

ORDINANCE 2024-1645

SUMMARY

Ordinance 2024-1645, a Zoning Text Amendment (ref. DP 24-0224), amending various chapters of Title 20 of the Douglas County Code in order to implement tiny houses per Nevada Revised Statutes (NRS) 278.253, by: (a) designating zoning districts in which a tiny house may be located and classified as an accessory dwelling unit; and (b) designating zoning districts in which a tiny house is allowed to be located and classified as a single-family residential unit.

TITLE

An Ordinance amending various chapters of Title 20 of the Douglas County Code in order to implement the requirements of NRS 278.253, by: (a) designating zoning districts in which a tiny house may be located and classified as an accessory dwelling unit; and (b) designating zoning districts in which a tiny house is allowed to be located and classified as a single-family residential unit.

RECITALS

WHEREAS on June 2, 2021, the Nevada State Legislature approved NRS 278.253, requiring the governing body of a county whose population is less than 100,000 to designate: (1) at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit; (2) at least one zoning district in which a tiny house may be located and classified as a single-family residence; or (3) at least one zoning district in which a tiny house may be located in a tiny house park.

WHEREAS, on December 19, 2024, the Douglas County Board of Commissioners (the "Board") introduced Ordinance 2024-1645 for this zoning text amendment;

WHEREAS, on January 16, 2025, the Board also held public hearings and determined that the findings required for a zoning text amendment, as stated in Douglas County Code Chapter 20.610, had been met to support the adoption of Ordinance 2024-1645.

NOW THEREFORE, based on the foregoing considerations, The Board does ordain as follows:

SECTION I: Title 20 of the Douglas County Code is hereby amended as set forth in the attached Exhibit A.

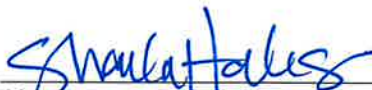
[Signature page follows]

Proposed on the 16th day of January, 2025.

Proposed by Commissioner Gardner.

Adopted on the 16th day of January, 2025, by the following vote:

Vote:	Ayes:	Commissioners	<u>Gardner</u>
			<u>Tarkanian</u>
			<u>Hales</u>
			<u>Rice</u>
			<u>Tolbert</u>
	Nays:	Commissioners:	<u> </u>
			<u> </u>
	Absent:	Commissioners	<u> </u>
			<u> </u>


Sharla Hales, Chairwoman
Board of County Commissioners

ATTEST:


Amy Burgans, Clerk-Treasurer

This ordinance shall be effective on the 30th day of January, 2025.

EXHIBIT A
TITLE 20 TINY HOUSE CODE REVISIONS

Added text is indicated with underlined and italicized text, and deletions are ~~stricken through~~.

Chapter 20.660 – Use Regulations

20.660.100 Residential uses.

A. "Boarding house" means a building or portion of a building which is used to accommodate for compensation no more than six boarders or roomers, not including members of the occupant's immediate family who might be occupying such a building.

B. "Clustered development" means a development in which parcels are created pursuant to section 20.714.020.

C. "Manufactured home park" means a parcel of land upon which two or more mobile or manufactured homes, or tiny houses, occupied or intended to be occupied for dwelling purposes, are located.

1. This section does not apply to employee housing in the agricultural zoning district;

2. See section 20.664.110 for specific standards;

3. Manufactured home parks are permitted only if located within an MH overlay zoning district.

D. "Multi-family dwelling" means a building or buildings on a single parcel which are occupied or which are arranged, designed, and intended to contain more than one dwelling unit, but not including hotels, motels, and boarding houses or as otherwise provided in section 20.660.150.B, accessory dwellings. See section 20.664.120 for specific standards.

E. "Single-family dwelling" means a single detached building which is occupied or which is arranged, designed, and intended to be occupied by not more than one family, and which contains not more than one dwelling unit. See section 20.714.020 for specific standards regarding cluster development.

20.660.150 Accessory uses.

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in chapter 20.660 may be an accessory use if the planning director determines that the use is customarily incidental to a main use. Except as provided in this section, an accessory use must comply with all regulations applicable to the main use.

A. "Accessory agricultural retail sales" mean a location for the retail sale or wholesale of agricultural or horticultural products which are grown on site. Products must be grown on site, not have been purchased for the purpose of resale, and can only be sold on a seasonal basis with no permanent structure.

B. "Accessory dwelling": An attached or detached dwelling unit determined by minor design review to be accessory to the permitted principal use; which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; which is intended for occupation by paying or non-paying guests, members of the family, or person employed on the premises; which is located on the same parcel as the permitted principal use.

1. Accessory dwellings do not include dwellings which are designated as part of an allowed principal use and which are allowed by right.

2. *The use of tiny houses as accessory dwellings is allowed, provided they meet the requirements of the 2018 International Residential Code, Appendix Q, and the standards set forth below.*

3. The use of trailers and manufactured homes as accessory dwellings is not allowed, unless:

1.a. The primary residence is also a trailer or manufactured home and the zoning district is RA5, RA10 or Manufactured Home Overlay (MH) and is secured to a foundation; or

2.b. The use is located within an A-19, FR-19, or FR-40 zoning district subject to the provisions of subparagraph 1 below.

4. Accessory dwellings must meet the following standards:

1.a. The accessory dwelling may be detached from the structure housing the principal use provided it is on the same parcel as the main structure, except in the agricultural zoning district where the accessory dwellings may be located where appropriate for the agricultural operation with which it is associated;

2.b. Accessory dwellings within the residential or rural agricultural zoning districts are limited to 800 square feet in the SFR ½, SFR 1, SFR-2, RA-5 and RA10 zoning districts with a one-half (.50) net acres parcel size; and 1000 square feet for parcels two net acres or greater in size and within the following residential zoning districts: SFR-2, RA-5, and RA-10;

3.c. Accessory dwellings in the agricultural or forest and range zoning district which are used to house persons, and their families, significantly employed for agricultural work on the property may be up to 2,500 square feet of livable area;

4.d. Accessory dwellings within non-residential zoning districts are limited to 1,000 square feet in livable area, and must be accessory to a primary permitted use on the same parcel. A person may utilize an existing residential structure, regardless of size, as an accessory dwelling in a non-residential zoning district provided that at least 25 percent of the total floor area is utilized for a permitted use within that zoning district.

