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CITY OF AMESBURY, MA



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SPONSORED BY: Kassandra Gove **BILL No. 2024 - 080**
Kassandra Gove, Mayor

Michael Hogg
Michael Hogg, Councilor, District 6

An Ordinance to amend the Amesbury Zoning Ordinance to modify the provisions of Section XI.J2, Historic Preservation - Special Permit.

Summary: This zoning amendment allows redevelopment of historic structures for residential and mixed uses in the Commercial, Office Park, and Central Industrial zoning districts. It also amends certain other provisions including dimensional and density requirements to encourage further re-use of such historic structures in a manner that is consistent with traditional architectural style, scale, and character of such buildings and structures.

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

That the Zoning Ordinance, Section XI.J2, Historic Preservation – Special Permit, is hereby amended with language shown in strikethrough to be deleted and language shown in bold italics to be inserted as follows:

1. Amend Section XI.J2.2 – Authority to Grant Permits, as follows:

Amend Section XI.J2.2.a as follows:

Permitted Uses: In addition to uses permitted in any residential, ~~zoning district or in the~~ Central Business District ***“(CBD), Commercial (C), or Office Park (OP) and Central Industrial (IC), zoning districts, listed in Section V”*** in the Table of Use Regulations, multifamily residential uses granting authority.

~~The Planning Board (“the Board”) may grant a HP-SP to authorize actions that would otherwise not comply with the provisions of this Ordinance and that would allow the renovation, repair, of adaptive reuse of historic or architecturally significant buildings or structures. The granting of a HP-SP shall also constitute approval and compliance with Site Plan Review requirements outlined in Section XI.C. The Board may grant relief~~

from specific sections of the Ordinance as outlined below without the approval of any other special permit granting authority:

- i. In order to permit conversions of existing historic buildings or structures, the Board may modify the standards in Table of density and Dimensional Regulations, with regards to minimum lot area, lot frontage, front, side and rear setbacks to allow residential uses in an existing or proposed principal or accessory structure.
- ii. The Board may also grant a HP-SP for multi-family residential conversions within existing historic buildings or structures in all zoning districts;

Amend Section XI.J2.2.b – Dimensional and Density Requirements as follows, with language deleted from Section XI.J2.2.a and inserted into XI.J2.2.b. Add language therein shown in italics and underlined:

2.b.1 *The Planning Board (“the Board”) may grant a HP-SP to authorize actions that would otherwise not comply with the provisions of this Ordinance and that would allow the renovation, repair, or adaptive reuse of historic or architecturally significant buildings or structures. The granting of a HP-SP shall also constitute approval and compliance with Site Plan Review requirements outlined in Section XI.C. The Board may grant relief “waivers” from specific sections of the Ordinance as outlined below without “further” the approval of “from” any other special permit granting authority:*

- i. *In order to permit conversions “adaptive re-use” of existing historic buildings or structures, the Board may modify the standards in the Table of Dimensional and Density Regulations, with regards to minimum lot area, lot frontage, front, side and rear setbacks to allow residential uses in an existing or proposed principal or accessory structure.*
- ii. *The Board may also grant a HP-SP for multi-family residential conversions within existing historic buildings or structures in any residential, Central Business, Commercial, Office Park, or Central Industrial zoning districts;*

2.b.2 The Board may allow more than one principal structure on a lot or lots in common or consolidated ownership (“lots”) in consideration of the HP-SP provided that only residential, “**commercial**,” or agricultural uses are proposed in any or all the buildings. Under the HP-SP, the Board may grant relief to any or all dimensional requirements listed under section “**Section**” VI without the approval of any other special permit granting authority.

