

TOWN OF BEDFORD

The Town of Bedford has adopted the County model zoning ordinance for affordable housing, with a higher mandate for multifamily housing developments of 20 percent for FAH housing (instead of the 10 percent minimum specified by the County and applicable to single-family housing development in the Town). Multifamily and two-family housing are allowed in the majority of the Town's zoning districts; however, most of the area in which such housing is allowed is fully built out, so there are few areas where multifamily development is actually feasible. Accessory housing units are also allowed, although not as-of-right. The Town has met roughly one-quarter of the roughly 400 affordable housing unit goal set by the County in its unadopted plan. This shows meaningful progress, but still leaves in question how to build the additional 300 units called for (which translates into 1,500 units in connection with 80/20 mixed-income housing, as called for in the Town's ordinance). Available undeveloped sites for as-of-right multifamily housing can yield only approximately 50 multifamily units; more importantly, these sites are not in districts where the Settlement calls for integration, i.e., these areas are already integrated. Elsewhere, affordable housing (other than in connection with single-family housing) is subject to special permit provisions. Also, affordable housing development – whether on undeveloped or developed sites – will remain problematic unless significant financial incentives are provided.

Model Zoning and County Benchmark

- The Town has adopted the County's model affordable housing zoning regulations, with a higher mandate of 20 percent for FAH housing in multifamily developments (instead of the 10 percent minimum specified by the County, which applies to single-family development in the Town).
- The unadopted Affordable Housing Allocation Plan produced in 2005 by the County's planning department called for close to 400 affordable housing units in Bedford, of which close to 100 have been built in the interim, yielding a net benchmark of approximately 300 units.

Zoning Ordinance

- Multifamily housing is permitted as-of-right in 12 out of 18 total districts, representing most of the Town.
- Multifamily housing is allowed as-of-right in three of eight commercial districts (NB, CB and RB), and there are no restrictions on residences above stores.
- Multifamily and townhouse dwellings are allowed in six low-density zones (R-4A, R-2A, R-1A, R-1/2A, R-1/4A and TF) if approved as a conservation subdivision.
- Multifamily development is allowed as-of-right in three districts that are specifically designated for diverse housing types: the Residence Village Apartment (VA), Residence Multifamily (MF), and Diversified Housing (DH) districts.
- Two-family dwellings are allowed as-of-right in all of the districts mentioned above.
- Multifamily and two-family housing are also permitted by special permit in the Planned Business Office (Katonah) district and elsewhere by conversion in

residences existing prior to September 1, 1985, on lots of less than 20,000 square feet (approximately one-half acre zoning).

- Accessory apartments are permitted by special permit in nine districts.

Restrictive Practices

- Townhouse and multifamily "conservation subdivisions" apply to empty lots within the indicated zones that have a minimum contiguous area of the greater of either ten acres or five times the minimum lot size of the zoning district in which they are located. While the conservation subdivision may contain a mix of building types, the dimensional requirements must be the same as the overarching residential district. No more than four dwelling units may be built per acre (approximately one-quarter acre zoning). This also means that no development achieving full build-out under the zoning can be smaller than 40 units.
- Two-family dwellings are subject to the same restrictions, except in three districts (TF, MF and VA) where they are permitted as-of-right.
- Accessory units may only be in existing homes, not in accessory buildings. The accessory apartment shall contain at least 400 square feet but not more than 800 square feet of gross floor area and shall not exceed 25 percent of the total floor area of the principal residence structure. There can be no more than one accessory apartment per lot and no more than five residents per lot.

Incentives and Mandates

- At least 20 percent of any multifamily development in any multifamily residential zoning district must be FAH units.
- The Town also requires that within all residential developments of five or more units in single-family districts, at least 10 percent of all units must be FAH units. Fee-in-lieu payments may be required for developments of less than five units.
- In a development where at least 20 percent of residential units are affordable, the Planning Board may waive or reduce fees, provide local assistance or actively assist in procuring federal, state or other agency support for affordable housing.
- Likewise in these mixed-income developments, the Town allows a reduction of dimensional requirements of not more than 25 percent, and shared parking to reduce infrastructure costs.

