A Design-Driven Housing Model Bylaw for Cape Cod Towns: Accompanying Guide

Acknowledgements

The model bylaw and guide were drafted in conjunction with the Cape Cod Commission by Outwith Studio; Utile; and Attorney Mark Bobrowski of Blatman, Bobrowski, Haverty & Silverstein. The bylaw was developed as part of the Commission's Regional Housing Strategy.

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Introduction

Intent of this document

Guidance for local officials working from this model bylaw

This guide accompanies a model bylaw for design-driven housing (re)development on Cape Cod. While the text of the model bylaw is kept to the bare minimum and is written in legal/technical language, this guide explains the thinking behind each of those provisions. It provides context and guidance to local officials and advocates who want to understand and implement design-driven zoning locally using this draft as a starting point.

Intent of model bylaw

A design-driven model bylaw for Cape Cod towns

This document contains a model bylaw for design-driven housing (re)development on Cape Cod. 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, and provide a more walkable mixed-use environment along commercial corridors.

To do this, the bylaw uses an approach adapted by “form-based codes,” regulating elements of development that directly relate to building form and site design. This way, expectations of new development (from Town leaders, developers, and the community) are clear from the beginning.

This bylaw can be adapted to encourage a range of context options. Local policymakers can use this model bylaw as a starting point, considering their town’s needs and desires for residential and mixed-use development, as well as the specifics of the places where design-driven zoning might be appropriate.

New base district and subdistricts

The model bylaw is implemented as a new **district** that can be added as a section in existing zoning, replacing the existing zoning regulations for that area.

As written, the district is **divided into subdistricts**, which are appropriate for different areas on the Cape and each implement a different vision of (re)development.

Individual **towns** can **choose which subdistricts are most appropriate** and where they would be applied in town.

Background

Zoning Subdistricts

The consultant team created five zoning subdistricts based on place types across the Cape that may be appropriate for increased housing options. The subdistricts are categorized based on common characteristics shared within each subdistrict, such as building height, use mix, parking placement, and relationship to the street. Proposed zoning standards, such as building height and setbacks, are calibrated to be contextual to each of these five place types.

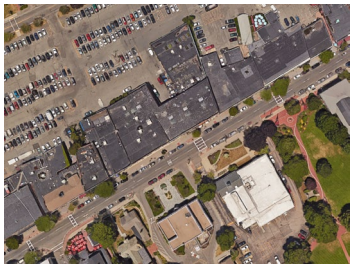
The five subdistricts are:

1. Village Center Moderate Density (VCM)
2. Village Center Less Density (VCL)
3. Mixed-use Corridor (MC)
4. Residential Moderate Density (RM)
5. Residential Less Density (RL)

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. Example places include village centers that are often historic, such as Downtown Falmouth, Downtown Hyannis, Downtown Provincetown, and Downtown Chatham.

Downton Falmouth



Downtown Hyannis

Downtown Provincetown

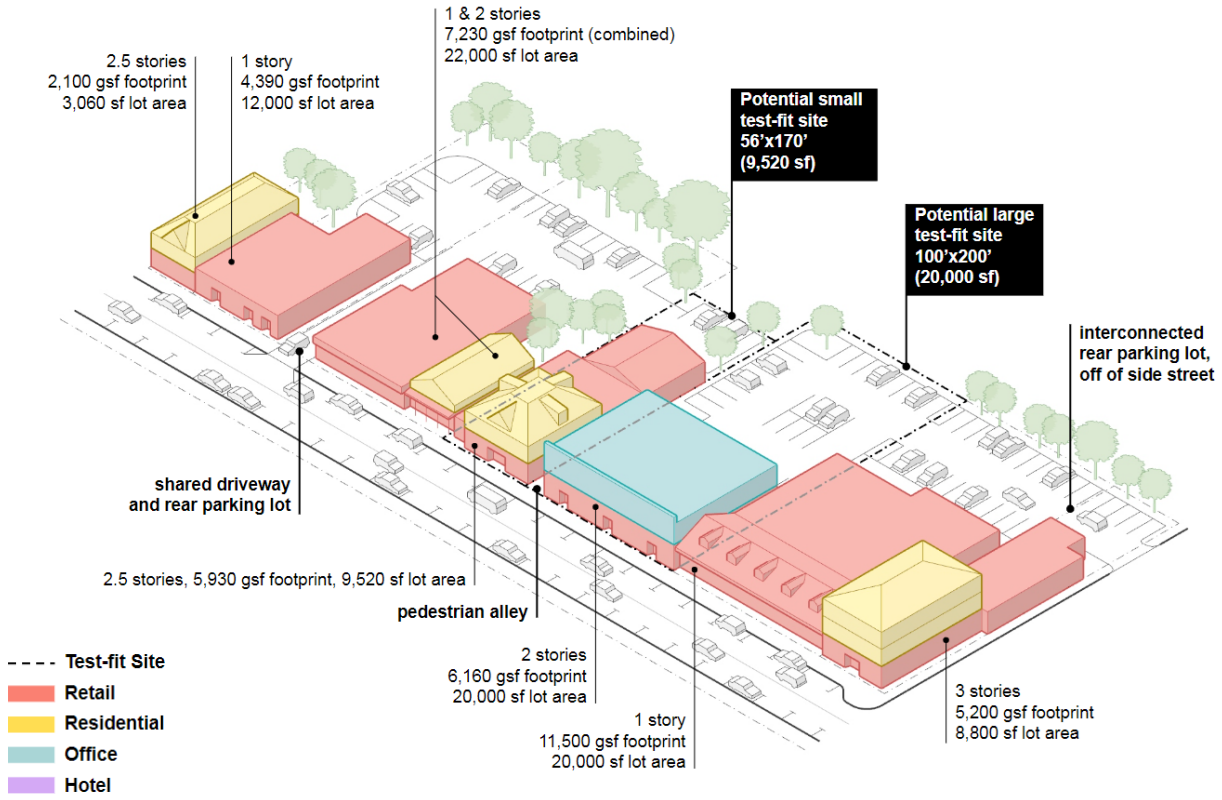
Downtown Chatham

Village Center Moderate Density (VCM)

Test-fit Base Model

The consultant team created 3D models of generic streetscape and development patterns representative of each of the 5 subdistricts.

For the VCM subdistrict, new development scenarios were tested on a hypothetical large site and a hypothetical small site to study and right-size the lot and building standards.

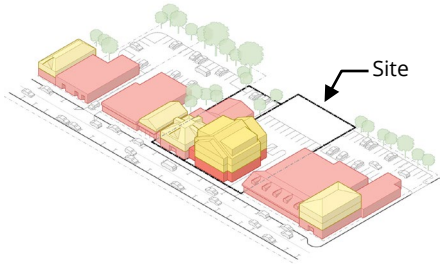


Village Center Moderate Density (VCM)

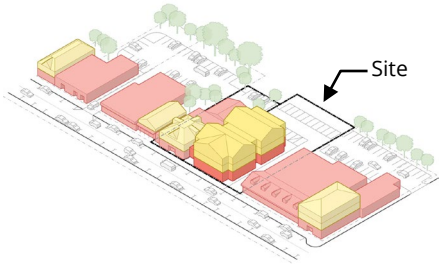
Test-fit Scenarios

These graphics illustrate several building configurations and uses that would be possible under the proposed dimensional regulations. They show how tall and how large the building forms could be on a large or a small lot.

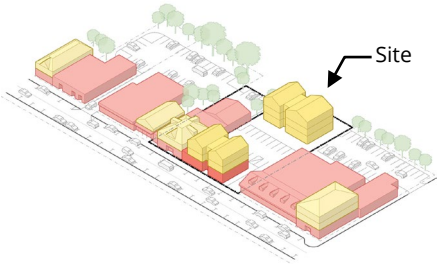
Select large lot test-fits examples



3.5 stories corridor building

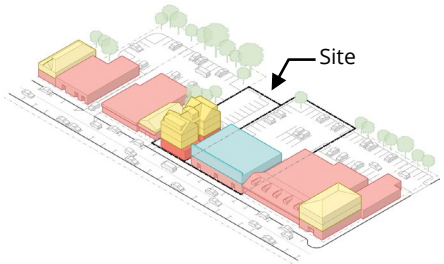


3 stories corridor building

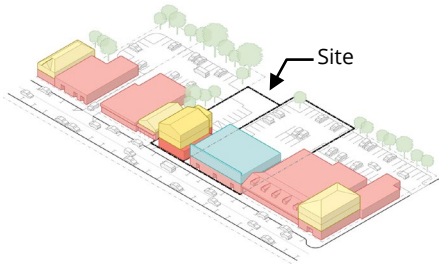


3 stories medium multifamily

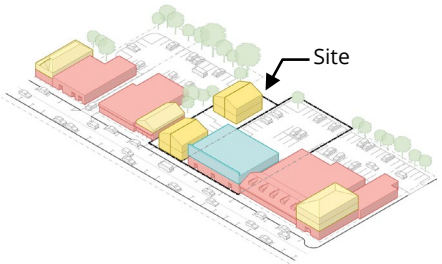
Select small lot test-fits examples



3.5 stories medium multifamily



3 stories small multifamily



2 stories duplex

Village Center Less 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 generally range from two (2) feet to fifteen (15) feet, sometimes more, with parking located at the rear or side. Example places include areas at the perimeter of VCM subdistricts or stand-alone village centers, such as Harwich Center, Wellfleet Main Street, Harwich Port, and Dennis Village.


Harwich Center



Wellfleet Main Street


Harwich Port



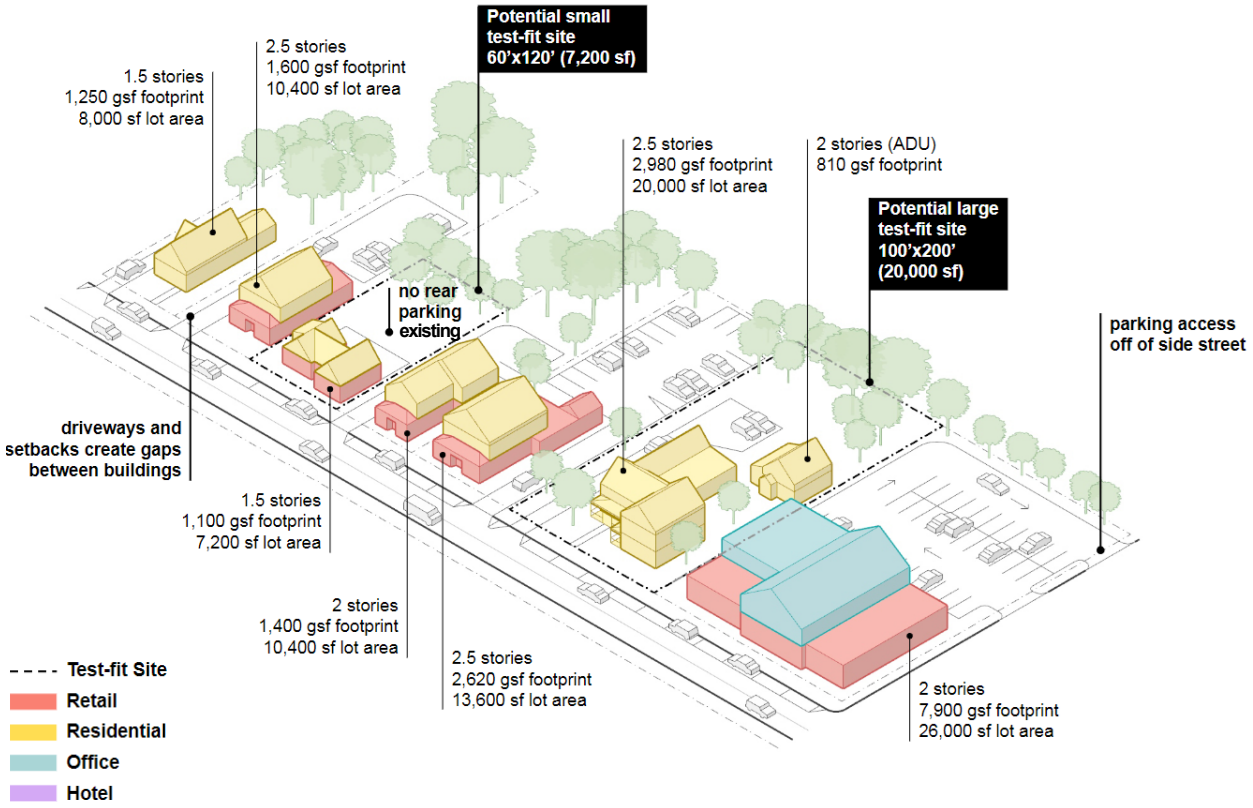
Dennis Village (Route 6A)

Village Center Less Density (VCL)

Test-fit Base Model

The consultant team created 3D models of generic streetscape and development patterns representative of each of the 5 subdistricts.

For the VCL subdistrict, new development scenarios were tested on a hypothetical large site and a hypothetical small site to study and right-size the lot and building standards.



Village Center Less Density (VCL)

Test-fit Scenarios

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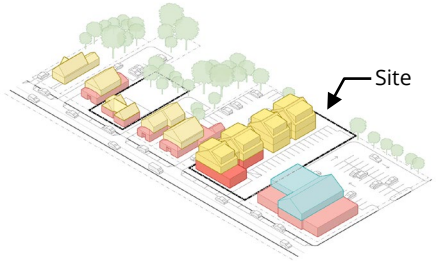
Select large lot test-fits examples

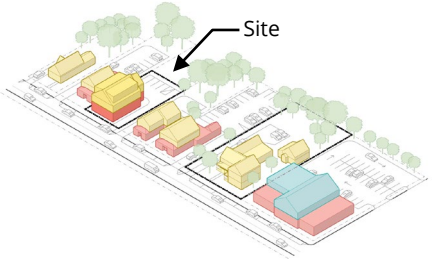
2.5 stories corridor building



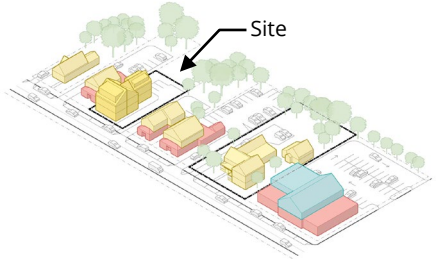
2.5 stories medium multifamily

1.5 stories cottage court

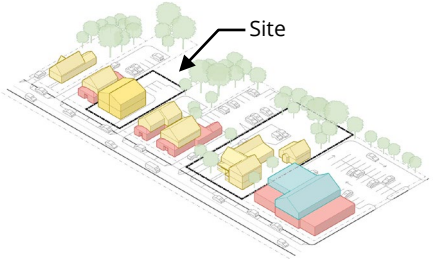
Select small lot test-fits examples



2.5 stories small multifamily



2.5 stories townhouse



2 stories duplex

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. Example places include areas along Route 28 in West Yarmouth, Hyannis, and Harwich.

