

# ★ planning advisory service

AMERICAN SOCIETY OF PLANNING OFFICIALS  
1313 EAST 60th STREET — CHICAGO 37, ILLINOIS

Information Report No. 5

August 1949.

## CONVERSIONS OF LARGE SINGLE-FAMILY DWELLINGS TO MULTIPLE-FAMILY DWELLINGS\*

There have been two major pressures for the conversion of large single-family dwellings into multiple-family use: one, periodic housing shortages; and two, the difficulties of present-day small families in maintaining such structures as single-family residences. Most cities have some large single-family residences that were built in once fashionable districts to house the wealthy families of the community. With the advent of the automobile, and with the increased congestion of the city, the wealthier families living in these districts often moved to the suburbs, leaving behind them units too expensive for most other families, who could not afford the servants or even the fuel needed to maintain these units. During the past fifty years, the number of families in this country has increased greatly, but the average family size has decreased; therefore, smaller, as well as more dwelling units have been required.

Rather than keep the vacated large single-family houses empty and permit them to become tax delinquent, the argument has been advanced that these houses should be converted to provide two, three or more apartments, with separate cooking, bathing and other living facilities.

Whether additional units can be obtained from such conversion with adequate protection from fire, with adequate light and ventilation, and safe and sanitary facilities for cooking and bathing, is not primarily a zoning decision, but a matter of health and housing standards and regulations. The question of the effect of such conversions upon the surrounding area, however, is one that must be answered by zoning and planning. The effect of the increased density of population on existing facilities such as playgrounds, schools, shopping, parking, transit, streets and highways, water supply and sewage disposal, must be examined. Such community facilities may be adequate for the existing population, but increasing and altering the composition of the population may overstrain these facilities. Another major consideration is the retention of the appearance and attractiveness of the single-family residence area. This is a consideration often given much weight, but one which by itself usually can not be a basis for zoning.

Should it be determined that community facilities will be able to carry the burden of additional population, the method of permitting such conversions must then be decided.

One method is that of specifying exceptions in the zoning ordinance which permit the board of appeals to authorize conversion of units if certain specified minimum standards are met.

A second method is to reclassify such single-family districts as multiple-unit residential districts. Low densities might be maintained by regulating the minimum square feet of lot and floor area per family, and thus preventing over-

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crowding.

A third method is that of creating a conversion district, wherein certain areas within single-family residence districts, particularly those most suited for additional population, can be re-classified to permit conversions. If there is need for further conversions at a later time, additional areas may be later also classified as conversion districts. In such fashion there will not be a rapid glutting of the municipality with multiple-family residence areas. Also, a small control area will permit errors to be corrected in the subsequent conversion areas, and will permit a gradual transition, if such is desired, from one type of area to the next, without endangering the facilities or character of single-family residence districts. This type of conversion district might desirably be an area contiguous to an existing multiple-family residence district.

It has generally been assumed that wholesale reclassification of single-family residence districts to more intensive uses is poor zoning practice. Sufficient single-family residence districts may not have been maintained by many existing zoning ordinances, regardless of provisions for conversion. For example, in Worcester, Massachusetts, only 4.4 percent of the municipal area is zoned for one-family residences. If the method chosen to permit conversions is that of reclassifying all areas in which large single-family dwellings are located, such reclassification might virtually mean the abolition of the single-family residence districts. Also, the area might not be suitable for new apartment house construction which might result from reclassification to more intensive use.

During periods of extreme housing shortage, as during the recent war and in this postwar period, pressure increases to relax zoning regulations, particularly those regarding conversions. In the last war a special program, The Homes Utilization Program, was established by the Federal government to secure conversions of homes in localities where there was an influx of war workers. The pressure has not yet subsided. In Madison, Wisconsin, the City Council requested the Housing Authority to conduct a survey of possible conversion units. The Housing Authority found in January 1949, that there were only 28 houses, of 1,130 examined, that it could recommend as being suitable for conversion into multiple family units -- and of these 28 houses, the majority were suited only for the provision of one additional unit. On the other hand, in Chicago, thousands of illegal conversions of dwelling units were reported to have taken place in the postwar period.

Extracts from zoning ordinances providing for conversions by the methods mentioned above are included in this report as examples of the ways in which communities have attempted to meet the conversion problem, and not necessarily as the best means of meeting such problems. These extracts pertain only to the provision of additional units and not to permission for keeping roomers or boarders. The following regulations are ranged roughly from the more recent and more restrictive types to the older and less restrictive types.

### Conversion Districts

Montclair, New Jersey, has detailed provisions governing the conversion of dwellings in various districts, and is now seeking to amend certain of these provisions. The Montclair ordinance provisions and proposed amendments are reported fully here because they may indicate a trend in increasing specificity in such regulations, and because a special conversion zone is established.

