

EXHIBIT 2-B -- NANTUCKET ZONING RELIEF

RESIDENTIAL USES BY ZONING DISTRICT

Primary Dwelling

- By-right in the R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-10L, SR-10, R-20, SR-20, R-40, CTEC, RC, RC-2, VR, LUG-1, LUG-2, LUG-3, and MMD districts.
- Accessory Use only in the CDT, CMI, CN, VN, VTEC and districts.
- Prohibited in the CI district.

Secondary Dwelling

- By-right in the R-1, SR-1, ROH, SOH, R-5, R-10, SR-10, R-20, SR-20, R-40, CDT, RC, RC-2, VR, LUG-1, LUG-2, LUG-3, and MMD districts.
- Special Permit in the R-5L and R-10L districts.
- Prohibited in the CMI, CN, CTEC, CI, VN, and VTEC districts.

Accessory Dwelling

- By-right in all districts except CI, where it is prohibited.

Apartment

- By-right in the CDT, CMI, CN, and CTEC districts.
- Special Permit in the CI district.
- Prohibited in all other districts.

Apartment Building

- Special Permit in the CN and VN districts.
- Prohibited in all other districts.

Garage Apartment

- By-right in all districts.

Duplex

- By-right in the R-1, R-5, R-10, CDT, CMI, CTEC, RC, and RC-2 districts.
- Accessory Use only in the CN district.
- Prohibited in all other districts.

Elder Housing Facilities

- Special Permit in the R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-10L, SR-10, R-20, SR-20, R-40, CMI, CN, RC, RC-2, VR, LUG-1, LUG-2, and LUG-3.
- Prohibited in CDT, CTEC, CI, MMD, VN, and VTEC.

Employer Dormitory

- Special Permit in the VR, LUG-1, LUG-2, LUG-3, VN, and VTEC districts (country).
- Prohibited in all other districts (town).

Neighborhood Employee Housing

- Special Permit in the R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-10L, SR-10, R-20, SR-20, R-40, CDT, CMI, CN, CTEC, CI, RC, and RC-2 districts (town).
- Prohibited in all other districts (country).

Tertiary Dwelling

- By-right in the R-5, R-10, R-20, R-40, LUG-1, LUG-2, and LUG-3 districts.

Workforce Homeownership Housing

- Special Permit in the R-5 district

Workforce Rental Housing

- Special Permit in the CMI and CN districts

DEFINITIONS OF RESIDENTIAL USES (139-2)

ACCESSORY DWELLING

A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not more than the gross floor area of the primary dwelling and not greater than 550 square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area. The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments per lot are allowed in the following districts:

- (1) **CDT** one dwelling unit is permitted for each 1,000 square feet of lot area.
- (2) **CMI** one dwelling unit is permitted for each 2,000 square feet of lot area.
- (3) **CN** one dwelling unit is permitted for each 3,000 square feet of lot area.
- (4) **CTEC** one dwelling unit is permitted for each 4,000 square feet of lot area.
- (5) **CI** one dwelling unit is permitted for each 5,000 square feet of lot area.

APARTMENT BUILDING

A structure containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot with no commercial or other uses shall be allowed in the following districts:

- CN/VN – one dwelling unit is permitted for each 2,500 square feet of lot area.
The Planning Board shall be the special permit granting authority.

DUPLEX

A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 districts-only, both dwelling units shall be in the same ownership

EMPLOYER DORMITORY

A dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside of the TOD in which sleeping accommodations for more than five persons are provided by one or more employers, with occupancy limited solely to their employees.

GARAGE APARTMENT

A dwelling unit located within a residential or commercial garage. The dwelling unit shall not exceed 150% of the gross floor area of the garage. If located on the same lot as a primary dwelling unit, the following requirements shall be applicable:

(1) 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 primary dwelling and garage apartment on the lot shall not be deemed to constitute "the same legal and beneficial ownership."

(2) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

NEIGHBORHOOD EMPLOYEE HOUSING

Housing for the exclusive use of employers who own or lease space on a lot, for the purpose of housing their employees, their spouses, domestic partners and dependents. A maximum of two dwelling units shall be permitted per lot with occupancy limited to a total of 18 persons. In the R-1, ROH, R-5, R-10, R-20, and R-40 Districts only, there shall be no more than two lots containing neighborhood employee housing or employer dormitory units (conforming or preexisting nonconforming), within a 1,000 foot radius. The Planning Board shall be the special permit granting authority. Site plan review in accordance with § 139-23 and the submission of a dormitory management plan shall be required.

PRIMARY DWELLING

A detached single-family dwelling unit or the portion of a structure that contains a single dwelling unit. A primary dwelling may contain an attached garage.

SECONDARY DWELLING

A detached single-family dwelling unit located on the same lot as a primary dwelling unit. The ground cover of the secondary dwelling shall be a minimum of 20% less or more than the primary dwelling. The secondary dwelling may contain an attached garage. 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 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 scalar separation requirement 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. A secondary dwelling may only be attached to the primary dwelling by a breezeway as defined in § 139-2.

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 Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

The principal purpose of secondary dwellings is to create housing opportunities through the provision of affordable rental housing for year round residents, including senior citizens, while affording the owner of the primary residence with the opportunity to generate supplemental income. The intent of this provision is also that one of the two dwellings be designated and constructed at such scale and bulk so as to be clearly subordinate in both use and appearance.

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.^[10]

TERTIARY DWELLING

1. A third dwelling unit located on a lot. The tertiary dwelling shall be in the same ownership as at least one other owner occupied dwelling unit on the lot, and includes the following options:
 - a. A garage apartment not exceeding 550 square feet of gross floor area.
 - b. A dwelling unit attached to or within a single family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. The ground cover of the existing building shall not increase more than 550 square feet and the dwelling unit shall not contain more than 550 square feet of gross floor area.
 - c. A detached building containing not more than 550 square feet of ground cover and not more than 550 square feet of gross floor area.
2. In the R-5, R-10, and R-20 districts, a maximum of eight (8) bedrooms per lot shall be permitted at the following density:

R-5: 1 bedroom per each 1,000 square feet of lot area;
R-10: 1 bedroom per each 1,400 square feet of lot area;
R-20: 1 bedroom per each 2,500 square feet of lot area;
3. Any waivers from the standards contained within subsections 1 or 2 of this definition may be granted through the issuance of a special permit by the Planning Board.
4. The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.
5. No more than 120 building permits for a tertiary dwelling shall be granted in any calendar year.

WORKFORCE HOMEOWNERSHIP HOUSING

Ownership or rental of single-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 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.

[Added 11-9-2015 STM by Art. 2, AG approval 12-29-2015]

WORKFORCE RENTAL HOUSING

Rental of multifamily 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.

[Added 11-9-2015 STM by Art. 2, AG approval 12-29-2015]