

Cape Cod Model Seasonal Worker Dormitory Bylaw: Accompanying Guide

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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Introduction

Intent of this document

Guidance for local officials working from the model bylaw

This guide accompanies a model bylaw for development of seasonal worker dormitories 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 seasonal worker dormitory zoning locally and use this model bylaw as a starting point.

Intent of model bylaw

Simple seasonal worker dormitories zoning amendment

This model bylaw intends to be a first draft of a zoning amendment that would enable development of seasonal worker dormitories, whether as ground-up development or redevelopment of existing buildings. Local policymakers can use this model bylaw as a starting point, considering the town's and region's needs for worker dormitories, as well as the specifics of the places where it might be appropriate and the structure of their zoning bylaw.

Background

The need for seasonal worker housing

Cape Cod's vacation sector and the economy around it rely heavily on seasonal labor. Each year, an influx of workers from outside the Cape (and often outside the country) come to the region and power businesses here. As the housing crisis deepens, housing these workers has become a serious challenge. Building new homes for these workers is difficult due to the cost of land, relatively low densities allowed under zoning, difficulty obtaining development permits, and difficulty obtaining financing.

How can towns encourage seasonal worker housing that meets the needs of workers, the economy, and the community?

Who could develop seasonal worker housing?

- Individual businesses with housing-related labor constraints (including hotels, resorts, and other businesses with a seasonal labor cycle)
- Groups of businesses or formal business organizations who recognize their shared employee housing need
- Standalone worker dormitory providers

Constraints and Opportunities

- Conventional housing development is:
 - Expensive to build, especially for seasonal worker use
 - Difficult to entitle for development through zoning
 - Vulnerable to use as a second-home and vacation rental
- Ensuring occupancy by seasonal workers (in a manner similar to affordable housing monitoring) would be difficult or impossible for towns to manage.
- **Dormitory-style development is less expensive per occupant and less likely to be used as a vacation rental. Because it is less attractive to non-worker occupants, enforcing occupancy restrictions will be less necessary.**

What should seasonal worker dormitories look like?

How can they provide safe and dignified living for workers, prevent use as vacation rentals, and fit the design character of Cape Cod?

Cape Cod Typologies for Potential Worker Dormitory Use

Existing/Proposed Seasonal Worker Dormitories on the Cape



Harwich, MA



Provincetown, MA



Dennis, MA

Cape Cod Typologies for Potential Worker Dormitory Use

Motel Conversions



Cape Cod Typologies for Potential Worker Dormitory Use

Cottage Courts



Non-local Typologies for Potential Worker Dormitory Use

Seasonal Worker Dormitories



Non-local Typologies for Potential Worker Dormitory Use

Motel Conversions



Non-local Typologies for Potential Worker Dormitory Use

Worker and Affordable Cottages



Non-local Typologies for Potential Worker Dormitory Use

Co-Housing



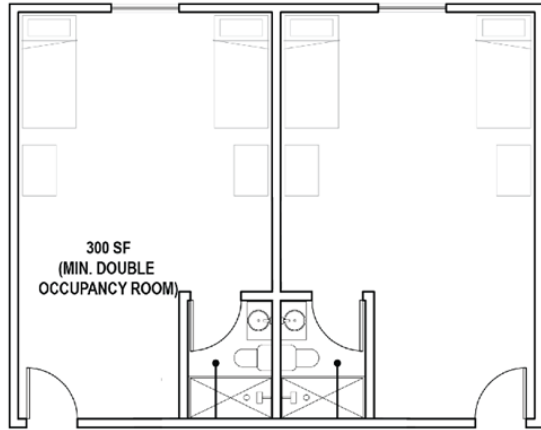
Bylaw Design Ideas

Varying typologies and densities

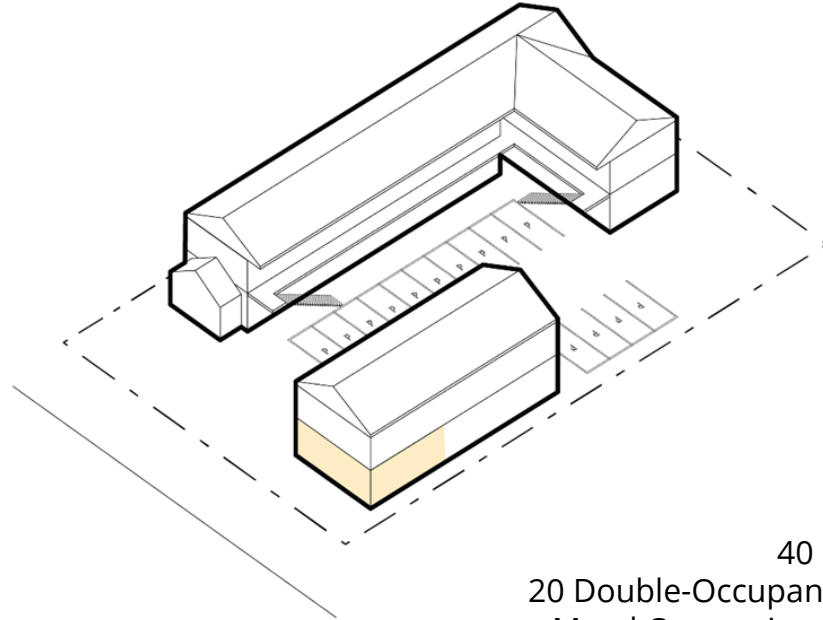
The model bylaw provides four different types of dormitory development configuration:

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

Example Plan: Motel Conversion with new Frontage Building




SHARED KITCHEN, DINING, AND COMMON SPACE DETACHED FROM UNIT



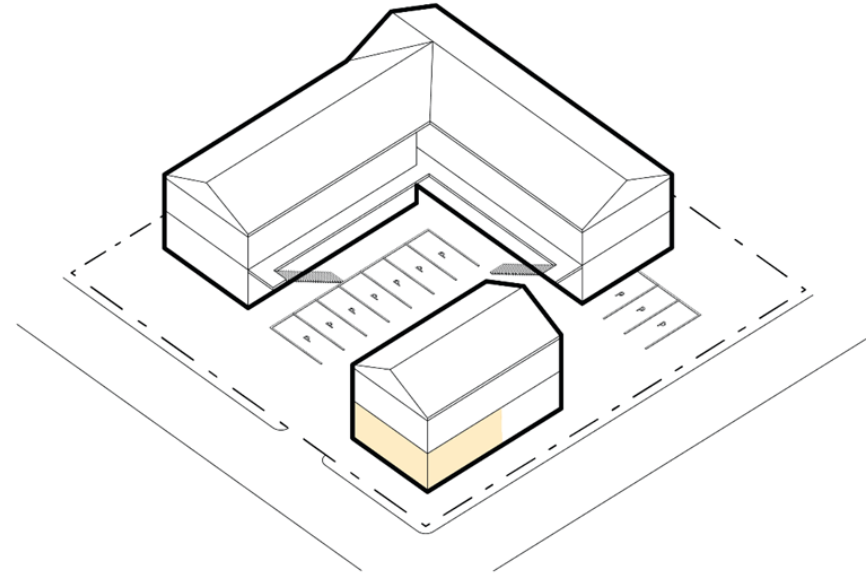
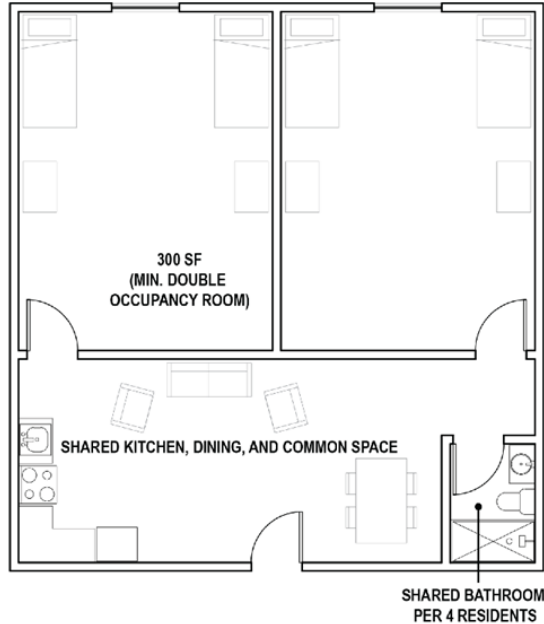
40 Residents
20 Double-Occupancy Rooms
Motel Conversion With New
Frontage Building for Communal Facilities

