy shall not be issued for any construction until all applicable remedies have been accomplished. *(Ord. No. 2004-10, § 1, 10-4-04)*

Sec. 27-455. - Minimum landscape requirements.

- (a) Requirements of these sections do not exempt property owners from compliance with any other section of this article.
- (b) *Minimum percentage of developed area devoted to landscaping.* Property shall be designed, constructed and used so that the total of the areas devoted to landscape materials of any site is at least twenty (20) percent of the gross area of each parcel.
- (c) For property within the central business district, all portions of a site that are not otherwise covered by structures or pavement shall be landscaped. Because the landscaped areas are minimal within the CBD, the use of more dense plant materials is required. Landscape materials for sites within the CBD shall include trees, shrubs, vines and groundcovers. Therefore, sod shall not be used as a landscape material in the CBD.
- (d) Landscape and/or planting plans for all nonresidential developments shall be prepared by a landscape architect registered in the State of Florida.

- (e) *Minimum requirements for landscaped areas.* All development except individual, single-family and two-family (duplex) residential lots shall meet the requirements of these sections. See section 27-457 for specific requirements for individual, single-family and duplex residential lots. However, all other development shall comply with the following:
- (1) An automatic irrigation system shall be supplied for all newly landscaped areas. System shall include a pressure vacuum breaker-type backflow preventer, rain sensor, electric timer and valves, and sprinkler heads, and all pipe and materials necessary for a fully functioning system. The design of the irrigation system shall promote water conservation through methods such as efficient zoning of heads and/or micro-irrigation. The irrigation system shall be designed and located to minimize the watering of impervious surfaces. Irrigation shall not be required for existing natural vegetation areas.
 - (2) Plants shall be sized such that, within three (3) years of the time of planting, at least half of the required landscaped development shall be devoted to living plants. Remaining landscape areas shall be mulched with organic materials.
 - (3) When a landscaped area is adjacent to or within a vehicular use area, curbing shall be used to protect landscaped areas from encroachment. Parking spaces shall be designed to provide pervious surface for the vehicle overhang area.
 - (4) Shrubs and trees shall be placed away from the wheel stop, so that they will not be encroached upon by vehicles. In lieu of curbing, the alternative means of preventing encroachment shall be shown on the site plan.
 - (5) All required trees shall be selected from the shade tree section of the city tree list in section 27450. In order to encourage plant diversity, no more than fifty (50) percent of the selected trees for one (1) plan shall be from the same genus.
 - (6) Any landscaped area adjacent to an intersection or driveway shall conform to the requirements for the vision triangle, as defined in article I.
 - (7) Where gravel is used as landscaping groundcover, a concrete, stone paver, or similar barrier must be used to contain the gravel and keep it from entering streets, drains, culverts, and any other transportation and stormwater system.
- (f) *Ocean-front lots.* Oceanfront lots of any type shall be landscaped with salt-tolerant plant material only.
- (g) Exemptions.
- (1) All parking garages shall be exempt from this section, pertaining to landscaping requirements for vehicular use areas; however, vehicles shall be screened from adjacent properties and public rights-of-way through the use of opaque materials at ground level.
 - (2) Parking lots under lease. The area of any lot under lease which contains required parking spaces for any use shall comply with the provisions of this section as a precondition to the issuance of any development order issued in connection with such lot for such use.
- (h) Minimum submittal criteria.
- (1) All planting plans shall be drawn to scale and have a north arrow, and shall accurately depict all buildings, pavement, on-site facilities, utilities and lighting systems. The landscape drawing or accompanying development plan must give the permitted use of adjacent parcels and the total square footage of all pavement on-site.
 - (2) A plant schedule shall be provided showing the botanical name, size, spacing and number of all required plant materials. During construction, any tree or shrub may be substituted for the identified plant, provided that the shrub is adaptable to the amount of sun/shade, wet/dry and size

conditions where it will be planted, and insofar as the provisions for diversity described in this article and all required tree replacement calculations are met. The use of additional plant material beyond the minimum required is strongly encouraged. However, plant materials shown that are additional to the required materials shall not be subject to inspection and should be identified on the planting plans as "supplementary."

- (3) A tree table shall be provided showing the calculated requirements for trees to be planted, including all information as required for submittals per section 27-446.
- (i) *Design principles and standards.* All landscaped areas required by this article shall conform to the following general guidelines:
 - (1) The preservation of native trees and shrubs is strongly encouraged to maintain healthy, varied and energy-efficient vegetation throughout the city, and to maintain habitat for native wildlife species.
 - (2) The planting plans should integrate the elements of the proposed development with existing topography, hydrology and soils in order to prevent adverse impacts such as sedimentation of surface waters, erosion and dust.
 - (3) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the planting plan. The landscaped areas should be integrated, to promote the continuity of on-site and off-site open space and greenway systems, and to enhance environmental features.
 - (4) The selection and placement of landscaping materials should maximize the conservation of energy through shading of buildings, streets, pedestrian ways, bikeways and parking areas. The use of wind for ventilation and the effect on existing or future solar access shall be considered.
 - (5) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use shortterm and long-term elements to satisfy the general design principles of this section over time.
 - (6) The natural and visual environment should be enhanced through the use of materials which achieve a variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
 - (7) The placement of trees around buildings should permit access to the building by emergency vehicles.
- (j) The installation of invasive nonnative category 1 and category 2 species as defined by the Florida Department of Agriculture and Consumer Services (FDACS) and Florida Exotic Pest Plan Council (FLEPPC) is prohibited.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 6, 3-6-06; Ord. No. 2011-19, § 1, 10-10-11)

Sec. 27-456. – Landscaping buffers.

- (a) *Generally.* This section provides landscaping methods which are intended to set minimum requirements for the landscaping of vehicular use areas and certain perimeter areas abutting public rights-of-way within commercial zoning districts and between zoning classifications. Vehicular use areas and retention ponds may not be located within landscape buffers, though swales may be permitted within landscape buffers on a case-by-case basis. These requirements are illustrated in figures 27-4567-1 and 27-456-2 and are described herein as follows
- (b) *Size.* Measurement of all landscape buffers shall be from the property line and shall extend along the entire length of the property line abutting the right-of-way.

