

Three Amendments to the Conway Protective Zoning Bylaws to bring it into compliance with new state requirements for Protected Use Accessory Dwelling Units (herein, PUADUs)

Article _____: To see if the Town will vote to amend ARTICLE 5: DEFINITIONS of the Protective Zoning Bylaws by striking and replacing the definition of DWELLING UNIT and adding the following other definitions:

ACCESSORY DWELLING UNIT (ADU) - a self-contained housing unit upon a permanent foundation, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state Building Code for safe egress; (ii) is not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on Short Term Rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an ADU that is not a short-term rental.

~~DWELLING UNIT – One or more living or sleeping rooms constituting a separate housekeeping establishment and containing independent cooking and sleeping facilities arranged for the use of one or more individuals or a family living together as one housekeeping unit.~~

DWELLING UNIT – A single housing unit upon a permanent foundation providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

GROSS FLOOR AREA (GFA) – The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

PRINCIPAL DWELLING – A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

PROTECTED USE ADU (PUADU) – An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3 and 760 CMR 71.00, provided that only one ADU on a lot may qualify as

a PUADU. An ADU that is nonconforming to Zoning shall still qualify as a PUADU if it otherwise meets this definition.

SINGLE-FAMILY RESIDENTIAL DWELLING – A structure on a Lot containing not more than one Dwelling Unit.

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT – Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit

Article ____: To see if the Town will vote to amend Section 22.3, Accessory Apartments of the Protective Zoning Bylaws by striking the section in its entirety and replacing it with the following new section:

22.3 Protected Use Accessory Dwelling Units (PUADU)

(a) Purpose

1. In accordance with sections 1A and 3 of chapter 40A of the General Laws and 760 CMR 71.00, to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life. A further goal is to diversify the housing stock by adding accessory dwelling units in a manner that does not increase land consumption and sprawl by creating new building lots, curb-cuts, driveways, or other land disturbances.

(b) Permitting

1. The Planning Board shall require a site plan review in accordance with Section 64 and the following requirements;

(c) Conditions and Requirements

1. Not more than one (1) PUADU shall be located on the same lot as any existing Principal Dwelling. Note: one or two Dwelling Units within a single structure (a Principal Dwelling) are permitted (see Section 22.2), and then may have one PUADU added. This means that the total dwelling units allowed per lot is three;

2. The PUADU shall be located on the same lot as the Principal Dwelling, either within, attached to, or detached from the existing Principal Dwelling.

3. Detached PUADUs may be located within a garage, barn, or other accessory structure in existence on June 7, 2025 or within a new accessory structure located within 100 feet of the Principal Dwelling. Upon written request by the applicant, the Planning Board may waive or increase the 100 foot separation requirement by the same majority vote required for the site plan approval upon written findings included in the permit of: 1. special

circumstances of the site, its surroundings, or the proposal design that negate the need for imposition of the requirement, or the objectives of this section may be met in alternative manner; and 2. that such a waiver or reduction will not derogate from the public purposes and intent of this zoning bylaw.

4. For internal or attached PUADUs the external appearance of the existing Principal Dwelling shall not be significantly altered from the original and shall adhere to the character of the neighborhood to the greatest extent practicable. Any stairways, access, or egress alterations serving the PUADU shall be enclosed, screened, or located so that visibility from public ways is minimized;

5. The PUADU shall meet the standards of the State Building Code and the State Environmental Code, 780 CMR (current edition) and 310 CMR 15, Title 5, respectively. Prior to issuing a site plan review approval, the owner of the property or their agent must submit floor plans, plot plans, elevations, or other drawings sufficient to demonstrate compliance with the conditions and requirements of the site plan review. Prior to occupancy of the PUADU the owner must obtain and submit a copy of the Certificate of Occupancy issued by the building inspection department;

5. Parking: Refer to Section 34: Off Street Parking for parking requirements, except that no more than one off-street parking space may be required for a single PUADU.

(d) Violations and Enforcement

1. This by-law shall be enforced by the building inspector and shall be consistent with MGL Chapter 40A, Section 7.

(e) Severability

1. The invalidity of any provision or any section of this article shall not invalidate and other provision or section thereof.

Article ____: To see if the Town will vote to amend Section 23: Permitted Uses – Light Industrial District of the Protective Zoning Bylaws by adding the following underlined words to the first sentence:

Any use permitted in the Rural/Residential and Agricultural District, including PUADUs under Section 22.3, and the following: