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CITY OF AMESBURY
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SPONSORED BY: Kassandra Gove BILL No. 2026-068
Kassandra Gove, Mayor

An Order to amend the Amesbury Zoning Ordinance by repealing and replacing Section XI.K.3, Accessory Dwelling Units.

Summary: This zoning amendment replaces the existing ADU Ordinance to come into full compliance with Section 8 of Chapter 150 of the Acts of 2024 and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units.

In summary, the main changes to the existing ADU ordinance reflect the following:

- Increasing the size of permitted ADUs to 900 SF;
- Allowing ADUs in two- and multi-family structures;
- Allowing ADUs in existing residential uses located outside residential districts;
- Modifying the special permit requirements or “findings” to be consistent with M.G.L. 40A.s.6 (the Dover Amendment);
- Removing owner-occupancy requirements;
- Modifying the design and dimensional standards; and
- Including a waiver provision to the design and dimensional standards.

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

1. That Amesbury Zoning Ordinance Section XI.K.3 is hereby amended to read as follows:

XI.K.3. Accessory Dwelling Units

A. Purpose and Intent

1. The purpose of this section is to provide for additional dwelling unit within zoning districts where residential uses are permitted 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 and comply with Building Code 760 CMR 71.00.

2. An accessory dwelling unit (ADU) shall be permitted, as-of-right, subject to Site Plan Approval under section XI.C. on any lot containing a dwelling in a single-family district provided the lot and the principal or accessory structure, on or in which the ADU is proposed to be located, complies to the dimensional requirements of this Ordinance. A special permit or finding issued by the Planning Board under M.G.L. c40As.6. shall be required for an ADU located on or in any of the following: 1) on a non-conforming lot where an existing non-conformity is either intensified or created; 2) where more than one ADU is proposed on a lot; or 3) within an existing non-conforming dwelling is located outside single family district.

B.1. Eligibility

1. Except as provided elsewhere in this Section XI.K.3., for a lot to be eligible for a permitted ADU, subject to Site Plan Approval, the zoning district shall allow single-family uses.
2. ADUs that either intensifies or creates an existing non-conformity or create a new non-conformity, shall require a special permit under M.G.L. c40As.6., issued by the Planning Board.
3. Notwithstanding all 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 and Section XI.K.3.F.

B.2. Submission Requirements

1. ADUs within an existing or proposed structure or, within new additions, alterations, or extensions 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. Site Plan Review.

C. Standards for All Accessory Dwelling Units

An ADU shall comply with the following standards:

1. The principal dwelling unit(s) and the ADU shall not be separated in ownership (including by condominium ownership).
2. An ADU shall not have more than two bedrooms.
3. Neither the principal dwelling unit nor the ADU shall be used for any business (incl. short term rentals), 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.
4. 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.
5. One (1) off-street parking space shall be provided for an ADU in addition to the spaces that are required for the principal dwelling unit(s).

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 under Section XI.C.3. of Site Plan Review:

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, if included, 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 900 sq. ft. in gross floor area (GFA). For the purpose of this provision, the GFA of the AADU shall include the total floor area dedicated and 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 900 sq. ft. in GFA.
2. A DADU that is created from an existing accessory building that does not comply with its minimum yard requirements shall require a special permit or finding under M.G.L. c40As.6 from the Planning Board and comply with the standards listed in XI.K.3.F.2.
3. 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 to increase or intensify the non-conformity, 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 or finding under M.G.L. c40As.6 to allow the GFA of the accessory building to exceed 900 sq. ft. (GLA) as provided in Section XI.K.3.G.2. in this Ordinance.
 - ii. A DADU within an accessory building containing that is within a required side yard or rear yard setback for an accessory building shall not have any windows, balconies, or doors below the roofline higher than nine feet above the finished grade facing the adjacent property. Roof dormers shall be set back at least eighteen inches from the outside walls and occupy no more than 33% of the roof surface.
4. A new 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. A DADU located within a new building greater than 900 SF in GFA shall comply with the dimensional requirements of a principal structure and be no greater than 22 feet in height. A DADU within a new building up to 900 SF in GFA shall comply with the setback requirements of VI.E. and be no greater than 18 feet in building height.
- 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 a building containing an DADU shall be no greater than 750 sq. ft.
- v. The gross floor area (GFA) of a 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 from the principal building or structure as required by the Building Code.

G. Special Permit or Findings

1. For multiple ADUs on a lot or ADUs that do not meet the dimensional or density requirements for a principal or accessory structure, a special permit or finding under M.G.L. c40As.6 is required from the Planning Board. The Planning Board shall make the following findings before granting approval:
 - i. The ADU(s) 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.
2. In granting a special permit or finding under M.G. L 40A s.6 for an ADU, the Planning Board may modify or waive any density or dimensional 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.
2. A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section. 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.

