

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2022-395-E**

5 AN ORDINANCE REZONING APPROXIMATELY 3.18± ACRES,
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 BERTHA
7 STREET, BETWEEN BISCAYNE BOULEVARD AND HARTLAND
8 ROAD (R.E. NO. 044153-0000), AS DESCRIBED
9 HEREIN, OWNED BY BNH DEVELOPMENT LLC, FROM
10 RESIDENTIAL LOW DENSITY-90 (RLD-90) DISTRICT TO
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
13 PERMIT SINGLE-FAMILY RESIDENTIAL USES, AS
14 DESCRIBED IN BERTHA STREET SUBDIVISION PUD; PUD
15 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER
16 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, BNH Development LLC, the owner of approximately 3.18±
21 acres located in Council District 7 at 0 Bertha Street, between
22 Biscayne Boulevard and Hartland Road (R.E. No. 044153-0000), as more
23 particularly described in **Exhibit 1**, dated March 7, 2022, and
24 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
25 (the "Subject Property"), has applied for a rezoning and
26 reclassification of that property from Residential Low Density-90
27 (RLD-90) District to Planned Unit Development (PUD) District, as
28 described in Section 1 below; and

29 **WHEREAS**, the Planning Commission has considered the application
30 and has rendered an advisory opinion; and

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice and

1 public hearing, has made its recommendation to the Council; and

2 **WHEREAS**, the Council finds that such rezoning is: (1) consistent
3 with the *2030 Comprehensive Plan*; (2) furthers the goals, objectives
4 and policies of the *2030 Comprehensive Plan*; and (3) is not in
5 conflict with any portion of the City's land use regulations; and

6 **WHEREAS**, the Council finds the proposed rezoning does not
7 adversely affect the orderly development of the City as embodied in
8 the Zoning Code; will not adversely affect the health and safety of
9 residents in the area; will not be detrimental to the natural
10 environment or to the use or development of the adjacent properties
11 in the general neighborhood; and will accomplish the objectives and
12 meet the standards of Section 656.340 (Planned Unit Development) of
13 the Zoning Code; now, therefore

14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Property Rezoned.** The Subject Property is
16 hereby rezoned and reclassified from Residential Low Density-90 (RLD-
17 90) District to Planned Unit Development (PUD) District. This new
18 PUD district shall generally permit single-family residential uses,
19 and is described, shown and subject to the following documents,
20 **attached hereto:**

21 **Exhibit 1** - Legal Description dated March 7, 2022.

22 **Exhibit 2** - Subject Property per P&DD.

23 **Exhibit 3** - Written Description dated May 3, 2022.

24 **Exhibit 4** - Site Plan dated March 5, 2022.

25 **Section 2. Rezoning Approved Subject to Condition.** This
26 rezoning is approved subject to the following condition. Such
27 condition controls over the Written Description and the Site Plan and
28 may only be amended through a rezoning:

29 (1) The new part of Bertha Street shall be built to City of
30 Jacksonville standards, or as otherwise approved by the Planning and
31 Development Department.

1 **Section 3. Owner and Description.** The Subject Property
2 is owned by BNH Development LLC and is legally described in **Exhibit**
3 **1, attached hereto.** The applicant is Reynold Peterson, 2670 Roselle
4 Street, Suite 8, Jacksonville, Florida 32205; (904) 551-4945.

5 **Section 4. Disclaimer.** The rezoning granted herein
6 shall not be construed as an exemption from any other applicable
7 local, state, or federal laws, regulations, requirements, permits or
8 approvals. All other applicable local, state or federal permits or
9 approvals shall be obtained before commencement of the development
10 or use and issuance of this rezoning is based upon acknowledgement,
11 representation and confirmation made by the applicant(s), owner(s),
12 developer(s) and/or any authorized agent(s) or designee(s) that the
13 subject business, development and/or use will be operated in strict
14 compliance with all laws. Issuance of this rezoning does not approve,
15 promote or condone any practice or act that is prohibited or
16 restricted by any federal, state or local laws.

17 **Section 5. Effective Date.** The enactment of this Ordinance
18 shall be deemed to constitute a quasi-judicial action of the City
19 Council and shall become effective upon signature by the Council
20 President and the Council Secretary.

21
22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Bruce Lewis

27 GC-#1511037-v1-2022-395-E