1. Vehicular use areas shall be separated by a landscaped buffer area, a minimum of ten (10) feet in width, from any boundary of the property on which the vehicular use area is located.
 2. Vehicular use areas abutting residential-zoned property shall be separated by a landscape buffer area of fifteen (15) feet in width.
- (c) *Intrusions.* Landscape buffer areas may only be altered or intruded upon for the following purposes and any such alterations or intrusions shall be in compliance with an approved development site plan:
1. Ingress and egress to vehicular use areas, drive aisles, and loading areas, per lot standards and allowable curb cuts defined in section 27-235 and 27-243;
 2. Pedestrian walkways or access to buildings and structures as necessary;
 3. Bicycle and/or other transportation infrastructure;
 4. Installation of stormwater, drainage, or utility improvements as necessary;
 5. Grading or retention as necessary;
 6. Selective clearing for visibility of freestanding signs;
 7. The regular pruning of trees to provide clear trunk and visibility as required by the Florida Department of Transportation;
 8. The installation of tree protection barriers as defined in this section;
 9. The regular removal of dead materials and debris; or
 10. The installation of additional landscape materials required by this Code.
 11. A clear path of three feet through vegetative buffers shall be maintained to allow for a Fire Department Connection.
- (d) *Exceptions.* A landscape buffer area is not required:
1. For property located within the city's central business district (CBD);
 2. For front and side setbacks less than or equal to ten (10) feet. In these cases, only rear lot lines shall adhere to any requirements defined in this section;
 3. For side lot lines wherein, a residential lot is adjoined to another residential lot;
 4. When the paved ground surface area is completely screened from adjacent properties or public rights-of-way by intervening buildings or structures;
 5. When an agreement to operate abutting properties as essentially one (1) contiguous parking facility is in force. The agreement shall be executed by the owners of the abutting properties, and shall bind their successors, heirs, and assigns. Prior to the issuance of any building permit for any site having such a contiguous parking facility, the agreement shall be recorded in the public records of the county; or
 6. When the required landscape buffer area would conflict with utility installations, and such conflicts cannot be resolved, such areas may be planted with shrubs and such understory trees as may be acceptable to the utility.;
- (e) *Modification of requirements.* The community development board or staff, when only staff review is required, may determine that:
1. Screening is better achieved by relocation of the landscape buffer area;

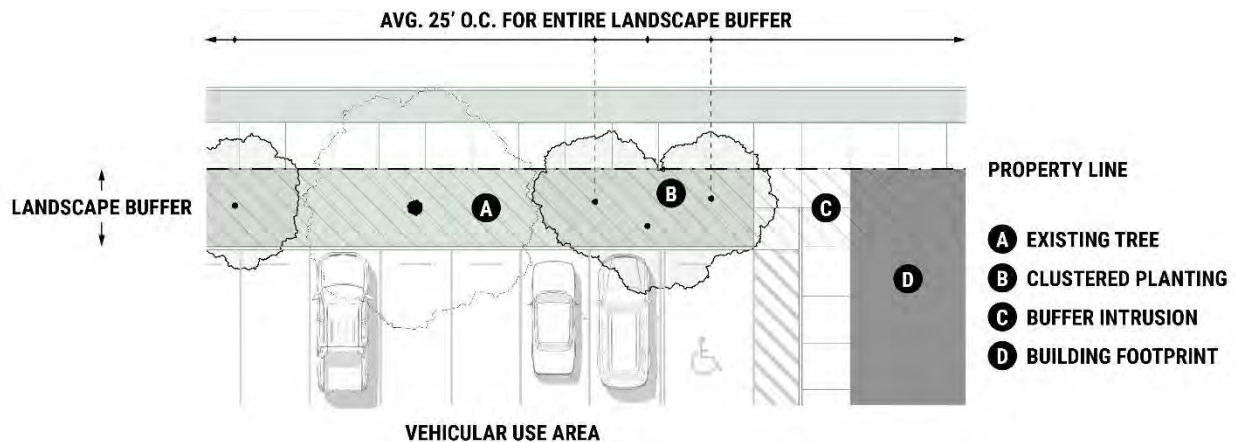
2. There is an unresolvable conflict between other element(s) of the development plan and the location, width or height of the landscape buffer area, and that the public interest is therefore best served by relocation of the landscape buffer area, lowering the height of required material or the substitution of a solid fence or wall in conjunction with a reduction in width; or
3. That the screening would only serve to emphasize a long driveway that would otherwise be unobtrusive.

(f) *Planting.* A landscape buffer area shall contain:

1. *Trees.* Landscape buffer areas shall include a calculated average of one (1) shade tree, as defined in the city's approved tree list, located in section 27-450, and sized as defined in section 27-447, for every fifteen (15) linear feet of frontage. The average spacing for proposed tree plantings shall be measured sequentially from tree-to-tree and the following conditions shall be considered while measuring:
 - a. Clusters of no less than three (3) shade trees shall occur at all intrusions, as defined in this section, into the landscape buffer.
 - b. Existing trees retained within the landscape buffer area, including champion and heritage trees shall be exempt from this calculation.
 - c. Palms, understory, and ornamental trees of any species, as defined in the city's approved tree list, located in section 27-540 shall be exempt from this calculation except for when the use of shade trees is prohibited under overhead utilities.
 - d. Trees proposed within landscape buffer areas may be counted towards the required tree replacement total as defined in section 27-447.
 - e. Ornamental shrubs, native privacy plants, or other non-invasive landscape hedging shall be used between the required tree plantings, except that a 5-foot gap may be permitted for intrusions.
2. *Visibility.* In addition to trees, a landscape buffer area shall contain an opaque screen composed of either plant materials, or a combination of plant materials and masonry walls.
 - a. For the screening of vehicular use areas, landscape buffers shall be comprised of landscape materials, including hedges, shrubs, and groundcover plantings and shall be arranged to provide a visual screen of seventy-five (75) percent opacity and achieve a height of at least three (3) feet within three (3) years.
 - b. For the screening of vehicular use areas from residential zoned property, landscape buffers shall be comprised of landscape materials, including hedges, shrubs, and groundcover plantings and shall be a visual screen of seventy-five (75) percent opacity and achieve a height of at least six (6) feet within twenty-four (24) months of planting.
 - c. A six (6) foot masonry wall may be used as a buffer. However, trees, ornamental shrubs, or other plantings shall be used to minimize the harsh aesthetic of the wall.
 - d. The community development board, during development plan review, may determine that natural vegetation is sufficient to screen adjacent properties and rights-of-way. In such instance the existing vegetation, including understory plants and bushes, is protected from pruning and removal, except that diseased plant material and invasive nonnative species may be replaced in accordance with this section. Where encroachments are made for utility connections, replacement plants appropriate to the ecosystem shall be required.
3. *Interior requirements.* Interior areas required to be landscaped include terminal parking islands, interior islands, divider medians, and islands at T-intersections.

- a. The placement of landscaped areas throughout the interior of the paved area shall be one (1) interior landscaped island for each ten (10) parking spaces, with a terminal island at each end of five (5) or more contiguous parking spaces. At no time shall a row of parking have landscape areas greater than one hundred thirty-five (135) feet apart or closer than thirty-five (35) feet. Standards for minimum landscape islands are included in article IV.
- b. *Terminal islands:* One (1) shade tree per three hundred (300) square feet of interior landscape area, minimum one (1) shade tree per terminal island area. Shrubs or groundcovers shall be planted to cover thirty-five (35) percent of terminal islands, with a two-foot strip of mulch or sod adjacent to parking spaces, and a three-foot strip of mulch or sod adjacent to access drives.
- c. *Interior islands:* One (1) shade tree per three hundred (300) square feet of interior landscape area, minimum one (1) shade tree per interior island area.
- d. *Divider medians:* One (1) shade tree per thirty (30) linear feet of divider median, or fraction thereof. A continuous shrub hedge shall be planted in all divider medians that separate parking from access drives.
- e. The community development board, or city council and city manager or designee, through development plan review, may allow the relocation of such landscape areas to preserve existing trees, or where it is determined, upon review and recommendation of the city manager's designee, that the relocation is necessary for the safe maneuvering of vehicles or pedestrians.

Figure 27-456-1 – Landscape buffer example diagrams



Sec. 27-457. - Residential landscape requirements.

- (a) One (1) shade tree shall be planted or preserved for every three thousand (3,000) square feet of a residential lot or fraction thereof. No more than ten (10) new trees shall be required to be planted on any residential lot that is to be developed for one (1) single-family dwelling or one (1) two-family (duplex) residential structure as a result of this provision.
- (b) One (1) street tree from the shade tree portion of the City's approved tree list, located in Section 27450, shall be planted within five (5) feet of the public right-of-way for every forty-five (45) linear feet of

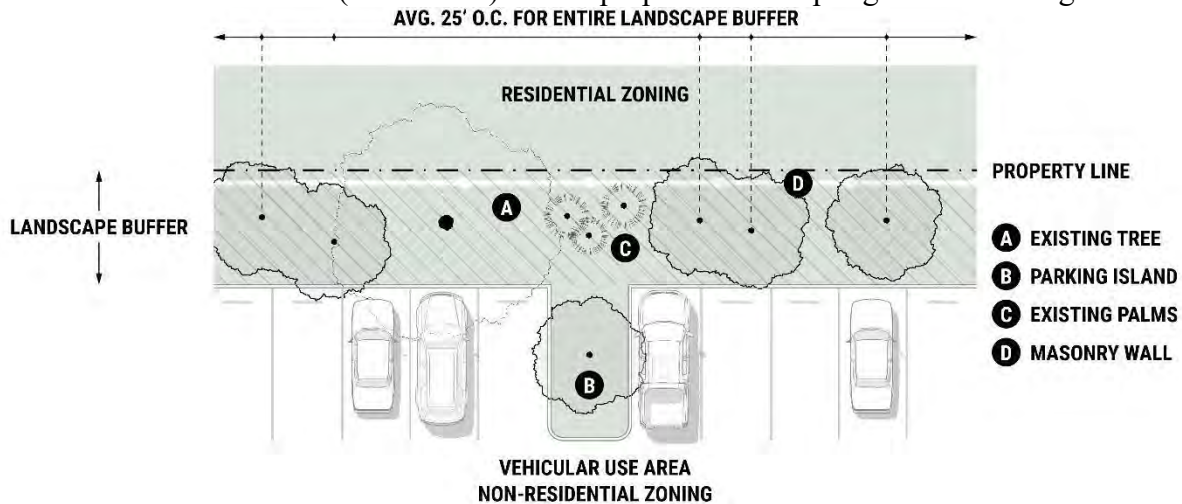
street. In residential subdivisions, where property on one (1) side of the right-of-way is not owned by the subdivider, such street trees shall be planted alternately on either side of the street. Street trees planted or preserved per this requirement shall not count towards the overall shade tree requirement.

- (c) All required trees shall be selected from the city tree list in section 27-450.
- (d) Landscaping of the City of Neptune Beach street ends terminating at the Atlantic Ocean and at the intracoastal waterway that, by its location or characteristics of growth, creates the image of private property or has the effect of appropriating public property for private use shall be prohibited. Except at beach access points, voluntary care of the street ends rights-of-way to include a minimum level of landscaping and beautification for the public benefit may be approved by the city manager upon submission of a right-of-way permit application. Landscaping shall be limited to a maximum of three (3) feet.
- (e) Where gravel is used as landscaping groundcover, a concrete, stone paver, or similar barrier must be used to contain the gravel and keep it from entering streets, drains, culverts, and any other transportation and stormwater system.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-06, § 1, 5-2-05)

Sec. 27-458. - Tree conservation and trust fund.

