



MEMORANDUM

To: Development Review Board

From: Christopher Yuen, Community Development Director

Meeting Date: 02/15/2024

Subject 81 Main Street Sign- Professional Office Overlay District Historic Preservation Review Overlay

Issue:

City Staff requests that the DRB determine if a sign permit application within the Professional Design Review Overlay District requires Design Review under Section 620 of the Land Development Code.

Discussion:

The Town of Essex wishes to replace its freestanding sign that fell down during a recent wind storm at 81 Main Street with a new, smaller one that is compliant with the dimensional standards set out in Section 714- Sign Standards. They have submitted a sign permit application, which is typically reviewed, and approved by City Staff.

However, 81 Main Street is within the Design Review Overlay District. Based on a literal interpretation of the LDC as currently written, it is not clear if Design Review by the DRB is necessary. In the section below, some text is bolded for emphasis.

Section 620.A states:

*"The purpose of the Design Review Overlay District is to **expand the design review standards used in the Village Center District** into the trunk routes of Main Street, Lincoln Street, Pearl Street, Park Street and Maple Street as called for in the Comprehensive Plan".*

Given the purpose statement above, the DRO district is meant to replicate the existing design review standards in the Village Center District. However, the wording of the Design Review standards in the Village Center Zoning District (Section 604), differs from that in the Section 620.

Section 604.E -Village Center (VC) Design Review and Historic Preservation, states:

*"The Development Review Board may deny approval of a proposed development or modification of a structure if it determines that the intent of this Section has not been met. Design review is required by [the DRB] for any proposed construction, reconstruction, demolition or **exterior alteration** (including a change of color) of any building in the district, **with the exception of sign permits**, which are approved administratively.*

Section 620.B- Design Review Overlay District (DRO) Applicability, states:

*“The design review standards in Section 620.D. are applicable to any new construction, proposed additions, demolition or reconstruction of existing buildings within the Design Review and Historic Preservation Overlay District. Regular maintenance, **exterior alterations** and change of use **are exempt.**”*

Notably, Section 620 appears to apply a less stringent applicability standard for the DRO District than Section 604 does for the VC District. Section 620 includes an exception for exterior alterations while Section 604 explicitly states that exterior alternations, including a change in color, requires design review. This makes logical sense, given the stronger design and historic significance of the VC District, compared to the much larger DRO District. Notably as well, Section 620 does not explicitly call out sign permits, as exempted from design review, while Section 604 does.

While it is possible to extrapolate from the less stringent applicability standard on exterior alterations, that sign permits would also be exempt from design review in the DRO District, the Zoning Administrator is required to interpret the LDC literally when conducting administrative review of zoning applications. **As such, the Zoning Administrator requests clarification from the DRB on whether sign permits, within the Design Review Overlay District, are indeed exempt from design review.**

If the DRB believes that they are exempt, City Staff will process this sign permit application administratively. City Staff will also apply this direction as a precedent for similar cases in the future.

Recommendation

It is recommended that the DRB confirm that sign permits within the Design Review Overlay District are exempt from design review.

Recommended Motion

I move that the Development Review Board confirm that sign permits within the Design Review Overlay District are exempt from Design Review based on the Board’s interpretation of Section 620.B of the Land Development Code.

