

ORDINANCE NO. O-2021-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA; AMENDING THE CITY'S LAND DEVELOPMENT CODE PROVIDING REGULATIONS FOR THE DOWNTOWN AREAS OF OAKLAND PARK BY REPLACING ARTICLE XX "DOWNTOWN MIXED USE DISTRICT," SECTIONS 24-254 THROUGH 24-284, IN ITS ENTIRETY WITH A NEW ARTICLE XX "OAKLAND PARK DOWNTOWN DEVELOPMENT DISTRICT (OP3D)" INCLUDING DEFINITIONS, LAND DEVELOPMENT REGULATIONS SUCH AS BUILDING HEIGHT, MINIMUM DWELLING UNIT SIZE, SETBACKS, DENSITY, FLOOR AREA RATIO, MINIMUM PERVIOUS AREA, LANDSCAPING, PARKING REQUIREMENTS, PERMITTED USES, DESIGN GUIDELINES AND OTHER REGULATORY PROVISIONS INCLUDING DEVELOPMENT REVIEW PROCEDURES, INTERIM REGULATIONS AND ADAPTIVE REUSE PROGRAM REQUIREMENTS. THE ORDINANCE CREATES FOUR NEW ZONING SUB-AREAS WITHIN THE OAKLAND PARK DOWNTOWN DEVELOPMENT DISTRICT (DOWNTOWN CORE, INTOWN NEIGHBORHOOD, WAREHOUSE FLEX, AND NORTH END TOWNHOME), FURTHER REGULATING THE LAND DEVELOPMENT REGULATIONS AND PERMITTED USES; THE ZONING DISTRICT REGULATIONS APPLY TO APPROXIMATELY 148.2 GROSS ACRES OF LAND DESIGNATED OAKLAND PARK LOCAL ACTIVITY CENTER BY THE CITY'S FUTURE LAND USE MAP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND 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;

WHEREAS, The City of Oakland Park initiated a planning effort to further develop the City's Downtown as a more vibrant, mixed-use, transit and pedestrian oriented area by examining its development potential and its development regulations and policies;

WHEREAS, This City's planning effort led to a proposed expansion of the area designated in the City's Comprehensive Plan as a Local Activity Center, the designation for Downtown, and a proposed overhaul the current Downtown Mixed Use District such that the current regulations, which have been in place for more than a decade could be more effective; 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; and

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

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

46 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
47 being true and correct and are hereby made a part of this Ordinance upon adoption
48 thereof.

49 **Section 2.** Chapter 24, Article XX is hereby repealed and replaced with text and
50 graphics as follows:

51 ARTICLE XX. - OAKLAND PARK DOWNTOWN DEVELOPMENT DISTRICT
52 (OP3D) REGULATIONS

53
54 Sec. 24-254. - Title.

55
56 These regulations shall be known as, cited as, and referred to as the "Oakland
57 Park Downtown Development District Regulations" or "OP3D."

58
59 Sec. 24-255. - Table of contents.

60
61 Sec. 24-256. Authority.

62 Sec. 24-257. Conflicts with other chapters and regulations.

63 Sec. 24-258. Purpose and intent.

64 Sec. 24-259. Definitions.

65 Sec. 24-260. Area of Oakland Park Downtown Development District

66 Sec. 24-261. Development regulations.

67 Sec. 24-262. Effective date.

68 Sec. 24-263. Street Classification.

69 Sec. 24-264. Districts and Sub-areas.

70
71 (A) District Sub Area Map

72 (B) Downtown Core (DC)

73 (a) Downtown Core East (DCE)

74 (b) Downtown Core West (DCW)

75 (C) Intown Neighborhoods (IN)

76 (D) Warehouse Flex (WF)

77 (a) Warehouse Flex North (WFN)

78 (E) Reserved

(F)North End Townhomes

- Sec. 24-265. Design Guidelines.
- Sec. 24-266. Downtown Development District (OP3D) Use List.
- Sec. 24-267. Accessory structures.
- Sec. 24-268. Non-conforming uses and structures.
- Sec. 24-269. Landscaping.
- Sec. 24-270. Bonus provision program.
- Sec. 24-271. Parking.
- Sec. 24-272. Fees.
- Sec. 24-273. Development review procedure.
- Sec. 24-274. Prohibited structures.
- Sec. 24-275. Offsite drainage.
- Sec. 24-276. Public art program.
- Sec. 24-277. Signage
- Sec. 24-278. Vision Clearance Triangles
- Sec. 24-279. Minimum transparent glazing on facades
- Sec. 24-289. Special Regulations for all areas of OP3D
- Secs. 24-281—24-284. - Reserved.

Sec. 24-256. - Authority.

These regulations are adopted pursuant to F.S. Ch. 163, Pt. II.

Sec. 24-257. - Conflicts with other chapters and regulations

When conflicts with other City of Oakland Park Land Development Code regulations occur, this Article XX shall take precedence. For subjects not contained in this article, the City of Oakland Park Land Development Code shall be utilized. All development within the OP3D shall be consistent with the Oakland Park Comprehensive Plan Local Activity Center. This Article XX and documents adopted by reference as part of this article also take precedence over the following regulations of the *Oakland Park Landscape and Streetscape Design Standards*, such that they are not applicable or are only applicable as amended herein:

- A. Section 1.A.8. Not applicable for parcels within the OP3D
- B. Section 1.C.1.a. For parcels within the OP3D, the 10-foot requirement is reduced to instead be the maximum feasible width

- possible to provide area for landscaping while accommodating buildings and required parking.
- C. Section 1.C.1.d. Not applicable for parcels within the OP3D
 - D. Section 1.C.1.e. Not applicable for parcels within the OP3D
 - E. Section 1.C.1.g. Not applicable for parcels within the OP3D
 - F. Section 1.C.1.h. Not applicable for parcels within the OP3D
 - G. Section 1.C.1.i. Not applicable for parcels within the OP3D
 - H. Section 1.C.2.a. For parcels within the OP3D, the 5-foot requirement is reduced to instead be the maximum feasible width possible to provide area for landscaping while accommodating buildings and required parking.
 - I. Section 1.C.2.b. For parcels within the OP3D, the 10' foot requirement is reduced to instead be the maximum feasible width possible to provide area for landscaping while accommodating buildings and required parking.
 - J. Section 1.C.3.h. Not applicable for parcels within the OP3D
 - K. Section 1.D.7.a. Not applicable for parcels within the OP3D
 - L. Section 3.A.2. Not applicable for parcels within the OP3D
 - M. Section 3.B.1. For parcels within the OP3D, an additional requirement applies that front yard fences shall be a minimum of 50 percent pass-through-open and no taller than 36 inches tall. Chain link fences are not to be permitted in the OP3D for any fence visible from a public right of way.
 - N. Section 3.C.2.c. Not applicable for parcels within the OP3D

Sec. 24-258. - Purpose and intent.

- (A) The purpose of these regulations is to create a structure for the redevelopment of "Downtown Oakland Park" as set forth in the Oakland Park Master Plan. Through a planning process it was determined that the Oakland Park Downtown Development District would be redeveloped based on a community vision, allowing mixed-use opportunities, encouraging desirable downtown redevelopment, fostering smart growth and economic development, a focus on transit, bike and pedestrian orientation, public parking and creating locations for public events and activities. These Downtown Development District Regulations set forth to carry out the Oakland Park Master Plan through city direction of building form, architecture, land uses, and addition of public amenities.

(B) The city commission deems it the interest of the public health, safety, morals, comfort and general welfare of the city and its residents to establish a general plan for the redevelopment of the city designated as the local activity center.

(C) The city commission of the City of Oakland Park finds that the enactment of this ordinance shall serve and better the public welfare and benefit the citizens and residents of the city providing for an orderly and structured development process for the area of the city designated as the Oakland Park Downtown Development District. In setting about to create the Downtown Development District, the city commission takes into account the findings, interpretations, and narrowing constructions incorporated in numerous cases and finds that:

(1) The enactment of this ordinance creating the Oakland Park Downtown Development District will serve to promote and benefit the welfare and safety of the city.

(2) The redevelopment of the area adjacent to the Dixie Highway and Oakland Park Blvd corridors which make up the Oakland Park Downtown Development District will serve the public welfare by creating and providing financial viability for the City of Oakland Park.

(3) The creation of the Oakland Park Downtown Development District will serve to protect and enhance the residential character of the city and promote the sense of community.

(4) Creation of the Oakland Park Downtown Development District will serve to conserve and protect property and property values and will secure an appropriate use of the land within the district to ensure that the long standing sense of community, an integral component of the City of Oakland Park, is preserved.

(5) The development capacities are summarized in a Building Requirements Table for each District which restrict buildings through a number of regulatory parameters including height, setbacks and open space. These regulatory parameters shall delineate the building envelope within which a building shall be designed to enable maximum creativity while maintaining a cohesive

197 urban fabric. In some instances, the building envelope may
198 limit the development capacity, and FAR and Density shall not
199 be maximized as defined in the Building Requirements Table
200 per District.

201 (6) Developments with more than one zoning designation (on
202 separate and discrete areas) are permitted. The development
203 capacity shall be calculated separately for each portion of the
204 site according to its respective Floor Area Ratio (FAR) and
205 density which may then be combined to determine the
206 maximum capacity for the entire site. Land use and
207 development shall be in conformance with the applicable
208 District Regulations for each portion of the site.

209
210 Sec. 24-259. - Definitions. The definitions included in this section apply to
211 the Oakland Park Downtown Development District. Definitions not included
212 in this list but found in other sections of the Land Development Code also
213 apply. Any definition is to be used as interpreted by the Director of
214 Economic and Community Development.

215
216 *Active use.* An indoor use designed for human occupancy as habitable
217 space with a direct view to adjacent streets or *public open space*.

218
219 *Active use liner.* An *active use* that serves to conceal uses designed for
220 *parking, utilities, storage*, and other non-habitable uses. Active liner uses
221 generally include, but are not limited to, commercial, residential, hotel, office
222 and commercial uses associated with *live/work*.

223
224 *Active use liner depth.* Is the minimum depth of an *active use liner*,
225 measured generally perpendicular to the *building frontage*. The *active use*
226 *liner* shall have a minimum depth of twenty (20) feet on the ground floor
227 where required. When a *parking structure* is the primary use, the *active use*
228 *liner* may be reduced to a minimum of fifteen (15) feet.

229
230 *Alteration.* Any change, rearrangement, enlargement, extension, or
231 reduction of any structure, or any change in a category of occupancy of a
232 structure.

233 Alteration includes any of the following:

- (1) Changes to the facade of a building;
(2) Changes to the interior of a building;
(3) Increases or decreases in floor area of a building;
(4) Changes to other structures on the zoning lot, or the construction of a new structure;
(5) Changes to exterior improvements; and
(6) Change in use.

Any change in size, shape, occupancy, character, or use of a building or structure.

Block. A combination of one or more building lots, the perimeter of which abuts streets on all sides. A block may contain alleys.

Bonus Provision. An additional amount of building *height*, intensity, or density achieved through bonus provisions of these regulations. The purpose of bonus provision is to provide public benefits. Bonus height is measured in a manner identical to that of *height*. The available development intensity and availability of bonus height varies by sub-area and location.

Buildings. Any principal or accessory structure, temporary or permanent, having a roof impervious to weather, including tents, awnings and cabanas, the use of which demands a permanent location on the land and used for the shelter or enclosure of persons, animals, or property of any kind. This does not include screened enclosures not having a roof impervious to weather,

Buildings, Temporary: A building installed or built such that it would be removed or relocated within 6 months of the date of installation or construction or a time limit based on a specific Government-acknowledged condition such as an active building permit.

Canopy. A roof covering that is open on more than one side with support from only one side or from central posts.

Change of use. For purposes of this section, a change to the interior use of a building or structure from one of the following categories of uses to another: commercial, industrial or warehousing, automotive, institutional, or residential.

Commercial. retail, food or beverage service, or office activity conducted with the intent of realizing a profit, or revenue or service for a non-profit organization, from the sale of goods or services to others.

