



**Cooper City Commission Meeting
Agenda Item Request Form**

Date: 5/10/2016
Requesting Commissioner/Department: Growth Management
Commission Regular Meeting Date: May 24, 2016
Commission Workshop Meeting Date: N/A
BID/RFP # N/A New Renewal
Contract name/description: N/A

AGENDA

Presentation Consent Regular Discussion

BACKGROUND & RECOMMENDATION (attach backup material to Item Request Form)

Ordinance amending the City's Code to provide for the use of temporary housing during declared housing emergencies. On March 8, 2016 the City Commission directed Staff to bring back the item as an ordinance for final approval.

At the meeting on May 2, 2016, the Planning and Zoning Board recommended approval of the ordinance for transmittal to the City Commission for final approval.

GENERAL LEDGER ACCOUNT NUMBER(S) AND AMOUNT(S):

APPROVALS:

Finance Director _____

City Manager 

City Clerk _____

ORDINANCE NO. P16-7

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING ARTICLE V. EMERGENCY MANAGEMENT, AND CREATING SECTION 13-59(c) OF THE CITY OF COOPER CITY MUNICIPAL CODE OF ORDINANCES, TO PROVIDE FOR THE USE OF TEMPORARY HOUSING DURING DECLARED HOUSING EMERGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City, under its Home Rule authority, has the authority to regulate housing within the City of Cooper City; and

WHEREAS, in the event of a natural or man-made disaster or emergency, the City Commission finds that it will be in the best interest of the health, safety, and welfare of the citizens of the City of Cooper City to allow for the use of temporary housing; and

WHEREAS, the City Commission finds that the use of temporary housing requires proper permitting and regulation in order to insure that residents and neighborhoods are protected during the time of an emergency; and

WHEREAS, the City Commission finds that the adoption of this ordinance is in the best interest of the health, safety, and welfare of the residents of the City of Cooper City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, AS FOLLOWS:

Section 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2: That Article V. EMERGENCY MANAGEMENT, of the Cooper City Municipal Code of Ordinances be, and the same is hereby amended by enacting a new Section 13-59(c), Article V, entitled "Emergency Temporary Housing", to read and provide as follows:

Section 13-59(c). Emergency Temporary Housing

Section 13-59(c)(1). Housing Emergency Declaration

- a. Activation. Upon declaration of a state of emergency by the City Commission, and during the pendency thereof, the City Commission, as a part of the original declaration or at any time during the duration of a declared state of emergency, may, by resolution, declare a state of housing emergency for all or any part of the City.
- b. Areas Embraced. A Housing Emergency Declaration shall define the boundaries of all areas subject to the terms of this Section. The areas embraced may include the entire area of the City, or any part thereof. Further, it is hereby recognized and provided that the area embraced may include an individual home or homes which have been damaged by fire, flood or other cause.
- c. Termination
1. A Housing Emergency Declaration shall survive the termination of the Declaration of Emergency, and shall terminate, in whole or in part, only by formal action of the City Commission to amend or terminate the Emergency Housing Declaration.
 2. Partial Termination. Through the adoption of a resolution, the City Commissioners may amend the Housing Emergency Declaration to either expand or contract the areas embraced. The expansion or contraction of the areas embraced shall be supported by findings regarding the status of the housing stock in the area being considered.
 3. The status of the housing emergency shall be evaluated 90 days after its declaration and every 90 days thereafter as long as the Housing Emergency Declaration is in effect to determine if formal action by the City Commission is warranted to amend or terminate the Declaration.
- d. Effect of a Housing Emergency Declaration. Upon the activation of a Housing Emergency, the provisions of this Section shall become applicable in all the areas embraced by the Housing Emergency Declaration.

Section 13-59(c)(2). Regulatory Provisions

a. Definitions:

1. Essential Services: Services necessary to a basic standard of living and the general welfare of society. Services may include, but not be limited to the following: electrical services, gas services, water and wastewater treatment services.
2. Owner-Builder: Owners of property, when acting as their own contractor and providing direct, onsite supervision themselves of all work performed not performed by licensed contractors, when building or improving single-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease by the owner-builder within one (1) year after completion of same.

