

40.210.020 Rural Districts (R-20, R-10, R-5)

A. Purpose.

The rural districts are intended to provide lands for residential living in the rural area. Natural resource activities such as farming and forestry are allowed and encouraged in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices.

B. Uses.

The uses set out in Table 40.210.020-1 are examples of uses allowable in the various rural zone districts. The appropriate review authority is mandatory.

- “P” – Uses allowed subject to approval of applicable permits.
- “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.
- “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 40.210.020-1. Uses | | | | |
|---|-------------|-------------|------------|--------------------------|
| | R-20 | R-10 | R-5 | Special Standards |
| 1. Residential. | | | | |
| a. Single-family dwellings and accessory buildings, including 1 guest house | P | P | P | 40.260.010 |
| b. Family day care centers | P | P | P | 40.260.160 |
| c. 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. Country inns of historic significance | C | C | C | |
| i. Garage sales | P | P | P | 40.260.090 |
| j. Residential care homes | C | C | C | 40.260.180 |
| k. Temporary dwellings | P | P | P | 40.260.210 |
| l. Staffed residential homes | C | C | C | 40.260.205 |
| 2. Services, Business. | | | | |

| Table 40.210.020-1. Uses | | | | |
|--|----------------|----------------|----------------|--------------------------|
| | R-20 | R-10 | R-5 | Special Standards |
| 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 |
| c. Agricultural market | P | P | P | 40.260.025 |
| d. Veterinary clinics | C | C | C | |
| e. Commercial kennels on a parcel or parcels 5 acres or more | R/A | R/A | R/A | 40.260.110 |
| f. Private kennels | P | P | P | 40.260.110 |
| g. Animal boarding and day use facilities | P | P | P | 40.260.040 |
| 3. Services, Amusement. | | | | |
| a. Publicly owned recreational facilities, services, parks and playgrounds ⁴ | P | P | P | 40.260.157 |
| b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club | C | C | C | |
| c. Golf courses | C | C | C | |
| d. Equestrian facility on parcels less than 5 acres | C | C | C | 40.260.040 |
| e. Equestrian facility on parcels 5 acres or greater | P | P | P | 40.260.040 |
| f. Equestrian events center | C | C | C | 40.260.040 |
| g. Outdoor public entertainments, amusements and assemblies | R/A | R/A | R/A | Chapter 5.32 |
| h. Tasting room and event facilities in conjunction with a winery | P | P | P | 40.260.245 |
| 4. Services, Membership Organization. | | | | |
| a. Churches | C | C | C | |
| 5. Services, Educational.⁴ | | | | |
| a. Public or private schools, but not including business, dancing or technical schools ⁴ | C | C | C | 40.260.160 |
| 6. Public Service and Facilities.⁴ | | | | |
| a. Ambulance dispatch facilities ⁴ | C | C | C | 40.260.030 |
| b. Government facilities ⁴ | C ¹ | C ¹ | C ¹ | |
| 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 |
| c. Commercial uses supporting agricultural and forestry resource uses | P ² | P ² | P ² | |
| d. Housing for temporary workers | P | P | P | 40.260.105 |
| 8. Other. | | | | |
| a. Private use landing strips for aircraft and heliports | C | C | C | 40.260.170 |
| b. Solid waste handling and disposal sites | C | C | C | 40.260.200 |
| c. Utilities, structures and uses including but not limited to utility | P | P | P | 40.260.240 |

| Table 40.210.020-1. Uses | | | | |
|---|------------------|------------------|------------------|-------------------|
| | R-20 | R-10 | R-5 | Special Standards |
| substations, pump stations, wells, watershed intake facilities, gas and water transmission lines | | | | |
| d. Wireless communications facilities | P/C ³ | P/C ³ | P/C ³ | 40.260.250 |
| e. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district. | C | C | C | |
| f. Temporary uses | P | P | P | 40.260.220 |
| g. Electric vehicle infrastructure | P | P | P | 40.260.075 |
| h. Medical marijuana collective gardens | X | X | X | |
| i. Marijuana-related facilities | X | X | X | |

¹ Government facilities necessary to serve the area outside urban growth boundaries, 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 Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

