

Attainable Housing on Undersized Lots
Feb 2, 2024

To see if the Town will vote to amend Section () and Section 30.2, Use Table, of the Zoning Bylaw by amending section 40 to add section § 40.8.

40.8 Attainable Residence on Undersized Lots:

- A. Purpose: The purpose of this bylaw is to increase the supply of housing that is available in the town of Truro, by allowing attainable dwellings to be built on lots that do not meet the minimum lot size for the zoning district, provided the lots meet the criteria listed herein.
- B. This bylaw shall apply to lots of record as of January 1, 2024, as recorded in a deed or plan on file with the Barnstable County Registry of Deeds or Land Court, regardless of whether the lot is held in common ownership with an adjoining lot, which do not meet the minimum lot size for the zoning district as determined by the Building Inspector.
- C. This bylaw shall apply to lots in all districts except Beach Point.
- D. Any dwellings created under this bylaw *on private land*, shall be designated as low or moderate income units, subject to an affordable housing deed restriction and Regulatory Agreement in accordance with MGL c. 40B, §§ 20-23, 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Executive Office of Housing and Livable Communities (EOHLC) formerly the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory as Local Action Units.
- E. For purposes of this bylaw, "Attainable" shall mean that the units are available for ownership or rental to households earning at or below 100% of the Barnstable County Area Median Income (AMI), adjusted for household size and shall remain affordable in perpetuity or for the longest period allowed by law.
- F. REQUIREMENTS The Building Commissioner may allow construction of a One Family Dwelling, restricted by a Regulatory Agreement and/or

Affordable Housing Deed Restriction in a form acceptable to the Executive Office of Housing and Livable Communities (EOHLC), executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel, at time of application, is not improved with any existing dwelling unit.
2. Parcel contains at least 10,000 square feet of contiguous upland area.
3. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
4. Parcel satisfies applicable Town of Truro's Conservation Commission Environmental Protection Regulations. Parcel has a minimum of *20 feet of frontage* on a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without a minimum of 20 feet of frontage on a way may be permitted under this section if there is an adequate recorded access easement of at least 20 feet in width from the lot to a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.
5. The building setbacks shall not be less than 15 feet.
6. If a dwelling is built within 25 feet of any other dwelling or principal structure screening of at least six feet in height be created and maintained if requested by the abutter in writing to the Building Commissioner. The screening may be fencing, planting or a combination.
7. The building must comply with the house size bylaws
 - a. For lots in all districts except the Seashore District, Section 50.2 of the Zoning Bylaws shall apply. *Total Gross Floor Area of the new or expanded structure(s) does not exceed 3,600*

sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated. For example:

10,000sqft lot - total gross floor area: 1,066 sq ft

20,000sqft lot - total gross floor area: 2,132 sq ft

30,000sqft lot - total gross floor area: 3,198 sqft

b. For all lots in the Seashore District, Section 30.3 of the Zoning Bylaws shall apply. *Total Gross Floor Area of the lot does not exceed 3,600 sq. ft. for 3 acres, minus 200 sq. ft. for each contiguous acre less than 3 acres, pro-rated for a portion of an acre. For example:*

2.5 acre lot – total gross floor area: 3,500 sq. ft.

2 acre lot - total gross floor area: 3,400 sq. ft

1 acre lot - total gross floor area: 3,200 sq. ft

.5 acre lot - total gross floor area: 3,100 sq. ft

- G. An applicant under this section shall submit a site plan that depicts:
1. the dimensions and setbacks of the subject Parcel, and
 2. the proposed structure on the subject Parcel
 3. the existing setbacks of principal structures on the lots immediately adjacent.
 4. The site plan shall show a parking plan, and comply with parking requirements for “affordable Dwelling Unit” in 30.9 Parking Regulation use table of 2 spaces per unit. Tandem parking is permitted. A waiver may be requested from the Zoning Board of Appeals.

H. A Parcel shall not be built upon if the Parcel was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.

I. No part of any access driveway may be within 15 feet of a principal structure on an adjoining lot.

J. Accessory Dwelling Units are not permitted on undersize lots

K. Rental of the dwelling for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner or their designee prior to initial occupancy and by May 1 each following year. (Monitoring Agent. The Affordable Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction.

L. *(can we simplify this?)* The Applicant must submit a Regulatory Agreement and Affordable Housing Deed Restriction, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to low- or moderate- income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with EOHCL's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income- eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. If the lot is owned privately, the Applicant, shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the EOHCL's as Local Action Units. No building permit shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the Registry of Deeds and proof of such recording has been furnished to the Building Commissioner.

40.8.4. Transfer or Lease. A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement.

40.8.5. No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of § 40.8.3 have been met.

40.8.6. Conflicts with other bylaws. The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw section, and the provisions therein, shall apply.

30.2 use table

	R	BP	NT6A	TC	NTC	RT6	S
Attainable Undersized Lot	Y	N	Y	Y	Y	Y	Y