



Accessory Dwelling Units

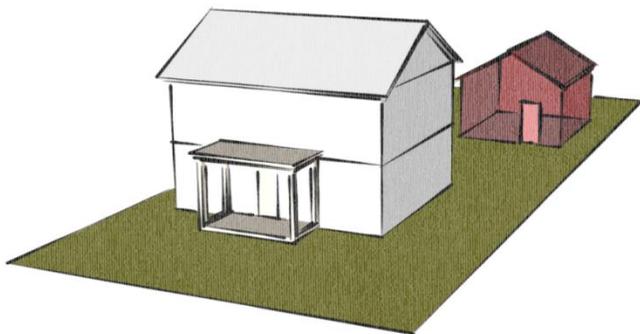
The City of Bismarck allows owners of single-family homes to install a second dwelling unit on their property, either inside an existing home or in a separate building on the lot, under certain conditions. This is known as an accessory dwelling unit (ADU). The purpose of this guide is to help homeowners determine whether this option works for them, and provide some assistance on the permitting process.

Most of the requirements for ADUs may be found in Section 14-03-08(4)(y) of the Bismarck Code of Ordinances.

Types of Accessory Dwelling Units (ADUs)

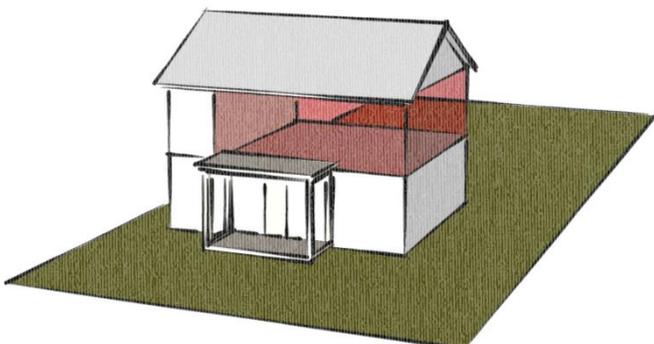
External ADU

A dwelling unit separate from the primary home, either above a garage or in a stand-alone structure.



Internal ADU

The use of a portion of the home for the unit, typically in a basement, attic, or an attached addition to the home.



Definition of ADU

Section 14-02-03 of the Bismarck Code of Ordinances:

“Accessory dwelling unit: A separate and complete dwelling unit established in conjunction with, but clearly subordinate to, the principal single-family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.”

Occupancy Requirements

The owner must live in either the primary home or the ADU. This requirement will be applied to subsequent owners if the lot is sold and the ADU remains in place. The ADU may be occupied by one family or up to four unrelated people. Only one ADU is allowed per lot or parcel. An ADU may be used for extended family or rented out independently.

Size Requirements

The residential space must be more than 300 square feet and less than 800 square feet; however, the size may be up to 1,200 square feet on lots of 5 acres or more. An internal ADU may not exceed 40% of the entire floor plan of the home (not counting an attached garage). The footprint of the primary and accessory structure together may not be greater than 30% of the area of the lot.

The height of an external ADU may not exceed 20 feet or the height of the primary home.

Setbacks for External ADUs

External ADUs must meet standard setback requirements for any other accessory structures. In general, this means they must not be in a front yard, must be at least 3 feet from side or rear property lines, and must be 10 feet from the primary home. There may also be easements on your property that prohibit any structures.

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Parking Requirements

At least one off-street parking space is required for the ADU, in addition to the two spaces already required for the single-family home. These may be in a garage or driveway. This requirement may be relaxed in older areas of the community if a parking plan is submitted.

Public Utilities

If municipal water and sewer services are available, they must be connected to the ADU. The owner may choose whether to have a separate meter or use one meter for both units, provided adequate capacity is available. Contact Public Works to inquire about connecting to these services. In rural areas, a septic system must have sufficient capacity or a second system and drainfield is required, which may not be feasible on smaller lots.

Residential Building Code

An ADU must meet all building code requirements for homes. This may make use of an existing external structure for an ADU impractical. In particular, the following requirements should be considered:

- Manufactured homes/mobile homes may not be utilized as ADUs within city limits.
- The foundation must include footings around the perimeter to at least four feet in depth.
- Structures known as “tiny homes” that are classified as recreational vehicles are not permitted as ADUs.

Non-Conforming Lots

Some older lots may be classified as “non-conforming.” In the R5 – Residential Zoning District, this would apply to any lot under 7,000 square feet if created after 1953 and under 5,000 square feet if created before 1953. External ADUs are not allowed on non-conforming lots.

Decks and Balconies

To protect the privacy of neighbors, rooftop decks and balconies are not allowed within 25 feet of a neighboring property.

Other Considerations

- Private covenants may prohibit ADUs. The applicant is responsible for complying, and staff will not confirm or enforce private covenants.

- A permit does not automatically expire and is passed on to new owners. However, it is terminated if the ADU is altered and no longer compliant, the lot or parcel is no longer owner-occupied, or the ADU is not installed within two years of approval.

How to Apply

Special Use Permit Required

Any ADU requires a special use permit issued by the Planning and Zoning Commission prior to construction. Staff and Planning Commissioners will evaluate the application for compliance with all ordinance requirements. Special conditions may be added to your permit, on a case-by-case basis.

A public hearing will be held and neighbors within the vicinity of the proposal will be notified. We encourage the applicant to communicate with neighbors in advance of the hearing and attend the hearing to answer questions. Allow up to 45 days for the process to be completed. Standard permit fees apply.

Documents Needed

Along with a signed application, the following materials are required:

- A building plan demonstrating compliance with requirements.
- For new accessory structures a site plan showing the position of the structure on the lot.
- A plan for expansion or septic capacity or an alternative parking arrangement may be necessary in certain situations.

Building Permit Required

After a special use permit is obtained, the owner may apply for a building permit to construct the ADU. A series of inspections will occur during different stages of construction, and a Certificate of Occupancy will be granted upon approval of the final inspection. Standard fees apply.

For additional information, contact the City of Bismarck Planning Division at 355-1840 or visit the City-County Office Building 221 N. 5th Street during standard office hours.