

# **Truro Zoning Task Force Agenda**

## **Hybrid Meeting: In-Person and Zoom**

**Truro Town Hall, 24 Town Hall Road, Truro, MA 02666**  
**Monday, April 7, 2025 – 11:00 am**  
[www.truro-ma.gov](http://www.truro-ma.gov)

**Join the meeting from your computer, tablet or smartphone:**

<https://us02web.zoom.us/j/86956780902>

**Dial in: +1-646-931-3860**

**Meeting ID: 869 5678 0902    Passcode: 167667**

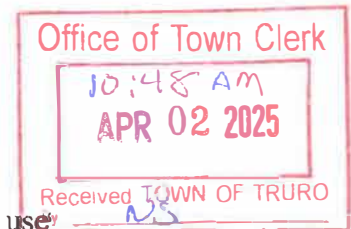
### **Open Meeting**

This will be a hybrid (in-person and Zoom) meeting. The in-person portion of the meeting will be held in the Select Board meeting room at Town Hall. Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. Citizens may also provide comment via postal mail or by emailing the Zoning Task Force at [ztf@truro-ma.gov](mailto:ztf@truro-ma.gov), or may instead speak during the Public Comment portion of the hearing.

### **Note on Public Comment**

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

- Public Comment
- Review and approval of January 6, 2025; February 3, 2025; February 26, 2025 listening session; and March 24, 2025 meeting minutes
- Review and vote on support for Planning Board's proposed Zoning Bylaw amendment regarding communications towers (note proposed amendment regarding lot coverage has been withdrawn)
- Review Affordable Homes Act and Accessory Dwelling Units (see Chapter 150, Section 7 of the Acts of 2024, and 760 CMR 71.00) and related Truro Zoning Bylaw provisions
- Begin discussion of "tiny house" requirement for seasonal communities
- Examine Truro Zoning Map for potential expansions or changes in permitted uses, dimensional requirements and/or parking



- Review specific topics under current Zoning Bylaw
  - Expand areas that can be developed for commercial or industrial use
  - Expansion of permitted uses in 6A North Limited Business District
  - Modify or expand Route 6 General Business District
  - Allowing denser housing in residential zone
  - Truro Motor Inn property
- Begin consideration of Cape Cod Commission Model Bylaws
  - Year-round occupancy incentive
  - Design-driven housing
  - Mixed use
  - Seasonal worker dormitory
- Topics for future discussion

**Next meeting date:** April 21, 2025 at 11:00 am

April 9, 2025 at 5:00 pm – Planning Board **Zoom/livestream** (only) Public Hearing on the Walsh Overlay District Bylaw

April 17, 2025 at 5:30 pm – Pre-Town Meeting at Community Center

**Adjourn**

Joint Meeting of Zoning Task Force and Ad Hoc Walsh Committee  
January 6, 2025  
Minutes

In attendance: Dave Bannard, ZTF Chair, Dan Silva, Vice Chair, Nick Brown, Mara Glatzel, Darrell Shedd of ZTF; Jeff Fischer, Ad Hoc Walsh (AHWC) Chair, Anne Greenbaum, Breon Dunigan, Beth Chapman, Jon Winder, Morgan Clark, Vice Chair. Also in attendance, Nancy Medoff, Kelly Clark, Barbara Carboni, Katie Riconda, Kennan Rhyne

Called to order around 11:05 am.

Nancy Medoff on public comment. Thanks to both committees for joint meetings and collaboration.

Dave Bannard made presentation on preliminary work done by ZTF to date. Started with background of current zoning, as Walsh property is currently zoned residential, and its restrictions. Note that current zoning will not allow uses and vision approved at last Town Meeting. Note work by Kennan Rhyne. Discuss Route 6 Business Overlay District, as model. Then discussed elements of development that can be controlled by zoning, including use, dimensions, density and parking, with other issues that can be controlled through other means by the Town, e.g., through contract. Outline proposed overlay district, including considering extension of overlay down Route 6 to Truro Motor Inn property. Walsh would have 3 subzones: medium density, light density and recreation/green area.

Jeff Fischer interjected regarding recreational area. Question is whether this area should be even more restrictive, preserve as open space. Question for AHWC.

Anne Greenbaum asked about Affordable overlay down Route 6. Dave responded that this is a proposal to avoid “spot zoning” to include TMI. Anne asked if any affordable housing zone in Walsh. Dave responded that affordable and attainable housing will be on Walsh and query for AHWC regarding what minimum percentage should be affordable or attainable. Attainable housing is being defined by the state, but likely to be defined as affordable by those earning well over 100% of Area Median Income.

Dave: Current draft of proposed bylaw amendment has not been voted by ZTF. Expect fairly sizable amount of affordable and attainable housing. Expect denser development. Propose mixed use development in medium density area, not sure about light density and ask for AHWC input. Discussed types of housing, such as bungalows. Might work for seniors, build your own and for lower income. Definitely think that works in light density area, as well as being part of development in medium. Expect buffering between neighboring properties and Route 6 to preserve scale and feel of Truro. Discussed senior housing as even denser development, up to 5 stories because elevators likely required, and possibility of developing senior housing. Mixed use with housing above may be helpful in medium density, with limited uses, such as professional offices, retail, restaurants, etc.

ZTF is meeting with AHWC well before finalizing a proposal to obtain AHWC’s input.

Nick Brown noted that ZTF is focused on 2025 Town Meeting; ZTF has charge that ends in June 2026. Charge is intended to force ZTF to act. Would like to bring Walsh Overlay District, at minimum, to 2025 TM.

Darrell Shedd noted his pleasure with Kennan's work on preparing a draft of the language. Thanks to Kennan for her great work.

Jeff Fischer took charge. Noted that zoning represents minimums and maximums as well as potential permitted uses. Dave noted that goal is to provide AHC a flexible tool. Jeff noted that the low-density area is not within their remit, and AHC will focus on only the medium density area. Would need to go to future Town Meeting. Dave noted that if TM approves overlay that permits housing, a separate TM vote may not be required for low density area.

Mara Glatzel noted that ZTF's purview is to create framework for full Walsh property. Dave noted that ZTF charge is to look at zoning for entire Town.

Jon Winder asked if it is a shared understanding that the maximum of up to 160 dwelling units applies to all of Walsh or only the medium density area? Jeff stated that it applies only to the medium density area.

Breon Dunigan wanted to know how specific the bylaw amendment needs to be about permitted commercial uses. Dave noted that specific uses must be addressed. Breon expressed concern about restaurant use and water availability. Dave noted that the entire Walsh property is within the existing water protection overlay zone. Use table is very specific, but intent is to give AHC flexibility to have multiple uses. Morgan noted that restaurant use could include a community kitchen. Where would a therapist office lie? Dave noted that a senior living center might want to include professional/medical offices. But hospital use might be broader. Anne Greenbaum noted that professional offices include medical uses. Jeff wondered if permitting public utilities in the recreational area could be detrimental. Perhaps should be subject to a special permit? Question regarding WLS, WMS and WRS acronyms.

Breon asked whether this allows condominium form of ownership – does this need to be made specific? Dave said we will check, but believes that housing can be rental or ownership, including condos. Anne Greenbaum noted that under current Zoning Bylaw, can only create condos out of existing cottage/motel developments. Cannot create new condos. Dave said that is because residential district only allows single family or ADUs. Anne noted that duplexes allowed, too, but only in single ownership.

Dave noted that the more process that a developer must go through, the less attractive it is. So ZTF is looking to make envisioned uses and dimensions permitted as of right. Discussed need to get the word out to the Town to explain the proposed overlay. Mara noted that Kennan brings a great visual component that helps bring home concepts. Recommends a full picture for outreach.

Jon asked if would be helpful to discuss what led to ZTF decisions. Used other examples? Would appreciate context. Dave noted that materials provided by Kennan showed ideas from around the

Commonwealth, e.g., bungalow development from Concord. Looked at a Yarmouth mixed use proposal – too dense for Truro, but a helpful example. Noted that buffering neighboring single family development is important, as is green space along Route 6.

Anne had a question on the use table – no specific provisions for day care, childcare. Is that permitted? Mara noted that we want to allow it. Kennan noted that if there is no separate definition, it should be included under commercial uses. She will doublecheck. Breon asked about artist's studios. Dave noted that it would be a home occupation but should be permitted. Could also fall under commercial, especially if there is a gallery. Jeff noted that small engine repair might conflict with water quality. Dave noted that the water protection zone remains in place.

Morgan noted that this is a very good start. As a member of previous Walsh committee, this allows all envisioned uses and elements. Wanted to know about parking and dimensional requirements – especially setback. Seeking maximum flexibility. Dave noted difficulty with parking, since public transit is a poor option, with most people in Truro owning a car. Trying to balance less required parking against issue of too many cars. Noted offsets for different kinds of use, e.g., commercial spaces could overlap residential since used at different times. Morgan noted that people wait for the bus adjacent to Walsh today. Believes that dimensional requirements are too stringent. Jeff noted that looking for ways to reduce impervious areas. Dave noted that there is large green area adjacent that serves as a buffer. Also note that density will increase as development moves away from boundaries. Jeff thought minimum space between buildings was excessive. Anne noted that a new piece is the building separation minimum. She suggested that this could be developed to be based on the building's size. It was noted that building separation requirement only applies within a single lot, and setbacks apply to each lot. Morgan noted that having an experienced planner to consult with is important on this issue. She urged separation requirements to be minimized to the extent possible.

Question arose regarding whether one can incentivize the builder to put parking under structures? Mara wondered if building heights should be adjusted to allow parking underneath. Dan Silva noted that parking under a building is extremely expensive for the developer because of fireproofing costs. Breon noted that Provincetown has a lot of under building parking. Dave noted that we are seeking affordable and attainable housing and that the financial return might not be sufficient to fund under-building parking. Darrell noted that developers can often come up with a creative approach. He also noted that anything can be appealed, so these requirements are not the final word.

Jon noted that Cloverleaf is ~40 units on essentially 4 acres, so approximately 10 units per acre. Compare to 28 acres and up to 160 units. Darrell noted that Cloverleaf was developed under M.G.L. c. 40B, which avoids zoning code. All acknowledged that this would be dense development.

Morgan noted that one of the AHC principles is low impact development, including reduction in impervious surfaces, incorporating greenspaces, etc. Also want to avoid segregating housing types. Dave noted that ZTF is trying to provide tools so that the AHC can achieve these goals. The group discussed examples of good mixed income housing.

Morgan questioned the use of the term “affordable corridor” for the possible extension down Route 6. Acknowledgement that a different term might be better. Also acknowledgement that ZTF may not bring anything except Walsh to Town Meeting.

Morgan asked whether both subzones should be the same density. Jeff asked to bring this back to Walsh. He asked about both the residency requirement as well as the affordability requirement. Jeff noted that the original Walsh committee took a more regional approach. AHCW wants to encourage people to be able to live in Truro. Anne suggested broadening the definition to encompass persons with children in Truro schools, working in Truro or Truro town employees, as well as existing residents. Mara noted that there is precedent for neighboring towns to become involved and obtain a portion of local preference. Morgan would like to delete the current bylaw definition of Truro resident (“lived in or worked in Truro for past 6 months”). Dave noted that Kennan had asked whether this requirement should apply to Barnstable County, vs. Town and took responsibility. He also noted that this requirement could also be attained through contractual means. Morgan noted that enforcement responsibility would be on the Building Commissioner and that he/she is unlikely to be able to address this effectively. Dan agreed that this is not our obligation. Kennan suggested that best practices for residency requirement is not to include it. She expressed concern about fair housing challenges, especially with a small population such as in Truro. Worth considering in light of affordability requirements and population size. Dave noted that this will have to be approved at Town Meeting and that residents may want to be sure that Truro residents are treated well. Kennan noted that residency preferences, based on points, can be a nuanced way to deal with this question. Mara noted that residency requirement might be unpopular at TM, especially if extended down Route 6. She suggested deleting the requirement.

Anne asked about the definition of townhouse. At Cloverleaf there are some townhouses with two units per floor. Dave noted that the definition of multi-family housing would allow this. Townhouses are intended to be a single-family dwelling with party walls. Kennan said townhouse can be defined as one or multiple units.

Jeff noted that if the overlay is extended down Route 6, affordability requirement could be a problem for current property owners.

Jon asked about ZTF’s timeline and priorities. Dave noted that he had sent Jeff and Morgan a set of questions and indicated that AHCW will likely want to discuss all of this in greater detail. Seeking input on are we on the right track? Guidance on mixed use development. Indications on what contractual controls the AHCW is likely to use. Seeking AHCW input by late January/early February, followed by public outreach before finalizing the proposed bylaw amendment. Would like input from neighbors as well as full Town. Suggested reaching out to the Independent to ensure that there is all information out in public. Jeff said AHCW will take this up at next AHCW meeting. Nick suggested that members of each committee attend each others’ meetings. Morgan suggested that we have another joint meeting. She also agreed that extensive public outreach is very important. She offered that AHCW can help make joint presentations. She also noted the value of Loom videos – a sharable piece would be valuable.

ZTF needs to meet, followed by a joint meeting. Set next joint meeting for Feb. 3. Motions to adjourn each committee; both passed and meeting adjourned.

Town of Truro Zoning Task Force  
Community Forum-Hybrid Meeting  
February 26, 2025

**In attendance:** David Bannard, Chair; Darrell Shedd, Vice Chair; Ellery Althaus, Nicholas Brown, and Mara Glatzel.

**Also in attendance** (in person or virtual): Barbara Carboni, Town Planner & Land Use Counsel; Kennan Rhyne, Rhyne Civic Strategies LLC; Sue Areson, Select Board Chair; Katie Riconda; Nancy Medoff, liaison to the Select Board; Beverly Miller, Catherine Potenza, Eileen Breslin, Jack Reimer, Paul Kiernan, Betty Gallo.

**Meeting opens 5:00pm**

Chair explains the Forum's outline: Video Presentation followed by questions from public with limited answers from the Chair and Board

**Brief Video Presentation, prepared by Kennan Rhyne:** Details the context for the Walsh Overlay District and details the bylaw itself. Script read by members: Dave Bannard (Chair), Mara Glatzel, Ellery Althaus.

Community Questions

**Beverly Miller:**

- Other overlay districts?

Chair's answer:

- Confirms there are and names several: Water Protection Overlay, Affordable housing Overlay

**Catherine Potenza:**

- Water limitations since it is such a vital area.
- Concerned about Light pollution
- 5 stories concern, doesn't feel right for Truro
- Excited about senior housing

Chair responds

- There is existing Water Protection Overlay that will remain in place
- Water protection major priority for everyone
- Town Planner responds to light concerns, the existing Truro Bylaw dealing with
- Explains 5 story height reasoning, help make building senior housing more financially viable for developer

**Eileen Breslin:**

- Former co-chair of the first Walsh Committee
- 160 units, expected to see a more phased break up
- Commercial properties, housing the higher priority
- Buffers between property
- 5 story concern

Chair responds:

- Phasing of project is not us
- Minimally invasive commercial space, bottom floor of buildings only, housing above.
- Having more commercial space a high priority for the town
- 25 ft buffer between Walsh Property and abutter's
- Repeats 5 story explanation

**Sue Areson, Select Board Chair:**

- 5 story height, hard to pass at town meeting with that height
- 2 story buildings in Recreation District, a mistake?
- This plan is the upper limits for Walsh, important for people to understand

Chair responds:

- 2 story building in Recreation District is held for municipal and school only.

**Jack Reimer, Planning Board Member:**

- Here as citizen
- 5 story building, fire dept. need to add ladder truck?
- 1 way in and 1 way out concern for such a large property
- Traffic study been done?
- Road layout and dimensions needed to make decisions
- Stormwater treatment plan/wastewater plans not addressed
- Next Public water supply well
- Growth Management plan

Chair responds:

- Good points, many beyond zoning
- Growth management plan very good idea, likely for Selectboard

**Paul Kieran, Planning Board:**

- School property size is undersized, needs extra land
- 5 story building, Ladder truck concerns
- 1 hr. to hospital, concerns for transport to hospital
- Dimensions 10ft between buildings safety concerns
- Parking spots too few per apt/house

Chair responds:

- We recommend 7 acres for the school via ANR (approval not required) from the Planning Board
- 10 ft separation, parking concerns, these are mins and not maximums, for flexibility

**Betty Gallo, Chair of Housing Authority:**

- Here as citizen
- Great opportunity
- Unlike cloverleaf lots of direct input
- Future of town depends on housing
- Great opportunity



**Beverly Miller:**

- Distance between buildings Is that the ZTF (zoning task force)?

Chair responds:

- not the ZTF

Mara Glatzel (Member):

- Same building codes/fire safety codes will apply

**Rich Roberts, Planning Board Chair:**

- Here as citizen
- Water and wastewater. Concerned we should have a plan in place for water and wastewater before creating this overlay.
- 5 story building
- Co-living, looking for explanation

Chair responds:

- Co-living housing single bedroom w communal spaces, kitchens, and bathrooms.

**Nancy Medoff, Selectboard Liaison, Water and Sewer Board Liaison:**

- There is a joint working group with Truro and Provincetown, large group meeting frequently
  - Sole purpose of water
  - Working towards new water source.
  - Also looking at wastewater management
- New water outreach from Truro
- Katie Riconda walks through new page on Truro website, including input form
- Truro needs to move forward in concurrent tracks with water and planning

**Jack Reimer:**

- Here as citizen
- Water a public welfare issue
- Mix of uses: furthering water use
- Walsh must preserve water source

Chair responds:

- Not us
- But will be addressed by others

**Sue Areson, Select Board Chair:**

- ZTF is a zoning tool
- Important to stay focused on your charge
- Not a development plan, a zoning plan

Member Mara Glatzel:

- The ZTF has members with a lot of experience working on town reports and plans like the Local Comprehensive Plan and the Housing Production Plan.
  - Those plans had lots of outreach and feedback which was helpful to ZTF
  - Lots of elements incorporated into Walsh Overlay District

**Beverly Miller:**

-If there were a wellhead centered in the Walsh property, would the overlay prevent it?

Chair responds:

-No it wouldn't be an issue

Next steps:

Discussion of comments and submission on Monday March 3, 2025 at 11:00am

Motion to adjourn:

Mara Glatzel made motion

Nick Brown seconds

Unanimous roll call vote 5-0-0

Town of Tunno Tring Task Force  
March 24, 2025  
Meeting Minutes

In attendance: David Barnard, Chair, Daniel Shedd, Vice Chair, Dan Silva, Nick Brown, Ellay Althaus. Also in attendance, Barbara Carboni, Katie Halvorsen, Kuman Rhyme.

Chair Barnard called the meeting to order at 11:04. The meeting was held remotely by Zoom.

There was no public comment.

Meeting minutes for March 3, 2025 were approved unanimously.

The Task Force reviewed comments and recommendations from KP Law on the Walsh bylaw amendment.

The Task Force agreed that it did not prefer any changes to the amendment but suggested the Select Board review said recommendations and make changes they deem prudent.

However, the Task Force did continue to review the comments/recommendations from KP Law and decided thusly:

- 1/ Comment one - no change
- 2/ Comment two - no change



## Minutes 3/24/2025 (cont.)

- 3/ comment three - agree, with footnote stating 67% of each project
- 4/ comment four - eliminate "approval from the ZBA"
- 5/ comment five - eliminate the inclusion of "structures"
- 6/ comment six - no change
- 7/ comment seven - deleted it

The Task Force began a discussion of the Highland/ Shore Rd. area. Discussion included the different zoning districts that now exist and how they might be extended, changed? Suggestions started with lower minimal lot requirements and other dimensional changes.

Kennan referred the Task Force back to our December 2<sup>nd</sup> meeting where overlay recommendations were discussed. Because of the high density of commercial properties in the area there was discussion of looking at the overall town zoning map to see where commercial/industrial businesses may be located. Nick Brown offered to oversee this and report back to the task force.

Minutes 3/24/2025 (cont.)

Nick Brown also presented to the Task Force information regarding ADU'S with State Mandates included. The Task Force will look at the Town's current ADU Bylaw and see if improvements might be appropriate.

The next meeting will be April 7, 2025 at 11:00  
The Chairman also reminded everyone the April 9<sup>th</sup> Planning Board Meeting will be a public hearing on the Walsh Overlay District amendment.

Darrell Shedd asked about the status of the Turbo Motor chm property and a brief discussion ensued, the outcome being that, that discussion be put off into the future

A motion to adjourn was made, seconded and adopted unanimously



## Article XX: Amend Zoning Bylaw §40.5.B.3 Requirements

Amend by deleting the language in ~~strike through~~ and adding the **bold underlined** wording.

### § 40.5 Communication Structures, Buildings and Appurtenances

#### B. Requirements:

3. ~~The~~**All** communications structures, buildings, ~~towers and~~ **towers or** appurtenances shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations ~~and shall be designed to withstand sustained winds and gusts of a category 5 hurricane.~~  
**Tower structures shall be designed or rated (existing structures) to conform to the loading requirements of the Massachusetts State Building Code 780 CMR (latest edition) and the ANSI/TIA-222 Standard referenced therein.** If Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) regulations are changed, then the owner or operator shall bring the structure, building, ~~tower or~~ **towers or** appurtenances into compliance with the new regulations within six (6) months of the effective date of such regulations or earlier if a more stringent compliance schedule is included in the regulation. Failure to comply with any new regulations shall be grounds for the removal of non-complying structures, buildings, ~~towers or~~ **towers or** appurtenances at the owner's expense.
4. **An on-site condition assessment and an updated structural rating analysis no more than five (5) years old and stamped by a registered professional structural engineer licensed in the Commonwealth of Massachusetts shall be submitted when an existing tower or the equipment that it supports is modified in a manner that results in increased structural loads on the tower. The Risk Factor (or Structure Class) used for design or rating of communications towers shall be subject to review and approval by the Truro Planning Board but shall not be less than the following:**
  - a. **For the existing towers at 344 Route 6 and 5 Town Dump Road and for towers supporting emergency communications services: Risk Factor / Structure Class: III.**
  - b. **For all other communications towers: Risk Factor /Structure Class: II.**

(Keep and renumber subsequent paragraphs of Section 40.5.B.)

