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ORDINANCE NO. O-2010-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 24, ENTITLED "LAND DEVELOPMENT CODE" OF THE CODE OF ORDINANCES OF THE CITY OF OAKLAND PARK, FLORIDA, BY SPECIFICALLY AMENDING ARTICLE VIII. LANDSCAPING AND FENCES, SECTION 24-106, ENTITLED "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Oakland Park has determined that it is in the best interest of the citizens and residents of the City to amend the Code of Ordinances, by specifically amending Article V. Supplemental Regulations; Article VI. Parking, Loading and Access; Article VIII. Landscaping and Fences; Article IX. Environmental Regulations; Article XI. Signs; Article XII. Site Plan and Other Development Permit Review Procedures; and Article XVIII. Definitions of the City's Land Development Code, Chapter 24 of the Oakland Park Code of Ordinances; and

WHEREAS, the City Commission of the City of Oakland Park, Florida has found that an amendment to the City's Land Development Code, Chapter 24 related to new and revised Community Appearance Standards is necessary to promote the health, safety, and general welfare of the citizens of the City of Oakland Park, Florida; and

WHEREAS, said application was heard and considered before the Oakland Park Planning and Zoning Board and the City Commission of the City of Oakland Park, Florida, and at the said public hearings all objections, if any, were heard.

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

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. That Chapter 24, "Land Development Code," Section 24-106., entitled "Fences, walls and hedges" of the Code of Ordinances of the City of Oakland Park is hereby amended as follows:

Sec. 24-106. Fences, walls and hedges.

~~(A) Location, height and design requirements.~~

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(1) ~~Optional locations:~~

(a) ~~Fences, walls and hedges may be erected or maintained along any lot line, or within the required yards, to a height not exceeding six and one-half (6 1/2) feet above the finished grade of the abutting lot, except as provided below. All concrete walls shall also be stuccoed, finished and painted. All fences shall have the finished sides facing outside the property. Except interior fences facing abutting properties where an existing fence or wall prevents the erection of the fence with the finished side facing out.~~

(b) ~~Front yard:~~

1. ~~Location:~~

No fence, wall or hedge shall be:

Located within a twenty foot clear sight triangle of any drive (measured along the right-of-way line to the edge of drive). May not exceed five (5) feet in height, except hedges on single family and duplex properties which shall be permitted a height of six and one-half (6 1/2) feet, within the required front yard. Single family and duplex corner properties having the front of their residences facing the corner side yard upon the development review committee's (DRC) approval may install a fence of six and one-half (6 1/2) feet in height within the required front yard provided that the corner side yard fencing shall be limited to five (5) feet in height.

(c) ~~Corner yard:~~

1. ~~Location:~~

No fence or wall shall be located within a thirty foot clear sight triangle at the corner of the property and no hedge therein shall exceed thirty-six (36) inches in height. The same provisions shall apply within a twenty foot clear triangle on each side of any driveway.

(d) ~~Design: Any wall erected along an arterial or collector street shall be decorative, shall be designed with offsetting sections, and shall have plants or vines and trees along this wall as provided in section 24-105, in order to soften the appearance of said wall.~~

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2 (B) ~~Mandatory locations.~~
3

4 (1) ~~Nonresidential districts: Where a nonresidential district abuts a~~
5 ~~residential district or the rear of a nonresidential lot is separated by a~~
6 ~~street, alley or waterway from a residential district, the owner of the~~
7 ~~nonresidential lot shall be required to erect a solid, unpierced masonry~~
8 ~~wall at least six (6) feet in height, or, after city commission approval,~~
9 ~~another screening device. Louvered concrete fences are prohibited due to~~
10 ~~maintenance problems. Such wall shall also be landscaped as required in~~
11 ~~this article. In any front or corner site areas the wall shall be setback ten~~
12 ~~(10) feet from the property line along any right-of-way where access is not~~
13 ~~permitted. The ten-foot landscape strip required in section 24-105(C)(1)(a)~~
14 ~~shall be located between the wall and the property line.~~
15

