

ADU's in Burlington – A Homeowner's FAQ Guide

Updated based on adopted ZA-20-03 Accessory Dwelling Units, March 2020

Accessory dwelling units (ADUs) are efficiency or 1-bedroom apartments located within or on the same property as a single-family, owner-occupied home. ADUs are often located above a garage, in a basement, or as a backyard cottage, and have been utilized widely as a tool for older adults to remain in their homes as they age, to create housing for an elder or a dependent, and provide homeowners with a way to offset housing costs.

1. What are the zoning considerations for building an ADU in Burlington?

Accessory Dwelling Units are permitted on properties with existing or new single-family homes. ADU's may be created within or attached to the home, or within a new or existing detached building on the lot. Regardless of what type of ADU being constructed a zoning permit is always required, and is a prerequisite to other permits (i.e. building permit, electrical, plumbing, rental housing, etc).

- **Occupancy:** The owner must live on the property, and may occupy either the principal or accessory dwelling. Occupancy of the ADU is limited to 2 adults, as well as their minor children.
- **ADU Size:** The ADU can be up to 30% of the size of the principal home or 800 square feet in size, whichever is greater. The ADU may be either a studio or one-bedroom unit.
- **Height, Setbacks, Lot Coverage:** The ADU must meet the height and setback requirements of the zoning district (see chart of basic requirements for residential zoning districts). If a property owner is unable to create an ADU on the lot due to the limit on impervious surface (lot coverage), the DRB may approve a waiver for up to 650 sq.ft. of the footprint of the ADU. In order to receive the waiver, a plan to manage the stormwater runoff from the ADU needs to be approved by the DRB based on the recommendation of the Department of Public Works.
- **Parking:** Providing a parking space for the ADU is not required. If one is provided it may be in its own space, or in a stacked arrangement (up to three cars parked end-to-end) with other parking spaces on the lot
- **Wastewater:** The property must have sufficient wastewater capacity as certified by the Department of Public Works.

2. How do I find out what height, setback and lot coverage requirements apply to my property?

To find out what zoning district your property is in, you can contact the Department of Permitting & Inspections (DPI), Zoning Division (802-865-7188), or view a zoning map online [here](#). A summary of basic zoning requirements are included in the chart below. Consult with DPI to discuss any other applicable standards from the *Burlington Comprehensive Development Ordinance* and the type of zoning permit you will need based on the specifics of your project.

Base Residential Zoning District Standards						
Zoning District	Max Height	Required Setbacks				Max Lot Coverage*
		Front	Side	Rear	Waterfront	
Residential Low (RL) <i>Intended for low-density residential development in the form of single-family detached dwellings and duplexes.</i>	35 feet	Min/Max: Average of 2 adjacent lots on each side, +/- 5 feet	Min.: 10% of lot width, or average of 2 adjacent lots on each side Max Required: 20 Feet	Min: 25% of lot depth, no less than 20 Feet Max Required: 75 Feet	N/A	Up to 35% of lot area may be impervious surface
Waterfront Residential Low (W-RL) <i>Same as RL, except greater consideration given for proximity to Lake Champlain.</i>					75' from ordinary high water mark of Lake/River	
Residential Medium (RM) <i>Intended for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.</i>					N/A	40%
Waterfront Residential Medium (W-RM) <i>Same as RM, except greater consideration given for proximity to Lake Champlain.</i>					Same as W-RL	60%
Residential High (RH) <i>Intended for high density residential development in the form of attached multi-family apartments.</i>					N/A	80%
Institutional (I) <i>Intended to support the growth and flexibility of the city's major educational and health care institutions. Allows for a broad range of related uses, with transitions between institutional development and nearby lower-scale residential development.</i>					15 Feet	10% lot width, or Min. 5 Ft Max. 20 Ft
For standards for other zoning districts, including mixed-use zoning districts, see Article 4 of the Comprehensive Development Ordinance.						
*An additional 10% of lot coverage may be granted for certain accessory residential features (except ADUs). A lot coverage waiver may be granted for up to 650 sq.ft. of an ADU. See the Comprehensive Development Ordinance for details.						

