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City of Pompano Beach Land Use Element

GOALS OBJECTIVES AND POLICIES (GOP's)

Objective 1.17.00

Revitalize the Historic Downtown Overlay District (HDOD).

Policy 01.17.01

Implement land development regulations for the HDOD.

Policy 01.17.02

Develop an HDOD Design Manual for all redevelopment in the HDOD.

Policy 01.17.03

Encourage preservation of Significant Historic Structures in the HDOD.

Policy 01.17.04

Implement a Local Activity Center land use category for the HDOD.

Policy 01.17.05

The Local Activity Center will be designed to encourage a mix of uses in the HDOD.

Policy 01.17.06

The HDOD will assist with the implementation of the Strategic Implementation Plan for the North West Pompano Beach CRA District.

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**CITY OF POMPANO BEACH
"LOCAL ACTIVITY CENTER" LAND USE CATEGORY**

FUTURE LAND USE ELEMENT TEXT AMENDMENT

M. Local Activity Center Use:

9. An interlocal agreement between the City and Broward County shall be executed no later than six months from the effective date of the adoption of a Local Activity Center which provides that monitoring of development activity and enforcement of permitted land use densities and intensities shall be the responsibility of the City.

HISTORIC DOWNTOWN OVERLAY DISTRICT	
Land Uses	Maximum Intensity
Residential	[INSERT]dwelling units
Commercial	[INSERT]square feet
Hotel	[INSERT]rooms
Community Facilities	[INSERT]acres (minimum)
Recreation and Open Space	[INSERT]acres (minimum)

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HISTORIC DOWNTOWN OVERLAY DISTRICT (HDOD)

(A) Intent and purpose. The Historic Downtown Overlay District (HDOD) is a mix of commercial entertainment, office, hotel accommodations, and residential uses. The district is primarily oriented to local and county residents and tourists and will be compatible with adjacent neighborhoods. The purpose of this district is to promote cohesive development and redevelopment that will protect the historic elements of the area. It will also create a safe, attractive and pedestrian oriented area through the implementation of design standards, landscaping, public art and property owner incentives. These regulations are intended to invigorate the economic and social vitality of the Historic Downtown Overlay District, while cultivating an attractive gateway to the City.

(B) Applicability. All properties located within the Historic Downtown Overlay District, as defined by the adopted Historic Downtown Overlay District map. To the extent that conflicts occur between standards of the overlay district and other regulations, the provisions set forth in the Historic Downtown Overlay District shall prevail.

(C) Exceptions.

(D) Permitted uses.

(1) All uses permitted in the underlying zoning district, unless prohibited by this section.

(2) Mixed uses of commercial, hotel, office and residential are encouraged in the Historic Downtown Overlay District. Residential and commercial uses will be allocated pursuant to the LAC category of the Broward County and City of Pompano Beach Land Use Plans.

(E) Prohibited uses.

[Insert here prohibited uses that are non compatible with GOP's and Statement of Desired Future Character]

(F) Development regulations.

(1) All utilities will be located underground, including those located to the rear of developments.

(2) Direct pedestrian access shall be provided from rear parking areas to ground floor uses. Connections can be interior throughways with rear or side entrances. Pedestrian throughways may also be exterior, located adjacent or between buildings. Interior and exterior throughways shall be a minimum of five feet unless located between buildings, in which case, throughways shall be a minimum of ten feet.

(a) Exterior throughways and outside areas shall provide a minimum .5 foot candle of illumination. Lighting fixtures, placement and design

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shall comply with the Historic Downtown Overlay District Design Manual.