16 (2) ~~Storage yards: All permitted storage yards shall be completely~~
17 ~~enclosed, except for necessary ingress and egress, by a six-foot unpierced~~
18 ~~masonry wall. Any ingress and egress shall be completely enclosed with~~
19 ~~vision-obscuring gates.~~
20

21 (3) ~~Dumpsters: All dumpsters and recycling containers shall be enclosed~~
22 ~~by a six-foot fence or concrete wall. Such enclosure shall have double~~
23 ~~gates each seven and one half (7 1/2) feet wide minimum, in the front, set~~
24 ~~back five (5) feet from any driveway or aisle. A thirty-inch high hedge~~
25 ~~shall be planted around the enclosure although no dumpster shall be~~
26 ~~located within a required landscape area.~~
27

28 (C) ~~Removal of existing buffer. Any time an existing required wall or natural~~
29 ~~buffer is removed, it shall be replaced by a new wall in conformance with (B)~~
30 ~~above.~~
31

32
33 (A) General Requirements.
34

35 (1) Height Measurement: Height shall be measured from the average
36 finished grade of the property.
37

38 (2) Sight Visibility Triangles.
39

40 (a) Corner Lots: a 30-foot clear sight triangle is required at the
41 intersection of two (2) streets.
42

43 (b) Driveways: a 20-foot clear sight triangle is required on each
44 side of any driveway. Lots that contain existing single-family and

1 duplex dwellings are permitted to have this clear sight triangle
2 maintained along the edge of the existing paved street.

3
4 (c) Hedges: No hedge shall exceed 36 inches in height in any sight
5 visibility triangle.

6
7 (3) Finished Side of Fences: All fences shall have the finished side facing
8 the outside of the property.

9
10 (a) Exceptions: Interior fences facing abutting properties where an
11 existing fence or wall prevents the erection of the fence with the
12 finished side facing out may have the finished side facing in.

13
14 (4) Wall Finishes: All concrete walls shall be covered with two (2) coats
15 of stucco cement, finished and painted with anti-graffiti paint along the
16 right of way. Decorative pre-cast concrete walls may be used in lieu of
17 concrete block.

18
19 (a) Arterial or collector streets: Any wall erected along an arterial
20 or collector street shall have a decorative finish, shall be designed
21 in sections that off-set a minimum of two (2) feet every 20 feet of
22 wall length, and shall have landscaping as required by section 24-
23 105.

24
25 (5) Prohibitions:

26
27 (a) Louvered concrete walls.

28
29 (b) Barbed wire, razor wire, or electrified wires are prohibited on
30 any property zoned or used for residential purposes.

31
32 (c) Bird spike topped fences or walls are prohibited on any
33 property zoned or used for residential purposes.

34
35 (d) In no instance shall any gate be permitted to open onto the
36 existing road right-of-way.

37
38 (6) Removal of existing buffer: When an existing required wall or natural
39 buffer is removed, it shall be replaced by a new wall or hedge respectively
40 in conformance with this section.

41
42 (7) Definition of a hedge: A landscape boundary formed by a dense
43 row of shrubs or low trees, closely spaced and planted to act as a
44 physical and visual barrier.

1
2 (B) Residential Properties. Any property used for residential purposes is subject
3 to the regulations of this subsection. The maximum height limit applies to fences
4 and, walls, and hedges that are within required yards.
5

6 (1) Front Yard Maximum Height: Five (5) feet.
7

8 (2) Side and Rear Yard Maximum Height: Six and one-half (6 1/2) feet.
9

10 (3) Corner Properties: Properties having the front of their residences
11 facing the corner side yard may elect to install a fence of six and one-half
12 (6 1/2) feet in height within the required front yard provided that the
13 corner side yard fencing shall be limited to five (5) feet in height.
14

15 (4) Abutting Nonresidential: Where a R-1 or R-2 residential district abuts
16 a nonresidential district or multi-family residential district, or the rear of a
17 residential lot is separated by a street, alley or waterway from a
18 nonresidential district or multi-family residential district, the maximum
19 height along any side and rear lot line may be eight (8) feet.
20