Cornice. An ornamental horizontal molding that spans the top of a building's structural beam or the top of a building story. A cornice is a decorative feature that frames or crowns a building or stories of a building.

Covered structures, Rooftop. Rooftop open-air structures such as cabanas, gazebos, arbors, and other similar structures which accommodate outdoor common areas. It also includes non-habitable enclosed structures such as restrooms, vertical circulation, and storage areas. The following shall apply to be defined and allowable as a covered structure, rooftop:

- Covered structures are permitted to *extend above* the maximum *height* of the building on which it is located for a maximum floor area of thirty (30) percent of the gross rooftop area and shall not include commercial uses. For the purposes of calculating the maximum area, the term "covered structures" shall not include enclosures for screening mechanical systems. The maximum height of these covered structures is fifteen (15) feet.
- Covered structures shall not be designed in any manner that would permit the conversion of such structure from non-habitable to habitable space. Covered structures shall be compatible with and in proportion to the architecture of the overall building. The following restrictions apply:
 - ⊖ Climate-controlled structures are limited to the minimum area necessary to accommodate uses which are secondary and incidental to the primary rooftop amenity. These structures may include saunas and steam rooms and code-required restrooms.
 - The supporting restroom facilities shall not exceed 110 percent of the size required by the health department. These restroom facilities shall be included in the calculation of the permitted area for covered structures.

Dwelling unit. Any combination of two or more of the following elements: living rooms, bathrooms, bedrooms, dens, studios, playrooms, or kitchen that are designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household. All rooms in the

dwelling unit are accessible from the interior of the unit.

Development. Construction, reconstruction, structural alteration, relocation, enlargement, or demolition of a structure.

(a) The carrying out of any building activity, other than maintenance, minor aesthetic updating, or repairs; the construction to make a material change in the use or appearance of any structure or land; or the dividing of land into two (2) or more parcels.

(b) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:

1. A reconstruction, alteration of the size or a material change in the external appearance of a structure or land.
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments or offices in a structure or on land.
3. Commencement of drilling, except to obtain soil samples, or excavation on a parcel of land.
4. Demolition of a structure.
5. Clearing of land as an adjunct of construction.

(c) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined herein:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries or the right-of-way.
2. Work by any utility and other persons engaged in the operation, construction, maintenance, repair, replacement of utility systems or facilities within established rights-of-way. Utilities are defined as water, wastewater, storm water, gas, cable, power line, communication and data transmission conduits, tower poles or tunnels and transportation utility tracts. However, an engineering or right-of-way permit shall be required for such activities.
3. Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
4. The use of structure for any purpose customarily incidental to enjoyment of the dwelling or facility; an accessory use.
5. The use of any land for the purpose of growing plants, crops, trees and other gardening products.

- 355 6. A change in use of land or structure if the new use is in a class which
356 has the same or lesser parking ratio requirements.
- 357 7. A change in the ownership or form of ownership of any parcel or
358 structure.
- 359 8. The creation or termination of rights of access, riparian rights,
360 easements, covenants concerning development of land or other rights
361 in land.

362

363 (d) "Development," as designated in an ordinance, rule or development rule
364 includes all other development customarily associated with it unless otherwise
365 specified. When appropriate to the context, "development" refers to the act of
366 developing to the result of development. Reference to any specific operation
367 is not intended to mean that the operation or activity, when part of other
368 operations or activities, is not development. Reference to particular
369 operations is not intended to limit the generality of subsection (a).

370

371 *Floor Area Ratio (FAR)* – The ratio of the net *project site* area to the total
372 *building(s) floor area(s)* of the *project site*. The Floor Area Ratio defines the
373 maximum allowable *building area* on a given *lot*. *Building floor area*, strictly
374 for the purpose of measuring *FAR*, means the total floor area of a building,
375 excluding indoor parking; indoor accessory loading areas (unless building is
376 used for warehouse, storage, distribution, fulfillment, or similar use where
377 loading is a primary function of the business, then this area is included);
378 unenclosed *colonnades*; *porches* and *balconies*; mechanical and electrical
379 rooms/spaces solely for building utilities; and trash rooms. Air-conditioned or
380 fully enclosed storage spaces, enclosed areas on the *rooftop garden*, such
381 as bathrooms and lobbies, vertical circulation areas and external unenclosed
382 circulation areas are included in the *building area*. The *building area* shall be
383 measured from the outside face of exterior walls.

384

385 *Frontage*. The property line or facades of a building which front a roadway's
386 right-of-way.

387

388 *Ground floor*. The *story* of a building closest to street-level.

389

390 *Ground floor active use*. An *active use* that attracts pedestrian activity;
391 provides access to the general public; and shall also be used to conceal uses

designed for *parking* and other *non-active uses*, if present. Ground floor active uses generally include, but are not limited to, retail, commercial services, restaurants, coffee shops, libraries, fitness/athletic and cultural facilities, residential, and entrance lobbies.

Habitable space. A space devoted to residential, commercial or other uses permitted by these regulations, but not including parking, mechanical, telecom or electrical rooms, hallways or stairwells located outside of dwelling units.

Height: The maximum vertical extent of a building that is measured as a number of stories or a vertical dimension in feet. Height is calculated from the average elevation of the adjacent public sidewalk to the highest point of the building, or in the case of pitched roofs, to the peak of the roof.

Additionally, the following shall apply:

- Height limits do not apply to *vertical projections* not intended for human occupation such as, chimneys, safety railings, parapets, cupolas, stair or elevator shafts, screened mechanical equipment, masts, water tanks, solar energy systems and similar structures provided these are a maximum of 15 feet above permitted building height.
- To be considered a story, the habitable space must exceed fifty (50) percent of the floor area of that story.
- When the mezzanine area is greater than fifty (50%) percent of its floor area's horizontal plane within the walls of its building, excluding non-habitable space, it shall count as a full story when calculating building height.
- Any parking garage levels that are not concealed from the highest classification of fronting street abutting the site by a habitable space consisting of active use for a minimum depth of twenty (20) feet from the building façade for a minimum of 65 percent of structure width are considered to be stories.
- Based on the number of stories permitted at a site in a sub-area, the maximum permitted vertical dimension in feet is as follows:
 - 2 permitted stories shall not exceed 27 feet
 - 3 permitted stories shall not exceed 36 feet(*) and 45 feet
 - 4 permitted stories shall not exceed 58 feet
 - 5 permitted stories shall not exceed 70 feet

- 6 permitted stories shall not exceed 83 feet

All Permitted Height at three stories shall be a maximum height of thirty-six (36) feet in the Intown Neighborhoods Sub-Area.

Refer to Height Code in Map in Figure 24-264-# for each respective Sub-Area.

(*) Applicable to Intown Neighborhoods SubArea only.

Land Development Code. Those portions of the Code of Ordinances of the City of Oakland Park which regulate the development and/or use of real property within the city.

Live/Work. A type of mixed-use indoor space that combines commercial space with dwelling space in the same unit. Both uses within the unit shall be occupied by a common owner or tenant.

Lot. A parcel of land with frontage on a street possessing specific boundaries established by a legal instrument such as a deed or recorded plat, recognized as a separate legal entity for purposes of transfer of title. The term “*lot*” will be construed to include the terms “site,” “parcel”, “property” and any other similar undefined term.

Mixed-use. A combination of two or more of the following within a single building: residential, commercial, manufacturing/warehousing, civic, and/or office.

Mezzanine. A partial *story* that occurs only between the first and second *story* and shall be utilized for functions ancillary to *ground floor* uses. All mezzanine areas shall count towards the maximum allowed Floor Area Ratio. When the mezzanine area is equal to or greater than fifty (50) percent of the ground floor area, it shall count as a full story when calculating building height.

Net Lot Area. The total area measured to the property lines of the parcel or lot excluding public right-of-way

Net Floor Area. The exclusive or private floor area under the control of a resident or business establishment exclusive of common areas. Net area includes private bathrooms, utility areas under exclusive use, and storage

areas under exclusive use.

Net density. The number of residential dwelling units or residential portions of live/work units constructed or proposed to be constructed within a parcel of land, divided by the net area of the parcel of land.

Non-active use. Building uses that are generally not intended for human occupation. Non-active uses include, but are not limited to, *parking* and building service areas such as storage, mechanical, electrical and trash. *Architectural treatment* shall be provided for all non-active use façade elevations.

Open space. An outdoor, at the ground floor space including parks, courtyards, squares, paseos, pedestrian paths, setbacks and landscaped areas. Only outdoor, at ground floor spaces are to be considered to fulfill the open space requirements within a development. Open space is measured as a percentage of *net area* depending on the sub-area location. Rooftop gardens and terraces, or other gardens/terrace within a multi-level building could be considered as open space for public benefit as part of the Bonus Provision Program (BPP).

Parking, Indoor. The uses or areas of a building intended primarily for the storage of motor vehicles and associated vehicle movement and maneuvering areas. Parking shall be considered a *non-active use*.

Paseo. A through-block, primarily pedestrian passage connecting one right-of-way or similar passage to another.

Pervious area. Landscaped and/or grassed area of a lot which allows water flow to flow directly to the ground and includes pervious materials, such as pavers for walkways, parking spaces, drive aisles, etc.

Plaza. An open space where a majority of the space is paved. Plazas abut buildings that continue the adjacent street frontage requirements and uses.

Project Site. The aggregation of lots consisting of a development project site where the lots are contiguous or only separated by streets or alleys. Project site may cross platted lines.

507 *Private open space.* The outdoor living area assigned to a dwelling or
508 commercial unit or building intended for the private enjoyment of the
509 residents or occupants of the unit or units in the building. Private open
510 spaces may include patios, roof decks, balconies, yards, and landscaped
511 areas but does not include off-street parking, maneuvering, loading, or
512 delivery areas.

513
514 *Public amenity.* Aesthetic feature, functional feature, or other character of a
515 development that increase its desirability to a community or to the public.
516 Such public amenities will be placed in publicly accessible areas or, if
517 aesthetic, areas visible from the sidewalk or right-of-way.

518
519 *Public open space.* Open space maintained for the use and enjoyment of
520 the general public. Public open space includes areas which are open and
521 accessible to the public all or most of the time including: parks, squares,
522 paseos, pedestrian paths, rooftop gardens and terraces, and landscaped
523 areas.

524
525 *Residential.* Regularly used by its occupants as a permanent place of
526 abode.

527
528
529 *Setback.* The required distance by which any building or structure must be
530 separated from a property line consisting of the lot line or right-of-way line.

531
532 *Shared parking.* Parking available to be used by more than one use, user,
533 or building.

534
535 *Stepback:* A building Setback of a specified distance from the ground floor
536 set-back line that occurs above a prescribed number of Stories. A
537 stepback can also be a setback for the whole building.

538
539 *Story.* A habitable space in a building between the surface of any floor and
540 the surface of the next floor above, or if there is no floor above, then the
541 space between such floor and the roof beam above. To be considered a
542 story, the habitable space must exceed fifty (50) percent of the floor area
543 per story.

Street. A thoroughfare to facilitate the movement of pedestrians and/or vehicles.

Street classification. A Downtown street designation system that regulates the characteristics of streets with respect to spatial dimension, pedestrian and vehicular mobility and building *active uses*. *Street classification* consist of eight types: Primary Boulevard, Primary Pedestrian A, Primary Pedestrian B, Primary Pedestrian C, Secondary, Tertiary, Residential, Alleys and Pedestrian Promenade. This classification is strictly a City of Oakland Park street hierarchy for the Downtown.

Sub-area. Zoning category depicting regulations over a designated area.

Surface parking lot. A *lot*, or portion thereof, open to the sky and primarily used for *parking* motor vehicles at the *ground level*.

Tandem Parking. The storage of vehicles one behind the other as opposed to side by side.

Townhome. dwelling units which are joined to one another, side-to-side by a common party wall or garage, and/or with connecting permanent and architecturally unified structures such as breezeways, carports, or walls. Townhomes are in groups of three or more units. Each unit shall have its own outside entrance and not be occupied by more than one (1) family. Each unit extends from the lowest story to the highest story in the portion of the building it occupies.

