



## CITY COMMISSION ORDINANCE/RESOLUTION

**TITLE:** Ordinance 23-7 (Commission)

**DESCRIPTION:** 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. – **Commissioner Katzman**

**RECOMMENDATION:**

Commissioner Katzman recommends approval of Ordinance 23-7, amending Chapter 2 to establish a Quasi-Judicial process for the Board's Consideration of Land Development Matters and providing for Legal Representation

**BACKGROUND OF ITEM:**

At the February 28, 2023 City Commission meeting the Commission discussed petitions that are significant enough for consideration on having representation from the City Attorney's Office present at P&Z meetings.

In regards to Cost Recovery and the use of the City Attorney, the Code currently states:

Sec. 2-242 Cost Recovery for City Attorney and outside consultant review.

A. Applications subject to cost recovery for costs for City Attorney and outside consultant review. The following types of applications authorized under Chapter 22, "Planning and Public Facilities", Chapter 23, "Zoning Districts", Chapter 24, "Subdivision and Site Plan Review," and Chapter 25, "Development Standards," shall be subject to the requirements of this section: comprehensive plan amendments, rezonings, variances, plats, and plat amendments, appeals of administrative decisions, land development regulation amendments, and conditional uses. The cost recovery charges required by this section shall not apply to applications that are initiated by the City.

B. Charges for additional review by the City Attorney and outside consultants. Where Community Development Director determines that an application subject to this section requires review by the City Attorney, which is anticipated to require in excess of a period of one (1) hour,

or requires review by an outside consultant hired by the City, the applicant shall pay a cost recovery deposit prior to further processing and review of the application. Persons who file any applications for which cost recovery is applicable and which necessitates additional review by the City Attorney or an outside consultant as provided for in this subsection shall pay, prior to or at the time that the application is filed, an initial cost recovery deposit which shall be credited toward the actual charges of the City Attorney or outside consultant which is incurred as the review proceeds. The amount of the initial cost recovery deposit for an application that is subject to this subsection shall be determined by the Community Development Director and shall be commensurate with the anticipated costs of review by the City Attorney and necessary outside consultant

**ANALYSIS:**

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 of the City's Code of Ordinances.

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 that may warrant attendance by the City Attorney's Office shall include, but not 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.

**STRATEGIC PLAN:**

N/A

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

Do not adopt Ordinance 23-7

**ATTACHMENTS:**

Ex.1 - Ordinance 23-7

Ex.2 – Sec. 2-130 City Code of Ordinances

## Workflow History



User	Task	Action	Date/Time
Allen, Tedra	NEW ITEM: Not Yet Routed	*COMPLETE: Forwar...	03/07/23 09:39 AM
Horowitz, Jacob	Assigned to Attorney	COMPLETE: Forwar...	03/07/23 12:31 PM
Napoli, Joseph	Assigned to City Manager	COMPLETE: Forwar...	03/07/23 12:46 PM
Allen, Tedra	Assigned to City Clerk	APPROVE ITEM: En...	03/07/23 12:58 PM
Allen, Tedra	END WORKFLOW - APPROV...		03/07/23 05:23 PM