

ARTICLE 2  
(Zoning Bylaw Amendment: Workforce Housing)

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PLANNING BOARD MOTION: Moved that Code of the Town of Nantucket, Chapter 139 (Zoning), be amended by taking the following actions:

1. Amend Ssection 2 (definitions) to insert two new definitions of "workforce homeownership housing" and "workforce rental housing", in alphabetical order with existing definitions, as follows:

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**WORKFORCE HOMEOWNERSHIP HOUSING**

Ownership or rental of single ~~or multi~~-family dwelling units, pursuant to §139-8D, where at least 25% of the total dwelling units are restricted to occupancy by households earning at or below ~~80%~~the percentages of area median income ~~set forth herein. An increment of 75% of the total 25% of the restricted units shall be restricted to occupancy by households earning at or below 80% of area median income. The remaining increment of 25% of the total 25% of the restricted units shall be restricted to occupancy by households earning at or below 175% of area median income.~~

**WORKFORCE RENTAL HOUSING**

Rental of multi-family dwelling units, pursuant to §139-8D, where at least 25% of the total dwelling units are restricted to occupancy by households earning at or below 80% of area median income.

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2. Amend Ssection 7A (use chart) by inserting in the "Use" column, between "Duplex" and "Elder Housing Facilities" a new use "Workforce Rental Community" to be allowed by Special Permit (SP) in the CN district only.

3. Insert a new Ssection 8D as follows:

D. Special permit issued by the Planning Board to create workforce homeownership housing in the R-5 zoning district through a Workforce Homeownership Housing Bonus Lots allowance and in the CN zoning district through a Workforce Rental Community. The purpose of this provision is to incentivize the creation of workforce and affordable rental and ownership housing opportunities; to promote consistency, quality, and flexibility in the site layout and design; to mitigate traffic congestion by encouraging the creation of compact neighborhoods proximate to compatible adjacent commercial uses that reduce the need for vehicle trips to already congested areas, and; to promote economic vitality and a greater diversity of housing opportunities in compliance with objectives contained within plans adopted or accepted by the Town of Nantucket, Nantucket Planning and Economic Development Commission, or the Nantucket Housing Authority. This Bylaw, which sets a minimum size lot area, is intended to allow for aggregation of buildings, parking spaces, and open areas to improve design quality. Consistent design quality shall be applied to all dwelling units and affordable units shall be distributed evenly throughout the development.

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- (1) Requirements.

- a. The following requirements shall apply to Workforce Homeownership Housing Bonus Lots in the R-5 zoning district and to Workforce Housing Rental Community in the CN zoning district.
  - i. Minimum lot requirement of 60,000 square feet;
  - ii. The term of affordability shall be in perpetuity or the longest term allowed by law;
  - iii. The application shall be subject to Major Site Plan Review;
  - iv. The Planning Board shall be the sole special permit granting authority for any relief pursuant to any provision of this Chapter;
  - v. Planning Board approval of a special permit shall not substitute for approval of a definitive subdivision or approval not required (ANR) plan.

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vi. Project must be eligible for **approval as Local Action Units (LAU) through** the Local Initiative Program (LIP) or otherwise included on the Town's Subsidized Housing Inventory. It shall be the responsibility of the applicant to take all reasonable steps necessary to ensure the units are included, including without limitation, preparation and execution of a Regulatory Agreement in a form to be approved by the **Town of Nantucket, through its Board of Selectmen, and by the** Department of Housing and Community Development ("DHCD") and provision of any other documents requested by DHCD.

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(2) Workforce **Homeownership** Housing Bonus Lots.

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a. Bonus lots, subject to the requirements below, shall be based on the number of building lots which could have been created through a conventional subdivision plan. The maximum number of building lots, excluding any bonuses, shall not exceed the number which may have otherwise been created on a conventional subdivision plan meeting all dimensional and upland requirements of the Zoning Bylaw and in full conformance with (and requiring no waivers from) the "Rules and Regulations Governing the Subdivision of Land," as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan. For all density calculations that result in a fractional number, only fractions equal to or greater than 0.51 should be rounded to the next highest whole number.

i. The total number of lots shall be calculated by multiplying the number of lots allowed by-right, as described above, by a factor of 1.33.

ii. 25% of the total number of lots allowed, using the bonus provision, must be **allocated and restricted to ownership by households earning at or below 80% of the area median income limits set forth in the definition of Workforce Homeownership Housing, as defined in §139-2**, or, the rental dwelling units located on the lots achieved through the bonus provision must be restricted to households earning at or below 80% of area median income. Said lots shall be subject to a Nantucket Housing Needs Covenant -Ownership Form or other instrument restricting sale or rental to households earning at or below **80% of the area median income limits set forth in the definition of Workforce Homeownership Housing, as defined in §139-2**.

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ii.

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b. The Planning Board may reduce, by up to 100%: the front yard setback (but not the side or rear yard setbacks applied to the perimeter of the project area), internal side or rear yard setbacks (meaning setbacks between lots **which are the subject to of** the application), side or rear yard setbacks between the lots **which are the subject to of** the application and other land in common ownership or control of the applicant, and the required frontage, provided that the lot has sufficient vehicular access through an easement.

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c. The Planning Board may allow an increase in the ground cover ratio up to 50%.

(3) Workforce Rental Community

a. Rental dwelling units in one or more structures, shall be subject to the following requirements:

i. The maximum number of dwelling units shall not exceed 32, at least 8 of which must **(25% of which)** be restricted to occupancy by households earning at or below 80% of area median income. An instrument, in a form approved by the Planning Board, restricting rental of at least 8 of the dwelling units to households earning at or below 80% of area median income must encumber the subject lot(s);

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ii. The maximum number of bedrooms contained within the Workforce Rental Community Lot shall not exceed **574**.

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iii. At least 10% of the total dwelling units within the Workforce Housing Rental Community must contain at least 3 bedrooms, unless such requirement is reduced by a future binding directive from the Commonwealth of Massachusetts Department of Housing and Community Development which confirms that fewer than 10% three bedroom units may be included in the Workforce Rental Community while still confirming that all of the units in the Workforce Rental Community shall be eligible for inclusion on the Town's Subsidized Housing Inventory. In such an instance, the Planning Board shall have the discretion to approve fewer 3 bedroom units within the Workforce Rental Community, in conjunction with the issuance of the special permit, as long as the requirement described above with respect to confirmation of the eligibility of all of the units in the Workforce Rental Community relative to inclusion on the Town's Subsidized Housing Inventory has been met.

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- b. A minimum buffer area of at least 20 feet shall be established between the Workforce Rental Community Lot and residentially zoned abutting properties. The Planning Board may require the buffer area to include plantings, fencing, walls, or other improvements to mitigate impacts to abutting properties.
- c. The Planning Board may, in addition to those requirements included in §139-23, require submission of additional documentation, including without limitation, detailed floor plans, operation and management plan for the project, including maintenance of the structure(s) and the site.
- d. The Planning Board may reduce, by up to 100%, the side and rear yard setbacks where two or more Workforce Rental Community Lot projects are adjacent to each other.

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4. Amend Section 18B by adding an asterisk after "Apartment" and inserting the following language under the "Notes" section:

\*For interpretation purposes, apartment shall include the following uses contained within the Use Table in §7A : apartment, apartment building, garage apartment, and workforce rental community.

5. Amend Section 23A(1) as follows:

The construction or alteration of any single-family or duplex dwelling, or building accessory to such dwelling, except when such dwellings are an integral part of a workforce homeownership, housing bonus lots or a workforce rental community application pursuant to § 139-8 of this chapter, major commercial development application pursuant to § 139-11 of this chapter, and except where such dwellings are located in the Moorlands Management District, § 139-13 of this chapter;

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6. Amend section 16A as follows:

Except as expressly provided by § 139-330 of this chapter...

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