

ARTICLE XX. OAKLAND PARK DOWNTOWN MIXED USE DISTRICT REGULATIONS

Sec. 24-254. Title.

These regulations shall be known as, cited as, and referred to as the "Oakland Park Downtown Mixed Use District Regulations."

(Ord. No. O-2004-030, § 2, 12-1-04)

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(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-256. Authority.

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

(Ord. No. O-2004-030, § 2, 12-1-04)

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 Downtown Mixed Use District shall be consistent with the Local Activity Center Land Use Plan Text Amendment as recertified by the Broward County Planning Council on October 28, 2004.

(Ord. No. O-2004-030, § 2, 12-1-04)

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 Downtown Oakland Park Master Plan. Through a planning process it was determined that the Downtown Mixed Use 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 Mixed Use District Regulations set forth to carry out the Downtown 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 a orderly and structured development process for the area of the city designated as the Oakland Park Downtown Mixed Use District. In setting about to create the Downtown Mixed Use District, the city commission takes into account the findings, interpretations, and narrowing constructions incorporated in numerous cases including but not limited to *Louis vs. City of Atlantic Beach* 467 So. 2d 751 (Fla 1st DCA 1985); *The City of Miami Beach vs. Arlen King Cole Condominium Association, Inc.* 302 So. 2d 777 (3rd DCA 1974); *3M National Advertising Co. vs. City of Tampa Code Enforcement Code* 587 So. 2d 640 (Fla 2nd DCA 1997); and *Hobbes vs. Department of Transportation* 831 So. 2d 745 (Fla 5th DCA 2002) and finds that:
 - (1) The enactment of this ordinance creating the Downtown Mixed Use District will serve to promote and benefit the welfare and safety of the city.

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- (2) The redevelopment of the area adjacent to the Dixie Highway corridor which makes up the Downtown Mixed Use District will serve the public welfare by creating and providing financial viability for the City of Oakland Park.
 - (3) The creation of the Downtown Mixed Use District will serve to protect and enhance the residential character of the city and promote the sense of community.
 - (4) Creation of the Downtown Mixed Use District will serve to conserve and protect property and property values and will secure an appropriate use of the land within the district to insure that the long standing sense of community, an integral component of the City of Oakland Park, is preserved.

(Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2020-004 , § 2, 2-19-20)

Sec. 24-259. Definitions.

Alteration. Any change, rearrangement, enlargement, extension, or reduction of any structure, or any change in a category of occupancy of a structure. Alteration includes any of the following:

- (1) Changes to the façade 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.

Arcade. A covered walkway located on the ground floor of a building, which is open to the street, except for supporting columns or piers. Arcades are recommended along Dixie Highway and NE 12th Avenue. They may range from ten (10) feet to fifteen (15) feet in depth from face of column to face of building.

Block. A combination of building lots, the perimeter of which abuts streets.

Buildings. Any structure that encloses or covers the space use for sheltering any occupancy.

Canopy. Fabric covering pedestrian path to protect pedestrians from environmental elements.

Change of use. For purposes of this section, any proposed change of use redevelopment or modification of the character, type or intensity of use of an existing building or site.

Commercial. Any activity conducted with the intent of realizing a profit from the sale of goods or services to others.

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

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

Frontage. The property line or lines of a lot which coincide with a roadway's right-of-way.

Habitable space. A space devoted to residential, commercial or other uses permitted by these regulations and not including parking.

Height. Measure of the overall height of a building or structure, measured from the minimum floor elevation as per sections 24-131 and 24-134(B) of the City of Oakland Park Land Development Code, to top of beam of the uppermost story. Roof structures are not included in the overall height of the building; however, they must not

exceed an average of twelve (12) feet in height, with a maximum of fifteen (15) feet allowance for elevator shafts, stairwells and roof pitch.

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 and which are consistent with in which implement the comprehensive plan.

Loft. Residential unit with two (2) floors, where the uppermost floor is overlooking the primary living floor within the unit's barrier walls. The loft residential unit shall not be located at the street level.

Mixed-use. A combination of residential uses with commercial, civic and/or office uses within a single building.

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

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

Open space. An outdoor, at grade, space which is accessible to the public all or most of the time including parks, squares, paseos, pedestrian paths, and landscaped areas. Rooftop gardens and terraces open to the public could also be considered as open space, and fulfill any open space requirements within a development.

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

Pedestal. The bottom portion of a building that creates street frontage.

Pervious area. Landscaped and/or grassed area of a lot which allows water flow to flow directly to the ground.

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

Private open space. The outdoor living area directly adjoining a dwelling unit or building intended for the private enjoyment of the residents or occupants of the dwelling unit or building. Private open spaces may include patios and landscaped areas but does not include off-street parking, maneuvering, loading, or delivery areas.

Public amenity. Aesthetic or other character of a development that increase its desirability to a community or its marketability to the public. Such public amenities will be placed in publicly accessible areas or areas visible from the sidewalk or right-of-way.

Public open space. Open space maintained for the use and enjoyment of the general public. Public open space includes areas which are accessible to the public all or most of the time including: parks, squares, paseos, pedestrian paths, and landscaped areas. Rooftop gardens and terraces open to the public could also be considered as open space, and fulfill any open space requirements within a development.

Residential. Regularly used by its occupants as a permanent place of abode.

Retail use. The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

Setback. The minimum distance by which any building or structure must be separated from a property line. This distance will be measured from the property line to the building or structure wall base.

Shared parking. Parking used by more than one use or one building. Shared parking can be used to meet parking requirements subject to the approval of the city.

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

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

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

Townhome. Interrelated single-family 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, which structures continue the design, pattern and/or materials of the façade from one (1) dwelling unit to another. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Each unit shall have its own outside entrance and not be occupied by more than one (1) family. Ownership of individual dwelling units and land is fee simple.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-260. Area of Downtown Mixed Use District.

These regulations apply to the area defined in the City of Oakland Park Future Land Use map designated "Local Activity Center." This area will be referred to in the following regulations as the "Downtown Mixed Use District."

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-261. Development regulations.

Any alteration, development, or redevelopment within the Downtown Mixed Use District shall conform to the regulations set forth in this Chapter 24, Article XX.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-262. Effective date.

This Chapter 24, Article XX, Downtown Mixed Use District Regulations shall be effective as of the approval and passage by the Oakland Park City Commission.

(Ord. No. O-2004-030, § 2, 12-1-04)

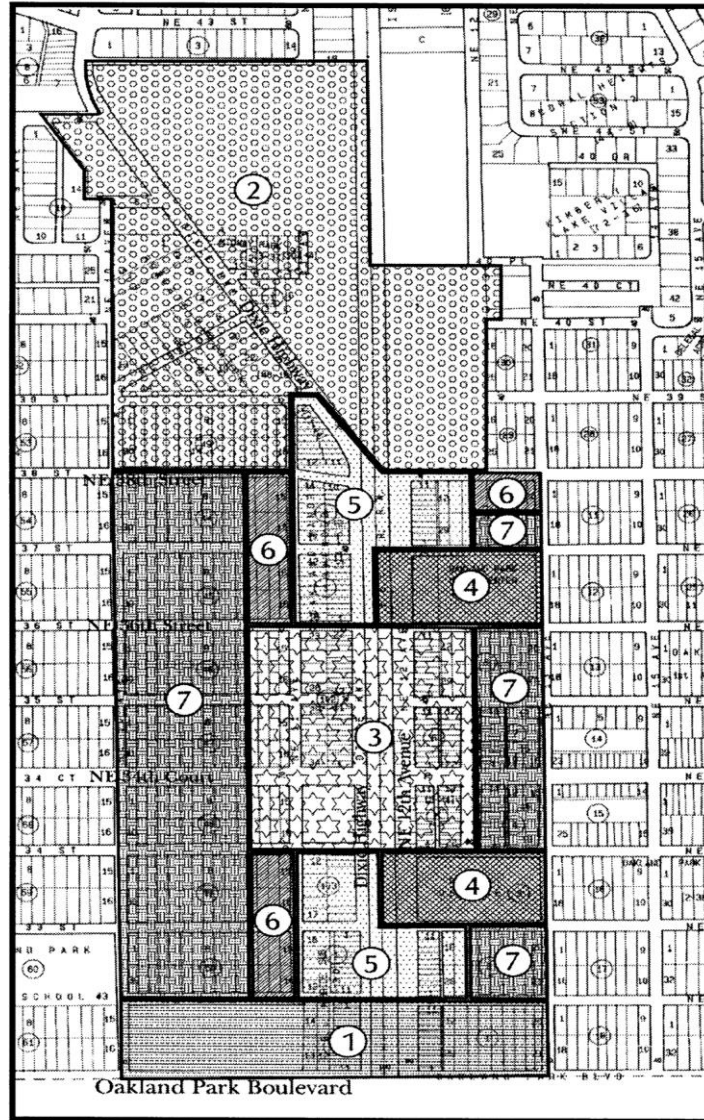
Editor's note(s)—Ord. No. O-2004-030 from which this article derived was passed by the city commission on Dec. 1, 2004.

Sec. 24-263. District sub-areas.

There shall be seven sub-areas existing in the Downtown Mixed Use District whose locations are depicted on the map in this section. The sub-areas as follows:

- (1) Boulevard Commercial.
- (2) North End Urban Residential.
- (3) Park Place.
- (4) Civic Use.
- (5) Dixie Mixed Use.
- (6) Residential Office Buffer.

(7) The Neighborhoods.



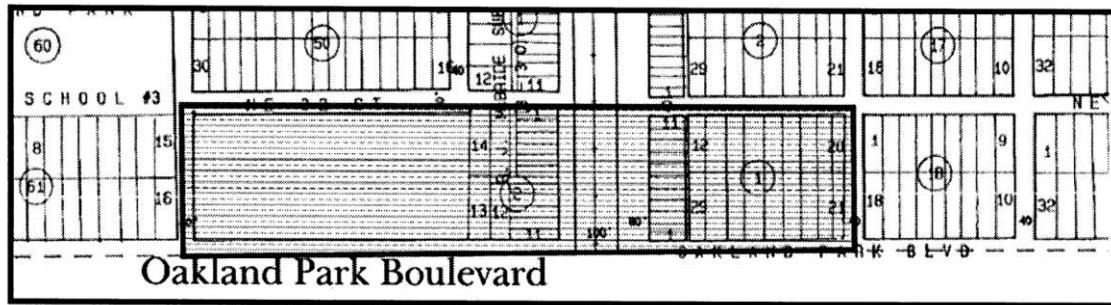
Downtown Mixed Used District Sub-areas

(1)Boulevard Commercial Sub-Area.

