

DEVELOPMENT PERMIT APPLICATION

The type of development permits for which this form is used and a fee schedule are listed on page 5. Application requirements and required separate attachments for each request type are on page 8. **Prior to the application submission contact the Planning and Zoning Division for an appointment at 954-630-4339.**

STAFF USE ONLY	
Date Submitted: <i>6/2/2015 & 9/22/2015</i>	Application No. <i>CD15-07T</i>
Project Name: <i>Text Amendment for 30,000 sf athletic facility</i>	
Folio No(s):	

GENERAL DATA – Please type or print information - COMPLETE ALL SECTIONS	
Address of property: 1033 East Oakland Park Boulevard	
Legal Description: (or attach description) See attached legal description.	
Gross Acres: +/- 2.6377 acres	Net Acres: +/- 2.6377 acres
Title to this Property has been held since: <i>4/1/1985</i>	Existing Zoning: Downtown Mixed Use-Boulevard Commercial
Existing Use of Property (include no. and sq. ft. of existing structure(s): +/- 43,500 sq. ft. commercial building	
Proposed Use of Property (include no. and sq. ft. of proposed structure(s): +/- 24,000 sq. ft. athletic facility +/- 30,000 sq. ft. +/- 10,000 sq. ft. retail use athletic facility	
Section, Township, Range: <i>23, 49, 42</i>	
Type of Development Permit(s) requested: Text amendment to Sec. 24-265 to allow athletic/fitness clubs up to 25,000 30,000 sq. ft.	

OWNER/APPLICANT INFORMATION		
(The undersigned has reviewed all instructions concerning the application and understands the application must be complete and accurate prior to staff review or Public Hearing(s). Attach proof of ownership and owner's authorization for representative.		
Name of Property Owners: <i>ACS Realty Co.</i>	Title: <i>Managing Partner</i>	
Address:		
City:	State:	Zip Code:
Phone:	Fax:	
Signature: <i>Bert J. Calhoun</i>	Signature:	
Email Address:	Email Address:	
Name of Applicant's Representative: Hope W. Calhoun, Esq.		
Address: 14 SE 4th Street, Suite 36		
City: Boca Raton	State: FL	Zip Code: 33432
Office Phone: (561) 405-3324	Cell Phone:	Fax: (561) 409-2341
Email Address: hcalhoun@dmbblaw.com		

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SEP 22 2015

Engineering & Community
Development Department
City of Oakland Park

**Text Amendment Justification
Athletic Facility**

Urban Property Holdings (“Applicant”) is the proposed developer of the parcel of land located at 1033 East Oakland Park Boulevard (“Property”) in the City of Oakland Park (“City”). The Property is located in the Downtown Mixed Use Zoning District, more specifically, the Boulevard Commercial sub-area. There is currently a 43,500 square foot building on the Property, which previously operated as a discount retail store. The Applicant intends to redevelop the building into four new uses: (1) a 30,000 square foot athletic facility; (2) a 10,000 square foot retail use; (3) a restaurant; and (4) an additional retail or community service related use. The proposal adaptively re-uses the existing building, while providing a wider variety of uses. Furthermore, the proposed uses are consistent with the existing permitted uses and the spirit of the current zoning code (“Code”), as evidenced by the attached Code section 24-265. Nevertheless, it has been determined that in order to operate certain proposed uses on the Property, the Applicant will have to amend the text of the City’s Code (please see the attached correspondence from Chris Gratz, dated February 25, 2015). Therefore, the Applicant hereby files this request to amend the text of the Code in order to accommodate one of the four proposed uses.

In accordance with the development application associated with the text amendment the Applicant will provide: (1) a description of the use that is not contained in the Text Amendment requested (cite the section of code and the proposed language of the new text amendment); and (2) a description of any Special Conditions which apply or the justification for the requested Text Amendment.

(1) A description of the use that is not contained in the Text Amendment requested (cite the section of code and the proposed language of the new text amendment).

Table 24-265 – Downtown Mixed Use District Table lists athletic/fitness clubs up to 10,000 square feet. The Applicant proposes to change the text to allow athletic/fitness clubs up to ~~10,000~~ 30,000 square feet within the Boulevard Commercial sub-area.

(2) A description of any Special Conditions which apply or the justification for the requested Text Amendment.

The Applicant intends to locate a Planet Fitness athletic club on the Property. With the current 10,000 square foot limitation, it is not feasible to expect a long standing and reputable athletic facility to operate on the Property. Furthermore, when the current Ordinance was adopted, athletic clubs were rarely larger than 10,000 square feet, were more often gender segregated and often only offered coached workout options. For example, Curves for Women, whose facilities were rarely larger than 3,000 square feet, was a popular and expanding athletic club chain at the time of the Code’s creation. In addition, the current limitation permits two (2) 10,000 square foot athletic facilities on the Property resulting in 20,000 square foot of total athletic facilities on the Property. The growth in and viability of gender centric and/or coached concepts has declined substantially as a result of: (1) the operating economics of such facilities; (2) lessened consumer interest for sex segregated facilities and coached programs; (3) increased sensitivity to genders other than male and female; and (4) emerging legal issues in restricting facilities to one gender without reference to the increased legal recognition of multiple genders and gender fluidity. As a result of these factors, in order to be successful over the long term, the athletic facility must be able to retain a very large number of diverse members paying a relatively nominal monthly fee. In order to retain a large pool of members, the facility must be large enough to

accommodate a varying range of interests by offering a wider variety of exercise equipment and related facilities and to accommodate peak period attendance.

The 10,000 square foot limitation on athletic clubs currently imposed by the Code was likely imposed due to the relatively small size of the majority of the properties located within the three Downtown Mixed Use District sub-areas, Boulevard Commercial, Park Place and Dixie Mixed Use, where athletic clubs are permitted. Larger athletic clubs were likely not viewed as feasible due to the lack of adequate parking. However, one of the benefits of permitting such a use on the Property is that this particular parcel is able to accommodate the parking required for the amount of square footage requested. It is likely that the size limitation was also created to encourage people to walk to such facilities (thereby less parking required). However practically speaking, it is not typical for people to walk to an athletic facility such as a gym.

The Applicant is proposing to increase the permitted size of athletic/fitness clubs only within the Boulevard Commercial sub-area. Properties within this sub-area have frontage on the north side of Oakland Park Boulevard. As a practical matter, the proposed text amendment will likely only apply to two other properties located within the Boulevard Commercial sub-area: the Goodwill Building and the two-story office building on the eastern boundary of the sub-area. These properties cannot accommodate an athletic/fitness club of such size without acquiring additional land in order to provide adequate parking. Accordingly, approval of this text amendment will not result in a sudden surge of 30,000 square foot athletic/fitness clubs in the sub-area and will not result in a negative change in character of the area.

As a result of the forgoing, the Applicant respectfully requests that the size of the permitted athletic/fitness club in the Boulevard Commercial sub-area be increased from 10,000 to 30,000 square feet. Given the high traffic volume along Oakland Park Boulevard, it is not likely that even a smaller athletic facility will encourage pedestrian traffic to the Property. Although the regulations may have been created to encourage pedestrian traffic along Oakland Park Boulevard, it is likely that the current number of vehicles will continue to utilize this major arterial roadway. To that end, it is the Applicant's intent to take advantage of the existing vehicular traffic along Oakland Park Boulevard and create a vibrant use along the corridor which will stabilize the Property and encourage additional development in the area.

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SEP 22 2015

Engineering & Community
Development Department
City of Oakland Park



Site Address	1033 E OAKLAND PARK BOULEVARD, OAKLAND PARK	ID #	4942 23 00 0570
Property Owner	DEWDROPWORLD LLC OPUS 1030 LLC	Millage	1712
Mailing Address	701 4 ST STE 201 MIAMI BEACH FL 33139-8708	Use	11
Abbreviated Legal Description	23-49-42 W 400 OF THAT PT OF S1/2 OF SW1/4 OF SE1/4 OF SW1/4 LYING N OF OAKLAND PK BLVD R/W LESS N 20 FOR ST		

The just values displayed below were set in compliance with **Sec. 193.011, Fla. Stat.**, and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

Property Assessment Values					
Click here to see 2014 Exemptions and Taxable Values as reflected on the Nov. 1, 2014 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2015	\$1,567,900	\$1,432,880	\$3,000,780	\$2,382,990	
2014	\$1,567,900	\$1,341,900	\$2,909,800	\$2,166,360	\$71,765.41
2013	\$1,567,900	\$401,520	\$1,969,420	\$1,969,420	\$62,615.52

2015 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$3,000,780	\$3,000,780	\$3,000,780	\$3,000,780
Portability	0	0	0	0
Assessed/SOH	\$2,382,990	\$3,000,780	\$2,382,990	\$2,382,990
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$2,382,990	\$3,000,780	\$2,382,990	\$2,382,990

Sales History			
Date	Type	Price	Book/Page or CIN
8/5/2015	WD-D	\$725,000	113158190
4/1/1985	QCD	\$100	12502 / 761
11/1/1975	WD	\$612,000	
7/1/1969	WD	\$289,000	

Land Calculations		
Price	Factor	Type
\$14.00	111,993	SF
Adj. Bldg. S.F. (Card, Sketch)		43994

Test: Click for new maps.

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
17						OP		
C								
43994						64.5		

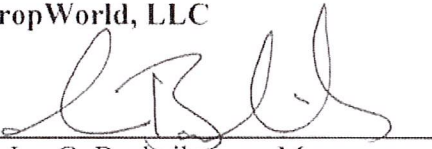
DewDropWorld, LLC
Opus 1030, LLC
1033 East Oakland Park Blvd.
Oakland Park, Florida 33334

Statement of Interest in Property and Authorization to File Petitions

DewDropWorld, LLC and Opus 1030, LLC certify that they are the Owners of the property located at 1033 East Oakland Park Boulevard (Folio # 494223000570) ("Subject Property") and authorizes DUNAY, MISKEL and BACKMAN, LLP, as agent, to submit and process any and all development applications to the City of Oakland Park and to represent Owner at any meetings and public hearings necessary for the approval and redevelopment of the Subject Property within the City of Oakland Park.

DewDropWorld, LLC

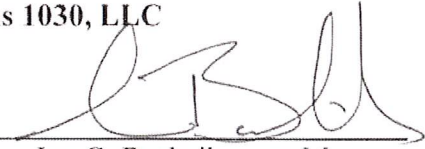
By: _____



Ian G. Bacheikov, as Manager
945 Pennsylvania Avenue
1st Floor
Miami Beach, Florida 33139

Opus 1030, LLC

By: _____



Ian G. Bacheikov, as Manager
945 Pennsylvania Avenue
1st Floor
Miami Beach, Florida 33139

State of Florida

County of Miami-Dade

The foregoing instrument was acknowledged before me this 7 day of October, 2015, by Ian G. Bacheikov, solely as Manager of DewDropWorld, LLC, and Opus 1030, LLC, who is personally known to me or who ___ has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign: _____

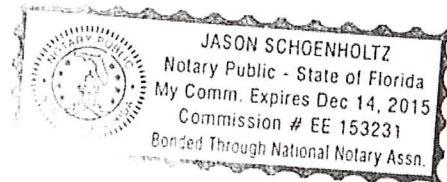
Print: Jason Schoenholtz

My Commission Expires:

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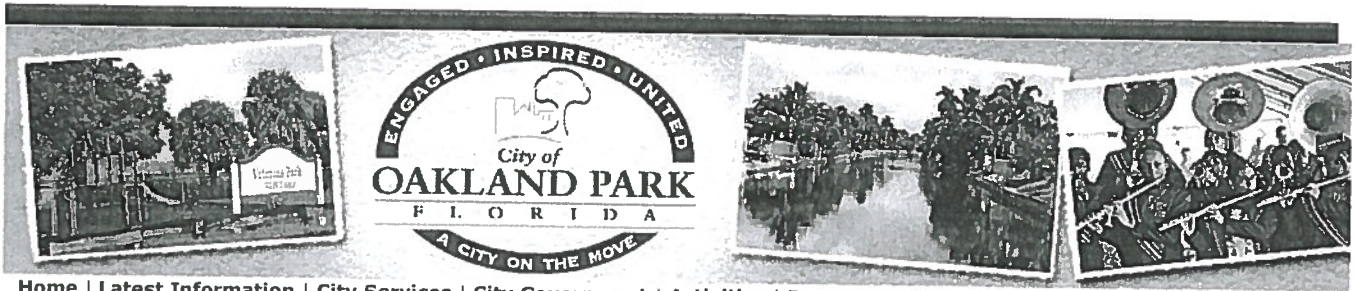
**Engineering & Community
Development Department**
City of Oakland Park



Legal Description

The West 400 feet of the South 1/2 of the SW 1/4 of the SE 1/4 of the SW 1/4 of Section 23, Township 49 South, Range 42 East, Broward County, Florida, less the North 20 feet thereof and less all that certain land described in an Eminent Domain Proceedings as described in Minute Book 89, Page 322, of the Public Records of Broward County, Florida, said lands being described as follows:

The North 18 feet of the South 30 feet and the West 6.24 feet of the North 25.06 feet of the South 55.06 feet of the S 1/2 of the SW 1/4 of the SE 1/4 of the SW 1/4 of Section 23, Township 49 South, Range 42 East, together with that part of said S 1/2 of the SE 1/4 of the SW 1/4, lying in the external area formed by a 25 foot radius arc, which is tangent to a line 30 feet North of the South line of said Section 23 and tangent to a line of 6.24 feet East of the West line of said S 1/2 of the SW 1/4 of the SE 1/4 of the SW 1/4.



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LOBBYIST INFORMATION

Name Calhoun, Hope
 Company Dunay Miskel & Backman
 Phone 561-405-3300
 Address 14 SE 4th Street
 Suite 36
 Boca Raton, Fl. 33432
 Email HCalhoun@dmbblaw.com
 Created 01/21/2015

SEARCH SITE
 [GO](#)

Listed Clients

- Urban Property Holding, LLC
- Urban Property Holding, LLC

Contact Made

Lobbied Individual	Purpose	Date/Time
Lonergan, Tim (Commissioner)	Pearl Property	03/24/2015 12:00 PM
Lonergan, Tim (Commissioner)	Pearl Property	02/10/2015 12:00 AM
Adornato, John (Commissioner)	Pearl Property Redevelopment	01/28/2015 12:00 AM
Adornato, John (Commissioner)	Pearl Property	05/07/2015 12:00 PM
Guevrekian, Sara (Commissioner)	Pearl Property	01/27/2015 12:00 AM
Shank, Jed (Commissioner)	Pearl Property	03/25/2015 12:00 PM
Shank, Jed (Commissioner)	Pearl Property (Urban Properties)	12/11/2014 12:00 PM
Adornato, John (Commissioner)	Pearl Property	04/13/2015 12:00 AM
Lonergan, Tim (Commissioner)	Pearl Property	05/07/2015 12:00 PM
Shank, Jed (Commissioner)	Pearl Property	02/05/2015 12:00 PM
Guevrekian, Sara (Commissioner)	Pearl Property	04/13/2015 12:00 AM

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February 25, 2015

Hope Calhoun, Esq.
Dunay, Miskel & Backman, LLP
14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

RE: Zoning Inquiry for 1033 E. Oakland Park Blvd., former Pearl Artist & Craft Supply Store

Dear Ms. Calhoun:

We met on January 20, 2015, to discuss a proposal by your client on the captioned property. Subsequently, you forwarded a memo from the client dated January 22, 2015 (attached), with an overview of the proposed project. This letter is the formal response to the inquiry.

Please be advised that the property is zoned Boulevard Commercial in the Downtown Mixed Use District, which is in compliance with the Future Land Use Plan Map designation of Local Activity Center. The following is the determination on the proposal:

1. Proposal: Planet Fitness, Athletic/Fitness Club of 20,000 sq. ft.
Code of Ordinances: §24-265 Downtown Mixed Use District Table permits the use of Athletic/Fitness Club up to 10,000 sq. ft. on the property.
2. Proposal: Dollar Tree, Discount Store of approximately 10,000 sq. ft.
Code of Ordinances: §24-265 Downtown Mixed Use District Table prohibits Discount Stores
Reference:
 1. News release by Dollar Tree Inc. dated January 22, 2015 (attached).

“Dollar Tree, Inc. (NASDAQ: DLTR) is the nation’s leading operator of discount variety stores”.
3. Proposal: Amscot, Financial Services Company through a 2,800 sq. ft. addition
Code of Ordinances: §24-265 Downtown Mixed Use District Table does not list Financial Services Companies as a permitted use.
Reference:
 1. Amscot Website: “Amscot provides a wide variety of financial services to its customers including check cashing, money orders, and cash advances. In addition, you may also obtain and load an Amscot Prepaid MasterCard, pay your bills, wire money, send a fax, make copies, buy stamps, and use safe, accessible ATM’s for often times less than many banks or other establishments may charge you....We’re more than just a financial services company. We’re part of the neighborhood.”

Should it be the intention of your clients to proceed with the proposed project, your client will be required to amend the text of the Land Development Code pursuant to §24-233(D)(1)(b) of the City of Oakland Park Code of Ordinances.

Should you have any questions, please feel free to contact me by e-mail at chrisg@oaklandparkfl.gov or by telephone at 954-630-4348.

Regards,

A handwritten signature in blue ink that reads "Christopher M. Gratz". The signature is fluid and cursive.

Christopher M. Gratz, AICP, Senior Planner

Attachments (2)

CC: David Hebert, City Manager
DJ Doody, City Attorney
Harris Hamid, ECD Director

CD15-005

TO: Hope Calhoun
FM: Jim Levin
RE: 1033 Oakland Park BLVD
DATE: January 22, 2015

This memo is in response to Harris Hamid's request at our recent meeting for a brief overview of the proposed project, zoning challenges, background on proposed tenants and possible avenues to address the challenges.

The proposed project consists of the substantial renovation and repositioning of the existing Pearl Arts Building. The existing building is approximately 40 years old, suffers from deferred maintenance and is in desperate need of façade and exterior landscape upgrades to make it more attractive. The building is 140 linear feet deep (north to south) and 230 linear feet (east to west). Currently there is a 13,500 sf mezzanine in the building making the total existing building 43,500 sf. The mezzanine level was used as the corporate headquarters for Pearl Arts and a considerable number of people worked on that level.

The 140' depth of the building requires that a potential occupant have a need for more than the typical 60-70 foot retail store depth found in most retail spaces of 5,000 square feet or less. Retailers want frontage and not depth in a retail space so that customers can be aware of and find their business. Consequently, a typical "in-line" store will not occupy space deeper than 70 feet. There are very few established retail chains with space requirements between 5,000 and 10,000 square feet. As a result, the most effective adaptive re-use of this building will be to lease it to tenants which require 10,000 or more square feet.

After more than six months of leasing efforts we have finally secured three reputable tenants for the site. Planet Fitness, a national fitness chain with over 659 locations, Dollar Tree, a national retailer with over 6500 locations, and Amscot Financial, a Florida based financial services company with over 250 locations. Together these tenants will lease 32,800 sf.

The plan for renovations is to remove the mezzanine (which includes removal of the unsightly exterior steel stairways), replace all HVAC, electrical, plumbing equipment, and exterior lighting; construct a 2800 sf addition, and completely redo the façade, including adding a significant amount of new windows. In addition we will resurface the parking lot, upgrade the landscaping, add a bicycle rack and electric car charging stations and generally improving the appearance and functionality of the building and the property. When complete, the building will contain 32,800 useable sf. That is a reduction of approximately 10,700 useable SF.

Each tenant will also improve their individual tenant space to their specifications.

Based upon the proposed tenants, it is anticipated that once completed, the project will create sales tax of approximately \$300,000 per year. In addition, customers of the tenants at the property will utilize other retailers and service providers in the area. A significant number of good quality jobs for local residents will also be created.

The building is located in the Downtown Mixed Use Zoning District- Sub-district Boulevard Commercial. The three proposed tenants consist of: (1) an athletic facility (20,380 sf), the current zoning code permits by right athletic facilities up to 10,000 sf.; (2) a retail store (9,620 sf), the current zoning code permits by right retail uses up to 10,000 sf.; and (3) a 2800 sf financial institution, which is permitted by right.

During our first meeting with the City we were advised that a Dollar Tree would not be permitted because it is a "Discount Store" and Discount stores are not permitted in this particular zoning district. However, when we tried to find the definition of "Discount store" in the City's code, we could not find one. We then searched for a definition of "Discount Stores" in other cities, we looked in the City of Miami, Sunrise, Ft. Lauderdale and Lauderdale Lakes and several others municipalities, to no avail. We also checked the Merriam Webster dictionary, no definition of discount store there either..

We can tell you that in the retail industry, there is a clear delineation between stores such as Big Lots, Ross' Dress for Less and the like which purchase name brand items for discount resale and stores such as Wal-Mart, Publix and Dollar Tree, which have aligned themselves directly with manufacturers to create products for sale at low prices..

A small sampling of the Dollar Tree product list makes this very clear. At Dollar Tree a customer can purchase Mini-Spooners Cereal rather than name brand POST Shredded Wheat. Peanut Butter is available for sale also, but it comes from Green Briar Farms, not Skippy Brand.

And the product list goes on and on. Dollar Tree has created these products working with its manufacturers in order to provide low cost goods that are low cost partially due to the fact there is no cost of expensive national ad campaigns to sell Mini-Spooners or Green Briar Farms Peanut butter which drives up the cost.

Low cost does not equal discount. By way of further example a Hyundai is not a "discount" car simply because it costs less than a Cadillac.

Dollar Tree sells party supplies, paper goods, food, drinks, school supplies, shampoo, etc. all at perceived low prices. The size and shape of the packaging at Dollar Tree often varies from other retailers like CVS and Publix. The minimum quantity of

products that must be purchased in order to get the low price is often in multiple packages rather than a single item.

Without a definition of “discount” in the Zoning Code we believe Dollar Tree is a permitted use under the classification “retail” less than 10,000 sf.

Alternatively, Dollar Tree is a “neighborhood food store”, which is a permitted use. Substantially every product category found in Dollar Tree is also found in a typical Publix, Winn Dixie, or other neighborhood food store. Paper plates, plastic forks, light bulbs, wrapping battery, batteries, school supplies and children’s toys are all found in Publix in addition to the food items. This Dollar Tree will have more than 200 lineal feet of shelf space just for food, in addition to the above items. In many respects, Dollar Tree is simply a small grocery store. In this respect, it is a “Neighborhood Food Store”, which is a permitted use so long as it is 10,000 square feet or less.

Our next issue is that the Boulevard Commercial District permits “Athletic/ Fitness Club up to 10,000 square feet”. This section of the Zoning Code was enacted more 10 years ago. To give a further example of the obscure nature of this limitation it would be permitted by right to install two individual athletic and fitness clubs that each contained 10,000 so but were separately owned.

The Code was conceived and drafted almost 15 years ago. What made economic sense then is not feasible now. An athletic/fitness club is a permitted use in the Boulevard Commercial district. It appears that the use athletic/fitness is a proper use for the district and for Oakland Park. It appears that it is the proposed size of the Planet Fitness athletic/fitness club that is of concern.

A quick look at all of the current operators of athletic clubs points out that the economics of gym operations have changed in the last 10-20 years. In order to flourish, even small national athletic club operators require 13-15,000 sf, with larger clubs using as much as 60-75,000 sf.

LA Fitness -Typical facility size-62,000
24 Hour Fitness -Typical facility size 20,000
Anytime Fitness -Typical facility size 20,000
Crunch Fitness -Typical facility size-20,000 sf
Youfit -Typical facility size-17,000 sf

The Zoning Code requires a dense parking requirement for athletic/ fitness clubs in Oakland Park. This may have been one explanation for the 10,000 sf limitation in the Code. Most properties in this zoning district would be seeking relief from the parking requirement in order to build a larger facility. We have sufficient parking to meet and exceed the total parking requirement for all three tenants.

