

**BARNSTABLE COUNTY
ASSEMBLY OF DELEGATES**

In the Year Nineteen Hundred and Ninety Four

Ordinance 94-3

To amend Barnstable County Ordinance 90-12 (Amended by 90-14 and 91-11), by establishing Development of Regional Impact Standards and Criteria.

Barnstable County hereby ordains:

Section 1(a) entitled "Source of Authority" is hereby amended by replacing the term "The regulations" with the term "The regulations and Standards and Criteria" and by replacing the word "amended" with the term "adopted and amended" and by replacing the term "Section 6" with the term "Sections 6 and 12(a)".

Section 1(b) entitled "Effective Date" is hereby amended by adding before the words "The regulations set forth herein" the following sentence: "The regulations and standards and criteria set forth herein shall become effective upon passage as an ordinance and upon recording with the Clerk, the Barnstable County Registry of Deeds and the County Clerk."

Section 1(c) entitled "Definitions" is hereby amended by adding after the definition of the term "Regional Policy Plan" and before the term "Secretary" the following: "Residential Dwelling Unit: Living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, whether in a complete, individual unit or a unit sharing common facilities. A residential dwelling unit shall include but not be limited to bedrooms in nursing homes and congregate care facilities."

Section (2) entitled "Methods of Referral to Commission" is hereby amended at Sections (a)(i) and (b)(i) by replacing the term "Section 12(c) of the Act" with the term "Section 3 below" and at Section (b)(iii) by replacing the term "in the Act" with the term "in Section 3 below".

Section 3 entitled "Developments Presumed to be Developments of Regional Impact" is hereby amended by deleting Sections 3(a) and 3(a)(i) and substituting the following language:

"Upon the effective date of this ordinance, the following standards and criteria shall set forth the types and classes of development presumed to be Developments of Regional Impact. Standards and Criteria contained in Section 12(c) of the Act are superseded by the Standards and Criteria contained in these regulations and shall become null and void upon the effective date of the ordinance. Any proposed development which meets or exceeds the standards and criteria adopted below shall be referred to the Cape Cod Commission as a Development of Regional Impact;

(1) 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.

(2) The construction or expansion of any bridge, ramp, road or vehicular way that crosses or provides direct access to an inland pond, barrier beach, coastal bank, dune, beach or tidal wetland or waterbody (as defined by MGL Ch. 131, Section 40) excepting any development accessory to one or more single family dwellings (e.g. driveway, pier).

(3) Any development which proposes to divide land of fifty acres or more.

(4) Any development which proposes to divide land of fifteen acres or more that was part of a subdivision plan endorsed by the municipal planning board or town clerk on or after March 27, 1983.

(5) Any development which proposes to divide land into thirty or more residential lots. Any development which proposes to divide land into ten or more business, office or industrial lots.

(6) Any of the following proposed commercial, service, retail or wholesale business, office or industrial development, as well as any private health, recreational or educational development:

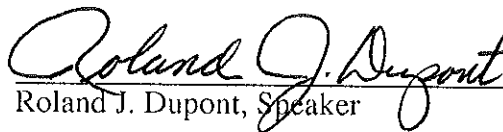
- *new construction with a gross floor area greater than 10,000 sq.ft.;
- *addition or auxiliary buildings with a gross floor area greater than **10,000 sq.ft.**;
- *use changes which have a gross floor area greater than 10,000 sq.ft.;
- *new construction or use changes involving outdoor commercial space greater than 40,000 sq.ft.

The calculation of outdoor commercial space shall include but not be limited to outdoor sales, parking areas and/or any site alteration associated with the proposed development.

(7) Any proposed development, including the expansion of existing developments, that is planned to create or add more than thirty residential dwelling units.

(8) Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry slips, bus, rail, trucking terminals, transfer stations, air transportation and/or auxiliary uses and accessory parking or storage facilities, so long as such **transportation and/or auxiliary uses and accessory parking or storage facilities, so long as such auxiliary or accessory uses** meet the criteria of Section 12(c)(6) above.

Adopted on April 20, 1994 by the Assembly of Delegates.


 Roland J. Dupont, Speaker

Approved by the Board of County Commissioners 4/27/94, at 9:32 a.m.
Date Time

