

Article #PB 04 – CONVERSION OF SINGLE-FAMILY TO TWO-FAMILY DWELLINGS

Article #PB 04: To see if Town Meeting will vote to amend **Section 5 USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**; and **Section 7, SUPPLEMENTAL DISTRICT REGULATIONS**, Subpart (F) **Conversion of Single-Family to Two-Family Dwelling** of the Zoning Bylaw to eliminate the use “Conversion of Single-Family to Two-Family Dwelling and to revise the regulations regarding such use as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

The proposed changes are as follows:

1. In **Section 5, USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, in regard to the “Residential Uses” classification,
 - a. Delete the “Conversion of Single-Family to Two-Family Dwellings”
 - b. Delete the phrase “(new)” following “Two-Family Dwellings”
2. In **Section 7 SUPPLEMENTAL DISTRICT REGULATIONS**, Subpart (F) **Conversion of Single-Family to Two-Family Dwelling**, delete the existing four paragraphs of text and replace said provisions with the following:

In conformance with the provisions of Section 9, an existing structure may be converted from a Single-Family Dwelling to a Two-Family Dwelling in any district in which a Two-Family Dwelling is a permitted use subject to the provisions applicable to a Two-Family Dwelling in that zoning district. As to zoning requirements, the Conversion of a Single-Family Dwelling to a Two-Family Dwelling shall conform to the requirements, reviews, and permitting applicable to a Two-Family Dwelling in the applicable zoning district.

Where a Two-Family Dwelling is permitted only by Special Permit, the power to approve such permit for conversion to a two-family dwelling shall be within the sole discretion of the special permit granting authority, and no such permit shall be approved unless the special permit granting authority determines that it is clear that the use requested conforms to the Special Permit Standards set forth in Section 9(C) of the Zoning Bylaw including that it is in harmony with the general purposes and intent of the By-Law. Each case shall be considered on its own merits and no case shall raise a presumption in favor of any other case.

EXISTING PROVISIONS

Section 5, Subpart (E) Use Regulations Schedule

Conversion of Single-Family Dwelling to Two-Family Dwelling is:

- Prohibited in the Residence A-1, C, Business A-1, Business C, Industrial A, Industrial B, and Industrial Garden District zoning districts
- Permitted by Special Permit Only in the Residence A-2 and Agricultural zoning districts
- Permitted by Right in the Residence B, Business A, and Business B zoning districts

Two-Family Dwellings (new) are:

- Prohibited in the Agricultural, Business A-1, Business C, Industrial A, Industrial B, and Industrial Garden District zoning districts
- Permitted by Special Permit Only in the Residence A-1, Residence A-2, Business A, and Business B zoning districts
- Permitted by Right in the Residence B zoning district

Section 7, Subpart (F) Conversion of Single-Family to Two-Family Dwelling

In conformance with the provisions of Section 9, and subject to the additional requirements described herein, the special permit granting authority may approve a special permit allowing for a single-family dwelling or other suitable structure to be altered and improved and facilities added for a second housekeeping unit on a lot, in such Districts where permitted under the Use Regulations Schedule, Section 5, Part (E).

In all such cases, the petitioner, as part of the Application for such permit, shall present adequate plans setting forth the changes and improvements to be made, and shall have secured the written consent and approval of at least (3) of the following owners:

The owner of the lot on either side of the petitioner's property; the owner of the lot adjacent in the rear of the petitioner's property; and the owner of the lot directly across the street therefrom. Where the petitioner is the owner of a lot on either side, in the rear or across from the property for which such a special permit is requested, and approval shall be secured from the owner of the property adjacent in the rear of the petitioner's property, the owner of the lot which abuts the greater length on the petitioner's property shall be deemed "owner of the lot adjacent in the rear of the petitioner's property" as used in the second clause of the first sentence of this paragraph.

In the case of an application for a special permit involving a dwelling situated on a corner lot or so located that the above enumerated is unreasonable or impossible, the special permit granting authority may approve such permit, provided that the consents of the property owners are obtained substantially in accordance with the principles herein set forth, as may be determined by said authority. The power to approve such permit for

conversion to a two-family dwelling shall be within the sole discretion of the special permit granting authority, and no such permit shall be approved unless it shall be clear that the use requested is for the best interests of the vicinity and in harmony with the general purposes and intent of the By-Law. Each case shall be considered on its own merits and no case shall raise a presumption in favor of any other case.

PUBLIC HEARING DRAFT