
Sec. 24-259. Definitions.

The definitions included in this section apply to the Oakland Park Downtown Development District. Definitions not included in this list but found in other sections of the Land Development Code also apply. Any definition is to be used as interpreted by the Director of Economic and Community Development.

Active use. An indoor use designed for human occupancy as habitable space and not designed for parking, utilities, storage, and other non-habitable uses with a direct view to adjacent streets or public open space.

Active use liner. An active use that serves to conceal uses designed for parking, utilities, storage, and other non-habitable uses. These uses generally include, but are not limited to, commercial, residential, hotel, office and commercial uses associated with live/work.

Active use liner depth. Is the minimum depth of an active use liner, measured generally perpendicular to the building frontage. The active use liner shall have a minimum depth of twenty (20) feet on the ground floor where required. When a parking structure is the primary use, the active use liner may be reduced to a minimum of fifteen (15) feet.

Alteration. Any change, rearrangement, enlargement, extension, or reduction of any structure, or any change in a category of use. Alteration includes any of the following:

- (1) Changes to the facade of a building;
- (2) Changes to the interior of a building;
- (3) Increases or decreases in floor area of a building;
- (4) Changes to other structures on the zoning lot, or the construction of a new structure;
- (5) Changes to exterior improvements; and
- (6) Change in use.

Block. A combination of one (1) or more building lots, the perimeter of which abuts streets on all sides. A block may contain alleys.

Bonus provision. An additional amount of building height, floor area ratio, or density achieved through bonus provisions of these regulations. The purpose of bonus provision is to provide public benefits. Bonus height is measured in a manner identical to that of height. The available floor area ratio and availability of bonus height varies by sub-area and location.

Buildings. Any principal or accessory structure, temporary or permanent, having a roof impervious to weather, including canopies, tents, awnings and cabanas, the use of which demands a permanent location on the land and used for the shelter or enclosure of persons, animals, or property of any kind. This does not include screened or walled enclosures not having a roof impervious to weather,

Buildings, temporary. A building installed or built such that it would be removed or relocated within six (6) months of the date of installation or construction or a time limit based on a specific Government-acknowledged condition such as an active building permit.

Canopy. A roof covering that is open on more than one (1) side with support from only one (1) side or from central posts.

Change of use. For purposes of this section, a change to the interior use of a building or structure from one (1) of the following categories of uses to another: commercial, industrial or warehousing, automotive, institutional, or residential.

Commercial. retail, food or beverage service, or office activity conducted with the intent of realizing a profit, or revenue or service for a non-profit organization, from the sale of goods or services to others.

Cornice. An ornamental horizontal molding that spans the top of a building's structural beam or the top of a building story. A cornice is a decorative feature that frames or crowns a building or stories of a building.

Covered structures, rooftop. Rooftop open-air structures such as cabanas, gazebos, arbors, and other similar structures which accommodate outdoor common areas. It also includes non-habitable enclosed structures such as restrooms, vertical circulation, and storage areas. The following shall apply to be defined and allowable as a covered structure, rooftop:

- Covered structures are permitted to extend above the maximum height of the building on which it is located for a maximum floor area of thirty (30) percent of the gross rooftop area and shall not include independent commercial uses. For the purposes of calculating the maximum area, the term "covered structures" shall not include enclosures for screening mechanical systems. The maximum height of these covered structures is fifteen (15) feet.
- Covered structures shall not be designed in any manner that would permit the conversion of such structure from non-habitable to habitable space. Covered structures shall be compatible with and in proportion to the architecture of the overall building. The following restrictions apply:

Climate-controlled structures are limited to the minimum area necessary to accommodate uses which are secondary and incidental to the primary rooftop amenity. These structures may include saunas and steam rooms and code-required restrooms.

The supporting restroom facilities shall not exceed one hundred ten (110) percent of the size required by the health department. These covered structures shall be included in the calculation of the permitted area for covered structures.

Dwelling unit. Any combination of two (2) or more of the following elements: living rooms, bathrooms, bedrooms, dens, studios, playrooms, or kitchen that are designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household. All rooms in the dwelling unit are accessible from the interior of the unit.

Development. Construction, reconstruction, structural alteration, relocation, enlargement, or demolition of a structure.

- (a) The carrying out of any building activity, other than maintenance, minor aesthetic updating, or repairs; the construction to make a material change in the use or appearance of any structure or land; or the dividing of land into two (2) or more parcels.
- (b) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:
 1. A reconstruction, alteration of the size or a material change in the external appearance of a structure or land.
 2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments or offices in a structure or on land.
 3. Commencement of drilling, except to obtain soil samples, or excavation on a parcel of land.
 4. Demolition of a structure.
 5. Clearing of land as an adjunct of construction.
- (c) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined herein:
 1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries or the right-of-way.

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2. Work by any utility and other persons engaged in the operation, construction, maintenance, repair, replacement of utility systems or facilities within established rights-of-way. Utilities are defined as water, wastewater, storm water, gas, cable, power line, communication and data transmission conduits, tower poles or tunnels and transportation utility tracts. However, an engineering or right-of-way permit shall be required for such activities.
 3. Work for the maintenance or renewal, of any structure, .
 4. The use of structure for any purpose customarily incidental to enjoyment of the dwelling or facility; an accessory use.
 5. The use of any land for the purpose of growing plants, crops, trees and other gardening products.
 6. A change in use of land or structure if the new use is in a class which has the same or lesser parking ratio requirements.
 7. A change in the ownership or form of ownership of any parcel or structure.
 8. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land or other rights in land.
- (d) "Development," as designated in an ordinance, rule or development rule includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (a).

Floor area ratio (FAR). The ratio of the net project site area to the total building(s) floor area(s) of the project site. The floor area ratio defines the maximum allowable building area on a given lot. Building floor area, strictly for the purpose of measuring FAR, means the total habitable space floor area of a building, excluding indoor parking; indoor accessory loading areas (unless building is used for warehouse, storage, distribution, fulfillment, or similar use where loading is a primary function of the business, then this area is included); unenclosed colonnades; porches and balconies; mechanical and electrical rooms/spaces solely for building utilities; and trash rooms. Air-conditioned or fully enclosed storage spaces, enclosed areas on the rooftop garden, such as bathrooms and lobbies, indoor vertical circulation areas and roofed external unenclosed circulation areas are included in the building area. The building area shall be measured from the outside face of exterior walls.

