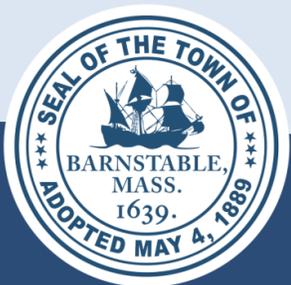


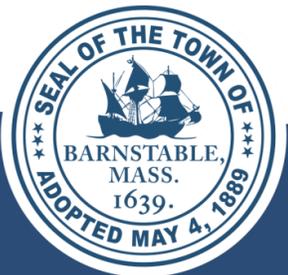
# Proposed Zoning Amendments Town Council

Thursday, March 12, 2026

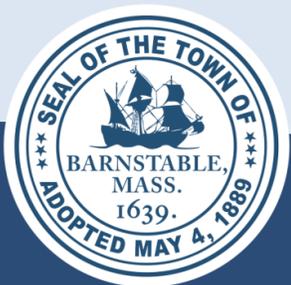


# Agenda

- Process for establishing or amending zoning
- Current Downtown Hyannis zoning districts
- Subcommittee to Review and Assess Zoning and Review of the Town's Regulatory Agreements
- Proposed building height zoning amendment

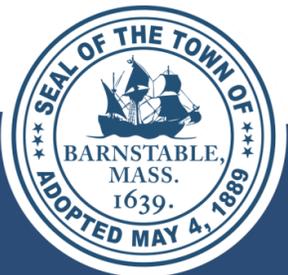


# Process for Establishing or Amending Zoning



# Zoning

The purpose of zoning is to regulate land use to protect public health, safety, and welfare of the community



# Enabling Statute

- Zoning amendments are processed in accordance with **Massachusetts General Laws (MGL) Chapter 40A “Zoning Act”**.

# Statutory Public Notice Requirements

## Massachusetts General Laws (MGL) Chapter 40A Section 5

- Two (2) Public Hearings\*
  - 1 at Planning Board
  - 1 at Town Council

*\* Public Hearings can be held together or separately*
- Two (2) notices in newspaper, once in each two successive weeks, at least 14 days prior

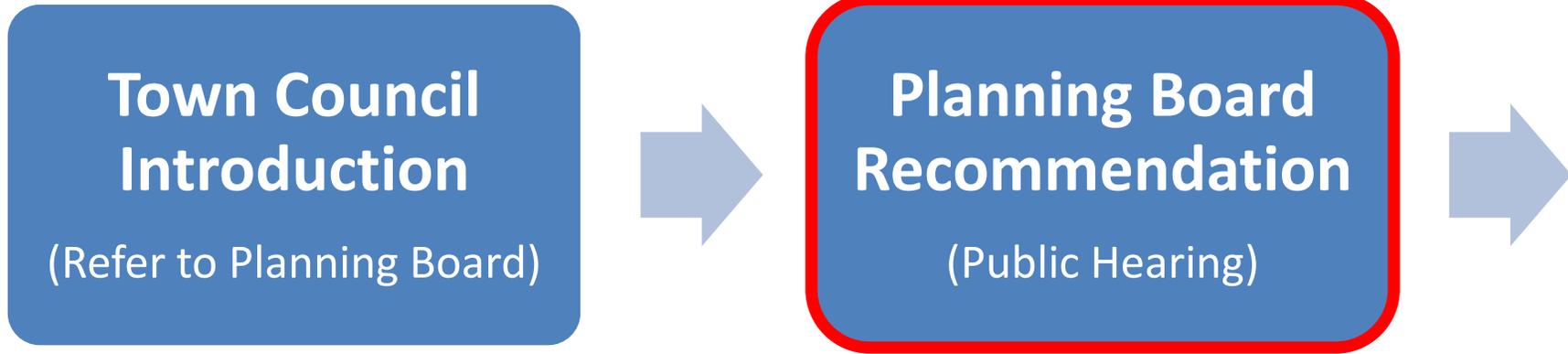
# Process

**Town Council  
Introduction**

(Refer to Planning Board)



# Process



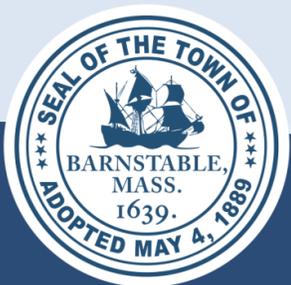
- **Notice of the public hearing** is provided in accordance with all requirements of MGL 40A§5.
- **The Planning Board must forward an advisory report** with recommendations on the proposed zoning amendment to the Town Council within 21 days after close of the Board's hearing. The recommendation of the Planning Board requires a **simple majority** of the Planning Board members present and voting.

# Process



- **Notice of the public hearing** is provided in accordance with all requirements of MGL 40A§5.
- Approval of zoning amendments by the **Town Council** requires a **super-majority (2/3) vote** **which equates to a total of (9) votes for the Town of Barnstable.**

# Current Downtown Hyannis Zoning Districts



# Current Downtown Hyannis Zoning Districts

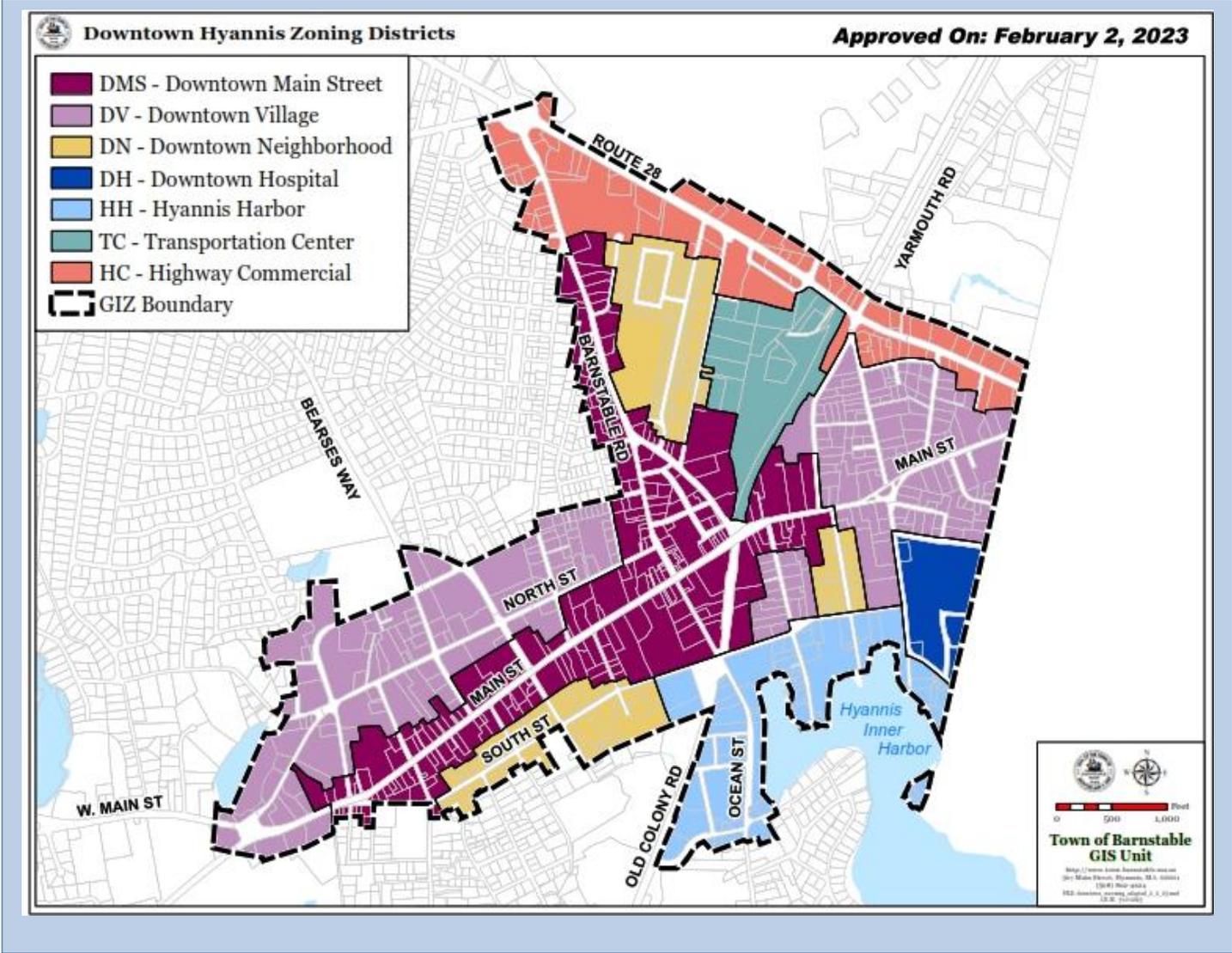
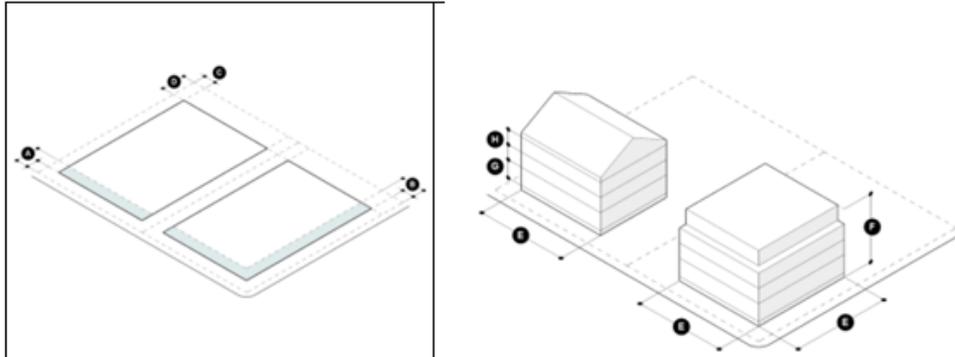
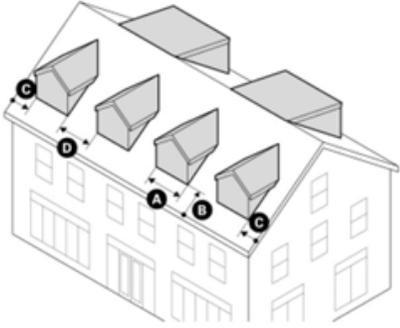
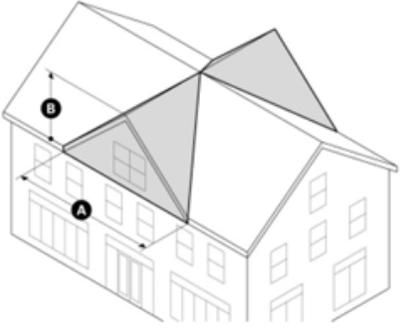
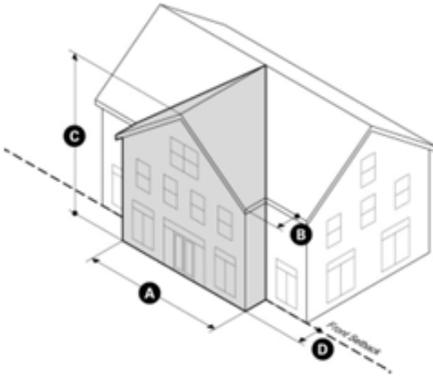


Table 4. DV Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	120' max
Lot Coverage	80% max	F - Number of Stories	3.5 or 4 max <sup>1</sup>
Facade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
		Residential	10' min
<b>SETBACKS – PRINCIPAL BUILDINGS</b>		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	<b>BUILDING FEATURES</b>	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	15% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

C. Dormer		D. Cross Gable	
			
A	Cumulative Width of all Dormers (max)	50% of the roof eave	
B	Exterior Wall Setback (min)	--	
	Roof with Eave	0 ft	
	Roof without Eave	1 ft	
C	Setback from Gable (min)	3 ft	
D	Separation from another Dormer (min)	50% of dormer width	
Design Standards: The face wall of a dormer window may not project beyond the exterior wall of the building and may not interrupt the eave of the roof.		Design Standards: The roof ridge of a cross gable must be perpendicular to the main roof ridge of the principal building.  The rakes and ridge of the roof of the cross gable must be structurally integrated into the eave and ridge of roof of the attached primary massing.	

E. Projecting Gable		
		
A	Width (max)	Equal to the shortest side of the attached primary massing
B	Projection (max)	6 ft
C	Height (min)	Height of Building in Stories
D	Front Setback Encroachment (max)	6 ft
Design Standards:  A projecting gable may attach only the façade of a principal building.  The roof ridge of a projecting gable must be perpendicular to the main roof ridge of the principal building.		

# Approval of the Current Downtown Hyannis Zoning

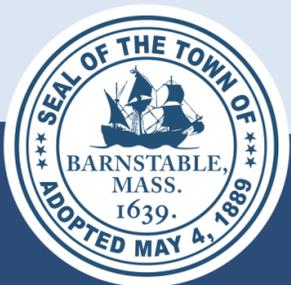
## April 11, 2022

Planning Board unanimously recommended the Downtown Hyannis Zoning Districts (Item 2022-144)

## February 2, 2023

Town Council affirmatively voted to approve the Downtown Hyannis Zoning Districts (Item 2022-144)

# Subcommittee to Review and Assess Zoning and Review of the Town's Regulatory Agreements



# Establishment of Subcommittee

2024

Town Council established a Subcommittee to review the Downtown Hyannis zoning districts

# Subcommittee Recommendations

To: Barnstable Town Council

From: Committee to Review and Assess Zoning and Review of the Town's Regulatory Agreements

CC: James Kupfer, Kathleen Connolly, Steven Robichaud, Mark Ells

Date: April 7, 2025

Re: Recommendations on Zoning, Use of Regulatory Agreements and Other Zoning-Related Matters

---

**SEE ATTACHED MEMORANDUM**

Committee to Review and Assess Zoning and Review of the Town's Regulatory Agreements

## I. EXECUTIVE SUMMARY

### A. Purpose/Objective

- The Town Council established the purpose of the Ad Hoc Committee as follows: "Work with the Town's Planning & Development staff to review and reassess recently adopted zoning changes, review the Town's use of regulatory agreements, and make recommendations to the Council."
- The Committee was comprised of both sitting Town Councilors appointed by the Town Council President, and members of the public who were appointed after an extensive application and interview process. The Committee members brought a diversity of life and professional experience, views and opinions on the topics discussed.
- In addition to recently adopted zoning changes (which were defined as significant amendments passed or proposed over the past 20 years) and the Town's use of regulatory agreements, the Committee also identified several additional significant zoning-related topics/issues which it believes the Council should consider. Several of these topics/issues were brought to the attention of the Committee by members of the public. The Committee welcomed extensive public input and comment, and appreciated related contributions from Town staff.
- The Committee gathered facts, reviewed ordinances, and examined the topics/issues in light of changing circumstances and conditions. The Committee's objective was to assist the Town Council by making recommendations for zoning amendments and policy changes that would preserve and improve the quality of life in our Town and its villages and satisfy residents' current and future needs. The Committee's recommendations were developed after robust discussion and consideration of input from Town Staff, subject experts and, importantly, residents. The Committee's deliberations were thorough, constructive, and respectful. The Committee appreciated the same from everyone who contributed to its important work.

