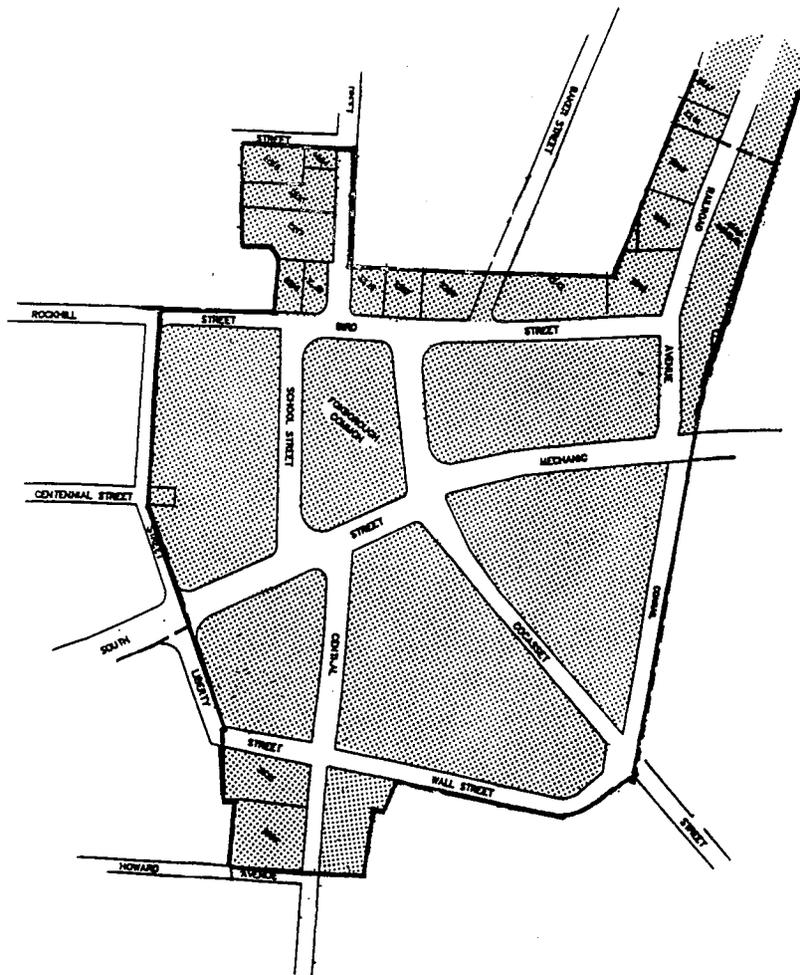


DOWNTOWN DESIGN & ZONING IMPLEMENTATION COMMITTEE

FINAL REPORT



MAY 9, 1996

**DOWNTOWN
DESIGN & ZONING IMPLEMENTATION
COMMITTEE**

FINAL REPORT

MAY 9, 1996

SUBMITTED TO:

**BOARD OF SELECTMEN
PLANNING BOARD
1996 ANNUAL TOWN MEETING**

SUBMITTED BY:

**TIMOTHY D. HIGGINS,
TOWN PLANNER
COMMITTEE CO-CHAIRMAN**

DOWNTOWN DESIGN & ZONING IMPLEMENTATION COMMITTEE

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1.0 INTRODUCTION

1.1 HISTORY

On January 25, 1994 the Board of Selectmen created the Downtown Revitalization Committee (hereinafter referred to as the "Revitalization Committee"). Twenty-two citizens volunteered and were appointed to a one year term. The objective of creating this Revitalization Committee was limited to obtaining "...an unbiased consumer needs evaluation and assessment regarding the downtown area." The Committee consisted predominantly of residents, rather than merchants, so that its findings would only reflect a vision of what **consumers** wanted, rather than business needs. This was to be the first phase in developing and eventually implementing a comprehensive downtown revitalization plan.

The Revitalization Committee met five times over the course of three months. A highlight of the project was the creation of a detailed questionnaire to solicit public comment and to obtain information on consumer needs, expectations and public perceptions of the downtown. This questionnaire was made available at several locations within the community and through the Foxboro Reporter and the Country Gazette. The Committee was pleased when responses were received from 121 individuals.

The information collected was included in the Committee's final report to the Board of Selectmen (Town of Foxborough, Board of Selectmen, Downtown Revitalization Committee, Citizen's Committee: Phase One - Final Report, January 1995). In general, the report presented a list of consumer needs identified by the committee, the public's perception of and five recommendations to improve the Central Business District (CBD). This concluded the initial phase in the redevelopment/revitalization effort. The Board of Selectmen dissolved the Citizen's Committee on December 20, 1994.

On January 25, 1995, the Downtown Design & Zoning Implementation Committee ("the Committee") was formed to create and implement a land-use plan for the Central Business District based upon the findings and recommendations of the Revitalization Committee. The Committee requested and received from Town Meeting a budget of \$5,110 to retain professional services.

The Committee met 19 times from March 1995 through March 1996. Numerous municipal officials were interviewed, a professional consultant was retained and public comment was actively solicited in an effort to obtain all relevant information. Minutes were kept of each meeting and are on file and available for public viewing. This final report includes all of the findings and recommendations of the Committee. Each recommendation is presented at the conclusion of Sections 3.1 through 3.8.

The following individuals (along with their affiliations) were appointed to serve on this committee with no expiring term:

| | |
|-------------------------|--------------------------|
| Gerald R. Rodman | Selectman, Co-Chair |
| Timothy Higgins | Town Planner, Co-Chair |
| Richard R. Lewis | Planning Board Member |
| Michael D. Gallagher | Planning Board Member |
| Gerard S. McCarty | Building Commissioner |
| William R. Buckley, Sr. | Downtown Representative |
| Richard E. Stevens | Downtown Representative |
| Maryellen Bartick | Downtown Representative |
| Janet S. Pineault | Revitalization Committee |
| Neil A. Arsenault | Revitalization Committee |
| Lauren McDonald | Revitalization Committee |
| Carol Anello | Citizen-at-Large |

1.2 PURPOSE OF STUDY

The Downtown Design & Zoning Implementation Committee was formed to create and implement a land-use plan for the Central Business District (see Figure 1 for the target area). This plan was to be based upon the findings and recommendations from the Revitalization Committee. This was to be the second phase in the downtown revitalization effort. To help accomplish this goal, the Selectmen appointed two municipal officials experienced in zoning and land-use issues, former members of the Revitalization Committee and business people from the downtown. The Committee elected Town Planner, Timothy D. Higgins as Co-Chairman (with Selectman Gerald Rodman) due to his land-use experience.

There have been no significant improvements or planning projects for the Central Business District over the last thirty years. The physical appearance of the structures has deteriorated due to disinvestment; traffic has increased exponentially; and businesses have fled the area. Existing businesses have long-claimed that patronage has been declining on an annual basis. Acknowledging the importance of an economically vital downtown, the Town moved to create a plan which would outline specific improvements to address those needs. The plan proposed is the first step to revitalizing the downtown.

1.3 EXECUTIVE SUMMARY

The Committee believes it successfully fulfilled its agreed-upon Mission Statement by addressing or responding to each of the eight Goals & Objectives it developed. All of the recommendations made by the Revitalization Committee in Phase I were addressed and/or included in the final recommendations noted below and detailed in Section 3.0.

