

**CITY OF LABELLE
ORDINANCE 2018-12
LABELLE LAND COMPANCY LLC REZONE**

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED AT 17 AND 43 NORTH LEE STREET AND 194 EAST HICKPOCHEE AVENUE, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION FROM DOWNTOWN BUSINESS DISTRICT (DBD) TO BUSINESS GENERAL (B-2); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of LaBelle has initiated a rezoning of real property, located along East Hickpochee Avenue and North Lee Street, City of LaBelle, Florida “the property” as described and depicted in Exhibit “A” and Exhibit “B”, attached hereto; and,

WHEREAS, after duly advertised public hearings held on November 8, 2018, before the LaBelle Local Planning Agency “LPA”, and on December 13, 2018 before the City Commission; and,

WHEREAS, the City Commission for the City of LaBelle has determined that the rezoning is in compliance with the land use designation of “Commercial” and approval of the rezoning application will further the goals and objectives of the City of LaBelle Comprehensive Plan; and,

WHEREAS, the City Commission for the City of LaBelle has determined the rezone of the property to B-2, is the most appropriate use of the property and this use will promote, protect and improve the health, safety, comfort, good order, appearance, convenience and general welfare of the public, while allowing for development patterns that support the travelling public along SR 80.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA, that:

1. The City Commission, after a first reading by title on November 8, 2018 and duly advertised public hearings of the Local Planning Agency on November 8, 2018 and City Commission on December 13, 2018, hereby rezones the property from zoning designation Downtown Business District (DBD) to General Commercial (B-2).
2. If any Court of competent jurisdiction shall determine any portion or provision of this ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the ordinance shall remain in full force and effect and given its ordinary meaning.
3. This ordinance shall be codified within The City of LaBelle Code and City of LaBelle Land Development Code.

4. This ordinance shall become effective upon the date of passage.
5. Any language within the City of LaBelle Code and/or City of LaBelle Land Development Code in conflict with the language or provisions contained herein is hereby declared null and void.
6. The City Commission hereby directs the Deputy Clerk to forward certified copies of this adopted ordinance within seven (7) days of the effective date hereof, to the Clerk of Circuit Court of Hendry County and the County Administrator for Hendry County.
7. In addition to the above notice, and as a public service, the City Commission hereby directs the Deputy Clerk to fax, email or hand deliver notification to the Hendry County Property Appraiser's Office, Hendry County Tax Collector's Office, Postmaster, Hendry County Sheriff's Office, E911 Office, Hendry County Supervisor of Elections and Hendry County Planning Office.

PASSED AND ADOPTED in open session this 13th day December, 2018.

THE CITY OF LABELLE, FLORIDA

By: _____

David A Lyons, Mayor

Attest: _____

~~Thomas A. Smith, Clerk-Commissioner~~

Mary Jo Wilson
Deputy City Clerk

EXHIBIT A

PARCEL 1: LOT 29, 30, 31, 32, 33, WEST 1/2 OF LOT 34, AND ALL OF LOT 39, AIKENS SUBDIVISION, BLOCK 42 OF THE CITY OF LABELLE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE(S) 3, OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

PARCEL 2: THE EAST ONE-HALF OF LOT 34: ALL OF LOTS 35 AND 36 AND THE WEST 125 FEET OF LOT 38, AIKENS SUBDIVISION, BLOCK 42 OF THE CITY OF LABELLE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE(S) 3 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

PARCEL 3: LOT 37 AND THE EAST 60 FEET OF LOT 38, AIKENS SUBDIVISION, BLOCK 42 OF THE CITY OF LABELLE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE(S) 3 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, LESS AND EXCEPTING A PORTION OF LOT 37, AIKENS SUBDIVISION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 37, AIKENS SUBDIVISION, IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 37; THENCE NORTH 00° 29' 58" WEST, 6.52 FEET ALONG THE WEST LINE OF SAID LOT 37 TO THE BEGINNING OF A CURVE TO THE LEFT: THENCE ALONG SAID CURVE HAVING A RADIUS OF 3,870.29 FEET, A CENTRAL ANGLE OF 00° 44' 32", AN ARCH LENGTH OF 50.14 FEET, THE CHORD FOR WHICH BEARS SOUTH 85° 18' 28" EAST TO THE END OF SAID CURVE: THENCE NORTH 46° 52' 34" EAST, 13.59 FEET TO THE EAST LINE OF SAID LOT 37; THENCE SOUTH 00° 30' 19" EAST, ALONG SAID EAST LINE 9.98 FEET TO THE SOUTHEAST CORNER OF SAID LOT 37: THENCE SOUTH 88° 21' 01" WEST, 59.95 FEET ALONG THE SOUTH LINE OF SAID LOT 37 TO THE POINT OF BEGINNING.

LOTS 28 AND 40, BLOCK 42, AIKENS SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 3, OF THE PUBLIC RECORDS HENDRY COUNTY, FLORIDA.

EXHIBIT B