### B. Primary Areas of Review

The three primary areas of review by the Committee and for which recommendations have been made for the Town Council's consideration include the following:

- Chapter 168 Regulatory Agreements Ordinance
- Chapter 240 Zoning Ordinance and Maps
- Other Zoning-Related Topics/Issues

# Town Council Review of Subcommittee Recommendations

June 26, 2025

Town Council held a workshop to review the Subcommittee recommendations

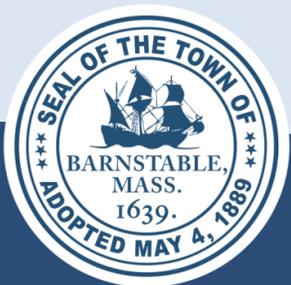


# Proposed Zoning Amendments from Subcommittee Recommendations

Ultimately, zoning amendments were proposed related to the following topics:

- Parking requirements and dimensions
- Building height requirements
- Downtown Village zoning district
- Ground floor commercial requirements

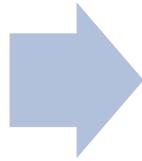
# Process for the Proposed Zoning Amendments



# Process for Proposed Zoning Amendments

## Town Council Introduction

(Refer to Planning Board)



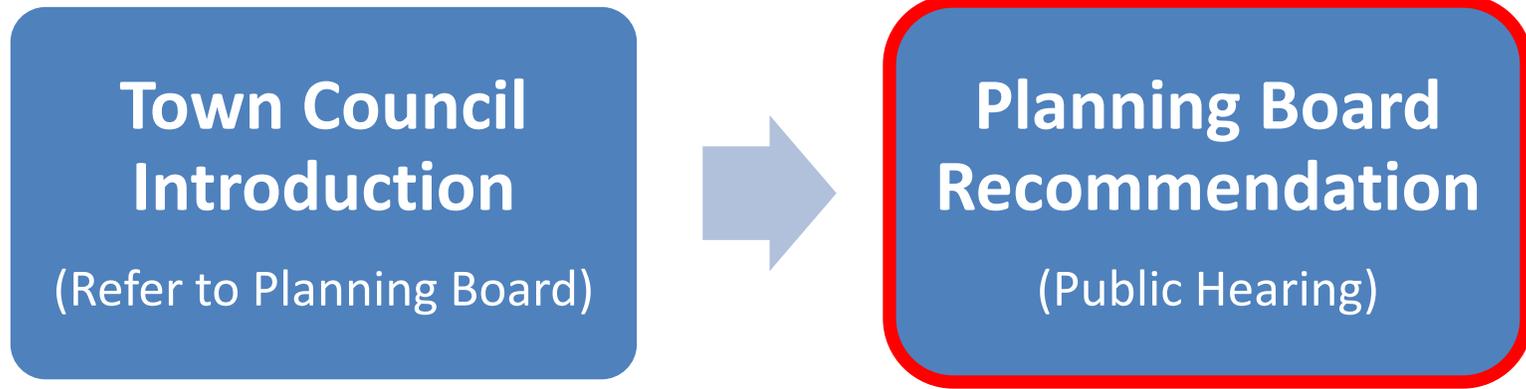
- July 17, 2025: Town Council referred (4) zoning amendments to the Planning Board

# July 17, 2025: First Read at Town Council

## **B. NEW BUSINESS**

- 2026-003** Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III Section 24.1.5(c) Table 2, to modify the required parking for residential or artist live/work (per du), modify the calculation for minimum parking spaces, and establish minimum dimensional standards for parking spaces **(First Reading) (Refer to Planning Board)** ..... 99-110
- 2026-005** Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III District Regulations, to modify building height requirements in the Downtown Main Street District and Downtown Village District **(First Reading) (Refer to Planning Board)** ..... 115-124
- 2026-006** Amending the code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to repeal the Downtown Village District and amend the zoning map to replace the Downtown Village District with the downtown neighborhood zoning district **(First Reading) (Refer to Planning Board)**..... 125-149
- 2026-007** Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to amend the area in the Downtown Main Street District where ground floor commercial space is required **(First Reading) (Refer to Planning Board)** ..... 150-155

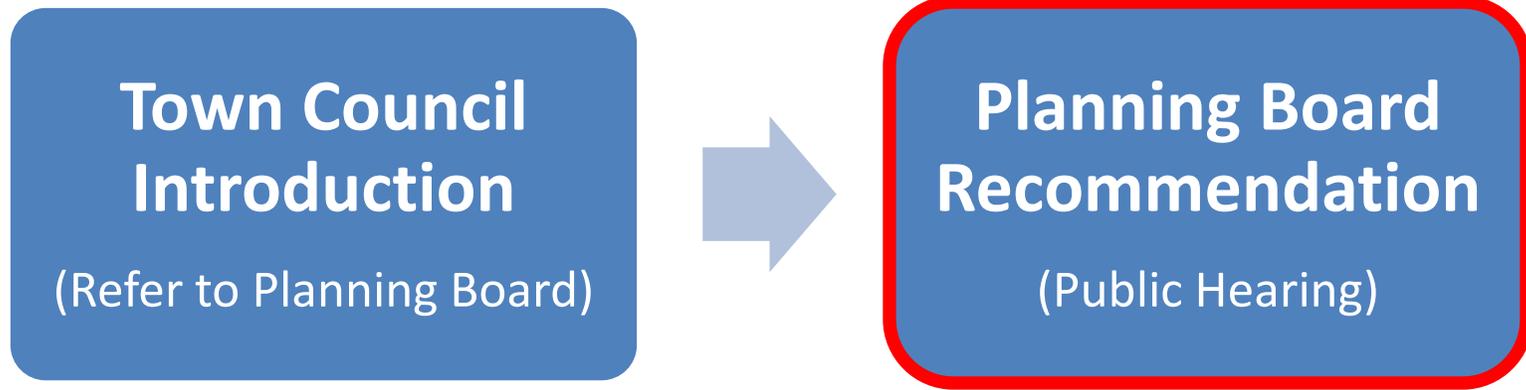
# Process for Proposed Zoning Amendments



The Planning Board held public hearings on the following dates:

- September 22, 2025
- October 27, 2025
- November 24, 2025
- December 8, 2025
- December 22, 2025

# Process for Proposed Zoning Amendments



- Town Charter 241-29 Planning Board: Authorities and responsibilities. The Planning Board makes recommendations to the Town Council with regard to any changes in the Zoning Ordinance of the Town.

# Process for Proposed Zoning Amendments

## Town Council Introduction

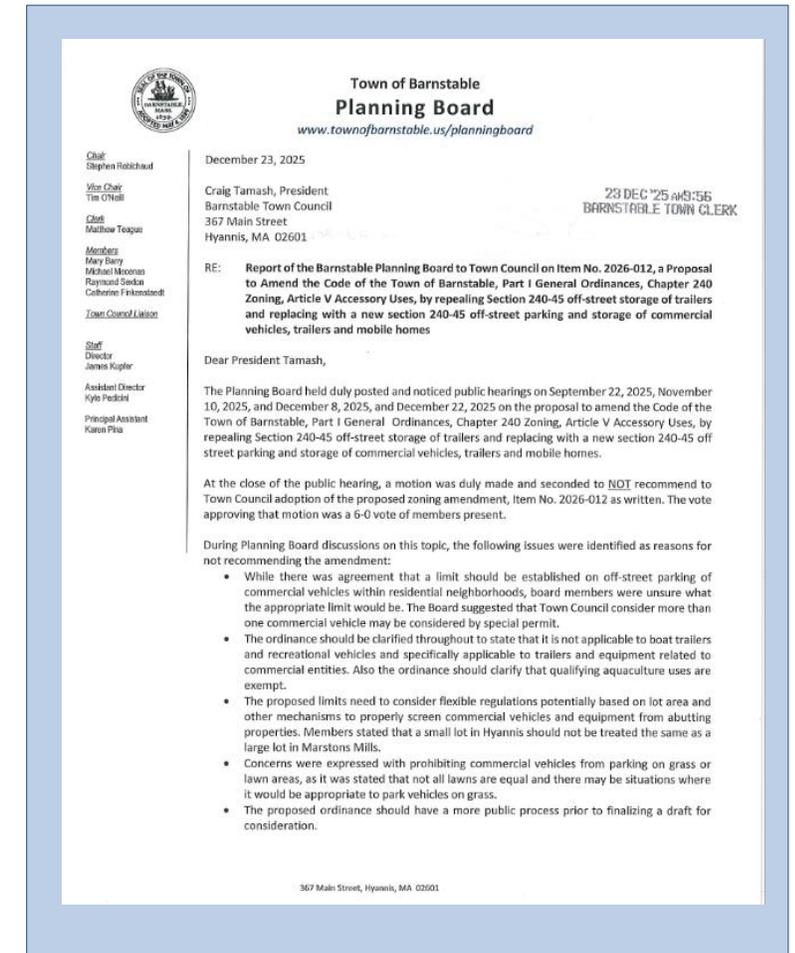
(Refer to Planning Board)



## Planning Board Recommendation

(Public Hearing)

- December 23, 2025: Planning Board sent recommendations for all (4) of the zoning amendments to Town Council.

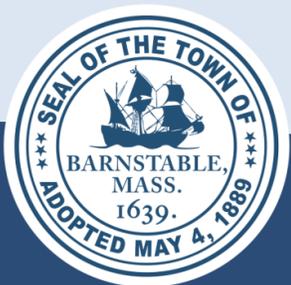


# Process for Proposed Zoning Amendments



- Approval of zoning amendments by the **Town Council** requires a super-majority (2/3) vote **which equates to a total of (9) votes for the Town of Barnstable.**

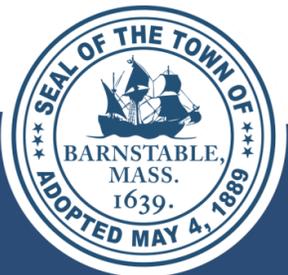
# **Downtown Hyannis Proposed Building Height Amendment**



# Building Height Requirements

## Item No. 2026-005

The proposal is to amend the code of the Town of Barnstable, Part I General Ordinances, Chapter 240 to modify the building height requirements in the Downtown Main Street (DMS) and Downtown Village (DV) zoning districts.