On 20,000 sf Lot

.25 Parking Spaces per Resident

 = Active Use


Example Plan: Motel Conversion with new Frontage Building



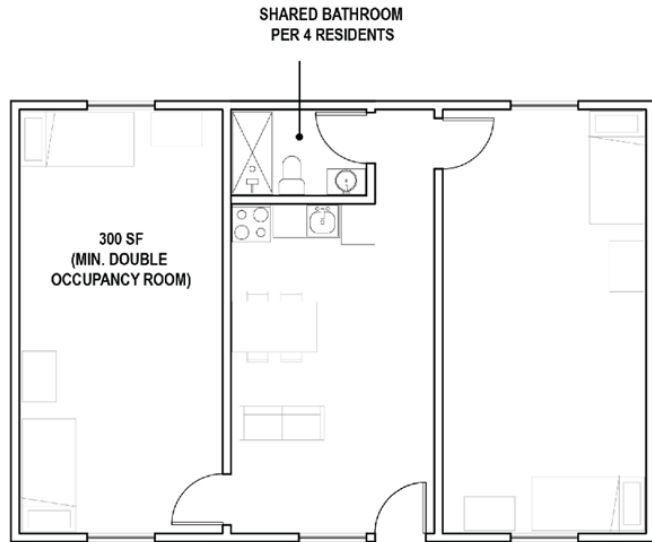
40 Residents
20 Double-Occupancy Rooms
Smaller Clustered Communal Facilities

On 20,000 sf Corner Lot

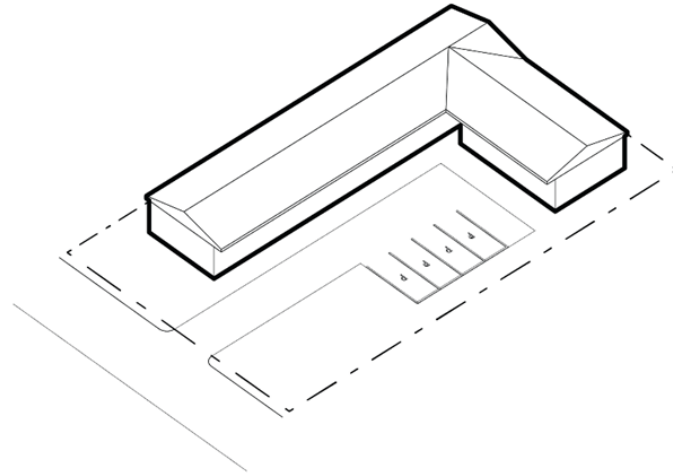
.25 Parking Spaces per Resident

 = Active Use

Example Plan: Motel Conversion Outside Village Center



SHARED KITCHEN, DINING, AND COMMON SPACE

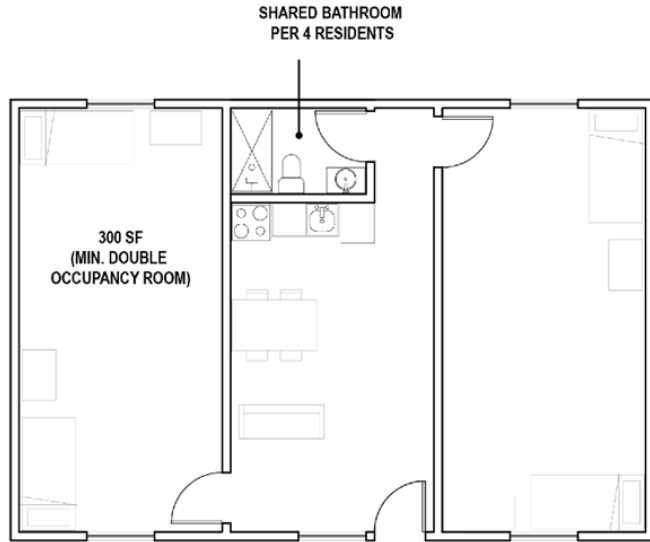


16 Residents
8 Double-Occupancy Rooms
4 Residents Per Shared Facilities

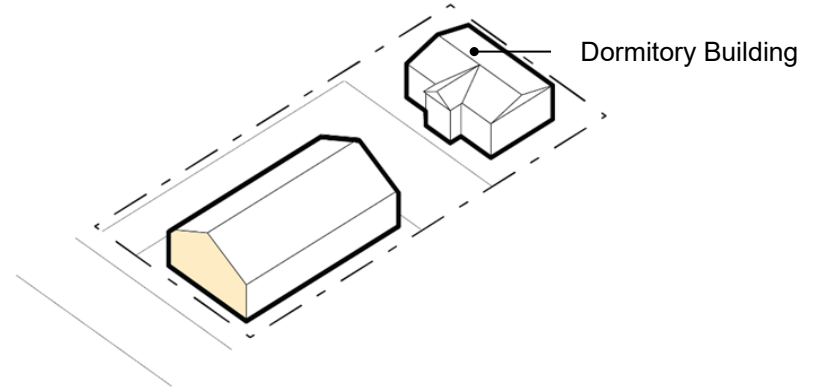
On 13,000 sf Lot

.5 Parking Spaces per Unit


Example Plan: Dormitory Accessory to Existing Active Use



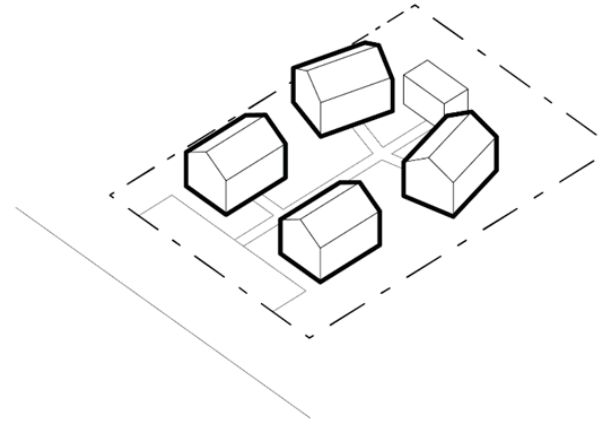
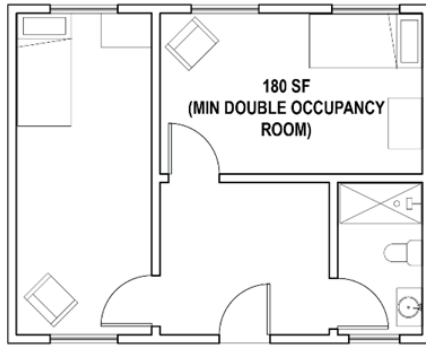
SHARED KITCHEN, DINING, AND COMMON SPACE



4 Residents
2 Double-Occupancy Rooms
On 10,000 sf Lot

 = Active Use

Example Plan: Cottage Court Worker Dormitory Housing



8 Residents
8 Single-Occupancy Rooms
2 Residents Per Shared Cottage
Accessory Shared Facilities (Kitchen)

On 10,000 sf Lot

.5 Parking Spaces per Unit

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, fitting into existing bylaws and working well without much adjustment. Nonetheless, there are some decisions towns must make, including:

1. Choosing where (geographically) this dormitory 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 creates a new “dormitory development” use that can be allowed by-right or by Special Permit according to the zoning district, and which can also be accessory to a commercial use. There are standards for the dormitory developments as a whole; dormitory, frontage, and accessory buildings in the development; dormitory units; and communal facilities for dormitory residents. The bylaw creates separate site and parking requirements aligned to the needs of seasonal workers.

Bylaw Table of Contents

Table of Contents

1. Purpose
2. Definitions
3. Application
4. Use Standards
5. Dormitory Development, Building, and Unit Standards
6. Dimensional Regulations
7. Parking Requirements
8. Site Planning
9. Additional Housing Provisions
10. 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 promote healthy, safe, and affordable housing options for seasonal workers
- To resolve worker housing shortages that are impacting the Cape Cod economy and affecting the broader housing market
- To integrate seasonal worker housing into the fabric of the town in a way that respects the architectural and environmental context of the Cape
- To mitigate traffic congestion by promoting worker housing proximate to compatible commercial uses
- To support the creation of livable, walkable neighborhoods in the town's commercial districts
- To promote consistency, quality, and flexibility in site layout and building design

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.

Definitions

List of defined terms

See the following pages for definition text

- Accessory Building
- Active use
- By-right
- Communal Facilities
- Dormitory Building
- Dormitory Unit
- Dormitory Development
- Flat roof
- Floor-to-floor height
- Frontage Building
- Ground floor
- Ground floor frontage
- Kitchen
- Kitchenette
- Pitched Roof
- Sanitation Facilities
- Special Permit

The definitions subsection allows towns to get specific about the meaning of key terms without cluttering the main body of the text. When defined words are used within this worker dormitory 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.

Accessory Building

“Accessory building” shall mean any building not fronting a public way and not principally containing dormitory units, and which only contains uses incidental to residential uses in dormitory units, such as communal facilities as defined in this section or building operations and maintenance facilities.

Beyond buildings principally containing dormitory units and frontage buildings, a dormitory development may want or need to include buildings serving additional needs for seasonal workers. This includes buildings principally containing communal kitchens or other communal facilities, buildings meeting other operating or engineering needs, and any other building with ancillary uses to dormitory residents. Accessory buildings allow for this.

“Active use”

“Active use” shall mean any public or semi-public use that encourages pedestrian activity along the front of a building, including (but not limited to):

1. Communal facilities for dormitory development residents, including common lounges, game rooms, kitchens, and gyms, but excluding communal sanitation and laundry facilities
2. Retail
3. Restaurant, bar, or specialty food services
4. Entertainment uses (such as theaters or amusement arcades)
5. Personal service uses (such as salons, barber shops, or spas)
6. Artist galleries and artist studios
7. Libraries and community centers
8. Publicly facing government services, such as post offices
9. Health and fitness facilities, whether available to the public or limited to residents
10. Daycare facilities for any age
11. Office uses

Active uses do not include housing units, dormitory units, or short-term lodging uses.