Sec. 24-260. - Area of Oakland Park Downtown Development District.

These regulations apply to the area defined in the City of Oakland Park Future Land Use map designated "Local Activity Center," as may be amended from time to time. This area will be referred to in the following regulations as the "Oakland Park Downtown Development District (OP3D)."

581 Sec. 24-261. - Development regulations.

582
583 Any, development, or redevelopment within the Downtown Development
584 District shall conform to the regulations set forth in this Chapter 24,
585 Article XX.

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587
588 Sec. 24-262. - Effective date.

589
590 This Chapter 24, Article XX, Downtown Development District Regulations
591 shall be effective as of the approval and passage by the Oakland Park City
592 Commission.

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594
595 Sec. 24-263. -Street Classification

596
597 The street classification system is created as a rationale for organizing ground
598 floor active uses, parking garage liners and building setbacks requirements.
599 Figure 24-263-1 shows the approximate location of existing and required new
600 streets needed to create the prescribed network of streets and establishes the
601 hierarchy of streets within the OP3D. All projects that require DRC review or that
602 consist of site modifications, installations, or construction affecting landscaping
603 and foliage or pedestrian areas require construction of a public sidewalk along
604 any street frontage bordering the lot if such sidewalk is not already constructed.
605 The following shall also apply:

- 606 • All Primary and Secondary Streets shall be required in the same general
607 location as shown on Figure 24-263-1 and may be modified with respect
608 to alignment. No existing Primary and Secondary Streets shall be deleted
609 or otherwise vacated or removed. Where designated by Figure 24-263-1
610 Regulating Map: Street Classification, new streets shall be created to
611 improve connectivity.
- 612 • Primary Pedestrian Streets are the main walking streets which provide
613 most of the ground floor active uses. Frontages along Primary Boulevard
614 shall provide a minimum of 65% of ground floor active uses. Frontages
615 along Primary Pedestrian A or Pedestrian B Streets shall provide a
616 minimum of 65% of ground floor and any floor above ground as active
617 uses with a minimum active liner depth of twenty (20') feet. Primary
618 Pedestrian C streets are the main walking cross streets within the district.
619 Frontages along Primary Pedestrian C streets shall provide a minimum of
620 65% of ground floor and any floor above ground as active use. For lots

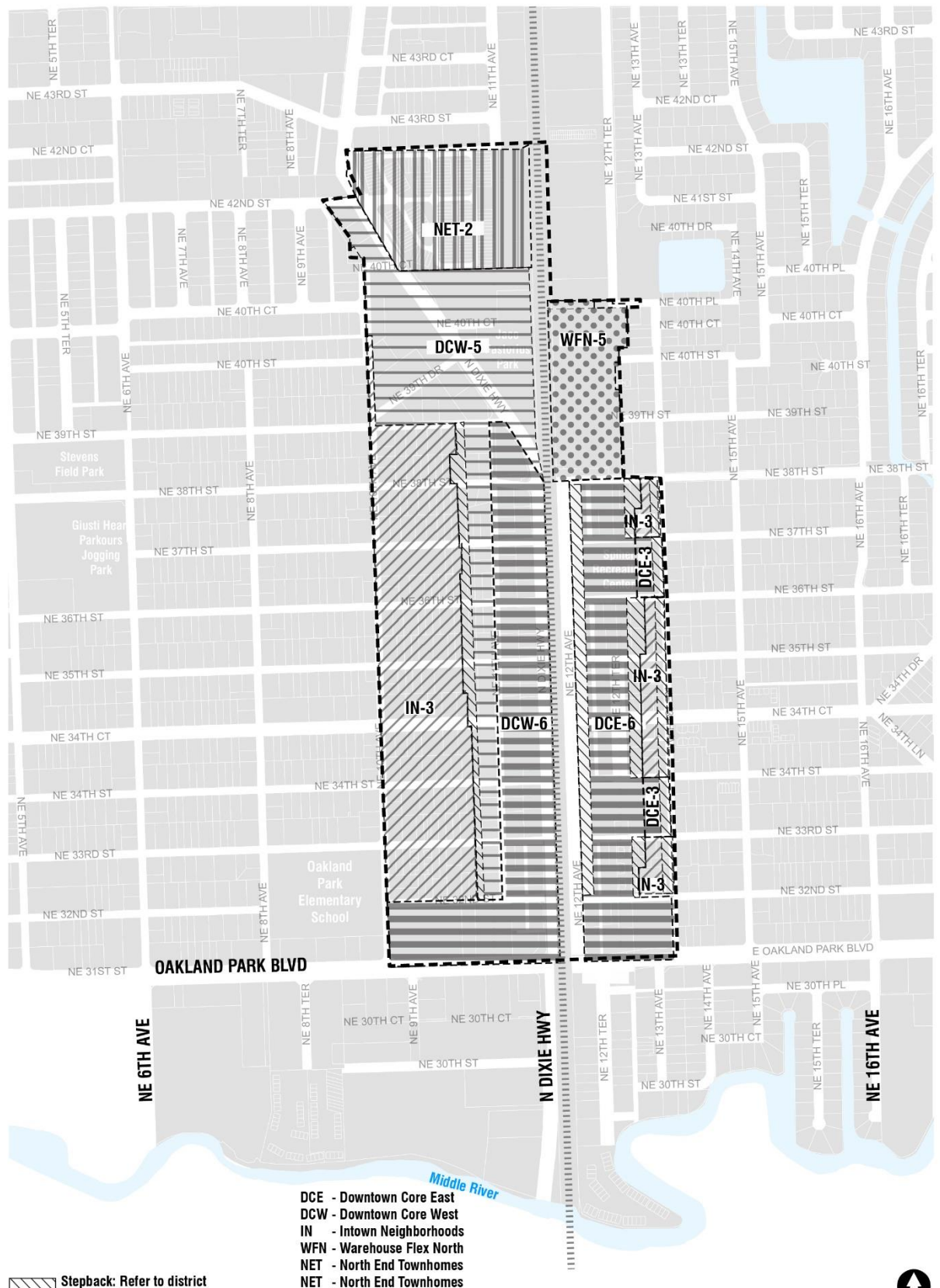
less than 200' in frontage, if cannot accommodate this % requirement on floors above, architectural treatment is required.

- Primary Pedestrian D streets are also main walking streets within the district. Frontages along Primary Pedestrian D streets shall provide a minimum of 50% of ground floor and any floor above ground as active use. Primary Pedestrian D streets can accommodate parking and loading access.
- Secondary Streets can accommodate parking and loading. Frontages along Secondary Streets shall provide a minimum of 30% of ground floor active uses.
- Frontages along Tertiary Streets and Pedestrian Promenade shall provide a minimum of 20% of ground floor active uses.
- Residential Streets are intended to accommodate landscaped green space and to promote connectivity and on-street parking where it can be constructed.
- Vacation of alley rights-of-way proposed developments may seek to vacate alleys for the purpose of assembling parcels for development, subject to the following conditions:
 - Any proposed development seeking to vacate an alley, or any portion of an alley shall be subject to the provisions of Section 24-97 of the Land Development Code.
 - Proposed developments which vacate an alley shall have all services, such as but not limited to loading, trash removal and general services, internalized and screened from public view.
 - Proposed developments which vacate portions of alleys shall reconfigure the alley to maintain two separate access points for entry and exit onto the street. The reconfigured alley shall have the minimum dimensions recommended by the Public Works Department.

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24-264. - District Sub-areas.

(A) There shall be four sub-areas existing in the Oakland Park Downtown Development District whose locations are depicted on the map in this section.

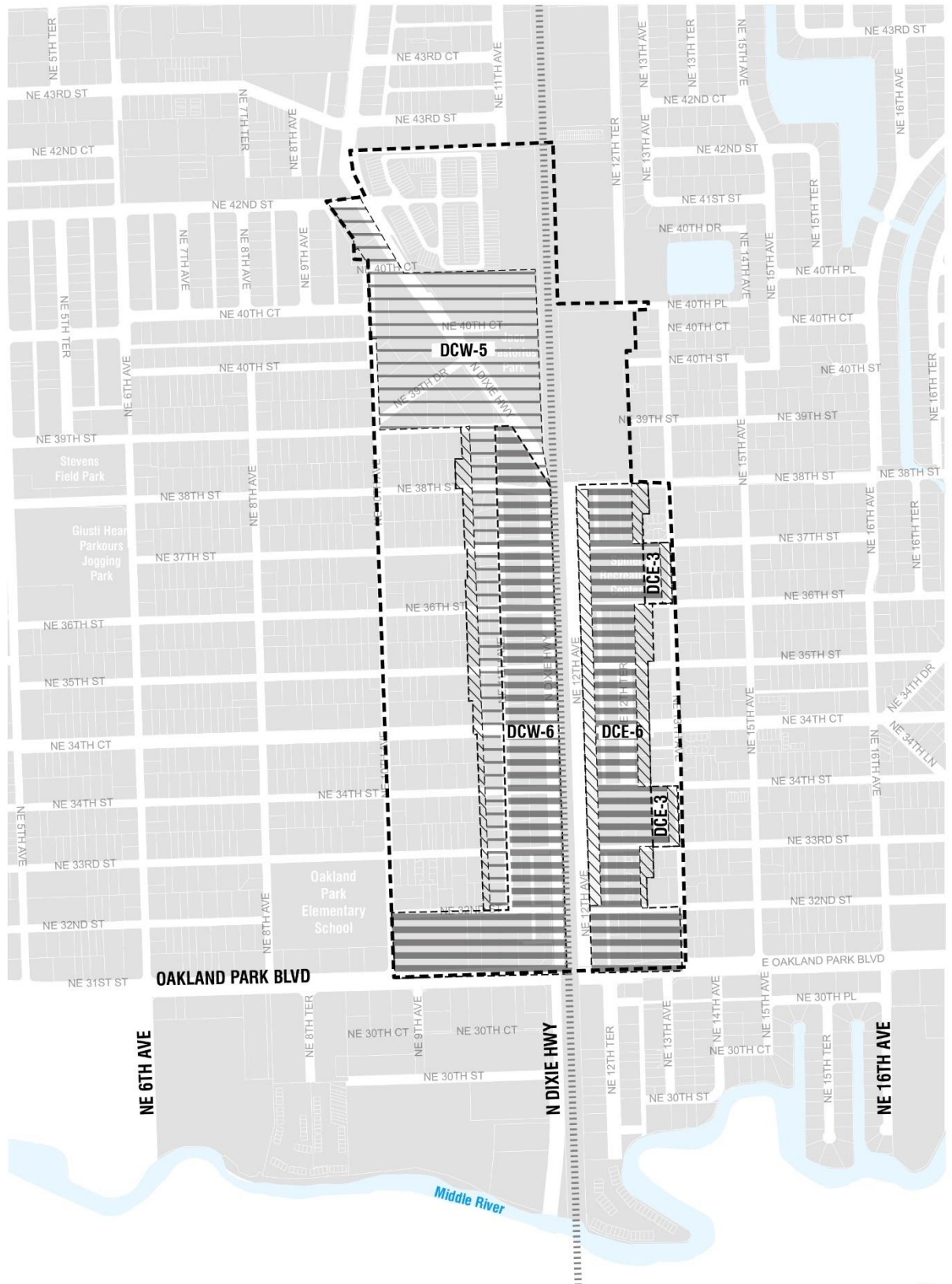



664 Figure 24-264-1 Regulating Map: OP3D District Sub-areas

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666 **(B) District Regulations: Downtown Core (DC) Sub-area**

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 Stepback: Refer to district building requirements.

