

§ 155.XXX Historic Downtown Core OVERLAY DISTRICT.

- (A) Intent and purpose. The Historic Downtown Core Overlay District is a commercial overlay with an emphasis on retail uses. The district, while oriented to local residents and compatible with adjacent neighborhoods, will also be a destination for residents from through out the community. **The purpose of this district is to promote cohesive development and redevelopment that will create a safe, attractive and pedestrian oriented area through incentives and guidelines related to parking and landscaping requirements.** Additionally, these regulations seek to emphasize preservation and revitalization of some of the existing elements of the district and its historic development pattern. These regulations are intended to invigorate the economic and social vitality of the Historic Core of the Historic Downtown area.
- (B) Applicability. All properties located within the Historic Downtown Core Overlay District, as defined by the adopted Historic Downtown Pompano Beach Overlay map. To the extent that conflicts occur between standards of the overlay district and other regulations, the provisions set forth in Historic Downtown Core Overlay District **prevail.**
- (C) Permitted uses.
- (1) All uses permitted in the underlying zoning district, unless prohibited by this section.
 - (2) Commercial uses, including retail and office.
- (D) Prohibited uses.
- (1) Adult bookstore, adult entertainment lounge, adult motion picture theater, adult video store, adult domination/submission, encounter/modeling studio.
 - (2) Auction house.
 - (3) Automobile care center.
 - (4) Automobile parts store.
 - (5) Automobile, truck or trailer sales and/or rental.
 - (6) Blood donation centers.
 - (7) Filling stations.**
 - (8) Fortune telling and kindred trades or professions.
 - (9) Labor pools.**
 - (10) Showrooms with wholesaling and sampling.
 - (11) Tattoo parlors/body piercing.
 - (12) Thrift/consignment shops
 - (13) Drive-Thrus.**
- (E) Development regulations.
- (1) All utilities shall be located underground, including those located to the rear of developments.
 - (2) Rehabilitation defined. The definition of “rehabilitation” is taken from the Secretary of the Interior’s Standard for Rehabilitation. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through

repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values." Following are the Standards as established by the Secretary of the Interior (36 CFR 67):

- (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(3) Buildings that are 35 feet tall or shorter shall be regulated by § 155.XXX (E)-(H). Buildings which exceed 35 feet shall follow all regulations

contained within the underlying district. The first floor height of all newly constructed buildings containing retail uses shall be at least 12 feet.

- (4) Parking, loading, trash collection and storage:
 - (a) Surface and structured parking as well as all loading and service areas shall be placed to the rear or to the side of buildings. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and a four (4) foot high solid wall. When parking is provided at or above grade within a structure, a façade treatment which is consistent (in terms of materials and design) with the building façade shall be provided for the parking area. Parking structures shall be constructed so that commercial uses occupy the ground level floor on all street fronts.
 - (b) Automobile parking space is to be provided as follows:
 - i. Buildings which meet the definition for rehabilitation shall not be required to provide on-site parking.
 - ii. Buildings that do not meet the definition for rehabilitation shall provide parking as follows:
 - a. No parking is required for the first 1,000 square feet of gross floor area for any retail or office development.
 - b. Retail stores and offices shall provide one parking space for each 500 square feet, or fraction thereof, of gross floor area above 1,000 square feet.
 - (c) 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.
 - (d) Exterior throughways and outside areas shall provide a minimum .5 foot candle of illumination. Lighting fixtures, placement and design shall be compatible with building design.
- (5) Building placement and lot coverage:
 - (a) The setbacks for the Historic Downtown Core Area Overlay District shall conform to the following: All rehabilitated, expanded or newly constructed structures within the Historic Downtown Core Area Overlay District shall conform to the existing setbacks (as of 08/01/2007) along all streets. The maintenance of the existing building wall is a key to preserving the look and feel of the Historic Core.
 - (b) 100% lot coverage shall be permitted.
- (6) Landscaping: Landscaping in the Historic Downtown Pompano Beach – Transition Mixed Use Area Overlay District will compliment the design of adjacent structures, using native plant materials. In addition, public safety

will be a priority using the principles of CPTED, to create high visibility areas and natural access control.

- (7) Streetscape: The periphery of any site fronting on a public right-of-way shall be improved by the provision of sidewalk, street light, street furniture, street trees and other elements, covering the entire area from face of curb to face of building. Sidewalks shall consist of six feet of clear pedestrian space and five feet of streetscape space. Street trees and other streetscape elements (street lighting, street furniture, trash receptacles, etc.) may be placed in the streetscape space. Street trees shall be placed in tree pits covered with grates and must be a minimum of 8 feet long. Street trees shall be placed 30 feet apart as measured from the center of the tree. The area between street trees shall be paved with a semi-permeable paver. Street corners shall be improved by pedestrian nubs. Additionally, paver or textured crosswalks shall be installed at all corner pedestrian crossings.

Where there is insufficient area for the streetscape improvements within the existing right-of-way, the City of Pompano Beach may require an easement at its discretion. All streetscape designs shall be approved by the Planning and Zoning Board.

- (F) Design theme. On sites where the rehabilitation of existing structures is either not desirable or not possible, the construction of any new structures should be compatible with adjacent buildings and the area in general. In some instances, reconstruction of severely deteriorated buildings should be encouraged. When rehabilitation or reconstruction is not possible, the general design theme of the district is that of Mission Revival. The building designs should be asymmetrical in shape and consists of a masonry/concrete block type of material with a smooth or rough stucco exterior surface. Windows should be recessed and roof types are usually flat and not visible behind the parapet which may be shaped. For commercial buildings, public safety will be a priority using the principles of CPTED, to create high visibility areas and natural access control. Funding assistance for façade, sign and landscaping improvements may be available through the City of Pompano Beach and all new or improved structures, site improvements and appurtenances must comply with the standards in this section.
- (G) Sign regulations. Signage in Historic Downtown Core Area Overlay District shall compliment the Mission Revival style and create consistency using compatible colors, materials, size and location.
 - (1) Principal buildings containing more than one tenant are permitted one directory sign. Directory signs may be a wall sign or freestanding sign located in an internal courtyard and shall not exceed 15 square feet or six feet in height.

- (2) Signs located on the principal frontage shall not exceed 10% of the total square footage of the facade area or 50 square feet, whichever is smaller.
 - (3) Individual establishments within a principal building, shopping center or single tenant building are permitted one non-illuminated, primary identification sign and one secondary identification sign. The following sign types and dimensions shall be permitted:
 - (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.
 - (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 two linear foot of tenant frontage.
 - (4) Primary signs for individual establishments within a principal building or shopping center shall be of a homogenous sign type.
 - (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 (G) 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.
- (H) 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 Pompano Beach – Transition Mixed-Use Area Overlay District regulations until partial destruction or modification occurs, in which case the following provisions apply:

A nonconforming structure which is destroyed, improved or modified by more than 50% of its assessed value shall be required to conform to all of the regulations of Historic Downtown Core Area Overlay District.