- (A) *Purpose.* The Boulevard Commercial Sub-Area is designated as the southern entryway into the Downtown Mixed Use District. Potential public amenities include a gateway feature. The sub-area will continue to have commercial uses with buildings orientated to Oakland Park Boulevard.
- (B) *Design Requirements.* Refer to section 24-264, Oakland Park Downtown Mixed Use District design guidelines.
- (C) *Uses.* Refer to section 24-265, Downtown Mixed Use District Use Table.

- (D) *Sub-area boundaries.* The Boulevard Commercial Sub-Area is bounded by East Oakland Park Boulevard to the south, NE 10th Avenue to the west, NE 32nd Street to the north and NE 13th Avenue to the east.

The map below designates the Boulevard Commercial Sub-Area:



Boulevard Commercial Sub-Area

- (E) *Dimensional requirements table.*

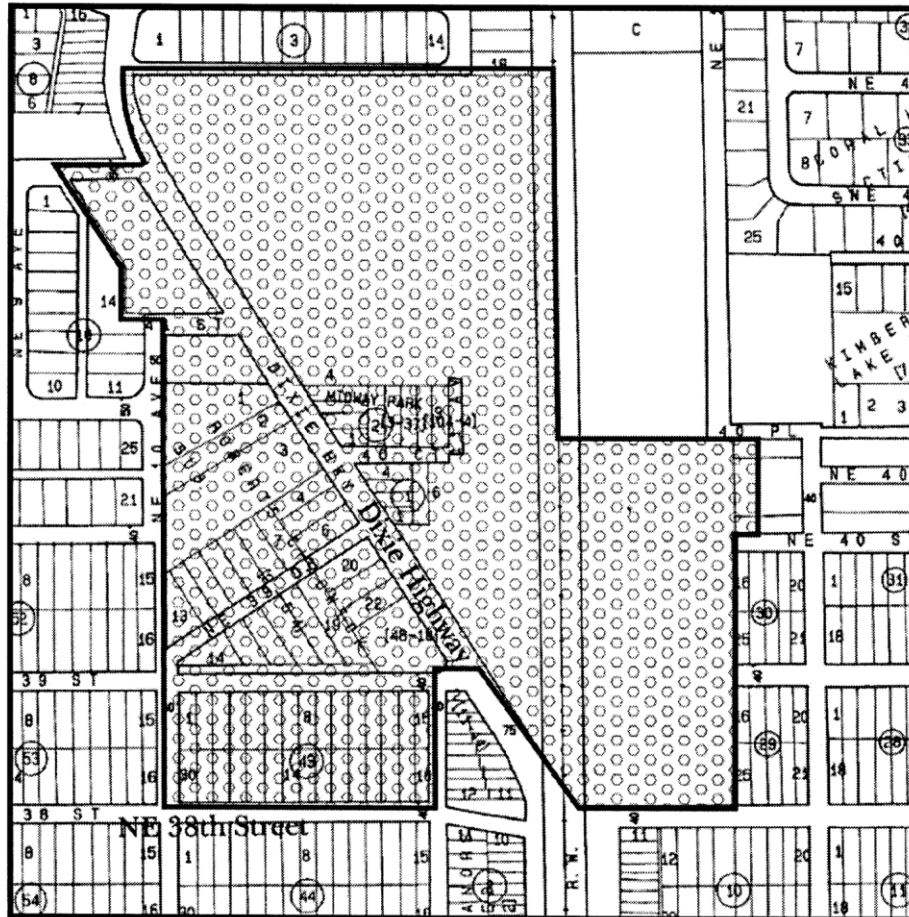
<i>Building Height</i>	Three stories with a maximum height of thirty-six (36) feet. If requirements of the Additional Building Height Program (Sec. 24-269) are met, six stories with a maximum height of seventy-six (76) feet shall be allowed.	
<i>Parking</i>	See Sec. 24-270. Parking.	
<i>Setbacks</i> (See Design Guidelines for additional requirements.)	<i>Front</i>	15' minimum
	<i>Side</i>	15' minimum
	<i>Rear</i>	20', with buffering to residential properties as required in the Design Guidelines.
<i>Minimum Pervious Area</i>	20% of net area.	

(2) North End Urban Residential Sub-Area.

- (A) *Purpose.* The North End Urban Residential Sub-Area shall have a residential focus with some neighborhood serving businesses. Commercial uses shall not exceed five (5) percent of the total building gross floor area of the sub-area. The North End Urban Residential sub-area also provides an entryway to the Downtown District for traffic approaching from the north.
- (B) *Design requirements.* Refer to Section 24-264, Oakland Park Downtown Mixed Use District design guidelines.
- (C) *Uses.* Refer to Section 24-265, Downtown Mixed Use District Use Table.
- (D) *Sub-area boundaries.* The North End Urban Residential sub-area is bounded by the north right-of way line of NE 38th Street at the south property line of Oakland Station and crossing over the FEC right-of-way to the east right-of-way line of Dixie Highway at the northeast corner of NE 38 Street and Dixie Highway moving north to NE 39 Street, the east side of Oakland Park 2nd Addition (1—39), Block 43, Lots 15 and 16, the south side of Oakland Park 2nd Addition (1—39), Block 43, Lots 16-30, the west side of Oakland Park 2nd Addition (1—39), Block 43, Lots 1 and 30 and NE 38th Street on the south; NE 10th Avenue, the rear property line of the unrecorded acreage property located on the west side of Dixie Highway between NE 41 and NE 42 Streets and north along the west right-of-way line of Dixie Highway on the west; NE 42 Street, the north

property line of the Dixie-Landmark Plat, 100 feet across the FEC Railroad and the north property line of Oakland Station on the north; and the east right-of-way line of the FEC Railroad and the east property line of Oakland Station on the east.

The map below designates the North End Urban Residential Sub-Area:



North End Urban Residential Sub-Area

(E) *Dimensional requirements table.*

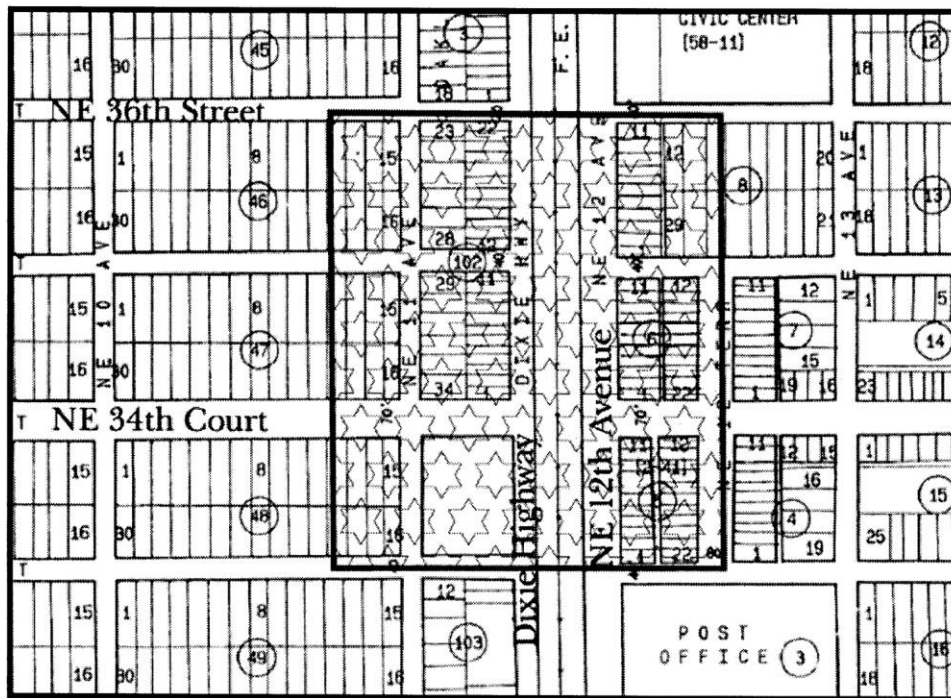
<i>Building Height</i>	Three stories with a maximum height of thirty-six (36) feet. If requirements of the Additional Building Height Program (Sec. 24-269) are met, six stories with a maximum height of seventy-six (76) feet shall be allowed.	
<i>Residential Unit Area</i>	1,100 square feet average gross floor area. Minimum 900 square foot gross floor area.	
<i>Parking</i>	See Sec. 24-270. Parking	
<i>Residential Density</i>	35 units per net acre.	
	<i>Front</i>	15' minimum

<i>Setbacks</i> See Design Guidelines for additional requirements.	<i>Side</i>	15' minimum
	<i>Rear</i>	15' minimum
<i>Minimum Pervious Area</i>	20% of net area.	

(3) *Park Place Sub-Area.*

- (A) *Purpose.* Park Place is designated as the epicenter of the Oakland Park Downtown District. It is intended to become a local destination with a signature architectural design, mixed-use buildings with commercial uses on the first floor, and public gathering areas. Residential uses are prohibited on the ground floor of all buildings developed under the Downtown Mixed Use District Regulations.
- (B) *Design Requirements.* Refer to section 24-264, Oakland Park Downtown Mixed Use District design guidelines.
- (C) *Uses.* Refer to section 24-265, Downtown Mixed Use District Use Table.
- (D) *Sub-Area boundaries.* The Park Place Sub-Area is bounded by NE 34th Street on the south; the eastern side of Oakland Park 2nd Addition (1-39), Block 48, Lots 11 and 20, Oakland Park 2nd Addition (1-39), Block 47, Lots 11 and 20, Oakland Park 2nd Addition (1-39), Block 46, Lots 11 and 20 on the west; NE 36th Street on the north; the western side of Oakland Park 1st Addition (2-38), Block 8, Lots 15 and 26 and NE 12 Terrace on the east.

