

ORDINANCE NO. 23-25

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING REZONING PETITION #Z 8-1-23; PROVIDING FOR THE REZONING OF THE APPROXIMATELY 2.4 ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N.W. 37TH STREET AND N.W. 100TH AVENUE (APPROXIMATELY ½ MILE SOUTH OF STIRLING ROAD) IN COOPER CITY, FLORIDA; REZONING THE SUBJECT PROPERTY FROM E-2, ESTATE DISTRICT (BROWARD COUNTY) TO E-1 ESTATE DISTRICT (COOPER CITY); PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Petition #Z 8-1-23 (the "Petition") has been submitted by Jarel and Michelle Lopez and Jamel and Ana Maria Lopez, (collectively, the "Applicant") to rezone the approximately 2.4 acres of real property generally located on the northwest corner of N.W. 37th Street and N.W. 100th Avenue, approximately ½ mile south of Stirling Road, (the "Property") from E-2 Estate District (Broward County) to E-2 Estate District (Cooper City) in order to construct two (2) single-family homes on a 1.34 and 1.15 acre lot(s) and apply 1 flex unit. A copy of the Petition is attached hereto as Exhibit "A;" and

WHEREAS, in 2003, the City of Cooper City (the "City") annexed the Royal Palm Ranches community from unincorporated Broward County; and

WHEREAS, 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 governing of the community (the "Pre-Annexation Agreement"); and

WHEREAS, 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; and

WHEREAS, the Pre-Annexation Agreement provided that the provisions of the Cooper City Code Section 23-76, establishing an “SRL, Special Residential Overlay District,” shall apply to all of the properties annexed into the City; and

WHEREAS, the Pre-Annexation Agreement further provides, 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.

WHEREAS, the City’s professional staff has reviewed the Petition and confirmed that it meets the minimum sufficiency requirements for consideration by the City Commission, as set forth in greater detail in the staff report attached hereto as Exhibit “B” and incorporated herein; and

WHEREAS, the Royal Palm Ranches Preservation Board considered the Petition for rezoning of the Property on November 1, 2026 and recommended approval; and

WHEREAS, the Planning and Zoning Board of the City of Cooper City considered the Petition for rezoning of the Property on November 6, 2023 and recommended approval; and

WHEREAS, in accordance with the Pre-Annexation Agreement, any and all municipal enactments that may affect a change in the Properties in the Royal Palm Ranches community must be approved by a super-majority (4/5) vote of the City Commission; and

WHEREAS, the City Commission of the City of Cooper City (“City Commission”) has conducted a public hearing in accordance with Florida law; and

WHEREAS, after said hearing, the City Commission deems it to be in the best interests of the citizens and residents of the City of Cooper City that the Property be rezoned from E-2 Estate District (Broward County) to E-2 Estate District (Cooper City) in order to construct two (2) single-family homes on a 1.34 and 1.15 acre lot(s) and apply 1 flex unit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1: **RECITALS ADOPTED.** That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereof.

Section 2: That the Petition is hereby granted; to rezone the approximately 2.4 acres of real property generally located on the northwest corner of N.W. 37th Street and N.W. 100th Avenue, approximately ½ mile south of Stirling Road, (the “Property”) is hereby rezoned from E-2 Estate District (Broward County) to E-2 Estate District (Cooper City) in order to construct two (2) single-family homes on a 1.34 and 1.15-acre lot(s) and apply 1 flex unit.

Section 3: Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 4: The amendment set forth in Section 2 hereof shall be entered in the official zoning map of the City of Cooper City, by the Community Development Director, subsequent to the effective date of this Ordinance.

Section 5: All sections or parts of the Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflicts.

Section 6: Should any section or provision of this Ordinance, or any portion thereof, of any paragraph, sentence or word, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or a part thereof other than the part declared to be invalid.

Section 7: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2023.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2023.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN, MMC
City Clerk

Approved As To Legal Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____