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|  | <b>DEVELOPMENT &amp; NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION</b> |
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## **I. Project Description:**

**Applicant:** City of Greenacres

**Request:** City-initiated Zoning Text Amendment (ZTA) to add and revise definitions related to Live Entertainment; clarify the standards and criteria associated with Live Entertainment Permits and Mobile Food Dispensing Vehicles; and clarify permitted uses.

**Project Manager:** Millie Rivera, Planner

## **II. Proposed Zoning Code Amendments:**

### **Overview of Proposed Code Text Amendments:**

- **For Chapter 16**
  - **Article I, In General**
    - **Definitions (Section 16-1)**
      - Revised definition of *Lounge* to include Bar and/ or *Cocktail Lounge* for consistency throughout the Code. Clarified alcoholic beverages are to be consumed on the premise of which sold and that the term shall not include restaurants or nightclubs.
      - Added definition for *Live Entertainment*, which shall mean an accessory use to a commercial establishment wherein forms of entertainment, consisting of amplified or non-amplified sounds, may include live performance of one (1) or more persons. This term shall not include nightclubs.
      - Clarified the definition of *Restaurant* with respect to the permitted accessory use of live entertainment and where the sale or service of alcoholic beverages is incidental to the service of the establishment.
      - Added definition for *Special Event*, which shall mean any organized, temporary public or private celebration or gathering of people which requires a City temporary use permit.
  - **Article III, District Regulations**
    - **Commercial General – Permitted Principal Uses (Section 16-472)**
      - Added Liquor Store to the permitted use Retail Package Liquors for clarity.
    - **Commercial Intensive – Permitted Principal Uses (Section 16-497)**
      - Added Liquor Store to the permitted use Retail Package Liquors for clarity.
      - Reorganized the permitted use Bar and/or Cocktail Lounges from the permitted use Retail Package Liquors due to these being two different uses.
  - **Article IV, Supplementary District Regulations**
    - **Live Entertainment Permit (Section 16-609)**

- Clarifies performance standards and approval criteria for Live Entertainment Permits, including operational requirements regarding noise and public safety.
- **Mobile Food Dispensing Vehicles and Mobile Vendors (Section 16-721)**
  - Clarifies standards for Mobile Food Dispensing Vehicles and Mobile Vendors, including the establishment of criteria for operation within the common areas of residential developments.

### **III. Staff Analysis:**

#### ***Background:***

This Zoning Text Amendment (ZTA) is at the request of the City’s Development and Neighborhood Services Department to modify regulations in Chapter 16. The amendments focus on enhancing the Supplemental Regulations related to Live Entertainment and Mobile Food Dispensing Vehicles with the overarching goal of promoting a harmonious, diverse, and sustainable economic structure. The proposed changes aim to ensure that businesses operate within the scope of their permitted uses while protecting public health, safety, and welfare, preserving the character of the City, and supporting long-term economic growth. Specifically, the amendment revises and adds definitions related to Live Entertainment under Article I, In General to better align with contemporary business models and operational practices; revises the permitted uses in applicable zoning districts under Article III, District Regulations Modifies to reflect updated definitions and clarify where specific uses are allowed; and clarifies the standards and criteria for Live Entertainment under Article IV, Supplementary District Regulations. The amendment also clarifies the standards and criteria for Mobile Food Dispensing Vehicles and Mobile Vendors and establishes standards for Mobile Food Dispensing Vehicles operating within the common area of residential developments to support diverse economic opportunities across businesses. The amendment is consistent with applicable State and Federal laws and supports the goals, objectives, and policies of the City’s Comprehensive Plan—particularly those aimed at fostering a balanced and sustainable local economy.

#### ***Analysis:***

The three (3) main amendments are as follows:

#### **LIVE ENTERTAINMENT**

Code revisions were approved in 2022, to acknowledge and allow for Live Entertainment with an approved Live Entertainment permit. Concerns have arisen regarding businesses operating without a Live Entertainment permit and/or beyond requirements such as permitted hours and raising safety issues for residents, the Palm Beach County Sheriff’s Office (PBSO), and Fire Rescue. Live Entertainment is interpreted as an accessory use to a commercial establishment wherein forms of entertainment, consisting of indoor amplified or non-amplified sounds, may include live performance. The proposed revisions seek to provide further clarity and balance community desires with safety concerns; ensuring such establishments comply with all relevant local, state, and federal regulations.

#### **RESTAURANTS**

The definition of a Restaurant is clarified to address live entertainment as an accessory use with incidental sale or service of alcoholic beverages. This revision aims to address concerns related to restaurants that do not continually have kitchen facilities and preparation staff capable of preparing and serving food during all hours of operation and/or restaurants operating past the City permitted hours of sale for alcohol.

## **MOBILE FOOD DISPENSING VEHICLES**

To accommodate expanding service patterns and modern business models, this revision aims to revise the standards related to Mobile Food Dispensing Vehicles in parking spaces; recognize Mobile Vendors not using a Mobile Food Dispensing Vehicle; and establishes standards for Mobile Food Dispensing Vehicles operating within the common area of residential developments.

### ***Development Review Committee Staff Comments:***

The proposed Zoning Text Amendment was reviewed by the Development Review Committee on March 13, 2025, and recommended approval.

## **IV. Zoning Text Amendment Criteria:**

### ***A. The need and justification for these changes:***

The proposed Zoning Text Amendment is necessary to address the evolving demands of the City's commercial and entertainment industries, particularly when it comes to Live Entertainment. The 2022 Code revisions highlighted the need for more precise criteria; therefore, the amendment will address gaps and inconsistencies in the Code, ensuring that definitions, standards, and criteria are explicit, detailed, and reflect current trends and operations. These updates will improve zoning enforcement and ensure consistency with community expectations. The amendment will promote accurate business classification, reduce conflicts between users, and support the City's economic diversity while remaining compliant with State and Federal law.

### ***B. The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.***

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purpose of the City's Code of Ordinances. Moreover, the amendment contributes to the effectiveness of the City's Zoning Code by improving clarity, accessibility, and enforceability.

## **V. Staff Recommendation:**

***Approval*** of ZTA-25-02 through the adoption of Ordinance 2025-04.

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## **PLANNING & ZONING BOARD OF APPEALS – March 13, 2025**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Robarts, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-25-02** (*Chapter 16 Supplemental Regulations and Nightclubs*) as presented by staff.

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## **CITY COUNCIL ACTION First Reading – April 7, 2025**

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The City Council on a motion made by Councilmember Dugo and seconded by Councilmember Noble, by a vote of four (4) to one (1) with Councilmember Diaz dissenting recommended approval of Zoning Text Amendment **ZTA-25-02** (*Chapter 16 Supplemental Regulations and Nightclubs*) through Ordinance 2025-04 on first reading.

The City Council recommended convening a community workshop to inform and ensure commercial businesses potentially affected by the amendments were afforded additional input of the proposed changes. The workshop was subsequently held at the Community Center on May 9, 2025. For the Ordinance, revisions made between first and second reading are indicated as additions by double underline, and deletions by double strikethrough. These include refining the Live Entertainment definition, removing the term nightclub, and also removing the requirement for a surety.

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## **CITY COUNCIL ACTION Adoption Hearing – June 16, 2025**

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### Attachments:

1. Ordinance 2025-04