When the Code was enacted this building was in existence. As mentioned above, the building is 140 deep north to south. All newly constructed yoga studios, Pilate's studios, and boutique gyms require the presence of natural light and windows and a depth not to exceed 60 feet. They require a square box to operate not a long rectangle.

The Planet Fitness Athletic/fitness club will exceed the 10,000 sf limitation in the Zoning Code however the use itself is consistent with the intent of the Code. We would suggest that what made sense years ago as to the size of a gym no longer makes sense in the present and near to mid-term future.

We have included the full text of a section of the Code that may be of benefit to us:

Sec. 24-276. - Interim regulations—Adaptive re-use incentive program.

(A)

Purpose and intent. These interim regulations are intended to be administered efficiently, readily accomplished, and to provide a predictable outcome to the applicant, even to the extent that permit applications and business tax receipt applications should be submitted concurrently with a request for site development approval. At the same time, the regulations shall be administered in a manner that results in aesthetically pleasing redevelopment, re-use of properties and existing buildings and increases employment opportunities by established professional offices, restaurants, bars, cafes and other businesses pursuant to subsection (C) of this section. Notwithstanding [section 24-267](#), compliance with applicable downtown mixed use district ordinance and design guidelines—at a minimum, repair of exterior damage, landscaping and re-painting—is required.

The interim Code gives great latitude to the Commissioners to permit uses consistent with the intent of the Code:

24-276 (t) "Similar uses which meet the intent of these interim regulations as determined exclusively by the city commission."

Under this section of the Code the City commissioners could authorize the Planet Fitness use.

In conclusion, it is our desire and vision that we re-develop this Property in a manner that is consistent with as many elements of the City's vision for the area as

is practical. In that regard, the redeveloped property will have the following elements:

1. Enhanced sidewalk access on the east and west sides of the building interconnecting the Neighborhoods sub-district to north of the Property, allowing both customers and employees easy walking access to the Property. Part of this enhanced access will include more appropriate landscaping (generally low rise for security purposes), improved sidewalks and improved lighting. In addition, the rear of the building will be improved to enhance lighting and security and minimize areas where a criminal could hide.
2. Installation of bike racks to facilitate and encourage biking from other parts of the City.
3. Electric car charging stations.
4. Improved landscaping meeting the City's requirements.
5. A canine hydration and waste disposal station to help encourage and facilitate a more walkable community.

By re-developing the Property in such a manner that the entire structure is re-used and the exterior of the Property is enhanced consistent with the City's vision, we believe that the entire project and all proposed uses can be approved by the Commission through the authority granted in the above referenced interim regulations, in particular subsection (t) thereof.

We look forward to having the opportunity to elaborate on the project and our visions for the area when we meet.

Sec. 24-265. - Downtown Mixed Use District Use Table.

Downtown Mixed Use District Use Table					
(Y=Allowed, N= Not permitted, C=conditional)					
<i>Business Listings</i>	Boulevard Commercial	North End Urban Residential	Park Place	Civic Use	Dixie Mixed Use
Adult entertainment, book stores, movie theaters	N	N	N	N	N
Amusement enterprises: coin operated games	Y	N	Y	N	Y
Antique shop, retail	Y	Y	Y	N	Y
Appliances, retail	Y	N	Y	N	Y
Aquaculture, maximum of 150,000 square feet of gross floor area for the entire sub-area (see use regulations in subsection (3) below)	N	C	N	N	N
Art galleries, retail	Y	Y	Y	N	Y
Artisan/craftsman workshop	Y	Y	Y	N	Y
Artist's studio	Y	Y	Y	N	Y

Assembly hall	Y	C	C	Y	C
Athletic/fitness club (up to 10,000 square feet)	Y	N	Y	N	Y
Auctions (antiques and fine arts only)	C	N	C	N	C
Auto body fender and repair	N	N	N	N	N
Auto rental/leasing (office only)	Y	Y	Y	N	Y
Auto tag agency	Y	N	N	N	Y
Auto wash	N	N	N	N	N
Automotive maintenance and repair services	N	N	N	N	N
Automotive parts, new (except tires and hubcaps)	Y	C	N	N	N
Automotive sales and related uses	N	N	N	N	N
Bail bonds.	N	N	N	N	N
Bakeshops, retail	Y	Y	Y	N	Y
Banks (no drive thru) a	Y	Y	Y	N	Y
Barber shops	Y	Y	Y	N	Y
Bars/nightclubs	Y	N	Y	N	Y
Beauty parlors	Y	Y	Y	N	Y