Zoning Map, Development Pattern and Development Potential

- Except for the CB and VA districts, all of the mapped zoning districts that permit multifamily housing are fully built out, without available development sites.
- There are only three buildable acres of undeveloped land zoned for as-of-right multifamily development, spread out among 11 sites, at an average of roughly 0.5 acres each, of which an average of less than 0.3 acres is assumed to be developable.
- One of the districts allowing multifamily housing – the MF Residence Multifamily – does not appear on the map. The MF district requires minimum lot sizes of two acres.
- The two mapped zones where multifamily housing is allowed as-of-right and sites are available already have a much greater proportion of minority residents than

the Town as a whole, at 24 percent in the CB district and 22 percent in the VA district compared with less than 3 percent Townwide, as of 2000.

- Two-family housing is allowed as-of-right in most of the Town, but only 0.7 percent of the Town's residential area is occupied by two-family housing.
- At a value of roughly \$150,000 per apartment or condo unit, and an average cost of \$375,000 per unit for multifamily and condo development in the County, multifamily development in general (inclusive of redevelopment) is problematic without significant financial subsidies.

Master Plan

- The Town's master plan of 2002 seeks to concentrate moderate- and high-density developments around existing Village centers, but recognizes that little unbuilt land remains. The Town also recognizes that many families who desire affordable housing have cars, and so affordable housing need not be limited to sites within walking distance of public transportation.
- The master plan recommends maintaining the Town's balance of 75 percent single-family and 25 percent two-family and multifamily homes. Townhouse and garden apartment-type units are recommended to meet affordable housing needs, though the Town will also consider the creation of moderate-cost single-family homes.

Implications

- The current zoning regime falls short of providing the opportunity to develop the 300 additional affordable units needed to meet the County's Affordable Housing Allocation plan benchmark, let alone 1,500 units should development proceed along the lines of the 80/20 mixed-income housing format (80 percent market-rate / 20 percent affordable) adopted by the Town.
- Affordable multifamily housing production will remain rare without creative solutions and substantial subsidies, such as those available from the County under the Settlement.
- In terms of creative solutions, the lower density options, such as quadrplexes, might be promising, as 99 percent of the Town's residential area is zoned for single-family housing on four-acre or larger lots. Accessory housing options, which are currently allowed by special permit but not as-of-right and are limited to locations within the existing residential building, also take advantage of the embedded investment in property, e.g., an individual property owner adding a unit to their house or detached garage, with no added cost for site preparation, site acquisition, etc.
- Even with additional Village actions, FAH housing will remain problematic without assistance from the County, in the form of financial subsidies and marketing assistance (such as the maintenance of a Countywide registry of FAH units).

BEDFORD FACT SHEET

a. Total acreage of the Town	25,444 acres	100%
b. Total acreage in zoning districts where multifamily housing is permitted as-of-right	221 acres	0.9%
c. Undeveloped area in these zoning districts	4.9 acres	0.02%
CB – Central Business	2.9 acres	
VA – Village Apartment	2.0 acres	
d. Undeveloped area not subject to wetlands, floodplain and steep slopes	3.3 acres	0.01%
CB – Central Business	2.7 acres	
VA – Village Apartment	0.6 acres	
e. Order of magnitude area available for development*	2.7 acres	0.01%
CB – Central Business	2.2 acres	
VA – Village Apartment	0.5 acres	
f. Number of sites available for development	11 sites	
g. Average size of sites	0.3 acres	
h. Theoretical number of multifamily units that can be developed as-of-right	45 units	
CB – Central Business	41 units	
VA – Village Apartment	4 units	
i. Average selling price for multifamily (condo) units	\$150,000**	
j. Order of magnitude value for land, per condo unit	\$30,000	
k. Order of magnitude total cost of development, per condo unit	\$375,000	
l. Percent minority population (.03% Black, 2.3% Hispanic)	3%	
m. Percent minority population in the zoning districts permitting multifamily housing as-of-right and containing available development sites		
CB – Central Business (8% Black, 15% Hispanic)		24%
VA – Village Apartment (8% Black, 14% Hispanic)		22%
n. Number of units needed to meet the 2000-2015 Allocation Plan benchmark	301 units	
2015 Allocation	396 units	
Number of units created since 2000	95 units	

* After applying a factor of 80 percent to account for irregular site configuration, setbacks, building form restrictions, and the like.

** Regional value employed where data was not provided for the municipality, employing the County's definition of North, Central and South for what is meant as region. Weighted averages were calculated using available data for each region.