The zoning ordinance with amendments and supplements to and including July 18, 1944, includes these sections:

In all R-1C Zones (One-Family Conversion Zones):

"An existing dwelling of a class hereinafter defined, may be converted into dwelling units for the use of two or more families subject to the conditions hereinafter stated. The class of dwellings which may be so converted shall be limited to (i) Any dwelling which shall have been erected more than twenty (20) years before such proposed conversion, and (ii) Any dwelling although not having been erected more than twenty (20) years before such conversion, which shall be one the Board of Adjustment, after a hearing, finds to be in such a state of disrepair, obsolescence or dilapidation as to be, in its existing state, dangerous or injurious to health, safety, general welfare or the conservation of the value of property in its neighborhood. The dwellings hereinbefore mentioned may be so converted only subject to the following conditions, unless the Board of Adjustment, after a hearing, finds that the general purpose and intent of this ordinance, (as set forth in subdivision (b) of Section 3,) will be promoted by permitting an exception thereto and authorizes the same:

"(1) The principal building or buildings on a lot on which a dwelling is so converted shall not occupy more than one-fourth (1/4) of the ground area of such lot.

"(2) A dwelling to be converted for the use of three (3) or more families shall have a lot area of not less than ten thousand (10,000) square feet for the first three (3) family units to be accommodated therein and an additional two thousand (2,000) square feet for each additional family unit.

"(3) Any addition to an existing building shall come within the front, side and rear yard requirements for R-1 Zones. No additions shall be made as a result of which the principal building or buildings shall occupy more than one-fourth (1/4) of the ground area of the lot on which such building or buildings are located.

"(4) Fire escapes and outside stairways leading to a second or higher floor shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.

"(5) No dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.

"(6) After the conversion the dwelling shall retain substantially the appearance of a one-family dwelling.

"(7) Garage or off-street parking facilities shall be provided sufficient to provide storage or parking for a number of vehicles equal to not less than two-thirds (2/3).

the number of family dwelling units."

In all R-2 Zones (Two-Family Zones).

"An existing one or two-family dwelling of a class hereinafter determined may be converted into dwelling units for the use of three or more families, subject to the conditions hereinafter stated." (The remainder of the paragraph is identical with the remainder of the first paragraph applicable to R-1C Zones.)

(1) (identical with (2) in R-1C Zone)

(2) "Any addition shall come within the front and rear yard requirements for R-2 Zones, and the lot on which any such dwelling is located shall provide two (2) side yards, neither of which shall be less than four feet (4') wide, and the aggregate width of which shall not be less than fourteen feet (14')."

(3) (identical with (5) in R-1C Zone provisions)

(4) (identical with (4) of R-1C Zone provisions)

(5) "If a dwelling be converted for use of three or more families, garage or off-street parking facilities shall be provided sufficient to provide storage or parking for a number of vehicles equal to not less than two-thirds (2/3) the number of family dwelling units."

In all R-3 Zones (Garden Group Zones), and applicable also to R-5 Zones (Apartment Zones):

"Subject to the provisions of sub-division (e) of this Section, existing one or two-family dwellings may be converted into dwelling units for two-family or multi-family use only if they conform to the following conditions, unless the Board of Adjustment after a hearing finds that the general purpose and intent of this Ordinance will be promoted by permitting an exception thereto and authorizes the same:"

(1) (identical with (1) in R-1C Zone provisions)

(2) (identical with (3) in R-1C Zone provisions)

(3) (identical with (4) in R-1C Zone provisions)

(4) (identical with (5) in R-1C Zone provisions)

Sub-division (e) states: "No new two-family or multi-family dwellings shall be erected in an R-3 Zone, nor any existing building therein altered for or used as a two-family or multi-family dwelling, unless garage or off-street parking facilities be provided on the lot on which erected sufficient to provide storage or parking for a number of vehicles equal to not less than two-thirds (2/3) the number of family dwelling units on such lot."

In addition, there is a provision that the Planning Board, "to encourage the construction of new, and the repair and restoration of existing dwellings as herein-after mentioned, and to promote the harmonious development of the Town," shall review all applications for building permits for the conversion of a building for a greater number of dwelling units in any residence zone where conversion is permitted.

In the March 30, 1949 Report of the Zoning Committee, it was proposed to amend these sections quoted above.

It is proposed that in the regulations governing R-3 Zones, and also applicable for R-5 Zones, the material in the first paragraph of R-1C Zone regulations be added, and also regulation (1) of the R-1C Zone.

Also, (2) would be changed to:

"A dwelling may be converted for the use of two families. A dwelling may be converted for the use of three families if the aggregate floor area of the three dwelling units is sufficient to provide not less than an average of eight hundred (800) square feet for each family. A dwelling may be converted for the use of more than three families if, after a hearing, the Board of Adjustment authorizes the same. It is the purpose of this ordinance to discourage the conversion of existing dwellings, originally designed for occupancy by three families or less, to occupancy by more than three families, where such conversion is likely to lead to overcrowding of families, to lack of privacy within any family dwelling unit in the converted dwelling, to unsafe or unsanitary living conditions for any family unit in the converted dwelling. The Board of Adjustment is therefore authorized in any application to convert an existing dwelling in an R-3 Zone for occupancy by more than three families, to refuse the same unless (i) the building area of the dwelling is more than one thousand two hundred and fifty (1,250) square feet and the area of the lot upon which it is erected exceeds fifteen thousand (15,000) square feet within one hundred and fifty (150) feet of the front street line, (ii) the lot upon which said dwelling is erected is not less than four thousand (4,000) square feet for each family for whose use such dwelling is converted, (iii) the floor area of such dwelling is sufficient to provide not less than an average of eight hundred (800) square feet for each such family."

It is proposed that (3) be identical with (3) of the R-1C Zone regulations.

Also, it is proposed that (4) read:

"All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building."

And sub-division (e) would become (g) and would read:

"No new two-family or multi-family dwelling shall be erected in an R-3 Zone, nor any existing building therein altered for or used as a two-family or multi-family dwelling, unless garage or off-street parking facilities be provided on the lot on which erected sufficient to provide storage or parking for a number of vehicles equal to not less than three-fourths (3/4) the number of family dwelling units on such lot. Additional off-street parking to serve apartment areas may be provided as a permitted land use subject to approval by the Board of Adjustment as to location, design and reasonable provision as to maintenance."

#### Multi-Method Regulations of Conversions

In Cleveland, Ohio, as governed by the ordinance of 1943, in "B" districts, the remodeling of houses for more than two families but not more than six families is permitted, provided:

- "1. The required lot area per family on the land actually to be used as accessory to the house is maintained.
- "2. The suites created are not smaller than two rooms and a bath.
- "3. There be no exterior evidence of change in the building to indicate the extra families, except as may be required by the building code.
- "4. Garage or surfaced and drained parking space at the rate of at least one car for each family is provided upon the premises."

The Bedford, Indiana, Zoning Ordinance of 1946 states:

"Unless and except as specifically prohibited in any A-4 area district, one single family residence may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded sub-division that was on record in the office of the County Recorder at the time of the passage of this ordinance, and any residential structure existing at the time of this ordinance may be used to accommodate a total of not more than four families, if in any remodeling that is done in adapting such structure to such use its floor area is not increased more than 25% outside present exterior building walls and any addition to it does not encroach upon the front, side or rear yard minimum clear spaces provided by this ordinance for similar structures similarly located. As respects the... conversion of structures which do not come within the provisions of the preceding sentence the following area limitations shall apply:

"(a) In a Class A-1 district no single family dwelling shall be located on a lot having less than 6,000 square feet of lot area, nor any two family dwelling located on any lot having less than 8,000 square feet of area, nor any three or four family apartment house located on any lot having less than 10,000 square feet of lot area.

"(b) In a Class A-2 district no single family dwelling shall be located on a lot having less than 5,000 square feet of lot area, nor any two family dwelling located on any lot having less than 7,000 square feet of lot area, nor any three or four family apartment house located on any lot having less than 9,000 square feet of lot area.

"(c) In a Class A-3 district no single family dwelling shall be located on a lot having less than 4,000 square feet of lot area, nor any two family dwelling located on any lot having less than 6,000 square feet of lot area, nor any three or four family apartment on any lot having less than 8,000 square feet of lot area."

Amendments to the Building Zone Regulations and Building Zone Map, adopted by the Town Plan Commission of Greenwich, Connecticut, and effective September 30, 1947, specify the different types of single family residence zones. In the R-6 Zones, the seventh type, in addition to single family dwellings, conversions to two family dwellings are permitted. Also, when authorized by the Board of Zoning Appeals, "the conversion of existing dwellings into dwelling units for not more than four families provided that the requirements of the schedule in Article 3 for R-6 Zones are observed" is permitted.

Two-family conversions, according to the schedule in Article 3, may take place in buildings with a maximum height of  $2\frac{1}{2}$  stories, or 35 ft., must have a minimum lot size of 7,500 sq. ft., with a 60 ft. frontage, must have a maximum building area of 30 percent; the minimum front yard must be 25 ft. in depth, the minimum side yard 5 ft. in width, and the minimum rear yard 25 ft. in depth. Conversions to four families require 2,500 sq. ft. per family for the minimum lot size, and require that the sum of both side yards be not less than 15 ft. in width.

The following provisions regulating garage and parking space would also seem to apply to converted dwellings:

"On lots used in whole or in part for multi-family residence, indoor garages shall be provided for parking or storage of not less than two motor vehicles for every three dwelling units on the lot, and shall be constructed and located within the principal building, or beneath or on the rear yards or in a separate building. In any case the plan shall be subject to the approval of the building inspector and provide for safe and convenient exits and entrances and the complete disposal of carbonmonoxide fumes. Outdoor parking space shall be provided to accommodate at least one motor vehicle for every three dwelling units on the lot. If in the opinion of the building inspector the condition of the lot or the design of the building makes the interior garage provisions above specified impracticable, garage accommodations may be provided for one car for every two dwelling units on the lot and in addition outdoor parking accommodations shall be provided for one car for every two dwelling units."

The Hartford, Connecticut, 1945 ordinance states that the Board of Appeals may permit the conversion of dwellings in A-3 and B residence zones into dwelling units for not more than four families, provided that in A-3 residence zones:

"The dwelling shall contain at least 1,800 square feet of floor area devoted to living and sleeping quarters exclusive of basement rooms and open attic space," and when converted for the use of two families, "it shall be located on a lot having an area of not less than 7,000 square feet and an additional 2,000 square feet shall be required for each additional family in excess of 2," and "the dwelling shall occupy not more than 25 percent of the lot."

In B residence zones:

"The dwelling shall contain at least 1,800 square feet of floor area devoted to living and sleeping quarters exclusive of basement rooms and open attic space," and when converted for the use of three families, "it shall be located on a lot having an area of not less than 7,000 square feet, and not less than 9,000 square feet for four families."

"The dwelling shall occupy not more than 30 percent of the lot."

For both A-3 and B residence zones, these regulations also apply:

"After conversion it shall have not less than 2 rooms, exclusive of bathroom and public halls, to each dwelling unit.

"Stairways leading to the second or any higher floor, unless in the rear of the building, shall be located within the walls of the building. Buildings on a corner lot shall have all such exits within the building walls.

"There shall be no major structural change in the exterior of the dwelling other than to provide desirable means of egress from dwelling units. Dormer windows shall not be considered major structural changes, provided they do not pierce the roof in excess of 50 percent of the length of the wall parallel to and supporting the roof.

"Garage or off-street parking facilities shall not be provided for storage or habitual parking of more vehicles than there are dwelling units on the lot."

The Kansas City, Missouri, zoning ordinance as amended in 1941 seems to permit the conversion of single family residences into multiple-family units in all parts of the city, if certain requirements are met. In the section on classification of areas, the following are included:

"In a class A-1 district no building shall be erected or altered to accommodate or make provision for more than one family for each five thousand (5,000) square feet of the net area of the lot.

"In a class A-2 district no building shall be erected or altered to accommodate or make provision for more than one family for each three thousand (3,000) square feet of the net area of the lot.

"In a class A-3 district no building shall be erected or altered to accommodate or make provision for more than one family for each



six hundred (600) square feet of the net area of the lot.

"In a class A-4 district no building shall be erected or altered to accommodate or make provision for more than one family for each three hundred and fifty (350) square feet of the net area of the lot.

"In a class A-5 district the area requirements shall be the same as in a Class A-4 district, except that for a building over 8 stories in height the requirement shall be one family for each two hundred (200) square feet of the net area of the lot."

The Madison, New Jersey, ordinance of 1940 contains these provisions:

"With due consideration for preservation of the general character of the neighborhood, the Board of Adjustment may authorize the issuance of a permit for alteration of a dwelling existing at the time of enactment of this ordinance, in a Residence 'A' District for occupancy of 2 families, provided that the cubical contents of the building shall not be less than 12,000 cubic feet per family to be accommodated, and provided there shall be no exterior alteration of the building other than as may be required for purposes of safety.

"In a Residence 'A' or Residence 'B' District similar permission may be granted for 3-family occupancy, provided that the applicant for the permit shall secure the written consent of all owners of property within 200 feet of his lot, or failing such unanimous consent, the objectors shall be given a hearing by the Board of Adjustment.

"In no case shall a change from a one-family to a two-or three-family use be permitted except on lots having an area of not less than 5,000 square feet for a 2-family occupancy or of not less than 6,300 square feet if an interior lot or 5,700 square feet if a corner lot, for 3-family occupancy."

