

ORDINANCE NO. 2025-04

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA AMENDING THE CODE OF ORDINANCES AT ARTICLE I, IN GENERAL; ARTICLE III, DISTRICT REGULATIONS; AND ARTICLE IV SUPPLEMENTAL DISTRICT REGULATIONS; ALL OF CHAPTER 16, ZONING REGULATIONS, TO DEFINE LIVE ENTERTAINMENT AND NIGHTCLUBS; TO REVISE THE DEFINITIONS OF RESTAURANTS; TO REVISE THE STANDARDS AND CRITERIA ASSOCIATED WITH LIVE ENTERTAINMENT PERMITS AND MOBILE FOOD DISPENSING VEHICLES; TO CLARIFY PERMITTED USES; AND FOR OTHER PURPOSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City of Greenacres (the "City"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code);

WHEREAS, the City Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the City's residents;

WHEREAS, the City Council finds it periodically necessary to amend its Land Development Regulations to ensure consistency with the City's goals, enhance regulatory clarity, and accommodate evolving community needs;

WHEREAS, the City Council has determined that a need exists to update and modify criteria for current trends with live entertainment; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. Chapter 16, Zoning Regulations, Article I, In General, Division 1, of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underlining and deletions are indicated by strikethrough):

Section 16-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

[The following definitions shall be placed within the list of definitions in alphabetical order. All other text to remain as-is and are omitted for brevity.]

~~Bar shall mean a structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink. (see Lounge)~~

Live entertainment shall mean a use accessory to the principal commercial establishment such as restaurants, bars, cocktail lounges, or other permitted commercial establishments wherein forms of entertainment consisting of amplified or non-amplified sounds, provided indoors or outdoors. Live entertainment may include live performance of one (1) or more persons, whether or not done for compensation and whether or not admission is charged, such as musical act; theatrical act, or stand-up comedy; dance; magic act; disc jockey; or similar activity. This term shall not include nightclubs. (see definition for nightclub)

Bar and/or cocktail Lounge shall mean a building or portion of a building, wherein alcoholic beverages are either sold or dispensed by the drink by the establishment and only consumed on the premises. This term shall not include nightclub. (see definition for Nightclub)

Nightclub is not an allowed use within the City of Greenacres and shall mean any commercial use open after 10:00 p.m. that could reasonably be determined as a nightclub. For purposes of this Code, if any of the following conditions exist (excluding special events where a temporary use permit has been granted by the City), the establishment is a nightclub:

(a) The establishment has a dance floor or other open area (for example established by the removal or rearrangement of furniture or tables) used by patrons for dancing or for viewing of live entertainment; or

(b) If none of the factors listed in subsection (a) above are present, and no special event permit has been approved by the city, then if any four (4) of the following conditions exist, the establishment is a nightclub:

1. The establishment is open to the public anytime between 10:00 p.m. and 7:00 a.m. on any day of the week;
2. The establishment charges a cover charge, door charge, required contribution, or one (1) time membership fee which is paid at the door, or has a minimum drink requirement;
3. Alcohol is sold, served, and/or consumed on the premises of the establishment at any time;
4. Advertisements for the establishment describe specific entertainment events or engagements (e.g., "Live Dancing Tonight"; "DJ Saturday Night"; "Live Music Tonight"), unless advertised in conjunction with an approved Live Entertainment Permit;
5. The establishment features a platform, musical staging area, or other open area used in connection with performances or entertainment, unless utilized in conjunction with an approved Live Entertainment Permit; and/or,
6. It is unlawful or prohibited by the establishment for persons under the age of 21 to patronize, visit, loiter, be admitted, or allowed access anytime between 10:00 p.m. and 7:00 a.m.
7. The presence of security personnel, bouncers, or similar staff hired specifically for ticket sales, crowd control, ID verification, or patron management during operations.

Restaurant shall mean an establishment whose primary business is the sale of food and nonalcoholic beverages to a patron, and whose design and method of operation where the sale or service of alcoholic beverages is incidental to its operation and constitutes less than fifty (50) percent of total sales and meets~~includes~~ all of the following criteria:

- (1) Each patron places their order at their table from an individual handheld menu, which displays or describes the food and beverages available to them. During all hours of operation, restaurants shall continually have kitchen facilities and preparation staff capable of preparing and serving food. Food shall be continually available for preparation, service, and sale from the menu for the full occupant load of the establishment, including when alcoholic beverages are sold, otherwise the use may be deemed a bar and/or cocktail lounge or nightclub.

