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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 BY PROVIDING REGULATIONS FOR THE DOWNTOWN AREAS OF OAKLAND PARK BY SPECIFICALLY AMENDING ARTICLE XX "OAKLAND PARK DOWNTOWN DEVELOPMENT DISTRICT (OP3D)" SECTIONS 24-254 THROUGH 24-284, IN ITS ENTIRETY BY SPECIFICALLY AMENDING THE PERMITTED, CONDITIONAL, AND PROHIBITED USES WITHIN THE OP3D DISTRICT; BY SPECIFICALLY AMENDING DESIGN REQUIREMENTS WITHIN THE OP3D DISTRICT; BY SPECIFICALLY AMENDING THE BONUS PROVISION PROGRAM BY CREATING ADDITIONAL STANDARDS FOR FLOOR AREA RATIO AND DENSITY; SPECIFICALLY CREATING PARKING RESTRICTION PROVISIONS TO INCLUDE VALET AND MECHANICAL PARKING FACILITIES, OUTDOOR BUSINESS ACTIVITY, AND PARKING AT EXISTING BUILDINGS; BY RESTRICTING SUBDIVISION OF CERTAIN LOTS; AND TO CREATE THE MIDDLE RIVER SUB-AREA AND ITS BOUNDARIES AND TO INCLUDE PERMITTED USES, HEIGHT, FAR, DENSITY, RESIDENTIAL UNIT AREA, SETBACKS, MINIMUM OPEN SPACE, AND PARKING RESTRICTIONS WITHIN THE SUB-AREA AS WELL AS DESIGN REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

31 **WHEREAS**, This City's planning effort led to a proposed expansion of the area
32 designated in the City's Comprehensive Plan as a Local Activity Center, the designation
33 for Downtown, and a proposed overhaul the former Downtown Mixed Use District such
34 that those regulations had been rezoned in 2021 to the OP3D zone to be more effective,
35 but which shall be amended for clarity, functionality, and to include the enlarged area;
36 and

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

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

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

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

48 **Section 2.** Chapter 24, Article XX is hereby amended follows:

49 ARTICLE XX. - OAKLAND PARK DOWNTOWN DEVELOPMENT DISTRICT
50 (OP3D) REGULATIONS

51
52 Sec. 24-254. - Title.

53
54 These regulations shall be known as, cited as, and referred to as the "Oakland
55 Park Downtown Development District Regulations" or "OP3D."

56
57 Sec. 24-255. - Table of contents.

- 58
- 59 Sec. 24-256. Authority.
- 60 Sec. 24-257. Conflicts with other chapters and regulations.
- 61 Sec. 24-258. Purpose and intent.
- 62 Sec. 24-259. Definitions.
- 63 Sec. 24-260. Area of Oakland Park Downtown Development District
- 64 Sec. 24-261. Development regulations.
- 65 Sec. 24-262. Effective date.
- 66 Sec. 24-263. Street Classification.
- 67 Sec. 24-264. Districts and Sub-areas.

- 68
- 69 (A) District Sub Area Map
- 70 (B) Downtown Core (DC)
 - 71 (a) Downtown Core East (DCE)
 - 72 (b) Downtown Core West (DCW)
- 73 (C) Intown Neighborhoods (IN)
- 74 (D) Warehouse Flex (WF)
 - 75 (a) Warehouse Flex North (WFN)
 - 76 ~~(E) Reserved~~ Middle River (MR)

CODING: Words in ~~struck through~~ type are deletions from existing text.
Words in underscoring type are additions to existing text.
A line of *** indicates existing text not shown.

(F)North End Townhomes

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- 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 either 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

- 115 requirement is reduced to instead be the maximum feasible width
116 possible to provide area for landscaping while accommodating
117 buildings and required parking.
- 118 C. Section 1.C.1.d. Not applicable for parcels within the OP3D
 - 119 D. Section 1.C.1.e. Not applicable for parcels within the OP3D
 - 120 E. Section 1.C.1.g. Not applicable for parcels within the OP3D
 - 121 F. Section 1.C.1.h. Not applicable for parcels within the OP3D
 - 122 G. Section 1.C.1.i. Not applicable for parcels within the OP3D
 - 123 H. Section 1.C.2.a. For parcels within the OP3D, the 5-foot
124 requirement is reduced to instead be the maximum feasible width
125 possible to provide area for landscaping while accommodating
126 buildings and required parking.
 - 127 I. Section 1.C.2.b. For parcels within the OP3D, the 10' foot
128 requirement is reduced to instead be the maximum feasible width
129 possible to provide area for landscaping while accommodating
130 buildings and required parking.
 - 131 J. Section 1.C.3.h. Not applicable for parcels within the OP3D
 - 132 K. Section 1.D.7.a. Not applicable for parcels within the OP3D
 - 133 L. Section 3.A.2. Not applicable for parcels within the OP3D
 - 134 M. Section 3.B.1. For parcels within the OP3D, an additional
135 requirement applies that front yard fences, for the area of the
136 applicable site between the front of the lot(s) and the front wall of
137 the lot's principal building, shall be a minimum of 50 percent pass-
138 through-open and no taller than 36 inches tall. Chain link fences
139 are not to be permitted in the OP3D for any fence visible from a
140 public right of way.
 - 141 N. Section 3.C.2.c. Not applicable for parcels within the OP3D

142
143 Sec. 24-258. - Purpose and intent.

- 144
145 (A) The purpose of these regulations is to create a structure for the
146 redevelopment of "Downtown Oakland Park" as set forth in the
147 Oakland Park Master Plan. Through a planning process it was
148 determined that the Oakland Park Downtown Development District
149 would be redeveloped based on a community vision, allowing
150 mixed-use opportunities, encouraging desirable downtown
151 redevelopment, fostering smart growth and economic
152 development, a focus on transit, bike and pedestrian orientation,
153 public parking and creating locations for public events and

154 activities. These Downtown Development District Regulations set
155 forth to carry out the Oakland Park Master Plan through city
156 direction of building form, architecture, land uses, and addition of
157 public amenities.

158
159 (B) The city commission deems it the interest of the public health,
160 safety, morals, comfort and general welfare of the city and its
161 residents to establish a general plan for the redevelopment of the
162 city designated as the local activity center.

163
164 (C) The city commission of the City of Oakland Park finds that
165 the enactment of this ordinance shall serve and better the public
166 welfare and benefit the citizens and residents of the city
167 providing for an orderly and structured development process for
168 the area of the city designated as the Oakland Park Downtown
169 Development District. In setting about to create the Downtown
170 Development District, the city commission takes into account
171 the findings, interpretations, and narrowing constructions
172 incorporated in numerous cases and finds that:

173
174 (1)The enactment of this ordinance creating and/or amending the
175 Oakland Park Downtown Development District will serve to
176 promote and benefit the welfare and safety of the city.

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

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

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

190 (5)The development capacities are summarized in a Building
191 Requirements

192 Table for each District which restrict buildings through a number
193 of regulatory parameters including height, setbacks and open
194 space. These regulatory parameters shall delineate the building
195 envelope within which a building shall be designed to enable
196 maximum creativity while maintaining a cohesive urban fabric.
197 In some instances, the building envelope may limit the
198 development capacity, and FAR and Density shall not be
199 maximized as defined in the Building Requirements Table per
200 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 maximum
206 capacity for the entire site. Land use and development shall be
207 in conformance with the applicable District Regulations for each
208 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 Economic
214 and Community Development.

215
216 *Active use.* An indoor use designed for human occupancy as habitable space
217 and not designed for parking, utilities, storage, and other non-habitable uses
218 with a direct view to adjacent streets or *public open space*.

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

224
225 *Active use liner depth.* Is the minimum depth of an *active use liner*, measured
226 generally perpendicular to the *building frontage*. The *active use liner* shall
227 have a minimum depth of twenty (20) feet on the ground floor where required.

228 When a *parking structure* is the primary use, the *active use liner* may be
229 reduced to a minimum of fifteen (15) feet.

230
231 *Alteration.* Any change, rearrangement, enlargement, extension, or reduction
232 of any structure, or any change in a category of use ~~occupancy of a structure~~.
233 Alteration includes any of the following:

- 234
- 235 (1) Changes to the facade of a building;
 - 236 (2) Changes to the interior of a building;
 - 237 (3) Increases or decreases in floor area of a building;
 - 238 (4) Changes to other structures on the zoning lot, or the
239 construction of a new structure;
 - 240 (5) Changes to exterior improvements; and
 - 241 (6) Change in use.
- 242

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

245
246 *Block.* A combination of one or more building lots, the perimeter of which
247 abuts streets on all sides. A block may contain alleys.

248
249 *Bonus Provision.* An additional amount of building *height*, ~~intensity~~ floor area
250 ratio, or density achieved through bonus provisions of these regulations. The
251 purpose of bonus provision is to provide public benefits. Bonus height is
252 measured in a manner identical to that of *height*. The available ~~development~~
253 ~~intensity~~ floor area ratio and availability of bonus height varies by sub-area
254 and location.

255
256 *Buildings.* Any principal or accessory structure, temporary or permanent,
257 having a roof impervious to weather, including canopies, tents, awnings and
258 cabanas, the use of which demands a permanent location on the land and
259 used for the shelter or enclosure of persons, animals, or property of any kind.
260 This does not include screened or walled enclosures not having a roof
261 impervious to weather,

262
263 *Buildings, Temporary:* A building installed or built such that it would be
264 removed or relocated within 6 months of the date of installation or
265 construction or a time limit based on a specific Government-acknowledged

266 condition such as an active building permit.

267

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

270

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

275

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

279

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

283

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

289 • Covered structures are permitted to *extend above* the maximum
290 *height* of the building on which it is located for a maximum floor area
291 of thirty (30) percent of the gross rooftop area and shall not include
292 independent commercial uses. For the purposes of calculating the
293 maximum area, the term "covered structures" shall not include
294 enclosures for screening mechanical systems. The maximum height
295 of these covered structures is fifteen (15) feet.

296 • Covered structures shall not be designed in any manner that would
297 permit the conversion of such structure from non-habitable to
298 habitable space. Covered structures shall be compatible with and in
299 proportion to the architecture of the overall building. The following
300 restrictions apply:

301 ◦ Climate-controlled structures are limited to the minimum area
302 necessary to accommodate uses which are secondary and
303 incidental to the primary rooftop amenity. These structures may
304 include saunas and steam rooms and code-required restrooms.

- 305 ○ The supporting restroom facilities shall not exceed 110 percent
306 of the size required by the health department. These ~~restroom~~
307 facilities covered structures shall be included in the calculation
308 of the permitted area for covered structures.
309

310 *Dwelling unit.* Any combination of two or more of the following elements: living
311 rooms, bathrooms, bedrooms, dens, studios, playrooms, or kitchen that are
312 designed, occupied, or intended for occupancy as a separate living quarter,
313 with cooking, sleeping, and sanitary facilities provided within the dwelling unit
314 for the exclusive use of a single household. All rooms in the dwelling unit are
315 accessible from the interior of the unit.
316

317 *Development.* Construction, reconstruction, structural alteration, relocation,
318 enlargement, or demolition of a structure.
319

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

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

- 326 1. A reconstruction, alteration of the size or a material change in the
327 external appearance of a structure or land.
328 2. A change in the intensity of use of land, such as an increase in the
329 number of dwelling units in a structure or on land or a material increase
330 in the number of businesses, manufacturing establishments or offices in
331 a structure or on land.
332 3. Commencement of drilling, except to obtain soil samples, or excavation
333 on a parcel of land.
334 4. Demolition of a structure.
335 5. Clearing of land as an adjunct of construction.
336

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

- 339 1. Work by a highway or road agency or railroad company for the
340 maintenance or improvement of a road or railroad track, if the work is
341 carried out on land within the boundaries or the right-of-way.
342 2. Work by any utility and other persons engaged in the operation,
343 construction, maintenance, repair, replacement of utility systems or
344 facilities within established rights-of-way. Utilities are defined as water,

345 wastewater, storm water, gas, cable, power line, communication and
346 data transmission conduits, tower poles or tunnels and transportation
347 utility tracts. However, an engineering or right-of-way permit shall be
348 required for such activities.

- 349 3. Work for the maintenance, or renewal, ~~improvement or alteration~~ of any
350 structure, ~~if the work affects only the interior or the color of the structure~~
351 ~~or the decoration of the exterior of the structure.~~
- 352 4. The use of structure for any purpose customarily incidental to enjoyment
353 of the dwelling or facility; an accessory use.
- 354 5. The use of any land for the purpose of growing plants, crops, trees and
355 other gardening products.
- 356 6. A change in use of land or structure if the new use is in a class which
357 has the same or lesser parking ratio requirements.
- 358 7. A change in the ownership or form of ownership of any parcel or
359 structure.
- 360 8. The creation or termination of rights of access, riparian rights,
361 easements, covenants concerning development of land or other rights
362 in land.

363

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

371

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

385

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

388

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

390

391 *Ground floor active use.* An *active use* that attracts pedestrian activity;
392 provides access to the general public; and shall also be used to conceal uses
393 designed for *parking* and other *non-active uses*, if present. Ground floor
394 active uses generally include, but are not limited to, retail, commercial
395 services, restaurants, coffee shops, libraries, fitness/athletic and cultural
396 facilities, residential (unless on a Primary Boulevard, Pedestrian A, or
397 Pedestrian B Street), and entrance lobbies.

398

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

403

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

408

409 Additionally, the following shall apply:

410 • Height limits do not apply to *vertical projections* not intended for human
411 occupation such as, chimneys, safety railings, parapets, cupolas, stair
412 or elevator shafts, screened mechanical equipment, masts, water tanks,
413 solar energy systems and similar structures provided these are a
414 maximum of 15 feet above permitted building height.

415 • To be considered a story, the habitable space must exceed fifty (50)
416 percent of the floor area of that story.

417 • When the mezzanine area is greater than fifty (50%) percent of its floor
418 area's horizontal plane within the walls of its building, excluding non-

419 habitable space, it shall count as a full story when calculating building
420 height.

- 421 • Any parking garage levels that are not concealed from the highest
422 classification of fronting street abutting the site by a habitable space
423 consisting of active use for a minimum depth of twenty (20) feet from the
424 building façade for a minimum of 65 percent of structure width are
425 considered to be stories.
- 426 • Based on the number of stories permitted at a site in a sub-area, the
427 maximum permitted vertical dimension in feet is as follows:
 - 428 ○ 2 permitted stories shall not exceed 27 feet
 - 429 ○ 3 permitted stories shall not exceed 36 feet(*) and 45 feet
 - 430 ○ 4 permitted stories shall not exceed 58 feet
 - 431 ○ 5 permitted stories shall not exceed 70 feet
 - 432 ○ 6 permitted stories shall not exceed 83 feet
 - 433 ○ 7 permitted stories shall not exceed 95 feet

434
435 All Permitted Height at three stories shall be a maximum height of thirty-
436 six (36) feet in the Intown Neighborhoods Sub-Area.

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

439 (*) Applicable to Intown Neighborhoods SubArea only.

440
441 *Land Development Code.* Those portions of the Code of Ordinances of the
442 City of Oakland Park which regulate the development and/or use of real
443 property within the city.

444
445 *Live/Work.* A type of mixed-use indoor space that combines commercial
446 space with dwelling space in the same unit. Both uses within the unit shall be
447 occupied by a common owner or tenant.

448
449 *Lot.* A parcel of land with frontage on a street possessing specific boundaries
450 established by a legal instrument such as a deed or recorded plat, recognized
451 as a separate legal entity for purposes of transfer of title. The term “*lot*” will
452 be construed to include the terms “site,” “parcel”, “property” and any other
453 similar undefined term.

454
455 *Mixed-use.* A combination of two or more of the following within a single

456 building: residential, commercial, manufacturing/warehousing, civic, and/or
457 office.
458

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

464
465 *Net Lot Area.* The total area measured to the property lines of the parcel or
466 lot excluding public right-of-way
467

468 *Net Floor Area.* The exclusive or private floor area under the control of a
469 resident or business establishment exclusive of common areas. Net area
470 includes private bathrooms, utility areas under exclusive use, and storage
471 areas under exclusive use.
472

473 *Net density.* The number of residential dwelling units or residential portions
474 of live/work units constructed or proposed to be constructed within a project
475 site, divided by the net lot area of the project site.
476

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

482
483 *Open space.* An outdoor, at the ground ~~floor~~ level space including parks,
484 courtyards, squares, paseos, pedestrian paths, plazas, setbacks and
485 landscaped areas. ~~Only outdoor, at ground floor spaces are to be considered~~
486 ~~to fulfill the open space requirements within a development.~~ Open space is
487 measured as a percentage of *net lot area* depending on the sub-area
488 location. Rooftop gardens and terraces, or other gardens/terrace within a
489 multi-level building could be considered as open space for public benefit as
490 part of the Bonus Provision Program (BPP) or if referenced in a sub-area
491 regulation.
492

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

496
497 *Paseo.* A through-block, primarily pedestrian passage connecting one right-
498 of-way or similar passage to another.

499
500 *Pervious area.* Landscaped and/or grassed area of a lot which allows water
501 flow to flow directly to the ground and includes pervious materials, such as
502 pavers for walkways, parking spaces, drive aisles, etc.

503
504 *Plaza.* An open space where a majority of the space is paved. Plazas abut
505 buildings that continue the adjacent street frontage requirements and uses.

506
507 *Project Site.* The aggregation of lots consisting of a development project site
508 where the lots are contiguous or only separated by streets, alleys or other
509 rights-of-way. Project site may cross platted lines.

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

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

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

527
528 *Residential.* Regularly used by its occupants as a permanent place of
529 abode.

530

531
532 *Setback.* The required distance by which any building or structure must be
533 separated from a property line consisting of the lot line or right-of-way line.

534

535 *Shared parking.* Parking available to be used by more than one use, user,
536 or building.

537

538 *Stepback:* A building Setback of a specified distance from the ground floor
539 set-back line that occurs above a prescribed number of §stories or vertical
540 dimension in feet. A stepback can also be a setback for the whole building.

541

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

546

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

549

550 *Street classification.* A Downtown street designation system that regulates
551 the characteristics of streets with respect to spatial dimension, pedestrian and
552 vehicular mobility and building *active uses*. *Street classification* consist of
553 eight types depicted in Figure 24-263-1: ~~Primary Boulevard, Primary~~
554 ~~Pedestrian A, Primary Pedestrian B, Primary Pedestrian C, Secondary,~~
555 ~~Tertiary, Residential, Alleys and Pedestrian Promenade.~~ This classification
556 is strictly a City of Oakland Park street hierarchy for the Downtown.

557

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

559

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

562

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

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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)."

Sec. 24-261. - Development regulations.

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

Sec. 24-262. - Effective date.

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

Sec. 24-263. -Street Classification

The street classification system is created as a rationale for organizing ground floor active uses, parking garage liners, and building setbacks requirements. Figure 24-263-1 shows the approximate location of existing and required new streets needed to create the prescribed network of streets and establishes the hierarchy of streets

603 within the OP3D. All projects that require DRC review, all new single-family or
604 duplex dwellings, or that consist of site modifications, installations, or construction
605 affecting landscaping and foliage or pedestrian areas require construction of a
606 public sidewalk along any street frontage bordering the lot if such sidewalk is not
607 already constructed. The following shall also apply:

608 • All Primary and Secondary Streets shall be required in the same general
609 location as shown on Figure 24-263-1 and may be modified with respect to
610 alignment. No existing Primary and Secondary Streets shall be deleted or
611 otherwise vacated or removed. Where designated by Figure 24-263-1
612 Regulating Map: Street Classification, new streets shall be created to
613 improve connectivity.