The Common Council of the City of Poughkeepsie, New York, amended the city's zoning ordinances on May 4, 1942 to create "Temporary Single Family Districts," and provided that:

"In a Single Family Residence District any building now or formerly used as a single family residence may be converted to multiple family use provided the lot and structure meet the following specifications:

"a. That the dwelling was built previously to January 1, 1910.

"b. That the dwelling is sound structurally.

"c. That the lot containing such dwelling has an area of not less than 8,000 sq. ft.

"d. That the lot has a frontage upon a street of not less than 75 ft.

"e. That the structure contains at least ten rooms, exclusive of toilets or rooms in the basement, previous to remodeling.

"The property owner whose lot and structure meet the above specifications may petition the Common Council to have his property placed in a Temporary Single Family district permitting multiple family use, provided:

"a. That at least 3,000 sq. ft. of lot area shall be available for every family so housed, provided however that this requirement shall not reduce the number of allowable apartments below four.

"b. That no major structural alterations to the exterior of such dwelling shall be permitted.

"c. That the existing height of such dwelling shall not be increased.

"d. That garage facilities are provided in accordance with the following provisions:

1. Attached garages may be erected in whole or in part above or below the level of the underside of the cellar ceiling. A garage may also be constructed wholly within the building. Garages constructed wholly below the level of the underside of the cellar ceiling or wholly within the building need not comply with the provisions of this amending ordinance pertaining to side and rear yard restrictions and the provisions of lot coverage.

All other garages must comply with said provisions as to side and rear yard and lot coverage. Such garage space may provide an average of not more than 200 square feet for each car in the ratio of one car for each family housed upon said lot.

Any such garage may be utilized as an accessory use only.

2. Detached garages shall be located not less than 60 feet from the front lot line or if on a corner lot, such garage shall be placed in the rear inside corner of the lot unless such private garage is contained within the main building.
3. If garage facilities are not provided, parking space shall be provided on the premises directly accessible to the street, sufficient in size to accommodate at one time as many cars as there are family units provided for in the structure.

"Provided further that said owner shall file with his petition a sketch showing in detail the exterior and interior of the remodeled structure, together with a description or plan of the proposed landscaping improvements, and car parking area to be included.

"The Common Council, upon receipt of such petition shall refer such petition for change of zoning to the Planning Commission and shall at the same time, call a public hearing to be held at the next meeting of the Council.

"The Commission shall report to the Common Council at their next meeting and make its recommendation in respect to such petition. This report will make a finding that the change requested will maintain or advance the standards of the neighborhood, or that the change is detrimental to the neighborhood.

"If the action by the Council, after a public hearing, is one of approval, the individual parcel of property is then placed in a Temporary Single Family District.

"This Temporary Single Family District will have all the limitations of a Single Family District except that within this district the owner may maintain the particular structure for the particular use he has designated in his sworn petition. To retain this classification, the petitioner must fulfill all the promised improvements and facilities shown on his plan or included in his written statement.

"A certificate of occupancy shall be issued by the Building Inspector upon full compliance of the provisions of this ordinance."

#### Conversions Permitted in Areas Bordering Other Uses

In various zoning ordinances there are provisions for multiple-family residences in single-family residence districts on the bordering area between a residence district and a business district. An example of such provision is that of the Cherry Hills, Colorado, ordinance of 1940, which states that the Board of Adjustment may:

"Permit a two-family dwelling in a Residence-Agricultural District, or a multiple-family dwelling in a R-3 Residence District on a lot immediately adjacent to a B-1 Business District, but not extending more than 120 feet from the boundary line between the districts."

This extract does not specifically mention conversions of single-family dwellings, but it is assumed that the wording would permit a conversion as well as new construction. Sweetwater, Texas, has somewhat similar provisions.

The Cleveland, Ohio, provisions embody the same type of regulation. In Ordinance No. 483-43, effective in 1943, after specifying density restrictions, it is stated that:

"Provision for a second family may be made in a house in an 'A' dwelling house district on a lot of sufficient area and at least 50 ft. wide if the lot adjoins on one side a less restricted use or area district, unless on that side there is a street or a right-of-way."

Ordinance No. 1271-43, effective in 1944, further provided:

"Provision for a third family may be made in a house in a 'B' dwelling house district on a lot of sufficient lot area per family as established in this paragraph and at least 50 ft. wide if the lot adjoins on one side a less restricted use or area district, unless on that side is a street or right-of-way."

