



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1276, Fax (508) 398-2365

Planning
Division

August 22, 2017

Patty Daley
Cape Cod Commission
3225 Main Street/PO Box 226
Barnstable, MA 02630

Re: Yarmouth GIZ Extension
Zoning & Regulatory Amendments

Dear Patty:

Since the adoption of the Yarmouth Growth Incentive Zone in 2007, there have been numerous zoning/regulation changes that have occurred that further the purposes of the GIZ designation. The following is a brief summary of these regulations:

ZONING AMENDMENTS: (See attached Certified Articles)

1. **ATM April 5, 2011:**

- Article 34 amended the Motel Bylaw (Section 404) by adding language to make it clear that whole site compliance is mandatory.

This amendment made it clear that to redevelop under Section 404(also known as the "Hotel Motel Overlay District 1" or "HMOD1"), the entire property would need to be upgraded to meet the Architectural and Site Design Standards, not just the portion of the site proposed for redevelopment. This zoning change facilitated design improvements such as reducing the number and/or width of curb cuts, organizing parking to include in-lot trees, and meeting landscape and buffer requirements.

2. **ATM April 2, 2012:**

- Article 25 eliminated the motel cap which limits the number of Guest Units.

Eliminating the motel guest room cap allowed for more opportunities to redevelop HMOD1 properties into new hotels.

3. **STM October 22, 2012:**

- Article 7 created the new Village Centers Overlay District (VCOD) (Section 414) and amended the Zoning Map to define the limits of the four villages.

Some HMOD1 applicable properties are located within the Village Center Overlay District (see attached map) and would have the opportunity to redevelop using either HMOD1 or the VCOD. The VCOD motivates investment by allowing types of development not available in the underlying business zone, such as reductions in dimensional standards, increased

lot coverage and building heights, the flexibility to have mixed uses on one site and allowing for reduced and shared parking. In exchange for these benefits, the property owners are required to meet strict design standards that require traditional Cape Cod style architecture and promote good site design principals. These principals include defining the streetscape by bringing buildings closer to the street, promoting walkability by including sidewalks and pathways, providing for bicycle amenities, street trees and pedestrian level lighting; reducing curb cuts; locating parking to the rear and side of buildings; promoting internal connections between parcels; and landscaping buffers.

- Articles 8 & 9 amended the Zoning Map to downzone 10 parcels off Pawkannawkut Drive and 125 lots south of Route 28 from B1 Business to R25 residential.

To counterbalance the additional opportunities provided by the VCOD, 135 parcels were downzoned from business uses to residential (see attached map).

4. **ATM April 1, 2013:**

- Article 29 added Section 404.3 – Extended Stay Hotels

This amendment increased opportunities to redevelop HMOD1 properties by creating a new type of hotel product, keeping up with industry trends for guests who want hotel rooms to include separate kitchen, living and sleeping areas to accommodate longer stays of up to 90 days.

- Article 31 added Section 404.4 – On-Site Property Managers at Motels/Hotels and Section 404.5 – Seasonal Employee Housing at Motels/Hotels.

To ensure safe and adequate housing for on-site property managers at motels/hotels, this amendment outlined minimum requirements including unit sizes and kitchen facilities. The amendment also addressed the on-going issues with seasonal employee housing by allowing up to 15% of motel/hotel units to be used for seasonal housing of employees with minimum standards regarding access to kitchen facilities, on-site supervision and record keeping.

5. **ATM May 2, 2015:**

- Article 26 modified the Motel Bylaw to facilitate merging of lots; provide more affordable units by increasing density; promote new Hotels by allowing up to 4 stories and 45'; modify the Extended Stay Hotel criteria; and allow for the Building Commissioner to issue permits for On-Site Property Managers and Seasonal Employees at Motels.

These amendments were adopted to stimulate economic development and enhance Route 28 by encouraging and simplifying the use of the HMOD1 overlay district by:

- *Allowing for the merging of lots adjacent to motel properties to develop larger lots under the benefits of the HMOD1 which may be necessary for the desired development and to reduce curb cuts along Route 28.*
- *Providing additional opportunities and incentives to developers including:*
 - *Allowing for increases in residential density from 16 units per acre to up to 20 units per acre through a Special Permit, so long as 50% of the bonus density units are affordable units; and*

- *Allowing for the development of New Hotels with up to 4 stories and a height of 45' on a minimum of 2 acre of land to promote compact development.*
 - *Easing some permitting requirements including:*
 - *Modifying the Extended Stay Hotel criteria by setting a minimum room size regardless of the number of guests, and eliminating the requirement for installed cooktops, but prohibiting portable cooktops for safety reasons; and*
 - *Allowing the Building Commissioner to issue permits for On-Site Property Managers and Seasonal Employees at Motels if all operational criteria is met, rather than requiring a Special Permit from the ZBA.*
- Article 28 modified the VCOD Bylaw by simplifying non-conforming structures and lots; reducing the minimum commercial component required for mixed-use; increasing the building height in VC1; modifying the minimum and maximum front yard setbacks along Route 28; allowing for some development of green space along Route 28 for flag shaped lots; clarifying what dimensional relief may be granted by Special Permit; and clarifying the definition of parking to the side of a structure.

Since the Village Centers Overlay District (VCOD) was adopted in 2012, there had been some changes in Town that warranted adjustments to the VCOD bylaw, including:

- *Completion of the Route 28 Complete Streets Study which recommended widening the right-of-way.*
- *Reconsideration of development of the former drive-in site from a public Marina to other development opportunities; and*
- *Current market conditions that trend toward more residential development and less commercial.*

These zoning amendments addressed the following:

- *Simplified the language for non-conforming structures and lots to require conformity along Route 28 to ensure the desired streetscape while providing flexibility for existing buildings on side streets behind Route 28.*
- *Reduced the minimum commercial component required for mixed-use developments from 30% to 15% and allows for some residential housing on the first floors, as residential housing is the current market trend.*
- *Amended the building height to 48' in Village Center 1 to match the height allowed in the other villages to maximize the potential redevelopment of the former drive-in site.*
- *Modified the minimum and maximum front yard setbacks along Route 28 to accommodate the potential widening of the right-of-way per the Complete Streets Study.*
- *Allowed for some development of green space along Route 28 for flag shaped lots with limited frontage on Route 28.*
- *Clarified what dimensional relief could be granted by Special Permit.*

6. ATM May 7, 2016:

- Article 28 modified the Use Table to accurately identify the Planning Board as the Special Permit Granting Authority (SPGA) for HMOD1 and HMOD2 and modified some commercial uses in these overlay districts.

This amendment eliminated or regulated some of the uses in the overlay districts to be more compatible with mixed-use developments that include residential and commercial components.

OTHER REGULATIONS: (See attached Stormwater Regulations)

1. **Stormwater Regulations:** In 2008, the Conservation Commission adopted its first set of comprehensive stormwater management regulations, applicable to projects of a minimum size and discharge into municipal storm sewer systems connected to wetland resources.

Please do not hesitate to contact this office if you have any questions, or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kathleen D. Williams'.

Kathleen D. Williams, PE
Town Planner

cc: Karen Greene, Director of Community Development