### **Commentary on the proposed changes:**

The reference in the current zoning bylaw to “...*a category 5 hurricane*...” does **not** provide a basis for determining wind loads on structures for design or rating purposes. This proposed rewrite, per paragraph 3 above, is the crux of this bylaw revision.

This warrant article deletes the “...*category 5 hurricane*...” language and instead requires compliance with the Massachusetts State Building Code, 780 CMR.

With regard to the proposed paragraph 4 above: The applicable code uses a factor called “Structure Class” for the analysis of each specific structure, depending on the importance of the supported communication services and the hazard that the structure represents to its surroundings. A higher value for “Structure Class” should potentially be used or required for a tower that supports essential or emergency services, for a tower whose service coverage area is not redundant with another tower, or for a tower whose fall zone includes critical infrastructure. This paragraph 4 is intended to codify what has been the Planning Board’s recent practice when reviewing submittals for tower modifications.



**Affordable Homes Act – signed August 6, 2024**  
**Chapter 150, Section 7 and 8 of the Acts of 2024**

**SECTION 7.** Section 1A of chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the definition “Accessory dwelling unit” and inserting in place thereof the following definition:-

“Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress;
- (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and
- (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.



**SECTION 8.** Section 3 of said chapter 40A, as so appearing, is hereby amended by adding the following paragraph:-

No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for such accessory dwelling unit under this paragraph may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures and may be subject to restrictions and prohibitions on short-term rental, as defined in section 1 of chapter 64G. The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and provided further, that no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station. For more than 1 accessory dwelling unit, or rental thereof, in a single-family residential zoning district there shall be a special permit for the use of land or structures for an accessory dwelling unit. The executive office of housing and livable communities may issue guidelines or promulgate regulations to administer this paragraph.

760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

Section

71.01: Statement of Purpose

71.02: Definitions

71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

71.04: Data Collection

71.01: Statement of Purpose

(1) St. 2024, c. 150, § 8 amends M.G.L. c. 40A, § 3 to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life.

The Executive Office of Housing and Livable Communities is the regulatory agency that is authorized by St. 2024, c. 150, § 8 to promulgate 760 CMR 71.00 that establish rules, standards and limitations that will assist Municipalities and landowners in the administration of St. 2024, c. 150, § 8.

(2) St. 2024, c. 150, § 8 and 760 CMR 71.00 seek to balance municipal interests in regulating the use and construction of ADUs while empowering property owners to add much needed housing stock to address the Commonwealth's housing needs. St. 2024, c. 150, § 8 establishes that in certain circumstances the use of land or structures for ADUs are protected from zoning restrictions by providing that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, or the rental thereof, in a single-family residential zoning district, and imposes protections on ADUs through M.G.L. c. 40A, § 3, the Dover Amendment. St. 2024, c. 150, § 8 balances protection for these ADUs by authorizing municipalities to impose reasonable regulations on the creation and use of ADUs. St. 2024, c. 150, § 8, however, explicitly prohibits municipalities from imposing requirements on protected accessory dwelling units that require owner-occupancy of either the ADU or the principal dwelling and imposes limitations on Municipal parking requirements.

(3) 760 CMR 71.00 establishes definitions, standards, and limitations to assist in the local administration of M.G.L. c. 40A, § 3, para. 11, pursuant to St. 2024, c. 150, § 8. Nothing in 760 CMR 71.00 is intended to supersede state health and safety laws and regulations, such as, but not limited to the Building Code, Fire Code, M.G.L. c. 111, § 189A: *Massachusetts Lead Law*, or any federal laws.

71.02: Definitions

Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;
- (b) is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Building Code. The Massachusetts state building code, 780 CMR.

Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority.

Commuter Rail Station. Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

71.02: continued

Design Standards. Clear, measurable and objective provisions of Zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU.

Dwelling Unit. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EOHLC. The Executive Office of Housing and Livable Communities.

Ferry Terminal. The location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Fire Code. The Massachusetts state fire code, 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*.

Gross Floor Area (GFA). The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

Historic District. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of Zoning.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

Municipality. Any city or town subject to the provisions of M.G.L. c. 40A.

Principal Dwelling. A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

Prohibited Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2).

Protected Use ADU. An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, § 1.

Single-family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Single-family Residential Zoning District. Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit.

71.02: continued

Site Plan Review. A process established by local ordinance or by-law by which a Municipal board or authority may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

Special Permit. A permit issued by a Municipality's special permit granting authority pursuant to M.G.L. c. 40A, § 9.

Subway Station. Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.

Transit Authority. The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, § 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, § 3 or M.G.L. c. 161B, § 14.

Transit Station. A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

Unreasonable Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3).

Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the current, or future, use or occupancy of the Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupants, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

Zoning. Ordinances and by laws, including base, underlying, and overlay zoning, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, is subject to use and structure requirements that are uniform within the area.

71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

(1) Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5) and 760 CMR 71.03(6), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-family Residential Zoning District; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.00.

(2) Prohibited Regulation. A Municipality shall not subject the use of land or structures on a Lot for a Protected Use ADU to any of the following:

- (a) Owner-Occupancy Requirements. A requirement that either the Protected Use ADU or the Principal Dwelling be owner-occupied.
- (b) Minimum Parking Requirements. A requirement of, as applicable:
  - 1. More than one additional on-street or off-street parking space for a Protected Use ADU if all portions of its Lot are located outside a 0.5 mile radius of a Transit Station; or
  - 2. Any additional on-street or off-street parking space for a Protected Use ADU if any portion of its Lot is located within a 0.5 mile radius of a Transit Station.
- (c) Use and Occupancy Restrictions. A requirement that a Protected Use ADU be subject to a Use and Occupancy Restriction.
- (d) Unit Caps & Density. Any limit, quota or other restriction on the number of Protected Use ADUs that may be permitted, constructed, or leased within a Municipality or Zoning District. Protected Use ADUs shall not be counted in any density calculations.

71.03: continued

(e) Relationship to Principal Dwelling. A requirement that a Protected Use ADU be attached to or detached from the Principal Dwelling.

(3) Unreasonable Regulation.

(a) A Municipality may reasonably regulate and restrict Protected Use ADUs provided that any restriction or regulation imposed by a Municipality shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:

1. Does not serve a legitimate Municipal interest sought to be achieved by local Zoning;
2. Serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or
3. Serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will:
  - a. Result in complete nullification of the use or development of a Protected Use ADU;
  - b. Impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or
  - c. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

(b) Municipalities shall apply the analysis articulated in 760 CMR 71.03(3)(a) to establish and apply reasonable Zoning or general ordinances or by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, as applicable:

1. Design Standards. Any Design Standard that:
  - a. Would not be applied to a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located or
  - b. Is so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.
2. Dimensional Standards. Any requirement concerning dimensional standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single-family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.
3. Utilities, Safety, and Emergency Access. Any requirement concerning utilities, safety and emergency access that is more restrictive than is permitted by state requirements, including under the Fire Code. A Municipality may not require a separate utility connection, such as water, sewer, electric, provided that a separate connection may be required by a Municipal or regional utility, investor-owned utility; by state law; by a local, regional, or state board or commission; or by court order.
4. Environmental Regulation. Any regulation for the protection of public health, safety, welfare and the environment pursuant to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, that is more restrictive than is required for a Single-family Residential Dwelling in the Zoning District in which the Protected Use ADU is located.
5. Site Plan Review. Site Plan Review concerning the Protected Use ADU that is not clear and objective or imposes terms and conditions that are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A.
6. Impact Analysis, Studies, and Fees. Any requirement for any impact analysis, study, report, or impact fee that is not required for the development of a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located.
7. Modular Dwelling Units. Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being used as a Protected Use ADU that is more restrictive than the Building Code.

71.03: continued

8. Historic Districts. Municipalities may establish Design Standards and Dimensional Standards for Protected Use ADUs located in an Historic District that are more restrictive or different from what is required for a Single-family Residential Dwelling, or Principal Dwelling, in the Single-family Residential Zoning District; provided, however, that such standards are not unreasonable pursuant to 760 CMR 71.03(3)(a).
9. Pre-existing Nonconforming Structures. A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance, that could be used for, or converted into, a Protected Use ADU in conformance with the Building Code, 760 CMR 71.00, and state law.
- (c) Short-term Rentals. Municipalities may establish restrictions and prohibitions on the Short-term Rental of Protected Use ADUs pursuant to M.G.L. c. 64G.
- (4) Enforceability of Restrictions and Regulations on Pre-existing ADUs. A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760 CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.
- (5) Special Permits for Multiple ADUs on the Same Lot. Notwithstanding 760 CMR 71.03(1), if a Municipality chooses to allow additional ADUs on the same Lot as a Protected use ADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.
- (6) Floodplain and Aquifer Protection Overlay Districts. Municipalities may require a Special Permit for development of a Protected Use ADU in a floodplain or aquifer protection overlay if required for the Principal Dwelling, provided that the Special Permit is based on clear, objective, and non-discretionary criteria.
- (7) Nothing in 760 CMR 71.00 is intended to prevent a Municipality from adopting more permissive Zoning, or general ordinances or by-laws, or Municipal regulations than would be allowed under 760 CMR 71.03.
- (8) Address Assignment. All ADUs shall be assigned an address consistent with the most current Address Standard published by MassGIS. ADU addresses shall be reported to MassGIS and EOHLC after assignment.

71.04: Data Collection

To assist EOHLC in the administration of M.G.L. c. 40A, § 3, para 11, Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

REGULATORY AUTHORITY

760 CMR 71.00: M.G.L. c. 40A, § 3, para. 11; St. 2024, c. 150, § 8.

## Walsh Overlay District warrant article

**Final: April 1, 2025**

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### Article 33: Walsh Overlay District

To see if the Town will vote to amend the Truro Zoning Bylaws by amending the language and adding a MAP as Appendix C to the Bylaws, as set forth below

#### § 10.4 Definitions

For the purpose of the bylaw, certain terms and words shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Terms and words not defined herein but defined in the Zoning Act, Massachusetts General Laws, Chapter 40A, as amended, shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Third New International Dictionary of the English Language, Unabridged.

**Affordable Dwelling Unit.** A dwelling unit exclusively available for sale or lease to Affordable Households. The Town will require assurances of compliance in writing, and provide copies to the Building Commissioner prior to the issuance of a building permit.

**Affordable Households.** Households earning no more than 100% of the current Area Median Income for Barnstable County, as determined by the Executive Office of Housing and Livable Communities (EOHLC), or its successor.

**Affordable Housing.** Housing registered as Affordable Dwelling Units with the Town.

**Attainable Dwelling Unit.** A dwelling unit exclusively available for sale or lease to Affordable Households or Attainable Households. The Town will require assurances of compliance in writing, and provide copies to the Building Commissioner prior to the issuance of a building permit.

**Attainable Households.** Households with current median income limits no greater than 200% of the current Area Median Income for Barnstable County or, if greater, the percentage of the current median income for attainable households as determined by the Executive Office of Housing and Livable Communities (EOHLC), or its successor. This definition supersedes any definition of "Attainable" or similar terms set forth in this Zoning bylaw.

**Building Separation.** The space between multiple buildings on a single lot as measured from the nearest exterior point on the building.

**Bungalow Court.** A group of three or more detached dwelling units owned by one or more persons located on a single lot, which are available for permanent occupation and arranged around a shared communal open space with shared pedestrian access.

**Coliving Community.** A building or development composed primarily of single or double occupancy rooms with at least one communal kitchen and one communal space in any form or configuration, including structures housing communal facilities and non-residential uses and separate structures within one lot.

**Coliving Unit.** A living area intended for one family or nonfamily household that shall have complete or independent or permanent provisions for shared living, eating, and sanitation.

**Dwelling Unit.** One or more rooms containing both cooking and bathroom facilities and designed for human habitation by one family independent of other facilities. Each accessory building or portion thereof, studio or guesthouse, which has both cooking and bathroom facilities, is considered to be a separate dwelling unit. Affordable Dwelling Units and Attainable Dwelling Units are included in this definition.

**Mixed-use Development.** Development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

**Multi-family Housing.** A building with three (3) or more residential dwelling units or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building, which may be owned by one or more persons.

**Townhouse.** One (1) or a series of buildings with a party wall or walls, common to adjoining buildings, which is constructed with a yard or public way on not less than two (2) sides that may contain multiple dwelling units.

## **§ 20.1 Districts Enumerated**

For the purposes of this bylaw, the Town of Truro is divided into Zoning Districts designated as follows:

- Residential
- Beach Point Limited Business
- Route 6A, North Truro, Limited Business
- Truro Center Limited Business
- North Truro Center General Business
- Route 6 General Business
- Seashore

For the purposes of this bylaw, the following Overlay Districts are established:

- Flood Plain
- Water Resource Protection
- Affordable Rental Housing
- Solar Farm Overlay District
- Walsh Overlay District

## **§ 20.2 Purposes of Districts**

**Walsh Overlay District.** The Walsh Overlay District is intended to create housing opportunities through a variety of housing products for seniors, individuals, and families. Three subdistricts promote a diversity of housing stock and mixed-use development. Development located within this Overlay District will provide or be located near recreational opportunities in all subdistricts and may provide compatible accessory commercial and other mixed-uses that support a walkable mixed-use development.

## **§ 20.3 Location of Districts**

The location and boundaries of the Zoning Districts are enumerated in § 90 of this bylaw and are shown on the map entitled “Zoning District Map of the Town of Truro, Massachusetts,” dated May 2, 2013 which accompanies the bylaw as Appendix A and is declared to be a part of this bylaw. The location and boundaries of the Water Resource Protection Overlay District are identified in § 90.5 of this bylaw, and are shown on the map entitled “Water Resources Protection Overlay District” dated August 18, 2015 which appears as Appendix B to this bylaw and is declared to be a part of this bylaw. The location and boundaries of the Walsh Overlay District and its subdistricts are identified in § 90.5 of this bylaw, and are shown on the map entitled “Walsh Overlay District,” dated March 31, 2025, which appears as **Appendix C** to this bylaw and is declared to be a part of this bylaw.

## **§ 30.X Walsh Overlay District**

- A. Purpose.** The Walsh Overlay District hereinafter referred to as the “WOD” is intended to create housing opportunities through a variety of housing products for seniors, individuals, and families, including both affordable and attainable dwelling units. Three subdistricts promote a diversity of housing stock and mixed-use development. Development located within this Overlay District will provide or be located near recreational opportunities in all subdistricts and may provide compatible accessory commercial and other mixed-uses that support a walkable mixed-use development. The Walsh Recreational Subdistrict is intended to offset the impact of such density by preserving



much of the land in that subdistrict for recreational and open space uses, subject to certain stated exceptions, primarily for educational and municipal uses.

- B. Establishment.** The WOD is an overlay district that is superimposed over the underlying zoning district(s) and is shown on the Truro Zoning Map, a copy of which is available for inspection and study in the office of the Truro Building Commissioner, as set forth in on the map entitled “Walsh Overlay District,” dated March 31, 2025, which appears as Appendix C to this bylaw and is declared to be a part of this bylaw.
  - C. Subdistricts.** The WOD contains the following subdistricts shown on the Truro Zoning Map as set forth on the map entitled “Walsh Overlay District,” dated March 31, 2025, which appears as Appendix C to this bylaw. The subdistricts are as follows:
    - i. Walsh Low-Density Subdistrict.** The Walsh Low-Density Subdistrict hereinafter referred to as the “WLS” is intended to create affordable and attainable housing opportunities and home-ownership opportunities on compact lots organized around a shared communal open space or compact single family dwellings for seniors, individuals, and families. The WLS encourages compact development that is pedestrian-scaled, healthy, safe, and affordable.
    - ii. Walsh Moderate-Density Subdistrict.** The Walsh Moderate-Density Subdistrict hereinafter referred to as the “WMS” is intended to create affordable and attainable housing opportunities and home-ownership opportunities through Mixed-Use Development and/or Multi-family Housing, as well as on compact lots organized around a shared communal open space or compact single family dwellings, for seniors, individuals, and families. Development located within this Overlay District will provide ample recreational opportunities and may provide compatible accessory commercial and other mixed-uses that support a walkable mixed-use development.
    - iii. Walsh Recreational Subdistrict.** The Walsh Recreational Subdistrict hereinafter referred to as the “WRS” is intended to protect and preserve the natural features, existing topography, wildlife, visual character, and open space for recreational and civic uses that serve the general welfare of the public.
  - D. Applicability.** Developments located within the WOD must have 67% or greater of the Gross Floor Area dedicated to Residential uses, subject to n.6 to Table B. WOD provisions shall supersede all other provisions in the Zoning Bylaw with respect to the underlying district including and without limitation, use, dimensions, parking, design standards, and site plan review; however, the provisions of any other overlay district shall continue to apply.
- For any land within the WOD, an applicant may choose to conform either to the zoning regulations which govern the underlying zoning district or to the WOD regulations and procedures set forth by this Section.
- E. Residency Requirement.** Dwelling Units within the WOD shall be made available only for year-round occupancy as prescribed in leases of one-year minimum duration.
  - F. Inclusionary Zoning.** No less than twenty percent (20%) of all new residential units (of each type) constructed within the WOD shall be Affordable Dwelling Units.
  - G. Permitted Uses.** The use requirements in the WOD shall comply with **§ 30.2 Use Table**, herein, except for the following:
    - i.** Any and all uses permitted by subdistrict in **Table B**, entitled “**Walsh Overlay District Permitted Uses by Subdistrict**” are consistent with the purposes for which the subdistrict was established and shall supersede the underlying Zoning District; however, the provisions of any other applicable overlay district shall continue to apply, and supersede the provisions of the WOD where any conflict exists.
    - ii. Mixed-use Developments.** Any and all other non-residential uses permitted by subdistrict in **Table B** and the underlying Zoning District shall be permitted in Mixed-use Developments. Any non-residential uses

allowed by Special Permit in the underlying Zoning District, shall be permitted by special permit in Mixed-use Developments, with the Board of Appeals serving as the Special Permit Granting Authority. Any non-residential uses not permitted in **Table B** shall supersede the underlying Zoning District in Mixed-use Developments; however, the provisions of any other overlay district shall continue to apply, and supersede the provisions of the WOD where any conflict exists.

- iii. **Non-residential Uses.** All non-residential uses shall not contain any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise, or vibration, smoke, dust or other form of air pollution; electrical or other disturbance; glare, liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions or elements in a manner or in an amount as to affect adversely the surrounding areas.
- iv. For a use not listed In Table B, the use provisions of the underlying Zoning District and any other applicable overlay districts shall apply.

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**KEY**

P	Permitted
SP	May be allowed by special permit granted by the Board of Appeals
N	Not Permitted
N/A	Not Applicable
WOD	Walsh Overlay District
WLS	Walsh Low-Density Subdistrict
WMS	Walsh Moderate-Density Subdistrict
WRS	Walsh Recreational Subdistrict
*	Already Permitted in the Residential District

**Table B - Walsh Overlay District Permitted Uses by Subdistrict**

<b>Principal Uses</b>	<b>WLS<sup>6</sup></b>	<b>WMS<sup>6</sup></b>	<b>WRS</b>
<b>Commercial</b>			
Professional office <sup>1</sup>	P <sup>7</sup>	P <sup>7</sup>	N
Restaurant	SP <sup>7</sup>	P <sup>7</sup>	N
Retail business service (4/14)	SP <sup>7</sup>	P <sup>7</sup>	N
Retail sales (4/14)	SP <sup>7</sup>	P <sup>7</sup>	N
Trade, repair shop, etc. (4/14)	SP <sup>7</sup>	P <sup>7</sup>	N
Wholesale Trade (4/14)	SP <sup>7</sup>	P <sup>7</sup>	N
<b>Industrial</b>			
Industrial or manufacturing use <sup>2</sup>	N	SP <sup>7</sup>	N
Public utility	P <sup>7</sup>	P <sup>7</sup>	P
Research or experimental lab <sup>3</sup>	SP <sup>7</sup>	SP <sup>7</sup>	N
Small engine repair	SP <sup>7</sup>	SP <sup>7</sup>	N
<b>Institutional</b>			
Hospital, nursing and/or convalescent home	N	SP <sup>7</sup>	N
Private club not conducted for profit	N	SP <sup>7</sup>	N
Large-Scale Ground-Mounted Photovoltaic Array (4/11)	N	N	N
<b>Residential</b>			
Attainable Undersized Lot (5/24)	P	P	N
Bungalow Court	P	P	N
Coliving Community	N	SP <sup>4</sup>	N
Duplex (as defined in §40.1) (5/24)	*	*	N
Mixed-use Development	SP	P	N
Multi-family Housing	P	P	N
Townhouse	P	P	N
Single family dwelling <sup>5</sup>	*	*	N

Table B - Notes

1. No more than four (4) offices per lot; 20% lot coverage permitted, exclusive of parking; storage of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited. No use shall produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.
2. The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.
3. The Board of Appeals may approve activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good.
4. Only for year-round residency; otherwise not permitted.
5. Uses in this category are further subject to the special regulations set forth in §40.2, Accessory Dwelling Unit and the Building Commissioner shall serve as the Permit granting authority. (04/07, 4/17, 5/24)
6. With respect to mixed-use projects only, no less than 67% of the Gross Floor Area of any project shall be dedicated to residential use.
7. Only where part of a mixed-use development Including residential use(s); otherwise N.