The Wichita, Kansas, revised zoning ordinance of 1946 contains these provisions apparently to permit gradual extension of more intensive uses:

"In any location where two-family dwellings are located in any district with not more than one hundred (100) foot frontage between the lots which they occupy, two-family dwellings may be constructed between them. If sixty (60) percent or more of the frontage on one side of the street between two intersecting streets is occupied by two-family dwellings on the effective date of this ordinance, additional two-family dwellings may be constructed or existing buildings may be converted to two-family dwellings on both sides of the street in any district.

"In any district where there are four-family dwellings with not more than one hundred (100) feet frontage between the lots which they occupy, additional dwellings not exceeding four families may be constructed between them. If sixty percent (60%) or more of the frontage on one side of the street between two intersecting streets is occupied by four-family dwellings on the effective date of this ordinance, additional dwellings not exceeding four families may be constructed or existing buildings may be converted to similar dwellings on both sides of the street in any district."

Conversions Regulated by Volume or Space Restrictions, Either for Additions or for Existing Building

The zoning by-law approved in 1930 for Concord, Massachusetts, includes the following:

"A building existing at the time its lot is placed in a single residence district may be altered and used for not more than two families provided the volume of any additions shall not exceed in all one-fifth of the volume of the existing building and provided further that the Board of Appeals shall rule that such alteration and use are not detrimental or injurious to the neighborhood."

Concord, New Hampshire, also in 1930, specified that no enlargement could be made in volume:

"In a single residence district nothing herein shall prevent any dwelling, existing at the time this ordinance is adopted and having a volume above the first floor, exclusive of porches, exceeding twenty-five thousand cubic feet, being

altered to provide for and being used for two families, provided it is not enlarged in volume."

This ordinance was amended in 1940 to include the following:

"Conversion of Existing Dwellings - General Residence and Agricultural Districts. Nothing herein shall prevent any dwelling in a general residence or agricultural district existing at the time this ordinance was adopted from being altered to provide for and being used for more than two, but not more than four families, provided it is not enlarged in volume and meets the requirements as to volume and unbuilt-upon yard space listed in the following table:

<u>Conversion To</u>	<u>Minimum Volume</u>	<u>Minimum Unbuilt- Upon Yard Space</u>
Three family Dwelling	35,000 cu. ft.	5,000 sq. ft.
Four family Dwelling	45,000 cu. ft.	6,000 sq. ft.

and provided no dwelling unit shall have a volume of less than 8,000 cu. ft."

The Revised Ordinances of 1932 of Hutchinson, Kansas, specify in Chapter 30, Article 3:

"Buildings used as residences in the 'A' District at the time of adoption of this ordinance may be converted into and used as apartment houses, provided, the floor space thereof shall not be increased to exceed 25%, unless said additional space is made to conform with the requirements of apartment houses, and, provided further, that said apartment house is made modern and sanitary."

In Newton, Massachusetts, the zoning ordinance as amended to 1940 states that:

"In Single Residence Districts, the board of aldermen may give permission, in accordance with the procedure provided for in section 593, to alter and adapt for use as a dwelling and for not more than two families, a building in existence and assessed according to the records of the board of assessors of the city of Newton for taxes of April 1, 1925, and of a ground floor area, exclusive of porches, greater than 1200 square feet, provided that by such alteration and adaptation neither the area nor the capacity of the building be increased by more than 15 percent and provided further that the general appearance of a single residence in that neighborhood be maintained."

Pacific Grove, California, in an ordinance of 1932 permitted the original structure to be enlarged in conversion if by not more than ten percent:

"It shall be lawful, in addition to the uses hereinabove allowed in residential districts of Classes A-1, A-2, and A-3, to remodel, repair and maintain limited apartments as in this section defined; namely, apartment houses comprising not more than four apartments of not to exceed five (5) rooms each where the same are constructed, reconstructed or remodeled of dwellings heretofore erected. Provided, however, that the reconstruction or remodeling work does not increase the cubic contents of the original structure by more than ten percent (10%). Provided, further, that a permit first be obtained for such purpose from the Council of said City of Pacific Grove after a public hearing thereupon by the Planning Commission of said City."

The Stoughton, Wisconsin, zoning ordinance of 1946 provides that in single family residence districts:

"Dwellings which after the passage of this ordinance may have been converted or apply for a permit to be so converted, from a one-family dwelling to a two-family dwelling, provided such dwelling shall, at the time of passage of this ordinance, contain at least eight (8) rooms, used for living purposes, and not less than one thousand (1000) square feet of space in same; and also providing that the outside dimensions of such dwelling shall not, for the purpose of such conversion, be increased by addition or alteration."