The map below designates the Park Place Sub-Area:



Park Place Sub-Area

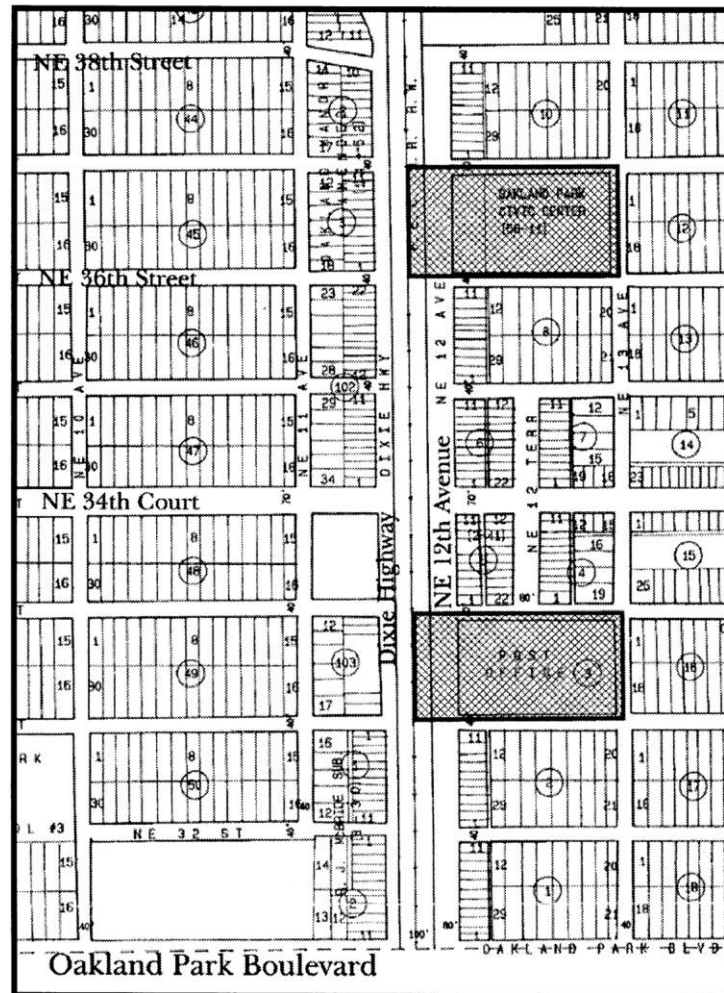
- (E) *Dimensional requirements table.*

<i>Building Height</i>	Three stories with a maximum height of thirty-six (36) feet. If requirements of the Additional Building Height Program (Sec. 24-269) are met, six stories with a maximum height of ninety (90) feet shall be allowed.	
<i>Residential Unit Area</i>	1,100 square feet average gross floor area. Minimum 900 square foot gross floor area.	
<i>Parking</i>	See Sec. 24-270. Parking.	
<i>Residential Density</i>	55 units per net acre.	
<i>Setbacks</i> See Design Guidelines for additional requirements.	<i>Front</i>	Dixie Highway: 12' minimum NE 12th Avenue: 0'
	<i>Side</i>	10' minimum
	<i>Rear</i>	10' minimum
<i>Minimum Pervious Area</i>	5% of net area.	

(4) Civic Use Sub-Area.

- (A) *Purpose.* The Civic Use Sub-Area is intended to provide space for civic, government, and postal uses as well as areas for community facilities including libraries and museums.
- (B) *Design Requirements.* Refer to section 24-264, Oakland Park Downtown Mixed Use District design guidelines.
- (C) *Uses.* Refer to section 24-265, Downtown Mixed Use District Use Table.
- (D) *Sub-area boundaries.* The Civic Use Sub-Area has two sections. 1) This section is bounded by NE 36th Street to the south; NE 12th Avenue to the west; NE 37th Street to the north; and NE 13th Avenue to the east. 2) This section is bounded by NE 33rd Street to the south; NE 12th Avenue to the west; NE 34th Street to the north; and NE 13th Avenue to the east.

The map below designates the Civic Use Sub-Area:



Civic Use Sub-Area

(E) *Dimensional requirements table.*

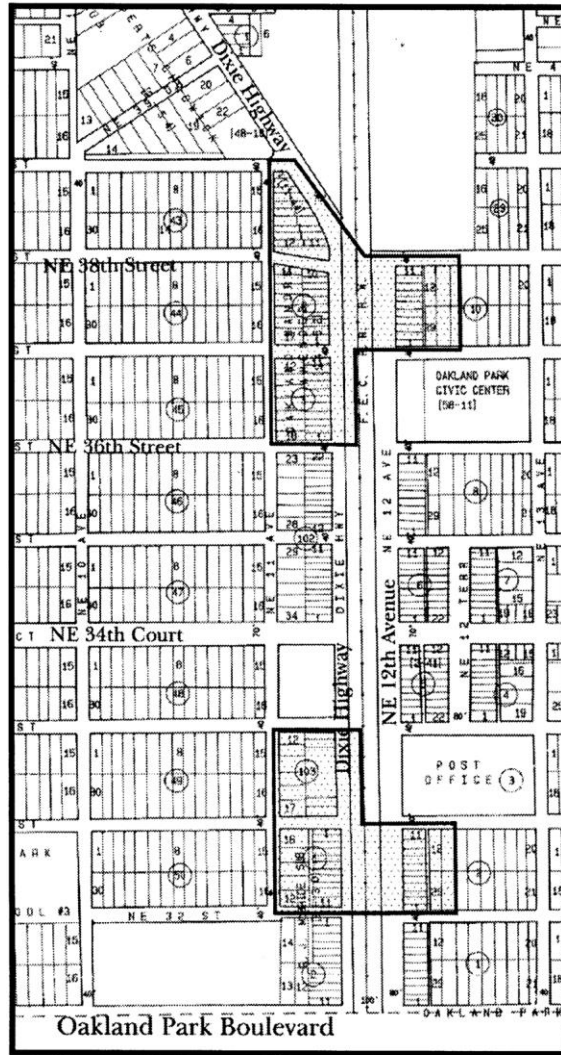
<i>Building Height</i>	Three stories with a maximum height of thirty-six (36) feet. If requirements of the Additional Building Height Program (Sec. 24-269) are met, five stories with a maximum height of sixty-eight (68) feet shall be allowed.	
<i>Parking</i>	See Sec. 24-270. Parking.	
<i>Setbacks</i> See Design Guidelines for additional requirements	<i>Front</i>	None.
	<i>Side</i>	5' minimum, 0 lot line in allowable town home developments and 0 lot line single-family lots, where the adjacent side is a minimum of 10' from lot line and minimized window at 0 lot line.

	<i>Rear</i>	15' minimum
Minimum Pervious Area	5% of net area.	

(5) *Dixie Mixed Use Sub-Area*

- (A) *Purpose.* The Dixie Mixed Use Sub-Area regulations will encourage a mix of commercial, residential, and live-work units. Residential uses are prohibited on the ground floor of all buildings developed under the Downtown Mixed Use District Regulations, except when the unit has frontage on NE 11th Avenue. A live-work unit is a space occupied that contains both residential and commercial uses in the same unit within a mixed use (refer to section 24-259 definition for mixed use); however, the residential portion cannot be located on the ground floor, except when the unit has frontage on NE 11th Avenue. The live-work unit shall be operated by the occupant of the residential unit and not by a third party.
- (B) *Design requirements.* Refer to section 24-264, Oakland Park Downtown Mixed Use District Design Guidelines.
- (C) *Uses.* Refer to section 24-265, Downtown Mixed Use District Use Table.
- (D) *Sub-Area boundaries.* The Dixie Mixed Use Sub-Area has two sections. 1) This section is bounded by NE 32nd Street to the south; NE 11th Avenue to the west; NE 34th and NE 33rd Streets to the north; and the west right-of-way line of the FEC Railroad and the western side of Oakland Park 1st Addition (2-38), Block 2, Lots 13 and 28 on the east. 2) This section is bounded by NE 36th and 37th Streets on the south; NE 11th Avenue to the west; the west right-of-way line of the FEC Railroad, the east right-of-way line of Dixie Highway and the western side of Oakland Park 1st Addition (2-38), Block 10, Lots 15 and 26 on the east; and NE 39 Street on the north.

The map below designates Dixie Mixed Use Sub-Area:



Dixie Mixed Use Sub-Area

(E) *Dimensional requirements table.*

<i>Building Height</i>	Three stories with a maximum height of thirty-six (36) feet. If requirements of the Additional Building Height Program (Sec. 24-269) are met, six stories with a maximum height of ninety (90) feet shall be allowed.	
<i>Residential Unit Area</i>	1,100 square feet average gross floor area. Minimum 900 square foot gross floor area.	
<i>Parking</i>	See Sec. 24-270. Parking.	
<i>Residential Density</i>	45 units per net acre.	
	<i>Front</i>	Dixie Highway: 12' minimum NE 12th Avenue: 0'

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(Supp. No. 45)

Setbacks See Design Guidelines for additional requirements.	<i>Side</i>	10' minimum
	<i>Rear</i>	10' minimum from back of curb to building face
<i>Minimum Pervious Area</i>	5% of net area.	
<i>Live-Work Parking</i>	0-1 bedroom up to 1,100 square feet = 1 parking space 2 or more bedrooms up to 1,100 square feet = 2 parking spaces. Units larger than 1,100 square feet (regardless of the number of bedrooms) shall provide a minimum of 2 parking spaces plus an additional parking space for every additional 250 square feet over 1,100 square feet. One (1) guest space for every five (5) units either on-site or on-street.	

(6) Residential Office Buffer Sub-Area.

- (A) *Purpose.* The Residential Office Buffer Sub-Area is a transitional, low intensity commercial area that will buffer the primarily residential North End Urban Residential and The Neighborhoods Sub-Areas. Residence in the form of condominiums or townhomes can be built in this subarea. Low intensity offices and commercial uses with residential look area allowed. Proper buffering when adjacent to single-family homes is required.