West Yarmouth (Route 28)

Hyannis (Route 28)

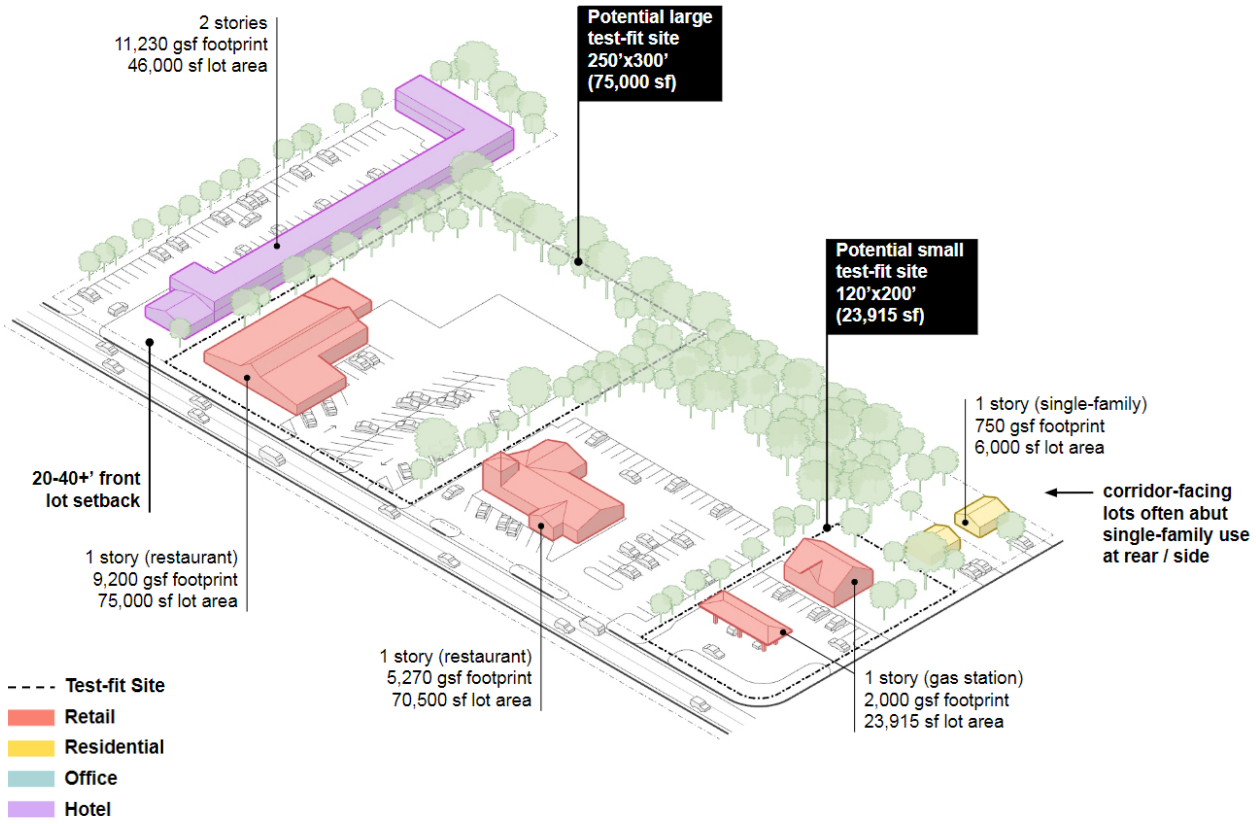
Harwich (Route 28)

Mixed-Use Corridor (MC)

Test-fit Base Model

The consultant team created 3D models of generic streetscape and development patterns representative of each of the 5 subdistricts.

For the MC subdistrict, new development scenarios were tested on a hypothetical large site and a hypothetical small site to study and right-size the lot and building standards.



Mixed-Use Corridor (MC)

Test-fit Scenarios

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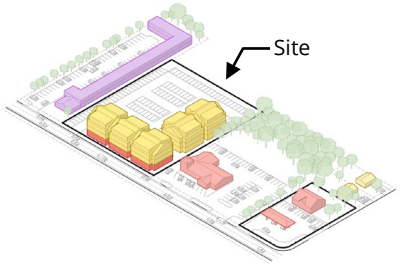
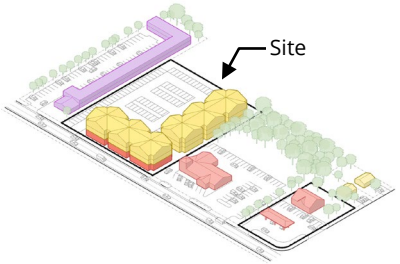
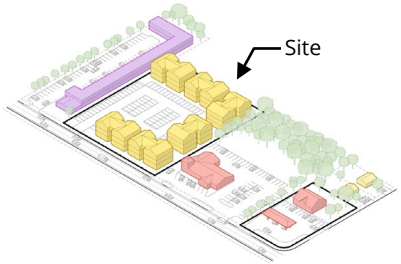


3.5 stories corridor building

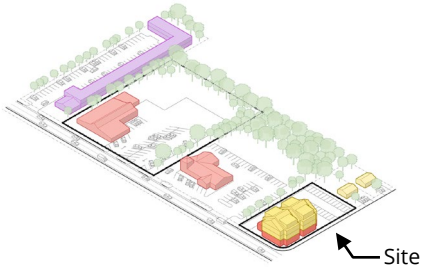


3 stories corridor building



3 stories medium multifamily

Select small lot test-fits examples



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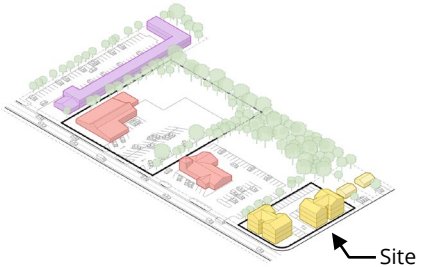


3 stories medium multifamily

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. Example places include residential districts adjacent to downtown Chatham, South Yarmouth/Bass River area, and areas of Buzzards Bay.

Chatham

South Yarmouth / Bass River

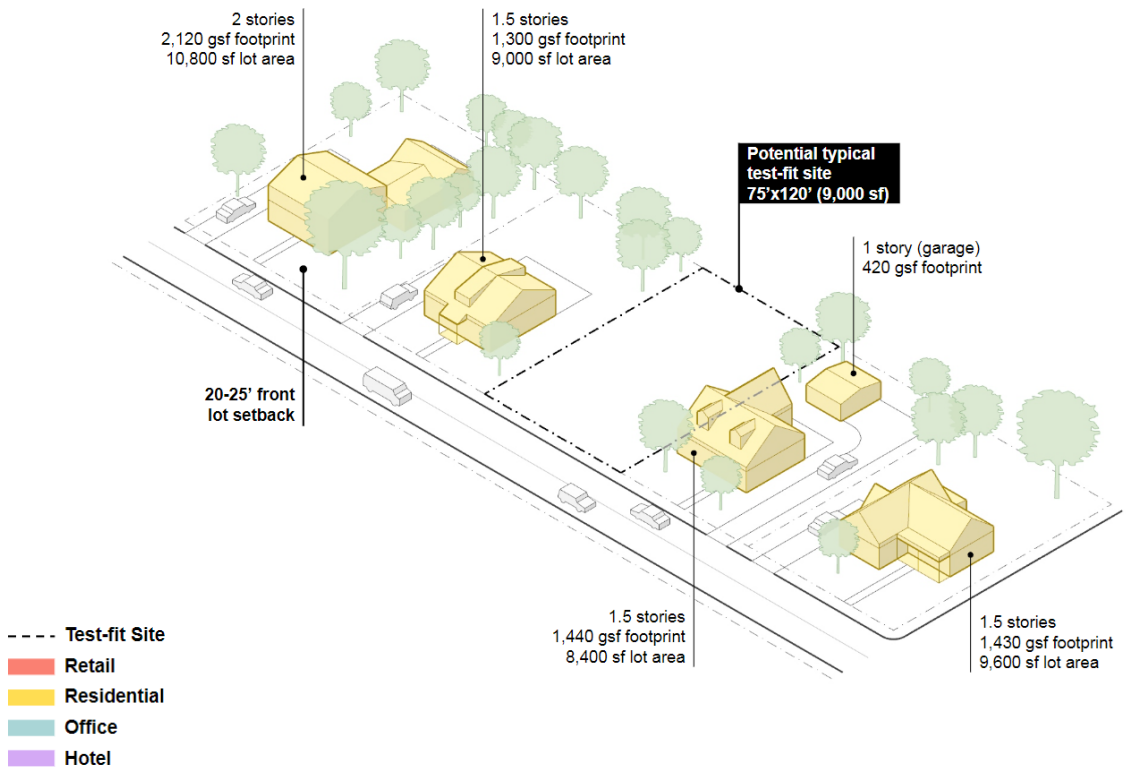
Buzzards Bay

Residential Moderate Density (RM)

Test-fit Base Model

The consultant team created 3D models of generic streetscape and development patterns representative of each of the 5 subdistricts.

For the RM subdistrict, new development scenarios were tested on a hypothetical typical site to study and right-size the lot and building standards.



Residential Moderate Density (RM)

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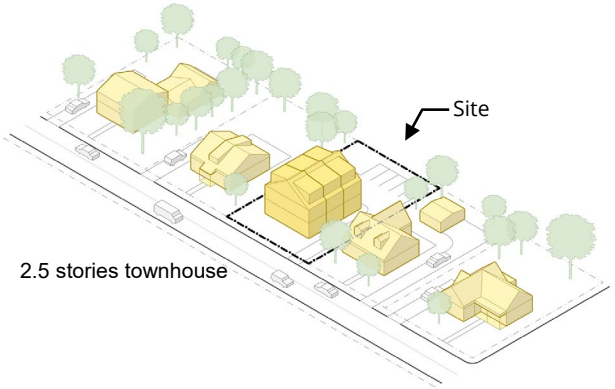
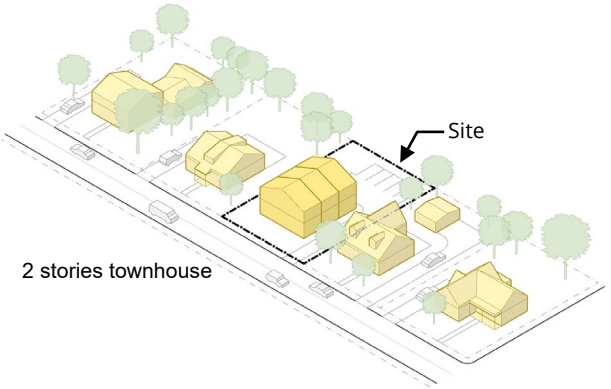
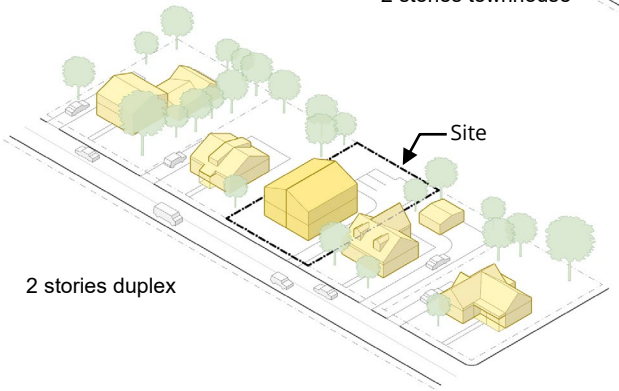


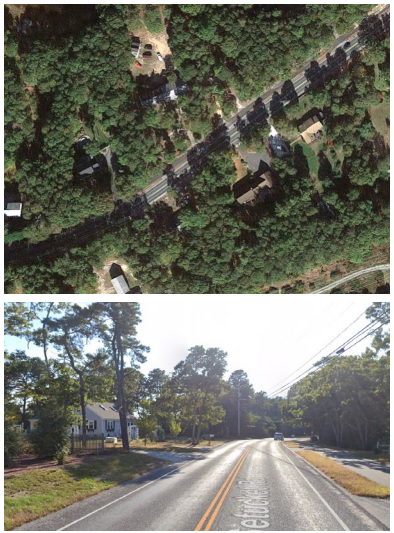




Select typical lot
test-fits examples

Residential Less Density (RL)

A subdistrict characterized by less dense single-family residential buildings of up to two 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. Example places include wooded residential areas such as along Setucket Road in Dennis, Shore Road in Truro, and Massasoit Road in Eastham.



Dennis (along Setucket Rd)

Truro (along Short Rd)

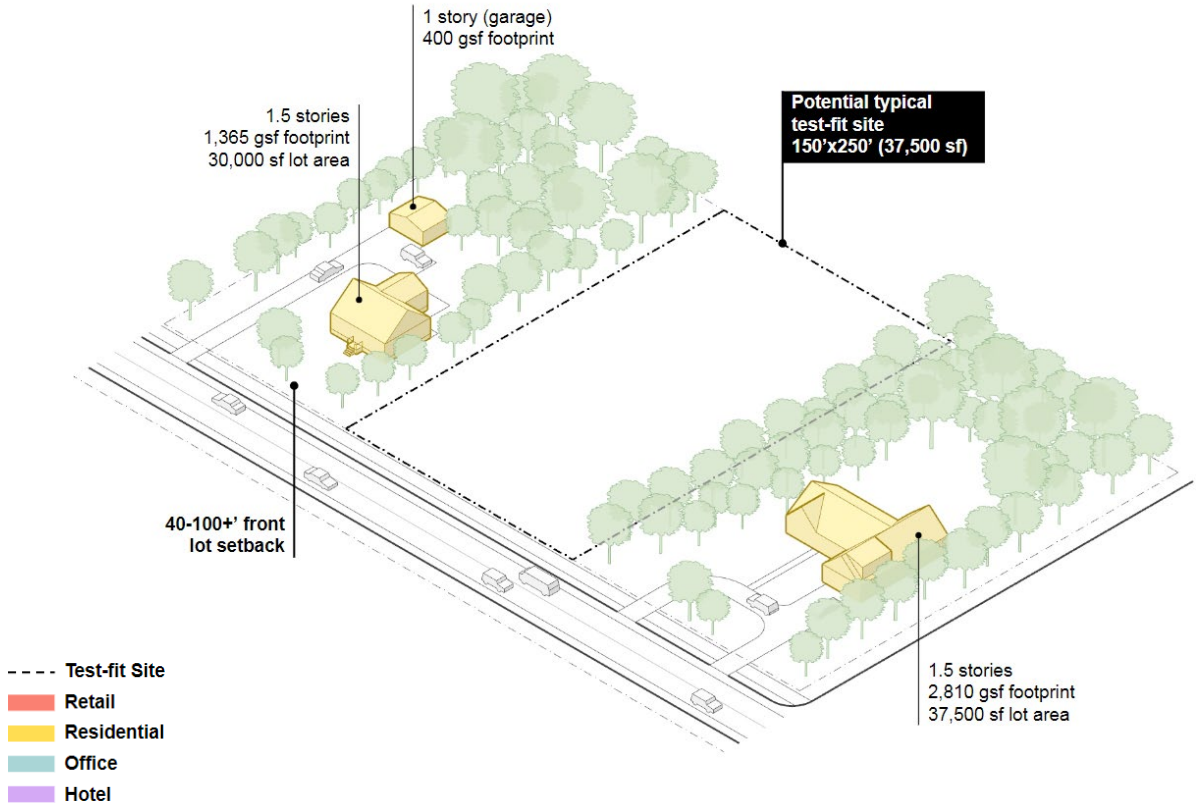
Eastham (along Massasoit Rd)

Residential Less Density (RL)

Test-fit Base Model

The consultant team created 3D models of generic streetscape and development patterns representative of each of the 5 subdistricts.