- (3) The setbacks for the Historic Downtown Overlay District shall conform to the following:
- (a) Front setback: Building walls shall be setback zero feet from the right-of-way, in order to conform to current development patterns.
 - (b) Side street setback: Building walls shall be setback zero feet from the right-of-way if a sidewalk exists. A sidewalk or walkway shall be required either on or off site and may be dedicated to the public. Specifications and setbacks shall be determined by the HD Design Manual.
 - (c) Side setback: The creation of pedestrian walkways, breezeway plazas and courtyards, adjacent to buildings are encouraged to provide access to rear parking areas and to create outside areas. Adjacent property owners are encouraged to engage in joint development of plazas or courtyards. Side entrances are also encouraged. If plazas, breezeways, courtyards or walkways are not created, there shall be no building separation and setbacks shall be zero feet.
 - (d) Permitted uses in front/side setback: Arcades, walkways and pedestrian plazas/courtyards, landscaping, lighting, street furniture, and outdoor seating that does not obstruct pedestrian movement, as outlined in the HD Design Manual.

(G) Design theme. The general design theme of the district is that of Historic Downtown Pompano. The design of buildings should emphasize covered open air walkways or arcades integrated into the building design with structures supported overhead by architectural elements, columns or overhangs. Rooflines should be flat or parapet and varied in elevation. Pedestrian orientation and safety should be emphasized through walkways, lighting and high visibility areas. Design standards, which include signage, lighting, fencing, site improvements and building facades, are discussed in detail in the Historic Downtown Overlay District Design Manual, when available. The Historic Downtown Overlay District Design Manual is hereby adopted by reference and will be updated periodically. Said manual was developed to supplement the regulations set forth in this section and guide property owners in the design and construction of new structures as well as the rehabilitation of existing structures. Funding assistance for facade, sign and landscaping improvements may be available through the City of Pompano Beach. All new or improved structures, site improvements and appurtenances must comply with the standards in the Historic Downtown Overlay District Design Manual and this section.

(H) Sign regulations. Signage in the Historic Downtown Overlay District shall compliment the historic theme and create consistency using compatible colors, materials, size and location. Design guidelines are established in the Historic

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Downtown Overlay District Design Manual. Signage shall comply with the Historic Downtown Overlay District Design Manual and where not specifically defined by this regulation, the underlying sign ordinance.

- (1) A principal building, shall be permitted, one identification sign wall, marquee sign for identification, per street frontage. In addition, a principal building is permitted one mural sign. Size, height and location are as follows:
 - (a) Identification signs shall be wall or marquee type. Signs may be located on the principal frontage and along a side street.
 1. Side street signs shall not exceed 25% of the total square footage in sign area and letter size of the primary sign.
 2. Wall or Marquee Sign: Signs located on the principal frontage shall not exceed 10% of the total square footage of the facade area or 100 square feet, whichever is smaller.
 3. Letter size shall not exceed 36 inches in height.
 - (b) Mural signs shall be located on exposed party walls abutting the side property boundary.
 1. [Insert requirements here]
 - (c) In addition to identification sign(s), principal buildings containing more than one tenant are permitted one directory sign per building. Directory sign may be a wall sign or freestanding sign not exceeding two feet in width or eight feet in height. Directory signs must not be placed on the exterior of a building but can be placed within a recessed entrance or doorway 90 degrees to the property boundary and must not project beyond the face of the building.
- (2) Individual establishments within a principal building are permitted one non-illuminated, primary identification sign and one secondary identification sign. The following sign types and dimensions shall be permitted in the Historic Downtown Overlay District:
 - (a) Secondary signs shall not exceed 25% of the primary sign area in size and nine inches in letter size. Secondary signs shall be located at the rear or side.
 - (b) Awning Sign: One line of lettering shall be permitted.
 - (c) Under-Canopy Sign: Sign shall be mounted perpendicular to the face of the entrance. Identification sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.

