

ORDINANCE NO. 23-7

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," ARTICLE V ENTITLED, "BOARDS, COMMISSIONS AND COMMITTEES;" AMENDING SECTION 2-130, ENTITLED, "CREATING A PLANNING AND ZONING BOARD;" ESTABLISHING A QUASI-JUDICIAL PROCESS FOR THE BOARD'S CONSIDERATION OF LAND DEVELOPMENT MATTERS; PROVIDING FOR LEGAL REPRESENTATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 1.05 of the Cooper City Charter provides for the establishment of boards, authorities, commissions and agencies by the City Commission, including advisory boards; and

WHEREAS, Section 2-130 of the City's Code of Ordinances establishes the Planning and Zoning Board (the "Board") as an advisory body tasked with making recommendations on land development matters to the City Commission; and

WHEREAS, the City Commission seeks to amend Section 2-130 to establish quasi-judicial procedures for the Board's consideration of certain land development matters while maintaining the Board's role as an advisory body; and

WHEREAS, the City Commission finds that creating a quasi-judicial process for the Board will enhance the value of the Board's recommendations when being considered by the City Commission for a final decision; and

WHEREAS, the City Commission further seeks to ensure that the City Attorney's Office is available to provide guidance to the Board, as needed, during the Board's consideration of certain matters; and

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

WHEREAS, following proper notice to the public and after having received input and participation by interested members of the public and staff, the City Commission finds that the adoption of this ordinance is in the best interest of the citizens and residents.

NOW, THEREFORE, BE IT ORDAINED 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.

Section 2. **CHAPTER 2 OF CITY CODE AMENDED.** That Section 2-130, entitled “Creating a Planning and Zoning Board” of Article V “Boards, Commissions and Committees” of Chapter 2, entitled “Administration” of the City Code of the City of Cooper City, Florida, is hereby amended to read, as follows:

ARTICLE V. BOARDS, COMMISSIONS, AND COMMITTEES

(a) *Created.* There is hereby created an advisory board to the City Commission, known as the planning and zoning board, which shall consist of ten voting members.

(b) *Term.* ~~Appointments shall be made for up to a four year term. However, t~~The term of a member shall coincide with, and shall not extend beyond, the term of office of the City Commissioner who ~~recommended-appointed~~ that member for appointment, in accordance with Section 2-116(b) of the City’s Code of Ordinances.

(c) *Qualifications.* Applicants should be considered for appointment based upon their qualification to serve. Whenever possible, the Commission should appoint members with personal or professional experience in one or more areas of the Board's relevant jurisdiction.

(d) *Duties and responsibilities of Board.* The initial duties and responsibilities shall be:

CODING: Words in ~~strike-through~~ type are deletions from existing law;
 Words in underlined type are additions.

- (1) To recommend principles and policies, and community standards for facilities, buildings, and services which will direct the action affecting future development and growth of the City as a whole or a geographical or functional classification thereof;
- (2) To develop a comprehensive master plan for the corporate limits of the City and thus to acquire and maintain such information and materials as are necessary to an understanding of past and present conditions affecting the City;
- (3) To conduct such public hearings as may be required to gather information and public reaction necessary for the drafting, establishment, maintenance and recommendation of action to the Commission for adoption of comprehensive plans, and to conduct such public hearings as may be required in ordinances, codes and regulations related to plans made and their implementation;
- (4) To review proposed developments as defined in chapter 24 of this Code and determine whether the proposed plans conform to the principles and requirements of the planning program and all aspects of the City's land development regulations contained within this Code. The Board shall serve in an advisory capacity and recommend approval or denial of proposed development applications to the City Commission. Any development application subject to a quasi-judicial hearing by the City Commission shall be considered by the Board in accordance with the quasi-judicial procedures set forth in Chapter 2, Article XI of the City's Code of Ordinances;
- (5) To serve as the initiator for informing the Commission, the City and county departments and agencies, and the public of the continuing comprehensive planning program and its purpose and status;
- (6) To recommend to the Commission whatever action it has passed concerning the above;
- (7) To review applications for amendments or variances to the zoning regulations and requirements of the City as well as the comprehensive plan;
- (8) To review applications submitted pursuant to the provisions of chapter 18, tree preservation regulations, of this Code, and make recommendations to the City Manager and/or Commission, as appropriate;
- (9) The planning and zoning board is hereby designated the local planning agency for and on behalf of the City and is empowered to pursue and fulfill the requirements of the Local Government Comprehensive Planning Act of 1975 and any amendments thereto or hereafter made.

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

(e) *Absences.* To the extent that this provision may conflict with the provisions of section 2-116(b)(5), this provision shall apply only to the planning and zoning board. If any member of the Board has been absent from more than 33 percent of the regularly scheduled meetings in a 12-month period, or misses three consecutive meetings, the chairperson, the City Manager, or his/her designee, shall inform the Commission of same, in writing, so that appropriate action may be taken.

(f) *Representation of Legal Counsel.* At the request of the City Manager, or his/her designee, the City Attorney's Office shall attend Board meetings and serve as legal counsel to the Board. Matters being considered by the Board which may warrant attendance by the City Attorney's Office shall include, but not be limited to, amendments to the City's comprehensive plan, land use plan amendments, conditional use applications, variance applicants (except for minor residential variances), residential site plans greater than ten (10) acres, and non-residential site plans greater than two (2) acres.

Section 3. 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, and 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 4. 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 5. 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 6. This Ordinance shall become effective immediately upon its passage and adoption.

THE REST OF THIS PAEG HAS BEEN INTENTIONALLY LEFT BLANK.

{0055886.1 3451-0000000 }

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

**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 Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.