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ORDINANCE NO. O-2023-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA; AMENDING THE CITY’S LAND DEVELOPMENT CODE TO ADDRESS SUSTAINABILITY AND RESILIENCY, BY SPECIFICALLY CREATING SUBSECTIONS 24-3 (I) THROUGH (M) INCORPORATING PURPOSES THAT SUPPORT SUSTAINABLE DEVELOPMENT; AND BY SPECIFICALLY AMENDING SUBSECTION 24-68 ENTITLED “ACCESSORY STRUCTURES AND DETACHED BUILDINGS,” TO INCLUDE ADDITIONAL PERMITTED SUSTAINABILITY ITEMS AND CREATING SUBSECTION 24-79.5 ENTITLED “WIND TURBINES” PROVIDING FOR SPECIFICATIONS FOR PERMITTED WIND TURBINES WITHIN THE CITY; AND BY SPECIFICALLY AMENDING SUBSECTION 24-116 ENTITLED “MINIMUM OPEN SPACE REQUIREMENTS,” TO PERMIT CERTAIN SUSTAINABLE FEATURES TO COUNT TOWARDS THE OPEN SPACE REQUIREMENT, AND TO AMEND SUBSECTION 24-119 ENTITLED “ON-SITE STORMWATER RUNOFF” TO INCLUDE NATURAL WATER STORAGE FEATURES; AND BY SPECIFICALLY CREATING SUBSECTION 24-164 (B)(5) THROUGH (B)(6) ENTITLED “SITE DEVELOPMENT PLAN CONTENTS,” TO REQUIRE THE SUBMITTAL OF PROPOSED SUSTAINABLE DEVELOPMENT FEATURES; AND BY SPECIFICALLY AMENDING SUBSECTION 24-245 ENTITLED “GENERAL DEFINITIONS,” TO PROVIDE DEFINITIONS FOR CERTAIN SUSTAINABLE DEVELOPMENT FEATURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

28 **WHEREAS**, the City of Oakland Park recognizes that greenhouse gas emissions from human
29 activity are catalyzing climate change, the consequences of which pose risks to the future health, wellbeing,
30 and prosperity of our community, and

31 **WHEREAS**, the City of Oakland Park has a goal to mitigate the effects of climate change by
32 reducing greenhouse gas emissions by 1% each year through the year 2028, and

33 **WHEREAS**, it is in the best interest of the City to promote the economic and environmental health
34 in the City through sustainable and environmentally friendly design and construction which reduces demand
35 for energy and reduces greenhouse gas emissions; and

36 **WHEREAS**, the City Commission of the City of Oakland Park has determined that it is in the best
37 interest of the residents of the City and also best protects the health, safety and welfare of all of the citizens
38 and residents, and property owners in the City to amend the City’s Land Development Code to address
39 sustainability and resiliency, by specifically creating Subsections 24-3 (J) through (M) incorporating
40 purposes that support sustainable development; and by specifically amending Subsection 24-68 entitled
41 “Accessory Structures and Detached Buildings,” to include additional permitted sustainability items and
42 creating Subsection 24-79.5 entitled “Wind Turbines” providing for specifications for permitted wind turbines

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43 within the city; and by specifically amending subsection 24-116 entitled "Minimum Open Space
44 Requirements," to permit certain sustainable features to count towards the open space requirement, and
45 to amend subsection 24-119 entitled "On-Site Stormwater Runoff" to include natural water storage features;
46 and by specifically creating Subsection 24-164 (B)(5) through (B)(6) entitled "Site Development Plan
47 Contents", to require the submittal of proposed sustainable development features; and by specifically
48 amending Subsection 24-245 entitled "General Definitions," to provide definitions for certain sustainable
49 development features.

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

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

54 **SECTION 2.** That Chapter 24 entitled "Land Development Code", Article I entitled "Introduction," is
55 specifically amended as follows:

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59 **Sec. 24-3. Purpose and intent.**

60 The primary purpose of the LDC is the implementation of the Oakland Park Comprehensive Plan, as
61 adopted pursuant to F.S. Ch. 163, Pt. II, and in accordance with Florida Administrative Code, 9J-5. The
62 city commission deems it necessary to adopt the LDC for the following purposes:

63 (A) Guiding and accomplishing coordinated and harmonious development in accordance with
64 the existing and future needs of the city.

65 (B) Protecting, promoting and improving the public health, safety, comfort, order, appearance,
66 convenience and general welfare.

67 (C) Conserving the value of land, buildings and resources, and protecting landowners from
68 adverse impacts of adjoining developments.

69 (D) Protecting the character and maintaining the stability of residential, business, industrial and
70 public areas.

71 (E) Promoting the orderly development of residential, business, industrial and public areas.

72 (F) Achieving a single set of land development regulations that is as simple and user-friendly as
73 possible but still able to achieve development regulation.

74 (G) Directing and controlling, through the establishment of standards, the type, distribution and
75 intensity of development.

76 (H) Balancing the interest of the general public and that of individual property owners.

- 77 (I) Mitigating potential risks to human safety, health and welfare, and reducing environmental
 78 degradation, that result from climate impacts including sea-level rise, intensified hurricanes
 79 and extreme heat.
- 80 (J) Reducing the city's greenhouse gas emissions, and promoting efficient use of water and
 81 energy, in order to prevent additional climate change and environmental degradation.
- 82 (K) Avoiding human-induced contamination or pollution of water, air and other natural resources.
- 83 (L) Promoting equity among residents by paying particular attention to the needs of communities
 84 who are marginalized or who have been marginalized because of race, income level, age,
 85 gender identity, and/or sexual orientation.
- 86 (M) Facilitating solutions-oriented partnerships between the city and other Florida municipalities,
 87 particularly on regional challenges including, but not limited to, transportation, conservation
 88 of natural areas, and water management.

89 **SECTION 3.** That Chapter 24 entitled "Land Development Code", Article V entitled "Supplemental
 90 Regulations," is specifically amended as follows:

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94 **Sec. 24-68. Accessory structures and detached buildings.**

95 Accessory buildings will be permitted in all residential, R-O, B-1 and B-2 Districts only under the
 96 following conditions and only if, placed after or at the time of construction of the principal structure; there
 97 are no restrictions on such buildings in other districts.

- 98 (A) *Types permitted.* Freestanding private garage or carport; tool, garden or utility shed; pergola;
 99 arbor; trellis; tiki hut; gazebo; and household mechanical equipment including air conditioner
 100 condensers, generators, ~~and~~ above-ground pool equipment, rooftop solar water heaters and
 101 wind turbines. Also permitted are pool houses/cabanas, provided they comply with the setback
 102 requirements of their zoning district.

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- 106 (g) *Wind turbines.* Wind turbines must comply with the standards set in section 24-79.5.
 107 The top of a wind turbine may exceed the permissible height limit in any district by
 108 not more than ten (10) feet. Wind turbines are not required to be screened. Wind
 109 turbines exceeding this height will require an approval through the variance process
 110 established in Section 24-146, Variances and Appeals.

- 111 (h) *Solar water heaters.* Rooftop solar water heater systems may exceed the permissible
 112 height limit in any district by not more than five (5) feet. Rooftop solar water heater
 113 systems are not required to be screened.

114 (i) Green roofs. The structural components of a green roof (non-vegetative
115 components) may exceed the permissible height limit in any district by not more than
116 five (5) feet. The external perimeters of green roof systems are required to be
117 aesthetically compatible with the building exterior. Screening may be required and
118 will be determined on a case by case basis by the Community and Economic
119 Development Department or designee. Green roofs must comply with all other
120 standards set in section 24-110.

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124 **Sec. 24-79.5 – Wind turbines.**

125 The provisions contained herein are intended to promote the health, safety, and general welfare of the
126 citizens by removing barriers to the installation of alternative energy systems and to provide for the
127 installation of wind turbines on rooftops or in yards within the City. Wind turbines may be a vertical axis
128 helical design or a pole with blades 'windmill' type design.

