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IN THE YEAR TWO THOUSAND TWENTY-THREE

SPONSORED BY: **Kassandra Gove, Mayor** **BILL No. 2023-097**
Roger Deschenes, Councilor, District 3
Anthony Rinaldi, Councilor, District 2
Steven J. Stanganelli, Councilor at Large

At the meeting of the Amesbury City Council held on December 12, 2023, the following action was taken:

An Ordinance to amend the Amesbury Zoning Ordinance to allow Accessory Dwelling Units (ADU) in the City of Amesbury.

Summary: The proposed ordinance seeks to amend certain provisions of the Amesbury Zoning Ordinance as follows:

1. Amend Section II by adding a definition of “Accessory Dwelling Unit”, “Attached Accessory Dwelling Unit” and “Detached Accessory Dwelling Unit” and “Gross Living Area” and replace the definition of “Gross Floor Area”.
2. Amend Section V – Table of Use Regulations, by allowing Accessory Dwelling Units within an existing principal structure as-of-right within all Residential (R) Districts and all attached and detached Accessory Dwelling Units by Special Permit from the Planning Board (S1) and Site Plan Review in all Residential (R) zoning districts.
3. Amend Section XI.K.– Residential Conversions by adding Accessory Dwelling Units.

The purpose of the amendments is to allow owners of single-family structures to add an accessory dwelling unit (ADU) to their property either, within or attached to the existing single-family structure, or detached in either an existing or new accessory structure. The ADU can be occupied by the property owner or leased to another household as rental income or to support family members. Consistent with the purpose and intent of ADUs, properties having ADUs will require either the single-family or ADU to be owner-occupied and neither unit can be converted to a condominium. Additionally, in protecting neighborhood character and land use patterns, ADUs are intended to be subordinate in size, scale, and volume to the existing single-family structure and maintain a consistent appearance or architectural style with the existing single-family structure.

Be it Ordained by the City Council of the City of Amesbury assembled, and by authority of the same, as follows:

That the Amesbury Zoning Ordinance is amended as follows:

1. Section II – Definitions

Add a new definition for “Accessory Dwelling Unit”, “Attached Accessory Dwelling Unit”, “Detached Accessory Dwelling Unit” and “Gross Living Area” and replace the definition of “Gross Floor Area”.

Accessory Dwelling Unit (ADU): An attached or detached dwelling unit that is constructed on the same lot as a single-family dwelling and complies with the standards for accessory dwelling units set forth in this Ordinance.

Attached Accessory Dwelling Unit (AADU): An accessory dwelling unit that is constructed within or attached to a single-family dwelling. For the purpose of this definition, “attached” means: (a) located within the dwelling and separated from the principal dwelling unit either horizontally or vertically, or (b) sharing a common wall for at least 25 percent of the length of the side of the single-family dwelling. “Attached” does not include connection to the single-family dwelling solely by an unenclosed structure (such as a breezeway) or by an enclosed but unconditioned space.

Detached Accessory Dwelling Unit (DADU): An accessory dwelling unit that is constructed within a detached building on a lot containing one single-family dwelling. A detached accessory dwelling unit may be connected to the single-family dwelling by an unenclosed structure (such as a breezeway) or by an unconditioned space.

Gross Living Area (GLA) - The total area of finished residential space in an accessory dwelling unit, including all conditioned living space, but excluding unconditioned space such as decks, porches, garages, or other such spaces that have not been converted into living space. GLA is calculated by measuring the interior perimeter of the accessory dwelling unit.

Gross Floor Area (GFA) - The sum of the areas of the several floors of a building or buildings as measured by the exterior faces of the walls, but excluding the areas of fire escapes, unroofed porches or terraces, and areas such as basements and attics exclusively devoted to uses accessory to the operation of the building. If the exterior walls are greater than 6 inches thick, then the gross floor area shall be adjusted to a maximum of a 6-inch-thick wall.

2. Section V.D. – Table of Use Regulations

Add Accessory Dwelling Unit to Section V.D. - Table of Use Regulations. Allow an Accessory Dwelling Unit within an existing principal structure by-right and all attached and detached Accessory Dwelling Units by Special Permit with Site Plan Review in all Residential Zoning Districts (R-8, R-20, R-40, R-80, & RC).

