



Nantucket Housing Needs Covenant Program

Which Covenant Program suits your lot?

Indicates same criteria for both programs

Condo Program	Secondary Lot Program
<ul style="list-style-type: none"> Allows separate ownership of primary and secondary dwellings on one lot 	<ul style="list-style-type: none"> Allows one lot to be split resulting in separate ownership of two lots
<ul style="list-style-type: none"> Affordability covenant is put in place, restricting sale of secondary unit to income qualified applicants* 	<ul style="list-style-type: none"> Affordability covenant is put in place, restricting sale of secondary lot to income qualified applicants*
<ul style="list-style-type: none"> Sale and Resale must follow the Covenant Program Max Sales Price* 	<ul style="list-style-type: none"> Sale and Resale must follow the Covenant Program Max Sales Price*
<ul style="list-style-type: none"> Land cannot be subject to restrictions prohibiting second dwellings, but can be subject to subdivision restrictions 	<ul style="list-style-type: none"> Land cannot be subject to restrictions prohibiting second dwellings or prohibiting subdivisions
<ul style="list-style-type: none"> Can be done on land with one or two dwellings constructed* 	<ul style="list-style-type: none"> Can be done on land with one or two dwellings constructed*
<ul style="list-style-type: none"> Cannot be done on vacant land (need some sort of structure to create condominium) 	<ul style="list-style-type: none"> Can be done on vacant land.
<ul style="list-style-type: none"> Available in all zones, and on preexisting non-conforming lots 	<ul style="list-style-type: none"> allowable in LUG-1, LUG-2, LUG-3, R-40, R-10, R-20/SR-20, VR, ROH/SOH, and R-5 zones
<ul style="list-style-type: none"> No minimums regarding size of land allotted to affordable unit 	<ul style="list-style-type: none"> The minimum lot size for the smaller of the two lots shall be at least 40% of the minimum lot size for the district in which the lot is located. <ul style="list-style-type: none"> Except in the LUG-2 and LUG-3 Districts, where the secondary lot may be reduced to 20,000 sqft. For pre-existing nonconforming lots, the Planning Board may issue a special permit defining the lot areas.
<ul style="list-style-type: none"> Remains one lot for zoning purposes (ie. setbacks, density, ground cover) 	<ul style="list-style-type: none"> Creates two separate lots for zoning purposes <ul style="list-style-type: none"> setbacks from original lot must be maintained, but

	<ul style="list-style-type: none"> setbacks between newly created lots can be waived. <ul style="list-style-type: none"> requires secondary lot to have minimum 20' frontage or for the two lots to have a common driveway
<ul style="list-style-type: none"> The traditional relationship between the primary and secondary dwellings set down in Section 139-2 (secondary dwelling) must be maintained. They must be: single family dwellings; sited with a scalar separation; and 20% difference in groundcover between the dwellings 	<ul style="list-style-type: none"> The relationship between the primary and secondary dwellings is only restricted by setback and ground-cover requirements per zoning.
<ul style="list-style-type: none"> Requires Secondary Dwelling approval from Planning Board, if not already in place 	<ul style="list-style-type: none"> Not subject to Secondary Dwelling approval from Planning Board
<ul style="list-style-type: none"> No Town approval required of Condo Docs and Plans 	<ul style="list-style-type: none"> Subdivision approval and special permit required from Planning Board. Planning Board may require the creation of a Homeowner's Association.
<ul style="list-style-type: none"> Survey, site plan and interior floor plans are required 	<ul style="list-style-type: none"> Survey & approval-not-required plan are required
<ul style="list-style-type: none"> Primary and secondary units can share well and septic 	<ul style="list-style-type: none"> Primary and secondary lots can share well and septic but Department of Environmental Protection approval is required and shared-septic agreement must be put in place.
<ul style="list-style-type: none"> Requires Condominium Liability Insurance 	<ul style="list-style-type: none"> No liability insurance required

Zoning Table (in sqft):

One acre = 43,560 sqft

Zoning District	Minimum Original Lot Size (Intensity Use Regulations found here § 139-16A)	Minimum Secondary Lot Size
LUG-1	40,000	16,000
LUG-2	80,000	20,000
LUG-3	120,000	20,000
R-40	40,000	16,000
R-10	10,000	4,000
R-20/ SR-20	20,000	8,000
VR	20,000	8,000
ROH/SOH	5,000	2,000
R-5	5,000	2,000

Zoning Map of Nantucket may be found here: <http://www.nantucket-ma.gov/DocumentCenter/View/13404>

Secondary Lot Zoning Code found here: <http://ecode360.com/31216142>