



Town of West Tisbury

West Tisbury, MA 02575

ZONING BYLAW

Established March 1, 1972

Revised May 20, 1997

PRICE - \$10.00

Voted 2nd of December, 1971

Approved by Attorney General, 26th of January, 1972

In effect 1st of March, 1972

Board of Selectmen
Conservation Commission
Board of Health

P.O. Box 278 508-693-9659
P.O. Box 278 508-693-9659
P.O. Box 278 508-693-6395

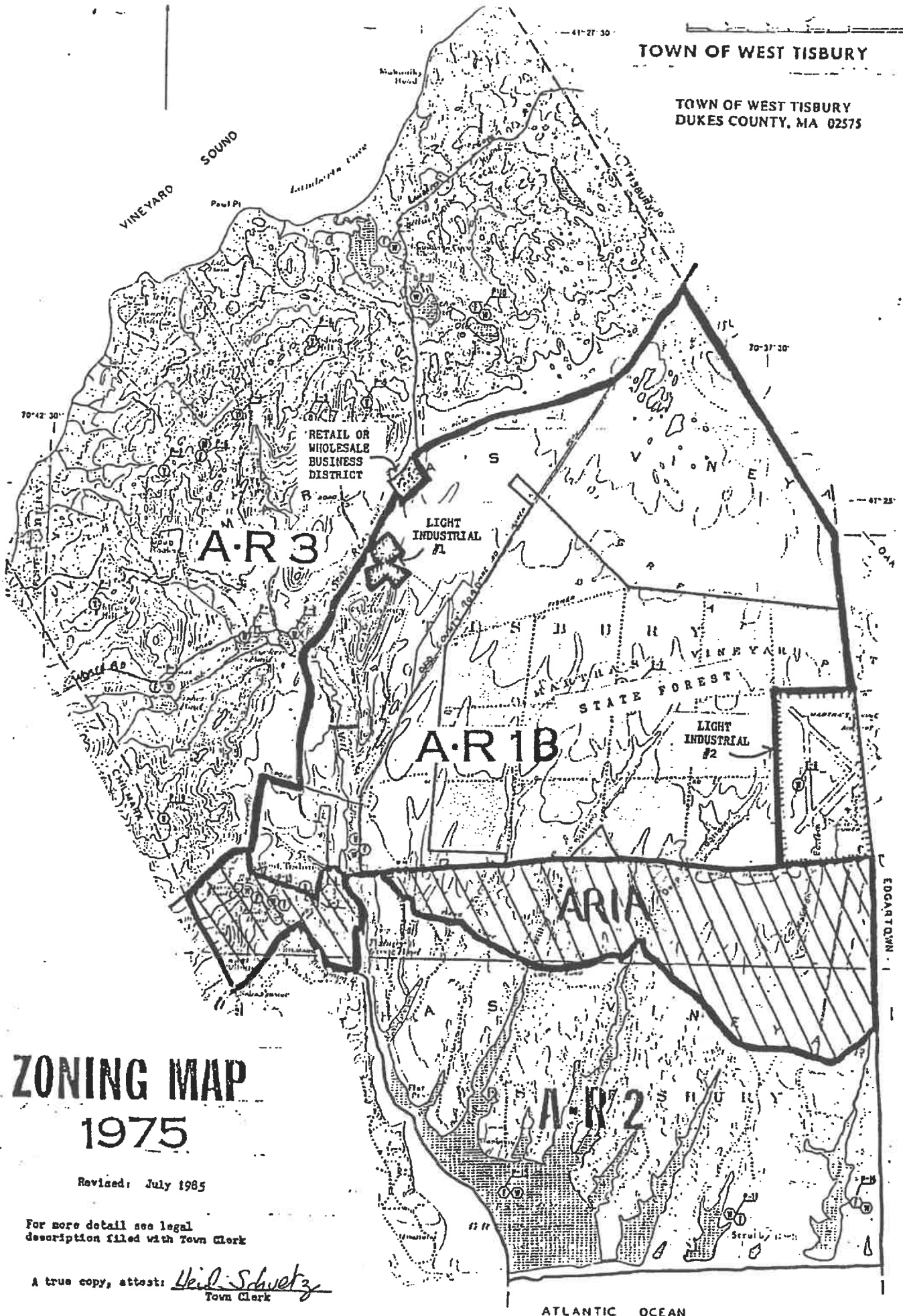
Planning Board
Treasurer
Board of Assessors

