

Make the following changes to § 10.4. Definitions, where strikethrough indicates deletion and underline means addition.

§ 10.4. Definitions

Dwelling Unit, Affordable Accessory. A ~~rental~~ year-round dwelling unit either detached from or located within or attached to a principal single family dwelling, principal structure, garage or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall ~~;~~ containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw. ~~(04/017) restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines.~~

To read as follows:

Dwelling Unit, Accessory. A dwelling unit either detached from or located within or attached to a principal single family dwelling, or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall contain at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw. (04/17)

Make the following highlighted changes to § 30.2 where strikethrough indicates deletion and underline means addition.

§ 30.2. Use Table

The following uses are permitted by district as indicated below, and consistent with the purposes for which the district was established. Uses not expressly permitted are deemed prohibited.

KEY

P	Permitted
SP	May be allowed by special permit granted by the Board of Appeals, or the Planning Board, where noted
N	Not Permitted
R	Residential
BP	Beach Point Limited Business
NT6A	Route 6A, North Truro Limited Business
TC	Truro Center Limited Business
NTC	North Truro Center General Business
Rt6	Route 6 General Business
S	Seashore

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PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
AGRICULTURAL							
Agricultural (except Animal Husbandry); horticultural, floricultural	P	P	P	P	P	P	P
Animal husbandry, parcels of more than 5 acres	P	P	P	P	P	P	P
Animal husbandry, parcels of 5 acres or less	SP	SP	SP	N	SP	SP	SP
COMMERCIAL							
Automobile service, repair, storage, or salesrooms	N	N	N	N	P	P	N
Commercial fishing activity (1, 11)	P	P	P	P	P	P	P
Professional office (2)	N	P	P	P	P	P	N
Restaurant	N	N	N	P	P	P	N
Retail business service (4/14)	N	N	P	P	P	P	N
Retail sales (4/14)	N	N	N	P	P	P	N
Wholesale Trade (4/14)	N	N	SP	SP	P	P	N
INDUSTRIAL							
Communication structure	N	N	N	N	N	SP (4)	N
Industrial or manufacturing use (5)	N	N	N	N	SP	SP	N
Marine installation	SP	SP	SP	N	SP	SP	N
Public utility	N	N	N	N	P	P	P
Research or experimental lab (6)	SP	SP	SP	N	SP	SP	N
Small engine repair	SP	SP	SP	N	SP	SP	N
Trade, repair shop, etc. (7) (4/14)	N	N	P	P	P	P	N
INSTITUTIONAL							
Educational institution	P	P	P	P	P	P	P

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PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
Hospital, nursing and/or convalescent home	P	P	P	P	P	P	P
Municipal use (4/13)	P	P	P	P	P	P	P
Private club not conducted for profit	SP	SP	SP	N	SP	SP	N
National Seashore administration facilities, public facilities	N	N	N	N	N	N	P (11)
Religious institution	P	P	P	P	P	P	P
Large-Scale Ground-Mounted Photovoltaic Array (4/11)	SP (12)	N	N	N	N	P	P
RECREATIONAL							
Children’s camp	SP	SP	SP	N	SP	SP	N
Park, playground, non-commercial recreation	P	P	P	N	P	P	N
RESIDENTIAL							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Duplex new (8)	N	SP	SP	SP	SP	SP	N
Duplex, conversion of existing single family dwelling (8)	SP	SP	SP	SP	SP	SP	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (10)	P	P	P	P	P	P	P (11)
ACCESSORY USES							
Dwelling Unit, Affordable Accessory (10) (04/0717)	SP	SP	SP	SP	SP	SP	N
Bed and breakfast, home; as defined; Boarding House, Home, as defined	P	P	P	N	P	P	P (11)
Habitable Studio	P	P	P	N	N	P	P
Home occupation, as defined	P	P	P	P	P	P	P

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
							(11)
Other home occupation (5)	SP	SP	SP	N	SP	SP	N
Working Studio	P	P	P	N	N	P	P

(4/06)

NOTES

1. To include traditional fishing activities, opening of shellfish, storage and use of fishing equipment.
2. No more than four (4) offices per lot; 20% lot coverage permitted, exclusive of parking; storage of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited; the Board of Appeals shall find that the proposed use does not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.
3. Reserved (4/14)
4. Includes buildings and appurtenances; Special Permit Granting Authority is the Planning Board.
5. The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.
6. The Board of Appeals may approve activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good; the proposed accessory use need not be located on the same parcel as the primary use.
7. Includes shops of carpenters, plumbers, electricians, dressmakers and similar tradespeople, repairs to radio-TV-computers and related electronic services, bicycle repairs, furniture repairs and upholstery. (4/14)
8. Uses in this category are further subject to the special regulations set forth in § 40.1, Duplex Houses and Apartments.
9. Except trailers, mobile homes, Quonset huts or portable buildings. One tent for non-commercial use is allowed per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used.
10. Uses in this category are further subject to the special regulations set forth in §40.2, Affordable Accessory Dwelling Unit, and the Planning Board shall serve as the Special Permit granting authority. (04/0717)
11. Uses in this category are further subject to the special regulations set forth in § 30.3, Seashore District.
12. Except in the Solar Farm Overlay District, where the use is permitted.

Amend §40.2 to read as follows. Please note, for ease of reading and discussion purposes, this is draft is depicted as proposed and does not reflect deletions and insertions. A version of the bylaw depicting proposed deletions and insertions in tracked changes will soon be available for review at the Town Clerk's office.

§40.2 Accessory Dwelling Unit

A. The purposes of this bylaw are to:

1. Increase the number of moderately priced, year-round rental dwelling units in Truro;
2. Encourage a more economical and energy-efficient use of the Town's housing supply; and
3. Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Requirements

1. One Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any zoning district except in the Seashore District by obtaining a Special Permit from the Planning Board.
2. An ADU may be established within or attached to a principal dwelling, principal structure, or accessory structure, or constructed as a detached unit, and must be located on the same lot as the primary dwelling.
3. The ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and all applicable town health, building, zoning and other local laws and regulations.
4. An ADU within or attached to a principal dwelling, principal structure or accessory structure that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity or create a new nonconformity without first obtaining a Special Permit or Variance, respectively, from the Zoning Board of Appeals.

C. Special Permit Criteria

1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.
2. The ADU shall not contain more than one thousand four hundred (1,400) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent permit from the Planning Board, and in no case shall an ADU be permitted to exceed the square footage allowed by this section.

3. At least one (1) off street parking space in addition to parking otherwise required for the property is required for an ADU.
4. An ADU shall be clearly subordinate in use, size and design to the principal dwelling or structure, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window size and location, and building materials. When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters. The Planning Board may adopt design guidelines to assist applicants with meeting this requirement.
5. The principal dwelling and ADU 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.
6. An ADU and the principal dwelling to which it is accessory may be rented for periods no shorter than 12 months. Rental (including sub-leasing by a tenant) of an ADU or principal dwelling on a lot with an ADU for periods less than 12 months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
7. The owner of the property shall live in either the principal dwelling or the ADU.
8. ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with the Special Permit, as well as 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.

D. Amnesty

The owners of a lot containing a second dwelling unit (i) for which there does not exist a validly-issued variance, special permit, building permit or occupancy permit, and (ii) that is not a legally pre-existing, nonconforming use and structure may apply for a special permit under this section. If the Planning Board grants such a permit, it shall ensure that the ADU complies with applicable building, safety and other regulatory codes and may impose conditions, without limitation, to eliminate or minimize zoning nonconformities.

E. Procedure

1. Each application for a Special Permit shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 14 copies of the Application for ADU Permit;
 - b. 15 copies of the required plans and other required information under §40.2.D.1(e)-(j);
 - c. Applicable filing fee;
 - d. List of abutters obtained from the Truro Assessing Department
 - e. Site Plan or Site and Sewage Plan prepared by a registered professional engineer or registered sanitarian showing all property lines, existing and proposed structures on

- the parcel, and setbacks from roads and property lines for each structure. Building dimensions (height, stories, square footage) shall be shown on the plan.
- f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.
 - g. Building plans at a scale of no less than 1/8" = 1'-0", including floor plans and front, side and rear elevations of the ADU and principal dwelling or structure.
 - h. Affidavit declaring that the ADU and/or principal dwelling to which it is accessory will be rented on a twelve month basis.
 - i. Documentation of approval, if applicable, from the Conservation Commission.
 - j. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.
 - k. The Planning Board may require the applicant to fund outside consultants, pursuant to G.L. c.44, §53G.
2. The Planning Board shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of MGL, Chapter 40A and the Truro Zoning By-law, Section 30.8
 3. The Planning Board may grant a Special Permit only if it finds that the proposal complies with the provisions of this bylaw, §40.2, and that it complies with the applicable criteria for granting Special Permit, as detailed in §30.8.
 4. If the Planning Board grants the Special Permit and following expiration of any applicable appeal period, the property owner shall complete and submit to the Building Commissioner an application for a Building Permit to allow a change in use.
 5. The property owner shall obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the Affordable Accessory Dwelling Unit.
 6. An appeal of a determination of the Planning Board under this section may be taken in accordance with Section 17 of MGL, Chapter 40A.

F. Penalty

Failure of the applicant to comply with any provision of this section or the Special Permit is punishable by a fine established in Section 60.1 of the Truro Zoning By-laws and shall entitle the Planning Board, after notice and public hearing, to revoke, modify or suspend the Special Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

G. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to **Chapter I, Section 10** of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

*****End of §40.2 *****

A new General Bylaw inserted as Chapter I, Section 10 is proposed for adoption to encompass the tax exemption for affordability. This is not a zoning bylaw.

Chapter I, Section 10. Tax Exemption for Affordable Accessory Dwelling Units

A. Applicability

Pursuant to Chapter 306 of the Acts of 2014, Affordable Accessory Dwelling Units permitted in accordance with §40.2 of the Truro Zoning Bylaw occupied by income eligible households and rented for an amount not to exceed the fair market rents established by the United States Department of Housing and Urban Development shall be exempt from taxation under Chapter 59 of the General Laws provided they meet the following qualifying factors.

B. Exemption Calculation

The exemption shall be equal to the tax otherwise owed on the property based on the assessed value of the property, including ADUs, multiplied by the square footage of the living space of all dwelling units on the property that are restricted to occupancy by low or moderate income households, divided by the total square feet of structures on the property. For a property with a single dwelling unit, the exemption allowed shall not exceed 50% of the tax otherwise owed. For purposes of determining the assessed value of the property, if by income approach to value, the assessment shall assume that all housing units are rented at fair market rent as determined by the US Department of Housing and Urban Development. To be eligible for exemption, the housing unit shall be leased to a low or moderate income household at such rents for the entire fiscal year for which the exemption is sought.

C. Affordability Requirements

1. Households leasing and occupying the affordable dwelling unit shall upon initial application and annually thereafter on the first of September in each calendar year, submit to the Town or its agent the documentation necessary to confirm their eligibility to occupy the dwelling unit. Specifically, all dwelling units must be rented to those meeting the following guidelines for a low or moderate-income family: (1) low income families having an income not exceeding eighty (80) percent of the Barnstable County median family income, and (2) moderate income families having an income between eighty (80) and one hundred twenty (120) percent of the Barnstable County median family income and, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, as they may from time to time be amended.
2. Maximum rents shall be established in accordance with Fair Market Rental Guidelines published from time to time by the United States Department of Housing and Urban Development (HUD). Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit to the Town or its agent information on annual rents to be charged. Forms for this purpose shall be provided by the Town. Rents may be adjusted upward and shall be adjusted downward annually in accordance with adjustments to the Fair Market Rental Guidelines.