

Cape Cod Model Single-Family Conversion Bylaw: Accompanying Guide

Introduction

Acknowledgements

The model bylaw and guide was 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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Intent of this guide

Guidance for local officials working from this model bylaw

This guide accompanies a model bylaw for single-family to multifamily conversions on Cape Cod. While the text of the model bylaw is kept to the bare minimum and is written in legal and technical language, this guide explains the thinking behind each of the provisions. It provides context and guidance to local officials and advocates who want to understand and implement single-family conversion zoning locally using this draft as a starting point.

Intent of model bylaw

Simple mixed-use zoning amendment

This model bylaw intends to be a first draft of a zoning amendment that would enable reasonable conversion of some single-family homes to multifamily homes. Conversions strategically increase the housing supply on the Cape within the existing housing stock. This maintains the characteristic aesthetic and qualities of the region's housing, while increasing the variety and total quantity of housing available. Local policymakers can use this model bylaw as a starting point, considering their town's needs and desires for single-family conversions, as well as the specifics of the places where it might be appropriate and the structure of their zoning bylaw.

Background

Single-Family to Multifamily Conversion

Design thinking

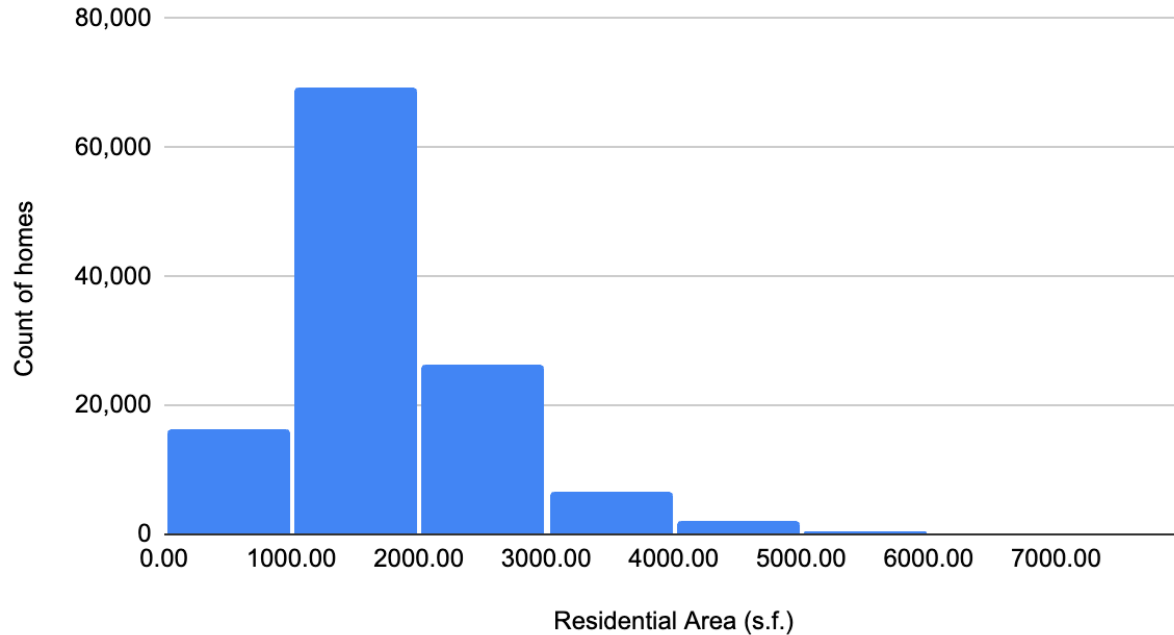
Opportunities within the existing single-family housing stock exist for the incremental addition of housing units without ground-up development.

The existing stock and the opportunities within it take many forms:

- Some homes are relatively small, but would still support conversion into micro-units, thanks to their layout and location.
- Some homes are large and could support the creation of several units.
- Most single-family homes, however, are in a middle size category, and may support one or perhaps two net new units from a conversion.

The majority of Cape Cod homes are between 1,000 and 4,000 s.f. in area

Single-family homes by residential square footage



Small homes

About 1,000 s.f.



Mid-Size Homes

About 3,000 s.f.



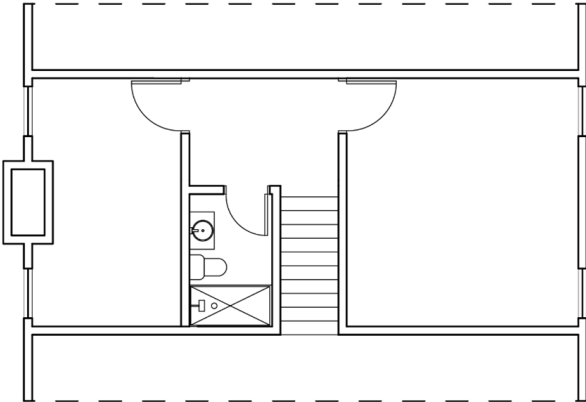
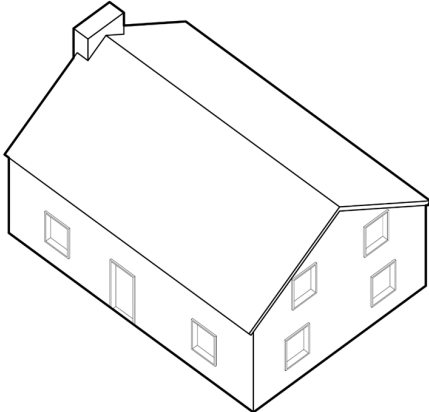
Large Homes

6,000+ s.f.

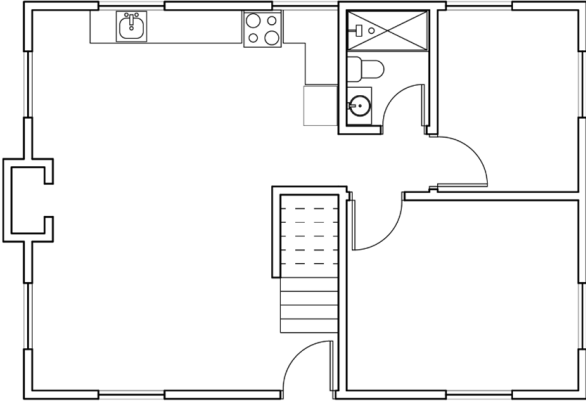


Basic conversion: carving up existing interior

Existing Conditions



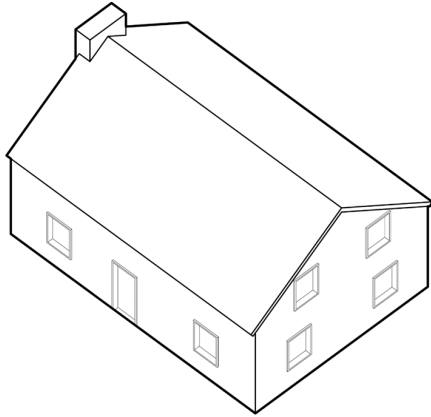
Upper floor



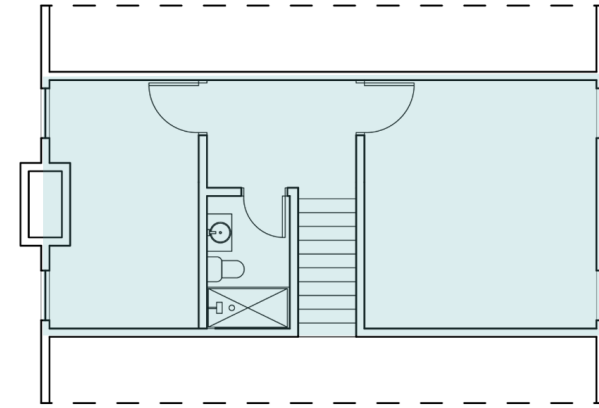
Ground floor

Basic conversion: carving up existing interior

New entrances and kitchen/bathroom facilities may be required.

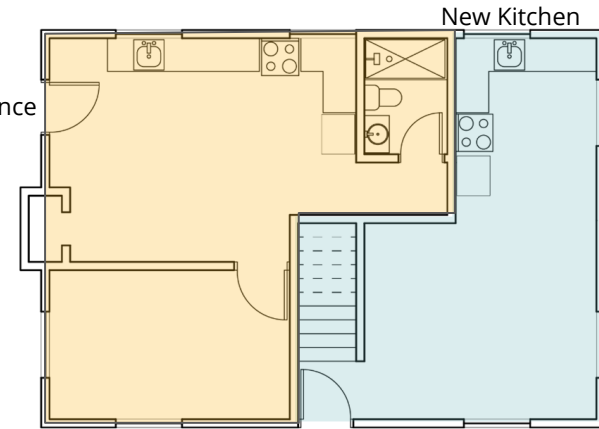


**Unit 1 (600 sf)
2 Bed, 1 bath**



Upper floor

**Unit 2 (400 sf)
1 Bed, 1 bath**



Ground floor

Single-Family to Multifamily Conversion

Design thinking

- How can property owners be enabled to make use of the opportunity they may have?
- Are conversions allowed? If so, where?
- How are converted units regulated? What size should they be?
- What building alterations are most important to make conversions work?
- How might parking requirements prevent reasonable conversion?

Relationship to Zoning for Accessory Dwelling Units

Though the terminology may vary all Cape Cod towns have accessory dwelling unit (ADU) provisions in their zoning. Most of these laws allow internal ADUs (such as those in an attic or basement). In some cases, internal ADU regulations may look similar to or overlap with a single-family conversion bylaw. They are different in one key way: conversions set up one or more standard units within an existing structure, while ADUs create a subordinate unit either within or outside an existing structure.

Implementers of this model bylaw should consider their town's existing housing stock, their ADU bylaw, what those regulations require, and how they interact with the provisions in this model. Is zoning setting up an incentive for one type of home (ADU vs. SF conversion) over another? Is that OK? Should the bylaws be tweaked to create more distinction?

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 where this conversion bylaw may be appropriate
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 overlay into the existing zoning bylaw, etc.)

