

## **Section 33: MR-3 Mountain Residential-Three District**

(orig. 11-14-55; am. 6-2-58; am. 2-6-84; am. 12-17-02; am. 7-11-06; am. 5-20-08; am. 04-20-10)

### **A. Intent and Purpose**

1. The Mountain Residential-Three Zone District is intended to provide for medium density residential development and includes single-family and two-family dwellings (duplex). (orig. 11-6-79; am. 12-17-02)
2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for this zone district. (orig. 11-6-79)

### **B. Permitted Uses**

1. Single-family dwelling. (orig. 11-14-55; am. 12-17-02)
2. Two-family dwelling or duplexes. (orig. 11-14-55; am. 12-17-02)
3. Group home for up to 8 aged persons not located within 750 feet of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 feet of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 feet of another such group home or group home for aged or developmentally disabled persons. (orig. 6-14-88)
4. Public park, Class I public recreation facilities. (orig. 11-14-55; am. 9-11-90)
5. Telecommunication Land Uses shall comply with the provisions of the Telecommunication Uses Section of the Zoning Resolution. (orig. 4-20-10)
6. Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution. (orig. 4-20-10)

### **C. Accessory Uses**

1. Accessory structures including: (orig. 12-17-02)
  - a. Private garage. (orig. 2-3-41)
  - b. One mini-structure as per the Accessory Uses Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)
  - c. Storage shed. (orig. 12-17-02)
2. Private building and kennel for housing dogs, cats and similar domesticated pets. The maximum total number of dogs, cats and similar domesticated pets which may be kept shall be 3. Litters of puppies or kittens may be kept until weaned. (orig. 11-6-79; am. 12-17-02)
3. Home occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupations Section of this Zoning Resolution are met. (orig. 6-23-81; am. 12-17-02; am. 7-11-06)
4. Those accessory uses as permitted in the Accessory Uses Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)

### **D. Special Uses**

The following uses shall be permitted only upon review by the Planning Commission and approval by the Board of County Commissioners: (orig. 11-15-65; am. 11-6-79; am. 12-17-02)

1. Church and church related uses, parish house and/or parsonage. (orig. 9-11-90; am. 12-17-02)

2. Public library, public or private nonprofit museum. (orig. 9-11-90)
3. Telephone exchange, electric substation, including electric transmission and distribution lines or gas regulator station where no repair or storage facilities are maintained. (orig. 11-15-65)
4. Cable television reception substation. (orig. 9-11-90)
5. Water supply reservoir and irrigation canal. (orig. 11-15-65; am. 11-6-79)
6. Railroad right-of-way, but not including freight yards, passenger station, switching or storage. (orig. 11-15-65)
7. Group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender. (orig. 2-1-00)
8. Group, foster or communal home, residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal care boarding home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility or shelter from domestic violence, licensed or certified by the state if applicable, in which 7 or more residents who are not legally related live and cook together as a single housekeeping unit, and where such home or shelter is not located within 750 feet of another similar type home or shelter. (orig. 6-26-79; am. 6-14-88; am. 5-25-04)
9. Group home for the aged, group home for the developmentally disabled, group home for mentally ill persons, licensed or certified by the state if applicable, in which 9 or more residents who are not legally related live and cook together as a single household unit, and where such home is not located within 750 feet of another similar type home. (orig. 5-25-04)
10. State licensed day-care center or preschool or nursery. (orig. 6-14-88; am. 7-12-05)
11. Public, parochial and private schools. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults. Exceptions listed above shall not preclude home occupations authorized by the Board of Adjustment or the Home Occupations Section of this Zoning Resolution. (orig. 2-3-41; am. 5-6-46; am. 6-20-66; am. 11-6-79; am. 6-23-81; am. 6-14-88; am. 9-11-90; am. 12-17-02; am. 7-11-06)
12. Oil and gas drilling operations. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use. (orig. 10-17-83; am. 12-17-02; am. 7-11-06)
13. Class I or II commercial recreation facilities, Class II public recreation facilities. (orig. 9-11-90)

#### **E. Lot and Building Standards**

1. Building Height:
  - a. Primary Structure: shall not exceed 45 feet in height. (orig. 11-14-55; am. 5-20-08)
  - b. Accessory structures: no such building shall exceed the lesser of 25 feet or the height of the primary structure. (orig. 5-20-08)
2. Lot Standards
  - a. The minimum lot area for a single-family dwelling shall be 6,250 square feet. (orig. 11-14-55; am. 12-17-02)
  - b. The minimum lot area for a duplex shall be 9,000 square feet. (orig. 5-20-08)

- c. The minimum development area for a two-family dwelling shall be 9,000 square feet with a minimum individual lot area requirement of 4,000 square feet per unit. (orig. 5-20-08)
3. Front Setback
  - a. The minimum front setback for a single-family dwelling, a two-family dwelling, duplex, or other main building, or garage shall be 30 feet. (orig. 11-14-55; am. 11-15-65; am. 11-6-79; am. 3-28-00; am. 12-17-02)
  - b. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 11-6-79; am. 7-1-03)
  - c. All other accessory buildings shall be set back at least 50 feet from the front lot line. (orig. 11-14-55; am. 11-6-79)
4. Side Setbacks
  - a. The minimum side setback for any building shall be 15 feet on each side. The minimum side setback for any building adjacent to a street shall be 30 feet. (orig. 11-14-55; am. 11-15-65; am. 11-6-79)
  - b. For a two-family dwelling, no side setback shall be required where there is a common wall. (orig. 5-20-08)
  - c. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 11-6-79; am. 7-1-03)
5. Rear Setback: The minimum rear setback for any building shall be 20 feet. (orig. 11-14-55; am. 11-15-65)
6. Fences
  - a. Maximum fence height: 6 feet. (orig. 8-6-80)
  - b. Fence permits are required for any fence over 42 inches in height. (orig. 8-6-80)
  - c. No fence more than 42 inches in height of any type shall be permitted within the front setback. (orig. 8-6-80; am. 12-17-02)
  - d. No barbed wire or electric fence shall be permitted in this zone district. (orig. 8-6-80)
  - e. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 8-6-80; am. 7-1-03)
  - f. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig. 8-6-80)
7. Signs and Outdoor Advertising Devices: Signs and outdoor advertising devices shall be in accordance with the provisions of the Signs and Outdoor Advertising Devices Section of this Zoning Resolution. (orig. 7-20-81; am. 12-17-02; am. 7-11-06)

#### **F. General Requirements**

1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 11-6-79)
2. No structure may be erected, placed upon, or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig. 11-6-79)