

BARNSTABLE COUNTY

In the Year Two Thousand and Six

Ordinance 06-14

To amend Barnstable County Ordinance 90-12, as amended through Barnstable County Ordinance 05-02, the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact, to allow for the application of a cumulative DRI threshold in the newly established Growth Incentive Zone in Downtown Hyannis, Massachusetts, in accordance with Barnstable County Ordinance 05-13, Chapter G: Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application pursuant to Sections 6 and 7 of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989 as amended.

NOW THEREFORE,

BARNSTABLE COUNTY hereby ordains:

Section 1. General Purpose

- a. Source of Authority – This ordinance concerning the Growth Incentive Zone in Downtown Hyannis is adopted pursuant to Sections 6 and 7 of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989 as amended through amendment of the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended through Barnstable County Ordinance 05-02
- (b) Effective Date – This ordinance shall become effective immediately upon approval, pursuant to Section 2(w) of the Act.

a. Definitions –

1. The definitions contained within section 2 of the Act shall apply to this ordinance.
2. As used within this ordinance, the following terms shall have the following meanings:

Act – Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended.

Assembly of Delegates – Barnstable County Assembly of Delegates, created by Chapter 163 of the Acts of 1988.

Commission – Cape Cod Commission, created by Chapter 716 of the Acts of 1989, as amended.

County Commissioners – Barnstable County Commissioners.

Cumulative DRI Threshold – A cap on total amount of development allowed within the Growth Incentive Zone before mandatory DRI review is required by Barnstable County Ordinance 90-12 as amended by Barnstable County Ordinance 05-02, Enabling Regulations Governing Review of Developments of Regional Impact, as described by Barnstable County Ordinance 05-13 in Section 8 (a) and (b) of Chapter G: Growth Incentive Zone Regulations of the Code of Cape Cod Commission Regulations of General Application

DRI – Development of Regional Impact as defined by the Act

GIZ – Growth Incentive Zone as defined by the plan entitled “Town of Barnstable Growth Incentive Zone” prepared by the Town of Barnstable GIS Unit dated April 6, 2006 as further described in Cape Cod Commission decision dated April 6, 2006 (GIZ #05034) in accordance with Barnstable County Ordinance 05-13, Chapter G: Growth Incentive Zone Regulations of the Cape Cod Commission.

Section 2. Amendment of Barnstable County Ordinance 90-12

Barnstable County Ordinance 90-12, as amended through Barnstable County Ordinance 05-02, the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact, is amended as follows:

Insert paragraph (l) after paragraph (k) in Section 3: DEVELOPMENTS PRESUMED TO BE DEVELOPMENTS OF REGIONAL IMPACT (DRI REVIEW THRESHOLDS):

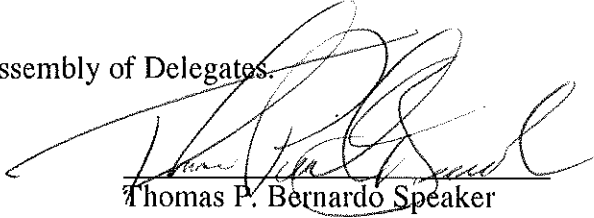
- (l) (i) There is a Growth Incentive Zone (GIZ) in Downtown Hyannis in accordance with Barnstable County Ordinance 05-13, as approved by the Cape Cod Commission in a decision dated April 6, 2006 (GIZ #05034) and whose boundaries are fully defined on a plan entitled "Town of Barnstable Growth Incentive Zone" prepared by the Town of Barnstable GIS Unit dated April 6, 2006 which is appended to decision GIZ #05034 and shall be on file with the Town of Barnstable clerk and the Cape Cod Commission clerk.
 - (ii) Within the Downtown Hyannis Growth Incentive Zone, any proposed development that meets or exceeds the threshold adopted in subsections (a) through (k) of this section shall not require referral to the Commission as a DRI, provided the following criteria are met:
 - a. The proposed development is below the Cumulative DRI threshold approved by the Cape Cod Commission as described in its decision dated April 6, 2006 (GIZ #050034) of 600 residential units and 585,180 square feet of non-residential development;
 - b. The proposed development does not fall within any of the following categories:
 - (i) Any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District;
 - (ii) Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 square feet of Gross Floor Area or 40,000 square feet of outdoor area;
 - (iii) Any development requiring an Environmental Impact Report under MEPA;
 - (iv) Discretionary referrals proposed by the Town and accepted by the Commission as presenting regional impacts;
 - (v) Modifications, additions or expansions to the Cape Cod Hospital within the Downtown Hyannis GIZ.

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Adopted on June 7, 2006 by the Assembly of Delegates.



Thomas P. Bernardo Speaker

Approved by the Board of County Commissioners on September 13, 2006 at 10:01 a.m.
Date Time

Mary Jo Clair

