

1 **WHEREAS**, the City of Oakland Park has determined that it is important to
2 consider the impact of land development decisions on communities who are marginalized
3 or who have been marginalized because of race, income level, age, gender identity, and/or
4 sexual orientation; and

5 **WHEREAS**, the City Commission of the City of Oakland Park has determined
6 that it is in the best interest of the residents of the City and also best protects the health,
7 safety and welfare of all of the citizens and residents, and property owners in the City to amend
8 the City’s Land Development Code to address sustainability and resiliency, by specifically
9 creating Subsections 24-3 (J) through (M) incorporating purposes that support sustainable
10 development; and to amend Section 24-119 entitled “On-Site Stormwater Runoff” to
11 include natural water storage features; and by specifically creating Subsections 24-164
12 (B)(5) through (B)(6) entitled “Site Development Plan Contents”, to require the submittal
13 of proposed sustainable development features; and by specifically amending Section 24-
14 245 entitled “General Definitions,” to provide definitions for certain sustainable
15 development features.

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

18 **SECTION 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed
19 as being true and correct and are made a part of this Ordinance.

20 **SECTION 2.** That Chapter 24 entitled “Land Development Code,” Article I
21 entitled “Introduction,” is specifically amended as follows:

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

26 The primary purpose of the Land Development Code (LDC) is the implementation of
27 the Oakland Park Comprehensive Plan, as adopted pursuant to F.S. Ch. 163, Pt. II. The
28 City Commission deems it necessary to adopt the LDC for the following purposes:

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

- 1 (B) Protecting, promoting and improving the public health, safety, comfort,
2 order, appearance, convenience and general welfare.
- 3 (C) Conserving the value of land, buildings and resources, and protecting
4 landowners from adverse impacts of adjoining developments.
- 5 (D) Protecting the character and maintaining the stability of residential, business,
6 industrial and public areas.
- 7 (E) Promoting the orderly development of residential, business, industrial and
8 public areas.
- 9 (F) Achieving a single set of land development regulations that is as simple and
10 user-friendly as possible but still able to achieve development regulation.
- 11 (G) Directing and controlling, through the establishment of standards, the type,
12 distribution and intensity of development.
- 13 (H) Balancing the interest of the general public and that of individual property
14 owners.
- 15 (I) Mitigating potential risks to human safety, health and welfare, and reducing
16 environmental degradation, that result from climate impacts including sea-
17 level rise, intensified hurricanes and extreme heat.
- 18 (J) Reducing the city’s greenhouse gas emissions, and promoting efficient use
19 of water and energy, in order to prevent additional climate change and
20 environmental degradation.
- 21 (K) Avoiding human-induced contamination or pollution of water, air and other
22 natural resources.
- 23 (L) Promoting equity among residents by paying particular attention to the needs
24 of communities who are marginalized or who have been marginalized
25 because of race, income level, age, gender identity, and/or sexual orientation.
- 26 (M) Facilitating solutions-oriented partnerships between the City and other
27 Florida municipalities, particularly on regional challenges including, but not
28 limited to, transportation, conservation of natural areas, and water
29 management.

30 **SECTION 3.** That Chapter 24 entitled “Land Development Code”, Article V,
31 entitled “Supplemental Regulations,” is specifically amended as follows:

CODING: Words in ~~struck-through~~ type are deletions from existing text.

Words in underscored type are additions to existing text.

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

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

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

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17 (C) *Dimension Regulations.*

18 (1) *R-1 and R-2 Districts.*

19 *

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22 (g) *Green roofs.* The structural components of a green roof (non-
23 vegetative components) may exceed the permissible height limit in
24 any district by not more than five (5) feet. The external perimeters of
25 green roof systems are required to be aesthetically compatible with
26 the building exterior. Green roofs must comply with all other
27 standards set in Article VIII – Landscaping and Fences.
28

1 (h) Solar water heaters. Rooftop solar water heater systems may exceed
2 the permissible height limit in any district by not more than five (5)
3 feet. Rooftop solar water heater systems are not required to be
4 screened.

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

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13 **Sec. 24-119. On-site stormwater runoff.**

14 The first one (1) inch of rainfall shall be retained on-site through the use of swales, trench
15 drains, retention ponds and other techniques acceptable to the permitting agencies.
16 Wherever possible, preference shall be given to natural or “green” water storage features
17 including, but not limited to, bioswales, constructed wetlands, rain gardens, multi-use
18 water retention features, and comparable.

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20 **SECTION 5.** That Chapter 24 entitled “Land Development Code”, Article XII,
21 entitled “Site Plan and Other Development Review Procedures,” is specifically amended
22 as follows:

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

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5 (5) A list of development features that could be considered “resilient”,
6 “sustainable” or “green” is required. This requirement is a step toward the City’s
7 future goal of ensuring all development complies with professionally acceptable green
8 building and operating standards such as LEED, FGBC, NGBS or similar, as well as
9 other regional and national best practices for promoting community resilience and
10 sustainability.