3. Pre-Fabricated Dwelling: A unit that is factory built or built on site from modular parts and generally does not have wheels.

4. Recreational Vehicle: A vehicle built on a single chassis, 400 square feet or less, designed to be self-propelled or permanently towable by a light duty truck, and designed as temporary living quarters for recreational, camping, travel, or seasonal use.

5. Temporary Housing: Temporary accommodations for individuals or families whose homes are made uninhabitable by an emergency or a major disaster that meets the physical accessibility needs of the household and includes essential services, access to areas for food preparation, and bath facilities in a context that allows a family to live together with a reasonable amount of privacy for a period generally up to 18 months.

6. Temporary Housing Unit: Manufactured housing, recreational vehicle, or pre-fabricated dwelling.

7. Wrap-Around Services: The delivery of infrastructure and additional essential services to address disaster-related needs of affected residents living in community sites. These services go beyond the physical need for housing or political subdivision of a State and typically include basic social services and access to utilities, transportation, grocery stores, and medical and employment facilities.

b. Single-Family or Two-Family Residential Parcels. Upon the activation of a Housing Emergency Declaration and subject to the conditions contained in this Section, temporary housing units may be used as temporary housing by individuals who have been displaced from their private, primary residence that is deemed uninhabitable due to damage from a disaster, given the following conditions. Such primary residence is defined as a parcel normally designated by the applicable future land use plan map and/or by the applicable zoning map as being a detached, single family residential parcel, or a parcel allowing a duplex residence.

1. A permit for a temporary housing unit must be obtained through the City of Cooper City Building Department.

2. The permit for a temporary housing unit shall be issued for no more than ninety (90) days. Permit extensions may be issued in ninety (90) day increments as warranted up to a maximum of eighteen (18) months.

3. A maximum of one (1) temporary housing unit for each housing unit legally established on the property will be allowed on an existing home site provided:

i. The housing unit located on the site has been declared uninhabitable by the City's Building Official or his/her designee.

ii. The water service and wastewater service must be properly connected to a functioning water service and sanitary sewer system or septic system in accordance with the codes in effect at the time. However, if connection to a functioning service is not feasible, other water and wastewater services may be utilized subject to the City's Building and Utility Departments' approval.

iii. Setback requirements will be waived for the temporary housing unit during the duration that the temporary housing unit is permitted. However, the temporary housing unit cannot extend into any adjacent public right-of-way, easement, or onto any adjacent property.

iv. Electrical service must be available on site and have a proper connection for each temporary housing unit.

v. Only a licensed contractor or an owner-builder will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical and mechanical service systems at the site.

4. An application for a building permit to repair the residential structure shall be submitted no later than sixty (60) days after issuance of the temporary housing permit. If a building permit to repair the permanent residential structure is not obtained within one hundred fifty (150) days after the issuance of the temporary housing unit permit, if unsafe or unsanitary conditions exist on the property that are attributable to the temporary housing unit, or if the property owner does not otherwise comply with the provisions of this section, the Building Official shall provide notice to the temporary housing unit permit holder of the Building Official's intent to revoke the permit. All written notifications from the Building Official of the intent to revoke the temporary housing unit permit shall provide the code section alleged to have been violated and provide a brief description of the nature of the violation and shall be in accordance with the notice provisions of Section 162.12, Florida Statutes. The notice shall state the following:

THE HOLDER OF THIS TEMPORARY HOUSING UNIT PERMIT SHALL HAVE TEN (10) DAYS FROM THE DATE OF THIS NOTIFICATION TO COME INTO COMPLIANCE WITH THE PROVISIONS OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES OR TO REQUEST A HEARING, IN WRITING, BEFORE THE COOPER CITY SPECIAL MAGISTRATE. IF NO WRITTEN REQUEST FOR A HEARING IS RECEIVED BY THE BUILDING OFFICIAL WITHIN TEN (10) DAYS AFTER THE DATE OF THIS NOTIFICATION, THE TEMPORARY HOUSING UNIT PERMIT SHALL BE CONSIDERED REVOKED.

5. The temporary housing unit must be removed from the property no later than thirty (30) days from the date of the issuance of the certificate of occupancy, or a certificate of completion for the residential structure, or upon expiration or revocation of the temporary housing permit.

6. The City of Cooper City Building Department has the right to revoke the temporary housing permit in the event there exists unsafe or unsanitary conditions on the property, or in the event the owner does not comply with the provisions of this Section.

Section 3. **Repeal.** That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 4. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Inclusion in the Code.** That it is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Cooper City; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6: That this Ordinance shall become effective immediately upon its passage and final adoption.

PASSED AND ADOPTED on First Reading this 24th day of May, A.D., 2016.

**PASSED AND FINAL ADOPTION on Second Reading this 21st day of June,
A.D., 2016.**

GREG ROSS
Mayor

ATTEST:

SUSAN POLING
City Clerk

Approved As To Form:

DAVID M. WOLPIN
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Sims _____
Commissioner Mallozzi _____
Commissioner Curran _____
Commissioner Green _____



PLANNING & ZONING ADVISORY BOARD



Minutes of May 02, 2016

Meeting Called to order at 7:00 p.m.

1. ROLL CALL

P&Z Board Members

MEMBERS	05/03/16	03/21/16	03/07/16	02/01/16	12/07/15	11/16/15	10/26/15	07/20/15	06/15/15
Elliot Weiner	P	P	A	P	A	P	P	P	P
Craig Konhauzer	P	P	P	P	P	P	P	P	A
David Rouse	P	P	P	P	P	P	P	P	P
Al Scotti	A	A	P	P	A	A	P	P	P
Charles Cutler	A	A	P	P	P	A	P	P	P
Matt Williamson	A	P	P	A	P	P	P	P	P***
Bobby Jenkins	A	A	P	P	A	P	P	P	P
Michael de Miranda	P	P	P	P	P	P	P	P	P
Michelle Stern	P	P	P	A	P	A	P	P	P
Mark Aronson, Chair	P	P	P	P	P	P	P	P	P

* Reappointed ** Resigned *** New appointment

STAFF PRESENT: Matt Wood, Director
Jason Chockley, Planner
Carlos Vega, Administrative Specialist

APPLICANT: Francesco Falchetti, from AA Signlines

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 03/21/16:** Motion to waive the reading of the minutes made by David Rouse and seconded by Michelle Stern. All ayes on voice vote. **MOTION WAS APPROVED.** Motion to approve the minutes made by Craig Konhauzer and seconded by Michael de Miranda. There were all ayes on voice vote. **MOTION WAS APPROVED.**

3. **CORRESPONDENCE:** None

4. **NEW BUSINESS:**

A. Dairy Queen Sign Waiver #SW 4-1-16

Chairman Aronson turned the item over to Mr. Wood and he proceeded to read the Staff report for item 4A Dairy Queen Sign Waiver # SW 4-1-16 hereby summarized as follows: Item 4A Sign Waiver # SW 4-1-16 is a petition seeking deviation from the adopted sign package for Stirling Palm Plaza which allows only white channel letters in bold sans serif font. The sign waiver request is to allow three substitute colors for the sign face - red, blue and gold. All other size and placement criteria of the sign code will continue to be met.

Chairman Aronson turned the meeting over to the Applicant to present their petition.

Victor Villa introduced himself representing AA Signlines. He proceeded to say that they concur with the staff's recommendation.

Chairman Aronson asked if there was any discussion. There was no discussion.

MOTION: TO APPROVE DAIRY QUEEN SIGN WAIVER # SW 4-1-16 – MOTION MADE BY CRAIG KONHAUZER AND SECONDED BY ELLIOT WEINER. THERE WERE ALL AYES ON ROLL CALL VOTE. MOTION WAS APPROVED.

4. **NEW BUSINESS:**

B. Proposed Code Change - Section 25-23 & 25-29 Permanent Sign and Sign Waiver Procedures.

Chairman Aronson said that we had discussed the fact that there really shouldn't be a need for nationally trademark brand to require a sign waiver and Mr. Wood has gotten us a proposed ordinance.

Chairman Aronson turned the item over to Mr. Wood and he proceeded to read a synopsis for item 4B Proposed Code Change - Section 25-23 & 25-29 Permanent Sign and Sign Waiver procedures hereby summarized as follows: Item 4B is an ordinance that updates the approval authority for shopping centers sign plans from the Community Appearance Board which was made years ago but it is still in the code to the Development Review Committee and the Planning and Zoning Board. It also allows for amendments to approved shopping center sign plans to be administratively approved which would be a staff level approval rather than making them go thru P&Z Board and Commission where they do not involve any sign waiver request. A sign waiver is deviation from code so basically it's a sign variance.

Ms. Stern asked if it is as long as they meet code.

Mr. Wood said correct. If it's a waiver then it would still have to go thru the process.

Mr. Wood continued the synopsis saying if there are any appeals of the administrative review and decisions, they would be appealed to the City Commission.

Chairman Aronson asked then the appeals wouldn't come thru us.

Mr. Wood said no.

Mr. Wood continued saying that this updates the fees for the sign waivers to the current fee schedules as there's some outdated fees that were still codified. Part two of the ordinance provides for administrative approval of sign waivers from established colors for trademarked or nationally recognized logos.

Mr. Wood said as far as waivers are concerned, the only proposal that we are making for administrative approval would be if they are involved with a trademark or nationally recognized logo. The last few petitions we've had have all been related to the argument that this is a nationally recognized logo and they want to just go with the established colors.

Ms. Stern said that collectively as a board we all kind of feel the same way when we talk about the national logos.

Chairman Aronson said if you remember this came up after the last sign waiver and I suggested that maybe we could do something and there seemed to be a consensus.

Mr. Wood said that is the way it is going to be presented to the Commission that it was at the recommendation of this board. Staff had previously discussed and suggested that we do this as well.

Chairman Aronson said that this is not anymore work for you because you have to do the application process anyways.

Mr. Wood said right it's less work.

Mr. Konhauzer asked if you see any friction coming from anybody.

Mr. Wood said we did bring it to the Commission for discussion and direction and they all thought it was a great idea. Basically it was brought before them and they said to go forth with the ordinance so that is what we are doing.

Ms. Stern asked if this is something you need us to make a motion to approve.

Mr. Wood said yes.

MOTION: TO APPROVE PROPOSED CODE CHANGE - SECTION 25-23 & 25-29 PERMANENT SIGNS AND SIGN WAIVER PROCEDURES – MOTION MADE BY MICHELLE STERN AND SECONDED BY CRAIG KONHAUZER.

Chairman Aronson asked if there was any further discussion on the motion.

Mr. de Miranda asked because this is an ordinance will this require a public hearing.

Mr. Wood said the ordinance will be a public hearing at the second reading of the ordinance at City Commission.

THERE WERE ALL AYES ON ROLL CALL VOTE. MOTION WAS APPROVED.

4. NEW BUSINESS:

C. Proposed Code Change - Section 13-59(c) Temporary Housing During Declared Emergencies.

Chairman Aronson said that this proposed ordinance was made at the request of the County that each municipality adopt this emergency housing ordinance.

Mr. Wood said that the County did suggest and that they were looking to try to get a consensus among all the cities to adopt a temporary disaster ordinance. Cooper City would be the 13th out of the 31 cities in Broward County to adopt. Not everyone has done it but everyone in starting to get on board. The idea is that this ordinance provides for use of temporary housing during declared housing emergency. The ordinance is activated upon declaration of a state of housing emergencies by the Cooper City Commission for all or a portion of the Cooper City limits. The status of that declaration is to be evaluated every 90 days. Temporary units such as manufactured housing, RVs or pre-fab (modular) units, may be used by persons displaced from the primary residence deemed uninhabitable in areas zoned only for single family or duplex units. A permit is required to place the temporary unit and only allowed for 90 days with 90 day extensions allowed up to 18 months max. A maximum of one (1) temporary unit is allowed, and it must have water, sewer and electrical service installed by a license contractor.