3. Section XI.K. – Residential Conversions

Add a new Section XI.K.3 - Accessory Dwelling Units to Section XI.K – Residential Conversions as follows:

XI.K.3. Accessory Dwelling Units

A. Purpose and Intent

1. The purpose of this section is to provide for additional dwelling units within all residential zoning districts in order to: increase the supply of smaller, more affordable housing units with less need for more municipal infrastructure or further land development; contribute to local housing needs; and provide opportunities for historic preservation and adapted reuse of existing accessory structures. The standards in this section are intended to integrate more housing options into the community with minimal impact on the surrounding neighborhood.
2. Only one accessory dwelling unit (ADU) shall be allowed on any lot containing a single-family dwelling. An ADU shall not be allowed under this Section XI.K.3. on a lot that contains more than one dwelling unit.

B.1. Eligibility

1. Except as provided elsewhere in this Section XI.K.3., for a lot to be eligible for an ADU, the lot and all proposed structures and additions to existing structures shall conform to all zoning regulations as follows:
 - i. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal building or structure and an ADU. However, an ADU shall be allowed without additional requirements for lot area, lot area per dwelling unit, or frontage beyond those required for a single-family dwelling without an ADU in the same zoning district.
 - ii. An ADU is permitted on existing nonconforming lots provided no increased or new nonconformity is created.
 - iii. Newly constructed detached accessory dwelling units (DADU) shall be governed by the provisions of this Ordinance and the side and rear yard requirements for the applicable zoning district.
2. Notwithstanding all of the above provisions, an accessory building existing on the effective date of this ordinance may be converted to a DADU as provided in this Ordinance.

B.2. Submission Requirements

1. Accessory Dwelling Units within an existing principal structure shall submit a site plan showing compliance with the dimensional and density controls and Section XI.K.3 c-e.
2. Unless waived by the Planning Board, all attached or detached ADU applications shall conform to the procedural, application requirements, and materials for review as listed under Section XI.C.4-5.

C. Standards for All Accessory Dwelling Units

An ADU shall comply with the following standards:

1. The principal dwelling unit and the ADU shall not be separated in ownership (including by condominium ownership).
2. Either the principal dwelling unit or the ADU shall be occupied by the owner and be designated as their principal place of residence. Pursuant to Section XI.K.3.H., the owner shall provide documentation demonstrating compliance with this provision to the satisfaction of the City.
 - i. When the property is owned by an entity, one of the dwelling units shall be the principal place of residence of one or more principals of that entity, such as a member or beneficiary.
3. An ADU shall not have more than two bedrooms.
4. Neither the principal dwelling unit nor the ADU shall be used for any business, except that the property owner may have a home occupation use in the unit that they occupy as allowed or permitted elsewhere in this Ordinance.
5. Where municipal sewer service is not provided, the septic system shall meet Title V requirements for the combined system demand for total occupancy of the premises.
6. One off-street parking space shall be provided for an ADU in addition to the spaces that are required for the single-family dwelling.

D. Screening and Architectural Design Standards

Where the creation of an ADU involves the construction of a new building, conversion of an existing accessory building, or an addition to or expansion of an existing building or structure, the exterior design shall be architecturally consistent with or similar in appearance to the principal building or structure using the following design standards which shall be reviewed by the Design Review Committee:

1. The new building or structure, addition, or expansion shall be architecturally consistent with or similar in appearance to the existing principal building or structure with respect to the following, but not limited to, elements:
 - i. Massing, scale, and volume (including the roof shape and type).
 - ii. Architectural style, and overall appearance.
 - iii. Siding material, texture, trim, and profile.
 - iv. Window shape, type, spacing, proportions, and style.
 - v. Door style, material, and trim. All street-facing garage doors shall be limited to 9 feet in width.
 - vi. Projections such as chimneys, cupolas, vents, bays, dormers, canopies, and balconies.
 - vii. Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements.

viii. Exposed foundation materials and profiles.

ix. Landscape buffers, fencing, or other screen suitable for maintaining privacy at the ground floor level.

E. Additional Standards for Attached Accessory Dwelling Unit

The following standards are intended to ensure proportionality and aesthetic continuity between the attached accessory dwelling unit (AADU) and the principal or secondary dwelling unit. An AADU shall comply with the following additional standards:

1. An interior door shall be provided between the principal dwelling unit and an ADU either within or attached to the existing principal structure.
2. The AADU, either within or attached to the existing principal structure shall not be larger than 800 sq. ft. in gross living area (GLA). For the purpose of this provision, the gross living area of the AADU shall not include storage space, shared entries, or other spaces not exclusive to the AADU.
3. The AADU attached to the existing principal structure shall be subordinate to the principal dwelling unit in scale, height and appearance, as follows:
 - i. If there are two or more doors in the front of the principal building or structure, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.
 - ii. An addition to or expansion of an existing building for the purpose of creating an AADU shall be recessed or projected at least 18 inches from the existing front wall of the principal building or structure. Where the addition includes the construction of an attached, street-facing garage, it shall be set back at least 10 feet from the front wall of the principal building or structure.
 - iii. The building height of any addition or expansion that includes an increase in building footprint shall be no greater than 75% of the height of the existing principal building or structure. In the case of a single-story building, an addition or expansion may include either an additional story to the existing principal building or structure or a single-story addition at the same height as the existing principal building or structure.

