

ORDINANCE 03- 10

AN ORDINANCE REPEALING CITY OF MARCO ISLAND ORDINANCE 03-05 WHICH ADOPTED, SUBJECT TO A FUTURE EFFECTIVE DATE, PETITION R-02-02 CHANGING THE ZONING CLASSIFICATION 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; FROM "A-ST" TO "C-4" FOR REDEVELOPMENT OF A COMMERCIAL MARINA, RESTAURANT AND HOTEL; PROVIDING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 03-05, subject to a future effective date, relating to Planned Development Petition R-02-02, and which proposed to amend the zoning classification for a 0.54 acre parcel of land described as the east 300 feet of tract "C" from "A-ST" to "C-4" for redevelopment of a commercial marina, restaurant and hotel; particularly described in said Ordinance 03-05; and

WHEREAS, although adopted, the effective date of Ordinance 03-05 as set forth in Section 6 of said Ordinance, was a future effective date based upon the effective date of a Small Scale Comprehensive Plan Amendment Ordinance (Ordinance 03-05) 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 03-05.

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 03-05.

- (a) Ordinance 03-05 was adopted on April 7, 2003, but has not become a legally effective ordinance in accordance with the requirements of Section 6 of the Ordinance setting forth the effective date.
- (b) There is competent, substantial evidence to support the City Council's decision to repeal Ordinance 03-05.
- (c) The Petitioner, Moran's Barge, supports the repeal of Ordinance 03-05 as evidenced by a letter from the Petitioner's agent, William G. Morris, Esquire dated May 5, 2003.

SECTION 2: REPEAL IN ITS ENTIRETY OF ORDINANCE 03-05.

Ordinance 03-05, an ordinance subject to a future effective date, relating to Planned Development Petition R-02-02 and a proposed rezone of a 0.54 acre parcel of land described as the east 300 feet of tract "C" from "A-ST" to "C-4" for

redevelopment of a commercial marina, restaurant and hotel for property more particularly described in said Ordinance 03-05, is hereby repealed in its entirety.

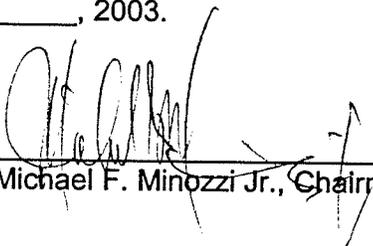
SECTION 3: SEVERABILITY CLAUSE.

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.

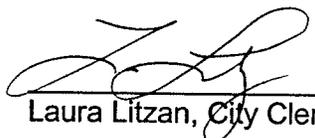
This ordinance repealing Ordinance 03-05 shall be and is effective immediately upon adoption by City Council at second reading of this Ordinance.

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:



Laura Litzan, City Clerk

Approved as to form & legality:



Richard Yovanovich, City Attorney