2.b.3 In reviewing “*The proposed project and site plan under a*” the HP-SP, “*shall be subject to the following density and dimensional controls and site layout requirements:*” the Board shall consider the following in making its determination:

- i. Density: In determining the total number of proposed residential dwelling units and

the overall volume of the building(s), the Board shall take into consideration ~~traffic circulation, parking requirements and location, impact on the integrity of the existing historic structures and the property, and the overall impacts to the general character of the neighborhood. In particular, the Board will evaluate the aesthetic impacts to the existing historic buildings or structures from the proposed renovations, alterations, extensions, or additions.~~ ***“all of the following, but not limited to: 1) the visual and physical impacts of the proposed project on the existing historic building’s height, scale, massing, and volume; 2) the proposed floor plans and building layout, open space, and parking layout; 3) the impact of the proposed alterations, extensions or additions on the architectural style, character and integrity of the existing historic building(s); and, 4) the overall impacts to the general character of the surrounding neighborhood. Such consideration will also include any impacts on the character-defining features of the existing building(s) including, but not limited to: window patterns, entryways, steeples, towers, chimneys, stairwells, roof lines, dormers, or other skyline elements.”*** Up to three (3) residential dwelling units may be allowed on the lot(s) proposed for a HP-SP. Four (4) residential dwelling units or more may be allowed provided that the lot(s) shall have at least twice the minimum lot area of the zoning district in Central Business District, R-8, R-20, R-40, and R-80 or at least one acre in RC districts. To be considered for four (4) or more residential dwelling units in the project, the lot(s) shall have at least one principal structure and also one (1) accessory structure with a building footprint of at least 500 SF. The Board may not permit four (4) or more new residential units, even if the lot(s) meets the area requirements, if ***“it determines that”*** the overall project does not meet ***“meets”*** the criteria under ***“this section and”*** subsection 5 and 6 of section XI.J2;

- ii. Minimum Lot Size: For any ***“new”*** lot subdivided for use as a single-family dwelling unit, the minimum lot size shall be ~~10,000~~ ***“5,000”*** SF. For any new lot subdivided for use as a two or three family dwelling, the minimum lot size shall be ~~12,000~~ ***“8,000”*** SF.
- iii. Bonus Unit: One (1) bonus unit may be granted by the Planning Board for relocating a historic structure instead of creating a new structure for any proposed units. The applicant shall have prior approval from the Amesbury Historical Commission to move that structure to the proposed location;
- iv. Open Space: Existing open space on the lot(s) cannot be reduced by more than fifteen percent (15%) of the requirements of the zoning district for all new or relocated buildings or structures and by twenty-five percent (25%) by all new or relocated buildings or structures, driveways, and parking. Each dwelling unit shall have designated private open space area of at least 200 SF;
- v. Entrances & Parking: If feasible, multiple dwelling unit entrances shall not be visible ~~fr~~ ***“from”*** a public way. Multiple entrances visible from the public way may be allowed if consistent with the architectural style of the building or structure. Secondary means of egress, especially from upper stories, shall not be visible from the public way. On-site parking shall be provided at the rate of 1.5 parking spaces per

dwelling unit. If more than six (6) parking spaces are required, excess spaces shall be adequately screened or concealed as per the design standards outlined in this Ordinance;

- vi. Frontage, Access, Lot Width and Setbacks: For all new buildings or structures, the Board may waive the dimensional requirements (except height) of ***“for”*** the zoning district up to 50% if the project is consistent with the intent and purposes of the Ordinance. The Planning Board may allow a Common Access Driveway, as defined under XI.O to be used as frontage and access for the lots ***“without requiring a separate special permit application under Section XI.O”***.
- vii. New Principal Buildings or Structures: ***“Unless waived by the Board due to topographical or historic preservation purposes,”*** no more than one (1) new principal building or habitable structure may be proposed on a lot(s) ***“in addition to the existing principal historic structure”*** and it shall not exceed ~~one-half (1/2)~~ ***“sixty-seven (67%)”*** of the gross floor area of the existing principal historic building or structure on the lot(s). Proposed new buildings or structures, or the replacement or reconstruction of structures previously existing, shall be consistent in character and appearance to any existing historical structure(s) and shall be harmonious with the exiting streetscape or view of the subject property from the public way unless documented otherwise by historic photographs, plans or other historic data; and
- ~~viii. Existing Non-Conformities: In cases of existing non-conformity with the provisions of Section VI, approval of a HP-SP shall permit the Board to grant relief from any or all dimensional requirements listed under Section VI without the approval of any other special permit granting authority.~~

2.b.4 ***“Waivers: The Board may grant waivers from any provision of Section XI.J2.2.b if it finds that the proposed redevelopment, alteration, extension or addition to the existing historic structure meets the provisions of Section XI.J2.5, shall not result in overburdening of the site, and meets the historic preservation purpose and intent of Section XI.J2.”***

2. **Amend Section XI.J2.4 – Procedural Requirements, as follows:**

XI.J2.4.b. Additional Materials for Submission:

1. A detailed proposal
2. A site survey
3. Written approval
4. If a total of four (4) or more ***“new”*** residential units are being proposed on the site, an affordable (as defined in Section V.F E subsections 2, 4, and 5 of the Zoning Ordinance) housing restriction and pertinent documents ***“shall be required”*** for minimum of one (1) unit or 15% ***“ten percent (10%), (rounded to the next whole number where 1.4 = 1 and 1.5 =2)”*** of the total units in the project, whichever is greater; and

5. *“If a total of ten (10) or more units are proposed, the Board may request a 3-D model of the proposed building(s) and structure(s) on the site.”*

3. **Amend Section XI.J2.5 – Design Standards and Review Criteria, as follows:**

XI.J2.5.a The Board shall use the Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings and follow the guidelines established therein for rehabilitating Historic Buildings for review of the proposed reconstruction, rehabilitation or preservation of the historic building(s) or structure(s). ~~The following General Design standards shall be applicable in conjunction to those standards and guidelines for the rehabilitation, repair or adaptive reuse of existing historic structures as allowed under this Ordinance.~~ *“The following resources shall further supplement the Design Standards for proposed renovation of existing structures as well as any new structures on the property.*

a) *Get Your House Right – Architectural Elements to Use & Avoid, by Marianne Cusato & Pentreath;*

b) *Traditional Construction Patterns – Design & Detail Rules of Thumb, by Stephen A. Mouzon & Susan M. Henderson;*

c) *Big House, Little House, Back House, Barn, by Thomas C. Hubka; and*

d) *A Field Guide to American Houses – The Definitive Guide to Identifying and Understanding America’s Domestic Architecture, by Virginia Savage McAlester”*

XI.J2.5.b *“The following General Design Standards shall be applicable in conjunction to those standards and guidelines for the rehabilitation, repair or adaptive reuse of existing historic structures as allowed under this Ordinance:”*

1. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;

2.....

15. The Board shall review and approve visible accessories and equipment associated with the project, including, but not limited to: exterior light fixtures, utility meters/equipment, site furnishings, mailboxes, signage (including address numbers), and ornamental hardware. Mechanical and utility equipment shall, the greatest extent possible, be screened from view and hardware and fixtures shall be compatible with the historic character and image of the property.

And add new Design Standard #16:

“Section XI.J2.5.b.16 – Historic buildings located in the Lower Millyard Overlay District (LMOD), shall additionally adhere to the provisions of Section XI.H2.4, Design and Performance Standards.”

4. Amend Section XI.J2.7 – Issuance of Building Permit, as follows:

Amend Section XI.J2.7.3

“Notwithstanding the minimum number of deeded affordable residential units required pursuant to Section V.E.3.1 of the Zoning Ordinance,” If four (4) or more ***“new”*** residential units are proposed ***“in a project under Section XI.J.2, HP-SP,”*** then a minimum of one (1) unit of 15% ***“or fifteen percent (15%)”*** of the total number of units on the lot ***“(rounded to the next whole number where 1.4 = 1 and 1.5 =2),”*** whichever is greater, shall be ***“restricted as”*** affordable in perpetuity and as defined in ***“Section V.E.F subsections”*** 2, 4 and 5 of the Zoning Ordinance and meet the requirements of M.G.L. Ch. 40B s.20-23, as amended from time to time, and shall have to satisfy the necessary requirements to allow those units to be counted towards the affordable ***“subsidized”*** housing inventory ***“(SHI)”*** in Amesbury. ***“ The Board may waive this requirement to ten percent (10%) if the proposed project meets the purpose and intent as listed under XI.J2.1 and all the performance standards listed under Section XI.J.2.2.”*** Documents pertinent to such restrictions must have been reviewed and approved by the Board and the City of Amesbury;