

By the Planning Board. To see if the Town will vote to amend the Dedham Zoning By-Laws to establish a Multi-Family Housing Overlay District near Dedham Corporate Center MBTA Station in compliance with the Commonwealth's Multi-Family Housing Requirement for MBTA Communities (M.G.L. Chapter 40A, Section 3A), as follows:

1. Add a new overlay district to Section 2.1.2, as follows:

(8) Multi-Family Housing Overlay District (MFHOD) superimposed over the other zoning districts or part thereof so that the provisions of this By-Law pertaining to such underlying districts remain in effect, except where the MFHOD regulations impose different or additional, greater or more restrictive requirements.

2. Add a new Section 14, as follows:

Article XIV Multi-Family Housing Overlay District (MFHOD)

§ 280-14.1 Purpose.

The Multi-Family Housing Overlay District (MFHOD) is established to allow for and encourage the development of multi-family housing by right, and to comply with the requirements for MBTA Communities as set forth in G.L. c.40A, §3A. The requirements set forth herein shall be applied so as to encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses and minimize impacts to sensitive land. To the extent possible, multi-family housing shall allow for safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

§ 280-14.2 MFHOD Boundaries; Sub-Districts.

The boundaries of the MFHOD are depicted on the Zoning Map on file with the Town Clerk. The MFHOD is further divided into two subdistricts: MFHOD-1 and MFHOD-2, as depicted on the Zoning Map and described herein.

§ 280-14.3 Applicability.

The provisions of the Multi-Family Housing Overlay District (MFHOD) shall apply to all land within the MFHOD, and shall apply uniformly to subdistricts MFHOD-1 and MFHOD-2 except as expressly distinguished in this Article. Any matter not addressed herein shall be governed by the provisions of the Zoning Bylaw applicable to underlying zoning districts. In the event of any inconsistency between the provisions of the MFHOD and any other provisions of the Zoning Bylaw, the provisions of the MFHOD shall govern. The provisions of this Zoning Bylaw pertaining to those zoning districts underlying this overlay district shall remain in effect.

§ 280-14.4 Definitions.

The definitions set forth herein shall apply solely within the MFHOD, and shall control in any instance where they may be inconsistent or conflict with other definitions in the Zoning Bylaw.

Multi-Family Housing Overlay District (MFHOD) Affordable Unit

A multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on DHCD's Subsidized Housing Inventory.

Multi-Family Housing

Shall have the meaning set forth in G.L. c.40A, §1A, as it may be amended. As presently defined, "Multi-family housing" means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

Residential Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

§ 280-14.5 Use regulation.

A. Allowed Use. Land within the MFHOD may be used for either:

- 1) Multi-Family Housing, as of right, subject to the requirements set forth herein and such further requirements of the underlying zoning district that are not inconsistent with the requirements of this MFHOD; or
- 2) A use allowed in the underlying district by right or by special permit, to which the requirements of the underlying district shall apply.

Multi-Family Housing in the MFHOD shall be not subject to the requirements for a Planned Residential Development, Planned Commercial Development, or a Major Nonresidential Development of this Zoning Bylaw.

B. Site Plan Review. Site plan review shall apply to all uses in the MFHOD in accordance with § **280-9.5** Site Plan Review of the Dedham Zoning Bylaw. Where site plan review applies to Multi-Family Housing use in the MFHOD, the following further requirements shall apply in addition to those in § **280-9.5**.

- 1) The Planning Board may enlist a peer review architect during the site plan review process to ensure the building design of a MFHOD project is compatible with existing community characteristics and representative of building design best practices.

§ 280-14.6 Dimensional requirements.

The following dimensional requirements shall govern Multi-Family Housing within the MFHOD. These requirements shall supersede any contrary or inconsistent requirements in the Zoning Bylaw including, but not limited to, the requirements set forth in Article IV. The requirements of § 280-4.4 and § 280-4.7 shall not apply to Multi-Family Housing in the MFHOD.

