

ORDINANCE NO. 25-08

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 21 OF THE CITY'S CODE OF ORDINANCES, ENTITLED, "UNIFIED LAND DEVELOPMENT CODE;" BY SPECIFICALLY AMENDING SECTION 21-6, ENTITLED "ENFORCEMENT AND PENALTIES;" PROVIDING FOR THE ENFORCEMENT OF THE CITY'S UNIFIED LAND DEVELOPMENT CODE THROUGH THE CODE ENFORCEMENT PROCESS PURSUANT TO CH. 162, F.S.; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 21 through Chapter 25 of the City of Cooper City Code of Ordinances is referred to as the City's "Land Development Code;" and

WHEREAS, the City Commission seeks to establish a process to enforce development orders and other approvals granted pursuant to the Land Development Code through Ch. 162, F.S.; and

WHEREAS, the intent of the City Commission in establishing an enforcement process pursuant to Ch. 162, F.S., is to ensure compliance with the commission's development approvals and to afford property owners sufficient time to take corrective action that may be necessary to come into compliance with such orders; and

WHEREAS, the enforcement of development orders and approvals pursuant to Ch. 162, F.S., is not intended to be penal in nature; and

WHEREAS, in accordance with state law, the City has conducted a public hearing and considered public input; and

WHEREAS, the City Commission finds that amending the City’s Code of Ordinances to provide for the enforcement of development orders and approvals through Ch. 162, F.S., 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 21, entitled “Unified Land Development Code,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Section 21-6, entitled “Enforcement and Penalties” as follows:

Sec. 21-6. - Enforcement and penalties.

(A) Purpose. The intent of this section is to establish procedures and standards to ensure compliance with Chapter 21 through Chapter 25 of the City’s Code of Ordinances (collectively, the “Land Development Code” or “LDC”) and to provide for a process to correct violations thereof.

(B) Compliance Required. Compliance with all the procedures, standards and other provisions of the Land Development Code is required by all persons owning, developing, managing, using or occupying any land or structures in the City.

(C) Definition. For purposes of this section “development approval” shall mean the approval by the City Commission or the administrative approval of any development application including, but not limited to, site plans, conditional use or special exception approvals, land use or zoning approvals, variances, and covenants affecting real property.

(D) Approval limitation and duty to comply. A development approval issued under the provisions of the Land Development Code shall only authorize the specific use, arrangement, location, design, density, intensity or development set forth in such approval. Development approvals, including any conditions associated therewith, shall constitute continuing obligations that run with the land and shall be binding on current and future property owners.

(E) Failure to Comply. Any failure to comply with the standards, requirements, prohibitions or limitations imposed by this Land Development Code, or the

terms or conditions of any development approval or authorization granted in accordance with this LDC shall constitute a violation of the LDC. In addition, the failure to comply with any restrictive covenant required by the City as a condition of approval or any legislative or quasi-judicial matter shall constitute a violation of the City's Code of Ordinances and may be enforced pursuant to this section.

~~(A)~~(F) Enforcement. The violation of any development approval or provision of this Land Development Code shall constitute an offense against the City and may be enforced pursuant to Ch. 162, F.S., as may be amended from time to time, or in accordance with the general penalty provisions set forth in Sec. 1-8 of the City's Code of Ordinances.

~~(a) Any Enforcement Officer or person authorized by the Enforcement Officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of his duties imposed by this Land Development Code.~~

~~(b) The general agent, architect, builder, contractor, owner or tenant, or any other person who commits, takes part in or assists in any violation of this Land Development Code, or who maintains any premises in which any violation of this Land Development Code shall exist, shall be deemed guilty of a misdemeanor, except as otherwise specifically provided herein.~~

~~(c) In addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Land Development Code.~~

~~(d) The following penalty provisions shall apply throughout this Land Development Code, except as otherwise specifically provided.~~

~~(1) If a citation issued for violation of this Land Development Code shall be paid prior to the issuance of a notice to appear or municipal information, the fine shall be \$100.00. After the issuance of a notice to appear or municipal information the penalties provided in section 1-8 of this Code shall be applicable.~~

SECTION 3. 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 4. 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,

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 5. 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 6. Effective Date. This Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2025.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2025.

JAMES CURRAN
Mayor

ATTEST:

TEDRA ALLEN, CMC

Approved As To Legal Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Curran	_____
Commissioner Shrouder	_____
Commissioner Katzman	_____
Commissioner Mallozzi	_____
Commissioner Smith	_____