- (2) Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.
- (3) Preparation, service and consumption of food and beverages takes place within a completely enclosed building, accommodating at least eighty (80) percent of the establishment's permitted seating capacity.
- (4) Outside table dining is permitted in areas permanently designated for such use, and shall not exceed twenty (20) percent of the establishment's permitted seating capacity, and in no way shall permit the consumption of food or beverages within automobiles.

Restaurant, drive-in or drive-through shall mean any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one (1) or all of the following characteristics:

- (1) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.
- (2) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
- (3) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.
- (4) The kitchen is in excess of fifty (50) percent of the total floor area.

Special event shall mean any organized, temporary public or private celebration or gathering of people which requires a City temporary use permit including but not limited to events relating to: athletic contests; carnivals; fairs; entertainment; music concert; art exhibitions; parades; fundraisers (such as religious, charitable, patriotic or philanthropic events); the sale of merchandise, food, alcohol; or any combination of the foregoing.

SECTION 2. Chapter 16, Zoning Regulations, Article III, District Regulations, Division 10, Commercial General, and Division 11, Commercial Intensive of the City of Greenacres Code of Ordinances are hereby amended as follows (additions are indicated by underlining and deletions are indicated by strikethrough):

[Section 16-471 has been omitted for brevity.]

Section 16-472. Permitted principal uses.

The permitted principal uses and structures in the commercial general (CG) district shall be:

[Sections 16-472(1) through 16-472(5) have been omitted for brevity.]

(6) Retail package liquors, liquor store.

[Sections 16-472(7) through 16-472(23) have been omitted for brevity.]

[Sections 16-473 through 16-496 have been omitted for brevity.]

Section 16-497. Permitted principal uses.

The permitted principal uses and structures in the commercial intensive (CI) district shall be:

[Section 16-497(1) through 16-497(5) have been omitted for brevity.]

(6) Retail package liquors, liquor store ~~cocktail lounges and bars~~.

[Section 16-497(7) through 16-497(30) have been omitted for brevity.]

(31) Bar and/or cocktail lounges.

SECTION 3. Chapter 16, Zoning Regulations, Article IV, Supplementary District Regulations, Division 1, Generally; and Division 6, Temporary Uses, of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

[Section 16-606 through 16-608 have been omitted for brevity.]

Section 16-609. Live Entertainment Permit.

(a) *Purpose.* The purpose of this section is to provide regulations which govern the provision of live entertainment at commercial establishments while protecting the quiet enjoyment of adjacent properties.

(b) *Applicability of permit.*

- (1) A live entertainment permit is required for all new and existing restaurants, bars, cocktail lounges, or other permitted commercial establishments to provide or use the following:
 - a. Outdoor live entertainment with or without amplified sound; and
 - b. Indoor live entertainment with or without amplified sound.
- (2) A live entertainment permit is valid only for the specific establishment, location, and operator of establishment to whom it is issued.
- (3) A live entertainment permit is not required for conducting a special event in accordance with section 16-718, which requires a permit for temporary uses.
- (4) Live entertainment is accessory to the principal use of the establishment and ~~cannot be~~ shall not operate as a principal use for all or portion of the establishment, nor shall it be conducted in a manner that transforms the establishment into such as a concert or night-club use.
- (c) *Permit required; submittals.* Applications for a permit and renewal of a permit under this section shall be made to the building division on a form provided for such purpose by the city, and shall include, along with any other such information deemed reasonably necessary by the reviewers to implement and enforce the provisions of this section, the following:
 - (1) The applicant shall submit the application for live entertainment with an application fee and ~~performance surety bond~~ in the form of a Bond, Letter of Credit, or another legal document acceptable to the City, amounts as set forth in the city's fee schedule;
 - (2) The name, location, and mailing address of the property owner and tenant (if applicable) proposing to use or provide live entertainment;
 - (3) The name, mailing address, and telephone contact information of the applicant and the written authorization of the property owner(s);
 - (4) A detailed summary of the proposed live entertainment, including the days and hours of operation, a description of the entertainment type, a description of the designated area within the premises where the live entertainment will take place, the number of entertainers, noise control and compliance with the Sound Management Plan, and any other relevant details. The submission shall also include labeled photos of the existing setup within all interior patron areas, including the designated live entertainment area, demonstrating that they align with the approved Life Safety Plan;
 - (5) The name, mailing address, email address, and telephone contact information of a designated contact person, available 24/7, who shall serve as the primary

point of contact for compliance, enforcement, and any other live entertainment permit-related matters;

- (46) A location plan indicating, at a minimum, the location of the live entertainment, stage/area for entertainment, speakers, and/or location of any other equipment/facilities that will be used as a part of the live entertainment activities; and
 - (57) A Life Safety Plan consistent with the latest version of the Florida Fire Prevention Code, NFPA 101, detailing, at a minimum, all relevant and required safety features including but not limited to occupancy type, occupant load, fire-rated walls, exit signs, emergency lighting, travel distances, common path of travel, and the designated area dedicated to the live entertainment use; and,
 - (8) A sound management plan which sets forth the methods to be utilized to ensure compliance with the noise limitations set forth in this Code and any other requirements set forth in this Code or the city's Standard Operating Procedures (SOP) for live entertainment permitting (if adopted by the development and neighborhood services department).
- (d) Standards for review. When considering applications for a live entertainment permit, the city shall consider the following criteria, all of which must be satisfied in order for a live entertainment permit to be issued:
- (1) The amount and type of screening, buffering, and separation between the subject establishment and adjacent establishments and properties, including type, dimensions, and character, shall be clearly depicted on the submitted plans and must be sufficient to mitigate sound impacts on adjacent establishments and properties;
 - (2) The land and buildings which are the subject of the application must be of sufficient size, shape, type of building, and the like to ensure the proposed live entertainment can be accommodated without negative impact on adjacent establishments and properties;
 - (3) The proposed live entertainment shall be compatible with adjacent establishments, properties, and the surrounding area and shall not cause a nuisance. Compatibility shall be assessed based on hours of operation, noise levels, and other potential nuisance factors, including but not limited to odor, smoke, glare, electrical interference, and mechanical vibrations;
 - (4) Off-street parking and loading for the existing use must be adequate and designed to meet operational needs and parking regulations for the property the use is located on. The proposed live entertainment shall not generate an additional parking demand for the use;

(5) The establishment shall have adequate space for the intended live entertainment to ensure compliance with the approved Life Safety Plan and to prevent any deviations from the approved Life Safety Plan;

(6) If an establishment has a documented history of activities that negatively impacts public safety or well-being, or is identified as a public nuisance; and,

(7) The applicant shall not have had a live entertainment permit denied or revoked within the past twelve (12) months.

~~*Transferability.* A live entertainment permit may be transferred in accordance with the following provisions:~~

~~(1) When a sale or change in ownership occurs to an establishment that has an existing valid live entertainment permit, a request to transfer the permit may be made with the new business tax receipt to the planning, engineering, and gis division;~~

~~(2) The transfer request shall not include any proposed changes to the previously approved sound management plan. If changes are proposed, the applicant shall apply for a new live entertainment permit;~~

~~(3) The performance bond as required by this section shall be provided by the new holder of the business tax receipt; and,~~

~~(4) Upon the issuance of any new live entertainment permit, a new twelve-month period shall commence in accordance with subsection (f) below.~~

(e) *Standard conditions of approval for all permits.* The following are standard conditions of approval for all live entertainment permits.

(1) Sound generated by or emanating from establishments that are using or providing live entertainment shall comply with the noise limitations set forth in this Code;

(2) Hours of live outdoor entertainment shall not extend beyond 10:00 p.m. unless:

- a. Specific approval is received through the application and issuance of a special events permit in accordance with section 16-718, special events; or
- b. The applicant submits a sound management plan, certified by an acoustical engineer, which verifies that sound levels generated will remain within the standards set forth in this Code and further complies with the SOP (if any) for live entertainment permitting. A copy of the adopted SOP (if any) shall be kept on file with the city clerk and shall be available for public inspection during normal business hours.

