



## **Draft Land Development Regulations**

### **Category: Stand-Alone Amendments**

### **Spotlight on Accessory Dwelling Units and Act 179**

*Summary:* Proposed amendments are intended to comply with recently-adopted Vermont enabling statutes concerning minimum requirements for allowance of Accessory Dwelling Units (ADUs), Existing Small Lots, and Conditional Use Review of Multi-Family Housing. The amendments also update criteria of review of ADUs where the City had a greater allowance than the minimum requirements established by the State.

*What's in the Current Regulations:* The current regulations are designed to comply with the prior, recently over-written minimums under State law enabling ADUs. They also allow for review and approval of ADUs, as a conditional use, that are closer to a side or rear lot line than a principal building. Finally, the current regulations include ADUs *within* the LDR section on accessory structures.

*What's in the Proposed Changes:* The proposed regulations comply with new State Law minimums regarding development on pre-existing small lots, review criteria for multi-family housing as a conditional use, and ADUs. Accessory Dwelling Units. The prior statutes set a minimum floor for all local zoning, allowing an accessory dwelling unit (ADU) within or appurtenant to any single family home. An ADU of up to 30% of the size of the principal home, that was a studio or 1 bedroom, was permitted by right and any ADU that involved a separate structure or addition could be reviewed as a conditional use. South Burlington followed those minimums. The new statutes modify the minimums in a few important ways. The ADU can now be 30% of the size of the principal dwelling, or 900 s.f., which is greater, by right. An ADU is also allowed to be placed in any manner on the property that a single family home may be placed (setbacks, heights, etc.) by right. The ADU is no longer restricted to a studio or 1 bedroom. And finally, while the property must still be owner-occupied, the owner can live in either the principal home or the ADU.

The proposed amendments continue to allow, as a conditional use, an ADU to be nearer to a rear or side lot line than a single family home on the same lot. The proposed regulations place standards and limitations on ADUs that are seeking this reduced setback.

*What is the purpose of this change?*

The purpose of these amendments is to comply with legislation adopted by the State of Vermont in 2020, and to provide greater clarity and direction on proposals for ADUs that exceed the minimums afforded under the State law.

*Where can I find the proposed changes?*

Sections 3.05, 3.10, 3.11, and 14.11 of the draft Land Development [Regulations](#)

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