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- (d) Occupant Nameplate Sign: Letters not to exceed three inches.
 - (e) Projecting Sign: Sign shall be mounted perpendicular to the face of the entrance. Sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.
 - (f) Wall Sign: Sign shall not exceed one square foot of sign area per one linear foot of tenant frontage.
- (3) Primary signs for individual establishments within a principal building or shopping center shall be of a homogenous sign type.
- (4) Wall murals that promote the historic theme are encouraged in the Historic Downtown Overlay District. All murals will be reviewed and approved by the [Insert agency] for appropriateness and consistency with the district objectives. In order to promote art in public places, wall murals may be commercialized; however, the commercial portion can not exceed 5% of the total mural space. Commercialized portions of a mural shall not be counted toward sign coverage limitations.
- (5) Nonconforming Signs: Nonconforming signs are required to conform to this section if there is any destruction, modification or improvement to a structure, site characteristic or appurtenance that is more than 25% of the replacement value, in accordance with division (F) of this section. All nonconforming signs shall be removed or made to conform within ten years of the effective date of this section. Nonconforming signs shall not be:
- (a) Structurally altered to extend its useful life.
 - (b) Demolished, modified or improved by more than 25% of its replacement value.
 - (c) Re-established if there is a change in use.
 - (d) Re-established after a business has been abandoned for more than 90 days.
- (I) Landscape requirements. Landscaping in the Historic Downtown Overlay District will compliment the historic theme, and be consistent with the Historic Downtown Overlay District manual using native plant materials and street furnishings that carry the theme. In addition, public safety will be a priority using the principles of CPTED, to create high visibility areas and natural access control.

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- (J) Parking provisions. Parking requirements shall be calculated in accordance with § 155.113(c)(14)(Amended) for each permitted use.

155.113(c)(14)

Off-Street Parking Exemption / Reduction Areas

The minimum off-street parking requirements of Sec. 155.113(A) and 155.113(B) shall be decreased as shown in the following table for uses located in districts designated on the Official Zoning Map as “Parking Exempt / Reduced Areas”. The exemption/reduction is a maximum. The final determination of the exemption or reduction will be made by the Zoning Director based on a Parking Demand Analysis (Section 155.113.C.15).

Area	Use Type	Percent Decrease
Historic Downtown Pompano Beach	Any Use	100 (Parking Demand Analysis Required, see Section 155.113.C.15).

155.113(C)(15) Uses Requiring Parking Demand Analysis

Uses requiring parking demand analysis have widely varying parking demands, making it difficult to specify a single requirement. The off-street parking requirement for such uses shall be established by the Zoning Director based on estimates of parking demand, which may include recommendation of the Institute of Traffic Engineers (ITE), data collected from uses that are the same or comparable to the proposed use, or other relevant information.

The Zoning Director requires that an applicant submit a parking study that provides analysis and justification for the proposed number of spaces to be provided on-site and off-site. Parking studies shall document the source of data used to develop the recommendations. The Zoning Director will review the submitted study along with any other traffic engineering and planning data that are appropriate and establish the off-street parking requirement (including recreational vehicle parking) for the use proposed.

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A determination of the off-street parking spaces will be based on the following:

- a. Peak and off-peak parking needs generated by on-site uses occurring at different times.
- b. The number of employees, tenants, patrons or other parking users of the site that are common to, and shared by, more than one use on the site or in exemption/reduction area.
- c. A parking management plan approved by the Zoning Director and implemented with occupancy of the building or buildings, Said plan shall include the implementation of such measures as to reduce the need for parking. The Zoning Director may require periodic documentation of reductions in vehicle trips and parking utilization as a result of the parking management plan.

155.113 (C)(16) Uses not specifically mentioned. For any use not specifically mentioned in the Section, the use most similar shall apply.

(K) Bonus provisions.

- (1) Developments that incorporate public plazas or public courtyards into site design, may request an increase in lot coverage by up to ___%.
- (2) Developments are only entitled to a maximum lot coverage increase of ___%.
- (3) Plazas, courtyards and arcades paved with an impervious material may be considered open space and counted toward the requirement up to ___%.
- (4) Plazas, courtyards and arcades paved with a pervious material may be considered open space and counted toward the requirement up to ___%.