This model bylaw uses the broad phrase “active use” to encompass a range of potential uses that are appropriate for the street-facing ground floor of frontage buildings in a village center area. Rather than be overly prescriptive, the term is defined broadly to include uses that encourage activity at the front a dormitory development, including (but not exclusively) public and semi-public uses. Examples are provided of what counts as an active use, but “active use” could include other types of uses not listed here.

Importantly, communal facilities for dormitory occupants (excluding bathrooms and laundries) count as active uses. While these may not classically be considered “active uses,” they can help accomplish the same design and planning goals without mandating commercial uses that may complicate worker dorm developments.

This text explicitly identifies some uses that are not active and should not be allowed along the ground floor frontage, including housing, lodging, or dormitory units.

“By-right” and “Special Permit”

“By-right” shall mean a zoning permitting process wherein development may proceed under the zoning in place at the time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. [By-right permitting shall include a Site Plan Review Process specified in [SPR SECTION OF TOWN'S ZONING OR OTHER LAND USE CONTROL BYLAW], through which the [SPR AUTHORITY] may add reasonable conditions to the site plan but cannot deny the development to proceed.]

“Special Permit” shall mean a zoning permitting process wherein development may proceed only with a Special Permit from the [SPECIAL PERMIT GRANTING AUTHORITY] as specified in [SPECIAL PERMIT SECTION OF THE TOWN'S ZONING], a process that may result in the approval, approval with conditions, or denial of the development proposal.

Permitting processes are key in encouraging the right kind of development.

- By-right processes, which only involve administrative review for conformance to the law, can provide the most certainty for all parties. This is especially true when backed by planning and engagement that leads to predictable, explicit zoning rules.
- Special Permit processes provide flexibility, but increase risks and costs, and therefore can discourage development and decrease affordability. Nonetheless, Special Permit processes can provide flexibility under varied conditions.
- Site Plan Review can act as an in-between, creating certainty around building types and allowed uses, while providing discretion over siting and the building's relationship to the public realm.

Towns should insert the relevant citations for Special Permits in their zoning and, if relevant and desired, Site Plan Review citations in their zoning.

“Communal Facilities”

“Communal facilities” shall mean kitchens, bathrooms, living areas, or other areas that service more than one resident of a dormitory development.

It is required that all residents have access to kitchens, bathrooms, showers, laundry, and other facilities within a dormitory development as a whole. While it is not required that each unit contains these facilities, the language of communal facilities is necessary for designating which of these are shared between residents or units.

“Dormitory Unit, Building, Development”

“Dormitory unit” shall mean a living area intended for one or a small group of seasonal workers that may or may not have complete or independent or permanent provisions for living, eating, and sanitation.

“Dormitory building” shall mean a building principally containing dormitory units.

“Dormitory development” shall mean a development of seasonal worker dormitories in any form or configuration including dormitory structures and structures housing communal facilities.

The bylaw defines three nested ideas:

- A dormitory development, which contains dormitory buildings (and other related buildings, communal facilities, and parking).
- A dormitory building, which principally contains dormitory units. Dormitory buildings are defined in contrast to frontage buildings, which have ground floor frontage requirements but may contain dormitory units on upper levels, and accessory buildings, which contain only communal facilities or ancillary uses to the dormitories.
- A dormitory unit, which minimally provides sleeping facilities to seasonal workers.

“Flat Roof” and “Pitched Roof”

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

“Pitched Roof” shall mean a roof with a slope between 5:12 (22.6 degrees) and 14:12 (49.4 degrees).

Dormitory development roofs may be either flat or pitched. Flat roofs are defined as having up to a certain grade (allowing a minimum slope can help with drainage). Many existing Cape Cod motels have flat roofs, and they are the motivation for this allowance.

Pitched roofs must be within certain minimum and maximum slopes to align with the architectural character of Cape Cod.

Roofs are further regulated in the dimensional standards section.

“Frontage Building”

“Frontage building” shall mean a building with ground floor frontage along a public way.

In dormitory developments, frontage buildings are buildings that front a public way. A portion of frontage buildings is required to have active uses (which are defined in the bylaw). In village center areas (defined by a town in its implementation as a zoning district or districts), frontage buildings are required.

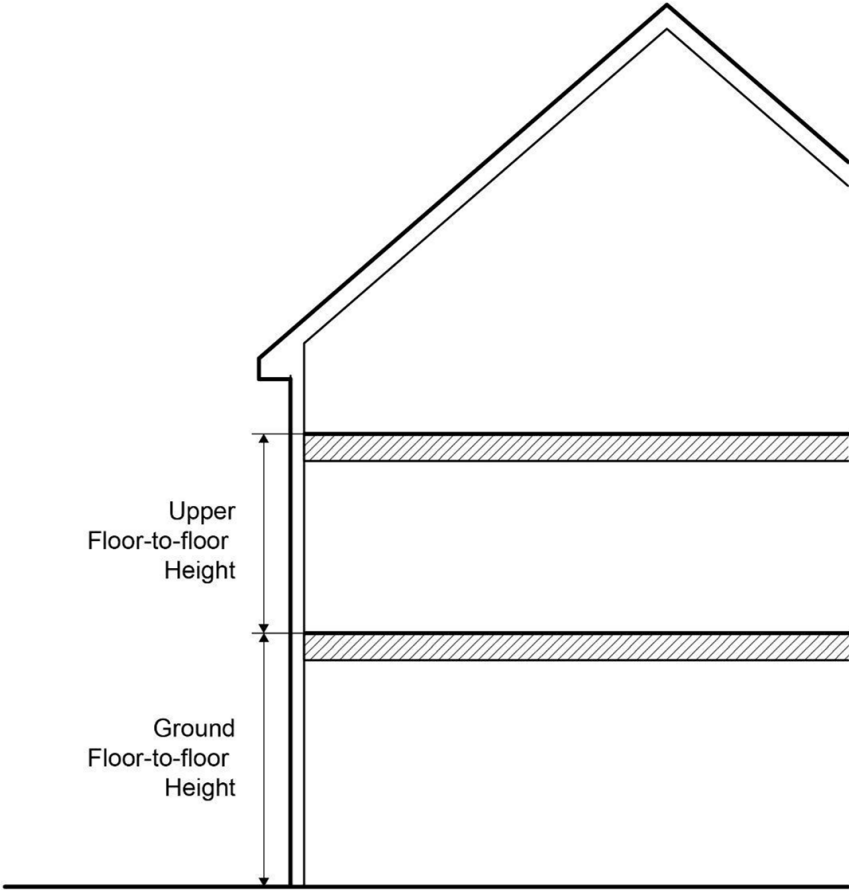
Dormitory developments cannot only play a housing role for workers, but they can also contribute to the public realm to improve vibrancy and activity. Frontage buildings help achieve this.

“Floor-to-floor height”

“Floor-to-floor height” is the height of the ground floor and upper floors of a building measured vertically from the surface of the finished floor to the surface of the finished floor above, at all points.

Floor-to-floor height is a measure of the height of stories. Regulating the height of each story is important to ensure every floor is usable for its respective uses. In the context of the dormitory developments, this is particularly important for the ground floor frontage (and any potential commercial uses within).

Floor-to-floor height



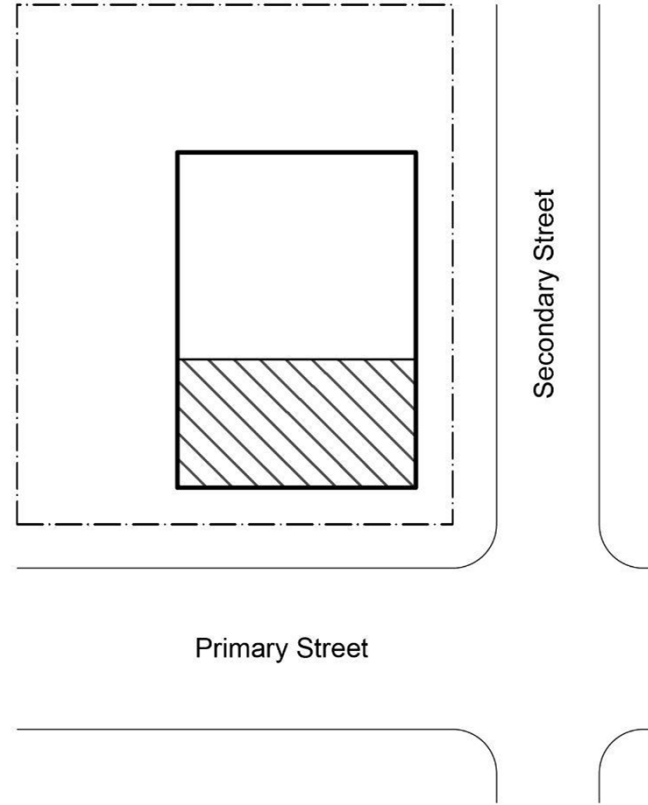
“Ground floor frontage”

“Ground floor frontage” shall mean the ground floor facade of the principal structure which faces a public way or public park or, in the case of a corner lot, the facade which faces the more prominent public way or public park.