Bylaw Structure

This bylaw works by doing the following:

- Creates a new “conversion” use allowed for existing single-family homes (either town-wide or in certain districts)
- Regulates the size, number, and configuration of new units
- Allows for and regulates additions (meant to create new entrances or kitchen/bathroom facilities), subject to Site Plan Review
- Regulates automobile parking
- Regulates use of the units as vacation rentals

Bylaw Table of Contents

Table of Contents

1. Purpose
2. Definitions
3. Application and Administration
4. Nonconformities
5. Dimensional and Design Standards
6. Additions
7. Parking
8. Wastewater
9. Administration
10. Occupancy
11. Conflicts

Terminology in this guide

- Throughout the model bylaw the full amendment is referred to 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

Purpose

Purpose Declarations

[Pick and choose]

- To enable conversion of single-family homes to multifamily homes
- To broaden the range of housing options available
- To create housing at more affordable and attainable rents and prices
- To preserve homes that might otherwise be torn down
- To limit unnecessary construction-related greenhouse gas emissions,
- To save embodied carbon emissions associated with building materials
- To preserve open space
- To respect the aesthetic value of Cape Cod's existing housing

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 a Site Plan Review Authority 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.

Definitions

List of defined terms

See the following pages for definition text

- Building Footprint
- Conversion
- Dwelling Unit
- Gross Floor Area
- Principal Structure

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 single-family to multifamily conversion section (and only in this section), they carry the meanings given here.

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.

See the pages that follow for more on each defined term.

“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.

Building footprint is defined for this section of the bylaw to be used as the primary determinant of allowable additions. Basing additions on footprint and existing building height rather than gross square footage ensures that additions will be proportional in their massing to the existing building.

“Conversion”

“Conversion” shall mean the conversion of a residential structure with one dwelling unit to a structure with two or more dwelling units.

Conversion is the use regulated under this bylaw, intending to create additional dwelling units out of existing residential square footage and housing stock. The conversion use defined here is allowed and regulated throughout the section.

This is a mechanism for increasing available residential units on the Cape, which are in short supply, without necessitating the more arduous process of ground-up development. This bylaw intends to create broader diversity in dwelling unit sizes and characteristics than the prevailing single-family homes currently dominating the market.

“Dwelling Unit”

“Dwelling unit” shall mean a wholly contained living area intended for one household (either an individual, family, or unrelated persons) that is complete with bedrooms, kitchen, bathrooms, and otherwise conforms to the standards of the [\[building code reference\]](#).

The purpose of defining the dwelling unit in this context is to allow for the creation of additional housing while ensuring that each household has all the amenities it needs. It is the primary constituent part of a conversion. The dwelling unit is defined this way (and is meant to conform to building code descriptions of dwelling), in part to distinguish it from homesharing or shared housing, wherein separate households share common facilities. The dwelling unit is also used to regulate parking. In order to be considered a single-family to multifamily conversion under this bylaw, conversions must create at least one net new dwelling unit.

“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, exclusive of unenclosed spaces.

Gross Floor Area is defined here as the sum total interior area of the entire single-family dwelling.

“Principal Structure”

“Principal structure” shall mean the existing structure of the single-family residence that is being converted under the regulations of this section. The principal structure includes any and all parts of the single-family residence that are physically connected and which together constitute the original dwelling unit, including wings or previous additions. The principal structure excludes any porches, patios, decks, outbuildings, and accessory structures. If there is more than one structure on a lot meeting these criteria, each shall be considered a principal structure for the purposes of this section.

Principal structure is meant here as the original single-family dwelling that an owner wishes to convert to a multifamily dwelling. It is referenced when regulating the size and configuration of additions, and when choosing the location of new entrances.

Application and Administration

Application

Geographically, where is this section relevant?

[There are three options here, one that applies town-wide and two that are targeted at the district level. One of the district-level options is for towns with a use table in their zoning bylaw, the other is for those which do not have a use table. A town may wish to allow conversion only in areas that are most conducive to increased residential activity. This includes districts near villages or commercial areas; districts that already have duplexes, triplexes, and multifamily housing, districts with sewer access, and districts that are outside special flood hazard areas. Towns should choose one option.]

The first option allows for single-family to multifamily conversions for all single-family homes in all areas of Town.

The second option allows for single-family to multifamily conversions by district, according to a use table elsewhere in the zoning bylaw.

The third option allows for single-family to multifamily conversions by district, specified in text.

Application

Town-wide Option

- A. Conversions adhering to the standards of this section are allowed by-right for all single-family homes in all areas of Town.

This is a blanket by-right allowance for conversions town-wide.

In theory, implementers could also require a Special Permit for conversion, though this could have a chilling effect on reasonable conversions undertaken by typical (non-landlord) owners.

Note that later in the bylaw, Site Plan Review is required for all conversions with additions.

Application

District-Level Option, Use Table

- A. Conversions adhering to the standards of this section are allowed by-right for single-family homes according to the use table given in **[INSERT USE TABLE SECTION]**.

This option is intended to allow conversions by-right in specific areas of a town, and for towns that already have a use table in their zoning.

Similar to Option A, Special Permit allowances could be added in the use table, though this could significantly constrain the use of the bylaw to make conversions.

Application

District-Level Option, In-text

- A. Conversions adhering to the standards of this section are allowed by-right for all single-family homes in the following zoning districts:
 1. [INSERT RELEVANT DISTRICTS IN A LIST HERE]

This option is intended to allow conversions by-right in specific areas of a town, and for towns that do not have a zoning use table, but rather allow uses in-text.

Similar to Options A and B, Special Permit allowances could be added in this provision, though this could significantly constrain the use of the bylaw to make conversions.

Site Plan Review for Additions

Conversions adhering to the provisions of this section and which include an addition shall be subject to Site Plan Review, regulated under [INSERT SPR CITATION].

This provision triggers site plan review for conversions with additions. While for smaller homes additions will have a marginal effect on the appearance of the home and the site design of the property, Site Plan Review could become important for larger homes due to the way that footprint allowances for additions are calculated.

Nonconformities

Nonconformities overall

Because zoning has evolved over a long period of time, and the requirements of zoning often diverge significantly from the character of the existing building stock, many towns have homes that are nonconforming under zoning. Those nonconformities (in regulations of minimum lot size, setbacks, heights, etc.) often prevent reasonable changes to the housing stock, since changes (especially additions) would exacerbate nonconformities or create new ones.

Towns should decide how to deal with conversions of existing nonconforming homes. If a town's bylaw is reasonably aligned with the existing housing stock, they may wish to require a Special Permit for conversions of nonconforming properties, regardless of zoning district, for those extraordinary cases of a nonconformity. If many existing homes are nonconforming, a town may wish to allow conversions of nonconforming structures according to the provisions of subsection III, so as not to unnecessarily burden conversions.

Nonconformities

Option A

For properties with existing zoning nonconformities, a Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] shall be required for all conversions adhering to the requirements of this section. The [SPECIAL PERMIT GRANTING AUTHORITY] shall make a finding that a conversion is not substantially more detrimental to [TOWN NAME] and its neighborhoods than existing nonconformities at the subject property.

This option requires a Special Permit for nonconforming properties, regardless of the zoning district or other considerations. This standard is aligned with the defaults set by M.G.L. Chapter 40A § 6 and relevant case law for single-family properties. However, the administrative burden of this discretionary requirement may result in fewer reasonable conversions. If nonconformities are rare, it could be reasonable, but if they are prevalent, this discretionary process could limit the bylaw's efficacy.

Nonconformities

Option B

- A. Given the limited nature of alterations allowed for conversions adhering to the standards of this section, any nonconformities intensified are presumed not to be substantially more detrimental to [TOWN NAME] and its neighborhoods than existing nonconformities.

- B. Conversions adhering to the standards of this section are allowed for all existing single-family homes, regardless of any zoning nonconformities existing on the property already and zoning nonconformities intensified by the conversion. Whether conversions adhering to the standards of this bylaw are allowed by-right or by Special Permit shall be determined in accordance with subsection III of this section and all other provisions of this section, without regard to existing, newly created, or newly intensified nonconformities.

This option aligns the requirements of nonconforming properties with those of conforming properties. The assumption made here is that the alterations used to enable conversions will be minor enough that they are not substantially more detrimental than the existing nonconforming single-family home. This is more permissive than the default set by M.G.L. Chapter 40A § 6, but makes sense given the limited nature of alterations allowed by this model bylaw. This option could be especially important where current zoning bylaws are substantially different than the existing conditions found on a town's single-family properties.

Dimensional and Design Standards

Dimensional regulations

Dimensional regulations govern the overall bulk, form, and placement of buildings on a site. They also have an impact on development intensity.

This model bylaw is meant to create more opportunities for increasing residential units within the existing residential stock. Ideally, these regulations would convert larger single-family homes into two or more units, offering greater variety in unit size and affordability. The dimensional regulations included here are meant to encourage that kind of conversion.

Dwelling Unit Size

Minimum. Each dwelling unit shall have no less than **400 square feet** in gross floor area, excluding all shared facilities, building circulation, and building operations facilities.

Maximum. Each dwelling unit shall have no more than **2,000 square feet** in gross floor area, excluding all shared facilities, building circulation, and building operations facilities.

The minimum and maximum dwelling unit sizes are meant to regulate usable and financially attainable long-term housing. The minimum size is set at 400 sf to ensure decently sized units (at minimum a decently sized studio).

The maximum size is set at 2,000 sf to keep units reasonably small, with the intention that smaller units would be more financially attainable for potential occupants.

Dwelling Unit Size

Preventing unusable spaces. Should the minimum and maximum dwelling unit sizes result in leftover areas that would result in a nonconforming unit, that are unusable as common space and cannot alone support a new unit, up to 600 square feet may be added to a unit within a conversion by Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] under [SPECIAL PERMIT CITATION].

Because there are minimum and maximum unit sizes, there is a risk that some homes and ideal unit configurations may create unusable spaces within conversions that are not viable for a new unit and would push the size of other units too high. To prevent this, conversions may, by Special Permit, add an additional 600 sf of a building's existing floor area to a unit. This 600 sf limit is set because, beyond a certain size, it becomes a reasonable expectation for a conversion to create an additional new unit.

Number of Dwelling Units

Minimum of **one net new** dwelling unit in a conversion.

[OPTIONAL CAP ON NUMBER OF NEW UNITS]

The maximum number of net new dwelling units in a conversion shall be:

- 1 in [INSERT LOWER DENSITY DISTRICTS]
- 2 in [INSERT MID-DENSITY DISTRICTS]
- 3 in [INSERT HIGHER DENSITY DISTRICTS]

Conversions must create a minimum of one new unit. Though this may seem obvious, this minimum ensures the conversion mechanism is not used for other purposes (e.g., adding an otherwise prohibited addition).

Implementers may also consider setting a hard maximum number of net new units. Conversions already have a “natural” maximum of units, calculated by considering the size of the (original) principal structure, the maximum footprint of any additions, the minimum and maximum unit sizes, and parking considerations. Beyond this natural maximum, implementers can consider adding an explicit maximum. However, an explicit (non-natural) maximum, in combination with minimum and maximum unit sizes, may create unusable spaces inside a conversion.

Entrances

Only one building entrance is allowed on the front facade of a principal structure, except where multiple entrances exist on the front façade prior to conversion.

The principal structure's front entrance may lead to one or more housing units in the conversion.

Additional entrances to one or more housing units may be located on the front facade of an addition developed adhering to this section or on the side or back facade of the principal structure or an addition.

Entrances provide visual cues to what is happening inside a building. Limiting building entrances on the front facade maintains the aesthetics of existing single-family homes in Cape Cod towns.

By providing the option for a primary front entrance to lead to multiple housing units (through an internal shared corridor or vestibule), or for entrances to be located on existing secondary front entrances, or additional new entrances to be located on the side or rear of the building, the circulation and egress possibilities remain quite flexible for each specific conversion.

Additions

Intent of additions

This model bylaw allows for additions to be added to the principal structure. The intent of this allowance is to make it easier for conversions to provide new entrances, stairwells, kitchen facilities, or bathrooms when those elements cannot reasonably be provided internally.

Addition Allowance

Any number of additions are allowed that enable a conversion and/or result in bona fide improvements in the egress, circulation, or operations of the converted building.

There can be one or more additions for a conversion. The idea here is to allow small bump-out additions to meet targeted, low-square-footage needs. If (for instance) a conversion could use one small addition for egress and another to provide a second bathroom, this model bylaw allows that.

Each addition must follow the rules of individual additions, and collectively they must meet the maximum footprint requirements that follow.

Design Principles

The design of any addition should respect the design of the principal structure.

The design of any additions should reflect the aesthetic traditions of Cape Cod architecture, as specified in the Cape Cod Multifamily Housing Design Guidelines published by the Cape Cod Commission.

If a conversion is within [INSERT HISTORIC DISTRICT NAMES], additions must undergo historic district review, subject to [INSERT HISTORIC DISTRICT REGULATORY REFERENCE]

The design of any addition should preserve the appearance of a single-family home to the extent possible.

These principles provide direction (though no direct specification) for the design of additions. Overall, they are meant to respect the design of the specific home, the design of historic architecture where relevant, the design of single-family homes on the Cape, and the design principles for housing on the Cape generally.

The principles reference Multifamily Design Guidelines, available here: <https://www.capecodcommission.org/our-work/mf-design-guidelines/>. Though many of these guidelines apply only to ground-up multifamily development, some of the guidelines (including its Retrofit Guidelines) are relevant to this model bylaw's conversions.

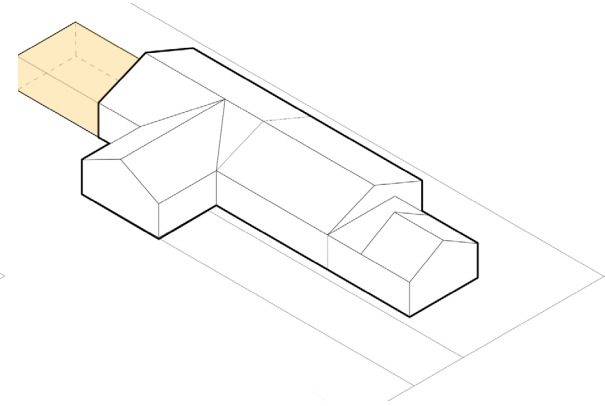
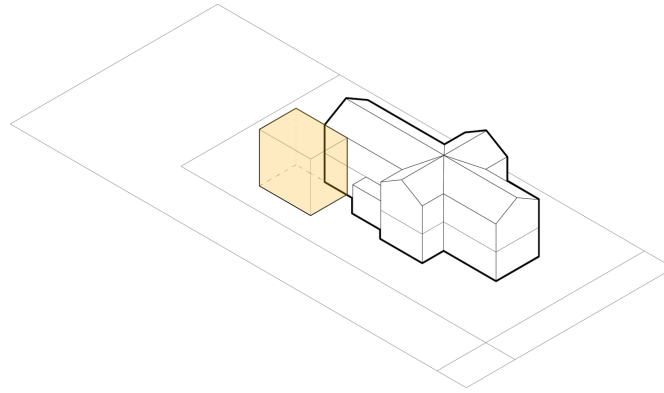
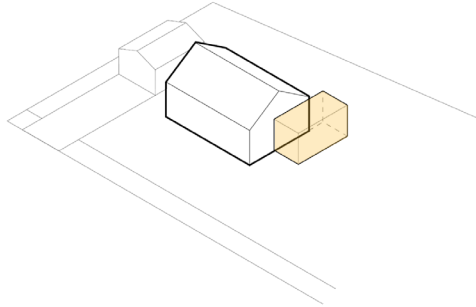
Addition footprint

The total **building footprint** of all additions permitted under this section may not exceed the greater of: 200 square feet, or **20% of the building footprint of the principal structure.**

Collectively, the footprint of all additions must be no more than the square footage limits specified here. The limit is calculated against the existing footprint—not gross square footage—of the principal structure. This basis allows for contextual additions that are not larger than necessary.

