

C1.00 INTRODUCTION

C1.01 In Massachusetts, enabling legislation allowing communities to adopt zoning provisions dates from 1920. Currently, the enabling legislation is in Chapter 40A of the General Laws. The original legislation has been amended many times; Chapter 808 of the acts of 1975 effected a complete revision of Chapter 40A.

C1.02 History: (some major milestones)
1926 Planning Board established.
1926 First Master Planning Project.
1959 First Zoning Bylaw.
1972 Town-wide comprehensive zoning adopted.
1972 Subdivision control Law adopted.
1975 First comprehensive Master Plan completed.
1976 Zoning Bylaw completely revised and reformatted.
1983 Comprehensive waterways and harbor studies initiated.
1984 Water supply protection program - ongoing.

C1.03 Zoning has, since Chapter 808 of the Acts of 1975, acquired a new meaning; it is unfortunate that it was not given a new name. Zoning today means much more than simply establishing zones (or districts). Zoning, together with the Home Rule Amendment (State Constitution), the Subdivision Control Law, and the Municipal Planning (Master Planning) Statutes give the community a means for determining what it wants for residential and commercial provisions, how it will address its environmental and infrastructure problems, and how it will provide for future livability and amenities. The time worn phrase "to provide for the public health, safety and general welfare" still has meaning. So too does the rule of "consistent with the intent and purposes" - for we will never have a rule for every circumstance. In addition to the specifics of a law (Bylaw, rule or regulation), there must be consideration given to the overall "intent and purposes" message. In all of this, recognition must be given to property rights and to the question of "the greater public interest". Making it work taking us where we want to go, and getting the job done in the most equitable way is something we can all contribute to; there is no substitute for public participation. The Planning Board is grateful to all who have helped us in the past; we extend an invitation to all of the citizens

of Tisbury to join with us in addressing the problems of today and of tomorrow.

C1.04 As Bylaws, Rules and Regulations, and other public documents, become more lengthy it becomes more and more difficult to locate information. With this newly formatted edition, we hope to reverse this trend and make information more accessible. Your comments and suggestions are welcome.

- D1.00 FORMAT - IDENTIFICATION - GENERAL INFORMATION
- D1.01 The Zoning Bylaw is divided into numbered sections, for ease of reference and the grouping of subjects.
- D1.02 Section Numbers:
Section numbers are comprised of two pairs of digits (numerical characters); the first and second pair are separated by a decimal point. Leading zeros are used whenever the numeric value would otherwise be a single digit. Section numbers appear at the left margin of the text and run consecutively throughout the text. Where additional sub-identification is required, a third pair of digits is used (indented to the left text margin).
- D1.03 The first pair of digits in the section number are termed "part" numbers and denote major divisions of the Bylaw; their significance is similar to chapter numbers. The second pair of digits (and the third, if used) provide for additional divisions of subject matter.
- D1.04 Notation Form - Section Numbers:
In standard notation form, the section number is preceded by the letter "s" and a slash mark (/). For example, "s/01.02" is read "section one oh two" it is also "part one, sub-part two". The intertwined "s" section symbol is an alternative to the "s/" form.
- D1.05 Header:
The first line at the top of each page is the "Header Line". The header line identifies the document (e.g. "ZBL" - Zoning Bylaw), the "Part" (e.g. "D1" on this page), the edition (that is, the edition applicable to the part), and the page number of the part (note: page numbering is within each "part" and not continuous throughout the zoning document).
- D1.06 Edition:
The first six digits in the edition number comprise a date designator written in the form year/month/day. The three characters (alpha or numeric) following the decimal point are Planning Board codes for source data or cross references.

FORMAT - IDENTIFICATION - GENERAL INFORMATION, cont.

D1.07 Unofficial Text:

The format for unofficial text pages is the same as for the official text pages, except:

- the first character position of the section number (also "part") is an upper case letter; 'A' through 'H' if preceding the official text and 'X' through 'Z' if following the official text.

Unofficial text pages provide title pages, indexes, cross references, source data, etc.; of itself, the unofficial text page has no regulatory status.

D1.08 Unofficial Notation:

Unofficial notation on official text pages appears in the form of 'note' or 'notes' containing statements enclosed within parenthesis (). Such unofficial notation provides cross-reference information and guides to correlative date. Application and interpretative requirements should be taken only from the official text.

D1.09 Permit - Special Permit - Permit:

Where this Zoning Bylaw refers to Permit (upper case 'P') reference is to a Special Permit from the Zoning Board of Appeals. Reference to permit or permit(s) (lower case 'p') indicates permits in general, including all general forms of permit authorizations (e.g. Variances, Building Permits, Special Permits, etc.), licenses and approvals.

D1.10 Special Permits - Zoning Board of Appeals v. Planning Board:

The Zoning Board of Appeals and the Planning Board are both Special Permit granting authorities. The Special Permit applications that each processes are separately enumerated in the Zoning Bylaw. In general, the distinction is based upon singular v. multiple aspects, upon the necessity for in-house references (e.g. data on topography, general mapping, planning studies, etc.), whether or not the likely impacts are single lot v. wide area, and whether or not a major town problem or master planning policy is involved.

FORMAT - IDENTIFICATION - GENERAL INFORMATION, cont.

D1.10 Special Permits - Zoning Board of Appeals v. Planning Board, cont.

D1.11 Other References:

Many use, activity, construction and plan proposals will require address to other statutes, codes, bylaws and rules and regulations; some of which are:

- Chapter 40A, MGL - The Zoning Act
- Chapter 41, sections 81A-81J, MGL Municipal Planning
- Chapter 130, section 105, MGL The Wetlands Restrictive Act
- Chapter 131, section 140, MGL The Wetlands Protective Act
- General Bylaws - Town of Tisbury
- Tisbury Flood/Storm Rules and Regulations
- Tisbury Subdivision Rules and Regulations
- Tisbury Master Plan - Statements and Policies
- State Environmental and Health Codes
- State Building Code
- Tisbury - Department Rules and Regulations