



401 Clematis Street
West Palm Beach, Florida 33401
(561) 822-2222 (TTY) 800-955-8771
www.wpb.org

Mayor Keith A. James
Commission President Cathleen Ward (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Christy Fox (District 3)
Commissioner Joseph A. Peduzzi (District 4)
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Shaquita Edwards

City of West Palm Beach
City Commission
PASS/FAIL Agenda
Tuesday, May 28, 2024
5:00 PM

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. CIVILITY AND DECORUM

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA- NONE.

6. PROCLAMATION- PRESENTED.

- 6.1. Proclaiming June 3-7, 2024 as: Code Enforcement Officers Appreciation Week. Proclamation to be accepted by Assistant Police Chief Anthony J. Spatara, and Solid Waste Compliance Supervisor Joseph F. Oliva.

Originating Department:
Mayor's Office

7. APPOINTMENTS- ALL APPOINTMENTS WERE APPROVED.

- 7.1. City Commission approval is requested for the Mayor's reappointment of Janie O. Peters to the Civil Service Board for a term of three (3) years to expire on April 6, 2027. Ms. Peters has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms her reappointment.

Originating Department:
Mayor's Office

Staff Recommended Motion:

Ms. Peters' reappointment is recommended because of her dedicated experience and knowledge of Human Resources.

- 7.2. City Commission approval is requested for the Mayor's reappointment of Andres E. Paradelo to the Planning Board for a term of three (3) years to expire on May 21, 2027. Mr. Paradelo has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms his reappointment.

Originating Department:
Mayor's Office

Staff Recommended Motion:

Mr. Paradelo's reappointment is recommended due to his expertise as a landscape architect and his dedication to service.

- 7.3. City Commission approval is requested for the Mayor's appointment of Suzanne Turner to the West Palm Beach Housing Authority for a term of four (4) years to expire on May 7, 2028. It is required that the City Commission confirms Ms. Turner's appointment.

Originating Department:
Mayor's Office

Staff Recommended Motion:

Ms. Turner's appointment is recommended due to her personal experience working with governmental agencies in Washington, DC, including Housing and Urban Development (HUD).

8. CONSENT CALENDAR- ALL ITEMS WERE APPROVED.

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 8.1. Resolution No. 81-24 approving a Sixth Amendment to the Inter-local Agreement for Fire Vehicle Maintenance between Palm Beach County and the City of West Palm Beach.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 81-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SIXTH AMENDMENT TO THE INTER-LOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR FIRE VEHICLE MAINTENANCE; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Background Information:

On September 9, 2008, the County and City entered into an Interlocal Agreement For Fire Vehicle Maintenance (R2008-1567) for a term of ten (10) years, as amended on:

- November 20, 2018 (R2018-1827) to extend the term through September 8, 2020 and to only include certain types of fire-rescue emergency response vehicles and/or apparatus;
- October 20, 2020 (R2020-1592) to extend the term through September 8, 2021 and to further limit the vehicles serviced to Aerials/Platforms and Ladders only;
- December 7, 2021 (R2021-1842) to extend the term through September 8, 2022;
- August 23, 2022 (R2022-0862) to extend the term through September 8, 2023; and as further amended on:
- July 11, 2023 (R2023-0955) to extend the term through September 8, 2024 (herein collectively referred to as the "Agreement").

The parties mutually desire for the County to continue to provide maintenance and repair services for only certain types of the City's fire-rescue emergency response apparatus for one (1) additional year; and to extend the term of the Agreement for one (1) additional year from September 9, 2024 through September 8, 2025 ("Sixth Extension Period"), under the same terms and conditions set forth in the Agreement, except as otherwise provided in this Sixth Amendment.

Fiscal Note:

131, Fire Assessment Fund.