For the RL subdistrict, new development scenarios were tested on a hypothetical typical site to study and right-size the lot and building standards.



Residential Less Density (RL)

Test-fit Scenarios

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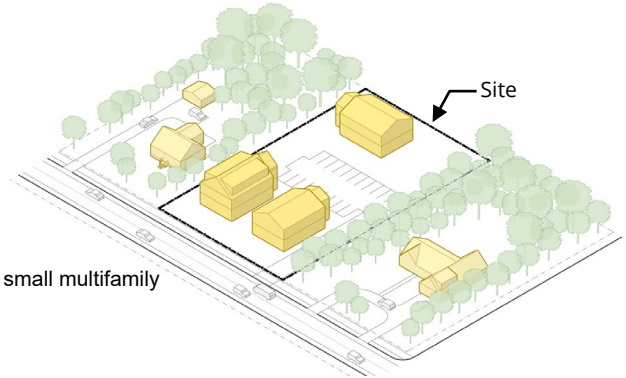
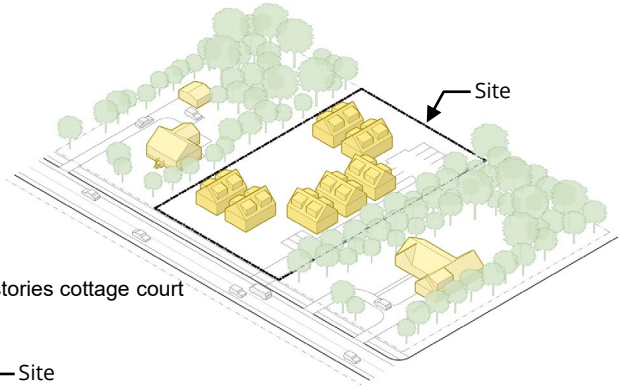
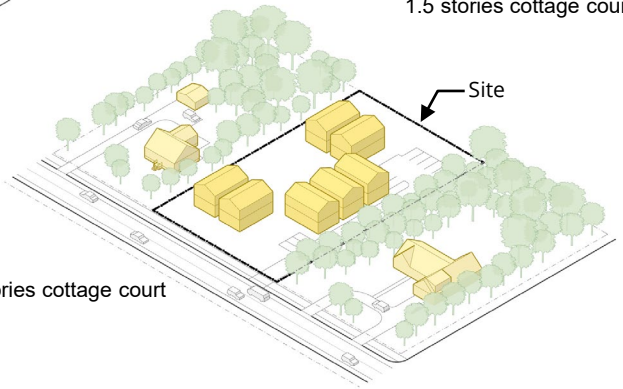


2.5 stories small multifamily



1.5 stories cottage court



2 stories cottage court

Select typical lot test-fits examples

How to Use this Model Bylaw and Guide

Adapting the model bylaw

The technical specifications of this model bylaw try to be readily usable for local implementers, easily fitting into existing bylaws and working well without much adjustment. Nonetheless, there are some decisions towns must make, including:

1. Choosing which subdistricts are most appropriate for the town
2. Editing specified parameters: [Places where towns must make decisions or insert language about their existing code are called out in brackets and in pink text.]
3. Making any further edits the town deems necessary (to increase support, fit this district into the existing zoning bylaw, etc.)

Bylaw Structure

The model bylaw creates a new district that can be added as a section in the existing zoning bylaw and that replaces all existing zoning regulations in a given area. Within the district, multifamily residential uses conforming to the included design standards are allowed by-right. The standards regulate building footprint, height, roof and facade articulation, as well as site design and parking. The standards are meant to flexibly adapt to site conditions, while aligning designs with the building types typical of Cape Cod.

Bylaw Table of Contents

Table of Contents

Terminology in this guide

- Throughout the model bylaw we refer to the full amendment as the “section,” assuming that this will be a section of local zoning. The parts of the bylaw listed in the Table of Contents are referred to as “subsections.” Not all zoning bylaws refer to their constituent parts as sections, and any implementing town may need to adjust references to sections/subsections to account for its zoning bylaw’s structure.

- This guide does **not** always use the technical language used in the draft bylaw.

Model Bylaw Text and Explanations

I. Purpose

Purpose Declarations

[Pick and choose]

- 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.
- Expand the diversity of housing options available as well as those that are more financially attainable to year-round Cape Cod residents.
- Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
- 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.
- 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.
- Encourage the preservation and reuse of existing buildings.

This subsection provides guidance on the background and purpose of the regulations that follow. These statements essentially define the "spirit" of the law.

These are important as they guide permitting authorities and courts in their interpretation of the regulations.

The town can select which are most relevant for their circumstances, use them all, and/or write their own.

II. Definitions

List of defined terms

See the following pages for definition text

- Accessory Dwelling Unit
- Attached Single-family Dwelling
- Building Footprint
- Building Height
- Cottage Court
- Dwelling Unit
- Facade
- Facade Build Out
- Frontage Area
- Gross Floor Area
- Lot Coverage
- Lot Depth
- Lot Line
  - Lot Line
  - Front Lot Line
  - Side Lot Line
  - Rear Lot Line
- Lot Width
- Mixed-use Development
- Modification
- Multifamily Housing
- Party Wall
- Principal Entrance
- Roofs
  - Roof Form
  - Flat Roof
  - Gable Roof
  - Gambrel Roof
  - Hip Roof
  - Mansard Roof
  - Pitched Roof
- Story
  - Story
  - Story, Ground
  - Story, Half
  - Story, Upper

The definitions subsection allows the Town to get specific about the meaning of key terms without cluttering the main body of the text. When defined words are used within the Housing Design District section (and only in this section), they carry the meanings given here. **Existing definitions found elsewhere in local zoning are overridden within the HDD.**

A town can edit the terms defined in this section, add their own, and/or refer to a definitions section present in the wider zoning bylaw. However, redefining these terms may create substantial differences in design outcomes.

See the pages that follow for more on select defined terms.

“Accessory Dwelling Unit”

“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].

Accessory dwelling units (ADUs) are not specifically defined or regulated in this model bylaw. However, towns that already allow ADUs should maintain that allowance in this new district. Therefore, this model bylaw includes some ADU provisions that rely on other pieces of an existing local zoning bylaw.

To continue allowing ADUs, the town should reference the specific ADU provisions existing in their bylaw. If a town adopted/amended their provisions in a way that references the ADU definition added to the state’s zoning legislation in 2020, they should make that reference explicit.

If a town does not currently allow and regulate ADUs, it should remove this definition and other ADU reference language in the bylaw text and allow ADUs through specific ADU legislation.

“Attached Single-family Dwelling”

“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.

An “attached single-family dwelling” is commonly referred to as a townhome or rowhome. In contrast, a *detached* single-family dwelling is more commonly referred to as a single-family house, such as in a more suburban single-family residential district.

It is also important to clarify that an “attached single-family dwelling” can sit on its own parcel, connected to other attached single-family dwellings sitting on their own parcels via party walls (also defined). Separately, a grouping of “attached single-family dwellings” may sit on one shared parcel, such as a grouping of 4 townhomes within one parcel.

“Multifamily Housing”

“Multifamily Housing” shall mean residential uses of any configuration in which there is more than one dwelling unit per building.

The definition of multifamily used in this bylaw includes any housing development with more than a single unit. This includes two-family (duplex) developments, which is unusual for zoning on Cape Cod. This definition allows for more consistency between duplex and larger multifamily developments. It also prioritizes more meaningful thresholds in regulation (e.g., between small and large multifamily developments).

Cottage courts and attached single-family (townhome) developments are defined separately, since they have different site planning considerations.

“Building Footprint”

“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.

This definition of building footprint accounts for the full extent of all floors, drawn as a single outline. This definition however excludes unenclosed spaces, such as porches and balconies. The intent here is to encourage (and not penalize) unenclosed architectural components that often lend character and added functionality.

The lot coverage (also defined) maximum would limit excessively large unenclosed structures such as sprawling porches or decks.

“Building Height”

“Building Height” shall mean the distance measured vertically from the average grade at the building footprint to the highest point of the roof beam.

This definition of building height is a simple measurement from the average grade at the perimeter of a building to the highest point of the roof beam, regardless of if the roof is flat or pitched.

This definition is therefore simpler and does not require more complex calculations for pitched roofs. (Some building height definitions require measuring to the average point between the pitched roof ridge and eaves, etc.)

As with other definitions, towns may refer back or utilize an existing definition, particularly if it contains references to the natural grade to prevent artificially altering the ground level.

“Cottage Court”

“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.

A “cottage court” is a development type comprised of compact detached single-family dwellings clustered around a shared courtyard on a single parcel. Parking is typically at the rear or concentrated in a shared surface lot.

The relatively small but compact scale of this type of development allows for more density while still being visually contextual within a less dense single-family residential district.

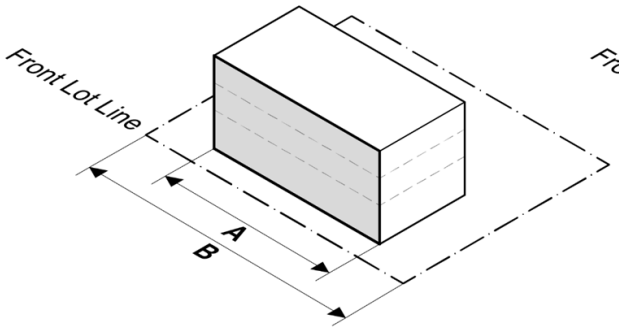
“Facade Build Out”

“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.

The “facade build out” ratio enables a Town to control for how much a development must “fill out” the frontage facing a public street. This parameter is often used to limit the gaps in between buildings and therefore is especially important for mixed-use village centers that want to promote or maintain a walkable, vibrant, and activated street life.

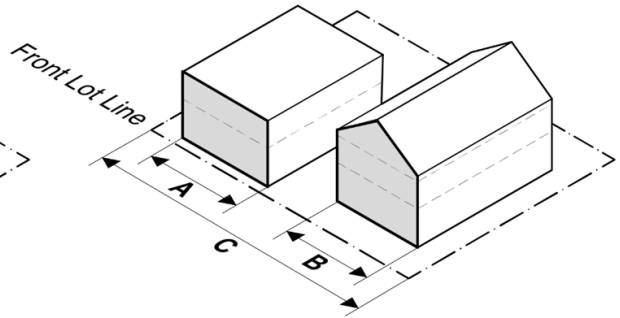
“Facade Build Out”

For a single building on a lot:



Facade Build Out % = **A ÷ B**

For multiple buildings on a lot:



Facade Build Out % = **(A + B) ÷ C**

“Gross Floor Area”

“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.

This definition of gross floor area intentionally includes enclosed parking, such as a garage within the building footprint. This inclusion is meant to limit excessively large garages and require the developer/architect to be judicious about the layout of the unit if an attached garage is included. Parking that does not count toward the gross floor area of a principal building includes unenclosed covered parking, uncovered surface parking, and separate enclosed parking sheds.

Additionally, only floor area with a height clearance of 7 ft counts toward gross floor area so as not to penalize for the unusable areas of half stories.

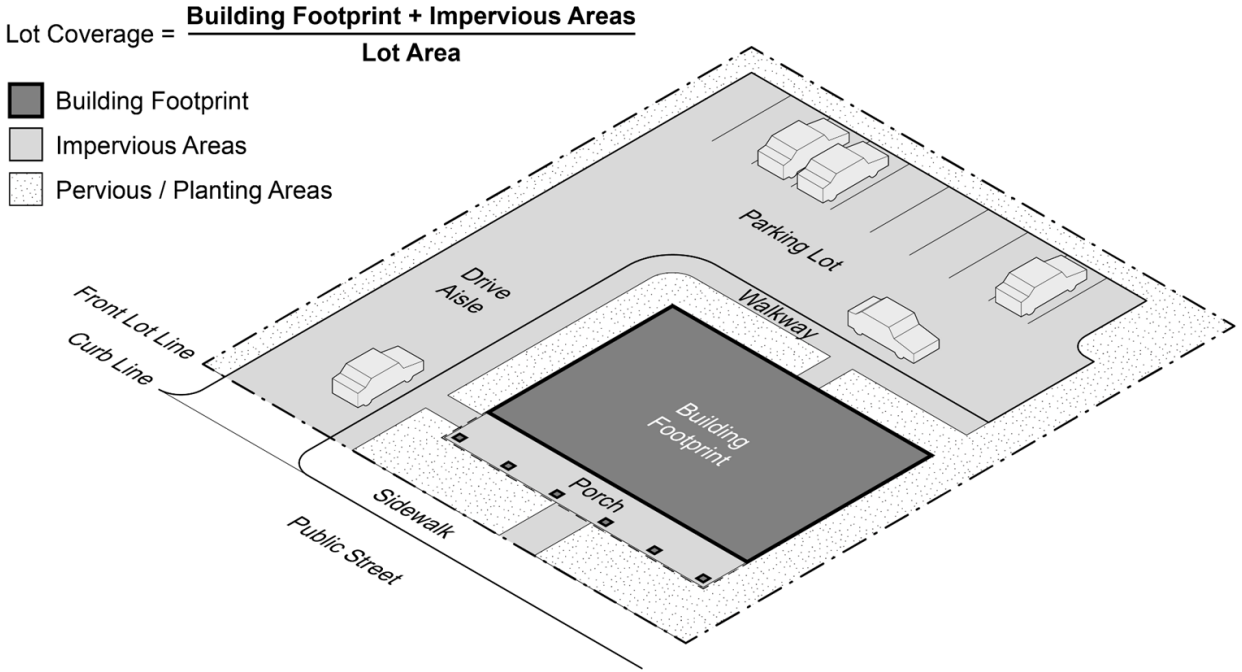
“Lot Coverage”

“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.

Lot coverage is defined in this bylaw to include all impervious surfaces. Because lot coverage regulations are some of the most critical for the viability of development in many Cape towns’ zoning codes, this bylaw is explicit in how it defines and manages lot coverage.

“Lot Coverage”

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



“Lot Width”

“Lot Width” shall mean the length of the front lot line of a lot.