614 • Primary Pedestrian Streets are the main walking streets which provide most
615 of the ground floor active uses. Frontages along Primary Boulevard shall
616 provide a minimum of 65% of ground floor active uses. Frontages along
617 Primary Pedestrian A or Pedestrian B Streets shall provide a minimum of
618 65% of ground floor and any floor above ground as active uses with a
619 minimum active liner depth of twenty (20') feet. Primary Pedestrian C
620 streets are the main walking cross streets within the district. Frontages
621 along Primary Pedestrian C streets shall provide a minimum of 65% of
622 ground floor and any floor above ground as active use. For lots less than
623 200' in frontage, if cannot accommodate this % requirement on floors
624 above, architectural treatment is required.

625 • Primary Pedestrian D streets are also main walking streets within the
626 district. Frontages along Primary Pedestrian D streets shall provide a
627 minimum of 50% of ground floor and any floor above ground as active use.
628 Primary Pedestrian D streets can accommodate parking and loading
629 access. For lots less than 200' in frontage, if cannot accommodate this %
630 requirement, architectural treatment is required.

631 • Secondary Streets can accommodate parking and loading. Frontages along
632 Secondary Streets shall provide a minimum of 30% of ground floor active
633 uses.

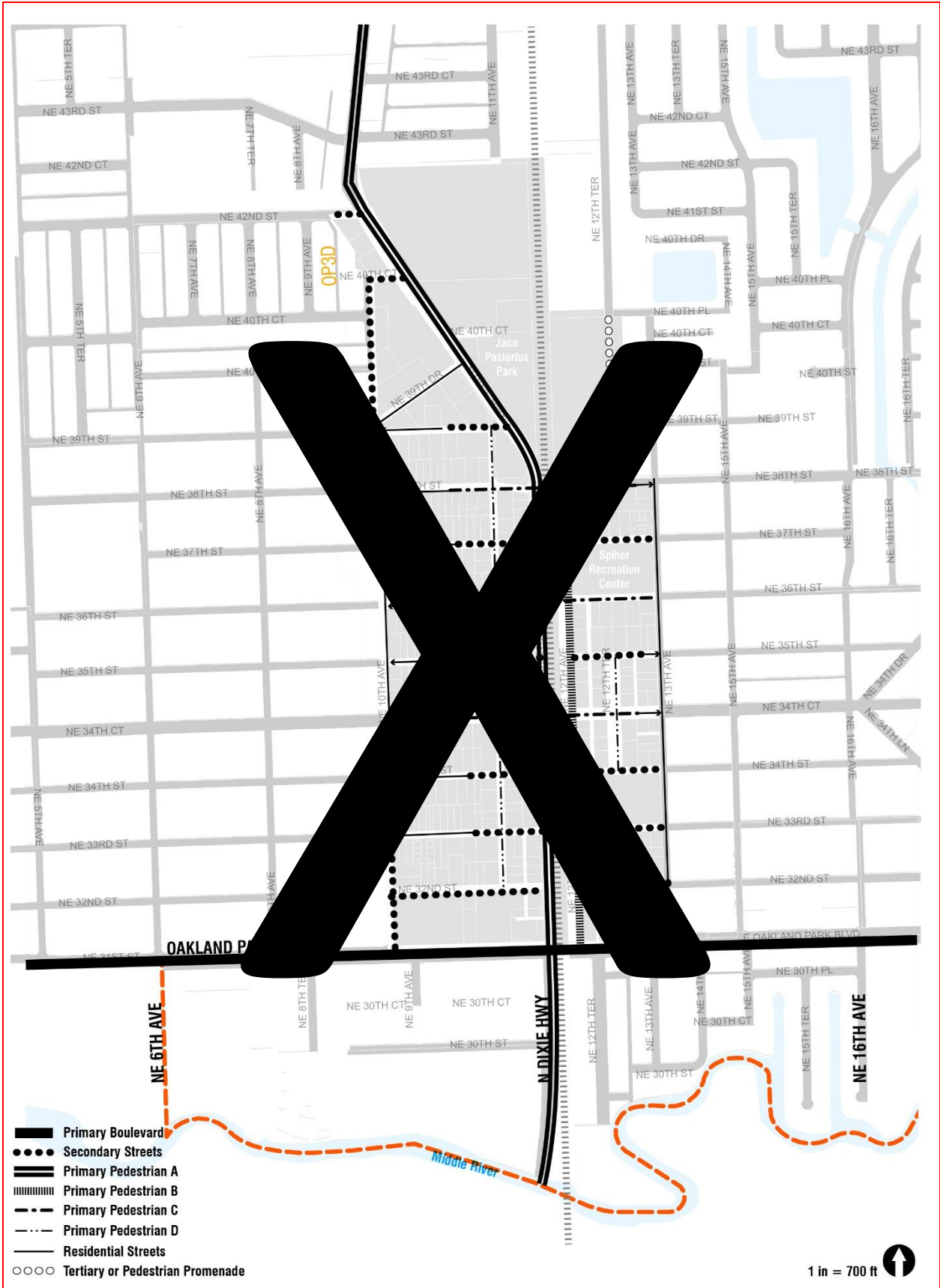
634 • Frontages along Tertiary Streets and Pedestrian Promenade shall provide
635 a minimum of 20% of ground floor active uses.

636 • Residential Streets are intended to accommodate landscaped green space
637 and to promote connectivity and on-street parking where it can be
638 constructed. Frontages along Residential Streets shall provide a minimum
639 of 30% of ground floor active uses.

640 • Vacation of alley rights-of-way proposed developments may seek to vacate
641 alleys for the purpose of assembling parcels for development, subject to the
642 following conditions:
643

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- 644 ○ Any proposed development seeking to vacate an alley, or any
645 portion of an alley shall be subject to the provisions of Section
646 24-97 of the Land Development Code.
- 647 ○ Proposed developments which vacate an alley shall have all
648 services, such as but not limited to loading, trash removal and
649 general services, internalized and screened from public view.
- 650 ○ Proposed developments which vacate portions of alleys shall
651 reconfigure the alley to maintain two separate access points for
652 entry and exit onto the street. The reconfigured alley shall have
653 the minimum dimensions recommended by the Public Works
654 Department.
- 655
- 656



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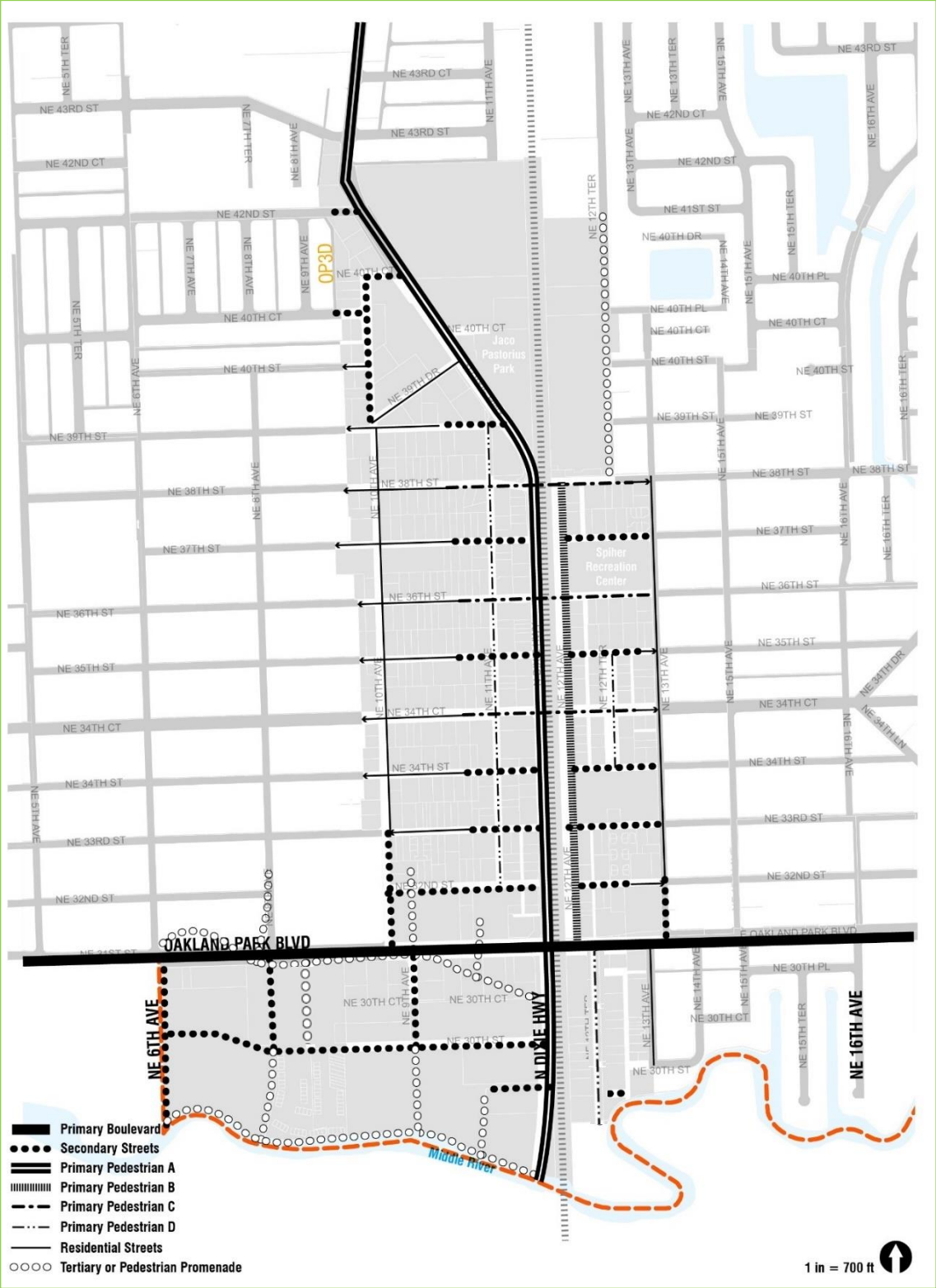
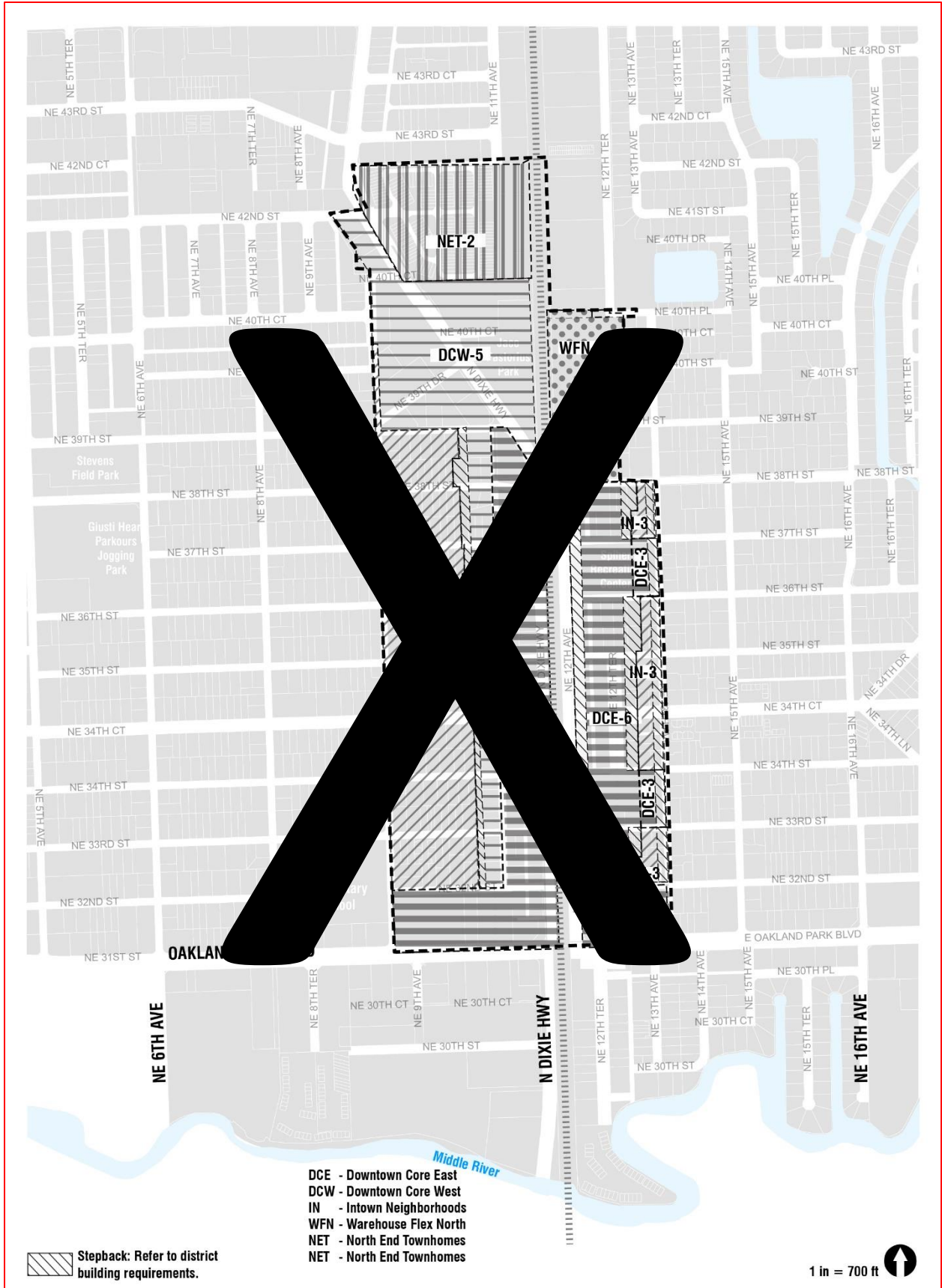


Figure 24-263-1 Hierarchy of Streets: The prescribed network of streets and establishes

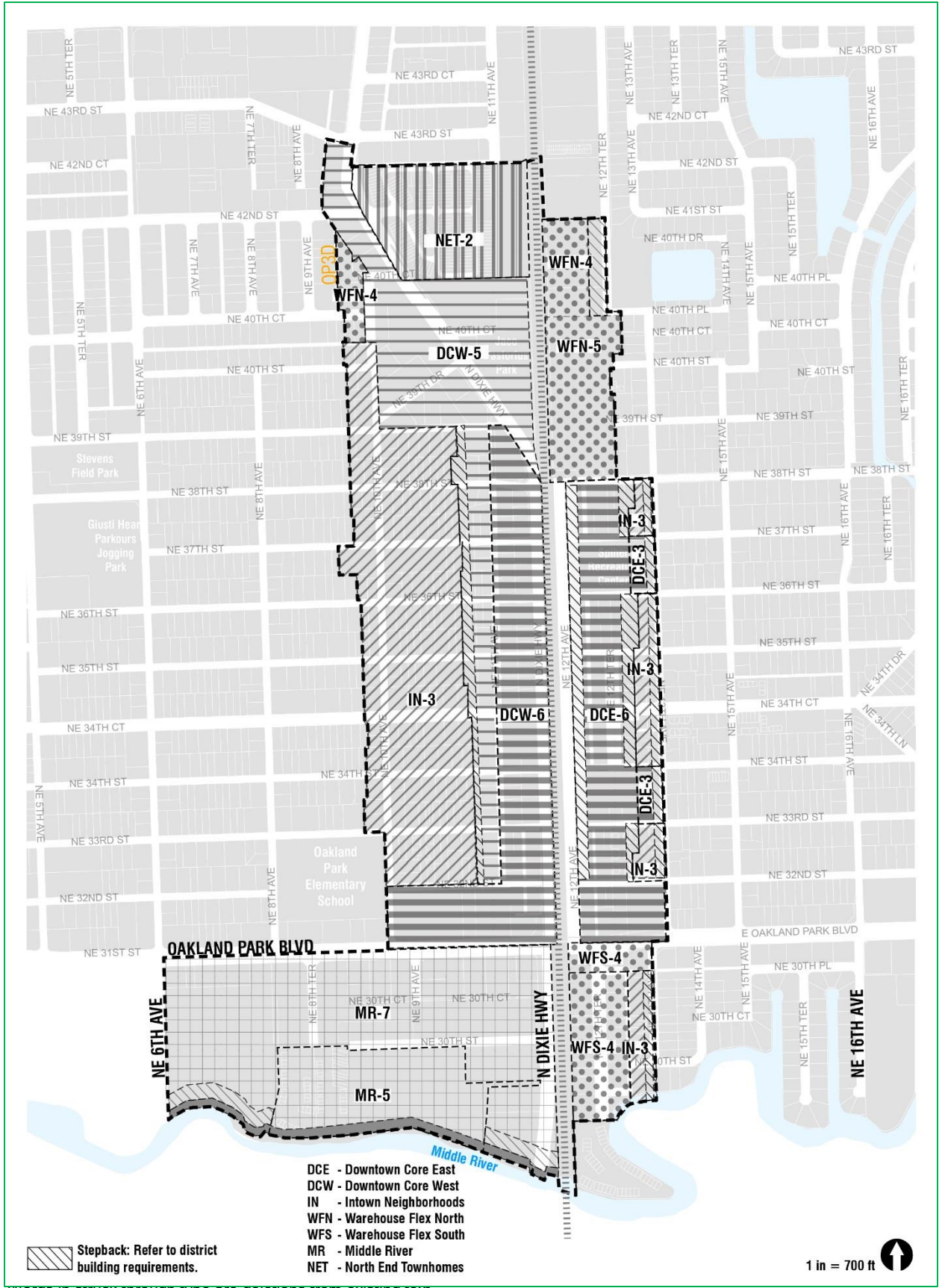
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703 the hierarchy of streets
704 24-264. - District Sub-areas.