# Building Height Requirements

## Existing Building Form

Number of Stories	3.5-4 maximum
-------------------	---------------

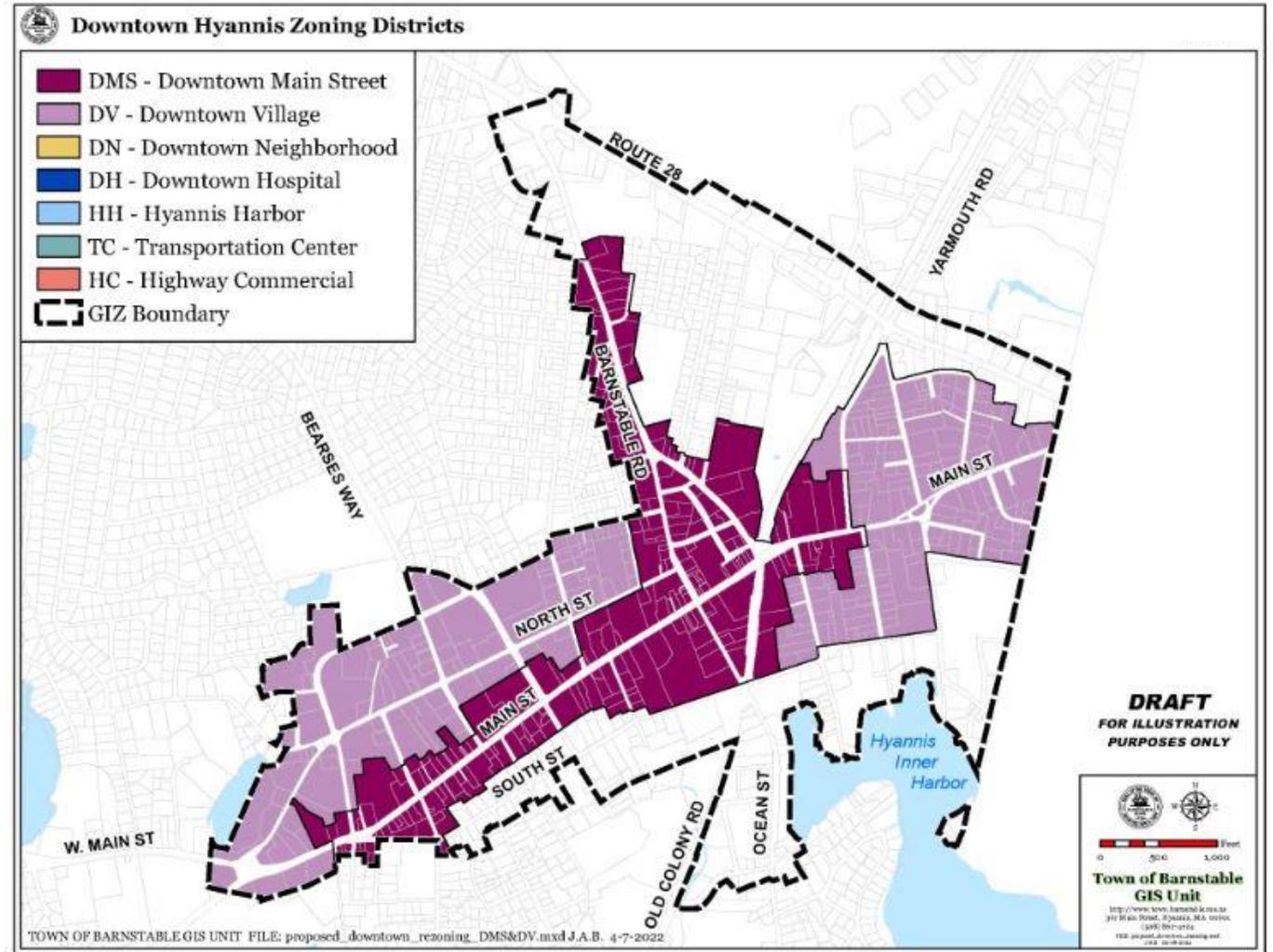
## Subcommittee Building Form

Number of Stories	3-3.5 maximum
-------------------	---------------

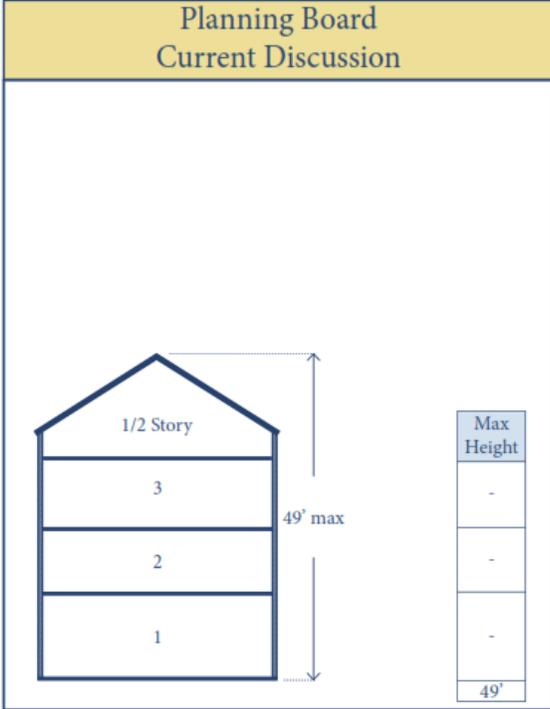
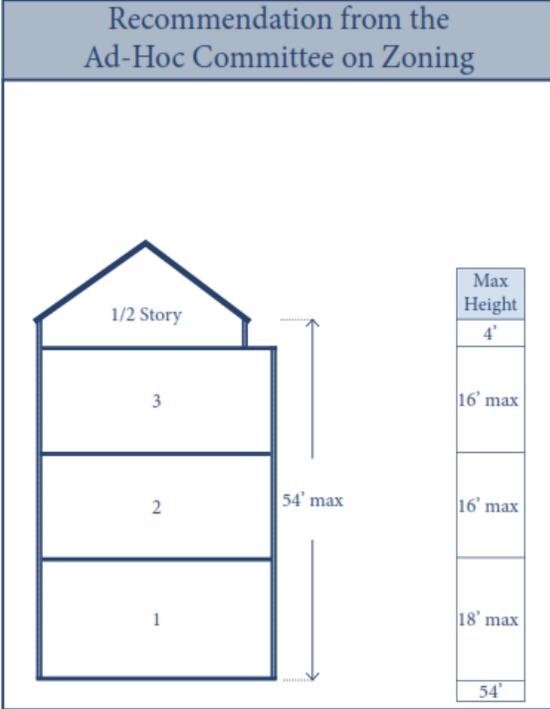
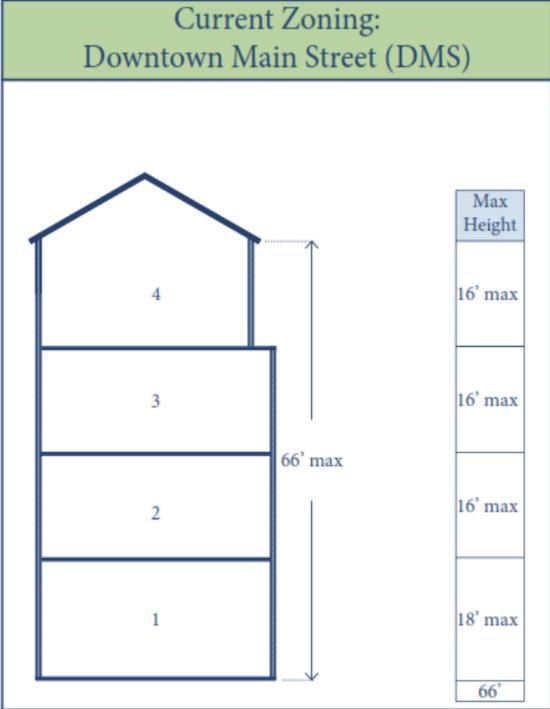
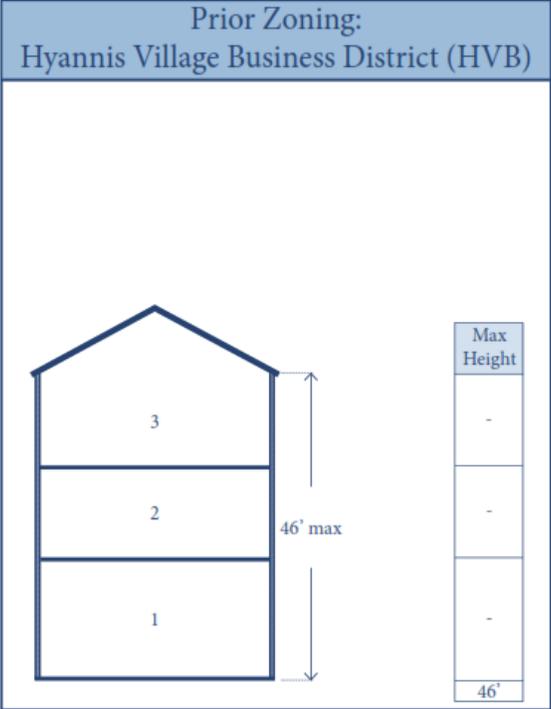
## Planning Board Building Form

Number of Stories	3.5 maximum*
-------------------	--------------

\*To top of ridge

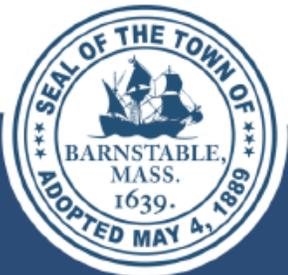
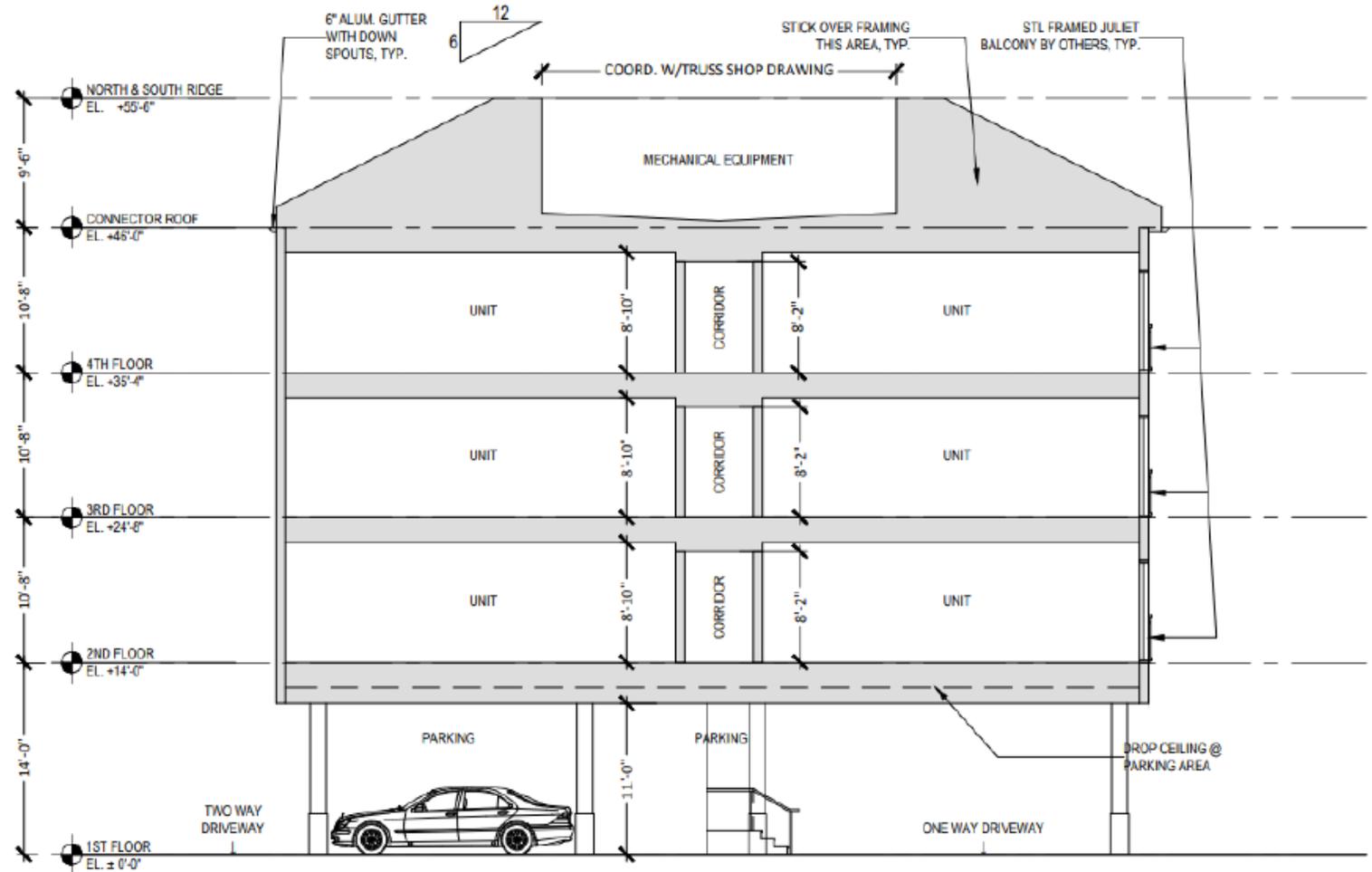


