

County Zoning Amendments  
"Part 1 - Capital Changes"

## #3 – Accessory Structure Definition

The proposal is to replace the existing definition of Building, Accessory in Section 1.05 7. Missoula County Zoning Regulations with the text shown below.

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Proposed new definition of accessory structure

7. Accessory Structure - A structure that is 1) subordinate in area, extentfunction, or purpose to the principal use and building on the parcel and 2) that is customarily used in conjunction with a permitted accessory use.

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Section 1.05 7. below is the current definition of Building, Accessory. This section is proposed to be replaced by the language above.

### 1.05 Definitions

#### 7. Building, Accessory

A detached subordinate building, excluding a guest house, mobile home or trailer, the use of which is customarily incidental to that of the main building, or to the main use of the premises, and located on the same lot with the main building or use.

**County Zoning Amendments**  
**"Part 1 - Capital Changes"**

## **#3 - Accessory Structures**

The proposal is to replace the existing Section 3.06 D. Missoula County Zoning Regulations (shown at the end of this document), with the text shown in section C on pages 1 and 2.

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C. Accessory Structures

[Note: If this section is adopted, include a cross-reference to this section in each zoning district.]

1. Accessory structures must be located on the same parcel as the principal use to which they are accessory.
2. Accessory structures must comply with other requirements, such as plat restrictions, floodplain, shoreline, sanitation, sight visibility, drainage, and easement requirements.
3. No accessory structure shall be erected in any required primary or secondary front yard setback.
4. No accessory structure shall be erected within 3' of any perimeter lot line.
5. Any accessory building used for raising and housing livestock shall meet the following setbacks:
  - a. Fifty (50) feet
  - b. One hundred (100) feet to any place of human habitation under separate ownership or on a separate lot.
  - c. One hundred (100) feet from any watercourse.

[Note: If these requirements are included here, we can delete the existing requirement from each zoning district – A and R zones.]

6. Accessory structures must be constructed in conjunction with or after the principal structure. They may not be built before the principal building.
7. Agricultural and Residential Zones
  - a. Accessory structures in agricultural and residential zones that do not exceed 200 square feet in area and not requiring a building permit do not require a Zoning Compliance Permit, but are subject to the requirements of these regulations.
  - b. Accessory structures in A, -RR, -R, and other applicable agricultural and residential zoning districts not requiring a Zoning Compliance Permit and not exceeding 8'6" in height are exempt from side setbacks.
  - c. Accessory structures in A, -RR, -R, and other applicable agricultural and residential zoning districts not requiring a Zoning Compliance Permit and not exceeding 12' in height are exempt from rear setbacks.
  - d. Accessory structures must comply with the height restrictions in the applicable zoning district and ~~shall not be subject~~ **are not eligible** to any height exceptions; however, accessory structures not requiring a Zoning Compliance Permit may not

exceed 12' in height. [Note: If this is adopted, the height exception in Section 3.06 needs to be clarified that the exception only applies to primary structures.]

- e. The cumulative building coverage of accessory structures on a lot in an agricultural or residential zone shall not be more than ~~50%~~30% of the gross lot area, excluding accessory structures used for agriculture.

#### 8. Non-Residential Zones

- a. Accessory structures in commercial and public zones must be set back 5' from any adjacent residential zone.
- b. Accessory structures in industrial zones must be set back 100' from any adjacent public, agricultural, or residential zone. [Note: This is current language in the Industrial zones and can be deleted from those zones (with the appropriate cross-reference), if this language is moved to this section.]
- c. Accessory structures may not exceed the height of the principal building on the same parcel in commercial and industrial zoning districts.
- d. Accessory structures in public zones shall comply with the height restriction of that zone.

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Section 3.06 D. below is the current regulation of accessory structures. This section is proposed to be replaced by the language above.

#### 3.06 General Regulations

- D. No accessory building shall be erected in any required front yard and no separate accessory building shall be erected within ten (10) feet of any main building or within three (3) feet from any lot line. The cumulative building coverage of accessory buildings on a lot in a residential zone shall be less than that of the main structure.