DCE - Downtown Core East
DCW - Downtown Core West

1 in = 700 ft 

Figure 24-264-2 Regulating Map: Downtown Core Sub-areas

- (a) *Purpose.* Downtown Core (DC) East and West sub-areas are designated together as the epicenter of the Oakland Park Downtown Development District. Downtown Core overall is intended to be the image of Oakland Park and its main destination with high quality building design, a mix of uses and ground floor active uses to appeal to both locals and visitors.
- (b) *Design Requirements.* Refer to section 24-265, Oakland Park Downtown Development District (OP3D) design guidelines.
- (c) *Uses.* Refer to section 24-266, Oakland Park Downtown Development District (OP3D) Use Table.
- (d) *Sub-area boundaries.* The map in Section 24-264 shows the boundaries of this Sub-area. The Downtown Core East Sub-area is located east of N. Dixie Highway, and the Downtown Core West Sub-area is located west of N. Dixie Highway.
- (e) *Development requirements table.*

TABLE 24-264-1: BUILDING REQUIREMENTS – DOWNTOWN CORE EAST (DCE) and DOWNTOWN CORE WEST (DCW)

(a) HEIGHT	
Permitted Height shall be a maximum of three stories (45'). If requirements of the Bonus Provision Program (BPP) (Sec. <u>24-270</u>) are met, the number of stories permitted according to the Height Code (DCE-# or DCW-#) in the map in Figure 24-264-2 shall be permitted.	
(b) FAR	
Base Height – Max. 3 Stories	1.0
With BPP – Max. 5 Stories	1.7
With BPP – Max. 6 Stories	2.0
(c) DENSITY (APPLICABLE TO ENTIRE PROJECT SITE NET LOT AREA)	
Project site size > 13,000 SF	65 du/ac
Project site size ≤ 13,000 SF	45 du/ac
(d) RESIDENTIAL UNIT AREA	

Minimum 600 net square feet of floor area.

(e) SETBACKS

TO BE MEASURED FROM RIGHT OF WAY LINE BY STREET CLASSIFICATION OR FROM SIDE OR REAR PROPERTY LINE, AS IDENTIFIED	REQUIRED MINIMUM SETBACKS FOR NEW CONSTRUCTION OR BUILDING ENLARGEMENT. EXISTING BUILDINGS ARE PERMITTED TO RETAIN THEIR EXISTING SETBACKS.
Primary Boulevard	The required setback from the existing lot line along this street is 5 feet further back than the Required Right of Way line established by the Broward County Trafficways Plan, such that a building is permitted to be built at or behind this required setback line but not forward of the line.
Primary Pedestrian A	The required setback from the existing lot line along this street is 2 feet further back than the Required Right of Way line established by the Broward County Trafficways Plan, such that a building is permitted to be built at or behind this required setback line but not forward of the line.
Primary Pedestrian B	5'
Primary Pedestrian C	10'
Primary Pedestrian D	10'
Secondary	10'
Residential	15'
Stepback above 2 stories at NE 12 th Avenue measured from setback line	15'
Stepback above 3 stories at NE 13 th Avenue measured from setback line	90'


Stepback above 2 stories at NE 13 th Avenue measured from setback line	20'
Side Interior Lot Line	0'
Rear	5'
Rear at DCE abutting IN (Intown Neighborhoods) – Stepback above 3 stories measured from setback line	10'
Rear at DCW abutting IN (Intown Neighborhoods) – Stepback above 3 stories measured from setback line	10'
(f) MINIMUM OPEN SPACE AND MINIMUM AREA OF PROJECT SITE TO BE PERVIOUS	
Lot Size ≤ 13,000 SF	10%
DCE Lot Size >13,000 SF	20%
DCW Lot Size > 13,000 SF	20%
DCE/DCW – For Parcels > 35,000 SF	20% on ground floor and 5% on roof as terraces/gardens
(g) PARKING	
<ul style="list-style-type: none"> a. See Sec. 24-271. Parking and District Requirements b. New <i>surface parking lots or garages</i> shall be separated by means of the main structure from any Primary Pedestrian A or Primary Pedestrian B Street abutting the site. c. Surface parking lots in view of a Primary Boulevard are only permitted to cover 60 percent of the lot width for a depth of 60 feet measured from the right of way line at the Primary Boulevard. Further than 60 feet back from the right of way line, the surface parking lot is permitted to cover the full width of the lot, provided screening, buffering, and landscaping as required elsewhere is provided. d. New vehicle entrances for parking lots and garages are not permitted along a Boulevard or Primary Pedestrian A or B street unless the development site has no other street frontage. 	

- e. Existing parking lots with required screening and landscaping are allowed to remain and continue to be used for adaptive re-use developments.

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(C) District Regulations:
Intown Neighborhoods (IN) Sub-areas



 Stepback: Refer to district building requirements.

IN - Intown Neighborhood

1 in = 700 ft 

Figure 24-264-3 Regulating Map: Intown Neighborhoods Sub-area

- (a) *Purpose.* The Intown Neighborhoods Sub-area is a transitional, moderate intensity residential area that will buffer the residential areas surrounding Downtown Oakland Park from the higher intensity Downtown Core Sub-areas.
- (b) *Design Requirements.* Refer to section 24-265, Oakland Park Downtown Development District (OP3D) Design Guidelines.
- (c) *Uses.* Refer to section 24-266, Oakland Park Downtown Development District (OP3D) Use Table.
- (d) *Sub-area boundaries.* The map in Section 24-264 shows the boundaries of this Sub-area.
- (e) *Development requirements table.*

TABLE 24-264-2: BUILDING REQUIREMENTS – INTOWN NEIGHBORHOODS (IN)


(a) HEIGHT	
Permitted Height shall be a maximum of three stories (36').	
(b) FAR	
Max. 3 Stories	1.0
(c) DENSITY (APPLICABLE TO ENTIRE PROJECT SITE NET LOT AREA)	
Lots - All	16 du/ac
(d) SETBACKS	
TO BE MEASURED FROM RIGHT OF WAY LINE BY STREET CLASSIFICATION OR FROM SIDE OR REAR PROPERTY LINE, AS IDENTIFIED	REQUIRED MINIMUM SETBACKS FOR NEW CONSTRUCTION OR BUILDING ENLARGEMENT. EXISTING BUILDINGS ARE PERMITTED TO RETAIN THEIR EXISTING SETBACKS.
Primary Pedestrian C	10'
Secondary	10'
Residential	15'
Side Interior Lot Line	5'
Rear	15'

Stepback above 2 stories at NE 13 th Avenue measured from setback line	20'
(e) RESIDENTIAL UNIT AREA	
Minimum 600 net square feet of floor area.	
(f) MINIMUM OPEN SPACE AND MINIMUM AREA OF PROJECT SITE TO BE PERVIOUS	
Lot Size > 13,000 SF	30%
Lot Size ≤ 13,000 SF	20%
(g) PARKING	
<ul style="list-style-type: none"> a. See <u>Sec. 24-271</u>. Parking and District Requirements (C)-(3) b. Required parking of more than 2 spaces shall be located behind or at the side of the main building structure. c. All parking on a lot 40 feet wide or wider is prohibited between the building and the highest-classification street on which the lot fronts. Only a driveway a maximum of 10 feet wide for a site with 5 or fewer dwelling units or a maximum of 20 feet wide for a site with 6 or more dwelling units is permitted in the front yard. 	

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(D) District Regulations:
Warehouse Flex (WF) Sub-area



 Stepback: Refer to district building requirements.

WFN - Warehouse Flex North
WFS - Warehouse Flex South

1 in = 700 ft 

Figure 24-264-4 Regulating Map: Warehouse Flex Sub-area

- (a) *Purpose.* The Warehouse Flex Sub-Area will provide a transition from the railroad and existing industrial neighborhoods to the adjacent residential, mixed-use, and commercial neighborhoods with adapted and renovated building stock, warehouse style buildings, and large, working storefronts. This area will appeal to emerging artists and individuals seeking atypical housing choices, and it will include light industrial uses, artist studios, and creative offices.
- (b) *Design Requirements.* Refer to section 24-265, Oakland Park Downtown Development District (OP3D) design guidelines.
- (c) *Uses.* Refer to section 24-266, Oakland Park Downtown Development District (OP3D) Use Table.
- (d) *Sub-area boundaries.* The map in Section 24-264 shows the boundaries of this Sub-area.
- (e) *Development requirements table.*

TABLE 24-264-3: BUILDING REQUIREMENTS – WAREHOUSE FLEX (WF)

(a) HEIGHT	
Permitted Height shall be a maximum of three stories (45'). If requirements of the Bonus Provision Program (BPP) (Sec. <u>24-270</u>) are met, the number of stories permitted according to the Height Code (WFN-# and WFS-#) in the map in Figure 24-264-4 shall be permitted, as applicable.	
(b) FAR	
Base Height – Max. 3 Stories	1.5
With BPP Max. 5 Stories	1.75
(c) DENSITY (APPLICABLE TO ENTIRE PROJECT SITE NET LOT AREA)	
Lot Size > 50,000 SF	45 du/ac
Lot Size ≤ 50,000 SF	35 du/ac
(d) RESIDENTIAL UNIT AREA	
Minimum 600 net square feet of floor area.	
(e) SETBACKS	
TO BE MEASURED FROM RIGHT OF WAY LINE BY STREET	REQUIRED MINIMUM SETBACKS FOR NEW CONSTRUCTION OR BUILDING ENLARGEMENT.


CLASSIFICATION OR FROM SIDE OR REAR PROPERTY LINE, AS IDENTIFIED	EXISTING BUILDINGS ARE PERMITTED TO RETAIN THEIR EXISTING SETBACKS.
Primary Boulevard	The required setback from the existing lot line along this street is 5 feet further back than the Required Right of Way line established by the Broward County Trafficway Plan, such that a building is permitted to be built at or behind this required setback line but not forward of the line.
Primary Pedestrian B	5'
Primary Pedestrian C	10'
Secondary	10'
Tertiary or Pedestrian Promenade	15'
Stepback above 3 stories at NE 12 th Terrace in Warehouse-Flex North measured from setback line	20'
Side Interior	0'. However, if site abuts an exclusively residentially zoned parcel with no street, alley, or waterway separating the site from the residential zoning district, the setback shall be 25'
Rear	10'
(f) MINIMUM OPEN SPACE AND MINIMUM AREA OF PROJECT SITE TO BE PERVIOUS.	
Lot Size > 13,000 SF	10%
Lot Size ≤ 13,000 SF	5%
(g) PARKING	
a. See Sec. 24-271. Parking and District Requirements (C)-(3)	

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729 **(E) Reserved**
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731 **(F) District Regulations:**
732 **North End Townhomes (NET) Sub-areas**
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734



 Stepback: Refer to district building requirements.

NET - North End Townhomes

1 in = 700 ft 

Figure 24-264-6 Regulating Map: North End Townhomes Sub-areas

- (a) *Purpose.* The North End Townhomes (NET). The North End Townhomes Sub-area is a townhome community approved in 2013. Standards provided for this section permit the continuation of this development's physical layout and provide for regulations for future construction such as additions or building replacements.
- (b) *Design Requirements.* Refer to section 24-265, Oakland Park Downtown Development District (OP3D) design guidelines.
- (c) *Uses.* Refer to section 24-266, Oakland Park Downtown Development District (OP3D) Use Table.
- (d) *Sub-area boundaries.* The map in Section 24-264 shows the boundaries of this Sub-area.
- (e) *Development requirements table.*

TABLE 24-264-5: BUILDING REQUIREMENTS – NORTH END TOWNHOMES (NET)

(a) HEIGHT	
Base Height shall be a maximum of two stories (27').	
(b) FAR	
Base Height – Max. 2 Stories	0.25
(c) DENSITY (APPLICABLE TO ENTIRE PROJECT SITE NET LOT AREA)	
Lots – All	12 du/ac
(d) RESIDENTIAL UNIT AREA	
Minimum 1100 Square Foot net floor area.	
(e) SETBACKS	
TO BE MEASURED FROM RIGHT OF WAY LINE BY STREET CLASSIFICATION OR FROM SIDE OR REAR PROPERTY LINE, AS IDENTIFIED	REQUIRED MINIMUM SETBACKS FOR NEW CONSTRUCTION OR BUILDING ENLARGEMENT. EXISTING BUILDINGS ARE PERMITTED TO RETAIN THEIR EXISTING SETBACKS.
Primary Pedestrian A	12'

Side Interior	20'
Rear	15'
(f) MINIMUM OPEN SPACE AND MINIMUM AREA OF PROJECT SITE TO BE PERVIOUS.	
All Lots	20%
(g) PARKING	
Two spaces per dwelling unit, however existing tandem parking configurations counting as 2 spaces are permitted to remain, but new tandem parking pairs only count as one space. See sec. 24-271 for additional regulations.	

752

753 Sec. 24-265. - Urban design.

754

755 *Oakland Park Downtown Development District Design Guidelines*. All development
756 including but not limited to buildings, open space, signage, and streetscaping are
757 subject to the criteria stated in the Oakland Park Downtown Development District
758 Design Guidelines. The development review procedure in section 24-273 shall
759 ensure compliance with the Oakland Park Downtown Development District Urban
760 Design Guidelines to ensure good aesthetics and livability. The Oakland Park
761 Downtown Development District Design Guidelines will also be referred to as the
762 "Design Guidelines" in these regulations. The Oakland Park Development
763 District Design Guidelines are hereby incorporated by reference and shall by
764 approved and amended by resolution.

765

766 Sec. 24-266. – Downtown Development District (OP3D) Use List (Interim).

767

768 (A) Permitted uses in the OP3D are listed according to sub-area in the table in
769 this section.

770

771 (1) Use List Table Guide:

772

773 P=Permitted,

774 N= Not permitted,

775 C=conditional,

776 A=Accessory to a permitted or approved conditional use.

Uses marked with a hashtag (#) have special location regulations because they are not intended at ground floor along certain primary and pedestrian streets:

(a) Where permitted in the sub-area, the use is not permitted on the ground floor of a building abutting a Primary Boulevard, Primary Pedestrian A, or Primary Pedestrian B street unless located:

1) on the ground floor behind another business and located a minimum of 30 feet from the right of way line of that street or

2) on the ground floor but located in a building or portion of a building set back a minimum of 40 feet from the right of way line. With the exception that residential uses are permitted along a Primary Boulevard with a setback of 15 feet.

(b) Where permitted in the sub-area, this use is permitted on the second story or above in a building regardless of the street frontage where it is located.

(c) Where permitted in the sub-area, this use is permitted on any part of the ground floor of a building abutting any street other than a Primary Boulevard, Primary Pedestrian A, or Primary Pedestrian B.

(2) Permitted Uses Table

<i>Business Listings</i>	Downtown Core	Intown Neighborhoods	Warehouse Flex	North End Townhomes
Uses Permitted in the I-1, Light Industrial Zone found in the Master Business List in Section 24-41.	N	N	P	N
Uses listed as Conditional Use in the I-1, Light Industrial Zone found in the Master Business List in Section 24-41.	N	N	C	N
Adult entertainment,	N	N	N	N

book stores, movie theaters including all sexually oriented businesses				
Amusement enterprises: including coin operated games	P	N	P	N
Antique shop, retail	P	N	P	N
Appliances, retail	P	N	P	N
Aquaculture, maximum of 150,000 square feet of gross floor area for the entire sub-area subject to Sec. 24- 265(B)(3) #	A	N	A	N
Art galleries, retail	P	N	P	N
Artisan/craftsman workshop	P	N	P	N
Artist's studio	P	A	P	A
Assembly hall #	C	N	C	N
Athletic/fitness club (up to 10,000 square feet)	P	N	P	N

Auctions (antiques and fine arts only)	C	N	C	N
Auto body fender and repair	N	N	N	N
Auto rental/leasing (office only) #	P	N	P	N
Auto tag agency	N	N	N	N
Auto wash	N	N	N	N
Automotive maintenance and repair services #	N	N	P	N
Automotive parts, new (except tires and hubcaps)	N	N	P	N
Automotive sales and related uses	N	N	N	N
Bail bonds	N	N	N	N
Bakeshops, retail	P	N	P	N
Banks (no drive thru)	P	N	P	N
Barber shops	P	N	P	N
Bars/nightclubs	C	N	C	N
Beauty parlors	P	N	P	N

Beauty supply store, retail	P	N	P	N
Bed and breakfast inns #	C	C	C	N
Bicycle stores and repair shop	P	N	P	N
Bingo Parlors	N	N	N	N
Bookstore	P	N	P	N
Bottle Clubs	N	N	N	N
Bowling alley	C	N	P	N
Broadcast studios #	P	N	P	N
Butcher shop	P	N	P	N
Candy stores, retail	P	N	P	N
Carpet, rugs and floor covering, retail	P	N	P	N
Child care and adult day care #	C	C	C	C
China, crockery, glassware, earthenware, retail	P	N	P	N
Cigar store-retail	P	N	P	N

Cineplex movie theater (except drive-ins)	P	N	P	N
Clothing store, except secondhand	P	N	P	N
Clubs-civic, fraternal, non-commercial #	C	C	C	C
Coffeehouses	P	N	P	N
Community care facilities	N	N	N	N
Community residences subject to Sec. 24-265(B)(4) #	P	P	P	P
Community centers #	P	C	P	C
Consignment shop	P	N	P	N
Convenience stores	N	N	N	N
Delicatessen-retail	P	N	P	N
Discount store	N	N	N	N
Donated goods store	N	N	P	N

Dormitory, fraternity and sorority houses	N	N	N	N
Drive-through windows in connection with any use	N	N	N	N
Dry cleaning and pressing -pickup and delivery only	P	N	P	N
Electrical fixtures and supplies, retail	N	N	P	N
Fabrics store, retail	P	N	P	N
Financial institutions #	P	N	P	N
Fish market-retail	P	N	P	N
Flea markets and bazaars	N	N	N	N
Florists	P	N	P	N
Food caterers #	P	N	P	N
Furniture Store	P	N	P	N
Garden supplies	N	N	P	N
Gasoline service stations	N	N	N	N

Gift shops, new-retail	P	N	P	N
Government facilities, City of Oakland Park	P	P	P	P
Green market	P	N	P	N
Guns-retail	N	N	N	N
Hardware store	P	N	P	N
Hobby shop, retail	P	N	P	N
Home occupations #	P	P	P	P
Hospitals	N	N	N	N
Hotels and motels	C	N	C	N
Ice cream-retail	P	N	P	N
Interior decoration shop (including alterations)	P	N	P	N
Jewelry store-watch repair	P	N	P	N
Key shop/locksmith #	P	N	P	N
Laboratories	N	N	N	N

Lawn care equipment (new)	N	N	P	N
Laundry establishment	N	N	N	N
Library	P	N	P	N
Liquor stores	P	N	P	N
Light manufacturing uses #	N	N	P	N
Marine supplies, retail	P	N	P	N
Massage parlors	N	N	N	N
Massage and health spa, state licensed (as defined and restricted in section 24-41(C) and (D) "Master Business List" #	P15	N	P15	N
Medical marijuana treatment center or dispensing facility (as defined and restricted in section 24-41(C) and (D) "Master Business List" #	C14	N	C14	N

Membership stores or facilities over 10,000 square feet	N	N	N	N
Miniature golf course	C	N	C	N
Multi-family dwelling units in multi-family building or in mixed-use structure #	P	P	P	N
Museums	P	N	P	N
Music and radio store, retail	P	N	P	N
Neighborhood food store (up to 10,000 square feet)	P	N	P	N
Newsstand	P	N	P	N
Office equipment and supplies	P	N	P	N
Offices for doctors, dentists, podiatrists and related professions #	P	N	P	N
Optical store	P	N	P	N
Outdoor storage	N	N	N	N

Paint, wallpaper stores, retail only	P	N	P	N
Parking garage, commercial #	P	N	P	N
Parking lot, commercial #	P	N	P	N
Park and open space	P	P	P	P
Pawn shops	N	N	N	N
Pet boarding/kennel	N	N	N	N
Pet day care facilities #	C	N	C	N
Pet grooming	P	N	P	N
Pet supplies, retail	P	N	P	N
Pharmacy (as defined and restricted in section 24-41(C) and (D) "Master Business List" #	C14	N	C14	N
Photographers, commercial	P	N	P	N
Photographic equipment and supplies	P	N	P	N

Places of worship #	C	N	C	C
Post offices	C	N	N	N
Printing and publishing #	P	N	P	N
Professional offices #	P	P	P	N
Psychic consulting	N	N	N	N
Real estate offices	P	N	P	N
Recovery communities subject to Sec. 24-265(B)(5) #	P	P	P	N
Restaurants including Restaurant Bars	P	N	P	N
Retail stores or shops under 10,000 square feet	P	N	P	N
Retail stores or shops over 10,000 square feet but less than 35,000 square feet	N	N	C	N

School, arts and crafts	P	N	P	N
School, martial arts	P	N	P	N
School, modeling #	P	N	P	N
Schools, beauty #	P	N	P	N
Schools, business #	P	N	P	N
Schools, dancing	P	N	P	N
Schools, cooking/culinary	P	N	P	N
Schools, gymnastics	P	N	P	N
Schools, music	P	N	P	N
Schools, photography #	P	N	P	N
Schools, public, private and charter (all grades)	N	N	N	N
Second-hand store	N	N	N	N
Self-storage facilities	N	N	N	N
Shoe stores	P	N	P	N

Single-family dwelling units in single-family structure or mixed-use structure #	P	P	P	N
Skating rink	P	N	P	N
Small tool and appliance sales and repair	P	N	P	N
Souvenir stores	P	N	P	N
Sporting goods, rental	P	N	P	N
Sporting goods, retail	P	N	P	N
Tailor and seamstress shop	P	N	P	N
Tattooing and body piercing	N	N	N	N
Teen center #	C	N	C	N
Theater (single room establishment)	C	N	C	N
Thrift store	N	N	P	N
Townhome #	P	P	N	P

Trailer parks/recreational vehicle parks	N	N	N	N
Travel bureau #	P	N	P	N
Two-family dwelling units in two-family structure or in mixed-use building #	P	P	P	N
Veterinary clinics #	C	N	C	N
Video/DVD rental (except for what is excluded under adult entertainment)	P	N	P	N
Wedding apparel stores	P	N	P	N

794 (B) Regulations for the Use Table.

795 (1) *Conditional uses*: Use determined to be conditional within the OP3D must meet
796 certain criteria to be allowed within the district and require a public hearing and
797 approval by the City Commission. Such criteria include consideration of (a)
798 appropriateness, (b) traffic impact, (c) parking, and (d) compatibility with adjacent
799 properties. Conditional uses shall be subject to section 24-165 of the Oakland
800 Park Land Development Code.

801 (3) *Aquaculture*. The cultivation of aquatic plant or animal species (fresh or salt
802 water) under either natural or artificial conditions.

803 a. All activities of the business including, but not limited to, sale, display,
804 preparation and storage shall be conducted entirely within a completely
805 enclosed building;

- 806 b. Solid waste containers must be located a minimum of 100 feet from a
807 residential district or area and shall not emit any odor of the byproduct of the
808 activity;
- 809 c. Processing of fish or fish products on site is prohibited. Processing shall
810 mean the special process or treatment, as in the course of manufacture;
811 change in the physical state or chemical composition of matter; the second
812 step in use of a natural resource; by such means as baling, briquetting,
813 compacting, flattening, grinding, crushing, mechanical sorting, shredding,
814 cleaning or remanufacturing;
- 815 d. The Florida Department of Agriculture and Consumer Services Best
816 Management Practices Manual (January, 2005) is adopted and incorporated
817 by reference and as amended from time to time;
- 818 e. The business shall be in compliance with all federal, state, county and
819 municipal laws and ordinances, as amended from time to time.
- 820 (4) Except as required by Chapter 419 of state law, a community residence shall
821 meet the following requirements:
- 822 (a) Shall be allowed only when:
- 823 (i) It is located at least 660 linear feet from the closest existing community
824 residence or recovery community. Distance is measured from the
825 nearest lot line of the entire parcel of the proposed community residence
826 to the nearest lot line of the entire parcel of the closest existing
827 community residence or recovery community, and
- 828 (ii) The operator or applicant has been granted all available licensing or
829 certification by the State of Florida to operate the proposed community
830 residence, or is operating under the Oxford House Charter; and
- 831 (iii) A community residence that has been denied an Oxford House Charter,
832 license or certification by the State of Florida or had its Oxford House
833 Charter, license or certification suspended, or is denied recertification or
834 renewal of its license or charter, is not allowed in the City of Oakland
835 Park and must cease operation and vacate the premises within sixty (60)
836 days of the date on which its license or certification was denied or
837 suspended or its recertification was denied.
- 838 (b) Shall be allowed if conditional use approval is granted, subject to the
839 provisions of article XII, when:
- 840 (i) A community residence that is located less than six hundred sixty (660)
841 linear feet from the closest existing community residence or recovery
842 community. Distance is measured from the nearest lot line of the entire
843 parcel of the proposed community residence to the nearest lot line of the
844 entire parcel of the closest existing community residence or recovery
845 community; and/or
- 846 (ii) Would be occupied by more than ten residents; and

- 847 (iii) The operator or applicant has been granted all available licensing or
848 certification by the State of Florida to operate the proposed community
849 residence, or is operating under the Oxford House Charter; and
- 850 (iv) A community residence that has been denied an Oxford House
851 Charter, license or certification by the State of Florida or had its Oxford
852 House Charter, license or certification suspended, or is denied
853 recertification or renewal of its license or charter, is not allowed in the
854 City of Oakland Park and must cease operation and vacate the premises
855 within sixty (60) days of the date on which its license or certification was
856 denied or suspended or its recertification was denied; or
- 857 (v) The community residence of a type for which the State of Florida does
858 not require a license or certification or does not offer a license or
859 certification.
- 860 (5) A recovery community.
- 861 (a) Shall be allowed only when:
- 862 (i) It is located at least one thousand two hundred (1,200) linear feet from
863 the closest existing recovery community or community residence.
864 Distance is measured from the nearest lot line of the entire parcel of the
865 proposed recovery community to the nearest lot line of the entire parcel
866 of the closest existing community residence or recovery community, and
- 867 (ii) The operator or applicant has been granted all available licensing or
868 certification by the State of Florida to operate the proposed community
869 residence or is operating under the Oxford House Charter; and
- 870 (iii) A recovery community that has been denied an Oxford House Charter,
871 license or certification by the State of Florida or had its Oxford House
872 Charter, license or certification suspended, or is denied recertification or
873 renewal of its license or charter, is not allowed in the City of Oakland
874 Park and must cease operation and vacate the premises within sixty (60)
875 days of the date on which its license or certification was denied or
876 suspended or its recertification was denied.
- 877 (b) Shall be allowed if conditional use approval is granted, subject to the
878 provisions of article XII, when:
- 879 (i) A recovery community that would be located within one thousand two
880 hundred (1,200) feet of an existing community residence or recovery
881 community and would operate in accord with the criteria specified in
882 section 24-71(D); and
- 883 (ii) The operator or applicant has been granted all available licensing or
884 certification by the State of Florida to operate the proposed community
885 residence or is operating under the Oxford House Charter; and
- 886 (iii) A recovery community that has been denied an Oxford House Charter,
887 license or certification by the State of Florida or had its Oxford House
888 Charter, license or certification suspended, or is denied recertification or

renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied.

Sec. 24-267. - Accessory structures.

See Chapter 24, sections 24-68, 24-69, and 24-70 for reference to accessory structures. Commercial properties are permitted to have accessory structures to serve business uses subject to the Building Requirement of their sub-area.

Sec. 24-268. - Non-conforming uses, situations, and structures in OP3D.

It is the general policy of the city to allow uses, structures and lots that came into existence legally and in conformance with the zoning regulations applicable at the time the structure or use was established and for which all required permits were issued, but do not conform to all the applicable requirements of this code to continue to exist and to be put to productive use, but to bring as many aspects of such situations into conformance with the current code as is reasonably practical, all subject to limitations of this Article. The limitations of this section are intended to recognize the interest of the property owner in continuing to use the property but to preclude the expansion of the non-conforming situation and to preclude the reestablishment of an abandoned use or lot of a building or structure that has been substantially destroyed. It is not the intent of this section to limit the right of a property owner to continue the uses of land and structures as were in existence at the time of the adoption of this Article, since it would be an injustice and unreasonable hardship to compel immediate removal or suppression of an otherwise lawful business or use already established within the district.

This section shall apply to circumstances, uses, and buildings that become non-conforming by the enactment of this Article XX to the code or an amendment of this article. It shall also apply to non-conforming situations that were legal non-conforming uses or other situations, use and buildings under similar provision of a previously applicable section of the code and that remain non-conforming with one or more provisions of this section even if the type or extent of non-conformity is different.

Any non-conforming use, building, structure, or other non-conforming situations which exists lawfully on the date of the adoption of the ordinance enacting this

Article of the code or which becomes non-conforming upon the adoption of any amendment to this Article of the code shall be continued in accordance with provisions of this article.

The burden of establishing that any non-conforming situation is a legal non-conforming situation as defined by this section of the code, shall in all cases, be upon the property owner of such non-conformity and not upon the City of Oakland Park or any other person or entity.

Definitions:

Legal non-conforming situations. A legal non-conforming situation is any land use, structure, lot of record, or other situation, related to the use or development of land that was legally established prior to the effective date of the ordinance adopting this section of the Code of Ordinances of the City of Oakland Park, or any subsequent amendment thereto and that it does not now fully conform to the requirements of this section, as amended to the applicable date.

Non-conforming use. A non-conforming use is a use of land, building(s) or other structure(s), or any combination thereof, which lawfully existed prior to the effective date of this article, or any subsequent amendment thereto, and which is maintained after the effective date of this article, or amendment thereto, although it does not comply with the permitted uses of the district in which it is located.

Non-conforming structure. A non-conforming structure is any building or structure which is in compliance with the zoning regulations applicable at the time the structure was established, and for which all required permits were issued.

Other non-conforming situations include other aspects of an established land use or development that does not fully conform with the requirements of this section or any amendment thereto but which is legally non-conforming under subsection "A" above. Such other non-conforming situations include, but are not limited to, requirements for off street parking, landscaping requirements, and buffering requirements.

Non-conforming uses and structures.

Continuance permitted. A non-conforming use may continue, subject to requirements to this section.

Non-conforming Use Expansion prohibited. A non-conforming use shall not be enlarged, increased, or expanded to any extent.

Change of use. A non-conforming use may be changed only to a use conforming to the requirements of the OP3D.

Non-Conforming structures. A non-conforming structure may be used for any permitted use in the OP3D or for any applicable legally non-conforming use continuance.

Non-conforming Structure Expansion. Any expansion of a non-conforming structure which serves to expand the extent of the non-conformity is prohibited.

Moving prohibited. A non-conforming structure or use shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other parcel within the OP3D unless the entire structure shall thereafter conform to the regulations of the OP3D.

Maintenance, repairs, and remodeling. Maintenance and repairs of a non-conforming structure are permitted. Remodeling of the structure within the existing building footprint is permitted without a variance, provided that the remodeling does not increase the degree of non-conformity and that applicable building and life safety codes are complied with.

Termination of non-conforming situations.

Termination by abandonment. A non-conforming use discontinued by abandonment shall not then be reestablished except in conformance with the requirements of the OP3D. For purposes of this section, abandonment shall be defined and determined to occur when the property owner intentionally and voluntarily forgoes further non-conforming use of the property. *Hobes vs. The Department of Transportation 831 So. 2d 745 (Fla. 5th DCA 2002) and Louis vs. City of Atlantic Beach 467 So. 2d 751 (Fla. 1st DCA 1985).*

Termination by damage or destruction.

In the event that any non-conforming structure or use is destroyed by any means to the extent of fifty (50) percent of the cost of replacement of such structure or use, said structure or use shall not be rebuilt, restored, re-established or

reoccupied, except in conformance with the applicable regulations of this section pertaining to the OP3D.

Violations, penalties, and enforcement. It is the intent of the city commission that the Community and Economic Development Department and Building and Engineering Department shall share responsibilities for enforcing this Article of the code to the extent that such enforcement falls within the scope of each of the department's administrative responsibilities under this section. Responsibility for bringing enforcement actions shall lie with the building officials for violations involving buildings, with the code enforcement officers for all other violations, and both of them for violations involving both buildings and other matters under this Code.

Sec 24-269. - Landscaping.

All development and redevelopment in the OP3D must comply with the adopted Landscape and Streetscape Design Standards, as amended from time to time, except for sections identified as not applicable in Section 24-257.

Sec. 24-270. - Bonus Provision program.

(A) *General Standards.*

- (1) Proposed developments utilizing the benefits of any bonus provision program shall be subject to the fulfillment of requirements and conditions as described by this section.
- (2) Total increases in height or intensity permitted by one or a combination of bonus provision programs shall not exceed the maximum height or Floor Area Ratio (FAR) as established in each sub-area.
- (3) Proposed developments which utilize any of the bonus programs shall adhere to each sub-area Building Requirements which describe additional allowances for Floor Area Ratio (FAR) and height and subsequent requirements to accommodate these allowances.
- (4) FAR, density, and height shall only be granted if the applicant provides the "Developer Contribution for public amenities" value for the type of benefits listed as "Public benefits to be provided".

1048

1049 (5) New public right-of-ways, parks, open spaces, plazas, and other
1050 amenities need to meet city's standards.

1051

1052 (B) *Building height.* Property owners may obtain approval to construct
1053 additional stories provided they contribute toward public amenities.
1054 Additional stories may be added from the base height stated for that
1055 sub-area up to the Height Code in the map applicable to that sub-area.

1056

1057 (C) *Density bonus.* A density bonus may be granted by the city
1058 commission of up to ten (10) units per acre if said density bonus is
1059 consistent with:

1060

1061 (1) The adopted goals, objectives and priority improvement projects of the
1062 City's Community Redevelopment Plan adopted pursuant to F.S. §
1063 163.360, and

1064

1065 (2) The adopted City of Oakland Park Downtown Development District
1066 Design Guidelines.

1067

1068 (D) *Developer contribution for public amenities.* Developers shall be
1069 required to provide public amenities equal in value to five-tenths (0.5)
1070 percent or more of the construction cost for each story above base
1071 height. Construction cost will be determined using data obtained from
1072 the most recently published "RS Means Square Foot Costs" manual as
1073 an amount per square foot for each story above three (3) stories.

1074 (E) *Public benefits to be provided.* Public benefits include the
1075 following:

1076

- 1077 (1) Additional public open space or public park
1078 (2) Sustainability/resiliency features such as rooftop rain gardens,
1079 terraces, solar panels, etc ;
1080 (3) Affordable Housing
1081 (4) Community facility (i.e. amphitheater);
1082 (5) Additional pedestrian connection features;
1083 (6) Financial contribution for special downtown entry features;
1084 (7) Public parking;
1085 (8) Public right-of-way enhancements;
1086 (9) Sidewalks improvements;

- (10) Landscape improvements on the public right-of-way;
- (11) Land Dedications. New rights-of-way dedication in the Warehouse Flex North sub-areas for public right-of-way. The land dedications shall become part of the public right-of-way and the following provisions shall apply:
- The land dedications may be included as part of the net area in Floor Area Ratio or density calculations.
 - The land dedications shall be excluded as part of all other development requirement calculations.
 - The new right-of-way extensions shall be designated and improved as *Tertiary Streets* or Pedestrian Promenade. Proposed developments shall not be permitted to build over the new right-of-way and shall accommodate the new road through building setbacks provided in each sub-area requirement.
- (12) Reserved
- (13) Or as determined by the city commission.
- (14) Requirement for project approval that illustrates how project meets the Design Guidelines.

(F) Bonus Provision procedure.