(L) Nonconforming uses, structures and site characteristics. Any use, structure, site characteristic or appurtenance established prior to the effective date of this section, which does not comply with, or is prohibited by this section, is considered nonconforming. These uses, structures, site characteristics or appurtenances shall not be required to comply with the Historic Downtown Overlay District regulations if they are deemed "significant historic structures." If they are not "significant historic structures" partial destruction or modification occurs, in which case the following provisions apply:

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- (1) A nonconforming site characteristic, such as parking or landscaping, which is destroyed, modified or improved by more than 20% of the total area shall be required to comply with division (I) of this section.

§ 155.165 RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT.

- (A) Intent. This district is intended to accommodate the full range of housing types but primarily low-medium density multifamily structures.
- (B) Permitted uses.
 - (1) Single-family detached dwelling;
 - (2) Two-family dwelling;
 - (3) Multiple family dwelling;
 - (4) Community care facility;
 - (5) Community residential home.
- (C) Special exceptions uses.
 - (1) Zero lot line single-family detached dwelling;
 - (2) Public or private park;
 - (3) Church and other house of worship;
 - (4) Golf course;
 - (5) Day care center; and
 - (6) Office building with a floor area not exceeding 2,000 square feet and in conformance with Implementation Section 3.02 of the Future Land Use Element.
- (D) Accessory uses. All accessory uses permitted in the RS-1 District.
- (E) Lot area and width.
 - (1) "RM-12" lots utilized for one-family dwelling use shall not be less than 7,000 square feet in area with a minimum width of 60 feet.
 - (2) "RM-12" lots utilized for two-family dwelling use shall not be less than 7,260 square feet in area with a minimum width of 70 feet.

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- (F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 12 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less.
- (G) Setbacks:
 - (1) Front yard minimum of 25 feet;
 - (2) Side yard minimum of eight feet except that the side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 18 feet of building height; and
 - (3) Rear yard minimum of 101 feet except:
 - (a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 18 feet of building height; and
 - (b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.
 - (4) Minimum distance between any portion of principal structures on the same site shall be 25 feet.
- (H) Minimum floor area:
 - Efficiency 500 square feet
 - One bedroom 650 square feet
 - For each additional bedroom, another 100 square feet shall be required.
 - Single-family dwelling 950 square feet
 - Two-family dwelling 750 square feet
- (I) Lot coverage, maximum of 60%.
- (J) Pervious area, minimum of 25%.
- (K) Height, maximum of three stories or 35 feet, whichever is less.
- (L) Site plan. Site plan review by the Planning and Zoning Board is required for multiple-family projects with more than ten dwelling units and all non-residential uses, in accordance with Chapter 157.
- (M) Special regulations see sections governing parking, landscaping, signs and lighting.

(Ord. 91-63, passed 6-25-91; Am. Ord. 93-34, passed 3-23-93; Am. Ord. 2004-30, passed 3-23-04) Penalty, see § 10.99

§ 155.180 B-1 LIMITED BUSINESS DISTRICT.

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- (A) Intent. This district is intended to be applied to the frontage of selected major streets where traffic volumes and street widenings have lessened the desirability of residential uses. The limited office, retail and service uses are intended to serve as a buffer to adjacent housing. This conforms with the Commercial category of the Future Land Use Element.
- (B) Permitted uses.
 - (1) Professional, governmental and business offices;
 - (2) Retail sales of new merchandise;
 - (3) Antique stores;
 - (4) Personal and office service establishments;
 - (5) Financial institutions;
 - (6) Restaurants;
 - (7) Day care center;
 - (8) Public park.
- (C) Special exception uses.
 - (1) Residential apartments as part of a commercial structure but not exceeding 50% of the floor area of the structure and not located on the ground floor. Subject to allocation of flex or reserve units by City Commission.
 - (2) Free standing multiple-family residential use up to 20 units per net acre of site area. Subject to allocation of flex or reserve units by City Commission.
 - (3) Churches.
- (D) Accessory uses.
 - (1) All customary accessory uses;
 - (2) Outdoor dining.
- (E) Lot area and width.
 - (1) Minimum lot area of 7,000 square feet; and
 - (2) Minimum lot width of 70 feet.
- (F) Setbacks.