The ground floor frontage is defined so as to regulate the public and semi-public areas of the new development and to create a more active and walkable public realm in village centers. The ground floor frontage of a frontage building (in village centers) is defined in order to make that space commercially viable, especially for smaller-scale commercial uses that can support the local economy and add to the character of the community.

Generally, this bylaw is trying to avoid developments that only include non-residential spaces to fulfill the letter of the law but would not realistically add to the public realm.

Ground floor frontage



 Ground Floor Frontage

“Ground floor” and “Upper floor”

“Ground floor” shall mean the lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.

“Upper floor” 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. This distinction is particularly important for frontage buildings.

“Kitchen” and “Kitchenette”

“Kitchen” shall mean a communal facility that is at least 100 square feet in area and is serviced by a window or mechanical exhaust unit to remediate cooking-related gasses. Kitchens must include a refrigerator of at least 22 cubic feet, one stovetop of at least four burners, one oven, one sink, and dishwasher facilities for every 30 dormitory development occupants.

“Kitchenette” shall mean a space within a dormitory unit that is less than 80 square feet in area and is serviced by a window or mechanical exhaust unit to remediate cooking-related gasses. Kitchenettes must include a refrigerator of at least 0.4 cubic feet in volume and at least one stove-top burner.

Kitchens and kitchenettes are defined and differentiated by their spatial requirements, the number of residents sharing them, and the equipment they include. Kitchenettes are small cooking facilities in the dormitory unit, while kitchens are typically shared. While a kitchenette in each dormitory unit is allowed but not required, all residents must have access to cooking facilities in some form. This ensures that all residents of seasonal worker housing have access and ways to prepare their own meals, which is a main differentiating factor between worker dormitories and hotels.

“Sanitation Facilities”

“Sanitation facilities” shall mean spaces within a dormitory unit or provided as communal facilities that include toilets, sinks, and showers and may include other facilities for personal cleanliness and grooming.

Sanitation facilities includes bathrooms and shower rooms in any configuration (including what are colloquially called full bathrooms, half bathrooms, shared bathrooms, and shared shower areas).

Application

Application

Geographically, where is this section relevant?

The Application subsection defines where (which zoning districts) this bylaw will enable dormitory development. Towns are given two options for structuring this subsection.

For communities with a **use table** in their zoning bylaw, **the first option** allows the town simply to reference that table. In this case, town legislation adopting this model bylaw should also amend the use table to allow dormitory development subject to the provisions of this section.

The second option enables towns **without a use table** (or who otherwise wish to define the application in the main text) to identify where dormitory developments are allowed. Dormitory development is allowed by-right or by Special Permit in town-defined districts and nowhere else.

Note that this section is about where dormitory development is allowed *overall*. Uses *within* a dormitory development are regulated by the “Uses” subsection.

Application

Use Table Option

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

This provision allows dormitory development according to specifications in a use table. As with other uses, an implementing town will need to decide where and by what process (by-right, by Special Permit) dormitory developments will be allowed.

Application

In-Text Option

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

This option allows dormitory developments by-right and by Special Permit without referencing a use table.

An implementing town will need to decide which districts will allow dormitory development by-right and which will allow it by Special Permit.

An implementing town will also need to define if and how Site Plan Review is applied to dormitory developments.

Use Standards

Uses

What is allowed within a dormitory development?

The Uses subsection defines what land uses are allowed *within* a dormitory development, specifying different uses by floor and its relationship to the public realm.

Note that the Application subsection defines where dormitory development is allowed *overall*.

Organization of Use Subsections

- Frontage Buildings
 - Ground floor
 - Upper floors
- Dormitory Buildings
- Accessory Buildings

The guiding principles for uses within dormitory developments are that (a) dormitory developments should primarily include housing for seasonal workers, and (b) in village centers the ground floor frontage should be regulated to encourage walkability and activity.

To that end, this model bylaw specifies different rules for frontage buildings and dormitory buildings, as well as the ground floor frontage and the upper floors of the frontage building. The use of the ground floor frontage is regulated closely with respect to the public realm, whereas other areas are primarily for dormitory units and ancillary uses.

Frontage Building Uses

Ground Floor

In **[INSERT VILLAGE CENTER DISTRICTS]**:

- Active uses
- Dormitory units
- Communal facilities

In all other districts:

- Dormitory units
- Communal facilities

Upper Floor(s)

- Dormitory units
- Communal facilities

The use rules governing frontage buildings are meant to encourage active uses as much as possible on the ground floor, with more flexibility elsewhere. Frontage buildings are not required in all instances (only in town-defined village center areas). They may include dormitory units and communal facilities except in village centers where the ground floor frontage is specified for active uses to promote walkable, active public realms.

Dormitory Building Uses

All Floors

- Dormitory units, except in basements
- Communal facilities
- Building mechanical, maintenance, or operations
- Accessory storage for building residents

This model bylaw proposes that the dormitory building(s) are primarily meant for seasonal worker housing and ancillary uses serving residents of that housing. For dormitory buildings, this includes communal facilities including common areas, shared kitchen, and bathroom facilities. As long as a given dormitory development is allowed, these uses are automatically allowed as well.

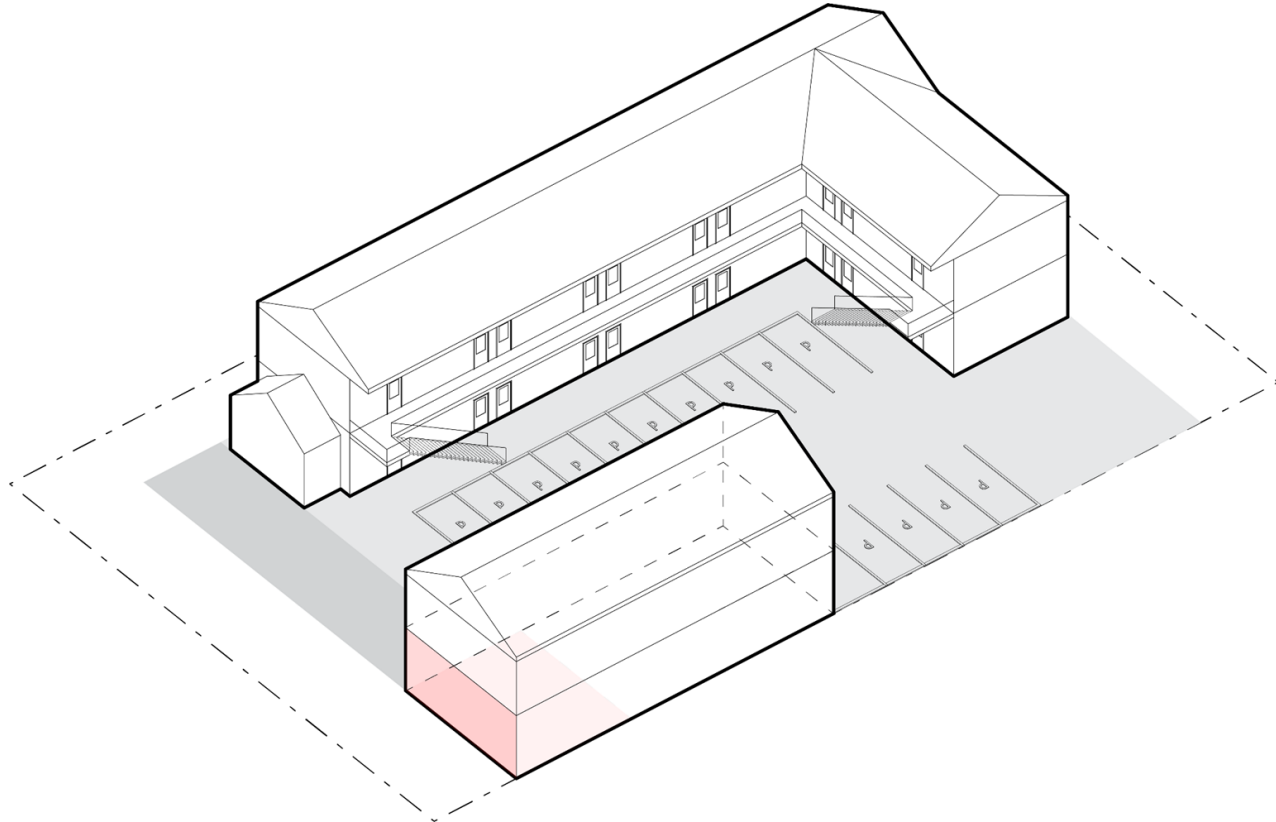
Accessory Building Uses

All Floors

- Communal facilities
- Building mechanical, maintenance, or operations
- Accessory storage for building residents

The broad category of accessory building allows for additional structures on the lot in most locations except along the primary street frontage. This allows for additional mechanical or utility, storage, or other “back-of-house” uses, as well as for more private communal facilities to be located away from the street.