P.O. Box 278 508-693-3377
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TOWN OF WEST TISBURY

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DUKES COUNTY, MA 02575



ZONING MAP 1975

Revised: July 1985

For more detail see legal description filed with Town Clerk

A true copy, attest: Neil Schuetz
Town Clerk

ATLANTIC OCEAN

AMENDMENTS TO THE ZONING BY-LAW

ADOPTION DATE	DESCRIPTION
12/2/71	Voters adopt Zoning By-law
1/26/72	Attorney General approves Zoning By-law
3/1/72	ZONING BY-LAW goes into effect
2/20/73	Establish Pl. Bd, vote to obtain maps
2/5/74	Reclassify airport from A/R to Industrial
2/5/74	A/R use regulations: amend soil removal section
2/5/74	Amend A/R restricted uses re tents
2/5/74	Amend ht. restrictions on windmills, silos
4/30/74	Add Cluster Zoning
6/24/75	Reclassify Zoning Districts
6/24/75	Amend permitted uses in Bus. Dist.
6/24/75	Amend permitted uses in Lt. Industrial District
6/24/75	Amend Special Permits to include seasonal camps
6/24/75	3-ACRE ZONING AND AMENDED SETBACKS IN A/R2 (POND)
10/26/76	Resolution (not bylaw) to restrict tents
10/26/76	OVERLAY DISTRICTS; Coastal, Road, Spec Places
10/26/76	Establish Plan Review Board
10/27/76	Add Rate of Development section
10/27/76	Amend Scenic Roads Section (add Dr. Fischer Rd)
11/1/77	Amend Intensity Regs - Special Permits for setbacks
6/27/78	Amend Board of Appeals duties per MGL Ch. 808
5/20/80	Amend Special Permit - accessory uses
5/19/81	Amend Definition for structures (swim pool)
5/18/82	Move Landfill from A/R to Lt. Ind. district
5/18/82	Amend ht. restrictions - windmills
11/30/82	Amend ht. restrictions - windmills
11/30/82	Amend location of districts
5/17/83	Clarify description of zoning districts
5/17/83	Amend rate of development - unused bldg. rights
8/21/84	Amend Use Regulations - limiting subordinate dwlg.
8/21/84	Delete "guesthouse" from accessory permitted uses
8/21/84	Amend subordinate dwellings, lot size
8/21/84	Delete definition of guesthouse
7/30/85	Add Flood Plain Zone and related definitions
7/30/85	Amend Districts to include A/R3
7/30/85	3-ACRE MINIMUM LOTS, 50-FT SETBACKS IN A/R3
12/10/85	Amend rate of development, 1 dwlg per lot per yr.
12/10/85	Amend Bus. District setbacks
12/10/85	Add Administration: boundary monuments
12/10/85	Amend BUSINESS DISTRICT permitted uses, etc.
4/22/86	Amend districts - re-label lt. industrial to bus.
4/22/86	3-ACRE MIN. LOT, 50 FT SETBACKS ADOPTED TOWN-WIDE
4/22/86	Add A/R District 1B, permitting subordinate dwellings FOR 5 YEARS ONLY
4/22/86	Amend Bus. Dist. use regs. - 2 family dwellings
4/22/86	Amend Board of Appeals admin. process
4/22/86	Amend special permit granting authority to ZBA

