

# *Article 8 Overlay Districts*

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## **ARTICLE 8 OVERLAY DISTRICTS**

### **SECTION 8.0 PURPOSE AND APPLICABILITY**

Overlay districts apply special rules to manage land use in specific areas that overlap different ZONING DISTRICTS. These overlay districts are designed to deal with special characteristics of each area. The rules for overlay districts apply in addition to the regulations contained in other articles of this Ordinance. Where there is a conflict between the regulations of an overlay district and those of the underlying district, the overlay district regulations control.

### **SECTION 8.1 NEIGHBORHOOD COMMERCIAL DESIGN OVERLAY DISTRICT**

#### **Section 8.1.10 Purpose**

The Neighborhood Commercial Design Overlay District is intended to preserve and enhance neighborhood character in those commercial and mixed-use areas of the City that exhibit traditional urban character and architecture.

#### **Section 8.1.20 Location and Specific Design Districts**

Neighborhood Commercial Design Overlay Districts are indicated on the official Springfield ZONING MAP. This Section contains general design standards that apply to all locations where a Neighborhood Commercial Design Overlay district has been mapped. In addition to the general standards contained herein, the City Council may designate specific design districts in which more detailed voluntary design guidelines and/or mandatory design standards apply.

#### **Section 8.1.30 Use Regulations**

8.1.31 In addition to applicable requirements of the underlying ZONING DISTRICT, the following USES require a Tier 3 Special Permit review.

- A. Any USE involving the new construction, demolition, or exterior rehabilitation of a STRUCTURE or any combination of these activities totaling more than one thousand (1,000) square feet.
- B. Conversion of residential STRUCTURES to commercial USES, unless such commercial activity qualifies as a HOME BASED BUSINESSES.
- C. MOTOR VEHICLE SALES, MOTOR VEHICLE RENTALS, MOTOR VEHICLE SERVICES, MOTOR VEHICLE PAINTING, and PARKING STRUCTURES, if allowed by right in the underlying ZONING DISTRICT.

8.1.32 The following USES and activities, not covered in Section 8.1.31, shall require a Tier 1 Administrative Site Plan Review pursuant to Section 12.2:

- A. SIGNS as defined in Article 9, and Section 8.1.50.
- B. Changes, excluding maintenance and repair, to an exterior fronting a public or private right-of-way, including but not limited to changes in roof design, windows and canopy.

### **Section 8.1.40 Overlay District Regulations**

All proposed uses or activities in a Neighborhood Commercial Design Overlay District are subject to the LOT AREA, BUILDING HEIGHT, PARKING and SIGN Regulations of the underlying zone, except as noted below.

#### **8.1.41 Dimensional Requirements**

- A. At least sixty (60) percent of the FRONTAGE of a LOT, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are set back no more than ten (10) feet from the FRONT LOT LINE and that are at least twenty (20) feet in depth. This requirement may be waived for additions to existing BUILDINGS where the addition does not exceed the setback of the existing BUILDING or where the addition is not visible from any STREET. A deeper setback may be allowed for a forecourt when a garden and/or paved terrace is provided
- B. At least thirty (30) percent of all front façades of BUILDINGS shall consist of clear glass windows. Such windows shall be vertically proportioned and symmetrically placed.

