

By Mr. Quinn of Dartmouth, petition of John F. Quinn relative to zoning protection of lawful, nonconforming single-family and two-family residences. Local Affairs and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO ZONING PROTECTION OF LAWFUL, NONCONFORMING SINGLE-FAMILY AND TWO-FAMILY RESIDENCES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 6 of Chapter 40A of the General Laws, as appearing in
2 the 2000 Official Edition, is hereby amended by striking out the
3 first paragraph and inserting in place thereof the following:—

4 Except as hereinafter provided, a zoning ordinance or by-law
5 shall not apply to structures or uses lawfully in existence or law-
6 fully begun, or to a building or special permit issued before the
7 first publication of notice of the public hearing on such ordinance
8 or by-law required by section five, but shall apply to any change
9 or substantial extension of such use, to a building or special
10 permit issued after the first notice of said public hearing, to any
11 alteration of a structure begun after the first notice of said public
12 hearing, reconstruction, extension or structural change of such
13 public hearing to provide for its use for a substantially different
14 manner or to a substantially greater extent. Pre-existing noncon-
15 forming single- or two-family residential structures may be
16 extended, altered, reconstructed or structurally changed if the
17 building inspector (or the special permit granting authority if the
18 local zoning by-law so provides) determines that such change
19 shall not increase the nonconforming nature of said structure.
20 Except as above provided, any change or substantial extension of
21 a nonconforming structure shall be permitted only if there is a
22 finding by the special permit granting authority designated by

23 ordinance or by-law that such change shall not be substantially
24 more detrimental than the existing nonconforming use or structure
25 to the neighborhood. This section shall not apply to billboards,
26 signs and other advertising devices subject to the provisions of
27 sections twenty-nine through thirty-three, inclusive, of chapter
28 ninety-three, and to chapter ninety-three D or to establishments
29 which display live nudity for their patrons, as defined in section
30 nine A, adult bookstores, adult motion picture theaters, adult para-
31 phernalia shops, or adult video stores subject to the provisions of
32 section nine A.