Frontage. The property line or facades of a building which front a roadway's right-of-way.

Ground floor. The story of a building closest to street-level.

Ground floor active use. An active use that attracts pedestrian activity; provides access to the general public; and shall also be used to conceal uses designed for parking and other non-active uses, if present. Ground floor active uses generally include, but are not limited to, retail, commercial services, restaurants, coffee shops, libraries, fitness/athletic and cultural facilities, residential (unless on a Primary Boulevard, Pedestrian A, or Pedestrian B Street), and entrance lobbies.

Habitable space. A space devoted to residential, commercial or other uses permitted by these regulations, but not including parking, mechanical, telecom or electrical rooms, hallways or stairwells located outside of dwelling units.

Height. The maximum vertical extent of a building that is measured as a number of stories or a vertical dimension in feet. Height is calculated from the average elevation of the adjacent public sidewalk to the highest point of the building, or in the case of pitched roofs, to the peak of the roof.

Additionally, the following shall apply:

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- Height limits do not apply to vertical projections not intended for human occupation such as, chimneys, safety railings, parapets, cupolas, stair or elevator shafts, screened mechanical equipment, masts, water tanks, solar energy systems and similar structures provided these are a maximum of fifteen (15) feet above permitted building height.
 - To be considered a story, the habitable space must exceed fifty (50) percent of the floor area of that story.
 - When the mezzanine area is greater than fifty (50) percent of its floor area's horizontal plane within the walls of its building, excluding non-habitable space, it shall count as a full story when calculating building height.
 - Any parking garage levels that are not concealed from the highest classification of fronting street abutting the site by a habitable space consisting of active use for a minimum depth of twenty (20) feet from the building façade for a minimum of 65 percent of structure width are considered to be stories.
 - Based on the number of stories permitted at a site in a sub-area, the maximum permitted vertical dimension in feet is as follows:
 - Two (2) permitted stories shall not exceed twenty-seven (27) feet
 - Three (3) permitted stories shall not exceed thirty-six (36) feet(*) and forty-five (45) feet
 - Four (4) permitted stories shall not exceed fifty-eight (58) feet
 - Five (5) permitted stories shall not exceed seventy (70) feet
 - Six (6) permitted stories shall not exceed eighty-three (83) feet
 - Seven (7) permitted stories shall not exceed ninety-five (95) feet

All permitted height at three (3) stories shall be a maximum height of thirty-six (36) feet in the Intown Neighborhoods Sub-Area.

Refer to Height Code in Map in Figure 24-264-# for each respective Sub-Area.

(*) Applicable to Intown Neighborhoods SubArea only.

Land Development Code. Those portions of the Code of Ordinances of the City of Oakland Park which regulate the development and/or use of real property within the city.

Live/work. A type of mixed-use indoor space that combines commercial space with dwelling space in the same unit. Both uses within the unit shall be occupied by a common owner or tenant.

Lot. A parcel of land with frontage on a street possessing specific boundaries established by a legal instrument such as a deed or recorded plat, recognized as a separate legal entity for purposes of transfer of title. The term "lot" will be construed to include the terms "site," "parcel", "property" and any other similar undefined term.

Mixed-use. A combination of two (2) or more of the following within a single building: residential, commercial, manufacturing/warehousing, civic, and/or office.

Mezzanine. A partial story that occurs only between the first and second story and shall be utilized for functions ancillary to ground floor uses. All mezzanine areas shall count towards the maximum allowed floor area ratio. When the mezzanine area is equal to or greater than fifty (50) percent of the ground floor area, it shall count as a full story when calculating building height.

Net lot area. The total area measured to the property lines of the parcel or lot excluding public right-of-way

Net floor area. The exclusive or private floor area under the control of a resident or business establishment exclusive of common areas. Net area includes private bathrooms, utility areas under exclusive use, and storage areas under exclusive use.

Net density. The number of residential dwelling units or residential portions of live/work units constructed or proposed to be constructed within a project site, divided by the net lot area of the project site.

Non-active use. Building uses that are generally not intended for human occupation. Non-active uses include, but are not limited to, parking and building service areas such as storage, mechanical, electrical and trash. Architectural treatment shall be provided for all non-active use façade elevations.

Open space. An outdoor, at the ground level space including parks, courtyards, squares, paseos, pedestrian paths, plazas, setbacks and landscaped areas. Open space is measured as a percentage of net lot area depending on the sub-area location. Rooftop gardens and terraces, or other gardens/terrace within a multi-level building could be considered as open space for public benefit as part of the bonus provision program (BPP) or if referenced in a sub-area regulation.

Parking, indoor. The uses or areas of a building intended primarily for the storage of motor vehicles and associated vehicle movement and maneuvering areas. Parking shall be considered a non-active use.

Paseo. A through-block, primarily pedestrian passage connecting one (1) right-of-way or similar passage to another.

Pervious area. Landscaped and/or grassed area of a lot which allows water flow to flow directly to the ground and includes pervious materials, such as pavers for walkways, parking spaces, drive aisles, etc.

Plaza. An open space where a majority of the space is paved. Plazas abut buildings that continue the adjacent street frontage requirements and uses.

Project site. The aggregation of lots consisting of a development project site where the lots are contiguous or only separated by streets, alleys or other rights-of-way. Project site may cross platted lines.

Private open space. The outdoor living area assigned to a dwelling or commercial unit or building intended for the private enjoyment of the residents or occupants of the unit or units in the building. Private open spaces may include patios, roof decks, balconies, yards, and landscaped areas but does not include off-street parking, maneuvering, loading, or delivery areas.

Public amenity. Aesthetic feature, functional feature, or other character of a development that increase its desirability to a community or to the public. Such public amenities will be placed in publicly accessible areas or, if aesthetic, areas visible from the sidewalk or right-of-way.