Funds for public amenity. Developers shall provide the city with an irrevocable letter of credit or bond, which is acceptable to the city and will guarantee the developer's construction of the public amenity as described section 24-270(F)

Approval of public amenity by city commission. The developer must provide appropriate drawings and documentation regarding the cost of the public amenity from a certified engineer to city staff for review by the development review committee. City staff shall submit a report for city commission approval of the proposed public amenities.

The public amenity must be installed and receive final approval from city staff prior to the issuance of the certificate of occupancy.

A developer may ask for an extension of the six-month period referred to in section 24-270(H)(3) above from the city commission.

In the event that the developer fails to construct the public amenity as approved by city commission or if the value of the public amenity is determined by the city to be less than the required contribution as

1128 stated in 24-270(F), the city shall be entitled to withdraw from the letter
1129 of credit or bond stated in 24-270(H)(1) for the cost of the public
1130 amenities. The funds from any withdrawal shall be used by the city
1131 exclusively for capital improvements in the Downtown Development
1132 District.

1133
1134 In the event the city draws on the letter of credit or bond in accordance
1135 section 24-269(H)(5), the city shall be responsible for the city's
1136 reasonable cost incurred in drawing against the security.

1137
1138 **Sec. 24-271. - Parking.**

1139
1140 (A) *General provisions.* All development and redevelopment within the
1141 Oakland Park Downtown Development District (OP3D) shall follow the
1142 parking provisions provided within this article.

- 1143
1144 (1) Off-street parking facilities, including access aisles and driveways,
1145 shall be provided with pavement having an asphalt or Portland
1146 cement binder, or other approved paver bricks and subject to
1147 approval by city engineer. Any parking in front of a building,
1148 however, shall be paved with permeable pavers other planting
1149 materials that include plant life as acceptable by the Director of
1150 Economic and Community Development.
- 1151 (2) As of the effective date of this article, new private, on-site, back out
1152 parking facilities are prohibited except for lots with less than 40 feet
1153 of width located on streets where back-out parking is permitted
1154 according to Section 24-80
- 1155 (3) Minimum parking lot aisle widths and parking space dimensions shall
1156 be as set forth in section 24-80; except, however, the stall width of a
1157 parallel, on-street parking space (other than those on Dixie Highway)
1158 shall be eight (8) feet.
- 1159 (4) Parking lots shall provide for pedestrian and vehicular cross access
1160 to existing and prospective adjacent parking lots.
- 1161 (5) Pedestrian entries to parking garages shall be directly from the
1162 adjacent street or paseo as well as from the contiguous building.
1163 Pedestrian entries to garages shall be linked to cross-block paseos
1164 wherever possible.
- 1165 (6) Vehicular entries and exits to parking lots and garages shall be
1166 allowed only from rights-of-way and from adjoining properties, and
1167 alleys. Entries and exits along Primary Boulevard, Primary

1168 Pedestrian A or Primary Pedestrian B streets are prohibited unless
 1169 no other street is available to provide access. Vehicular entries shall
 1170 have a minimum width of twenty-four (24) feet. Vehicle entries for
 1171 residential properties with five or fewer dwelling units are permitted
 1172 vehicle entry widths of less than 24 feet, but no less than 10 feet.

1173 (7) Parking stall dimensions and spaces for persons with disabilities
 1174 and/or strollers shall be in accordance with the Americans with
 1175 Disabilities Act and article VI, of this chapter.

1176 (8) Bicycle racks shall be required on all sites over 4,000 square feet
 1177 and all parks.

1178 (9) All onsite surface parking on properties 40 feet wide or wider shall be
 1179 located at the rear or at the side of buildings, and residential garage doors
 1180 shall face the side or rear of the building with the exception of frontage on
 1181 a Primary Boulevard, where surface parking lots in view of a Primary
 1182 Boulevard are only permitted to cover 60 percent of the lot width for a
 1183 depth of 60 feet measured from the right of way line at the Primary
 1184 Boulevard. Further than 60 feet back from the right of way line, the surface
 1185 parking lot is permitted to cover the full width of the lot, provided screening,
 1186 buffering, and landscaping as required elsewhere is provided.

1187 (10) *Tandem parking:*

1188 a. For residential uses, *tandem parking space pairs*, if provided, shall
 1189 only count as two spaces if both spaces are dedicated to the same
 1190 residential unit and contained within a mixed-use or multi-family
 1191 development multi-car garage,
 1192

1193 (B) *Number of spaces required—Single use properties. Parking*
 1194 *requirement calculations shall be based on net interior area. On-*
 1195 *site parking for single-use properties shall be provided as*
 1196 *follows:*
 1197

Type of Use	Spaces Required
Residential	1 space per studio or 1- bedroom unit 2 spaces per 2-or-more-bedroom unit
Live/Work	0-1 bedroom up to 1100 net square feet = 1 parking space 2 or more bedrooms up to 1100 net square feet = 2 parking spaces. Units larger than 1100 net square feet (regardless of the number of bedrooms) shall provide a minimum of 2 parking spaces plus an additional parking space for

	every additional 350 square feet over 1100 net square feet. One (1) guest space for every five (5) units either on-site or on-street.
Commercial	1 spaces per 350 s.f.
Warehouse	1 space per 1,000 s.f.
Manufacturing	2 spaces per 1,000 s.f.

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(C) *Number of spaces required—Mixed-use parcels or lots with residential use in project.* Except as elsewhere set forth in this section, the number of required on-site parking for mixed-use parcels or lots shall be calculated as follows:

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1205

1206

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1208

Determine the minimum amount of parking required for each land use as a separate use; multiply the total required per single use by thirty (30) percent to calculate the mixed-use reduction. The mixed-use total required spaces shall be reduced by the amount calculated.

1209

(D) Reserved.

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(E) *The following conditions apply to any parking facility that serves a mixed-use development and is availing itself of the above schedule:*

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(1) The title to the mixed-use real property, subject to the mixed-use, and its parking facility shall be owned by the same party or be under a joint use agreement. Any parking arrangement under a joint use agreement shall meet the requirements of Article VI of this chapter.

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(2) Shared parking spaces shall not be reserved. Only parking spaces in excess of the minimum required are permitted to be reserved to specific dwelling units, business establishments, or users within the site. All spaces provided to meet the minimum requirement shall be available for all users of the site at all times.

1226

1227

1228

(3) The city will determine, at the time of the parking facility's plan approval, if shared parking is possible and appropriate at the proposed location. Sufficient and convenient short-term parking must

1229 be made available to commercial establishments during the weekday
1230 daytime period.
1231

1232 (4) Any subsequent change in use shall require a certificate of use and
1233 proof that sufficient parking will be available.
1234

1235 (F) *Downtown mobility fee of on-site parking.* From the effective date of
1236 this article, the city hereby establishes a downtown mobility fee
1237 which amount shall be established by resolution of the city
1238 commission for every parking space required but not provided.
1239

1240 (1) The fee to be paid (the "downtown mobility fee") shall be a one-
1241 time fee per space for each parking space required, when:

- 1242 (a) Construction of a new building or structure occurs; or
1243 (b) Dwelling units are added to an existing building or structure; or
1244 (c) An existing building or structure is enlarged; or
1245 (d) A change from one Type of Use to another Type of Use listed
1246 in the table in Section 24-271(B) occurs.
1247

1248 (2) The fee shall be paid in accordance with the procedure established
1249 from time to time by the city commission.
1250

1251 (3) All downtown mobility fees collected by the city, and all interest
1252 earned thereon, shall be placed in a special fund established by the
1253 city commission and shall be used solely for the acquisition of land
1254 for, development of, and maintenance of public parking facilities,
1255 parking management systems, multi-modal transportation
1256 alternatives, and parking capacity evaluation and monitoring in
1257 and/or directly serving the district.
1258

1259 (4) The city may adopt, by resolution, incentives, or other programs,
1260 which may mitigate the cost of the mobility fees as it relates to
1261 parking and mobility and provide for any enforcement procedures.
1262

1263 Sec. 24-272. - Fees. To be adopted by Resolution by City Commission.
1264

1265 Sec. 24-273. - Development review procedure.

1266 (A) Construction, establishment of new businesses, and/or alterations/modifications
1267 to buildings, parking areas, or landscaping require specific levels of review based
1268 on their potential impact on City resources and community character. The table
1269 below states the review process required based on project type.

1270 (B) Guide to table:

1271 X=The entity that has power to review, approve, or deny a project or to request
1272 additional information from the applicant.

1273 R=The entity is to review and make a recommendation to a higher-level entity on
1274 approval or denial of the project and may request additional information from the
1275 applicant.

1276 A=The entity has the power to hear an appeal against a decision of the entity that
1277 approved or denied the project. The request for appeal to that entity shall be submitted
1278 within 30 days of approval or denial. The requestor for the appeal needs to have
1279 'standing' to submit an appeal.

1280 CU/BP=Certificate of Use and/or Building Permitting process. This is the process used
1281 city-wide for applications for opening or expanding a business or conducting permitted
1282 construction in accordance with Article XXI.

1283 STAFF=City staff and consultants with expertise in urban design, urban planning,
1284 economic development, and/or landscaping who will conduct a review and provide
1285 written responses within three weeks of submittal of a complete project application. A
1286 consensus of this committee is required for project approval.

1287 DRC=The City's Development Review Committee shall conduct a review of the project
1288 application using its standard operating procedures including the holding of at least one
1289 public hearing on the item.

1290 PZAB=The Planning and Zoning Advisory Board shall conduct a public hearing(s) on
1291 the project application in accordance with its standard operating procedures.

1292 CC=The City Commission shall conduct a public hearing(s) on the project application in
1293 accordance with its standard operating procedures.

1294 BA=The Board of Adjustment shall conduct a public hearing(s) on the project application
1295 in accordance with its standard operating procedures.

1296 (C) The Table:

1297

Project Type	CU/BP	STAFF	DRC	PZB	BA	CC
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Change of Use or Interior Renovation only in compliance with OP3D	X					
Change to exterior façade of structure in compliance with OP3D		X				A
Exterior Signage changes, additions, or replacements in compliance with OP3D		X				A
Site modifications only affecting landscaping and foliage or pedestrian areas in compliance with OP3D		X				A
Site modifications affecting parking and/or motor vehicle circulation areas in compliance with OP3D			X			A
Building Additions of less than 15% of existing gross floor area up to 1,000 square feet in compliance with OP3D		X				A
New Buildings or Building Additions of more than 15% of existing gross floor area in compliance with OP3D			X			A
Conditional Use			R	R		X
Platting or Subdivision			R	R		X
Bonus Provision Program			R	R		X
Variance			R		R	X
Modification to required yards in accordance with Sec. 24-78(A)			R	R		X

Adjustments to parking location, character, size, etc. in accordance with Section 24-80(B)(5)			X			A
Waivers of OP3D Design Guidelines Requirements			X			A
Canopies and awnings placed over the Right-of-Way			X			A

1298

1299 (D) Projects requiring building permit, certificate or use, or staff review shall be
1300 submitted though the existing permitting process. The following is the process for
1301 site development plan review (required for Items requiring approval by the
1302 Development Review Committee, Planning and Zoning Board, Board of Adjustment,
1303 and City Commission.

1304 (1) *Pre-application meeting.* A developer or property owner shall participate in a
1305 meeting with Planning and Zoning staff either in person or electronically prior to
1306 holding a Neighborhood Participation Meeting (if required according to Section
1307 240163(E)) and submittal of a site development plan application.

1308 (2) *Formal development review committee meeting.* A developer or property owner
1309 shall submit the complete site development plan application before a scheduled
1310 development review committee meeting to be scheduled once the application is
1311 deemed complete. The development review committee (DRC) shall provide
1312 written comments on the development application at the scheduled meeting. The
1313 applicant shall provide responses and DRC members can either approve or deny
1314 the response. If necessary, the DRC can call additional formal meetings. DRC
1315 members reach consensus on the development site plan review. Alternate
1316 standards or modification authorized to the DRC by the Land Development Code
1317 are to be approved by a majority vote of the DRC members.

