



CAPE COD
COMMISSION

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.