705
706 (A) There shall be ~~four~~ sub-areas existing in the Oakland Park Downtown
707 Development District whose locations are depicted on the map in this
708 section.
709



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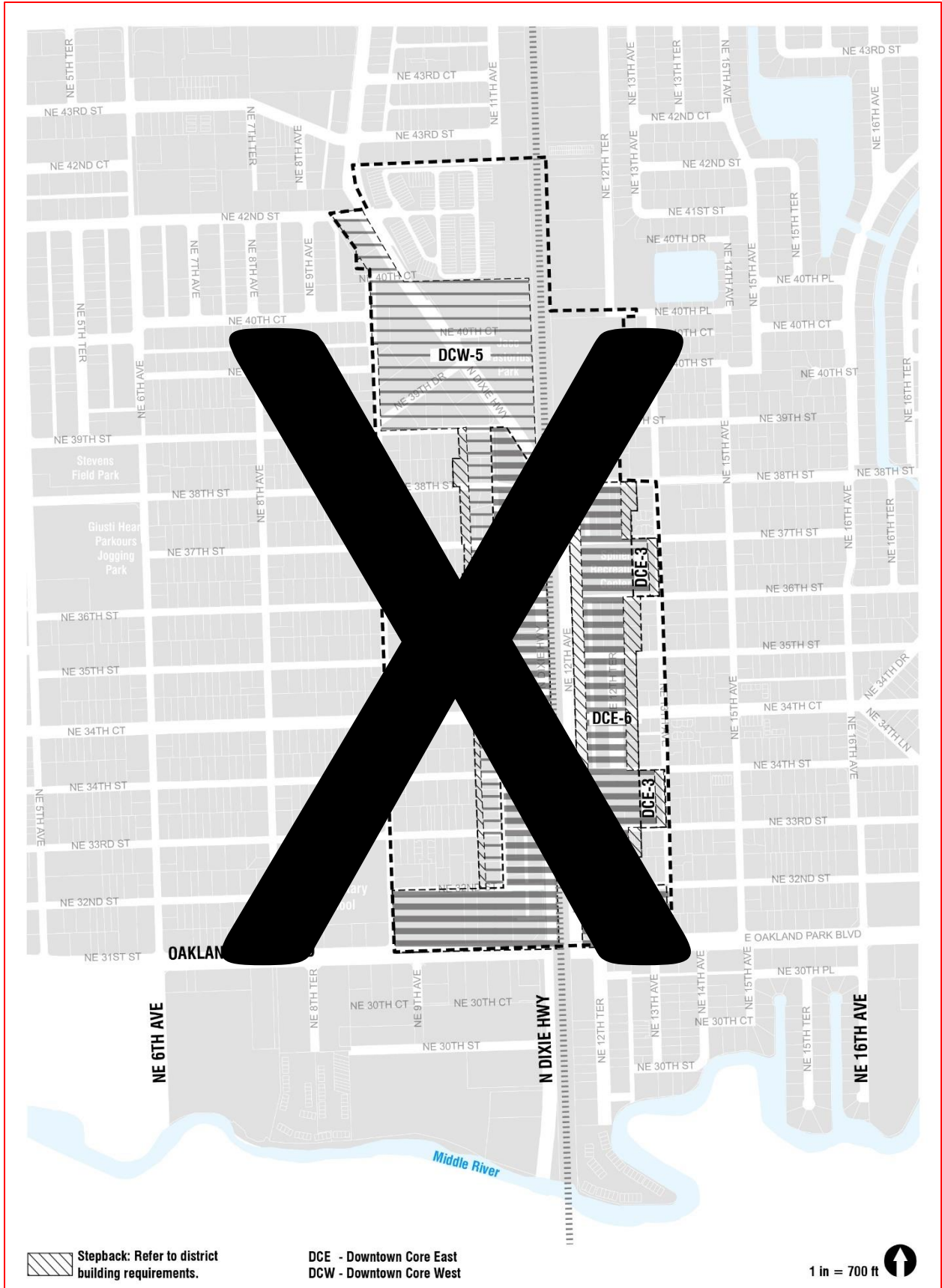
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712 Figure 24-264-1 Regulating Map: OP3D District Sub-areas

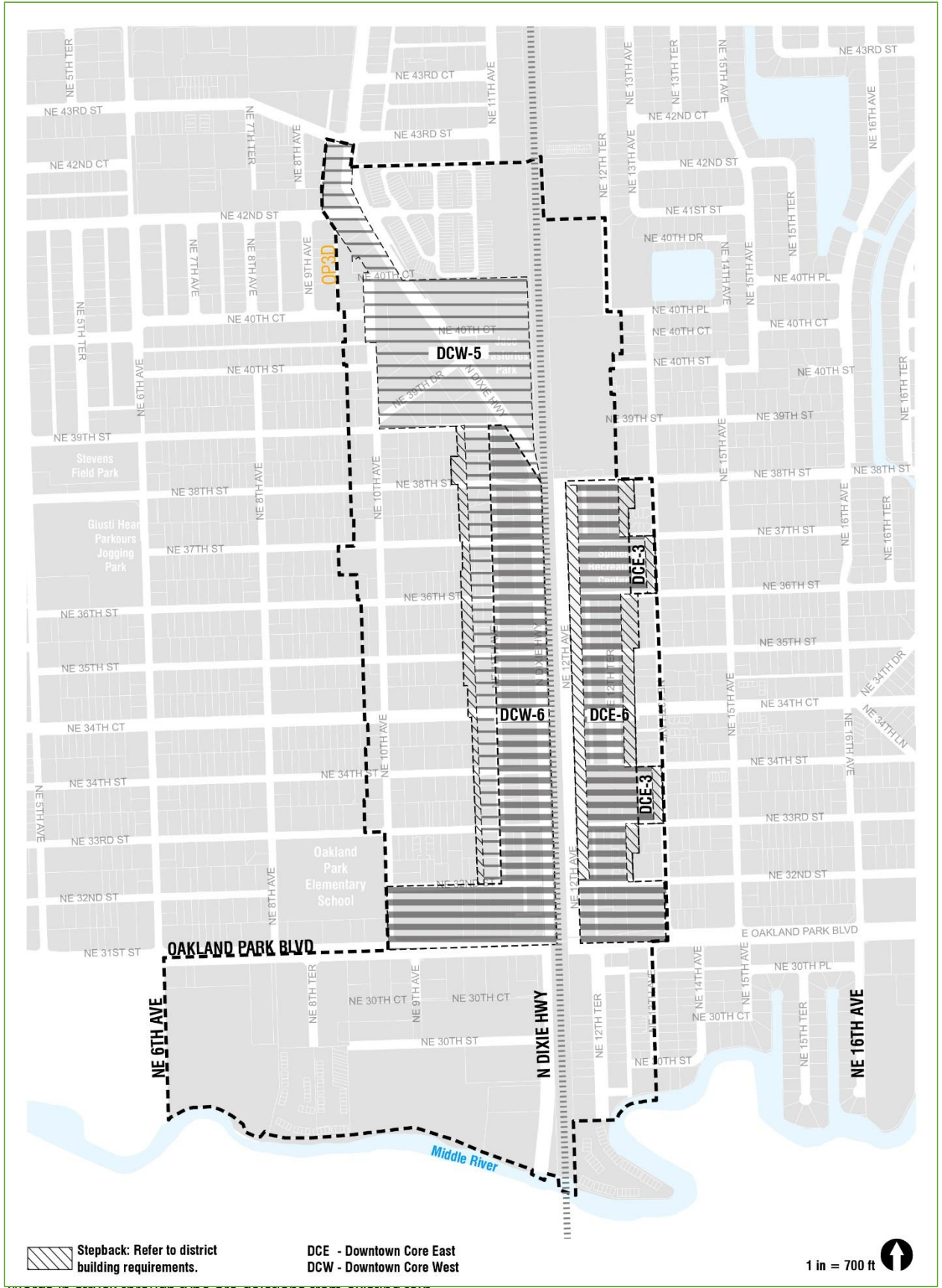
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714 **(B) District Regulations: Downtown Core (DC) Sub-area**

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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-rea. 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 <u>with their corresponding vertical dimension in feet.</u> | |
| (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 | |

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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' |
| <u>Tertiary or Pedestrian Promenade</u> | <u>10'</u> |
| 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 or Side at DCE abutting IN (Intown Neighborhoods) – Stepback above 3 stories measured from setback line | 10' |
| Rear or Side 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 OF WHICH A MINIMUM OF TWENTY-FIVE PERCENT IS 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 Primary 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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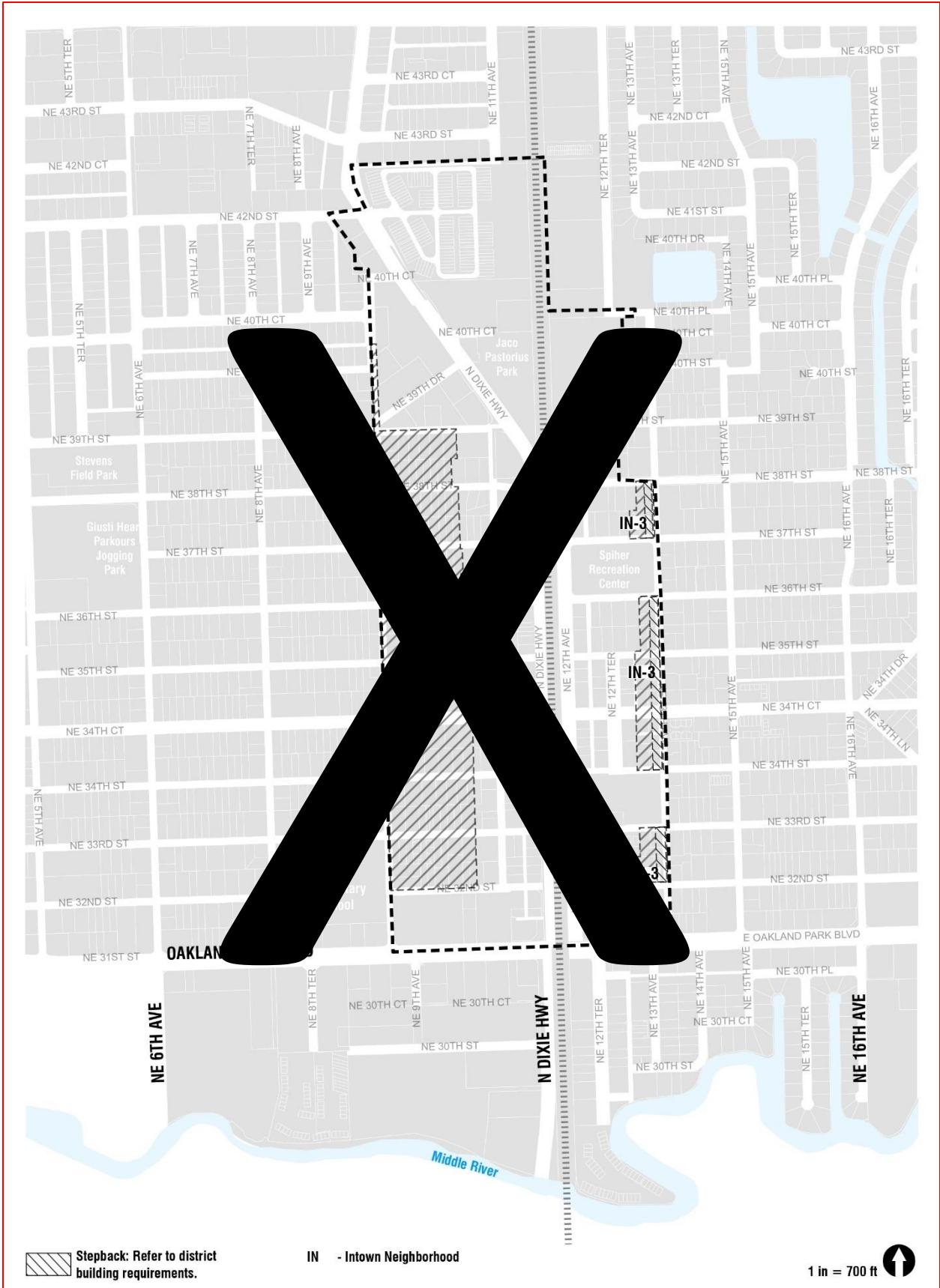
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**(C) District Regulations:
Intown Neighborhoods (IN) Sub-areas**



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

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744 (a) *Purpose.* The Intown Neighborhoods Sub-area is a transitional, moderate
 745 intensity residential area that will buffer the residential areas surrounding
 746 Downtown Oakland Park from the higher intensity Downtown Core Sub-areas.

747 (b) *Design Requirements.* Refer to section 24-265, Oakland Park Downtown
 748 Development District (OP3D) Design Guidelines.

749 (c) *Uses.* Refer to section 24-266, Oakland Park Downtown Development
 750 District (OP3D) Use Table.

751 (d) *Sub-area boundaries.* The map in Section 24-264 shows the boundaries of
 752 this Sub-area.

753 (e) *Development requirements table.*

754

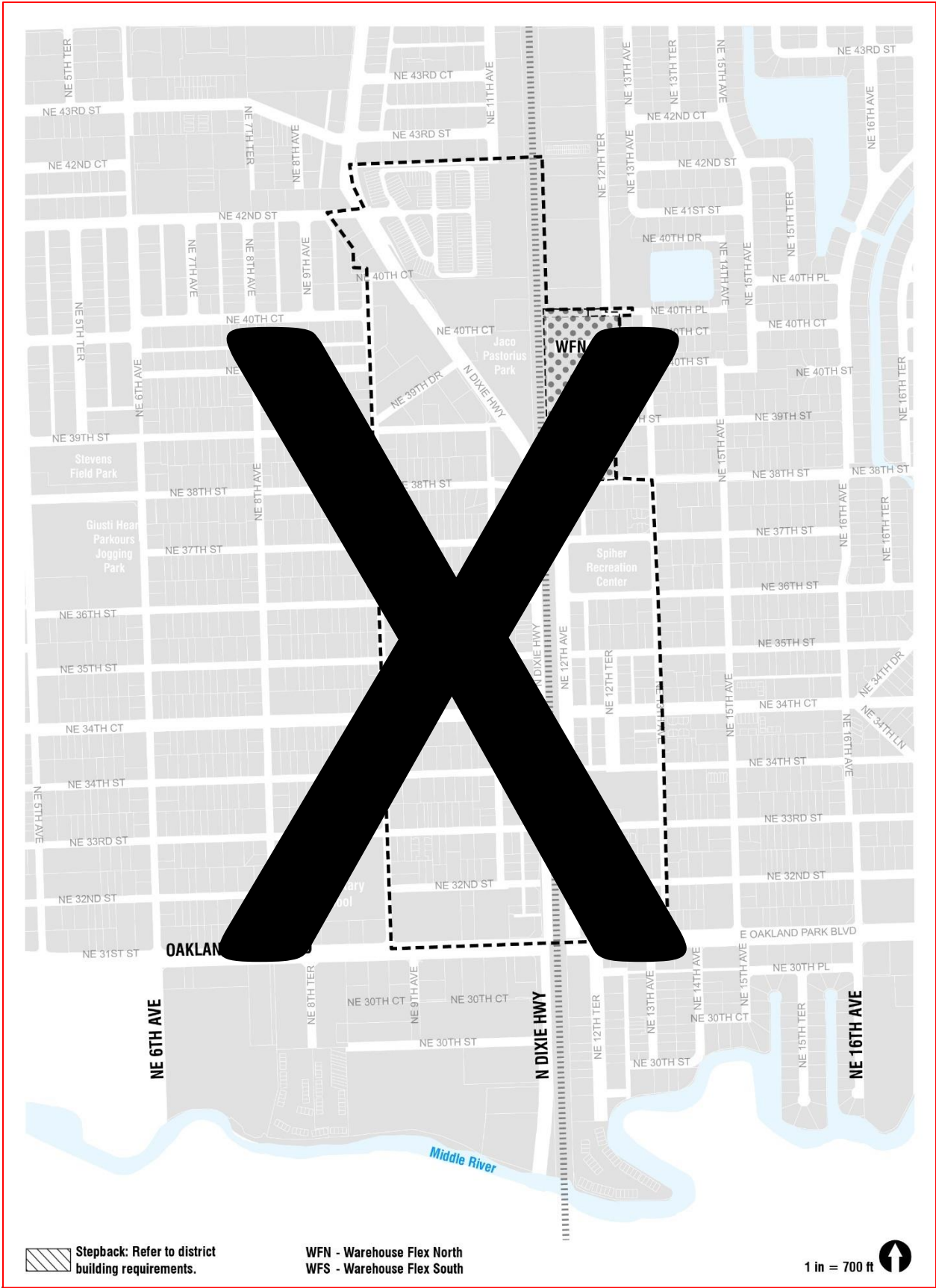
TABLE 24-264-2: BUILDING REQUIREMENTS – INTOWN NEIGHBORHOODS (IN)

| (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 OF WHICH A MINIMUM OF TWENTY-FIVE PERCENT IS 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 <u>within</u>, 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**



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 **Stepback:** Refer to district building requirements.

WFN - Warehouse Flex North
WFS - Warehouse Flex South

1 in = 700 ft 

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

- 762
- 763 (a) *Purpose.* The Warehouse Flex Sub-Area will provide a transition from
- 764 the railroad and existing industrial neighborhoods to the adjacent
- 765 residential, mixed-use, and commercial neighborhoods with adapted
- 766 and renovated building stock, warehouse style buildings, and large,
- 767 working storefronts. This area will appeal to emerging artists and
- 768 individuals seeking atypical housing choices, and it will include light
- 769 industrial uses, artist studios, and creative offices.
- 770 (b) *Design Requirements.* Refer to section 24-265, Oakland Park Downtown
- 771 Development District (OP3D) design guidelines.
- 772 (c) *Uses.* Refer to section 24-266, Oakland Park Downtown Development
- 773 District (OP3D) Use Table.
- 774 (d) *Sub-area boundaries.* The map in Section 24-264 shows the boundaries of
- 775 this Sub-area.
- 776 (e) *Development requirements table.*
- 777

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 <u>with their corresponding vertical dimension in feet</u> , as applicable. | |
| (b) FAR | |
| Base Height – Max. 3 Stories | 1.5 |
| With BPP Max. <u>4 or 5</u> 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 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 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' |
| <u>Primary Pedestrian D</u> | <u>10'</u> |
| Secondary | 10' |
| Tertiary or Pedestrian Promenade | 10' |
| 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 OF WHICH A MINIMUM OF TWENTY-FIVE PERCENT IS 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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780

(E) Reserved District Regulations:

781

Middle River (MR) Sub-area

782



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784 Figure 24-264-5 Regulating Map: Middle River Sub-areas

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786

787 Purpose. The Middle River District Sub-area is envisioned as a mixed-use neighborhood to include
788 commercial, retail and residential uses oriented towards the Middle River with buildings fronting bike/ped
789 trails for public access and connecting the area to downtown.

790 Design Requirements. Refer to section 24-265, Oakland Park Downtown Development District
791 (OP3D) design guidelines.

792 Uses. Refer to section 24-266, Oakland Park Downtown Development District (OP3D) Use
793 Table.

794 Sub-area boundaries. The map in Section 24-266 shows the boundaries of this Sub-area. The
795 Middle River Sub-area is located south of Oakland Park Boulevard, east of NE 6th Avenue and west of N,
796 Dixie Highway.

797 Development requirements table.

798

799

TABLE 24-264-4: BUILDING REQUIREMENTS – MIDDLE RIVER (MR)

| <u>HEIGHT</u> | |
|--|---|
| <u>Permitted Height shall be a maximum of three stories (45'). If requirements of the Bonus Provision Program (BPP) (Sec. 24-270) are met, the number of stories permitted according to the Height Code (MR-#) in the map in Figure 24-264-5 shall be permitted with their corresponding vertical dimension in feet.</u> | |
| <u>FAR</u> | |
| <u>Base Height – 3 stories or, With BPP, 4 Stories</u> | <u>1.5</u> |
| <u>With BPP – Max. 5 Stories</u> | <u>1.75</u> |
| <u>With BPP – Max. 7 Stories</u> | <u>2.25</u> |
| <u>DENSITY (APPLICABLE TO ENTIRE PROJECT NET LOT AREA)</u> | |
| <u>Lot Size > 13,000 SF</u> | <u>65 du/ac</u> |
| <u>Lot Size ≤ 13,000 SF</u> | <u>55 du/ac</u> |
| <u>RESIDENTIAL UNIT AREA</u> | |
| <u>Minimum 600 net square feet of floor area.</u> | |
| <u>SETBACKS</u> | |
| <u>TO BE MEASURED FROM RIGHT OF WAY LINE BY STREET CLASSIFICATION OR FROM SIDE OR REAR PROPERTY LINE, AS IDENTIFIED</u> | <u>REQUIRED MINIMUM SETBACKS FOR NEW CONSTRUCTION OR BUILDING ENLARGEMENT. EXISTING BUILDINGS ARE PERMITTED TO RETAIN THEIR EXISTING SETBACKS.</u> |
| <u>Primary Boulevard</u> | <u>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.</u> |
| <u>Primary Pedestrian A</u> | <u>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 Trafficway Plan, such that a building is permitted to be built at or behind this required setback line but not forward of the line.</u> |

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|--|--|
| <u>Secondary</u> | <u>10'</u> |
| <u>Tertiary</u> | <u>10'</u> |
| <u>Side Interior</u> | <u>0'</u> |
| <u>Rear</u> | <u>5'</u> |
| <u>Middle River Frontage</u> | <u>37' from the mean high-water line or seawall to the first building structure.</u> |
| <u>Stepback above 5 stories from required setback line for sections of building fronting Middle River</u> | <u>25'</u> |
| <u>MINIMUM OPEN SPACE OF WHICH A MINIMUM OF TWENTY-FIVE PERCENT IS TO BE PERVIOUS</u> | |
| <u>Lot Size ≤ 13,000 SF</u> | <u>10%</u> |
| <u>Lot Size > 13,000 SF</u> | <u>20%</u> |
| <u>MR - For Parcels > 35,000 SF Lot Size ≤ 13,000 SF</u> | <u>20% on ground floor and 5% on roof as terraces/gardens10%</u> |
| <u>PARKING</u> | |
| <p><u>See Sec. 24-2710. Parking and District Requirements (C)-(3)</u></p> <p><u>Parking lots with screening, fronting Primary Boulevard or Primary Pedestrian A, are allowed for adaptive re-use developments.</u></p> <p><u>Parking garages fronting Primary Boulevard, or Primary Pedestrian A Streets shall provide ground floor active use with a minimum active liner depth of twenty (20') feet.</u></p> <p><u>Surface parking lots in view of a Primary Boulevard are only permitted to cover 60 percent of the lot width for a depth of 40 feet measured from the right of way line at the Primary Boulevard. Further than 40 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.</u></p> | |

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**(F) District Regulations:
North End Townhomes (NET) Sub-areas**



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

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810

811 (a) *Purpose.* The North End Townhomes (NET). The North End Townhomes
 812 Sub-area is a townhome community approved in 2013. Standards provided
 813 for this section permit the continuation of this development’s physical layout
 814 and provide for regulations for future construction such as additions or
 815 building replacements.