3. How is a duplex different from a property with an ADU?

An ADU is an efficiency or 1-bedroom apartment that is subordinate to a single-family home, and either the ADU or the primary home must be owner-occupied. As noted above, the ADU is limited in size, number of bedrooms, and number of occupants. The following chart compares the requirements for a Duplex with those of a property with an ADU.

	Duplex	Single Family + ADU
Where is housing type permitted?	Where residential is generally permitted; except in NAC & NAC-CR zoning districts.	Anywhere an existing or new single-family home is located.
Limits to above	In Residential Low density districts, the min lot size for a duplex is typically 10,000 sq.ft. Owner-Occupancy is not required for either unit in a duplex.	Owner-occupancy required in either the single-family home or ADU.
Unit Size	No limit on proportion of size between units, or overall max. unit size	Limited to 30% of size of single-family home, or 800 sq.ft. whichever is greater
Required On-Site Parking	2 spaces per unit (i.e. per half of duplex). 1 space per unit in downtown.*	2 spaces for single-family home (1 space in downtown*). No parking space required for ADU.
Occupants	A family or up to 4 unrelated adults per unit	Max of 2 adults, plus dependent children.
<p><i>*Parking requirement for units within downtown and mixed use zoning districts, and along major corridors may be eliminated by proposed ZA-20-04. More details & current amendment status: https://www.burlingtonvt.gov/mayor/housingpolicy/parking</i></p>		

4. What if I want to add habitable space to my home, but don't want it to have its own kitchen?

Burlington's ordinance defines an ADU as an efficiency or 1-bedroom apartment that is subordinate to the primary dwelling, and includes facilities for independent living, including sleeping, food preparation, and sanitation. Adding habitable space to your home in the form of additional bedrooms or bathrooms that are not designed to be occupied independent of the primary structure is not considered an ADU.

5. Is a tiny home an ADU? What about a Vermod?

Whether on a permanent foundation or on wheels, a subordinate residential structure on the same lot as a single-family home may be considered an accessory dwelling unit (ADU) if it meets all of the requirements in question #1. A tiny home is considered a permanent structure if it is in place for more than 10 consecutive days, or more than 30 days out of a 12-month period. If it is permanent, it is required to be permitted as an ADU, which also requires compliance with any code requirements applicable to other permanent structures.

A Vermod is an example of a modular home, which is typically fabricated and delivered as a complete or semi-complete unit. A modular home must comply with zoning and code requirements that are applicable to other permanent structures. It is important to discuss the specifications of a prefabricated unit with the Department of Permitting & Inspections before purchasing.

6. How do I apply for a lot coverage waiver for an ADU on my property?

In the early planning stages for your ADU, it is important to consider whether you may need, or want to apply for, a lot coverage waiver in order to accommodate your ADU. To determine the existing lot coverage of your property, measure the square footage of your lot that developed (see question 7). Then, divide this area by the total area of your lot. This is the current percentage of lot coverage. You may wish to pursue a lot coverage waiver if the percentage is above, or within a few percentage points of the lot coverage limit that applies to your zoning district.

If you are interested in seeking a lot coverage waiver, you should discuss this with DPI and the Department of Public Works Water Division prior to submitting a zoning permit application. It will be important to do research on your property to ensure that the existing lot coverage was created legally (i.e. authorized by a previous zoning permit or “grandfathered”). Additionally, the Water Division will help you determine the most appropriate storm water management practice(s) required based on the size of your ADU, its placement on your property, and soil and other considerations within your part of the city through the EPSC process (see question #7).

7. Will I still need to receive Stormwater Permitting approvals?

The creation of any ADU involving the disturbance of 400 square feet or more of land, will at minimum be required to complete a [Small Project Erosion Prevention & Sediment Control Plan \(EPSC\)](#). Depending on your project’s location, the watershed/sewer service area it is located in, the amount of new impervious cover created, and other pertinent factors, a [Standard EPSC](#) form may be required.

While “lot coverage” from a zoning perspective includes surfaces that are developed (see question #8), impervious coverage for purposes of Stormwater Program permitting review includes only surfaces which do not allow runoff to naturally infiltrate into the ground. These include surfaces such as rooftops, decks, swimming pools, walkways, and traditional driveway paving materials.

8. What structures on my property count toward lot coverage?

Buildings, accessory structures, decks, patios, paved or unpaved walkways, parking areas, pervious hard surfaces like pervious pavers, and any other paved surface is measured when calculating lot coverage for zoning. Some items that are not measured when calculating lot coverage include lawns, gardens, drainage ways, open play structures not on a paved surface, swimming pools (the apron, deck or walkway adjacent to it are included in lot coverage), and ramps built at the minimum dimension to meet accessibility standards.

However, in the low and medium density residential zones, the ordinance allows for an additional 10% of lot coverage for features that are accessory to residences, as long as they are not enclosed or used for parking. These include elements such as decks, patios, outdoor game courts, swimming pool aprons, walkways, window wells, and approved pervious pavement systems.

9. Do I need a parking space for the ADU?

There is no longer a requirement to create an additional parking space for an ADU. If you would like to provide a parking space for the ADU, it can be located within an existing driveway or parking area as long as the parking area is large enough to accommodate the additional space. Parking spaces can be located end-to-end in a “stacked” arrangement of 3 or more to accommodate parking for an ADU. If a new parking area is being constructed, it must meet the required setbacks and lot coverage limits for zoning district in which it is located.

10. Does the ADU have to have a separate entry?

An ADU may share an entry with the primary home as long as the ADU itself has facilities for independent living.

11. Are sprinkler systems required in ADUs?

The City of Burlington administers the Fire and Life Safety Codes that are adopted by the State of Vermont. While the state has modified the Life Safety Code to remove the requirement for sprinklers in one- and two-family homes, the requirements for Fire Department access may still require an ADU to be sprinkled. The Fire Code requires that the entry to a newly created unit must be located within 50 feet of a fire-rated access drive (usually, a public street). If the entry is more than 50 feet from such a drive, residential sprinkler systems designed to provide a 10-minute water supply are often required. Sprinkler systems must be designed and installed by qualified contractors.

Because of the layout of existing lots and homes, this most often affects homeowners who are attempting to build an ADU within a detached building on the lot. It is highly recommended that you discuss your plans for your ADU with the City's Building Official and/or Fire Marshal early in the planning stages, and before you apply for a zoning permit to discuss whether these requirements will apply to your property.

The most expensive element of installing a sprinkler system is if a property owner is required or advised to construct a new or upgraded waterline from the public water service to the unit. There are two alternatives that may be more feasible and/or affordable—a tank-supplied sprinkler system, with a water storage tank and pump, and a system utilizing flexible plastic (PEX) tubing to supply sprinkler heads from the home's main water supply.

12. Can I put a composting toilet in an ADU?

Acceptable methods for processing/disposing human waste should be discussed with Department of Public Works and/or the State Department of Environmental Conservation, which is responsible for issuing wastewater permits within Burlington.

13. Do I have to have separate utility hookups or can my ADU connect to the main house?

While there is no requirement for a separate utility hookup for the ADU, this issue should be discussed in the early stages of your planning process with the Department of Public Works, Burlington Electric, Vermont Gas, and any internet/telecom service providers as applicable.

14. Can I rent an ADU as a long-term or short-term rental?

As long as the property owner lives on the lot, either the ADU or the primary home may be rented long term. If you wish to rent long term (i.e. the rental contract is for 30 days or more), you must register the rental unit with the Department of Permitting & Inspections, and ensure that the unit being rented complies with the City's Minimum Housing Standards.