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- (1) Front yard, none except where §§ 155.140 through 155.143 applies due to a right-of-way width which is less than that shown in the Comprehensive Plan Traffic Circulation Element.
 - (2) Side yard, none except where district abuts a residential district, see § 155.130 for details on the ten-foot buffer strip required therein.
 - (3) Rear yard, minimum of 30 feet.
- (G) Lot coverage, maximum of 35%.
- (H) Pervious area, minimum of 20%.
- (I) Height, maximum of five stories but in no case over 50 feet.
- (J) Site plan. Site plan review by the Planning and Zoning Board is required, in accordance with Chapter 157.
- (K) Special regulations, see sections governing parking, landscaping, signs and lighting.
- (Ord. 91-63, passed 6-25-91; Am. Ord. 95-66, passed 5-23-95; Am. Ord. 2001-56, passed 5-22-01; Am. Ord. 2002-26, passed 1-22-02)

§ 155.181 B-2 COMMUNITY BUSINESS DISTRICT.

- (A) Intent. This district is intended to provide those retail, personal service and office uses needed to serve adjacent residential neighborhoods. This conforms with the Commercial category of the Future Land Use Element.
- (B) Permitted uses.
- (1) Any use permitted in B-1;
 - (2) Electronic game and billiards establishments;
 - (3) Post office substations; and
 - (4) Filling stations for automotive vehicles but not in connection with auto repair garages. No filling station shall be located within 750 feet of another filling station. Convenience food sales and an automatic car wash are permitted as accessory uses. Pumps or pump islands shall be located not closer than 25 feet from any street line or ultimate right-of-way as shown on the Trafficways Plan, whichever is greater. See also § 155.068.
- (C) Special exception uses.

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- (1) Residential apartments up to 30 units per net acre as a part of a commercial structure but not exceeding 50% of the floor area of the structure and not located on the ground floor. Subject to allocation of flex or reserve units by City Commission.
 - (2) Free-standing multiple-family residential use up to 30 units per net acre of site area. Subject to allocation of flex or reserve units by City Commission.
 - (3) Churches.
- (D) Accessory uses, all customary accessory uses.
- (E) Lot area and width.
- (1) Minimum lot area of 10,000 square feet; and
 - (2) Minimum lot width of 100 feet.
- (F) Setbacks.
- (1) Front yard, none except where §§ 155.140 through 155.143 applies due to a right-of-way width which is less than that shown in the Comprehensive Plan Traffic Circulation Element.
 - (2) Side yard, none except where district abuts a residential district and the provisions of § 155.130 shall apply.
 - (3) Rear yard, minimum of 30 feet.
 - (4) High rise setbacks, any structure with a building height exceeding 50 feet shall have a side and rear setback, in addition to what is specified above, of at least one foot for every four feet of building height, or major fraction thereof, above the first 50 feet of building height.
- (G) Lot coverage, maximum of 45%.
- (H) Pervious area, minimum of 20%.
- (I) Height, maximum of 105 feet.
- (J) Site plan. Site plan review by the Planning and Zoning Board is required, in accordance with Chapter 157.
- (K) Special regulations, see sections governing parking, landscaping, signs and lighting.

(Ord. 91-63, passed 6-25-91; Am. Ord. 95-82, passed 7-25-95; Am. Ord. 2001-56, passed 5-22-01; Am. Ord. 2002-26, passed 1-22-02; Am. Ord. 2004-30, passed 3-23-04; Am. Ord. 2004-75, passed 9-28-04)

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§ 155.183 B-3 GENERAL BUSINESS DISTRICT.

(A) Intent. This district is intended to permit a broad range of commercial uses, including those of a highway-oriented nature.

(B) Permitted uses.

- (1) Any use permitted in the B-2 District;
- (2) Auction house;
- (3) Automobile rental or leasing agencies (outdoor display permitted).
- (4) Automobile sales agency and accessory used car sales and auto service. The service facilities shall be located behind the showroom facilities such that the service bays are not visible from the street;
- (5) Bars;
- (6) Bowling alleys and skating rinks;
- (7) Business and commercial colleges, night schools, adult training, and similar educational enterprises;
- (8) Community care facility;
- (9) Funeral homes;
- (10) Hospitals and clinics;
- (11) Hotels and motels in conformance with Implementation Section 302 of the Future Land Use Element;
- (12) Marinas - no dry storage or repair;
- (13) Marine pleasure craft sales;
- (14) Movie and other theaters, auditoriums or similar places of assembly;
- (15) Printing, newspaper printing, blueprinting and other printing and reproduction facilities;
- (16) Retail stores including thrift shops for the sale of secondhand clothing and household goods with not more than 20% of the floor space being secondhand merchandise.
- (17) Shop for making articles sold at retail on the premises;

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- (18) Showrooms with wholesaling by sample only;
- (19) Studios for artists, photographers and musicians, including recording studios;
- (20) Transportation passenger stations; and
- (21) Veterinarian, animal grooming and pet store with all activities enclosed within the building; soundproofing and lack of windows shall result in no outside noise detection from the treatment or boarding rooms.
- (22) Window tinting, burglar alarm and stereo and telephone installation for automobiles.

(C) Accessory uses.

- (1) All customary accessory uses, including automobile parking lots and garages; and
- (2) Repair service for products sold at retail.
- (3) Beach chair and umbrella rental, sale of tanning products accessory to a hotel or motel with 100 or more sleeping rooms.

(D) Special exception uses.

- (1) Truck and trailer rental agency;
- (2) Automobile care center as defined in § 155.003;
- (3) Residential apartments up to 46 units per net acre as a part of a commercial structure but not exceeding 50% of the floor area of the structure and not located on the ground floor. Subject to allocation of flex or reserve units by City Commission;
- (4) Free-standing multiple-family residential use up to 46 units per net acre of site area. Subject to allocation of flex or reserve units by City Commission; and
- (5) Churches.

(E) Lot area and width:

- (1) Minimum lot area of 10,000 square feet; and
- (2) Minimum lot width of 100 feet.

(F) Setbacks.

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- (1) Front yard, none except where §§ 155.140 through 155.143 applies due to a right-of-way width which is less than that shown in the Comprehensive Plan Traffic Circulation Element.
- (2) Side yard, none except as required in subdivision (4) below or where a district abuts a residential district and the provisions of § 155.130 shall apply.
- (3) Rear yard, minimum of 30 feet except as required in subdivision (4) below.
- (4) High rise setbacks, any structure with a building height exceeding 50 feet shall have a side and rear setback, in addition to what is specified above, of at least one foot for every four feet of building height, or major fraction thereof, above the first 50 feet of building height.

(G) Lot coverage, maximum of 60%.

(H) Pervious area, minimum of 20%.

(I) Height, maximum of 10 stories but not in excess of 105 feet.

(J) Site plan. Site plan review by the Planning and Zoning Board is required, in conformance with Chapter 157.

(K) Special regulations, see sections governing parking, landscaping, signs and lighting.

(Ord. 91-63, passed 6-25-91; Am. Ord. 94-51, passed 7-12-94; Am. Ord. 95-66, passed 5-23-95; Am. Ord. 95-82, passed 7-25-95; Am. Ord. 2001-56, passed 5-22-01; Am. Ord. 2002-26, passed 1-22-02; Am. Ord. 2004-30, passed 3-23-04)

OUTDOOR RESTAURANTS AND BARS.

