

## CITY OF COOPER CITY

### MEMORANDUM NO. 2022-013

TO: Mayor Greg Ross  
Members of the City Commission

CC: Joseph Napoli, City Manager  
Carlos Vega, Community Development Director  
Jason Chockley, Assistant Community Development Director  
Tedra Allen, City Clerk  
Captain Chris DeGiovanni, Broward Sheriff's Office

FROM: Jacob G. Horowitz, City Attorney *JGH*

DATE: June 7, 2022

RE: City of Cooper City ("City") / Royal Palm Ranches – Code Revisions

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On May 10, 2022, the Royal Palm Ranches Preservation Board ("Board") met to consider a proposed amendment to the bulk trash regulations for the Royal Palm Ranches community (the "Community"). As a follow-up to the Board meeting, the City Attorney's Office was asked to prepare an ordinance allowing for yard waste, tree trimmings and natural vegetation produced from the property being placed for bulk pick-up to be stored adjacent to the roadway for an unlimited amount of time prior to the designated pick-up day. All other items being placed for bulk pickup would be stored adjacent to the roadway for one (1) week prior to the designated pick-up day. In the researching and drafting of this ordinance, the City Attorney's Office has also identified a number of considerations for the City Commission pertaining to this Community.

#### I. BACKGROUND

In 2003, the City annexed the Royal Palm Ranches community from unincorporated Broward County. The annexation was approved by a referendum election which occurred on November 4, 2003.

The annexation process commenced in 2002 with a Local Bill submitted by then-Senator Steve Geller to the Broward County Legislative Delegation, along with an annexation package which included an agreement between Broward County, Cooper City, and the Property Owners of "Main Royal Palm Ranches" related to the "Annexation of the Royal Palm Ranches" Area (the "Annexation Agreement"). The City Attorney's Office and the City Clerk have not been able to locate an executed copy of the Annexation Agreement.

On September 30, 2003, the City Commission adopted Ordinance No. 2003-09-08, thereby submitting the proposed annexation to referendum and approving an agreement between the City and the residents of Royal Palm Ranches to provide for the future governance of the Community

(the “Pre-Annexation Agreement”). The City Attorney’s Office and the City Clerk have also not been able to locate an executed copy of the Pre-Annexation Agreement.

On September 30, 2003, the City Commission also adopted Ordinance No. 2003-10-04, thereby amending the City’s A-1 Agricultural Zoning District to more accurately reflect the Broward County standards for the potential annexation area.

The Annexation Agreement and Pre-Annexation Agreement are generally consistent. However, it is our understanding that Community has also been governed in accordance with those agreements since its annexation into the City.

The Pre-Annexation Agreement provides that the provisions of the Cooper City Code Section 23-76, establishing an “SRL, Special Residential Overlay District,” shall apply to the Community. The Pre-Annexation Agreement further provides, in part, as follows:

The Properties, considered collectively, will be considered a preservation area and in order to protect the rural atmosphere of the Properties, all Broward County land use and zoning classifications, rules and regulations that are applicable to the Properties on the effective date of the annexation shall be adopted by the City for the Properties. If the land use and zoning classifications, rules and regulations governing the Properties differ from those which exist in the City, the City shall modify its Codes no later than September 15, 2004 to enable the Properties to be maintained as they exist on the effective date of the annexation.

It is our further understanding that the City has taken the Broward County Zoning Code (“BC Zoning Code”), as it existed in 2003, and implemented that code as the governing and operative regulations for the Community. However, the City Attorney’s Office and the City Clerk have not located any action of the City Commission prior to September 15, 2004, or otherwise, in which the commission, in accordance with the Pre-Annexation Agreement, formally adopted the BC Zoning Code or amended the City’s Code of Ordinances to embrace the provisions thereof.

## II. PROPOSED CODE CHANGE AND CODE ENFORCEMENT

The Pre-Annexation Agreement provides for the creation of a Preservation Board, which shall be responsible for issuing recommendations on zoning changes to the City Commission. All residents in the Community are also entitled to receive written notification of all applications for zoning changes within the Community. While the Board’s jurisdiction under the Pre-Annexation Agreement is limited to zoning matters, it is our understanding that the City has utilized the Board as a mechanism to obtain resident input and direction on other matters which may affect the Community.

In accordance with this past practice and in an effort to obtain public input on this issue, the Preservation Board met on May 10, 2022, and recommended approval of a revision to the City Code to allow for yard waste, tree trimmings and natural vegetation produced from the property being placed for bulk pick-up to be stored adjacent to the roadway for an unlimited amount of time prior to pick-up day.

Section 8-26 of the City's Code of Ordinances regulates the placement of items for bulk pick-up. This provision, which is not a zoning regulation, applies citywide, including within the Community; and, the City has historically enforced this provision within the Community. Any revision to Section 8-26 of the City Code would directly impact all properties located within the City.

The City Attorney's Office is currently examining all available legal options to enact a code change which would apply specifically and only to the Royal Palm Ranches community. In order to do so, it may be necessary to establish an overlay zoning district within the Community which will provide for specific regulations for that Community. Alternatively, the City Commission could amend Section 23-76, as previously referenced, to address the proposed bulk trash revisions; however, any change to this section would apply to all communities within the SRL Special Residential Overlay District, including Lake Marantha Estates, as well as Royal Palm Ranches.

In the event that the City Commission elects to immediately implement the bulk trash code change recommended by the Preservation Board, the Commission could direct a temporary stay in the enforcement of Section 8-26 of the Code within the Community while the City Attorney's Office and the City's professional staff determine how best to effectuate this change through a formal amendment to the City's Code of Ordinances.

Please contact our office if there is any additional information that we can provide.