

~~40.230.070 — Urban Holding Districts (UH-10, UH-20, UH-40)~~

~~A. Purpose.~~

~~1. The Urban Holding 10-acre zone (UH-10) may be applied to protect certain lands identified within urban growth areas from premature development when public policy establishes urbanization criteria such as requiring annexation prior to development. The Urban Holding 10 district is also appropriate where public facilities are inadequate to support development under the urban zoning designation.~~

~~2. The Urban Holding 20-acre zone (UH-20) has the same purpose as UH-10 except that the area is intended to be developed for industrial or office type nonresidential uses and retention in larger lots will ensure the site is adequate in size to accommodate large industrial or office developments.~~

~~3. The Urban Holding 40-acre zone (UH-40) has the same purpose as UH-20 except that the area is intended to be developed for industrial or office type nonresidential uses and retention in larger lots will ensure the site is adequate in size to accommodate major industrial or office campus developments.~~

~~(Amended: Ord. 2007-09-13; Ord. 2008-06-02)~~

~~B. Uses.~~

~~—The uses set out in Table 40.230.070-1 are examples of uses allowable in various urban holding zone districts. The appropriate review authority is mandatory.~~

~~• “P” Permitted uses.~~

~~• “R/A” Uses permitted upon review and approval as set forth in Section 40.520.020.~~

~~• “C” Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030 and the additional conditional use criteria below:~~

~~1. Permanent structures or facilities shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding properties.~~

~~2. All urban road, drainage and other urban development requirements shall apply to ensure that future urban development will occur in an orderly manner.~~

~~3. Signed agreements between the property owner and the service provider(s) to connect to public sewer and water when they become available within three hundred (300) feet of the site shall be provided prior to commencing the authorized use; provided, such extension or connection does not require pump stations or capital facilities, such as larger pipes, to increase the capacity of the system.~~

~~• “X” Uses specifically prohibited.~~

~~Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.~~

| Table 40.230.070-1. Uses | | | | |
|--|-------|-------|-------|-------------------|
| | UH-10 | UH-20 | UH-40 | Special Standards |
| 1. Residential: | | | | |
| a. Single-family dwellings and accessory buildings | P | P | P | 40.260.010 |
| b. Family day care centers | P | P | P | 40.260.160 |

| Table 40.230.070-1. Uses | | | | |
|--|-------|-------|-------|-------------------|
| | UH-10 | UH-20 | UH-40 | Special Standards |
| e.— Adult family homes | P | P | P | 40.260.190 |
| d.— Home business — Type I | P | P | P | 40.260.100 |
| e.— Home business — Type II | R/A | R/A | R/A | 40.260.100 |
| f.— Bed and breakfast establishments (up to 2-guest bedrooms) | R/A | R/A | R/A | 40.260.050 |
| g.— Bed and breakfast establishments (3 or more guest bedrooms) | C | C | C | 40.260.050 |
| h.— Garage sales | P | P | P | 40.260.090 |
| i.— Residential care homes | C | C | C | 40.260.180 |
| j.— Temporary dwellings | P | P | P | 40.260.210 |
| 2.— Services, Business: | | | | |
| a.— Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials. | R/A | R/A | R/A | |
| b.— Roadside farm stand | P | P | P | 40.260.025 |
| e.— Agricultural market | P | P | P | 40.260.025 |
| d.— Veterinary clinics | C | C | C | |
| e.— Kennels | C | C | C | 40.260.040 |
| 3.— Services, Amusement: | | | | |
| a.— Publicly owned recreational facilities, services, parks and playgrounds | P | P | P | |
| b.— Neighborhood parks | P | P | P | 40.260.157 |
| e.— Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park or gun club | C | C | C | |

| Table 40.230.070-1. Uses | | | | |
|---|----------------|----------------|----------------|-------------------|
| | UH-10 | UH-20 | UH-40 | Special Standards |
| d.— Golf courses | € | € | € | |
| e.— Equestrian facilities | € | € | € | 40.260.040 |
| f.— Outdoor public entertainments, amusements and assemblies | R/A | R/A | R/A | Chapter 5.32 |
| g.— Tasting rooms and event facilities in conjunction with a winery | P | P | P | 40.260.245 |
| 4.— Services, Membership Organization. | | | | |
| a.— Churches | € | € | € | |
| 5.— Services, Educational. | | | | |
| a.— Public or private schools, but not including business, dancing or technical schools | € | € | € | 40.260.160 |
| 6.— Public Service and Facilities. | | | | |
| a.— Private ambulance dispatch facilities | € | € | € | 40.260.030 |
| b.— Government facilities | € ⁺ | € ⁺ | € ⁺ | |
| 7.— Resource Activities. | | | | |
| a.— Agricultural and forestry, including any accessory buildings and activities | P | P | P | 40.260.080 |
| b.— Silviculture | P | P | P | 40.260.080 |
| e.— Commercial uses supporting agricultural and forestry resource uses | P ² | P ² | P ² | |
| d.— Quarters, accommodations, or areas for transient labor, such as labor cabins or camps | P | P | P | |
| 8.— Other. | | | | |
| a.— Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and | P | P | P | 40.260.240 |

