

**DRAFT REVISED DUPLEX BYLAW for FALL TOWN MEETING 8.5.23**

§ 40.1 Duplex Houses ~~and Apartments~~

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, ~~duplexes may be created By Right the Board of Appeals may approve a special permit authorizing the~~ through the new construction of duplex houses or the conversion of single-family dwellings to 2 units ~~apartments~~, consistent with the following conditions.
- ~~B. New Construction. lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq. ft.; the requirements of paragraph D shall be met.~~
- ~~C. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection District may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.~~
- B. These structures, either new or conversions, are allowed in all districts except: Beach Point and Seashore Districts.
- C. A minimum lot size of 33,750 sq. ft. is required for both new construction and conversion of existing structures.
- D. The Total Gross Floor Area (definition in §10.1) of the new or expanded duplex structure(s) shall 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:
- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
  - b. Plus an ADU of up to 900 sq. ft.
- ~~D. Requirements. All new construction or conversions shall comply with the following:~~
- ~~1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.~~
  - ~~2. One unit shall be owner occupied.~~
  - ~~3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
  - ~~4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.~~
  - ~~5. Section 50, Area and Height regulations of this bylaw.~~
  - ~~6. The use is in harmony with the general purpose and intent of the bylaw.~~
- E. Requirements. All new construction or conversions shall comply with the following.
1. One unit shall have a 12-month lease.

- a. Rental of said unit 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.
    - b. 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.
  2. The second unit shall either be owner occupied or have a 12-month lease.
    - a. If the unit is owner occupied, there shall be no rentals for less than 8 months (including, but not limited to, seasonal rental and rental through vacation rental services and websites).
    - b. If there is a 12-month lease: Rental of said unit 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.
  3. 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.
  4. The building shall conform to Section 50, Area and Height Regulations, of the Truro Zoning Bylaws.
  5. The use is in harmony with the general purpose and intent of the bylaw.
  6. The two units and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings, or units thereon shall not be placed in a condominium form of ownership.
  7. All applicable provisions of the building, health, and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
  8. Units that are rented under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.
- F. Violations and Penalties. Violation of any of the provisions of this bylaw may result in fines of up to \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.



*To see if the Town will vote to amend Section 30.8(B) of the Zoning Bylaw as follows:*

30.8(B)

A special permit shall lapse after two years if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

*Summary: Many projects receiving special permits from the Zoning Board of Appeals are unable to commence construction within one year, due to labor and/or material shortages, additional permitting required, or other valid reason. Currently, a permittee must seek a permit extension if unable to commence within one year. Extending the period for commencing construction from one to two years would align the term of special permits with the term of other approvals under the Zoning Bylaw (for example, Site Plan approvals). In addition, this amendment streamlines the permitting process to the benefit of applicants and the Town's Planning and Building Departments.*