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ORDINANCE NO. O-2021-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING ARTICLE IV, ENTITLED “PLANNED DEVELOPMENT DISTRICTS”, BY SPECIFICALLY AMENDING SECTION 24-57, OF THE LAND DEVELOPMENT CODE TO AMEND SECTION 24-57(J) ENTITLED “SPECIAL CHARACTERISTICS” OF THE NEW URBAN PLANNED DISTRICT REDUCING PARKING REQUIREMENTS, DWELLING UNIT SIZE AND LANDSCAPING AND OPEN SPACE, PERMITTED USES, AND LOCATIONAL REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, The New Urban Planned District is in need of updating to serve the development needs of the City and developers who have requested adjustments to its regulations;

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

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

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 upon adoption thereof.

SECTION 2. Chapter 24, Article V is hereby amended as follows:

1 **ARTICLE IV. – PLANNED DEVELOPMENT DISTRICTS**

2
3 **Sec. 24-57. - NUPD: New Urban Planned District.**

4
5 (A) *Purpose and intent.* The purpose of this section is to further the intent of the City's
6 Comprehensive Plan, Future Land Use Element (Objective 1.3), ~~Policy 1.3.7,~~ and
7 Housing Element (Objective 3.1) and ~~Community Redevelopment Plan (Goal 4)~~.
8 The New Urban Planned District (NUPD) is intended to promote development
9 which will benefit the City and its urban form by encouraging project design
10 surpassing the standard of development promulgated by application of either its
11 conventional zoning regulations or the existing planned unit development ordinance
12 (PUD). This section is intended to:

- 13 (1) Promote new urbanism design principles;
14 (2) Provide flexibility of design;
15 (3) Encourage innovation in project design;
16 (4) Promote an economic and efficient use of urban infill land;
17 (5) Provide a mix of housing types;
18 (6) Incorporate open space and other amenities;
19 (7) Insure compatibility with adjacent neighborhoods.

20 (B) *Rezoning to New Urban Planned District.*

21 (1) *Locational requirements.* In order to be eligible for rezoning to a New Urban
22 Planned District, the project must be:

23 ~~(a) Located within the city's community redevelopment area and~~

24 ~~(b)~~ Designated as either Commercial, Low-Medium Density Residential,
25 Medium Density Residential or Medium High Density Residential on the
26 city's future land use map.

27 (2) *Applicability of NUPD regulations.* Properties ~~in the community~~
28 ~~redevelopment area~~ shall be rezoned to a NUPD District concurrent with
29 undergoing development approval if:

30 a. Designated as low-medium, medium or medium high on the city's future
31 land use map; and

32 b. Under single ownership and consist of at least one (1) city block or a
33 minimum of one (1) acre.

34 (C) *Unified control.* All land included for the purpose of development within a New
35 Urban Planned District shall be under the control of the applicant (an individual,

1 partnership or corporation, or group of individuals, partnerships or corporations).
2 The applicant shall present satisfactory legal documents to constitute evidence of
3 the unified control of the entire area within the proposed Planned New Urban
4 District.

5 (D) *Signed agreement.*

6 (1) The applicant shall agree in writing to proceed with the proposed development
7 according to the provisions of these regulations and conditions attached to the
8 rezoning of the land to planned unit development; and

9 (2) To provide agreements, contracts, covenants, deed restrictions and sureties
10 acceptable to the city for completion of the development according to the plans
11 approved at the time of rezoning to planned unit development and for
12 continuing operation and maintenance of such areas, functions and facilities
13 which are not proposed to be provided, operated or maintained at public
14 expense; and

15 (3) To bind ~~their~~ its successors in title to any commitments made under the above.
16 All agreements and evidence of unified control shall be examined by the
17 ~~engineering and e~~Community and Economic D~~evelopment D~~evelopment Department, and
18 no rezoning of land to the New Urban Planned District classification shall be
19 adopted without a certification by the ~~engineering and community~~ Community
20 And Economic d~~evelopment d~~evelopment Department that such agreements and evidence
21 on unified control meet the requirements of these regulations; and

22 (4) If the developer elects to administer common open space through an association
23 or nonprofit corporation, said organization shall conform to the applicable laws
24 of the State of Florida.

25 (E) *Permitted uses.* The uses permitted in a New Urban Planned District shall be
26 consistent with the permitted uses in the residential categories in the Oakland Park
27 Comprehensive Plan as further restricted in this section.

28 (1) Town homes.

29 (2) Lofts.

30 (3) Multifamily buildings and residences in mixed use buildings.

31 (4) ~~Offices.~~

32 ~~(5) Neighborhood retail~~ All uses as permitted in the B-1, Community Business
33 District.

34 ~~(6) Personal service establishments.~~

35 (5) Live-work units.

