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ORDINANCE NO. O-2020-XXX

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY
OF OAKLAND PARK, FLORIDA, APPROVING THE
APPLICATION FOR THE ASSIGNMENT OF 32 ADDITIONAL
FLEXIBILITY UNITS TO BE LOCATED AT 3801 NORTH DIXIE
HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Application #CD20-20DMUD has been made requesting the
assignment of 32 flexibility units in addition to the 47 flexibility units previously
allocated in 2019 for the now-vacant city block on the west side of N. Dixie Highway
between N.E. 38th Street and N.E. 39th Street as more particularly described herein; and

WHEREAS, the City of Oakland Park Future Land Use Map designates this real
property for Commercial/Local Activity Center Use; and

WHEREAS, assigning flexible units is the mechanism permitted in the
Comprehensive Plan and the Land Development Code to facilitate residential units for
mixed use projects without need to amend Comprehensive Plan or Land Development
Code; and

WHEREAS, The City has an adequate supply of flexible units to allocate for
this project; and

WHEREAS, said application was heard and considered before the Oakland Park
Planning and Zoning Advisory 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:**

27 **SECTION 1.** That the forgoing “WHEREAS” clauses are hereby ratified and
28 confirmed as being true and correct and are hereby made a part of this Ordinance upon
29 adoption thereof.

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31 **SECTION 2.** The City Commission, of the City of Oakland Park, Florida, after
32 hearing any and all comments and objections made during the course of duly advertised
33 and scheduled public hearings hereby finds that this allocation request is consistent with
34 Section 24-72 of the Land Development Code and with Section 3.02(B)(5) of the
35 Comprehensive Plan along with the following goals, objectives, and policies of the City
36 of Oakland Park Comprehensive Plan:

37
38 Objective 1.7.: Use the Land Development Code to implement land use policies that
39 correspond to the categories on the Future Land Use Map.

40 Policy 1.7.1.: Land use densities and intensities shall be consistent with the Future Land
41 Use Map, Section 3 of the Land Use Implementation.

42 Policy 1.7.3.: Through the Land Development Code and Zoning Ordinance, establish
43 different intensities of commercial development compatible with adjacent and
44 surrounding uses.

45 Policy 1.11.1. The City shall continue to regulate the land use categories as depicted on
46 the future land use map according to the Land Use implementation section of this
47 Comprehensive Plan, consistent with the Broward County Land Use Plan.

48 Land Use Implementation Section 3.02.B.5 - Flexibility Units: “Flexibility units”
49 means the difference between the number of dwelling units permitted within a
50 flexibility zone by the Future Broward County Land Use Plan Map (Series) and the
51 number of dwelling units permitted within the flexibility zone by a City’s certified
52 future land use plan map.

53 **SECTION 3.** The City Commission of the City of Oakland Park, Florida,
54 hereby approves the request filed by Integra Real Estate, LLC for the assignment of up
55 to 32 flexible units to be located at the now-vacant city block on the west side of N. Dixie
56 Highway between N.E. 38th Street and N.E. 39th Street, more legally described in
57 Exhibit A.

58 **SECTION 4.** If this property's zoning district or Future Land Use Map
59 designation were to change such that these units are no longer required for the project in
60 question, or if development approval expires for this project, all flexibility currently or
61 previously allocated shall return to the City's pool of units.

62 **SECTION 5.** If any clause, section or other part of this Ordinance shall be held
63 by any Court of competent jurisdiction to be unconstitutional or invalid, such
64 unconstitutional or invalid part shall be considered as eliminated and in no way affecting
65 the validity of the other provisions of this Ordinance.

66 **SECTION 6.** All Ordinances or parts of Ordinances in conflict herewith are
67 hereby repealed to the extent of such conflicts.