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**H. Dimensional Requirements.** The dimensional requirements in the WOD shall comply with § 50 Area and Height Regulations, herein, except for the following:

- i. Any and all dimensional requirements in **Table C**, entitled “**Walsh Overlay District Dimensional Requirements by Subdistrict**,” shall supersede the underlying Zoning District.
- ii. **Multiple Buildings on a Single Lot.** Multiple buildings on a single lot must comply with the minimum Building Separation distance per subdistrict in **Table C**.
- iii. **Setbacks Abutting Residential Districts.** All front, rear, and side yard setbacks for buildings or structures abutting a Residential District outside of the WOD shall meet a minimum setback of 25-ft or a minimum setback equivalent to 10-ft per story of the building or structure in question, whichever is greater.
- iv. **Setbacks Abutting Route 6.** All front, rear, and side yard setbacks for buildings or structures abutting Route 6 shall meet a minimum setback of 25-ft.

**KEY**

N/A	Not Applicable
WOD	Walsh Overlay District
WLS	Walsh Low-Density Subdistrict
WMS	Walsh Moderate-Density Subdistrict
WRS	Walsh Recreational Subdistrict

**Table C - Walsh Overlay District Dimensional Requirements by Subdistrict**

<b>Dimensional Requirement</b>	<b>WLS</b>	<b>WMS</b>	<b>WRS</b>
Minimum Lot Size	None	None	N/A
Minimum Lot Frontage	None	None	N/A
Minimum Frontyard Setback	10 ft <sup>1</sup>	10 ft <sup>1</sup>	25 ft <sup>1,3</sup>
Minimum Sideyard Setback	10 ft <sup>1</sup>	10 ft <sup>1,3</sup>	25 ft <sup>1,3</sup>
Minimum Backyard Setback	10 ft <sup>1</sup>	10 ft <sup>1</sup>	25 ft <sup>1,3</sup>
Minimum Building Separation	10 ft	10 ft	25 ft
Maximum Building Height	2 stories; 30-ft <sup>2,3</sup>	3.5 stories; 45-ft <sup>2</sup>	2 stories; 30-ft <sup>2,3</sup>
Lot Shape	N/A	N/A	N/A
Gross Floor Area	No limit <sup>4</sup>	No limit <sup>4</sup>	N/A
Lot Coverage	No limit	No limit <sup>4</sup>	N/A
Lot Clearing	No limit	No limit <sup>4</sup>	N/A

**Table C - Notes**

1. All setbacks shall meet the minimum setbacks for buildings or structures abutting Route 6 or a Residential District outside of the WOD as specified in the Dimensional Requirements Sections of this by-law.
2. All building heights shall meet the maximum building height for buildings or structures abutting a Residential District outside of the WOD as specified in the Dimensional Requirements Sections of this by-law.
3. Dimensional Requirement match the **§ 50 Area and Height Regulations** in the Underlying Zoning, and must also meet the minimum setbacks for buildings or structures abutting Route 6 or a Residential District outside of the WOD as specified in the Dimensional Requirements Sections of this by-law.
4. Except as applied to single family residences or duplexes, which remain subject to the existing by-law limitation.

**I. Landscape Buffer.** All buildings or structures abutting Route 6 or a Residential District outside of the WOD shall provide a year-round landscaped or vegetated buffer.

**J. Design Standards.** The following Design Standards shall apply to development in the WOD. Furthermore, these standards provide guidance for building massing, siting, and design solutions. It is understood that buildings and structures may not be able to comply with all of the following guidelines, but buildings and structures should comply if it is physically possible. For projects in the WOD, the following design guidelines shall apply:

- i. All development should be designed to facilitate, accommodate, and encourage use by pedestrians.
- ii. Non-residential uses should be located on the ground floor in Mixed-use Developments.
- iii. Buildings on a corner lot should have a façade that relates to both streets.
- iv. All development located in the subdistricts WMS, WLS, and WRS, should provide public access to common and public recreational land whenever feasible.

**K. Parking Requirements.** The parking requirements in the WOD shall comply with **§ 30.9 Parking**, herein, except for the following:

- i. Any and all parking requirements in **Table D**, entitled “**Walsh Overlay District Parking Requirements for all Subdistricts**” shall supersede the parking requirements of the underlying Zoning District.
- ii. Parking may not be located within the minimum setback abutting a Residential District outside of the WOD as specified in the Dimensional Requirements Sections of this by-law.
- iii. **Mixed-use Developments.** In the case of mixed-use development or multiple uses on a single lot, the parking provided shall meet the total requirements for all uses, except as permitted by the Board of Appeals as specified in the Shared Parking and Off-site Parking Sections of this by-law.
- iv. **Shared Parking.** An applicant may request to the Board of Appeals to meet the parking requirements for two or more uses by sharing a common shared parking area, provided that the shared spaces are held in common ownership with all uses being served through easements or fee title, and that all spaces are located within four hundred (400) feet of all uses they serve. It is the responsibility of the applicant to provide documentation to the Board of Appeals showing the expected peak use of all parking spaces, that the usage of such parking area would not occur simultaneously, and that the total proposed number of parking spaces will meet the demands of the uses proposed for the site.

In order to be granted shared parking approval, the Board of Appeals shall determine that a lesser number of spaces would be adequate for all parking needs because of special circumstances such as shared parking for uses having peak parking demands at different times or other measures reducing parking demand.

A reciprocal agreement shall be executed by the owners and operators of the different sources or uses in the building or development ensuring the long-term joint use of such shared parking, and defining the terms upon which the parking is shared.

**Table D - Walsh Overlay District Parking Requirements for all Subdistricts**

Principal Use	Parking Requirement
<b>Residential</b>	
Bungalow Court; Duplex; Mixed-use Development; Multi-family Housing; Single Family Dwelling	1 space per dwelling unit
Home Occupation, including Commercial Fishing Activity	1 space per dwelling unit as required above, plus 1 space for each non-resident employee
Home Occupation – permitted office use	1 space per dwelling unit as required above, plus 1 space per each non-resident employee
Coliving Community	0.25 space per coliving unit, plus 1 space for each non-resident employee
Park, playground, non-commercial recreation	1 space for each 3 users at maximum utilization <sup>1</sup>

**Table D - Notes**

1. All parking spaces dedicated to Park, Playground, or Non-Commercial Recreation uses shall be available for free to the public.
2. Parking spaces and aisles located in the WRS are to be permeable and shall be maintained with a level surface of at least four (4) inches of blue stone or T-base equivalent at all times.

- v. Off-site Parking.** An applicant may request to the Board of Appeals to utilize off-site parking to meet the parking requirement. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following criteria:

The parking facility must be less than one thousand (1,000) feet from the proposed development, measured as measured from the nearest exterior point on a building or structure.

The applicant must provide the Board of Appeals with proof of ownership or lease for those parking spaces in order to satisfy the parking requirement. The owner shall provide offsite parking in perpetuity of the building use, as required by the needs of the tenants. Prior to the expiration of any parking lease, the Board of Appeals shall approve the new mechanism to satisfy the parking requirement.

- vi. Parking Access.** The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. To the extent possible, access to parking from the public right of way should be located at the rear or the side of the parcel, with the exception of subdistrict WLS. At no point should access to parking be located between the front building facade and the front lot line.

- vii. Shared Driveways and Private Roads.** Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.

A shared driveway, private road, or cross-access connection between abutting parking lots with a binding easement and joint maintenance agreement defining the responsibilities of abutting property owners sharing access is permitted in subdistricts WLS and WMS.

All shared driveways and private roads shall have a minimum of one 5-foot sidewalk on one side of the driveway or roadway.

- viii. Loading Requirements.** Every Mixed-use Development hereafter erected, enlarged, or occupied which has over 5,000 square feet of non-residential Gross Floor Area shall provide a minimum of one area for the loading and unloading of service vehicles. Every building hereafter erected, enlarged, or occupied for residential use with more than 10 Dwelling Units shall provide a minimum of one area for the loading and unloading of service vehicles.

Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of buildings and fully screened from view from a public street, public space, or abutting residential use.

Loading and unloading areas shall be provided in addition to off-street parking spaces and shall not be considered as supplying required parking spaces. Unless otherwise authorized by the Board of Appeals under site plan review, loading and unloading areas shall be located in the rear of the building.

- L. Violations and Penalties.** Violation of any of the provisions of this bylaw may result in fines of up to \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.

## § 90.5 Overlay Districts

- E. Walsh Overlay District.** The Walsh Overlay District and its subdistricts is the area designated as such on the Truro Zoning Map as set forth on the map entitled “Appendix C Walsh Overlay District with Subdistricts,” which appears as **Appendix C** to this bylaw and which is more particularly described and bound as follows:

The land listed on the Truro Assessor’s Map 43 as

Parcel **43-8**, as registered with the Barnstable County Registry of Deeds in Deeds Book 27849 on Page 58, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 673, page 3, and shown more specifically as lot 1 which includes former Parcel **43-7**, as registered with the Barnstable County Registry of Deeds in Deeds Book 2263 on Page 116 and Deeds Book 32722 on Page 331

Parcel **43-134**, as registered with the Barnstable County Registry of Deeds in Deeds Book 2263 on Page 116, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 673, page 3, and shown more specifically as lot 2;

Parcel **43-135**, as registered with the Barnstable County Registry of Deeds in Deeds Book 2263 on Page 116, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 673, page 3, and shown more specifically as lot 3;

Parcel **43-13**, as registered with the Barnstable County Registry of Deeds in Deeds Book 15998 on Page 329, Deeds Book 1339 on Page 331, and Deeds Book 32722 on Page 331;

Parcel **43-10**, as registered with the Barnstable County Registry of Deeds in Deeds Book 17034 on Page 46, Deeds Book 15327 on Page 145, Deeds Book 1416 on Page 239, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 673, page 3, and shown more specifically as lot 4;



Parcel **43-226**, as registered with the Barnstable County Registry of Deeds in Deeds Book 17034 on Page 46, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 673, page 3, and shown more specifically as lot 5;

Parcel **43-2**, as registered with the Barnstable County Registry of Deeds in Deeds Book 25648 on Page 111, Deeds Book 15998 on Page 325, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 684, page 90, and shown more specifically as an unnumbered parcel with an area of 57.17± acres;

Parcel **43-9**, as registered with the Barnstable County Registry of Deeds in Deeds Book 2263 on Page 116, Deeds Book 17945 on Page 105, Deeds Book 16182 on Page 65, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 684, page 90, and shown more specifically as an unnumbered parcel with an area of 3.68± acres;

Parcel **43-133**, as registered with the Barnstable County Registry of Deeds in Deeds Book 2263 on Page 116, Deeds Book 17945 on Page 105, Deeds Book 16182 on Page 65, Deeds Book 32722 on Page 331, and as shown on a plan recorded in Plan Book 684, page 90, and shown more specifically as an unnumbered parcel with an area of 0.45± acres.

**i. Walsh Low-Density Subdistrict.** The Walsh Low-Density Subdistrict is the area designated as such on the Truro Zoning Map as set forth on the map entitled “Appendix C Walsh Overlay District with Subdistricts,” which appears as **Appendix C** to this bylaw and which is more particularly described and bound as follows:

All the land in Parcel 43-2, as listed in the Truro Assessor’s Map 43 and as further described in § 90.5.E, that is northerly of a line commencing at the southeasterly corner of the property listed on the Truro Assessor’s Map 40 as Parcel 40-166, as registered with the Barnstable County Registry of Deeds in Deeds Book 21785 on Page 245.; running thence southeasterly bearing S 76 9' 18" E for a distance of 52.21’  
Thence S 66 35' 48" E for a distance of 93.06’  
Thence N 75 32' 11" E for a distance of 73.12’  
Thence N 62 11' 40" E for a distance of 89.28’

to the southwesterly boundary of the property owned by the Town of Provincetown and listed in the Truro Assessor’s Map 40 as Parcel 40-170 and registered with the Barnstable County Registry of Deeds in Deeds Book 25097 on Page 292 and Plan Book 684 on Page 90

Thence follows the boundary of Parcel 40-170 northerly, thereby following the parcel boundaries until the point of commencement, totaling approximately 6 acres.

**i. Walsh Moderate-Density Subdistrict.** The Walsh Moderate-Density Subdistrict is the area designated as such on the Truro Zoning Map as set forth on the map entitled “Appendix C Walsh Overlay District with Subdistricts,” which appears as **Appendix C** to this bylaw and which is more particularly described and bound as follows:

The land listed on the Truro Assessor’s Map 43 and as further described in § 90.5.E as Parcel 43-7, 43-8, 43-134, 43-135, 43-13, 43-10, 43-226, 43-2, and

All the land in Parcel 43-2 that is southerly of a line commencing at the northwesterly corner of the property owned by the Town of Truro and listed on the Truro Assessor’s Map 43 as Parcel 43-3, as registered with the Barnstable County Registry of Deeds in Deeds Book 4293 on Page 91, Deeds Book 13849 on Page 49, and Plan Book 684 on Page 90; running thence northwesterly bearing N 84 41' 58" W for a distance of 86.15’

Thence S 68 27' 40" W for a distance of 28.60’

Thence S 27 53' 29" W for a distance of 38.31’

Thence S 32 16' 17" W for a distance of 42.97’

Thence S 28 36' 34" W for a distance of 22.66'  
 Thence S 38 38' 10" W for a distance of 37.23'  
 Thence N 66 54' 9" W for a distance of 14.09'  
 Thence N 22 34' 42" W for a distance of 34.30'  
 Thence N 57 16' 31" W for a distance of 68.92'  
 Thence S 71 53' 20" W for a distance of 32.20'  
 Thence S 71 16' 29" W for a distance of 150.24'  
 Thence S 78 2' 57" W for a distance of 73.52'

to the easterly corner of the property listed in the Truro Assessor's Map 43 as Parcel 43-1 and registered with the Barnstable County Registry of Deeds in Deeds Book 511 on Page 179, Plan Book 52 on Page 47, and Plan Book 680 on Page 90

Thence follows the boundary of Parcel 43-3 southerly to the northerly corner of Parcel 43-180

Thence follows the boundary of Parcel 43-179 and 43-178 westerly to the easterly corner of Parcel 43-10, totaling approximately 33 acres.

**i. Walsh Recreational Subdistrict.** The Walsh Recreational Subdistrict is the area designated as such on the Truro Zoning Map as set forth on the map entitled "Appendix C Walsh Overlay District with Subdistricts," which appears as **Appendix C** to this bylaw and which is more particularly described and bound as follows:

All the land in Parcel 43-2, as listed in the Truro Assessor's Map 43 and as further described in § 90.5.E, between a northerly line commencing at the southeasterly corner of the property listed on the Truro Assessor's Map 40 as Parcel 40-166, as registered with the Barnstable County Registry of Deeds in Deeds Book 21785 on Page 245.; running thence southeasterly bearing S 76 9' 18" E for a distance of 52.21'

Thence S 66 35' 48" E for a distance of 93.06'

Thence N 75 32' 11" E for a distance of 73.12'

Thence N 62 11' 40" E for a distance of 89.28'

to the southwesterly boundary of the property owned by the Town of Provincetown and listed in the Truro Assessor's Map 40 as Parcel 40-170 and registered with the Barnstable County Registry of Deeds in Deeds Book 25097 on Page 292 and Plan Book 684 on Page 90

Thence follows the boundary of Parcel 40-170 easterly to the westerly boundary of the Cape Cod National Seashore and listed as Parcel 40-78 to the northeasterly corner of Parcel 43-3

Thence follows the boundary of Parcel 43-3 southwesterly to the northwesterly corner of 43-3

Thence follows a southerly line commencing at the northwesterly corner of the property owned by the Town of Truro and listed on the Truro Assessor's Map 43 as Parcel 43-3, as registered with the Barnstable County Registry of Deeds in Deeds Book 4293 on Page 91, Deeds Book 13849 on Page 49, and Plan Book 684 on Page 90; running thence northwesterly bearing N 84 41' 58" W for a distance of 86.15'

Thence S 68 27' 40" W for a distance of 28.60'

Thence S 27 53' 29" W for a distance of 38.31'

Thence S 32 16' 17" W for a distance of 42.97'

Thence S 28 36' 34" W for a distance of 22.66'

Thence S 38 38' 10" W for a distance of 37.23'

Thence N 66 54' 9" W for a distance of 14.09'

Thence N 22 34' 42" W for a distance of 34.30'

Thence N 57 16' 31" W for a distance of 68.92'

Thence S 71 53' 20" W for a distance of 32.20'

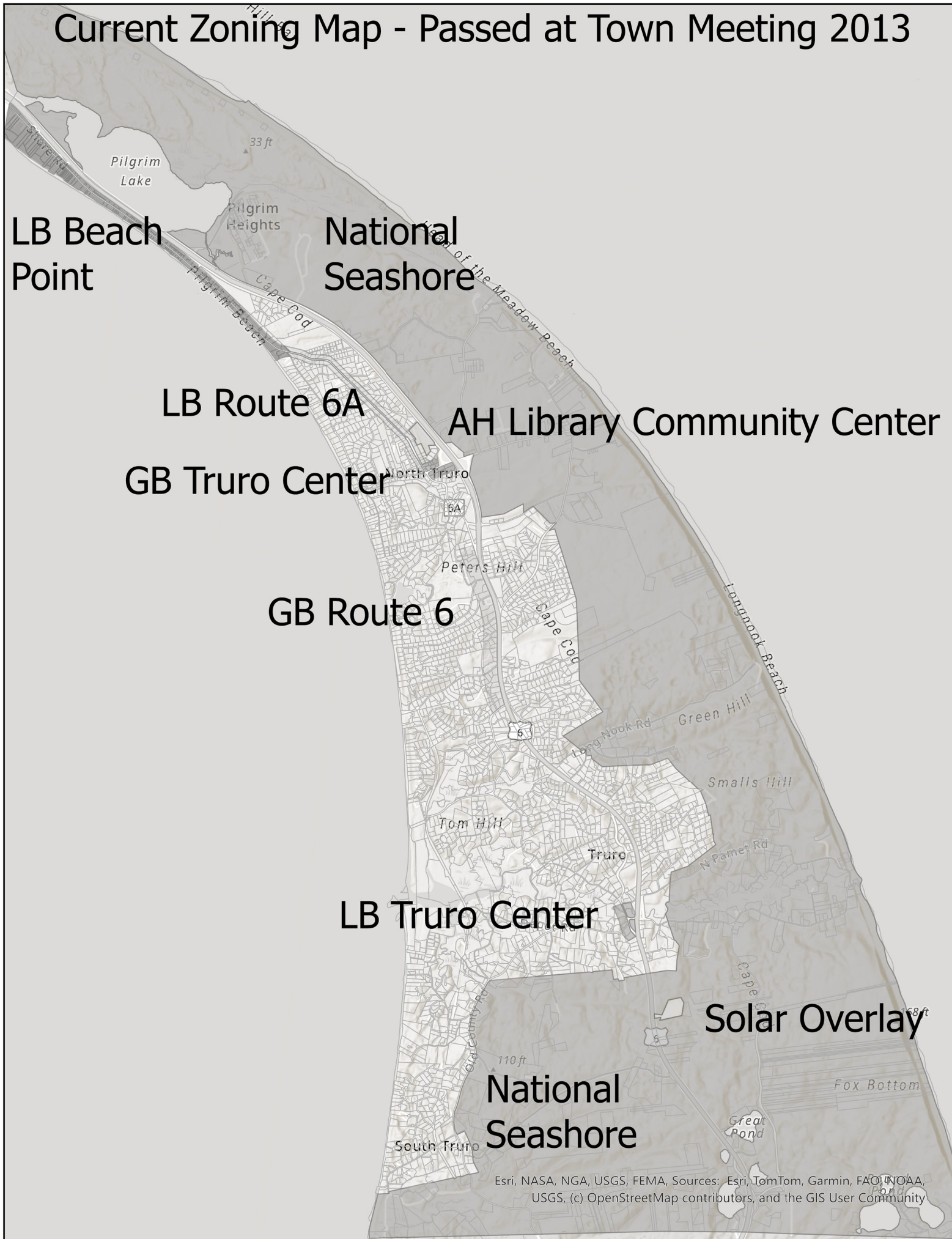
Thence S 71 16' 29" W for a distance of 150.24'

Thence S 78 2' 57" W for a distance of 73.52'

to the easterly corner of the property owned by the Town of Truro and listed in the Truro Assessor's Map 43 as Parcel 43-1 and registered with the Barnstable County Registry of Deeds in Deeds Book 511 on Page 179, Plan Book 52 on Page 47, and Plan Book 680 on Page 90

Thence follows the boundary of Parcel 43-1 northerly, thereby following the parcel boundaries until the point of commencement, totaling approximately 31 acres

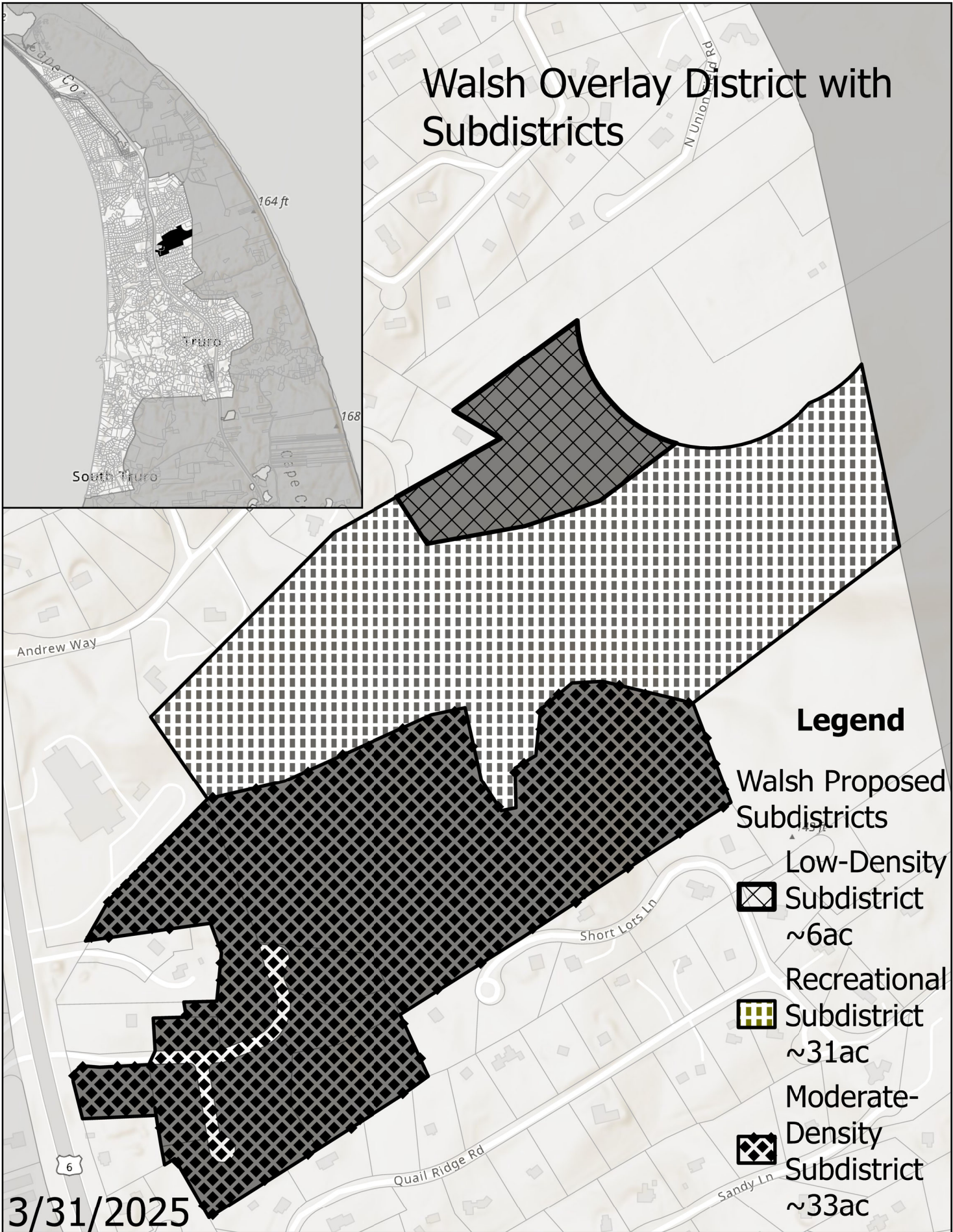
# Current Zoning Map - Passed at Town Meeting 2013





# Proposed Appendix C

## Walsh Overlay District with Subdistricts



# A Year-Round Occupancy Incentive Model Bylaw for Cape Cod Towns

The following model bylaw intends to be a first draft of a zoning amendment that incentivizes year-round housing. Due to the financial benefits of providing vacation housing (whether second homes, vacation rentals, or otherwise), housing for year-round residents can be difficult to access. This is especially true for renter households, who may find few options for year-round leases. The consequences of this market failure are serious, including housing instability; high student turnover in schools and attendant learning challenges; difficulty staffing for Cape Cod businesses, organizations, and public entities; difficulty holding stable employment for the year-round workforce; high housing cost burdens, distortions in the sales market, and more.