The 200 sf floor provides a reasonable addition size for existing structures with a footprint smaller than 1,000 sf. The 20% allowance allows homes with footprints larger than 1,000 sf to provide needed access/amenities at a scale that is contextual to the principal structure.

Example **additions** for small, medium and large homes



| Total residential area | 1,000 sf | 3,200 sf | 6,000 sf |
|----------------------------------|-----------------|-----------------|-----------------|
| Building Footprint | 800 sf | 1,600 sf | 4,000 sf |
| Addition Footprint (allowed max) | 200 sf | 320 sf | 800 sf |

Addition Height

Additions may be no taller than the vertical walls of the principal structure where the addition adjoins the principal structure.

This provision keeps the height of additions contextual to the building itself, matching or being smaller than the existing height where the addition meets the building.

Addition Location

Additions are only allowed to meet the principal structure at the side or back of the principal structure.

This provision ensures that additions largely do not interfere significantly with the character of the building as viewed from the street. Additions at the side or back will be less noticeable than additions on the front.

Addition Setbacks

Any addition on the side of a principal structure must be set back at least 10 feet from the principal structure's front facade.

Any addition shall conform to the setback requirements of the applicable zoning district, if such requirements exist.

No addition shall increase any setback-related nonconformities.

The added 10 foot setback for any addition from the front facade simply prevents an addition from visually overpowering the primary structure along a public way. Most additions will likely occur in the rear of the lot, as existing side setback requirements must be adhered to, but this bylaw leaves room for various approaches in siting based on the wide range of lot shapes and sizes and site geometries present on the Cape.

Lot Coverage

Any addition up to 200 sf need not conform to the lot coverage requirements of the applicable zoning district, if such requirements exist.

Additions 200 sf or greater shall conform to lot coverage requirements of the applicable zoning district or shall not result in a net increase to impervious surface on the lot.

These provisions reference existing lot coverage requirements in the relevant zoning district where a conversion is taking place.

For small additions, any lot coverage requirements are waived.

For larger additions, lot coverage requirements are waived if there is no net increase to impervious surface, compared to the existing condition. Otherwise, they must conform to the zoning requirements.

Parking Requirements

Parking Calculations

The intent of the minimum parking requirement section is to allow conversions to follow permissive existing zoning requirements for duplex and multifamily development, while not following more onerous ones.

This bylaw creates two parking formulas for conversions, one formula for a one-to-two-family conversion and another for a one-to-three-plus-family conversion.

In each case, the model bylaw sets a ceiling for parking spaces required, but defaults to lesser requirements.

Two-Unit Conversion

The parking required for the total units in the conversion shall be the lesser of the following:

- The parking required for a duplex or two-family dwelling for the relevant zoning district, as specified in **[INSERT PARKING SECTION CITATION]**.
- **[IF THE PARKING SECTION SPECIFIES THE RATIO FOR SINGLE-FAMILY HOMES:]** The parking required for two single-family dwellings for the relevant zoning district, as specified in **[INSERT PARKING SECTION CITATION]**.
- 1.5 spaces per dwelling unit.

For one-to-two-family conversions, the bylaw defaults to the lowest of that required of duplexes, two single-family homes, or 3 spaces total.

Three-plus-unit Conversion

For a conversion resulting in more than one net new housing unit, the parking required for the total units in the conversion shall be the lesser of the following:

- The parking required for a multifamily dwelling of three or more units.
- The sum of the following:
 - For the first two units, 1.5 spaces per unit
 - 1 space for each additional unit

For one-to-three-plus-family conversions, the bylaw defaults to the lowest of that required of multifamily, or 3 spaces for the first two units and 1 space for each additional unit.

Parking summary

This table summarizes the maximum amount of parking required under these provisions.

| Type | Highest parking requirement |
|------------------------|---|
| 2-Unit Conversion | 1.5 spaces / unit |
| 3-plus-Unit Conversion | 1.5 spaces / first 2 units; 1 space / additional unit |

Parking Siting

Any new parking spaces shall be located, to the extent possible, within existing impervious parking or driveway areas. If that is not possible, new parking spaces shall be located on the side or rear of the lot.

Access to new parking spaces should be provided, to the extent possible, through existing driveway, parking, or other impervious areas.

The intention here is to not create additional impervious area to the extent possible. The bylaw also encourages use of existing driveways, so as not to introduce additional curb cuts to the public way.

Wastewater

Wastewater

Conversions must adhere to all relevant state, regional, local, and site-specific regulations on the disposal of wastewater.

Though these requirements are always in effect, this provision is to underscore the need for conversions to adhere to wastewater requirements. Because so much of the single-family homes on the Cape use on-site wastewater treatment, it is imperative that those systems have the capacity to deal with the impact of conversions.

Occupancy

Occupancy

- No units within a conversion shall be used as a short-term rental, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1).
- No units within a conversion permitted under this section may be rented on a basis of less than three months.