Outdoor restaurants and bars which are permitted or allowed in the Historic Downtown Overlay District shall be subject to the following limitations and conditions in addition to the regulations of the zoning district in which the outdoor restaurant or bar is located:

- (A) The unenclosed portion of the restaurant or bar shall be accessory to or under the same ownership or control as an outdoor restaurant or bar which is operated within a totally and permanently enclosed building located on the same lot.
- (B) Outdoor customer service area shall not be used to compute the minimum customer service area required to establish a restaurant bar.
- (C) _____ Board site plan approval shall be required prior to the establishment of an outdoor restaurant or bar.
- (D) There shall be no use, operation, or playing of any musical instrument, loud-speaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants

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or at any time with louder volume than is necessary for convenient hearing for persons within the outdoor customer service area, as determined by a city code inspector or a city police officer. Any such alleged noise disturbance violations shall be investigated on a "complaint only" basis and where the person or persons making the complaint sign a sworn affidavit indicating the nature of the complaint and the desire to prosecute same; otherwise, no such complaint shall be investigated.

(E) Use of public sidewalk/sidewalk café.

- (1) A sidewalk café shall only be established in conjunction with a legally established and licensed restaurant, and may only be operated in front of the indoor portion of the restaurant unless the restaurant operator receives permission in a form acceptable to the city from adjacent business owners before establishing the sidewalk café in front of such adjacent businesses.
- (2) Site plan required. Prior to establishment of a sidewalk café three copies of a site plan shall be submitted and shall contain the following information:
 - (a) The store front and all openings (doors, windows);
 - (b) The location of curb, sidewalk, and any utility poles, fire hydrants, landscaping, or other items, within the right-of-way and private property;
 - (c) The location of any of the above items which are within six feet of the ends of the proposed use area; and the location of parking spaces (or use of the street) adjacent to the proposed use area;
 - (d) Clear delineation of the boundary between private property and the right-of-way;
 - (e) Delineation of "clear pathways" and "clear distances" as required by division (E)(4);
 - (f) Proposed location of chairs, tables, and other private features;
 - (g) Photographs and/or manufacturer brochures depicting the chairs, tables, umbrellas and other private features, including but not limited to lighting to be used in the proposed sidewalk care area.
- (3) Insurance/indemnification.
 - (a) Risk management review. Prior to establishment of a sidewalk café, proof of insurance and a Hold Harmless Agreement shall be reviewed and approved by the city's Risk Manager.
 - (b) Prior to the issuance of a zoning certificate, the applicant shall furnish a signed statement that the business owner shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees from any claims for damages to property or injury to persons

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which may be occasioned by an activity carried on under the terms of the permit.

- (c) The business owner shall furnish insurance and insurance certificate and maintain such public liability, food products liability, and property damage insurance from all claims and damages to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$300,000 for bodily injury and property damage, respectively, per occurrence. Such insurance shall name the city, its officers and employees as additional insureds, and shall further provide that the policy shall not terminate or be canceled without 30 days written notice to the city.
- (4) City Engineer review. Prior to establishment of a sidewalk café the Engineering Division shall review and approve the site plan for conformance with the following requirements:
- (a) A clear distance with a minimum of five feet shall be provided from any alley, crosswalk, fire hydrant, or similar situation. A greater clear distance may be required as a condition of approval.
 - (b) In addition to previously approved business signs, the sidewalk café may have the following advertising, signs: a menu board and logos upon table umbrellas. These items shall not require further Committee approval, and are an exemption to requirements with the city's sign code.
 - (c) A clear pathway with a minimum width of five feet (measured from the front of the store front) shall be maintained for through pedestrian traffic. A greater width may be required as a condition of approval.
- (5) Miscellaneous requirements.
- (a) A sidewalk café shall comply with this division (G)(5):
 - (b) Hours of operation shall be the same as the associated businesses.
 - (c) The license may be suspended upon written notice of the City Manager or his or her designee of the sidewalk café, and removal may be ordered by the city when repairs necessitate such action. The city, however, may immediately remove or relocate all or parts of the sidewalk café or order said removal or relocation in emergency situations, without written notice.
 - (d) Tables, chairs, umbrellas, and any other objects provided within a sidewalk café shall be maintained in a clean and attractive manner and shall be in good repair at all times, ensuring a tidy and neat appearance.