- 8.2. Resolution No. 94-24 accepting the grant award of \$140,673 from the U. S. Department of Justice - COPS Office - Microgrant for Officer Recruitment, Retention, and Workforce Diversification to be used for re-establishing the Police Explorer program; and

Resolution No. 95-24(F) appropriating the U. S. Department of Justice - COPS Office - Microgrant for Officer Recruitment, Retention, and Workforce Diversification funds.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 94-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A U. S. DEPARTMENT OF JUSTICE - COMMUNITY ORIENTED POLICE SERVICES OFFICE GRANT IN THE AMOUNT OF \$140,673 TO BE USED BY THE POLICE DEPARTMENT TO RE-ESTABLISH THE POLICE EXPLORER PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 95-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF THE CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF THE DOJ-COPS-FY2023 MICROGRANTS COMMUNITY POLICING DEVELOPMENT SOLICITATION PROCEEDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The West Palm Beach Police Department (WPBPD) established Explorer Post 148 in the past. The goal of the program was to provide young adults aspiring to become law enforcement officers with the basic knowledge of police operations. Members of the West Palm Beach Explorer Post 148 are not sworn officers. The Exploring program is available to qualified young adults who have graduated from the 8th grade, ages 14 to 21.

Explorer Post 148 is chartered through Learning for Life, a Boy Scouts of America subsidiary. Learning for Life is a subsidiary of the Boy Scouts of

America National Exploring program. The program supports youth serving organizations in their efforts toward preparing young adults to successfully handle the complexities of today's society and to enhance their self-confidence, motivation, and self-worth. Learning for Life also helps youth develop social and life skills, which assists in character development and helps them form positive personal values.

Explorer Post 148 follows the guidelines, practices, and recommendations of the Florida Association of Police Explorers (FAPE). FAPE was organized in 1971 to bring together Law Enforcement Explorers and Public Safety Cadets from around the State of Florida. The organization serves as a conduit to unite Explorers and Cadets and allows them to learn about law enforcement as a career. The WPBPD has numerous sworn officers who have participated in this program prior to being hired as sworn officers. Several former Explorers are current supervisors within the WPBPD.

The Explorer program is a vital grassroots community outreach program that connects young adults with public safety and law enforcement activities. The involvement and participation in the Explorer program will educate and expose the Police Explorer to the positive impact public safety has in a community. Having an Explorer program connects public safety officials, participating young adults, and their family members in creating stronger community bonds through public service.

Explorers attend weekly, basic law enforcement training to enable them to assist the WPBPD in their daily duties and in times of emergencies. Explorers will be trained in traffic, first aid, radio communications, firearms safety, patrol techniques, report writing, building searches, tactical first aid, disaster preparedness, other patrol techniques, and attend the annual Law Enforcement Explorer Academy. Explorers may expand their training by attending local, state, regional, and national conferences / competitions. These activities are designed to test the Explorers in practical police response techniques and compete against other Explorer Posts for individual Post recognition.

The WPBPD partners with the Palm Beach County School District in welcoming and recruiting students participating in the Criminal Justice program in high school into the Police Explorer program. The WPBPD believes these individuals are the future leaders of the agency. The WPBPD has a proven record of success with the program creating future officers.

During the recent pandemic, the Explorer program was suspended indefinitely. The WPBPD seeks to re-establish the program to continue its commitment to building trust and legitimacy with the community and address officer recruitment, retention, and workforce diversification.

In May 2023, the WPBPD made application to the U. S. Department of Justice (DOJ) - Office of Community Oriented Policing Services (COPS) for the FY23 Microgrants - Community Policing Development Solicitation (#O-COPS-2023-171548).

On November 2, 2023, the WPBPD was awarded One Hundred Forty Thousand Six Hundred Seventy Three dollars (\$140,673). The grant was awarded under the Microgrant for officer recruitment, retention, and workforce diversification. The award is one of thirteen (13) grant awards in the State of Florida for the stated solicitation.

Resolution No. 94-24 accepts the grant.

