

ORDINANCE NO. O-2020-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING ARTICLE III, SECTION 24-45. – OS: OPEN SPACE DISTRICT; SUBSECTION (B) USES PERMITTED OF THE LAND DEVELOPMENT CODE TO INCLUDE ADDITIONAL TYPES OF CIVIC & CULTURAL BUILDINGS AND COMMUNITY FACILITIES AND/OR UTILITY USES IN THE OS: OPEN SPACE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Policy 1.11.2 of the City of Oakland Park Comprehensive Plan, provides that the City is to review and revise land development regulations to ensure the compatibility of adjacent land uses, providing for open space and protecting adjacent residential areas; and

WHEREAS, The City of Oakland Park desires to include additional types of civic & cultural buildings and community facilities and/or utility as permitted uses in the OS: Open Space District as provided for in the City's amended 2007 Comprehensive Plan;

WHEREAS, The Text Amendment to the land development code will accommodate the need for the City to ensure that the land development regulations provide for governmental development that includes buildings and uses that will enhance protection and support the public health, safety and welfare of the City;

WHEREAS, The City has examined best practices from other cities to determine appropriate methods to regulate physical characteristics of new development and those methods are used herein; and

WHEREAS, a proposal for this text amendment heard and considered before the Planning and Zoning Advisory Board of the City of Oakland Park, Florida and at the said public hearing all objections, if any, were heard;

WHEREAS, the City Commission finds it to be in the best interest of the residents and property owners of the City to update the Land Development Code with the amended text herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:

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 upon adoption thereof.

Section 2. Chapter 24, Article III, is hereby amended as follows:

37 **ARTICLE III. - DISTRICT REGULATIONS**

38
39 **Sec. 24-45. - OS: Open Space District.**

40 (A) *Purpose.* To accommodate and preserve the public open space and recreational
41 uses need to serve the residents of the area.

42
43 (B) *Uses permitted.*

44 (1) Permitted as a right if owned and operated by a governmental body and site plan
45 is approved in accordance with article XII.

46 (a) Passive recreational uses, including, but not limited to: nature centers and
47 trails, scenic areas, wildlife sanctuaries and feeding stations, aquatic
48 preserves and picnic areas.

49 (b) Golf courses which are intended to remain permanent open space.

50 (c) Camping ground and facilities.

51 (d) Cemeteries.

52 (e) Active recreational uses, including, but not limited to: tennis courts,
53 playgrounds, swimming pools, athletic fields and courts, beaches and
54 bikeways.

55 (f) Boat ramps and docks.

56 (g) Outdoor cultural, educational and civic facilities, including, but not limited to:
57 animal exhibits, habitats, bandshells and outdoor classrooms.

58 (h) Concessions only when accessory to the above uses. Examples of such
59 concessions are refreshment stands, pro shops, souvenir shops and rental
60 facilities.

61 (i) Civic and cultural buildings may be permitted if they are ancillary to the
62 primary recreation use of the site.

63 (j) Community facilities and utility uses, up to five (5) acres, provided that the:

64 a. Community facility and/or utility uses are publicly owned and intended to
65 serve a public purpose to promote health, safety and welfare;

66 b. The City of Oakland Park meets the minimum open space requirement
67 of 3 acres per 1,000 existing and projected permanent residents;

68 c. The proposed community facility or utility use is limited to no more than 5
69 acres and The City of Oakland Park demonstrates that sufficient and
70 functional open space serving the area residents will be retained.

71
72 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by
73 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
74 or invalid part shall be considered as eliminated and in no way affecting the validity of the
75 other provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

SECTION 5. It is the intention of the City Commission of the City of Oakland Park, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Oakland Park, Florida, and 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. This Ordinance shall be effective upon its passage and adoption by the City Commission of the City of Oakland Park.

**PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA,
ON FIRST READING, THIS , DAY OF , 2021.**

J. BOLIN	_____
M. CARN	_____
A. GORDON	_____
M. ROSENWALD	_____
M. SPARKS	_____

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND
PARK, FLORIDA, ON SECOND READING, THIS , DAY OF , 2021.**

CITY OF OAKLAND PARK, FLORIDA

108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128

MAYOR JANE BOLIN

J. BOLIN	_____
M. CARN	_____
A. GORDON	_____
M. ROSENWALD	_____
M. SPARKS	_____

ATTEST:

RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance (O-2020-XXX):

DONALD J. DOODY, CITY ATTORNEY