(3) For indoor live entertainment, all windows and doors shall remain closed at all times during live entertainment activities, except as necessary for patron and staff momentary ingress and egress;

- (4) Compliance with the approved Life Safety Plan shall be maintained during all hours of operations;
 - (5) A platform, staging area, or similar feature shall not be used for any purpose other than the approved live entertainment;
 - (6) Establishments must comply with all applicable hours of operation. Once the establishment has closed for business, patrons must immediately vacate the premise and the property to prevent loitering or disturbances; and
 - (7) Such other conditions of approval to ensure the live entertainment does not negatively impact the quiet enjoyment of adjacent properties.
- (f) Transferability. A live entertainment permit may be transferred in accordance with the following provisions:

- (1) When a sale or change in ownership occurs to an establishment that has an existing valid live entertainment permit, a request to transfer the permit may be made with the new business tax receipt to the planning, engineering, and qis division. Failure to submit a transfer request at that time shall render the live entertainment permit null and void;
- (2) The transfer request shall not include any proposed changes to the conditions, safeguards, or stipulations imposed during live entertainment permit approval. If changes are proposed, the applicant shall apply for a new live entertainment permit;
- (3) The surety as required by this section shall be provided by the new holder of the business tax receipt; and,
- (4) Upon the issuance of a transferred live entertainment permit, the permit shall remain valid through September 30th of that year, at which point it must be renewed in conjunction with the Business Tax Receipt renewal process, in accordance with subsection (g) below.

~~Standards for review. When considering applications for a live entertainment permit, the city shall consider the following:~~

- ~~(1) The amount and type of screening, buffering, or separation between the establishment and adjacent properties, with reference to type, dimensions, and character, shall be fully and clearly depicted on the submitted plans and must be adequate to mitigate sound impacts upon adjacent properties; and~~
 - ~~(2) The land and buildings which are the subject of the application must be of sufficient size, shape, type of building, and the like to ensure the proposed live entertainment can be accommodated without negative impact on adjacent properties.~~
- (g) *Issuance, renewal and revocation.*

- (1) The live entertainment permit may be issued or renewed by the development and neighborhood services director or designee. If the city issues a live entertainment permit or renews a live entertainment permit, the permit shall be in effect for twelve (12) months from the date of issuance or renewal by the city Live Entertainment Permit unless earlier revoked as stated herein. Live entertainment permits shall expire on September 30th of each year and must be renewed annually in conjunction with the Business Tax Receipt renewal, which becomes effective on October 1st, unless revoked earlier as provided herein.
- (2) A live entertainment permit must be renewed prior to its expiration on September 30th each year. The commercial establishment must apply for a renewal of the existing permit before the expiration date. After twelve (12) months, the permit or renewed permit shall expire and the commercial establishment must apply for a new permit or a renewal of the permit. A renewed permit may be granted by the city if there are no changes to the conditions for granting of the original permit including without limitation no changes in the sound management plan. If the performance suretybond submitted with the previously issued permit has expired, a new performance suretybond must be submitted with the application to renew. If a live entertainment permit expires, the City will return the surety only upon receipt of an affidavit from the commercial establishment attesting that no live entertainment has occurred or will occur, and that there have been no violations of the City Code or other applicable laws, and that there are no pending enforcement actions related to the permit. and a renewal is not sought within thirty (30) days, the city will return the performance bond to the commercial establishment. Establishments that have been the subject of complaints resulting in an Order issued by the City's Special Magistrate, or that have been found by a civil or criminal court to be in violation of the City Code or other applicable law(s), shall require City Council approval prior to the renewal of the permit. If City Council denies renewal, the establishment shall be prohibited from reapplying for a period of one (1) year from the date of such denial.
- (3) The city may revoke a live entertainment permit if the commercial establishment violates any terms and conditions of the permit, the sound management plan, this section, or is found in violation of other provisions of this Code which relate to the operation of the commercial establishment. If the city revokes a live entertainment permit, it shall send written notice to the commercial establishment of the revocation and may retain the performance suretybond if the grounds for the revocation include a violation of the sound management plan. The commercial establishment may appeal the revocation to the city's special magistrate within twenty (20) days of receipt of the notice of revocation. Such appeal will then be heard within thirty (30) days of the city's receipt of the appeal and notice of the hearing will be sent to the commercial establishment by regular

first-class mail. A commercial establishment whose live entertainment permit is has been revoked (and such revocation upheld if appealed) may ~~re~~-apply for a new live entertainment permit only after the passage of twelve (12) six (6) months ~~after~~ from the date of revocation with sufficient showing that all grounds for the revocation have been corrected.

- (h) Enforcement. The provisions of this section may be enforced through standard code enforcement procedures and the alternative citation procedures provided in chapter 2. If an establishment provides live entertainment without a permit or in violation of an establishment's permit or in violation of the requirements of this section, the violation is deemed irreparable in nature and the violator may be required to pay a fine not to exceed five thousand dollars (\$5,000.00) per violation. Each day such a violation continues to exist shall be deemed a new violation, subject to additional fines and enforcement action. The city may retain the ~~performance surety~~bond, in whole or in part, to pay any fines or costs assessed if the commercial establishment is found in violation.