816 (b) *Design Requirements.* Refer to section 24-265, Oakland Park Downtown
 817 Development District (OP3D) design guidelines.

818 (c) *Uses.* Refer to section 24-266, Oakland Park Downtown Development
 819 District (OP3D) Use Table.

820 (d) *Sub-area boundaries.* The map in Section 24-264 shows the boundaries of
 821 this Sub-area.

822 (e) *Development requirements table.*

823

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. |

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 A line of *** indicates existing text not shown.

| | |
|--|-----|
| Primary Pedestrian A | 12' |
| Side Interior | 20' |
| Rear | 15' |
| (f) MINIMUM OPEN SPACE AND MINIMUM AREA OF PROJECT SITE <u>OF WHICH A MINIMUM OF TWENTY-FIVE PERCENT IS TO BE PERVIOUS.</u> | |
| 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. | |

824

825 Sec. 24-265. - Urban design.

826

827 *Oakland Park Downtown Development District Design Guidelines*. All development
828 including but not limited to buildings, open space, signage, and streetscaping are
829 subject to the criteria stated in the Oakland Park Downtown Development District
830 Design Guidelines. The development review procedure in section 24-273 shall
831 ensure compliance with the Oakland Park Downtown Development District Urban
832 Design Guidelines to ensure good aesthetics and livability. The Oakland Park
833 Downtown Development District Design Guidelines will also be referred to as the
834 "Design Guidelines" in these regulations. The Oakland Park Development District
835 Design Guidelines are hereby incorporated by reference and shall by approved and
836 amended by resolution. Compliance with The Oakland Park Downtown
837 Development District Design Guidelines is required.

838

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

840

841 (A) Purpose. It is the intent of this section to provide, in tabular form, a listing (herein
842 referred to as the "OP3D Use List") of the uses that shall be permitted or prohibited
843 in the various sub-areas.

844

845 (B) Key to OP3D Use List table.

- 846 (1) Where a "P" appears on the same line as a listed use, said use shall be
847 permitted in the district as indicated by the column heading in which the "P"
848 appears.
- 849 (2) Where a "C" appears on the same line as a listed use, said use shall be a
850 conditional use in the district as indicated by the column heading in which the "C
851 " appears.
- 852 (3) Where an "A" appears on the same line as a listed use, said use shall be
853 permitted as an accessory only to a permitted principal use in the district as
854 indicated by the column heading in which the "A" appears.
- 855 (4) Where no letter "P", "C", or "A" appears on the same line as a listed use, said
856 use shall be prohibited in the district as indicated by the column heading, in the
857 same manner.
- 858 (5) Where a listed use is not permitted in any of the business districts, an "X"
859 appears in the column headed "prohibited."
- 860 (6) Any use not listed on the OP3D Use list, as amended from time to time, shall
861 be considered an "unlisted use." Applications for any such use shall be reviewed
862 and considered according to the conditional use provisions set forth herein and
863 can be approved or denied accordingly.
- 864 (7) Accessory uses are not subject to their specific parking requirement and are
865 instead subject to the parking requirement of the primary use of the
866 establishment.
- 867 (8) Outdoor business activity, including sales or display of merchandise, is prohibited
868 unless a specifically listed use entails outdoor business activity.

869

870 OP3D Use List Key Summary:

| | |
|------------|--|
| <u>P</u> = | <u>Permitted Principal Use;</u> |
| <u>A</u> = | <u>Only as accessory to a Permitted Principal Use;</u> |
| <u>C</u> = | <u>Conditional Use subject to requirements of Section 24-165;</u> |
| <u>X</u> = | <u>Prohibited Use</u> |
| <u>*</u> = | <u>For uses marked with an asterisk, additional parking to meet requirements of Section 24-271 beyond that already existing on [DATE OF ADOPTION] at the use's site is not required for these uses when occupying existing buildings or sections of existing</u> |

| | |
|--|--|
| | <u>buildings constructed prior to [DATE OF ADOPTION] in the Downtown Core and Warehouse Flex subareas.</u> |
| <u>If the P, C, or A for use is followed by a number</u> | <u>Restriction(s) on the use apply as found in Section D, Supplemental Regulations.</u> |

871

872 (C) OP3D Use List. The following is the OP3D Use List, indicating the permitted and
873 prohibited uses and those uses subject to the supplemental regulations and
874 definitions of this section. The following uses are principal uses unless otherwise
875 stated. There shall be no variances on the uses listed in the Use List in this
876 subsection. A use listed in the City-wide Master Business List in Section 24-41 or not
877 included in the definition or description of a use listed herein but not listed in this table
878 is prohibited.

879

| <u>Business Listing</u> | <u>Prohibited</u> | <u>Downtown Core</u> | <u>Intown Neighborhood</u> | <u>Warehouse Flex</u> | <u>Middle River District</u> | <u>North End Townhomes</u> |
|---|-------------------|----------------------|----------------------------|-----------------------|------------------------------|----------------------------|
| <u>Air conditioning & heating equipment-repair and service</u> | X | - | - | - | - | - |
| <u>Ambulance service</u> | X | - | - | - | - | - |
| <u>Antique building construction supplies, retail (indoor only)</u> | - | - | - | <u>P11</u> | - | - |
| <u>Armored car service</u> | X | - | - | - | - | - |

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|---|----------|--------------|----------|--------------|--------------|----------|
| <u>Art galleries*</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Artists' studios, photography studios*</u> | - | <u>A, P1</u> | <u>A</u> | <u>A, P1</u> | <u>A, P1</u> | <u>A</u> |
| <u>Athletic club, health clubs, gymnasiums, indoor sports games and/or athletics, personal training, fitness studio - up to 5,000 square feet on ground floor with additional floor area permitted only on upper floors</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Athletic club, health clubs, gymnasiums, indoor sports games and/or athletics, personal training, fitness studio - stores 5,000 square feet or larger on ground floor</u> | - | <u>C</u> | - | <u>C</u> | <u>C</u> | - |
| <u>Auction houses (antiques only)</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Automobile, motorcycle,</u> | <u>X</u> | | | | | |

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|--|----------|-----------|---|-----------|-----------|---|
| <u>truck, motorized boat, or motorized vehicle sales, rental, service, maintenance, or repair establishments</u> | | | | | | |
| <u>Awning— manufacturing and sales</u> | <u>X</u> | - | - | - | - | - |
| <u>Bank – lobby, teller counter</u> | <u>X</u> | = | - | = | = | - |
| <u>Bank – lobby, teller counter only as accessory to a restaurant*</u> | | <u>A</u> | | <u>A</u> | <u>A</u> | |
| <u>Bank – lobby, teller counter only as accessory to a restaurant*</u> | | <u>A</u> | - | <u>A</u> | <u>A</u> | - |
| <u>Bank - ATM only, shall be built into a building wall of outdoors or in a vestibule*</u> | - | <u>A</u> | - | <u>A</u> | <u>A</u> | - |
| <u>Bail bonds</u> | <u>X</u> | - | - | - | - | - |
| <u>Banquet facilities (assembly hall)</u> | - | <u>C1</u> | - | <u>C1</u> | <u>C1</u> | - |

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|--|----------|------------|---|------------|------------|---|
| <u>Bar</u> or <u>nightclub*</u> | - | <u>C18</u> | - | <u>C18</u> | <u>C18</u> | - |
| <u>Beauty Salon/Barber*</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Beverage manufacturing, alcoholic and non-alcoholic, with restaurant (incl. brew pub)*</u> | - | <u>P18</u> | - | <u>P18</u> | <u>P18</u> | - |
| <u>Beverage manufacturing, alcoholic and non-alcoholic, with tasting room or bar*</u> | - | <u>C18</u> | - | <u>C18</u> | <u>C18</u> | - |
| <u>Beverage manufacturing, alcoholic and non-alcoholic, without tasting room or restaurant</u> | | - | - | <u>P</u> | - | - |
| <u>Billboards</u> | <u>X</u> | - | - | - | - | - |
| <u>Bingo parlor</u> | <u>X</u> | - | - | - | - | - |
| <u>Boarding or rooming houses</u> | <u>X</u> | - | - | - | - | - |
| <u>Boat and marine motors sales and</u> | <u>X</u> | - | - | - | - | - |

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|---|----------|-----------|---|-----------|-----------|---|
| <u>service (dry stack)</u> | | | | | | |
| <u>Book or magazine publishers</u> | - | <u>P1</u> | - | <u>P1</u> | <u>P1</u> | - |
| <u>Bottle clubs</u> | <u>X</u> | - | - | - | - | - |
| <u>Bowling alleys</u> | - | <u>C</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Building materials/construction materials yard/warehouse</u> | <u>X</u> | - | - | - | - | - |
| <u>Canning or freezing plant</u> | <u>X</u> | - | - | - | - | - |
| <u>Canoe and kayak, or similar, sales/rental and/or boat docks*</u> | - | - | - | <u>P</u> | <u>P</u> | - |
| <u>Car stereo and car alarm installation</u> | <u>X</u> | - | - | - | - | - |
| <u>Carting, delivery, express, hauling</u> | | - | - | <u>P</u> | - | - |
| <u>Cash advance</u> | <u>X</u> | - | - | - | - | - |
| <u>Cemeteries</u> | <u>X</u> | - | - | - | - | - |
| <u>Check cashing</u> | <u>X</u> | - | - | - | - | - |

| | | | | | | |
|--|----------|----------------|------------|----------------|----------------|------------|
| <u>Cigar/Hookah bar*</u> | - | <u>C18</u> | - | <u>C18</u> | <u>C18</u> | - |
| <u>City of Oakland Park municipal facilities*</u> | - | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Clothing alterations/shoe repair*</u> | - | <u>P1 or A</u> | - | <u>P1 or A</u> | <u>P1 or A</u> | - |
| <u>Colleges and universities</u> | | <u>P1</u> | - | <u>P1</u> | <u>P1</u> | - |
| <u>Combustibles and explosives, sales of, including firearms, ammunition, fireworks, dynamite, propane, etc., but excluding gas stations</u> | <u>X</u> | - | - | - | - | - |
| <u>Commissary</u> | <u>X</u> | - | - | - | - | - |
| <u>Community center</u> | - | <u>C1</u> | <u>C</u> | <u>C1</u> | <u>C1</u> | <u>C</u> |
| <u>Community residences (up to ten residents)</u> | - | <u>P1, 20</u> | <u>P20</u> | <u>P1, 20</u> | <u>P1, 20</u> | <u>P20</u> |
| <u>Community Garden*</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Consignment shop</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |

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|--|----------|-------------|----------|-------------|-------------|---|
| <u>Contractor's shop</u> | <u>X</u> | - | - | - | - | - |
| <u>Convenience stores without a vehicle fueling station</u> | <u>X</u> | = | = | = | = | - |
| <u>Crematory</u> | <u>X</u> | - | - | - | - | - |
| <u>Currency exchange</u> | <u>X</u> | - | - | - | - | - |
| <u>Dance or music schools</u> | - | <u>P1,2</u> | - | <u>P1,2</u> | <u>P1,2</u> | - |
| <u>Day labor center</u> | <u>X</u> | - | - | - | - | - |
| <u>Day nurseries, childcare centers, adult day care</u> | - | <u>C1</u> | - | <u>C1</u> | <u>C1</u> | - |
| <u>Dollar stores</u> | <u>X</u> | - | - | - | - | - |
| <u>Drive Thru - Any business with a permanent drive-through or drive-thru window</u> | <u>X</u> | - | - | - | - | - |
| <u>Dry cleaner retail</u> | - | <u>P3</u> | - | <u>P3</u> | <u>P3</u> | - |
| <u>Dwelling units in duplex, triplex, multi-family, or</u> | - | <u>P1</u> | <u>P</u> | <u>P1</u> | <u>P1</u> | - |

| | | | | | | |
|---|----------|-----------|-----------|-----------|-----------|-----------|
| <u>mixed-use building,</u> | | | | | | |
| <u>Dwelling unit as a single-family house, only on existing lots with existing single-family dwellings for replacement.</u> | - | <u>P1</u> | <u>P</u> | - | - | - |
| <u>Dwelling unit as a single-family house, only on lots smaller than 6,000 square feet at the time of Ordinance adoption.</u> | - | - | <u>P</u> | - | - | - |
| <u>Dwelling units in townhome configuration</u> | - | <u>P1</u> | <u>P</u> | <u>P1</u> | <u>P1</u> | <u>P</u> |
| <u>Education tutoring centers for school-age children</u> | - | <u>P1</u> | - | <u>P1</u> | <u>P1</u> | - |
| <u>Electric Vehicle Charging Stations</u> | - | <u>A6</u> | <u>A6</u> | <u>A6</u> | <u>A6</u> | <u>A6</u> |
| <u>Elementary and Secondary schools</u> | <u>X</u> | - | - | - | - | - |

| | | | | | | |
|---|----------|----------|---|----------|-----------|---|
| <u>Embalming, taxidermist</u> | <u>X</u> | - | - | - | - | - |
| <u>Engravers</u> | - | <u>A</u> | - | <u>P</u> | <u>A</u> | - |
| <u>Farmers markets* Indoor</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Farmers markets* outdoor subject to site plan review by the Development Review Committee and only permitted for a total of 8 hours per week at its location.</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Federal, state, or county customer service facilities</u> | - | - | - | - | <u>P1</u> | - |
| <u>Feed, fertilizer, warehouse, storage and sales</u> | <u>X</u> | - | - | - | - | - |
| <u>Fish market*</u> | - | <u>C</u> | - | <u>C</u> | <u>C</u> | - |
| <u>Food caterers and commercial kitchens providing food for delivery to</u> | - | <u>A</u> | - | <u>P</u> | <u>P</u> | - |

| | | | | | | |
|---|----------|----------------|----------|----------------|----------------|----------|
| <u>consumers or to other restaurants</u> | | | | | | |
| <u>Food Production & Confectionery manufacture</u> | - | <u>A</u> | - | <u>P</u> | <u>A</u> | - |
| <u>Funeral homes</u> | <u>X</u> | - | - | - | - | - |
| <u>Furniture and cabinet manufacturing, repair, and refinishing</u> | - | <u>A2, 1</u> | - | <u>P2,</u> | <u>A2, 1</u> | - |
| <u>Garbage disposal</u> | <u>X</u> | - | - | - | - | - |
| <u>Garden supplies</u> | - | - | - | <u>P5</u> | <u>P5</u> | - |
| <u>Gun range</u> | <u>X</u> | - | - | - | - | - |
| <u>Head shop</u> | <u>X</u> | - | - | - | - | - |
| <u>Home Occupations* in accordance with Section 24-75</u> | - | <u>P1</u> | <u>P</u> | <u>P1</u> | <u>P1</u> | <u>P</u> |
| <u>Hospitals</u> | <u>X</u> | - | - | - | - | - |
| <u>Hostels</u> | <u>X</u> | | | | | |
| <u>Hotels</u> | - | <u>C</u> | - | <u>C</u> | <u>C</u> | - |
| <u>Ice plant</u> | <u>X</u> | - | - | - | - | - |
| <u>Indoor Entertainment</u> | - | <u>P1 or A</u> | - | <u>P1 or A</u> | <u>P1 or A</u> | - |

| | | | | | | |
|--|----------|----------------|----------|-----------|----------------|---|
| <u>Centers including arcade games, indoor mini golf, group team building activities, computer games, escape rooms, and/or billiards – Less than 5,000 square feet of floor area*</u> | | | | | | |
| <u>Industrial with smoke, glare, odor, hazardous chem, etc.</u> | <u>X</u> | - | - | - | - | - |
| <u>Junk dealers</u> | <u>X</u> | - | - | - | - | - |
| <u>Kitchen incubator*</u> | - | <u>P1 or A</u> | - | <u>P</u> | <u>P1 or A</u> | - |
| <u>Laboratories, medical, dental, diagnostic, educational</u> | - | - | - | <u>P1</u> | <u>P1</u> | - |
| <u>Laboratories, research, development, scientific</u> | - | <u>P1</u> | - | <u>P1</u> | <u>P1</u> | - |
| <u>Libraries*</u> | - | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | - |
| <u>Lighting fixtures retail</u> | <u>X</u> | - | - | - | - | - |