#### **8.1.42 Parking**

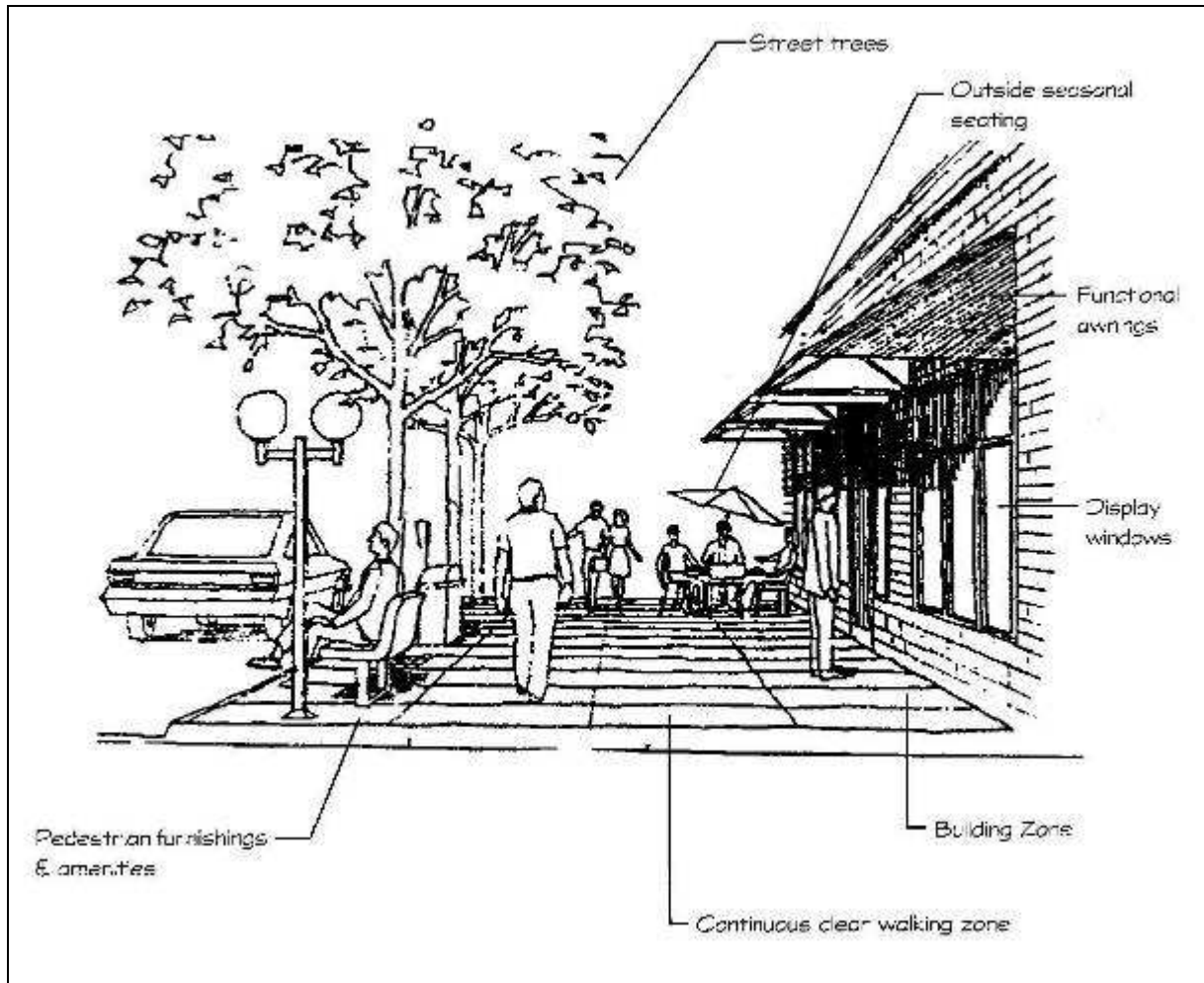
- A. All OFF-STREET PARKING areas shall be located behind or to the side of the PRINCIPAL STRUCTURE on the LOT. No parking area shall be located closer to the FRONT LOT LINE than the front BUILDING LINE of the PRINCIPAL STRUCTURE.
- B. The required setback from SIDE and REAR LOT LINES specified for OFF-STREET PARKING areas shall consist entirely of landscaped area, except for required access drives.

#### **8.1.43 Hard-Surface Sidewalk Extension**

- A. The area between a BUILDING and the FRONT LOT LINE must be hard-surfaced for use by pedestrians as an extension of the sidewalk as shown in Figure 8-1, except that this area may contain tree wells, planting strips and gardens.

- B. The BUILDING walls shall be set back no more than ten (10) feet from the FRONT LOT LINE, except that a deeper setback may be allowed for a forecourt when a garden and/or paved terrace is provided.
  
- C. For each one hundred (100) square feet of hard-surface area between the BUILDING and the FRONT LOT LINE at least one of the following amenities must be provided. Figure 8.1 shows examples of these amenities. Structures built within two (2) feet of the FRONT LOT LINE are exempt from the requirements of this subparagraph:
  - 1. A bench or other seating;
  - 2. A tree;
  - 3. A landscape planter
  - 4. A bicycle parking facility.

**Figure 8-1 Pedestrian Amenities**



#### 8.1.44 Reinforcement of the Corner

On sites located at public STREET right-of-way intersections (corners) within a Neighborhood Commercial Design Overlay District.

- A. The primary STRUCTURES shall be within ten (10) feet of both FRONT LOT LINES within the first thirty (30) feet from the corner.
- B. At least one of the STREET-facing walls shall be at least forty (40) feet long;
- C. The highest point of the BUILDING's STREET-facing elevation shall be within twenty-five (25) feet of the corner;

- D. A main entrance into the BUILDING shall be on a STREET facing wall and either at the corner, or within twenty-five (25) feet of the corner; and
- E. No OFF-STREET PARKING is permitted within forty (40) feet of the corner.

#### 8.1.45 Main Entrance

- A. At least one (1) entrance of the PRINCIPAL BUILDING shall face the FRONT LOT LINE. Where there is more than one (1) FRONT LOT LINE, the entrance may face either the FRONT LOT LINE or diagonally towards the corner.
- B. For residential BUILDINGS that have more than one (1) main entrance only one (1) entrance must face the FRONT LOT LINE.
- C. Residential Building entrances that face a shared landscaped courtyard, landscaped to at least the LANDSCAPING standards in Article 7, are exempt from this requirement.

#### 8.1.46 Ground Floor Treatment

- A. Where the underlying district is non-residential, the ground floor facing the STREET for new STRUCTURES shall be designed for non-residential USE by following the requirements for windows and entrance doors in this Section 8.1. This requirement shall not prohibit residential USE of such ground floor spaces, but it is intended to make them attractive and marketable for non-residential uses as market conditions permit.
- B. The ground level of the primary STRUCTURE must be visually distinct from upper stories. This separation may be provided by:
  - 1. A cornice above the ground level;
  - 2. An arcade;
  - 3. Changes in material or texture; or
  - 4. A row of clerestory windows on the BUILDING'S STREET facing elevation.
- C. Windows on STREET FRONTAGES shall comply with the following:
  - 1. Where the underlying district is non-residential, new facades that face a STREET shall maintain a minimum ratio of two-thirds (2/3) glass to (1/3) solid material on the ground floor.

2. No reflective sheeting or other window blocking techniques shall be permitted other than cloth drapery and window shades.

#### 8.1.47 Awnings and Canopies

- A. If there are no existing awnings on the BUILDING façade that have been approved by the City, the proposed new awnings shall meet the following standards:
  1. Awnings must project at least three (3) feet from the BUILDING wall façade;
  2. Awning covers must be made of durable material that look like natural fabric and have a no-gloss sheen;
  3. Awnings may be flat or angled.

#### 8.1.48 Roof-Mounted Equipment

All roof-mounted equipment, including satellite dishes and other communication equipment, excluding solar panels; shall be screened in one of the following ways:

- A. A parapet as tall as the tallest part of the equipment;
- B. A screen around the equipment that is as tall as the tallest part of the equipment; or
- C. A set back from the STREET-facing perimeters of the BUILDING three (3) feet for each foot of height of the equipment.

#### 8.1.49 Roofs

BUILDINGS must have either:

- A. A sloped roof with a pitch no flatter than 6/12; or
- B. A roof with a pitch of less than 6/12 and a cornice that meets the following requirements as shown on Figure 8-2.
  1. There must be two (2) parts to the cornice. The top part of the cornice must project at least six (6) inches from the face of the BUILDING and be at least two (2) inches further from the face of the BUILDING than the bottom part of the cornice; and
  2. The height of the cornice is based on the height of the BUILDING as follows:



- a). Buildings ten (10) feet or less in height must have a cornice at least twelve (12) inches high.
- b). Buildings greater than ten (10) feet and less than 30 feet in height must have a cornice at least eighteen (18) inches high.
- c). Buildings thirty (30) feet or greater in height must have a cornice at least twenty four (24) inches high.

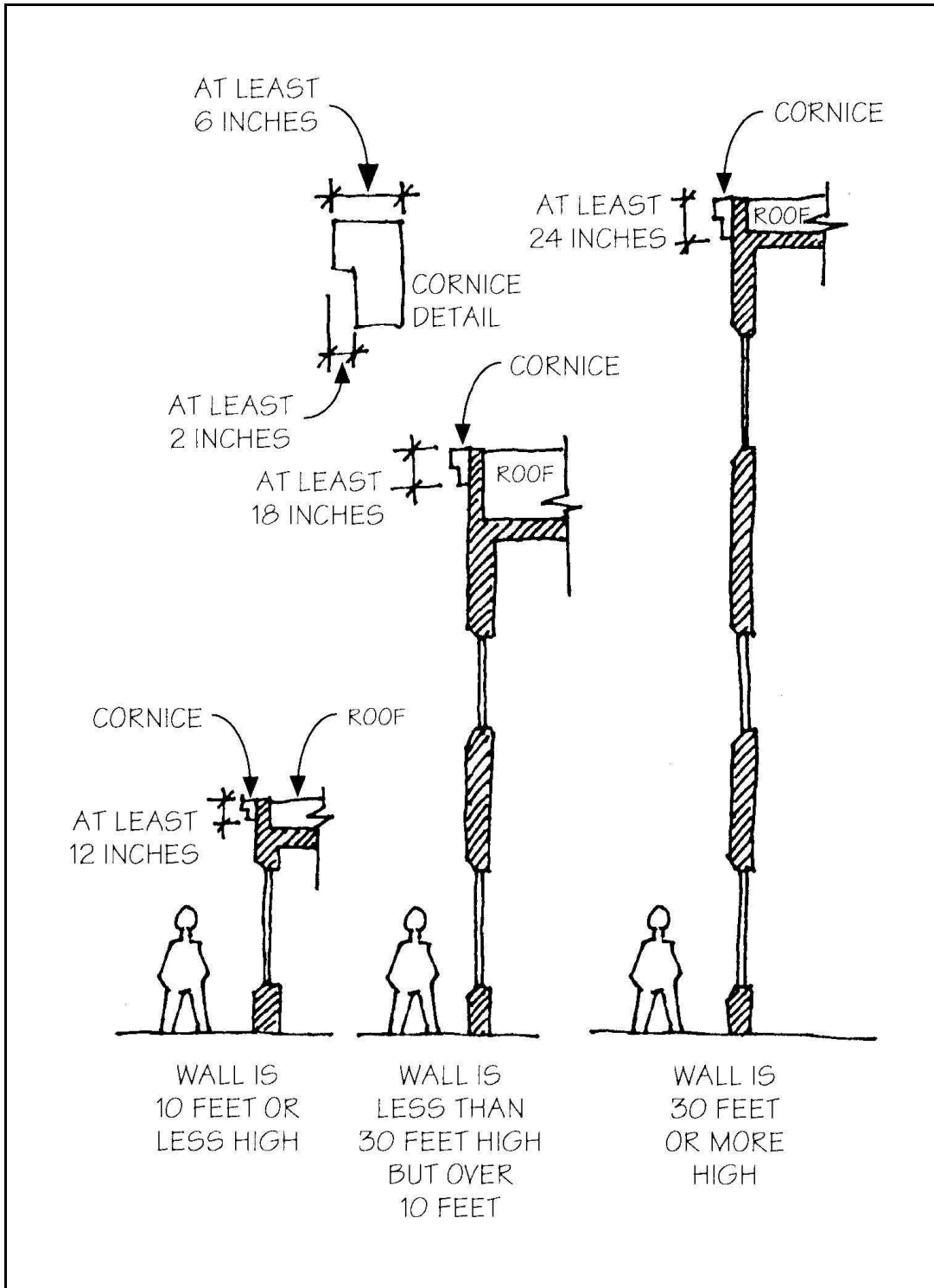
**8.1.50 Sign Regulations in Neighborhood Commercial Overlay**

8.1.51 POLE SIGNS shall not exceed a height of ten (10) feet and shall not exceed twenty (20) square feet per FACE AREA or forty (40) square feet in total DISPLAY AREA for a SIGN with two (2) faces. MONUMENT SIGNS mounted on a ground base shall not exceed seven (7) feet in height and shall not exceed thirty (30) square feet per FACE AREA including the ground base area and shall not exceed sixty (60) square feet in total DISPLAY AREA for a SIGN with two (2) FACES.

8.1.52 WALL SIGNS may not exceed two (2) square feet per lineal foot of primary BUILDING FRONTAGE associated with the USE and in no case shall the SIGN exceed one hundred (100) square feet. In the case of accessory WALL SIGNS on BUILDING FRONTAGE on a side STREET or parking area, the SIGN shall not exceed of the size of the SIGN facing the primary BUILDING FRONTAGE.

8.1.53 No SIGN shall be internally lit, except for those WINDOW SIGNS complying with Section 9.4.90.

**Figure 8-2 Cornice Design**



## **SECTION 8.2 WEST COLUMBUS URBAN RENEWAL DISTRICT OVERLAY**

### **Section 8.2.10 Establishment and Purpose**

The West Columbus Urban Renewal District is established as an overlay district encompassing portions of the Riverfront District. This District is intended to accommodate the DEVELOPMENT of riverfront land located within the West Columbus Urban Renewal Area Amendment Number 3, for retail, commercial, cultural and entertainment activities. These activities are to be conducted in a manner respectful of and in keeping with the natural and aesthetic qualities of the Connecticut River for the overall welfare of the general public, consistent with the protection of lands owned by the public as a natural resource for OPEN SPACE and park oriented activities.

### **Section 8.2.20 Landscaping**

8.2.21 The amount of land devoted to LANDSCAPING within the West Columbus Avenue Urban Renewal District shall be no less than twenty (20) percent. This percentage includes all landscaped areas except for those located within an interior parking area. For LANDSCAPING requirements within the interior parking area, see Section 7.1.

8.2.22 Landscaped areas shall be enhanced with trees, hedge rows, grass and other suitable plantings. All trees required in this section shall meet the following standards:

- A. Number: One (1) tree per 5,000 square feet of landscaped area;
- B. Type: As approved by the City Forrester;
- C. Minimum Caliper at planting: Three (3) inches.

8.2.23 All grassed areas shall be sod and equipped with an irrigation system. The Springfield Redevelopment Authority may waive the sod requirement in favor of seeding in areas of minimal public view or use.

### **Section 8.2.30 General Site Planning Standards**

8.2.31 OFF-STREET LOADING and/or unloading space is subject to the requirements found in Section 7.2 of this Ordinance, OFF-STREET LOADING and unloading areas shall be suitably landscaped and screened.

8.2.32 No less than ten (10) percent of the aggregate surface area of walls facing a public way, facing a SIDE LOT LINE or facing the Connecticut River must be devoted to

windows, public balconies and/or entrances with the public provided with access thereto wherever practicable.

8.2.33 All exterior BUILDING materials, including roof materials, colors, wall treatments, windows, doors and entrances shall be appropriate for the West Columbus Avenue Urban Renewal District.

#### **SECTION 8.2.40 OFF-STREET PARKING**

This section is intended to allow for the temporary parking of MOTOR VEHICLES and for the adequate ingress to and egress from the West Columbus Avenue Urban Renewal District by MOTOR VEHICLES, bicycles and pedestrians in an environmentally-sensitive and attractive area. There is no minimum OFF-STREET PARKING requirement in the West Columbus Avenue Urban Renewal District.

#### **Section 8.2.50 Off-street Parking Design Standards**

##### **8.2.51. Off-street Parking Landscaping**

- A. Interior parking areas. A minimum of five (5) percent of the area of interior parking areas, including pedestrian walkways, shall be suitably landscaped and curbed. One (1) tree shall be planted for every fifteen (15) OFF-STREET PARKING spaces. The specifications found in Section 8.2.22 shall apply to all tree plantings.
- B. Landscaped islands. The beginning and end of not less than 80% of all parking aisles shall be landscaped and curbed. Tree plantings in a landscaped island shall count toward the tree planting requirement of Section 8.2.22. The specifications found in Section 8.2.22 shall apply to all tree plantings.
- C. Pedestrian walkways. All pedestrian walkways longer than two hundred (200) linear feet shall be elevated from all abutting parking areas. A BUFFER PLANTING STRIP shall be provided along one side of each walkway. BUFFER PLANTING STRIPS shall not be continuous in order to allow for pedestrian access to parking areas.
  - 1. Each BUFFER PLANTING STRIP shall be no less than four (4) feet in width and shall be enhanced with shade trees planted no less than thirty (30) feet on center.
  - 2. Tree planting in BUFFER PLANTING STRIP shall count toward the tree planting requirement of Section 8.2.22. The specifications

found in Section 8.2.22 shall apply to all tree plantings. Pedestrian walkways shall be open air and accessible for pedestrians and the handicapped.

#### 8.2.52. Pavement Markings

All parking spaces shall be consistently marked. All parking areas and access driveways shall be marked in white color. All crosswalks and similar areas designed for pedestrian activity in an OFF-STREET PARKING lot or access driveway shall be marked, at a minimum, by a block ladder style in white color.

#### 8.2.53. Sign Markings

All parking lot and driveway SIGNS, both instructional and identification, shall be customized to the West Columbus Avenue Urban Renewal District.

#### 8.2.54. Lighting

All interior parking areas shall be provided with adequate lighting, but with minimal glare or reflection on abutting properties. Pole mounted lighting fixtures shall not exceed a height of thirty (30) feet. All interior parking lighting areas shall be illuminated to 0.40 foot candles (minimum average on pavement).

#### 8.2.55. Curbing

All parking areas and driveways shall be appropriately curbed with four (4) inch, Type VB or “Cape Cod” style granite curbing unless otherwise approved by the Director of Public Works.

### **Section 8.2.60 Sign Regulations in West Columbus Urban Renewal District**

8.2.61 All SIGN elements shall be blended in a coordinated scheme that is both aesthetically sound and reflective of the comprehensive DEVELOPMENT of the West Columbus Avenue Urban Renewal District.

A. Accessory WALL SIGNS. One (1) accessory WALL SIGN is allowed for the PRINCIPAL USE of any STRUCTURE on each side of the STRUCTURE facing a public way or used as a designated BUILDING entrance. All accessory WALL SIGNS shall meet the following standards:

1. Accessory WALL SIGNS shall not exceed two (2) square feet per lineal foot of BUILDING footprint.
2. Accessory WALL SIGNS may be illuminated.

3. Accessory WALL SIGNS shall not be perpendicular to the STRUCTURE or the BUILDING.
- B. A multiple BUILDING parcel may have an accessory GROUND SIGN for every four hundred and ninety-five (495) linear feet of FRONTAGE along West Columbus Avenue from the south side of West Union Street to the north side of West Broad Street. The distance between the accessory GROUND SIGNS permitted hereunder shall be incorporated in the master SIGN plan. An accessory GROUND SIGN shall meet the following standards:
1. Size. Accessory GROUND SIGNS shall not exceed one hundred fifty (150) square feet per face area.
  2. Height. Accessory GROUND SIGNS shall not exceed a height of forty (40) feet.
  3. Illumination. Accessory GROUND SIGNS may be illuminated.
- C. Permanent or temporary accessory ROOF SIGNS, NON-ACCESSORY SIGNS, blinking and flashing light SIGNS and all other SIGNS not specifically prohibited shall be permitted with the approval of the Springfield Redevelopment Authority.
- D. TEMPORARY SIGNS, banners and exterior promotional materials are permitted, subject to the applicable provisions of this Ordinance with respect to TEMPORARY SIGNS.

### **Section 8.2.70 Site Plan Review Process**

All new construction and exterior rehabilitation proposed to be carried out within the West Columbus Avenue Urban Renewal District shall be subject to the Site Plan Review process set forth in Section 4.3 of the West Columbus Avenue Urban Renewal Plan, as amended. Copies of the Urban Renewal Plan are available in the offices of the Law Department.

## **SECTION 8.3 REGIONAL SHOPPING CENTER OVERLAY DISTRICT**

### **Section 8.3.10 Purpose**

The stability and vitality of Springfield's large SHOPPING CENTERS is vitally important to the economic welfare of Springfield and the neighborhoods in which these SHOPPING CENTERS are located. Since large anchor stores are a critical element in the success of a SHOPPING CENTER, it is necessary and appropriate to protect other users of the SHOPPING CENTER from potential harm that may be caused by changes to or the loss of an anchor store. Changes in USE or division of anchor stores in these locations into smaller shops can have a negative or positive impact on the

viability of these commercial areas if the result is a significant change in customer traffic to the area. If the impact is a reduction in customer traffic, the result can be ABANDONED storefronts and blighted BUILDINGS. In order to protect the stability and viability of these areas and to prevent urban blight, Special Permit review is required to ensure that any change of USE or division of space in these locations does not adversely affect neighboring uses, BUILDINGS or the public welfare.

### **Section 8.3.20 Location**

The Regional Shopping Center Overlay District is indicated on the official Springfield ZONING MAP. This Section contains general design standards that apply to all locations where a Regional Shopping Center Overlay District has been mapped.

### **Section 8.3.30 Use Regulations**

Within the Regional Shopping Center Overlay District, a Special Permit by the City Council (Tier 3 Review) for the following changes of uses or division of retail space occurring within a SHOPPING CENTER, where the change of use or division of space occurs in a building with a building footprint of 50,000 square feet or more:

- 8.3.31** Any change of use involving the conversion of retail sales and services or personal services businesses to a use in any other category (unless such category is exempted from Special permit review by state law), and any division of interior space into two (2) or more smaller spaces, whether by subdivision of land, creation of separate leaseholds or licenses, division by condominium, or any other kind of spatial division that grants the right of different operators to use one existing interior space.
- A. No BUILDING PERMIT shall be granted for the erection or demolition of interior walls of a STRUCTURE regulated by subsection (1) until such Special Permit approval is granted.
  - B. In issuing its determination as to whether or not to grant Special Permit approval, the City Council shall consider the impact of such change of USE or division of space on the character, built environment, vehicular and pedestrian access, traffic patterns, physical appearance, and structural integrity of the SHOPPING CENTER as a whole. The City Council shall grant approval only if it finds that such division will not have a negative impact on the SHOPPING CENTER as a whole. The City Council shall take into consideration the mix of uses and the sizes of different uses.
  - C. The City Council's approval of a Special Permit under this section may include a requirement that existing pedestrian and vehicular access and

connections between uses be maintained, or that comparable substitute access is provided. Such pedestrian access may include the existing interior pedestrian connections between retail spaces within or between BUILDINGS.

- D. A SHOPPING CENTER which is held in single ownership shall be exempt from the provisions of this section.

## **SECTION 8.4 FLOODPLAIN OVERLAY DISTRICT**

### **Section 8.4.10 Flood Plain District**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the City of Springfield designated as Zone A or AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the City of Springfield are panel numbers 25013C0213E, 25013C0214E, 25013C0216E, 25013C0217E, 25013C0218E, 25013C0219E, 25013C0236E, 25013C0240E, 25013C0401E, 25013C0402E, 25013C0404E, 25013C0406E, 25013C0407E, 25013C0408E, 25013C0409E, and 25013C0430E dated July 16, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated July 16, 2013. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Planning Board, and Building Department.

### **Section 8.4.20 Development Regulations**

The following requirements apply in the Flood Plain District:

- 8.4.21 Any construction, DEVELOPMENT, or grading of any nature or description within the Flood Plain District shall not be commenced until an application for a Special Permit Review has been approved by the Board of Appeals.
- 8.4.22 Application to the Board of Appeals for a Special Permit shall be accompanied by a plan which shall show the following:
  - A. Boundaries and dimensions of the area involved.
  - B. The location, dimensions and mean sea level of the lowest habitable floor, including basement of existing and proposed BUILDINGS and STRUCTURE thereon, and the elevation to which the STRUCTURE has been flood-proofed.



- C. All plans shall show two (2) foot contour intervals and contours shall be delineated within two hundred (200) feet of the proposed construction.
- D. In a riverine situation, the Natural Resource Manager shall notify the following of any alteration or relocation of a watercourse:
  - 1. Adjacent Communities
  - 2. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104
  - 3. NFIP Program Specialists, Federal Emergency Management Agency, Region I, 99 High Street, 6<sup>th</sup> Floor, Boston, MA 02110.
- E. All permits required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334, have been or are in the process of being obtained.
- F. Any other information as is deemed necessary by the SPECIAL PERMIT GRANTING AUTHORITY to indicate the complete physical characteristics of the area and the proposed construction and/or grading thereof.
- G. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**8.4.23** Plans shall be prepared by a Professional Engineer or Land Surveyor registered in the Commonwealth of Massachusetts and shall show and make adequate provisions for the following:

- A. The protection, preservation and maintenance of the water table and water recharge areas.
- B. The preservation and maintenance of the natural stream channel plus sufficient width of overbank areas for the passage of one hundred (100) year flood flows so as not to increase the one hundred (100) year flood water surface elevation more than one (1) foot at any point within the community.
- C. The retention of existing floodwater storage capacity.

- D. Prevention of flotation, collapse and movement of STRUCTURES.
- E. Prevention of flood damage to public utilities including sewer, water, gas, and electric.
- F. Within Zone A, in the absence of FEMA base flood elevation data, the applicant shall obtain and submit other available data from a Federal, State or other source as criteria for requiring that any new construction alteration or addition of residential STRUCTURES, shall have the lowest floor including basement, elevated to or above the one hundred (100) year flood level and any new construction, alteration or addition of nonresidential STRUCTURE shall have the lowest floor, including basement, elevated or flood proofed to or above the one hundred (100) year flood level.
- G. Where watertight flood proofing of a structure is permitted, a professional engineer or architect registered in the Commonwealth of Massachusetts shall certify that the methods used are adequate to withstand the flood depths, pressures and velocities, impact and uplift force and other factors associated with the one hundred (100) year flood.
- H. Bass flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.
- I. All subdivision proposals must be designed to assure that:
  - 1. such proposals minimize flood damage;
  - 2. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - 3. adequate drainage is provided to reduce exposure to flood hazards.
- J. Located within the Flood Plain District are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of Flood Waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:
  - 1. Encroachment, including fill, new construction, any alteration or addition and other development shall be prohibited unless certification by the engineer, surveyor or architect is provided demonstrating that encroachments shall not result in any increase

in flood levels during the occurrence of one hundred (100) year flood, and the Board of Appeals is satisfied that the encroachment will not derogate from the intent of this section of the by-law.

2. If Section 8.4.23(I)(1) above is satisfied, all new construction and any alteration or addition shall comply with all provisions of Section 8.4.30.
3. Within fourteen (14) days after receipt of the application by the Board of Appeals, the Board shall transmit copies thereof, together with copies of the accompanying plan to the Board of Health, Engineering Department and the Conservation Commission or any other agency. Such agencies shall investigate the application and report in writing their recommendation to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a written report from the above agencies or until forty-five (45) days have elapsed without receipt of said reports.

#### **Section 8.4.30 Compliance with Other Statutes**

Nothing contained in this section shall excuse compliance with the Wetlands Protection Statutes, General Laws, Chapter 131, Sections 40 and 40A, or any other laws of the Commonwealth of Massachusetts.

#### **Section 8.4.40 Disclaimer of Liability**

This Ordinance does not imply that land outside the areas of the Flood Plain District or uses permitted within such district will be free from flooding or flood damage. This by-law shall not create liability on the part of the CITY or by any official thereof for any flood damage that may result from reliance on this Ordinance or any administrative decision lawfully made there-under.

