

ARTICLE _____

(Zoning Bylaw Amendment: Secondary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2, by deleting the existing definition of secondary dwelling in its entirety and by replacing it with the following (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

SECONDARY DWELLING

A detached single-family dwelling unit located on the same lot as a primary dwelling unit. The primary purpose of secondary dwellings is to provide housing opportunities for year round residents, subject to the following requirements:

- One of the two dwelling units, if in the same ownership, shall be owner occupied. This requirement shall apply to dwellings for which a building permit is issued after September 30, 2020.
- Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the principal and secondary dwellings on the lot shall not be deemed to constitute "the same legal and beneficial ownership."
- The secondary dwelling may contain an attached garage.
- A secondary dwelling may only be attached to the primary dwelling by a breezeway.
- The ground cover of the secondary dwelling shall be a minimum of 20% less or more than the primary dwelling.
- The primary and secondary dwelling must be separated by a minimum distance of 10 feet, measured at grade at the closest point between the dwellings; excluding breezeways, retaining walls, window wells, platforms, decks, and steps, chimneys, bulkheads, bay windows, bow windows, roof eaves and overhangs, air conditioning units, a maximum of two aboveground fuel tanks not to exceed 120 gallons each, trash bins, and fences.

Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter. Prior to the issuance of a building permit for a secondary dwelling, the Planning Board shall make a determination regarding the adequacy of access to the lot and structures thereon. Planning Board determinations granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

Notwithstanding any language contained herein to the contrary, any property that is owned by a validly created and existing cooperative housing corporation as of December 31, 2012, may be converted to a residential condominium form of ownership, maintaining the separate beneficial ownership of the primary and secondary dwellings, without subjecting such property to the Nantucket Housing Needs Covenant.

Or to take any other action related thereto.

(Select Board for Planning Board)

NOTE: the new definition contains one new concept, which is that one of the two dwellings must be owner occupied, as defined in the Bylaw. All other language is in the current bylaw, but has been reorganized to make this definition more clear.