- (a) *Establishment of trust fund.* The city council hereby recognizes the establishment of the tree conservation trust fund ("tree fund") for the purposes of accepting and disbursing monies paid to the



city as part of tree mitigation and any other funds deposited with the city for the purpose of tree and vegetation conservation and protection. This fund shall be used solely for the planting of trees, the protection and conservation of existing trees where appropriate, or the re-establishment of vegetative resources in the city and any other ancillary costs associated with such activities, provided that such ancillary costs shall not exceed twenty (20) percent of the cost of the particular project.

- (b) *Terms of existence.* The tree fund shall be self-perpetuating from year to year unless specifically terminated by the city council.
- (c) *Tree fund assets.* All funds received shall be placed in trust for and inure to the public use and environmental benefit of the city.
- (d) Tree fund administration.
 - (1) Trust funds shall be used only for the purposes designated by the city in accordance with the intent of this chapter.

- (2) All mitigation funds collected pursuant to this chapter shall be deposited in the tree fund, which shall be a separate account established and maintained apart from the general revenue fund of the city.
- (3) The city manager will bring plans for the use of the tree fund expenditures to council for approval.
- (e) Disbursal of tree conservation trust fund assets.
 - (1) Expenditures for projects funded by the tree conservation trust fund shall be made in accordance with the established purchasing procedures of the city.
 - (2) Priority shall be given to the use of funds for projects that plant or replace trees or vegetation along public rights-of-way or on properties and lands in public use that will provide needed shade, aesthetic enhancement or the re-establishment of tree canopy in neighborhoods and along public roadways.
- (f) Triggers and controlling provisions of the Code.
 - (1) For purposes of triggering any fund payment pursuant to this section, subsections 27-447(b) and 27-448(d) shall be controlling.
 - (2) The applicant shall have the option of either:
 - a. Replacing the removed tree pursuant to subsections 27-447(b) and 27-448(d);
 - b. Paying the entire balance owed to the trust fund pursuant to subsection (3) below.
 - (3) The applicant shall pay a sum equal to one hundred eighty-five dollars (\$185.00) per caliper inch of trees(s) removed to offset or mitigate the removal of a qualifying tree or when replacement trees are deemed unsuitable for the site per section 27-447(b). The one hundred eighty-five-dollar (\$185.00) rate shall be reviewed annually by city staff to determine that it is a sufficient amount to fully account and mitigate for the removal of qualifying trees.
 - (4) The applicant shall pay a sum equal to one hundred eighty-five dollars (\$185.00) per caliper inch of tree(s) when replacement trees are determined not to be suited for the location of the site per section 27-447(b)

(Ord. No. 2016-05 , § 1, 6-6-16)

Secs. 27-459—27-470. - Reserved.

ARTICLE X. - STREETS, SIDEWALKS AND RIGHTS-OF-WAY¹⁵¹

Footnotes: --- (15) --- Editor's note— Ord. No. 2004-10, § 1, adopted Oct. 4, 2004, amended art. X in its entirety to read as herein set out. Former art. X, §§ 27-471—27-480, pertained to similar provisions, and derived from Ord. No. 91-1-5, § 2, 5-6-91. Ord. No. 2002-02, § 8, 5-6-02; Ord. No. 2004-02, § 1, 5-10-04.

Sec. 27-471. - Generally.

This article establishes minimum requirements for the development of public and private streets, bikeways, pedestrian ways, and access control to and from public streets. These standards are intended to minimize the negative traffic impacts of development and to assure that all developments adequately provide for the safe and efficient movement of vehicles and people consistent with good engineering and development design practices.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-472. - Definitions.

APPLICATION FOR DEVELOPMENT PLAN REVIEW



CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT
 116 FIRST STREET
 NEPTUNE BEACH, FLORIDA 32266-6140
 PH: 270-2400
 Bldgclerk@NBFL.US

Date Filed:	Name and address of the applicant requesting development review: (NOTE: If the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporation ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal). The undersigned hereby applies for a development review as follows.	
Name & Mailing address of Owner of Record: Brian Nicholas 179 San Juan Drive, PVB, FL 32082 Contact phone # 904-476-7678 e-mail address brianbnick57@gmail.com <i>Brian Nicholas</i>	Property Address: 424 Driftwood Road Neptune Beach, FL 32266 Real Estate ID # 178855-0000 Lot 27 Block 1 Subdivision _____ Zoning District: _____	
Name and Address of Agent/Applicant: Brian Nicholas 179 San Juan Drive, PVB, FL 32082	Telephone #:- same as above Email: same as above	
Approval to remove 29" DBH heritage Magnolia in order to build new single family residence at 424 Driftwood. Request is part of building permit #202600097, pertinent documents previously submitted.		
<p align="center"><u>PLEASE BE ADVISED THE COMMUNITY DEVELOPMENT BOARD CONDUCTS A PUBLIC HEARING TO CONSIDER CERTAIN FACTORS IN ORDER TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL OF THE DEVELOPMENT PLAN.</u></p>		

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR DEVELOPMENT REVIEW AS REQUESTED.

Brian Nicholas
 OWNER

Commonly required items needed for development reviews.

- X X Site Plan
- X X Elevations and Building plans (all four sides)
- X X Survey of property (dated within one year)
- X X Landscape Plan/Exiting Tree Survey
- Impervious Surface Calculations
- Light Plan (exterior only)
- Signage Plan
- Certificate of Appropriateness
- X X Floor Plan
- Parking Plan
- Stormwater and drainage plan
- Wetland Buffer
- Utility Plan with existing and/or proposed easements
- Historical Determination Review

SUBMITTED UNDER
BUILDING PERMIT
202600097

DISCLAIMER: This helpful guide is not intended to replace any or all of the Unified Land Development Regulations, requirements for application and review procedures required for development orders and certain types of permits. The guide is meant to assist in the facilitation of the review process only.

To: City of Neptune Beach Community Development Department
and the Community Development Board

From: Brian Nicholas
179 San Juan Drive, PVB, FL 32082

BN

Date: February 6, 2026

Re: 424 Driftwood Road Development Plan Request
Removal of 30" Heritage Magnolia Tree (Building Permit #202600097)

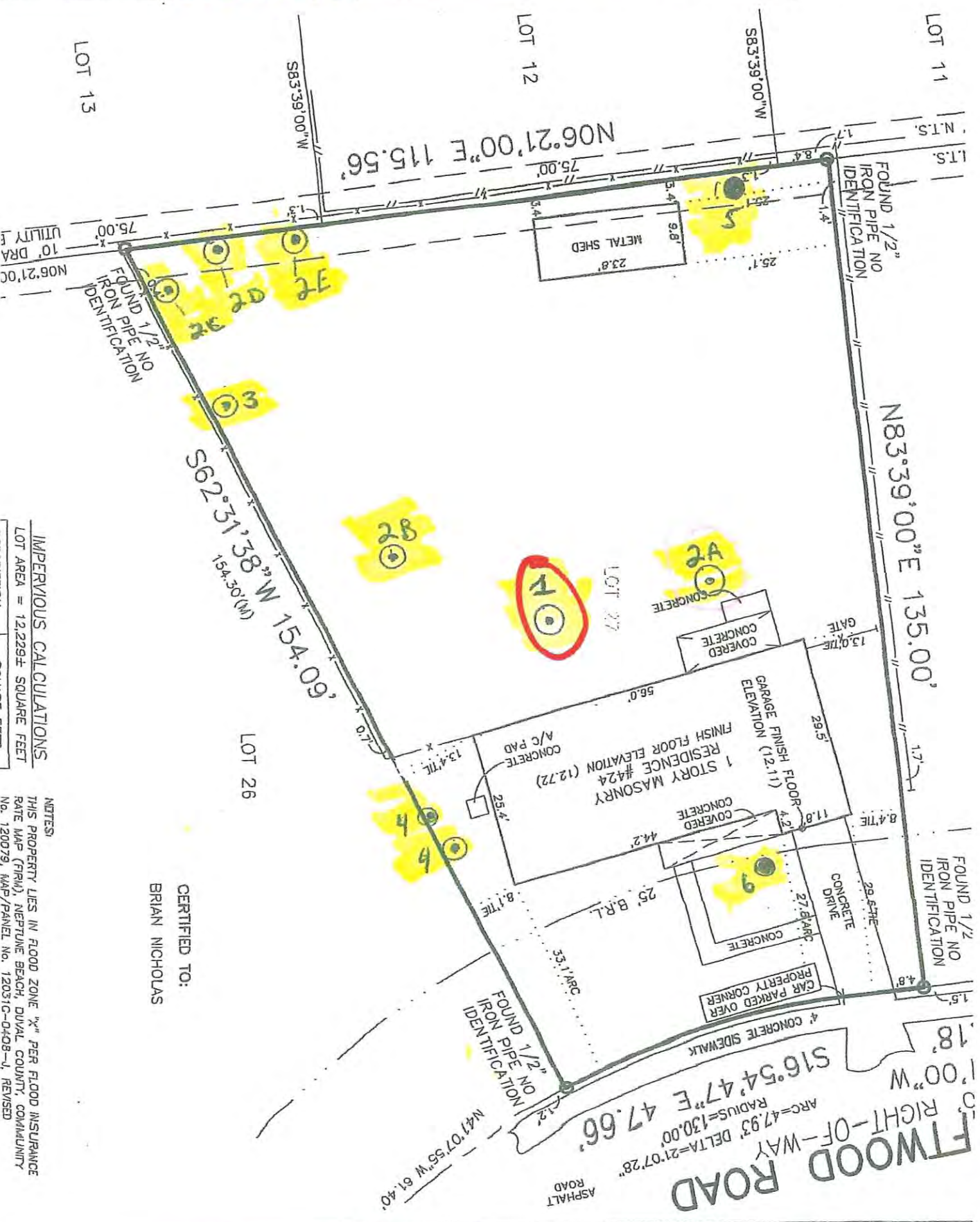
I am requesting approval to remove a 29" heritage Magnolia tree and additional trees listed in the attached Tree List. I recently purchased 424 Driftwood to build a new single-family residence, as the existing 1,470 sq.ft. house was beyond repair. The property is overgrown, with vines damaging mature trees creating hazardous dead limbs; several large stumps also need removal.

The new residence will total 3,576 sq.ft. (2,636 sq.ft. enclosed, 940 sq.ft. unenclosed), with a 34% impervious area including driveway and sidewalk. The Magnolia tree is located in the center of the new home's footprint and cannot be retained; a 21" chinaberry tree must also be removed. Adjacent property owners support the new construction.

Your approval is requested.

Attachments:

1. Tree Survey with former residence
2. Tree List for removal
3. Boundary, Topographic & Tree Survey by Durden Surveying (post demolition)
4. Site Plan for new construction



IMPERVIOUS CALCULATIONS
 LOT AREA = 12,229± SQUARE FEET

NOTES:
 THIS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), NEPTUNE BEACH, DUVAL COUNTY, COMMUNITY No. 120079, MAP/PANEL No. 12031C-0408-1, REVISED

CERTIFIED TO:
 BRIAN NICHOLAS

FTWOOD ROAD
 RIGHT-OF-WAY
 ARC=47.93° DELTA=21°07'28"
 RADIUS=130.00'
 1'00" W
 18' 0"

EXHIBIT 2

TREE LIST

202600097

424 Driftwood Tree Removal for demolition and rebuild of new single family residence

Tree Description ; see site survey for location trees to be removed

#1 **Magnolia**: 29 inch caliper. Located 15 feet of rear of existing residence and 56 off north property line. Tree sits in the middle of the footprint of the new residence which requires removal

HERITAGE TREE

#2A **Golden Rain** tree: 21 inch caliper. Located 15 feet of rear of existing residence and 18 feet off the north property line. Tree sits in the middle of the footprint of the new residence which requires removal. - CHINABERRY PER TREE SURVEY

#2B **Golden Rain** tree: 9 inch caliper. Located 32 feet from rear of the existing residence and 14 feet of the south property line. Tree is located in foot print of the proposed new residence which requires removal. - CHINABERRY PER TREE SURVEY

#2C **Golden Rain** tree: 8 inch caliper. Located 6 feet off back property line and 2 feet off the south property line. The tree is an overgrown bush with several dead limbs and is a hazard. CHINABERRY PER TREE SURVEY

#2D **Golden Rain** tree: 11 inch caliper. Located 2 feet off back property line and 13 feet off the south property line. The tree is an overgrown bush with several deal limbs and is a hazard. CHINABERRY PER TREE SURVEY

#2E **Golden Rain** tree: 14 inch caliper. Located 3 feet off back property line and 27 feet of the south property line. The tree is over hanging the back yard and a falling hazard. CHINABERRY

#3 **Cherry Laurel** tree: 11 inch caliper with split trunk at 6 feet above grade. The tree is located on the south property line and 27 feet off the back property line. The tree hangs over in the adjacent property with several dead limbs. The new owner of 424 Driftwood and the adjacent property owned would like it removed as it is a hazard.

#4 **Cherry Laurel trees**. ^{OAK} Both trees located one foot off the south property line. Would like them removed. The tree of 11 inch caliper is 33 feet off front property line and the other 8 inch caliper is 41 feet from the front property line. Both have several rotted limbs causing a hazardous condition. Neighbor to the south wants them removed as well.

5 **Sylvester Palm**: 2 feet off back property line and 14 feet off the north property line. Will be retained after significant clean up of branches of this 18 foot tall palm.

6 **Sabal Palm**: 7 inch caliper. Located 9 feet from the front of the existing house and 22 feet off the north property line. Requires removal to accommodate the garage of the proposed residence



424 DRIFTWOOD
PRIOR TO DEMOLITION

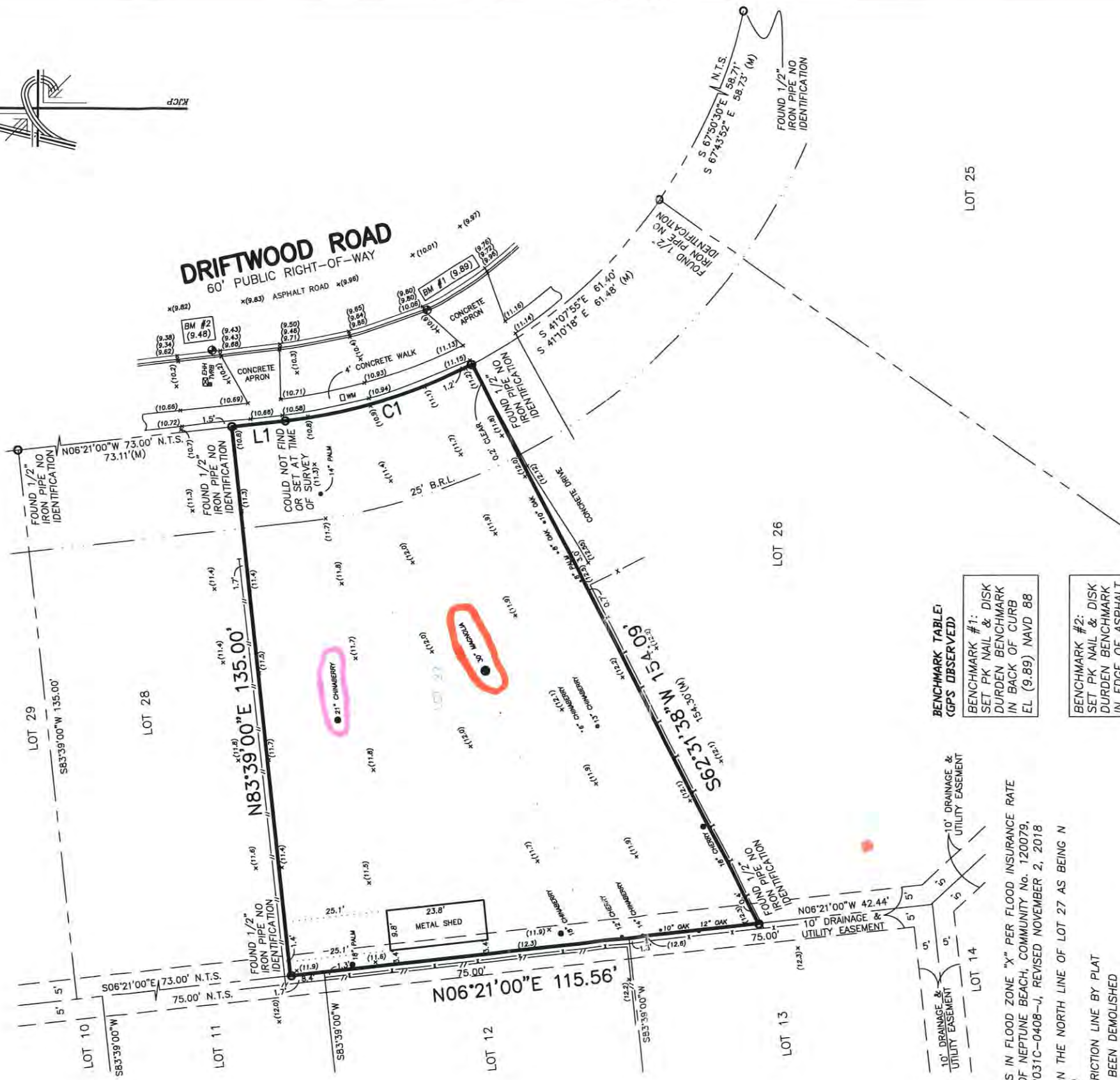
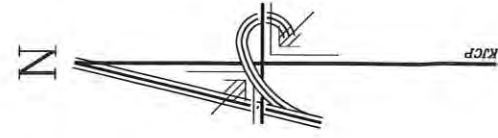


AERIAL VIEW OF
424 DRIFTWOOD
PRIOR TO DEMOLITION

EXHIBIT 3

MAP SHOWING BOUNDARY, TOPOGRAPHIC & TREE SURVEY OF:

LOT 27, BLOCK 1, OCEANWOOD REPLAT, AS RECORDED IN PLAT BOOK 31, PAGES 8 AND 8A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



BENCHMARK TABLE (GPS OBSERVED)

BENCHMARK #1:
SET PK NAIL & DISK
DURDEN BENCHMARK
IN BACK OF CURB
EL (9.89) NAVD 88

BENCHMARK #2:
SET PK NAIL & DISK
DURDEN BENCHMARK
IN EDGE OF ASPHALT
EL (9.48) NAVD 88

NOTES:
THIS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), CITY OF NEPTUNE BEACH, COMMUNITY No. 120079, MAP/PANEL No. 12031C-0408-J, REVISED NOVEMBER 2, 2018 BEARINGS BASED ON THE NORTH LINE OF LOT 27 AS BEING N 83°39'00" E (PLAT)

25' BUILDING RESTRICTION LINE BY PLAT
NOTE: HOUSE HAS BEEN DEMOLISHED

— N.T.S. DENOTES NOT TO SCALE
(M) DENOTES FIELD MEASURED BEARING/DISTANCE
ALL LOTS SHOWN HEREON LIE WITHIN BLOCK 1 EXCEPT AS NOTED
-X- DENOTES 4' CHAIN LINK FENCE EXCEPT AS NOTED
-//- DENOTES 6' WOOD FENCE EXCEPT AS NOTED
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR ABSTRACT OF TITLE. THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

L1: N06°21'00"W 13.18'
ARC=47.93' DELTA=21°07'28" RADIUS=130.00'
C1: S16°54'47"E 47.66'

CERTIFIED TO:
BRIAN NICHOLAS

UPDATED ON 12/31/2025 BOUNDARY, TOPO & TREE SURVEY



DURDEN
SURVEYING AND MAPPING, INC.
985 11TH AVENUE SOUTH
JACKSONVILLE BEACH, FLORIDA 32250
(904) 853-6822 FAX(904) 853-6825
DURDENSURVEYING@GMAIL.COM
LICENSED BUSINESS NO. 6696

I hereby certify that this survey meets the standards of practice as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code

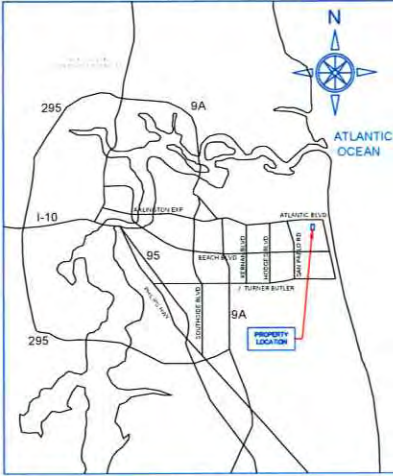
Bruce Durden, Jr.
FLORIDA REGISTERED SURVEYOR No. 4707
H. BRUCE DURDEN, JR.

SURVEYOR'S NOTE:
THE SURVEY HEREON WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE AND THEREFORE THE UNDERSIGNED AND DURDEN SURVEYING AND MAPPING, INC., MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT OR SEARCH OF TITLE. THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

FIELD: MAY 16, 2025
CAD FILE NO. L-27.B-1(424 DRIFTWOOD RD) UPDATE.DWG
SCALE: 1" = 30'
WORK ORDER NUMBER: 25597

B-10828

NICHOLAS RESIDENCE
424 DRIFTWOOD RD
NEPTUNE BEACH, FL. 32266



TOTAL SQUARE FOOTAGE	
1ST FLOOR (HEATING AND COOLING AREA)	2,636
ENTRY	116
COVERED LANAI	199
2 GARAGE	625
TOTAL S.Q.	3,576

SQUARE FOOTAGE OF ENCLOSED AND UNCONDITIONED	
ENCLOSED CONDITIONED (1ST FLOOR)	2,636
UNCONDITIONED (ENTRY, COVERED LANAI AND 2 GARAGE)	940

TOTAL AREAS PER SQUARE FOOTAGE	
A. AREA OF ALL ENCLOSED CONDITIONED SPACE	SQ 2,636
B. ALL UNENCLOSED SPACE	SQ 940
C. VOLUME OF ENCLOSED CONDITIONED SEE ENERGY REPORT, ADD ENERGY VOLUME HERE:	