#### **Section 8.4.50 Mobile Homes and Mobile Home Parks**

MOBILE HOMES and MOBILE HOME PARKS are not permitted within the Flood Plain District.

### **SECTION 8.5 CASINO OVERLAY DISTRICT**

#### **Section 8.5.10 Purpose**

The Casino Overlay District's purpose is to facilitate the location of licensed casinos and casino complexes within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District focuses on urban entertainment and recreational activities that will enhance the area as a desirable location for tourists, conventions, and urban life. The provisions of the district encourage pedestrian and transit-oriented linkages between casinos and

casino complexes and other activities and venues within the City. Because of the special characteristics of casinos and casino complexes, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that casinos and casino complexes contribute positively to the built environment, that the operation of casinos and casino complexes will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

The proposed development shall be subject to the provisions of a Host Community Agreement (HCA) approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all casinos and casino complexes per the standards and criteria established herein. The Casino Overlay District and its provisions shall only apply to the specific properties so designated by the City Council as allowing a casino and related uses with a valid and current gaming license issued by the Commonwealth. Should a property so designated lose its gaming license at any point, the City Council may revoke the overlay designation and revert the property to its underlying zoning.

### **Section 8.5.20 Permitted Uses**

CASINO and casino complexes, inclusive of accessory uses, including but not limited to retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance the success of the overall project as a viable, high quality urban entertainment venue.

### **Section 8.5.30 Site Plan Review**

- 8.5.31 The Site Plan Review provisions of this Section shall apply to all STRUCTURES and USES located within the Casino Overlay District.
- 8.5.32 The Site Plan Review process shall follow the procedures outlined in Article 12, Section 12.3 except that the reviewing body shall be the **City Council and not the Planning Board**.
- 8.5.33 Notwithstanding pending Site Plan Review required for final project approval, site plan and design aspects which are consistent with those contained in the Host Community Agreement are pre-approved unless variations or modifications to them are proposed which exceed the provisions of 8.5.80 below.

8.5.34 The intent of the signage regulations herein (Section 8.5.70) is to 1) guarantee minimum signage rights, 2) set parameters for specialty and unique signage inherent in urban casino and entertainment development that would exceed those minimums (such as parapet roof signs, reader boards, façade projections, etc.) so that it is understood that such additional signage is allowed, if done properly, and presented in an acceptable final signage submittal and 3) give the City final discretion on such specialty signage. Disapproval of a request in the Site Plan review for a particular specialty signage or lighting component shall not be cause to disapprove the Site Plan Review or the Use and the applicant would still have the right (if the other Site Plan Review criteria were met and approved as per Section 8.5.32) to proceed with the development without the requested specialty signage or with amended specialty signage approved by the City.

#### **Section 8.5.40 Site Plan Review Submission Requirements**

8.5.41 In petitioning for a rezoning to a Casino Overlay District, the petitioner shall submit to the Office of Planning & Economic Development all required materials as outlined in Article 12, Section 12.3.40.

#### **Section 8.5.50 Criteria for Rezoning**

The City Council shall review development proposals for compliance with the following criteria:

8.5.51 The proposed development shall be consistent with and promote the goals of M.G.L. Chapter 23K and plans and policies of the City of Springfield;

8.5.52 The proposed development shall promote pedestrian and transit linkages to other activities and venues within the City of Springfield;

8.5.53 The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance and function recognizing the unique functional characteristics of a casino or casino complex;

8.5.54 The proposed development shall include adequate circulation, off-street parking and loading facilities to meet expected parking and vehicular and pedestrian demands;

8.5.55 The proposed development shall provide amenities and public facilities to promote safety, comfort and convenience for visitors, employees and the general public;

- 8.5.56 The proposed development shall contain quality urban design elements and design features that promote, improve and reinforce the existing urban streetscape.
- 8.5.57 The proposed development shall be sensitive to buildings within the immediate area which have an architectural or historic value and work with the Springfield Historical Commission in that regard, consistent with the disposition of historic aspects articulated in the Host Community Agreement (HCA).
- 8.5.58 The proposed development shall be subject to the provisions of a HCA approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.
- 8.5.59 The location of the Casino Overlay District shall be the project site identified in the HCA between the City of Springfield and the project developer and consistent with the property set forth in the application for a gaming license submitted to the Massachusetts Gaming Commission. The Casino Overlay District may be added to the City of Springfield Zoning Map at any time after the filing of an application for a gaming license by means of a duly enacted amendment to the City of Springfield Zoning Map. The provision of the Section 8.5 shall not be legally effective within the Casino Overlay District unless the gaming license is approved by the Massachusetts Gaming Commission. In the event that a gaming license is not approved by the Massachusetts Gaming Commission, the City Council shall amend the zoning map by repealing the amendment placing the Casino Overlay District on the Zoning Map. Whether or not such repeal is enacted, only the underlying zoning of the land within the Casino Overlay District shall apply if the gaming license is not approved.

### **Section 8.5.60 Dimensional Regulations**

All proposed uses and/or activities occurring within the Casino Overlay District are subject to the underlying zoning regulations, except as noted herein or in the Host Community Agreement. Where regulations conflict the specific provisions of the HCA shall govern.