(Amended: Ord. 2003-12-15; Ord. 2005-04-12; Ord. 2007-06-05; Ord. 2010-08-06; Ord. 2010-10-02; Ord. 2011-03-09; Ord. 2011-06-14; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-02-08; Ord. 2012-06-02; Ord. 2012-12-23; Ord. 2013-07-08; Ord. 2014-05-07; Ord. 2014-11-02; Ord. 2016-06-12)

C. Development Standards.

1. Unless otherwise permitted under Section 40.210.020(D) (Rural Cluster Development), 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 40.210.020-2 and 40.210.020-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

| Table 40.210.020-2. Lot Requirements | | | |
|--------------------------------------|--|--------------------------|--------------------------|
| Zoning District | Minimum Lot Area (acres) ¹ | Minimum Lot Width (feet) | Minimum Lot Depth (feet) |
| R-20 | 20 acres or legally described as one thirty-second (1/32) of a section | 330 | None |
| R-10 | 10 acres or legally described as one sixty-fourth (1/64) of a section | 330 | None |
| R-5 | 5 acres or legally described as one one hundred and twenty-eighth (1/128) of a section | 140 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.

| Table 40.210.020-3. Setbacks, Lot Coverage and Building Height | | | | | | |
|--|-------------------------------|---------------|------------------------------|--------------------------|----------------------|--------------------------------|
| Zoning District | Minimum Setbacks ⁴ | | | | Maximum Lot Coverage | Maximum Building Height (feet) |
| | Front (feet) | Side | | Rear (feet) ² | | |
| | | Street (feet) | Interior (feet) ¹ | | | |
| R-20 | 50 ⁵ | 25 | 20, 50 | 20, 50 | N/A | 35 ³ |
| R-10 | 50 ⁵ | 25 | 20, 50 | 20, 50 | N/A | 35 ³ |
| R-5 | 50 ⁵ | 25 | 20, 50 | 20, 50 | 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 unless fire regulations require a greater setback, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned agricultural or forestry shall be a minimum of fifty (50) feet for all structures. Side setbacks from abutting property zoned for surface mining uses shall be one hundred fifty (150) feet, unless a lesser setback is approved per Section 40.250.022(D)(2)(b).

² Rear Setback. Minimum rear setback for all structures when the abutting property is not zoned for natural resource or surface mining uses is twenty (20) feet unless fire regulations require a greater setback. Minimum rear setback for all structures shall be fifty (50) feet when abutting property is zoned for natural resource uses. Rear setbacks from abutting property zoned for surface mining uses shall be a minimum of one hundred fifty (150) feet for all structures, unless a lesser setback is approved per Section 40.250.022(D)(2)(b).

³ Residential buildings only.

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

⁵ From public road right-of-way, private road easement or tract, or private driveway easement that provides access to the lot.

(Amended: Ord. 2005-04-12; Ord. 2010-08-06; Ord. 2012-07-03; Ord. 2016-09-04)

2. Previous Land Divisions. Until the affected property is included within an urban growth boundary, no remainder lot of a previously approved cluster land division or lot reconfiguration shall be:
 - a. Further subdivided or reduced in size below seventy percent (70%) of the total developable area of the original parent parcel constituting the cluster subdivision; or
 - b. Reduced by a total of more than one (1) acre.
 - c. Applications for reduction in remainder lot size consistent with this provision shall be processed as a plat alteration pursuant to Section 40.540.120.

- d. An exception to Sections 40.210.020(C)(2)(a) and (b) may be allowed as follows:
 - (1) A remainder lot with an existing residence may be short platted further to contain the residence on its own cluster lot, subject to the following:
 - (a) Process. Creation of the new cluster lot is subject to the requirements of Section 40.540.030;
 - (b) Lot Size. The new cluster lot shall not be greater than one (1) acre in size, unless a greater size is required by Clark County Public Health;
 - (c) The new cluster lot must meet the requirements of Section 40.210.020(D)(3)(b) and the lot dimension and setback requirements of Tables 40.210.020-4 and 40.210.020-5;
 - (d) The reduced remainder shall not be further divided and shall be subject to the requirements in Sections 40.210.020(D)(3)(c)(2)(a)(i) and (ii).
- 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. 2011-08-08; Ord. 2014-01-08)

D. Rural Cluster Development.

- 1. Purpose. The purpose of this section is to provide for small lot residential development in the rural zoning districts (R-5, R-10 and R-20) which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a remainder parcel. This is consistent with the goals and policies of the Growth Management Act, especially the provisions for innovative development techniques to conserve open space and resource lands.
- 2. Definitions. For the purposes of this section, the following definitions shall apply:
 - a. “Building envelope” shall mean that buildable portion of a lot or parcel (the area outside of setbacks and easements) which is designated on the final plat for the location of a structure.
 - b. “Critical lands,” for the purposes of this section, shall mean those lands classified by Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.
 - c. “Remainder parcel” shall mean the remainder parcel of the cluster provision that contains the majority of the land within the development and is devoted to open space, resource or other authorized use.

