

## Residential Building Size Bylaw

### A. PURPOSE

In accordance with the goals set out in Section 1.1 of the Zoning Bylaw, this amendment establishes parameters for the design and construction of residential buildings in West Tisbury. With an eye toward preserving the town's rural, cultural, and natural character, this bylaw addresses the size of newly constructed houses and additions in relation to lot area; their scale, proportion, and relationship to the existing community; and their visual and environmental impact. It also promotes responsible and conscientious building practices.

### B. REGULATIONS and EXCEPTIONS

1. **Residential Floor Area (RFA) Limit.** Subject to the exceptions noted below, building permits for new construction or for additions to existing residential structures, shall only be issued for projects that, when completed, do not exceed 3,500 square feet (sq. ft.) on lots up to 3 acres:
  - a. plus 250 sq. ft. for each additional contiguous acre, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.

The RFA Limit applies to residential structures; including, but not limited to: principal dwelling, subordinate dwellings (but only to the extent by which they exceed 1000 sq. ft.), detached bedrooms, enclosed porches, screened porches (but only to the extent by which they exceed 300 sq. ft.), seasonal camps, and indoor sports facilities.

2. **Supplementary Floor Area (SFA) Limit.** In addition to the residential structures referred to above, 2,000 sq. ft. may be used for additional accessory structures; including, but not limited to: studios, pool houses, workshops and garages.

The Supplementary Floor Area Limit may exceed 2000 sq. ft. if the applicant chooses to reapportion some of the allowed RFA in order to increase the SFA by the same amount.

Excluded from either limit are:

- a. affordable accessory apartments;
- b. non-habitable attic spaces;
- c. open porches, and decks;

- d. screened porches 300 sq. ft. or less. Any square footage greater than 300 sq. ft. will be added to the RFA.
- e. subordinate dwellings up to 1000 sq. ft.
- f. all accessory structures used exclusively for agriculture;
- g. all non-habitable structures under 200 sq ft;
- h. Multi family Housing, permitted under West Tisbury Zoning Bylaw 4.4-3B.

Should an excluded structure include space that qualifies for either the Residential or Supplementary Floor Area Limit, the square footage of that space will be added to the calculation, as determined by the Building Inspector.

For the purposes of this bylaw, the Residential and Supplementary Floor Area shall consist of the sum of the horizontal areas of the above-grade floors of a building, measured from the interior faces of the exterior walls of the building, without deduction for bathrooms, hallways, stairs, closets, and the thickness of walls, columns or other structural features.

For the purposes of determining whether floor area in attics constitutes inclusion in the RFA, the requirements for habitable space in the current Massachusetts State Building Code, will be used.

For the purposes of determining whether floor area in basements constitutes inclusion in the RFA, basement rooms will be added to the floor area calculation if they include an exterior wall that is exposed and visible and:

- a. is a minimum of 4' above grade, and
- b. has a clear glass area in excess of 50 sq. ft. on the same wall, or an aggregate in excess of 75 sq. ft. on walls of the same orientation.

**3. Special Permit to exceed Floor Area limits.** A special permit may be issued, by the Planning Board as the Special Permit Granting Authority, to exceed the applicable RFA Limit and/or to exceed the SFA Limit. In no case may the Residential Floor Area on any lot up to 3 acres exceed 5,000 sq. ft. or the combined Residential and Supplementary Floor Area exceed 7,000 sq. ft.

a. plus 250 sq. ft. for each additional contiguous acre, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.

#### **4. Exceptions for Additions to Existing Buildings**

a. Buildings that existed before the adoption of this bylaw, that exceed the RFA Limit established in subsection B.1., may be expanded by 5% of the lot's allowable RFA without a special permit.

b. Buildings that existed before the adoption of this bylaw, that exceed the cap established in subsection B.3., may be expanded by 5% of the lot's allowable RFA by special permit.

- c. these exemptions may be used for more than one addition and/or more than one project, but they may not total more than 5% in excess.

**5. Application to Dwelling Unit Density.** This section shall not be construed to limit the number of buildings which would otherwise be permissible on one lot, as described in West Tisbury Zoning Bylaws, section 4.4-1A Dwelling Unit Densities Permitted By Right; provided, however, that the RFA and SFA for each building on the lot does not exceed the limitations imposed in sections B.1, B.2 and B.3, respectively.