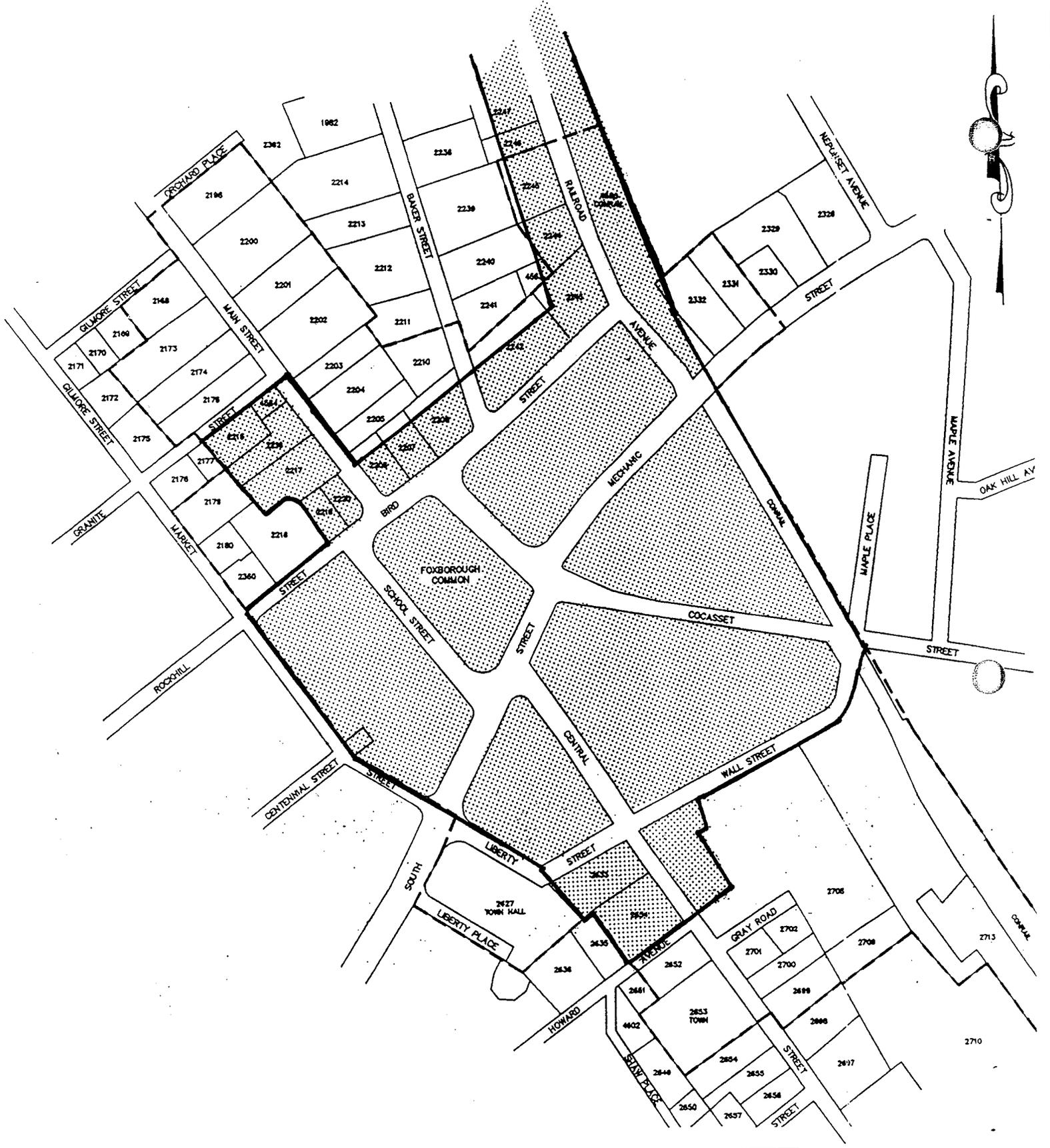


FIGURE 1
GENERAL BUSINESS ZONING DISTRICT -
TARGET AREA FOR DOWNTOWN REVITALIZATION
EFFORTS

It is the opinion of the Committee that the main component of the downtown revitalization plan and the key to its success is the implementation of the Proposed Parking & Traffic Improvement Plan produced by LEA Guertin & Associates (LEA). LEA, a professional engineering firm, specializing in traffic engineering, was retained by the Committee to respond to traffic, pedestrian and infrastructure concerns beyond the expertise of Committee members (see Section 2.2). The LEA final report and plan were unanimously endorsed by the Committee and the Board of Selectmen. The firm has been authorized by the Town to aggressively seek federal and state funds to implement the improvements. Preliminary approval of the plan by the Massachusetts Highway Department has been received.

All of the recommendations from the LEA final report and plan are too numerous to be listed here. However, they are extensive with an estimated cost of design and construction of over 1.2 million dollars. For example, the plan promotes new and expanded sidewalks, increased pedestrian areas, streetscape & parking improvements, total street reconstruction, compliance with the Americans with Disabilities Act (ADA) and reduced pavement widths on several streets around the Town Common. This would be the most significant accomplishment within the Central Business District (CBD) in over 30 years.

Most importantly, a comprehensive plan now exists detailing required improvements. Public hearings will be held throughout the design process so the final plan will represent the needs and desires of the entire community. It is during this process that the final designs for pedestrian improvements, street lighting, street trees, sidewalks and other amenities will be agreed upon. Ideally, construction could begin in 1997.

The Committee was also a catalyst for the action currently being taken on the Central Street parking lot. This privately-owned gravel lot is located to the rear of the Central Street businesses. It has long been an eyesore and an under-utilized public parking resource. The information the Committee collected during the planning process and the final LEA Report confirmed the critical importance of this lot to any downtown revitalization efforts. The Committee made it a priority to create a municipal parking lot at this location.

All of the properly owners with an interest in this lot had agreed to allow the Town to make improvements on their land for a municipal parking lot. Unfortunately, Mr. Boch, owner at 10-12 Central Street, was uncooperative and would not grant the required easement. Realizing the importance of improving the lot, the Committee then strongly urged the Board of Selectmen to take any action possible. The Board responded by placing an article on the May 1996 Annual Town Meeting Warrant to take an easement (for construction purposes) by eminent domain for the purpose of constructing a municipal parking lot.

While the LEA plan and the work on the municipal parking lot were the most important and visible projects of the Committee, many other concerns and issues were reviewed and addressed. These are discussed in detail in Sections 3.1 through 3.8. The following recommendations from these Sections were also voted upon by the Committee:

- It is recommended that the Town vote to adopt a revised Sign By-Law drafted by the Committee which is specific to the downtown.
- The Committee recommended acceptance of the final Parking & Traffic Improvement Plan. The Town should make all possible efforts to implement this plan.
- The Planning Board should continue with its policy of promoting residential growth for the short-term. Long-term impacts should be carefully monitored to prevent business uses from competing for space with residential uses.
- The Committee and the Board of Selectmen continue all efforts to identify funding sources to implement the LEA Guertin & Associates final Parking & Traffic Improvement Plan.
- It was recommended that beautification opportunities initiated by the private sector be promoted and supported by the Board of Selectmen (and any other municipal boards or departments) and that local merchants be provided with any assistance possible for this to occur.
- It was recommended that all efforts be made to ensure that a municipal parking lot to the rear of Central Street be created and that the final design incorporates landscaping wherever possible. Trees and landscaped islands should be included, even at the expense of some parking spaces, to enhance the aesthetics (and subsequently improve the use) of this parking area.
- The Board of Selectmen or its representative should ensure that all efforts are made to continue to promote public involvement, including downtown merchants, in the design phase of the LEA Parking and Traffic Improvement Plan (once funding is obtained and the project proceeds).
- The Board of Appeals should continue its policy of favorable reviews for new businesses and for the expansion of existing ones in the Central Business District (CBD).
- The Board of Selectmen in their appointments to the ZBA should ensure that new appointees are sensitive to the special nature of the CBD and are aware of its economic needs.
- It was recommended that the Board of Selectmen create a new entity entitled the

- Foxborough Economic Development Committee (FEDC). Its goals should be to promote non-residential growth within the CBD, as well as those areas zoned for business, to enhance the tax base and to create employment opportunities. It should have a budget for promotional activities.
- It is recommended that the General Business zoning district not be expanded along Main, Mechanic, Cocasset, Central and South Streets at this time. This issue should be revisited in the future upon implementation of the plan.
- It was recommended that the Limited Industrial zoned land on Wall Street be rezoned to General Business to take advantage of the expected relocation of the post office to this area.
- It was recommended that the Foxborough Zoning By-Laws be amended to allow parking lots to be located within 750 feet of a business. The current By-Law only allows lots to be located within 500 feet.
- It was recommended that the Foxborough Zoning By-Laws be amended to not require additional off-street parking for business expansions of less than 15% of the gross square footage of the business.

2.0 METHODOLOGY

2.1 MISSION STATEMENT

The first task of the Committee was to agree upon and adopt a "Mission Statement" to guide the planning process. This was a critical first step and would be the foundation for the successful completion of the project. The Statement had to be clear, concise and most importantly, attainable. It also had to be agreed upon unanimously. These attributes would be essential when the Committee would inevitably return to the Mission Statement to determine if the planning process was on track.

After a lengthy discussion, the Committee voted unanimously to adopt the following Mission Statement:

To develop and recommend a master plan which will promote a safe, active, economically vibrant and aesthetically-pleasing downtown district.

2.2 GOALS & OBJECTIVES

The next step was to develop a set of Goals & Objectives to be used to fulfill the Mission Statement. These Goals & Objectives would be individual components within the planning process. The intent was to address each one as means of fulfilling the overall Mission Statement. This methodology was straightforward, requiring no technical expertise on behalf of Committee members. Most importantly, it would also provide the Committee with the ability to critique each of its recommendations. The following were chosen:

- I. Identify and Respond to Parking Needs.
 - A. Recommend an adequate Parking By-Law.
 - B. Analyze and recommend potential new spaces.
- II. Identify Traffic and Pedestrian Problems and Recommend Improvements.
- III. Maintain the Integrity of Residences.
 - A. Address impacts on abutting residential neighborhoods.
- IV. Recommend "Streetscape" Improvements.
 - A. Review signs, lighting, pedestrian amenities and general private and public beautification opportunities.
- V. Acknowledge the Importance of and Encourage the Preservation of All Historical Buildings.

- VI. Promote Involvement of Downtown Businesses and Citizens in the Planning Process.
- VII. Recommend Changes in Policy, Zoning, Building and Licensing Regulations.
 - A. Promote economic growth.
 - B. Streamline the permitting process.
- VIII. Recommend Methods to Continue the Planning Redevelopment Process.
 - A. Attract new businesses and promote the viability of existing ones.
 - B. Review potential expansion of the zoning district.

Each of these goals is discussed individually in Section 3.0 Goals & Objectives. Details of the Committee's data collection efforts, interviewing and recommendations are also included.

This approach to developing a plan was in accordance with common planning practice. The most obvious benefit was its simplicity and ease of implementation. There was no need for an understanding of technical, esoteric language or concepts. Committee members could be immediately effective and comfortable with the process. Furthermore, it would allow the Committee to assess and critique each recommendation for its relevance and/or effectiveness.

3.0 GOALS & OBJECTIVES

The Town of Foxborough does not have an Engineering Department to design or draft land-use and/or infrastructure plans. All such activities are contracted out to private sector vendors. Realizing this, the Committee voted to obtain assistance from an outside, professional consulting firm which specialized in parking, traffic and pedestrian problems. Considering the extent of and the detail which would be required to fulfill the Goals & Objectives, such help would be essential.

Subsequently, the Town Planner prepared a Request for Proposal (RFP) identifying four major areas of concern to the Committee (see Appendix A). This RFP was provided to four professional engineering firms that were also informed of the limited budget available. After a brief search, LEA Guertin & Associates (LEA), a firm specializing in traffic and public improvements, was retained. Their final report and plan are referenced throughout this report and are available from the Planning Office.

3.1 GOAL I: IDENTIFY AND RESPOND TO PARKING NEEDS

3.1.A. Recommend an Adequate Parking By-Law

To obtain a greater understanding of the land use and zoning issues influencing off-street parking within the downtown, the Committee reviewed parking regulations from the communities of Plymouth, Wellesley, Dover and Norwood. These communities were chosen because of the similarities of the Central Business Districts (CBD). Highlights of each community's By-Laws were presented to Committee members and compared with the current parking regulations within Article 7 of the Foxborough Zoning By-Laws. The By-Laws were reviewed with the intent of identifying new or creative methods to improve the regulations to assist downtown merchants.

Initially, it was the presumption of the Committee that the existing regulations were probably not suited to promote growth and business expansions within the CBD. After a detailed review, it was determined that the existing By-Laws were generally acceptable and responsive to the needs of the business community. However, it was felt that more assistance could be provided to existing businesses wishing to expand. The Committee felt that small expansions of fifteen percent or less should not require additional parking. Ideally, this would make such expansions easier as no action would be required from the Board of Appeals.

It was acknowledged that the parking lot at Town Hall historically has been employed by various businesses within the CBD when fulfilling the required off-street parking requirements. The Zoning By-Law allowed off-street parking lots within 500 feet of the use to be counted. The Committee believed this distance should be increased so as to allow proposed businesses to "count" this and other future lots. The distance was recommended to be increased to 750 feet.

3.1.B. Analyze and Recommend Potential New Spaces

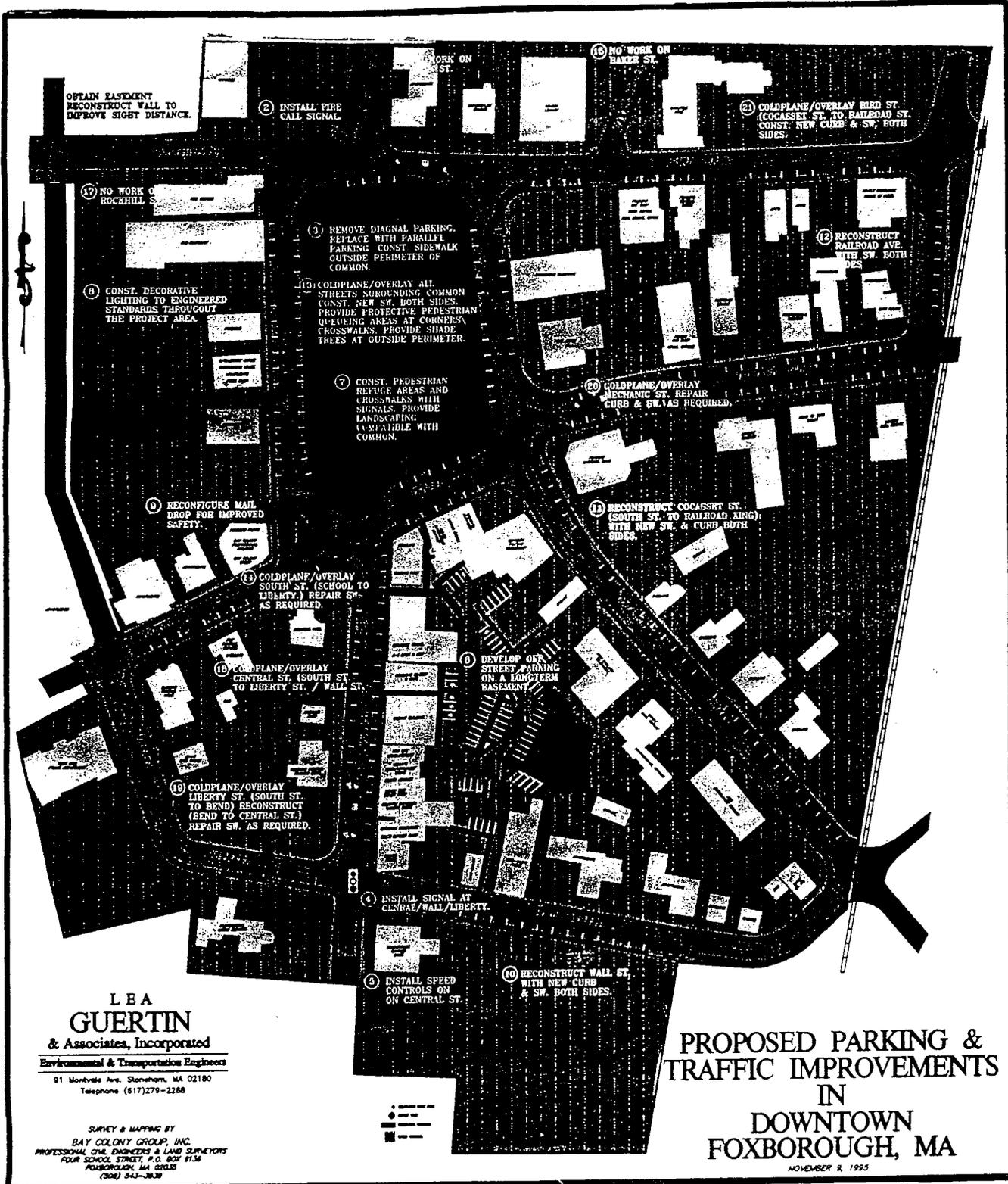
For over thirty years, the creation of additional parking within the CBD has been considered a priority by municipal officials. This opinion has been shared and strongly supported by the business people and property owners within the CBD. Fortunately, all parties continue to agree on the method and the location necessary to accomplish this goal. Since the turn of the century, there has been a large gravel parking lot to the rear of the Central Street businesses (see figure 2). This is the most logical location and the most cost-effective solution to the long-standing parking problem. Many efforts have been undertaken to improve and/or to pave this lot - the most recent being in 1987/88. Obviously, none have succeeded.

This "Central Street parking lot" is predominantly composed of gravel and deteriorated asphalt. It is sparsely used for employee parking by Central Street businesses, Congdon Pontiac and others. There is no drainage, curbing or other amenities other than some disorganized lighting. It has three access points; one through a narrow (12 feet +/-) entrance on Central Street, the second on Wall Street between buildings #10 and #12-14, and the most heavily used entrance between the New England Telephone Company building and Congdon Pontiac on Cocasset Street. The lot is privately-owned by at least twelve separate entities. At no time have these owners unanimously agreed upon a plan or action to make improvements. The Town is obviously limited in its ability and influence due to the private ownership of the land. As a result, it has been impossible for the Town or any individual lot owner to perform physical improvements.

In 1993, municipal officials took an important first step toward a municipal parking lot by requesting and receiving \$10,000 from Town Meeting to make improvements on this land. Municipal employees would be used to install drainage, grade the site and to make provisions for landscaped islands for approximately 60 new parking spaces. This money remains available and the Town is committed to making the improvements.

Simultaneously, Town officials, assisted by local attorney, Robert Cutler, moved to obtain the necessary construction easements from each of the lot owners. After two years, this task was virtually accomplished. The only difficulty was with automobile salesman, Ernie Boch owner of #10-12 Central Street. Unfortunately, Mr. Boch's parcel is the largest within the CBD, occupying over one-half of the parking area. Without this parcel included in the improvements, a municipal parking lot is not viable.

The Committee directed correspondence to Mr. Boch in an effort to convince him to participate in this worthwhile project. Mr. Boch rejected all appeals and continues to oppose any improvements to his lot. Realizing the importance of this parcel, the Committee then urged the Board of Selectmen to take any action possible to include it. The Board responded by voting unanimously to take an easement (for construction purposes) by eminent domain. An Article has been placed on the Warrant for consideration at the May 1996 Annual Town Meeting.



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**PROPOSED PARKING &
 TRAFFIC IMPROVEMENTS
 IN
 DOWNTOWN
 FOXBOROUGH, MA**

NOVEMBER 8, 1995

FIGURE 2

LEA also recognized the significance of the Central Street lot. In its final report, entitled Proposed Parking and Traffic Improvements in Downtown Foxborough (the "Parking & Traffic Improvement Plan"), LEA recommended that the land be improved for use as a municipal parking lot. The Committee strongly endorsed this recommendation (copies of the final report are available at the Planning Office).

The importance of making improvements to the lot increased with the realization that the existing angular parking spaces adjacent to the Town common would have to be removed and replaced by parallel parking spaces. Federal traffic authorities have determined that angular type parking is a hazard to public safety. Therefore, for the Town to be eligible to receive any State or Federal money to fund the construction, the final plan must show the removal of these spaces. While there was considerable reluctance to eliminate the angular spaces, and thereby reduce the total number of available parking spaces; it was agreed upon for the following reasons:

1. Without federal or state funding, the Town does not have the financial capability to incur the projected 1.2 million dollar cost of the downtown improvements.
2. Observations by Committee members and by LEA personnel indicated that many angular spaces are currently not used. This is probably due to the perceived danger of backing out into approaching traffic.
3. Based upon the observations in #2, LEA believes that the total net loss (when considering actual usage of the spaces and not the gross number available) after the creation of new on-street parking spaces will be minimal.

In its Parking & Traffic Improvement Plan, LEA proposed creation of additional on-street parking spaces on several streets surrounding the Town common (see figure 2). These would replace some of the existing angular spaces adjacent to the Town common which would be lost. Committee members expressed concerns with the LEA proposal to create additional parking spaces on side streets (re: Bird, Rockhill, Liberty, Wall, etc.), which would not be as accessible to the businesses and subsequently not used as readily as the existing angular parking. However, LEA believed that the new spaces would be made more appealing through the effort to create a unified design of all streetscape improvements within the CBD (re: sidewalks, street trees, lighting, etc.) as discussed in Section 3.4.

The Committee also identified a vacant lot adjacent to the BayBank building as a site for possible municipal parking. This property, owned by D. Lynch, could provide up to twenty off-street parking spaces. According to G. Rodman, efforts to convince the landowner to allow the Town to pave his property (at no cost to the land-owner) have been unsuccessful.

