

Article _____

Zoning Bylaw Amendment – Two Family Dwellings

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

*(additions shown in **BOLD** and deletions in ~~strikeout~~)*

4.2 Residential 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, 4.2.5 and 4.2.9.

4.2.2 Two Family Dwelling

A building that contains two (2) dwelling units and is either divided vertically so that the dwelling units are side by side but separated by a shared wall (sometimes called duplex), or is divided horizontally so that one dwelling unit is above another; except that a single family dwelling with an accessory dwelling unit, attached or detached, authorized pursuant to Section 4.2.9, shall be regulated as a single family dwelling.

The option of two family dwellings is intended to give property owners a choice between building a single family dwelling or a two family dwelling of a similar overall structure size, to: 1) increase the number of dwelling units available 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) encourage a more economic and energy-efficient use of the town's housing supply.

4.2.2.1. Development standards

In all instances:

- a) An Accessory Dwelling Unit is not permitted on any lot with a two-family dwelling;**
- b) Parking:**
 - 1. no more than two outdoor parking spaces shall be located in the front yard. All other parking spaces shall be either outdoor parking spaces located in a side or rear yard, or in a garage or carport; with not more than 2 garage spaces per dwelling unit;**
 - 2. parking spaces shall be located so that both dwelling units 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;**
 - 3. there shall be suitable screening (with evergreen or dense deciduous plantings, walls, fence, or a combination thereof) where there are more than two outdoor parking spaces or if the parking space is in the front yard and parallel to the**

street. Screening shall be sufficient to minimize the visual impact on abutters and the view from the street.

4.2.2.12 Conversion Dwellings constructed on or before March 1, 1945

A single-family dwelling in existence on March 1, 1945 may be converted to ~~accommodate no more than two families,~~ **a two-family dwelling provided that such conversion does not involve addition of more than 600 square feet gross floor area. If addition of more than 600 square feet gross floor area is proposed, the proposal shall meet the same criteria as for Dwellings constructed after March 1, 1945 as set out in subsection 4.2.2.3. provided that:**

- (a) ~~Each dwelling unit shall have a minimum gross floor area of 800 square feet;~~
- (b) ~~No exterior changes are made, which, in the judgment of the Board, do not conform to the single family character of the neighborhood.~~

4.2.2.2 Lot existing on January 1, 1992

~~A two family dwelling may be built on a lot in existence on January 1, 1992, provided such lot was not held in common ownership with any adjoining land and has one and one-half times the minimum lot area for the Zoning District and provided the following conditions are met:~~

- ~~(a) The two family dwelling shall be new construction, it cannot be conversion of an existing building.~~
- ~~(b) Two off-street parking spaces shall be provided for each dwelling unit.~~
- ~~(c) 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.~~
- ~~(d) Parking spaces shall be located so that both dwelling units 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.~~
- ~~(e) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence or combination thereof 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.~~
- ~~(f) Only one exterior entrance shall be located on the front façade of the dwelling.~~

4.2.2.3 Dwellings constructed after March 1, 1945

A single-family dwelling built after March 1, 1945 may be converted to a two-family dwelling, or a two-family dwelling may be built on a vacant lot, or a two-family dwelling

may be newly constructed upon demolition of an existing one- or two-family dwelling, provided that:

- a) the lot and proposed dwelling are fully conforming to the dimensional criteria of the Bylaw;
- b) the two-family structure (new or converted) is subject to a maximum Floor Area Ratio (FAR) of 0.15 (15%)
- c) the two-family structure (new or converted) is subject to a maximum lot coverage of 0.10 (10%)

4.2.2.4 Two-Family Dwellings on nonconforming lots

Construction of a new two-family dwelling on a nonconforming lot shall require a special permit from the Zoning Board of Appeals. In making any findings required under section 7.1 Nonconforming Uses for the grant of a special permit for the replacement of an existing two-family dwelling or construction of a new two-family dwelling on an existing undersized lot, the Zoning Board of Appeals shall give consideration to applying the development standards in Section 4.2.2.1 and an overall size limit of 0.15 floor area ratio or 3,000 square feet, whichever is greater.

TABLE 1: USE REGULATIONS	R	A	B	C	D	LB	C	IA	IB	IC	Site Plan
PRINCIPAL USES											
4.2 RESIDENTIAL USES											
4.2.1 Single Fam. Dwelling	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	NR
4.2.2.1 Two Family Dwelling (Conv)	SP	SP	SP	SP	SP	SP	No	No	No	No	NR
4.2.2.2 Two Family Dwelling (New)	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	NR
4.2.2 Two Family Dwelling	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	NR

This article is based on a recommended strategy from the 2019 Bedford Housing Study, to “ease zoning restrictions for two-family dwellings”. Current zoning allows for single family dwellings constructed prior to 1945 to be converted into two-family dwellings, and for construction of new two-family dwellings where a vacant lot existing since 1992 has one-and-a-half times the minimum lot area.

This proposal offers the potential for two-family dwellings to be created as an alternative to single family dwellings, subject to certain parameters to ensure that a two-family dwelling is consistent in size and scale with the comparable single-family dwelling that might otherwise be built. In other cases, this may

help preserve existing residential structures by allowing them to be altered into two dwelling units and thereby providing a potential source of revenue for the property owner.

The real estate market is otherwise creating very large single-family dwellings, that cater to the top 5% of income earners. New single-family dwellings in Bedford are now 6,000 square feet with 5 or 6 bedrooms, while the average household size is now only 2.51 persons. Very little housing is being created for this typical household situation. The strategy behind this article is intended to help households with average income afford an average housing unit.

Housing options for residential lots would still allow single family dwellings under the same criteria that currently exist, and single-family dwellings with accessory dwelling units up to 900 square feet under the same criteria that currently exist, or two-family dwellings subject to size limitations relative to lot size under these new criteria.

Several communities across Massachusetts have similarly broadened the opportunity to create two-family dwellings as an alternative to “mansionization”, including small towns, large suburbs and cities, and none have seen substantial growth activity as a result of such zoning change.

Town Counsel consulted with the MA Department of Housing and Community Development about the quantum of vote required in consideration of the Housing Choice legislation that was enacted in 2021, and the conclusion is that this proposed Zoning Bylaw amendment requires a two-thirds majority for passage.