Fiscal Note:

Approval of this item accepts and appropriates the US DOJ COPS Office Microgrant award in the amount of \$140,673 to re-establish the Police Explorer Program.

- 8.3. Resolution No. 120-24 authorizing the Mayor to sign a Release of Unity of Title for 913 Sunset Road.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 120-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF UNITY OF TITLE WITH REGARD TO 913 SUNSET ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

913 Sunset Road currently consists of Lots 21-23, Block 3, Plat of Bellevue Addition.

In June 1988, a Unity of Title was recorded for Lots 21 and the West one-half of Lot 22 for a proposed residence. In that Unity was the provision that a release could be obtained from the City Commission with the approval of the Planning Director. The house was never constructed, and the current owner owns all three (3) lots and wishes to clear the title to his property. The owner requested a Release of the Unity, to which the Planning Director has agreed.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

9. RESOLUTIONS- APPROVED.

- 9.1. Resolution No. 115-24 approving a Lease Agreement with Esperanza Community Center to lease City-owned property located at 723 39th Street.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 115-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LEASE AGREEMENT BETWEEN ESPERANZA COMMUNITY CENTER AND THE CITY OF WEST PALM BEACH FOR THE LEASE OF CITY-OWNED PROPERTY LOCATED AT 723 39TH STREET, WEST PALM BEACH, FLORIDA 33407; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 115-24.

Background Information:

The City of West Palm Beach received an application from Esperanza Community Center requesting to lease City-owned property located at 723 39th Street.

The Esperanza Community Center provides services and programs to empower families, primarily residing in the Northwood area of the City, to thrive by developing life skills. The agency offers a safe space for the community to receive information and services, including English as a second language, adult literacy and computer classes, health outreach and education, pro-bono legal services, health outreach and education, family programming, cultural events, and a food pantry. The Esperanza Community Center serves over 280 individuals, and over 150 children benefit monthly from baby diaper distribution and babysitting programs. The agency estimates that it will serve an estimated 3,103 duplicated beneficiaries per year.

In accordance with the City's Real Property Lease Management Policy adopted by Ordinance No. 4868-19, the property meets the criteria to be considered for leasing, as the property is not required for current municipal use, and the property can be efficiently utilized by a non-profit provider of housing, human, and social services. In evaluating the potential tenant's request, City staff considered the appropriateness of the proposed use with respect to the public benefit derived, conformance with the City's Strategic Plan, and the long-term planning goals of the City. In addition, staff contemplated the objectives to be achieved, capacity of the potential tenant, and their ability to fulfil the obligations of the lease. As such, City staff negotiated the following summarized terms:

- Lease of 723 39th Street for a term of five (5) years;
- Base rent for Year 1 is \$15.00 per square foot (2,745 square feet) or \$1,200.00 (35% of market rate price) per month/\$14,400.00 annually. To allow Esperanza Community Center to relocate and establish operations in the new space, rent payments are set to begin four (4) months after the effective lease date;
- Three percent (3%) annual increase for Years 2-5 as follows:
 - Year 2: \$1,236.00 monthly / \$14,832.00 annually
 - Year 3: \$1,273.00 monthly / \$15,276.00 annually
 - Year 4: \$1,312.00 monthly / \$15,744.00 annually
 - Year 5: \$1,351.00 monthly / \$16,212.00 annually
- A security deposit equal to two (2) months rent due with execution of lease;
- The tenant is required to maintain and keep the premises and the interior and exterior of the building, in a clean, pleasant, sightly, sanitary and safe condition, and in compliance with all applicable laws, at tenant's sole cost and expense;
- The City is responsible for maintenance of the roof, HVAC, foundation and structural walls, unless the damage or repair is caused by the Tenant, or its employees or agents;
- The tenant is required to pay utilities and other maintenance costs incurred as a result of operation of the agency; and
- The tenant is required to carry Commercial General Liability Insurance, Worker's Compensation, Business Interruption, All-Risk Property Insurance, any Additional Insurance required for good business practice.