The application for the building permit to repair the home shall be made within 60 days of issuance of the temporary housing permit. If the permit to repair the principal unit is not obtained within 150 days, if unsafe conditions exist or if any other violations exist, the Building Official may revoke the temporary permit. If there's a process to revoke that permit they shall have 10 days to come into compliance from the date of Notice of Violation from the Building Official. Finally the temporary unit shall be removed within 30 days from C.O. for completion of the work on the permanent dwelling.

Mr. Wood said that this ordinance is basically 90% of what the county ordinance is, it's called a boiler plate that all the cities are adopting but we have tweaked it here and there and also looked at Coconut Creek Ordinance. This has been reviewed by the City Attorney for legal sufficiency and in fact they drafted the final form of it so we are recommending approval.

Mr. Konhauzer asked so it's a portable basically not really a trailer or could it be a trailer. Does it have to be a fixed or can it be on wheels?

Mr. Wood said it could be an RV but not a trailer.

Mr. Konhauzer said so how would I hook up to the sewer from an RV.

Mr. Wood said the RVs have the capabilities to be hooked up.

Chairman Aronson said that will be something you'll have to determine if it doesn't then your plumber or electrician will have to connect it.

Mr. Konhauzer said but in here it says you must have water, sewer and electrical so that is why I am asking the question, is that how it is written everywhere.

Mr. Wood said yes that language is across the board.

Ms. Stern said the very first bullet point talks about use of temporary housing during declared housing emergencies. Does that have to be a group or an area or is it one house. Let say someone's house catches on fire and has a severe fire that is declared an unsafe dwelling, is that home that caught on fire able to take use of this ordinance or is this only for like hurricanes.

Mr. Wood said the wording in the ordinance says that the Commission decides the all or a portion of the city so technically it could be one house but that's not the intent of the ordinance.

Chairman Aronson said that he doubts that Commission would do that.

Mr. Wood said that question came up at Commission when we were seeking direction whether they wanted to go forward with this.

Chairman Aronson said an example of this would be since Cooper City is small geographically, if a tornado touched down and destroyed one house then went into Davie maybe they could.

Mr. Rouse asked when it says you can only have the temporary unit for 90 days, once a permit is issued, do you anticipate a significant delay in issuing a permit if say three-quarters of the City is compromised. How long would it take for someone to get a permit.

Mr. Wood said that he thinks that the Building Department would basically be working in emergency mode, in fact they would probably stay open overtime if need be to expedite the permit process.

Chairman Aronson said during Hurricane Andrew they waived all kinds of requirements and issues.

Mr. Rouse said so you don't anticipate a delay.

Mr. Wood said absolutely not in fact it would be a priority.

Mr. Chockley said that the way the ordinance is written it can be evaluated every 90 days so obviously if it's a longer term than it would be extended.

Mr. de Miranda asked if during the original term the City decides to rescind and let say its evaluated every 90 days and at the end of that first 90 day term they say ok we are no longer in a state of emergency, is there severability for the temporary housing permits for those people that are still not able to move into their home even if the City pulls back the state of emergency.

Mr. Wood said the Commission would have the authority to extend for 90 days intervals if they feel that one area is complete but another area needed an extension they could do that.

MOTION: TO APPROVE PROPOSED CODE CHANGE - SECTION 13-59(c) TEMPORARY HOUSING DURING DECLARED EMERGENCIES – MOTION MADE BY MICHELLE STERN AND SECONDED BY DAVID ROUSE.

THERE WERE ALL AYES ON ROLL CALL VOTE. MOTION WAS APPROVED.

5. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Chockley said that the next anticipated meeting is going to be on June 6, 2016. This will more than likely be and advertised requirement for another garage enclosure variance after the fact. This was another one that came out right before they were getting ready to close and similar deal it was converted 20 years ago and then we may have one other item with it that doesn't require advertising we'll have to see. We have a couple of items still at DRC that we'll be following.

6. BOARD MEMBERS' CONCERNS:

Chairman Aronson asked if there were any Board Member Concerns: There were none.

7. ADJOURNMENT:

The Meeting adjourned at 7:19 p.m.