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- (e) The sidewalk area, covered by the permit, shall be maintained in a neat and orderly manner at all times, and the area shall be cleared of all debris on a periodic basis during the day and again at the close of each business day, ensuring a tidy appearance.
- (f) No tables, chairs, or any other part of sidewalk cafés shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
- (6) Denial, revocation or suspension of permit; removal and storage fees; concurrent jurisdiction of the Code Enforcement Board.
 - (a) The City Manager or his or her designee shall deny, revoke or suspend a license of any sidewalk café in the city if it is found that:
 - 1. Any necessary business or health permit has either been suspended, revoked or canceled or has lapsed.
 - 2. The business owner does not have insurance which is correct and effective.
 - 3. Changing conditions of pedestrian or vehicular traffic causes congestion necessitating removal of the sidewalk café, in order to avoid danger to the health, safety or general welfare of pedestrians or vehicular traffic.
 - 4. The licensee or owner has failed to correct violations or conditions of permitting within three days of receipt of written notice of same.
 - (b) The city may remove or relocate or order the removal or relocation of tables and chairs and other vestiges of the sidewalk café and a reasonable fee charged for labor, transportation and storage, should the business owner fail to remove said items within 36 hours of receipt of the written notice from the City Manager ordering removal or relocation. However, in the event of an emergency, no written notice of relocation or removal shall be given, and relocation and/or removal shall commence immediately.
 - (c) The licensee may appeal the order of the City Manager pursuant to § 155 024 of this Code.

OUTDOOR MUSICAL PERFORMANCES.

- (A) It shall be unlawful for any person to sponsor, give, or participate in the giving of a live outdoor musical performance within the city unless a permit for the performance has first been obtained from the City Manager. Any person seeking issuance of a permit

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hereunder shall file an application with the City Manager. The application shall state the following.

- (1) The name and address of the applicant.
 - (2) The name and address of the person, persons, corporation, or association sponsoring the activity if any.
 - (3) The day and hours for which the permit is desired.
 - (4) A description of the location at which the performance is proposed to take place.
 - (5) An estimate of the anticipated attendance.
 - (6) Any further information which the City Manager shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.
- (B) The City Manager shall issue a permit hereunder when he finds the following.
- (1) The proposed activity will not unreasonably interfere with the peaceable enjoyment of any property in the vicinity of the proposed activity.
 - (2) The proposed activity will not unreasonably interfere with the public health, welfare, safety, or recreation.
 - (3) The proposed activity is not reasonable anticipated to incite violence, crime, or disorderly conduct.
 - (4) The proposed activity will not entail unusual, extraordinary, or burdensome expense or police operation by the city.
- (C) Within five days after receipt of an application, the City Manager shall apprise an applicant in writing of his reasons for refusing a permit. Any aggrieved person shall have the right to appeal in writing within five days to the City Commission, which shall consider the application under the standards set forth in division (B) above and sustain or overrule the decision of the City Manager at the next regular meeting of the City Commission following receipt of the appeal. The decision of the City Commission shall be final.
- (D) For purposes of this section ***OUTDOOR MUSICAL PERFORMANCE*** shall mean any musical performance which takes place other than within a totally and permanently enclosed building as defined herein.
- (E) The provisions of this section shall not apply to any musical performance sponsored by the City of Pompano Beach or for which the City Recreation Department has issued a permit.

('58 Code, § 31.35.2) (Ord. 76-80, passed 6-29-76; Am. Ord. 88-87, passed 9-20-88)

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