

ORDINANCE 03- 09

AN ORDINANCE REPEALING CITY OF MARCO ISLAND ORDINANCE 03-04 WHICH ADOPTED, SUBJECT TO A FUTURE EFFECTIVE DATE, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT PETITION SSCPA-03-02, ASSIGNING "COMMUNITY COMMERCIAL" FUTURE LAND USE DESIGNATION FOR A 0.54 ACRE PARCEL OF LAND DESCRIBED AS THE EAST 300 FEET OF TRACT "C" (MORAN'S BARGE MARINA), MARCO BEACH UNIT 17; PROVIDING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 03-04, subject to a future effective date, relating to Small Scale Comprehensive Plan Amendment Petition SSCPA-03-02, and which proposed to amend the Future Land Use Map of the Comprehensive Plan from Preservation/Conservation to Community Commercial for property of Moran's Barge, said property more particularly described in said Ordinance 03-04.

WHEREAS, although adopted, the effective date of Ordinance 03-04 as set forth in Section 2 of said Ordinance, was a future effective date which would be extended in the event that the Comprehensive Plan Amendment was challenged by a petition filed in accordance with Section 163.3187 (3) (a), Florida Statutes; and

WHEREAS, a petition has been filed pursuant to Section 163.3187 (3) (a), Florida Statutes, challenging the City's adoption of the Comprehensive Plan Amendment, but at this time no administrative hearing has been conducted and no final order has been issued by the Administration Commission or the State Land Planning Agency as required by Section (3) (b), Florida Statutes; and

WHEREAS, accordingly, the Small Scale Comprehensive Plan Amendment has not become effective in accordance with Section 163.3187 (3) (c), Florida Statutes, and the effective date provision of Ordinance 03-04; and

WHEREAS, City Council, at the meeting of May 5, 2003, instructed staff to initiate efforts to rescind Ordinance 03-04.

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 03-04.

- (a) Ordinance 03-04 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 the requirements of Section 163.3187(3) (c), Florida Statutes, relating to Small Scale Comprehensive Plan Amendments.

- (b) The Petitioner, Moran's Barge, support the repeal of Ordinance 03-04 as evidenced by a letter from the Petitioner's agent, William G. Morris, Esquire dated May 5, 2003.
- (c) 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 03-04.

Ordinance 03-04, an ordinance subject to a future effective date, relating to Small Scale Comprehensive Plan Amendment Petition SSCPA-03-02 and a proposed amendment to the Future Land Use Map of the Comprehensive Plan from Preservation/Conservation to Community Commercial for property more particularly described in said ordinance, is hereby repealed in its entirety.

SECTION 3: SEVERABILITY CLAUSE.

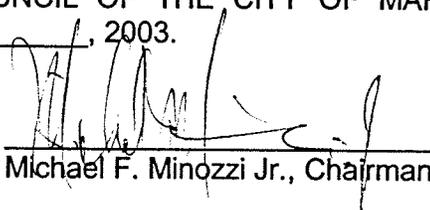
If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4: EFFECTIVE DATE.

This ordinance repealing Ordinance 03-04 shall be and is effective immediately upon adoption by City Council at second reading of this Ordinance.

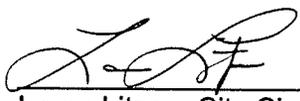
APPROVED AT FIRST READING THIS 2nd DAY OF June, 2003.

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