#### **8.5.61 Dimensional and Intensity Regulations**

| <b>Table 8-1 Dimensional and Intensity Regulations (unless otherwise specified on the Host Community Agreement)</b> |   |
|---|---|
|   | <b>Casino Overlay District</b>  |
| Lot Area, minimum square feet   | No Regulation   |
| Lot Frontage , minimum (feet)   | No Regulation   |
| Lot Width , minimum (feet)  | No Regulation   |
| Front Yard (feet)   |   |
| Minimum   | 0   |
| Maximum   | 10  |
| Side Yard, minimum (feet)   | 0   |
| Rear Yard, minimum (feet)   | 0   |
| Building Height , maximum   |   |
| Stories   | No Regulation   |
| Feet  | 400   |
| Building Coverage, maximum  | 95%   |
| Maximum Residential Density<br>(Dwelling Units Per Acre)  | 150   |
| Parking   | The Casino Overlay District shall meet the off-street parking provisions stipulated in the HCA. |

### **Section 8.5.70 Sign Regulations**

Due to the unique signage associated with a CASINO and casino complexes, the Casino Overlay District specifically allows for a wide range of unique signage and building lighting not contemplated in the underlying zoning. Therefore, signage allowed by the underlying sign regulations, as outlined in Article 9, shall apply unless signage is permitted under Section 8.5.75. Since it is anticipated and encouraged that the casino employ unique and creative urban signage and lighting techniques consistent with an urban entertainment venue, a range of such signage types is explicitly allowed and listed below in 8.5.75. However, such additional signage requires submittal of a specific and detailed “signage and specialty lighting concept” as part of the Site Plan Review process as outlined above and shall adhere to the following standards:

**8.5.71** As part of the sign approval process a detailed sign plan must be submitted which includes:

- A. Dimensions and overall size(s) of all proposed signs;
- B. Building elevations indicating location of all proposed signage, including any directional signage;
- C. Materials of all proposed signage;
- D. Type(s) of illumination.
- E. Proposed special/seasonal signage and lighting programming, and hours of illumination for all lighted signs.

8.5.72 Signs to be located along the frontages of Main Street, State Street, Union Street, Howard Street and Emery Street shall:

- A. Be in character and size to surrounding signage located within the Central Business District and surrounding properties;
- B. Be complementary to the architectural elements found with the proposed developments as well as the surrounding buildings;
- C. Allow any individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations, in addition to any specialty signage and lighting elements which are subject to discretionary approval.

8.5.73 Signs specifically located on HISTORIC RESOURCE PROPERTIES shall:

- A. Be in keeping with the character, size and architectural elements of the building as determined by the Springfield Historical Commission.
- B. Allow individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations (subject to 8.5.73.A. above), in addition to any specialty signage and lighting elements which are subject to discretionary approval.

8.5.74 Signs to be located on facades facing East Columbus Avenue and/or oriented toward Interstate 91 or Interstate 291 shall:

- A. Be integrated into and enhance the architectural design and massing of the building so as to not distract from the quality and character of the development (e.g. blade banners, façade projections, architectural feature



accent lighting, roof top structural signs, and first/second surface applied graphics would be allowed)

- B. Be designed so as to not disrupt traffic flow and highway safety, and if potentially problematic be responsive to and minimize potential adverse impacts to traffic flow and safety.
- C. Avoid reader boards and repeating text message animated signage, or be only employed only for special events and/or traffic/parking control situations on a temporary basis.

#### 8.5.75

The following specialty signage is allowed subject to the review and approval of the project signage and specialty lighting concept. Approval of any specialty signage or lighting is not guaranteed and may be withheld at the sole discretion of the City through the Site Plan Review Process. Discretionary approval of the specialty signage shall be based on recommendations made to the City Council by the Office of Planning & Economic Development who shall in turn confer with the Department of Public Works (regarding any traffic safety hazard impacts), Department of Code Enforcement/Building Division (regarding any aspects related to applicable building codes and permits) and the Springfield Historical Commission (in any situation where landmark or historic resources are impacted by signage).

- A. Blade signs and theater marquee signs; roof top parapet signs; façade projection signs (static or animated); animated electronic billboard signs; pinned-off letter signs; internally and externally illuminated signs; first and second surface signs applied to glazing or facades; banners; seasonal and special event building and site lighting; architectural building and site lighting to accent design features; animated, lighted fountains and streetscape elements;
- B. Notwithstanding the above menu of specialty signage, reader boards and repeating message animated signage may be allowed if employed only for special events and/or traffic/parking control situations on a temporary basis.
- C. In allowing specialty signage, the City Council must consider adverse impacts to adjacent buildings and properties, as well as adverse impacts to highway traffic flow and safety with regard to distraction from animation, brightness, size or content.

- D. All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from development's high quality appearance.

**Section 8.5.80 Modification of Approved Plans**

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended from what is specified in the HCA, pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes from what is specified in the HCA plans and development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- 8.5.81 A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or
- 8.5.82 An increase in the ratio of gross floor area (as specified in the HCA) to LOT area by more than twenty five percent (25%); or
- 8.5.83 A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- 8.5.84 A reduction or increase in approved off-street parking unless justified by changes in other factors.

After review by the Office of Planning & Economic Development, the petitioner shall be notified, in writing, of the result(s) of the Office of Planning & Economic Development's findings. These findings shall be forwarded to the City Council.

**Section 8.5.90 Reserved**

**SECTION 8.6 SMART GROWTH OVERLAY DISTRICT [RESERVED]**