# Building Height Analysis



# 201 Main Street

- Per building plans, the 201 Main Street project will have a height of **55.5 feet**



# 89 Lewis Bay Road

- Per the recorded Regulatory Agreement for this property, the building height is **48.5 feet**, while the height of structures containing stairwells/elevators is **61 feet**



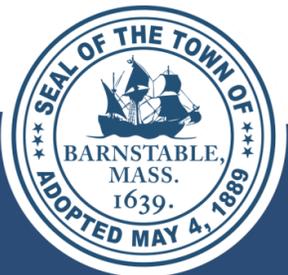
# 615 Main Street

- The measurement from the edge of pavement to the building ridge height is **40.9 feet**



# 199 Barnstable Road

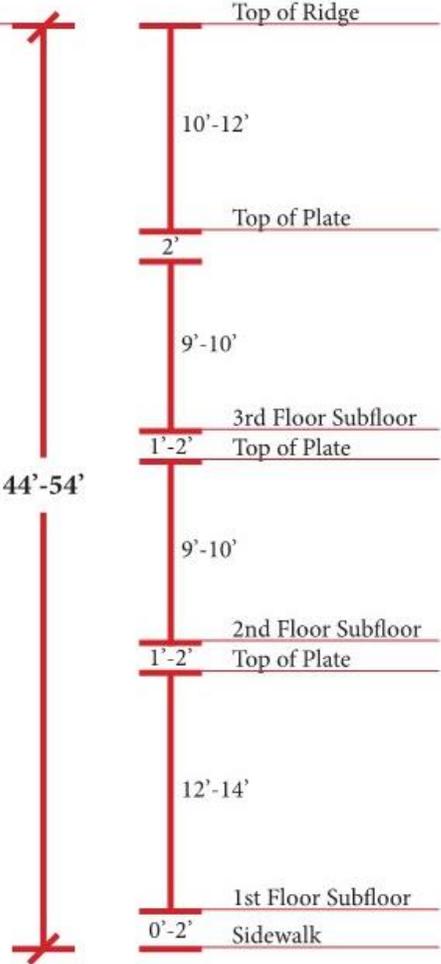
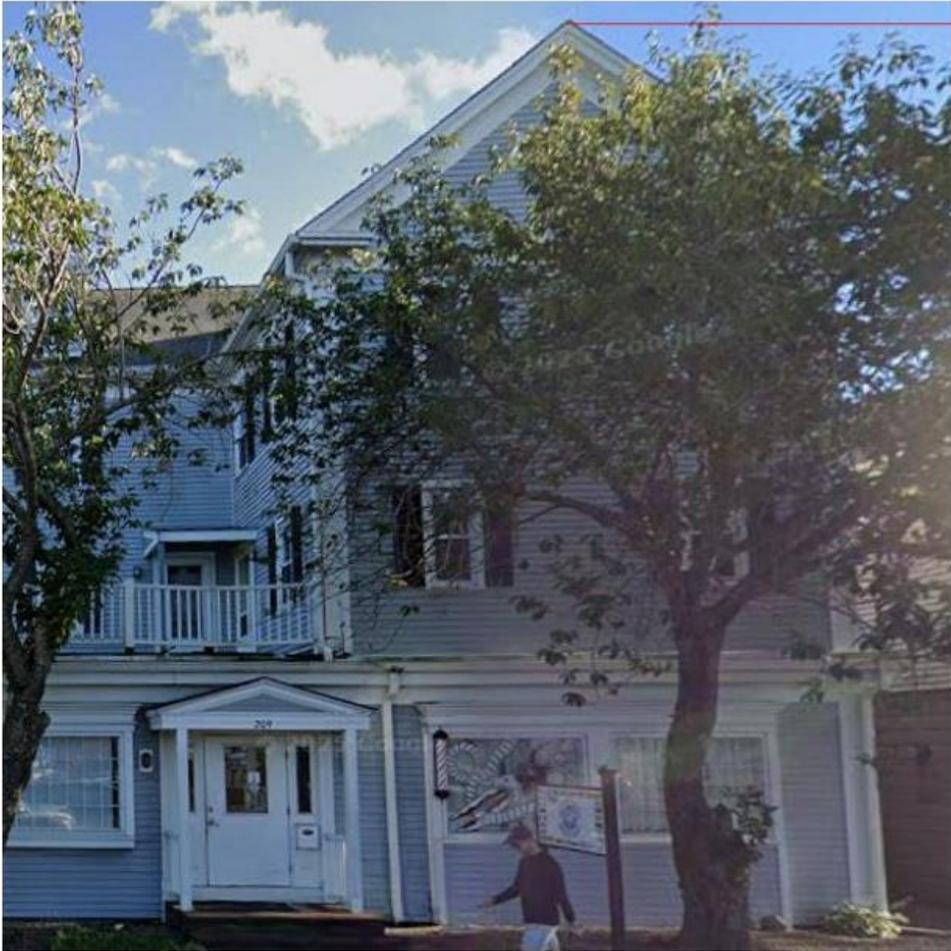
- The measurement from the edge of pavement to the building ridge height is **35.0 feet**





# 209 Main Street Building Dimensions

(Modern Dimensions)

