

**Zoning Bylaw Amendment Chapter 255-50 Accessory Dwelling Units
ATM May 2025**

AC Edits – Response to AG Comments – 11/7/25

ARTICLE 19: To see if the Town will vote to amend the Zoning Bylaw Chapter 255 in regard to Accessory Dwelling Units by amending: Section 255-10 Terms Defined to insert various terms and their definitions, and amend the definition of Accessory Dwelling Unit; and, Chapter 255 Article VII Supplemental District Regulations by repealing subsection 255-50 Accessory Dwelling Units and inserting a replacement subsection 255-50 Accessory Dwelling Units, as further articulated in the Planning Board’s Report to Town Meeting (Appendix D), and change subsection 255-50 C(1) by adding ".failure to provide the required submittal requirements", or take any other action relative there to.

The proposed amendments are as follows:

- 1. Amend Section 255-10 Terms Defined of the South Hadley Zoning Bylaw by adding the following terms, and amending the following definitions:**

[New text underlined and highlighted; Deleted text ~~strikethrough~~]

§ 255-10. Terms defined.

As used in this bylaw, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT (ADU) — ~~(definition from MGL c.40A, § 1A)~~

A self-contained housing unit, 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 ~~floor area~~ than 1/2 the Gross Floor Area ~~floor area~~ of the principal dwelling or 900 square feet, whichever is smaller; and
- iii) is subject to such additional restrictions as described herein.

BUS STATION – A location serving as a point of embarkation for any bus operated by a Transit Authority.

PROTECTED USE ADU - 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, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to the Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT – Any Zoning District where single-family residential dwellings are permitted or an allowable use, including any Zoning District where single-family residential dwellings are allowed as-of-right or by Special Permit.

TRANSIT STATION – A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

2. Repeal and replace Section 255-50 Accessory Dwelling Units of the South Hadley Zoning Bylaw with the following:

§ 255-50 Accessory Dwelling Units.

A. Purpose.

The purpose of this Section 255-50 is to allow for Accessory Dwelling Units (ADUs), as defined under

M.G.L. c. 40A, §1A, to be built as of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that is in the context of zoning districts that allow single-family housing while providing greater density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

B. Definitions.

Refer to §255-10 Terms Defined, and 760 CMR 71.00. Any discrepancy between similar terms defined shall be resolved in favor of the definitions as contained in 760 CMR 71.00.

For the purposes of calculating allowable size of an accessory dwelling unit, **Gross Floor Area (GFA)** is defined as follows:

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.

Gross Floor Area 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 ADU.

C. Regulations

For the purposes of this Section 255-50, the following regulations shall apply:

1. Procedural requirements.
 - a. Refer to Chapter 255, Attachment 1, Use Regulations Schedule, and Article XII, Site Plan Review for procedures for applications requiring Site Plan Review hereunder.

- b. The Building Commissioner shall approve a building permit authorizing Protected Use ADU installation and use within or on a lot with a Principal Dwelling in a Single-Family Residential Zoning District, including within or on a lot with a preexisting nonconforming structure, if the dimensional standards and of-street parking standards listed herein are met.
- c. For a proposed new detached accessory dwelling unit, Site Plan Review from the Planning Board is required, except that the Planning Board may not deny an application for Site Plan Review as set forth in Section 255-149(B)(2) herein but shall approve or approve with conditions but may only deny for failure to provide the required submittal requirements.
- d. ADUs are not eligible for Short-Term Rentals, as defined by the Town of South Hadley.

2. Dimensional Standards and Code Compliance

A Protected Use ADU must meet the following standards:

- a. Shall not be larger than the Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- b. Shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the State Building Code and Fire Code.
- c. Construction shall be in conformity with the State Building Code, and 310 CMR 15.00 The State Environmental Code, Title V regulations, where not serviced by a public sewer.
- d. On a lot with a single-family residential dwelling unit, the ADU shall not have more restrictive dimensional standards, as defined in Dimensional Regulations Schedule, than those required for a single-family residential dwelling or accessory structure within the same zoning district, whichever results in more permissive regulation.
- e. On a lot with a principal dwelling that is not a single-family residential dwelling unit, the ADU shall not have more restrictive dimensional standards than those required for a ~~single family residential~~ dwelling or accessory structure, as defined in Dimensional Regulations Schedule, within the same zoning district, whichever results in more permissive regulation.

3. Of-Street Parking Requirements

- a. No more than one additional of-street parking space shall be required for a Protected Use ADU if the lot subject to the ADU is located outside of a 0.5-mile radius of a Transit Station, as defined in 760 CMR 71.00; or,
- b. No additional on-street or of-street parking space shall be required for an ADU if any portion of the lot subject to the Protected Use ADU is located within a 0.5-mile radius of a Transit Station, as defined in 760 CMR 71.00.

4. Per M.G.L. c.40A, to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the permit granting authority shall allow reasonable deviation from the stated conditions where necessary to install features and facilitate access and mobility for disabled persons.

5. Nonconformance

- a. A Protected Use ADU shall be permitted within, or on a lot with a preexisting nonconforming structure so long as the Protected Use ADU can be developed in conformance with the State Building Code and 760 CMR 71.00.
- b. A Protected Use ADU shall be exempt from any required finding under M.G. L. c.40A §6.

6. Administration and Enforcement

- a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- b. No building shall be constructed or changed in use or configuration until the Building Commissioner has issued the appropriate building permits. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained by the Board of Health and the proposed building and location thereof conform to the Town's bylaws. No building or ADU shall be occupied until a certificate of occupancy has been issued by the Building Commissioner, where required.
- c. The Building Commissioner may issue a cease and desist order or enforcement order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.