The lease agreement provides a detailed description of the terms and conditions. The leased premises shall be used for the purposes delineated in the lease and for no other purposes without the City's consent.

To ensure that quantifiable service objectives are achieved, the tenant is required to submit quarterly performance reports to the Director of Housing and Community Development. The reports will include a description of the total number of the principal activities carried out, details of the objectives achieved, and the number of unduplicated persons who received assistance or benefitted from the activities or

programs.

In accordance with Section 2-31 of the City's Code of Ordinances, a lease of five (5) years or less may be approved by resolution of the City Commission.

As such, staff recommends approval of Resolution No. 115-24, approving a Lease Agreement with Esperanza Community Center to lease the City-owned property located at 723 39th Street.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Base rent is 35% of the fair market rent for Year 1, which is \$15 per square foot (2,745 square feet total), or \$1,200.00 per month/\$14,400.00 annually.

The summary for following years is provided above. The funds shall be deposited in the City's Real Estate Management Fund.

10. PUBLIC HEARING- ALL ITEMS WERE APPROVED.

- 10.1. Public Hearing and Second Reading of Ordinance No. 5102-24 modifying the annual salary for the Mayor and City Commissioners pursuant to Section 2.02 of the City Charter.

Originating Department:

Mayor's Office

Ordinance/Resolution:

ORDINANCE NO. 5102-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE ANNUAL SALARY OF THE MAYOR AND THE COMMISSIONERS PURSUANT TO SECTION 2.02 OF THE CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA; REPEALING ORDINANCE NO. 4610-16; PROVIDING FOR CONFLICTS AND SEVERABILITY CLAUSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5102-24 on Second Reading

Background Information:

Ordinance No. 5102-24 is a proposal recommending adjustments to the current salaries of the City's elected officials by increasing the salary of the Mayor and City Commissioners and providing for Cost-of-Living Adjustments (COLAs).

Section 2.02 of the City Charter establishes, in part that, "The annual

salaries of the mayor and the city commissioners shall be fixed by ordinance. These salaries shall be reviewed during the city's annual budget process".

As noted above, the City Charter specifies that the salaries of the Mayor and City Commissioners shall be reviewed during the City's annual budget process. No such review has been done heretofore. Under the current Administration, as supported by the Board, the primary focus has been to address the historic low market placement of the City's salary for the various City employee groups. Between FY2016 and FY2024, sworn public safety employees' salaries have increased by 40-59% on average, which includes annual step pay and significant market adjustments in FY2022. Non-public safety employees' salaries have increased by 46% on average, which includes annual cost-of-living adjustments and significant market adjustments in FY2024, excluding Management 1 employees. Market adjustments were not warranted for Management 1 employees; however, the annual cost-of-living adjustments increased their salaries on average by 24%.

Conversely, the City's elected officials' annual salaries have not been adjusted since February 2016. At that time, the salary for Commissioners was increased from \$30,000 to \$35,000, and the Mayor's salary was increased from \$125,000 to \$150,000. The goal was for our City's elected officials' salaries to be commensurate with, but not to surpass, the salaries of the Strong Mayor governments of: Orlando, St. Petersburg, and Jacksonville. Since 2016, those benchmark municipalities have increased their Mayors' and Commissioners' salaries by 24% - 42% on average, whereas our City's elected officials salaries have remained flat with no increase or cost-of-living adjustment during the same eight year period.

During the Board's comments at its August 21, 2023 meeting, the potential change to the Mayor and Commissioner salaries was discussed by the Commission. After that meeting, the State provided the final amount of the City's State-shared revenue, which was an increase of the initial projection. That enabled staff to include funding in the balanced FY2024 Adopted Final Budget to accommodate any potential salary changes the Commission elects to consider in the current fiscal year.