Public open space. Open space maintained for the use and enjoyment of the general public. Public open space includes areas which are open and accessible to the public all or most of the time including: parks, plazas, squares, paseos, pedestrian paths, rooftop gardens and terraces, and landscaped areas.

Residential. Regularly used by its occupants as a permanent place of abode.

Setback. The required distance by which any building or structure must be separated from a property line consisting of the lot line or right-of-way line.

Shared parking. Parking available to be used by more than one (1) use, user, or building.

Stepback. A building setback of a specified distance from the ground floor set-back line that occurs above a prescribed number of stories or vertical dimension in feet. A stepback can also be a setback for the whole building.

Story. A habitable space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the roof beam above. To be considered a story, the habitable space must exceed fifty (50) percent of the floor area per story.

Street. A thoroughfare to facilitate the movement of pedestrians and/or vehicles.

Street classification. A downtown street designation system that regulates the characteristics of streets with respect to spatial dimension, pedestrian and vehicular mobility and building active uses. Street classification consist of types depicted in Figure 24-263-1. This classification is strictly a City of Oakland Park street hierarchy for the downtown.

Sub-area. Zoning category depicting regulations over a designated area.

Surface parking lot. A lot, or portion thereof, open to the sky and primarily used for parking motor vehicles at the ground level.

Tandem parking. The storage of vehicles one (1) behind the other as opposed to side by side.

Townhome. dwelling units which are joined to one (1) another, side-to-side by a common party wall or garage, and/or with connecting permanent and architecturally unified structures such as breezeways, carports, or walls. Townhomes are in groups of three (3) or more units. Each unit shall have its own outside entrance and not be occupied by more than one (1) family. Each unit extends from the lowest story to the highest story in the portion of the building it occupies.

(Ord. No. O-2021-007, § 2, 7-21-21; Ord. No. O-2022-011, § 2, 6-1-22)

Sec. 24-263. Street classification.

The street classification system is created as a rationale for organizing ground floor active uses, parking garage liners, and building setbacks requirements. Figure 24-263-1 shows the approximate location of existing and required new streets needed to create the prescribed network of streets and establishes the hierarchy of streets within the OP3D. All projects that require DRC review, all new single-family or duplex dwellings, or that consist of site modifications, installations, or construction affecting landscaping and foliage or pedestrian areas require construction of a public sidewalk along any street frontage bordering the lot if such sidewalk is not already constructed. The following shall also apply:

- All primary and secondary streets shall be required in the same general location as shown on Figure 24-263-1 and may be modified with respect to alignment. No existing primary and secondary streets shall be deleted or otherwise vacated or removed. Where designated by Figure 24-263-1 Regulating Map: Street Classification, new streets shall be created to improve connectivity.
- Primary pedestrian streets are the main walking streets which provide most of the ground floor active uses. Frontages along Primary Boulevard shall provide a minimum of sixty-five (65) percent of ground floor active uses. Frontages along Primary Pedestrian A or Pedestrian B Streets shall provide a minimum of sixty-five (65) percent of ground floor and any floor above ground as active uses with a minimum active liner depth of twenty (20) feet. Primary Pedestrian C streets are the main walking cross streets within the district. Frontages along Primary Pedestrian C streets shall provide a minimum of sixty-five (65) percent of ground floor and any floor above ground as active use. For lots less than two hundred (200) feet in frontage, if cannot accommodate this [percentage] requirement on floors above, architectural treatment is required.
- Primary Pedestrian D streets are also main walking streets within the district. Frontages along Primary Pedestrian D streets shall provide a minimum of fifty (50) percent of ground floor and any floor above ground as active use. Primary Pedestrian D streets can accommodate parking and loading access. For lots less than two hundred (200) feet in frontage, if it cannot accommodate this [percentage] requirement, architectural treatment is required.
- Secondary streets can accommodate parking and loading. Frontages along secondary streets shall provide a minimum of thirty (30) percent of ground floor active uses.
- Frontages along tertiary streets and pedestrian promenade shall provide a minimum of twenty (20) percent of ground floor active uses.
- Residential streets are intended to accommodate landscaped green space and to promote connectivity and on-street parking where it can be constructed. Frontages along residential streets shall provide a minimum of thirty (30) percent of ground floor active uses.
- Vacation of alley rights-of-way proposed developments may seek to vacate alleys for the purpose of assembling parcels for development, subject to the following conditions:
 - Any proposed development seeking to vacate an alley, or any portion of an alley shall be subject to the provisions of Section 24-97 of the Land Development Code.
 - Proposed developments which vacate an alley shall have all services, such as but not limited to loading, trash removal and general services, internalized and screened from public view.
 - Proposed developments which vacate portions of alleys shall reconfigure the alley to maintain two (2) separate access points for entry and exit onto the street. The reconfigured alley shall have the minimum dimensions recommended by the public works department.