This bylaw incentivizes the production of year-round housing, including year-round ownership and rental options. The Home Rule Amendment, Mass. Const. art. LXXXIX, § 7(5), bars enactment of “private or civil law governing civil relationships except as an incident of an independent municipal power.” Massachusetts courts have interpreted Section 7 to limit municipal power to require a particular type of housing tenure—homeownership or rental—in a local bylaw. This bylaw instead bypasses Section 7 by offering a set of incentives to encourage a portion of a development to be held as year-round rental or ownership units.

The proposed incentives include:

- A density bonus (1 unrestricted unit for each year-round ownership unit, 2 unrestricted units for each year-round rental unit)
- Waiving town-defined dimensional rules (while creating new minimum requirements)
- A reduction in parking requirements
- By-right permitting of year-round projects (with an option for site plan review)

This set of incentives can be included altogether or activated individually at the discretion of implementing towns. In many ways, this bylaw follows the form of inclusionary zoning bylaws. From the financial perspective of a developer, the effects are similar, though less extreme than affordability requirements.

The technical specifications in this model bylaw try to be readily usable for local implementers, easily fitting into existing bylaws and working well without much adjustment. **PLEASE SEE THE ACCOMPANYING GUIDE FOR THE REASONING BEHIND THIS MODEL BYLAW'S PROVISIONS.** Nonetheless, there are some places where a town must make decisions about the structure of the bylaw or the scale of redevelopment. [Places where towns must make decisions or insert language about their existing code are called out in brackets and in pink text.]

The model bylaw was drafted in conjunction with the Cape Cod Commission by Outwith Studio; Utile; and attorneys Blatman, Bobrowski, Haverty & Silverstein.

## SECTION [X]. Year-Round Housing Incentive

- I. **Purpose.** The purpose of this section is to provide incentives for the production of year-round housing on Cape Cod. The Town of [TOWN NAME] recognizes that the demand for vacation rentals and second homes has constrained the supply of housing for full-time residents of the region, consequently destabilizing communities, hampering economic development, and increasing the cost of housing and other goods and services for all people. To improve conditions for all, this section of the zoning bylaw intends to increase production of housing occupied by long-term residents who may want or need to rent their home.
- II. **Definitions.** Within this section, the following terms shall have the following meanings:
  - A. “Base density” shall mean the number of units allowed at a development site before the application of any year-round housing incentives provided in this section.
  - B. “By-right” shall mean a zoning permitting process wherein development may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. [By-right permitting shall include a Site Plan Review (SPR) Process specified in [SPR SECTION OF TOWN'S ZONING OR OTHER LAND USE CONTROL BYLAW], through which the [SPR AUTHORITY] may add reasonable conditions to the site plan but cannot deny the development to proceed.]
  - C. “Lot Coverage Ratio” shall mean portions of a development where the land is covered by an impervious surface, such as buildings, roads, driveways, porches, or other paved or hardscaped areas. Lot coverage ratios shall be expressed as a percent.
  - D. “Monitoring agency” shall mean [INSERT AGENCY NAME HERE].
  - E. “Qualified household” shall mean an individual, family, or set of unrelated individuals who jointly rent a year-round rental unit on a lease of at least 12 months and who occupy that unit for at least 11 months, or who own and occupy a year-round ownership unit for at least 11 months each calendar year. At least one household member must occupy the household for at least 11 months annually to be a qualified household.



- F. "Special Permit" shall mean a zoning permitting process wherein development may proceed only with a Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] as specified in [SPECIAL PERMIT SECTION OF TOWN'S ZONING], a process that may result in the approval, approval with conditions, or denial of the development proposal.
- G. "Unrestricted housing units" shall mean the housing units within a year-round project that are not set aside as year-round occupancy units under the provisions of this section, which may or may not be occupied by qualified households, and which are not monitored for compliance by the monitoring agency.
- H. "Year-round occupancy units" shall mean housing units that are either:
1. Year-round rental units as defined in this section
  2. Year-round ownership units as defined in this section
- I. "Year-round ownership units" shall mean housing units that are owner-occupied and qualify as the owner's principal residence, as defined in the Code of Massachusetts Regulations (830 CMR 62.3.1), and which are occupied by qualified households. A year-round ownership unit may not be used as a short-term rental subject to Rooms Excise Tax, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1). Year-round ownership units may be used as short-term rentals meeting the requirements of the 14-day exemption provided under 830 CMR 64G.1.1.(3)(b).
- J. "Year-round project" shall mean any proposed or built housing development that contains year-round occupancy units in any proportion to unrestricted housing units and is permitted under the regulations of this section. Year-round projects may include non-residential uses if allowed by the underlying zoning district and subject to the requirements of that zoning district and related regulations.
- K. "Year-round rental units" shall mean housing units that are rented by the property owner to a tenant using a lease or contract for a term of no less than 12 months, and which are occupied by qualified households. A year-round rental unit may not be used as a short-term rental subject to Rooms Excise Tax, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1), whether or not its use as a short-term rental would qualify for the 14-day exemption provided under 830 CMR 64G.1.1.(3)(b).

### III. Application.

- A. The incentives provided in this section shall be granted by-right [and subject to Site Plan Review] to residential [and mixed-use] developments in the following districts: [INSERT BY-RIGHT DISTRICT NAMES].
- B. The incentives provided in this section shall be granted by Special Permit to residential [and mixed-use] developments in the following districts: [INSERT SPECIAL PERMIT DISTRICT NAMES].
- C. Notwithstanding other provisions of this zoning bylaw, the incentives provided under this section shall not be allowed in districts not specified in this subsection.

### IV. Incentives. Year-round projects may take advantage of the following incentives, subject to the provisions of this subsection.

#### A. Density Incentive

- 1. The number of total housing units allowed in a year-round project may be increased above the base density. In exchange for the provision of year-round occupancy units numbering less than or equal to the base density, additional unrestricted units may be allowed on-site according to the following rules:
  - a) For each year-round ownership unit developed as part of a year-round project, one additional unrestricted unit may be allowed.
  - b) For each year-round rental unit developed as part of a year-round project, two additional unrestricted units may be allowed.
- 2. No additional units shall be granted for the provision of year-round occupancy units in excess of the base density.

#### B. Dimensional Incentive.

- 1. In applying the density incentive provided under this subsection, year-round projects are allowed to waive the following dimensional and design standards:

[Towns should pick and choose which dimensional changes would be most impactful, depending on the requirements of the target districts.]

- a) Front, side, rear, and/or internal setback regulations for the whole parcel, as specified in [INSERT CITATION HERE].
- b) Facade stepback and variation regulations, as specified in [INSERT CITATION HERE].
- c) Lot coverage regulations, as specified in [INSERT CITATION HERE].
- d) Building height regulations, as specified in [INSERT CITATION HERE].
- e) Open space regulations, as specified in [INSERT CITATION HERE].
- f) Insert other regulations as needed/desired.

2. Year-round projects shall be subject to the following dimensional standards:

a) **Setbacks.**

(1) The minimum front setback of a year-round project shall be the lesser of

(a) [15] feet

(b) The setback required in the relevant zoning district

(c) The average setback of parcels that are not vacant adjoining the proposed development on the side lot lines.

(2) The minimum side and rear setbacks shall be the lesser of

(a) [10] feet

(b) The setback required in the relevant zoning district

b) **Height.** A year-round project may add [one] story and up to [12] feet of building height above the maximum required in the relevant zoning district.

c) **Lot coverage.**

(1) Year-round projects shall have a maximum lot coverage ratio of no more than [80%].

3. The application of dimensional incentives shall not be interpreted to increase the number of allowed dwelling units beyond what is provided under the

base density and density incentive provided in this section.

- C. **Parking Incentive.** The minimum number of automobile parking spaces shall be determined using the following criteria. The application of this parking incentive shall not be understood as increasing the number of allowable units beyond those provided through the base density and density incentive provided in this section.

[There are several options here.

- a. Provide a relatively low minimum parking ratio for all units in a year-round project
- b. Provide a relatively low minimum parking ratio for year-round occupancy units only and regardless of tenure
- c. Provide a relatively low minimum parking ratio for year-round rental units only]

[OPTION A: LOW PARKING RATIO FOR ALL UNITS]

1. The minimum automobile parking ratio for year-round projects shall be [1.2] spaces per dwelling unit. In exchange for this parking incentive, no less than [10%] of all housing units in a year-round project must be reserved as year-round [occupancy/rental] units.

[OPTION B: TIERED PARKING RATIO FOR YEAR-ROUND OCCUPANCY]

1. The minimum number of automobile parking spaces for year-round projects shall be determined by the following criteria.
  - a) The minimum parking ratio for unrestricted units shall be that of the relevant zoning district and parking standards specified in [INSERT PARKING CITATION HERE]. This ratio shall be multiplied by the number of unrestricted units in the year-round project, [INCLUSIVE/EXCLUSIVE] of unrestricted units provided through the density incentive given of this subsection.
  - b) The minimum parking ratio for year-round occupancy units shall be [1.2] spaces per year-round occupancy unit. This ratio shall be multiplied by the number of year-round occupancy units in the year-round project [plus unrestricted units provided through the density incentive given in this subsection].

[OPTION C: TIERED PARKING RATIO BY YEAR-ROUND OCCUPANCY AND TENURE]

1. The minimum number of automobile parking spaces for year-round projects shall be determined by the following criteria.

- a) The minimum parking ratio for unrestricted units shall be that of the relevant zoning district and parking standards specified in [INSERT PARKING CITATION HERE]. This ratio shall be multiplied by the number of unrestricted units in the year-round project, [INCLUSIVE/EXCLUSIVE] of unrestricted units provided through the density incentive given of this subsection.
- b) The minimum parking ratio for year-round ownership units shall be [1.2] spaces per year-round ownership unit [plus unrestricted units provided through the density incentive given in this subsection].
- c) The minimum parking ratio for year-round rental units shall be [0.85] spaces per year-round rental unit [plus unrestricted units provided through the density incentive given in this subsection].

[END PARKING RATIO OPTIONS]

- 2. If the application of the minimum automobile parking ratios required under this section results in fraction parking spaces, the number of required spaces shall be rounded up to the next space.
- 3. In the case of mixed-use development, the total amount of parking spaces shall be the sum of the amount of parking required under zoning for any non-residential uses and the amount of parking required per dwelling unit under the provisions of this section.
- 4. Parking requirements may be reduced by Special Permit after a finding by the Special Permit Granting Authority that the grant of a special permit shall not result in substantial detriment to the neighborhood or the Town.  
[Towns may consider incorporating other criteria for reducing parking requirements such as the following:
  - a) Peak parking demands that overlap in time significantly or do not overlap in time significantly, depending on the uses of mixed-use projects;
  - b) Age, demographics, socioeconomics, or other characteristics of occupants of the facility that affect the demand for automobile trips;
  - c) Availability of on-street parking or parking at nearby municipally owned facilities.]

**D. Permitting Incentive**

1. Year-round projects that are granted the incentives of this section by-right shall be allowed by-right [and subject to Site Plan Review].

**V. Year-Round Project Standards**

- A. Year-round occupancy units shall be included on the site of a year-round project.

[Provisions B and C are both optional. For larger projects, it may be appropriate to set any units intended for vacation rentals away from year-round occupancy units. Similarly, year-round occupants may prefer separate common areas from any vacation renters.]

- B. Year-round occupancy units shall be similar in size, layout, construction materials, fixtures, amenities, and interior and exterior finishes to comparable unrestricted units in the project.
- C. Year-round occupancy units shall have similar access to common areas, facilities, and services as that are enjoyed by comparable unrestricted units in the project including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.

[Provision D is optional and could be omitted altogether.]

[OPTION FOR TOWNS WISHING TO HAVE THE YEAR-ROUND UNITS MATCH BASELINE PATTERNS OF DEVELOPMENT IN A YEAR-ROUND PROJECT.]

- D. The proportionate amount of year-round occupancy units defined by size and number of bedrooms within the total amount of year-round occupancy units in the year-round project shall be similar to the proportionate amounts of unrestricted units defined by size and number of bedrooms within the total amount of unrestricted units in the project.

## **VI. Year-round Housing Regulatory Agreement.**

- A. Developers of year-round projects shall enter into a multilateral year-round housing regulatory agreement with the Town of [INSERT TOWN] and the monitoring agency. The regulatory agreement shall specify:
  - 1. Relevant dwelling unit counts and proportions, including
    - a) The base number of dwelling units allowed in a project, before any density bonus is applied
    - b) The number of year-round occupancy units
    - c) The proportion of year-round occupancy units relative to the base number of dwelling units allowed in a project, before any density bonus is applied
    - d) The proportion of year-round occupancy units relative to the base number of dwelling units allowed in a project, after any density bonus is applied
  - 2. Relevant parking space counts and ratios, including:
    - a) The total number of parking spaces
    - b) The ratio of parking spaces for unrestricted units
    - c) The ratio of parking spaces for year-round ownership and rental units, where applicable
  - 3. A list of dimensional nonconformities created by application of this section's density incentive.

4. The projected fair market value of the year-round development, to be determined by a third-party independent appraiser selected by the Town and paid by the developer.
  5. That the owner of the year-round project, if held under single ownership, or the owners of individual year-round occupancy units, if units are owned by separate persons or entities, shall grant to the Town of [TOWN NAME] an unlimited and transferable option of sale of the year-round project, if held under single ownership, or year-round occupancy units, if units are owned by separate persons or entities. The regulatory agreement shall specify that such option of sale may only be exercised by the Town or its designee upon wanton violation of the regulatory agreement, notice of violation by the monitoring agency, and continued violation after a compliance period specified by the monitoring agent. The option of sale will set a price equal to the fair market valuation determined in the regulatory agreement.
  6. That a deed restriction shall be placed on the property, and recorded with the Barnstable County register of deeds, specifying the terms of the regulatory agreement. Deed restrictions shall be placed on the project as a whole if held as a single piece of property, or on individual year-round occupancy units if the project is subdivided, split into condominiums, or otherwise having individual housing units owned as separate pieces of property.
- B. No certificate of occupancy may be issued for a year-round project until a regulatory agreement has been signed by all parties.
- C. If a year-round project is found to remain in violation of its regulatory agreement after the deadline to come into compliance has passed, the Town or its designee shall have unlimited rights to exercise its option specified in the d regulatory agreement.

## **VII. Monitoring.**

- A. A year-round project's compliance shall be monitored on an ongoing basis by the monitoring agency.



- B. Property owners of year-round occupancy units shall submit reports annually to the monitoring agency.
- C. The annual report shall attest that each year-round occupancy unit meets the requirements of this section. Reports shall include any leases, deeds, and verification of occupancy as may be required by the monitoring agency.
- D. The form of annual reports shall be published by the monitoring agency at least 90 days before the report is due.
- E. If a year-round project is found to be in violation of its regulatory agreement, the monitoring agency shall issue notice to the year-round project's present owner and to the Town. The notice shall specify a timeline of no less than 90 days for the owner to bring the year-round project into compliance. Wanton violation following this compliance period shall enable the Town or its designee to exercise the option of sale specified in the regulatory agreement.

**VIII. Conflicts.**

Unless otherwise stated, the requirements of this section shall apply to uses and structures permitted under the regulations of this section. In the event of a conflict, the regulations of this section shall apply.

# A Design-Driven Housing Model Bylaw for Cape Cod Towns

This document contains a model bylaw for design-driven housing (re)development on Cape Cod. With some adaptation and local decision-making, this text could be adopted as a standalone district within a local zoning bylaw/ordinance for Cape Cod towns. The model bylaw sets out to:

- Increase the supply of diverse and attainable housing options.
- Encourage development in areas served by infrastructure and amenities.
- Complement existing villages and neighborhoods and encourage adaptive reuse.
- Provide a more walkable mixed-use environment on commercial corridors.

To implement these goals, this bylaw takes a design-driven approach, regulating elements of development that directly relate to building form and site design. This approach is similar to “form-based codes,” but in a way that’s less complex than most form-based implementations. Implementers can think of this as “form-based lite,” regulating only the most impactful design elements.

The model bylaw creates a new district that can be added as a section in existing zoning. This new district replaces other zoning regulations for that area. As written, the **district is divided into subdistricts**, which are appropriate for different areas on the Cape and each implements a different vision of (re)development. Individual **towns can choose which subdistricts are most appropriate** and where they would be applied in town.

The technical specifications in this model bylaw try to be readily usable for local implementers, easily fitting into existing bylaws and working well without much adjustment. **PLEASE SEE THE ACCOMPANYING GUIDE FOR THE REASONING BEHIND THIS MODEL BYLAW'S PROVISIONS.** Nonetheless, there are some places where a town must make decisions about the structure of the bylaw or the scale of redevelopment. *[Places where towns must make decisions or insert language about their existing code are called out in brackets and in pink text.]*

The model bylaw was drafted in conjunction with the Cape Cod Commission by Outwith Studio; Utile; and Attorney Mark Bobrowski, of Blatman, Bobrowski, Haverty & Silverstein.

## SECTION [X]. Housing Design District

### I. **Purpose.** The purpose of this section is to:

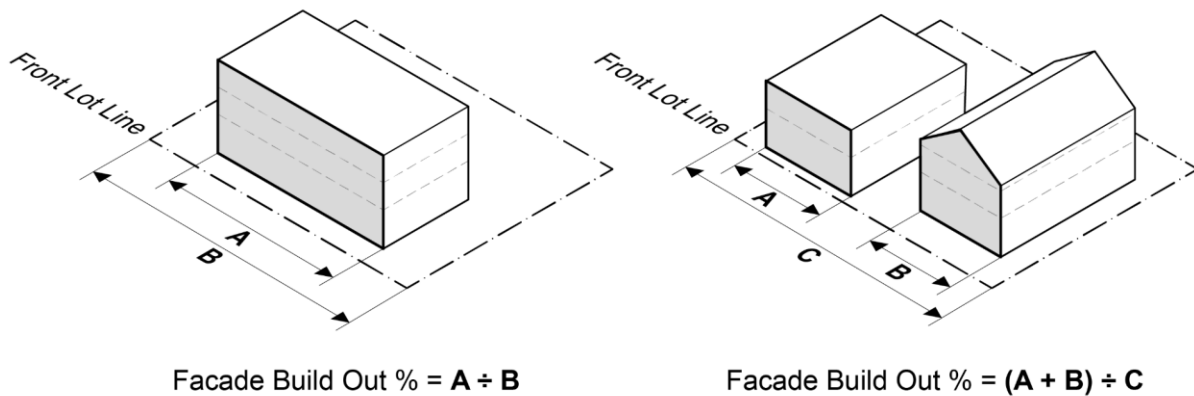
- A. Allow the development of buildings and uses appropriate to [TOWN], including, but not limited to, its village centers, commercial corridors, and other neighborhoods with distinctive character, in a manner that aligns with the vision of the Town's Comprehensive Plan [OR MASTER PLAN] and other policy documents.
- B. Expand the diversity of housing options available as well as those that are more financially attainable to year-round Cape Cod residents.
- C. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
- D. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
- E. Promote the health and well-being of the community by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place.
- F. Encourage the preservation and reuse of existing buildings.