Buildings will be oriented on NE 11th Avenue in the western section and on NE 38th Street in the eastern section.

- (B) *Design requirements.* Refer to section 24-264, Oakland Park Downtown Mixed Use District Design Guidelines.

- (C) *Uses.* Refer to Section 24-265, Downtown Mixed Use District Use Table.

- (D) *Sub-Area boundaries.* The Residential Office Buffer Sub-Area has three (3) sections: 1) This section is bounded by NE 36th Street on the South; the western side of Oakland Park 2nd Addition (1-39), Block 45, Lots 12 and 19 and the western side of Oakland Park 2nd Addition (1-39), Block 44, Lots 12 and 19 on the west; NE 39th Street to the north; and NE 11th Avenue on the east. 2) This section is bounded NE 32nd Street on the south; the western side of Oakland Park 2nd Addition (1-39), Block 50, Lots 12 and 19, and the western side of Oakland Park 2nd Addition (1-39), Block 49, Lots 12 and 19 on the west; NE 34th Street on the north; and NE 11th Avenue on the east. 3) This section is bounded by the south side of Oakland Park First 1st (2-38), Block 10, Lots 20-25, on the south; the west side of Oakland Park 1st Addition (2-38), Block 10, Lot 25, on the west; NE 38th Street on the north; and NE 13th Avenue to the east.

The map below designates the Residential Office Buffer:



Residential Office Buffer

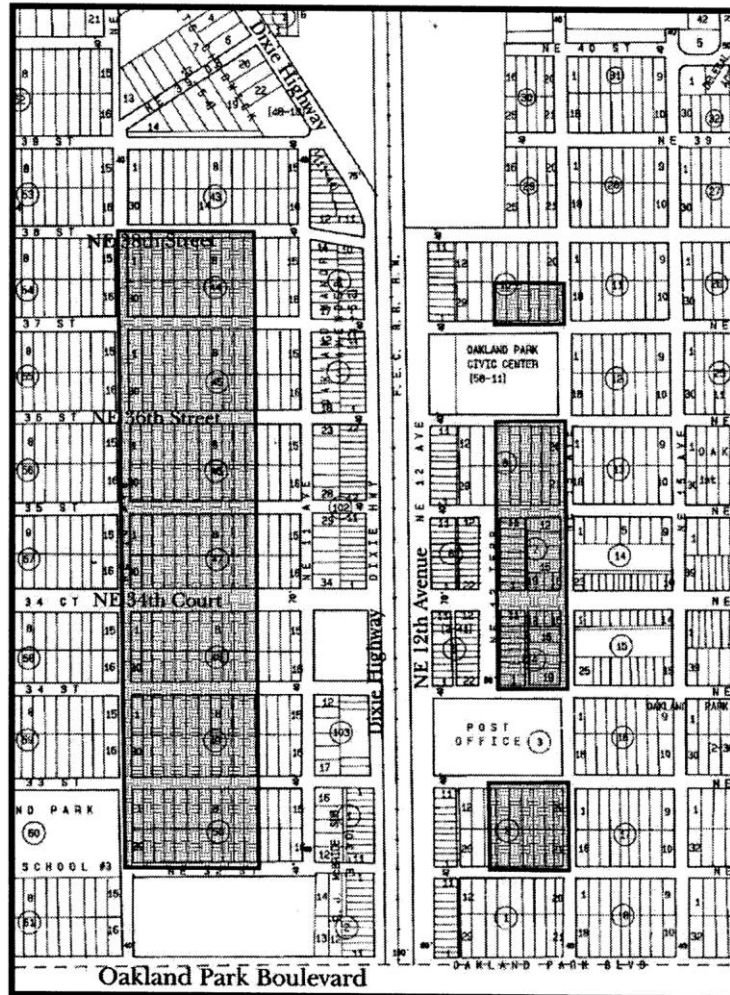
(E) *Dimensional Requirements Table.*

<i>Building Height</i>	Three stories with a maximum height of thirty-six (36) feet.	
<i>Residential Unit Area</i>	1,100 square feet average gross floor area. Minimum 900 square foot gross floor area.	
<i>Parking</i>	See Sec. 24-270. Parking.	
<i>Residential Density</i>	16 units per net acre.	
<i>Setbacks</i> See Design Guidelines for additional requirements.	<i>Front</i>	10' minimum
	<i>Side</i>	5' minimum, 0 lot line in allowable townhome developments and 0 lot line single-family lots, where the adjacent side is minimum of 10' from lot line and minimized window at 0 lot line.
	<i>Rear</i>	15' minimum

<i>Minimum Pervious Area</i>	20% of net area.
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(7) The Neighborhoods Sub-Area.

- (A) *Purpose.* This sub-area will maintain strong residential community feeling. Homeownership is to be encouraged in form of single-family and townhomes.
- (B) *Design requirements.* Refer to section 24-264, Oakland Park Downtown Mixed Use District Design Guidelines.
- (C) *Uses.* Refer to section 24-265, Downtown Mixed Use District Use Table.
- (D) *Sub-Area boundaries.* The Neighborhoods Sub-Area has four (4) sections 1) This section is bounded by NE 32 Street to the south; NE 10th Avenue to the west; NE 38th Street to the north; and the eastern side of Oakland Park 2nd Addition (1-39), Lots 11 and 20 on Blocks 43 through 50 on the east. 2) This section is bounded by NE 32nd street to the south; the western side of Oakland Park 1st Addition (2-38), Block 2, Lots 14 and 27 on the west; NE 33rd Street on the north; and NE 13th Avenue on the east. 3) This section is bounded by NE 34th Street to the south; the western side of Oakland Park 1st Addition (2-38), Block 4, Lots 1-11, Block 7, Lots 1-11 and Block 8, Lots 15 and 26, on the west; NE 36th Street on the north; and NE 13th Avenue on the west. 4) This section is bounded by NE 37th Street on the south; the western side of Oakland Park 1st Addition (2-38), Block 10, Lot 26 on the west; the northern side of Oakland Park 1st Addition (2-38), Block 10, Lots 21-26 on the north; and NE 13th Avenue on the east.



Neighbourhoods Sub-Area

(C) *Dimensional requirements table.*

Building Height	Three stories with a maximum height of thirty-six (36) feet.	
Residential Unit Area	Minimum 1,000 square foot gross floor area.	
Parking	See Sec. 24-270. Parking.	
Residential Density	16 units per net acre.	
Setbacks See Design Guidelines for additional requirements.	Front	12' minimum
	Side	5' minimum, 0 lot line in allowable townhome developments and 0 lot line single-family lots, where the adjacent side in minimum of 10' from lot line and minimized window at 0 lot line.
	Rear	15' minimum

Minimum Pervious Area	20% of net area.
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(Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2018-013, § 2, 8-1-18; Ord. No. O-2020-016, § 2, 9-3-20)

Sec. 24-263.1. Free-standing residential base standards.

The Downtown Mixed Use District base standards for free-standing residential uses (those projects which are only residential uses and not mixed with commercial uses) that include duplexes, garden apartments, townhouses and villas are as follows:

FREE-STANDING RESIDENTIAL BASE STANDARDS							
	HEIGHT (floors/max height)	SETBACKS			PERVIOUS AREA	UNIT SIZE, (sq. ft.)	DENSITY (units/ acre)
		Front	Side	Rear			
BASE STANDARD Applies to duplex, garden apt., townhouse and villas only	Max. of 3 floors/36 feet	5 feet	15 feet	30 feet	35%	1,200 Minimum	16
<p><i>The residential housing unit type includes the following categories:</i></p> <p><input type="checkbox"/> Duplex - Two (2) dwelling units, attached by a common party or firewall, in one (1) building.</p> <p><input type="checkbox"/> Garden apartment - Three (3) or more attached dwelling units in a two (2) or three (3) residential story building with each unit being only one (1) story.</p> <p><input type="checkbox"/> Townhouse - Three (3) or more attached dwelling units attached by a common party or firewall, with each unit having two (2) or more residential stories (exclusive of parking levels) and direct access from the ground floor.</p> <p><input type="checkbox"/> Villa - Three (3) or more dwelling units, attached by a common party or firewall, in a building not exceeding one (1) residential story.</p>							

(Ord. No. O-2017-014, § 2, 10-18-17)

Sec. 24-264. Urban design.

- (1) *Oakland Park Downtown Mixed Use District Design Guidelines.* All development including but not limited to buildings, open space, signage, and streetscaping are subject to the criteria stated in the Oakland Park Downtown Mixed Use District Design Guidelines. The city commission shall approve all development in the Downtown Mixed Use District in accordance with the Design Guidelines as adopted by the city commission and the development review procedure in section 24-268 of this article to ensure good aesthetics and livability. The Oakland Park Downtown Mixed Use District Design Guidelines will include criteria on the following: urban form, architectural design, streetscaping, landscaping and signage. The Oakland Park Downtown Mixed Use District Design Guidelines will also be referred to as the "Design Guidelines" in the Downtown Oakland Park Mixed Use District Regulations.

- (2) *Approval and revision of Oakland Park Downtown Mixed Use District Design Guidelines.* The city commission must approve the Downtown Oakland Park Mixed Use Design Guidelines by resolution and may time to time revise the Design Guidelines with the recommendation of city staff and an urban designer.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-265. Downtown Mixed Use District Use Table.