The Cape has a severe need for broadly attainable long-term housing. Single-family-to-multifamily conversions under this bylaw should not be a legal vehicle to create short-term vacation rental homes. Communities should restrict newly created units in conversions to longer-term occupancy or occupancy by seasonal workers.

The three-month minimum lease term is relatively short, but it is designed to allow seasonal workers to live in converted units if desired. It is important for towns to be cognizant of monitoring considerations and needs in enforcing these provisions.

Conflicts

Conflicts

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

This provision aids in legal interpretation, whether as entities in the real estate market begin the implementation process or if conflicts arise about the meaning of this bylaw in context. The provisions of this bylaw, by default, trump all other provisions.

Next Steps

Where to go from here?

This guide sheds insight into the model bylaw text. If a town wants to implement single-family conversion 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 conduct a public process to vet and edit the bylaw further.

The bylaw can serve as a blueprint for implementing conversion 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 conversion.

Cape Cod Model Single-Family Conversion Bylaw: Accompanying Guide

A Single- to Multifamily Conversion Model Bylaw for Cape Cod Towns



CAPE COD
COMMISSION

The following model bylaw intends to be a first draft of a zoning amendment that allows the conversion of single-family homes into multi-family homes. This draft is balancing multiple factors. It aims to:

- Be simple in its internal logic
- Be easy to adopt into existing zoning bylaws on the Cape with relatively small edits
- Create realistic opportunities for single-family to multifamily conversions
- Be largely agnostic on the interior of converted buildings and how a conversion addresses circulation, egress, etc. (since the most important internal questions are resolved by the building/fire code)
- Be equally applicable for all typical single-family home styles on the Cape

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]. Single-family to Multifamily Conversions

- I. **Purpose.** The purpose of this section is to enable conversion of single-family homes to multifamily homes. In doing so, this section intends to broaden the range of housing options available, to create housing at more affordable and attainable rents and prices, to preserve homes that might otherwise be torn down, to limit unnecessary construction-related greenhouse gas emissions and to save embodied carbon emissions associated with building materials, to preserve open space, and to respect the aesthetic value of Cape Cod’s existing housing.

- II. **Definitions.** Within this section, the following terms shall have the following meanings:
 - A. “Conversion” shall mean the conversion of a residential structure with one dwelling unit to a structure with two or more dwelling units.

 - B. “Dwelling unit” shall mean a wholly contained living area intended for one household (either an individual, family, or unrelated persons) that is complete with bedrooms, kitchen, bathrooms, and otherwise conforms to the standards of the [building code reference].

 - 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. “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, exclusive of unenclosed spaces.

 - E. “Principal structure” shall mean the existing structure of the single-family residence that is being converted under the regulations of this section. The principal structure includes any and all parts of the single-family residence that are physically connected and which together constitute the original dwelling unit, including wings or previous additions. The principal structure excludes any porches, patios, decks, outbuildings, and accessory structures. If there is more than one structure on a lot meeting these criteria, each shall be considered a principal structure for the purposes of this section.

- III. **Application and Administration.**

[There are three options here, one that applies town-wide and two that are targeted at the district level. One of the district-level options is for towns with a use table in their zoning bylaw, the other is for those which do not have a use table. A town may wish to allow conversion only in areas that are most conducive to increased residential activity. This includes districts near villages or commercial areas; districts that already have duplexes,

triplexes, and multifamily housing, districts with sewer access, and districts that are outside special flood hazard areas. Towns should choose one option.]

[TOWN-WIDE OPTION:]

- A. Conversions adhering to the standards of this section are allowed by-right for all single-family homes in all areas of Town.

[DISTRICT-LEVEL OPTION, USE TABLE:]

- A. Conversions adhering to the standards of this section are allowed by-right for single-family homes according to the use table given in [INSERT USE TABLE SECTION].

[DISTRICT-LEVEL OPTION, IN-TEXT:]

- A. Conversions adhering to the standards of this section are allowed by-right for all single-family homes in the following zoning districts:
 - 1. [INSERT RELEVANT DISTRICTS IN A LIST HERE]

[END APPLICATION OPTIONS]

- B. Conversions adhering to the provisions of this section and which include an addition shall be subject to Site Plan Review, regulated under [INSERT SPR CITATION].

IV. **Nonconformities.**

[Towns should decide how to deal with conversions of existing nonconforming homes. If a town's bylaw is reasonably aligned with the existing housing stock, they may wish to require a Special Permit, regardless of zoning district, for those extraordinary cases of a nonconformity. If many existing homes are nonconforming, a town may wish to allow conversions of nonconforming structures according to the provisions of subsection III, so as not to unnecessarily burden conversions.]

[Option A: Require a Special Permit.]

- A. For properties with existing zoning nonconformities, a Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] shall be required for all conversions adhering to the requirements of this section. The [SPECIAL PERMIT GRANTING AUTHORITY] shall make a finding that a conversion is not substantially more detrimental to [TOWN NAME] and its neighborhoods than existing nonconformities at the subject property.

[Option B: Allow conversions in nonconforming structures per regulations for conforming structures.]

- A. Given the limited nature of alterations allowed for conversions adhering to the standards of this section, any nonconformities intensified are presumed not to be

substantially more detrimental to [TOWN NAME] and its neighborhoods than existing nonconformities.