129 (A) Wind turbine systems shall be deemed permitted accessory equipment to conforming and
130 nonconforming buildings in all zoning categories. Nothing contained in this chapter, including
131 design standards or guidelines included or referenced herein, shall be deemed to prohibit the
132 installation of a wind turbine system that meets the requirements of this section, as accessory
133 equipment to conforming and nonconforming buildings, including buildings containing
134 nonconforming uses.

135 (B) Due to design considerations and functionality requirements an efficient wind turbine system has a
136 design potential to exceed the permissible height limits established in this code. In order to be
137 deemed permitted accessory equipment, the top of the wind turbine may exceed the permissible
138 height limit in any district by not more than ten (10) feet as specified in Section 24-68(C)(1)(f).
139 Should a proposed wind turbine exceed the 10-foot limit it will need to be approved through the
140 variance process as established in Section 24-146, Variances and Appeals.

141 **SECTION 4.** That Chapter 24 entitled “Land Development Code”, Article IX entitled “Environmental
142 Regulations,” is specifically amended as follows:

143 **Sec. 24-116. Minimum open space requirements.**

144 Not less than twenty (20) percent of any residential, business, or industrial district site shall be landscaped
145 and pervious as defined in article XVIII, section 24-245. Some district regulations require a higher
146 percentage; see article III, sections 24-30 through 24-53.

147 That portion of a roof which is classified as a green roof may be counted toward a maximum of 25 percent
148 of the required on-site open space. The following requirements shall apply to green roofs which are
149 seeking open space credit.

150

- 151 A. Prior to construction site plan approval, the applicant shall demonstrate that an adequate soil
 152 depth will be provided for plants.
- 153 B. Prior to building permit issuance, the applicant shall demonstrate that the roof can support the
 154 additional load of plants, soil, and retained water.
- 155 C. The roof area must contain sufficient space for future installations (e.g. mechanical equipment)
 156 that will prevent adverse impacts (e.g. removal or damage to plants or reduction in area) to the
 157 green roof.
- 158 D. Vegetation on the green roof must be maintained for the life of the building.

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160 **SECTION 5.** That Chapter 24 entitled "Land Development Code", Article XII entitled "Site Plan and
 161 Other Development Review Procedures," is specifically amended as follows:

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165 **Section 24-164 (B) Site Development Plan Contents**

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170 (5) A list of development features that could be considered "resilient", "sustainable" or "green" is
 171 required. This requirement is a step toward the City's future goal of ensuring all development
 172 complies with green building and operating standards such as LEED, FGBC, NGBS or similar, as
 173 well as other regional and national best practices for promoting community resilience and
 174 sustainability.

175 Resilient, sustainable and green features to be listed may include, but are not limited to:

- 176 a. Features that promote outdoor water conservation and sustainable reuse of gray water, such
 177 as rain barrels and solar water heater systems.
- 178 b. Features that increase efficiency of indoor water use, such as WaterSense fixtures or
 179 comparable; unit-by-unit water metering; participation in the South Florida Water Management
 180 District's Water Savings Incentive Program (WaterSIP) for large-scale retrofits.
- 181 c. Water management and retention features above the minimum required in Section 24-199,
 182 including, but not limited to, swales, bioswales, rain gardens, permeable/porous pavement and
 183 comparable.
- 184 i. Included among these features are silva cells, which are modular pavement systems
 185 that provide on-site stormwater management while supporting large tree growth.
- 186 d. Zero-emissions energy features including, but not limited to, solar panels and photovoltaic
 187 systems, and wind turbines.

