

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2019 - 15

RECORDED IN ORDINANCE BOOK XXI, PAGE 138

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, MAKING A ZONING DISTRICT BOUNDARY CHANGE FROM AGRICULTURE TRANSITIONAL (A-3) AND RESIDENTIAL LOW DENSITY (RG-1) TO RURAL RESIDENTIAL-WHEELER ESTATES (RR-WE) ON +/-1,707 ACRES; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Planning Agency of Hendry County has heretofore held a public hearing on March 20, 2019, on a petition filed by Hendry County Board of County Commissioners (HEARING NO. RZ19-0003), for +/- 1,707 acres; and has given its recommendation of approval to the Board of County Commissioners for the requested rezoning from A-3 and RG-1 to RR-WE set forth hereafter; and

WHEREAS, the Board of County Commissioners has held public hearings on May 28, 2019, and this day to hear any and all comments to the granting of said rezoning; and

WHEREAS, the Board finds the request consistent with the intent of the Hendry County Comprehensive Plan and finds the rezoning to be warranted by the facts, not contrary to the public interest and compatible with the zoning regulations in all other respects, and should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hendry County, Florida:

SECTION ONE. The zoning on the below described property ("Subject Property"), which is currently Agricultural Transitional (A-3) and Residential Low Density (RG-1), is hereby changed to the Rural Residential – Wheeler Estates (RR-WE) zoning district and legally described as:

Legal Description

LANDS LYING IN SECTIONS 6, 7, 18, 19, 30, & 31, TOWNSHIP 44 SOUTH, RANGE 28 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST HALF OF SECTION 6, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET;

AND

THE WEST HALF OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET;

AND

THE WEST HALF OF SECTION 18, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET AND THE SOUTH HALF OF THE SOUTHWEST 1/4;

AND

THE WEST HALF OF SECTION 19, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE FOLLOWING: THE EAST 350 FEET; THE NORTH 1/2; THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4;

AND

THE WEST HALF OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET;

AND

THE WEST HALF OF SECTION 31, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET AND THE SOUTH 300 FEET.

SECTION TWO. CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Hendry County Ordinance or Florida Statutes, the more restrictive shall apply.

SECTION THREE. SEVERABILITY

The provisions of the Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any Court of competent jurisdiction shall hold any provision of the Ordinance invalid or unconstitutional, the decision of such Court shall not affect or impair any remaining provisions of this Ordinance.

SECTION FOUR. SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners of Hendry County that sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or recodified copy of the same with the County Clerk.


SECTION FIVE. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its filing with the Secretary of State. Duly passed and adopted in Regular Session of the Board of County Commissioners of Hendry County, Florida this 18th day of June 2019.

ATTEST:


Barbara Butler, Clerk

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA


Mitchell Wills, Chairman

