

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.