### II. **Definitions.** Within this section, the following terms shall have the following meanings:

- A. "Accessory Dwelling Unit" shall mean a secondary dwelling on a parcel containing an existing single-family dwelling, as regulated under [INSERT THE LOCAL ADU SECTION REFERENCE IF APPLICABLE, INCLUDING ANY REFERENCES TO M.G.L. Ch. 40A IF NECESSARY. TOWNS WITHOUT SPECIFIC ADU REGULATIONS SHOULD CONSIDER DELETION OF THE ADU ALLOWANCE IN THIS MODEL BYLAW AND ADOPTION OF STANDALONE ADU LEGISLATION].
- B. "Attached Single-family Dwelling" shall mean a structure containing a single dwelling unit that shares a party wall with one or more structures also containing a single dwelling unit. Attached single-family dwellings may sit on their own parcel or a parcel shared by more than one attached single-family dwelling.
- C. "Building Footprint" shall mean the area of the outline of the above-grade building, inclusive of all floors, as measured to the exterior faces of the walls, exclusive of unenclosed spaces such as porches and balconies.
- D. "Building Height" shall mean the distance measured vertically from the average grade at the building footprint to the highest point of the roof beam.
- E. "Cottage Court" shall mean a residential development containing detached single-family residential dwellings clustered around shared common outdoor areas. Cottage courts may or may not contain accessory amenity buildings for use by residents.

- F. "Dwelling Unit" shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units include detached and attached single-family dwellings, apartments, and residential condominiums.
- G. "Facade" shall mean the exterior wall of a building.
- H. "Facade Build Out" shall mean the ratio of the facade width to the lot width, calculated by dividing the cumulative facade width by the lot width.

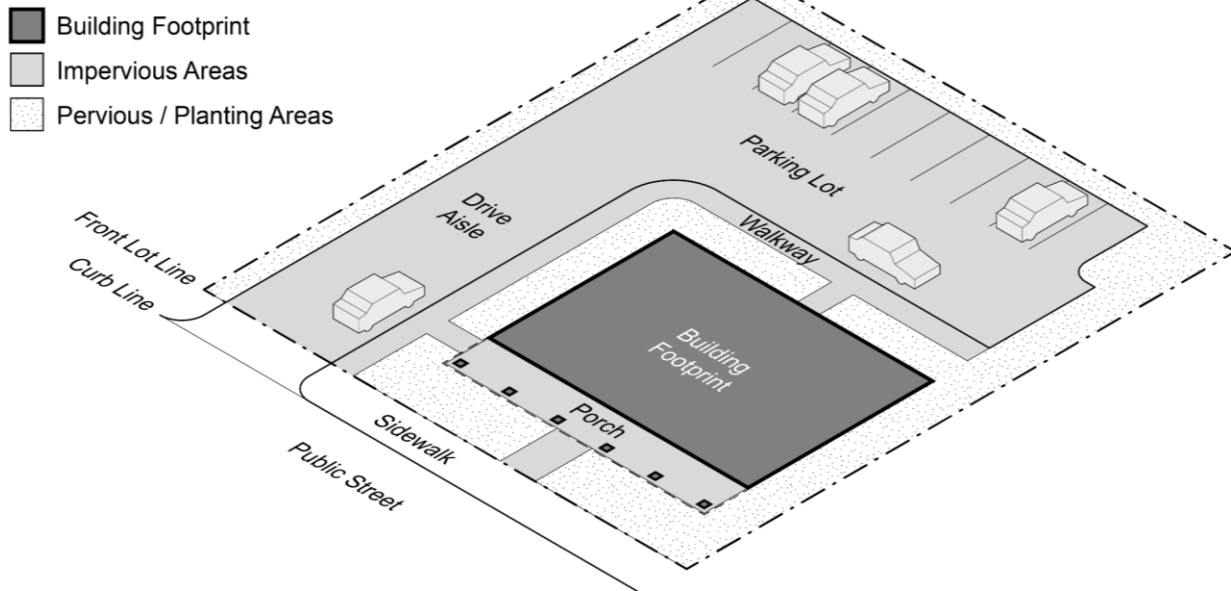
*Figure 1. Facade Build Out (for a single building on a lot and multiple buildings on a lot)*



- I. "Frontage Area" shall mean the area of a lot between the front lot line and maximum front setback.
- J. "Gross Floor Area" shall mean the sum of the areas of each floor of a building as measured to the exterior faces of the walls, inclusive of enclosed spaces intended for the parking of motor vehicles and exclusive of unenclosed spaces such as porches and balconies. The area of a half story only includes that which has a minimum height clearance of 7 ft to the ceiling.
- K. "Lot Coverage" shall mean portions of a development where the land is covered by an impervious surface, such as buildings, roads, driveways, porches, or other paved or hardscaped areas.

Figure 2. Lot Coverage

$$\text{Lot Coverage} = \frac{\text{Building Footprint} + \text{Impervious Areas}}{\text{Lot Area}}$$



- L. "Lot Depth" shall mean the distance from the midpoint of the front lot line to the midpoint of the rear lot line of a lot or to the most distant point on any other lot line where there is no rear lot line.
- M. Lot Lines
  - 1. "Lot Line" shall mean the boundary that legally and geometrically demarcates a lot.
  - 2. "Front Lot Line" shall mean any lot line abutting a thoroughfare, excluding an alley.
  - 3. "Side Lot Line" shall mean any lot line other than a front or rear lot line.
  - 4. "Rear Lot Line" shall mean the lot line farthest from or opposite to the front lot line.
- N. "Lot Width" shall mean the length of the front lot line of a lot.
- O. "Mixed-use Developments" and "Mixed-use Buildings" shall mean buildings with both residential and non-residential uses included within them.
- P. "Modification" shall mean the alteration or structural change of an existing structure.
- Q. "Multifamily Housing" shall mean residential uses of any configuration in which there is more than one dwelling unit per building.
- R. "Party Wall" shall mean a wall separating two attached buildings.
- S. "Principal Entrance" shall mean the addressed entrance to a building or commercial space.
- T. Roofs

1. "Roof Form" shall mean the shape and architectural features of a building's roof, inclusive of the roof forms defined under this section.
2. "Flat Roof" shall mean a roof with no slope greater than 2:12.
3. "Gable Roof" shall mean a roof sloped on two sides from a central ridge with an exterior wall (gable) enclosing each end.
4. "Gambrel Roof" shall mean a compound, gabled roof with two slopes on each of its two sides, where the lower has a steeper slope or pitch than the upper, inclusive of English, Dutch, and Jerkinhead gambrel roofs.
5. "Hip Roof" shall mean a roof with four uniformly pitched or sloping sides, inclusive of kicked hip (witch's hat) and Dutch gable roofs.
6. "Mansard Roof" shall mean a compound, four-sided roof where each side has two slopes, where the lower has a very steep, almost vertical, slope or pitch, dormer windows, and eaves extending with a radius or kick, rather than a flat projection.
7. "Pitched Roof" shall mean a gable, gambrel, hip, or mansard roof.

U. Story

1. "Story" shall mean the portion of a building located between the surface of a habitable floor and the surface of the habitable floor or roof above.
2. "Story, Ground" shall mean the lowest story of a building with a finished floor at or above the average grade plane adjacent to the building.
3. "Story, Half" shall mean a partial story under a sloping roof, the wall plates of which, on two exterior walls, are not more than two (2) feet above the floor of said partial story.
4. "Story, Upper" shall mean any full story above the ground story of a building.

### III. Establishment and Application

- A. **Establishment.** The Housing Design District, hereinafter referred to as the "HDD" is a base zoning district having a land area of approximately [ACREAGE] acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled "Housing Design District, dated [MAP DATE]." This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the [TOWN] Clerk.
- B. **Subdistricts.** The HDD contains the following subdistricts shown on the Zoning Map as set forth on the map entitled "Housing Design District, dated [DATE], prepared by [NAME]." The subdistricts are as follows:
  1. **Village Center Moderate Density (VCM):** A subdistrict characterized by relatively dense commercial, residential, and mixed-use buildings of up to 3 stories and sited in close proximity to each other, often abutting with party

walls. Buildings are close to the sidewalk with parking located at the rear or side.

2. **Village Center Low Density (VCL):** A subdistrict characterized by less dense commercial, residential, and mixed-use buildings of up to 2.5 stories and set back from side lot lines. Front setbacks range from two (2) feet to fifteen (15) feet, sometimes more, with parking located at the rear or side.
3. **Mixed-Use Corridor (MC):** A subdistrict characterized by suburban commercial uses and large parking lots, such as motels, single-story restaurants, gas stations, and other auto-dependent businesses. Front setbacks are typically more than twenty-five (25) feet with parking located at the front, side, and rear.
4. **Residential Moderate Density (RM):** A subdistrict characterized by relatively dense single-family, or in rare instances two-family, residential buildings of up to 2 stories and set back a modest distance from front, side, and rear lot lines. Driveways and parking are typically located at the front or to the side of the buildings.
5. **Residential Low Density (RL):** A subdistrict characterized by less dense single-family residential buildings of up to 2 stories and set back a significant distance from front, side, and rear lots lines. Driveways and parking are typically located at the front or to the side of the building.

**C. Application and Other Zoning Regulations.**

1. The HDD is a base zoning district. Developments within the HDD may be subject to overlay districts regulating portions of the HDD.
2. The development of projects meeting the requirements of this section are allowed within the HDD. No projects that do not meet the requirements of this section are allowed within the HDD, except that modifications to any existing structure that do not alter the building footprint, façades, and roof are exempt from the requirements of Section V. Lot Standards and Section VI. Building Standards. New additions attached to existing structures must meet the requirements of Section VI.L.
3. In the event of a conflict between this section and other sections, the requirements of this section shall apply. Where this section does not provide specific regulations, other existing zoning sections which do provide specific standards still apply.

**D. Administration, Enforcement, and Appeals.**

1. The provisions of this section shall be administered by the [INSERT TITLE OF THE BUILDING INSPECTOR, BUILDING COMMISSIONER, INSPECTIONAL

SERVICES DIRECTOR, OR SIMILAR BY-RIGHT ADMINISTRATOR], except as otherwise provided herein.

2. Where a Special Permit is required for developments permitted under this section, the Special Permit Granting Authority shall be [INSERT SPGA].
3. Any request for enforcement or appeal arising under this Section [x] shall be governed by the applicable provisions of G. L. Chapter 40A, ss. 7, 8, and 15.

#### IV. Permitted Uses

A. All residential uses that adhere to the requirements of this section shall be allowed, according to the following requirements.

1. Multifamily housing of [12 to 20] units or fewer shall be allowed by-right.
2. Multifamily housing of more than [12 to 20] units shall be allowed by-right and subject to Site Plan Review under [INSERT SITE PLAN REVIEW SECTION REFERENCE].
3. Attached single-family dwellings shall be allowed by-right and subject to Site Plan Review under [INSERT SITE PLAN REVIEW SECTION REFERENCE].
4. Cottage courts shall be allowed by-right and subject to Site Plan Review under [INSERT SITE PLAN REVIEW SECTION REFERENCE], except in the [INSERT CHOSEN DISTRICTS] where they shall be prohibited.
5. Accessory dwelling units shall be allowed by-right, but only on the lots containing existing detached single-family dwellings in and subject to the provisions of [INSERT ADU SECTION REFERENCE IF APPLICABLE, INCLUDING ANY REFERENCES TO M.G.L. Ch. 40A IF NECESSARY. TOWNS WITHOUT SPECIFIC ADU REGULATIONS SHOULD CONSIDER DELETION OF THE ADU ALLOWANCE IN THIS MODEL BYLAW AND ADOPTION OF STANDALONE ADU LEGISLATION].

B. Development of new detached single-family dwellings is prohibited.

C. Mixed-use developments containing residential and non-residential uses shall be allowed by-right in the subdistricts [VCM, VCL, MC] and by Special permit in [RM, RL] with the following regulations on non-residential uses.

1. Commercial uses shall be allowed, except the following shall be prohibited:
  - a) Commercial parking
  - b) Automobile Maintenance and Repair
  - c) Automobile Sales
  - d) Boat Sales
  - e) Boat Storage
  - f) Gasoline sales



- g) Contractor Services
- h) Funeral Services
- i) Marina
- j) Public Transportation Maintenance
- k) Self-Storage Facility
- l) Any commercial use that includes a “drive-thru” or similar component
- 2. Institutional uses shall be allowed [except the following shall be prohibited:]
  - a) [INSERT ANY PROHIBITED USES HERE]
- 3. Industrial uses shall be prohibited, except for the following shall be allowed by Special Permit by the [INSERT SPGA] under the provisions of section [INSERT SPECIAL PERMIT SECTION HERE]:
  - a) Breweries and wineries that include accessory retail and/or food service
  - b) Workshops and other light industrial facilities that include retail
- 4. All non-residential uses shall not contain any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise, or vibration, smoke, dust or other form of air pollution; electrical or other disturbance; glare, liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions or elements in a manner or in an amount as to affect adversely the surrounding areas.
- D. Accessory uses customarily incidental to any of the permitted uses shall be allowed by-right.
- E. Non-residential uses are not allowed in accessory dwelling units.

**Table 1. Lot Standards by Subdistrict**

Sub-district	Building Setbacks				Building Separation (min)	Lot Coverage (max) (c)	Facade Build Out (min)
	Front (min/max) (a, b)		Rear (min)	Side (min)			
VCM <sup>a, b</sup>	0 ft	10 ft	0 ft; Abutting SF District: 20 ft	0 ft; Abutting SF District: 20 ft	5 ft	100%	75%
VCL <sup>a, b, c</sup>	2 ft	15 ft	7 ft; Abutting SF District: 25 ft	7 ft; Abutting SF District: 25 ft	10 ft	80%	60%
MC	10 ft	20 ft	10 ft; Abutting SF District: 25 ft	10 ft; Abutting SF District: 25 ft	10 ft	80%	60%
RM <sup>a, b, c</sup>	15 ft	30 ft	15 ft	15 ft	20 ft	50%	N/A
RL <sup>a, b, c</sup>	15 ft	50 ft	25 ft	20 ft	30 ft	40%	N/A

*Table 1 Footnotes*

- a. See Section V.B.2. on contextual front setback requirements.
- b. See Section V.B.3. on minimum sidewalk width requirements.
- c. See Section V.D.2 on additional lot coverage allowances.

## **V. Lot Standards**

- A. In the HDD, multiple buildings are permitted on each lot, subject to the setback and lot coverage standards set in Table 1. Lot standards vary based on the subdistricts.

### **B. Setbacks**

1. Setbacks of buildings shall be regulated by subdistricts according to the standards of Table 1. In Table 1, “min” shall mean the minimum allowable setback, and “max” shall mean the maximum allowable setback.
2. In the VCM, VCL, RM, and RL subdistricts, new development must have a contextual front setback, where the minimum and maximum front setbacks are equal to the distances that the buildings closest to the street are set back from the front lot line on the two abutting lots facing the same public way. If the lot on either side of the subject lot is vacant or has a setback greater than 50', the minimum and maximum front setbacks identified in Table 1 shall govern.
3. In the VCM, VCL, and MC subdistricts, when development occurs on any lot abutting a sidewalk that is less than ten (10) feet in total width, buildings must be set back to a distance that gives the sidewalk and frontage area a combined width of at least 10 feet. The minimum front setback may be increased accordingly in those cases.

### **C. Facade Build Out**

1. Building facade(s) must be built parallel to any primary front lot line at or between the minimum and maximum front setbacks.
2. Building facade(s) must be built out along the front lot line to a percentage of the lot's width as specified in Table 1 under the column “Facade Build Out.” Total facade build-out is calculated by dividing the total width of all facades by the lot width and may be met cumulatively by multiple buildings.
3. For sites with a lot width of more than 200 feet, projects may seek a Special Permit for a reduction in the minimum facade build out ratio requirement.
4. Buildings on corner lots must meet the facade build out requirement along the primary public way; the facade build out requirement does not apply to secondary public way(s).

### **D. Lot Coverage**

1. Lot coverage shall be regulated by subdistricts according to the standards of Table 1 and is calculated as the sum of impervious surface areas, such as buildings, roads, driveways, porches, or other paved or hardscaped areas.
2. In the VCL, RM, and RL subdistricts, an additional ten (10) percent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such

features shall at no time be enclosed or be used for parking: decks, patios, porches, terraces, tennis or other outdoor game courts, swimming pools and swimming pool aprons, walkways, window wells, pervious pavement designed and maintained to attenuate discharge from a 10-year or higher 24-hour storm event onsite, subject to review and approval by the [Town Planner/Stormwater Administrator], and/or pads associated with the installation of outdoor, shared electric vehicle charging stations for the dedicated purpose of residents of the lot.

E. Building Separation

1. Multiple buildings on a single lot must comply with the building separation distance at all points as specified in Table 1 of this section, except:
  - a) For cottage court developments, building separation is a minimum of ten (10) feet, regardless of the standards in Table 1.
  - b) For attached single-family dwellings, building separation may be zero (0) feet, regardless of the standards in Table 1.
2. In cases where other housing types and configurations are mixed with cottage court developments and/or attached single-family dwellings, the minimum building separation between cottage courts and/or attached single-family dwellings and/or other residential housing types must follow the standards in Table 1.

F. Cottage Court Standards

1. A cottage court development comprising multiple buildings is allowed on a single lot.
2. Detached single-family dwellings in cottage courts shall be sited to surround a central outdoor space shared by residents.

**Table 2. Building Height Standards by Subdistrict**

Sub-district	Building Height, Stories (max) (a)	Building Height, Feet (max)	Ground Story Height, Feet (min/max)		Upper Story Height, Feet (min/max)		Half Story Height, Feet (max)
VCM	3.0 Stories	Mixed Use: 36 ft Residential: 34 ft	Commercial: 12 ft; Residential: 9 ft	Commercial: 15 ft; Residential: 12 ft	9 ft	11 ft	12 ft
VCL	2.5 Stories	Mixed Use: 32 ft Residential: 30 ft	Commercial: 12 ft; Residential: 9 ft	Commercial: 14 ft; Residential: 12 ft	9 ft	11 ft	12 ft
MC	3.0 Stories; Within 50 ft of Lot Line Abutting SF District: 2.5 Stories	Mixed Use: 46 ft Residential: 44 ft; Within 50 ft of Lot Line Abutting SF District: 36 ft and 34 ft respectively	Commercial: 12 ft; Residential: 9 ft	Commercial: 16 ft; Residential: 12 ft	9 ft	11 ft	12 ft
RM	2.0 Stories	30 ft	9 ft	12 ft	9 ft	11 ft	12 ft
RL	2.0 Stories	30 ft	9 ft	12 ft	9 ft	11 ft	12 ft

*Table 2 Footnotes*

- a. The maximum number of stories of cottage court buildings and accessory dwelling units is 1.5, regardless of the zoning subdistrict. The maximum number of stories of attached single-family dwellings is 2.5, regardless of the zoning subdistrict.

**Table 3. Building Footprint, Units, and Articulation Standards by Subdistrict**

Sub-district	Building Footprint (max) (a)	Units per Building (min/max) (b)		Unit Area (max)	Roof Form Permitted	Length of Continuous Facade and Roof Form (max)
VCM	4,500 sf; Special Permit: 15,000 sf	3 Units	12 Units; Special Permit: N/A	2000 sf	Flat, Pitched	50 ft
VCL	4,500 sf	2 Units	12 Units	2000 sf	Pitched	50 ft
MC	15,000 sf	6 Units	N/A	2000 sf	Flat, Pitched	[50 to 80 ft]
RM	2,500 sf	2 Units	4 Units	2000 sf	Pitched	50 ft
RL	2,500 sf	2 Units	4 Units	2000 sf	Pitched	50 ft

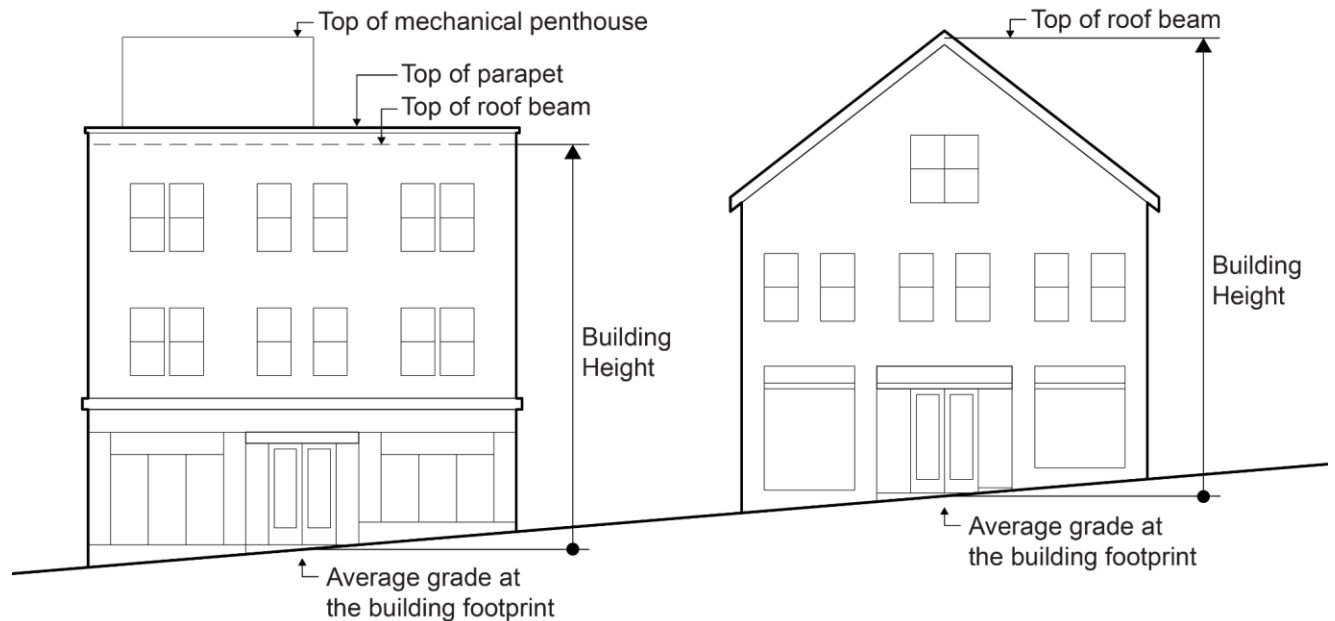
*Table 3 Footnotes*

- a. The maximum building footprint for a group of attached single-family dwellings (such as townhomes or rowhomes) is equal to that of the maximum building footprint for a single building listed in this column.
- b. Residential uses built as attached single-family dwelling units, accessory dwelling units, or cottage court units are allowed only one unit per building.