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|--|----------|---------------|---|---------------|---------------|---|
| <u>Liquor store</u> | <u>X</u> | | | | | - |
| <u>Live-work units (residential portion must comply with Supplemental regulations to master business list item #1)</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Lumberyards</u> | <u>X</u> | - | - | - | - | - |
| <u>Maintenance, building, lawn, pool</u> | <u>X</u> | - | - | - | - | - |
| <u>Manufacture of: explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals</u> | <u>X</u> | - | - | - | - | - |
| <u>Manufacturing, Light</u> | - | - | - | <u>P2</u> | - | - |
| <u>Massage and health spa, state licensed</u> | - | <u>P15</u> | - | <u>P15</u> | <u>P15</u> | - |
| <u>Massage establishment</u> | <u>X</u> | - | - | - | - | - |
| <u>Meat market*</u> | - | <u>C or A</u> | - | <u>C or A</u> | <u>C or A</u> | - |
| <u>Medical marijuana treatment</u> | - | <u>C1, 14</u> | - | <u>C1, 14</u> | <u>C1, 14</u> | - |

| | | | | | | |
|--|----------|-----------|-----------|-----------|-----------|---|
| <u>center or dispensing facility</u> | | | | | | |
| <u>Medical offices including physical therapy, dental, and other healthcare not otherwise listed</u> | - | <u>P1</u> | - | <u>P1</u> | <u>P1</u> | - |
| <u>Money transfer</u> | <u>X</u> | - | - | - | - | - |
| <u>Motels</u> | <u>X</u> | - | - | - | - | - |
| <u>Motor truck yards and depot</u> | <u>X</u> | - | - | - | - | - |
| <u>Museum*</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Nail grooming*</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |
| <u>Office – professional</u> | - | <u>P1</u> | <u>P8</u> | <u>P1</u> | <u>P1</u> | - |
| <u>Oil filling/changing station, drive-thru</u> | <u>X</u> | - | - | - | - | - |
| <u>Outdoor storage</u> | <u>X</u> | - | - | - | - | - |
| <u>Pain management clinic (see Chapter 7, section 7-151 of the</u> | <u>X</u> | - | - | - | - | - |

| | | | | | | |
|---|--------------|-------------|----------|-------------|-------------|----------|
| <u>Code of Ordinances for definition and additional regulations)</u> | | | | | | |
| <u>Parking garages for general public use (paid or unpaid) or as accessory to a use</u> | - | <u>A1/C</u> | - | <u>A1/C</u> | <u>A1/C</u> | - |
| <u>Parks and public squares or plazas*</u> | - | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Party equipment rental, indoor only</u> | - | - | - | <u>P</u> | - | - |
| <u>Pawn shops</u> | X | - | - | - | - | - |
| <u>Payday loans</u> | X | - | - | - | - | - |
| <u>Pest control</u> | X | - | - | - | - | - |
| <u>Pet stores</u> | X | - | - | - | - | - |
| <u>Pharmacies</u> | - | <u>C14</u> | - | <u>C14</u> | <u>C14</u> | - |
| <u>Places of Worship</u> | | <u>C1</u> | <u>C</u> | <u>C1</u> | <u>C1</u> | |
| <u>Plasma centers</u> | X | - | - | - | - | - |
| <u>Printing, copying, office support, mailing,</u> | - | <u>P1</u> | - | <u>P1</u> | <u>P</u> | - |

| | | | | | | |
|--|----------|-----------|---|----------|-----------|---|
| <u>shipping and packaging -- 2,000 square feet or less*</u> | | | | | | |
| <u>Printing, copying, office support, mailing, shipping and packaging -- 2,001 square feet or more</u> | <u>X</u> | = | - | = | = | - |
| <u>Propane or liquefied petroleum gas sales and storage (filling station as accessory to permitted use)*</u> | <u>X</u> | - | - | - | - | - |
| <u>Psychic consulting including fortune telling, palm reading, tarot card, etc.</u> | <u>X</u> | | | | | - |
| <u>Pumps & wells, retail, wholesale</u> | <u>X</u> | - | - | - | - | - |
| <u>Radio, television, recording, or music practice studios, soundproofed with DRC</u> | - | <u>P1</u> | - | <u>P</u> | <u>P1</u> | - |

| | | | | | | |
|--|----------|---------------|------------|---------------|---------------|------------|
| <u>review to determine adequacy of controls to reduce nuisance</u> | | | | | | |
| <u>Real Estate Sales Office</u> | - | <u>P1</u> | <u>P8</u> | <u>P</u> | <u>P</u> | - |
| <u>Recovery communities</u> | - | <u>P1, 21</u> | <u>P21</u> | <u>P1, 21</u> | <u>P1, 21</u> | <u>P21</u> |
| <u>Recycling yards</u> | <u>X</u> | - | - | - | - | - |
| <u>Rehabilitation—drug addiction treatment, mental health therapy, and counseling</u> | <u>X</u> | - | - | - | - | - |
| <u>Rent to own stores</u> | <u>X</u> | - | - | - | - | - |
| <u>Rental—commercial trucks and equipment</u> | <u>X</u> | - | - | - | - | - |
| <u>Repair shops and/or sales (small appliances/machinery that can be carried by one person without assistance)</u> | - | - | - | <u>P</u> | - | - |

| | | | | | | |
|--|----------|------------|---|------------|------------|---|
| <u>Restaurant - Food halls, subject to site plan review by DRC*</u> | - | <u>P12</u> | - | <u>P12</u> | <u>P12</u> | - |
| <u>Restaurant and Restaurant Bar*</u> | - | <u>P12</u> | - | <u>P12</u> | <u>P12</u> | - |
| <u>Restaurant, drive-thru</u> | <u>X</u> | - | - | - | - | - |
| <u>Restaurant, drive-in</u> | <u>X</u> | - | - | - | - | - |
| <u>Restaurants – independent food truck or food cart, or sales of food or beverages from a wheeled vehicle when not an accessory to a restaurant or a bar/nightclub with a permanent physical location</u> | <u>X</u> | | - | | | - |
| <u>Restaurants - food truck, food cart, or sales of food or beverages from a wheeled vehicle only when an</u> | - | <u>A12</u> | - | <u>A12</u> | <u>A12</u> | - |

CODING: Words in ~~struck through~~ type are deletions from existing text.
 Words in underscored type are additions to existing text.
 A line of *** indicates existing text not shown.

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|--|----------|----------|---|----------|----------|---|
| <u>accessory to and on the same property of a restaurant, brewpub, tasting room, or bar/nightclub with a permanent physical location. Site plan review and approval by the Development Review Committee required. This use may also be permitted at a woolnerf with conditional use approval *</u> | | | | | | |
| <u>Retail - Membership discount stores/clubs</u> | <u>X</u> | - | - | - | - | - |
| <u>Retail sales— stores up to 5,000 square feet on ground floor with additional floor area permitted only on upper floors *</u> | - | <u>P</u> | - | <u>P</u> | <u>P</u> | - |

| | | | | | | |
|--|----------|-----------|---|-----------|-----------|---|
| <u>Retail sales— stores 5,000 square feet or larger on ground floor*</u> | - | <u>C</u> | - | <u>C</u> | <u>C</u> | - |
| <u>Retail sales and/or display— outdoors *</u> | <u>X</u> | - | - | - | - | - |
| <u>Rock and sand yards</u> | <u>X</u> | - | - | - | - | - |
| <u>Roofing, contractors</u> | <u>X</u> | - | - | - | - | - |
| <u>Rooming or boarding houses</u> | <u>X</u> | - | - | - | - | - |
| <u>Rugs, carpets, wholesale</u> | <u>X</u> | - | - | - | - | - |
| <u>Schools, hobby or personal interest training such as culinary, art, computer coding, acting, martial arts, wellness, hobbies, or other life enrichment, non-trade skill</u> | - | <u>P1</u> | - | <u>P1</u> | <u>P1</u> | - |
| <u>Schools, public or non-profit</u> | - | - | - | <u>C1</u> | <u>C1</u> | - |

| | | | | | | |
|--|--------------|-----------|----------|-----------|-----------|----------|
| <u>private trade, vocational</u> | | | | | | |
| <u>Self-storage facilities</u> | X | - | - | - | - | - |
| <u>Senior Living/Assisted Living</u> | - | <u>P1</u> | <u>P</u> | <u>P1</u> | <u>P1</u> | <u>P</u> |
| <u>Server hotels for computers (data centers)</u> | X | - | - | - | - | - |
| <u>Sexually oriented businesses</u> | X | - | - | - | - | - |
| <u>Shelter, soup kitchens, or Halfway house</u> | X | - | - | - | - | - |
| <u>Shopping centers, community or regional over five (5) acres</u> | X | - | - | - | - | - |
| <u>Shopping centers, neighborhood under five (5) acres*</u> | - | - | - | <u>P</u> | <u>P</u> | - |
| <u>Sign making</u> | - | - | - | <u>P</u> | <u>P</u> | - |
| <u>Skating rink</u> | - | <u>P1</u> | - | <u>P1</u> | <u>P1</u> | - |
| <u>Stone yard or monument works</u> | X | - | - | - | - | - |

| | | | | | | |
|---|----------|-------------|---|--------------|--------------|---|
| <u>Swimming pools & water treatment: supplies, chemicals, and accessories</u> | <u>X</u> | - | - | - | - | - |
| <u>Theater and motion picture houses, maximum of 5,000 square feet on the ground floor.</u> | - | <u>C1,2</u> | - | <u>C1, 2</u> | <u>C1, 2</u> | - |
| <u>Tile supplies</u> | - | - | - | <u>P2</u> | - | - |
| <u>Towing service</u> | <u>X</u> | - | - | - | - | - |
| <u>Trailers of all kinds, campers, mobile homes, storage & sales</u> | <u>X</u> | - | - | - | - | - |
| <u>Train Station*</u> | - | <u>P</u> | = | <u>P</u> | <u>P</u> | = |
| <u>Upholstery shop (no vehicles)</u> | - | - | - | <u>P2</u> | - | - |
| <u>Used Articles Establishments – except antiques or consignment</u> | <u>X</u> | | | | | |
| <u>Vending-indoor machines</u> | - | <u>A</u> | - | <u>A</u> | <u>A</u> | - |

| | | | | | | |
|--|----------|---|---|-----------|---|---|
| <u>Warehouses incl. distribution and fulfillment</u> | - | - | - | <u>P2</u> | - | - |
| <u>Wholesale combustible fuel storage</u> | <u>X</u> | - | - | - | - | - |
| <u>Wholesale establishments</u> | <u>X</u> | - | - | - | - | - |
| <u>Woodworking</u> | - | - | - | <u>P2</u> | - | - |

880

881 (D) Supplemental regulations to master business list. The following numbers are keyed
882 in the list:

883 (1) Special Location Regulations for uses not intended along the sidewalks of
884 certain pedestrian-oriented streets:

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

888 1) on the ground floor of a building and behind another business in that
889 building such that this use is located a minimum of 30 feet from the right of
890 way line of that street or

891 2) on the ground floor of a building or portion of a building that is set back a
892 minimum of 40 feet from the right of way line. ~~With the exception that~~
893 ~~residential uses are permitted along a Primary Boulevard with a setback of~~
894 ~~15 feet.~~

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

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

900 (2) Enclosed: Must be completely enclosed in a soundproof, air-conditioned
901 building.

902 (3) Dry cleaning establishment: For direct service to customers, subject to the
903 following limitations and requirements:

904 (a) Not more than two (2) cleaning units shall be used in any establishment,
905 neither of which shall have a rated capacity in excess of forty (40) pounds.

- 906 (b) The entire cleaning and drying process shall be carried on within completely
907 enclosed solvent-reclaiming units.
- 908 (c) All solvents used in the cleaning process and vapors there from shall be
909 nonexplosive and nonflammable.
- 910 (4) Reserved.
- 911 (5) Garden Supplies: Sales are restricted to retail, and such items as insecticides,
912 manure and fertilizer must be packaged to be easily handled and free from
913 objectionable odors.
- 914 (6) Electric vehicle charging station (EVCS) shall comply with the following
915 requirements:
- 916 (a) EV charging station spaces shall be posted with signage that identifies: the
917 space as provided for the charging of electric vehicles, amperage and voltage
918 levels; any enforceable time limits or tow away provisions; and contact
919 information for reporting nonoperating equipment or other problems.
- 920 (b) EV charging station equipment shall be located so as not to interfere with
921 vehicle, bicycle, or pedestrian access and circulation, or with required
922 landscaping.
- 923 (c) EV charging stations may be placed in a principal use's required parking.
- 924 (d) Considering the dynamic changes and innovation of this technology, the
925 engineering and community development director may authorize variations
926 from these regulations, so long as they are consistent with the spirit and intent
927 of these regulations and the Oakland Park Municipal Code.
- 928 (7) Reserved
- 929 (8) Office in In Town Neighborhoods: It is the intent to permit offices which are
930 compatible with the surrounding residential neighborhood. Parking areas are for
931 the exclusive use of passenger vehicles, and no parking of commercial vehicles
932 will be allowed except for temporary loading and unloading. Overhead doors shall
933 not be utilized as access to storage areas.
- 934 (9) Reserved
- 935 (10) Reserved.
- 936 (11) Reserved.
- 937 (12) Outdoor dining compatibility to residential: Operation of outdoor food and
938 beverage service at a restaurant or restaurant bar is prohibited between the hours
939 of 11 PM and 7 AM and the location of outdoor dining at a restaurant or restaurant
940 bar is prohibited within 300 feet, measured from edge of dining area to district
941 boundary, of an IN, NET, R-1, RM-16, or RM-25 zoned property unless the
942 Development Review Committee approves a noise mitigation plan. While outdoor
943 entertainment is permitted, all regulations of Chapter 9 – Miscellaneous Offences
944 and Provisions apply.

- 945 (13) Reserved
- 946 (14) Distance separation. The listed use shall not be permitted unless the closest
947 projection of the building or outdoor sales area from the property of any public or
948 private elementary, middle, or secondary schools, and child daycare to the
949 closest projection of the applicable use measures a minimum of five hundred
950 (500) feet, measured in a straight line.
- 951 (15) Distance separation. The listed use shall not be permitted unless the closest
952 projection of the building or outdoor sales area to the closest projection of another
953 building or outdoor sales area with the same use measures a minimum of one
954 thousand five hundred (1,500) feet measured in a straight line.
- 955 (16) Reserved
- 956 (17) Reserved
- 957 (18) A brew pub restaurant, restaurant, or restaurant bar is a permitted use, and a
958 tasting room, bar, or nightclub is a conditional use. All requirements of Chapter
959 3 apply except Section 3-29 only applies to a nightclub. For a bar, tasting room,
960 or nightclub physical soundproofing material and/or management practices are
961 required to ensure surrounding businesses and residences do not experience
962 any nuisance noise in violation of either Section 8-50 or Section 8-48. The
963 establishment shall provide a noise mitigation plan and a Crime Prevention
964 Through Environmental Design plan requiring approval from the Development
965 Review Committee before issuance of a Certificate of Use. During operation of
966 the establishment, if the law enforcement agency issues citations on three or
967 more separate dates, within a period of six months, for violating any provision of
968 Chapter 8-Micellaneous Offences and Provisions, the City may consider
969 revocation of the Certificate of Use for the establishment and its required closure
970 at the discretion of the City Commission.
- 971 (19) Reserved.
- 972 (20) Except as required by Chapter 419 of state law, a community residence shall
973 meet the following requirements:
- 974 (a) B-1, B-2 and B-3: in multifamily dwellings only and maximum height of fifty
975 (50) feet.
- 976 (b) No residential use including a community residence shall be located on the
977 first or ground floor, other than a residential lobby or accessory use such as
978 garage or storage area.
- 979 (c) No building permit shall be issued for any uses involving residential uses,
980 until such time as approval of site plan is obtained in accordance with article
981 XII and approval of flexibility and/or redevelopment units by city commission
982 in accordance with section 24-72.
- 983 (d) Shall be allowed only when:

- 984 (i) It is located at least 660 linear feet from the closest existing community
985 residence or recovery community. Distance is measured from the
986 nearest lot line of the entire parcel of the proposed community residence
987 to the nearest lot line of the entire parcel of the closest existing
988 community residence or recovery community, and
- 989 (ii) The operator or applicant has been granted all available licensing or
990 certification by the State of Florida to operate the proposed community
991 residence, or is operating under the Oxford House Charter; and
- 992 (iii) A community residence that has been denied an Oxford House Charter,
993 license or certification by the State of Florida or had its Oxford House
994 Charter, license or certification suspended, or is denied recertification or
995 renewal of its license or charter, is not allowed in the City of Oakland
996 Park and must cease operation and vacate the premises within sixty (60)
997 days of the date on which its license or certification was denied or
998 suspended or its recertification was denied.
- 999 (e) Shall be allowed if conditional use approval is granted, subject to the
1000 provisions of article XII, when:
- 1001 (i) A community residence that is located less than six hundred sixty (660)
1002 linear feet from the closest existing community residence or recovery
1003 community. Distance is measured from the nearest lot line of the entire
1004 parcel of the proposed community residence to the nearest lot line of the
1005 entire parcel of the closest existing community residence or recovery
1006 community; and/or
- 1007 (ii) Would be occupied by more than ten (10) residents; and
- 1008 (iii) The operator or applicant has been granted all available licensing or
1009 certification by the State of Florida to operate the proposed community
1010 residence, or is operating under the Oxford House charter; and
- 1011 (iv) A community residence that has been denied an Oxford House
1012 Charter, license or certification by the State of Florida or had its Oxford
1013 House Charter, license or certification suspended, or is denied
1014 recertification or renewal of its license or charter, is not allowed in the
1015 City of Oakland Park and must cease operation and vacate the premises
1016 within sixty (60) days of the date on which its license or certification was
1017 denied or suspended or its recertification was denied; or
- 1018 (v) The community residence of a type for which the State of Florida does
1019 not require a license or certification or does not offer a license or
1020 certification.
- 1021 (21) A recovery community.
- 1022 (a) B-1, B-2 and B-3: in multifamily dwellings only and maximum height of fifty
1023 (50) feet.

- 1024 (b) No residential use including a recovery community shall be located on the
1025 first or ground floor, other than a residential lobby or accessory use such as
1026 garage or storage area.
- 1027 (c) No building permit shall be issued for any uses involving residential uses,
1028 until such time as approval of site plan is obtained in accordance with article
1029 XII and approval of flexibility and/or redevelopment units by city commission
1030 in accordance with section 24-72.
- 1031 (d) Shall be allowed only when:
- 1032 (i) It is located at least one thousand two hundred (1,200) linear feet from
1033 the closest existing recovery community or community residence.
1034 Distance is measured from the nearest lot line of the entire parcel of the
1035 proposed recovery community to the nearest lot line of the entire parcel
1036 of the closest existing community residence or recovery community, and
- 1037 (ii) The operator or applicant has been granted all available licensing or
1038 certification by the State of Florida to operate the proposed community
1039 residence or is operating under the Oxford House Charter; and
- 1040 (iii) A recovery community that has been denied an Oxford House Charter,
1041 license or certification by the State of Florida or had its Oxford House
1042 Charter, license or certification suspended, or is denied recertification or
1043 renewal of its license or charter, is not allowed in the City of Oakland
1044 Park and must cease operation and vacate the premises within sixty (60)
1045 days of the date on which its license or certification was denied or
1046 suspended or its recertification was denied.
- 1047 (e) Shall be allowed if conditional use approval is granted, subject to the
1048 provisions of article XII, when:
- 1049 (i) A recovery community that would be located within one thousand two
1050 hundred (1,200) feet of an existing community residence or recovery
1051 community and would operate in accord with the criteria specified in
1052 section 24-71(D); and
- 1053 (ii) The operator or applicant has been granted all available licensing or
1054 certification by the State of Florida to operate the proposed community
1055 residence or is operating under the Oxford House Charter; and
- 1056 (iii) A recovery community that has been denied an Oxford House Charter,
1057 license or certification by the State of Florida or had its Oxford House
1058 Charter, license or certification suspended, or is denied recertification or
1059 renewal of its license or charter, is not allowed in the City of Oakland
1060 Park and must cease operation and vacate the premises within sixty (60)
1061 days of the date on which its license or certification was denied or
1062 suspended or its recertification was denied.
- 1063

1064 (E) Definitions. These definitions shall apply to the business categories in the
1065 Downtown Development District (OP3D) Use List. Any term not included herein shall
1066 have the same meaning as found in definitions in other sections of this Chapter or
1067 the common meaning as found in most dictionaries, encyclopedias, and common
1068 language.

1069 Antique. Items belonging to, made in or typical of and representing an earlier period
1070 including items at least fifty (50) years old and which, due to their age, hold a great value.

1071 Brewpub. An establishment licensed by the Florida Division of Alcoholic Beverages
1072 and Tobacco (or its superseding department if renamed or replaced) to manufacture ales,
1073 beers, meads, hard ciders, or similar beverages for on premises consumption in
1074 conjunction with full course meals individually prepared on the premises as well as
1075 accessory off-premises sales. See also Chapter 3, Alcoholic Beverages for additional
1076 regulations pertaining to definitions, separations from certain land uses, on-premises and
1077 off-premises consumption.

1078 Community center. A building or group of buildings for a community's educational,
1079 athletic, and recreational activities.

1080 Consignment shop. A retail establishment solely engaged in the selling of new, like
1081 new or antique non-donated merchandise (items). The merchandise is sold and tracked
1082 by the establishment on behalf of the owner of the merchandise and upon sale of the
1083 merchandise, the purchase price is divided between the establishment owner and the
1084 owner of the merchandise. No outdoor storage or display of items or merchandise
1085 allowed.

1086 Convenience store without a vehicle fueling station: A retail store, regardless of
1087 number of employees, without an accessory pharmacy, that primarily sells a variety of
1088 foods and beverages as well as tobacco products consisting primarily of cigarettes in
1089 individual packs; the majority of beverage inventory consists of sodas, soft drinks, and/or
1090 beer; the majority of food sold is in processed, ready-to-eat, pre-packaged format with
1091 no after-purchase cooking involved. A store that sells specialty food or beverage types
1092 such as candy stores, pickle stores, wine stores, or other specialized foods is not a
1093 convenience store. Although a convenience store in OP3D would not be permitted to
1094 have a vehicle fuel station, it would be required to comply with all applicable requirements
1095 of Article VIII of Chapter 7 of the Code of Ordinances.