68
69 **SECTION 7.** This Ordinance shall be effective upon its passage and adoption
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71 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
72 **FLORIDA, ON FIRST READING, THIS 7TH, DAY OF OCTOBER, 2020.**

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M. CARN	_____
J. BOLIN	_____
T. LONERGAN	_____
S. GUEVREKIAN	_____
M. SPARKS	_____

81 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
82 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS , DAY OF**
83 **, 2020.**

84
85 CITY OF OAKLAND PARK, FLORIDA

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90 _____
91 MAYOR MATTHEW SPARKS

92 M. CARN _____
93 J. BOLIN _____
94 T. LONERGAN _____
95 S. GUEVREKIAN _____
96 M. SPARKS _____

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99 ATTEST:

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103 _____
104 RENEE M. SHROUT, CMC, CITY CLERK

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

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111 DONALD J. DOODY, CITY ATTORNEY

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119 Exhibit A

120 Legal Description

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PARCEL 1

A PORTION OF LOTS 1 THROUGH 11 INCLUSIVE AND ALL OF LOTS 12 THROUGH 18 INCLUSIVE, COMMERCIAL OAKLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 44 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LOT 1, BLOCK 1, OAKLAND MANORS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 52 OF SAID PUBLIC RECORDS, DESCRIBED AS FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF N.W. 11TH AVENUE WITH THE NORTHERLY RIGHT OF WAY LINE OF NORTHEAST 38TH STREET; THENCE NORTH 01°21'45" WEST ALONG THE EAST RIGHT OF WAY LINE OF NORTHEAST 11TH AVENUE, A DISTANCE OF 291.28 FEET TO THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE WITH THE SOUTH RIGHT OF WAY LINE OF NORTHEAST 39TH STREET; THENCE SOUTH 89°41'31" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 34.29 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS SOUTH 01°59'06" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH BOUNDARY OF THAT CERTAIN RIGHT OF WAY PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 46989, PAGE 573 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 42.00 FEET, THROUGH A CENTRAL ANGLE OF 29°41'32", FOR AN ARC DISTANCE OF 21.77 FEET; THENCE SOUTH 55°04'19" EAST, A DISTANCE OF 6.91 FEET; THENCE SOUTH 35°29'04" EAST, A DISTANCE OF 126.44 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 351.53 FEET, THROUGH A CENTRAL ANGLE OF 01°14'16", FOR AN ARC DISTANCE OF 7.59 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS SOUTH 55°45'11" WEST; THE LAST TWO (2) DESCRIBED COURSES LYING ALONG THE WESTERLY BOUNDARY OF RIGHT OF WAY PARCEL 111, AS DESCRIBED IN OFFICIAL RECORDS BOOK 19024, PAGE 251 OF SAID PUBLIC RECORDS; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 392.00 FEET, THROUGH A CENTRAL ANGLE OF 19°21'37", FOR AN ARC DISTANCE OF 132.46 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 37.00 FEET, THROUGH A CENTRAL ANGLE OF 96°30'01", FOR AN ARC DISTANCE OF 62.32 FEET; THENCE SOUTH 01°49'03" EAST ALONG A LINE RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.28 FEET, THE LAST THREE (3) DESCRIBED COURSES LYING ALONG THE WESTERLY BOUNDARY OF THAT CERTAIN RIGHT OF WAY PARCEL "A", AS DESCRIBED IN OFFICIAL RECORDS BOOK 46922, PAGE 596, OF SAID PUBLIC RECORDS; THENCE SOUTH 88°09'56" WEST, A DISTANCE OF 46.35 FEET; THENCE NORTH 83°49'04" WEST, A DISTANCE OF 91.25 FEET TO THE POINT OF BEGINNING, THE LAST TWO (2) DESCRIBED COURSES LYING ALONG SAID NORTH RIGHT OF WAY LINE OF NORTHEAST 38TH STREET.

SAID LANDS LYING IN THE CITY OF OAKLAND PARK, BROWARD COUNTY, FLORIDA AND CONTAINING 39,495 SQUARE FEET (0.907 ACRES) MORE OR LESS.

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