There were no other options for potential new spaces identified or discussed. This accented the critical importance of creating a municipal parking lot to the rear of the Central Street businesses.

Recommendations:

1. The Committee voted unanimously to accept the LEA final report and its recommendations on creating new parking.
2. The Committee recommends that the Town continue to pursue an eminent domain action to "take" an easement on Mr. Boch's property. The intent is to obtain the right to pave and improve this area as a part of a municipal parking lot.
3. It was recommended the Foxborough Zoning By-Laws be amended to allow parking lots to be located within 750 feet of a business. The current By-Law only allows lots to be located within 500 feet.
4. It was recommended the Foxborough Zoning By-Laws be amended to not require additional off-street parking for business expansions of less than 15% of the gross square footage of the business.

3.2 GOAL II: IDENTIFY TRAFFIC AND PEDESTRIAN PROBLEMS AND RECOMMEND IMPROVEMENTS

The Committee perceived one of the most critical problems within the Central Business District to be conflicts between heavy traffic volumes and pedestrian movements. This opinion was based upon a review of mechanical traffic counts, traffic accident data (compiled by the Foxborough Police Department), personal observations and empirical data.

Upon the request of the Town Planner, traffic counts were performed at five locations by Norfolk County Engineers in September of 1995 (complete results are available from the Planning Office). They employed hoses with recorders to obtain the actual numbers of vehicles traveling by specific locations during a 48 hour time period. The counts confirmed the perception held by the Committee. To illustrate the heavy traffic volumes in the Town Common area, the following examples are provided:

| <u>Location</u> | <u>Average Daily Traffic</u> |
|--|------------------------------|
| Central Street (South of the Common) | 16,800 vehicles |
| Mechanic Street (North of the Common) | 11,300 vehicles |
| Cocasset Street (East of the Common) | 5,550 vehicles |
| Main Street (North of the Common) | 15,350 vehicles |

These volumes are extraordinary considering virtually all of these vehicles pass through a heavily congested area. Peak counts were as high as 1,179 vehicles on Main 1,020 vehicles on Mechanic Street during the same time period. Traffic volumes were high enough at Central, Wall and Liberty Streets for the consultant to propose the installation of a traffic signal. The high number of accidents at this location also contributed to this recommendation.

With these high traffic volumes, it was not surprising that conflicts with pedestrians were considered a major problem. LEA performed additional traffic and turning movement counts at designated intersections within the target area. They also analyzed the accident data and identified specific locations where problems occurred on a frequent basis. This information was compiled and presented in their final report entitled Proposed Parking & Traffic Improvements in Downtown Foxborough, (the "Parking & Traffic Improvement Plan") dated January, 1996. Copies are available at the Planning Office.

Empirical data was collected by Committee members and the Revitalization Committee. For example, residents have long complained of the difficulty in crossing streets within the downtown and in accessing the Town Common - even while using the designated crosswalks. Through their extensive citizens survey, the Revitalization Committee identified the Town Common as *the* most desirable attribute within the community. Unfortunately, those same respondents who stated this, complained of the difficulty of crossing the large expanses of pavement from any street corner to the Common.

Considering the traffic information, in combination with empirical data, Committee members determined that it was necessary to make the downtown more "pedestrian friendly". This concern was shared with the Project Manager from LEA Guertin who was directed to respond to it in the final report. LEA held a "charette" at Memorial Hall in the downtown to obtain comments and recommendations from local citizens and the business community and to confirm the empirical data wherever possible. Approximately 35 residents and downtown merchants attended and commented over a two-hour period.

The public comments and recommendations were reflected in the Traffic & Parking Plan submitted by the Consultant. Included in the numerous recommendations were additional pedestrian queuing areas, new and wider sidewalks, extensive use of islands and the reduction of pavement width in several streets (see figure 2). All were supported by the Committee.

A second problem identified by the Consultant was with the angular parking surrounding the Common. Once again, accident data, results from a window survey and empirical data were collected and reviewed. Accident data from over a two year period indicated problems in front of the Post Office and the CVS pharmacy. A window survey indicated many spaces were not used, especially those at the corners of the Common. This was interpreted as a safety concern of motorists when backing out into on-coming traffic at these locations. Many Committee members were also personally aware of a resident(s) who expressed fears of backing out of these spaces into approaching traffic or who had experienced a collision or near-collision. The data collected was analyzed by LEA which confirmed these concerns.

The Committee was informed early in the process that the angular spaces would have to be removed for the Town to be eligible to receive any Federal or State funding to implement the Parking & Traffic Improvement Plan. These spaces could be replaced by parallel spaces if the Town desired them. The reasons for this position are discussed more thoroughly in Section 3.1 above.

Employing citizens' comments, state mandates and direction from the Committee, LEA presented a plan illustrating proposed parking and traffic improvements (see Figure 2). This plan incorporated 23 individual recommendations, ranging from total street construction, installation of traffic signals at Wall Street, improved pedestrian crosswalks, full Americans with Disabilities Act (ADA) handicapped access compliance and the installation of fire signals on Main Street. The Committee voted unanimously to accept these recommendations.

The Committee formally presented this plan to the Board of Selectmen during a regularly scheduled meeting in October, 1995. After a brief discussion, this Board voted unanimously to support the concept and authorized LEA to proceed to identify funding sources. Funding for construction is currently being sought through the Federal Inter-Modal Surface Transportation Efficiency Act (ISTEA). The Town has committed to spending local Chapter 90 funds for the design phase of the project. Total costs to design and implement the improvements are expected to be approximately \$1.2 million dollars. The plan has received preliminary approval from the Massachusetts Highway Department.

Upon final acceptance by the funding source, detailed designs and plans will be developed. This would be the most significant accomplishment within the Central Business District in over 30 years. Notwithstanding the importance of implementation, a comprehensive plan now exists detailing site-specific improvements. Public hearings will be held throughout the design process so the final plan will represent the needs and desires of the entire community. It is during this process that the final designs for pedestrian improvements, street lighting, street trees, sidewalks and other amenities will be agreed upon. Ideally, construction could begin in 1997.

Recommendations:

1. The Committee recommended acceptance of the final Parking & Traffic Improvement Plan. The Town should make all efforts to implement this plan.

The Committee also considered recommending changes in the allowed land uses (re: what types of businesses are permitted by zoning regulations) within the CBD. The Table of Use within the By-Laws was provided to and reviewed by each member. The report from the Revitalization Committee was revisited and the recommended businesses reviewed (full-service restaurant, deli, bakery, etc.). It was observed that all of the suggested uses from the public survey were currently allowed by the By-Laws. Therefore, it was resolved not to make any recommendations concerning allowed uses. The existing zoning was determined to be more than adequate and suitable to facilitate business growth. Market forces would determine what business would locate in the downtown.

Placing restrictions on "Adult Uses" was also considered. By-Laws from several communities which had enacted prohibitions were collected and reviewed. G. McCarty, Building Commissioner, noted that adult uses are protected by the First Amendment to the Constitution. Consideration was given to precluding them in the CBD. After a lengthy discussion, it was resolved that community opposition would be extreme and adopting such regulations could actually be construed as "opening the door". Therefore, no action was taken. However, this issue should be closely monitored by municipal officials and perhaps revisited in the future.

In conclusion, the Committee believed that none of its recommendations would have an adverse impact on residents within the downtown or to abutting neighborhoods. Furthermore, existing regulations which allow for residential uses within the CBD should continue to promote pedestrian traffic, which should enhance business opportunities and provide a positive climate for increased growth.