Staff recommends that the FY16 benchmarked salaries for the Mayor and Commissioners be increased in accordance with the Consumer Price Index (CPI). Using the U. S. Department of Labor, Bureau of Labor Statistics CPI Inflation Calculator, the \$150,000 salary in 2016 equates to \$197,585 in 2024. Respectively, the \$35,000 salary in 2016 equates to \$46,103 in 2024. The proposed ordinance, if adopted, would raise the Mayor's salary to \$197,625 per year and the salary of Commissioners to \$46,112 per year. In addition, if approved, the ordinance would allow the City's elected officials to receive the same annual cost of living

adjustments that the City provides to non-union City employees.

Fiscal Note:

Fully budgeted. All costs associated with this ordinance were included in the Balanced FY24 adopted budget.

- 10.2. Public Hearing and First Reading of Ordinance No. 5101-24: A privately-initiated request for a text amendment to the Zoning and Land Development Regulations to allow the sales of Golf Carts in the Transition Sub-District of the Northwood Mixed-Use District (NMUD).

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5101-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE VII (SPECIAL DISTRICTS), SECTION 94-210 (NORTHWOOD MIXED-USE DISTRICT), TABLE VII-9, RETAIL SERVICES, ITEM 87 "MOTOR VEHICLE SALES AND RENTAL (NO SERVICE) ENCLOSED", AND ARTICLE IX (EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES), SECTION 94-273, ITEM 49 (MOTOR VEHICLE SALES AND RENTAL ESTABLISHMENTS, NO SERVICE), TO PERMIT THE SALES OF SMALL RECREATIONAL VEHICLES WITH ADDITIONAL REQUIREMENTS WITHIN THE TRANSITION AREA OF THE NORTHWOOD MIXED-USE DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5101-24 on First Reading and schedule the Second Reading on June 10, 2024, said ordinance amending Sections 94-210 and 94-273 of the City of West Palm Beach Zoning and Land Development Regulations, to permit the sales of small recreational vehicles with additional requirements within the Transition area of the Northwood Mixed-Use District (NMUD) as the amendment is consistent with the Comprehensive Plan of the City and meets the standards for amendment in Section 94-32 of the Code.

Background Information:

(THE INFORMATION BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT.)

The proposed text amendment to the City's Zoning and Land

Development Regulations (ZLDRs) corresponds with a privately initiated application to permit the sales of small recreational vehicles with additional requirements within the Northwood Mixed-Use District (NMUD).

BACKGROUND HISTORY

The NMUD is a compact, pedestrian-oriented, mixed-use district that serves Northwood, Pleasant City, and other surrounding areas. This mixed-use district has historically significant buildings with an eclectic mix of businesses, artist studios, and retail shops. It provides for urban types of development regulations concerning setbacks, parking requirements, location, height limitations, and permitted uses.

The intent of the development standards for the NMUD is to reinforce the existing architectural character to create a place of common vision and physical predictability for all new construction and renovations, to provide areas for the concentration of compatible land uses that are complementary to the surrounding neighborhoods and public spaces, and to encourage historic preservation and a pedestrian-friendly transit-oriented environment.

The NMUD is a mixed-use district comprised of three (3) Sub-Districts: the Edge Sub-District to the north, the Core Sub-District to the west, and the Transition Sub-District to the south, east, and a portion of the west. It is generally bounded by historic single-family high-density residences to the north, general commercial properties to the south, mixed-use properties to the east, and light industrial properties to the west.

ANALYSIS

According to the Zoning and Land Development Code, sales of electric golf carts are not permitted within the NMUD Transition Sub-District. For that reason, the applicant applied for a text code amendment to lift the prohibition and to allow for the sale of electric golf carts with no outdoor display of vehicles within the NMUD Transition Sub-District.

