

**ORDINANCE NO. 23-6**

**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 21-8, ENTITLED "DEFINITIONS;" PROVIDING FOR A DEFINITION OF PERGOLAS; FURTHER AMENDING CHAPTER 23 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING DISTRICTS;" BY SPECIFICALLY AMENDING ARTICLE V, SECTION 23-82, ENTITLED "ACCESSORY BUILDINGS;" PROVIDING FOR THE INCLUSION OF PERGOLAS AS AN ACCESSORY BUILDING; PERMITTING THE INSTALLATION OF CANOPIES OR FIXED AWNINGS THREE (3) FEET FROM A PROPERTY LINE WHEN BEHIND A SIX (6) FOOT PRIVACY FENCE; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Cooper City (the "City") seeks to amend certain requirements related to accessory buildings; and

**WHEREAS**, the City's professional staff received input and recommendations from residents related to the revisions set forth in this ordinance; and

**WHEREAS**, the City Commission specifically seeks to permit the installation of pergolas as accessory buildings, and to establish certain regulations for canopies and fixed awnings; and

**WHEREAS**, on August 15, 2022, City's Planning and Zoning Board considered the amendments set forth herein, and unanimously recommended approval thereof; 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, as it relates to accessory buildings, 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 21-8, entitled “Definitions” as follows:

**Sec. 21-8 Definitions**

The following terms shall have the meanings ascribed herein, unless otherwise specifically indicated in this land development code or unless the context indicates otherwise. These definitions shall apply throughout this land development code.

...

*Gazebo or Pergola:* A free-standing roofed structure open on all sides.

**SECTION 3. City Code Amended.** That Article V, entitled “Supplemental Regulations,” of Chapter 23, entitled “Zoning Districts,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Section 23-82, entitled “Accessory Buildings” as follows:

**Sec. 23-82. - Accessory buildings.**

Accessory buildings shall be subject to the same regulations as the principal building on the lot, except as otherwise specifically provided in this Code, provided that the construction of accessory buildings on a lot designed, intended or used for a principal single-family or duplex dwelling shall be subject to the following supplementary regulations.

(a) The following accessory buildings shall be permitted:

(1) *Private garage.* A private garage may be constructed, provided it shall not be over 20 feet in height, nor shall it be constructed within required yards. No living quarters shall be permitted in a private garage.

(2) *Storage shed.* A storage shed may be constructed, provided it shall not be over eight feet in height, nor shall it measure larger than 100 square feet in overall size.

(3) *Chickee hut.* A chickee hut or other structure utilizing a thatched type roof not greater than 14 feet in height may be constructed, subject to the applicable provisions of the Florida Building Code, as same may be amended.

(4) *Gazebo or Pergola.* A gazebo or pergola may be constructed, provided it shall not be over 14 feet in height, nor shall it exceed 150 square feet in overall size.

(5) A storage shed, chickee hut ~~or~~, gazebo or pergola may be constructed within all required side or rear yard setbacks, provided that such accessory building shall not be constructed closer than six feet from the rear or side property line or the minimum required setback, whichever is less. Such accessory building may be ~~located closer than described hereinabove,~~ constructed three (3) feet from the rear or interior side lot line, provided there is a six foot high privacy fence constructed along the rear/interior side lot line, and further provided that if there are any easements within this area, easement releases/approvals must be obtained from responsible utilities and/or other appropriate agencies before a building permit may be issued. Such accessory building shall be counted in the calculation of building coverage.

(6) *Canopies or fixed awnings.* A canopy or fixed awning shall be defined as a permanent, non-retractable, unenclosed shelter attached to or extending from a building, or a free-standing permanent shelter made of fabric, plastic, vinyl or other non-rigid material, supported by a frame.

a. Canopies or fixed awnings may be constructed within required side or rear yard setbacks, provided that such accessory building shall not be constructed closer than six feet from the rear or side property line, or the minimum required setback, whichever is less. Canopies or fixed awnings may be constructed three (3) feet from the rear or interior side lot line, provided there is a six (6) foot high privacy fence constructed along the rear/interior side lot line, and further provided that if there are any easements within this area, easement releases/approvals must be obtained from responsible utilities and/or other appropriate agencies before a building permit may be issued. Such accessory building shall be counted in the calculation of building coverage.

b. Canopies or fixed awnings shall not exceed 14 feet in height.

(b) No accessory buildings shall be constructed, placed, or erected, or permitted to be constructed unless it is done at the same time or subsequent to the construction of the residence.

(c) No accessory building shall be built in the front yard.

(d) No more than two accessory buildings shall be constructed on any lot, provided the total area of accessory buildings shall not be greater than 35 percent of the rear yard area.

(e) All accessory buildings shall be maintained by the property owner free of any dirt, grime, stains, mold, mildew, peeling, rips, tears and free from any signs of deterioration.

**SECTION 4. 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 5. 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 6. 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 7. Effective Date.** This Ordinance shall become effective upon passage and adoption.

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**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 \_\_\_\_\_