

ORDINANCE 03-11

AN ORDINANCE REPEALING CITY OF MARCO ISLAND ORDINANCE 03-07 WHICH ADOPTED, SUBJECT TO A FUTURE EFFECTIVE DATE, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT PETITION SSCPA-03-01, ASSIGNING "COMMUNITY COMMERCIAL", FUTURE LAND USE DESIGNATION FOR A 0.38 ACRE PARCEL OF LAND DESCRIBED AS TRACT "L", MARCO BEACH UNIT 5; PROVIDING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 03-07, subject to a future effective date, relating to Small Scale Comprehensive Plan Amendment SSCPA-03-01, which proposed to amend the future land use designation for a 0.38 acre parcel of land described as Tract "L", Marco Beach Unit 5 from "Low Density Residential" to "Community Commercial"; said property more particularly described in said Ordinance 03-07; and

WHEREAS, although adopted, the effective date of Ordinance 03-07 as set forth in Section 2 of said Ordinance, was a future effective date based upon the effective date of a Small Scale Comprehensive Plan Amendment Ordinance (Ordinance 03-07) which has not become effective pursuant to the requirements of Section 163.3187 (3) (a), Florida Statutes; and the effective date provision of said Ordinance 03-07.

WHEREAS, the City received correspondence from the Department of Community Affairs (DCA) that the DCA does not believe the Small Scale Comprehensive Plan Amendment adopted meets the requirements under Section 163.3187 (1) (c), Florida Statutes, for such an amendment and is not effective; and

WHEREAS, in light of such correspondence the Small Scale Comprehensive Plan Amendment has not become effective in accordance with Section 163.3187 (3), Florida Statutes, and the effective date provision of Ordinance 03-07;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THAT:

SECTION 1. FINDINGS

The City Council hereby finds and determines the following with respect to the adoption of this Ordinance and the repeal of City of Marco Island Ordinance 03-07.

- (a) Ordinance 03-07 was adopted on April 7, 2003, but has not become a legally effective ordinance in accordance with the requirements of Section 2 of the Ordinance setting forth the effective date, or requirements of Section 163.3187 (3) (c), Florida Statutes, relating to Small Scale Development Amendments.
- (b) This repealing ordinance, as a legislative act, need only be fairly debatable in order to meet legal requirements.

SECTION 2: REPEAL IN ITS ENTIRETY OF ORDINANCE 03-07.

Ordinance 03-07, an ordinance subject to a future effective date, relating to Small Scale Comprehensive Plan Amendment Petition SSCPA-03-01 and a proposed amendment of the future land use designation for a 0.38 acre parcel of land described as Tract "L", Marco Beach Unit 5 from "Low Density Residential" to "Community Commercial"; said property more particularly described in said Ordinance 03-07; and

SECTION 3: SEVERABILITY CLAUSE.

If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4: EFFECTIVE DATE.

This ordinance repealing Ordinance 03-07 shall be and is effective immediately upon adoption by City Council at second reading of this Ordinance.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THIS 16th DAY OF June, 2003.



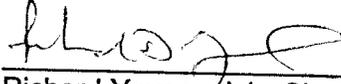
Michael F. Minozzi Jr., Chairman

Attest:

Approved as to form & legality:



Laura Litzan, City Clerk



Richard Yovanovich, City Attorney