Downtown Mixed Use District Use Table							
(Y=Allowed, N= Not permitted, C=conditional)							
<i>Business Listings</i>	Boulevard Commercial	North End Urban Residential	Park Place	Civic Use	Dixie Mixed Use	Residential Office Buffer	The Neighborhoods
Adult entertainment, book stores, movie theaters	N	N	N	N	N	N	N
Amusement enterprises: coin operated games	Y	N	Y	N	Y	N	N
Antique shop, retail	Y	Y	Y	N	Y	C	N
Appliances, retail	Y	N	Y	N	Y	N	N
Aquaculture, maximum of 150,000 square feet of gross floor area for the entire sub-area (see use regulations in subsection (3) below)	N	C	N	N	N	N	N
Art galleries, retail	Y	Y	Y	N	Y	Y	N
Artisan/craftsman workshop	Y	Y	Y	N	Y	C	N
Artist's studio	Y	Y	Y	N	Y	Y	N
Assembly hall	Y	C	C	Y	C	N	N
Athletic/fitness club (up to 10,000 square feet)	Y	N	Y	N	Y	N	N
Auctions (antiques and fine arts only)	C	N	C	N	C	N	N
Auto body fender and repair	N	N	N	N	N	N	N

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(Supp. No. 45)

Auto rental/leasing (office only)	Y	Y	Y	N	Y	N	N
Auto tag agency	Y	N	N	N	Y	N	N
Auto wash	N	N	N	N	N	N	N
Automotive maintenance and repair services	N	N	N	N	N	N	N
Automotive parts, new (except tires and hubcaps)	Y	C	N	N	N	N	N
Automotive sales and related uses	N	N	N	N	N	N	N
Bail bonds.	N	N	N	N	N	N	N
Bakeshops, retail	Y	Y	Y	N	Y	N	N
Banks (no drive thru) a	Y	Y	Y	N	Y	N	N
Barber shops	Y	Y	Y	N	Y	Y	N
Bars/nightclubs	Y	N	Y	N	Y	N	N
Beauty parlors	Y	Y	Y	N	Y	Y	N
Beauty supply store, retail	Y	Y	Y	N	Y	N	N
Bed and breakfast inns	N	Y	Y	N	Y	C	C
Bicycle stores and repair shop	Y	Y	Y	N	Y	N	N
Bingo Parlors	N	N	N	N	N	N	N
Bookstore	Y	Y	Y	N	Y	N	N
Bottle Clubs	N	N	N	N	N	N	N
Bowling alley	Y	C	C	N	C	N	N
Broadcast studios	Y	Y	Y	N	Y	N	N
Business machines	Y	N	Y	N	Y	N	N
Butcher shop	Y	Y	Y	N	Y	N	N
Candy stores, retail	Y	Y	Y	N	Y	N	N
Carpet, rugs and floor covering, retail	Y	Y	Y	N	Y	N	N
Child care and adult day care	C	C	C	Y	C	C	C
China, crockery, glassware, earthenware, retail	Y	Y	Y	N	Y	N	N
Cigar store-retail	Y	Y	Y	N	Y	N	N

Cineplex movie theater (except drive-ins)	Y	N	Y	N	N	N	N
Clothing store, except secondhand	Y	Y	Y	N	Y	N	N
Clubs-civic, fraternal, non-commercial	Y	C	C	Y	C	C	C
Coffeehouses	Y	Y	Y	Y	Y	N	N
Community care facilities	N	N	N	N	N	N	N
Community residences subject to Sec. 24-265(4)	N	Y	Y	N	Y	Y	Y
Community centers	Y	C	C	Y	C	N	N
Consignment shop	N	N	N	N	N	N	N
Convenience stores	C	C	N	N	C	N	N
Delicatessen-retail	Y	Y	Y	N	Y	N	N
Devaluating uses	N	N	N	N	N	N	N
Dinner theater	Y	N	C	N	C	N	N
Discount store	N	N	N	N	N	N	N
Donated goods store (see use regulations in sub-section 2)	C	N	N	N	N	N	N
Dormitory, fraternity and sorority houses	N	N	N	N	N	N	N
Drive-through windows in connection with any use	N	N	N	N	N	N	N
Dry cleaner	Y	Y	Y	N	Y	Y	N
Dry cleaning and pressing -pickup and delivery only	Y	Y	Y	N	Y	Y	N
Electrical fixtures and supplies, retail	Y	Y	Y	N	Y	N	N
Fabrics store, retail	Y	Y	Y	N	Y	N	N
Financial institutions	Y	Y	Y	N	Y	N	N
Fish-retail	Y	Y	Y	N	Y	N	N
Flea markets and bazaars	N	N	N	N	N	N	N

Florists	Y	Y	Y	N	Y	N	N
Food caterers	Y	N	Y	N	Y	N	N
Fruit stores-retail	Y	Y	Y	N	Y	N	N
Garden supplies	Y	N	N	N	N	N	N
Gasoline service stations	C	N	N	N	N	N	N
Gift shops, new-retail	Y	Y	Y	N	Y	N	N
Government offices	N	N	N	Y	Y	N	N
Green market	Y	Y	Y	N	Y	Y	N
Guns-retail	N	N	N	N	N	N	N
Hardware store	Y	Y	Y	N	Y	N	N
Hobby shop, retail	Y	Y	Y	N	Y	N	N
Home occupations	N	Y	Y	N	Y	Y	Y
Hospitals	N	N	N	N	N	N	N
Hotels and motels	Y	N	Y	N	Y	N	N
Ice cream-retail	Y	Y	Y	N	Y	N	N
Industrial uses	N	N	N	N	N	N	N
Interior decoration shop (including alterations)	Y	Y	Y	N	Y	N	N
Internet cafe	Y	Y	Y	N	Y	N	N
Jewelry store-watch repair	Y	Y	Y	N	Y	N	N
Key shop/locksmith	Y	Y	Y	N	Y	N	N
Laundries, coin operated	N	N	N	N	N	N	N
Laboratories	N	N	N	N	N	N	N
Lawn care equipment (new)	Y	N	N	N	N	N	N
Laundry establishment	N	N	N	N	N	N	N
Leather goods store, retail	Y	Y	Y	N	Y	N	N
Library	C	N	N	Y	C	N	N
Liquor stores	Y	Y	Y	N	Y	N	N
Manufacturing uses	N	N	N	N	N	N	N
Marine supplies, retail	Y	N	Y	N	Y	N	N
Massage parlors	N	N	N	N	N	N	N
Massage, state licensed	Y	Y	Y	N	Y	Y	N

Medical marijuana treatment center or dispensing facility (as defined and restricted in section 24-41(C) and (D) "Master Business List"	C14	C14	C14	N	C14	N	N
Membership stores or facilities over 10,000 square feet	N	N	N	N	N	N	N
Miniature golf course	N	N	N	N	N	N	N
Multi-family dwelling units	N	Y	Y	N	Y	Y	Y
Museums	C	N	C	Y	C	N	N
Music and radio store, retail	Y	Y	Y	N	Y	N	N
Neighborhood food store (up to 10,000 square feet)	Y	N	N	N	Y	N	N
Newsstand	Y	Y	Y	N	Y	N	N
Office equipment and supplies	Y	N	Y	N	Y	N	N
Office furniture store	Y	N	Y	N	Y	N	N
Offices for doctors, dentists, podiatrists and related professions	Y	N	Y	N	Y	Y	N
Optical store	Y	N	Y	N	Y	N	N
Outdoor storage	N	N	N	N	N	N	N
Paint, wallpaper stores, retail only	Y	N	N	N	Y	N	N
Parking garage, commercial	Y	C	Y	C	Y	C	N
Parking lot, commercial	Y	C	Y	C	Y	C	N
Park and open space	Y	Y	Y	Y	Y	Y	Y
Pawn shops	N	N	N	N	N	N	N
Pet boarding/kennel	Y	N	N	N	N	N	N

Pet day care facilities	C	C	C	C	C	N	N
Pet grooming	Y	N	Y	N	Y	N	N
Pet supplies, retail	Y	N	Y	N	Y	N	N
Pharmacy (as defined and restricted in section 24-41(C) and (D) "Master Business List"	C14	C14	C14	N	C14	N	N
Photograph galleries or studios	Y	N	Y	N	Y	N	N
Photographers, commercial	Y	N	Y	N	Y	N	N
Photographic equipment and supplies	Y	N	Y	N	Y	N	N
Places of worship	Y	C	C	Y	C	N	N
Post offices	C	N	N	Y	C	N	N
Printing and publishing	Y	C	C	N	Y	N	N
Professional offices	Y	Y	Y	N	Y	Y	N
Psychic consulting	N	N	N	N	N	N	N
Real estate offices	Y	Y	Y	N	Y	Y	N
Recovery communities subject to Sec. 24-265(5)	N	Y	Y	N	Y	Y	Y
Restaurants and dining rooms	Y	Y	Y	N	Y	N	N
Retail stores or shops over 10,000 square feet	N	N	N	N	N	N	N
Retail stores or shops over 10,000 square feet but less than 35,000 square feet	C	N	N	N	N	N	N
School, arts and crafts	Y	N	N	Y	Y	Y	N
School, martial arts	Y	N	N	Y	Y	N	N
School, modeling	Y	N	N	Y	Y	N	N
Schools, beauty	Y	N	N	Y	Y	N	N
Schools, business	Y	N	N	Y	Y	N	N

Schools, dancing	Y	N	N	Y	Y	N	N
Schools, driving	Y	N	N	Y	Y	N	N
Schools, gymnastics	Y	N	N	Y	Y	N	N
Schools, music	Y	N	N	Y	Y	Y	N
Schools, photography	Y	N	N	Y	Y	Y	N
Schools, public, private and charter (all grades)	Y	N	N	Y	Y	N	N
Second-hand store	N	N	N	N	N	N	N
Self-storage facilities	N	N	N	N	N	N	N
Shoe stores	Y	Y	Y	N	Y	N	N
Single-family dwelling units	N	Y	Y	N	Y	Y	Y
Skating rink	Y	C	C	C	C	N	N
Small tool and appliance repair	Y	Y	Y	Y	Y	N	N
Souvenir stores	Y	Y	Y	Y	Y	N	N
Sporting goods, rental	Y	Y	Y	Y	Y	N	N
Sporting goods, retail	Y	Y	Y	Y	Y	N	N
Tailor and seamstress shop	Y	Y	Y	Y	Y	Y	N
Tattooing and body piercing	N	N	N	N	N	N	N
Teen center	Y	C	C	C	C	N	N
Theater (single room establishment)	C	C	C	C	C	N	N
Thrift store	N	N	N	N	N	N	N
Townhome	N	Y	Y	N	Y	Y	Y
Trailer parks/recreational vehicle parks	N	N	N	N	N	N	N
Travel bureau	Y	Y	Y	N	Y	Y	N
Two-family dwelling units	N	N	Y	N	Y	Y	Y
Veterinary clinics	C	C	C	N	C	C	C
Video/DVD rental (except for what is excluded under	Y	Y	Y	N	Y	N	N

adult entertainment)							
Warehouse/storage	N	N	N	N	N	N	N
Wearing apparel stores	Y	Y	Y	N	Y	N	N
Wholesale sales	N	N	N	N	N	N	N