**6. Division and Subdivision of Land:**

All lots resulting from the Division or Subdivision of land that create new lots or parcels from existing lots containing a dwelling or accessory structures shall adhere to sections B.1, B.2, and B.3 of this Bylaw and will contain necessary corresponding acreage. If a resulting lot contains a structure that exceeds the RFA or SFA limit, a special permit must be issued for the structure on the new lot prior to division, or in which case a special permit had previously been issued for the structure, said permit must be modified or amended prior to division.

**C. DETERMINATION by BUILDING INSPECTOR**

The Building Inspector will determine the square footage of all projects and the applicability of the Floor Area Limits. If the Building Inspector determines that a special permit is required, the Building Inspector will refer the project to the Planning Board, where the applicant can seek a special permit if they chose to proceed as designed. A building permit will not be issued without the special permit and the accompanying documentation used in granting the special permit. If the Building Inspector determines that the final plans differ significantly from the preliminary plans used during the special permit granting process, the Building Inspector will send the project back to the Planning Board for additional review.

**D. PLANNING BOARD hearing**

The Planning Board shall be the Special Permit Granting Authority (SPGA) for all projects where a special permit is required under this section of the Zoning Bylaw. Applications for such special permits shall follow the procedures set out in section 9.2 of this Zoning Bylaw.

Abutter notice under this section shall include:

1. Property owners abutting a water body, and being within 1000 ft of a project that abuts the same water body;

2. Property owners within 500 feet of the applicant's property;
3. Any road or pond association of which the applicant is entitled to membership;
4. All Town boards and commissions.

#### **E. DOCUMENTATION for a HEARING**

Prior to the hearing, the applicant must provide scaled and dimensioned preliminary architectural drawings (including a site plan, floor plan, and elevations) and a preliminary landscaping and topographical plan, including preliminary plant list. The Planning Board may also require:

1. a model or rendering of the project and surrounding area or any other such information it considers necessary;
2. consultation with architects, engineers, and other consultants, the cost of which will be assessed to the applicant.

#### **F. CONSIDERATION by the PLANNING BOARD**

In its review of an application for a special permit, the Planning Board must consider the application's adherence to the following guidelines; that is, whether:

1. the completed project would be visible, at any time of year, from public ways, water bodies, cemeteries, and neighboring properties, and if so whether:
  - a. the impact of the project on existing rural, scenic character of the site and its surroundings has been mitigated through building siting, building design, and landscape design;
  - b. natural buffer areas have been retained to provide landscape screening;
  - c. the project minimizes the impact of all lighting and glare from windows and reflective materials.
2. the project, as it is presented in a preliminary landscaping plan, protects the natural features of the site and restores or retains the site's natural landscape after completion of construction;
3. the project avoids altering the natural landscape and significant adverse impact on habitat, it minimizes the size of lawns and recreational facilities, uses native species for landscaping and retains natural vegetation on slopes;
4. The project minimizes reliance on irrigation.

5. the project minimizes *alteration of the land form* and executes grading and excavation so that the contours of the land are relatively the same following construction as those previously existing on the site and adjacent to it;

6. roads and other ways are designed to curve to fit the landscape, and to share driveways where possible;

7. the highest point of the building is respectful of surrounding ridge lines and the average height of existing trees on the lot;

8. in open land, buildings are sited at the edge of fields;

9. the project preserves and protects natural features of the site such as scenic points, water courses, large trees, historic spots, traditional stone walls, significant rocks and boulders, and similar community assets;

10. the project incorporates measures to mitigate excessive negative water quality impacts on ponds, wetlands, and streams during and after construction.

11. The project is designed to minimize fossil fuel use, such as by incorporating energy efficiency, conservation techniques, and using renewable energy sources.

12. the project protects and preserves historical and archeological resources.

## **G. DETERMINATION by the PLANNING BOARD**

The Planning Board may, as they see fit, impose conditions on the project that mitigate its impacts to ensure that the permit is consistent with the purpose of this bylaw, including a deed restriction against future development and/or subdivision of the property.

The Planning Board and Building Inspector may make site visits, to insure compliance with the special permit conditions, including but not limited to those relating to: construction; grading and landscaping.

## **H. OTHER APPROVALS/AMENDMENTS**

The procedure set out in this section is not exclusive of any other permit or approval that may be required.

Any amendments to any element of the project, including the special permit, will require further approval from the Planning Board.

## **I. BIENNIAL REVIEW**

The Planning Board and the Zoning Board of Appeals will meet in two years to review this regulation and address unexpected consequences of it. They will report their findings to the town meeting and determine if subsequent review and report is needed.

#### **J. EFFECTIVE DATE**

This bylaw amendment takes effect on June 1, 2022.