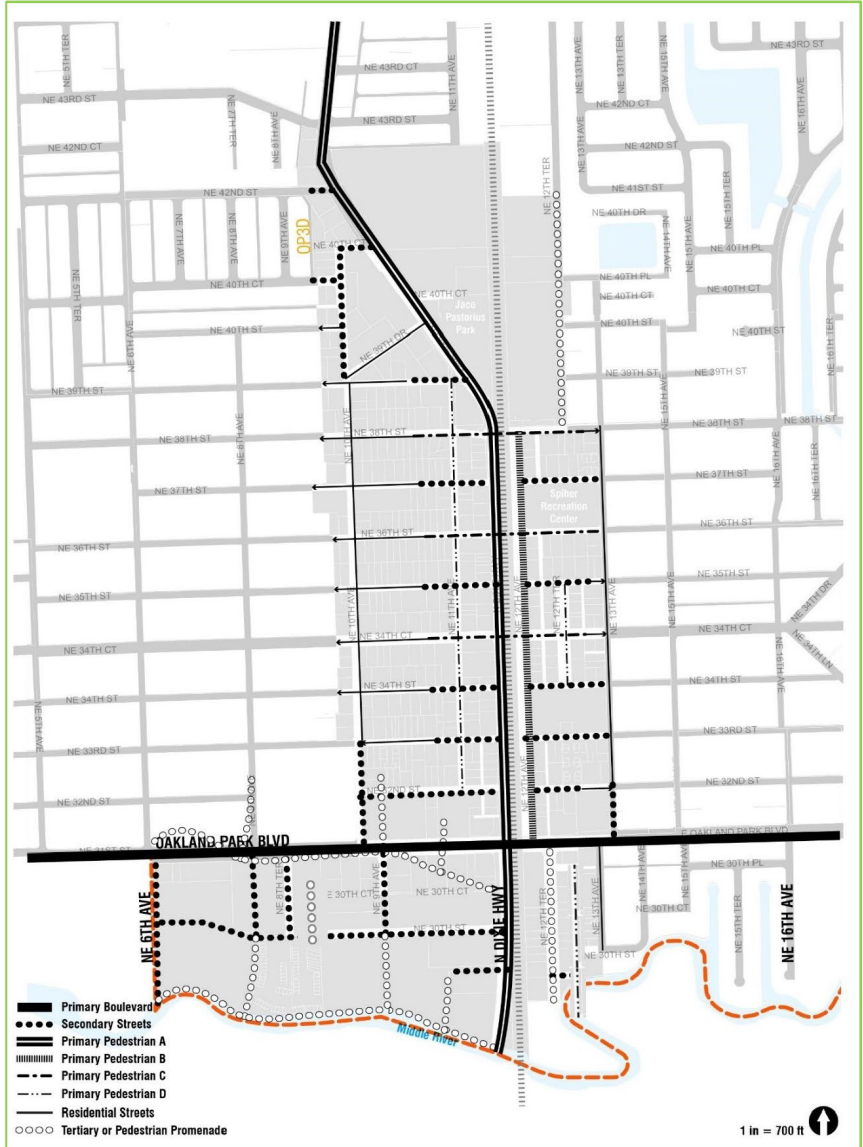


Figure 24-263-1 Hierarchy of Streets: The prescribed network of streets and establishes the hierarchy of streets

(Ord. No. O-2021-007, § 2, 7-21-21; Ord. No. O-2022-011, § 2, 6-1-22)

Sec. 24-266. Downtown Development District (OP3D) Use List.

- (A) *Purpose.* It is the intent of this section to provide, in tabular form, a listing (herein referred to as the "OP3D Use List") of the uses that shall be permitted or prohibited in the various sub-areas.
- (B) *Key to OP3D Use List table.*
 - (1) Where a "P" appears on the same line as a listed use, said use shall be permitted in the district as indicated by the column heading in which the "P" appears.
 - (2) Where a "C" appears on the same line as a listed use, said use shall be a conditional use in the district as indicated by the column heading in which the "C " appears.
 - (3) Where an "A" appears on the same line as a listed use, said use shall be permitted as an accessory only to a permitted principal use in the district as indicated by the column heading in which the "A" appears.
 - (4) Where no letter "P", "C", or "A" appears on the same line as a listed use, said use shall be prohibited in the district as indicated by the column heading, in the same manner.
 - (5) Where a listed use is not permitted in any of the business districts, an "X" appears in the column headed "prohibited."
 - (6) Any use not listed on the OP3D Use list, as amended from time to time, shall be considered an "unlisted use." Applications for any such use shall be reviewed and considered according to the conditional use provisions set forth herein and can be approved or denied accordingly.
 - (7) Accessory uses are not subject to their specific parking requirement and are instead subject to the parking requirement of the primary use of the establishment.
 - (8) Outdoor business activity, including sales or display of merchandise, is prohibited unless a specifically listed use entails outdoor business activity.

OP3D Use List Key Summary:

P =	Permitted Principal Use;
A =	Only as accessory to a Permitted Principal Use;
C =	Conditional Use subject to requirements of Section 24-165;
X =	Prohibited Use
* =	For uses marked with an asterisk, additional parking to meet requirements of Section 24-271 beyond that already existing on [DATE OF ADOPTION] at the use's site is not required for these uses when occupying existing buildings or sections of existing buildings constructed prior to [DATE OF ADOPTION] in the Downtown Core and Warehouse Flex subareas.
If the P, C, or A for use is followed by a number	Restriction(s) on the use apply as found in Section D, Supplemental Regulations.

(C) **OP3D Use List.** The following is the OP3D Use List, indicating the permitted and prohibited uses and those uses subject to the supplemental regulations and definitions of this section. The following uses are principal uses unless otherwise stated. There shall be no variances on the uses listed in the use list in this subsection. A use listed in the city-wide master business list in section 24-41 or not included in the definition or description of a use listed herein but not listed in this table is prohibited.

Business Listing	Prohibited	Downtown Core	Intown Neighborhood	Warehouse Flex	Middle River District	North End Townhomes
Air conditioning & heating equipment-repair and service	X					
Air mobility station including veriports or drone ports		C		C	C	
Ambulance service	X					
Antique building construction supplies, retail (indoor only)				P11		
Armored car service	X					
Art galleries*		P		P	P	
Artists' studios, photography studios*		A, P1	A	A, P1	A, P1	A
Athletic club, health clubs, gymnasiums, indoor sports games and/or athletics, personal training, fitness studio—Up to 5,000 square feet on ground floor with additional floor area permitted only on upper floors		P		P	P	
Athletic club, health clubs, gymnasiums, indoor sports games and/or athletics, personal training, fitness studio—Stores 5,000 square feet or larger on ground floor		C		C	C	
Auction houses (antiques only)		P		P	P	
Automobile, motorcycle, truck, motorized boat, or motorized vehicle sales, rental, service, maintenance, or repair establishments	X					