This definition of “lot width” refers to the length of the *front* lot line of a lot (where the front lot line is defined in this bylaw as any lot line abutting a public thoroughfare). The Facade Build Out directly references lot width and by extension is only referring to building out the *front* lot line.

“Principal Entrance”

“Principal entrance” shall mean the addressed entrance to a building or commercial space.

Principal entrances are important in managing the relationship between a mixed-use development and the public realm. This bylaw attempts to promote an active and walkable public realm along the ground floor frontage of a development, and therefore regulates placement of principal entrances.

“Roofs”

“Roof Form” shall mean the shape and architectural features of a building’s roof, inclusive of the roof forms defined under this section.

“Flat Roof” shall mean a roof with no slope greater than 2:12.

“Gable Roof” shall mean a roof sloped on two sides from a central ridge with an exterior wall (gable) enclosing each end.

“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.

“Hip Roof” shall mean a roof with four uniformly pitched or sloping sides, inclusive of kicked hip (witch’s hat) and Dutch gable roofs.

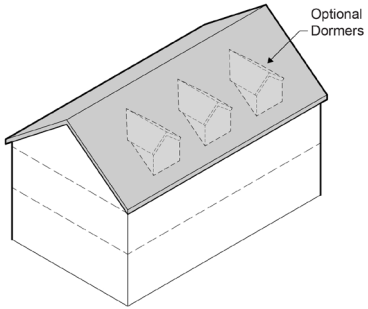
“Mansard Roof” shall mean a compound, four-sided roof where each side has two slopes, where the lower has a very steep, almost vertical, slope or pitch, dormer windows, and eaves extending with a radius or kick, rather than a flat projection.

“Pitched Roof” shall mean a gable, gambrel, hip, or mansard roof.

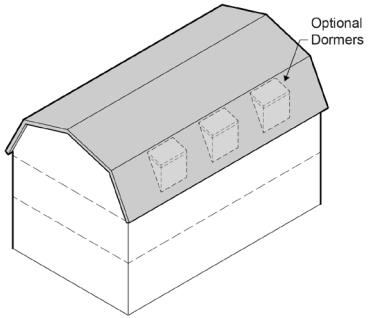
This bylaw defines roof forms and sets dimensional requirements for the pitched roofs of half stories in order to ensure that they are contextual, specifically prohibiting flat roofs and roof slopes that are out of place in particular subdistricts.

For particular subdistricts that prohibit flat roofs altogether, a building must have a pitched roof, defined as one of 4 types listed in the definitions. This can be in the form of an occupied half story or an unoccupied attic above a full story.

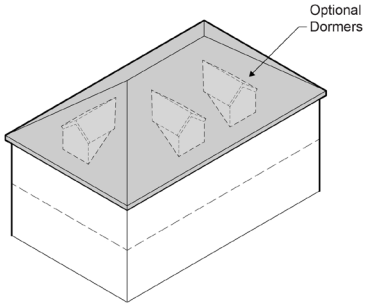
“Roof Form” and “Pitched Roof”



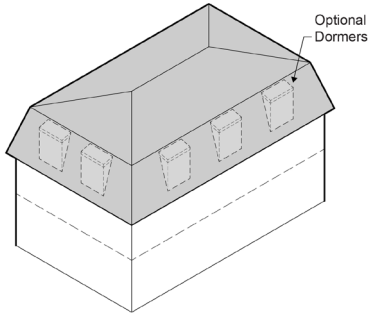
Gable Roof



Gambrel Roof



Hip Roof



Mansard Roof

“Story”

“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.

“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.

“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.

“Story, Upper” shall mean any full story above the ground story of a building.

This bylaw distinguishes between the ground floor of a building and its upper floors. This distinction is important for uses and dimensions of the development, especially for mixed-use buildings and those with half stories at the top.

For mixed-use developments, the different uses permitted under this model bylaw may be differentiated for ground floors versus upper floors. For said mixed-use buildings, the ground floor–upper floor distinction will be important to create an active and walkable environment.

Half stories are also distinguished and have their own dimensional requirements, which are explained under the Building Standards section.

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.

This model bylaw creates a new base district called the Housing Design District (abbreviated HDD). As described here, the district is independently mapped, and that map is published by the Town Clerk. The purpose of this independent map is to allow creation of the district with minimal updates to existing resources needed, such as a town’s general zoning map. However, a town could just as easily draw the HDD into its general zoning map and publish an update. In that case, this section need only reference the zoning map.

In some towns, a list of districts (including overlay districts) is enumerated together in their own section. That method could be used to create an HDD locally, with the remainder of the HDD bylaw codified as its own section.

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)
2. Village Center Less Density (VCL)
3. Mixed-use Corridor (MC)
4. Residential Moderate Density (RM)
5. Residential Less Density (RL)

The HDD is divided into five zoning subdistricts, which are based on place types across the Cape that may be appropriate for increased housing options. The subdistricts are categorized based on common characteristics shared within each subdistrict, such as building height, use mix, parking placement, and relationship to the street. **A town can pick and choose which subdistricts are appropriate for the area they want to regulate under the HDD.** Not all subdistricts need to be included.

It is important to note that these are generalized subdistricts for simplicity and convenience. Much variation exists within each subdistrict, and as such, towns may want to calibrate particular standards (e.g., building height, setbacks, etc.) proposed for each subdistrict.

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.

This subdistrict is meant to capture the most dense village centers across the Cape, including those that are historic. Example places include village centers that are often historic, such as Downtown Falmouth Village, Downtown Hyannis, Downtown Provincetown, and Downtown Chatham.

This context, which has some urban characteristics, allows for more dense and compact units with relatively little or no on-site parking.

Village Center Less 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.

This subdistrict is meant to capture less dense village centers across the Cape, such as those at the perimeter of the most dense village centers or stand-alone neighborhood nodes. Example places include areas at the perimeter of VCM subdistricts or stand-alone village centers such as Harwich Center, Wellfleet Main Street, Harwich Port, and Dennis Village.

Similar to the VCM subdistrict, this context also allows for more dense and compact units and relatively little or no parking. However it has more space between buildings and more visible front yard areas than the VCM subdistrict.

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.

This subdistrict is meant to capture existing commercial corridors that have potentially underutilized uses, such as aging motels, oversized surface parking lots, gas stations, and other auto-oriented developments. Example places include areas along Route 28 in West Yarmouth, Hyannis, and Harwich.

Because these parcels tend to be larger and adjacent to other commercial uses, their potential for increased housing production is currently underrealized.

Potential building types include larger multifamily buildings typical of contemporary residential construction.

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.

This subdistrict is meant to capture relatively dense single-family residential districts that are often near village center and commercial corridors. Example places include residential districts adjacent to downtown Chatham, South Yarmouth/Bass River area, and areas of Buzzards Bay.

While lots are relatively compact, there is potential for two-family and three-family dwellings.

Residential Less 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 lot lines. Driveways and parking are typically located at the front or to the side of the building.

This subdistrict is meant to capture less dense single-family residential districts comprised of large lots, small lot coverage, and abundant tree cover. Example places include wooded residential areas such as along Setucket Road in Dennis, Shore Road in Truro, and Massasoit Road in Eastham.

Because these lots tend to be large, there exists potential for more density (e.g., duplexes or cottage courts) behind buildings that present as contextual single-family dwellings near the street.

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.

The HDD is intended to replace the existing base districts in a town-chosen area. Implementing the HDD will require redrawing of a town's zoning map and specification of the HDD boundaries and boundaries of the subdistricts. This new base zoning applies to all new (re)development within the specified subdistricts, where proposed projects that meet the requirements are permitted and those that do not are prohibited.

To encourage the preservation and reuse of existing structures and buildings, modifications to said existing structures and buildings are exempt from certain standards in this bylaw.

However, to discourage future non-conformities, new additions attached to the side and/or rear elevations of existing structures and buildings must follow many of the same standards as new developments. These standards are explained under Section VI.L.

C. Application and Other Zoning Regulations (continued)

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.

This provision specifies (at a high-level) the relations to other zoning sections. Where the HDD provides specific regulations (e.g., building uses and dimensional requirements), the HDD rules. Where the HDD gives no specific standards (e.g., sign regulations or earth removal), other existing zoning sections which do provide specific standards would apply.

If desired (though it is not necessary), towns can also explicitly list zoning sections that do still apply to HDD projects, however that could lead to unintended consequences (either currently or in the future if future sections are not specified here).

D. Administration, Enforcement, and Appeals

1. The provisions of this section shall be administered by the [INSERT TITLE OF 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.

Design-driven zoning (like form-based codes and zoning inspired by them) work best under by-right permissions. The idea is to set expectations, write clear standards, and allow those standards to play out. This model bylaw is meant to prioritize by-right permitting, overseen by a building commissioner or similar member of town staff. Certain aspects of this model bylaw do call for a Special Permit where discretion may be warranted.

IV. Permitted Uses

Uses

What is allowed within the HDD?

The HDD is intended to enable multifamily and mixed-use (retail over residential) development that fits into the character of Cape Cod. In general, uses allowed in the HDD are not subject to Special Permit requirements, but may be subject to Site Plan Review. Site Plan Review allows multifamily and mixed-use developers to design projects knowing they will likely move forward, while giving towns enough discretion to handle larger or more complex projects appropriately.

Residential allowance

- Multifamily housing of [12 to 20] units or fewer shall be allowed by-right.
- 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].
- Attached single-family dwellings shall be allowed by-right and subject to Site Plan Review under [INSERT SITE PLAN REVIEW SECTION REFERENCE].
- 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.
- 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…].

Small multifamily developments are allowed by-right without Site Plan Review. The ideal threshold for Site Plan Review would be 12 to 20 units (though this is left to the Town's discretion). Multifamily developments of more than that threshold would be subject to Site Plan Review. Townhome and cottage court multifamily developments require Site Plan Review regardless of size.

Cottage courts can optionally be prohibited in certain subdistricts of the HDD. Cottage courts are most suited for lower-density areas and as buffers between commercial corridors and residential areas. They are likely to be inappropriate in the Village Center Moderate (VCM) and Mixed-use Corridor (MC) subdistricts, but this will depend on the geography of the HDD.

This model bylaw assumes towns have already adopted ADU provisions that the town will want to maintain and apply in the HDD. Towns should reference those here. See the discussion of ADUs in the definitions section for more context on how ADUs figure into the HDD.

Single-family prohibition

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

The intent of the HDD is to incentivize production of multifamily and mixed-use residential development. As such, it prohibits further single-family development within the district.

Mixed-Use Development

Overall Allowance

- 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.

Mixed-use (residential over commercial) development should be broadly allowed in the HDD, particularly in the Village Center and Mixed-Use Corridor subdistricts. They may be appropriate in the Residential subdistricts, but that determination is likely best made on a case-by-case basis.

Mixed-Use Development

Non-residential prohibitions

- Commercial uses shall be allowed, except the following shall be prohibited:
  - Commercial parking
  - Automobile Maintenance and Repair
  - Automobile Sales
  - [...see model bylaw for the full list]
- Institutional uses shall be allowed [except the following shall be prohibited:]
  - [INSERT ANY PROHIBITED USES HERE]
- 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]:
  - Breweries and wineries that include accessory retail and/or food service
  - Workshops and other light industrial facilities that include retail

To ensure the character of non-residential uses in the HDD align with the HDD goals, the model bylaw lists prohibited uses within mixed-use developments:

- Specific commercial uses are prohibited, mostly those relevant to automobiles and maritime uses. Industrial uses are broadly prohibited, though the bylaw creates exceptions to this rule through Special Permits. The motivation here is to create a walkable retail environment.
- The exceptions relate mostly to industrial businesses that could have a publicly facing component, such as breweries.
- The model bylaw reserves space to prohibit specific institutional uses if a town desires, though no suggestions are given, as institutional uses are broadly in character with the HDD goals.

Mixed-Use Development

Non-residential performance standards

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.

This provision creates broad and specific performance standards for non-residential uses in the HDD's mixed-use developments. Its inclusion can help reduce unwanted or hazardous adjacencies in the district, without anticipating what all non-acceptable uses may be.

Additional use provisions

- Accessory uses customarily incidental to any of the permitted uses shall be allowed by-right.
- Non-residential uses are not allowed in accessory dwelling units.

These provisions generally allow accessory uses for residential and non-residential activities in the HDD (such as storage or building operations). A prohibition on non-residential uses in ADUs helps ensure the ADU allowance does not become a loophole for mixed-use developments where inappropriate.

V. Lot Standards

Table 1. Lot Standards by Subdistrict

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[a, b]	0 ft	10 ft	0 ft; Abutting SF District: 20 ft	0 ft; Abutting SF District: 20 ft	5 ft	100%	75%
VCL[a, b, c]	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[a, b, c]	15 ft	30 ft	15 ft	15 ft	20 ft	50%	N/A
RL[a, b, c]	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.

This bylaw leads with the dimensions tables for each of the subsequent major sections (i.e., lot standards, building standards, and parking and site standards), followed by more explanatory / qualifying text.

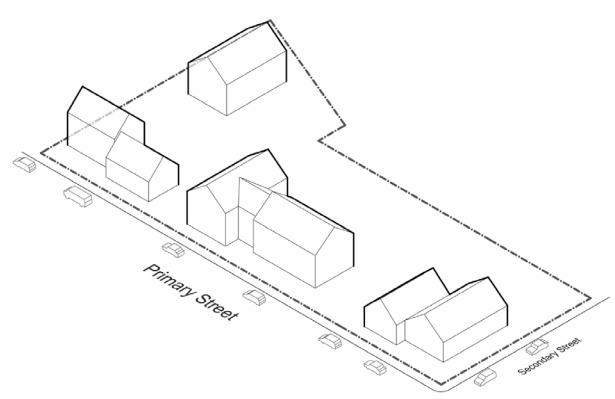
This table captures all of the major parameters that regulate the placement of building(s) on a site. Rear and side setbacks vary depending on adjacency to single-family (SF) districts (the presence of which requires greater setbacks in VCM, VCL, and MC districts).

Exceptions are made for special building types, such as attached single-family dwelling and cottage courts. These exceptions are explained in a more narrative format after the tables.

Of particular importance is footnote **a.** on contextual front setback requirements (explained in section V.B.2. and later in this guide).

A. Buildings per Lot

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.



To ensure flexibility, this bylaw does not prescribe a maximum number of buildings allowed per lot and instead regulates that through other parameters, such as setbacks, lot coverage, maximum building footprint, parking needs, etc.

Separate from this zoning bylaw, towns may need to address their subdivision regulations to allow for multi-building development, though these may not be relevant for multifamily/mixed-use developments.