1096 Dollar store. A store selling household goods that has two or more of the following
1097 characteristics: use of pricing information in its name such as "dollar," "ninety-nine,"
1098 "cents," or "five;" selling personal care products labeled and originally marketed for sale
1099 in a different country than the United States; selling damaged or overstock products; or
1100 the majority of inventory is offered for sale for a price of less than \$10 (2022 CPI) in or
1101 equivalent CPI in current year.

1102 Dry cleaner retail. A commercial establishment maintained for the drop off and pick
1103 up of clothes for fabrics, textiles, wearing apparel, or other articles on- or off-premises dry
1104 cleaning.

1105 Farmers market: a public and recurring assembly of farmers, bakers, cheese makers,
1106 and similar local food producers or their representatives selling the food that they
1107 produced directly to consumers. Live animals are not to be sold at a farmers market.

1108 Electric vehicle charging station (EVCS). An electric vehicle (EVCS) levels 1, 2 or 3
1109 charging station is a vehicle parking space that is served by an electrical component
1110 assembly or cluster of component assemblies (battery charging station) designed and
1111 intended to transfer electric energy, by conductive or inductive means, from the electric
1112 grid or other off-board electrical source to a battery or other energy storage device within
1113 an electric vehicle.

1114 Food halls: A collection of non-formula restaurant and beverage establishments in
1115 the same building with shared dining area(s) under common management and may
1116 include grocery sales or sales of gifts and other merchandise and may include common
1117 entertainment for the dining area

1118 Hostel. a form of lodging where guests rent a bed or bunk in a room to be shared with
1119 other guest of the hostel or where guests share bathrooms and/or bathing facilities with
1120 other guests of the hostel.

1121 Head shop. Any retail establishment as defined as a Head Shop in Section 24-41.

1122 Kitchen incubator. A kitchen incubator, also known as a culinary incubator, is an
1123 establishment licensed by the Florida Department of Business and Professional
1124 Regulation. It is an incubator dedicated to early-stage catering, retail and wholesale food
1125 businesses. Kitchen incubators may assist small food businesses with all aspects of
1126 growth, including business classes, kitchen access, and mentorship, within a commercial-
1127 grade kitchen.

1128 Like new items. Items such as clothing, jewelry, and art which are of high quality and
1129 are in a new or like new condition. Articles to show very little (if any) wear, deterioration
1130 or damage.

1131 Massage establishment. A Massage Establishment as defined in Code section 24-
1132 73(B)(15) as amended from time to time. It shall be unlawful for any person in a massage
1133 establishment to engage in specified sexual activities, or to massage a specified
1134 anatomical area of any other person, or for such other person to request or permit such
1135 placing, touching, fondling or massaging.

1136 Massage and health spa, state licensed. Massage and health spa, state licensed
1137 means a site or premises, or portion thereof, wherein a licensed massage therapist
1138 practices massage, and which meets the requirements of F.S. § 480.043, as may be
1139 amended from time to time, and Chapter 64B7-26, F.A.C. et seq., as may be amended
1140 from time to time, and Chapter 24, Oakland Park Land Development Code, Section 24-
1141 41(C) and (D), as may be amended from time to time. This definition shall not be
1142 construed to include a hospital, nursing home, medical clinic, or the office of a physician,
1143 surgeon, physical therapist, chiropractor or osteopath duly licensed by this state. Can
1144 include aestheticians, microblading, med spa, and permanent makeup as an accessory
1145 activity subject to County and/or State licensure.

1146 Medical marijuana treatment center or dispensing facility. A state certified and
1147 licensed facility establishment where medical cannabis, low-THC cannabis, as well as
1148 cannabis delivery devices, is dispensed at retail that is operated by a dispensing
1149 organization.

1150 Nightclub: A bar offering dancing, musical entertainment, paid performers providing
1151 entertainment, DJs, or other musical or dancing entertainment. A nightclub requires noise
1152 mitigation and control of nuisances required to be evaluated as part of Conditional Use
1153 Review

1154

1155 Office - professional. An establishment providing executive, management, and
1156 professional services to the public, including the following: advertising; business offices
1157 of private companies; public or nonprofit agencies; trade associations; employment
1158 offices; professional or consulting offices for accounting, architecture, computer
1159 technology, design, engineering, landscape architecture, law, urban planning, and similar
1160 professions; property management; lending, investing, and financial or banking activities;
1161 insurance agency or company; secretarial; court reporting; stenography;
1162 telecommunication services; detective agencies; travel agencies; service agencies;
1163 financial services other than listed herein; sales offices; online management; publishing;
1164 call centers; adoption; medical service providers, psychologists; psychiatrists; clinical
1165 social work; or counseling. This definition does not include offices for the treatment of
1166 animals on the premises, day labor, labor pool services, or pain management clinics.

1167 Pharmacy. Refer to definition in Section 24-41(C)

1168 Reconditioned items. Items such as office equipment, computers, appliances, TVs,
1169 stereos, power tools which have been preowned and show minor wear but have been
1170 repaired and reconditioned to the point of being one-hundred-percent functional. Items in
1171 this category retain a large percentage of replacement value.

1172 Restaurant. An establishment having as its primary activity the service of meals to
1173 the public to be consumed in dining areas within the establishment. A restaurant may not
1174 contain accessory drive-thru lanes. A restaurant may also engage in serving only coffee,
1175 tea, and/or deserts. In the OP3D, a Restaurant Bar is the same a restaurant and has the
1176 same approval and review requirements as a restaurant and is not subject to Use
1177 Approval or additional reviews. A restaurant may have outdoor dining.

1178 Retail sales. Are those establishments engaged in retail sales and rental of products.
1179 For the purpose of this chapter the term retail, retail sale or similar terms, shall mean a
1180 sale to the ultimate consumer (i.e., a sale for any purpose other than resale), and including
1181 but not limited to the following, antique store, retail bakeries, bicycle shop and repair; beer
1182 and wine store, bookstore; camera; consignment shop; floor coverings; china, crockery,
1183 glassware, earthenware; cigars; clothing except secondhand; confectionary; cosmetics;
1184 bicycle sales and repairs; delicatessens; department and dry good stores; small electrical
1185 appliances and incidental repairs; furniture; groceries, health foods, dietary supplements,
1186 hardware stores, gift shop; hobby shop; jewelry; luggage; marine supplies; music and

1187 radio stores; newsstands; office equipment and computers, optical stores; paint and wall
1188 paper; pharmacies as an accessory to a retail sales establishment that do not exceed 30
1189 percent of the gross floor area of the retail sales establishment; radios and televisions
1190 sales and incidental repairs; shoes; souvenirs; sporting goods; sundry store; ticket office;
1191 tile and wall coverings; wearing apparel; pet supplies (but not live animals), rug stores,
1192 game stores, plants & flowers, electronics stores, specialty foods, health supplements
1193 stores, beauty supply stores. The term Retail sales for the purposes of this regulation
1194 does not include convenience stores, liquor stores, head shops, dollar stores, or other
1195 specifically identified types of stores listed as a specific use

1196 Small articles. Items with dimensions no greater than four (4) feet in length, width,
1197 and/or height. Small articles can include, but are not limited to, common household and
1198 personal items, small appliances, hand tools, and lawn and garden equipment.

1199 Used articles. Common household and personal items such as clothing, shoes,
1200 costume or inexpensive jewelry, furniture, small appliances, bric-a-brac, hand tools and
1201 lawn and garden equipment which show evidence of wear, disrepair and deterioration.
1202 Due to their preowned status and condition these items are offered for sale at prices
1203 substantially less than replacement cost or value.

1204
1205 ~~(A) Permitted uses in the OP3D are listed according to sub-area in the table in~~
1206 ~~this section.~~

1207
1208 ~~(1) Use List Table Guide:~~
1209

1210 ~~P=Permitted,~~
1211 ~~N= Not permitted,~~
1212 ~~C=conditional,~~
1213 ~~A=Accessory to a permitted or approved conditional use.~~

1214 ~~# Uses marked with a hashtag (#) have special location regulations because they are~~
1215 ~~not intended at ground floor along certain primary and pedestrian streets:~~

1216 ~~(a) Where permitted in the sub-area, the use is not permitted on the ground~~
1217 ~~floor of a building abutting a Primary Boulevard, Primary Pedestrian A, or~~
1218 ~~Primary Pedestrian B street unless located:~~

1219 ~~1) on the ground floor behind another business and located a minimum of~~
1220 ~~30 feet from the right of way line of that street or~~

1221 ~~2) on the ground floor but located in a building or portion of a building set~~
1222 ~~back a minimum of 40 feet from the right of way line. With the exception that~~
1223 ~~residential uses are permitted along a Primary Boulevard with a setback of~~
1224 ~~15 feet.~~

1225 (b) ~~Where permitted in the sub-area, this use is permitted on the second story~~
 1226 ~~or above in a building regardless of the street frontage where it is located.~~

1227 (c) ~~Where permitted in the sub-area, this use is permitted on any part of the~~
 1228 ~~ground floor of a building abutting any street other than a Primary Boulevard,~~
 1229 ~~Primary Pedestrian A, or Primary Pedestrian B.~~

1230 ~~—(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 | G | N |
| Adult entertainment, book stores, movie theaters including all sexually oriented businesses | N | N | N | N |
| 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 # | G | N | G | N |
| Athletic/fitness club (up to 10,000 square feet) | P | N | P | N |
| Auctions (antiques and fine arts only) | G | N | G | 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 | <u>P</u> | N |
| Automotive parts, new (except tires and hubcaps) | N | N | <u>P</u> | N |
| Automotive sales and related uses | N | N | N | N |
| Bail bonds | N | N | N | N |
| Bakeshops, retail | <u>P</u> | N | <u>P</u> | N |
| Banks (no drive thru) | <u>P</u> | N | <u>P</u> | N |
| Barber shops | <u>P</u> | N | <u>P</u> | N |
| Bars/nightclubs | <u>G</u> | N | <u>G</u> | N |
| Beauty parlors | <u>P</u> | N | <u>P</u> | N |
| Beauty supply store, retail | <u>P</u> | N | <u>P</u> | N |
| Bed and breakfast inns # | <u>G</u> | <u>G</u> | <u>G</u> | N |
| Bicycle stores and repair shop | <u>P</u> | N | <u>P</u> | N |
| Bingo Parlors | N | N | N | N |

| | | | | |
|---|--------------|--------------|--------------|--------------|
| Bookstore | <u>P</u> | N | <u>P</u> | N |
| Bottle Clubs | N | N | N | N |
| Bowling alley | <u>G</u> | N | <u>P</u> | N |
| Broadcast studios # | <u>P</u> | N | <u>P</u> | N |
| Butcher shop | <u>P</u> | N | <u>P</u> | N |
| Candy stores, retail | <u>P</u> | N | <u>P</u> | N |
| Carpet, rugs and floor covering, retail | <u>P</u> | N | <u>P</u> | N |
| Child care and adult day care # | <u>G</u> | <u>G</u> | <u>G</u> | <u>G</u> |
| China, crockery, glassware, earthenware, retail | <u>P</u> | N | <u>P</u> | N |
| Cigar store-retail | <u>P</u> | N | <u>P</u> | N |
| Cineplex movie theater (except drive-ins) | <u>P</u> | N | <u>P</u> | N |
| Clothing store, except secondhand | <u>P</u> | N | <u>P</u> | N |

| | | | | |
|--|----------|----------|----------|----------|
| Clubs-civic, fraternal, non- commercial # | <u>G</u> | <u>G</u> | <u>G</u> | <u>G</u> |
| Coffeeshouses | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Community care facilities | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Community residences subject to Sec. 24-265(B)(4) # | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Community centers # | <u>P</u> | <u>G</u> | <u>P</u> | <u>G</u> |
| Consignment shop | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Convenience stores | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Delicatessen- retail | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Discount store | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Donated goods store | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Dormitory, fraternity and sorority houses | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Drive-through windows in | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |

| | | | | |
|---|----------|----------|----------|----------|
| connection with any use | | | | |
| Dry cleaning and pressing pickup and delivery only | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Electrical fixtures and supplies, retail | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Fabrics store, retail | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Financial institutions # | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Fish market-retail | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Flea markets and bazaars | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Florists | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Food caterers # | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Furniture Store | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Garden supplies | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> |
| Gasoline service stations | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Gift shops, new-retail | <u>P</u> | <u>N</u> | <u>P</u> | <u>N</u> |

| | | | | |
|---|--------------|--------------|--------------|--------------|
| 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 | G | N | G | 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 | <u>P</u> | N | <u>P</u> | N |
| Liquor stores | <u>P</u> | N | <u>P</u> | N |
| Light manufacturing uses # | N | N | <u>P</u> | N |
| Marine supplies, retail | <u>P</u> | N | <u>P</u> | 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" # | <u>P15</u> | N | <u>P15</u> | N |
| Medical marijuana treatment center or dispensing facility (as defined and restricted in section 24-41(C) and (D) "Master Business List" # | <u>C14</u> | N | <u>C14</u> | N |
| Membership stores or facilities | N | N | N | N |

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

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

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

| | | | | |
|--|--------------|--------------|--------------|--------------|
| School, arts and crafts | <u>P</u> | N | <u>P</u> | N |
| School, martial arts | <u>P</u> | N | <u>P</u> | N |
| School, modeling # | <u>P</u> | N | <u>P</u> | N |
| Schools, beauty # | <u>P</u> | N | <u>P</u> | N |
| Schools, business # | <u>P</u> | N | <u>P</u> | N |
| Schools, dancing | <u>P</u> | N | <u>P</u> | N |
| Schools, cooking/culinary | <u>P</u> | N | <u>P</u> | N |
| Schools, gymnastics | <u>P</u> | N | <u>P</u> | N |
| Schools, music | <u>P</u> | N | <u>P</u> | N |
| Schools, photography # | <u>P</u> | N | <u>P</u> | 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 | <u>P</u> | N | <u>P</u> | N |
| Single-family dwelling units in single-family structure or mixed-use structure # | <u>P</u> | <u>P</u> | <u>P</u> | N |
| Skating rink | <u>P</u> | N | <u>P</u> | N |
| Small tool and appliance sales and repair | <u>P</u> | N | <u>P</u> | N |
| Souvenir stores | <u>P</u> | N | <u>P</u> | N |
| Sporting goods, rental | <u>P</u> | N | <u>P</u> | N |
| Sporting goods, retail | <u>P</u> | N | <u>P</u> | N |
| Tailor and seamstress shop | <u>P</u> | N | <u>P</u> | N |
| Tattooing and body piercing | N | N | N | N |
| Teen center # | <u>C</u> | N | <u>C</u> | N |
| Theater (single room establishment) | <u>C</u> | N | <u>C</u> | N |
| Thrift store | N | N | <u>P</u> | N |
| Townhome # | <u>P</u> | <u>P</u> | N | <u>P</u> |

| | | | | |
|--|---|---|---|---|
| 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 |

1231 ~~(B) Regulations for the Use Table.~~

1232 ~~(1) *Conditional uses*: Use determined to be conditional within the OP3D must meet~~
1233 ~~certain criteria to be allowed within the district and require a public hearing and~~
1234 ~~approval by the City Commission. Such criteria include consideration of (a)~~
1235 ~~appropriateness, (b) traffic impact, (c) parking, and (d) compatibility with adjacent~~
1236 ~~properties. Conditional uses shall be subject to section 24-165 of the Oakland~~
1237 ~~Park Land Development Code.~~

1238 ~~(3) *Aquaculture*. The cultivation of aquatic plant or animal species (fresh or salt~~
1239 ~~water) under either natural or artificial conditions.~~

1240 ~~a. All activities of the business including, but not limited to, sale, display,~~
1241 ~~preparation and storage shall be conducted entirely within a completely~~
1242 ~~enclosed building;~~

- 1243 b. ~~Solid waste containers must be located a minimum of 100 feet from a~~
1244 ~~residential district or area and shall not emit any odor of the byproduct of the~~
1245 ~~activity;~~
- 1246 c. ~~Processing of fish or fish products on site is prohibited. Processing shall~~
1247 ~~mean the special process or treatment, as in the course of manufacture;~~
1248 ~~change in the physical state or chemical composition of matter; the second~~
1249 ~~step in use of a natural resource; by such means as baling, briquetting,~~
1250 ~~compacting, flattening, grinding, crushing, mechanical sorting, shredding,~~
1251 ~~cleaning or remanufacturing;~~
- 1252 d. ~~The Florida Department of Agriculture and Consumer Services Best~~
1253 ~~Management Practices Manual (January, 2005) is adopted and incorporated~~
1254 ~~by reference and as amended from time to time;~~
- 1255 e. ~~The business shall be in compliance with all federal, state, county and~~
1256 ~~municipal laws and ordinances, as amended from time to time.~~
- 1257 (4) ~~Except as required by Chapter 419 of state law, a community residence shall~~
1258 ~~meet the following requirements:~~
- 1259 (a) ~~Shall be allowed only when:~~
- 1260 (i) ~~It is located at least 660 linear feet from the closest existing community~~
1261 ~~residence or recovery community. Distance is measured from the~~
1262 ~~nearest lot line of the entire parcel of the proposed community residence~~
1263 ~~to the nearest lot line of the entire parcel of the closest existing~~
1264 ~~community residence or recovery community, and~~
- 1265 (ii) ~~The operator or applicant has been granted all available licensing or~~
1266 ~~certification by the State of Florida to operate the proposed community~~
1267 ~~residence, or is operating under the Oxford House Charter; and~~
- 1268 (iii) ~~A community residence that has been denied an Oxford House Charter,~~
1269 ~~license or certification by the State of Florida or had its Oxford House~~
1270 ~~Charter, license or certification suspended, or is denied recertification or~~
1271 ~~renewal of its license or charter, is not allowed in the City of Oakland~~
1272 ~~Park and must cease operation and vacate the premises within sixty (60)~~
1273 ~~days of the date on which its license or certification was denied or~~
1274 ~~suspended or its recertification was denied.~~
- 1275 (b) ~~Shall be allowed if conditional use approval is granted, subject to the~~
1276 ~~provisions of article XII, when:~~
- 1277 (i) ~~A community residence that is located less than six hundred sixty (660)~~
1278 ~~linear feet from the closest existing community residence or recovery~~
1279 ~~community. Distance is measured from the nearest lot line of the entire~~
1280 ~~parcel of the proposed community residence to the nearest lot line of the~~
1281 ~~entire parcel of the closest existing community residence or recovery~~
1282 ~~community; and/or~~

- 1283 (ii) ~~— Would be occupied by more than ten residents; and~~
- 1284 (iii) ~~— The operator or applicant has been granted all available licensing or~~
1285 ~~certification by the State of Florida to operate the proposed community~~
1286 ~~residence, or is operating under the Oxford House Charter; and~~
- 1287 (iv) ~~— A community residence that has been denied an Oxford House~~
1288 ~~Charter, license or certification by the State of Florida or had its Oxford~~
1289 ~~House Charter, license or certification suspended, or is denied~~
1290 ~~recertification or renewal of its license or charter, is not allowed in the~~
1291 ~~City of Oakland Park and must cease operation and vacate the premises~~
1292 ~~within sixty (60) days of the date on which its license or certification was~~
1293 ~~denied or suspended or its recertification was denied; or~~
- 1294 (v) ~~— The community residence of a type for which the State of Florida does~~
1295 ~~not require a license or certification or does not offer a license or~~
1296 ~~certification.~~
- 1297 (5) ~~— A recovery community.~~
- 1298 (a) ~~— Shall be allowed only when:~~
- 1299 (i) ~~— It is located at least one thousand two hundred (1,200) linear feet from~~
1300 ~~the closest existing recovery community or community residence.~~
1301 ~~Distance is measured from the nearest lot line of the entire parcel of the~~
1302 ~~proposed recovery community to the nearest lot line of the entire parcel~~
1303 ~~of the closest existing community residence or recovery community; and~~
- 1304 (ii) ~~— The operator or applicant has been granted all available licensing or~~
1305 ~~certification by the State of Florida to operate the proposed community~~
1306 ~~residence or is operating under the Oxford House Charter; and~~
- 1307 (iii) ~~— A recovery community that has been denied an Oxford House Charter,~~
1308 ~~license or certification by the State of Florida or had its Oxford House~~
1309 ~~Charter, license or certification suspended, or is denied recertification or~~
1310 ~~renewal of its license or charter, is not allowed in the City of Oakland~~
1311 ~~Park and must cease operation and vacate the premises within sixty (60)~~
1312 ~~days of the date on which its license or certification was denied or~~
1313 ~~suspended or its recertification was denied.~~
- 1314 (b) ~~— Shall be allowed if conditional use approval is granted, subject to the~~
1315 ~~provisions of article XII, when:~~
- 1316 (i) ~~— A recovery community that would be located within one thousand two~~
1317 ~~hundred (1,200) feet of an existing community residence or recovery~~
1318 ~~community and would operate in accord with the criteria specified in~~
1319 ~~section 24-71(D); and~~
- 1320 (ii) ~~— The operator or applicant has been granted all available licensing or~~
1321 ~~certification by the State of Florida to operate the proposed community~~
1322 ~~residence or is operating under the Oxford House Charter; and~~

1323 ~~(iii) — A recovery community that has been denied an Oxford House Charter,~~
1324 ~~license or certification by the State of Florida or had its Oxford House~~
1325 ~~Charter, license or certification suspended, or is denied recertification or~~
1326 ~~renewal of its license or charter, is not allowed in the City of Oakland~~
1327 ~~Park and must cease operation and vacate the premises within sixty (60)~~
1328 ~~days of the date on which its license or certification was denied or~~
1329 ~~suspended or its recertification was denied.~~

1330

1331 Sec. 24-267. - Accessory structures.

1332

1333 See Chapter 24, sections 24-68, 24-69, and 24-70 for reference to accessory
1334 structures. Commercial properties are permitted to have accessory structures to
1335 serve business uses subject to the Building Requirement of their sub-area.