#### Conversions Regulated by Height and Area Restrictions

The Zoning By-Law for Amherst, Massachusetts, established two residence districts, the Limited Residence District, and the General Residence District (less restricted than the former). In the Limited Residence District, the following is among the permitted uses:

"A building altered to accommodate not over three families, provided that such alteration shall make no extension of the house over one story in height beyond the former building lines, except on permit of the Building Inspector."

The Birmingham, Alabama, zoning ordinance (1926) states that the Board of Adjustment may permit:

"...The conversion of a dwelling existing at the time of the passage of this ordinance in an 'A' Residence District, into a two-family or multiple dwelling, provided said dwelling when so converted, shall otherwise comply as to height, area and other requirements, with the regulations herein provided for an 'A' Residence District and for the Height and Area District within which it is located."

The Cohoes, New York, zoning ordinance of 1926 is substantially the same in such provisions, as is the Johnstown, New York, ordinance of 1936, except that the latter also provides that "the building shall not be structurally enlarged on the front or either side."

The Chester, Pennsylvania, ordinance of 1927 as revised and re-enacted in 1948 provides:

"The Board of Appeals may authorize as a special exception the conversion of any building in R-1 and R-2 Residence Districts into a dwelling for more than one family, provided that in R-1 Residence Districts the lot area shall not be reduced to less than two thousand (2000) square feet per family, and in R-2 Residence Districts the lot areas shall not be reduced to less than seven hundred and fifty (750) square feet per family; and provided further that the yard and building area requirements for the district in which the building is located are not reduced thereby. If such exception is authorized, the Board of Appeals may prescribe such further conditions with respect to the conversion and use of such buildings as it deems appropriate."

In the 1924 ordinance of Cranston, Rhode Island, the Board of Review may permit:

"The alteration of a building in a dwelling house district to accommodate more than two families but in no case to exceed one family for each 2,000 square feet of the area of the lot."

Longmont, Colorado, in its zoning ordinance of 1940, does not define "large residences" but provides that:

"In the 'A' district, large residences which exist at the time of the passage of this ordinance may be used as two-family dwellings, provided, however, that the provisions in this ordinance as to lot area per family and the floor area per dwelling are observed."

The Stoneham, Massachusetts, by-law (1934) contains the provision that one-family houses in Residence 'A' Districts may be converted into two-family houses if "the area of the lot complies with the area restrictions for two family houses."

The Williamsport, Pennsylvania, ordinance as amended to 1937 authorizes conversions of one- or two-family dwellings in "B" Residential Districts into multiple dwellings for housing not more than four families if such a "multiple dwelling complies with the Height and Area Regulations herein prescribed for the district in which it is located; and provided further that the Board determines such use will not materially alter the character of the neighborhood."

#### Conversions Regulated by Property Owners Approval

The Massena, New York, ordinance of 1941 says in part that the Board of Appeals may:

"Permit in a Residential 'B' District, the alteration of existing residences to accommodate not more than three families providing the building is not enlarged more than 25% and provided that the petitioner files the consent duly acknowledged by the owners of 80% of the frontage deemed by the Board to be immediately affected by the proposal."

The Rutherford, New Jersey, ordinance of 1931 includes this provision for Residence No. 1 Districts:

"After a public hearing, upon unanimous vote of those members present at a regular meeting of the Board of Adjustment, a one-family house may be authorized to be converted into a two-family house, provided there is no exterior structural change and provided no more than two of the property owners within two hundred feet of the residence proposed to be changed, object to the change."

In Torrance, California, according to the Building Zone Ordinance of 1923:

"The owner of any property in a Residential District of Class I may erect or remodel a building therein so that such building may be used for any of the purposes authorized in Residential Districts of Class II provided the application for a building permit therefore is accompanied by the written consents of the owners or authorized agents of more than one-half of the area of property situated within three hundred (300) feet outside of the exterior boundaries of the property on which the building is proposed to be erected or remodeled...."

#### Conversions Regulated by Miscellaneous Provisions

In Peekskill, New York, according to the zoning ordinance as adopted in 1929 and amended in 1931, the Board of Appeals may:

"Grant a permit to remodel a one-family dwelling situated in Residence A District, where 50% frontage of the street between intersections is developed as of February 24, 1931, into a two-family dwelling, after public notice and hearing, and provided the plans and designs of the same are first approved by the Board."

In Spokane, Washington, the zoning ordinance of 1933 provides that in Class I, Residential Districts:

"Large single-family dwellings, existing prior to the passage of this ordinance, may be altered into two-family dwellings by special permit issued by the Plan Commission after public hearing and examination of the location and plans for such alteration, upon due proof to the satisfaction of the Commission that such two-family dwelling will not be unduly detrimental to adjacent and surrounding property nor to the zone in which same is located, provided that the issuance of such special permit and alteration into a two-family dwelling shall not constitute a non-conforming use carrying the right to extension as elsewhere provided in this ordinance."

In Zion, Illinois, the Board of Appeals as authorized by a zoning ordinance of 1934 may:



"Permit the alteration of a dwelling of not less than one and one-half stories in height in 'A' or 'B' districts (residence) so as to accommodate not more than two families or a dwelling of not less than two stories in height in said districts so as to accommodate not more than three families or a dwelling in said districts of not less than two and one-half stories in height so as to accommodate not more than four families where such alteration is not an addition to or a subtraction from the exterior of said dwelling, and to permit the occupancy of such dwelling by not more than the number of families herein indicated."

#### Minimum Regulation of Conversions

In Lynn, Revere, Wilbraham, Walpole, Fairhaven, Peabody and Gloucester, Massachusetts, the zoning regulations (all adopted in the 1920's except Peabody's, which was adopted in 1937) provide that the Board of Appeals may:

"Permit the alteration of a one-family house or building existing at the time this by-law (or ordinance) is adopted and wherever located, to accommodate two families."

The Arlington and Lincoln, Massachusetts, zoning by-laws, (1924 and 1936 respectively), contain substantially the same regulations.

Other municipalities in Massachusetts have slightly different provisions, specifying additional requirements to be met. For example, in the Great Barrington by-law (1932), and the Stockbridge by-law, effective in 1934 and as amended in 1942, the one-family house to be altered must contain not less than nine rooms. The Westwood by-law (1929), permits alterations into a two-family house "where because of size or other reasons it is justifiable." Reading (1927) specifies alteration into a two-family house if there are at least "eight finished and habitable principal rooms," and "providing that the external appearance, if in a single residence district, of a single family house, or, if in a multiple-residence district, of a single family or two-family semi-detached house, be retained so far as reasonably practicable." In Salem, "the alteration, enlargement, reconstruction, and use of a single-family house...as a residence for not more than two families" may be undertaken in single family residence districts, "providing that the Board finds that the original building can no longer be used at a reasonable expense or at a fair financial return for a use permitted in the district." This provision, adopted in 1926, is substantially the same as those adopted by Keene, and Walpole, New Hampshire, in 1935 and 1936, respectively, and North Smithfield, Rhode Island, in 1926.

In 1928, the Salem ordinance was amended thus:

"Nothing in the Zoning Ordinance of the City of Salem shall in any district except the single residential district prevent the alteration and adaptation of existing two and one-half story houses for the use of three families provided that a permit for such alterations has been issued on or before December 1, 1928, and that such alterations are completed to the satisfaction of the Building Inspector on or before May 1, 1929, and provided further that any such buildings as altered shall comply with the requirements for such buildings contained in the Building Ordinance of the City of Salem, as amended."

Identical provision is also made for the alteration and adaptation of two and one-half story houses for the occupation of six families, two upon each floor.

In Bedford, New York, (as per the ordinance adopted in 1929 and amended to August 1, 1935), the Board of Appeals:

"May grant permission to remodel existing structure in Residence 'A' District to be used for not more than two family housekeeping units. Such permission to be granted only on written application of the owner or lessee of premises under consideration, which application shall set forth the present rental value and the assessed value of the land and the improvements, separately, and the cost of the proposed improvement and the estimated rental value of the premises after completion. Any such permit if granted shall be void if such proposed improvement is not undertaken within three months of the issuance thereof."

The Zoning By-Law of the Town of Braintree, Massachusetts, adopted in 1940, specifies that in Residence A and B Districts, if authorized by the Board of Appeals and if "it is not injurious, noxious or offensive to the neighborhood," alterations otherwise prohibited, are permitted "of a dwelling, existing at the time this by-law is adopted, for more than one family."

In Charleston, South Carolina, the Board of Adjustment may issue a permit "for the conversion of a dwelling...located in an 'A' Residence District within Old and Historic Charleston District into a two-family or multiple dwelling...where... such existing dwelling contains such an amount of space available and suitable for residence purposes, that it is unreasonable to require its use as a single family dwelling." Glens Falls, New York, (1933) has somewhat similar provisions in stating that "there shall be sufficient space for the purpose." The latter ordinance also adds: "that such conditions shall be imposed as will protect the district, and that there is reasonable cause for the change."

The zoning ordinance of New Bedford, Massachusetts, as amended in 1933, provides that the Board of Appeals may "allow houses, which because of their size have become unsuitable or unsalable for their original purpose due to changes in present day living conditions, to be occupied by more families than allowed in the zoning district in which they are situated, under such conditions and limitations as will best preserve the present characteristics of the district in which they are situated."