4/22/86	Add bldg trade to bus. dist. specially permitted uses
4/22/86	Add word "Limited " to Retail & Wholesale Bus. Dist.
4/22/86	Amend Roads District to exclude Bus. Dist
4/22/86	Amend Admin: Plan Review Board
9/9/86	Amend Use Regs for specially permitted uses
5/19/87	Amend rate of development 20% or 8 per yr.
5/19/87	Add 100 FT. FRONTAGE REQUIREMENTS. Add to definitions
12/1/87	Add to Definitions: accessory bldg, ht, nursery
12/1/87	Add parking requirements in A/R districts
12/1/87	Amend Plan Review Board powers and duties
12/1/87	Revise intensity regulations - lot sizes, setbacks
12/1/87	Further define home occupations
3/22/89	Add Definitions: bedroom
3/22/89	Amend intensity - calculating lot size
3/22/89	Delete Cluster Development; add FLEXIBLE RESIDENTIAL DEVELOPMENT SECTION
3/22/89	Add AFFORDABLE HOUSING SECTION
3/22/89	Add to Special Places District: Hilltop Places
5/26/89	Add SIGNAGE SECTION
5/15/90	Allow Pl. Board to accept easements.
5/19/90	Re-number Zoning Bylaw for clarification
5/19/90	Amend intensity - calculating lot size
5/19/90	Amend Rate of development
5/19/90	Add "...and studio." Add studio to Definitions.
5/19/90	Amend subordinate dwellings
5/19/90	Add Associate Member to Planning Board
5/19/90	Amend permitted uses to include renting of rooms
2/22/91	Amend SPECIAL WAYS protection
5/21/91	Amend Rate of Dev. to except affordable housing
5/21/91	Add ACCESSORY APARTMENTS
5/21/91	Define minimum setbacks; define access separation
5/21/91	Add sentence to Roads District, 1000-ft. access
5/21/91	Amend wording to remove stone walls
5/21/91	Amend wording re Administration
5/21/91	Add Pl. Bd as Special Permit Granting Authority
5/18/93	Amend Bus. Dist. lighting. Define direct access.
11/16/93	Amend Plan Review Board duties
11/16/93	Amend Bus. District access roads.
5/17/94	Amend Bus. District - add commercial garages
5/17/94	Add Definitions for commercial garages
5/16/95	Relax ht. restrictions on barns, public bldgs.
5/16/95	Define "wooded terrain"
5/21/96	GREENLANDS water resource protection district.
10/1/96	Add Greenlands definitions; amend Flood Plain Zone
5/20/97	Accessory bldgs on substandard lots

as taxis, buses, and no vehicles in excess of 10,000 lbs GVW shall be regularly parked on the premises.

- h. Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from agricultural-residential development considering volume, type, and hours.
- i. Such use must not cause or contribute to any erosion of land or increase surface water drainage from the lot.
- j. A certificate of use and occupancy must be obtained from the Building Inspector indicating compliance with these requirements prior to initiation of the home occupation.

3.122 Detached or attached non-commercial garage, tool shed and studio.

3.123 Signs in accordance with Section 7.500.

** 3.124 One detached subordinate dwelling if the following requirements are met:

- a. Subordinate dwellings will be allowed only on lots which meet or exceed the minimum area requirements in the relative zoning district except in A-R District 1B for a period of five years from April 22, 1986, subordinate dwellings may be built on lots having an area of under three acres but of at least sixty thousand (60,000) square feet.

** Approval of Section 3.124 was granted by the Attorney General on November 1, 1984, with the understanding that a subordinate dwelling is used by the same family that occupies the principal dwelling on a lot.

- b. The subordinate dwelling shall be detached from the principal dwelling; it may be freestanding or may be a portion of an accessory structure such as a garage or barn, with no direct access between garage or barn and subordinate dwelling. Whether the subordinate dwelling is freestanding or part of an accessory structure, the total habitable floor area of the subordinate dwelling shall not exceed eight hundred (800) square feet. Areas to be considered habitable include all floor areas with a ceiling in excess of fifty-four (54) inches, including cellars and basements, unless the floor area is totally dedicated to a non-habitable accessory use. Habitable floor area shall include studio space, principal rooms, utility rooms, bathrooms, cellars or basements, closets and hallways

opening directly into any rooms within the subordinate dwelling.

