

Sec. 24-58. - PRZD: Powerline Road Zoning District.

- (A) (1) *Powerline Road Zoning District Purpose and intent.* It is the intent of the City Commission to create a Mixed Use District for the purpose of encouraging mixed use redevelopment opportunities for existing and new property owners in the area identified as the Powerline Road Zoning District. The city commission does intend that the Powerline Road Zoning District is to provide a compatibility enhancement to the present B-1, B-2 and B-3 zoning. A property owner who proposes a redevelopment plan can utilize the Powerline Road Zoning District as a means of achieving mixed use flexibility not currently allowable in the B-1, B-2 and B-3 zoning classification of the City of Oakland Park's Land Development Code of Ordinances. It is the express intent of the city commission that the Powerline Road Zoning District shall augment the properties located within it, offering a number of redevelopment opportunities along the corridor of Powerline Road. In addition, it is the goal of the city commission that the creation of the Powerline Road Zoning District accomplishes the following objectives:
- (a) Introduce a mix of uses to include residential, retail, entertainment, and office.
 - (b) Encourage diversifications and coexistence of compatible uses, structures and open spaces not in conflict with surrounding properties and land uses.
- (2) Geographical boundaries of the Powerline Road Zoning District. The geographical boundary of the Powerline Road Zoning District shall consist of the following described areas as shown on zoning map exhibit:
- (a) East side of Powerline Road from West Oakland Park Boulevard to the north side of the block on NW 35 Street;
 - (b) East side of Powerline Road from NW 38 Street to the south right-of-way line of the I-95 overpass;
 - (c) West side of Powerline Road from the south right-of-way line of the I-95 overpass to NW 38 Street;
 - (d) West side of Powerline Road from NW 38 Street to the north property line of the Powerline Development Plat, Plat Book 123/Page 14 B Parcel A;
- (3) *Powerline road zoning district permitted use list.* See the Master Business List in Chapter 24, Article III, section 24-41.
- (B) *Mix of uses, required design components and bulk standards.*
- (1) *Mix of uses and commercial.*
- (a) *Mixed use residential.* Buildings fronting Powerline Road are permitted and encouraged to have a vertical mix of use consisting of active retail/commercial office and residential with pedestrian friendly plazas and arcades with outdoor dining permitted as an accessory use to an enclosed restaurant. Multi-family, live work, villas and town house uses are permitted above the first floor of a commercial establishment.
 - (b) *Site design standards for free standing commercial building developments.* When residential mixed use development is not proposed then the development requirements provided for in the B-1: Community Business District, section 24-37 shall apply.
- (2) *Mixed use required design components.* In order to redevelop the existing properties or to qualify for allocation of residential flexibility or reserve dwelling units as provided herein each of the following design components shall be incorporated into the approved master site plan and meet the purpose and intent of these regulations:
- (a) Enhancement of pedestrian mobility and accessibility.
 - (b) Connectivity to mass transit facilities including the dedication of new bus shelter easements for any new Powerline Road development which shall meet the specifications of the Broward County land development code.

- (c) Pedestrian connectivity.
 - (d) Building façade treatments incorporated into the architectural appearance.
 - (e) Architectural fenestration designed into the building façade.
 - (f) Rooftop mechanical equipment that is installed screened from the view of adjacent properties and streets.
 - (g) Implement wherever possible the "LEED" standards and guidelines to design and function.
 - (h) Dumpsters and trash receptacles screened from the view of adjacent properties and streets.
 - (i) Exterior lighting consistent with CPTED principles that that is designed and installed so as to reflect the light away from any contiguous property and to prevent any glare or excessive light on adjacent property, including rooftop lights.
 - (j) Buffering of adjacent single-family and other lower density uses.
 - (k) Use of site furnishings, where appropriate, such as park benches, bike racks and safety bollards.
- (3) *Building orientation and design.*
- (a) Mixed use or commercial buildings shall be oriented toward Powerline Road.
 - (b) Parking structures shall provide architectural fenestration, which shall consist of, but not be limited to window details, mantles, cornice details, permanent shade structures/features for pedestrians and should resemble residential architecture with landscape screening and buffering. Parking structure exhaust fans shall not be visible from any of the adjacent residential zoning districts.
- (4) *Pervious area.* Twenty (20) percent of the site shall be in open space. Open space, for the purposes of this section, shall include all areas on the site not covered by structures or impervious surfaces/material.
- (5) *Setbacks and bufferyards.*
- (a) *Powerline Road.* A minimum of ten (10) feet.
 - (b) *NW 38 Street.* A minimum of fifteen (15) feet shall be maintained along NW 38 Street and Powerline Road.
 - (c) *Adjacent to existing residential neighborhoods.* A fifteen-foot landscape buffer is required within the setback adjacent to any existing residential neighborhoods. This buffer area landscaping is to buffer and screen the zoning district from the adjacent neighborhood.
- (6) *Height limit.*
- (a) *Building height.* Proposed new buildings on the west side of Powerline Road shall not exceed sixty (60) feet or five (5) stories in height. Proposed new buildings on the east side of Powerline Road shall not exceed thirty-five (35) feet or three (3) stories in height.
 - (b) *Building height and roof structures.* Overall height of a building or structure shall be measured from the required minimum floor elevation, to top of beam of the uppermost story. Roof structures shall not be included in the overall height of the building; however, they shall not exceed fifteen (15) feet in height for fifty (50) percent of the roof area, allowing for elevator equipment, stairwells, and roof structure applications which screen roof equipment.
 - (c) *Mechanical equipment.* No mechanical equipment shall be visible from or adjacent to a residential zoning district. Mechanical equipment shall be fully screened.
- (7) *Circulation, parking and access.*
- (a) *Parking.* All existing development and redeveloped areas within the Powerline Road Zoning District shall comply with all parking requirements in Article VI; Parking, Loading and Access.