## VI. Building Standards

- A. Buildings shall adhere to the standards set forth in Table 2 and Table 3. Building standards vary based on the subdistricts.
- B. Building Height
  - 1. Building height is measured from the average grade at the building footprint to the top of the roof beam.

Figure 3. Building Height



- C. Number of Stories
  - 1. The ground story is always counted as one (1) story.
  - 2. Any upper story is counted as one (1) additional story.
  - 3. A basement is counted as one (1) story if at least half of the clear ceiling height is above the average grade at the building footprint and it is used for dwelling or commercial purposes.
  - 4. Habitable space located directly under a pitched roof is counted as a half (0.5) story, provided the following standards are all met:
    - a) At least two opposite roof planes are pitched toward each other.
    - b) A pitched roof may be composed of roof planes with different slopes.
    - c) The slope of any pitch must be between 7:12 (30.3 degrees) and 14:12 (49.4 degrees). If the pitch is greater than 14:12, this story is counted as a full story.
    - d) The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the

finished floor of the half-story; otherwise, this story is counted as a full story.

- e) Dormer windows may not occupy more than 75% of the total pitched roof slope area and must be setback from all sides by a minimum of three (3) feet.
  - f) The width of dormers must not exceed twelve (12) feet and, where applicable, must be separated from each other by a minimum of three (3) feet.
- 5. An uppermost story with a flat roof is also counted as a half (0.5) story if it fits within a half-story pitched roof form described above.
  - 6. Non-habitable attic space located under a pitched roof is not counted as a half story. The slope of a pitched roof of a non-habitable attic space must be at minimum 5:12 (22.6 degrees).

D. Story Height

- 1. Each individual story of a building is measured independently.
- 2. The height of the ground story and upper story(ies) of a building is measured vertically from the surface of the finished floor to the surface of the finished floor above, at all points.
- 3. The height of a half story is measured vertically from the surface of the finished floor to the top of the highest roof beam above.



Figure 4. Number of Stories and Story Height

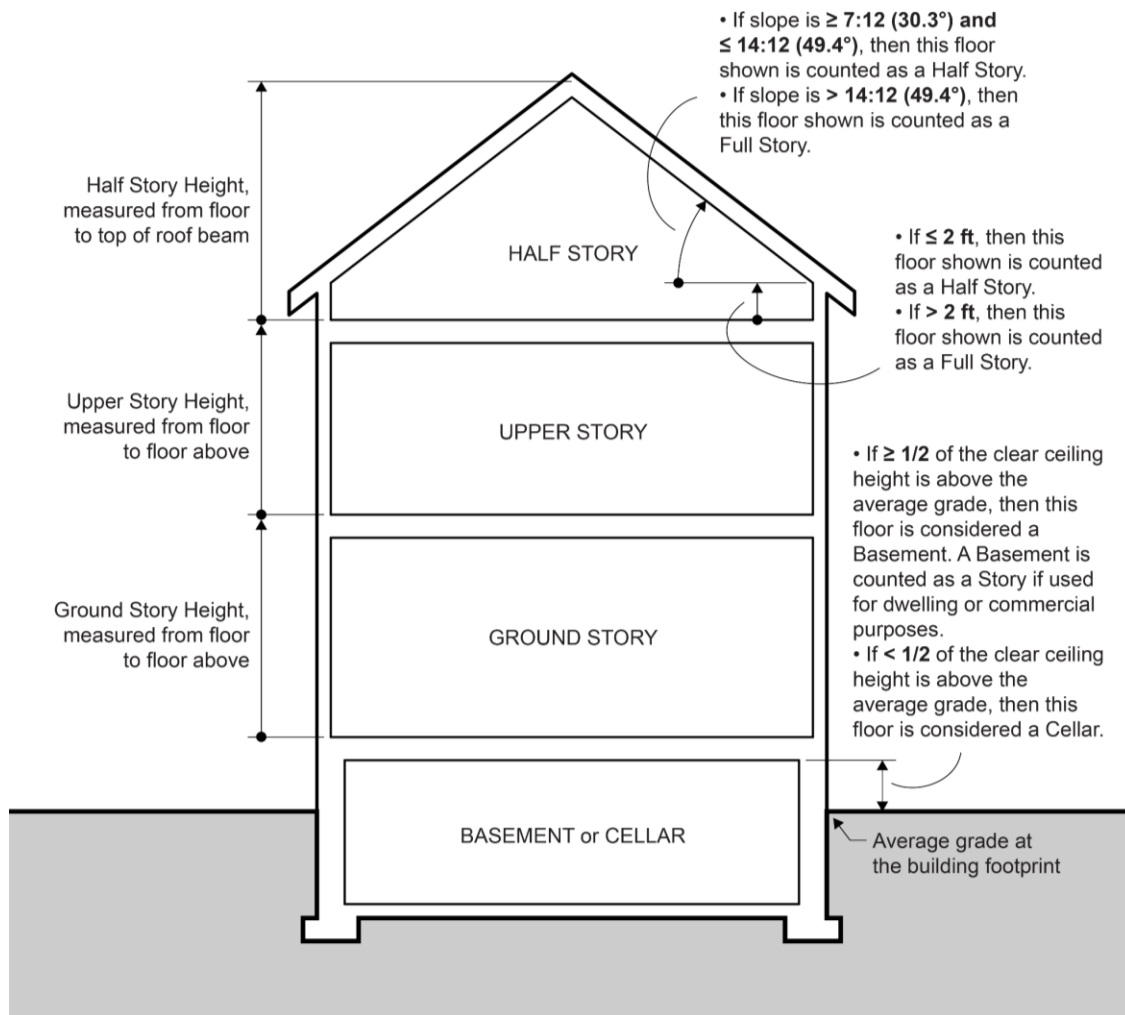
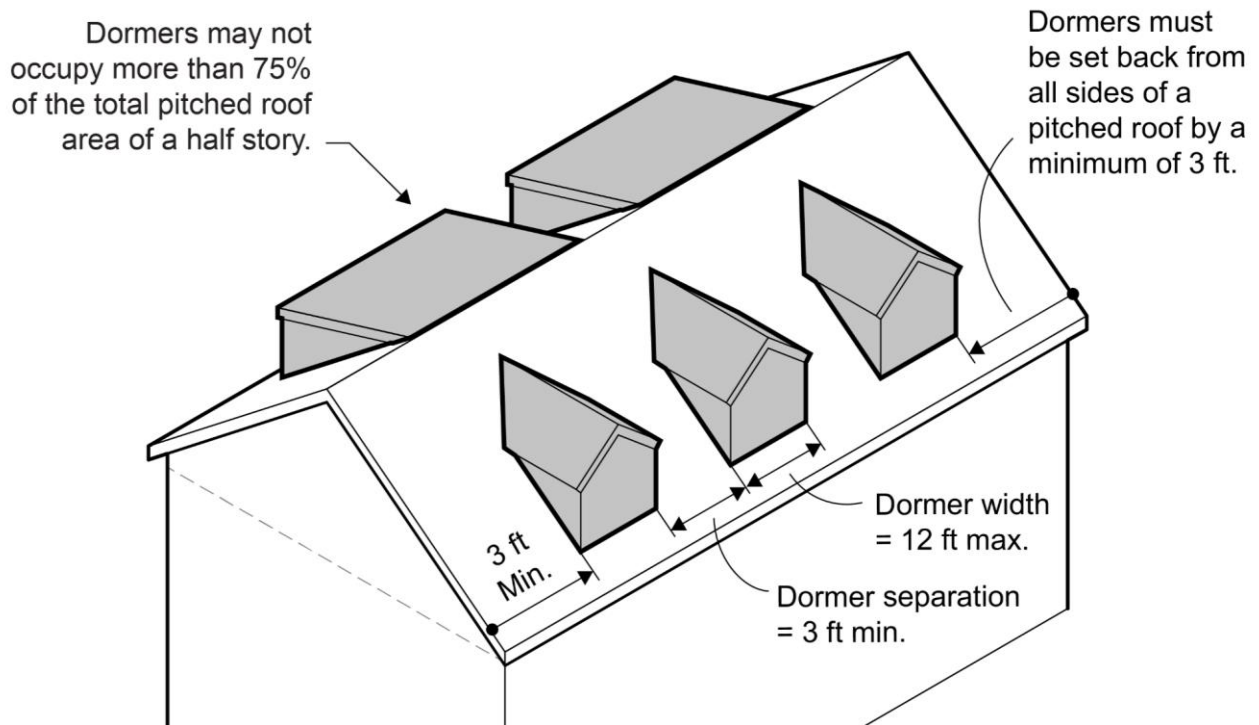


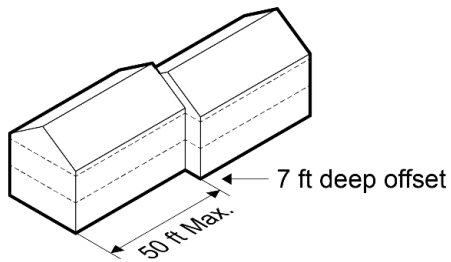
Figure 5. Dormers



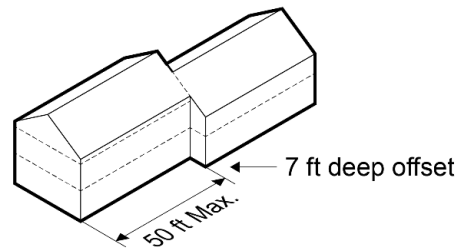
E. Facade and Roof Form Articulation

1. The facade and roof form of any building may be continuous up to a maximum length as specified in Table 3 under the column "Length of Continuous Facade and Roof Form (max)," after which the facade and corresponding roof form must be varied according to both of the following articulation requirements:
  - a) The facade must be divided vertically by an offset or recess of at least seven (7) feet deep and ten (10) feet wide for the full height of the building, except for any portion of the ground story with ground story commercial uses in areas with existing continuous commercial wall facades.
  - b) The corresponding roof form must be changed in at least one way below:
    - (1) Roof form type (e.g., pitched, hip, gambrel, flat, etc.),
    - (2) Roof ridge orientation,
    - (3) Roof ridge height of at least five (5) feet, and/or
    - (4) Roof alignment of at least seven (7) feet.

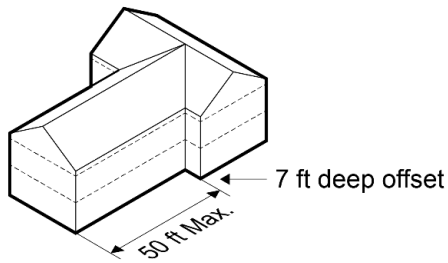
Figure 6. Example Facade and Roof Form Articulation Combinations



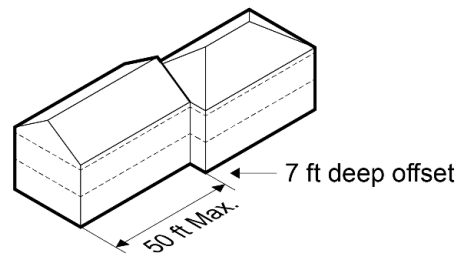
Facade **offset** of 7 ft min.  
+ Change in **roof alignment** of 7 ft min.



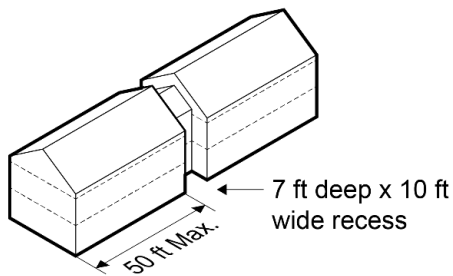
Facade **offset** of 7 ft min.  
+ Change in **roof ridge height** of 5 ft min.



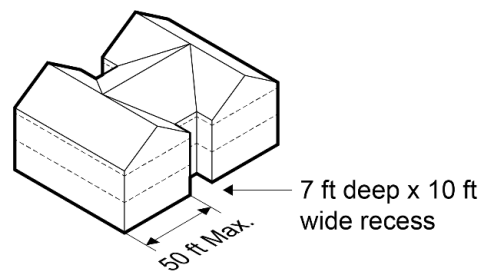
Facade **offset** of 7 ft min.  
+ Change in **roof ridge orientation**



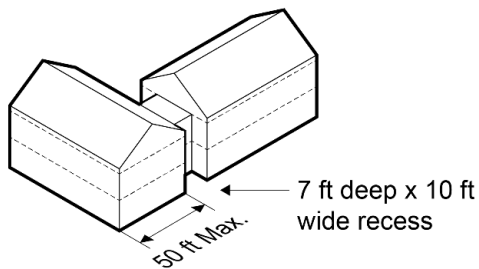
Facade **offset** of 7 ft min.  
+ Change in **roof form type** (pitched to hip)



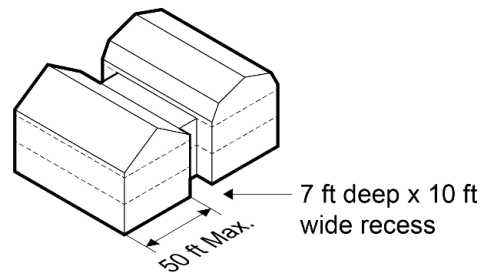
Facade **recess** of at least 7 ft by 10 ft  
+ Change in **roof ridge height** of 5 ft min.



Facade **recess** of at least 7 ft by 10 ft  
+ Change in **roof ridge orientation**



Facade **recess** of at least 7 ft by 10 ft  
+ Change in **roof form type** (pitched to flat)  
+ Change in **roof ridge orientation**



Facade **recess** of at least 7 ft by 10 ft  
+ Change in **roof form type** (pitched to flat)  
+ Change in **roof form type** (flat to gambrel)

F. Roof Features

1. Non-habitable architectural features including, but not limited to, mechanical and stairwell penthouses; vents or exhausts; solar panels or skylights; belfries, chimneys, cupolas, parapets, spires, and steeples are permitted on roofs.

G. Building Entry

1. Each facade on a front lot line must include at least one principal entrance. Buildings located on a corner lot must have at least one principal entrance facing the primary public way.
2. Principal entrance(s) must have a projecting awning, canopy, or other articulation to signal building entry and provide adequate protection from the elements.

H. Mixed-Use Building Standards

1. All non-residential uses in mixed-use buildings shall be located on the ground floor.
2. Mixed-use multi-story buildings with ground floor non-residential uses must have one principal entrance for each non-residential space in addition to one entrance for upper-story residential uses.
3. At least 90% of each ground floor space intended for non-residential uses shall be at least 25 feet deep, as measured from the front facade to the back of the ground floor unit's leasable area.

I. Cottage Court Standards

1. Residential uses built as cottage court units are allowed only one unit per building.
2. Residential buildings in a cottage court shall have a maximum building footprint of 900 square feet and a maximum gross floor area of 1,500 square feet.
3. Residential buildings in a cottage court shall have a maximum building height of 1.5 stories, regardless of the zoning subdistrict.
4. For cottage court developments, building separation is a minimum of ten (10) feet, regardless of the standards in Table 1.

J. Attached Single-family Dwelling Standards

1. Residential uses built as attached single-family dwelling units (such as townhomes or rowhomes) are allowed only one unit per attached building[, except where subject to Accessory Dwelling Unit regulations of section [INSERT SECTION]].
2. The maximum building footprint for a group of attached single-family dwellings is equal to that of the maximum building footprint for a single building listed in Table 3. The Facade and Roof Form Articulation requirement (Section VI.E.) also applies, as listed in Table 3 under "Length of Continuous Facade and Roof Form."

3. The maximum gross floor area of an attached single-family dwelling is 2,000 square feet.
  4. The maximum number of stories of attached single-family dwellings is 2.5, regardless of the zoning subdistrict.
- K. Accessory Dwelling Unit Standards [ONLY INCLUDE THIS IF ADUs ALREADY HAVE AN EXISTING PROVISION IN THE LOCAL ZONING. TOWNS WITHOUT ADU PROVISIONS SHOULD DELETE THIS AND OTHER ADU REFERENCES AND CONSIDER ADOPTING ADU LEGISLATION SEPARATELY].
1. Detached structures used as accessory dwelling units are allowed only one unit per building.
  2. Accessory dwellings are subject to the standards set forth in [INSERT ADU SECTION REFERENCE IF APPLICABLE, INCLUDING ANY REFERENCES TO M.G.L. Ch. 40A IF NECESSARY].
- L. Adaptive Reuse Standards
1. Modifications to any existing structure that do not alter the building footprint, façades, and roof are exempt from the requirements of Section V. Lot Standards and Section VI. Building Standards.
  2. New additions are only permitted to be attached to the rear and side elevations of the existing principal building and must meet the Building Setback and Building Separation requirements in Table 1.
  3. The maximum footprint of a new addition attached to the rear or side elevations of an existing principal building is [20 to 50%] of the existing principal building.
  4. Any portion of the new addition attached to the side elevations of the existing principal building must be set back at least twenty (20) feet from the front facade line of the existing principal building.
  5. New additions attached to the rear or side elevations of an existing principal building may be built up to the maximum building height as specified in Table 2. If said new addition exceeds the height of the existing principal building, then a transition building volume of at least ten (10) feet in depth must be included between the new addition and the existing principal building.
- M. Mechanical Equipment
1. Roof-mounted mechanical equipment must be screened and set back at least ten (10) feet from any exterior building wall.
  2. Wall-mounted mechanical and/or electrical equipment such as louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters, etc. must not be mounted on a facade facing a front lot line.
  3. Ground-mounted mechanical equipment must not be visible from a primary public way.

**Table 4. Maximum Automobile Parking by Subdistrict**

Use Type	VCM (max)	VCL (max)	MC (max)	RM (max)	RL (max)
Residential uses (per dwelling unit)	1.0	1.0	1.5	1.5	1.5
Retail and food service (per 1000 square feet gross floor area)	2.0	2.0	2.5	2.0	2.0
Other commercial, industrial, or institutional uses (per 1000 square feet gross floor area)	2.0	3.0	3.0	3.0	3.0

**VII. Parking and Site Standards****A. Parking Requirement**

1. Parking must be provided as specified by Table 4 and is calculated as the sum of all required spaces, including any adjustment specified for on-site shared parking.

**B. Parking Location**

1. Parking spaces must be located on the same lot as the building they support and may be provided within a principal building, outbuilding, or as surface parking.
2. All parking spaces and structures must be located at or behind the following setback line:
  - a) Enclosed parking within a principal building should be set back behind the front facade line a minimum distance as specified below based on the ground floor use:
    - (1) Commercial: twenty-five (25) feet
    - (2) Residential: zero (0) feet (i.e., enclosed parking is prohibited between the front lot line and the principal building)
  - b) Side surface parking should be set back a minimum of ten (10) feet behind the front facade line.
3. Motor vehicle parking of any type is prohibited within the frontage area of a lot and any required landscape buffer.

**C. Parking Access**

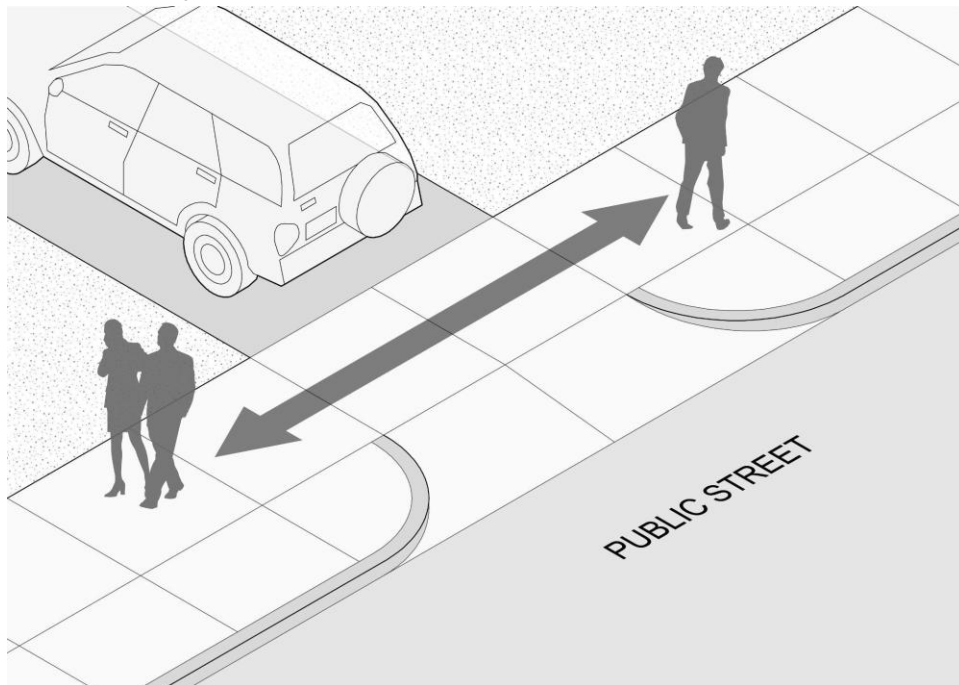
1. To the extent possible, access to parking from the public right of way should be located at the rear or the side of the parcel. At no point should access to parking be located between the front building facade and the front lot line.

