

ORDINANCE NO. 26-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT A DEFINITION FOR AN EYEGLASS STORE THAT DEFINES AN EYEGLASS STORE WITH LIMITED OPTOMETRY SERVICES AS A RETAIL USE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Matthew H. Scott, Esq. of Dunay, Miskel, Backman LLP ("Agent") has requested an amendment to the Land Development Regulations (LDR) of the City of Delray Beach, Code of Ordinances on behalf of View Optical ("Applicant"); and

WHEREAS, the Central Business District establishes certain Primary Streets as Required Retail Frontage streets; and

WHEREAS, the Applicant desires to amend the LDR to define an eyeglass store with limited optometry services as a retail business, to allow such operations on Required Retail Frontage streets within the Central Business District; and

WHEREAS, the proposed amendment adopts a definition for an eyeglass store, defining such use as retail; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on August 15, 2022, and voted ___ to ___ to recommend these proposed text amendments be approved, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission considered these LDR text amendments after duly noticed public hearings held according to law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Appendix A, "Definitions," of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach be and the same shall be amended as follows:

EYEGLOSS 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.

Section 3. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney