

# ACCESSORY DWELLING UNIT



## Frequently Asked Questions

This FAQ provides general information about Accessory Dwelling Units (ADUs) and the process of applying for an ADU permit. Please see chapter 20.45 of the Missoula Municipal Code and the City of Missoula's adopted building code for specific requirements and more information.

**Accessory Dwelling Units**, known as ADUs, are small interior apartments or separate backyard houses that share a parcel with a single-family residence. They are also known as mother-in-law apartments or backyard cottages. Title 20, Missoula's zoning ordinance, defines an ADU as...

**Accessory Dwelling Unit.** *A separate dwelling unit within a primary residence or a separate dwelling unit that occupies an accessory building that shares a parcel with a primary residence. As the name implies, accessory dwelling units are an accessory use to the principal use of the property.*

There are three types of ADUs:

- Internal ADU - created within an existing or new house. For example, a basement apartment.
- Internal Addition ADU - added to the floor area of an existing house.
- Detached ADU – a dwelling unit that is separate from the primary dwelling unit. For Example, a garage apartment or alley house.

## **Which zoning districts allow ADUs?**

Missoula's zoning ordinance allows detached, internal, and internal addition ADUs in all Residential, B, C and M1R zoning districts. ADUs are not allowed in special districts or planned unit developments (PUDs) unless explicitly regulated within the special district or PUD.

## **Does building an ADU require a permit?**

Yes. A building permit must be issued by Development Services before construction of a new ADU (attached or detached), and renovation of existing structures to include an ADU. For information about the permitting process, contact the Development Services zoning information hotline, 552-6625.

## **What is the difference between an ADU and a second dwelling unit?**

A second dwelling unit is different from an ADU because it is one of two primary dwelling units on a parcel. A second dwelling unit can be detached or attached to another unit (i.e. a duplex or two-unit house), and may be conforming, non-conforming, or illegal. Buildings that look like ADUs but were built prior to 2009 are second dwelling units because the term ADU did not exist in Missoula's zoning ordinance until 2009.

Conforming second units - A conforming second unit meets all current requirements of the zoning district. A second unit can be on a parcel that is large enough to meet the zoning district's density standard for two units of housing.

Non-conforming second units – A non-conforming second unit was lawfully established but no longer complies with the parcel or building standards of the zoning district in which it is located. This occurs when zoning did not exist when the unit was built or through changes to zoning over time.

Illegal second units – A second unit may be illegal if it was constructed without appropriate permits and does not meet the current zoning requirements.

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## **How is a primary dwelling with an attached ADU different from a duplex (two-unit house)?**

ADUs have specific design standards, cannot be larger than 600 square feet, are not included in the land area calculation that determines housing density, require only one parking space, and require owner occupancy. Duplexes are not subject to ADU regulations.

## **Can an ADU be on a parcel with two or more primary residences?**

Missoula's zoning ordinance only allows ADUs on parcels occupied by a single detached house that meet the minimum parcel area standard of their zoning district. For example, a parcel in R5.4 would need to be at least 5,400 square feet to be eligible for an ADU.

## **Who can live in an ADU?**

The property owner, a family member, or a renter may live in either the primary residence or the ADU, however the property owner must occupy either the primary residence or ADU.

## **How does Development Services enforce the owner occupancy requirement?**

Property owners who build an ADU on their parcel must file a deed restriction stating they will occupy one of the units on site. The deed restriction is approved by the City Attorney's Office and filed with the County Clerk and Recorder's Office prior to building permit approval of the ADU. Once the deed restriction is on file, enforcement is complaint-based. A complaint against the ADU/property-owner will set in motion a compliance process by City Code Compliance, and if necessary the City Attorney's office, until the deed-restriction is honored.

## **Are there design standards for ADUs?**

Yes. ADU design standards are in Missoula's zoning ordinance, Title 20, Chapter 20.45.060.

## **Are neighbors notified when an ADU is built?**

Applicants are required to notify all property owners and residents of surrounding properties when they apply for a building permit to build an ADU. After the ADU permit has been issued, Development Services mails a notice to adjacent residents and property owners confirming that the ADU has been permitted.

## **What if I have an existing second dwelling unit not approved through a permit process?**

Development Services can determine the status of a dwelling unit and whether the general standards of the zoning district or the nonconforming uses standards apply. If the second dwelling unit is illegal, permits must be obtained to make the unit legal.

## **Do covenants restrict ADU's?**

If the property is located in an area with development covenants or a homeowners association, it is the responsibility of the property owner to determine if an ADU is allowed. Development or protective covenants may restrict your ability to build an ADU.

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## **Do ADUs require additional parking?**

An ADU requires one additional off-street parking space. If the ADU is in a single dwelling district and there are less than two parking spaces for the primary dwelling then a total of three on-site parking spaces are required.

## **Can an ADU share utility infrastructure with a primary residence?**

Yes. An ADU can share utility infrastructure with a primary residence. The infrastructure must have the capacity to handle an additional dwelling unit. The property owner should contact utility agencies (natural gas, electricity, water, sewer) for information about utility requirements.