36 (6) In a new urban planned district, community residences shall be regulated as
37 follows according to the corresponding land use categories of the Future Land

- 1 Use Map of the City of Oakland Park:
2 (a) In the Low Density Residential (L5) category, community residences shall
3 be regulated as provided in section 24-29(B) and section 24-29(B.1) of this
4 Code.
5 (b) In the Low-Medium Density Residential (LM) category, community
6 residences shall be regulated as provided in section 24-29(B) and section 24-
7 29(B.1) of this Code.
8 (c) In the Medium Density Residential (M) category, community residences
9 shall be regulated as provided in section 24-32(B) and section 24-32(B.1) of this
10 Code.
11 (d) In the Medium-High Density Residential (MH) category, community
12 residences shall be regulated as provided in section 24-32(B) and section 24-
13 32(B.1) of this Code.
14 (e) In the Commercial (C) category, community residences shall be regulated
15 as provided in section 24-41 of this Code.
16 (f) In the Community Facilities (CF) category, community residences shall
17 be regulated as provided in section 24-44(C) of this Code.
18 (g) In the Irregular Density category, family community residences shall be
19 regulated as provided in section 24-29(B) and section 24-29(B.1) of this Code
20 and transitional community residences shall be permitted only in multifamily
21 housing and regulated as provided in section 24-32(B) and section 24-32(B.1)
22 of this Code.

23 (97) In a new urban planned district, recovery communities shall be regulated as follows
24 according to the corresponding land use categories of the Future Land Use Map of the City
25 of Oakland Park:

- 26 (a) In the Low Density Residential (L5) category, recovery communities shall
27 not be permitted.
28 (b) In the Low-Medium Density Residential (LM) category, recovery
29 communities shall not be permitted.
30 (c) In the Medium Density Residential (M) category, recovery communities
31 shall be regulated as provided in section 24-32(B) and section 24-32(B.1) of this
32 Code.
33 (d) In the Medium-High Density Residential (MH) category, recovery
34 communities shall be regulated as provided in section 24-32(B) and section 24-
35 32(B.1) of this Code.

- 1 (e) In the Commercial (C) category, recovery communities shall be regulated
2 as provided in section 24-41 of this Code.
- 3 (f) In the Community Facilities (CF) category, recovery communities shall be
4 regulated as provided in section 24-44(C) of this Code.
- 5 (g) In the Irregular Density category, recovery communities shall be
6 permitted only in multifamily housing and regulated as provided in section 24-
7 32(B) and section 24-32(B.1) of this Code.
- 8 (F) *Narrative planning document required.* A narrative plan shall accompany the
9 application for rezoning to the New Urban Planned District and shall address the
10 following:
- 11 (1) A clear and convincing demonstration that the proposed project complies with
12 the intent of this ordinance which is restated as follows:
- 13 (a) Promote new urbanism design principles;
14 (b) Provide flexibility of design;
15 (c) Encourage innovation in project design;
16 (d) Promote an economic and efficient use of urban infill land;
17 (e) Provide a mix of housing types;
18 (f) Incorporate open space and other amenities;
19 (g) Ensure compatibility with adjacent neighborhoods.
- 20 (2) Compliance with the site, design and environmental standards as contained
21 herein. Studies, including but not limited to traffic analyses, drainage studies
22 and line of sight drawings, shall be submitted to substantiate the narrative plan.
- 23 (3) The nature, planned use, future ownership and method of perpetual
24 maintenance of common elements of the project;
- 25 (4) Such other pertinent information as may be considered necessary for the city
26 commission to make a ~~determination~~ finding that the proposed use and master
27 development plan is in compliance with the purpose and intent of these
28 regulations.
- 29 (G) *Density.* Maximum allowable density shall be as established by the city's future land
30 use map.
- 31 (H) *Minimum project size.* The minimum size of a proposed project shall be one (1)
32 acre or one (1) city block, whichever is less. The minimum project size may be
33 waived by the commission after review by the planning and zoning board if it finds
34 that granting the waiver will be in harmony with surrounding properties and is the
35 best interest of the City infill and redevelopment needs.
- 36 (I) *Pre-application conference required.* An applicant shall submit a preliminary plan

1 for informal development review committee review prior to submitting a formal
2 application for development approval. The development review committee will
3 provide verbal comments on the proposal.

4 (J) *Site characteristics.* Building site coverage, open space, setbacks, minimum space
5 between buildings, building height, parking and unit size shall be as shown on the
6 master development plan as approved by the commission. Master development plan
7 approval shall be based on a finding of compliance with the intent and purpose of
8 the ordinance as stated in the narrative document which is part of the application for
9 approval. Notwithstanding the foregoing, minimum site requirements are
10 established as follows.

11 (1) *Height of structure:* Five (5) habitable stories not to exceed seventy-six (76)
12 feet.

13 (2) *Minimum residential floor area:* ~~1100 square foot average gross floor area;~~
14 ~~800 square foot gross floor area.~~ 700 net square feet. The City Commission can
15 approve up to twenty percent of the dwelling units to be 400 net square feet to
16 700 net square feet if it determines that such units are appropriate for the site
17 and neighborhood. Within any building, no more than fifty percent of the total
18 number of dwelling units may be 400 net square feet to 700 net square feet.

