



ITEM SUMMARY

MEETING DATE: June 16, 2025

FROM: Denise Malone, AICP, Development and Neighborhood Services Director

SUBJECT: **Ordinance 2025-04 – ZTA-25-02 – Second Reading**
Live Entertainment and Supplemental Regulations

BACKGROUND

This City-initiated request for a Zoning Text Amendment (ZTA) has been brought forth to revise and add definitions related to Live Entertainment under Article I, In General; clarify permitted uses under Article III, District Regulations; and clarify the standards and criteria associated with Live Entertainment Permits. The objective is to ensure establishments within the City operate within the limits of their permitted primary use and in a manner that protects the public health, safety, and welfare, and maintains City character. In addition, the amendment addresses provisions for Mobile Food Dispensing Vehicles regarding parking spaces, operating within the common area of residential developments, and recognizes Mobile Vendors not using a Mobile Food Dispensing Vehicle.

On April 7, 2025, the City Council approved the proposed ordinance on first reading and 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.

ANALYSIS

The three (3) main revisions associated with this ordinance are summarized 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.

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. This revision aims to support diverse economic opportunities across businesses.

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. These changes directly align with the goals, objectives, and policies of the City’s Comprehensive Plan, particularly its Economic Development Element, which aims to achieve a balanced, diversified, and sustainable economic structure that maximizes long-term economic growth.

The Planning and Zoning Board recommended approval by a vote of 4-0 at their meeting on March 13, 2025. The City Council voted 4-1 to recommend approval of ZTA-25-01 on first reading on April 7, 2025.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2025-04 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed for legal sufficiency.

STAFF RECOMMENDATION

Approval of ZTA 25-02 through Ordinance 2025-04.