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

(2) *Use regulations.*

Donated goods store. A retail use for the acceptance and sale of new or used merchandise, excluding furniture and major appliances, subject to compliance with the following conditions:

- a. No more than twenty (20) percent of the total floor area shall be utilized for receiving, sorting and storage of donated goods and shall be separated by a solid wall from the retail area; and
- b. The existing or proposed building and site shall be consistent with the downtown mixed use district design guidelines subject to review by the development review committee and the city's urban designer.
- c. All applications for a donated goods store shall follow the development review procedure outlined in section 24-272 unless stated otherwise herein.
- d. The donated goods store shall be operated at all times by an organization that has been incorporated as a not-for-profit organization under the laws of Florida for a charitable purpose and that has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service; and
- e. Any and all donated goods must be accepted by personnel directly employed by or volunteers for the not-for-organization only during business hours; and
- f. All monetary proceeds resulting from the sale of said merchandise must be used in accordance with the organization's charitable purpose to benefit persons residing in South Florida; and
- g. The operation of the donated goods store, the collection and use of the donations and proceeds thereof must be conducted by the not-for-profit organization and not by a licensee, subtenant, subcontractor or agent of the not-for-profit organization.

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

- a. All activities of the business including, but not limited to, sale, display, preparation and storage shall be conducted entirely within a completely enclosed building;
- b. Solid waste containers must be located a minimum of 100 feet from a residential district or area and may not emit any odor of the byproduct of the activity;
- c. Processing of fish or fish products on site is prohibited. Processing shall mean the special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource; by such means as baling,

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- briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing;
- d. The Florida Department of Agriculture and Consumer Services Best Management Practices Manual (January, 2005) is adopted and incorporated by reference and as amended from time to time;
 - e. The business shall be in compliance with all federal, state, county and municipal laws and ordinances, as amended from time to time.
- (4) Except as required by Chapter 419 of state law, a community residence shall meet the following requirements:
- (a) Shall be allowed only when:
 - (i) It is located at least 660 linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the nearest lot line of the entire parcel of the closest existing community residence or recovery community, and
 - (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence, or is operating under the Oxford House Charter; and
 - (iii) A community residence that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House 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.
 - (b) Shall be allowed if conditional use approval is granted, subject to the provisions of article XII, when:
 - (i) A community residence that is located less than six hundred sixty (660) linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the nearest lot line of the entire parcel of the closest existing community residence or recovery community; and/or
 - (ii) Would be occupied by more than ten residents; and
 - (iii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence, or is operating under the Oxford House Charter; and
 - (iv) A community residence that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House 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; or
 - (v) The community residence of a type for which the State of Florida does not require a license or certification or does not offer a license or certification.
- (5) A recovery community.

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- (a) Shall be allowed only when:
 - (i) It is located at least one thousand two hundred (1,200) linear feet from the closest existing recovery community or community residence. Distance is measured from the nearest lot line of the entire parcel of the proposed recovery community to the nearest lot line of the entire parcel of the closest existing community residence or recovery community, and
 - (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence or is operating under the Oxford House Charter; and
 - (iii) A recovery community that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House 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.
 - (b) Shall be allowed if conditional use approval is granted, subject to the provisions of article XII, when:
 - (i) A recovery community that would be located within one thousand two hundred (1,200) feet of an existing community residence or recovery community and would operate in accord with the criteria specified in section 24-71(D); and
 - (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence or is operating under the Oxford House Charter; and
 - (iii) A recovery community that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House 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.

(Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2010-002, § 2, 2-3-10; Ord. No. 2010-027, §§ 2, 3, 9-15-10; Ord. No. 2011-023, §§ 2, 3, 10-19-11; Ord. No. O-2017-015, § 4, 10-18-17; Ord. No. O-2018-019, § 9-12-18; Ord. No. O-2020-004, § 2, 2-19-20)

Sec. 24-266. Accessory structures.

See Chapter 24, sections 24-68, 24-69, and 24-70 for reference to accessory structures.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-267. Non-conforming uses and structures.

- (A) 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, specifically those sections applying to the Downtown Mixed Use District, 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 section. 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 section, 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.

- (B) This section shall apply to circumstances, uses and buildings that become non-conforming by the enactment of this section to the code or an amendment to this section. 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.
- (C) 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 section of the code or which becomes non-conforming upon the adoption of any amendment to this section of the code may be continued in accordance with provisions of this article. Where two or more provisions of this article apply, the more restrictive requirements applies.
- (D) 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.
- (E) *Definitions:*
 - (1) *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.
 - (2) *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.
 - (3) *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. For purposes of this section, non-conforming structure shall be considered major or minor as defined herein:
 - (a) *A major non-conforming structure* is any nonresidential building or structure located on a lot, parcel, or track which at any point borders a residential use in which exceeds the minimum density or intensity standards for the Downtown Mixed-Use District.
 - (b) *A minor non-conforming structure* is any non-conforming building or structure which is not a major non-conforming building or structure.

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.

- (F) *Non-conforming uses and structures.*

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- (1) *Continuance permitted.* A non-conforming use may continue, subject to requirements to this section.
 - (2) *Expansion prohibited.* A non-conforming use shall not be enlarged or expanded.
 - (3) *Change of use.* A non-conforming use may be changed only to a use conforming to the requirements of the Downtown Mixed Use District.
 - (4) *Non-Conforming structures.* A non-conforming structure may be used for any permitted use in the Downtown Mix Used District or for any applicable legally non-conforming use.
 - (5) *Expansion prohibited.* Any expansion of a non-conforming structure, which serves to expand the extent of the non-conformity use, is prohibited.
 - (6) *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 Oakland Park Downtown Mixed Used District unless the entire structure shall thereafter conform to the regulations of the Downtown Mixed Use District.
 - (7) *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 the fullest extent.
 - (8) *Termination of non-conforming situations.*
 - (a) *Termination by abandonment.* Discontinuance of a non-conforming use or structure for a period more than six (6) months shall be determined to be an abandonment, and such use or structure shall not then be reestablished except in conformance with the requirements of the Downtown Mixed Use District, or, in the case of a structure, according to subsection (G) below. 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).*
 - (b) *Termination by damage or destruction.*
 - (i) In the event that any minor non-conforming structure or use is destroyed by any means to the extent of fifty (50) percent or any major non-conforming structure or use is destroyed by, by any means, to the extent of more than twenty-five (25) 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 Downtown Mixed Use District.
 - (ii) When a non-conforming structure or use is damaged or destroyed to a lesser percentage of the replacement costs as specified in subsection (a) above, no repairs or rebuilding shall be permitted except in conformity with the sections of this Code and the applicable requirements of this section pertaining to the Downtown Mixed Use District.
 - (iii) It is the expressed intention of the city commission that the legal requirements set forth in the Code of Ordinances that all non-conforming uses must be brought into conformity by the year 2010 shall not apply to non-conforming situations located within the Downtown Mixed Use District.
 - (9) *Violations, penalties, and enforcement.* It is the intent of the city commission that the code enforcement division and the building department shall share responsibilities for enforcing this section 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 brining enforcement actions shall

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- 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.
- (10) *Compliance required.* Any individual or legal entity utilizing land or building or other structure, or any other individual or legal entity subdividing land, or any individual legal entity using or developing land or engaged in any other action subject to the scope of this section of the code within municipal boundaries of the City of Oakland Park shall comply with all requirements of this Code.
- (11) *Violations.* It shall be a violation of this section to do any of the following:
- (a) To use to attempt to use land or buildings in any way not consistent with requirements of this section;
 - (b) To erect or attempt to erect a building or any structure in any way not consistent with requirements of this section;
 - (c) To engage or attempt to engage in the development or subdivision of land in any way not consistent with requirements of the regulations set forth in this section of the Code or the Design Guidelines.
 - (d) To install or use a sign in any way not consistent with the requirements of this section.
 - (e) To engage in a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits or approvals under this section without first obtaining all such required permits or approvals.
 - (f) To engage in the use or a building or land, the use or installation of a sign, subdivision or development of land or any other activity requiring one or more permits under this section in any way inconsistent with any such permit or approval or any conditions imposed thereon.
 - (g) To violate the terms of any permit or approval granted under this section or any condition imposed in such permit or approval.
 - (h) To violate any lawful order issued by any person or entity under this section.
 - (i) To continue any violations as defined above, with each day of continued violations to consider a separate violation for purposes of computing cumulative civil or criminal penalties.
- (12) *Authorize enforcement action.* The city building official or the city's code enforcement division may take any one or more of the following actions to remedy a violation of this section of the code:
- (a) Withhold building or zoning permits or both;
 - (b) Issue stop work orders against any work undertaken by an entity not having a proper building or zoning code or both;
 - (c) Revoke permits issued under this section;
 - (d) Issue stop orders against any actions or violation of this section;
 - (e) Seek authorization from the city commission to have the city bring an action for an injunction or mandamus if required, to prevent the violation and or prevent the occupancy or use of any building or structure involved in the violation;
 - (f) Provide recommendations to the city commission that it bring an action for injunction or mandamus to abate a violation.
- (13) *Enforcement procedures.* A code enforcement officer or building official shall rely upon existing code provisions of state law for purposes of suspending or revoking a zoning certificate or permit for any of

the violations listed above. Furthermore, a code enforcement officer or building official may bring the matter before the appropriate board for an immediate review so as to ensure that the integrity of this section of the code is maintained.