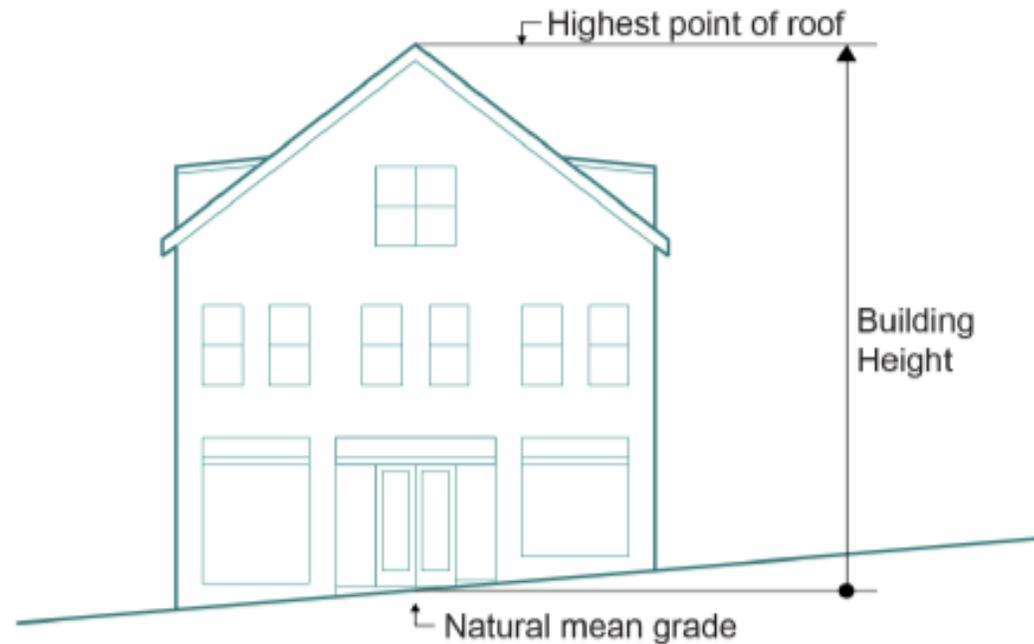


# Building Height Measurement

- (a) ~~Building height is measured as the vertical distance from the average finished ground level to the top of the structural beam or joists of the uppermost story.~~ For the purposes of this section building height shall be defined as follows: The vertical distance between the elevations of the natural mean grade and the highest point of the roof. The natural mean grade is calculated by taking the average of the existing grade at the proposed building footprint corners.

# Building Height Measurement

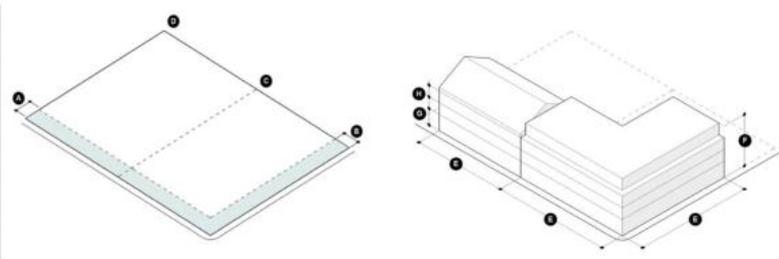
Figure 1. Building Height



- 
4. Buildings may not exceed the maximum building height specified for each district, as applicable.

# Number of Stories & Building Height

Table 3. DMS Dimensional Standards



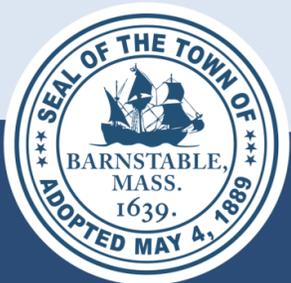
Lot		Building Form	
Lot width	30 feet minimum	<b>E-G</b> - Building width	180 feet maximum
Lot coverage	100% maximum	<b>F</b> - Number of stories	3.5 or 4 maximum <sup>1</sup>
Facade buildout (minimum)	—	<b>G</b> - Ground story height	—
Primary frontage	80% minimum	<b>Commercial</b>	14 feet minimum
Secondary frontage	40% minimum	<b>Residential</b>	10 feet minimum
<b>Setbacks - Principal Buildings</b>		<b>H</b> - Upper story height	10 feet minimum
<b>A</b> - Primary front setback		<b>Building Features</b>	
0 foot minimum 15 feet maximum		Ground story fenestration	—
<b>B</b> - Secondary front setback		Primary frontage	60% minimum
0 foot minimum 15 feet maximum		Secondary frontage	15% minimum
<b>C</b> - Side setback		Upper story fenestration	15% minimum
0 foot minimum		Blank wall	20 feet maximum
<b>D</b> - Rear setback		Commercial space depth	20 feet minimum
0 foot minimum			
<b>Building Height</b>			
<b>E</b> - Number of Stories			
<b>F</b> - Building Height			
	3.5 maximum		
	49 feet maximum		

See § 240-24.1.6C6 (fourth story step-back).

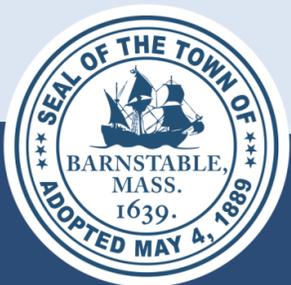
Table 4. DV Dimensional Standards

Lot coverage	80% maximum	<b>F</b> - Number of stories	3.5 or 4 maximum <sup>1</sup>
Facade buildout (minimum)	—	<b>G</b> - Ground story height	—
Primary frontage	80% minimum	<b>Commercial</b>	14 feet minimum
		<b>Residential</b>	10 feet minimum
<b>Setbacks - Principal Buildings</b>		<b>Upper story height</b>	10 feet minimum
<b>A</b> - Primary front setback		<b>Building Features</b>	
0 foot minimum 15 feet maximum		Ground story fenestration	—
<b>B</b> - Secondary front setback		Primary frontage	15% minimum
0 foot minimum 15 feet maximum		Secondary frontage	15% minimum
<b>C</b> - Side setback		Upper story fenestration	15% minimum
0 foot minimum		Blank wall	20 feet maximum
<b>D</b> - Rear setback		Commercial space depth	20 feet minimum
0 foot minimum			
<b>Building Height</b>			
<b>E</b> - Number of stories			
<b>F</b> - Building height			
	3.5 maximum		
	49 feet maximum		

**Thank You**



# Potential Amendment Reflecting Planning Board Recommendation



# Item 2026-005 – Possible Motion to Amend (Planning Board Recommendation)

I make a motion to amend Item 2026-005 by striking sections 1 through 8 in their entirety and inserting in place thereof the following sections:

## **SECTION 1**

By amending subsection A.4(a) of Section 240-24.1.5 by inserting, before the words “building height”, the words “In the Downtown Neighborhood Zoning District”.

## **SECTION 2**

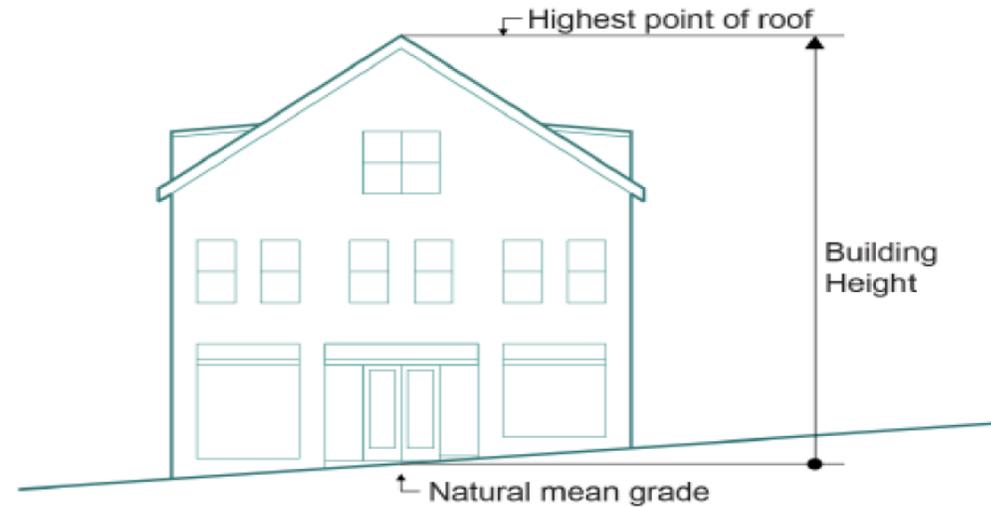
By amending Section 240-24.1.5 by inserting, after subsection A.4(a), the following new subsection A.4(b): “In the Downtown Village District and the Downtown Main Street District, Building Height shall be defined as the vertical distance between the elevations of the natural mean grade and the highest point of the roof. The natural mean grade is calculated by taking the average of the existing grade at the proposed building footprint corners.”