Awning—Manufacturing and sales	X					
Bank—Lobby, teller counter	X	-		-	-	
Bank—Lobby, teller counter only as accessory to a restaurant*		A		A	A	
Bank—Lobby, teller counter only as accessory to a restaurant*		A		A	A	
Bank—ATM only, shall be built into a building wall of outdoors or in a vestibule*		A		A	A	
Bail bonds	X					
Banquet facilities (assembly hall)		C1		C1	C1	
Bar or nightclub*		C18		C18	C18	
Beauty salon/barber*		P		P	P	
Beverage manufacturing, alcoholic and non-alcoholic, with restaurant (incl. brew pub)*		P18		P18	P18	
Beverage manufacturing, alcoholic and non-alcoholic, with tasting room or bar*		C18		C18	C18	
Beverage manufacturing, alcoholic and non-alcoholic, without tasting room or restaurant				P		
Billboards	X					
Bingo parlor	X					
Boarding or rooming houses	X					
Boat and marine motors sales and service (dry stack)	X					
Book or magazine publishers		P1		P1	P1	
Bottle clubs	X					
Bowling alleys		C		P	P	
Building materials/construction materials yard/warehouse	X					
Canning or freezing plant	X					
Canoe and kayak, or similar, sales/rental and/or boat docks*				P	P	

Car stereo and car alarm installation	X					
Carting, delivery, express, hauling				P		
Cash advance	X					
Cemeteries	X					
Check cashing	X					
Cigar/Hookah bar*		C18		C18	C18	
City of Oakland Park municipal facilities*		P	P	P	P	P
Clothing alterations/shoe repair*		P1 or A		P1 or A	P1 or A	
Colleges and universities		P1		P1	P1	
Combustibles and explosives, sales of, including firearms, ammunition, fireworks, dynamite, propane, etc., but excluding gas stations	X					
Commissary	X			-		
Community center		C1	C	C1	C1	C
Community residences (up to ten residents)		P1, 20	P20	P1, 20	P1, 20	P20
Community garden*	P	P	P	P	P	P
Consignment shop		P		P	P	
Contractor's shop	X					
Convenience stores without a vehicle fueling station	X	-	-	-	-	
Crematory	X					
Currency exchange	X					
Dance or music schools		P1,2		P1,2	P1,2	
Day labor center	X					
Day nurseries, childcare centers, adult day care		C1		C1	C1	
Dollar stores	X					
Drive thru—Any business with a permanent drive-through or drive-thru window	X					
Dry cleaner retail		P3		P3	P3	

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Dwelling units in duplex, triplex, multi-family, or mixed-use building,		P1	P	P1	P1	
Dwelling unit as a single-family house, only on existing lots with existing single-family dwellings for replacement.		P1	P			
Dwelling units in townhome configuration		P1	P	P1	P1	P
Education tutoring centers for school-age children		P1		P1	P1	
Electric vehicle charging stations		A6	A6	A6	A6	A6
Elementary and secondary schools	X					
Embalming, taxidermist	X					
Engravers		A		P	A	
Farmers markets* Indoor		P		P	P	
Farmers markets* outdoor subject to site plan review by the development review committee and only permitted for a total of 8 hours per week at its location.		P		P	P	
Federal, state, or county customer service facilities					P1	
Feed, fertilizer, warehouse, storage and sales	X					
Fish market*		C		C	C	
Food caterers and commercial kitchens providing food for delivery to consumers or to other restaurants		A		P	P	
Food production & confectionery manufacture		A		P	A	
Funeral homes	X					
Furniture and cabinet manufacturing, repair, and refinishing		A2, 1		P2,	A2, 1	
Garbage disposal	X					
Garden supplies				P5	P5	

Gun range	X					
Head shop	X					
Home occupations* in accordance with section 24-75		P1	P	P1	P1	P
Hospitals	X					
Hostels	X					
Hotels		C		C	C	
Ice plant	X					
Indoor entertainment centers including arcade games, indoor mini golf, group team building activities, computer games, escape rooms, and/or billiards—Less than 5,000 square feet of floor area*		P1 or A		P1 or A	P1 or A	
Industrial with smoke, glare, odor, hazardous chem, etc.	X					
Junk dealers	X					
Kitchen incubator*		P1 or A		P	P1 or A	
Laboratories, medical, dental, diagnostic, educational		-		P1	P1	
Laboratories, research, development, scientific		P1		P1	P1	
Libraries*		P	P	P	P	
Lighting fixtures retail	X	-		-	-	
Liquor store	X					
Live-work units (residential portion must comply with supplemental regulations to master business list item #1)		P		P	P	
Lumberyards	X					
Maintenance, building, lawn, pool	X					

Manufacture of: explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals	X					
Manufacturing, Light				P2		
Massage and health spa, state licensed		P15		P15	P15	
Massage establishment	X					
Meat market*		C or A		C or A	C or A	
Medical marijuana treatment center or dispensing facility	X					
Medical offices including physical therapy, dental, and other healthcare not otherwise listed		P1		P1	P1	
Money transfer	X					
Motels	X					
Motor truck yards and depot	X					
Museum*		P		P	P	
Nail grooming*		P		P	P	
Office—Professional		P1	P8	P1	P1	
Oil filling/changing station, drive-thru	X					
Outdoor storage	X					
Pain management clinic (see Chapter 7, section 7-151 of the Code of Ordinances for definition and additional regulations)	X					
Parking garages for general public use (paid or unpaid) or as accessory to a use		A1/C		A1/C	A1/C	
Parks and public squares or plazas*		P	P	P	P	P
Party equipment rental, indoor only				P		
Pawn shops	X					
Payday loans	X					
Pest control	X					
Pet stores	X	-		-	-	

Pharmacies		C14		C14	C14	
Places of Worship		C1	C	C1	C1	
Plasma centers	X					
Printing, copying, office support, mailing, shipping and packaging—2,000 square feet or less*		P1		P1	P	
Printing, copying, office support, mailing, shipping and packaging—2,001 square feet or more	X	-		-	-	
Propane or liquefied petroleum gas sales and storage (filling station as accessory to permitted use)*	X					
Psychic consulting including fortune telling, palm reading, tarot card, etc.	X					
Pumps & wells, retail, wholesale	X					
Radio, television, recording, or music practice studios, soundproofed with DRC review to determine adequacy of controls to reduce nuisance		P1		P	P1	
Real estate sales office		P1	P8	P	P	
Recovery communities		P1, 21	P21	P1, 21	P1, 21	P21
Recycling yards	X					
Rehabilitation—Drug addiction treatment, mental health therapy, and counseling	X					
Rent to own stores	X					
Rental—Commercial trucks and equipment	X					
Repair shops and/or sales (small appliances/machinery that can be carried by one person without assistance)				P		
Restaurant—Food halls, subject to site plan review by DRC*		P12		P12	P12	