| Table 40.230.070-1. Uses | | | | |
|--|------------------|------------------|------------------|-------------------|
| | UH-10 | UH-20 | UH-40 | Special Standards |
| water transmission lines | | | | |
| b.—Solid waste handling and disposal sites | C | C | C | 40.260.200 |
| e.—Wireless communications facilities | P/C ³ | P/C ³ | P/C ³ | 40.260.250 |
| d.—Cemeteries and mausoleums; crematoria; columbaria; and mortuaries within cemeteries; provided, that no crematorium is within two hundred (200) feet of a lot in a residential district | C | C | C | |
| e.—Temporary uses | P | P | P | 40.260.220 |
| f.—Electric vehicle infrastructure | P | P | P | 40.260.075 |
| g.—Commercial storage of boats, vehicles, and RVs | X | P ⁴⁻⁵ | P ⁴⁻⁵ | |
| h.—Storage yard for building materials, contractors ² equipment and vehicles, house mover, delivery vehicles, transit storage, used equipment in operable condition and related materials | X | P ⁴⁻⁵ | P ⁴⁻⁵ | |
| i.—Coffee and food stands two hundred (200) square feet or less | P | P | P | 40.260.055 |
| j.—Medical marijuana collective gardens | X | X | X | |
| k.—Marijuana-related facilities | X | X | X | |

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¹Including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

²Commercial uses supporting agricultural and forestry resource uses, such as packing, first stage processing and processing which provides value added to resource products.

³See Table 40.260.250-1.

⁴Allowed only for properties with a base zone of IL.

⁵Outdoor storage will be subject to the provisions of Section 40.230.085(E)(5).

(Amended: Ord. 2005-04-12; Ord. 2006-09-13; Ord. 2007-09-13; Ord. 2009-12-01; Ord. 2011-03-09; Ord. 2011-06-14; Ord. 2011-12-09; Ord. 2012-06-02; Ord. 2012-07-03; Ord. 2012-12-14; Ord. 2012-12-23; Ord. 2013-07-08; Ord. 2014-01-08; Ord. 2014-05-07; Ord. 2014-11-02)

C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.230.070-2 and 40.230.070-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

| Table 40.230.070-2. Lot Requirements | | | |
|--------------------------------------|---------------------------------------|--------------------------|--------------------------|
| Zoning District | Minimum Lot Area (acres) ¹ | Minimum Lot Width (feet) | Minimum Lot Depth (feet) |
| UH-10 | 10 acres | 140 ² | None |
| UH-20 | 20 acres | 330 ² | None |
| UH-40 | 40 acres | 330 ² | None |

¹ Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.

² Unless a greater width shall be required by the Clark County fire code.

(Amended: Ord. 2007-09-13)

| Table 40.230.070-3. Setbacks, Lot Coverage and Building Height | | | | | | |
|--|-------------------------------|---------------|---------------------|---------------------|----------------------|--------------------------------|
| Zoning District | Minimum Setbacks ¹ | | | | Maximum Lot Coverage | Maximum Building Height (feet) |
| | Front (feet) | Side | | Rear (feet) | | |
| | | Street (feet) | Interior (feet) | | | |
| UH-10 | 50 | 25 | 20, 50 ¹ | 20, 50 ² | N/A | 35 ³ |
| UH-20 | 50 | 25 | 20, 50 ¹ | 20, 50 ² | N/A | 35 ³ |
| UH-40 | 50 | 25 | 20, 50 ¹ | 20, 50 ² | N/A | 35 ³ |

¹ Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

² Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

³ Residential buildings only.

⁴ Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).

(Amended: Ord. 2006-05-01; Ord. 2007-09-13; Ord. 2010-08-06)

2. Nonconforming Lots Lot Reconfiguration Standards.

1 a.—Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount
2 of commercially viable resource land under single ownership and reduce the amount of road and utility
3 construction.

4 b.—Lot Reconfiguration. Except for previously approved agricultural or forest zoned clusters or rural
5 residential planned unit developments, these substandard lots may be modified where consistent with the
6 following criteria. Parcels which meet all of the following criteria are eligible for reconfiguration and
7 reduction in size subject to a Type II review if:

8 (1)—Existing parcel(s) are:

9 (a)—Smaller than the minimum lot size established for new lots in the applicable zoning district.
10 Parcels which meet the minimum lot size may be adjusted as a part of this process, but may not
11 be decreased below the established minimum lot size;

12 (b)—Determined to be legally created, have lawful access, and be buildable.

13 (2)—Proposed parcel(s) result in the following:

14 (a)—No additional parcels;

15 (b)—Have septic suitability approval;

16 (c)—Have adequate public or private potable water at the time of occupancy;

17 (d)—Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a
18 minimum width of at least one hundred forty (140) feet.

19 (e)—Result in achieving one (1) or more of the identified public interest issues in one (1) above.

20 c.—Lot Requirements. The setback, dimensional, use and height standards for these lots shall be as
21 established for the Rural 5 zone except that reductions in side and rear setbacks shall be granted where
22 necessary to permit construction of a dwelling on the parcel; provided, when the parcel is abutting, or
23 surrounded by, property zoned for resource uses, the minimum setback from those property lines shall be
24 fifty (50) feet for all structures.

25 3.—Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

26 4.—Off Street Parking. Off street parking shall be provided as required in Chapter 40.340.

27 (~~Amended: Ord. 2004-09-02; Ord. 2007-09-13~~)

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40.250.110 Urban Holding Overlay (UH-10, UH-20, UH-40)

A. Purpose.

The Urban Holding Overlay is used to protect areas from premature land division and development that would preclude efficient transition to urban development or large-scale industrial development.

1. The Urban Holding-10 acre zone (UH-10) may be applied to protect certain lands identified within urban growth areas from premature development when public policy establishes urbanization criteria such as requiring annexation prior to development. The Urban Holding-10 district is also appropriate where public facilities are inadequate to support development under the urban zoning designation.

2. The Urban Holding-20 acre zone (UH-20) has the same purpose as UH-10 except that the area is intended to be developed for industrial or office type nonresidential uses and retention in larger lots will ensure the site is adequate in size to accommodate large industrial or office developments.

3. The Urban Holding 40 acre zone (UH 40) has the same purpose as UH 20 except that the area is intended to be developed for industrial or office type nonresidential uses and retention in larger lots will ensure the site is adequate in size to accommodate major industrial or office campus developments.

(Amended: Ord. 2007-09-13; Ord. 2008-06-02)

B. Uses.

The uses set out in Table 40.230.070-1 40.250.110-1 are examples of uses allowable in various areas under the urban holding zone districts. The appropriate review authority is mandatory.

• “P” – Permitted uses.

• “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.

• “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030 and the additional conditional use criteria herein below:

1. Permanent structures or facilities shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding properties.

2. All urban road, drainage and other urban development requirements shall apply to ensure that future urban development will occur in an orderly manner.

3. Signed agreements between the property owner and the service provider(s) to connect to public sewer and water when they become available within three hundred (300) feet of the site shall be provided prior to commencing the authorized use; provided, such extension or connection does not require pump stations or capital facilities, such as larger pipes, to increase the capacity of the system.

4. The property owner shall submit with the conditional use application a signed agreement(s) between the property owner and the service provider(s) that obliges the property owner to connect to public sewer and water when each becomes available within three hundred (300) feet of the site shall be provided prior to commencing the authorized use; provided such extension or connection does not require pump stations or capital facilities, such as larger pipes, to increase the capacity of the system and is consistent with Section 40.370.010.

• “X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

| Table 40.230.070-1 40.250.110-1 Uses | | | | |
|--|--------------|--------------|--------------|--------------------------|
| | <u>UH-10</u> | <u>UH-20</u> | <u>UH-40</u> | <u>Special Standards</u> |
| <u>1. Residential.</u> | | | | |
| <u>a. Single-family dwellings and accessory buildings</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.010</u> |
| <u>b. Family day care centers</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.160</u> |
| <u>c. Adult family homes</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.190</u> |
| <u>d. Home business – Type I</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.100</u> |
| <u>e. Home business – Type II</u> | <u>R/A</u> | <u>R/A</u> | <u>R/A</u> | <u>40.260.100</u> |
| <u>f. Bed and breakfast establishments (up to 2 guest bedrooms)</u> | <u>R/A</u> | <u>R/A</u> | <u>R/A</u> | <u>40.260.050</u> |
| <u>g. Bed and breakfast establishments (3 or more guest bedrooms)</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>40.260.050</u> |
| <u>h. Garage sales</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.090</u> |
| <u>i. Residential care homes</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>40.260.180</u> |
| <u>j. Temporary dwellings</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.210</u> |
| <u>2. Services, Business.</u> | | | | |
| <u>a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.</u> | <u>R/A</u> | <u>R/A</u> | <u>R/A</u> | |
| <u>b. Roadside farm stand</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.025</u> |
| <u>c. Agricultural market</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.025</u> |
| <u>d. Veterinary clinics</u> | <u>C</u> | <u>C</u> | <u>C</u> | |
| <u>e. Kennels</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>40.260.040</u> |
| <u>3. Services, Amusement.</u> | | | | |
| <u>a. Publicly owned recreational facilities, services, parks and playgrounds</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>b. Neighborhood parks</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.157</u> |
| <u>c. Private recreation facilities, such as</u> | <u>C</u> | <u>C</u> | <u>C</u> | |

| Table 40.230.070-1 40.250.110-1 Uses | | | | |
|--|----------------------|----------------------|----------------|--------------------------|
| | <u>UH-10</u> | <u>UH-20</u> | <u>UH-40</u> | <u>Special Standards</u> |
| <u>country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park or gun club</u> | | | | |
| <u>d. Golf courses</u> | <u>C</u> | <u>C</u> | E | |
| <u>e. Equestrian facilities</u> | <u>C</u> | <u>C</u> | E | <u>40.260.040</u> |
| <u>f. Outdoor public entertainments, amusements and assemblies</u> | <u>R/A</u> | <u>R/A</u> | R/A | <u>Chapter 5.32</u> |
| <u>g. Tasting rooms and event facilities in conjunction with a winery</u> | <u>P</u> | <u>P</u> | P | <u>40.260.245</u> |
| <u>4. Services, Membership Organization.</u> | | | | |
| <u>a. Churches</u> | <u>C</u> | <u>C</u> | E | |
| <u>5. Services, Educational.</u> | | | | |
| <u>a. Public or private schools, but not including business, dancing or technical schools</u> | <u>C</u> | <u>C</u> | E | <u>40.260.160</u> |
| <u>6. Public Service and Facilities.</u> | | | | |
| <u>a. Private ambulance dispatch facilities</u> | <u>C</u> | <u>C</u> | E | <u>40.260.030</u> |
| <u>b. Government facilities</u> | <u>C¹</u> | <u>C¹</u> | E ⁺ | |
| <u>7. Resource Activities.</u> | | | | |
| <u>a. Agricultural and forestry, including any accessory buildings and activities</u> | <u>P</u> | <u>P</u> | P | <u>40.260.080</u> |
| <u>b. Silviculture</u> | <u>P</u> | <u>P</u> | P | <u>40.260.080</u> |
| <u>c. Commercial uses supporting agricultural and forestry resource uses</u> | <u>P²</u> | <u>P²</u> | P ² | |
| <u>d. Quarters, accommodations, or areas for transient labor, such as labor cabins or camps</u> | <u>P</u> | <u>P</u> | P | |

| Table 40.230.070-1 40.250.110-1 Uses | | | | |
|--|------------------------|------------------------|------------------------|--------------------------|
| | <u>UH-10</u> | <u>UH-20</u> | <u>UH-40</u> | <u>Special Standards</u> |
| <u>8. Other.</u> | | | | |
| <u>a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.240</u> |
| <u>b. Solid waste handling and disposal sites</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>40.260.200</u> |
| <u>c. Wireless communications facilities</u> | <u>P/C³</u> | <u>P/C³</u> | <u>P/C³</u> | <u>40.260.250</u> |
| <u>d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within two hundred (200) feet of a lot in a residential district</u> | <u>C</u> | <u>C</u> | <u>C</u> | |
| <u>e. Temporary uses</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.220</u> |
| <u>f. Electric vehicle infrastructure</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.075</u> |
| <u>g. Commercial storage of boats, vehicles, and RVs</u> | <u>X</u> | <u>P^{4,5}</u> | <u>P^{4,5}</u> | |
| <u>h. Storage yard for building materials, contractors' equipment and vehicles, house mover, delivery vehicles, transit storage, used equipment in operable condition and related materials</u> | <u>X</u> | <u>P^{4,5}</u> | <u>P^{4,5}</u> | |
| <u>i. Coffee and food stands two hundred (200) square feet or less</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>40.260.055</u> |
| <u>j. Medical marijuana collective gardens</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| <u>k. Marijuana-related facilities</u> | <u>X</u> | <u>X</u> | <u>X</u> | |

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¹ Including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

² Commercial uses supporting agricultural and forestry resource uses, such as packing, first stage processing and processing which provides value added to resource products.

