Town of Chilmark

Zoning By-laws

and

Districts of Critical Planning Concern

A true copy. Attest:_____
Jennifer L. Christy, Town Clerk

SUMMARY OF ZONING HISTORY

(This summary is included for convenience only and is not intended to be part of the Zoning Bylaws)

October 11, 1967
(*first advertised August 4, 1967*)
First zoning bylaw adopted by the town prohibiting trailers.

December 4, 1971
(*first advertised November 5, 1971, approved February 25, 1972*)
Amendments adopted: Agricultural- Residential District I, (3 acre minimum lot size); permitted uses; establishment of a Board of Appeals; uses permitted by the Board of Appeals; non-conforming uses; definitions

May 15, 1972
(*first advertised April 14, 1972, approved August 14, 1972*)
Amendments adopted: Districts II-A and II-B (3 acre minimum lot size); District III (2 acre minimum lot size); business uses, subject to 300- foot setback and sign regulations.

January 15, 1973
(*first advertised October 6, 1972, approved April 9, 1973*)
Amendments adopted: District III business uses subject to 200-foot setback or 100 feet if in Districts IV, V, and VI. District IV (1.5 acre minimum lot size); District V (2 acre minimum lot size); District VI (3 acre minimum lot size); added permitted uses; business use replaced by section on home occupation; restrictions added to uses by special permit; height restrictions of 13 feet for shed or flat roof, 24 feet for gabled roof.

February 3, 1975
Establishment of a Planning Board (Article 1 of Special Town Meeting)

March 15, 1976
(*first advertised January 21, 1976, approved May 25, 1976*)
Amendments adopted: additions to purpose section; District III changed to 3 acre minimum lot size; setbacks in all Districts; added permitted uses and uses by special permit; sign section; 28 foot height by special permit for reproduction of historic building; provisions for youth lots; flexible siting; rate of development; added definitions.

December 15, 1976
Amendment adopted on setbacks in non-conforming use section. Adoption of Districts of Critical Planning Concern and regulations for the districts. (Amended and approved by the Martha's Vineyard Commission, December 16, 1976)

June 8, 1977
Meeting House Road and Tiasquam River District added to Districts of Critical Planning Concern. (Approved by the Martha's Vineyard Commission, June 14, 1976)

June 27, 1978
Amendments adopted: Article 8, Non-Conforming Use section clarified; Article 9, Administration, to conform with new state zoning act.

April 7, 1980
Amendments adopted; Article 4, 4.1 Permitted Uses, Section I added; 4.2A, d amended; f added: Section 9.1, Board of Appeals amended; Article II, Section 11.7A, c, ii amended.

August 31, 1982
Amendments adopted; Article 2, Section 2.5 guest house amended; Section 2.15 two- family dwelling amended; Section 2.16, one-family dwelling, added; Section 2.17, Family, added.

April 4, 1983
Amendments adopted: Article 2, definitions for floor area, driveway. (Use, Principal), (Use, Accessory); Article 6, Section 6.9, amended.

June 25, 1985
Amendments adopted: Article 6, Section 6.8, Road Frontage and Lot Widths & Section 6.1b [Section 6.2B April 4, 1983], Pre-Existing Lots.

April 25, 1988
Amendments adopted: Section 4.2A Room Rentals, Bed and Breakfast Accommodations, satellite dishes, Sections 4.1 and 4.2B Room Rentals.

April 24, 1989
Wascosim's Rock added to Districts of Critical Planning Concern (Designated by the Martha's Vineyard Commission May 12, 1988).

June 15, 1989
Amended Sections 2.5 Guest House, 2.7 Height, 4.2A, b, Home Occupations, 4.2B, e, Licensing of Inns, 6.6 Minimum Setbacks.

October 16, 1990
Article 12 - Squibnocket Pond District added.

April 27, 1992
Amended Article 11.7 (renumbered 11.6), Section C.2.a. Roadside District Permitted Uses, roof heights by Special Permit through Zoning Board of Appeals.

April 25, 1994
Amended Article 6, Section 6.7 Flexible Siting. Requirements for 150 feet between dwellings eliminated.

April 28, 1997
Amended Article 2: Definitions, adding Section 2.1.1. Curved or Rounded Roof; and amended Article
6, Section 6.2, Height Limitations, to include structures with a curved or rounded roof in the 13-foot height restriction, "eye-brow" dormers excepted.

April 6, 1998
Amended Article 2: Definitions, adding 2 Sections: 2.17 Light Pollution and 2.18 Light Trespass. Article 5, Section 3.B. amended to require shielded and downward lighting for signs and hours of illumination restrict to 11 p.m. Sections 5.5 through 5.8 contain Outdoor Lighting bylaws. (AG approval 10/98)

September 10, 1998
Temporary Amendment to Article 4 Section 1.C. by inserting the words "(except communications towers)" to allow the town time to draft appropriate restrictions and safeguards on the construction, use or operation within the town of public utility communications towers for a Special Town Meeting in January.

January 25, 1999
Added Section 20 to Article 2 Definitions to define Wireless Communications Transmitter. Amended Use Regulations Section 4.2.B.6. to cover wireless communications tower regulations. Amended Article 11: Adding H. to Intent Section 11.5, Subsection 5, Uses Allowed under Section 11.6.2.c. and 3. Uses not Permitted to both Sections 11.6.A. and 11.6.B.

April 26, 1999
Amended Article 4.2A.1.a. to change the minimum lot size to 3 acres in order to have a guesthouse and added "e." that requires an owner to live in the principal dwelling for five years before requesting a permit for a guest house and "f." prohibiting the transfer of unused guesthouse permits to new owners. Amended Article 11, (Districts of Critical Planning Concern) adding H. to Intent Section 11.5; Adding subsections 5.a., b. and c. to Permitted Uses - Inland Zone (Section 11.2.c) to allow swimming pools & tennis courts with conditions (a-c). Adding Sections. Item 3. Uses Not Permitted to 11.6.A (pools or courts within the Shore Zone) and B. (Boundaries of Streams & Wetlands draining into Coastal Great Ponds).

September 9, 1999
Amended Article 4: Section 4.2.A.1. (Guest House) as follows: Item **c.** to allow a shared septic system under certain conditions. Item **e.** An exception to the 5 year wait for a guest house if the parcel contains 6 acres or more, has been owned for at least five years and the owner will covenant against any subdivision of the parcel.

January 18, 2000
Amended Article 7, adding 7.1 Building Cap bylaw. This temporary cap limits new dwelling construction to 18 per year, plus a possible two for Youth Lots.

April 24, 2000
(*Approved by the Attorney General on July 14, 2000*)
Amended Article 11.6.A.2.b.(1) [Uses Allowed by Special Permit] by limiting the size of additions to house in the Shore Zone to 250 sq. feet. (This also applies to houses within 100 feet of Streams and Wetlands Draining into Coastal Great Ponds.)

September 25, 2000
(*first advertised July 13, 2000; approved August 14, 2001*)
Added Conservation District to Section 3.0.I and Section 3.1.I and Section 4.4 - Permitted Uses. *Approved by the Attorney General with the deletion of Section 4.4 A. on Dec. 22, 2000.* Concerns Nomans Land Island.

April 24, 2001
(*first advertised on January 5, 2001; approved August 14, 2001*)
1.Added Section 2.21- Affordable Housing. 2. Amended Section 2.5 to allow for rental beyond one calendar year if for affordable housing. 3. Amended Section 2.7 to include chimneys. 4. Amended Section 4.2 to reflect concern for a burden to the water supply in the

area surrounding a swimming pool. 5. Amended Section 4.2.A.1.b. to clarify the 800 sf limit on guest houses. 6. Amended Section 4.4 (Nomans Land) to reflect the possible dangerous conditions due previous military use and to move subsections "B,C,D,E". up to "A,B,C,D." (The original "A" was removed per the Attorney General's instructions.)

September 18, 2001
(First Advertised, June 29, 2001, July 6, 2001; approved December 21, 2001)
1.Amend Article 2, Section 2.15 (Definition of Two-Family Dwelling) and Section 2.16 (Definition of One-Family Dwelling) by adding an affordable housing clause to the end of the current definition.
2.Amend Article 4.2.A.3 (Swimming Pools and Tennis Courts) Amending "c" and adding "f" & "g."(Ownership requirement and banning transfer of permits to new owners.)

April 22, 2002
(First advertised: Article 13, October 26, 2002, Article 14 January 4, 2002)
Added the following two overlay districts, Article 13: Wild & Scenic North Shore Overlay District. Article 14: Menemsha, Nashaquitsa and Stonewall Ponds Overlay District.

October 21, 2002
(First advertised August 23, 2002; approved January 16, 2003)
Amended Article 6 by adding Section 6.9 Homesite Housing and extended the Building Cap for another 3 years (see Section 7.1)

April 26, 2004
(First advertised November 28, 2003; approved July 12, 2004)
Amended: Section 2.12 to allow two lots to share a driveway. Article 7, Rate of Development by adding D-H (incentives and exemption of Homesite housing lots and affordable rental housing from any building cap and rate of development restrictions).

September 27, 2004
(First advertised July 9, 2004; approved November 15, 2004)
Amended 1. Section 6.9 B. Definition of and allowing the leasing of land in the case where the land is held by the town or state, or by a non-profit entity [501c(3)] dedicated to developing affordable housing. Section 6.10 Exception for Affordable Rental Housing for the purpose of providing affordable rental housing in the Town of Chilmark on land owned by the Town or by a non-profit agency, land trust or other non-profit entity dedicated to affordable housing.

September 26, 2005
(First advertised August 26, 2005; approved October 14, 2005)
Amended Section 7.1 Building Cap. Extended the Building Cap for another 3 years. Added the phrase "a Homesite Lot" in Section 7.1.D.2.g, amended Section 7.1.C.3.d "The footprint does not increase by more than 25% or 500 square feet, whichever is less."

October 29, 2007
(First advertised August 23, 2007; approved by the Attorney General, January 28, 2008)
Amended Section 4.2A.3, Swimming pool and/or tennis court. Added "h. Heated pools are permitted if the heat is supplied by a solar thermal, a geothermal or an alternative, non-polluting system that is in accordance with Section 4.2A.3.d., i. A special permit shall be required for the installation of a pool heating system."

April 28, 2008
(First advertised October 11, 2007; approved by Attorney General, July 31, 2008)
Amended Article 2 Definitions Section 2.20 by deleting "Wireless Communications Transmitter" and inserting "Wireless Communications" and inserting new definitions Section 2.20.1 - 2.20.5. Amended Article 4 Section 4.2B.6 by deleting the section in its entirety and replacing it with a new Section 4.2B.6 "Wireless Communications Equipment and Facilities" This amended Wireless Communications bylaw establishes a Committee to review a variety of Wireless Communications applications to ensure the Town's needs for safety and convenience are met.

April 27, 2009
(First advertised October 2008; approved by the Attorney General's Office, August 20, 2009)
Section 5.9 added Exterior Mechanical Noise Abatement

April 25, 2011
(First advertised October 2010; approved April 2011; Approved by the Attorney General's Office, August 2, 2011)
Amended Section 4.2 A.3, Swimming pool and/or tennis court. Definitions, 2.22, swimming pool.

April 22, 2013
(First advertised November 2012; Public Hearing December 17, 2012; approved April 22, 2013; Approved by the Attorney General's Office, July 9, 2013)
Amended Article 6: Dimensional and Density Requirements, adding Section 6.11, Residential Building Size Regulations.

April 22, 2013
(First advertised November 2012; Public Hearing December 17, 2012; approved April 22, 2013; Approved by the Attorney General's Office, July 9, 2013)
Amended Article 2: Definitions, adding Sections 2.23 Detached Bedroom & 2.24 Total Living Area.

April 22, 2013
(First advertised November 2012; Public Hearing December 17, 2012; approved April 22, 2013; Approved by the Attorney General's Office, July 9, 2013)
Amended Article 4: Use Regulations, adding J. to Section 4.1, Agricultural-Residential District I, Permitted Uses.