In addition to the city's parking code, the following parking provisions and exceptions shall apply:

1. No on-street parking facilities are permitted.
 2. Adjacent at grade parking lots shall provide for pedestrian and vehicular cross access to existing and future parking lots and structured parking facilities.
- (b) *General requirements.* General parking requirements shall be as provided in Article VI, Parking, Loading and Access based on the type of mixed use, a reduction in the requirements through a parking study is permitted.
- (c) *Structured parking.* Structured parking facilities are allowed and encouraged within the zoning district and may include permitted commercial uses on the west side of the main transportation corridor of Powerline Road. All parking structures shall be treated with architecturally aesthetic façades, including architectural fenestration, false window treatments, "LEED" applications or other innovative designs. Street level openings to parking structures shall occur only on the Powerline Road frontage. Structured parking facility exhaust systems shall not be visible from any existing residential area and shall be screened from view. Exhaust fumes from these systems shall not impact adjacent residential areas.
- (8) *Site landscaping.* Article VIII, Landscape and Fences, shall apply.
- (9) *Site furnishings.*
- (a) *Seating.* Outdoor seating within the Powerline Road Zoning District shall be designed to discourage overnight sleeping. Seating shall be provided at bus stops and future transit stations.
 - (b) *Tree grates.* Tree grates shall be provided for perimeter trees planted in paved/impervious surfaced areas along Powerline Road.
 - (c) *Trash receptacles.* Receptacles are to be sited only where they will be accessible and used. They shall be placed along major pedestrian corridors, but shall not impede pedestrian traffic. They shall also be located at portals, pedestrian nodes, intersections, and seating areas. All of the trash receptacles shall be waterproof and shall contain a lid and be maintained by the developer/property owners. Each receptacle shall have a sturdy removable liner for easy maintenance and be sized to accept standard trash bags. All transit stops or bus stops shall have at least one trash receptacle that will be maintained and replaced as needed by the developer/owner of the property.
 - (d) *Bus transit shelters.* A bus transit shelter easement shall be dedicated to the county at any new Powerline Road development, whether or not it is mixed use. New shelters shall be installed, matching the architectural design, style and theme of the new development. New shelters shall be designed to provide transit rider protection and shade from rain and sun, and utilizing a renewable energy source for power.
- (10) *Street closures and traffic studies.*
- (a) All development permits for new projects within the boundaries of the Powerline Road Zoning District shall be subject to a traffic study provided by the applicant and subject to the cost recovery provisions of the development fee schedule.
 - (b) Any development that is expected to diminish the level of service (LOS) on the neighborhood streets will warrant city commission consideration of the implementation of a street closure on the impacted street. Any street closure that is approved shall be paid by the developer/owner.
- (C) *Mixed use, density, intensity and density incentives.*
- (a) *Mixed use.* Commercial activities within the Powerline Road Zoning District shall be limited to the first floor of all mixed use buildings. Office uses may be located above the first floor.
 - (b) *Floor area ratio.* A maximum floor area ratio of 2.5 is established for commercial uses.