(G) *Re-use of a nonconforming structure.* Use of a non-conforming structure which has lost its legal non-conforming status due to abandonment may be reestablished subject to the following:

- (1) The non-conformity is limited to setbacks only.
- (2) The proposed use is a permitted use under the Downtown Mixed Use District Use Table.
- (3) Development approval pursuant to this article.

(Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2007-009, § 2, 5-2-07)

Sec 24-268. Landscaping.

All development and redevelopment in the Downtown Mixed Use District must comply with the adopted Landscape and Streetscape Design Standards, as amended from time to time.

(Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2016-006, § 5, 5-4-16)

Sec. 24-269. Additional building height program.

(A) *Building height.* Property owners may obtain approval to construct additional stories provided they contribute toward public amenities. In the Park Place and Dixie Mixed Use Sub-Areas, owners must also meet the aggregation requirements in section 24-269(E) below to obtain additional height.

(B) *Sub-Area regulations.* Three additional stories may be added in the following sub-areas:

- (1) North End Urban Residential.
- (2) Boulevard Commercial.
- (3) Park Place.
- (4) Dixie Mixed Use

Two additional stories may be added in the following sub-areas:

- (1) Civic Use (except within 225 feet west of NE 13th Avenue).
- (C) *Neighborhood compatibility requirement in North End Urban Residential Sub-Area.* Buildings in the North End Urban Residential Sub-Area closest to the perimeter of the sub-area, unless adjacent to the Dixie Mixed Use Sub-Area, shall not exceed three stories with a maximum of thirty-six (36) feet.
- (D) *Density bonus.* A density bonus may be granted by the city commission of up to five (5) units per acre if said density bonus is consistent with:
 - (1) The adopted goals, objectives and priority improvement projects of the City's Community Redevelopment Plan adopted pursuant to F.S. § 163.360, and;
 - (2) The adopted City of Oakland Park Downtown Mixed Use District Design Guidelines, and;
 - (3) When a property owner terminates or voluntarily abandons a nonconforming use.
- (E) *Required aggregation in Park Place and Dixie Mixed Use Sub-Areas.* Property owners in the Park Place and Dixie Mixed Use Sub-Areas must also assemble all parcels within a city block measured from right-of-way to right-of-way and provide site plans for the entire area within the right-of-way block to participate in the

additional building height program. Property may also be assembled to include former right-of-ways to increase property size for development or to create a plaza or equivalent area for public assembly. In the Park Place Sub-Area, owners assembling entire blocks must also obtain the NE 11th Avenue right-of-way, additional land to the west, and create a new roadway according to the Oakland Park Downtown District Master Plan as approved in 2004 by city commission in order to participate in the additional height program.

- (F) *Developer contribution for public amenities.* Developers shall be required to provide public amenities equal in value to five-tenths (0.5) percent or more of the construction cost for each story above three (3) stories. Construction cost will be calculated based upon two hundred dollars (\$200.00) per square foot (in 2004 dollars) for each story above three (3) stories. The method of calculating construction cost may be reviewed and adjusted on an annual basis by the city commission.
- (G) *Public amenities to be provided.* Public amenities include the following:
- (1) Additional public open space or public park;
 - (2) Water feature;
 - (3) Community facility (i.e. amphitheater);
 - (4) Additional public art;
 - (5) Additional pedestrian connection features;
 - (6) Critical infrastructure enhancements;
 - (7) Special downtown entry features (Boulevard Commercial and North End Urban Residential Sub-Areas only);
 - (8) Public parking;
 - (9) Or as determined by the city commission.
- (H) *Additional Building Height Program procedure.*
- (1) *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 24-269(F)
 - (2) *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 and an urban designer. City staff and an urban designer shall submit a report for city commission approval of the proposed public amenities.
 - (3) The public amenity must be installed within six (6) months of the issuance of the certificate of occupancy and receive final approval from city staff and an urban designer.
 - (4) A developer may ask for an extension of the six-month period referred to in section 24-269(H)(3) above from the city commission.
 - (5) 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 stated in 24-269(F), the city shall be entitled to withdraw from the letter of credit or bond stated in 24-269(H)(1) for the cost of the public amenities. The funds from any withdrawal shall be used by the city exclusively for capital improvements in the Downtown Mixed Use District.
 - (6) In the event the city draws on the letter of credit or bond in accordance section 24-269(H)(5), the city shall be responsible for the city's reasonable cost incurred in drawing against the security.

(Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2020-016 , § 2, 9-3-20)

Sec. 24-270. Parking.

- (A) *General provisions.* All development and redevelopment within the Downtown Mixed Use District shall follow the parking provisions provided within this article.
- (1) Off-street parking facilities, including access aisles and driveways, shall be provided with pavement having an asphalt or Portland cement binder, or other approved paver bricks and subject to approval by city engineer.
 - (2) As of the effective date of this article, private, on-site, back out parking facilities are prohibited except for detached single-family and residential townhomes, or as otherwise consistent with minimum City of Oakland Park standards and the Oakland Park Downtown Mixed Use District Design Guidelines.
 - (3) Minimum parking lot aisle widths and parking space dimensions shall be as set forth in section 24-80; except, however, the stall width of a parallel, on-street parking space (other than those on Dixie Highway) shall be eight (8) feet.
 - (4) Parking lots shall provide for pedestrian and vehicular cross access to existing and prospective adjacent parking lots.
 - (5) Pedestrian entries to parking garages shall be directly from the adjacent street or paseo as well as from the contiguous building. Pedestrian entries to garages shall be linked to cross-block paseos wherever possible.
 - (6) Vehicular entries and exits to garages shall be allowed only from rights-of-way, and alleys. Vehicular entries shall have a minimum width of twenty-four (24) feet with a minimum separation of seventy (70) feet between entries.
 - (7) Parking stall dimensions and spaces for persons with disabilities and/or strollers shall be in accordance with the Americans with Disabilities Act and article VI, of this chapter.
 - (8) Bicycle racks shall be required on all sites over 4,000 square feet and all parks. The bicycle rack and design must follow the Downtown Oakland Park Mixed Use Design Guideline requirements.
 - (9) All onsite parking for free-standing residential uses shall be located at the rear or at the side of buildings.
- (B) *Number of spaces required—Single use properties.* On-site parking for single-use properties shall be provided as follows:

Type of Use		Spaces Required
Single-family Residential		2 spaces per unit
Multi-Family Residential	Studio & 1 Bedroom	1 space per unit
	2 or more Bedrooms	2 spaces per unit
Commercial		4 spaces per 1,000 s.f.
Warehouse/Industrial		1 space per 1,000 s.f.
Manufacturing		2 spaces per 1,000 s.f.

- (C) *Number of spaces required—Mixed use parcels or lots.* 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:

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.

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- (D) Reserved.
- (E) *The following conditions apply to any parking facility that is accessory to mixed-use development and availing itself of the above schedule:*
- (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.
 - (2) Shared parking spaces shall not be reserved.
 - (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 be made available to commercial establishments during the weekday daytime period.
 - (4) Any subsequent change in use shall require a new use-and-occupancy permit and proof that sufficient parking will be available on site.
- (F) *Downtown mobility fee of on-site parking.* From the effective date of this article, the city hereby establishes a downtown mobility fee which amount shall be established by resolution of the city commission for every parking space required but not provided.
- (1) The fee to be paid (the "downtown mobility fee") shall be a one-time fee per space for each parking space required.
 - (2) The fee shall be paid in accordance with the procedure established from time to time by the city commission.
 - (3) All downtown mobility fees collected by the city, and all interest earned thereon, shall be placed in a special fund established by the city commission and shall be used solely for the acquisition of land for, development of, and maintenance of public parking facilities, parking management systems, multi-modal transportation alternatives, and parking capacity evaluation and monitoring in and/or directly serving the district.
 - (4) The city may adopt, by resolution, incentives, or other programs, which may mitigate the cost of the mobility fees as it relates to parking and mobility and provide for any enforcement procedures.
- (Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2012-012, § 4, 8-1-12; Ord. No. O-2017-014, § 3, 10-18-17; Ord. No. O-2018-004, § 2, 3-21-18)

Sec. 24-271. Fees.

- (A) *Cost recovery fee.* To offset the costs of planning the Oakland Park Downtown Mixed Use District, a cost recovery fee shall be paid before issuance of a building permit for any development or redevelopment within the Mixed Use District. A fee of three hundred ten dollars (\$310.00) shall be paid for every dwelling unit and every one thousand (1,000) gross square feet of commercial space developed or redeveloped within the area designated as the Downtown Mixed Use District.
- (B) *Park and open space charge.* A park and open space charge of one thousand five hundred dollars (\$1,500.00) for every dwelling unit shall be paid before issuance of a building permit for development and redevelopment within the Downtown Mixed Use
- (C) *Student station fee.* Broward County shall collect a student station fee as determined by the School Board of Broward County. The amount of the fee will be determined through an interlocal agreement between the City of Oakland Park and the School Board of Broward County.

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- (D) *Local transportation fee.* The city shall collect a local transportation fee of five hundred twenty-six dollars (\$526.00) for every dwelling unit and every one thousand (1,000) gross square feet of commercial space developed or redeveloped within the area designated as the Downtown Mixed Use District before issuance of a building permit from development and redevelopment within the Oakland Park Downtown Mixed Use District to offset the costs of infrastructure improvements within the district or areas that are outside the district that are impacted by Downtown improvements. The city commission will set the fee after review and study by city staff. The local transportation fee may be reviewed and adjusted on an annual basis by the city commission.
- (E) *Development review fee.* The city intends to collect a development review fee for review of applications for development within the Oakland Park Downtown Mixed Use District. A fee of one thousand two hundred dollars (\$1,200.00) will be charged for buildings three (3) stories and lower and a fee of two thousand four hundred dollars (\$2,400.00) will be charged for buildings four stories and higher. One-half (½) of the development review fee must be paid to the city before the pre-application meeting with the development review committee. One-half (½) must be paid to the city before formal review of completed site plans by the development review committee. The development review fee may be reviewed and adjusted on an annual basis by the city commission to determine the cost and applicability.
- (F) Each fee set forth herein shall be placed in a separate account and shall be expended only for the purpose of its collection. Expenditures will be limited solely to the purpose for which it was charged.
- (Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-272. Development review procedure.