Beauty supply store, retail	Y	Y	Y	N	Y
Bed and breakfast inns	N	Y	Y	N	Y
Bicycle stores and repair shop	Y	Y	Y	N	Y
Bingo Parlors	N	N	N	N	N
Bookstore	Y	Y	Y	N	Y
Bottle Clubs	N	N	N	N	N
Bowling alley	Y	C	C	N	C
Broadcast studios	Y	Y	Y	N	Y
Business machines	Y	N	Y	N	Y
Butcher shop	Y	Y	Y	N	Y
Candy stores, retail	Y	Y	Y	N	Y
Carpet, rugs and floor covering, retail	Y	Y	Y	N	Y
Child care and adult day care	C	C	C	Y	C
China, crockery, glassware, earthenware, retail	Y	Y	Y	N	Y
Cigar store-retail	Y	Y	Y	N	Y
Cineplex movie theater (except drive-ins)	Y	N	Y	N	N

Clothing store, except secondhand	Y	Y	Y	N	Y
Clubs-civic, fraternal, non-commercial	Y	C	C	Y	C
Coffeehouses	Y	Y	Y	Y	Y
Community care facilities and community residential homes	N	N	N	N	N
Community centers	Y	C	C	Y	C
Consignment shop	N	N	N	N	N
Convenience stores	C	C	N	N	C
Delicatessen-retail	Y	Y	Y	N	Y
Devaluating uses	N	N	N	N	N
Dinner theater	Y	N	C	N	C
Discount store	N	N	N	N	N
Donated goods store (see use regulations in sub-section 2)	C	N	N	N	N
Dormitory, fraternity and sorority houses	N	N	N	N	N
Drive-through windows in connection with any use	N	N	N	N	N

Dry cleaner	Y	Y	Y	N	Y
Dry cleaning and pressing -pickup and delivery only	Y	Y	Y	N	Y
Electrical fixtures and supplies, retail	Y	Y	Y	N	Y
Fabrics store, retail	Y	Y	Y	N	Y
Financial institutions	Y	Y	Y	N	Y
Fish-retail	Y	Y	Y	N	Y
Flea markets and bazaars	N	N	N	N	N
Florists	Y	Y	Y	N	Y
Food caterers	Y	N	Y	N	Y
Fruit stores-retail	Y	Y	Y	N	Y
Garden supplies	Y	N	N	N	N
Gasoline service stations	C	N	N	N	N
Gift shops, new-retail	Y	Y	Y	N	Y
Government offices	N	N	N	Y	C
Green market	Y	Y	Y	N	Y
Group homes	N	C	C	N	C
Guns-retail	N	N	N	N	N
Hardware store	Y	Y	Y	N	Y

Hobby shop, retail	Y	Y	Y	N	Y
Home occupations	N	Y	Y	N	Y
Hospitals	N	N	N	N	N
Hotels and motels	Y	N	Y	N	Y
Ice cream-retail	Y	Y	Y	N	Y
Industrial uses	N	N	N	N	N
Interior decoration shop (including alterations)	Y	Y	Y	N	Y
Internet cafe	Y	Y	Y	N	Y
Jewelry store-watch repair	Y	Y	Y	N	Y
Key shop/locksmith	Y	Y	Y	N	Y
Laundries, coin operated	N	N	N	N	N
Laboratories	N	N	N	N	N
Lawn care equipment (new)	Y	N	N	N	N
Laundry establishment	N	N	N	N	N
Leather goods store, retail	Y	Y	Y	N	Y
Library	C	N	N	Y	C
Liquor stores	Y	Y	Y	N	Y
Manufacturing uses	N	N	N	N	N

Marine supplies, retail	Y	N	Y	N	Y
Massage parlors	N	N	N	N	N
Massage, state licensed	Y	Y	Y	N	Y
Membership stores or facilities over 10,000 square feet	N	N	N	N	N
Miniature golf course	N	N	N	N	N
Multi-family dwelling units	N	Y	Y	N	Y
Museums	C	N	C	Y	C
Music and radio store, retail	Y	Y	Y	N	Y
Neighborhood food store (up to 10,000 square feet)	Y	N	N	N	Y
Newsstand	Y	Y	Y	N	Y
Office equipment and supplies	Y	N	Y	N	Y
Office furniture store	Y	N	Y	N	Y
Offices for doctors, dentists, podiatrists and related professions	Y	N	Y	N	Y
Optical store	Y	N	Y	N	Y

Outdoor storage	N	N	N	N	N
Paint, wallpaper stores, retail only	Y	N	N	N	Y
Parking garage, commercial	Y	C	Y	C	Y
Parking lot, commercial	Y	C	Y	C	Y
Park and open space	Y	Y	Y	Y	Y
Pawn shops	N	N	N	N	N
Pet boarding/kennel	Y	N	N	N	N
Pet day care facilities	C	C	C	C	C
Pet grooming	Y	N	Y	N	Y
Pet supplies, retail	Y	N	Y	N	Y
Pharmacy	Y	Y	Y	N	Y
Photograph galleries or studios	Y	N	Y	N	Y
Photographers, commercial	Y	N	Y	N	Y
Photographic equipment and supplies	Y	N	Y	N	Y
Places of worship	Y	C	C	Y	C
Post offices	C	N	N	Y	C

