

**ORDINANCE NO. 23-1**

**AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, PERTAINING TO THE SUBJECT OF PUBLIC NOTICE; AMENDING CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION," BY SPECIFICALLY AMENDING ARTICLE XI, SECTION 2-273 ENTITLED "PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS;" AMENDING CHAPTER 22 ENTITLED "PLANNING AND PUBLIC FACILITIES;" BY SPECIFICALLY AMENDING ARTICLE I, SECTION 22-3 ENTITLED "AMENDMENT TO FUTURE LAND USE ELEMENT;" AMENDING CHAPTER 23, ENTITLED "ZONING DISTRICTS;" BY SPECIFICALLY AMENDING ARTICLE VI, SECTION 23-152 ENTITLED "CONDITIONAL USE;" AND SECTION 23-153 ENTITLED "VARIANCE;" AMENDING CHAPTER 24 ENTITLED "SUBDIVISION AND SITE PLAN REVIEW;" BY SPECIFICALLY AMENDING ARTICLE IV, SECTIONS 24-70 – 24-71 ENTITLED "NONCONFORMITIES ASSOCIATED WITH THE EXPANSION OF STATE ROADS WITHIN THE CITY" AND "NONCONFORMITIES ASSOCIATED WITH EXPANSION OF COUNTY ROADS WITHIN THE CITY;" PROVIDING FOR ADDITIONAL NOTICE FOR QUASI-JUDICIAL PROCEEDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Cooper City ("City") seeks to amend the notice requirements for land development applications in the City to expand the radius for public notice; and

**WHEREAS**, the City Commission also seeks to notify established homeowners associations and condominium associations with public notice in the public interest; and

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**WHEREAS**, the City Commission finds that amending these notice provisions is in the best interests of the citizens and residents of the City.

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

**SECTION 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2.** City Code Amended. That Chapter 2, entitled “Administration,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Article XI, Section 2-273, entitled “Procedures for Quasi-judicial proceedings,” subsection (b)(2) as follows:

**Sec. 2-273. - Procedures for quasi-judicial proceedings.**

*(b) Notification and required forms to be completed by affected person(s), the petitioner and the City.*

(2) No later than 14 calendar days prior to the proceeding, a mail notice containing the same information as the legal advertisement shall be sent to Homeowners Associations and Condominium Associations and each real property owner within seven hundred (700) feet of the subject property as each is listed in the records of the county property appraiser. Mail notice may be provided by bulk mail, first class mail, or certified mail, return receipt requested. Mailed notice shall be provided to the Homeowners Association or Condominium Association if any residential property within seven hundred (700) feet is located within such association.

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**SECTION 3. City Code Amended.** That Chapter 22, entitled “Development Standards,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Article I, Section 22-3, entitled “Amendment to future land use element,” subsection (c)(2) as follows:

**Sec. 22-3. - Amendment to future land use element.**

(c) *Public notice.* .....

(2) The City Clerk shall notify all Homeowners Associations and Condominium Associations and persons owning property within seven hundred (700) feet of the property, as set forth on the county tax rolls, and adjacent cities, of the dates of the public hearing before the City Commission and of the final review by the Planning and Zoning Board. Said notice shall be delivered via U.S. mail.

**SECTION 4. City Code Amended.** That Chapter 23, entitled “Zoning Districts,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Article VI, Section 23-152, entitled “Conditional use,” subsections (c)(4); (c)(5); and (d)(2) as follows:

**Sec. 23-152. - Conditional use.**

(c) *Application.* Applications for conditional use approval shall be subject to the following provisions.

(4) It shall be the responsibility of the applicant to furnish, at the applicant's expense, a certified list of all Homeowners Associations and Condominium Associations and property owners within a seven hundred (700) foot radius of the boundaries of the subject property. This list must be certified by a licensed title company or other qualified individual, and the applicant will be responsible for the

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accuracy of the list of property owners. The list must be submitted to the City Clerk at the time of the filing of the application. The list of property owners must be dated and certified to a date not exceeding 30 days prior to the date of filing of the application.

(5) It shall be the responsibility of the applicant to furnish, at the applicant's expense, a map showing all property within a seven hundred (700) foot radius of the boundaries of the subject property.

(d) *Review procedure.* Applications for approval of a conditional use shall be subject to the following review procedures.

(2) *Review by Planning and Zoning Board.* Within a reasonable time of the receipt of the application, the Planning and Zoning Board shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

a. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City, notice of the hearing shall be posted on the subject property and all Homeowners Associations and Condominium Associations and property owners within a seven hundred (700) foot radius of the boundaries of the subject property shall be notified by certified and/or ordinary first class mail at least 15 days in advance of the hearing, provided, that where the applicant is the owner of land not included in the application, and the land not included is a part of or adjoins the parcel for which the conditional use is requested, the seven hundred (700) foot requirement shall be measured from the

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boundaries of the applicant's ownership, including the land not covered by the application.

b. Within 30 days of the public hearing, the Planning and Zoning Board shall submit a report and recommendation to the City Commission.

**Section 5. City Code Amended.** That Chapter 23, entitled “Zoning Districts,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Article VI, Section 23-153, entitled “Variance,” subsection (e)(2) as follows:

**Sec. 23-153. - Variance.**

*(e) Notification.*

(2) The City Clerk shall send notice of the aforesaid Planning and Zoning Board meeting and City Commission public hearing by first class United States mail to each Homeowners Associations and Condominium Associations and owner of real property located within seven hundred (700) feet of the property on which the variance is requested. Notice of said meetings shall also be sent, via certified mail, to the petitioner.

**SECTION 6. City Code Amended.** That Chapter 24, entitled “Subdivision and Site Plan Review,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Article IV, Section 24-70, entitled “Nonconformities associated with the expansion of state roads within the city,” subsection (c)(4)(a) and(c)(5)(c) as follows:

**Sec. 24-70. - Nonconformities associated with the expansion of state roads within the City.**

*(c) Application.*

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(4) *Review by the Planning and Zoning Board.* Within 20 working days after the application is determined complete, or as soon as possible thereafter, the Planning and Zoning Board shall review the application and recommend approval or denial of the application based on the substantive standards established in this section. The Planning and Zoning Board may attach conditions to its recommended approval.

a. Notice of the board meeting shall be mailed by first class mail to Homeowners Associations and Condominium Associations, the property owner, the Department of Transportation and the owners of each property within seven hundred (700) feet of the affected property which fronts on (or is situate to) the same side of the state road as the affected property as their names and addresses are disclosed by the most recent county ad valorem real property tax roll. Notice of the board meeting will also be directed by first class mail to the lessees and any business owners in possession of property as described in the application. This notice shall be placed in the mail at least 14 calendar days before the meeting. ....

(5) After board review, the plan and board recommendations may be considered by the City Commission.

c. Notice of the City Commission meeting shall be given by first class mail to Homeowners Associations and Condominium Associations, the subject property owner, the Department of Transportation, and the owners of adjacent property within seven hundred (700) feet of the property for which the application is sought as their names and addresses are disclosed by the most recent county ad valorem

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real property tax roll. Notice shall also be given to the lessees and business owners possessing any portion of the property as their names and addresses appear on the application. This notice shall be placed in the mail at least 14 calendar days before the meeting. The agenda for the City Commission meeting will be posted at City Hall at least seven business days in advance of the date of the meeting. ....

**SECTION 7. City Code Amended.** That Chapter 24, entitled “Subdivision and Site Plan Review,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Article IV, Section 24-71, entitled “Nonconformities associated with expansion of county roads within the city,” subsection (c)(4)(a) and (c)(5)(b) as follows:

**Sec. 24-71. - Nonconformities associated with expansion of county roads within the City.**

(c) Application.

(4) *Review by the Planning and Zoning Board.* Within 20 working days after the application is determined complete, or as soon as possible thereafter, the Planning and Zoning Board shall review the application and recommend approval or denial of the application based on the substantive standards established in this section. The Planning and Zoning Board may attach conditions to its recommended approval. ....

a. Notice of the board meeting shall be mailed by first class mail to Homeowners Associations and Condominium Associations, the property owner, the county and the owners of each property within seven hundred (700) feet of the affected property which fronts on (or is situate to) the same side of the road as the

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affected property as their names and addresses are disclosed by the most recent county ad valorem real property tax roll. Notice of the board meeting will also be directed by first class mail to the lessees and any business owners in possession of property as described in the application. This notice shall be placed in the mail at least 14 calendar days before the meeting. ....

(5) After board review, the plan and board recommendations may be considered by the City Commission. ....

b. Notice of the City Commission meeting shall be given by first class mail to Homeowners Associations and Condominium Associations, the subject property owner, the county, and the owners of adjacent property within seven hundred (700) feet of the property for which the application is sought as their names and addresses are disclosed by the most recent county ad valorem real property tax roll. Notice shall also be given to the lessees and business owners possessing any portion of the property as their names and addresses appear on the application. This notice shall be placed in the mail at least 14 calendar days before the meeting. The agenda for the City Commission meeting will be posted at City Hall at least seven business days in advance of the date of the meeting. ....

**SECTION 8. Conflict.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

**SECTION 9. Severability.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,

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such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**SECTION 10. Codification.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**SECTION 11. Effective Date.** This Ordinance shall become effective upon passage and 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, CMC

Approved as to Legal Form:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

**ROLL CALL**  
Mayor Ross \_\_\_\_\_  
Commissioner Green \_\_\_\_\_  
Commissioner Katzman \_\_\_\_\_  
Commissioner Mallozzi \_\_\_\_\_  
Commissioner Shrouder \_\_\_\_\_