1318 (3) *Revisions to approved site plan prior to or during project construction.*

1319 (a) *Minor amendment:* This includes any changes and deviations from an
1320 approved site plan that do not constitute a substantial alteration or
1321 modification to the character of the development. Examples include
1322 changing the interior configuration of a building with no impacts on the
1323 exterior, number of dwelling units or number of bedrooms that affect
1324 parking, minor changes in materials and plants to be used in landscaping,
1325 or other minor adjustments, The development review committee, after
1326 receiving staff recommendations may approve "minor" changes and
1327 deviations from the approved site plan which are in compliance with the
1328 provisions and intent of this article, and which do not depart from the principal
1329 concept of the approved site plan.

1330 (b) *Major amendment*: This includes any changes and deviations from an
1331 approved site plan that constitute a substantial alteration or modification to
1332 the character of the development. Examples include changing the location
1333 of a building, changing the appearance of a building, changing the location
1334 or number of parking spaces, changes to the number of dwelling units or
1335 number of bedrooms in dwelling units, changes to the locations or designs
1336 of loading areas. For a major amendment a new site development plan
1337 review application and applicable approvals made necessary by the
1338 amendment shall be reviewed according to procedures as if the amendment
1339 were a new application.

1340 (B) *Site Development Plan applications*. Applications shall be accompanied by site
1341 plans and exhibits, as appropriate for the permit requested, prepared by design
1342 professionals (e.g., architects, landscape architects, engineers, etc.) that include, at
1343 minimum, the following plus any additional material required by the OP3D Design
1344 Guidelines:

- 1345 (1) Lot lines and setbacks.
- 1346 (2) Gross and net acreage.
- 1347 (3) Total square footage of all land uses.
- 1348 (4) Total number of dwelling units.
- 1349 (5) Location, shape, size, and height of existing and proposed building construction
1350 and landscaping.
- 1351 (6) Amount of building coverage at ground level, in square feet and as a percentage
1352 of the total site.
- 1353 (7) Typical floor plans and elevations of all structures, including total gross square
1354 foot area of each floor and all dimensions relating to the requirements of this
1355 article.
- 1356 (8) Location, size and total amount of open space, if applicable.
- 1357 (9) Total amount of paved area in square feet and percentage of entire site.
- 1358 (10) Location of on-street and off-street parking, loading facilities and all utilities.
- 1359 (11) Location and dimensions of proposed parking and service areas, including
1360 typical parking space dimensions and/or narrative regarding payment of in-lieu
1361 fee for parking.
- 1362 (12) Proposed means of vehicular and pedestrian access from the site(s) within the
1363 development to adjacent streets and/or alleys, showing all proposed or existing
1364 curb cuts and sidewalks.
- 1365 (13) Adjacent roadway widths (paved right-of-way), including elevation of road plus
1366 any dedications required by the city.
- 1367 (14) Location, shape, and size of signage.
- 1368 (15) Indication of any site or building design methods used to conserve energy
1369 and/or water.

- (16) Indication of any site or building design methods used to incorporate the principals of crime prevention and public safety through environmental design ("CPPSTED"), as set forth in City Resolution No. R-95-46.
- (17) Location and method of screening of refuse stations, storage areas and off-street loading areas. Refuse collection areas; dumpsters and recycling containers shall be placed on a twelve-foot by twelve-foot concrete pad with a twelve-by-six-foot apron of three thousand (3,000) PSI concrete. All containers must be enclosed as prescribed in subsection 24-265(D)(1) of the Oakland Park Land Development Code.
- (18) Conceptual landscape plans including trees/palm massing, landscape areas, and parking landscape treatment.
- (19) Location and method of buffering from adjacent residential zoning districts.
- (20) Proposed or existing utility easements or fire hydrants and distance to structures.
- (21) Location and method of stormwater retention or detention.
- (22) Schematic engineering drawing, which included an outline of the plan to provide water, sewer, roads, and drainage for the proposed project. This plan shall be a preliminary conceptual design signed and sealed by a registered engineer attesting that the public infrastructure planned will be in accordance with all federal, state, and local regulations. At minimum the drawing shall contain the following: Utility pipe sizes, (lengths, material, and preliminary locations), roadway cross-section (width, depth of base and subgrade), typical sections across property lines, and offsite utility and roadway public infrastructure necessary to serve the site. The information contained on the schematic engineering drawing must be reviewed and approved by the public works department.
- (23) Method of maintaining any common or joint use area.
- (24) Design data as may be needed to evaluate the project such as:
- (a) Building elevation.
 - (b) Samples of materials including roofing tiles, pavers, exterior paint, or exterior materials.
 - (c) Drawing or images of street furniture.
 - (d) Detailed drawings of signage and wayfinding.
- (25) If buildings in the proposed development are over three (3) stories, site plans, appropriate exhibits and narrative regarding participation in the building height incentive program shall be provided.
- (26) The city may ask for additional documentation and studies as necessary. The costs of such document and studies shall be born by the property owner.

1409 Sec. 24-274. - Prohibited structures.

1410 Telecommunication towers, shipping containers for use as storage buildings, and
1411 billboards

1412 are prohibited.

1413

1414 Sec. 24-275. - Offsite drainage.

1415 (A) The city shall maintain an inventory of public stormwater drainage facilities serving
1416 the OP3D for the purpose of allocating capacity to one hundred (100) percent of the
1417 required drainage for permitted OP3D developments or uses.

1418 (B) Public drainage capacity will be reserved by the city for each development within
1419 the district.

1420 (C) Each property within the district shall have the option to connect, direct or otherwise
1421 ensure that up to one hundred (100) percent of onsite stormwater runoff is conveyed
1422 to the public stormwater system. The manner of connection shall be as permitted by
1423 the city engineer.

1424 (D) A one-time per property connection fee, as provided in the community development
1425 department fee schedule, shall be charged to cover the cost of stormwater service
1426 and connection. The fee shall be charged to any district property requiring a Broward
1427 County Department of Environmental Protection permit. The fee shall be paid prior to
1428 city building permit issuance.

1429

1430 Sec. 24-276. - Reserved.

1431

1432 Sec. 24-277. - Signage. All new, replacement, or altered signage and exterior
1433 design changes shall conform to the standards and requirements of the OP3D
1434 Design Guidelines.

1435

1436

1437 Sec. 24-278 Vision Clearance Triangles. All construction and landscaping at
1438 portions of any site affecting Vision Clearance Triangle Areas shall conform to the
1439 standards and requirements of the OP3D Design Guidelines, and these are the
1440 only vision clearance triangle requirements applicable to the OP3D sub-areas.

1441

1442

1443 Section 24-279. Minimum transparent glazing on facades. All construction of exterior
1444 facades or reconstruction of exterior facades shall conform to the standards and
1445 requirements of the OP3D Design Guidelines regarding the minimum amount of
1446 transparent glazing required on exterior facades.

1447

1448

1449 Sec. 24-280. Special Regulations for all areas of OP3D

1450 (A) Parking Structures

1451 (1) *Queuing*. Provisions for car queuing shall be at least twenty (20) linear feet
1452 and shall occur internal to the *lot* and shall not interfere with pedestrian
1453 circulation on a public sidewalk.

1454 (2) *Parking structure entrances*. All *parking structure* entrances facing a street
1455 frontage shall be required to treat and finish the interior portion of the garage
1456 entry to a depth of twenty (20) feet from the building façade. Treatment may
1457 include, but shall not be limited to, stucco or plaster, finished and painted
1458 comparable to a habitable space. All mechanical, electrical, and plumbing
1459 systems shall be shielded and covered.

1460 (3) *Parking ramp maximum slope*. Maximum slopes for *parking* ramps (ramps
1461 with parking spaces) shall be in accordance with ADA requirements not to
1462 exceed six (6) percent. Non-parking/access ramps shall not exceed sixteen (16)
1463 percent. If the ramp is greater than fourteen (14) percent, a break-over transition
1464 shall be required. The preferred standard is ten (10) percent for non-parking
1465 ramp slopes. The greatest effort possible should be made to have all parking
1466 spaces on non-sloped areas to facilitate future reuse of garage areas if parking
1467 demand diminishes in the future.

1468 (4) On garage structures facades enclosing non-active uses, architectural
1469 treatment in accordance with the OP3D Design Guidelines shall be provided.

1470

1471 (B) Loading and maneuvering.

1472 When provided, loading areas shall be subject to the following requirements:

1473 (1) Loading for all proposed developments shall occur internal to the building
1474 footprint or from the alley and shall be visually screened from public view in
1475 Downtown Core Sub-area. For small or existing developments which cannot
1476 accommodate circulation internal to the building, as determined by the Economic
1477 and Community Development Director, and which do not have alley access, the
1478 owner shall make arrangements with the City to designate on-street parking or
1479 other area as a temporary loading zone.

1480 (2) Public rights-of-way shall not be utilized for maneuvering associated with
1481 building loading access for newly constructed buildings unless approved by the
1482 Development Review Committee.

1483

1484 (C) Architectural features: For building frontages greater than 150' in width, no façade
1485 shall exceed 60% of the building frontage without providing a planar break or multiple
1486 planar breaks a minimum of 3' in depth. The cumulative horizontal length of all planar
1487 breaks shall be greater than or equal to 20% of the building frontage.

1488

1489 (D) Open Space Standards

1490 (3) Walk Up Gardens: for ground floor residential or live work uses permitted in
1491 Secondary streets which shall have a minimum depth of five (5) feet measured
1492 horizontally between the building *façade* and the public sidewalk, and may
1493 include an entrance landing and stairs. *Fences*, walls or other similar structures
1494 shall not exceed three (3') in *height*. 40% min. vegetated area required.

1495

1496

1497 (4) Front yards in InTown Neighborhoods sub-area

1498 30% min. tree canopy

1499 50% min. vegetated area

1500

1501

1502 (5) TREE CANOPY means, for the purpose of Open space standards, the
1503 measure the upper portion of a tree consisting of limbs, branches and leaves and
1504 the anticipated shade coverage on the ground. Large palm species shall be not
1505 be utilized for the required tree canopy.

1506

1507 (6) VEGETATED AREA means, for the purpose of Open space standards, any
1508 surface or area of a surface not greater than four (4) feet in height and occupied
1509 by plant materials. A maximum of 20 percent of the required vegetated area shall
1510 be covered by permeable materials, not including exposed soil.

(E) Townhouse regulations: For townhouse and multi-family dwelling projects, parking spaces, garage doors, and maneuvering areas shall not be permitted in front of the structure. Only an access driveway to the side and/or rear of the structure is permitted to pass over a front yard, consisting of the yard frontage abutting the highest classified street bordering the project site. Furthermore, townhouse development where all units front into an internal court, parking area, or circulation area are not permitted. Any townhouse facing a public street shall have its entrance and front façade facing that street.

Secs. 24-281—24-284. - Reserved.

SECTION 3. If any clause, section or other part of this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the 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. All references in the Code of Ordinances of the City of Oakland Park to the Downtown Mixed Use District are to hereafter refer to the Oakland Park Downtown Development District or OP3D.

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 _____

1548 M. ROSENWALD _____

1549 M. SPARKS _____

1550

1551

1552 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND**
1553 **PARK, FLORIDA, ON SECOND READING, THIS , DAY OF , 2021.**

1554

1555 CITY OF OAKLAND PARK, FLORIDA

1556

1557

1558

1559 _____

1560 MAYOR JANE BOLIN

1561

1562

1563 J. BOLIN _____

1564 M. CARN _____

1565 A. GORDON _____

1566 M. ROSENWALD _____

1567 M. SPARKS _____

1568

1569 ATTEST:

1570

1571

1572

1573 _____

1574 RENEE M. SHROUT, CMC, CITY CLERK

1575

1576 LEGAL NOTE:

1577 I hereby certify that I have approved the form of this Ordinance (O-2020-XXX):

1578

1579

1580 _____

1581 DONALD J. DOODY, CITY ATTORNEY

1582