The subject property proposed to operate the use is located within the NMUD Transition Sub-District. It is generally bounded by properties within the NMUD Transition Sub-District to the north and the west. Properties to the south are located within the General Commercial Zoning District, and properties to the east, across North Dixie Highway, are located within the Recreation and Open Space Zoning District. The subject property is also located within the Community Redevelopment Agency (CRA) overlay and Northwood Road Historic District (NRHD). Originally, the applicant submitted a permit application for the sales of electric golf carts in a vacant unit located at 2405 North Dixie Highway, within the Transition Sub-District area of NMUD.

Upon research, staff found that the City of West Palm Beach ZLDRs do not provide a specific definition for "Golf Carts". Therefore, based on State statute and NAICS category code 441227, City staff determined that golf carts are classified as "small recreational vehicles". According to Chapter 94, Appendix A, Item 87, sales of "small recreational vehicles" fall under the category of Motor Vehicle Sales and Rental (No service). This use is currently prohibited within the NMUD Transition Sub-District area, as well as within the NMUD Core and along the Dixie Highway corridor between 23rd Street and 25th Street.

Upon review, staff determined that additional elements of Section 94-273, Item 49, need to be updated to reflect the proposed use. The current regulation language prohibits Motor Vehicle Sales and Rental (No service) within the NMUD Transition Sub-District, as well as along North Dixie Highway, between 23rd Street and 25th Street. The revised regulation will grant permission for the sales of recreational vehicles within the NMUD Transition Sub-District.

Staff's amendment to Section 94-273, Item 49, "Motor Vehicle Sales and Rental Establishments (No service)," will: (1) grant permission for the use, (2) add the requirement for a P (12) permit approval for the use, and (3) add conditions required for the use. Additionally, staff has found that the proposed use is similar to other retail businesses already permitted within the NMUD Transition Sub-district and around the local community. Therefore, to permit such use within the areas herein discussed, additional language must be included in the ZLDRs. The proposed addition falls under "additional application requirements" as part of the code change listed in Section 94-273, Item 49 (a) that must be met for the use to be granted a permit if it meets the additional requirements (P12) as follows:

1. For sales of small recreational vehicles:
 - i. Minimum site dimension of 1000 square feet
 - ii. No outdoor display for sales or rental of motor vehicles allowed.

Moreover, according to Section 94-210, Table VII-9 (Permitted Uses in the Northwood Mixed Use District), "Motor vehicle sales and rental (no service) enclosed," is a use that is already permitted within the NMUD Edge Sub-district with restrictions in properties located on the west side of Pinewood Avenue, east of the railroad tracks, north of 25th Street, and south of 26th Street (refer to note P-9). Small recreational vehicle sales are similar in nature to retail businesses use that are already permitted in the NMUD.

Staff found that the sale of small recreational vehicles will not have a

negative impact on the nearby communities by providing an alternate means of mobility to residents while boosting the local economy and improving local transportation to residents and local users of Currie Park and other public places.

Therefore, to further the City's goals of having NMUD users meet their needs within the community while improving the city's economy, staff supports allowing the use of NMUD Transition Sub-District subject to additional requirements. The use remains permitted with additional requirements (note P9) within the NMUD Edge Sub-district and remains prohibited within the NMUD Core Sub-district. Zoning staff worked with the City's CRA staff on the language for this text amendment.

The presented text amendments meet all eight (8) required amendment standards found in Section 94-32 of the City of West Palm Beach ZLDRs and are consistent with the Comprehensive Plan. Second Reading will be scheduled for June 10, 2024.

After a Public Hearing on April 16, 2024, the Planning Board unanimously recommended approval (6-0) of the proposed text amendment to the City Commission.

PUBLIC NOTICE

Individual notices were mailed to all property owners within the existing and proposed boundaries of NMUD and all property owners within 500 feet of the area subject to this request. Per the advertising requirements in the Code of Ordinances, this Ordinance will be advertised before second reading on May 31, 2024.

COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.

11. COMMENTS FROM THE PUBLIC

Public comments are limited to three (3) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT- 6:50 P.M.

*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written; 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.