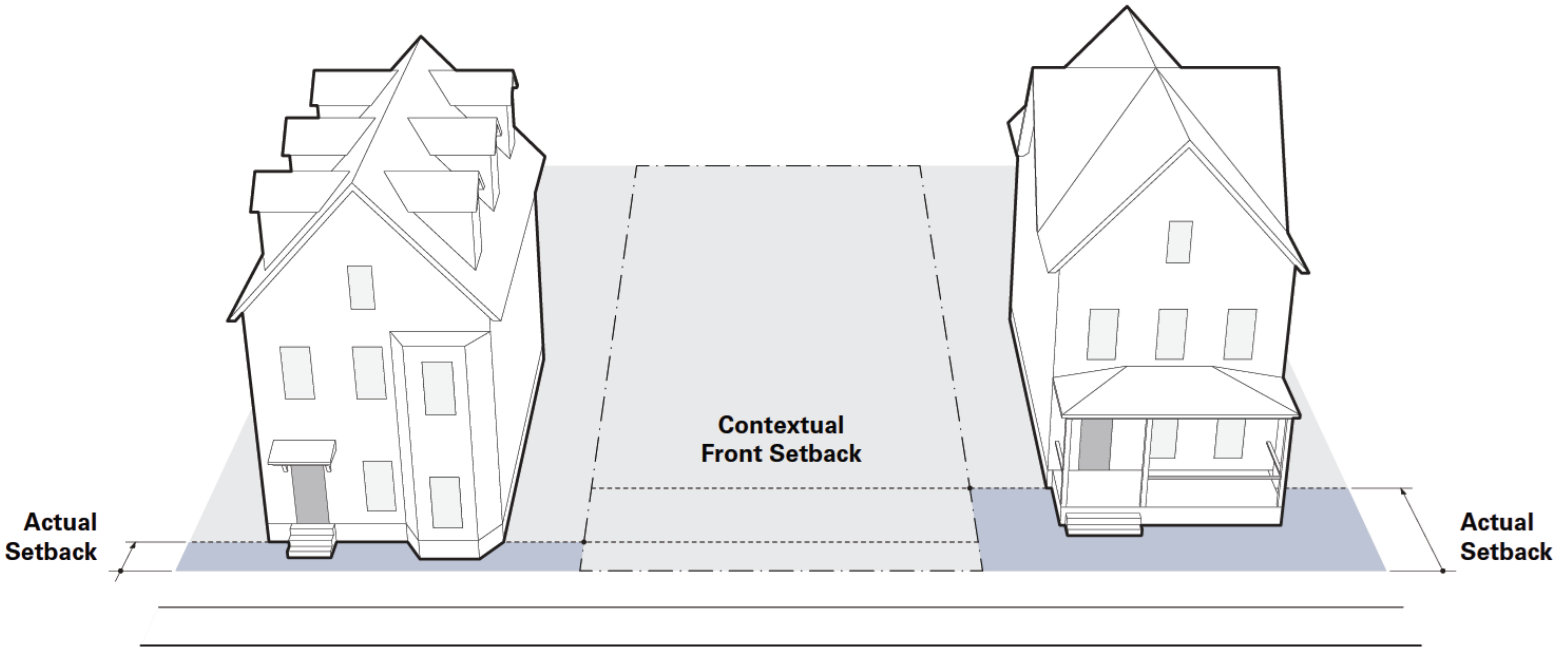
B. Setbacks

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.

Regarding #2, this bylaw sets out to ensure that new development is contextually placed on a site based on the placement of its direct abutters facing a public thoroughfare (see diagram on next page). While Table 1 sets minimums and maximums for front setbacks, it cannot anticipate the wide range of development patterns of all less-dense village centers (such as the near-zero ft front setbacks of Wellfleet Village versus the ~15 ft front setbacks of Dennis Village).

The Mixed-use Corridor (MC) district is intentionally left out of this standard because this bylaw does not want to perpetuate the auto-centric development pattern commonly found along commercial corridors like Route 28 that allows for large front setbacks, often with parking between the sidewalk and the building. This development pattern discourages walkability, pedestrian safety, and an active public realm.

B.2. Contextual Front Setback



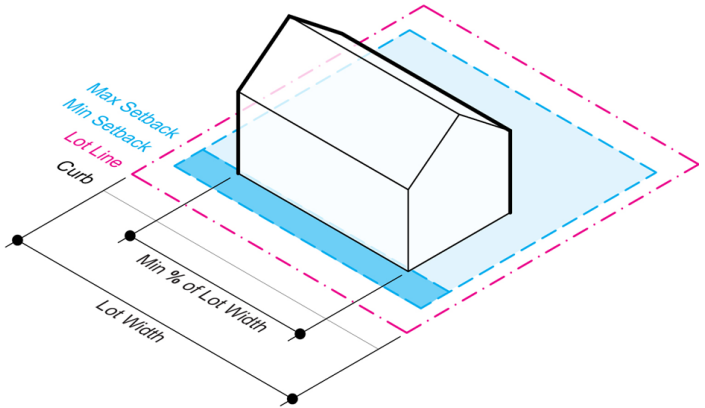
C. Facade Build Out

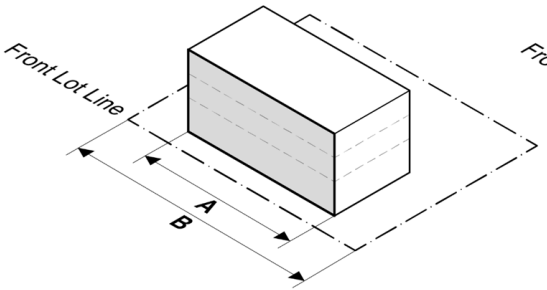
1. Building facade(s) must be built parallel to any primary front lot line at or between the minimum and maximum front setbacks.
2. Building facade(s) must be built out along the front lot line to a percentage of the lot's width as specified in Table 1 under the column “Facade Build Out.” Total facade 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).

This subsection expands on the definition for “Facade Build Out”. As mentioned under the Definitions section, this parameter gives towns the ability to limit the gaps between buildings by requiring that developments “fill out” a certain percent of their front lot lines facing public streets and sidewalks. This control can reinforce the density of particularly commercial uses along mixed-use areas to maintain and enhance walkability, vibrancy, and an active public realm.

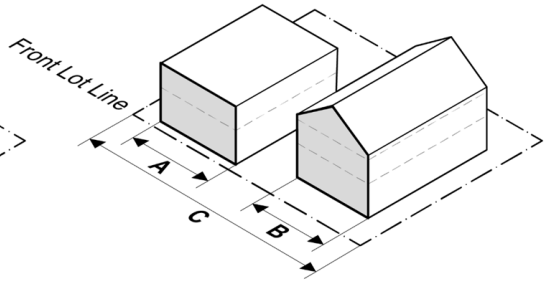
Regarding #4, this requirement would only apply to primary public streets and not secondary public street(s) on corner lots in order to allow for more flexibility. This development pattern is consistent with corner lot buildings in village centers where parking is often accessed off of secondary streets.

C. Facade Build Out





Facade Build Out % = **A ÷ B**



Facade Build Out % = **(A + B) ÷ C**

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.

This subsection reiterates and expands on the definition for “Lot Coverage”, which encompasses all impervious surfaces and therefore serves as a limit on the number of buildings, parking spaces, and the development in general.

Regarding #2, within less commercial-oriented subdistricts, this standard grants more flexibility to allow for unenclosed and paved amenity features of residential uses.

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.

This subsection requires that buildings are separated by a minimum distance as specified in Table 1 and varies according to the subdistrict. The principle is to allow for close or direct adjacencies where it makes sense (such as in dense village centers) and require greater separation where it is important for ample access to air and light or for contextual reasons (such as in residential only areas).

There are exceptions or special standards for cottage courts and attached single-family dwellings (i.e., townhomes and rowhomes), where the former is allowed to be relatively close and the latter is allowed to be directly connected via party walls.

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.

This subsection clarifies that cottage courts (a development type comprised of multiple detached single-family dwellings) can be on a single shared lot. The ownership structures will likely differ from that of a traditional single-family dwelling on a single lot and may instead include condominiums and cooperative ownership structures.

Regarding #2, this subsection also clarifies that cottage courts must be sited around a shared courtyard, consistent with the development pattern seen across the Cape.

VI. Building Standards

Table 2. Building Height Standards by Subdistrict

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.

The building standards subsection begins with 2 tables. The first, shown here, identifies minimum and maximum heights in terms of the number of total stories, total feet, and individual stories. Some height requirements vary based on use (whether mixed-use or all residential) and, within the MC subdistrict, proximity to an abutting single-family (SF) district.

The footnote highlights exceptions for cottage courts and attached single-family dwellings.

Table 3. Building Footprint, Units, and Articulation

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.

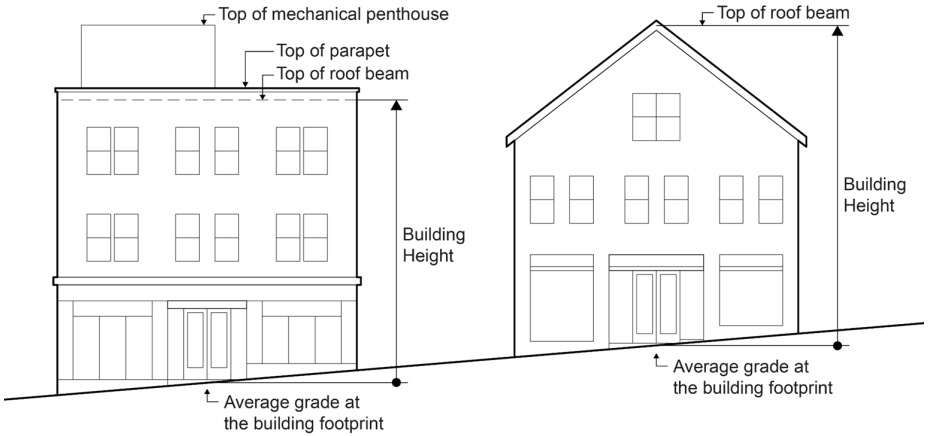
The second of 2 tables captures other regulatory parameters, namely maximum building footprint, units per building, maximum unit area, permitted roof form, and a maximum on the length of any continuous facade and roof form. Exceptions are made for building footprint and maximum units per building within the VCM subdistrict by special permit.

Importantly, it is up to the town's discretion to decide the maximum length (recommended to be between 50 to 80 ft) of any continuous facade and roof form in the MC subdistrict (this standard is explained later in this guide). Because the MC subdistrict often includes larger parcels and allows for larger buildings, a longer maximum continuous façade length may be appropriate.

The footnotes again highlight exceptions for special development types, namely attached single-family dwellings, cottage courts, and accessory dwelling units.

B. Building Height

Building height is measured from the average grade at the building footprint to the top of the roof beam.



This subsection reiterates the definition for building height.

See next page for a graphic diagram.

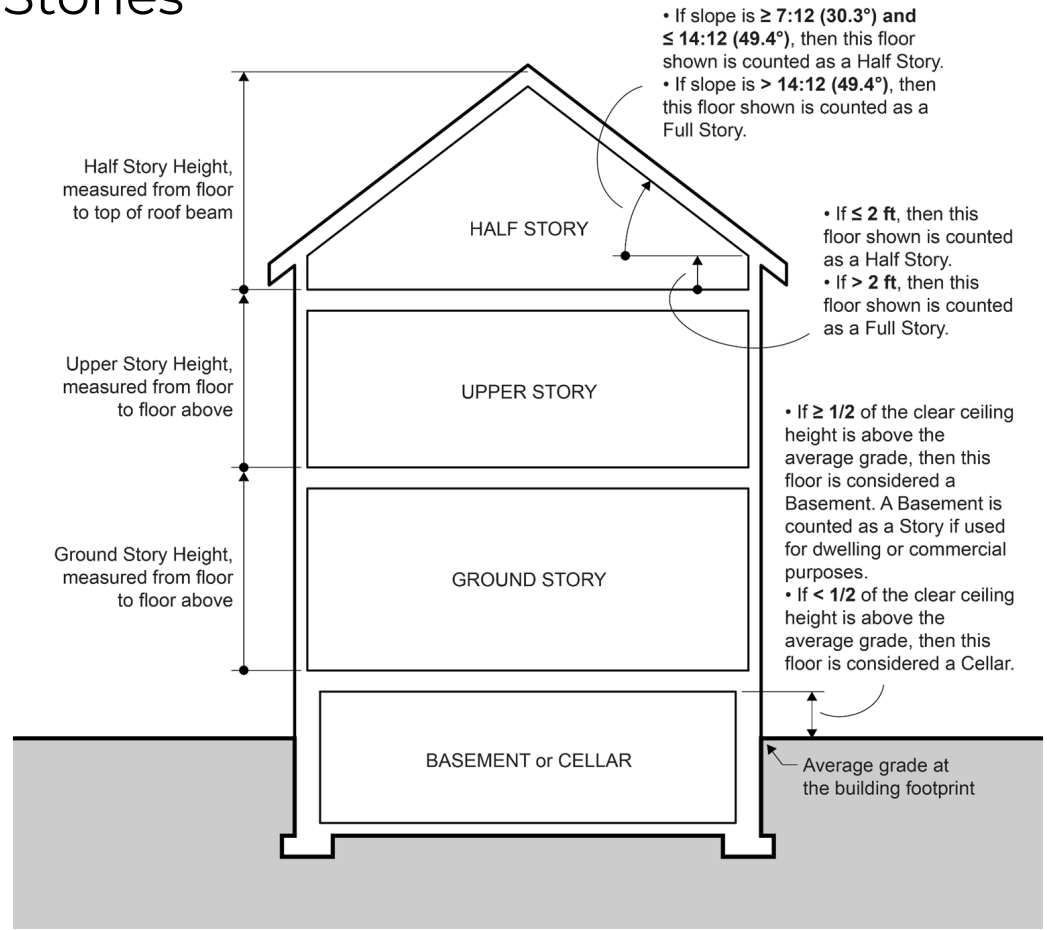
C. Number of Stories

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.

It is important to define how stories are counted, particularly half stories (a term that may be confusing to some). These descriptions coupled with the graphic on the following page define the counting rules for each floor depending on their location within a building.

Regarding provision 4: the detailed half story standards ensure that half stories are indeed modest and contextual in scale. If too permissive, some developers/architects could use other types of pitched roofs like mansard roofs that function and appear much more like a full story.

