

ORDINANCE #2704-23-0403

**AMENDING CHAPTER 102 SECTION 115 OF THE LAND USE CODE ENTITLED
SPECIAL IMPROVEMENT DISTRICT SPECIFICALLY SECTION C ENTITLED
“REVIEW REQUIRED BY THE ARCHITECTURAL BOARD” ELIMINATING THE
NEED TO HAVE A APPLICANT THAT SOLELY REQUIRES A SIGN REVIEW TO
RECEIVE APPROVAL FROM THE PLANNING BOARD**

WHEREAS, Chapter 102, Section 115 of the Land Use Code shall be amended to read as follows:

§ 102-115 **Special Improvement District.**

[Added 4-6-09 by Ord. 2290; amended 10-1-2018 by Ord. No. 2559]

SECTION I

- A. Designation. The Special Improvement District designation is on the Zoning Map and is also on file with the Borough Clerk by street address and block and lot number as set forth on the Borough Tax Map. In case of conflict between the Zoning Map and the designation on file with the Borough Clerk, the designation on file with the Borough Clerk shall apply.
- B. Purpose. It is the intent and purpose of this section to encourage and endeavor to have the exteriors of all structures in the district which are or become used, in whole or in part, for nonresidential use to be representative of the design of nonresidential structures in existence during the Victorian era, to the extent the original architecture of the structure will allow, and/or to return such structures to their original design, all of the foregoing consistent with the objective outlined in the improvement implementation plan for the Main Street business district and the Architectural Review Board Design Guidelines.
- C. Review required by Architectural Review Board.

Within the Special Improvement District, no building permit or sign permit shall be issued for construction of or alteration to the exterior of any building or for any signs without prior review by the ~~Planning Board.~~ Architectural Review Board. ~~The Planning Board shall not approve such plans unless the proposed exterior design or sign of said structures shall have been submitted to the Architectural Review Board of the Planning Board.~~ The Architectural Review Board shall review all such plans and shall recommend to the ~~Planning Board~~ Zoning Official approval or disapproval of same. A copy of the Architectural Review Board recommendation shall be sent to the applicant. The ~~Planning Board~~ Zoning Official shall be permitted to condition any approval of an application upon a satisfactory review by the Architectural Review Board.

The majority of the members of the Architectural Review Board shall meet telephonically, electronically or in person within seven business days of receipt of all the required documents. Failure to do so will allow the Zoning Officer to issue the appropriate approval.

- D. Vacant and unoccupied stores. The storefront glass for vacant and/or unoccupied stores located in the Special Improvement District (SID) shall be internally covered with paper provided by the DMC (District Management Corporation) unless other

arrangements are provided. Vacant and unoccupied stores shall mean stores not leased or occupied by a tenant or property owner. The storefront glass shall be internally covered with paper within 10 days of the store becoming unoccupied or vacated and being provided the covering. The covering shall not be removed until the store is reoccupied/leased and is open to the public (within 48 hours of public opening of the store or as allowed by the DMC) unless other arrangements are approved. If the store owner and/or lessee wishes to install a different window treatment other than provided by the DMC, the owner and/or lessee shall submit the proposed internal covering to the Architectural Review Board (ARB) for approval. In the interim between the requirement to install storefront glass paper and the owner and/or lessee applying to the ARB, the DMC-supplied paper shall be used to cover the storefront glass.

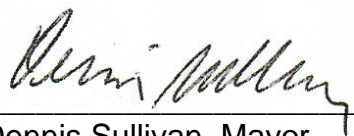
SECTION 2. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 4. This ordinance after introduction shall be sent to the Somerville Planning Board for review and comment.

SECTION 5. This Ordinance shall take effect upon passage and publication and submission to the County Planning Division in accordance within applicable law.

Introduction: April 3, 2023
First Publication: May 1, 2023
Adoption: May 15, 2023
Final Publication: May 22, 2023



Dennis Sullivan, Mayor



Kevin Sluka, Clerk/Administrator