Recommendations:

1. Do not expand the Central Business District (other than as noted in Section 3.8.B) at this time.
2. Make no changes to the Zoning By-Laws which regulate uses.
3. The Planning Board should continue its policy of promoting residential growth. Long-term impacts of this policy should be carefully monitored to prevent businesses from competing for space with residential uses.
4. The "adult use" issue should be monitored by municipal officials.

3.4 GOAL IV: RECOMMEND "STREETSCAPE" IMPROVEMENTS

Downtown business owners and merchants have long complained about the lack of public amenities and poor aesthetics within the Central Business District. The Revitalization Committee also observed that the overall appearance of the area is of inferior quality and recommended that the revitalization plan include aesthetic improvements. The Committee unanimously agreed with these observations and also believed that the final should include provisions to improve the "Streetscape". This term is defined as the physical appearance of the street, sidewalks, pedestrian areas, lighting, signage, etc. when viewed aesthetically, integrally, and functionally. aesthetics of the downtown

Monumental problems were encountered when the Committee investigated possible options to fulfill this goal. For example, all of the buildings and signs are privately-owned. This limits the use of public funds and places the financial responsibility upon the property owners. While a design "theme" could be recommended by the Committee for inclusion in the zoning and site plan review regulations, adoption would be questionable given the subjective nature of such proposals.

If design requirements were passed, implementation would be at the discretion of the individual owners of the businesses and/or structures for several reasons. First, physical improvements (beyond public safety/building code issues) for aesthetic reasons could not be legally mandated or controlled by the Town. Second, virtually all of the buildings within the CBD would be pre-existing, non-conforming and not subject to the new regulations. And last, most of the business people contacted indicated that they did not have the financial resources to make improvements - or they would have done so previously. (Past history substantiates this position as noted below.).

Acknowledging the fact that minimal success could be obtained through the adoption of aesthetic regulations, the Committee directed its energy toward identifying actions and recommendations which could be implemented through the public sector. The most obvious were infrastructure improvements. The Committee agreed that the implementation of the LEA Parking & Traffic Improvement Plan and the paving of the Central Street parking lot were the two most critical components of any successful downtown revitalization effort. It was believed that public expenditures for new sidewalks, landscaping and street lighting would promote renewed interest in and subsequently a corresponding increase in pedestrian traffic. If this occurred, the business community could be in a financial position to respond to the investment of public dollars by improving the facades and the overall aesthetics of their respective businesses.

LEA Guertin was required to assess the existing streetscape in the target area and to recommend improvements. As expected, the Town Common was noted as being attractive while the overall streetscape was poor. LEA noted the existence of street trees along Central Street and portions of Mechanic Street and recommended that these be retained and expanded upon. Overall, the sidewalks surrounding the Common and along Central Street were rated as being in "generally good shape". However, pedestrian areas were deemed to be too narrow, the existing streets too wide, lighting unattractive, too few street trees, benches and planters. Furthermore, pedestrians had too far to walk between queuing areas at the street corners and the Common has no linkage, physically or visually with the surrounding streets and sidewalks.

The LEA Parking & Traffic Improvement Plan addressed these numerous deficiencies. It recommended landscaping and extensive pedestrian improvements which would be linked to and compatible with the Town Common. The philosophy was to attempt to create a unified landscape/streetscape environment to visually and physically connect the Town Common with the sidewalks surrounding it. This would be accomplished by replicating the commitment to landscaping, trees, benches and aesthetic lighting found on the Common on the streets and sidewalks in the target area. Improved signage and street geometry were also recommended to enhance pedestrian safety.

The creation of additional pedestrian refuge areas was recommended. It was noted that the existing widths of several streets were excessive and that pedestrian queuing areas could be increased by reducing the size of the curb cuts. Mechanic, Cocasset and South Streets were identified during the preliminary survey. Crosswalks would connect these enlarged queuing areas with each other and to the Town Common. Thus a unified, pedestrian-friendly, aesthetically pleasing streetscape would be created.

All sidewalks and crosswalk ramps would be constructed in compliance with the Americans with Disabilities Act (ADA). The final LEA report noted that 21 of 33 crosswalks inventoried did not comply with this mandate. Some sidewalks that are currently in good repair will be reconstructed to maintain the compliance and integration with the entire project area.

Another important streetscape concern of the Committee was Signage. The creation and adoption of a new Sign By-Law, specific to the General Business (GB) zoning district was an important objective. The authors of the town-wide Sign By-Law deferred action on the GB district in anticipation of the Committee's work.

The Committee believed that for a new Sign By-Law to be successful, it would have to be tailored to the specific needs of the businesses it was to regulate. Two months of work were dedicated to this task. It involved four drafts incorporating recommendations from local merchants. A new Sign By-Law will be presented for acceptance at the May 1996 Annual Town Meeting. The merchants requested that the By-Law be brought to Town Meeting earlier than anticipated due to concerns with the existing sign regulations. Based upon this support, the Committee voted unanimously to submit the article for consideration. A draft of the proposed By-Law is attached as Exhibit B.

The general concept of "private and public beautification" efforts and design standards was discussed at great length. As noted above, the Committee agreed that it could only make recommendations for measures which could be implemented or permitted through the public sector (re: signage, street, sidewalk, landscaping improvements, etc.). These issues were incorporated in the LEA Guertin Parking & Traffic Improvement Plan. The final designs and details will be adopted during the public hearings on the plans. The Committee also agreed that private sector activities should be promoted and supported wherever and whenever possible. Members supported the creation of a merchants association or similar entity to represent interests specific to the downtown businesses. It urged the business owners on the Committee to return with this message to their peers.

Recommendations:

1. The Committee and the Board of Selectmen voted unanimously to accept the LEA Guertin & Associates final Parking & Traffic Improvement Plan. It also recommended that the Board authorize LEA to proceed to identify funding sources to implement the plan.
2. It was recommended that private beautification opportunities be promoted and supported by the Board of Selectmen (and any other municipal boards or departments) and that local merchants be provided with any assistance possible for this to occur.
3. It was recommended that when the municipal parking lot is created, that all efforts be expended to include landscaping wherever possible. Trees and landscaped islands should be incorporated even at the expense of some parking spaces to enhance the aesthetics (and subsequently the use) of this parking area.
4. It is recommended that the Sign By-Law as presented by the Committee be adopted by Town Meeting.

3.5 GOAL V: ACKNOWLEDGE THE IMPORTANCE OF AND ENCOURAGE THE PRESERVATION OF ALL HISTORICAL BUILDINGS

The Revitalization Committee recommended that the preservation of existing historic structures be an important component of any redevelopment plan to maintain the character of Foxborough. The Committee acknowledged the importance of this policy and shared the belief that retaining the Town's historic character was important to preserve what is special and unique about the community. Subsequently, this goal was unanimously agreed upon and incorporated into the items for consideration.

Fulfilling this goal proved to be more elusive than identifying it. First, the Committee turned to Mr. Carl Kusch of the Foxborough Historical Commission. A renowned local historian, Mr. Kusch was personally aware of every historic structure within the community. Mr. Kusch and members of the Historical Commission were invited to appear before the Committee to discuss buildings of historical significance and to offer suggestions on how to better protect them. To the surprise of the Committee, Historical Commission members noted that Memorial Hall was the only historical structure worthy of protection within the Central Business District. No other buildings fulfilled the criteria nor were there any historic districts within the downtown (or the entire community for that matter).

