

This document was prepared by Keeping Frenchtown and does not replace or modify official Missoula County Zoning documentation. Every effort has been made to confirm this document is accurate but zoning regulations are complex and may have nuance or exceptions. If you have specific concerns about your future land use under the proposed zoning please contact Keeping Frenchtown, Missoula County, and/or a land-use professional for additional guidance.

## Agricultural Rural Residential / 5-Acre Lots (AGRR5)

Subject to all other restrictions and covenants of the land, this zoning requires a minimum of 5 acres per lot.

Only one “principal use” is permitted per lot in this district; multiple principal uses per lot may be permitted if approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses (however, see additional information below about Accessory Buildings and Accessory Dwelling Units). Agriculture, open space, parks, passive recreation, and minor utilities do not count as an additional primary use in AGRR5 districts.

Please see additional information later in this document for permitted uses and building types. Please refer to the AGRR subsection of the Missoula County Zoning Regulations for information about building size and setbacks.

### Existing Non-Conforming (AGRR5)

**Any existing lot sizes, structures, and uses that do not otherwise conform to the zoning will be considered “legal non-conforming” will be grandfathered in automatically.** Only new or modified use of your land, or structures on your land, are within the scope of zoning review and regulations.

We understand that you may be concerned about your ability to rebuild if your property is substantially damaged or destroyed (i.e. can I rebuild my barn if it burns down?). If your property and structures are conforming to zoning, then zoning should not impact the rebuilding process whatsoever. If you have a “legal non-conforming” use of the property, then you would need to seek a zoning variance as part of the rebuilding process (the variance process this well-established).

However, it is important to recognize that building or rebuilding in Missoula County requires a building permit and compliance with all applicable regulations (all setbacks, sanitation, water, electrical, and fire codes, etc.) **even if your property is completely unzoned.** Rebuilding a non-conforming use is likely to be a challenge regardless of the zoning status of your property. We ask you to keep this in mind as you consider the relative impact of zoning on your concerns about the future.

### Accessory Structures (AGRR5)

Accessory Structures are generally permitted such that they are of a permitted “building type” (see below) and for a “permitted use” (see below that).

AGRR5 may have up to 40% of a lot’s area “covered” (see below).

Lot **coverage** is calculated by adding the area (in square feet) covered by any building or structure, both principal and accessory, and including impervious surfaces such as walkways, driveways, roads,

uncovered porches, patios, and decks, swimming pools, parking areas, steps, terraces, and roof overhangs of two or more feet. When there are multiple principal uses on the property, the largest lot coverage allowance is applied.

**Please note that building or rebuilding in Missoula County requires a building permit and compliance with all applicable regulations (all setbacks, sanitation, water, electrical, and fire codes, etc.) even if your property is completely unzoned. Many of these rules are already more restrictive than the proposed zoning and must be complied with even if your property is unzoned.**

## Accessory Dwelling Units (AGRR5)

An ADU is defined as a subordinate dwelling unit located on the same lot as a principal dwelling that functions independently from the principal dwelling and, while not required, usually has a separate entrance. Accessory dwelling units may be located under the same roof with a primary dwelling (internal ADU) or in a separate structure (detached ADU).

- An accessory dwelling unit is permitted on any lot occupied by a single or two household dwelling. Only one ADU is allowed per lot, whether attached or detached.
- The floor area of an accessory dwelling unit may not exceed 980 square feet nor exceed the gross floor area of the principal structure.
- Accessory dwelling units are not included in density calculations, meaning no additional land area is required for the accessory dwelling unit.
- Accessory dwelling units are allowed only if the principal structure and accessory dwelling unit are connected to public sewer **or** have sanitation approval that allows for the accessory dwelling unit.
- Off-street parking is not required for accessory dwelling units
- The Zoning Officer may determine a dwelling unit larger than 980 sq. ft. that was legally existing prior to the effective date of these regulations to be an ADU when the structure clearly meets the definition of Accessory Dwelling Unit and meets all other requirements of this section.
- An ADU shall meet primary structure setbacks when the ADU is a mobile home.

## Building Types Allowed (AGRR5):

- Detached House
- Cottage (see note on ADU's above)
- Duplex (a duplex counts as two residences, so a 10-acre lot is required for a duplex in AGRR5)
- Duplex, Single Frontage (as above, a 10-acre lot is required for this building type in AGRR5)
- All-Purpose (defined as, a generic or non-descript building type meant to accommodate atypical principal or accessory structures of varying scales not already described herein, dependent on the purpose of the district in which it is located.) See "Permitted Uses" below.

**Please note that building or rebuilding in Missoula County requires a building permit and compliance with all applicable regulations (all setbacks, sanitation, water, electrical, and fire codes, etc.) even if your property is completely unzoned. Many of these rules are already more restrictive than the proposed zoning and must be complied with even if your property is unzoned.**

## Permitted Uses (AGRR5)

The following uses are permitted so long as they are part of the land or are housed within an allowed building type on the property. Permitted use may be either the primary use (i.e. a dwelling where you live) or an accessory use (i.e. a barn where you house animals and/or store equipment, etc.).

Only one "principal use" is permitted per lot in this district; multiple principal uses per lot may be permitted if approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses (however, see additional information below about Accessory Buildings and Accessory Dwelling Units). Agriculture, open space, parks, passive recreation, and minor utilities do not count as an additional primary use in AGRR5 districts.

**Principal (Primary) Use:** The primary or predominate activity for which a premises is designed, arranged, or intended. For the purposes of multiple principal uses, one or more of the same uses or structures are considered multiple principal uses.

**Accessory Use:** A use, clearly incidental, customarily found with, and subordinate to the main use located on the same parcel

Please see the Missoula County "Permitted Uses by District" publication for additional information.

- Administrative facility
- Agriculture
- Agriculture, high-intensity\*
- Agricultural-related business
- Animal services, large
- Animal services, small
- Animal shelter or boarding kennel\*
- Campground\*
- Community residential facility (8 or fewer residents)
- Daycare home
- Daycare center\*
- Dwelling, accessory unit
- Dwelling, single home
- Dwelling, two homes
- Funeral and interment services, cemetery
- Funeral and interment services, funeral home/mortuary\*
- Guest ranch, outfitting, or guide facility\*
- Home occupation
- Lodging, bed & breakfast
- Lodging, tourist home

- Manufacturing and production, agricultural\*
- Manufacturing and production, artisan
- Microbreweries, wineries, and microdistilleries\*
- Open space
- Park, public or private
- Pre-school
- Pre-school center\*
- Public safety service facility
- Recreation, active
- Recreation, developed outdoor
- Recreation, passive
- Recreational vehicle park\*
- Recycling service\*
- Religious assembly\*
- Research, cooperative learning and training facilities\*
- School\*
- Solar energy system, ground-mounted, small
- Solar energy system, ground-mounted, medium\*
- Solar energy system, roof-mounted
- Utility services – minor
- Utility services – major\*

Items marked by an asterisk (\*) may be permitted in the subject district, either as a principal use or accessory use, if reviewed and approved in accordance with the special exception review procedures found in Chapter 11 of the Missoula County Zoning Regulations and must comply with all applicable design and development standards subject to issuance of a Zoning Compliance Permit.