- 188 e. Features that reduce energy consumption, such as LED lights and Energy Star-rated
- 189 appliances/equipment.
- 190 f. Features that reduce the urban heat island effect, such as cool pavement, green or white roofs,
- 191 cross-ventilation, green walls, and shade trees in excess of the requirements of the City's
- 192 Landscape and Streetscape Design Standards.
- 193 g. Features that divert waste from landfills.
- 194 h. Features that make use of reclaimed or recycled materials.
- 195 i. 100 percent native plants in landscaping.
- 196 j. Features that enhance post-disaster recovery, such as solar-powered phone charging stations
- 197 and generators.
- 198 k. Features that promote community cohesion, such as public art or a public garden on the site.
- 199 l. Features that promote sustainable transportation, such as bike racks and bus shelters.
- 200 m. Public gardens for flowers and/or vegetables

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202 The final determination of whether a development feature is “resilient”, “sustainable” and/or “green”

203 lies with the Community and Economic Development Department or designee.

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205 **SECTION 6.** That Chapter 24 entitled “Land Development Code”, Article XVIII, subsection 24-245

206 entitled “General Definitions,” is specifically amended as follows:

207 **Sec. 24-245. General definitions.**

208 See other articles (particularly VII, XI and XIV) for specialized definitions and ~~section IV of the 1989~~

209 ~~City Comprehensive Plan for additional definitions.~~ the Land Use Implementation chapter of the City of

210 Oakland Park Comprehensive Plan.

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214 (41a) Green building features: Features that increase the sustainability of a building by reducing

215 its energy efficiency and/or water efficiency, and/or by decreasing greenhouse gas

216 emissions. Such features include, but are not limited to, green walls, green roofs, white roofs,

217 electric vehicle charging stations, photovoltaic systems, solar water heating systems, bicycle

218 racks and storage, and wind turbines.

219 (41b) Green roof, also referred to as a living roof, shall mean a roof of a building that is partially

220 or completely covered with vegetation and a growing medium, planted over a waterproofing

221 membrane. It may also include additional components such as a root barrier, drainage and

222 irrigation system, and soil containment.

223 (41c) Green wall, also referred to as a living wall or vertical garden, shall mean an internal or

224 external wall partially or completely covered with vegetation that includes a support structure

225 and growing medium, and an integrated water delivery system.

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229 (78a) Rooftop photovoltaic system: A zero-emissions energy-generating system that uses one
230 (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or
231 surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

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235 (83b) Silva cells: Modular pavement features that provide on-site stormwater management while
236 supporting large tree growth.

237 (83c) Solar panels: See 'rooftop photovoltaic system'.

238 (83d) Solar water heater: A water heater, typically mounted on a roof, that is powered by
239 photovoltaic panels that capture the sun's energy and use it to heat water.

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243 (93b) Wind turbine: A zero-emissions energy-generating device that converts the wind's kinetic
244 energy into electrical energy. Wind turbines may be a vertical axis helical design or a pole
245 with blades 'windmill' type design.

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249 **SECTION 7.** If any section, subsection, sentence, clause or provision of this Ordinance is held
250 invalid, the remainder of this Ordinance shall not be affected by such invalidity.

251 **SECTION 8.** That all ordinances or parts of ordinances and all resolutions or parts of resolutions in
252 conflict with this Ordinance are repealed to the extent of such conflict.

253 **SECTION 9.** This Ordinance shall be effective immediately upon its passage and adoption by the
254 City Commission of the City of Oakland Park.

255
256 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON FIRST**
257 **READING, THIS _____, DAY OF _____, 2023.**

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259

260 A. GORDON _____

261 M. ROSENWALD _____

262 L. NEWBOLD _____

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S. ARNST _____
T. LONGERGAN _____

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA,
ON SECOND READING, THIS _____, DAY OF _____, 2023.**

CITY OF OAKLAND PARK, FLORIDA

MAYOR AISHA GORDON

A. GORDON _____
M. ROSENWALD _____
L. NEWBOLD _____
S. ARNST _____
T. LONGERGAN _____

ATTEST:

RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:
I hereby certify that I have approved the form of this Ordinance (O-2023-XXX):

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295 DONALD J. DOODY, CITY ATTORNEY
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