## **SECTION 3**

By amending Section 240-24.1.5. by inserting, after subsection A.4(b), the following figure:

# Item 2026-005 – Possible Motion to Amend, cont'd

Figure 1. Building Height



## **SECTION 4**

By amending Section 240-24-1.6 by deleting in subsection A.1 the word “four” and inserting the words “three and one half” in its place.

## **SECTION 5**

By further amending Section 240-24.1.6 by deleting subsection C.6.

# Item 2026-005 – Possible Motion to Amend, cont'd

## SECTION 6

By amending Section 240-24.1.6 by striking from Table 3 the following under the heading “Building Form”

G - Ground story height	—
F - Number of stories	3.5 or 4 maximum <sup>1</sup>
Commercial	14 feet minimum
Residential	10 feet minimum
H - Upper story height	10 feet minimum

and by further amending the remaining entry by deleting the capital letter “E” and replacing it with the letter “G”.

## SECTION 7

By further amending Section 240-24.1.6 by inserting into Table 3 a new heading entitled “Building Height” containing the following rows:

E - Number of Stories	3.5 maximum
F – Building Height	49 feet maximum.

# Item 2026-005 – Possible Motion to Amend, cont'd

## **SECTION 8**

By further amending said Table 3 by striking footnote 1.

## **SECTION 9**

By amending Section 240-24.1.7 by striking from subsection A.1 the word “four” and inserting the words “three and one half” in its place.

## **SECTION 10**

By further amending Section 240-24.1.7 by striking subsection C.4.

## **SECTION 11**

By amending Section 240-24.1.7 by striking from Table 4, under the heading “Building Form”, all of table entries thereunder except “E – Building width” and by further amending said entries by deleting the capital letter “E” and replacing it with the “G”.

# Item 2026-005 – Possible Motion to Amend, cont'd

## SECTION 12

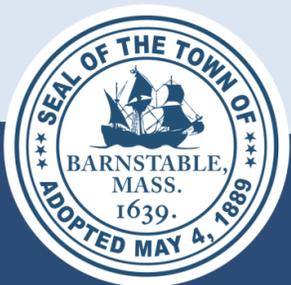
By further amending Section 240-24.1.7 by inserting into Table 4 a new heading “Building Height” and including the following table entries thereunder:

E - Number of Stories	3.5 maximum
F – Building Height	49 feet maximum”.

## SECTION 13

By further amending Section 240-24.1.7 by striking the following words from under Table 3: “See 240.24.17C4 (fourth story step back).”

# Potential Amendment Councilor Ludtke



# Item 2026-005 – Possible Motion to Amend (Ludtke Recommendation)

I make a motion to amend Item 2026-005 by striking sections 1 through 8 in their entirety and inserting in place thereof the following sections:

## **SECTION 1**

By amending subsection A.4(a) of Section 240-24.1.5 by inserting, before the words “building height”, the words “In the Downtown Neighborhood Zoning District”.

## **SECTION 2**

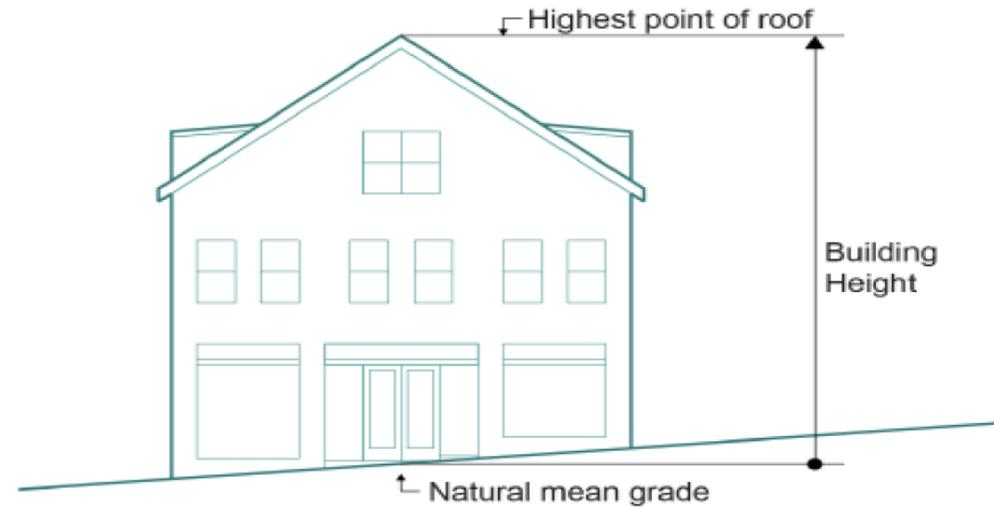
By amending Section 240-24.1.5 by inserting, after subsection A.4(a), the following new subsection A.4(b): “In the Downtown Village District and the Downtown Main Street District, Building Height shall be defined as the vertical distance between the elevations of the natural mean grade and the highest point of the roof. The natural mean grade is calculated by taking the average of the existing grade at the proposed building footprint corners.”

## **SECTION 3**

By amending Section 240-24.1.5. by inserting, after subsection A.4(b), the following figure:

# Item 2026-005 – Possible Motion to Amend, cont'd

Figure 1. Building Height



## **SECTION 4**

By amending Section 240-24-1.6 by deleting in subsection A.1 the word “four” and inserting the words “three and one half” in its place.

## **SECTION 5**

By further amending Section 240-24.1.6 by deleting subsection C.6.

# Item 2026-005 – Possible Motion to Amend, cont'd

## SECTION 6

By amending Section 240-24.1.6 by striking from Table 3 the following under the heading “Building Form”

G - Ground story height	—
F - Number of stories	3.5 or 4 maximum <sup>1</sup>
Commercial	14 feet minimum
Residential	10 feet minimum
H - Upper story height	10 feet minimum

and by further amending the remaining entry by deleting the capital letter “E” and replacing it with the letter “G”.

## SECTION 7

By further amending Section 240-24.1.6 by inserting into Table 3 a new heading entitled “Building Height” containing the following rows:

E - Number of Stories	3.5 maximum
F – Building Height	44 feet maximum.

# Item 2026-005 – Possible Motion to Amend, cont'd

## **SECTION 8**

By further amending said Table 3 by striking footnote 1.

## **SECTION 9**

By amending Section 240-24.1.7 by striking from subsection A.1 the word “four” and inserting the word “three” in its place.

## **SECTION 10**

By further amending Section 240-24.1.7 by striking subsection C.4.

## **SECTION 11**

By amending Section 240-24.1.7 by striking from Table 4, under the heading “Building Form”, all of table entries thereunder except “E – Building width” and by further amending said entries by deleting the capital letter “E” and replacing it with the “G”.

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## SECTION 12

By further amending Section 240-24.1.7 by inserting into Table 4 a new heading “Building Height” and including the following table entries thereunder:

E - Number of Stories	3 maximum
F – Building Height	40 feet maximum”.

## SECTION 13

By further amending Section 240-24.1.7 by striking the following words from under Table 3: “See 240.24.17C4 (fourth story step back).”