

LOCAL  
IMPLEMENTATION

Implemented on Cape Cod

## OVERVIEW

Development allowed by-right may be permitted under a zoning ordinance or bylaw with building permit approval and without the need to obtain a special permit. It may still be subject to design standards and/or site plan review. Though the discretionary review process is important and appropriate at times, it can increase the permitting timeline and carries a greater risk that a project may not be approved. Allowing different types of housing by-right, such as accessory dwelling units, duplexes, triplexes, or even multi-family housing could reduce development costs.

## CHALLENGES ADDRESSED

-  Not Allowed to Build Multi-family Housing
-  Too Expensive to Build New Housing
-  Too Expensive to Secure or Maintain Housing
-  Hard to Find Year-round Housing

## POTENTIAL BENEFITS & CONSIDERATIONS

- Allows for a faster and more predictable permitting process by eliminating discretionary review required for special permits, variances, or other special exceptions
- Development allowed by-right is not subject to the public hearing process so it is critical that by-right development is compatible with other uses in an area and the desired built character
- Can reduce legal expenses or other costs tied to a more lengthy approval process
- Changing zoning to allow smaller and/or denser housing by-right will require public engagement to educate residents and garner support for the new zoning at Town Meeting/Town Council
- Communities may be more comfortable with by-right allowances if they are still subject to design standards or site plan review
- When allowing development by-right, it is crucial that other aspects of the zoning, such as dimensional standards and parking requirements, reinforce the type of development desired in an area

## RESOURCES

***Regional Housing Strategy Model Bylaws*** - To support implementation of the Regional Housing Strategy, the Cape Cod Commission worked with consultants to develop several housing-related bylaws that allow different types of housing in different areas by-right.

***How to Get By-Right Zoning Right*** - Opticos Design outlines the benefits of by-right development and recommends steps for implementation.

***What is By-Right Development?*** - An overview of by-right development by Planetizen, a platform with planning information and resources.

## CASE STUDY: DUPLEXES BY-RIGHT IN EASTHAM (2022)

In Spring 2022, Eastham Town Meeting approved allowing for by-right development of duplex and two-family dwellings in residential and residential/limited commercial zones. The town also decreased the required parcel size from 80,000 square feet to 40,000 square feet in order to encourage new duplex development. In addition, any new duplexes built are required to be owner-occupied or rented year-round.