The Committee sought information on an apartment block at 13-15 South Street known as the "American Hall". Commission members noted that the structure was of sufficient age but the numerous additions and alterations over the years had ruined its historical significance. Subsequently, the Historical Commission did not consider it of historical importance and worthy of protection.

The existing Demolition By-Law, within the Foxborough General By-Laws was adopted by Town Meeting in November of 1989 as a component of the Foxborough Growth Management Study. Committee members questioned the Historical Commission on whether it was sufficiently comprehensive and effective in protecting buildings worthy of preservation. The Commission stated that it was satisfied with the By-Law and with their ability to employ it to maintain buildings that they considered historically significant. They did note however, that any Demolition By-Law merely provides an extension of time for an Historical Commission to act (re: to locate a new owner who would preserve the structure; to relocate the structure; or to create the opportunity to remove significant items from the structure and catalog them). No By-Law can prevent the demolition of a structure if the owner desires it, due to the rights granted through the United States Constitution. If a new owner who wishes to preserve the building can't be found, or the building moved, the building is razed.

Based upon the information presented by the Historical Commission, their well-founded knowledge of the applicable By-Laws, and the limited inventory of historical structures within the CBD, the Committee voted unanimously to take no action on creating or recommending additional protection for historic buildings.

Recommendations:

1. None

3.6 GOAL VI: PROMOTE INVOLVEMENT OF DOWNTOWN BUSINESSES AND CITIZENS IN THE PLANNING PROCESS

A plan is judged by the success attained in implementing it. Implementation usually requires a consensus of support from those who will be impacted. Consequently, the strong support of downtown merchants, building owners and the general public was deemed to be critical to the success of any Downtown Revitalization Plan. Committee members realized this and worked diligently to advertise and promote interest and involvement by the general public and the downtown business community in the process. Whenever possible, the Town Planner presented news articles for inclusion in the Foxboro Reporter. Numerous calls were also made to reporting staff. Committee members were requested to report the results of meetings to their respective boards, committees and interest groups. All members were urged to share information/concepts and recommendations with the business owners and merchants.

To further promote involvement by the downtown merchants, a regular Committee meeting was held on a Wednesday evening in the downtown at Memorial Hall. The Planning Office mailed a cover letter with an agenda to over 50 merchants and property owners. Over thirty people attended.

This meeting was employed as a "charette" by LEA Guertin & Associates. In effect, those present were asked to verbally respond to various aspects of the first draft of the Parking & Traffic Improvement Plan. The intent of this process was to generate recommendations which could be incorporated into the final plan. LEA noted that many useful observations were submitted. They were especially impressed with the discussion of traffic/pedestrian issues which were well known to local merchants, but not readily apparent to an outside consultant.

Additional public review and comments will continue during the final design phase of the Parking and Traffic Plan. Once funding is approved, preliminary design and engineering could begin in the fall/winter of 1996, with public involvement also beginning at that time.

As noted in Section 3.4, the Committee recommended Section 15 Signs of the Foxborough General By-Laws be amended to create a Sign By-Law specific to the General Business Zoning District (the downtown is included in this area). Prior to recommending the By-Law, the Committee requested attendance and comments from the business community. The next meeting was attended by eight merchants. Although not required, a public hearing was also scheduled with the Planning Board to solicit additional comments. Based on these actions, the Committee felt comfortable that all reasonable efforts were made to obtain public comment and participation and that the goal was fulfilled.

Recommendations:

1. The Board of Selectmen or its representative should ensure that all efforts are made to continue to promote involvement by the public and the downtown merchants in the design phase of the LEA Parking and Traffic Improvement Plan (presuming funding is obtained and the project proceeds).

3.7 GOAL VII: RECOMMEND CHANGES IN POLICY, ZONING, BUILDING AND LICENSING REGULATIONS

The Committee identified this as one of the most difficult goals to fulfill. This was primarily due to the rigidity of existing local and State regulations which govern the actions and responsibilities of most municipal officials and boards. For example, building regulations are strictly controlled through the State Building Code and cannot be compromised or waived by local ordinances. Licensing regulations (re: liquor licenses, common victualler's license, etc.) are also closely controlled and regulated through State departments or commissions, thus limiting the Committee's ability to make recommendations.

In an effort to obtain all available information, and to identify potential opportunities, the Committee heard presentations from G. McCarty, Building Commissioner, Michael Capron, Chief Assessor, James Whalen, Former Chairman of the Zoning Board of Appeals and Town Planner T. Higgins. These officials were asked to discuss their responsibilities, the extent to which their actions are governed by local and non-local regulations, and to offer recommendations (based upon their knowledge and experience) on how and if regulations could be amended or modified to promote economic development/growth within the CBD. The areas covered are as follows:

3.7A Promote Economic Growth

It was the unanimous opinion of the Committee that the adoption and implementation of this comprehensive plan combined with the pursuit of constructing a municipal parking lot to the rear of Central Street would be the most useful actions toward fulfillment of this goal. The acceptance and implementation of this plan by the municipality and its efforts to address the problems with Mr. Boch should send a positive message to the business community that the town has made a long-term commitment to promoting economic development opportunities within the CBD. There were no readily identifiable options to change or modify existing regulations and/or policies which would have detectable, positive impact on economic growth.

The Committee recommended the creation of an economic development committee dedicated exclusively to promoting the interests of the business community. This entity should be an important component of the strategies devised to address several goals of the Committee. This recommendation is discussed in greater detail in Section 3.8A.

3.7B Streamlining The Permitting Process

There was a perception among some Committee members that the "permitting process" (re: zoning) for new or expanding businesses was overly lengthy, costly and cumbersome. This could potentially have a negative impact on both new businesses and proposed expansions to existing businesses. The Committee moved to investigate this situation.

It was immediately noted that virtually all of the structures within the CBD are considered pre-existing, non-conforming under the Foxborough Zoning By-Laws. The state Zoning Act, as well as the local Zoning By-Laws, require that all changes in the use, new additions or alterations to such structures must be approved by the Zoning Board of Appeals. This requires the filing of an application and fee, notifying all abutters within 300 feet and attending a public hearing where the Board considers the request. In many instances, legal counsel must be retained. The entire process, including a mandatory 20 day appeal period, can consume 60 to 90 days.

Historically, the Zoning Board of Appeals has looked favorably upon new businesses and expansions or alterations to existing buildings within the downtown. The most visible examples are the Orpheum Theatre renovations and the new Commons restaurant. However, this has been a policy of this Board; there are no rules or regulations requiring such favorable action. Members are appointed to three year terms so the composition of the Board can be expected to change over time. Subsequently, this policy may not always be in place.

James Whalen, Esquire, a land use attorney, detailed the permitting process for pre-existing, non-conforming buildings. He noted that any amendments to the Foxborough Zoning By-Laws (relating to the process), would be required to conform to State Statute. He opined that there was little opportunity to make improvements in this area. He believed that the only possible alternative was to redefine which structures would be considered "pre-existing, non-conforming". However, this would be a labor intensive task as it would require obtaining physical measurements of all of the structures within the target area. Mr. Whalen did not believe the effort required would be of equal benefit and suggested the existing regulations be retained. He believed the current policy of favorable reviews of downtown business growth would be retained by the Board of Appeals as long as the Board of Selectmen and local merchants believed additional growth was desirable.

