

## Chapter 17.14 - R-3 MULTI-FAMILY RESIDENCE ZONE

### Sections:

#### 17.14.010 - Primary intended use.

The R-3 zone is intended primarily to accommodate multi-family residences. The zone may be used to provide for apartment developments in residential areas, to encourage developments of lots on which single-family residences would be impractical because of terrain, rock, or similar condition, to permit a greater number of persons to reside near secondary focal points of Butte-Silver Bow, state of Montana, such as outlying business or industrial employment centers, or to establish a buffer between the one-family residence areas and the less restrictive nonresidential zones. To achieve this intent, the regulations in this chapter and the supplementary regulations in Chapter 17.38 shall apply in the R-3 zone.

(Ord. 53 § 60-1, 1978)

#### 17.14.020 - Permitted uses.

Hereafter in the R-3 zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any use other than the following unless otherwise provided in this title:

- A. Dwellings:
  - 1. Single-family;
  - 2. Two family;
  - 3. Multi-family;
  - 4. Manufactured homes.
    - a. Class A,
    - b. Modular.
- B. Any nonresidential use permitted in the R-1 and R-2 zones;
- C. Room or room and board and boarding homes for not more than eight persons provided by a resident proprietor;
- D. Accessory uses ordinarily appurtenant to permitted uses. Accessory structures, including detached private garages, shall not be located within the front yard, nor less than ten feet from any adjoining side street. Accessory structures may extend to within three feet of the rear and inside property lines when an alleyway exists along the rear of the property or to within five feet of the rear and inside property lines when an alley does not exist. Private garages attached to or within the residence shall adhere to the setback requirement of the residence. In all cases, there shall be a minimum off-street parking apron of twenty feet in

length directly in front of all garage door entrances when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet, except, that private garages accessory to multifamily residences shall be designed and constructed in harmony with the general appearance of the main building and shall not be operated as a public repair garage except that services may be rendered for tenants when limited to car washing, polishing, lubrication, refueling, tire repairing, and minor adjustments when performed entirely within an enclosed garage building. All garages two or more stories in height shall be enclosed structures;

E. Day care homes, family or group;

F. Other uses permitted under the supplementary use regulations in Sections 17.38.170 through 17.38.240.

(Ord. 00-9 § 1 (part), 2000; Ord. 437 § 13, 1992; Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 155 § 1(f), 1982; Ord. 53 § 60-2, 1978)

#### 17.14.030 - Conditional uses.

Conditional uses shall be as follows:

A. Manufactured Homes Class B as to the provisions of Chapter 17.37;

B. Medical, dental offices and clinics, and offices for the practice of healing sciences licensed by the state of Montana may be allowed by a conditional use permit from the board of adjustment after public hearing and a finding that such use will not be unduly detrimental to surrounding properties; and, provided, that no more than nine persons shall practice or be employed therein, or which no more than three may be doctors (including dentists);

C. Hotels, motels, private clubs and lodges may be allowed by a conditional use permit from the board of adjustment after public hearing and examination of the plans and location thereof, and after a finding that such use and proposed development will not be unduly detrimental to surrounding properties or to the zone in which it may be located. Accessory business uses such as barber, newsstand, garment repair and pressing, or gift shop may be allowed therewith for the purpose of serving the tenants or members thereof; provided, that no display of merchandise, signs, or other advertising matter shall be visible from outside the building, and all customer entrances to such businesses shall be from within the lobby, hallway, or other interior portion of the building;

D. Home occupations.

(Ord. 00-9 § 1 (part), 2000; Ord. 437 § 14, 1992; Ord. 135 § 1(b), (c), 1981; Ord. 53 § 60-3, 1978)

#### 17.14.040 - Building height limits.

Building height limits shall be as follows:

- A. For any building containing multi-dwelling units, seven stories but not exceeding eighty feet;
- B. For all other buildings, same as R-1 zone.

(Ord. 53 § 60-4, 1978)

17.14.050 - Minimum lot area.

Minimum lot area shall be as follows:

- A. Single-family dwellings, six thousand square feet; and as applicable under Chapter 17.38;
- B. Two-family dwellings, seven thousand five hundred square feet; and as applicable under Chapter 17.38;
- C. Multifamily dwellings, lot area requirements per dwelling unit shall be as follows, and as applicable under Chapter 17.38:

Dwelling Unit	Square Feet per Dwelling Unit
2—8	1500
9 plus	400 additional sq. ft./unit

There shall be six thousand square feet of land in addition to the above formula.

(Ord. 296 § 1 (part), 1987: Ord. 295 § 1 (part), 1987: Ord. 53 § 60-5, 1978)

17.14.060 - Minimum lot width.

Minimum lot width shall be as follows:

- A. Single-family dwellings, sixty feet;
- B. Two-family dwellings, seventy-five feet;
- C. Multifamily dwelling, eighty feet.

(Ord. 296 § 1 (part), 1987: Ord. 295 § 1 (part), 1987: Ord. 53 § 60-6, 1978)

17.14.070 - Minimum front yard depth.

Minimum front yard depth shall be as follows:

- A. Single-family dwelling, twenty feet;
- B. Two-family dwelling, twenty feet;

C. Multifamily dwelling, twenty-five feet.

When fronting on the right-of-way of a major thoroughfare shown on the official major street system and committed improvements plan, the front yard shall be measured from the proposed right-of-way line.

(Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 60-7, 1978)

17.14.080 - Minimum side yard width.

Minimum side yard width shall be as follows:

- A. One-story dwellings shall have a minimum of a five foot side yard; a two-story dwelling shall have a minimum of an eight foot side yard; and each additional story over two shall have an additional four feet, for each story, added to the required side yard.

However, any side yard abutting a street shall have a minimum setback of ten feet including accessory structures;

- B. Two-family dwellings, ten feet on each side;
- C. Multifamily dwellings, ten feet on each side; and
- D. For the purpose only of locating a building exceeding two stories in height on a lot, the required minimum width of each side yard shall be increased by four feet for each additional story over two.

(Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 155 § 1(g), 1982; Ord. 53 § 60-8, 1978)

17.14.090 - Minimum rear yard depth.

Minimum rear yard depth shall be ten feet for one and two-family dwellings and fifteen feet for apartment buildings; other principal buildings shall have a rear yard setback of thirty-five feet. Also, for the purpose of locating a building two stories or more in height on a lot, the required minimum depth of the rear yard shall be increased by four feet per story.

(Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 60-9, 1978)