



**DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION**

**I. Project Description:**

**Applicant:** City of Greenacres

**Request:** City-initiated Zoning Text Amendment (ZTA) to add definitions for Live Entertainment and Nightclub; revise the definitions for restaurants; 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.
      - Added definition for *Nightclub*, which shall mean any commercial use open after 10:00 p.m. that could reasonably be determined as a nightclub. The amendment establishes clear criteria to determine whether an establishment would be defined as a nightclub; if the establishment has a dance floor or other open area used by patrons for dancing or if any combination of four (4) or more of the established criteria exist, such establishment would be defined as a nightclub by City Staff.
      - 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 standards of review and approval for Live Entertainment Permits regarding noise, safety, and other public concerns.
  - **Mobile Food Dispensing Vehicles and Mobile Vendors (Section 16-721)**
    - Clarifies standards and criteria for Mobile Food Dispensing Vehicles and Mobile Vendors, to support diverse economic opportunities across businesses; and establishes standards for Mobile Food Dispensing Vehicles operating within the common area of residential developments.

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

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

This Zoning Text Amendment is at the request of the City’s Development and Neighborhood Services Department to modify regulations in Chapter 16 related to Live Entertainment; revise such definition under Article I, In General; revise the permitted uses under Article III, District Regulations; and clarify the standards and criteria under Article IV, Supplementary District Regulations. Under Article IV, Supplementary District Regulations, the change 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. The primary objective of the amendment 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.

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.

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

#### **LIVE ENTERTAINMENT**

Code revisions were approved in 2022, to acknowledge and allow for Live Entertainment with an approved Live Entertainment permit. Currently, Live Entertainment is interpreted as an accessory to principal commercial establishments like restaurants, bars, and lounges, involving live performances with amplified or non-amplified sounds indoors or outdoors. Concerns have arisen regarding businesses operating without a Live Entertainment permit and/or beyond operational requirements such as permitted hours, changing their primary use to a nightclub, and raising safety

issues for residents, the Palm Beach County Sheriff's Office (PBSO), and assembly issues for Fire Rescue. The proposed revision aims to balance the community's desire for such establishments with the safety concerns of the City; ensuring such establishments comply with all relevant local, state, and federal regulations.

## **NIGHTCLUB**

Nightclubs which are currently prohibited are distinct from accessory Live Entertainment, as they are primary entertainment venues typically operating late at night with dancing, music, and performances, where food and drink are secondary. This revision continues to prohibit nightclubs in all zoning districts within the City and further clarifies that a Live Entertainment permit does not allow for nightclub activity. The amendment further provides criteria to determine whether an establishment is considered a nightclub.

## **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 addresses concerns about restaurants that serve alcohol converting into nightclubs, especially after closing their kitchens and operating after approved the hours of operation of 2:00 am.

## **MOBILE FOOD DISPENSING VEHICLES**

To accommodate expanding service patterns and modern business models, this revision aims to revise the standards related to parking; 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.

### ***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 changing demands of the City's commercial and entertainment industries. As the City grows, there is a greater need for clarity in defining the varied functions of commercial businesses, particularly when it comes to Live Entertainment and nightlife. These changes address gaps and inconsistencies in the Code, ensuring that definitions are explicit, detailed, and reflect current trends and operations. Following the Zoning Code revisions in circa 2022, it became evident that definitions for what constitutes a nightclub and Live Entertainment functions needed to be clarified and help enforce with distinct criteria and regulations. The revised standards will allow staff to accurately determine when an establishment should be designated as a nightclub, based on precise criteria such as operating hours, entertainment frequency, and the

presence of elements such as dance floors or cover charges. This will help to ensure more uniform zoning enforcement and better align business types with neighborhood expectations. To account for the current nature of these businesses, it is essential to update the definitions of Restaurant and Restaurant, fast-food. With the rise of mobile food sellers and expanding service patterns, current regulations no longer reflect the operational characteristics of modern restaurants. The proposed revisions will effectively reflect the nature of these businesses and establish clear standards for allowing Live Entertainment as an accessory use. These modifications will guarantee that businesses are appropriately classified, help mitigate potential conflicts between various types of uses and contribute to the City's diverse commercial landscape.

- 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 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 City aims to serve as a central location for a diverse array of commercial operations that contribute to the local economy; by updating the definitions for Live Entertainment, Nightclub, Restaurants, and Special Events, the City is taking proactive steps to accommodate evolving business trends and create an environment that is conducive to diverse commercial activity. Improved standards for applications pertaining to live entertainment will foster a thriving commercial area where businesses can operate without conflict, strengthening the local economy. This is critical for establishing diverse economic opportunities that appeal to a wide range of businesses, from small, locally owned restaurants to eventually large entertainment areas. The restaurant definition modification also acknowledges the increasing role of new business models and will allow the City to better accommodate consumer and business trends, thereby fostering economic diversity and sustainability. By establishing clear definitions and permitting regulations, these modifications will attract businesses that provide a wide variety of services, promote tourism, and create employment opportunities in the City.

## **V. Staff Recommendation:**

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

---

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

---

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.

---

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

---

**CITY COUNCIL ACTION Adoption Hearing**

---

Attachments:

1. Draft Ordinance 2025-04