[Section 16-610 through 16-720 have been omitted for brevity.]

Section 16-721. Mobile Food Dispensing Vehicles and Mobile Vendors.

No person, natural or corporate, including ~~without limitation~~ but not limited to mobile vendors, shall conduct any business or otherwise operate from within or on the public rights-of-way within the municipal limits of the city. Specifically prohibited under this section is the sale of food of any kind, goods, wares, or merchandise from a vehicle or cart whether motorized or not, regardless of the number of wheels affixed thereto, or on foot.

- (b) Except as authorized in subsection (d), (e) and (f) of this section, mobile vendors are prohibited from operating in any capacity on private or public property in the city. The foregoing prohibition shall not apply to a mobile vendor who has voluntarily executed a vendor agreement with the city for operation in a public area which is incidental to a city special event with the terms and conditions of the vendor agreement governing the operation of the mobile vendor.
- (c) Prior to operating within the city, all mobile food dispensing vehicles must receive an annual city fire department safety inspection at a location determined by the fire department. The fire department safety inspection is for the safety of the general public to ensure the mobile food dispensing vehicle complies with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. There shall be no charge for the safety inspection; however, each mobile food

dispensing vehicle must receive a safety inspection on an annual basis from the fire department. Failure to obtain a safety inspection prior to operating a mobile food dispensing vehicle in the city may result in an irreparable code compliance violation, which may result in fine of up to five thousand dollars (\$5,000.00) per violation.

(d) Active construction site requirements. Mobile food dispensing vehicles, which possess an active license under F.S. § 509.241, and pass the annual city fire department safety inspection, are authorized to operate on all active construction sites within the city on a temporary basis, irrespective of the zoning category, subject to the following requirements:

- (1) Written permission shall be obtained from the developer, or property owner, for the mobile food dispensing vehicle to operate on the construction site ~~shall be obtained~~ prior to the mobile food dispensing vehicle commencing operations on the construction site. A copy shall be provided to the city upon request.
- (2) The mobile food dispensing vehicle's food and beverage service shall only be offered to persons engaged ~~at the construction site who are engaged~~ in the construction project on site.
- (3) The mobile food dispensing vehicle shall provide for the collection and removal of all waste related to the mobile food dispensing vehicle's operation.
- (4) The mobile food dispensing vehicle shall be removed from the construction site when not in operation and shall not be permitted to operate on site outside the authorized hours of construction as set forth in section 7-56 of this Code.
- (5) No operation of the mobile food dispensing vehicle may occur off the property on which the construction site is located.
- (6) No alcohol may be sold, dispensed or provided by the mobile food dispensing vehicle.
- (7) The mobile food dispensing vehicle shall be parked in such a way as to avoid parking in the public right-of-way; in a fire lane; blocking fire hydrant(s); blocking or parking in Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps; parking in drive aisles, loading areas or "no parking" zones; and, parking in such a manner that impeded on-site circulation.
- (8) To be an "active construction site" under this provision, the parcel or property must have an active building permit for the pending construction project.

(e) Mobile food dispensing vehicles, which possess an active license under F.S. § 509.241, and pass the annual city fire department safety inspection, are authorized to operate in the commercial general (CG), ~~land development (zoning) district and the commercial intensive (CI) zoning districts and development~~ common areas of properties owned or operated by a Homeowners Association (HOA) or Property Owners Association (POA) within Residential Low Density (RL), Residential Medium

(RM), Residential High (RH), Residential Mobile Home (RMH)~~(zoning)~~ districts subject to the following requirements:

- (1) Written permission from the property owner for the mobile food dispensing vehicle to operate at the property shall be obtained prior to the mobile food dispensing vehicle commencing operations on the property. A copy shall be provided to the city upon request.
- (2) Only one (1) mobile food dispensing vehicle shall operate per parcel, including any property consisting of multiple parcels joined under a unity of title or governed by a single city approved site plan, except as may be permitted by a temporary use permit obtained by the property owner and issued by the city.
- (3) Mobile food dispensing vehicles shall not operate earlier or later than those of the principal business on the property; however, in no event shall a mobile food dispensing vehicle be allowed to operate or remain on the property after 9:00 p.m. or before 7:00 a.m., unless operating during the approved hours of a temporary use permit issued for the property pursuant to section 16-718.
- (4) A mobile food dispensing vehicle shall be removed from the property when not in operation. The property where the mobile food dispensing vehicle is located shall be thoroughly cleaned at the time of removal and all waste related to the mobile food dispensing vehicle operation shall be promptly removed from the property.
- (5) No fluids or toxic pollutants shall be discharged from a mobile food dispensing vehicle at any time.
- (6) Public restrooms shall be available on the property for customers of mobile food dispensing vehicle.
- (7) A mobile food dispensing vehicle shall not be placed upon or operate from any required parking spaces. This provision shall be construed to mean that if a parcel includes a greater number of parking spaces than required pursuant to the approved site plan, or this chapter, a mobile food dispensing vehicle may be placed upon or operate from designated parking spaces equal to or lesser than the number of parking spaces that exceed those required. On-site parking requirements shall be maintained for the principal use of, as well as for customers of the mobile food dispensing vehicle. The Provided, however, in no event shall a mobile food dispensing vehicle shall not be parked in or operate from any restricted parking zones such as but not limited to fire lanes; or blocking fire hydrants; in Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps; on an unimproved surface (e.g., dirt, sand, vacant lot, etc.); or, in any driveway aisles, "no parking" zones, or loading-only areas.
- (8) No mobile food dispensing vehicle shall operate within five hundred (500) feet of the grounds of any childcare center/preschool facility or elementary, middle

- or high school between one (1) hour prior to the start of the school day and one (1) hour after dismissal at the end of the school day.
- (9) No mobile food dispensing vehicle shall operate in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant; create or become a public nuisance; increase traffic congestion or delay or constitute a hazard to traffic; constitute a hazard to life or property; or, obstruct adequate access by fire/medic, police or sanitation vehicles.
 - (10) Mobile food dispensing vehicles shall not display its products off of the mobile food dispensing vehicle.
 - (11) Mobile food dispensing vehicles shall not provide or make use of tables, seats, umbrellas or similar furnishings for customers, with exception of waste receptacles.
 - (12) All mobile food dispensing vehicles must provide for their own waste collection and removal such that no waste remains on the property upon which the vehicle operated. Mobile food dispensing vehicles are prohibited from utilizing city-owned receptacles for collection or disposal of waste.
 - (13) Mobile food dispensing vehicles shall not post or utilize any advertising, except that the prices, product descriptions and name of the mobile food dispensing vehicle may be posted on the vehicle. Mobile food dispensing vehicles shall not post or utilize any freestanding advertisements, flags, balloons, streamers, flashing lights, banners, or other similar attraction devices or utilize a person(s) to advertise the mobile food dispensing vehicle. Mobile food dispensing vehicles shall not use a public address system(s) or amplified music.
 - (14) Mobile food dispensing vehicles shall not sell or dispense food to customers in a moving vehicle or otherwise engaging in drive-up sales.
 - (15) No alcohol may be sold, dispensed or provided by the mobile food dispensing vehicle.
 - (16) Mobile food dispensing vehicles operating within residential zoning districts shall only operate within designated common areas of properties owned or operated by a Homeowners Association (HOA) or Property Owners Association (POA) as defined and depicted on the approved site and development plan, for a maximum of one (1) calendar day per month within a 12-month period.
- (f) Mobile vendors, who do not utilize a mobile food dispensing vehicle, may operate within the city upon obtaining a temporary use permit pursuant to section 16-718 from the city; however, the mobile vendor shall be subject to the same requirements ~~set forth in of~~ subsection (c) annual fire department safety inspection, subsection (e) operational criteria above for mobile food dispensing vehicles (as applicable), and any other terms and conditions of the temporary use permit.

[Section 16-722 through 16-735 have been omitted for brevity.]

SECTION 4. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this ordinance are hereby cancelled, repealed or revised to be consistent with provisions and elements of this Ordinance.

SECTION 5. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 6. Inclusion in the Code. It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 7. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

Passed on the first reading this __ day of __, 2025.

PASSED AND ADOPTED on the second reading this ____ day of _____, 2025.

Voted:

Chuck Shaw, Mayor

Judith Dugo, Deputy Mayor, *District III*

Attest:

Voted:

Quintella Moor, City Clerk

John Tharp, Council Member, *District I*

Voted:

Peter Noble, Council Member, *District II*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney