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**Proposed Land Development Regulations Amendment for “Eyeglass Store” by View Optical  
Justification Statement – July 18, 2022**

View Optical (“Applicant”), through undersigned counsel, respectfully requests an amendment to the City’s Land Development Regulations (“Code”) to permit retail eyeglass stores with ancillary optometry services within the “Required Retail Frontage” areas of the City’s Central Business District (“CBD”). More specifically, Applicant proposes adding a definition of “Eyeglass Store” to the Code’s definitions section.

On April 11, 2022, counsel for View Optical presented the matter at the Downtown Development Authority’s monthly meeting. The DDA voted in favor of modifying the Code to permit Eyeglass Stores with accessory optometry services and provided specific direction regarding the language to be proposed. See attached Letter from the DDA. Applicant has worked to incorporate the language suggested by the DDA in this text amendment.

On May 17, 2022, counsel for View Optical presented the matter at the City Commission Workshop meeting. At the Workshop meeting, Commissioner Boylston agreed to sponsor the proposed text amendment.

The issue giving rise to the text amendment is straightforward. The Code aims in the CBD area specifically to promote ground floor retail uses and discourage less pedestrian-focused medical office and professional office uses. Applicant has leased the ground floor space at 302 East Atlantic Avenue, which is in the CBD. Applicant operates a retail eyeglass store in the space, with a traditional retail frontage, large display cases, and other typical retail design elements. Walk-ins are welcome and in fact critical to the success of the business. However, Applicant also would like to be able to provide eye exams to customers by optometrists on site so customers can purchase glasses and sunglasses with the proper prescription. With advances in optometry technology, this process has become exceptionally easy such that dilation or invasive procedures are not required. Thus, over the last few years, eyeglass stores have started to routinely have an optometrist in store to support the retail component of the business. Technically, the City’s Code does not address this arrangement. Therefore, Applicant proposes amendment the Code to add a definition of “Eyeglass Store” and include parameters for the use to ensure the retail component is primary and the optometry component is clearly subordinate.

The proposed text amendment is provided below and attached to this request as a redline addition to the pertinent part of the Code.

An amendment to Appendix A, Definitions to add the following definition of Eyeglass Store:

“EYEGLASS STORE. A retail establishment offering eyeglasses, sunglasses, and related optical goods for sale. A retail eyeglass store may also offer accessory optometry services such as eye exams and eye tests to assist customers in purchasing prescription eyeglasses, sunglasses, and

related optical goods. No more than 20 percent of the floor area may be allocated to optometry services, and the optometry services area shall not be positioned at the front of the store, in order to be considered retail."

The text amendment is consistent with the following goals, policies, and objectives of the Always Delray Comprehensive Plan.

- *Goal NDC 1 - Enhance the quality and character of the city's neighborhoods, districts, and corridors to continue to provide a sustainable community in which to live, work, and play.* The proposed text amendment will facilitate the operation of the eyeglass store use in a manner consistent with the CBD regulations, while also providing a new and convenient service to residents of the community.
- *Objective NDC 1.3 - Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.* The proposed use is a commercial use that will be located in the Commercial Core district and will provide a new commercial retail service that is currently not available in the CBD.
- *Policy NDC 1.3.5 - Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.* The addition of the new use will stimulate the vitality and economic growth of the City by providing a convenient and sought after eyeglass service that is commonly found in other core areas in similarly situated cities. The proposed definition of the use will ensure the preservation of the character of the CBD in harmony with the intent of the district.
- *Objective NDC 2.2 - Protect and enhance the "Village by the Sea" character of the downtown and neighborhoods located east of I-95.* The proposed text amendment will facilitate a new and convenient use in the CBD and the language of the proposed definition will ensure that the operation of the use is consistent with the vision for the CBD.

Please contact the undersigned should you have any questions. Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in blue ink that reads "Matthew H. Scott". The signature is fluid and cursive, with the first name "Matthew" and last name "Scott" clearly legible.

Matthew H. Scott, Esq.  
Dunay, Miskel & Backman, LLP