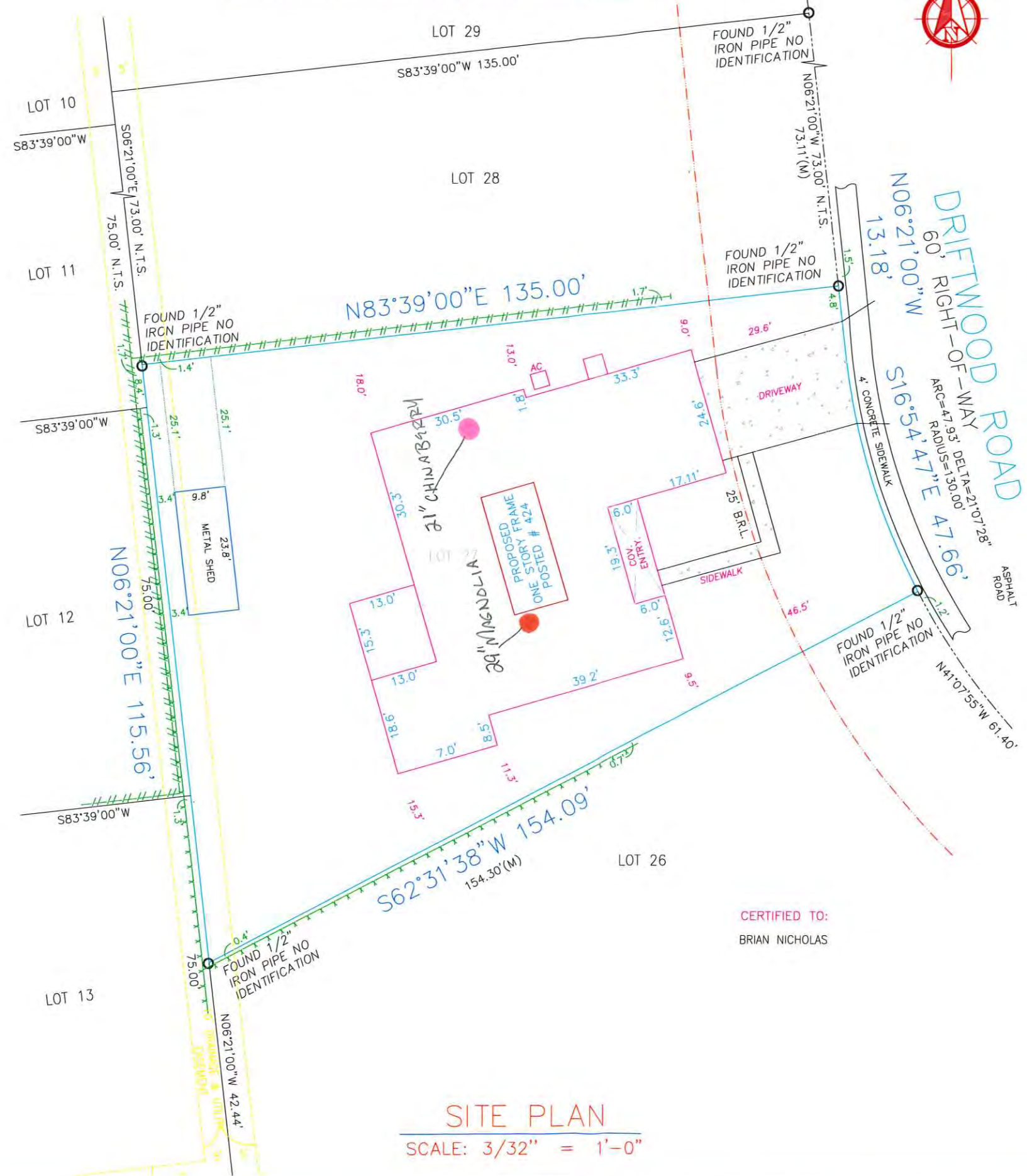
- NOTES:**
- THIS IS A CONCEPTUAL ARCHITECTURAL DRAWINGS AND THIS DESIGN NEEDS ENGINEERING PLANS.
 - BUILDER AND CONTRACTORS WILL BE RESPONSIBLE TO VERIFY ALL DIMENSIONS, FINISH FLOOR ELEVATIONS, PLATE HEIGHTS, NEW FRAMING WALLS, VERIFY AND ACCOMMODATE NEW PITCH, ROOF PLACEMENT AND ALL CONDITIONS OF THE JOB PRIOR TO CONSTRUCTION.
 - THE PURPOSE OF THIS PLANS IS TO BUILT A NEW HOUSE.

IMPERVIOUS AREA CALCULATION

TOTAL SQUARE FOOTAGE OF THE LOT	12,632.0
SQUARE FOOTAGE OF THE NEW HOUSE	3,576.0
DRIVE WAY AND SIDEWALK	671.0
AC PAD AND CONCRETE PAD	25.0
TOTAL SQUARE FOOTAGE	4,272.0
LOT COVERAGE PERCENT MAX. TO BUILD 750	
BUILDING COVERAGE IS 50% IMPERVIOUS 750	

- NOTES:**
- SET BACKS:
FRONT 20'
REAR 25'
SIDES 9' (EACH SIDE)
TOTAL HIGH TO BUILD 28'
- *SET BACKS ARE MEASURED TO THE FURTHERS PROJECTION ON SITE PLAN.
- *THIS SITE PLAN IS AN APPROXIMATE DESIGN BASED ON THE INFORMATION OBTAINED OF THE EXISTING SURVEY PLAN.
- *FOR INFORMATION OF FINISH FLOOR CERTIFICATION AND THE TYPICAL SURVEY PLANS WILL BE DONE BY OTHERS (SURVEY COMPANY WILL PROVIDE TYPICAL PLANS INFORMATION PER CITY REQUEST).
- *FOR THE STRUCTURAL INFORMATION, SEE ENGINEERING PLANS.
- *THE HEIGHT OF THE HOUSE SEE ELEVATIONS PLANS.
- *BUILDING TOTAL HEIGHT IS 20'-11".
- *FROM FINISH GRADE TO THE TOTAL HEIGHT IS 21'-7".

MAP SHOWING BOUNDARY SURVEY OF
LOT 8, ADMIRAL INLET, AS RECORDED IN PLAT BOOK 37, PAGES 78 & 78A,
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



SITE PLAN
SCALE: 3/32" = 1'-0"

CERTIFIED TO:
BRIAN NICHOLAS

REVISIONS	BY

AG DESIGN GROUP, LLC.
ANGEL E. GUERRERO
(904) 755-3051
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NICHOLAS RESIDENCE
424 DRIFTWOOD RD
NEPTUNE BEACH, FL 32266

CUSTOMER
NICHOLAS RESIDENCE

ADDRESS
424 DRIFTWOOD RD
NEPTUNE BEACH, FL

DESIGNED
A.G.

DATE
07.01.25

SCALE
AS NOTED

A-0
SHEET 2-8

2X18X4