The development review committee, which shall include an urban designer and any other designees assigned to the committee by the city, will review all development applications pertaining to any property located in the Downtown Mixed Use District for compliance with the provisions of this Article XX and its companion Oakland Park Downtown Mixed Use District Design Guidelines. The purpose of the review is to ensure that the requested modification is compatible with the desired character of the Downtown Mixed Use District and is consistent with the provisions of this Article and the Oakland Park Downtown Mixed Use District Design Guidelines.

- (A) *Process for development approval.*
- (1) *Pre-application meeting.* A developer or property owner shall submit a development application at least two (2) weeks before a scheduled development review committee meeting to be scheduled for a pre-application meeting on that date. The development review committee may provide oral or written comments on plans at the pre-application meeting.
 - (2) *Formal development review committee meeting.* A developer or property owner shall submit the complete development application at least two (2) weeks before a scheduled development review committee meeting to be scheduled for a formal development review committee meeting on that date. The development review committee (DRC) shall provide written comments on the development application at the scheduled meeting.
 - (3) *Required developer response.* The developer or property owner shall respond to the development review committee's comments within thirty (30) days of the formal development review committee meeting. The development review has a right to table development applications due to lack of response or incomplete response by a developer or property owner. An application may be reconsidered with a new development review fee with a written request after three (3) months of inactivity.
 - (4) *Staff discretion.* City staff has the sole discretion to hold a second formal development review committee meeting with the developer within two (2) weeks of receipt of the developer's

modifications if the developer is deemed non-responsive to the development review committee's comments and or the submittal includes major amendments

(5) *Revisions to approved site plan.*

(a) *Minor amendment:* The development review committee, after receiving staff recommendations may approve "minor" changes and deviations from the approved site plan which are in compliance with the provisions and intent of this article, and which do not depart from the principal concept of the approved site plan. All other requested changes and deviations shall be referred to the city commission.

(b) *Major amendment:* The city commission may review and determine that requested changes and deviations from an approved site plan constitute a substantial alteration to the character of the development and thus require that the requested changes be subject to the same procedure as required for new application. Substantial changes would include alteration of the intensities, density, design, public amenities or modifications to minimum code requirements and approved conditions.

(6) *Final approval.* City staff shall report to the planning and zoning board and city commission on site plans reviewed by the development review committee submitted for development and redevelopment in the Downtown Mixed Use District.

(a) *Planning and zoning board consideration.* City staff shall report on the development review committee's comments at the first possible planning and zoning board meeting. The planning and zoning board will determine if the site plan meets the standards and requirements of the Oakland Park Land Development Code. The planning and zoning board will forward its recommendation to the city commission.

(b) *City commission consideration.* The city commission reserves the right to schedule and to hold a formal hearing within forty-six (46) days of the planning and zoning board's review of the development review committee's comments. If no formal hearing is scheduled within the forty-six (46) days, development may proceed as approved by the development review committee.

(B) *Development applications.* Applications shall be accompanied by site plans and exhibits, as appropriate for the permit requested, prepared by design professionals (e.g., architects, landscape architects, engineers, etc.) that include, at minimum, the following plus any additional material required by the Oakland Park Downtown Mixed Use District Design Guidelines:

- (1) Lot lines and setbacks.
- (2) Gross and net acreage.
- (3) Total square footage of all land uses.
- (4) Total number of dwelling units.
- (5) Location, shape, size, and height of existing and proposed building construction and landscaping.
- (6) Amount of building coverage at ground level, in square feet and as a percentage of the total site.
- (7) Typical floor plans and elevations of all structures, including total gross square foot area of each floor and all dimensions relating to the requirements of this article.
- (8) Location, size and total amount of open space, if applicable.
- (9) Total amount of paved area in square feet and percentage of entire site.
- (10) Location of on-street and off-street parking, loading facilities and all utilities.

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- (11) Location and dimensions of proposed parking and service areas, including typical parking space dimensions and/or narrative regarding payment of in-lieu fee for parking.
 - (12) Proposed means of vehicular and pedestrian access from the site(s) within the development to adjacent streets and/or alleys, showing all proposed or existing curb cuts and sidewalks.
 - (13) Adjacent roadway widths (paved right-of-way), including elevation of road plus any dedications required by the city.
 - (14) Location, shape, and size of signage.
 - (15) Indication of any site or building design methods used to conserve energy 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.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-273. Prohibited structures.

Telecommunication towers, unless they meet the Oakland Park Downtown Mixed Use District Design Guidelines, are prohibited.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-274. Offsite drainage.

- (A) The city shall maintain an inventory of public stormwater drainage facilities serving the Downtown Mixed Use District for the purpose of allocating capacity to one hundred (100) percent of the required drainage for permitted Downtown Mixed Use District developments or uses.
- (B) Public drainage capacity will be reserved by the city for each development within the district.
- (C) Each property within the district shall have the option to connect, direct or otherwise ensure that up to one hundred (100) percent of onsite stormwater runoff is conveyed to the public stormwater system. The manner of connection shall be as permitted by the city engineer.
- (D) A one-time per property connection fee, as provided in the community development department fee schedule, shall be charged to cover the cost of stormwater service and connection. The fee shall be charged to any district property requiring a Broward County Department of Environmental Protection permit. The fee shall be paid prior to city building permit issuance.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-275. Public art program.

This article creates the "Oakland Park Public Art Program" and allows for the administration of such program. The city through the public art program may collect a fee on development and redevelopment in the Downtown Mixed Use District for placement of public artworks in publicly accessible areas. The public art program will require the formation of a public art committee appointed by the city commission and public art guidelines, which regulate the committee, commissioning of public art, criteria for artwork selection.

(Ord. No. O-2004-030, § 2, 12-1-04)

Sec. 24-276. Interim regulations—Adaptive re-use incentive program.

- (A) Purpose and intent. These interim regulations are intended to be administered efficiently, readily accomplished, and to provide a predictable outcome to the applicant, even to the extent that permit applications and business tax receipt applications should be submitted concurrently with a request for site development approval. At the same time, the regulations shall be administered in a manner that results in aesthetically pleasing redevelopment, re-use of properties and existing buildings and increases employment opportunities by established professional offices, restaurants, bars, cafes and other businesses pursuant to subsection (C) of this section. Notwithstanding section 24-267, compliance with applicable downtown mixed use district ordinance and design guidelines—at a minimum, repair of exterior damage, landscaping and re-painting—is required.
- (B) Applicability. The adaptive re-use incentive program is hereby created and shall apply to all properties located within the downtown mixed use district.

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- (C) The following uses shall be eligible to participate in the program subject to conformance with the downtown mixed use district master business list. and providing the business owner demonstrates a track record of operating a successful business:
- (a) Art gallery, retail;
 - (b) Artisan/craftsman workshop;
 - (c) Artist's studio;
 - (d) Bar/nightclub (subject to use approval provisions and review procedures);
 - (e) Coffeehouse;
 - (f) Delicatessen;
 - (g) Dinner theatre;
 - (h) Financial institution;
 - (i) Grocery store, maximum floor area of forty thousand (40,000) square feet of gross floor area;
 - (j) Internet café;
 - (k) Ice cream parlor;
 - (l) Photograph gallery or studio;
 - (m) Photographer, commercial;
 - (n) Professional office;
 - (o) Real estate office;
 - (p) Restaurant;
 - (q) Retail bakery;
 - (r) Retail sales, boutique or store only, less than ten thousand (10,000) square feet of gross floor area, without a drive-through facility;
 - (s) Theater (single room);
 - (t) Similar uses which meet the intent of these interim regulations as determined exclusively by the city commission.
- (D) *Waiver of fees.* Upon a showing of good cause, the city manager may consider the waiver of one (1) or more of the following fees for qualifying businesses enumerated under subsection (A) above, which are determined to establish a positive standard for developments within the downtown mixed use district leading to improved aesthetics in the district and the elimination of blight and underutilized properties:
- (1) Landscaping code adjustments subsections 24-105(C)(1), (2), (3) and DMUD landscape design guidelines;
 - (2) Park and open space fee;
 - (3) Local transportation fee;
 - (4) Development review fee.
- (E) Procedure for filing and processing an application.
- (1) Pre-application meeting with staff required prior to formal submittal.
 - (2) Payment of applicable fees and formal application submittal.

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- (3) Submittal of building permit application and plans and business tax receipt applications at the time of site plan approval is advised and encouraged for an expedited review.
 - (4) Applications shall be accompanied by, but not limited to, appropriate property surveys, site and landscape plans, floor plans, architectural elevations prepared by design professionals.
 - (5) Applications may be submitted up to five (5) business days prior to a regularly scheduled development review committee meeting.
 - (6) Required applicant response. The applicant shall submit a revised plan in response to development review committee comments within thirty (30) days of the development review committee meeting or the application shall be deemed to be withdrawn. A second DRC meeting shall be conducted if necessary to determine compliance with applicable land development code regulations.
 - (7) Submission of a final set of plans or drawings and documents for final sign off review and approval.
 - (F) Final approval by the development review committee. Upon a finding by the development review committee that the application complies with applicable land development code requirements, a letter of approval shall be forwarded to the applicant. Site development approval shall expire after twelve (12) months unless a building permit incorporating all DRC conditions is issued by the building division.
 - (G) Temporary parking lot standards. The city commission may consider, on a case by case basis, conditional use approval in the north end urban residential, civic use and residential office buffer for temporary parking lots on properties currently located within the downtown mixed use district which are:
 - (1) Situated and proposed to be screened by fences and landscaping so as not to negatively impact residentially zoned properties;
 - (2) Are in compliance with DMUD design guidelines for parking lot landscaping; and
 - (3) Shall include restrictive covenants establishing a maximum period of time for the use of the temporary parking lot and that the lot shall be used only as parking lots or as any permitted sub-area use.

(Ord. No. O-2010-002, § 3, 2-3-10; Ord. No. O-2018-004 , § 3, 3-21-18)

Secs. 24-277—24-284. Reserved.