Example motel typology development with active use ground floor frontage building



Dormitory Development, Building, and Unit Standards

Regulating dormitory standards and development intensity

The dormitory development, building, and unit standards outline minimum spatial requirements per unit and per resident, as well as minimum facility requirements including kitchen, bathroom, and laundry access.

Development intensity is the regulation of how much development is allowed, how many housing units are allowed, etc. In most zoning districts on the Cape, development intensity is regulated by some combination of site conditions, allowed uses, dimensional regulations, and parking regulations. In some cases, specific intensity regulations exist for a zoning district, usually expressed as housing units per acre (and in fewer cases, as a floor area ratio).

Unit size standards

Dormitory units shall be designed for a minimum of one and maximum of two occupants.

Dormitory buildings shall contain no fewer than two dormitory units, except where more than one single-unit dormitory building is connected by a party wall.

Dormitory units shall have a floor area of no less than 180 square feet and no more than 400 square feet.

Dormitory units shall have at least 150 square feet per occupant.

All dormitory units shall include sleeping facilities for no more than two occupants.

These provisions specify that dormitory units may be for one or two occupants. Units can be a minimum of 180 square feet for one occupant or 300 square feet for two occupants. The maximum size of a dormitory unit is 400 square feet. These minimum and maximum requirements are in line with contemporary student dormitory development. The motivations for their inclusion here is to provide reasonable space for each occupant while preventing these developments from being used as vacation housing.

Entrances

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

The design models for dormitory developments include existing motels and cottages within the architectural character of the Cape. In these precedents, each unit has a separate outdoor entrance and exit. Beyond the aesthetic precedent, outdoor entrances can improve visibility and safety for residents within the developments.

Development intensity

Development intensity is determined by a mix of unit standards, dimensional and parking regulations, and the given lot size. Constraining the maximum number of units per lot size, minimum and maximum unit size, and maximum number of occupants per unit, as well as other site planning considerations, determines how many dormitory units can be built in a dormitory development. Non-zoning regulations (e.g., wastewater provisions) will also impact the number of dormitory units allowed.

Implementing towns may consider adding an explicit cap on the maximum number of dormitory units within a dormitory development, but this may artificially reduce the viability of these developments.

Additional context on precedent seasonal worker dormitory densities are on the followign page.

Example dormitory development densities



Dennis Port: Gaslight Motel

19 units on ~.5 acres
~38 units/acre



Harwich: Stone Horse Motel

125 (double occupancy)
units on ~1.7 acres
~73 units per acre

Sanitation Facilities

Dormitory developments must include sanitation facilities with one toilet, sink, and shower stall for every four residents.

Dormitory units may include en suite sanitation facilities, which may be complete sanitation facilities of a toilet, sink, and shower or partial sanitation facilities of only a toilet and sink.

Sanitation facilities may be provided as communal facilities, and must be provided as communal facilities if complete sanitation facilities are not provided for each unit en suite.

Any configuration of en suite and communal sanitation facilities may be provided in a dormitory development such that the standards set in clause V(G)(1) of this section are met.

Shared bathroom and shower rooms are permitted and can be a primary differentiator between dormitory developments and housing used for short-term vacation rentals. En suite (in-unit) bathroom and/or shower rooms are permitted, and can be the simplest way to meet requirements for accessible units. Limits on the number of residents sharing a bathroom or shower facility support hygiene and comfort. All dormitory residents must have access to bathroom and shower facilities within the dormitory development.

Kitchens and Kitchenettes

Dormitory units may include a kitchenette.

Dormitory developments may include a kitchen.

For dormitory units that do not include a kitchenette, communal kitchens must be provided.

While a kitchenette in each dormitory unit is allowed but not required, all residents must have access to cooking facilities of some kind. Dormitory developments can determine on an individual basis whether kitchenettes per unit or larger shared kitchens for many residents are most practical for each site and development. Regardless of the flexibility in how this is achieved, residents of seasonal worker housing must have access to somewhere that they can prepare their own meals. This is a primary difference between worker dormitories and hotels or other short term vacation rentals, where kitchen access may or may not be provided.

Laundry Facilities

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

Similar to the requirement for access to kitchen facilities, laundry facilities are a differentiator between seasonal worker housing and vacation rentals. Without access to facilities or the ability to do laundry, the dormitories are not as suitable for seasonal stays longer than a couple of weeks. While the expectation is that dormitory developments must provide these amenities, they may not need to if they can prove that residents would have access to an adequately convenient public laundry facility.

Other Communal Facilities

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

Particularly when allowing for double occupancy dormitory units, additional communal spaces for relaxation, socializing, etc. become increasingly important. The 30 sf per resident requirement is intended to be achievable and to flex proportionately to the size of the dormitory development. These communal facilities can be broken up into smaller areas or can include larger amenities shared by more residents.

Dimensional Regulations

Dimensional regulations

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

This model bylaw is meant to create more opportunities for development of seasonal worker dormitory housing. The dimensional regulations included here are meant to encourage that kind of development.

Lot Size / Coverage

- Minimum Lot Area Per Unit
 - For parcels < 20,000 sf: at least 800 sf of land area per unit
 - For parcels of \geq 20,000 sf: at least 1,000 sf of land area per unit
- Maximum Lot Coverage
 - For parcels < 20,000 sf: 90% or that of the zoning district in which the development is located, whichever is greater.
 - For parcels of \geq 20,000 sf: 80% or that of the zoning district in which the development is located, whichever is greater.

There is no specified hard limit for minimum lot size, instead relying on the relationship of units to lot size to determine development intensity. This is intended to allow flexibility for smaller employers to develop their own seasonal worker housing at a variety of scales, including smaller worker cottages as well as larger motel-typology or other dormitory buildings.

Active frontage, frontage building

Within districts [INSERT VILLAGE CENTER DISTRICTS] and fronting [INSERT PRIMARY STREET NAME(S)]:

- For frontage buildings with no more than 50 feet of ground floor frontage, at least [70%] of the ground floor frontage must be dedicated to active uses.
- For frontage buildings with greater than 50 feet of ground floor frontage, at least [50%] of the ground floor frontage must be dedicated to active uses.

In village centers where a frontage building is required, the active ground floor frontage is key to supporting an active, walkable public realm. For frontages under 50 feet, there is a higher percentage of active use required to ensure that these spaces remain usable and (for publicly facing commercial uses) commercially viable.

It is important to note that for seasonal worker dormitories, active uses can be publicly facing commercial uses (like retail), but may also be certain accessory communal areas for dormitory residents like lounge areas, gyms or other amenities. In Village Centers, a publicly facing commercial use is ideal, but the active use provisions in this bylaw are meant to provide flexibility for worker dormitory developers.

Active use size

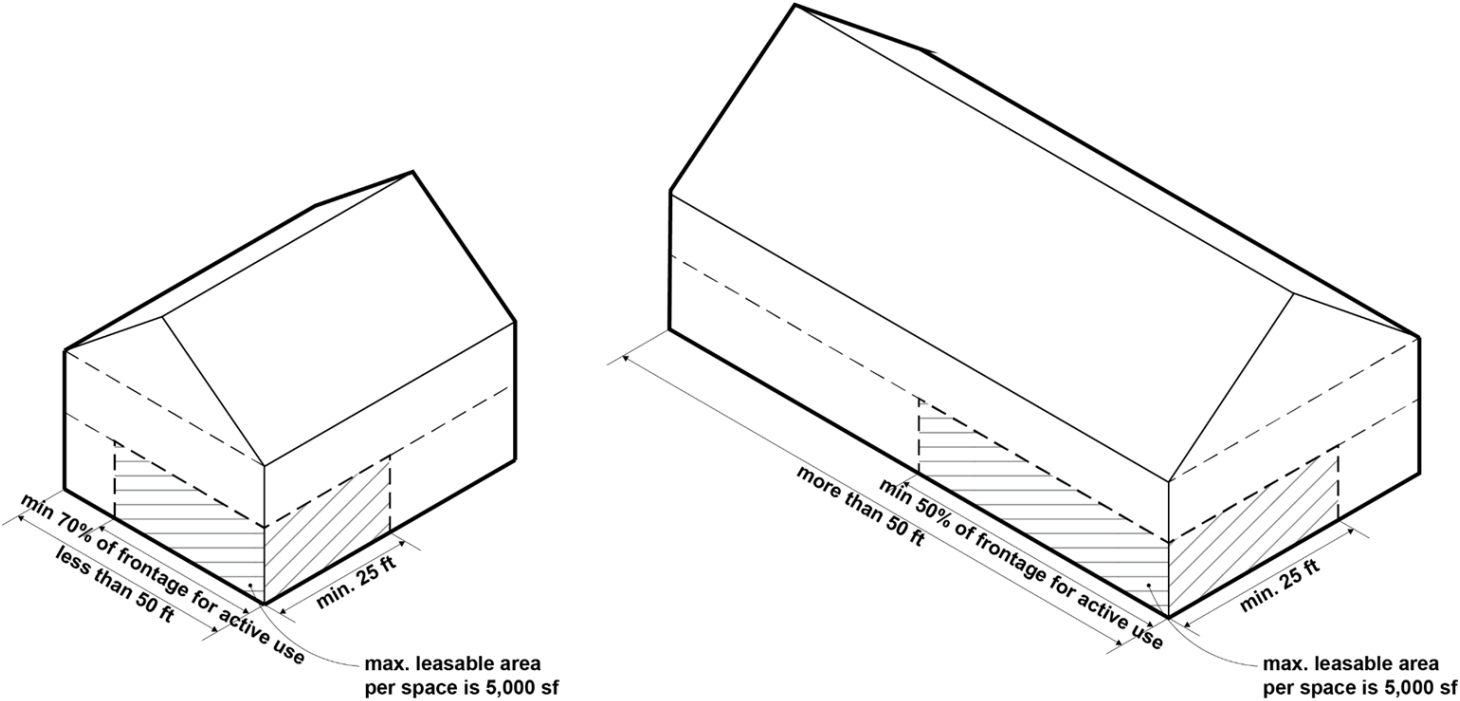
Within districts [INSERT VILLAGE CENTER DISTRICTS] and fronting [INSERT PRIMARY STREET NAME(S)]:

- at least 90% of each ground floor active use space in a frontage building shall be at least 25 feet deep, as measured from the front façade to the back of the ground-floor unit's leasable area.
- each ground floor active use space shall have no more than 5,000 square feet in leasable area [except through a Special Permit granted by the [SPECIAL PERMIT GRANTING AUTHORITY]].

Within Village Centers, this bylaw tries to ensure active use spaces are market-ready for commercial uses adding to the character of Cape Cod towns. Active use spaces in frontage buildings should be of a usable size and not cursory, and not so large that they encourage inappropriate formula retail.

To do this, this bylaw sets a minimum depth of 25 feet (to ensure the spaces' marketability to commercial tenants), and a 5,000 sf maximum leasable area for each individual ground floor active use space. The maximum leasable area of 5,000 square feet is a reasonable footprint for a mid-sized food service business, but is generally too small for a formula retail business. Developers and potential commercial tenants can seek a Special Permit to allow for larger footprints in the ground floor active use spaces.

Example minimum active frontages (using 50% and 70%) and other active use space dimensions



 Active Uses

Floor heights

For New Construction

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

The heights of individual stories are also regulated by the bylaw, to ensure they are maximally useable for occupants. This is especially important for the ground floor frontage of a frontage building in village centers areas, in order to get commercially viable spaces there. Requirements for dormitory buildings, accessory buildings, and the upper floors of frontage buildings are not strictly necessary, as minimum floor heights are governed by the building code and there are not strong market requirements for those uses beyond the building code's life safety motivations.

Existing buildings may have floor heights less than the minimum; that would not prevent them from potential conversion.

Building heights

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

The height of a frontage building must be equal to or greater than the height of dormitory and accessory buildings.

The height of buildings is regulated through the number stories and the height in feet. The model bylaw sets a minimum height of 2 stories and a maximum height of 2.5 or 3 stories for the frontage building, depending on the district. The half-story included in maximum height is to allow dormer windows typical of Cape Cod's architecture. Dormitory and accessory buildings can vary between 1 and 2.5 or 3 stories, depending on the district.

To align with the visual character of the Cape, frontage buildings must never be shorter than other buildings in a dormitory development.

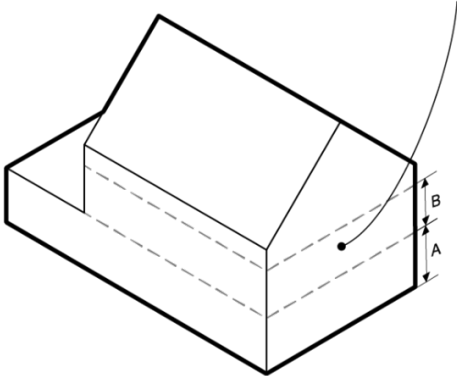
Upper story footprint

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

Where frontage buildings are required to have more than one story, this bylaw wants to ensure upper stories are not only fulfilling the letter of the law but are also useable. This footprint requirement ensures that, under these circumstances, the upper story is usable and not cursory.

Heights and upper floor footprints for frontage buildings

upper floor being at least 70%
the footprint of the ground



A - Ground Floor Height

B - Upper floor height

Number of Stories

The ground story is always counted as one (1) story.

Any upper story is counted as one (1) additional story.

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.

The regulations here help to avoid confusion when calculating stories in dormitory developments.

Roof forms

In dormitory developments, roofs may be flat or pitched, as defined and regulated in this section.

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.

Roofs are regulated in this bylaw to align with the architectural idioms of Cape Cod and meet the needs of dormitory developments. Dormitory development roofs can be flat or pitched, and can have certain architectural embellishments.

Roof forms

Half Stories

Habitable space located directly under a pitched roof is counted as a half (0.5) story, provided the following standards are all met:

- At least two opposite roof planes are pitched toward each other
- A pitched roof may be composed of roof planes with different slopes
- 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
- 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
- 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
- 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

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.

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).

The regulations here help to avoid confusion when calculating the number of stories and relevant heights in dormitory developments.

Setbacks

Setback regulations shall be governed by the zoning district in which dormitory development is allowed, except for front and internal setbacks, which shall be governed as follows.

This bylaw sets out a framework for governing the setback of buildings from the street. The goal is to create an active and walkable public realm at the ground floor fronting the public street or open space in village centers.

Since the side and rear setbacks are less relevant here, the bylaw defers to the rules of the zoning district.

The front setback is more critical to this goal. Here the bylaw defers to the existing character of the area or the existing zoning, provided one or both encourage the type of walkability desired.

Front Setback

Village center districts

- Maximum
 - Lesser of
 - 15 feet
 - Zoning district maximum
 - Average front setback for that block
- Minimum
 - Lesser of
 - 5 feet
 - Zoning district minimum
 - Average front setback for that block

In village centers, the default target front setback is 5-15 feet.

If the underlying zoning allows for smaller front setbacks (like zero-lot-line development), this bylaw defers to that regulation.

Also, if the existing buildings on the development's block have smaller front setbacks, the bylaw defers to the average setback on that block.

Front Setback

All other districts

- Maximum
 - Lesser of
 - 25 feet
 - Zoning district maximum
 - Average front setback within a quarter-mile
 - Lesser of
 - 15 feet
 - Zoning district minimum
 - Average front setback within a quarter-mile

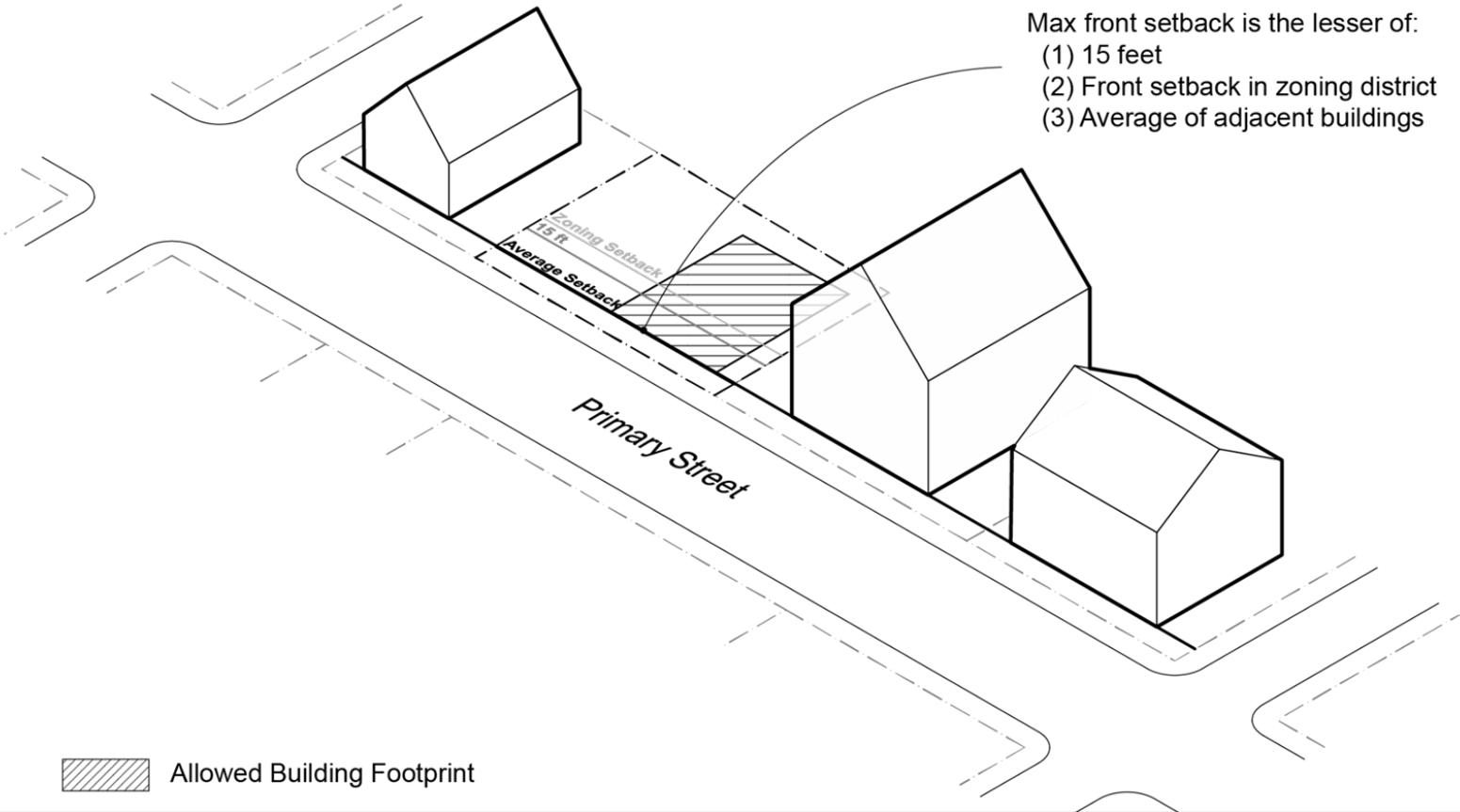
In all other contexts, the default target front setback is 15-25 feet.


If the underlying zoning allows for a smaller front setback, this bylaw defers to that regulation.

Also, if the existing buildings in the vicinity of the development (within a quarter-mile) have smaller front setbacks, the bylaw defers to the average setback in that area.

Front setback example: maximum setback in village center area

- Max front setback is the lesser of:
- (1) 15 feet
 - (2) Front setback in zoning district
 - (3) Average of adjacent buildings



 Allowed Building Footprint

Internal Setbacks

- Setbacks between buildings within dormitory developments shall be at least 10 feet for every story of the tallest building being set back. Half stories shall result in an additional setback of five feet.

The regulation of internal setbacks maintains visibility, daylight, and proportionality on a site with multiple buildings, either 2 or more dormitory buildings or a dormitory building and frontage building.

These internal setbacks are determined by the height of the tallest building rather than a hard minimum to allow the greatest flexibility.

Nonconforming structures

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

“Nonconforming structures” are existing buildings that could not be legally built under the current zoning. Many nonconforming structures exist in historic areas, as zoning laws have come to encourage less dense development. Some buildings may violate the regulations in this bylaw.

To encourage redevelopment of existing buildings as seasonal worker dormitories, this model bylaw allows those developments to seek a Special Permit to waive any dimensional requirements otherwise specified.

Parking Requirements

Parking requirements

Use	Automobile parking maximum
Dormitory units	0.5 spaces per unit, rounded up
Active use, excluding communal facilities for residents	2 spaces per 1,000 sf, rounded down
All other uses	0 spaces

This model bylaw sets a parking maximum for automobiles. Generally, the amount of parking required by zoning and/or the amount of parking assumed to be needed by developers overestimates how much parking is needed. This can limit the viability of development, especially of the kind envisioned by this model bylaw.

In general, seasonal workers have less need for automobiles, and many are not authorized to drive in the US.

The auto parking rules set specific maximums for residential and non-residential uses.

Bike parking

Use	Bicycle parking minimum
Dormitory units	0.75 spaces per unit, rounded up
Active uses, excluding communal facilities for residents	1 space per 1,000 sf, rounded down
All other uses	0 spaces

In addition to automobile parking maximums, this bylaw sets bicycle parking minimums, in order to encourage non-auto transportation to and from dormitory developments. Many seasonal workers rely on bicycle transportation while living on the Cape.

Site Planning

Site Planning

Site planning is the aspect of design that deals with drainage, landscaping, automobile access, the orientation and dimensions of entrances and exits, buildings, internal pathways, and streets, and more. The decisions of site planning occur within the rules dictated by use, dimensional, and parking regulations.

This part of design is highly site-specific, so principles and standards tend to work better than prescriptive rules.

Principles

- Promote a walkable and vibrant public realm along a public way or public open space in village centers
- Promote the active use of any space between the ground floor frontage and public right-of-way in village centers
- Promote visibility among dormitory occupants within the interior of the dormitory development
- Minimize the visual and physical impact of parking facilities, primarily from the street in front of the site and secondarily from the side and rear, through building placement and context-appropriate landscaping treatments

The bylaw provides these guiding principles for site planning. Since site planning is heavily site-specific and tends to involve many trade-offs, the principles can be used to aid design decisions—both for architects and town staff or boards overseeing development.

Inclusion of a frontage building

- For dormitory developments [within INSERT DISTRICTS IF ONLY A SUBSET] fronting a public way and with a lot width of 45 feet or more and with front setbacks of 100 feet or less, a frontage building shall be required. For dormitory developments in those districts that do not front a public way, including dormitory developments accessory to and behind an existing commercial use, a frontage building is not required.
- Dormitory buildings may front a public way where a frontage building is not required.

For village center areas, this model bylaw proposes that frontage buildings must be required. The regulation is designed to waive the requirement where frontage buildings would be infeasible or redundant with existing commercial buildings.

Outside village center areas, frontage buildings would be allowed but not required.

Number of dormitory buildings

- A dormitory development may contain any number of dormitory buildings.

This provision allows multiple dormitory buildings on site. This allows flexibility for larger or smaller dormitory buildings, depending on the needs of the development and scale of the site.

Note that the number of dormitory units (rather than buildings) is governed with a minimum and maximum in the dormitory development standards.

Building configuration

- Dormitory buildings may be located to the side or behind the frontage building.
- If a frontage building is included, dormitory buildings may be located to the side or behind the frontage building and shall be set back 15 feet more than the frontage building.

These provisions specify the relationship between dormitory buildings and frontage buildings. If a frontage building is included, dormitory buildings must be set back from the frontage building.

Parking and loading

- Parking shall be behind any frontage building when possible.
- Loading facilities shall not be located at the ground floor frontage and should be located at the rear of the building.
- Automobile access to parking and loading should be located at the side or rear of the parcel and should be screened from view from the public ways.
- Bicycle parking should be located near the principal entrance to the development's dormitory units and/or the principal entrance along the ground floor frontage of a frontage building.

These standards attempt to minimize the impact of parking and loading facilities on the character of the public realm, both functionally and visually.

Additional Housing Provisions

Seasonal Occupancy

- For any dormitory development permitted through this section, all dormitory units made available for rent must be rented on terms of not less than [two] months and not more than [six] months, except by Special Permit through the process specified in [SPECIAL PERMIT SECTION], regardless of whether the development is otherwise allowed by-right or by Special Permit.

The dormitory unit, building, and development standards included in the bylaw are intended to regulate safe, habitable, and comfortable living facilities for seasonal workers. These dormitories are not meant for long-term SRO-style occupancy or the creation of second-tier, lower standards of living for Cape Cod residents of lesser means. The intent in this subsection is to provide an administrative pathway to enforcing seasonal occupancy. Even though the design parameters here are meant to encourage seasonal occupancy only, this provision gives an implementing town an occupancy enforcement mechanism.

Implementing towns will need to decide on a minimum and maximum length of occupancy. Restrictions of 2-6 months will allow seasonal workers to occupy the homes on relatively short (but not typical vacation-length) leases.

A Special Permit option is given for extraordinary circumstances.

Regional Employment

- All residents of dormitory developments shall be employed on a seasonal basis in Barnstable County, Massachusetts.

In addition to the lease-term-based enforcement, towns have the option of using employment-based enforcement for occupancy (given administrative capacity). This clause adds protections against vacation-style occupancy in the worker dormitories. However, using this enforcement pathway could be more administratively burdensome for towns and workers. Lease terms can be given without input from workers by the housing providers, whereas proof of employment is much more difficult to administer, and could create unforeseen enforcement burdens.

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 subsection aids in legal interpretation, whether as entities in the real estate market begin the implementation process or if conflicts were to 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 hopefully sheds insight into the model bylaw text. If a town wants to implement seasonal worker dormitory 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 dormitory 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 seasonal worker housing.

Cape Cod Model Seasonal Worker Dormitory Bylaw: Accompanying Guide



CAPE COD
COMMISSION

A Seasonal Worker Dormitory Model Bylaw for Cape Cod Towns

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

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

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

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

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

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

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

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

SECTION [X]. Seasonal Worker Dormitories

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

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

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

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

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

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

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

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

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

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

III. **Application.**

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

[OPTION FOR TOWNS WITH A USE TABLE]

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

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

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

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

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

2. In all other districts:
 - a) Dormitory units
 - b) Communal facilities
 - c) Building mechanical, maintenance, or operations
 - d) Accessory storage for building residents
 - B. Frontage buildings, upper floor
 1. Dormitory units
 2. Communal facilities
 - C. Dormitory buildings, all floors
 1. Dormitory units, except in basements
 2. Communal facilities
 3. Building mechanical, maintenance, or operations
 4. Accessory storage for building residents
 - D. Accessory buildings
 1. Communal facilities
 2. Building mechanical, maintenance, or operations
 3. Accessory storage for building residents
- III. **Dormitory development, building, and unit standards**
- A. Minimum and maximum unit occupancy. Dormitory units shall be designed for a minimum of one and maximum of two occupants.
 - B. Minimum dormitory unit count. Dormitory buildings shall contain no fewer than two dormitory units, except where more than one single-unit dormitory building is connected by a party wall.
 - C. Minimum and maximum floor area per unit. Dormitory units shall have a floor area, including only enclosed private spaces, of no less than 180 square feet and no more than 400 square feet.
 - D. Minimum and maximum floor area per occupant. Dormitory units shall have at least 150 square feet in floor area, including only enclosed private spaces, for each dormitory unit occupant.