It became apparent that changes in zoning regulations to improve the permitting process would be extremely difficult, and in all probability, not fully productive. Therefore, no zoning changes were recommended. On a Policy Level, the Committee did vote to recommend that the Board of Appeals continue its favorable review towards proposed growth in the central business district and that such proposals being considered a priority.

As noted above, the State Building Code controls construction activities at the local level. According to Building Commissioner G. McCarty, the regulations cannot be weakened or compromised. Fortunately, no concerns were brought to the Committee concerning difficulties or cost problems with the building code or the issuance of building permits. Thus, there was no identified need or deficiency in current practice to address.

The Revitalization Committee noted that consumers identified a need for a "family restaurant" (among other uses) within the CBD. The Committee concurred with this recommendation. However, it was believed that for such a restaurant to be financially successful, a beer & wine or liquor license would be necessary. The number of local licenses for the sale of alcoholic beverages and beer and wine are closely regulated by the State Alcoholic Beverages Control Commission (ABCC). These licenses are distributed to communities based upon population figures. Thus, the opportunity to make recommendations concerning such land uses are extremely limited.

Recommendations:

1. That the Board of Appeals continue its policy of favorable reviews for new businesses and expansions of existing ones in the Central Business District.
2. That the Board of Selectmen in their appointments to the ZBA, ensure that new appointees are sensitive to the special nature of the CBD and are aware of its economic needs.
3. That the Town move to adopt and implement this plan as a means of promoting economic development and private sector investment in the CBD.
4. It is recommended that the Board of Selectmen create a new entity entitled the Foxborough Economic Development Committee (FEDC). Its goals should be to promote non-residential growth within Foxborough to enhance the tax base and to create employment opportunities

3.8 GOAL VIII: RECOMMEND METHODS TO CONTINUE THE PLANNING REDEVELOPMENT PROCESS

3.8.A. Attract New Businesses and Promote the Viability of Existing Ones

One of the most visible problems in the downtown is the high number of vacant buildings. These empty storefronts have a deleterious impact on the aesthetics of the downtown and especially upon the existing businesses attempting to attract patrons. Overall, this creates a depressing atmosphere for merchants, residents of the town, consumers and potential new businesses. The Committee agreed that a vibrant downtown is important to the economic health of the community. How such a situation can be reversed and the role which municipal government can play in this was the question the Committee attempted to answer.

The options available to municipal government to promote growth in the private sector and, in effect, influence a market economy are extremely limited. Several efforts have been attempted in the past. For example, a Community Area Revitalization District (CARD), was adopted by the Town and implemented on April 26, 1985 with no success. This was a low-interest loan program authorized by the Massachusetts Executive Office of Communities & Development which offered business loans with very low financing with a matching commitment from the user. No applications were received under this CARD program which was in effect for two years. Foxborough's hosting a series of World Cup Soccer matches in 1994 was the catalyst for another program offered by the Foxboro Savings Bank, Foxboro Federal Savings & Loan Association and the Foxboro National Bank. These banks combined financial resources to create a low interest loan pool of \$275,000 specifically for business improvements with the CBD. This program was heavily promoted (articles appeared in the *Boston Globe*, *Sun Chronicle* and *Foxboro Reporter*). No applications were requested.

Notwithstanding these failures, it remained the intent of the Committee to attempt to identify methods to provide assistance to businesses (existing and proposed) in any way possible. The local tax issue was investigated first. Michael Capron, Chief Assessor for the Town, was requested to discuss the possibilities of creating some method of "tax relief". Specifically, targeting those businesses currently located within, or for new businesses wishing to move into the Central Business District.

Mr. Capron thought the efforts of the Committee were worthwhile noting that the total valuation of the businesses within the downtown was almost 17 million dollars. He also confirmed the previously perceived high vacancy rate in this area and indicated it diminished the assessed value of this area. Unfortunately, he noted that tax relief for a specific geographic area would not be possible under State statute as such action could be considered discriminatory. He could not offer any recommendations from a municipal perspective on how to promote the viability of existing businesses.

ARTICLE: ___ To see if the Town will vote to adopt sign regulations for the General Business zoning district. The following three amendments must be made to the Sign By-Law, Section 15 of the Foxborough General By-Laws:

(1.) In Paragraph V **District Regulations**, Item #2 delete the term "General Business (GB)" from the heading so the new heading will read, "2. Neighborhood Business (NB) Districts".

(2.) Also in Paragraph V **District Regulations**, add the following text as a new item number "5":

"5. General Business District (GB):

The intent of these regulations is to provide continuity and consistency in the design, size, location and style of signs within this district. Any new sign or replacement of an existing sign shall comply with the requirements found in Paragraph II, C above and shall require approval from the Design Review Board. Applications shall be filed with the Building Commissioner pursuant to the procedures noted in Paragraph II above and he shall forward it to the Design Review Board. The following regulations apply:

(a). One free-standing sign is allowed for each structure. It shall not exceed the dimensional requirements set forth in Table 15-1 and no portion of the sign shall extend over the property line.

(b). One wall sign on each wall of a building facing a street or parking area is allowed. Each wall sign shall identify the business(es) or services(s) provided therein. It shall not be larger than ten (10) percent of the wall area; up to, but not exceeding a maximum of 100 square feet of the wall on which the sign is located. The letters of a wall sign shall not exceed twelve (12) inches in height.

(c). Illumination: One wall sign or the free-standing sign may be internally illuminated. Signs may be externally illuminated provided the lighting is directed onto the sign and there is no spillage.

(d). Awnings are desirable as they are aesthetically pleasing and provide protection from the elements to pedestrians. Lettering shall be located on the edge of the awning only. Letters shall not be larger than eight (8) inches high and shall only identify the business(es) or service(s) located within the structure. Awnings may be of canvas or other substances. Awning signs are allowed in addition to allowed wall or free-standing signs.

Signs suspended from awnings are allowed. One sign is allowed for each entrance to a building. These shall be designed and situated for viewing by pedestrians. They shall not exceed two (2) square feet in area. Clearance from the bottom of the sign to the sidewalk shall be a minimum of six (6) feet, eight (8) inches.

(e). Permanent window signs shall be allowed provided that not more than 25% of the total square footage of the window is covered at any one time. Window displays beyond the 25% are allowed.

(f) Neon signs are allowed as window signs only and shall not exceed the 25% limitation.

(g). One temporary sign is allowed per building entrance which shall comply with the requirements of Section III E above. Temporary, free-standing signs designed for pedestrian viewing are allowed. They shall not exceed six (6) square feet and shall not hinder pedestrian movements or sidewalk traffic. Such signs shall be removed from the sidewalk upon the closing of the business. Temporary wall signs shall not exceed the square footage requirements of Paragraph (b) above.

(h). Projecting signs, as defined in Paragraph IV, Item #8 herein, are not allowed.

(i). General advertising signs, as a portion of a permitted sign, may be allowed by the issuance of a Special Use Permit.

(j). Signs shall be limited to three colors. The background coloring, provided that it is a solid color, shall not be considered one of the three colors."

(3.) Add the following definition to Paragraph IV, **Sign Definitions**, as a new Item #8 and renumber existing definitions #8 through #12 as #9 through #13 accordingly:

"8. Projecting Sign: A sign whose face or structure extends perpendicular to the wall from which it is attached."

Or to take any action thereof.

Submitted by,

The Design & Zoning Implementation Committee