Table 11 - Multi-Family Housing Dimensional Requirements

Minimum Lot Area	MFHOD-1: 43,560 sq. ft. MFHOD-2: 43,560 sq. ft.
Minimum Lot Frontage	MFHOD-1: 150 ft. MFHOD-2: 150 ft.
Minimum Lot Width	MFHOD-1: 105 ft. MFHOD-2: 105 ft.
Maximum Lot Coverage	MFHOD-1: 50% MFHOD-2: 80%
Maximum Floor Area Ratio	MFHOD-1: .4 MFHOD-2: 1.0
Minimum Front, Side, and Rear Yard Requirements	MFHOD-1: 30 ft., 15 ft., 25 ft. MFHOD-2: 30 ft., 15 ft., 25 ft.
Maximum Height	MFHOD-1: 45 ft. MFHOD-2: 45 ft.
Space Between Buildings	MFHOD-1: 15 ft. MFHOD-2: 15 ft.

§ 280-14.7 Off-Street Parking Requirements. Within the MFHOD, Multi-Family Housing shall provide one off-street (1) parking space per dwelling unit.

§ 280-14.8 Parking & Loading Requirements. Within the MFHOD, Multi-Family Housing shall reasonably comply with the Parking & Loading Requirements of **§ 280-4.1** of the Zoning Bylaw.

§ 280-14.9. Landscaping and Screening Requirements. Within the MFHOD, Multi-Family Housing shall reasonably comply with the Landscaping and Screening Requirements of **§ 280-5.2** of the Zoning Bylaw.

§ 280-14.11 Multi-Family Housing Overlay District (MFHOD) Inclusionary Housing. Within the MFHOD, Multi-Family Housing shall be subject to the following definitions, requirements, and preferences.

A. Definitions. The following definitions shall apply in this **§ 280-14.11:**

MULTI-FAMILY HOUSING OVERLAY DISTRICT (MFHOD)

AFFORDABLE HOUSING

Shall mean housing affordable to moderate income households, as defined below.

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS MODERATE INCOME or MODERATE-INCOME HOUSEHOLDS

Shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development not earning more than 80% of the AMI, adjusted for household size.

MULTI-FAMILY HOUSING OVERLAY DISTRICT (MFHOD) PROJECT

A Multi-Family Housing Project developed under § 280-14.

B. Requirements. The following requirements shall apply in this **§ 280-14.11**:

- 1) All MFHOD Projects shall provide 10% of their units as Affordable Units for Affordable Housing.
- 2) The Affordable Units shall be constructed on the same site as market rate units and indistinguishably interspersed throughout the MFHOD Project. The Affordable Units shall be equal in quality, materials and character to the base level market rate units in a development.
- 3) In determining the number of moderate-income units to be provided, a fractional share of 0.4 or more shall be regarded as a whole unit and a fractional share of 0.3 or less shall require no contribution to satisfy the fractional share.

C. Preference.

- 1) The Affordable Units may be Local Action Units developed in compliance with and approved pursuant to the requirements for the same as specified by Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. The developer shall assist the Town in the preparation of any forms required.
- 2) To the extent permitted by applicable law, and after approval by DHCD, otherwise qualified Dedham residents shall have a first opportunity and preference for the affordable dwelling units in an Inclusionary Project. For purposes of this requirement, "Dedham residents" shall be defined as a current Town of Dedham resident (as established through certification by the Dedham Town Clerk based on census, voting registration, or other acceptable evidence), or a current employee of the Town of Dedham or business establishment located in Dedham, or households with children attending the Dedham Public Schools.

§ 280-14.12 Modification of dimensional, landscaping and parking requirements.

Where soil conditions, lot shape, topography, architectural or structural conditions make literal compliance with the dimensional, landscaping and/or parking of this Zoning Bylaw

as they concern Multi-Family Housing in the MFHOD impracticable or infeasible, the Planning Board may approve a site plan showing alternative means of complying with the objectives of the Zoning Bylaw, and may allow the use of alternative land-scaping, buffers, or parking, provided it determines that such alternatives to be in the public interest and not inconsistent with the intent and purpose of the Zoning Bylaw. For any modification, the Planning Board shall make detailed written findings of:

- A.** Specific conditions that render literal compliance with the terms of this Bylaw impracticable or infeasible.
- B.** The specific alternative means of complying with the terms of this Bylaw.
- C.** An analysis of the manner in which the modification is in the public interest and not inconsistent with the intent and purposes of this Bylaw.