- E. Maximum sleeping facilities. All dormitory units shall include sleeping facilities for no more than two occupants.
- F. Outdoor entrances. Dormitory units shall have a principal (front) entrance to the outside of the dormitory building.
- G. Sanitation Facilities
 - 1. Dormitory developments must include sanitation facilities with one toilet, sink, and shower stall for every four residents.
 - 2. Dormitory units may include en suite sanitation facilities, which may be complete sanitation facilities of a toilet, sink, and shower or partial sanitation facilities of only a toilet and sink.
 - 3. Sanitation facilities may be provided as communal facilities, and must be provided as communal facilities if complete sanitation facilities are not provided for each unit en suite.
 - 4. Any configuration of en suite and communal sanitation facilities may be provided in a dormitory development such that the standards set in clause V(G)(1) of this section are met.
- H. Kitchens and Kitchenettes
 - 1. Dormitory units may include a kitchenette.
 - 2. Dormitory developments may include a kitchen.
 - 3. For dormitory units that do not include a kitchenette, communal kitchens must be provided.
- I. Laundry Facilities
 - 1. Dormitory developments must include clothes washing and drying facilities, with at least one washing machine and dryer for every 12 residents, unless the applicant can demonstrate there are commercial laundromat facilities within a half-mile of the dormitory development, measured as the distance over a street or public footpath network.
- J. Other Communal Facilities
 - 1. Dormitory developments must include communal facilities other than kitchens, bathrooms, shower rooms, and laundry facilities, with at least 30 square feet of other communal facilities per occupant.

- IV. Dimensional Regulations.** Dormitory developments permitted under this section shall comply with the following dimensional regulations, which supersede regulations specified by the zoning district in which the development is located. Where dimensional regulations are not specified here, the regulations of the zoning district shall apply.
- A. Minimum lot size. There shall be no minimum lot size for dormitory developments permitted under the rules of this section.
 - B. Minimum lot area per unit.
 - 1. For parcels of less than 20,000 square feet, there shall be at least 800 square feet of land area per unit.
 - 2. For parcels of at least 20,000 square feet, there shall be at least 1,000 square feet of land area per unit.
 - C. Maximum lot coverage
 - 1. For parcels of less than 20,000 square feet, the maximum lot coverage for dormitory developments following the provisions of this section shall be 90% or that of the zoning district in which the development is located, whichever is greater.
 - 2. For parcels of at least 20,000 square feet, the maximum lot coverage for dormitory developments following the provisions of this section shall be 80% or that of the zoning district in which the development is located, whichever is greater.
 - D. Active frontage, frontage building
 - 1. Within districts **[INSERT VILLAGE CENTER DISTRICTS]** and fronting **[INSERT PRIMARY STREET NAME(S)]**, the following rules shall apply:
 - a) For frontage buildings with no more than 50 feet of ground floor frontage, at least **[70%]** of the ground floor frontage must be dedicated to active uses.
 - b) For frontage buildings with greater than 50 feet of ground floor frontage, at least **[50%]** of the ground floor frontage must be dedicated to active uses.
 - E. Depth of active use, frontage building. Within districts **[INSERT VILLAGE CENTER DISTRICTS]** and fronting **[INSERT PRIMARY STREET NAME(S)]**, at least 90% of each ground floor active use space in a frontage building shall be at least 25 feet deep, as measured from the front façade to the back of the ground-floor unit's leasable area.

- F. Ground floor active use space size. Within districts [INSERT VILLAGE CENTER DISTRICTS] and fronting [INSERT PRIMARY STREET NAME(S)], each ground floor active use space shall have no more than 5,000 square feet in leasable area [except through a Special Permit granted by the [SPECIAL PERMIT GRANTING AUTHORITY]].
- G. Floor heights. Floor-to-floor heights for all buildings shall be regulated according to Table 1: Floor-to-floor heights by district. Existing buildings may maintain their floor-to-floor heights, regardless of whether they meet the requirements of this table.

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

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

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

Table 2. Building heights by district

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

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

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

- J. Number of Stories
 1. The ground story is always counted as one (1) story.

 2. Any upper story is counted as one (1) additional story.

 3. A basement is counted as one (1) story if at least half of the clear ceiling height is above the average grade at the building footprint.

- K. Roof Forms
 1. In dormitory developments, roofs may be flat or pitched, as defined and regulated in this section.

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

 3. Habitable space located directly under a pitched roof is counted as a half (0.5) story, provided the following standards are all met:
 - a) At least two opposite roof planes are pitched toward each other
 - b) A pitched roof may be composed of roof planes with different slopes
 - c) The slope of any pitch must be between 7:12 (30.3 degrees) and 14:12 (49.4 degrees). If the pitch is greater than 14:12, this story is counted as a full story
 - d) The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the half-story; otherwise, this story is counted as a full story
 - e) Dormer windows may not occupy more than 75% of the total pitched roof slope area and must be setback from all sides by a minimum of three (3) feet
 - f) The width of dormers must not exceed twelve (12) feet and, where applicable, must be separated from each other by a minimum of three (3) feet

4. An uppermost story with a flat roof is also counted as a half (0.5) story if it fits within a half-story pitched roof form described above.
 5. Non-habitable attic space located under a pitched roof is not counted as a half story. The slope of a pitched roof of a non-habitable attic space must be at minimum 5:12 (22.6 degrees).
- L. Setbacks
1. Setback regulations shall be governed by the zoning district in which dormitory development is allowed, except for front and internal setbacks, which shall be governed as follows.
 2. In districts [INSERT VILLAGE CENTER DISTRICTS], front setbacks of a frontage building or a dormitory building fronting a public way shall be:
 - a) No more than the lesser of
 - (1) Fifteen feet
 - (2) The maximum front setback specified by the zoning district in which the building is located
 - (3) The predominant front setback of buildings fronting the same primary way on the block in which the development is located
 - b) No less than the lesser of
 - (1) Five feet
 - (2) The minimum front setback specified by the zoning district in which the building is located
 - (3) The predominant front setback of buildings fronting the same primary way on the block in which the development is located
 3. In all other districts where dormitory developments are allowed, front setbacks of a frontage building or a dormitory building fronting a public way shall be:
 - a) No more than the lesser of
 - (1) Twenty-five feet
 - (2) The maximum front setback specified by the zoning district in which the building is located
 - (3) The predominant front setback of buildings fronting the same primary way within a quarter mile of the development
 - b) No less than the lesser of
 - (1) Fifteen feet
 - (2) The minimum front setback specified by the zoning district in which the building is located

- (3) The predominant front setback of buildings fronting the same primary way within a quarter mile of the development
 - 4. Setbacks between buildings within dormitory developments shall be at least 10 feet for every story of the tallest building being set back. Half stories shall result in an additional setback of five feet.
 - 5. The front setback of an accessory building shall be at least ten feet greater than the front setback of the frontage building or dormitory building fronting a public way.
- M. Nonconforming structures. When a dormitory development is proposed in a lawful preexisting nonconforming structure, the dimensional regulations of this section may be waived by Special Permit for the renovation and/or reuse of an existing nonconforming structure that does not conform to these regulations, provided the proposed redevelopment is in line with the purpose of this section, conforms with the site planning principles of subsection VIII.A herein, and the change of use to a dormitory development in the nonconforming structure does not result in substantial detriment to the neighborhood or the Town.

V. Parking requirements

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

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

- B. All off-street parking areas used exclusively by a dormitory development shall be located within 250 feet of the building containing the dormitory development.

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

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

VI. Site planning

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

5. If a frontage building is included in the dormitory development, dormitory buildings shall have a front setback at least 15 feet greater than the front setback of the frontage building.
6. Automobile parking facilities shall be behind any frontage building. In cases where a frontage building exists but parking behind a frontage building is not feasible, parking to the side of the frontage building is permitted, provided it is set back at least 10 feet from the front facade of the frontage building.
7. Loading facilities shall not be located at the ground floor frontage and should be located at the rear of the building.
8. To the extent possible, automobile access to parking and loading should be located at the side or rear of the parcel and should be screened from view from the public ways or public open spaces along the front of the parcel and from side and rear adjacent parcels.
9. Bicycle parking should be located near the principal entrance to the development's dormitory units and/or the principal entrance along the ground floor frontage of a frontage building. Where possible, bicycle parking should be in a covered and lockable facility.
10. The principal entrance to the frontage building should be along its ground floor frontage.
11. The principal entrance leading to the housing units may be along the ground floor frontage or along the side or rear facades.

VII. **Additional Housing Provisions**

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

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