Restaurant and Restaurant Bar*		P12		P12	P12	
Restaurant, drive-thru	X					
Restaurant, drive-in	X					
Restaurants—Independent food truck or food cart, or sales of food or beverages from a wheeled vehicle when not an accessory to a restaurant or a bar/nightclub with a permanent physical location	X					
Restaurants—Food truck, food cart, or sales of food or beverages from a wheeled vehicle only when an accessory to and on the same property of a restaurant, brewpub, tasting room, or bar/nightclub with a permanent physical location. Site plan review and approval by the Development Review Committee required. This use may also be permitted at a woolnerf with conditional use approval *		A12		A12	A12	
Retail—Membership discount stores/clubs	X					
Retail sales—Stores up to 5,000 square feet on ground floor with additional floor area permitted only on upper floors *		P		P	P	
Retail sales—stores 5,000 square feet or larger on ground floor*		C		C	C	
Retail sales and/or display—Outdoors *	X	-	-	-	-	-
Rock and sand yards	X					
Roofing, contractors	X					
Rooming or boarding houses	X					
Rugs, carpets, wholesale	X					
Schools, hobby or personal interest training such as culinary, art, computer coding,		P1		P1	P1	

acting, martial arts, wellness, hobbies, or other life enrichment, non-trade skill						
Schools, public or non-profit private trade, vocational				C1	C1	
Self-storage facilities	X					
Senior living/Assisted living		P1	P	P1	P1	P
Server hotels for computers (data centers)	X					
Sexually oriented businesses	X					
Shelter, soup kitchens, or halfway house	X					
Shopping centers, community or regional over five (5) acres	X					
Shopping centers, neighborhood under five (5) acres*		-		P	P	
Sign making				P	P	
Skating rink		P1		P1	P1	
Stone yard or monument works	X					
Swimming pools & water treatment: supplies, chemicals, and accessories	X					
Theater and motion picture houses, maximum of 5,000 square feet on the ground floor.		C1,2		C1, 2	C1, 2	
Tile supplies				P2		
Towing service	X					
Trailers of all kinds, campers, mobile homes, storage & sales	X					
Train Station*		P	-	P	P	-
Upholstery shop (no vehicles)				P2		
Used Articles Establishments - except antiques or consignment	X					
Vending—Indoor machines		A		A	A	
Warehouses incl. distribution and fulfillment				P2		

Wholesale combustible fuel storage	X					
Wholesale establishments	X					
Woodworking				P2		

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- (D) *Supplemental regulations to master business list.* The following numbers are keyed in the list:
- (1) Special location regulations for uses not intended along the sidewalks of certain pedestrian-oriented streets:
 - (a) Where permitted in the sub-area, the use is not permitted on the ground floor of a building on a lot abutting a Primary Boulevard, Primary Pedestrian A, or Primary Pedestrian B street unless located:
 - 1) On the ground floor of a building and behind another business in that building such that this use is located a minimum of thirty (30) feet from the right-of-way line of that street or
 - 2) On the ground floor of a building or portion of a building that is set back a minimum of forty (40) feet from the right-of-way line.
 - (b) Where permitted in the sub-area, this use is permitted on the second story or higher in a building regardless of the street frontage where it is located.
 - (c) Where permitted in the sub-area, this use is permitted on any part of the ground floor of a building abutting any street other than a Primary Boulevard, Primary Pedestrian A, or Primary Pedestrian B.
 - (2) Enclosed: Must be completely enclosed in a soundproof, air-conditioned building.
 - (3) Dry cleaning establishment: For direct service to customers, subject to the following limitations and requirements:
 - (a) Not more than two (2) cleaning units shall be used in any establishment, neither of which shall have a rated capacity in excess of forty (40) pounds.
 - (b) The entire cleaning and drying process shall be carried on within completely enclosed solvent-reclaiming units.
 - (c) All solvents used in the cleaning process and vapors there from shall be nonexplosive and nonflammable.
 - (4) Reserved.
 - (5) Garden supplies: Sales are restricted to retail, and such items as insecticides, manure and fertilizer must be packaged to be easily handled and free from objectionable odors.
 - (6) Electric vehicle charging station (EVCS) shall comply with the following requirements:
 - (a) EV charging station spaces shall be posted with signage that identifies: the space as provided for the charging of electric vehicles, amperage and voltage levels; any enforceable time limits or tow away provisions; and contact information for reporting nonoperating equipment or other problems.
 - (b) EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
 - (c) EV charging stations may be placed in a principal use's required parking.
 - (d) Considering the dynamic changes and innovation of this technology, the engineering and community development director may authorize variations from these regulations, so long as they are consistent with the spirit and intent of these regulations and the Oakland Park Municipal Code.
 - (7) Reserved.

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- (8) Office in In Town Neighborhoods: It is the intent to permit offices which are compatible with the surrounding residential neighborhood. Parking areas are for the exclusive use of passenger vehicles, and no parking of commercial vehicles will be allowed except for temporary loading and unloading. Overhead doors shall not be utilized as access to storage areas.
 - (9) Reserved.
 - (10) Reserved.
 - (11) Reserved.
 - (12) Outdoor dining compatibility to residential: Operation of outdoor food and beverage service at a restaurant or restaurant bar is prohibited between the hours of 11:00 p.m. and 7:00 a.m. and the location of outdoor dining at a restaurant or restaurant bar is prohibited within 300 feet, measured from edge of dining area to district boundary, of an IN, NET, R-1, RM-16, or RM-25 zoned property unless the development review committee approves a noise mitigation plan. While outdoor entertainment is permitted, all regulations of chapter 9—miscellaneous offences and provisions apply.
 - (13) Reserved.
 - (14) Distance separation. The listed use shall not be permitted unless the closest projection of the building or outdoor sales area from the property of any public or private elementary, middle, or secondary schools, and child daycare to the closest projection of the applicable use measures a minimum of five hundred (500) feet, measured in a straight line.
 - (15) Distance separation. The listed use shall not be permitted unless the closest projection of the building or outdoor sales area to the closest projection of another building or outdoor sales area with the same use measures a minimum of one thousand five hundred (1,500) feet measured in a straight line.
 - (16) Reserved.
 - (17) Reserved.
 - (18) A brew pub restaurant, restaurant, or restaurant bar is a permitted use, and a tasting room, bar, or nightclub is a conditional use. All requirements of chapter 3 apply except section 3-29 only applies to a nightclub. For a bar, tasting room, or nightclub physical soundproofing material and/or management practices are required to ensure surrounding businesses and residences do not experience any nuisance noise in violation of either section 8-50 or section 8-48. The establishment shall provide a noise mitigation plan and a crime prevention through environmental design plan requiring approval from the development review committee before issuance of a certificate of use. During operation of the establishment, if the law enforcement agency issues citations on three (3) or more separate dates, within a period of six (6) months, for violating any provision of chapter 8—miscellaneous offences and provisions, the city may consider revocation of the certificate of use for the establishment and its required closure at the discretion of the city commission.
 - (19) Reserved.
 - (20) Except as required by Chapter 419 of state law, a community residence shall meet the following requirements:
 - (a) B-1, B-2 and B-3: in multifamily dwellings only and maximum height of fifty (50) feet.
 - (b) No residential use including a community residence shall be located on the first or ground floor, other than a residential lobby or accessory use such as garage or storage area.
 - (c) No building permit shall be issued for any uses involving residential uses, until such time as approval of site plan is obtained in accordance with article XII and approval of flexibility and/or redevelopment units by city commission in accordance with section 24-72.

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- (d) Shall be allowed only when:
 - (i) It is located at least six hundred sixty (660) linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the nearest lot line of the entire parcel of the closest existing community residence or recovery community, and
 - (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence, or is operating under the Oxford House Charter; and
 - (iii) A community residence that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied.
 - (e) Shall be allowed if conditional use approval is granted, subject to the provisions of article XII, when:
 - (i) A community residence that is located less than six hundred sixty (660) linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the nearest lot line of the entire parcel of the closest existing community residence or recovery community; and/or
 - (ii) Would be occupied by more than ten (10) residents; and
 - (iii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence, or is operating under the Oxford House Charter; and
 - (iv) A community residence that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied; or
 - (v) The community residence of a type for which the State of Florida does not require a license or certification or does not offer a license or certification.
- (21) A recovery community.
- (a) B-1, B-2 and B-3: in multifamily dwellings only and maximum height of fifty (50) feet.
 - (b) No residential use including a recovery community shall be located on the first or ground floor, other than a residential lobby or accessory use such as garage or storage area.
 - (c) No building permit shall be issued for any uses involving residential uses, until such time as approval of site plan is obtained in accordance with article XII and approval of flexibility and/or redevelopment units by city commission in accordance with section 24-72.
 - (d) Shall be allowed only when:
 - (i) It is located at least one thousand two hundred (1,200) linear feet from the closest existing recovery community or community residence. Distance is measured from the nearest lot

line of the entire parcel of the proposed recovery community to the nearest lot line of the entire parcel of the closest existing community residence or recovery community, and

- (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence or is operating under the Oxford House Charter; and
 - (iii) A recovery community that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied.
- (e) Shall be allowed if conditional use approval is granted, subject to the provisions of article XII, when:
- (i) A recovery community that would be located within one thousand two hundred (1,200) feet of an existing community residence or recovery community and would operate in accord with the criteria specified in section 24-71(D); and
 - (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence or is operating under the Oxford House Charter; and
 - (iii) A recovery community that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied.
- (E) *Definitions.* These definitions shall apply to the business categories in the Downtown Development District (OP3D) Use List. Any term not included herein shall have the same meaning as found in definitions in other sections of this chapter or the common meaning as found in most dictionaries, encyclopedias, and common language:

Antique. Items belonging to, made in or typical of and representing an earlier period including items at least fifty (50) years old and which, due to their age, hold a great value.

Brewpub. An establishment licensed by the Florida Division of Alcoholic Beverages and Tobacco (or its superseding department if renamed or replaced) to manufacture ales, beers, meads, hard ciders, or similar beverages for on premises consumption in conjunction with full course meals individually prepared on the premises as well as accessory off-premises sales. See also chapter 3, alcoholic beverages for additional regulations pertaining to definitions, separations from certain land uses, on-premises and off-premises consumption.

Community center. A building or group of buildings for a community's educational, athletic, and recreational activities.

Consignment shop. A retail establishment solely engaged in the selling of new, like new or antique non-donated merchandise (items). The merchandise is sold and tracked by the establishment on behalf of the owner of the merchandise and upon sale of the merchandise, the purchase price is divided between the establishment owner and the owner of the merchandise. No outdoor storage or display of items or merchandise allowed.

Convenience store without a vehicle fueling station: A retail store, regardless of number of employees, without an accessory pharmacy, that primarily sells a variety of foods and beverages as well as tobacco products consisting primarily of cigarettes in individual packs; the majority of beverage inventory consists of sodas, soft drinks, and/or beer; the majority of food sold is in processed, ready-to-eat, pre-packaged format with no after-purchase cooking involved. A store that sells specialty food or beverage types such as candy stores, pickle stores, wine stores, or other specialized foods is not a convenience store. Although a convenience store in OP3D would not be permitted to have a vehicle fuel station, it would be required to comply with all applicable requirements of Article VIII of Chapter 7 of the Code of Ordinances.

Dollar store. A store selling household goods that has two (2) or more of the following characteristics: use of pricing information in its name such as "dollar," "ninety-nine," "cents," or "five;" selling personal care products labeled and originally marketed for sale in a different country than the United States; selling damaged or overstock products; or the majority of inventory is offered for sale for a price of less than ten dollars (\$10.00) (2022 CPI) in or equivalent CPI in current year.

Dry cleaner retail. A commercial establishment maintained for the drop off and pick up of clothes for fabrics, textiles, wearing apparel, or other articles on- or off-premises dry cleaning.

Electric vehicle charging unit (EVCU). An EVCU levels 1, 2 or 3 charging unit is a vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle.

Farmers market. A public and recurring assembly of farmers, bakers, cheese makers, and similar local food producers or their representatives selling the food that they produced directly to consumers. Live animals are not to be sold at a farmers market.

Food halls. A collection of non-formula restaurant and beverage establishments in the same building with shared dining area(s) under common management and may include grocery sales or sales of gifts and other merchandise and may include common entertainment for the dining area

Hostel. A form of lodging where guests rent a bed or bunk in a room to be shared with other guest of the hostel or where guests share bathrooms and/or bathing facilities with other guests of the hostel.

Head shop. Any retail establishment as defined as a head shop in section 24-41.

Kitchen incubator. A kitchen incubator, also known as a culinary incubator, is an establishment licensed by the Florida Department of Business and Professional Regulation. It is an incubator dedicated to early-stage catering, retail and wholesale food businesses. Kitchen incubators may assist small food businesses with all aspects of growth, including business classes, kitchen access, and mentorship, within a commercial-grade kitchen.

Like new items. Items such as clothing, jewelry, and art which are of high quality and are in a new or like new condition. Articles to show very little (if any) wear, deterioration or damage.

Massage establishment. A massage establishment as defined in Code section 24-73(B)(15) as amended from time to time. It shall be unlawful for any person in a massage establishment to engage in specified sexual activities, or to massage a specified anatomical area of any other person, or for such other person to request or permit such placing, touching, fondling or massaging.

Massage and health spa, state licensed. Massage and health spa, state licensed means a site or premises, or portion thereof, wherein a licensed massage therapist practices massage, and which meets the requirements of F.S. § 480.043, as may be amended from time to time, and Chapter 64B7-26, F.A.C. et seq., as may be amended from time to time, and Chapter 24, Oakland Park Land Development Code, section 24-41(C) and (D), as may be amended from time to time. This definition shall not be construed to include a

hospital, nursing home, medical clinic, or the office of a physician, surgeon, physical therapist, chiropractor or osteopath duly licensed by this state. Can include aestheticians, microblading, med spa, and permanent makeup as an accessory activity subject to county and/or state licensure.

Medical marijuana treatment center or dispensing facility. A state certified and licensed facility establishment where medical cannabis, low-THC cannabis, as well as cannabis delivery devices, is dispensed at retail that is operated by a dispensing organization.

Nightclub: A bar offering dancing, musical entertainment, paid performers providing entertainment, DJs, or other musical or dancing entertainment. A nightclub requires noise mitigation and control of nuisances required to be evaluated as part of Conditional Use Review

Office—Professional. An establishment providing executive, management, and professional services to the public, including the following: advertising; business offices of private companies; public or nonprofit agencies; trade associations; employment offices; professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property management; lending, investing, and financial or banking activities; insurance agency or company; secretarial; court reporting; stenography; telecommunication services; detective agencies; travel agencies; service agencies; financial services other than listed herein; sales offices; online management; publishing; call centers; adoption; medical service providers, psychologists; psychiatrists; clinical social work; or counseling. This definition does not include offices for the treatment of animals on the premises, day labor, labor pool services, or pain management clinics.

Pharmacy. Refer to definition in section 24-41(C)

Reconditioned items. Items such as office equipment, computers, appliances, TVs, stereos, power tools which have been preowned and show minor wear but have been repaired and reconditioned to the point of being one hundred (100) percent functional. Items in this category retain a large percentage of replacement value.

Restaurant. An establishment having as its primary activity the service of meals to the public to be consumed in dining areas within the establishment. A restaurant may not contain accessory drive-thru lanes. A restaurant may also engage in serving only coffee, tea, and/or deserts. In the OP3D, a restaurant bar is the same a restaurant and has the same approval and review requirements as a restaurant and is not subject to use approval or additional reviews. A restaurant may have outdoor dining.

Retail sales. Are those establishments engaged in retail sales and rental of products. For the purpose of this chapter the term retail, retail sale or similar terms, shall mean a sale to the ultimate consumer (i.e., a sale for any purpose other than resale), and including but not limited to the following, antique store, retail bakeries, bicycle shop and repair; beer and wine store, bookstore; camera; consignment shop; floor coverings; china, crockery, glassware, earthenware; cigars; clothing except secondhand; confectionary; cosmetics; bicycle sales and repairs; delicatessens; department and dry good stores; small electrical appliances and incidental repairs; furniture; groceries, health foods, dietary supplements, hardware stores, gift shop; hobby shop; jewelry; luggage; marine supplies; music and radio stores; newsstands; office equipment and computers, optical stores; paint and wall paper; pharmacies as an accessory to a retail sales establishment that do not exceed thirty (30) percent of the gross floor area of the retail sales establishment; radios and televisions sales and incidental repairs; shoes; souvenirs; sporting goods; sundry store; ticket office; tile and wall coverings; wearing apparel; pet supplies (but not live animals), rug stores, game stores, plants and flowers, electronics stores, specialty foods, health supplements stores, beauty supply stores. The term retail sales for the purposes of this regulation does not include convenience stores, liquor stores, head shops, dollar stores, or other specifically identified types of stores listed as a specific use

Small articles. Items with dimensions no greater than four (4) feet in length, width, and/or height. Small articles can include, but are not limited to, common household and personal items, small appliances, hand tools, and lawn and garden equipment.

Used articles. Common household and personal items such as clothing, shoes, costume or inexpensive jewelry, furniture, small appliances, bric-a-brac, hand tools and lawn and garden equipment which show evidence of wear, disrepair and deterioration. Due to their preowned status and condition these items are offered for sale at prices substantially less than replacement cost or value.

(Ord. No. O-2021-007, § 2, 7-21-21; Ord. No. O-2022-011, § 2, 6-1-22; Ord. No. O-2023-004, § 3, 8-2-23)