C. Number of Stories



C. Number of Stories (cont'd)

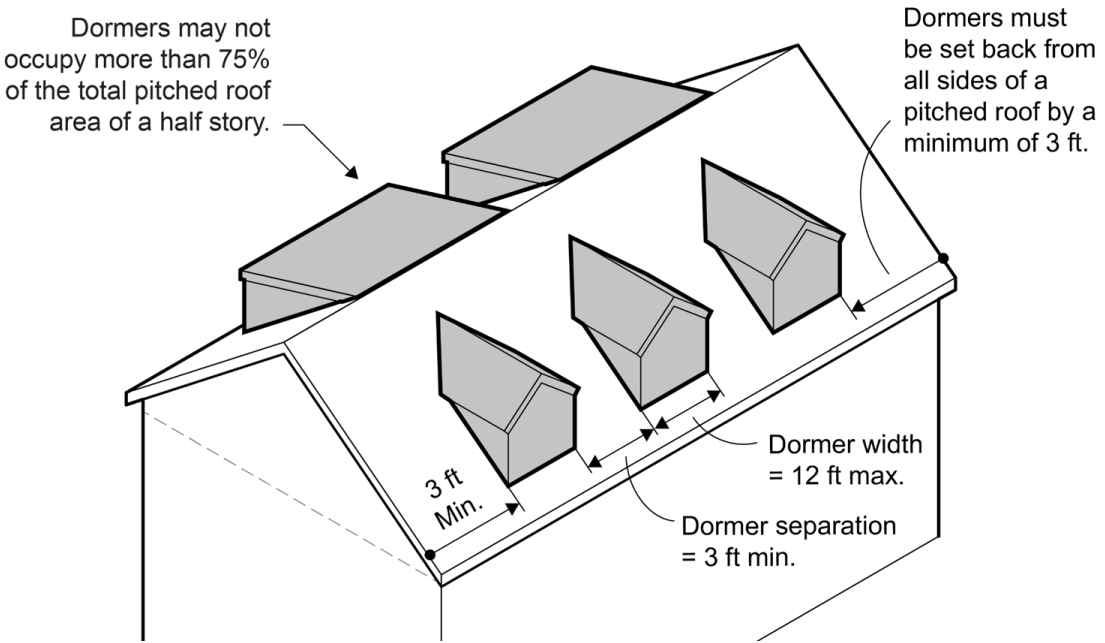
e. Dormer windows may not occupy more than 75% of the total pitched roof slope area and must be setback from all sides by a minimum of three (3) feet.
f. The width of dormers must not exceed twelve (12) feet and, where applicable, must be separated from each other by a minimum of three (3) feet.

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).

This page continues the standards for half stories in terms of dormer window rules. These points limit the size and massing of dormers so that, again, half stories indeed appear modest and contextual in scale.

Regarding #4, this standard allows for the top floor of a building with a flat roof to count as a half story if this half story could otherwise effectively fit within the roof form of a permitted half story. The result would be a top story with a flat roof that is set back from the facade lines.

C.4.e - f. Dormer Windows



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.

This subsection explains how height is measured in terms of feet and not stories.

The diagram on Number of Stories also explains these rules.

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:

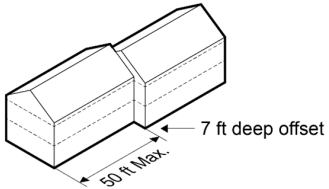
   a. Roof form type (e.g., pitched, hip, flat, etc.),
   b. Roof ridge orientation,
   c. Roof ridge height of at least five (5) feet, and/or
   d. Roof alignment of at least seven (7) feet.

This subsection is intended to break down the scale of buildings and create architectural character so that buildings are more consistent with those in the Cape and contribute to visual interest more broadly. The standard ensures that buildings vary their facades and corresponding roof forms every 50 ft or less, preventing monolithic buildings.

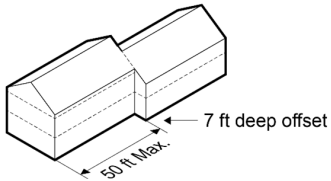
As mentioned earlier, towns may consider increasing this dimension to be closer to 80 ft for the Mixed-use Corridor (MC) subdistrict to grant a bit more flexibility for potentially larger buildings in that subdistrict.

The corresponding change in roof form is allowed in 4 different ways (roof form type, ridge orientation, ridge height, and ridge alignment), which are illustrated in the diagram on the following page.

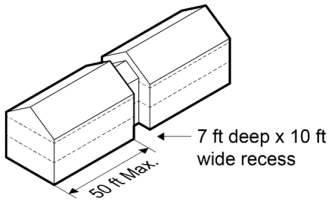
Example Facade and Roof Form Articulation Combinations



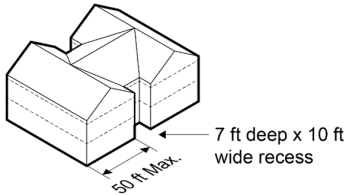
Facade **offset** of 7 ft min.
+ Change in **roof alignment** of 7 ft min.



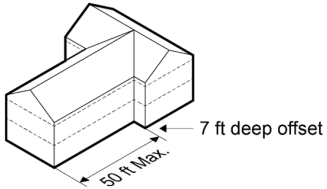
Facade **offset** of 7 ft min.
+ Change in **roof ridge height** of 5 ft min.



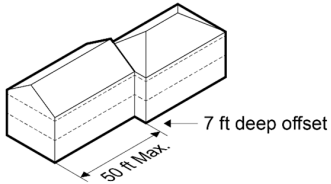
Facade **recess** of at least 7 ft by 10 ft
+ Change in **roof ridge height** of 5 ft min.



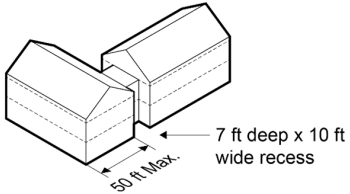
Facade **recess** of at least 7 ft by 10 ft
+ Change in **roof ridge orientation**



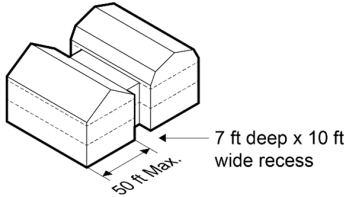
Facade **offset** of 7 ft min.
+ Change in **roof ridge orienation**



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 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

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.

This subsection allows for non-habitable architectural features on roofs, as listed here. Such features generally allow for greater functionality of buildings without creating significant visual impacts.

Reducing the visual impact of mechanical equipment in particular is addressed in a later section.

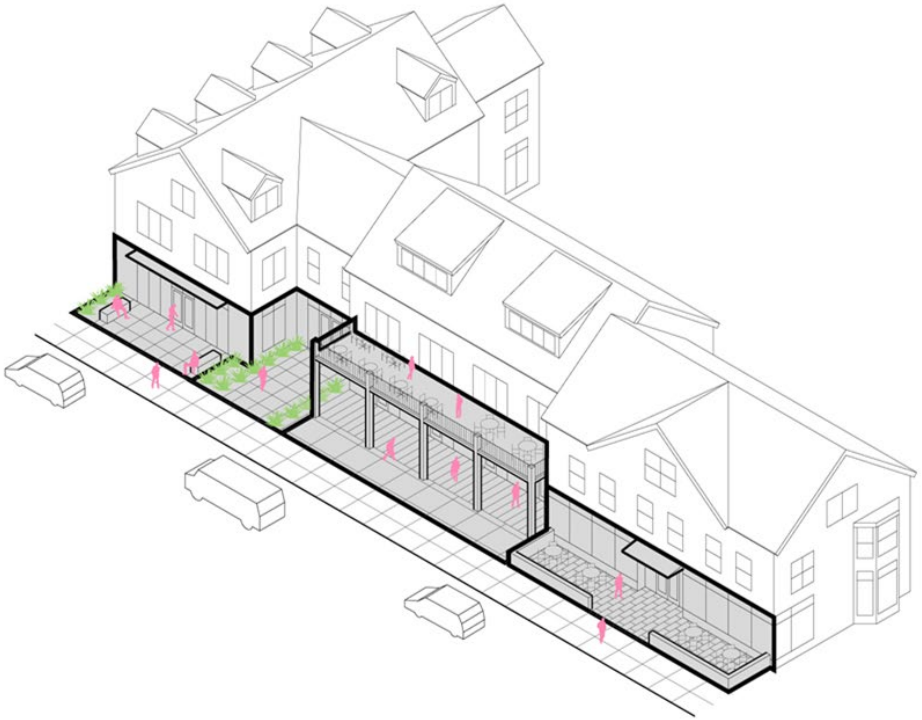
G. Building Entry

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.

This subsection requires that buildings address the primary public street with a principal entrance (i.e., “front door”). To allow for some flexibility, this standard is not required for secondary public ways.

Regarding #2, this subsection further requires a corresponding architectural feature to signal said principal entrance, which also provides added character to a building facing the street, such as in the form of a porch or veranda.

Example Building Entry Articulations



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.

This subsection is the start of a series of standards for special building types (e.g., mixed-use buildings, cottage courts, etc.).

Regarding #1, commercial uses are limited to the ground floor so that upper floors are preserved for residential uses.

Regarding #2, principal entrances for each non-residential space on the ground floor ensures direct access to the sidewalk and therefore a more active relationship to the sidewalk.

Regarding #3, this depth standard ensures that commercial spaces are actually usable for a wide range of businesses / activities.

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.

This subsection spells out the special standards for cottage court developments that deviate from the dimension tables for general building standards.

These standards allow for more compact detached single-family dwellings arranged in closer proximity than would otherwise be allowed in other subdistricts.

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.

This subsection spells out the special standards for attached single-family dwellings (i.e., townhomes and rowhomes).

Point #2 clarifies that a grouping of townhomes / rowhomes must still comply with the maximum building footprint for a single building per subdistrict as well as the maximum length of continuous facade and roof form articulation standard.

If the town's zoning already allows ADUs, the town may need to reference that section and determine how to apply that section to townhomes in the HDD.

K. Accessory Dwelling Units Standards

1. Detached structures used as accessory dwelling units are allowed only one dwelling 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.].

Towns with ADU provisions existing in their zoning should include these provisions. These provisions point owners of single-family homes in the HDD to the town's ADU provisions, and (potentially redundantly) limits detached ADU structures to a single unit. Most ADU bylaws already have this single-unit provision. Towns that already specify a single-unit limit can remove that provision.

Towns without existing ADU sections in their bylaw should delete the provisions here and consider allowing ADUs through separate standalone legislation.

L. Adaptive Reuse Standards

1. Modifications to any existing structure that do not alter the building footprint, façades, and roof up are exempt from the requirements of Section V. Lot Standards and Section VI. Building Standards.

This subsection expands on the standards for modifying existing buildings and building new additions attached to existing buildings.

To encourage the reuse of existing, especially historic, buildings, modifications of existing buildings are exempt from the Lot Standards and Building Standards. For example, an existing building that exceeds certain setbacks may still be permitted to convert to a two-family dwelling.

L. Adaptive Reuse Standards (continued)

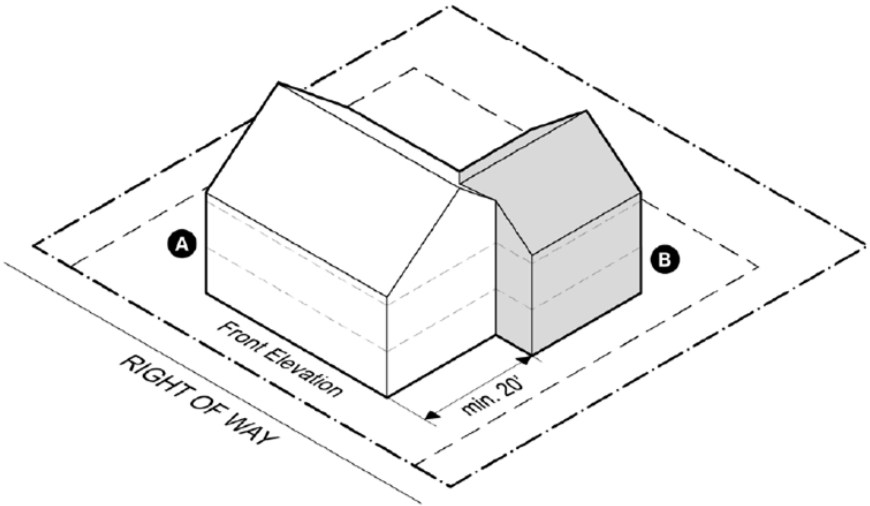
2. New additions are only permitted to be attached to the rear and side elevations of the existing principal building and must meet the Building Setback and Building Separation requirements in Table 1.
3. The maximum footprint of a new addition attached to the rear or side elevations of an existing principal 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.

New additions attached to the side and/or rear of existing buildings must meet select Lot and Building Standards to minimize non-conformities.

Regarding #3, the town has discretion to set the maximum footprint allowed for new additions as a percent of the existing building.

Points #4 and #5 reduce the visual impact of new additions, which is especially important for historic structures.

Example Permitted New Addition attached to an Existing Building



Building footprint of B ≤ Building footprint of A × 50%

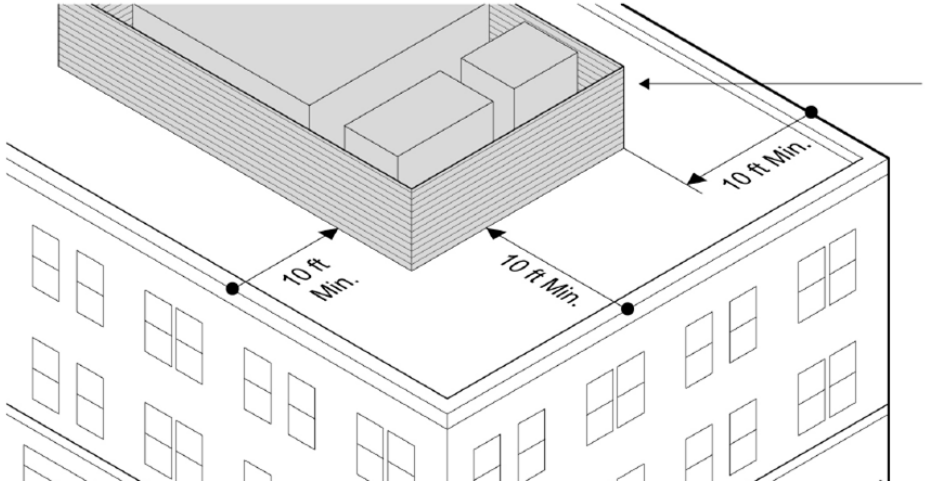
M. Mechanical Equipment

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.

This subsection limits the visibility of mechanical equipment, particularly from the public way, depending on where it is mounted relative to the building.

Roof-mounted equipment should be setback from all sides, since they may be visible to side and rear neighbors. Wall-mounted and ground-mounted mechanical equipment are required to be on the side or rear of the building.

M. Mechanical Equipment



Roof-mounted mechanical equipment shall be screened and setback at least 10 ft from any building wall.

VII. Parking and Site Standards

Table 4. Maximum Automobile Parking by Subdistrict

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

The Parking and Site Standards subsection begins with a table that identifies the maximum parking permitted for different uses within each subdistrict.

Minimum parking requirements are omitted to encourage the reduction of parking and allow the market to decide on a parking ratio, up to the identified maximum.

A. Parking Requirements

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.

This section establishes the parking requirements through a reference to Table 4 (above) and shared parking adjustments.

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:
        i. Commercial: twenty-five (25) feet
        ii. 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.

This section is included to ensure that parking is conveniently located in the same lot as the building it supports and that it is placed behind the front facade line, and not in the frontage area of a lot.

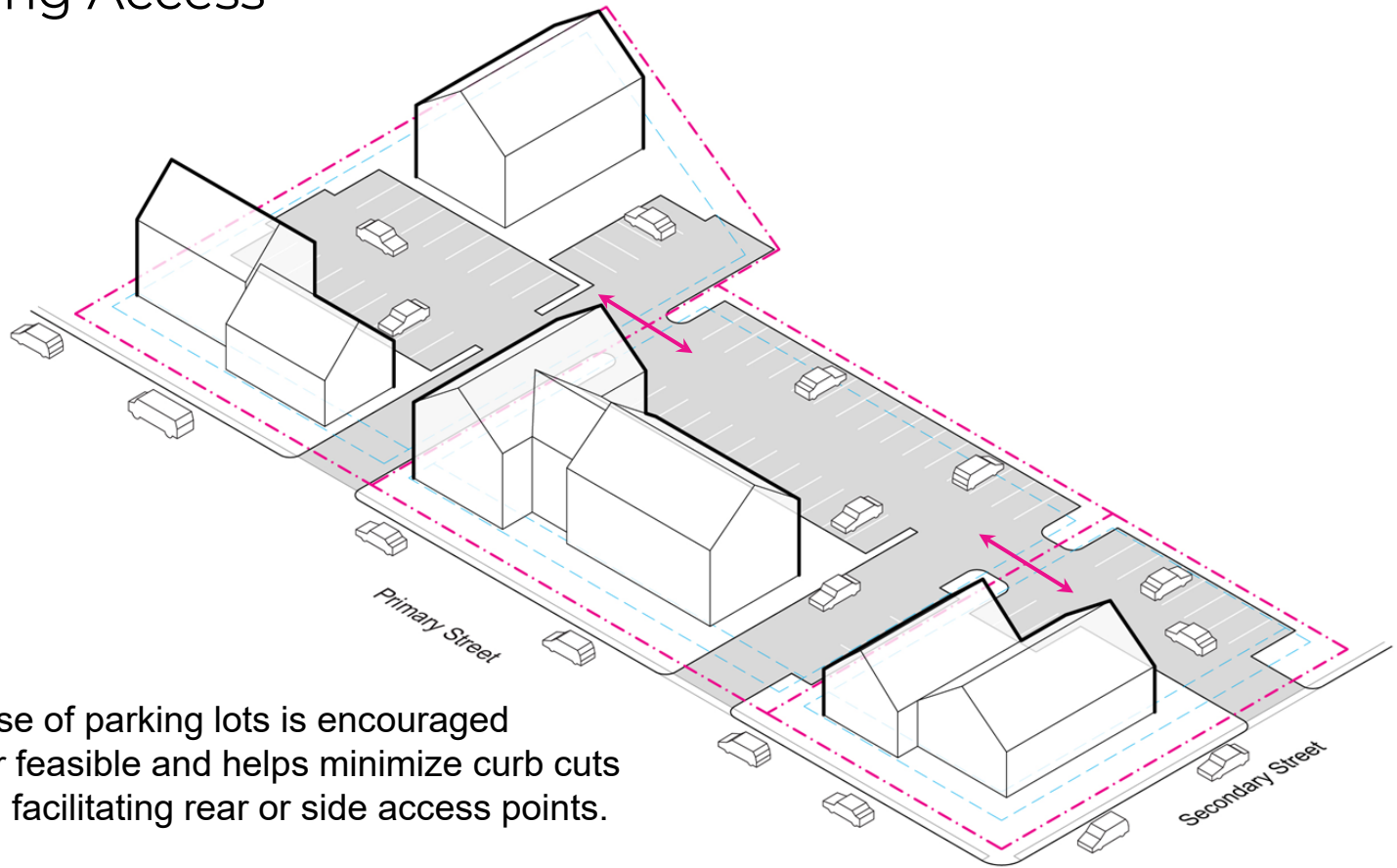
C. Parking Access

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.

This section advocates for locating access to parking at the rear or side of the parcel, whenever possible. In many cases, shared use of parking lots facilitates the identification of convenient rear or side access points.

It is preferable to minimize the number of curb cuts along the front of parcels to enhance safety for pedestrians and cyclists.

C. Parking Access



Shared use of parking lots is encouraged whenever feasible and helps minimize curb cuts and while facilitating rear or side access points.

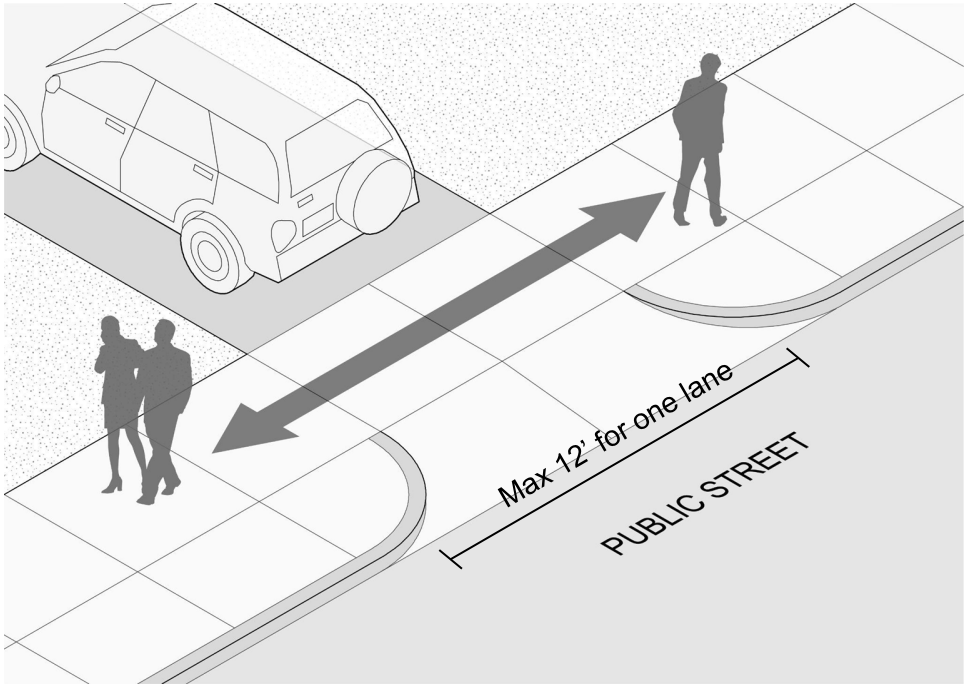
D. Curb Cuts and Driveways

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.

This section regulates the maximum width for a curb cut and the number of curb cuts per lot.

It also regulates the location of the driveway entrance, as well as the grade, slope, width and appearance of the sidewalk walkway. All of this aimed at ensuring a sidewalk that is easily accessible.

D. Curb Cuts and Driveways

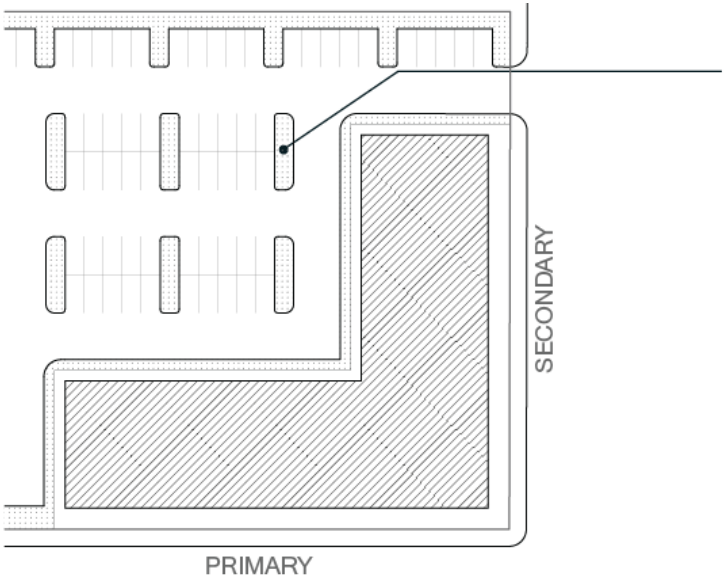


E. Surface Parking Lot Design

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.

These provisions ensure any surface parking is adequately landscaped, providing both buffers from residential areas and internal “islands” of landscaping (preventing large expanses of paved surfaces).

E. Surface Parking Lot Design



Landscaped islands:
20% of parking field

Building Footprint

Landscape

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.

Locating service areas behind buildings or screening them from view is crucial to maintaining a clean and visually appealing environment, reducing the impact of noise, odors, and unsightly elements.

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.

Low Impact Development (LID) includes landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground.

More information and resources:
https://www.mass.gov/info-details/lid-information-and-resources

https://snepnetwork.org/network-resources/

https://www.epa.gov/system/files/documents/2023-11/bioretentiondesignhandbook_plainnov2023.pdf

H. Parking Relief

1. Relief from the parking requirements of Table 4 or 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.

This provision creates a discretionary process that relieves potential developments from the HDD's parking requirements. Special Permit Granting Authorities are given a minimum set of factors they should consider, but this list is not exhaustive, and broad discretion over which factors to consider is given to the SPGA. Towns should consider adding to the list of required factors, and they may wish to remove the broad discretion of which factors to consider.

Next Steps

Where to go from here?

This guide hopefully sheds insight into the model bylaw text. If a town wants to implement design-driven zoning in one or more areas, staff and board members should consider the community's goals for these areas, adapt this model bylaw to align with those goals, and hold a public process to vet and edit the bylaw further.

The bylaw can serve as a blueprint for implementing design-driven zoning, and it can readily be adopted with a few key decisions by the town. However, it can also serve as inspiration, and towns can use the text and the thinking behind it to arrive at their own unique approaches to design-driven and form-based (re)development.

A Design-Driven Housing Model Bylaw for Cape Cod Towns: Accompanying Guide

A Design-Driven Housing Model Bylaw for Cape Cod Towns

CAPE COD COMMISSION

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:

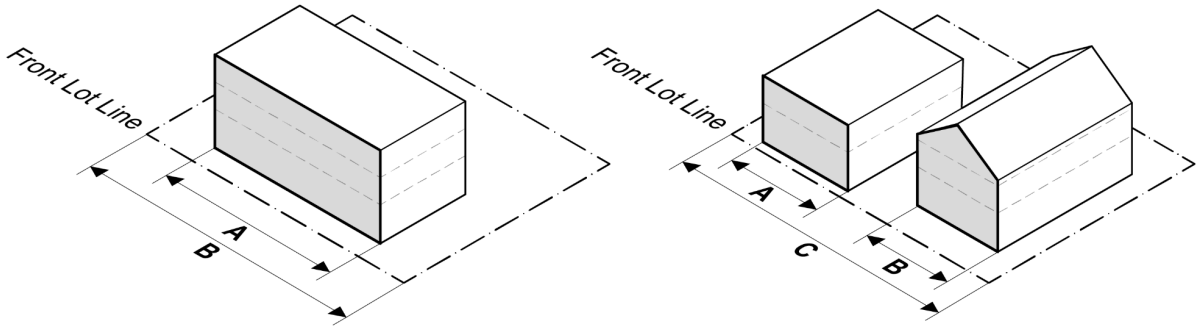
A. Allow the development of buildings and uses appropriate to [TOWN], including, but not limited to, its village centers, commercial corridors, and other neighborhoods with distinctive character, in a manner that aligns with the vision of the Town's Comprehensive Plan [OR MASTER PLAN] and other policy 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)

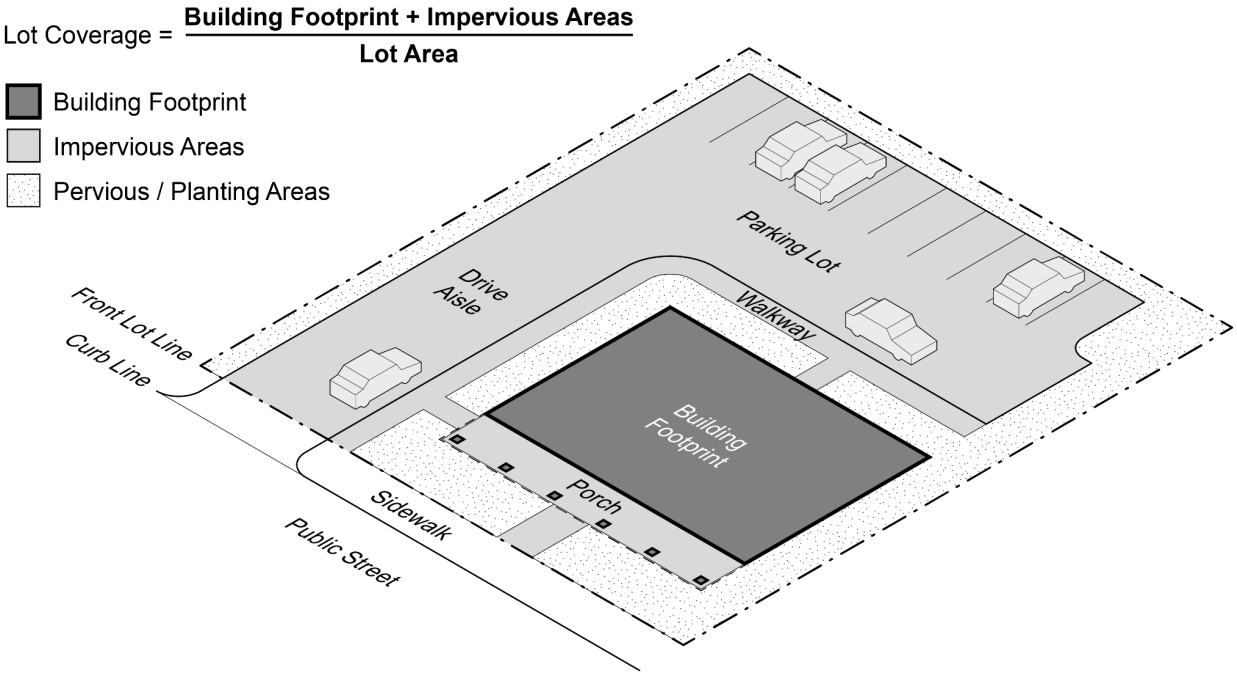


Facade Build Out % = **A ÷ B**

Facade Build Out % = **(A + B) ÷ C**

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



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[a, b]	0 ft	10 ft	0 ft; Abutting SF District: 20 ft	0 ft; Abutting SF District: 20 ft	5 ft	100%	75%
VCL[a, b, c]	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[a, b, c]	15 ft	30 ft	15 ft	15 ft	20 ft	50%	N/A
RL[a, b, c]	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.

