

“Attachment A”
Montana Code Annotated (MCA) 2023:
A Simple Explanation of Accessory Dwelling Unit (ADU) Rules

Below are important rules from the Montana Code Annotated (MCA) 2023 regarding Accessory Dwelling Units (ADUs). These are typically smaller independent dwellings that can be built on the same property as a single-family home. Here's what you need to know:

- **ADUs Are Allowed By Right:** In Montana, every city must allow people to build at least one ADU on a property that already has a house. This is called allowing the ADU "by right." MCA 76-2-345(1)(a)
- **ADU Size:** ADUs can be attached to the primary residential dwelling or separate from it, or even inside it. But they can't be bigger than 75% of the primary dwelling or more than 1,000 square feet, whichever is smaller. MCA 76-2-345(1)(b-c)
- **ADU Setbacks:** ADUs in the City of Great Falls will have the same setback requirements as an accessory structure.
- **Limits on City Rules:** Cities are limited in creating extra rules for ADUs. Cities cannot:
 - Require more parking spaces or charge extra fees. MCA 76-2-345 (2)(a)
 - Require ADUs look just like the primary residence. MCA 76-2-345 (2)(b)
 - Restrict who can live there based on who owns the house or if the people are related or work nearby. MCA 76-2-345 (2)(c-d)
 - Charge for impact fees to build the ADU. MCA 76-2-345 (2)(e)
 - Set stricter building or design rules for ADUs than for regular houses. MCA 76-2-345 (2)(g-h)
 - Make rules that prevent ADUs in neighborhoods with only single-family houses. MCA 76-2-345 (2)(i)
- **Rules Regarding Private Agreements & Neighborhood/Subdivision Covenants:**
 - Private agreements between homeowners, such as restrictive covenants, are still allowed, even though cities cannot create or enforce them. MCA 76-2-345 (2)(i)
- **Other Considerations**
 - Cities can create rules for short-term rentals. MCA 76-2-345 (3)
 - A one-time zoning fee for ADU applications is permissible but can't be more than \$250. MCA 76-2-345 (4)
 - Cities can request approval letters from water and sewer systems before an ADU is built. MCA 76-2-345 (7)

You can access the Montana State Code regarding Accessory Dwelling Units in its entirety here: https://leg.mt.gov/bills/mca/title_0760/chapter_0020/part_0030/section_0450/0760-0020-0030-0450.html