19 (3) *Off-street parking.* All aspects of Section 24-80 apply with the exception of the
20 amount of off-street parking required for dwellings stated within Section 24-
21 80(C). The standards listed below shall instead apply for dwellings in the New
22 Urban Planned District:

23 (i) Studio and 1-bedroom apartments, 1.0 parking spaces per unit;

24 (ii) ~~One (1) bedroom units, 1.5 parking spaces per unit;~~

25 (ii) ~~(iii) Two (2) or more and three (3) bedroom units, 2.0 spaces per unit;~~

26 (iii) Townhouse units, 2.0 spaces per unit that shall be assigned specifically to
27 the unit;

28 (iv) ~~One (1) guest space for every five (5) units either on-street or on-street.~~
29 With the exception of townhouse units, only parking spaces in excess of
30 the minimum required are permitted to be assigned to specific dwelling
31 units, business establishments, or users within the site. All spaces provided
32 to meet the minimum requirement shall be available for all users of the site
33 at all times.

34 (v) Shared parking is permitted, at the discretion of the City Commission,
35 provided the applicant demonstrates location, availability, and demand for
36 the shared parking facility.

37 (4) *Landscaping and open space:* 20% minimum.

38 (K) *Design standards.* Each of the following design components must be incorporated

- 1 into the approved site plan and meet the purpose and intent of these regulations:
- 2 (1) Enhancement of pedestrian mobility and activity.
- 3 (2) Connectivity to mass transit facilities.
- 4 (3) Buildings closest to the street on which the project fronts must be built to the
5 sidewalk.
- 6 (4) Grade level parking shall be minimized along other streets adjacent to the
7 project.
- 8 (5) No street level building façades shall be blank or contain mirrored glass.
- 9 (6) Façade treatments are required for the first thirty-five (35) feet of the vertical
10 plane.
- 11 (7) Architectural fenestration shall be designed into the building façade.
- 12 (8) Rooftop mechanical equipment to be screened from the view of adjacent
13 properties and streets.
- 14 (9) Dumpsters and trash receptacles must be screened from the view of adjacent
15 properties and streets.
- 16 (10) Street trees are required except when in violation of accepted horticultural
17 practices and roadway planting standards or in conflict with existing or proposed
18 utility lines.
- 19 (11) Entry monument signage shall not exceed thirty-two (32) square feet.
- 20 (12) Exterior lighting consistent with CEPTED principles.
- 21 (13) Buffering of adjacent single-family zoning districts.
- 22 (14) Use of site furnishings such as, but not limited to, bike racks, bollards and
23 flagpoles.
- 24 (L) *Neighborhood compatibility*. Development shall be compatible with and preserve
25 the character and integrity of adjacent neighborhoods.
- 26 (1) Buildings closest to the perimeter of the project if adjacent to a single-family
27 zoning district shall provide a 15-foot stepback in the vertical surface plane of
28 the building between floors two and three.
- 29 (2) Balconies may project no more than six (6) feet into the required stepback.
- 30 (M) ~~(L)~~ *Professional services required*. Any plans submitted as part of a petition for a
31 New Urban Planned District shall certify that the services of competent professionals
32 were utilized in the designing or planning process and shall state their names and
33 businesses and addresses.

1 (1) Plans submitted as part of a petition for a New Urban Planned District must be
2 prepared by either a planner who by reason of his education and experience is
3 qualified to become or is a full member of the American Institute of Certified
4 Planners, or an architect licensed by the State of Florida, a landscape architect
5 registered by the State of Florida and a professional engineer registered by the
6 State of Florida and trained in the field of civil engineering, and/or a land
7 surveyor registered by the State of Florida.

8 (N) *Reference to Planned Unit Development District procedures.* Paragraphs G, H, I, J
9 and K of Section 24-54, Planned Unit Development District, shall apply to NUPD
10 approvals.
11

12 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by
13 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
14 or invalid part shall be considered as eliminated and in no way affecting the validity of the
15 other provisions of this Ordinance.
16

17 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby
18 repealed to the extent of such conflicts.
19

20 **SECTION 5.** It is the intention of the City Commission of the City of Oakland
21 Park, that the provisions of this Ordinance shall become and be made a part of the Code of
22 Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may
23 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
24 "Article," or such other word or phrase in order to accomplish such intention.
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26 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by
27 the City Commission of the City of Oakland Park.

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**PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,
FLORIDA, ON FIRST READING, THIS 7th DAY OF APRIL 2021.**

M. CARN _____
A. GORDON _____
M. ROSENWALD _____
M. SPARKS _____
J. BOLIN _____

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
OAKLAND PARK, FLORIDA, ON SECOND READING, THIS _____ DAY OF
_____ 2021.**

CITY OF OAKLAND PARK, FLORIDA

MAYOR JANE BOLIN

M. CARN _____
A. GORDON _____
M. ROSENWALD _____
M. SPARKS _____
J. BOLIN _____

ATTEST:

RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance (O-2021-XXX):

DONALD J. DOODY, CITY ATTORNEY