

subdivision if no special permit as provided herein had been granted. Such special permit shall specify the location on the lot of such dwelling.

REQUIREMENTS FOR ROAD FRONTAGE AND LOT WIDTHS

Section 6.8

- A. The minimum frontage on a public or private road providing access to a lot shall not be less than 100 feet.
- B. Frontage shall be measured along a straight line connecting points of intersection of the side lot lines with the road boundary on which the lot is located.
- C. Divisions of land allowed under Section 6.7 of the Zoning Bylaw, Exception to Minimum Lot Size, may have a minimum road frontage of 40 feet.
- D. With the exception of paragraph C above, the distance between side lines of a lot shall be no less than 100 feet at all points between those lines.

HOMESITE HOUSING

Section 6.9

A. PURPOSE

The Town of Chilmark values being a diverse community that accommodates residents of varying income levels. As the cost of the land and housing increases on Martha's Vineyard many local residents are being priced out of the market for homes. The Town of Chilmark desires to enhance the availability of housing that is affordable to the entire range of its residents, without encouraging excessive growth that detracts from the Town's quality of life. Furthermore, the Town of Chilmark desires to sustain said housing as affordable for future generations of Chilmark residents. Therefore, the Town establishes this section to allow the construction of individual residences on lots that do not satisfy minimum lot size requirements, provided:

1. that the owner-applicant:

- a. (i) meets the qualifications of the Chilmark Housing Committee under the Homesite Housing Implementation Guidelines in effect at the time of filing of the necessary Special Permit Application, or (ii) is the Town and intends to transfer or lease the lot or lots to a person who meets the criteria of Section A(1)(a)(i)-;
- b. is granted a Special Permit from the Zoning Board of Appeals to build a one-family dwelling for owner occupancy upon a Homesite Housing Lot as prescribed in this bylaw; and

- c. attaches to the property deed, before the issuance of a building permit, either (i) the Homesite Housing long-term affordability Deed Restriction for the purpose of maintaining the property in a permanently affordable pool, or (ii) a Martha's Vineyard Housing needs covenant complying with St. 2004, c. 445; and
2. that the lot otherwise meets the requirements of the subdivision control law and the Planning Board.

B. DEFINITIONS

1. Homesite Housing: Housing for persons who live or work in Chilmark whose total household adjusted gross income is not more than 150% of median income for Dukes County.
2. Eligible Purchaser: Any private purchaser over the age of 18 who meets the Homesite Housing Implementation Guidelines in effect at the time of purchase.
3. Homesite Housing Lot: A parcel of land which
 - a. may be less than three (3) acres in size but not less than one (1) acre and has the approval of the Planning Board as a Homesite Housing Lot;
 - b. satisfies all other Town zoning and conservation requirements in effect at the time of application;
 - c. is fully compliant with the Town Board of Health rules and regulations in effect at the time of application; and
 - d. is available for
 - i. purchase only to Eligible Purchasers as defined above, or
 - ii. lease only to Eligible Purchasers as defined above, in the case where the land is held by a municipal or state agency, or by a non-profit entity dedicated to developing affordable housing.
4. Long-term Deed Restrictions: Legal covenants which guarantee, by capping the resale price of the property (including improvements), that, in the event of a resale, the property remains affordable to other Eligible Purchasers. Said restrictions shall run for the maximum term permitted by law and shall be enforceable by the Town or by the Dukes County Regional Housing Authority if created under St. 2004, c. 445.

C. HOMESITE HOUSING LOTS

1. Creation of Homesite Housing Lots. A Homesite Housing Lot may be created by:
 - a. the Town from land owned by or donated to the municipality.
 - b. a property owner of a lot which does not satisfy minimum lot size requirements of the zoning bylaw and is not protected as a non-conforming lot.

- c. a property owner from a lot created by a Planning Board approved subdivision of a larger lot containing more than the minimum acreage required by town zoning, provided that the proposed Homesite Housing lot or lots conform to all conditions in Section 6.9 B.(3), and the remaining lot meets minimum lot size requirements.

2. Distribution of Homesite Housing Lots.

- a. Homesite Housing Lots created by the Town shall be awarded by lottery, limited to Eligible Purchasers as defined above. Such lottery shall be held at a public meeting of the Board of Selectmen.
- b. Homesite Housing Lots created by a property owner shall be limited to Eligible Purchasers as defined above. Selection of the purchaser shall, at the option of the property owner, be made by the property owner or by lottery to be held at a public meeting of the Board of Selectmen.
- c. Homesite Housing Lots may be sold or donated to a non-profit organization, which organization may hold the lot for resale without profit. Any such sale may only be made to an Eligible Purchaser selected by lottery to be held at a public meeting of the Board of Selectmen.

3. Initial Conditions for Homesite Housing Lots.

- a. Cost of a Homesite Housing Lot: The maximum cost of Homesite Housing Lots (improved or unimproved) shall be established by the Housing Committee and set forth in the Homesite Housing Implementation Guidelines.
- b. Recipient of a Homesite Housing Lot: A Homesite Housing Lot may only be created for a recipient who is an Eligible Purchaser qualified under the Homesite Housing Implementation Guidelines of the Housing Committee or for the Town to transfer or lease to an Eligible Purchaser.
- c. Special Permit from the Zoning Board of Appeals: The ZBA may approve a Special Permit for a substandard lot to be buildable as a Homesite Housing Lot provided that the following standards and criteria are met:
 - 1) The proposed lot has been approved as a potential Homesite Housing Lot by the Planning Board;
 - 2) The sale price of the Homesite Housing Lot has been established and posted;

- 3) The proposed lot satisfies all Town zoning and conservation requirements in effect at the time of application, with the exception of lot size;
- 4) The proposed lot is fully compliant with the Town Board of Health rules and regulations in effect at the time of application;
- 5) The proposed lot is available for purchase or lease only to an Eligible Purchaser as defined by the Homesite Housing Implementation Guidelines approved by the Housing Committee. Such eligibility shall be certified in writing by the Housing Committee;
- 6) The proposed lot shall be subject to terms and limitations in accordance with the long-term Deed Restrictions approved by the Housing Committee in effect at the time of award of the Lot; and
- 7) The proposed lot may be subject to additional conditions imposed by the Zoning Board of Appeals to assure that the provisions of this bylaw are met.

D. USE, RESALE and TRANSFER of HOMESITE HOUSING LOTS

Homesite Housing Lots shall be subject to Long-term Deed Restrictions, as set forth in a Deed Rider approved by the Housing Committee, which shall run for the maximum term permitted by law, shall be enforceable by the Town or the Dukes County Regional Housing Authority if created under St. 2004, c. 445, and shall limit:

1. the Initial Cost of the land;
2. the time within which to secure a Building Permit;
3. the use of the property to one dwelling which shall be the owner's primary residence;
4. the maximum allowable rental time per year;
5. the rental conditions to those described in the Implementation Guidelines in effect at the time the rental of the Homesite Housing Lot;
6. the resale value to an affordable formula; and
7. the resale or transfer to Eligible Purchasers and Heirs.

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any

section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town of Chilmark's zoning bylaw.

EXCEPTION FOR AFFORDABLE RENTAL HOUSING
Section 6.10

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 legal entity dedicated to affordable housing, the Town establishes this section as a limited exception to its zoning requirements. In order to come within this exception, all of the following conditions must be met.

A. Conditions

1. Rental units may be rented only to tenants who qualify for affordable housing under the guidelines for affordable rental housing established by the Chilmark Housing Committee and approved by the Board of Selectmen, or in the absence of such guidelines then by the guidelines established by the Dukes County Regional Housing Authority,
2. The number of rental units on a property shall not exceed two dwelling units for each three acres.
3. The property on which the rental units are located must be dedicated to use for affordable housing in perpetuity, subject only to release by action of the Board of Selectmen and the Planning Board.

B. Rental Housing

Subject to the foregoing conditions, rental housing is allowed in the Town of Chilmark for affordable housing purposes provided:

1. Rental structures shall be free standing single-family or multi-family structures not to exceed three-family.
2. No rental unit shall exceed 4 bedrooms. No two-family structure shall exceed a total of seven bedrooms and no three-family structure unit shall exceed a total of nine bedrooms.
3. Buildings may be clustered provided the remaining open space is not further developed, except for appropriate out-buildings.
4. All set back and height regulations shall apply. Road access to the property on which the rental units are located shall be adequate to provide for safe ingress and egress by emergency vehicles and shall meet the road requirements for Form C subdivisions under The Town of Chilmark's Rules and Regulations Governing Subdivision of Land.
5. Plans for design and siting of all buildings, parking areas, road access, and any other uses shall be subject to Planning Board review and public hearing prior to approval.

6. All requirements of the Board of Health and Conservation Commission shall apply.
7. Tenant selection shall be made by the Chilmark Housing Committee in accordance with guidelines established by the Chilmark Housing Committee and approved by the Board of Selectmen, except that vacancies in units located on Town owned land (limited to one such unit for each group of up to 12 units in any one development) may be filled by the Board of Selectmen from among essential Town employees who are otherwise qualified under Housing Committee Guidelines.
8. Housing intended for affordable rental under this section shall be exempt from rate of development and building cap regulations.

Residential Building Size Regulations
Section 6.11

- A. Purpose: The purpose of this Section is to ensure that residential construction is designed and carried out in a manner consistent with the purposes and objectives set out in Article 1 of these Zoning Bylaws. Section 6.11 seeks to ensure that future residential development: does not overwhelm Chilmark's rural atmosphere; does not detract from its geographic diversity - its seashore, ponds, stonewall boundaries, open agricultural space - or the vistas from its roadsides; is built in scale with past development practices with regard to bulk and building coverage; preserves the existing and historic rural development pattern and character of the Town as set forth in the Town Master Plan; and does not have undue adverse environmental impacts.
- B. Applicability and Exceptions
 1. Total Living Area limit: Subject to the exceptions provided for in subsections B.2 and B.3, below, building permits for new construction or for projects that seek to increase the Total Living Area of a lot with buildings that exist as of April 22, 2013, shall only be issued where, on completion of the project, the Total Living Area of the lot does not exceed 3500 sq ft for 3 acres:
 - a. plus 250 sq ft for each additional contiguous acre; or
 - b. minus 250 sq ft for each contiguous acre less than 3 acres,as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.
 2. Special Permit to exceed the Total Living Area limit: The Total Living Area limit for a lot established in subsection B.1 may be exceeded, up to the cap established by this subsection, by special permit, as provided in the remaining provisions of this Bylaw. Subject to the exception provided for in subsection B.3, no special permit may be issued for any project if the project would