Printing and publishing	Y	C	C	N	Y
Professional offices	Y	Y	Y	N	Y
Psychic consulting	N	N	N	N	N
Real estate offices	Y	Y	Y	N	Y
Restaurants and dining rooms	Y	Y	Y	N	Y
Retail stores or shops over 10,000 square feet	N	N	N	N	N
Retail stores or shops over 10,000 square feet but less than 35,000 square feet	C	N	N	N	N
School, arts and crafts	Y	N	N	Y	Y
School, martial arts	Y	N	N	Y	Y
School, modeling	Y	N	N	Y	Y
Schools, beauty	Y	N	N	Y	Y
Schools, business	Y	N	N	Y	Y
Schools, dancing	Y	N	N	Y	Y
Schools, driving	Y	N	N	Y	Y
Schools, gymnastics	Y	N	N	Y	Y
Schools, music	Y	N	N	Y	Y

Schools, photography	Y	N	N	Y	Y
Schools, public, private and charter (all grades)	Y	N	N	Y	Y
Second-hand store	N	N	N	N	N
Self-storage facilities	N	N	N	N	N
Shoe stores	Y	Y	Y	N	Y
Single-family dwelling units	N	Y	Y	N	Y
Skating rink	Y	C	C	C	C
Small tool and appliance repair	Y	Y	Y	Y	Y
Souvenir stores	Y	Y	Y	Y	Y
Sporting goods, rental	Y	Y	Y	Y	Y
Sporting goods, retail	Y	Y	Y	Y	Y
Tailor and seamstress shop	Y	Y	Y	Y	Y
Tattooing and body piercing	N	N	N	N	N
Teen center	Y	C	C	C	C
Theater (single room establishment)	C	C	C	C	C
Thrift store	N	N	N	N	N

Townhome	N	Y	Y	N	Y
Trailer parks/recreational vehicle parks	N	N	N	N	N
Travel bureau	Y	Y	Y	N	Y
Two-family dwelling units	N	N	Y	N	Y
Veterinary clinics	C	C	C	N	C
Video/DVD rental (except for what is excluded under adult entertainment)	Y	Y	Y	N	Y
Warehouse/storage	N	N	N	N	N
Wearing apparel stores	Y	Y	Y	N	Y
Wholesale sales	N	N	N	N	N

(1) *Conditional uses:* Use determined to be conditional within the Downtown Mixed Use District must meet certain criteria to be allowed within the district and require a public hearing and approval by the City Commission. Such criteria include consideration of (a) appropriateness, (b) traffic impact, (c) parking, and (d) compatibility with adjacent properties. Conditional uses shall be subject to section 24-165 of the Oakland Park Land Development Code.

(2) *Use regulations.*

Donated goods store. A retail use for the acceptance and sale of new or used merchandise, excluding furniture and major appliances, subject to compliance with the following conditions:

- a. No more than twenty (20) percent of the total floor area shall be utilized for receiving, sorting and storage of donated goods and shall be separated by a solid wall from the retail area; and
- b. The existing or proposed building and site shall be consistent with the downtown mixed use district design guidelines subject to review by the development review committee and the city's urban designer.

- c. All applications for a donated goods store shall follow the development review procedure outlined in section 24-272 unless stated otherwise herein.
 - d. The donated goods store shall be operated at all times by an organization that has been incorporated as a not-for-profit organization under the laws of Florida for a charitable purpose and that has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service; and
 - e. Any and all donated goods must be accepted by personnel directly employed by or volunteers for the not-for-organization only during business hours; and
 - f. All monetary proceeds resulting from the sale of said merchandise must be used in accordance with the organization's charitable purpose to benefit persons residing in South Florida; and
 - g. The operation of the donated goods store, the collection and use of the donations and proceeds thereof must be conducted by the not-for-profit organization and not by a licensee, subtenant, subcontractor or agent of the not-for-profit organization.
- (3) *Aquaculture*. The cultivation of aquatic plant or animal species (fresh or salt water) under either natural or artificial conditions.
- a. All activities of the business including, but not limited to, sale, display, preparation and storage shall be conducted entirely within a completely enclosed building;
 - b. Solid waste containers must be located a minimum of 100 feet from a residential district or area and may not emit any odor of the byproduct of the activity;
 - c. Processing of fish or fish products on site is prohibited. Processing shall mean the special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource; by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing;
 - d. The Florida Department of Agriculture and Consumer Services Best Management Practices Manual (January, 2005) is adopted and incorporated by reference and as amended from time to time;
 - e. The business shall be in compliance with all federal, state, county and municipal laws and ordinances, as amended from time to time.

(Ord. No. O-2004-030, § 2, 12-1-04; Ord. No. O-2010-002, § 2, 2-3-10; Ord. No. 2010-027, §§ 2, 3, 9-15-10; Ord. No. 2011-023, §§ 2, 3, 10-19-11)