- (c) *Base residential density.* A base density of 10 dwelling units per gross acre shall be established. Increased density may be earned through incentives.
- (d) *Maximum residential density.* Residential density shall not exceed 20 dwelling units per acre (DU/AC).
- (e) *Allocation of density.* Allocation of flexibility and reserve dwelling units shall be as set forth in section 24-72 of this chapter.
- (f) *Design guidelines and incentives for increased density.* Based on performance, i.e. the extent to which design standards are incorporated into the development proposal and are found to meet the purpose and intent of these regulations, the project will qualify for increased density. Additional dwelling units may be awarded by the city commission for each of the following design guidelines, which are incorporated into the approved master site development plan (see table below):

Density Incentives	Additional Dwelling Unit Density Per Gross Acre
Inclusion of structured parking that provides at least 75% of required parking spaces.	3 DU
Inclusions of plazas, arcades, promenades, greenways, water features and/or public art.	2 DU
Inclusion of paseos or other acceptable permanent weather protection for pedestrians.	1 DU
Application of design materials such as special paving, site furniture, specialty light fixtures, approved signage and "LEED" design features.	1 DU
The addition of electric vehicle stations.	1 DU
Inclusion of trash facilities inside the building envelope.	1 DU
Use of large signature trees as street trees.	1 DU
Project provides a variety of housing types.	1 DU

(D) *Nonconforming uses and structures.*

- (1) *Purpose.* It is the purpose of this zoning district to provide for the regulations of nonconforming uses and structures which existed lawfully (whether by special exception, variance, or otherwise) on the effective date of passage or amendment of this zoning district and which fail to conform to any of the applicable regulations contained herein. Nonconforming uses are deemed to be: incompatible with and detrimental to permitted uses and structures in the zones in which they are

located; the cause of disruption of the comprehensive land use patterns of the city; an inhibition of present and future development of nearby properties; conferring upon their owners and users an absolute franchise and hence a position of unfair advantage. A rigid control on expansion and the eventual elimination or reduction to conformity, as expeditiously as is reasonable, of nonconforming uses or structures is declared to be as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this section.

- (2) *Nonconforming buildings or structures.* Any nonconforming building or structure may be continued subject to the following conditions and requirements:
- (a) *Repairs, alterations and enlargements.* Any nonconforming structure may be repaired or altered subject to the provisions of this article, provided there is no increase in nonconformity.
 - (b) *Restoration.*
 - 1. *Damage less than fifty (50) percent of restoration cost:* If a nonconforming structure is damaged by any means to the extent that the cost of restoration would be less than fifty (50) percent of the replacement cost of the entire building or structure at the time of the damage, such structure may be restored subject to the following provisions:
 - a. No nonconformity shall be increased beyond its extent prior to the damage.
 - b. Restoration shall be completed within twelve (12) months after the infliction of the damage.
 - 2. *Damage or deterioration more than fifty (50) percent of restoration cost:* If a nonconforming building or structure is damaged or deteriorated by any means to the extent that the cost of restoration would equal or exceed fifty (50) percent of the replacement cost of the entire building or structure, it shall not be restored and may be replaced only by a conforming building or structure.
 - (c) *Nonconforming uses.* Any nonconforming use of a building or land may be continued subject to the following conditions and requirements:
 - 1. *Expansion.* A nonconforming use of a building, structure or land shall not be expanded into any other portion of such building, structure or lot occupied by such use.
 - 2. *Change.* The nonconforming use of a building, structure or land may be changed only to a conforming use except as provided. If a nonconforming use of a building, structure or land has been changed to a conforming use, it may thereafter be changed only to another conforming use.
 - 3. *Existing use.* Any existing use which is classified as a conditional use in the zone in which it is located shall be deemed to have been authorized subject to maintaining the existing character and extent of operations and structures.
 - 4. *Discontinuance.* A nonconforming use of a building, structure or land which has been discontinued shall not be returned to a nonconforming use. A nonconforming use shall be considered to be discontinued when the premises have been devoted to another use or the premises have been vacant for a period of two (2) months.
 - 5. *Use discontinuance.* Any use existing on the effective date of this zoning district or any amendment to it which is classified as a nonconforming use in the zoning classification in which it is located shall be terminated by the July 2, 2018.

Any owner that perceives the year 2018 date to constitute a unique hardship may apply to a "nonconforming use amortization board" which is hereby created. The five-person board shall be appointed by the city commission and shall include at least one (1) accountant familiar with tax and business law, and one (1) architect or builder. All applications for extensions must be submitted to the code enforcement officer by January 1, 2016; said applications must be accompanied by an appraisal, and a statement of what is unique to this use and structure. No extension shall be granted beyond the year 2028.

(Ord. No. O-2014-012, § 2, 7-2-14; Ord. No. O-2016-004, § 5, 3-2-16)