³ See Table 40.260.250-1.

⁴ Allowed only for properties with a base zone of IL.

⁵ Outdoor storage will be is subject to the provisions of Section 40.230.085(E)(5).

(Amended: Ord. 2005-04-12; Ord. 2006-09-13; Ord. 2007-09-13; Ord. 2009-12-01; Ord. 2011-03-09; Ord. 2011-06-14; Ord. 2011-12-09; Ord. 2012-06-02; Ord. 2012-07-03; Ord. 2012-12-14; Ord. 2012-12-23; Ord. 2013-07-08; Ord. 2014-01-08; Ord. 2014-05-07; Ord. 2014-11-02)

CD. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.230.070-2 40.250.110-2 and 40.230.070-3 40.250.110-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

| Table 40.230.070-2 40.250.110-2. Lot Requirements | | | |
|--|---|---------------------------------|---------------------------------|
| <u>Zoning District</u> | <u>Minimum Lot Area (acres)¹</u> | <u>Minimum Lot Width (feet)</u> | <u>Minimum Lot Depth (feet)</u> |
| <u>UH-10</u> | <u>10 acres</u> | <u>140²</u> | <u>None</u> |
| <u>UH-20</u> | <u>20 acres</u> | <u>330²</u> | <u>None</u> |
| <u>UH-40</u> | <u>40 acres</u> | <u>330²</u> | <u>None</u> |

¹ Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.

² Unless a greater width shall be required by the Clark County fire code.

(Amended: Ord. 2007-09-13)

| Table 40.230.070-3 40.230.110-3. Setbacks, Lot Coverage and Building Height | | | | | | |
|--|-------------------------------------|----------------------|---------------------------|---------------------------|-----------------------------|---------------------------------------|
| <u>Zoning District</u> | <u>Minimum Setbacks⁴</u> | | | | <u>Maximum Lot Coverage</u> | <u>Maximum Building Height (feet)</u> |
| | <u>Front (feet)</u> | <u>Side</u> | | <u>Rear (feet)</u> | | |
| | | <u>Street (feet)</u> | <u>Interior (feet)</u> | | | |
| <u>UH-10</u> | <u>50</u> | <u>25</u> | <u>20, 50¹</u> | <u>20, 50²</u> | <u>N/A</u> | <u>35³</u> |
| <u>UH-20</u> | <u>50</u> | <u>25</u> | <u>20, 50¹</u> | <u>20, 50²</u> | <u>N/A</u> | <u>35³</u> |
| <u>UH-40</u> | <u>50</u> | <u>25</u> | <u>20, 50¹</u> | <u>20, 50²</u> | <u>N/A</u> | <u>35²</u> |

¹ Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

² Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

³ Residential buildings only.

⁴Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).

(Amended: Ord. 2006-05-01; Ord. 2007-09-13; Ord. 2010-08-06)

2. Nonconforming Lots – Lot Reconfiguration Standards.

a. Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount of commercially viable resource land under single ownership and reduce the amount of road and utility construction.

b. Lot Reconfiguration. Except for previously approved agricultural or forest zoned clusters or rural residential planned unit developments, these substandard lots may be modified where consistent with the following criteria. Parcels which meet all of the following criteria are eligible for reconfiguration and reduction in size subject to a Type II review if:

(1) Existing parcel(s) are:

(a) Smaller than the minimum lot size established for new lots in the applicable zoning district. Parcels which meet the minimum lot size may be adjusted as a part of this process, but may not be decreased below the established minimum lot size;

(b) Determined to be legally created, have lawful access, and be buildable.

(2) Proposed parcel(s) result in the following:

(a) No additional parcels;

(b) Have septic suitability approval;

(c) Have adequate public or private potable water at the time of occupancy;

(d) Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a minimum width of at least one hundred forty (140) feet.

(e) Result in achieving one (1) or more of the identified public interest issues in one (1) above.

c. Lot Requirements. The setback, dimensional, use and height standards for these lots shall be as established for the Rural 5 zone except that reductions in side and rear setbacks shall be granted where necessary to permit construction of a dwelling on the parcel, according to the provisions of Chapter 40.200.070 and 40.530.010 (D)(2); provided, when the parcel is abutting, or surrounded by, property zoned for resource uses, the minimum setback from those property lines shall be fifty (50) feet for all structures.

3. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

4. Off-Street Parking. Off-street parking shall be provided as required in Chapter 40.340.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13)