2. Shared use of parking lots, by multiple uses and/or developments on multiple parcels, is encouraged.

D. Curb Cuts and Driveways

1. The maximum width of a curb cut and driveway for access to parking lots and structures is as follow:
  - a) One-lane: 12 ft
  - b) Two-lane: 24 ft
2. Each lot is limited to one curb cut per street frontage. Lots with more than 400 feet of frontage may be allowed one additional curb cut if there is no feasible access from the side or rear of the lot.
3. A driveway apron may be installed only within the area between the curb and the pedestrian area of a sidewalk.
4. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian sidewalk.

*Figure 7. Sidewalk Continuity at Curb Cuts*



E. Surface Parking Lot Design

1. Parking lots and commercial service areas abutting properties in any residential districts along any side or rear lot line must provide a landscaped buffer of at least eight (8) feet in depth.

2. At least twenty (20%) percent of paved parking lot areas, inclusive of driveways, must be landscaped. Landscape buffers abutting residential districts are excluded from the calculation of the parking lot area.

F. Service Areas

1. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of buildings.
2. Outdoor service areas that are visible from a public street, public space, or abutting properties in any residential district must be fully screened from view.

G. Landscape and Stormwater Management

1. Low-Impact-Development practices consistent with state law, such as rain gardens and bioswales, should be installed to treat and infiltrate runoff from parking lots, thoroughfares, entry plazas, dining patios, and other impervious surfaces.
2. Lot areas not covered by structures or impermeable surfaces must be landscaped.
3. Where vegetative solutions are not feasible, permeable pavers, porous concrete, or porous asphalt should be used for sidewalk, parking lots, entry plazas, and dining patios to infiltrate stormwater.

H. Relief from Parking Requirements

1. Relief from the parking requirements of Table 4 and subsection VII shall require a Special Permit.
2. In its discretion to approve or deny a Special Permit authorizing relief from the parking requirements of Table 4 or subsection VII, the [INSERT SPGA] shall consider conditioning the Special Permit upon one or more of the following. Other factors not specified here and specific to site and context may also be considered.
  - a) Elimination or reduction of existing curb cuts and driveway aprons
  - b) Establishment of a shared driveway or cross-access connection between abutting parking lots with a binding easement and joint maintenance agreement defining the responsibilities of abutting property owners sharing access.



# A Mixed-Use Model Bylaw for Cape Cod Towns

The **guide** that accompanies this model bylaw and helps to explain some of its aspects is available at [www.capecodcommission.org/mumb-guide](http://www.capecodcommission.org/mumb-guide).

This model bylaw intends to be an example first draft of a zoning amendment that allows mixed-use development (residential over retail) for Cape Cod towns. This model bylaw envisions a range of mixed-use developments that could be appropriate in certain areas on Cape Cod. From small infill shop-front buildings to larger redevelopments of no longer used or underutilized commercial sites, this bylaw can be adapted to encourage a range of mixed-use options. Local policymakers can use this model bylaw as a starting point when considering their town's needs and desires for mixed-use development, including locations where it might be appropriate. Towns should also consider the structure of their zoning bylaw.

Towns may want to use the bylaw in **"Village Center"** type areas with an existing and historic mixed-use character and/or in **"Suburban Retrofit"** contexts, where older automobile-oriented commercial sites are likely to be redeveloped in the coming years. The model bylaw references these contexts and includes provisions specific to each context as well where they may differ.

The technical specifications in this model bylaw can fit into and work well with existing bylaws. Users should refer to the accompanying guide to understand the reasoning behind the bylaw's provisions. Some areas of the bylaw provide a range of options from which a town should select its preference, e.g., bylaw structure or appropriate scale of redevelopment. [Places where towns must make decisions or insert language about their existing code are called out in brackets and in pink text.]

The model bylaw was drafted in conjunction with the Cape Cod Commission by Outwith Studio; Utile; and attorneys Blatman, Bobrowski, Haverty & Silverstein, with funding from a Massachusetts Executive Office of Energy and Environmental Affairs Planning Assistance Grant.

## SECTION [X]. Mixed-Use Development

- I. **Purpose.** The purpose of this section is to allow and regulate development that includes mixed-use residential development. By allowing mixed-use development, this section aims:

[Towns can pick or choose among these purpose statements, and/or add their own.]

- A. To promote public health, safety, and welfare by encouraging active community life.
  - B. To promote economic vitality and greater diversity of housing opportunities.
  - C. To mitigate traffic congestion by promoting housing proximate to compatible commercial uses.
  - D. To provide housing for people at all stages of life and all levels of income.
  - E. To enable the creation of livable, walkable neighborhoods in the town's commercial districts.
  - F. To encourage the continued use of historic village centers.
  - G. To promote consistency, quality, and flexibility in site layout and building design.
  - H. To promote the creation of affordable and attainable housing opportunities for all incomes and ages by increasing residential density and mixed-use where appropriate.
- II. **Definitions.** Within this section, the following terms shall have the following meanings:
- A. "Active use" shall mean any public or semi-public use that encourages pedestrian activity along the front of a building and utilization of a building during substantial portions of the day on most days. Examples of active uses include but are not limited to:
    - 1. Retail
    - 2. Restaurant, bar, or specialty food services
    - 3. Entertainment uses (such as theaters or amusement arcades)
    - 4. Personal service uses (such as salons, barber shops, or spas)
    - 5. Artist galleries and artist studios, provided a publicly accessible gallery is included
    - 6. Libraries and community centers
    - 7. Publicly facing government services, such as post offices

8. Health and fitness facilities
9. Daycare facilities for any age

Active uses do not include office uses; semi-active amenity uses; housing units; or short-term lodging uses (including hotels, motels, and bed and breakfasts). Office uses and semi-active amenity uses may be included in a Mixed-Use Development by Special Permit or by-right pursuant to Subsections IV.A-D.

- B. "Back-lot structure" shall mean any building that does not front a public way or public open space and which is not the most visually prominent building on a parcel when viewed from the primary public way or public open space adjacent to that parcel.
- C. "By-right" shall mean a zoning permitting process wherein development may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. [By-right permitting shall include a Site Plan Review (SPR) Process specified in [SPR SECTION OF TOWN'S ZONING OR OTHER LAND USE CONTROL BYLAW], through which the [SPR AUTHORITY] may add reasonable conditions to the site plan but cannot deny the development to proceed.]
- D. "Floor-to-floor height" is the height of the ground floor and upper floors of a building measured vertically from the surface of the finished floor to the surface of the finished floor above, at all points.
- E. "Ground floor" shall mean the lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.
- F. "Ground floor frontage" shall mean the ground floor facade of the principal structure which faces a public way or public park or, in the case of a corner lot, the facade which faces the more prominent public way or public park.
- G. "Ground floor active use space" shall mean an individually leasable non-residential unit located on the ground floor and that is intended primarily for active uses.

- H. "Housing unit" shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- I. "Leasable area" shall mean the net area used by an occupant, not including public or semi-public circulation areas and building operation and mechanical areas, except where those mechanicals are solely related to a single occupant.
- J. "Lot coverage" shall mean portions of a development where the land is covered by an impervious surface, such as buildings, roads, driveways, or other paved or hardscaped areas.
- K. "Mixed-use development" shall mean development on a single parcel containing a mix of residential uses and nonresidential uses, including commercial, institutional, or other uses which are permitted under this section.
- L. "Office uses, consumer-facing" shall mean any business or professional offices, medical offices, urgent care facilities, and accessory leasing offices, provided those uses can reasonably expect regular visits of clients and customers. This includes but is not limited to doctors' offices, dentists, attorneys, financial services, realtors, and others, provided these uses meet the general definition given here.
- M. "Office uses, non-consumer-facing" shall mean any business, professional, medical, or other office uses that do not meet the definition of consumer-facing offices. This includes but is not limited to professional services and administrative service offices with infrequent visits from clients and customers.
- N. "Principal entrance" shall mean the addressed entrance to a building or commercial space.
- O. "Principal structure" shall mean the structure which fronts a public way or public open space and that is the most visually prominent building on a

parcel when viewed from the primary public way or public open space adjacent to that parcel.

- P. "Semi-active amenity uses" shall mean accessory communal areas, amenity areas, or services for the building residents only.
- Q. "Special Permit" shall mean a zoning permitting process wherein development may proceed only with a Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] as specified in [SPECIAL PERMIT SECTION OF TOWN'S ZONING], a process that may result in the approval, approval with conditions, or denial of the development proposal.
- R. "Upper floor" shall mean any full story above the ground story of a building.

### III. **Application.**

[There are two options here, depending on the town's existing code and preferences.]

[OPTION FOR TOWNS WITH A USE TABLE]

- A. Mixed-use developments that follow the provisions of this section shall be allowed according to the use table given in [INSERT USE TABLE SECTION].

[OPTION FOR TOWNS WITHOUT A USE TABLE OR WHO OTHERWISE WANT TO STATE THE APPLICATION OF THIS BYLAW HERE IN THE TEXT]

- A. Mixed-use developments that follow the provisions of this section shall be allowed by-right [and subject to Site Plan Review] in the following districts: [INSERT BY-RIGHT DISTRICT NAMES].
- B. Mixed-use developments that follow the provisions of this section shall be allowed by Special Permit [and subject to Site Plan Review] in the following districts: [INSERT SPECIAL PERMIT DISTRICT NAMES].

- C. Notwithstanding other provisions of this zoning bylaw, mixed-use developments that follow the provisions of this section shall not be allowed in districts not specified in this subsection.

IV. **Use Regulations, Principal Structures.** The following regulations shall govern the uses located within the principal structures of mixed-use developments.

- A. Ground floor, fronting a public way or public park
  - 1. Uses allowed by right
    - a) Active uses as defined in this section
    - b) Consumer-facing office uses [A town should consider whether consumer-facing office uses should be by-right or by Special Permit here. The inclusion of consumer-facing office uses as by-right uses may make mixed-use projects more viable, though they may take away from some of their “active” character.]
    - c) An entryway, lobby, and related circulation areas leading to parts of the building that are either on upper floors or not fronting a public way or public park, provided active uses are included according to the dimensional regulations of this section
    - d) Semi-active amenity uses, provided active uses are included according to the dimensional regulations of this section
  - 2. Uses allowed by special permit
    - a) Non-consumer-facing office uses
  - 3. Uses not permitted
    - a) Housing units
    - b) Parking and driving aisles, except driving aisles to reach parking facilities when there is no alternative access available
    - c) Automobile-oriented uses, including but not limited to auto repair, car washes, and drive-through retail or food service
    - d) Building mechanical, maintenance, or operations
    - e) Any other use that is not open to the public

B. Ground floor, not fronting a public way or public park

1. Uses allowed by right
  - a) Active uses as defined by this section
  - b) Office uses, consumer-facing or non-consumer-facing
  - c) Semi-active amenity uses
  - d) Circulation facilities, including but not limited to hallways, stairwells, and elevator areas
  - e) Accessory storage for building residents
  - f) Building mechanical, maintenance, or operations
2. Uses allowed by special permit
  - a) Housing units
3. Uses not permitted
  - a) [reserved]

C. Upper floors

1. Uses allowed by right
  - a) Housing units
  - b) Semi-active amenity uses
  - c) Accessory storage for building residents
  - d) Circulation facilities, including but not limited to hallways, stairwells, and elevator areas
  - e) Building mechanical, maintenance, or operations
2. Uses allowed by special permit
  - a) Active uses as defined in this section, limited to the second floor (lowest upper floor) only
  - b) Office uses, consumer-facing or non-consumer-facing, limited to the second floor (lowest upper floor) only
3. Uses not permitted
  - a) [reserved]

D. Below-ground areas

1. Uses allowed by-right

- a) Semi-active amenity uses
    - b) Accessory storage for building residents and/or ground floor occupants
    - c) Building mechanical, maintenance, or operations
    - d) Parking
    - e) Circulation facilities, including but not limited to hallways, stairwells, and elevator areas
  - 2. Uses allowed by Special Permit
    - a) Active uses as defined in this section, provided uses are visible from the ground floor and can be accessed from a public way or public park
    - b) Office uses, consumer facing and non-consumer-facing
  - 3. Uses not permitted
    - a) Housing units
- V. **Use Regulations, Back-Lot Structures.** The following regulations shall govern the uses located within any back-lot structures in mixed-use developments.
  - A. Uses allowed by-right
    - 1. Semi-active amenity uses
    - 2. Accessory storage for building residents and/or ground floor occupants
    - 3. Building mechanical, maintenance, or operations areas
    - 4. Parking
    - 5. Circulation facilities, including but not limited to hallways, stairwells, and elevator areas
  - B. Uses allowed by Special Permit
    - 1. Active uses as defined in this section, but only on the ground floor or lowest upper floor
    - 2. Office uses, consumer-facing and non-consumer-facing
    - 3. Housing units
  - C. Uses not permitted
    - 1. Automobile-oriented uses, including but not limited to auto repair, and drive-through uses



VI. **Development intensity**

- A. If the underlying zoning district regulations specify minimum or maximum residential or nonresidential development intensity (including but not limited to specifications for residential units per acre or floor area ratio), those regulations shall govern the development intensity of a mixed-use development permitted under this section.
- B. [This is an optional provision for communities that do not wish to align their underlying residential intensity requirements with standard mixed-use building types.] Where the zoning district regulations governing a proposed mixed-use development site specify minimum or maximum residential or nonresidential development intensity and those specifications prevent the practical mixed-use development of that site where it would be otherwise permitted, those development intensity regulations may be waived for the given site by and at the discretion of the [SPECIAL PERMIT GRANTING AUTHORITY] through a Special Permit process, as specified in [SPECIAL PERMIT SECTION].

VII. **Dimensional Regulations.** Mixed-use developments permitted under this section shall follow the following dimensional regulations, which supersede regulations specified by the zoning district in which the development is located. Where dimensional regulations are not specified here, the regulations of the zoning district shall apply.

- A. **Minimum lot size.** There shall be no minimum lot size for mixed-use developments permitted under the rules of this section.
- B. **Maximum lot coverage**
  - 1. For parcels of less than 20,000 square feet, there is no maximum lot coverage for mixed-use developments following the provisions of this section.
  - 2. For parcels of at least 20,000 square feet, the maximum lot coverage for mixed-use developments following the provisions of this section shall be 80% or that of the zoning district in which the development is

located, whichever is greater.

**C. Active frontage, principal structure**

1. For principal structures with no more than 50 feet of ground floor frontage, at least 50% of the ground floor frontage must be dedicated to active uses or consumer-facing office uses as defined in this section.
2. For principal structures with greater than 50 feet of ground floor frontage, at least 50% of the ground floor frontage must be dedicated to active uses or consumer-facing office uses as defined in this section.

**D. Depth of active use, principal structure.** At least 90% of each ground floor active use space in a principal structure shall be at least 25 feet deep, as measured from the front façade to the back of the ground-floor unit's leasable area.

**E. Ground floor active use space size.** Each ground floor active use space shall have no more than 5,000 square feet in leasable area, except through a Special Permit granted by the [SPECIAL PERMIT GRANTING AUTHORITY].

**F. Ground floor height, principal structure**

1. In districts [INSERT VILLAGE CENTER DISTRICTS], the floor-to-floor height of the principal structure's ground floor shall be no less than 13 feet and no more than 15 feet. In historic structures, existing floor-to-floor heights should be allowed even if they fall outside this range.
2. In districts [INSERT SUBURBAN RETROFIT DISTRICTS] the floor-to-floor height of the principal structure's ground floor shall be no less than 14 feet and no more than 18 feet.

**G. Upper floor height, principal structure.** The floor-to-floor height of the principal structure's upper floors shall be no less than 9 feet and no more than 11 feet.

H. **Minimum building height, principal structure.** The total building height of the principal structure shall be no less than two stories.

I. **Maximum building height, principal structure**

1. The total building height for the principal structure shall be no more than [2, 3, or 4].5 stories.

J. **Upper floor footprint, principal structure.** Excluding any half-story upper floors above the highest full upper floor, the footprint of all of the principal structure's upper floors must be at least 70% of the ground floor.

K. **Setbacks**

1. Setback regulations shall be governed by the zoning district in which mixed-use development is allowed, except for front setbacks, which shall be governed as follows.
2. In districts [VILLAGE CENTER DISTRICTS], front setbacks
  - a) Shall be no more than the lesser of
    - (1) Fifteen feet
    - (2) The maximum front setback specified by the zoning district in which the building is located
    - (3) The predominant front setback of buildings fronting the same primary way on the block in which the development is located.
  - b) Shall be no less than the lesser of
    - (1) Five feet
    - (2) The minimum front setback specified by the zoning district in which the building is located
    - (3) The predominant front setback of buildings fronting the same primary way on the block in which the development is located.
3. In districts [SUBURBAN RETROFIT DISTRICTS], front setbacks
  - a) Shall be no more than the lesser of
    - (1) Twenty-five feet

- (2) The maximum front setback specified by the zoning district in which the building is located.
- (3) The predominant front setback of buildings fronting the same primary way within a quarter mile of the development.

b) Shall be no less than the lesser of

- (1) Fifteen feet
- (2) The minimum front setback specified by the zoning district in which the building is located
- (3) The predominant front setback of buildings fronting the same primary way within a quarter mile of the development.

**L. Back-Lot Structures.**

- 1. The dimensions of all back-lot structures shall be governed by the regulation of accessory structures in the zoning district in which mixed-use development is allowed.
- 2. Where the zoning district does not provide dimensional regulations to govern accessory structures, the regulations of this section pertaining to the dimensions of principal structures shall govern back-lot structures.
- 3. In no case shall a back-lot structure be taller than a principal structure.

**M. Nonconforming structures.** The dimensional provisions of this section may be waived by Special Permit for the redevelopment of structures that do not conform to these regulations, provided the proposed redevelopment is in line with the purposes of this section.

**VIII. Parking requirements**

- A. The following automobile parking requirements shall apply to mixed-use developments permitted under this section.

Use	Automobile parking maximum
Housing unit	1.25 spaces per housing unit (rounded up to the nearest whole parking space)
Active use	2 spaces per 1,000 square feet (rounded down to the nearest whole parking space)
All other uses (excepting lobbies, circulation, and accessory uses reserved for occupants and residents of the development)	2 spaces per 1,000 square feet (rounded down to the nearest whole parking space)

- B. In districts [VILLAGE CENTER AND/OR SUBURBAN RETROFIT DISTRICTS], automobile parking requirements may be increased under the following conditions:
1. Through a [Special Permit/Parking Waiver], parking may be increased to more than that required by paragraph VIII(A), at the discretion of the [SPECIAL PERMIT GRANTING AUTHORITY], where the Special Permit applicant can demonstrate, through methods acceptable to the [SPECIAL PERMIT GRANTING AUTHORITY], that parking demand will exceed what can be met by the maximum allowable parking, while also accounting for:
    - a) Peak parking demands that overlap in time significantly or do not overlap in time significantly, depending on the use;
    - b) Age, demographics, socioeconomics, or other characteristics of occupants of the facility that affect the demand for automobile trips;
    - c) Availability of on-street parking or parking at nearby municipally owned facilities.
- C. All off-street parking areas used exclusively by a mixed-use development shall be located within 50 feet of the building containing the mixed-use development.

- D. The following bicycle parking requirements shall apply to mixed-use developments permitted under this section.

Use	Bicycle parking minimum
Housing unit	1 space per housing unit (rounded up to the nearest whole parking space)
Active use	1 space per 1,000 square feet (rounded down to the nearest whole parking space)
All other uses (excepting lobbies, circulation, and accessory uses reserved for occupants and residents of the development)	1 space per 1,000 square feet (rounded down to the nearest whole parking space)

## IX. Site planning

- A. Principles. The site plan of mixed-use developments permitted under this section should adhere to the following principles:
1. Promote a walkable and vibrant public realm along a public way or public open space.
  2. Emphasize the connection between public ways and open spaces and the uses of the building.
  3. Promote the active use of any space between the ground floor frontage and public right-of-way.
  4. Minimize the visual and physical impact of parking facilities, primarily from the street in front of the site and secondarily from the side and rear, through building placement and context-appropriate landscaping treatments.
- B. Standards
1. Automobile parking facilities shall be behind the principal structure. In cases where parking behind the structure is not feasible, parking to the side of the structure is permitted, provided it is set back at least ten feet from the front of the front facade.

2. Loading facilities shall not be located at the ground floor frontage. If possible, loading facilities should be located at the rear of the building.
3. To the extent possible, automobile access to parking and loading should be located at the side or rear of the parcel and should be screened from view from the public ways or public open spaces along the front of the parcel and from side and rear adjacent parcels.
4. Bicycle parking should be located near the primary entrance to the development's housing units and/or the primary entrance to ground-floor units.
5. The principal entrance of any ground floor active use space should be along the ground floor frontage.
6. The principal entrance leading to the housing units may be along the ground floor frontage or along the side or rear facades.
7. Exterior stairs leading to residential portions of the mixed-use development should be located on the side or rear of the building.