- B. Conversions adhering to the standards of this section are allowed for all existing single-family homes, regardless of any zoning nonconformities existing on the property already and zoning nonconformities intensified by the conversion. Whether conversions adhering to the standards of this bylaw are allowed by-right or by Special Permit shall be determined in accordance with subsection III of this section and all other provisions of this section, without regard to existing, newly created, or newly intensified nonconformities.

V. **Dimensional and Design Standards**

A. Dwelling unit size.

- 1. **Minimum.** Each dwelling unit shall have no less than 400 square feet in gross floor area, excluding all shared facilities, building circulation, and building operations facilities.
- 2. **Maximum.** Each dwelling unit shall have no more than 2,000 square feet in gross floor area, excluding all shared facilities, building circulation, and building operations facilities.
- 3. **Preventing unusable spaces.** Should the minimum and maximum dwelling unit sizes result in leftover areas that would result in a nonconforming unit, that are unusable as common space and cannot alone support a new unit, up to 600 square feet may be added to a unit within a conversion by Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] under [SPECIAL PERMIT CITATION].

B. Number of dwelling units

- 1. The minimum number of net new dwelling units in a conversion is one.

[OPTIONAL CAP ON NUMBER OF NEW UNITS]
- 2. The maximum number of net new dwelling units in a conversion shall be:
 - a) 1 in [INSERT LOWER DENSITY DISTRICTS]
 - b) 2 in [INSERT MID-DENSITY DISTRICTS]
 - c) 3 in [INSERT HIGHER DENSITY DISTRICTS]
 - d) ...

C. Entrances.

- 1. Only one building entrance is allowed on the front facade of a principal structure, except where multiple entrances exist on the front façade prior to

conversion.

2. The principal structure's front entrance may lead to one or more housing units in the conversion.
3. Additional entrances to one or more housing units may be located on the front facade of an addition developed adhering to this section or on the side or back facade of the principal structure or an addition.

VI. Additions

- A. **Allowance.** Conversions adhering to the standards of this section are allowed to build additions that enable a conversion and/or result in bona fide improvements in the egress, circulation, or operations of the converted building.
- B. **Design Principles.**
 1. The design of any addition should respect the design and scale of the principal structure and other principal structures in the neighborhood.
 2. The design of any additions should reflect the aesthetic traditions of Cape Cod architecture, as specified in the Cape Cod Multifamily Housing Design Guidelines published by the Cape Cod Commission.
 3. If a conversion is within [INSERT HISTORIC DISTRICT NAMES], additions must undergo historic district review, subject to [INSERT HISTORIC DISTRICT REGULATORY REFERENCE]
 4. The design of any addition should preserve the appearance of a single-family home to the extent possible.
- C. **Number of additions.**
 1. Any number of additions is allowed, which individually and jointly are subject to the provisions of this section.
- D. **Footprint.** The total building footprint of all additions permitted under this section may not exceed the greater of:
 1. 200 square feet, or
 2. 20% of the building footprint of the principal structure.
- E. **Height.** Additions may be no taller than the vertical walls of the principal structure where the addition adjoins the principal structure.
- F. **Location.** Additions are only allowed to meet the principal structure at the side or back of the principal structure.

G. Setbacks.

1. Any addition on the side of a principal structure must be set back at least 10 feet from the principal structure's front facade.
2. Any addition shall conform to the setback requirements of the applicable zoning district, if such requirements exist.
3. No addition shall increase any setback-related nonconformities.

H. Lot Coverage.

1. Any addition up to 200 sf need not conform to the lot coverage requirements of the applicable zoning district, if such requirements exist.
2. Additions 200 sf or greater shall conform to lot coverage requirements of the applicable zoning district or shall not result in a net increase to impervious surface on the lot.

VII. Parking

- A. Two-unit conversion.** For a conversion resulting in one net new housing unit, the parking required for the total units in the conversion shall be the lesser of the following:
1. The parking required for a duplex or two-family dwelling for the relevant zoning district, as specified in **[INSERT PARKING SECTION CITATION]**.
 2. **[IF THE PARKING SECTION SPECIFIES THE RATIO FOR SINGLE-FAMILY HOMES:]** The parking required for two single-family dwellings for the relevant zoning district, as specified in **[INSERT PARKING SECTION CITATION]**.
 3. 1.5 spaces per dwelling unit.
- B. Three-plus-unit conversion.** For a conversion resulting in more than one net new housing unit, the parking required for the total units in the conversion shall be the lesser of the following:
1. The parking required for a multifamily dwelling of three or more units.
 2. The sum of the following:
 - a) For the first two units, 1.5 spaces
 - b) 1 space for each additional unit
- C. Siting.**
1. Any new parking spaces shall be located, to the extent possible, within existing impervious parking or driveway areas. If that is not possible, new parking spaces shall be located on the side or rear of the lot.
 2. Access to new parking spaces should be provided, to the extent possible, through existing driveway, parking, or other impervious areas.

VIII. **Wastewater.**

- A. Conversions must adhere to all relevant state, regional, local, and site-specific regulations on the disposal of wastewater.

IX. **Occupancy.**

- A. No units within a conversion shall be used as a short-term rental, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1).
- B. No units within a conversion permitted under this section may be rented on a basis of less than three months.

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