3. Development Standards.

a. Maximum Density. Cluster developments are allowed a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density shall be based on one hundred ten percent (110%) of the gross area of the site.

b. Cluster Lots.

(1) Cluster lots shall be sited to minimize conflicts between housing and adjacent agricultural or forest zoned property.

(2) Cluster lots and building envelopes may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall

be limited to the least amount possible consistent with applicable critical areas ordinances.

c. Remainder Parcel.

(1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. The remainder parcel shall provide a buffer for the cluster lots from adjacent lands in a resource zoning district. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space. To the maximum extent possible, all critical areas and any associated buffers existing on property proposed for cluster development shall be located within the remainder parcel. In order to retain the rural character the remainder parcel should contain to the maximum extent possible forested areas, prominent hillsides, meadows and ridges.

(2) There are two (2) ways of utilizing the maximum density allowed within a cluster development, as follows:

(a) The creation of cluster lots equal to no more than the maximum allowed density, with a remainder parcel that can be used only for the agriculture and forestry uses as listed in Table 40.210.020-1(7)(a), (b) and (d) or as open space. An example of this would be a twenty (20) acre parcel in the R-5 district, where four (4) cluster lots and one (1) remainder are created. All of the allowed density is used on the cluster lots, and the remainder parcel can only be used as open space or for agriculture or forestry uses.

(i) If this option is used, an open space, equestrian, farm or forest management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the parcel so that it maintains its open space or other designated functions and provides for the protection of all critical areas. The management plan shall identify the responsibility for maintaining the remainder parcel. The plan shall also include any construction

activities (trails, fencing, agricultural buildings) and vegetation clearing that may occur on site. The plan shall include building envelopes for any proposed equestrian facility. This building envelope must be located outside of any critical areas including fish and wildlife habitat areas, riparian corridors, geologic hazard areas, areas of significant natural vegetation, wetlands, prominent hillsides, meadows, ridges and any buffers associated with the above areas. All subsequent activities must be conducted in conformance with the approved management plan. Management plans may be modified through a Type II process.

(ii) A note shall be placed on the plat and a restrictive covenant shall be recorded that clearly states that only the above uses are permitted on the parcel. The note and covenant shall also incorporate the management plan, as described above.

(b) The creation of cluster lots equal to no more than one (1) less than the maximum allowed density with a remainder parcel that can also be developed. If this option is used, the remainder parcel may contain the uses listed in Table 40.210.020-1. An example of this would be a twenty (20) acre parcel in the R-5 district, where three (3) cluster lots and one (1) remainder are created. The allowed density, less one (1), is used on the cluster lots. This permits the remainder parcel to be developed with any of the uses normally allowed in the rural districts. If the remainder parcel is to be residentially developed, a building envelope shall be delineated on the final plat. This building envelope must be located outside of any critical areas including fish and wildlife habitat areas, riparian corridors, geologic hazard areas, areas of significant natural vegetation, wetlands, prominent hillsides, meadows, ridges and any buffers associated with the above areas. This requirement shall not apply to pre-existing residences located on the remainder lot.

4. Lot Requirements. 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 40.210.020-4 and 40.210.020-5, subject to the provisions of Chapter 40.200 and the Section 40.550.020.

| Table 40.210.020-4. Lot Requirements – Rural Cluster Development | | | | | |
|---|-----------------|---------------------|-------------------|--------------------------|--------------------------|
| Lot Type | Zoning District | Minimum Lot Area | Maximum Lot Size | Minimum Lot Width (feet) | Minimum Lot Depth (feet) |
| Cluster Lot | R-20, R-10, R-5 | 1 acre ¹ | None ² | 100 ³ | 140 |
| Remainder Lot | R-5 | 65% of site | None ² | None | None |
| | R-20, R-10 | 75% of site | None ² | None | None |

¹ Unless a larger size is required by the Clark County Health Department. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).