F. Additional Standards for Detached Accessory Dwelling Units

The following standards are intended to ensure proportionality and aesthetic continuity between the detached accessory dwelling unit (DADU) and the principal building or structure:

1. The DADU shall not be larger than 800 sq. ft. in GLA however, a DADU that is created from an existing accessory building that does not comply with its minimum yard requirements shall not exceed 1,000 sq. ft. in GLA.

2. A DADU that is created from an existing accessory building that does not comply with its minimum yard requirements shall comply with the following additional requirements:
 - i. The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 150 sq. ft.; except that the Planning Board may grant a special permit to allow the GLA of the accessory building to be expanded up to a total of 1,000 sq. ft. as provided in this Ordinance.
 - ii. A DADU that is within a required side yard or rear yard setback for the zoning district shall not have any windows, balconies, or doors higher than eight feet above grade facing adjacent property. A corner lot shall have two front yards with the principal front yard being where the address is assigned.
3. The DADU shall be subordinate to the principal building or structure in scale, height and appearance as follows:
 - i. The front wall of a DADU that is not created within an existing accessory building shall be set back at least 10 feet further from the front lot line than the existing front wall of the principal building or structure.
 - ii. The building height of the building containing the DADU shall be no greater than 22 feet.
 - iii. When the building containing the DADU is taller than the principal building or structure, its required setback from all property lines shall be increased by the difference in building height between the DADU and the principal building or structure.
 - iv. The building footprint of the building containing the DADU shall be no greater than 750 sq. ft.
 - v. The gross floor area (GFA) of the building containing the DADU shall be no greater than 1,500 sq. ft. or 75 percent of the GFA of the principal building or structure, whichever is less.
 - vi. The DADU may include roof dormers provided they are located outside the required setbacks from all property lines and occupy no greater than 50% of any individual roof plane.
 - vii. The DADU shall comply with the drainage requirements of this Ordinance.
 - viii. The DADU shall comply with the lighting requirements of this Ordinance.
 - ix. A newly constructed DADU shall be separated no less than 5 feet from the principal building or structure or as required by the Building Code, whichever is greater.

G. Special Permit Findings

1. Section XI.K.3. requires a special permit for an attached or detached ADU, the Planning Board shall make the following findings before granting approval:

- i. The ADU complies with all applicable standards of this Section XI.K.3. or as may be modified by the special permit.
 - ii. The exterior design of the ADU is architecturally consistent with or similar in appearance to the existing principal building or structure on the lot.
 - iii. The site plan provides adequate and appropriate open space and landscaping for both the ADU and the principal building or structure and complies with the off-street parking requirements of Section XI.K.3.C.6.
 - iv. The ADU will maintain a compatible relationship with the character of adjacent and neighborhood properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.
 - v. Except for the number of bedrooms, the Planning Board may waive any of the density or dimensional controls provided the Board finds such modification will be consistent with the required findings in Section XI.K.3.G and the applicant provides at least one of the following public improvements, including but not limited to:
 - a. If applicable for the adaptive reuse of a historic structure, a deeded preservation restriction, as listed under Section XI.J.2.3-5, on the historic building or structure;
 - b. For any increase in GLA over the maximums listed under Section XI.K.3.E-F, a contribution of \$20/SF GLA to the Affordable Housing Trust; or,
 - c. Off-site improvements to adjacent public infrastructure, such as sidewalks, drainage, or utilities.
2. In granting a special permit for an accessory dwelling unit, the Planning Board may modify or waive a specific standard set forth in Sections XI.K.3.C-F, including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section XI.K.3.G.


H. Post-Approval Requirements

1. Documentation of the special permit approval, including any project specific conditions, shall be recorded at the Essex County Registry of Deeds, together with an affidavit that either the principal or secondary dwelling unit(s) or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section XI.K.3.C.2.
2. A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.


3. The certificate of use shall be renewed annually upon submission of such documentation. The Planning Department may require the owner to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Section X.

Councilor Scott Mandeville moved to approve Bill 2023-097. He was seconded by Councilor Roger Deschenes. A roll call vote was taken, and the motion passed 7-1 (Councilor Adrienne Lennon opposed, Councilor Jonathan Hickok absent).

Witness my hand and seal for the City of Amesbury this 13th day of December 2023.



City Clerk



Mayor



Date