

Article _____
Zoning Bylaw Amendment -- Accessory Dwelling Units

To determine whether the Town will vote to approve the following amendments to the Zoning Bylaw:

(additions shown in bold and deletions in strikeout)

SECTION 4 – CLASSIFICATION OF PRINCIPAL USES

4.2.1 Single Family Dwelling

A detached dwelling unit designed and used exclusively as a single housekeeping unit with common cooking and living facilities provided that in the Limited Business District such use conforms to the dimensional regulation for the Residence C District. No more than one dwelling shall be located upon a lot except as provided pursuant to Subsections 4.2.4, ~~and 4.2.5,~~ **and 4.2.9.**

4.2.9 Accessory ~~Apartment~~ Dwelling Units (ADUs)

An accessory ~~apartment~~ **dwelling unit** is a second dwelling unit located **either a) within or attached to** a structure constructed as a detached ~~one single~~ family dwelling, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure as a one family unit, **or b) in a detached accessory structure on the same lot as the principal dwelling, for use as a complete living unit, with provisions for cooking, eating, sanitation, and sleeping.**

4.2.9.1 General Objectives

The provision of accessory dwelling units in owner occupied ~~one single~~ family dwellings is intended to:

- ~~1) increase the number of small dwelling units available for rent in town,~~
- ~~2) increase the range of choice of housing accommodations,~~
- ~~3) encourage greater diversity of population with particular attention to young adults and senior citizens, and~~
- ~~4)~~
- 1) give Bedford homeowners greater options and flexibility to configure their properties to meet their own needs,**
- 2) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods,**
- 3) help the Town meet its housing needs without detracting from its historic development pattern,**
- 4) increase the range of choice of housing accommodations, particularly smaller rental dwellings, and**
- 5) encourage greater diversity of population with particular attention to young adults and senior citizens.**

4.2.9.2 General Conditions and Requirements for all Accessory Dwelling Units

The Building Inspector shall issue a building permit for an accessory apartment in a detached, one family dwelling in any residential district provided that the unit meets the standards of the building code and each of the following conditions and requirements is met:

(a) ~~General~~

- (i) The owner of the ~~dwelling lot on~~ **in** which the accessory ~~apartment~~ **dwelling unit** is created, shall occupy either of the dwelling units **on the lot in the located structure in question**, except for temporary absences of up to six months. For the purposes of this section, the "owner" shall be one or more individuals ~~residing in a dwelling~~, who hold title **to the lot** and for whom ~~the~~ **either** dwelling **unit** is the primary residence for voting and tax purposes. **Land ownership shall not be divided or converted into condominiums.**
- (ii) There shall be no more than one accessory ~~apartment~~ **dwelling unit** ~~within a one family dwelling,~~ **whether internal or detached, on any lot.**
- (iii) There shall be no boarders or lodgers within either unit of a dwelling with an accessory ~~apartment~~ **dwelling unit**. **The provisions of Section 5.1.6 shall not apply to permitted accessory dwelling units.**
- (iv) ~~The gross floor area of the dwelling, including the basement shall be at least 1,800 square feet. (Note: Gross floor area is defined as the sum of the gross horizontal areas of several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings, but not including interior parking spaces or any space where the floor to ceiling height is less than six (6) feet.)~~
- (iv) The maximum gross floor area of the accessory ~~apartment~~ **dwelling unit** shall ~~not exceed 30% of the gross floor area of the dwelling be~~ **900 square feet, or 1,000 square feet if Enhanced Energy Efficiency and/or Universal Design standards are met. Gross floor area for this purpose is defined as the sum of the gross horizontal areas of several floors measured from the exterior face of exterior walls or from the center line of a wall separating units, but not including interior parking spaces or any space where the floor to ceiling height is less than six (6) feet. The Universal Design standard for this purpose is defined as providing at least the following features: low threshold entrance (maximum 4 inches) and no interior thresholds; a bedroom on the main entry level; infrastructure in bathrooms to accommodate installation of grab bars around toilets and tubs/showers; clear width at all doorways and openings of a minimum of 32 inches. The Enhanced Energy Efficiency standard for this purpose is defined as a five point HERS rating improvement or equivalent compared to the otherwise applicable energy efficiency requirement of the Building Code, with verification to the satisfaction of the Building Inspector.**
- (vi) There shall be no more than two (2) bedrooms in an accessory ~~apartment~~ **dwelling unit**.
- (vii) No structure that is not connected to the public water and sanitary sewer systems shall have an accessory ~~apartment~~ **dwelling unit**.
- (vii) **Any dwelling unit offered for short-term rental as defined under MGL Chapter 64G shall only be authorized by the Board of Appeals by Special Permit.**
- (viii) **Creation of an accessory dwelling unit on a nonconforming property is subject to the provisions of Section 7.1.**

4.2.9.3 Additional Requirements for Internal Accessory Dwelling Units

(b) ~~Exterior Appearance of a Dwelling with an~~ **Internal Accessory Apartment Dwelling Unit**

The accessory ~~apartment~~ **dwelling unit** shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:

- (i) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
- (ii) Any new entrance shall be located on the side or in the rear of the dwelling.
- (iii) Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.

4.2.9.4 Additional Requirements for Detached Accessory Dwelling Units

- (i) **The maximum height for a detached ADU is 25 feet and 1 ½ stories.**
- (ii) **A detached ADU shall be sited further from the front lot line than the rear wall of the principal dwelling, with at least 10 feet between building walls, and at least 15 feet from side lot lines and 20 feet from rear lot lines.**
- (iii) **The main entrance to a detached ADU shall face either the street or the interior of the lot.**
- (iv) **Where the detached ADU is proposed to be less than 25 feet from a side or rear lot line, windows above the first floor on any wall facing such lot line shall be frosted, stained, or otherwise constructed to obscure line of sight to abutters.**
- (v) **A site plan shall be approved by the Planning Board. An application for site plan approval shall be reviewed in accordance with Section 7.5. The applicant shall supply a certified list of abutters, owners of land directly opposite on any public or private street or way and abutters to the abutters within 300 feet of the property line as they appear on the most recently applicable tax list, in order that notice of the review of the site plan at a public meeting shall be given. Sufficient information shall be submitted to enable the Planning Board to understand the relationship of the proposed detached ADU to its surroundings including information on existing buildings and structures on the applicant's or abutters' lots, and topography, and the Planning Board shall consider if the circumstances warrant the requirement of any adjustment to the plan or additional conditions. The Planning Board shall consider and render its decision based on its findings under Section 7.5.2.2.**

4.2.9.5 Off-Street Parking requirements for all ADUs

There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least ~~two~~ **one** off-street parking spaces for the accessory unit. In order to maintain the appearance of a single family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:

- (i) Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel **or permeable grass paver** surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.
- (ii) No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either: 1) outdoor parking spaces located in a side or rear yard or 2) in a garage or carport.
- (iii) Parking spaces shall be located so that both the principal dwelling unit and the accessory ~~apartment~~ **dwelling unit** shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.

- (iv) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the area between the parking space and front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.

Table I: USE REGULATIONS

4.2.9 Accessory Apartment to be divided into two lines, titled **Accessory Dwelling Unit (Internal)** and **Accessory Dwelling Unit (Detached)**. Column entries for Site Plan Approval to be NR for Internal units and **R** for Detached Units, and other column entries as is for both types.

SECTION 6 – DIMENSIONAL AND LANDSCAPING REQUIREMENTS

6.2.7 Side Yards

Side yards shall be measured from the nearest point of any dwelling or structure to each side lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. Notwithstanding the foregoing, in the Residential Districts or for single family dwellings in a Limited Business District, a building of accessory use may be placed not less than 10 feet from a side line, and not less than 10 feet from another building on the same lot, so long as such building is not to be located nearer the sideline of the right of way than the rearmost point of the dwelling or any structure attached thereto, **except for detached accessory dwelling units which are governed by Section 4.2.9.**

6.2.8 Rear Yards

Rear yards shall be measured from the nearest point of any dwelling or structure attached thereto to the rear lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the Residential Districts or for single family dwellings in the Limited Business District, no building of accessory use shall be placed nearer to the rear lot line than 10 feet. **Detached accessory dwelling units are governed by Section 4.2.9.**

SECTION 7 – SPECIAL PROVISIONS

7.4 Parking Regulations

7.4.1 Required Spaces

7.4.1.1 Dwelling including multiunit structure

Two parking spaces for each dwelling unit, **unless other specific criteria are provided.**

Pass any vote or take any action relative thereto.

The Zoning Bylaw currently allows for accessory apartments to be created within single-family dwellings, subject to certain criteria. This article would expand the opportunity to create “accessory dwelling units” by amending the restrictions for units created within single-family dwellings and also creating provisions for detached (free-standing) accessory dwelling units. In all cases, an Accessory Dwelling Unit would now be restricted to 900 square feet, except where a specified energy efficiency level and/or universal

design features are incorporated, in which case an ADU of 1,000 square feet is allowed. Detached units would be subject to site plan review by the Planning Board with notice to abutters. This would allow the layout and relationship to the surroundings to be examined, and adjustments or reasonable conditions could be considered. Proposals for ADUs on nonconforming properties would continue to be subject to the special provisions for such properties in Section 7.1 of the bylaw (specifically Sections 7.1.2 and 7.1.4), with a detached ADU requiring a ZBA special permit with findings that it is in harmony with the purpose and intent of the bylaw and will not be substantially more detrimental or injurious to the neighborhood. This article is submitted as one means to help broaden the diversity of housing stock, and is a recommendation of the 2019 Bedford Housing Study.