² The minimum standard for remainder parcels controls the maximum size of cluster lots.

³ Unless a greater width shall be required by the Clark County fire code.

Table 40.210.020-5. Setbacks, Lot Coverage and Building Height – Rural Cluster Development

| Zoning District and Lot Type | Location or Structure Type | Minimum Setbacks | | | Maximum Lot Coverage | Maximum Building Height (feet) |
|---|---|------------------|------------------|------------------|----------------------|--------------------------------|
| | | Front (feet) | Side (feet) | Rear (feet) | | |
| R-20, R-10, and R-5 – Cluster Lots and Remainder Lots | Abutting a cluster lot | 20 | 20 | 20 | N/A | 35 ² |
| | Abutting a resource district | 200 ¹ | 200 ¹ | 200 ¹ | | |
| | Agricultural structures | 50 | 50 | 50 | | |
| | Vehicle entry gates or garage door openings | 20 | 20 | 20 | | |
| | All other situations | 50 | 20 | 50 | | |

¹ Except in cases where it can be shown that a lesser setback will provide the same or greater buffering or where requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.

² Residential buildings only.

(Amended: Ord. 2007-06-05)

5. Design Requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.
 - a. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.
 - b. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque.
 - c. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.

6. Landscaping Standards. Cluster developments shall be landscaped within the developed portion of cluster lots, so as to reduce views of the development from the public right(s)-of-way so that a filtered view is provided of the cluster and the cluster does not dominate the landscape.
 - a. At a minimum, proposed or existing landscaping and vegetation shall be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of native vegetation as identified by the Clark Conservation District. A combination of trees and shrubs must be used.
 - b. All landscaping shall be installed prior to final plat unless financial guarantees are made for its installation prior to any building permit activity. Any required

landscaping materials that fail to survive within the first two (2) years shall be promptly replaced.

7. Previously Approved Cluster and Lot Reconfiguration Remainder Lots. Previously approved cluster or lot reconfiguration remainder lots are not eligible to use the provisions of this section.
8. Procedures. Cluster land divisions shall be processed in accordance with the established procedures for land divisions under Chapter 40.540.
9. Notice of Resource Activities. Where otherwise undevelopable cluster remainder parcels are designated for commercial timber or agricultural activities the following notice shall be recorded as part of the Developer Covenants to Clark County for each parcel within the cluster:

The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

10. Additional Development Standards for Equestrian Cluster.
 - a. Utilization of maximum density shall be consistent with the method described in Section 40.210.020(D)(3)(a).
 - b. An equestrian cluster is required to provide the following shared facilities on the site:
 - i. Covered riding arena to be located on the remainder lot within development envelopes not to exceed two (2) acres.
 - ii. Continuous internal trail(s) system with access to all equestrian facilities and lots. The trails shall connect with existing and future trails.
 - c. An equestrian plan that addresses the following shall be developed and implemented:
 - i. Housing and confinement;
 - ii. Animal husbandry;
 - iii. Manure management; and
 - iv. Odor and noise management.
 - d. Landscaping Standards.
 - i. The perimeter of the cluster lots and the equestrian facilities shall be screened from abutting properties per Section 40.210.020(D)(6)(a).

- e. If shared boarding facilities are proposed they shall be located on the remainder lot within development envelopes not to exceed two (2) acres and shall accommodate a minimum number of horses equal to the number of cluster lots in the proposed development. The shared boarding facility shall include the following features:
 - i. Wash rack.
 - ii. Grooming stand.
 - iii. Tack room.
- f. The remainder lot in the final development plan that includes shared equestrian facilities, including trails, structures and/or landscaping shall be permanently maintained by and conveyed to the following:
 - i. An association of owners shall be formed and continued for the purpose of maintaining the shared equestrian facilities. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the shared equestrian facility that is acceptable to the prosecuting attorney, in providing for the continuing care of the facilities. No equestrian facilities may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any covenants limiting the use of shared equestrian facilities, and all rights to enhance these covenants against any use permitted are expressly reserved.
 - g. A proposal with shared boarding facilities shall have cluster lots that are a minimum of one acre in size unless a larger size is required by the Clark County health department.

(Amended: Ord. 2005-04-12; Ord. 2005-06-09; Ord. 2007-11-13; Ord. 2012-12-20; Ord. 2012-12-23; Ord. 2014-01-08)