- c. Either the principal dwelling or subordinate dwelling may be constructed first, providing that the total floor area of one of the dwellings does not exceed eight hundred (800) square feet.
- d. The setback requirements for a structure which contains or is a subordinate dwelling shall be the same as for principal dwellings.
- e. Subordinate dwellings to be constructed on lots which have at least double the minimum area requirements of the relative zoning district will be exempt from the floor area restrictions in sub-sections b. and c. above.

3.130 Uses Which May Be Allowed by Special Permit from the Board of Appeals in Accordance with the Provisions of Section 8.220

3.131 Conversion of a one-family dwelling existing at the time of adoption of this by-law (March 1, 1972) into a two-family dwelling.

3.132 Conversion of a barn over thirty (30) feet in height, existing at the time of adoption of this by-law (March 1, 1972), to a single or two family dwelling.

3.133 Commercial gravel, sand, loam and stone removal

The Board of Appeals shall have the right to regulate the depth and extent of the removal so as to prevent the occurrence of unsightly operations and to require a screening of the property by any reasonable method such as fencing or planting if the operation is to continue for more than one year. For the purpose of determining restoration procedures, the Board of Appeals shall distinguish between sand or gravel "pit" operations and "topsoil removal" operations. The Board of Appeals shall require that the excavation be restored to a sightly condition within three months after the use has been abandoned, in addition to requiring the following specifications:

- a. Contours of abandoned pits must be graded to minimize erosion.
- b. Sufficient topsoil must be reserved during the operation to recover the entire area of the operation to a depth of not less than one (1) inch after the use has been abandoned.
- c. All trees and brush are to be chipped on the site and respread on the site after the use has been abandoned unless exception granted by the Board of Appeals.

SECTION 9.000 DEFINITIONS

1. **ACCESSORY BUILDING OR USE:** A use or building which is subordinate and customarily incidental to and located on the same lot with the principal use to which it is accessory.
2. **AFFORDABLE HOUSING:** Housing units priced at a level so that they can be rented or purchased by households of low or moderate income; specific income eligibility standards for such housing shall be those established by the Dukes County Regional Housing Authority. Other requirements for eligibility shall be those established by the West Tisbury Resident Homesite Committee with the approval of the Dukes County Regional Housing Authority.
3. **AFFORDABLE LOT:** A building lot available as a homesite for a household which meets the eligibility requirements for affordable housing.
4. **BARN:** A structure erected for the storage of farm products, feed, fertilizers, farm machinery, and the sheltering of farm animals.
5. **BEDROOM:** Any portion of a dwelling which is so designed to furnish the minimum isolation necessary for use as a sleeping area and includes, but is not limited to, bedroom, den, study, sewing room, sleeping loft, or enclosed porch, but does not include kitchen, bathroom, dining room, halls, living room, or unfinished cellar.
6. **BUILDING HEIGHT:** The vertical distance from the mean natural grade at the perimeter of the actual building line to the highest point of the roof for flat, shed, or mansard roofs, and to the ridge for gable, hip, and gambrel roofs, such measurement to be based on the elevation of the lot in its existing natural state prior to construction, grading, or filling. Height limitations shall not apply to spires, cupolas, television antennas, and other parts of structures which do not enclose potentially habitable floor space.
7. **COMMERCIAL GARAGE, PRIVATE:** A structure or a lot or a portion thereof, used by an owner or tenant to repair, service and maintain:
 - a) more than three passenger vehicles belonging to the property owner or tenant.
 - b) commercial motor vehicles including trucks and construction equipment, owned and operated by the owner or tenant for use in his or her primary business.
8. **COMMERCIAL GARAGE, PUBLIC:** A structure or a lot or a portion thereof, used by an owner or tenant to service, repair or maintain motor vehicles for a fee.