**X. Additional Housing Provisions**

- A. **Age restrictions.** For any mixed-use development permitted through this section, there shall be no age restrictions placed on any of its housing units.
  - B. **Long-term occupancy.** For any mixed-use development permitted through this section, all housing units made available for rent must be rented on terms of not less than **[ONE TO SIX]** months, except by Special Permit through the process specified in **[SPECIAL PERMIT SECTION]**, regardless of whether the development is otherwise allowed by-right or by Special Permit.
- XI. Conflicts.** Unless otherwise stated, the requirements of this section shall apply to uses and structures permitted under the regulations of this section. In the event of a conflict, the regulations of this section shall apply.
- XII. Severability.** The provisions of this section are severable. If any court of competent jurisdiction shall invalidate any provision herein, such invalidation shall not affect any other provisions of this section. If any court of competent jurisdiction shall invalidate the application of any provision of this section to a particular case, such

invalidation shall not affect the application of said provision to any other case within the Town.



# A Seasonal Worker Dormitory Model Bylaw for Cape Cod Towns

This model bylaw intends to be a first draft of a zoning amendment that allows the development of group quarters for seasonal workers. The core idea is to provide a framework for dormitory zoning that is:

- Easy to understand and to integrate into the Cape's existing zoning bylaws,
- Designed for safe and healthy temporary worker housing, and
- Out of reach (and largely undesirable) for the vacation housing market.

There are four essential design ideas that are explored in the model bylaw:

1. A mixed-use plan with dormitory buildings arranged like roadside hotels and a publicly-facing frontage building on a street (intended for lots on commercial corridors)
2. Dormitories accessory to existing commercial buildings and businesses
3. Dormitory housing in lower density areas or away from commercial corridors
4. Conversion of existing buildings to dormitory housing

While the form of dormitory buildings is more developed in the first design idea, the latter three design ideas could contain a wider array of building types.

The technical specifications in this model bylaw try to be readily usable for local implementers, easily fitting into existing bylaws and working well without much adjustment. **PLEASE SEE THE ACCOMPANYING GUIDE FOR THE REASONING BEHIND THIS MODEL BYLAW'S PROVISIONS.**

Nonetheless, there are some places where a town must make decisions about the structure of the bylaw or the scale of redevelopment. [Places where towns must make decisions or insert language about their existing code are called out in brackets and in pink text.]

The model bylaw was drafted in conjunction with the Cape Cod Commission by Outwith Studio; Utile; and Attorney Mark Bobrowski of Blatman, Bobrowski, Haverty & Silverstein.

## SECTION [X]. Seasonal Worker Dormitories

- I. **Purpose.** The purpose of this section is to allow and regulate the development of dormitories intended for seasonal workers. By allowing worker dormitories, this section aims to:

[Towns can pick or choose among these purpose statements, and/or add their own.]

- A. Promote healthy, safe, and affordable housing options for seasonal workers
- B. Resolve worker housing shortages that are impacting the Cape Cod economy and affecting the broader housing market
- C. Integrate seasonal worker housing into the fabric of the town in a way that respects the architectural and environmental context of the Cape
- D. Mitigate traffic congestion by promoting worker housing proximate to compatible commercial uses
- E. Support the creation of livable, walkable neighborhoods in the town's commercial districts
- F. Promote consistency, quality, and flexibility in site layout and building design

To those ends, this section provides a framework for seasonal worker dormitory design that is responsive to the existing siting and design of buildings on Cape Cod.

- II. **Definitions.** Within this section, the following terms shall have the following meanings:

- A. "Accessory building" shall mean any building not fronting a public way and not principally containing dormitory units, and which only contains uses incidental to residential uses in dormitory units, such as communal facilities as defined in this section or building operations and maintenance facilities.
- B. "Active use" shall mean any public or semi-public use that encourages pedestrian activity along the front of a building and utilization of a building during substantial portions of the day on most days. Examples of active uses include but are not limited to:
  - 1. Communal facilities for dormitory development residents, including common lounges, game rooms, kitchens, and gyms, but excluding communal sanitation and laundry facilities
  - 2. Retail
  - 3. Restaurant, bar, or specialty food services
  - 4. Entertainment uses (such as theaters or amusement arcades)
  - 5. Personal service uses (such as salons, barber shops, or spas)

6. Artist galleries and artist studios
7. Libraries and community centers
8. Publicly facing government services, such as post offices
9. Health and fitness facilities, whether available to the public or limited to residents
10. Daycare facilities for any age
11. Office uses

Active uses do not include housing units, dormitory units, or short-term lodging uses (including hotels, motels, and bed and breakfasts).

- C. "By-right" shall mean a zoning permitting process wherein development may proceed under the zoning in place at the time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. [By-right permitting shall include a Site Plan Review (SPR) Process specified in [SPR SECTION OF TOWN'S ZONING OR OTHER LAND USE CONTROL BYLAW], through which the [SPR AUTHORITY] may add reasonable conditions to the site plan but cannot deny the development to proceed.]
- D. "Communal facilities" shall mean kitchens, bathrooms, living areas, or other areas that service more than one resident of a dormitory development.
- E. "Dormitory building" shall mean a building principally containing dormitory units.
- F. "Dormitory unit" shall mean a living area intended for one or a small group of seasonal workers that may or may not have complete or independent or permanent provisions for living, eating, and sanitation.
- G. "Dormitory development" shall mean a development of seasonal worker dormitories in any form or configuration including dormitory structures and structures housing communal facilities.
- H. "Flat Roof" shall mean a roof with no slope greater than 2:12.
- I. "Floor-to-floor height" is the height of the ground floor and upper floors of a building measured vertically from the surface of the finished floor to the surface of the finished floor above, at all points.
- J. "Frontage building" shall mean a building with ground floor frontage along a public way.

- K. "Ground floor" shall mean the lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.
- L. "Ground floor frontage" shall mean the ground floor facade of the principal structure which faces a public way or public park or, in the case of a corner lot, the facade which faces the more prominent public way or public park.
- M. "Kitchen" shall mean a communal facility that is at least 100 square feet in area and is serviced by a window or mechanical exhaust unit to remediate cooking-related gasses. Kitchens must include a refrigerator of at least 22 cubic feet, one stovetop of at least four burners, one oven, one sink, and dishwasher facilities for every 30 dormitory development occupants.
- N. "Kitchenette" shall mean a space within a dormitory unit that is less than 80 square feet in area and is serviced by a window or mechanical exhaust unit to remediate cooking-related gasses. Kitchenettes must include a refrigerator of at least 0.4 cubic feet in volume and at least one stove-top burner.
- O. "Pitched Roof" shall mean a roof with a slope between 5:12 (22.6 degrees) and 14:12 (49.4 degrees).
- P. "Sanitation facilities" shall mean spaces within a dormitory unit or provided as communal facilities that include toilets, sinks, and showers and may include other facilities for personal cleanliness and grooming.
- Q. "Special Permit" shall mean a zoning permitting process wherein development may proceed only with a Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] as specified in [SPECIAL PERMIT SECTION OF THE TOWN'S ZONING], a process that may result in the approval, approval with conditions, or denial of the development proposal.
- R. "Upper floor" shall mean any full story above the ground story of a building.

III. **Application.**

[There are two options here, depending on the town's existing code and preferences.]

[OPTION FOR TOWNS WITH A USE TABLE]

- A. Dormitory developments that follow the provisions of this section shall be allowed according to the use table given in [INSERT USE TABLE SECTION].

[OPTION FOR TOWNS WITHOUT A USE TABLE OR WHO OTHERWISE WANT TO STATE THE APPLICATION OF THIS BYLAW HERE IN THE TEXT]

- A. Dormitory developments that follow the provisions of this section shall be allowed by-right as a principal use [and subject to Site Plan Review] in the following districts: [INSERT BY-RIGHT DISTRICT NAMES].
- B. Dormitory developments that follow the provisions of this section shall be allowed by Special Permit as a principal use [and subject to Site Plan Review] in the following districts: [INSERT SPECIAL PERMIT DISTRICT NAMES].
- C. Dormitory developments that follow the provisions of this section shall be allowed by-right as an accessory use to commercial development in the following districts: [INSERT ACCESSORY BY-RIGHT DISTRICT NAMES].
- D. Dormitory developments that follow the provisions of this section shall be allowed by Special Permit as an accessory use to commercial development in the following districts: [INSERT ACCESSORY BY-RIGHT DISTRICT NAMES].
- E. Notwithstanding other provisions of this zoning bylaw, dormitory developments that follow the provisions of this section shall not be allowed in districts not specified in this subsection.

II. **Use standards.** The following uses are allowed within the specific parts of dormitory developments:

- A. Frontage buildings, ground floor
  - 1. In [INSERT VILLAGE CENTER DISTRICTS]:
    - a) Active uses
    - b) Dormitory units
    - c) Communal facilities
    - d) Building mechanical, maintenance, or operations
    - e) Accessory storage for building residents
  - 2. In all other districts:

- a) Dormitory units
- b) Communal facilities
- c) Building mechanical, maintenance, or operations
- d) Accessory storage for building residents

B. Frontage buildings, upper floor

- 1. Dormitory units
- 2. Communal facilities

C. Dormitory buildings, all floors

- 1. Dormitory units, except in basements
- 2. Communal facilities
- 3. Building mechanical, maintenance, or operations
- 4. Accessory storage for building residents

D. Accessory buildings

- 1. Communal facilities
- 2. Building mechanical, maintenance, or operations
- 3. Accessory storage for building residents

III. **Dormitory development, building, and unit standards**

- A. Minimum and maximum unit occupancy. Dormitory units shall be designed for a minimum of one and maximum of two occupants.
- B. Minimum dormitory unit count. Dormitory buildings shall contain no fewer than two dormitory units, except where more than one single-unit dormitory building is connected by a party wall.
- C. Minimum and maximum floor area per unit. Dormitory units shall have a floor area, including only enclosed private spaces, of no less than 180 square feet and no more than 400 square feet.
- D. Minimum and maximum floor area per occupant. Dormitory units shall have at least 150 square feet in floor area, including only enclosed private spaces, for each dormitory unit occupant.
- E. Maximum sleeping facilities. All dormitory units shall include sleeping facilities for no more than two occupants.

F. Outdoor entrances. Dormitory units shall have a principal (front) entrance to the outside of the dormitory building.

G. Sanitation Facilities

1. Dormitory developments must include sanitation facilities with one toilet, sink, and shower stall for every four residents.
2. Dormitory units may include en suite sanitation facilities, which may be complete sanitation facilities of a toilet, sink, and shower or partial sanitation facilities of only a toilet and sink.
3. Sanitation facilities may be provided as communal facilities, and must be provided as communal facilities if complete sanitation facilities are not provided for each unit en suite.
4. Any configuration of en suite and communal sanitation facilities may be provided in a dormitory development such that the standards set in clause V(G)(1) of this section are met.

H. Kitchens and Kitchenettes

1. Dormitory units may include a kitchenette.
2. Dormitory developments may include a kitchen.
3. For dormitory units that do not include a kitchenette, communal kitchens must be provided.

I. Laundry Facilities

1. Dormitory developments must include clothes washing and drying facilities, with at least one washing machine and dryer for every 12 residents, unless the applicant can demonstrate there are commercial laundromat facilities within a half-mile of the dormitory development, measured as the distance over a street or public footpath network.

J. Other Communal Facilities

1. Dormitory developments must include communal facilities other than kitchens, bathrooms, shower rooms, and laundry facilities, with at least 30 square feet of other communal facilities per occupant.

**IV. Dimensional Regulations.** Dormitory developments permitted under this section shall comply with the following dimensional regulations, which supersede regulations specified by the zoning district in which the development is located. Where dimensional regulations are not specified here, the regulations of the zoning district shall apply.

- A. Minimum lot size. There shall be no minimum lot size for dormitory developments permitted under the rules of this section.
- B. Minimum lot area per unit.
  - 1. For parcels of less than 20,000 square feet, there shall be at least 800 square feet of land area per unit.
  - 2. For parcels of at least 20,000 square feet, there shall be at least 1,000 square feet of land area per unit.
- C. Maximum lot coverage
  - 1. For parcels of less than 20,000 square feet, the maximum lot coverage for dormitory developments following the provisions of this section shall be 90% or that of the zoning district in which the development is located, whichever is greater.
  - 2. For parcels of at least 20,000 square feet, the maximum lot coverage for dormitory developments following the provisions of this section shall be 80% or that of the zoning district in which the development is located, whichever is greater.
- D. Active frontage, frontage building
  - 1. Within districts [INSERT VILLAGE CENTER DISTRICTS] and fronting [INSERT PRIMARY STREET NAME(S)], the following rules shall apply:
    - a) For frontage buildings with no more than 50 feet of ground floor frontage, at least [70%] of the ground floor frontage must be dedicated to active uses.
    - b) For frontage buildings with greater than 50 feet of ground floor frontage, at least [50%] of the ground floor frontage must be dedicated to active uses.
- E. Depth of active use, frontage building. Within districts [INSERT VILLAGE CENTER DISTRICTS] and fronting [INSERT PRIMARY STREET NAME(S)], at least 90% of each ground floor active use space in a frontage building shall be at least 25 feet deep, as measured from the front façade to the back of the ground-floor unit's leasable area.
- F. Ground floor active use space size. Within districts [INSERT VILLAGE CENTER DISTRICTS] and fronting [INSERT PRIMARY STREET NAME(S)], each ground floor active



use space shall have no more than 5,000 square feet in leasable area [except through a Special Permit granted by the [SPECIAL PERMIT GRANTING AUTHORITY]].

- G. Floor heights. Floor-to-floor heights for all buildings shall be regulated according to Table 1: Floor-to-floor heights by district. Existing buildings may maintain their floor-to-floor heights, regardless of whether they meet the requirements of this table.

Table 1. Floor-to-floor heights by district for new construction.

District	Frontage building, ground floor		Frontage building, upper floors		Dormitory and accessory buildings, all floors		Half stories
	Min	Max	Min	Max	Min	Max	
[INSERT VILLAGE CENTER DISTRICTS HERE]	12	15	9	11	9	11	12
[INSERT OTHER DISTRICTS HERE]	9	12	9	11	9	11	12

- H. Building Heights. The heights of buildings shall be regulated by Table 2: Building heights by district and the other provisions of this paragraph.

Table 2. Building heights by district

District	Frontage building		Dormitory and accessory buildings	
	Min	Max	Min	Max
[INSERT VILLAGE CENTER DISTRICTS HERE]	2 stories / 30 feet	2.5 stories / 36 feet	1 story / 10 feet	2.5 stories / 34 feet
[INSERT OTHER DISTRICTS HERE]	2 stories / 30 feet	3 stories / 36 feet	1 story / 10 feet	3 stories / 34 feet

1. The height of a frontage building shall always be equal to or greater than that of dormitory and accessory buildings.

- I. Upper floor footprint, frontage building. Excluding any half-story upper floors above the highest full upper floor, the footprint of all of the frontage building's upper floors must be at least 70% of the ground floor.

J. Number of Stories

- 1. The ground story is always counted as one (1) story.
- 2. Any upper story is counted as one (1) additional story.
- 3. A basement is counted as one (1) story if at least half of the clear ceiling height is above the average grade at the building footprint.

K. Roof Forms

- 1. In dormitory developments, roofs may be flat or pitched, as defined and regulated in this section.
- 2. Non-habitable architectural features including but not limited to mechanical and stairwell penthouses; vents or exhausts; solar panels or skylights; belfries, chimneys, cupolas, parapets, spires, and steeples are permitted on roofs.
- 3. Habitable space located directly under a pitched roof is counted as a half (0.5) story, provided the following standards are all met:
  - a) At least two opposite roof planes are pitched toward each other
  - b) A pitched roof may be composed of roof planes with different slopes
  - c) The slope of any pitch must be between 7:12 (30.3 degrees) and 14:12 (49.4 degrees). If the pitch is greater than 14:12, this story is counted as a full story
  - d) The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the half-story; otherwise, this story is counted as a full story
  - e) Dormer windows may not occupy more than 75% of the total pitched roof slope area and must be setback from all sides by a minimum of three (3) feet
  - f) The width of dormers must not exceed twelve (12) feet and, where applicable, must be separated from each other by a minimum of three (3) feet

4. An uppermost story with a flat roof is also counted as a half (0.5) story if it fits within a half-story pitched roof form described above.
5. Non-habitable attic space located under a pitched roof is not counted as a half story. The slope of a pitched roof of a non-habitable attic space must be at minimum 5:12 (22.6 degrees).

L. Setbacks

1. Setback regulations shall be governed by the zoning district in which dormitory development is allowed, except for front and internal setbacks, which shall be governed as follows.
2. In districts **[INSERT VILLAGE CENTER DISTRICTS]**, front setbacks of a frontage building or a dormitory building fronting a public way shall be:
  - a) No more than the lesser of
    - (1) Fifteen feet
    - (2) The maximum front setback specified by the zoning district in which the building is located
    - (3) The predominant front setback of buildings fronting the same primary way on the block in which the development is located
  - b) No less than the lesser of
    - (1) Five feet
    - (2) The minimum front setback specified by the zoning district in which the building is located
    - (3) The predominant front setback of buildings fronting the same primary way on the block in which the development is located
3. In all other districts where dormitory developments are allowed, front setbacks of a frontage building or a dormitory building fronting a public way shall be:
  - a) No more than the lesser of
    - (1) Twenty-five feet
    - (2) The maximum front setback specified by the zoning district in which the building is located
    - (3) The predominant front setback of buildings fronting the same primary way within a quarter mile of the development
  - b) No less than the lesser of
    - (1) Fifteen feet
    - (2) The minimum front setback specified by the zoning district in which the building is located

(3) The predominant front setback of buildings fronting the same primary way within a quarter mile of the development

4. Setbacks between buildings within dormitory developments shall be at least 10 feet for every story of the tallest building being set back. Half stories shall result in an additional setback of five feet.
5. The front setback of an accessory building shall be at least ten feet greater than the front setback of the frontage building or dormitory building fronting a public way.

M. Nonconforming structures. When a dormitory development is proposed in a lawful preexisting nonconforming structure, the dimensional regulations of this section may be waived by Special Permit for the renovation and/or reuse of an existing nonconforming structure that does not conform to these regulations, provided the proposed redevelopment is in line with the purpose of this section, conforms with the site planning principles of subsection VIII.A herein, and the change of use to a dormitory development in the nonconforming structure does not result in substantial detriment to the neighborhood or the Town.

## V. Parking requirements

- A. The following automobile parking requirements shall apply to dormitory developments permitted under this section.

Use	Automobile parking maximum
Dormitory units	0.5 spaces per dormitory unit
Active uses, excluding communal facilities for dormitory development residents	2 spaces per 1,000 square feet (rounded down to the nearest whole parking space)
All other uses	0 spaces

- B. All off-street parking areas used exclusively by a dormitory development shall be located within 250 feet of the building containing the dormitory development.
- C. The following bicycle parking requirements shall apply to mixed-use developments permitted under this section.

Use	Bicycle parking minimum
Dormitory units	0.75 spaces per dormitory unit (rounded up to the nearest whole parking space)
Active uses, excluding communal facilities for dormitory development residents	1 space per 1,000 square feet (rounded down to the nearest whole parking space)
All other uses	0 spaces

## VI. Site planning

- A. Principles. The site plan of dormitory developments permitted under this section should adhere to the following principles:
  1. Promote a walkable and vibrant public realm along a public way or public open space in **[INSERT VILLAGE CENTER DISTRICT NAME(S)]**.
  2. Promote the active use of any space between the ground floor frontage and public right-of-way in **[INSERT VILLAGE CENTER DISTRICT NAME(S)]**.
  3. Promote visibility among dormitory occupants within the interior of the dormitory development.
  4. Minimize the visual and physical impact of parking facilities, primarily from the street in front of the site and secondarily from the side and rear, through building placement and context-appropriate landscaping treatments.
- B. Standards
  1. For dormitory developments **[within INSERT DISTRICTS IF ONLY A SUBSET]** fronting a public way and with a lot width of 45 feet or more and with front setbacks of 100 feet or less, a frontage building shall be required. For dormitory developments in those districts that do not front a public way, including dormitory developments accessory to and behind an existing commercial use, a frontage building is not required.
  2. Dormitory buildings may front a public way where a frontage building is not required.
  3. A dormitory development may contain any number of dormitory buildings.
  4. Dormitory buildings may be located to the side or behind the frontage building.
  5. If a frontage building is included in the dormitory development, dormitory buildings shall have a front setback at least 15 feet greater than the front setback of the frontage building.

6. Automobile parking facilities shall be behind any frontage building. In cases where a frontage building exists but parking behind a frontage building is not feasible, parking to the side of the frontage building is permitted, provided it is set back at least 10 feet from the front facade of the frontage building.
7. Loading facilities shall not be located at the ground floor frontage and should be located at the rear of the building.
8. To the extent possible, automobile access to parking and loading should be located at the side or rear of the parcel and should be screened from view from the public ways or public open spaces along the front of the parcel and from side and rear adjacent parcels.
9. Bicycle parking should be located near the principal entrance to the development's dormitory units and/or the principal entrance along the ground floor frontage of a frontage building. Where possible, bicycle parking should be in a covered and lockable facility.
10. The principal entrance to the frontage building should be along its ground floor frontage.
11. The principal entrance leading to the housing units may be along the ground floor frontage or along the side or rear facades.

VII. **Additional Housing Provisions**

- A. Seasonal occupancy. For any dormitory development permitted through this section, all dormitory units made available for rent must be rented on terms of not less than [two] months and not more than [six] months, except by Special Permit through the process specified in [SPECIAL PERMIT SECTION], regardless of whether the development is otherwise allowed by-right or by Special Permit. Leases may be renewed without violating the seasonal occupancy restriction.
- B. Regional seasonal employment. All residents of dormitory developments shall be employed on a seasonal basis in Barnstable County, Massachusetts.

- VIII. **Conflicts.** Unless otherwise stated, the requirements of this section shall apply to uses and structures permitted under the regulations of this section. In the event of a conflict, the regulations of this section shall apply.