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

13 a. Features that promote outdoor water conservation and sustainable reuse of gray
14 water, such as rain barrels and solar water heater systems.

15 b. Features that increase efficiency of indoor water use, such as WaterSense fixtures
16 or comparable; unit-by-unit water metering; participation in the South Florida
17 Water Management District’s Water Savings Incentive Program (WaterSIP) for
18 large-scale retrofits.

19 c. Water management and retention features above the minimum required in
20 Section 24-199, including, but not limited to, swales, bioswales, rain gardens,
21 permeable/porous pavement and comparable.

22 i. Included among these features are silva cells, which are modular
23 pavement systems that provide on-site stormwater management while
24 supporting large tree growth.

25 d. Zero-emissions energy features including, but not limited to, solar panels and
26 photovoltaic systems.

27 e. Features that reduce energy consumption, such as LED lights and Energy Star-
28 rated appliances/equipment.

29 f. Features that reduce the urban heat island effect, such as cool pavement, green or
30 white roofs, cross-ventilation, green walls, and shade trees in excess of the
31 requirements of the City’s Landscape and Streetscape Design Standards.

32 g. Features that divert waste from landfills.

33 h. Features that make use of reclaimed or recycled materials.

34 i. 100 percent native plants in landscaping.

- 1 j. Features that enhance post-disaster recovery, such as solar-powered phone
2 charging stations and generators.
3 k. Features that promote community cohesion, such as public art or a public garden
4 on the site.
5 l. Features that promote sustainable transportation, such as bike racks and bus
6 shelters.
7 m. Public gardens for flowers and/or vegetables

8 **SECTION 6.** That Chapter 24 entitled “Land Development Code”, Article XVIII,
9 Section 24-245 entitled “General Definitions,” is specifically amended as follows:

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

11 See other Articles (particularly VII, XI and XIV) for specialized definitions and the
12 Land Use Implementation chapter of the City of Oakland Park Comprehensive Plan.

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16 (41a) *Green building features:* Features that increase the sustainability of a
17 building by reducing its energy efficiency and/or water efficiency, and/or by
18 decreasing greenhouse gas emissions. Such features include, but are not
19 limited to, green walls, green roofs, white roofs, electric vehicle charging
20 stations, photovoltaic systems, solar water heating systems, and bicycle racks
21 and storage.

22 (41b) *Green roof,* also referred to as a living roof, shall mean a roof of a building
23 that is partially or completely covered with vegetation and a growing
24 medium, planted over a waterproofing membrane. It may also include
25 additional components such as a root barrier, drainage and irrigation system,
26 and soil containment.

27 (41c) *Green wall,* also referred to as a living wall or vertical garden, shall mean
28 an internal or external wall partially or completely covered with vegetation
29 that includes a support structure and growing medium, and an integrated
30 water delivery system.

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- 1 *
- 2 (78a) Rooftop photovoltaic system: A zero-emissions energy-generating system
3 that uses one (1) or more photovoltaic panels installed on the surface of a
4 roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to
5 convert sunlight into electricity.
- 6 *
- 7 *
- 8 *
- 9 (83b) Silva cells: Modular pavement features that provide on-site stormwater
10 management while supporting large tree growth.
- 11 (83c) Solar panels: See ‘rooftop photovoltaic system’.
- 12 (83d) Solar water heater: A water heater, typically mounted on a roof, that is
13 powered by photovoltaic panels that capture the sun’s energy and use it to
14 heat water.
- 15 *
- 16 *
- 17 *

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

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

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

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1 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
2 **FLORIDA, ON FIRST READING, THIS 7th DAY OF JUNE 2023.**

3
4 M. ROSENWALD YES
5 T. LONERGAN YES
6 S. ARNST - - YES
7 L. NEWBOLD - YES
8 A. GORDON YES
9

10 **PASSED AND ENACTED BY THE CITY COMMISSION OF THE CITY OF**
11 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 19TH DAY OF**
12 **JULY, 2023.**

13
14 CITY OF OAKLAND PARK, FLORIDA
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18 _____
19 MAYOR AISHA GORDON

20 M. ROSENWALD YES
21 T. LONERGAN YES
22 S. ARNST - - - - YES
23 L. NEWBOLD - YES
24 A. GORDON YES
25

26 ATTEST:
27
28

29 _____
30 RENEE M. SHROUT, CMC, CITY CLERK
31 LEGAL NOTE:
32

33 I hereby certify that I have approved the form of this Ordinance. (O-2023-003)
34
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36 _____
37 DONALD J. DOODY, CITY ATTORNEY