

### Article 3

To see if the Town will vote to amend Section 04.04.02 of the Tisbury Zoning By-Laws entitled Multiple Family Dwelling and Structures by amending the second unnumbered paragraph and the Fourth unnumbered paragraph under the heading “EXCEPTION” to expand the provisions that the Planning Board may waive for certain affordable housing developments to include Section 04.04.02 (i) and to clarify the scope of the Planning Board’s conditioning authority in granting such waivers, as shown in the following underlined and bold text, or take any action relative thereto:

#### Original:

##### EXCEPTION

To promote year round affordable and community housing, the Planning Board through the special permit granting process may grant the following exceptions:

Where a minimum of twenty-five percent of the dwelling units are permanently deed restricted for affordable housing and an additional twenty-five percent of the dwelling units are permanently deed restricted for community housing, the Planning Board may waive the requirements in Section 04.04.02 (b),(d), (e), (j) and (l), if the Planning Board finds that the development does not disproportionately impact the visual character of the adjacent neighborhood.

Affordable and community dwelling units shall be subject to the requirements and restrictions overseen by the Dukes County Regional Housing Authority for certification and annual recertification.

In deliberating upon applications made under this Section 04.04.02, the Planning Board considerations shall include, but are not limited to:

- health, safety and traffic impacts;
- overcrowding and congestion;
- preservation of open spaces and scenic values;
- protection of natural resources;
- compatibility of proposed uses and structure(s) with the neighborhood;

Further, the Planning Board shall give particular consideration to consistency with master planning policies and impacts upon municipal problems and projects.

The Planning Board shall not grant a Special Permit under this Section 04.04.02 unless it has found good and sufficient evidence that the plan is appropriate to the intent and purposes of the Zoning Bylaws, does not conflict with master planning policies, will not significantly aggravate an identified municipal problem(s) or impede municipal project

#### Proposed:

Where a minimum of twenty-five percent of the dwelling units are permanently deed restricted for affordable housing and an additional twenty-five percent of the dwelling units are permanently deed restricted for community housing, the Planning Board may waive the requirements in Section 04.04.02 (b),(d), (e), (j), (i) and (l), if the Planning Board finds that the development does not disproportionately impact the visual character of the adjacent neighborhood **and does not, as conditioned, unduly burden public or private infrastructure serving the property.**

Affordable and community dwelling units shall be subject to the requirements and restrictions overseen by the Dukes County Regional Housing Authority for certification and annual recertification.

In deliberating upon applications made under this Section 04.04.02, the Planning Board considerations **and conditions may** include, but are not limited to:

- health, safety and traffic impacts;
- overcrowding and congestion;
- preservation of open spaces and scenic values;
- protection of natural resources;
- compatibility of proposed uses and structure(s) with the neighborhood;

Further, the Planning Board shall give particular consideration to consistency with master planning policies and impacts upon municipal problems and projects.

The Planning Board shall not grant a Special Permit under this Section 04.04.02 unless it has found good and sufficient evidence that the plan is appropriate to the intent and purposes of the Zoning Bylaws, does not conflict with master planning policies, will not significantly aggravate an identified municipal problem(s) or impede municipal project.

## Article 5

To see if the Town will vote to amend the existing text in Section 04.03.13 of the Tisbury Zoning Bylaws entitled Accessory Apartments by striking condition (b) as underlined below, or take any action relative thereto:

### TZBL 04.03.13

**Original:** Accessory Apartment Purpose and Intent; The purposes of this Bylaw are to:

1. Provide affordable, community and year-round rental housing within the architectural context of the Town's single family home character.
2. Provide an opportunity for family members and seniors who choose to live in a close proximity but separate to remain within that family environment.
3. Provide caregiver housing for the health and security concerns of elder or disabled homeowners who wish to remain in their home.
4. Provide homeowners with additional income to help them retain ownership of their homes.
5. Protect residential stability, property values, and the single-family character of the neighborhoods.
6. Make it possible for the Town to supervise and monitor such additions for code compliance and safety.

Conditions:

Only one accessory dwelling unit is permitted in a single family residential dwelling pursuant to a special permit issued under the provisions of Section 04.03.13 and provided that:

- (a) The lot on which the accessory apartment is situated is not in either the R3A or the Coastal District.
- (b) The requirements of Schedule A (section 13.00) are met.
- (c) No more than one (1) accessory apartment shall exist on a lot. If a guesthouse or accessory apartment exists on the lot, no additional accessory apartment shall be allowed.
- (d) The accessory apartment shall measure no more than forty (40) percent of the existing habitable area not to exceed six- hundred (600) square feet in all residential districts. At no time shall either dwelling unit be made a condominium and held in separate ownership. The appearance of the building shall remain that of a single-family residence in keeping with the character of the neighborhood.

**Proposal:** Strike the condition.

**Reason:** An accessory apartment is contained within an existing dwelling, unlike a guest house which is detached but within regulation 04.03.08 the lot area must exceed, by 25% or more, that required by Schedule A for a single-family dwelling.

(If the lot or the dwelling thereon is non-conforming in any way does that preclude an apartment entirely?)