21 (4) Maximum Height Exceptions:
22

23 (a) Hedges shall be permitted to be **eight (8)** feet in height.
24

25 (C) Non-residential Properties.
26

27 (1) Maximum Height: Eight (8) feet.
28

29 (2) Abutting Residential: Where a nonresidential district abuts a
30 residential district or the rear of a nonresidential lot is separated by a
31 street, alley or waterway from a residential district, the owner of the
32 nonresidential lot shall be required to erect a solid, unpierced masonry
33 wall at least eight (8) feet in height.
34

35 (a) Landscaping: Such wall shall also be landscaped as required
36 in this article.
37

38 (b) Front or corner site areas: In any front or corner site areas the
39 wall shall be setback ten (10) feet from the property line along any
40 right-of-way where vehicular access is not permitted.
41

42 (c) Location of Landscape Strip: The ten (10) foot landscape strip
43 required in section 24-105(C)(1)(a) shall be located between the
44 wall and the property line.

1
2 (d) Exceptions: An application may be made to the City
3 Commission for the approval of an alternate screening method
4 without applying for a variance.
5

6 (3) Storage Yards: All permitted storage yards shall be completely
7 enclosed, except for necessary ingress and egress, by a six and one-half (6
8 1/2) foot unpierced masonry wall. Any ingress and egress shall be
9 completely enclosed with vision-obscuring gates.
10

11 **Section 3.** If any section, subsection, sentence, clause or provision of this
12 Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such
13 invalidity.
14

15 **Section 4.** That all Ordinances or parts of Ordinances and all resolutions or
16 parts of Resolutions in conflict with this Ordinance are repealed to the extent of such
17 conflict.
18

19 **Section 5.** It is the intention of the City Commission of the City of Oakland
20 Park, that the provisions of this Ordinance shall become and be made a part of the Code of
21 Ordinances of the City of Oakland Park, Florida, and that the Sections of this ordinance may
22 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
23 "Article," or such other word or phrase in order to accomplish such intention.
24

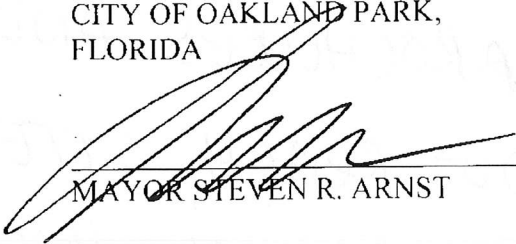
25 **Section 6.** This Ordinance shall be effective upon its passage and adoption by
26 the City Commission of the City of Oakland Park.
27

28 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
29 **FLORIDA, ON FIRST READING, THIS 20th DAY OF JANUARY, 2010.**
30

31	A. MURPHY	<u>YES</u>
32	A. NIEDWIECKI	<u>YES</u>
33	S. BOISVENUE	<u>YES</u>
34	A. SALLEE	<u>YES</u>
35	S. ARNST	<u>YES</u>

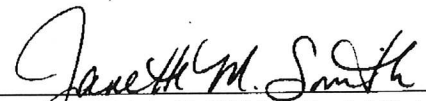
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2 PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
3 OAKLAND PARK, FLORIDA, ON SECOND READING, 3RD DAY OF
4 FEBRUARY 2010.

5 CITY OF OAKLAND PARK,
6 FLORIDA

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10 
11 MAYOR STEVEN R. ARNST

12 A. MURPHY	<u>YES</u>
13 A. NIEDWIECKI	<u>YES</u>
14 S. BOISVENUE	<u>YES</u>
15 A. SALLEE	<u>YES</u>
16 S. ARNST	<u>YES</u>

17
18 ATTEST:

19
20
21 
22
23 JANETTE M. SMITH, J.D., M.B.A.
24 CITY CLERK
25

26
27 LEGAL NOTE

28 I hereby certify that I have approved the form of this Ordinance. (O-2010-008)

29
30
31 
32 DONALD J. DOODY
33 CITY ATTORNEY