

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 **Guest House** 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 **Guest House** 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 a clause to the end of the current **Affordable Housing** definition.
2. Amend Article 4.2A.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, Nashaquitza 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 ATM 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 ATM 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 ATM 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 ATM 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 (**Detached Bedroom**).

April 27, 2015

(First advertised November 20, 2014; Public Hearing December 8, 2014; approved ATM April 27, 2015; Approved by the Attorney General's Office, July 30, 2015)
Amended Article 2: Definitions, adding Sections 2.25 **Accessory Apartment** & 2.26 **Caregiver**.

April 27, 2015

(First advertised November 20, 2014; Public Hearing December 8, 2014; approved ATM April 27, 2015; Approved by the Attorney General's Office, July 30, 2015)
Amended Article 4.2A, Use Regulations: Accessory Uses, adding 9. **Accessory Apartments**- See Section 6.12.

April 27, 2015

(First advertised November 20, 2014; Public Hearing December 8, 2014; approved ATM April 27, 2015; Approved by the Attorney General's Office, July 30, 2015)

Amended Article 6: Dimensional and Density Requirements, adding Section 6.12,

Exception for Accessory Apartments-Privately Owned Properties.

April 25, 2016

(First advertised October 9, 2015; Public Hearing October 26, 2015; approved ATM April 25, 2016, Article 31; Approved by the Attorney General's Office, May 24, 2016)

Amended Article 2: Definitions, adding Section 2.27 **Historic House**

April 25, 2016

(First advertised October 9, 2015; Public Hearing October 26, 2015; approved ATM April 25, 2016, Article 31; Approved by the Attorney General's Office, May 24, 2016)

Amended Article 4.2A, 1. Use Regulations: Accessory Uses, **Guest House** adding section g. regarding conversion of a **Historic House** into a **Guest House**.

April 25, 2016

(First advertised October 9, 2015; Public Hearing October 26, 2015; approved ATM April 25, 2016, Article 31; Approved by the Attorney General's Office, May 24, 2016)

Amended Article 6: Dimensional and Density Requirements, Section 6.11 Residential Building Size Regulations, Section B. Applicability and Exceptions, 3. Exceptions for Building Additions, adding d., regarding **Historic Houses**.

April 25, 2016

(First advertised November 26, 2015; Public Hearing December 14, 2015; approved ATM April 25, 2016, Article 32; Approved by the Attorney General's Office, May 24, 2016)

Amended Article 6, Section 6.9, regarding **Homesite Housing**.

April 24, 2017

(First advertised February 17, 2017; Public Hearing March 13, 2017; approved STM April 24, 2017, Article 1: Voted in 'conformance' by the Martha's Vineyard Commission, June 22, 2017) Amended Article 11: **DISTRICTS OF CRITICAL PLANNING CONCERN (OVERLAY DISTRICTS)**, Section 11.6 DESIGNATED AREAS, Section 11.6.A.2. by (1) re-numbering 11.6.A.2.b as 11.6.A.2.c;(2) re-numbering 11.6.A.2.c as 11.6.A.2.d;(3) adding an amended 11.6.A.2.b; and (4) amending subsection 11.6.A.2.d(4).

April 24, 2017

(First advertised February 17, 2017; Public Hearing March 13, 2017; approved STM April 24, 2017, Article 2: Received approval of the Attorney General on, July 31, 2017)

Amended Article 12: **SQUIBNOCKET POND DISTRICT**, Section 12.3 PERMITTED USES, Zone B by: (l) re-numbering 12.3.B.1.g as 12.3.B. l.h; and (2) adding to 12.3.B.1.g.

April 22, 2019

(First advertised November 30, 2018; Public Hearing December 17, 2018; approved ATM April 22, 2019, Article 31: Received approval of the Attorney General on August 2, 2019)

Created new Article 15: **Large-Scale Ground-Mounted Solar Photovoltaic Installation District.**

April 25, 2022

ATM Article 29: Amendments to Sections 6.1 & 6.9, first advertised October 15, 2021 (Section 6.9) and January 7, 2022 (Section 6.1); Public Hearings held November 8, 2021 (Section 6.9) and January 24, 2022 (Section 6.1); approved at ATM April 25, 2022, Received approval of the Attorney General on July 18, 2022: In section 6.1, added the phrase “or Homesite Housing Lots and Youth Lots” to both A. & B. of the Zoning Bylaws. In section 6.9, B., 3., eliminated phrase “but not less than one (1) acre” of the Zoning Bylaws.

ATM Article 30: Amendments to Sections 2 (adding a new definition 2.28) & 4.2A, 3, first advertised November 5, 2021; Public Hearing held November 22, 2021; approved at ATM April 25, 2022, Received approval of the Attorney General on July 18, 2022: Added a definition for Tennis Court in Article 2 of the Zoning Bylaws and clarified the wording in Article 4, section 4.2A, 3. of the Zoning Bylaws.

April 24, 2023

ATM Article 27: Amendments to Section 4.2A, 3. to replace the existing section “Swimming Pools and/or Tennis Court” with new text, first advertised Sept. 2, 2022 and a second time on Sept. 9, 2022; Public Hearings held September 26, 2022, Oct. 11, 2022, Nov. 14, 2022, Nov. 28, 2022 and closed on Dec. 12, 2022; approved at ATM April 24, 2023; Received *partial approval* by the Attorney General on Nov. 6, 2023: changes included the elimination of 4.2A, 3., g.