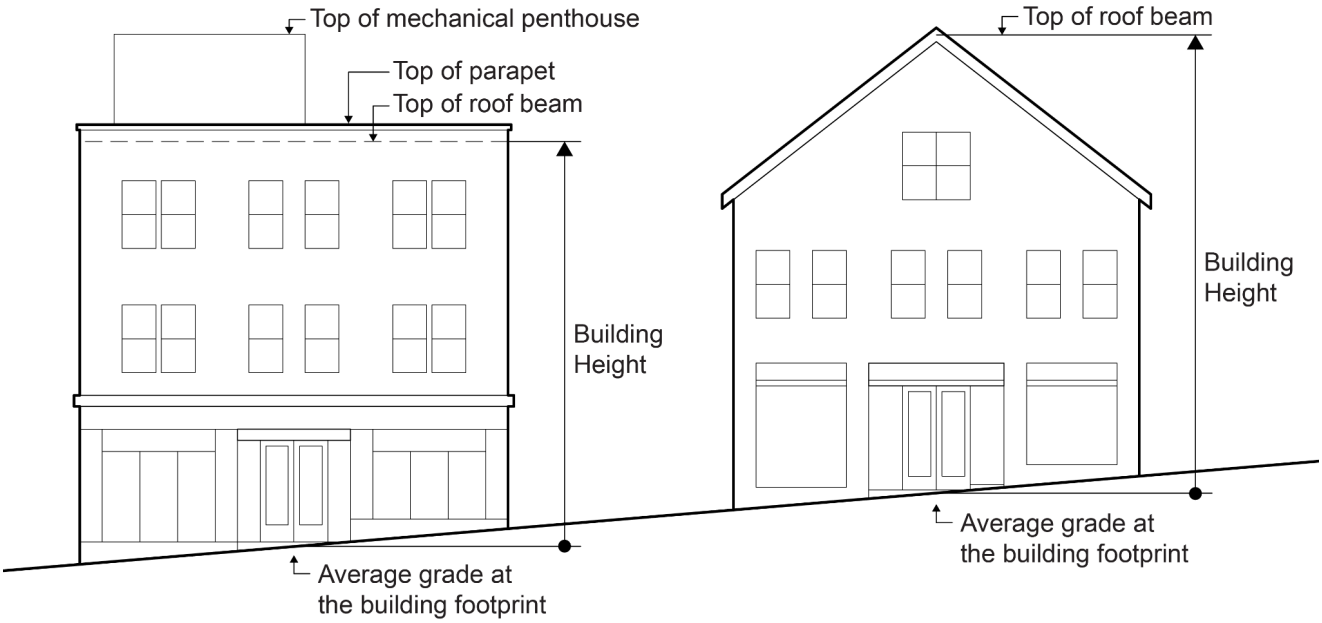
VI. Building Standards

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

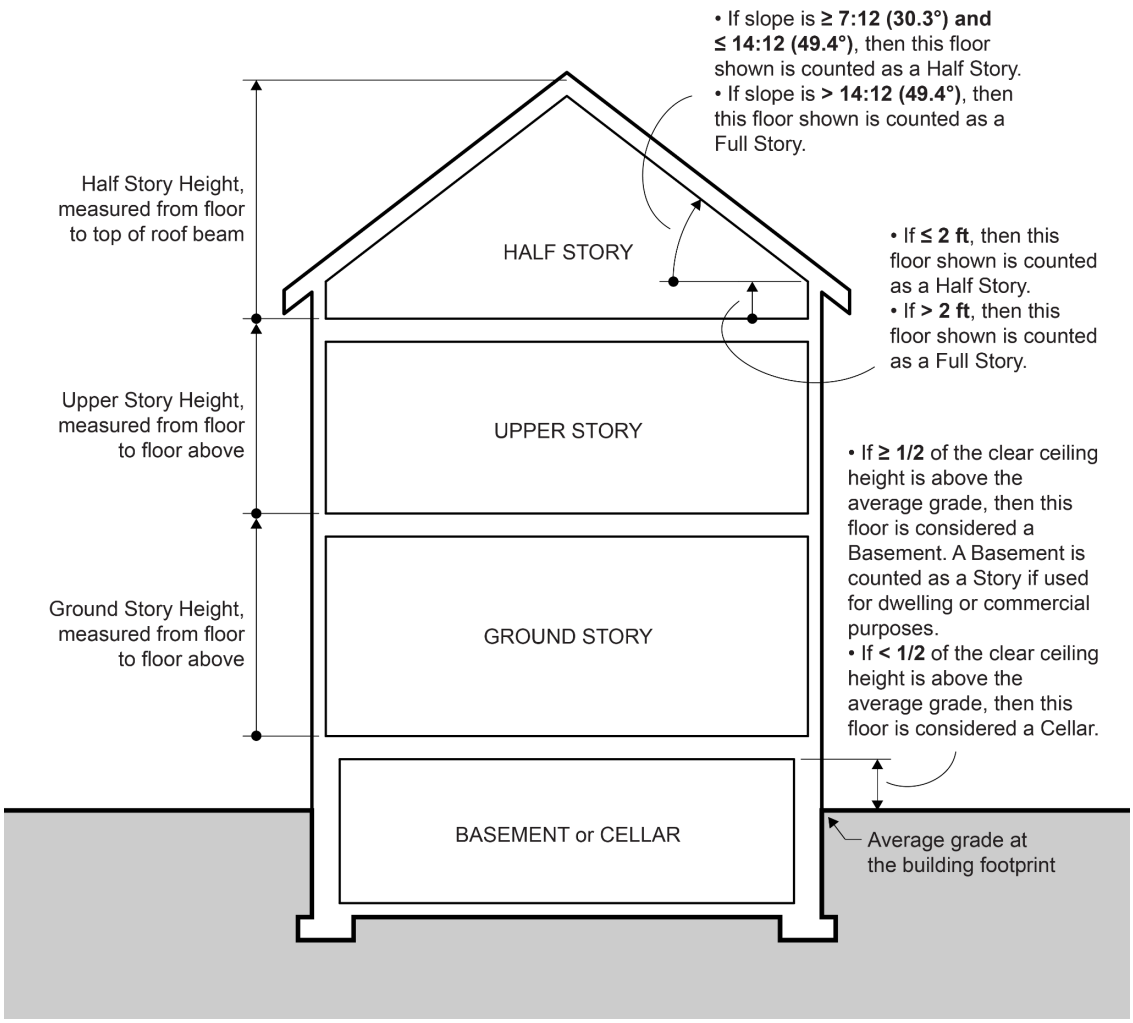
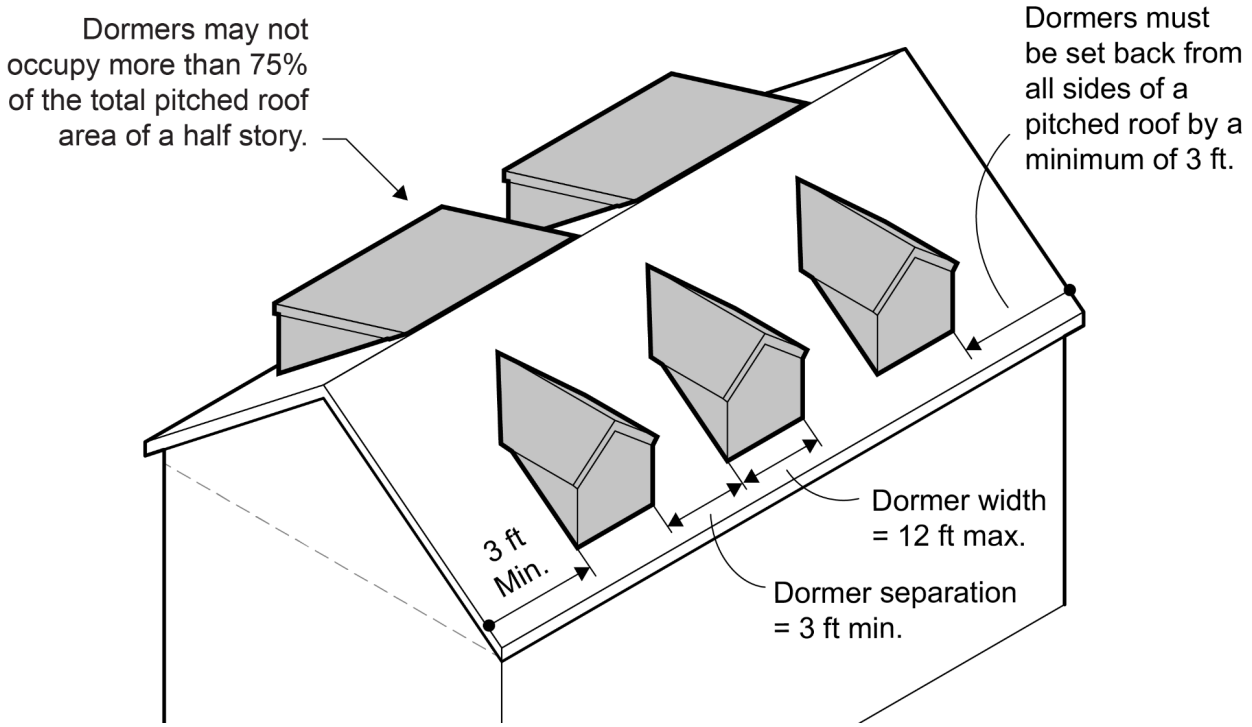


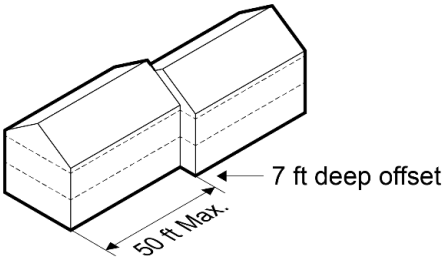
Figure 5. Dormers



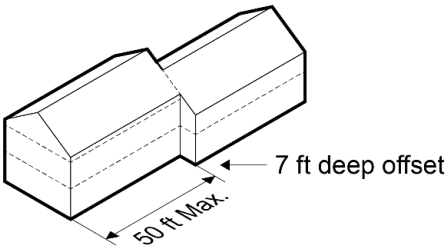
E. Facade and Roof Form Articulation

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.

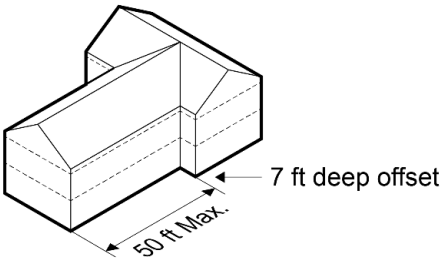
Figure 6. Example Facade and Roof Form Articulation Combinations



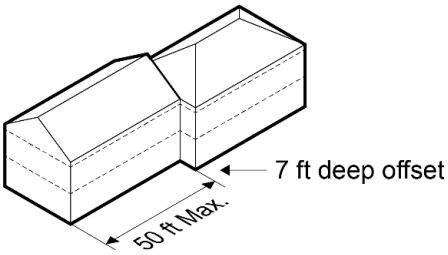
Facade **offset** of 7 ft min.
+ Change in **roof alignment** of 7 ft min.



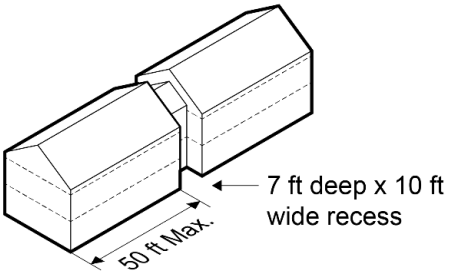
Facade **offset** of 7 ft min.
+ Change in **roof ridge height** of 5 ft min.



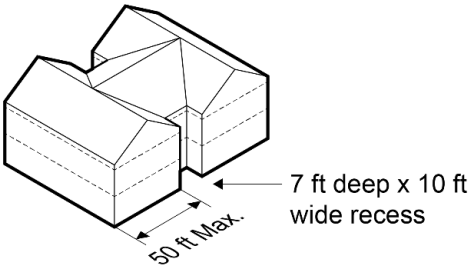
Facade **offset** of 7 ft min.
+ Change in **roof ridge orienation**



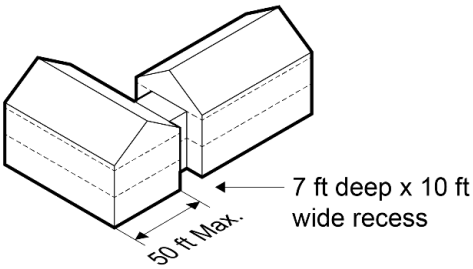
Facade **offset** of 7 ft min.
+ Change in **roof form type** (pitched to hip)



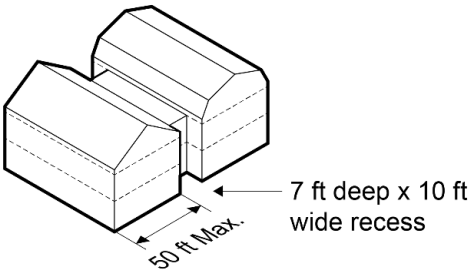
Facade **recess** of at least 7 ft by 10 ft
+ Change in **roof ridge height** of 5 ft min.



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.

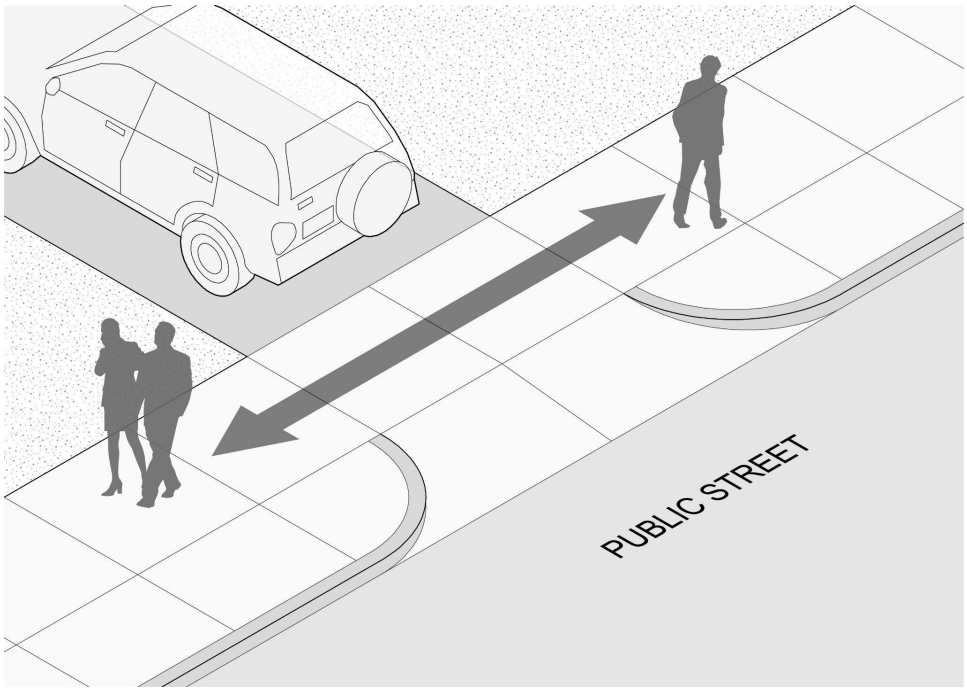
C. Parking Access

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.