1336

1337 Sec. 24-268. - Non-conforming uses, situations, and structures in OP3D.

1338

1339 It is the general policy of the city to allow uses, structures and lots that came into
1340 existence legally and in conformance with the zoning regulations applicable at the
1341 time the structure or use was established and for which all required permits were
1342 issued, but do not conform to all the applicable requirements of this code, to continue
1343 to exist and to be put to productive use, but to bring as many aspects of such
1344 situations into conformance with the current code as is reasonably practical, all
1345 subject to limitations of this Article. The limitations of this section are intended to
1346 recognize the interest of the property owner in continuing to use the property but to
1347 preclude the expansion of the non-conforming situation and to preclude the
1348 reestablishment of an abandoned use of lot of a building or structure that has been
1349 substantially destroyed. It is not the intent of this section to limit the right of a property
1350 owner to continue the uses of land and structures as were in existence at the time
1351 of the adoption of this Article, since it would be an injustice and unreasonable
1352 hardship to compel immediate removal or suppression of an otherwise lawful
1353 business or use already established within the district.

1354

1355 This section shall apply to circumstances, uses, and buildings that become non-
1356 conforming by the enactment of this Article XX to the code or an amendment of this
1357 article. It shall also apply to non-conforming situations that were legal non-
1358 conforming uses or other situations, use and buildings under similar provision of a
1359 previously applicable section of the code and that remain non-conforming with one
1360 or more provisions of this section even if the type or extent of non-conformity is

1361 different.

1362

1363 Any non-conforming use, building, structure, or other non-conforming situations
1364 which exists lawfully on the date of the adoption of the ordinance enacting this Article
1365 of the code or which becomes non-conforming upon the adoption of any amendment
1366 to this Article of the code shall may be continued in accordance with provisions of
1367 this article.

1368

1369 The burden of establishing that any non-conforming situation is a legal non-
1370 conforming situation as defined by this section of the code, shall in all cases, be
1371 upon the property owner of such non-conformity and not upon the City of Oakland
1372 Park or any other person or entity.

1373

1374 *Definitions:*

1375

1376 *Legal non-conforming situations.* A legal non-conforming situation is any land use,
1377 structure, lot of record, or other situation, related to the use or development of land
1378 that was legally established prior to the effective date of the ordinance adopting this
1379 section of the Code of Ordinances of the City of Oakland Park, or any subsequent
1380 amendment thereto and that it does not now fully conform to the requirements of
1381 this section, as amended to the applicable date.

1382

1383 *Non-conforming use.* A non-conforming use is a use of land, building(s) or other
1384 structure(s), or any combination thereof, which lawfully existed prior to the effective
1385 date of this article, or any subsequent amendment thereto, and which is maintained
1386 after the effective date of this article, or amendment thereto, although it does not
1387 comply with the permitted uses of the district in which it is located.

1388

1389 *Non-conforming structure.* A non-conforming structure is any building or structure
1390 which is in compliance with the zoning regulations applicable at the time the
1391 structure was established, and for which all required permits were issued.

1392

1393 Other non-conforming situations include other aspects of an established land use or
1394 development that does not fully conform with the requirements of this section or any
1395 amendment thereto but which is legally non-conforming ~~under subsection "A" above.~~
1396 Such other non-conforming situations include, but are not limited to, requirements
1397 for off street parking, landscaping requirements, and buffering requirements, but not
1398 landscaping.

1399

1400 *Non-conforming uses and structures.*
1401
1402 *Continuance permitted.* A non-conforming use may continue, subject to
1403 requirements to this section.
1404
1405 *Non-conforming Use Expansion prohibited.* A non-conforming use shall not be
1406 enlarged, increased, or expanded to any extent. Vehicle fuel stations located at
1407 the northeast or northwest corners of E Oakland Park Blvd and N Dixie Hwy may
1408 only move, expand, or enlarge structures or use with conditional use approval.
1409
1410 *Change of use.* A non-conforming use may be changed only to a use conforming
1411 to the requirements of the OP3D.
1412
1413 *Non-Conforming structures.* A non-conforming structure may be used for any
1414 permitted use in the OP3D or for any applicable legally non-conforming use
1415 continuance.
1416
1417 *Non-conforming Structure Expansion.* Any expansion of a non-conforming structure
1418 which serves to expand the extent of the non-conformity is prohibited.
1419
1420 *Moving prohibited.* A non-conforming structure or use shall not be moved, in whole
1421 or in part, for any distance whatsoever, to any other location on the same or any
1422 other parcel within the OP3D unless the entire structure shall thereafter conform to
1423 the regulations of the OP3D.
1424
1425 *Maintenance, repairs, and remodeling.* Maintenance and repairs of a non-
1426 conforming structure are permitted. Remodeling of the structure within the existing
1427 building footprint is permitted without a variance, provided that the remodeling does
1428 not increase the degree of non-conformity and that applicable building and life safety
1429 codes are complied with.
1430
1431 *Termination of non-conforming situations.*
1432
1433 *Termination by abandonment.* A non-conforming use discontinued by
1434 abandonment shall not then be reestablished except in conformance with
1435 the requirements of the OP3D. For purposes of this section, abandonment
1436 shall be defined and determined to occur when the property owner
1437 intentionally and voluntarily forgoes further non-conforming use of the
1438 property. *Hobes vs. The Department of Transportation 831 So. 2d 745 (Fla.*

1439 *5th DCA 2002) and Louis vs. City of Atlantic Beach 467 So. 2d 751 (Fla. 1st*
1440 *DCA 1985).*

1441

1442 *Termination by damage or destruction.*

1443

1444 In the event that any non-conforming structure ~~or use~~ is intentionally destroyed or
1445 use is destroyed by any means to the extent of fifty (50) percent of the cost of
1446 replacement of such structure or use, said structure or use shall not be rebuilt,
1447 restored, re-established or reoccupied, except in conformance with the applicable
1448 regulations of this section pertaining to the OP3D. Vehicle fuel stations located at
1449 the northeast or northwest corners of E Oakland Park Blvd and N Dixie Hwy can
1450 reconstruct if damaged by fire, storm, or other non-deliberate events.

1451

1452 *Violations, penalties, and enforcement.* It is the intent of the city commission that
1453 the Community and Economic Development Department and Building and
1454 Engineering Department shall share responsibilities for enforcing this Article of the
1455 code to the extent that such enforcement falls within the scope of each of the
1456 department's administrative responsibilities under this section. Responsibility for
1457 bringing enforcement actions shall lie with the building officials for violations
1458 involving buildings, with the code enforcement officers for all other violations, and
1459 both of them for violations involving both buildings and other matters under this
1460 Code.

1461

1462 Sec 24-269. - Landscaping.

1463

1464 All development and redevelopment in the OP3D must comply with the adopted
1465 Landscape and Streetscape Design Standards, as amended from time to time,
1466 except for sections identified as not applicable by this Article ~~in Section 24-257.~~

1467

1468 Sec. 24-270. - Bonus Provision program.

1469

1470 (A) *General Standards.*

1471

1472 (1) Proposed developments utilizing the benefits of any bonus provision
1473 program shall be subject to the fulfillment of requirements and
1474 conditions as described by this section.

1475

1476 (2) Total increases in height or intensity permitted by one or a
1477 combination of bonus provision programs shall not exceed the

1478 maximum height or Floor Area Ratio (FAR) as established in each
1479 sub-area.
1480

1481 (3) Proposed developments which utilize any of the bonus programs
1482 shall adhere to each sub-area Building Requirements which describe
1483 additional allowances for Floor Area Ratio (FAR) and height and
1484 subsequent requirements to accommodate these allowances.
1485

1486 (4) FAR, density, and height shall only be granted if the applicant
1487 provides the "Developer Contribution for public amenities" value for
1488 the type of benefits listed as "Public benefits to be provided".
1489

1490 (5) New public right-of-ways, parks, open spaces, plazas, and other
1491 amenities need to meet city's standards.
1492

1493 (B) *Building height.* Property owners may obtain approval to construct
1494 additional stories provided they contribute toward public amenities.
1495 Additional stories may be added from the base height stated for that sub-
1496 area up to the Height Code in the map applicable to that sub-area.
1497

1498 (C) *Density bonus.* A density bonus may be granted by the city commission
1499 of up to ten (10) units per acre if said density bonus is consistent with:
1500

1501 (1) The adopted goals, objectives and priority improvement projects of the
1502 City's Community Redevelopment Plan adopted pursuant to F.S. §
1503 163.360, and
1504

1505 (2) The adopted City of Oakland Park Downtown Development District
1506 Design Guidelines.
1507

1508 (D) *Developer contribution for public amenities.* Developers shall be
1509 required to provide public amenities equal in value to ~~five-tenths (0.5)~~
1510 one (1) percent or more of the construction cost for each story above
1511 base height, floor area above that permitted by the Floor Area Ratio
1512 Limit, and/or additional dwelling units above that permitted by the
1513 maximum density limit. Construction cost will be determined using data
1514 obtained from the most recently published "RS Means Square Foot
1515 Costs" manual as an amount per square foot for the total square footage

- 1516 for the greater of the following:
- 1517 (1) each story's floor area above three (3) stories,
- 1518 (2) the additional floor area requested above that permitted by the Floor
- 1519 Area Ratio limit, or
- 1520 (3) the net floor area of the additional residential dwelling units requested
- 1521 above that permitted by the maximum density limit, based on the
- 1522 mean unit size of all dwelling units proposed in the project.

1523

1524 (E) *Public benefits to be provided.* Public benefits include the

1525 following with the requirement that the applicant illustrates how the

1526 project meets the Design Guidelines.

1527

1528 No feature required for compliance with the Land Development

1529 Code can be considered to be a public benefit for using the bonus

1530 provisions program.

1531

1532 For the Middle River sub-area, a 15' foot wide Middle River

1533 Pedestrian/Bike Promenade within any setback along the Middle River

1534 shall be provided, with land dedication, that is clear from vegetation or

1535 sloped ground areas) is required for participation in the Bonus Provision

1536 Program.

- 1537
- 1538 (1) Additional public open space or public park
- 1539 (2) Sustainability/resiliency features such as rooftop rain gardens, green
- 1540 roofs, green streets, terraces, solar panels, etc ;
- 1541 (3) Affordable Housing
- 1542 (4) Community facility (i.e. amphitheater);
- 1543 (5) Additional pedestrian connection features;
- 1544 (6) Financial contribution for special downtown entry features;
- 1545 (7) Public parking;
- 1546 (8) Public right-of-way enhancements;
- 1547 (9) Sidewalks improvements;
- 1548 (10) Landscape improvements on the public right-of-way;
- 1549 (11) Land Dedications. New rights-of-way dedication in the Middle River
- 1550 and the Warehouse Flex North sub-areas for public right-of-way. The land
- 1551 dedications shall become part of the public right-of-way and the following
- 1552 provisions shall apply:
- 1553 • The land dedications may be included as part of the *net area* in
 - 1554 Floor Area Ratio or density calculations.

- 1555 • The land dedications shall be excluded as part of all other
- 1556 development requirement calculations.
- 1557 • The new right-of-way extensions shall be designated and
- 1558 improved as *Tertiary Streets* or Pedestrian Promenade.
- 1559 *Proposed developments* shall not be permitted to build over the
- 1560 new right-of-way and shall accommodate the new road through
- 1561 building *setbacks* provided in each sub-area requirement.

1562 (12) Reserved

1563 (13) Or as determined by the city commission.

1564 ~~(14) Requirement for project approval that illustrates how project meets the~~

1565 ~~Design Guidelines.~~

1566

1567 (F) *Bonus Provision procedure.*

1568

1569 *Funds for public amenity.* Developers shall provide the city with an

1570 irrevocable letter of credit or bond, which is acceptable to the city and

1571 will guarantee the developer's construction of the public amenity as

1572 described section 24-270(F)

1573

1574 *Approval of public amenity by city commission.* The developer must

1575 provide appropriate drawings and documentation regarding the cost of

1576 the public amenity from a certified engineer to city staff for review by the

1577 development review committee. City staff shall submit a report for city

1578 commission approval of the proposed public amenities.

1579

1580 The public amenity must be installed and receive final approval from

1581 city staff prior to the issuance of the certificate of occupancy.

1582

1583 A developer may ask for an extension of the six-month period referred

1584 to in section 24-270(H)(3) above from the city commission.

1585

1586 In the event that the developer fails to construct the public amenity as

1587 approved by city commission or if the value of the public amenity is

1588 determined by the city to be less than the required contribution as stated

1589 in 24-270(F), the city shall be entitled to withdraw from the letter of credit

1590 or bond stated in 24-270(H)(1) for the cost of the public amenities. The

1591 funds from any withdrawal shall be used by the city exclusively for capital

1592 improvements in the Downtown Development District.

1593

1594 In the event the city draws on the letter of credit or bond in accordance

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1595 section 24-269(H)(5), the city shall be responsible for the city's
1596 reasonable cost incurred in drawing against the security.

1597

1598 **Sec. 24-271. - Parking.**

1599

1600 (A) *General provisions.* All development and redevelopment within the
1601 Oakland Park Downtown Development District (OP3D) shall follow the
1602 parking provisions provided within this article.

1603

1604 (1) Off-street parking facilities, including access aisles and driveways,
1605 shall be provided with pavement having an asphalt or Portland cement
1606 binder, or other approved paver bricks and subject to approval by city
1607 engineer. Any parking in front of a building, however, shall be paved
1608 with permeable pavers or other planting materials that include plant
1609 life as acceptable by the Director of Economic and Community
1610 Development.

1611 (2) As of the effective date of this article, new private, on-site, back out
1612 parking facilities are prohibited except for lots with less than 40 feet of
1613 width located on streets where back-out parking is permitted according
1614 to Section 24-80

1615 (3) Minimum parking lot aisle widths and parking space dimensions shall
1616 be as set forth in Section 24-80; except, however, the stall width of a
1617 parallel, on-street parking space (other than those on Dixie Highway)
1618 shall be eight (8) feet.

1619 (4) Parking lots shall provide for pedestrian ~~and vehicular~~ cross access
1620 to existing and prospective adjacent parking lots.

1621 (5) Pedestrian entries to parking garages shall be directly from the
1622 adjacent street ~~or paseo as well as from the contiguous building.~~
1623 ~~Pedestrian entries to garages shall be linked to cross block paseos~~
1624 ~~wherever possible.~~

1625 (6) Vehicular entries and exits to parking lots and garages shall be
1626 allowed only from rights-of-way and from adjoining properties, and
1627 alleys. Entries and exits along Primary Boulevard, Primary Pedestrian
1628 A or Primary Pedestrian B streets are prohibited unless no other street
1629 is available to provide access. Vehicular entries shall have a minimum
1630 width of ~~twenty-four~~ (204) feet. Vehicle entries for residential
1631 properties with five or fewer dwelling units are permitted vehicle entry
1632 widths of less than 204 feet, but no less than 10 feet.

1633 (7) Parking stall dimensions and spaces for persons with disabilities

- 1634 and/or strollers shall be in accordance with the Americans with
 1635 Disabilities Act and article VI, of this chapter.
- 1636 (8) Bicycle racks shall be required on all sites over 4,000 square feet and
 1637 all parks.
- 1638 (9) All onsite surface parking on properties forty (40) feet wide or wider shall be
 1639 located at the rear or at the side of buildings, and residential garage doors
 1640 shall ~~face~~ be located on the side or rear façade of the building with the
 1641 exception of frontage on a Primary Boulevard, where surface parking lots in
 1642 view of a Primary Boulevard are only permitted to cover sixty (60) percent
 1643 of the lot width for a depth of sixty (60) feet measured from the right-of-way
 1644 line at the Primary Boulevard. Further than 60 feet back from the right-of-
 1645 way line, the surface parking lot is permitted to cover the full width of the lot,
 1646 provided screening, buffering, and landscaping as required elsewhere is
 1647 provided. Garage doors are prohibited from facing a Primary Pedestrian A
 1648 or Primary Pedestrian B Street.
- 1649 (10) *Tandem parking:*
- 1650 a. For residential uses, *tandem parking space pairs*, if provided, shall
 1651 only count as two spaces if both spaces are dedicated to the same
 1652 residential unit and contained within a mixed-use or multi-family
 1653 development multi-car garage. No spaces in tandem pairs or that
 1654 block, or would be blocked by, another parked car can be granted a
 1655 mixed-use reduction, as provided in Section 24-271(C) unless valet
 1656 operated.
- 1657 (11) *Valet-operated parking:* spaces in a parking facility with valet
 1658 service provided at all operating times of its serving business and at
 1659 all times for a residence can use tandem spaces or spaces that
 1660 would block other spaces when the valet operator is able to access
 1661 all such vehicles can use the mixed-use reduction, as provided in
 1662 Section 24-271(C) if the requirements of that section are met. The
 1663 parking space dimensional requirements of this chapter would not
 1664 apply to these spaces provided the valet operator safely accesses
 1665 its spaces.
- 1666 (12) *Parking Lifts:* Spaces in parking lifts and parking machines can be
 1667 used as a form a tandem parking as provided in Section 24-
 1668 271(B)(10) or as a form of valet-operated parking as provided in
 1669 Section 24-271(B)(11), provided these spaces meet the criteria of
 1670 those sections. The parking space and aisle dimensional
 1671 requirements of Section 24-80 would not apply to these spaces.