Presently, an ADU may be used as a short-term rental (i.e. Airbnb) for periods of less than 30 days as long as the property has received a zoning permit to operate as a Bed & Breakfast. This provision may be subject to change as the City is currently evaluating a regulatory framework for all short-term rentals per ZA-20-05. You can find more details and current status of this proposal at:

<https://www.burlingtonvt.gov/mayor/housingpolicy/str>

15. How do the City's Minimum Housing standards apply to ADUs?

If an ADU is a rental unit, the property owner must register as a rental and is subject to the same Minimum Housing Standards that all other rental properties are subject to. There is no inspection required for the owner-occupied portion of a property. If both the primary home and the ADU are occupied by the owner or their family, then rental registration and inspection are not required.

16. How do ADU's affect the City's 4-unrelated ordinance?

The occupancy of an ADU is limited to 2 adult occupants and their minor children, regardless of their relationship, and the occupancy of the ADU is calculated separately from that of the primary home. It is important to remember that either the primary dwelling or the ADU must be occupied by the owner(s). If the owner no longer lives on the lot for at least half of the year, the ADU must be removed, and the additional space created to accommodate the unit cannot be used for the purposes of increasing the number of unrelated adults inhabiting the property.

17. If I sell a property containing an ADU, do the new owners have to comply with the owner-occupancy requirement? Do they have to reapply for a zoning permit for the ADU?

If the new owners wish to utilize the ADU, they will be required to comply with the owner-occupancy requirement, but do not need to reapply for a zoning permit for the unit. If the new owners wish to use the property primarily for rental purposes, the accessory unit must be discontinued, and a new zoning permit would be necessary to reflect the change in use of the space.

18. If I meet all of the requirements of the zoning, can my neighbor appeal my permit?

Under Vermont State Law, a notice of zoning permit application must be posted for all permit applications, offering adjacent residents the opportunity to learn more and/or appeal the permit. In Burlington, permits that are approved administratively are subject to a 15-day appeal period, and permits approved by the Development Review Board are subject to a 30-day appeal period. Any zoning permit may be appealed within its appeal period.

Key Website Links & Contact Information

- **About ADUs in Burlington:** Review more information about the City's efforts to encourage creation of ADUs at <https://www.burlingtonvt.gov/cedo/ADU>
- **Burlington Zoning Maps & Ordinance:** To find zoning maps and review the City's *Comprehensive Development Ordinance* (aka zoning ordinance): <https://www.burlingtonvt.gov/DPI/CDO>
- **Burlington Zoning Permit Process:** For guides on what to expect when applying for a zoning permit, find a series of guides online at: <https://www.burlingtonvt.gov/DPI/Permitting-Process-Step-by-Step-Guide>
- **Burlington Stormwater Program Erosion Prevention and Sediment Control (EPSC) Permitting Process:** For EPSC forms, additional guidance, and contact information regarding EPSC permitting visit online at: <https://www.burlingtonvt.gov/DPW/Stormwater-Management>
- **Code Requirements:** To discuss fire, life safety, and/or minimum housing code requirements, contact:
 - **City Fire Marshal**, 132 North Avenue, 802-864-5577
<https://www.burlingtonvt.gov/Fire/Office-of-the-City-Fire-Marshal>
 - **Building Official**, 645 Pine Street, 802-863-9094
<https://www.burlingtonvt.gov/codeenforcement/Municipal-Agreement-Mission-Statement>
 - **Rental Registration & Minimum Housing**, 645 Pine Street, 802-863-0442
<https://www.burlingtonvt.gov/CodeEnforcement/Minimum-Housing>
- **Obtaining Permits in Burlington:** As of July 2019, the Department of Permitting & Inspections includes all staff and permitting functions related to zoning, construction, trades, and rental housing.
 - Visit in Person: 645 Pine Street, Burlington VT 05402
 - Call during business hours: 802-863-0442
 - Review resources online: <https://www.burlingtonvt.gov/DPI>
- **Burlington Utility Contacts:** To discuss questions related to water, wastewater, stormwater, and electricity service for an ADU.
 - **Department of Public Works- Water Resources**, 235 Penny Lane, 802-863-4501
<https://www.burlingtonvt.gov/dpw/water>
 - **Burlington Electric Department**, 585 Pine Street, 802-865-7300
<https://www.burlingtonelectric.com/contact>