1673 (B) *Number of spaces required*—Single use properties. **Parking**

1674 ~~requirement calculations~~ Total required parking shall be provided
 1675 based on net interior area and the outdoor customer service area
 1676 for outdoor dining or other outdoor commercial activity. The first
 1677 700 square feet of outdoor customer service area per
 1678 establishment is exempt from the parking requirement. On-site
 1679 parking for single-use properties shall be provided as follows if
 1680 there is construction of a new building or structure, enlargement of an
 1681 existing building or structure, or a change in an existing building or site
 1682 from one Type of Use in this table to another Type of Use:
 1683

| 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. |

1684
 1685 (C) *Number of spaces required—Mixed-use parcels or lots with*
 1686 *residential use in project.* Except as elsewhere set forth in this
 1687 section, the number of required on-site parking for mixed-use
 1688 parcels or lots shall be calculated as follows:
 1689

1690 Determine the minimum amount of parking required for each land use as
 1691 a separate use as stated in the table in Section 24-271(B); multiply the
 1692 total required per single use by thirty (30) percent to calculate the mixed-

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1693 use reduction. The mixed-use total required spaces shall be reduced by
1694 the amount calculated.

1695
1696 (D) Reserved.

1697
1698 (E) The following conditions apply to any parking facility that
1699 serves a mixed-use development and is availing itself of the
1700 above schedule:

1701
1702 (1) The title to the mixed-use real property, subject to the mixed-use, and
1703 its parking facility shall be owned by the same party or be under a joint
1704 use agreement. Any parking arrangement under a joint use
1705 agreement shall meet the requirements of Article VI of this chapter.

1706
1707 (2) Shared parking spaces shall not be reserved. Only parking spaces in
1708 excess of the minimum required are permitted to be reserved to
1709 specific dwelling units, business establishments, or users within the
1710 site. All spaces provided to meet the minimum requirement shall be
1711 available for all users of the site at all times.

1712
1713 (3) The city will determine, at the time of the parking facility's plan
1714 approval, if shared parking is possible and appropriate at the proposed
1715 location. Sufficient and convenient short-term parking must be made
1716 available to commercial establishments during the weekday daytime
1717 period.

1718
1719 (4) Any subsequent change in use shall require a certificate of use and
1720 proof that sufficient parking will be available.

1721
1722 (F) *Downtown mobility fee of on-site parking.* From the effective date of
1723 this article, the city hereby establishes a downtown mobility fee which
1724 amount shall be established by resolution of the city commission for
1725 every parking space required but not provided.

1726
1727 (1) The fee to be paid (the "downtown mobility fee") shall be a one-time
1728 fee per space for each parking space required, when:

1729 (a) Construction of a new building or structure occurs; or

- 1730 ~~(b) Dwelling units are added to an existing building or structure; or~~
1731 (e**b**) An existing building or structure is enlarged The fee, in this
1732 situation, shall be paid for each existing space that is required
1733 but not provided in the enlargement area; or
1734 (e**c**) A change from one Type of Use to another Type of Use listed
1735 in the table in Section 24-271(B) occurs in all or part of a
1736 building; or
1737 (d) Parking spaces currently on-site, or provided by agreement, for
1738 an existing Type of Use are eliminated such that the act of
1739 elimination results in fewer parking spaces for that use than are
1740 required. The fee, in this situation, shall be paid for each
1741 existing space that is eliminated.
1742

1743 (2) The fee shall be paid in accordance with the procedure established
1744 from time to time by the city commission.
1745

1746 (3) All downtown mobility fees collected by the city, and all interest
1747 earned thereon, shall be placed in a special fund established by the
1748 city commission and shall be used solely for the acquisition of land
1749 for, development of, and maintenance of public parking facilities,
1750 parking management systems, multi-modal transportation
1751 alternatives, and parking capacity evaluation and monitoring in
1752 and/or directly serving the district.
1753

1754 (4) The city may adopt, by resolution, incentives, or other programs,
1755 which may mitigate the cost of the mobility fees as it relates to
1756 parking and mobility and provide for any enforcement procedures.
1757

1758 Sec. 24-272. - Fees. To be adopted by Resolution by City Commission.
1759

1760 Sec. 24-273. - Development review procedure.

1761 (A) Construction, establishment of new businesses, and/or alterations/modifications to
1762 buildings, parking areas, or landscaping require specific levels of review based on
1763 their potential impact on City resources and community character. The table below
1764 states the review process required based on project type.

1765 (B) Guide to table:

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1766 X=The entity that has power to review, approve, or deny a project or to request additional
1767 information from the applicant.

1768 R=The entity is to review and make a recommendation to a higher-level entity on approval
1769 or denial of the project and may request additional information from the applicant.

1770 A=The entity has the power to hear an appeal against a decision of the entity that
1771 approved or denied the project. The request for appeal to that entity shall be submitted
1772 within 30 days of approval or denial. The requestor for the appeal needs to have
1773 'standing' to submit an appeal.

1774 CU/BP=Certificate of Use and/or Building Permitting process. This is the process used
1775 city-wide for applications for opening or expanding a business or conducting permitted
1776 construction in accordance with Article XXI.

1777 STAFF=City staff and consultants with expertise in urban design, urban planning,
1778 economic development, and/or landscaping who will conduct a review and provide written
1779 responses within three weeks of submittal of a complete project application. A consensus
1780 of this committee is required for project approval.

1781 DRC=The City's Development Review Committee shall conduct a review of the project
1782 application using its standard operating procedures including the holding of at least one
1783 public hearing on the item.

1784 PZAB=The Planning and Zoning Advisory Board shall conduct a public hearing(s) on the
1785 project application in accordance with its standard operating procedures.

1786 CC=The City Commission shall conduct a public hearing(s) on the project application in
1787 accordance with its standard operating procedures.

1788 BA=The Board of Adjustment shall conduct a public hearing(s) on the project application
1789 in accordance with its standard operating procedures.

1790 (C) The Table:

1791

| Project Type | CU/BP | STAFF | DRC | <u>PZB</u> | BA | CC |
|---|--------------|--------------|------------|-------------------|-----------|-----------|
| 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 <u>or construction of duplex or replacement single-family dwellings</u> | | 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 |

1792

1793 (D) Projects requiring building permit, certificate or use, or staff review shall be
 1794 submitted though the existing permitting process. The following is the process for
 1795 site development plan review (required for Items requiring approval by the
 1796 Development Review Committee, Planning and Zoning Board, Board of Adjustment,
 1797 and/or City Commission.)

1798 (1) *Pre-application meeting.* A developer or property owner shall participate in a
 1799 meeting with Planning and Zoning staff either in person or electronically prior to
 1800 holding a Neighborhood Participation Meeting (if required according to Section
 1801 240-163(E)) and submittal of a site development plan application.

1802 (2) *Formal development review committee meeting.* A developer or property owner
 1803 shall submit the complete site development plan application before a scheduled
 1804 development review committee meeting to be scheduled once the application is
 1805 deemed complete. The development review committee (DRC) shall provide
 1806 written comments on the development application at the scheduled meeting. The
 1807 applicant shall provide responses and DRC members can either approve or deny
 1808 the response. If necessary, the DRC can call additional formal meetings. DRC
 1809 members reach consensus on the development site plan review. Alternate
 1810 standards or modifications authorized to the DRC by the Land Development
 1811 Code are to be approved by a majority vote of the DRC members.

1812 (3) *Revisions to approved site plan prior to or during project construction.*

1813 (a) *Minor amendment:* This includes any changes and deviations from an
 1814 approved site plan that do not constitute a substantial alteration or
 1815 modification to the character of the development. Examples include
 1816 changing the interior configuration of a building with no impacts on the
 1817 exterior, number of dwelling units or number of bedrooms that affect
 1818 parking, minor changes in materials and plants to be used in landscaping,
 1819 or other minor adjustments, The development review committee, after
 1820 receiving staff recommendations may approve "minor" changes and
 1821 deviations from the approved site plan which are in compliance with the

1822 provisions and intent of this article, and which do not depart from the principal
1823 concept of the approved site plan.

1824 (b) *Major amendment*: This includes any changes and deviations from an
1825 approved site plan that constitute a substantial alteration or modification to
1826 the character of the development. Examples include changing the location
1827 of a building, changing the appearance of a building, changing the location
1828 or number of parking spaces, changes to the number of dwelling units or
1829 number of bedrooms in dwelling units affecting parking, changes to the
1830 locations or designs of loading areas. For a major amendment a new site
1831 development plan review application and applicable approvals made
1832 necessary by the amendment shall be reviewed according to procedures as
1833 if the amendment were a new application.

1834 (B) *Site Development Plan applications*. Applications shall be accompanied by site
1835 plans and exhibits, as appropriate for the permit requested, prepared by design
1836 professionals (e.g., architects, landscape architects, engineers, etc.) that include, at
1837 minimum, the following plus any additional material required by the OP3D Design
1838 Guidelines:

- 1839 (1) Lot lines and setbacks.
- 1840 (2) Gross and net acreage.
- 1841 (3) Total square footage of all land uses.
- 1842 (4) Total number of dwelling units.
- 1843 (5) Location, shape, size, and height of existing and proposed building construction
1844 and landscaping.
- 1845 (6) Amount of building coverage at ground level, in square feet and as a percentage
1846 of the total site.
- 1847 (7) Typical floor plans and elevations of all structures, including total gross square
1848 foot area of each floor and all dimensions relating to the requirements of this
1849 article.
- 1850 (8) Location, size and total amount of open space, if applicable.
- 1851 (9) Total amount of paved area in square feet and percentage of entire site.
- 1852 (10) Location of on-street and off-street parking, loading facilities and all utilities.
- 1853 (11) Location and dimensions of proposed parking and service areas, including
1854 typical parking space dimensions and/or narrative regarding payment of in-lieu
1855 fee for parking.
- 1856 (12) Proposed means of vehicular and pedestrian access from the site(s) within the
1857 development to adjacent streets and/or alleys, showing all proposed or existing
1858 curb cuts and sidewalks.
- 1859 (13) Adjacent roadway widths (paved right-of-way), including elevation of road plus
1860 any dedications required by the city.

- 1861 (14) Location, shape, and size of signage.
- 1862 (15) Indication of any site or building design methods used to conserve energy
1863 and/or water.
- 1864 (16) Indication of any site or building design methods used to incorporate the
1865 principals of crime prevention ~~and public safety~~ through environmental design
1866 ("~~CPPSTED~~"), as set forth in City Resolution No. R-95-46.
- 1867 (17) Location and method of screening of refuse stations, storage areas and off-
1868 street loading areas. Refuse collection areas; dumpsters and recycling containers
1869 shall be placed on a twelve-foot by twelve-foot concrete pad with a twelve-by-six-
1870 foot apron of three thousand (3,000) PSI concrete. All containers must be
1871 enclosed as prescribed in subsection 24-265(D)(1) of the Oakland Park Land
1872 Development Code.
- 1873 (18) Conceptual landscape plans including trees/palm massing, landscape areas,
1874 and parking landscape treatment.
- 1875 (19) Location and method of buffering from adjacent residential zoning districts.
- 1876 (20) Proposed or existing utility easements or fire hydrants and distance to
1877 structures.
- 1878 (21) Location and method of stormwater retention or detention.
- 1879 (22) Schematic engineering drawing, which included an outline of the plan to
1880 provide water, sewer, roads, and drainage for the proposed project. This plan
1881 shall be a preliminary conceptual design signed and sealed by a registered
1882 engineer attesting that the public infrastructure planned will be in accordance with
1883 all federal, state, and local regulations. At minimum the drawing shall contain the
1884 following: Utility pipe sizes, (lengths, material, and preliminary locations),
1885 roadway cross-section (width, depth of base and subgrade), typical sections
1886 across property lines, and offsite utility and roadway public infrastructure
1887 necessary to serve the site. The information contained on the schematic
1888 engineering drawing must be reviewed and approved by the public works
1889 department.
- 1890 (23) Method of maintaining any common or joint use area.
- 1891 (24) Design data as may be needed to evaluate the project such as:
- 1892 (a) Building elevation.
- 1893 (b) Samples of materials including roofing tiles, pavers, exterior paint, or
1894 exterior materials.
- 1895 (c) Drawing or images of street furniture.
- 1896 (d) Detailed drawings of signage and wayfinding.
- 1897 (25) If buildings in the proposed development are over three (3) stories, site plans,
1898 appropriate exhibits and narrative regarding participation in the ~~building height~~
1899 ~~incentive~~ Bonus Provision Pprogram shall be provided.

1900 (26) The city may ask for additional documentation and studies as necessary. The
1901 costs of such document and studies shall be born by the property owner.

1902

1903 Sec. 24-274. - Prohibited structures.

1904 Telecommunication towers, shipping containers for use as storage buildings, and
1905 billboards are prohibited.

1906

1907 Sec. 24-275. - Offsite drainage.

1908 (A) The city shall maintain an inventory of public stormwater drainage facilities serving
1909 the OP3D for the purpose of allocating capacity to one hundred (100) percent of the
1910 required drainage for permitted OP3D developments or uses.

1911 (B) Public drainage capacity will be reserved by the city for each development within
1912 the district.

1913 (C) Each property within the district shall have the option to connect, direct or otherwise
1914 ensure that up to one hundred (100) percent of onsite stormwater runoff is conveyed
1915 to the public stormwater system. The manner of connection shall be as permitted by
1916 the city engineer.

1917 (D) A one-time per property connection fee, as provided in the community development
1918 department fee schedule, shall be charged to cover the cost of stormwater service
1919 and connection. The fee shall be charged to any district property requiring a Broward
1920 County Department of Environmental Protection permit. The fee shall be paid prior to
1921 city building permit issuance.

1922

1923 Sec. 24-276. ~~Reserved~~ Subdivision of Existing Lots. No lot or parcel of record existing
1924 on [Date of Adoption] that is smaller in size than 6,000 square feet or narrower than 60
1925 feet is permitted to be created or reduced in size or width by any deliberate action
1926 including subdivision or lot line adjustment unless for development of townhomes in rows
1927 of three (3) units or more.

1928

1929 Sec. 24-277. - Signage. All new, replacement, or altered signage and exterior
1930 design changes shall conform to the standards and requirements of the OP3D
1931 Design Guidelines.

1932

1933

1934 Sec. 24-278 Vision Clearance Triangles. All construction and landscaping at
1935 portions of any site affecting Vision Clearance Triangle Areas shall conform to the

1936 standards and requirements of the OP3D Design Guidelines, and these are the only
1937 vision clearance triangle requirements applicable to the OP3D sub-areas.

1938
1939

1940 Section 24-279. Minimum transparent glazing on facades. All construction of exterior
1941 facades or reconstruction of exterior facades shall conform to the standards and
1942 requirements of the OP3D Design Guidelines regarding the minimum amount of
1943 transparent glazing required on exterior facades.

1944
1945

1946 Sec. 24-280. Special Regulations for all areas of OP3D

1947 (A) Parking Structures

1948 (1) *Queuing*. Provisions for car queuing shall be at least twenty (20) linear feet and
1949 shall occur internal to the *lot* and shall not interfere with pedestrian circulation on
1950 a public sidewalk.

1951 (2) *Parking structure entrances*. All *parking structure* entrances facing a street
1952 frontage shall be required to treat and finish the interior portion of the garage entry
1953 to a depth of twenty (20) feet from the building façade. Treatment may include, but
1954 shall not be limited to, stucco or plaster, finished and painted comparable to a
1955 habitable space. All mechanical, electrical, and plumbing systems shall be
1956 shielded and covered.

1957 (3) *Parking ramp maximum slope*. Maximum slopes for *parking* ramps (ramps with
1958 parking spaces) shall be in accordance with ADA requirements not to exceed six
1959 (6) percent. Non-parking/access ramps shall not exceed sixteen (16) percent. If
1960 the ramp is greater than fourteen (14) percent, a break-over transition shall be
1961 required. The preferred standard is ten (10) percent for non-parking ramp slopes.
1962 The greatest effort possible should be made to have all parking spaces on non-
1963 sloped areas to facilitate future reuse of garage areas if parking demand
1964 diminishes in the future.

1965 (4) On garage structures facades enclosing non-active uses, architectural
1966 treatment in accordance with the OP3D Design Guidelines shall be provided.

1967

1968 (B) Loading and maneuvering.

1969 When provided, loading areas shall be subject to the following requirements:

1970 (1) Loading for all proposed developments shall occur internal to the building
1971 footprint or from the alley and shall be visually screened from public view in
1972 Downtown Core and Middle River Sub-areas. For small or existing developments
1973 which cannot accommodate circulation internal to the building, as determined by
1974 the Economic and Community Development Director, and which do not have alley
1975 access, the owner shall make arrangements with the City to designate on-street
1976 parking or other area as a temporary loading zone.

1977 (2) Public rights-of-way shall not be utilized for maneuvering associated with
1978 building loading access for newly constructed buildings unless approved by the
1979 Development Review Committee.

1980

1981 (C) Architectural features: For building frontages greater than 150' in width, no façade
1982 shall exceed 60% of the building frontage without providing a planar break or multiple
1983 planar breaks a minimum of 3' in depth. The cumulative horizontal length of all planar
1984 breaks shall be greater than or equal to 20% of the building frontage.

1985

1986 (D) Open Space Standards

1987 (3) Walk Up Gardens: for ground floor residential or live work uses permitted in
1988 Secondary streets which shall have a minimum depth of five (5) feet measured
1989 horizontally between the building *façade* and the public sidewalk, and may include
1990 an entrance landing and stairs. *Fences*, walls or other similar structures shall not
1991 exceed three (3') in *height*. 40% min. vegetated area required.

1992

1993

1994 (4) Front yards in InTown Neighborhoods sub-area

1995 30% min. tree canopy

1996 50% min. vegetated area

1997

1998

1999 (5) TREE CANOPY means, for the purpose of Open space standards, the measure
2000 the upper portion of a tree consisting of limbs, branches and leaves and the

2001 anticipated shade coverage on the ground. Large palm species shall be not be
2002 utilized for the required tree canopy.

2003
2004 (6) VEGETATED AREA means, for the purpose of Open space standards, any
2005 surface or area of a surface not greater than four (4) feet in height and occupied
2006 by plant materials. A maximum of 20 percent of the required vegetated area shall
2007 be covered by permeable materials, not including exposed soil.

2008 (E) Townhouse regulations: For townhouse and multi-family dwelling projects, parking
2009 spaces, garage doors, and maneuvering areas shall not be permitted in front of the
2010 structure. Only an access driveway to the side and/or rear of the structure is permitted to
2011 pass over a front yard, consisting of the yard frontage abutting the highest classified street
2012 bordering the project site. Furthermore, townhouse development where all units front into
2013 an internal court, parking area, or circulation area are not permitted. Any townhouse
2014 facing a public street shall have its entrance and front façade facing that street.

2015 (F) Private streets. Gated communities or the enclosing of streets in neighborhoods
2016 by use of gates is prohibited in the OP3D.

2017 Secs. 24-281—24-284. - Reserved.

2018
2019
2020 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by
2021 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
2022 or invalid part shall be considered as eliminated and in no way affecting the validity of the
2023 other provisions of this Ordinance.

2024
2025 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby
2026 repealed to the extent of such conflicts. All references in the Code of Ordinances of the
2027 City of Oakland Park to the Downtown Mixed Use District are to hereafter refer to the
2028 Oakland Park Downtown Development District or OP3D.

2029
2030 **SECTION 5.** It is the intention of the City Commission of the City of Oakland Park,
2031 that the provisions of this Ordinance shall become and be made a part of the Code of
2032 Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may
2033 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
2034 "Article," or such other word or phrase in order to accomplish such intention.

2035
2036 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by
2037 the City Commission of the City of Oakland Park.
2038

CODING: Words in ~~struck through~~ type are deletions from existing text.
Words in underscoring type are additions to existing text.
A line of *** indicates existing text not shown.

2064 A. GORDON _____

2065 M. ROSENWALD _____

2066 M. SPARKS _____

2067

2068 ATTEST:

2069

2070

2071

2072 _____

2073 RENEE M. SHROUT, CMC, CITY CLERK

2074

2075 LEGAL NOTE:

2076 I hereby certify that I have approved the form of this Ordinance (O-2022-XXX):

2077

2078

2079 _____

2080 DONALD J. DOODY, CITY ATTORNEY

2081