5.e. Where the unit is attached, a separate entrance to the accessory dwelling is allowed, but only one entrance may be visible from the front property line;

6.f. The property owner must live on the property and maintain one of the units as the primary residence;

7.g. The accessory dwelling may be used only as approved through design

review and any change in how it is used will terminate the use of the accessory dwelling;

~~8.~~h. Only one accessory dwelling per parcel is allowed, unless located within the agricultural or forest and range zoning districts, which has no limitations on the number of accessory dwellings except as provided in subparagraph c above;

~~9.~~i. Existing, previously approved invalid care units which were constructed under the uniform building code may be converted to an accessory dwelling, regardless of size, with a minor design review;

~~10.~~j. See section 20.664.010 for specific standards.

**Chapter 20.664 – Agricultural, Forest and Range, and Residential Land Use
Specific Standards**

20.664.100 Manufactured homes, and manufactured housing, *and tiny houses*.

A. Manufactured or mobile homes allowed under the provisions of this chapter shall be installed in the following manner:

A.1. Mobile or manufactured homes may be used as single-family dwellings in an MH overlay zoning district if the home is certified under the National Mobile Home Construction and Safety Standards Act of 1974.

B. Tiny houses allowed under the provisions of this chapter shall be installed in the following manner:

1. Tiny houses may be used for single-family dwellings in an MH overlay zoning district if the house meets the requirements of most current, adopted version of the International Residential Code, Appendix Q; and

2. Tiny houses must be placed on permanent foundations, with the exception of tiny houses placed in manufactured home parks or manufactured home subdivisions constructed prior to January 1, 2025.

20.664.110 Manufactured home park *or manufactured home subdivision* design standards.

Manufactured home parks or *manufactured home* subdivisions shall be designed and constructed in the following manner:

A. Individual manufactured home *or tiny house* space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:

1. Front: Ten feet;
2. Side: Five feet on each side or zero lot line on one side with 10 feet on the opposite side;
3. Rear: Ten feet;
4. Structural separation: Ten foot minimum between dwelling units.

B. Maximum manufactured home space coverage (manufactured home and its accessory structure) shall be 75 percent.

C. Each manufactured home *or tiny house* shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the manufactured home being located on-grade. In manufactured home parks or manufactured home subdivisions constructed on or after January 1, 2025, tiny houses shall be placed on permanent foundations.

D. All on-site utilities shall be installed underground.

E. The manufactured home park shall be provided with parking as required by chapter 20.692 (Off-street Parking).

F. A common recreation area which may contain a recreation building shall be provided in the park for use by all tenants and their invited guests. The area shall be

provided in one common location with a minimum aggregate area of 200 square feet of recreational space for each manufactured home or tiny house space.

G. All exterior boundaries of the manufactured home park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device six feet in height, with a minimum six-foot-wide landscaped area provided along the outside of the perimeter screen.

H. Common open space shall be landscaped in accordance with a landscape plan approved by the director and in a manner consistent with chapter 20.694 (Landscaping Standards).

I. All manufactured home park or manufactured home subdivision developments shall provide recreational amenities within the site which may include but are not limited to swimming pools, spas, a clubhouse, a "tot lot" with play equipment, picnic shelter or barbecue area, court game facilities such as tennis, basketball, or racquetball, improved softball or baseball fields, or day care facilities. The type and number of amenities shall be approved by the board and provided according to the following schedule:

Units	Number of Amenities
0-9	0
10-50	1
51-100	2
101-200	3
201-300	4

One amenity shall be added for each 100 additional units or fraction thereof.

Chapter 20.674 – Manufactured Housing (MH) Overlay District

20.674.010 (MH) Purpose.

These regulations are intended to establish standards and conditions for the placement of a manufactured home or tiny house, as the primary residence, on a single-family residential parcel within Douglas County while protecting the public health, safety and general welfare.

20.674.020 (MH) Applicability.

The Manufactured Housing (MH) overlay district is created as a special zoning classification to be superimposed on a parcel to allow the placement of a manufactured home or tiny house, as the primary residence, on a residential parcel.

20.674.030 (MH) Permitted uses.

The permitted uses within the MH overlay district shall be the same as that of the underlying zoning with the addition of the following:

- A. One single-family manufactured home or tiny house used as a permanent living accommodation, subject to the provisions of the underlying zoning district;
- B. A manufactured home park used for permanent living accommodations, subject to provisions of the underlying zoning district;
- C. Accessory structures which are not a manufactured home, tiny house, or trailer, as permitted by the underlying zoning.

20.674.040 (MH) Standards.

A. In addition to the setback, yard, height and other general development standards of the underlying zoning district, all manufactured homes and tiny houses being placed within the MH overlay zoning district must comply with section 20.664.100.

B. Manufactured home parks must comply with the provisions of section 20.664.110, in addition to the standards of the underlying zoning district.

Chapter 20.690 – Property Standards

20.690.030 General Standards.

Z. "Single-family dwelling design standards".

1. The following standards shall apply to the construction of all single-family dwellings, excluding manufactured homes and tiny houses placed within the MH overlay zoning district, tiny houses used as accessory dwellings, and accessory dwellings for employees' quarters that fall under the provisions of section 20.664.010:

1-a. The dwelling must meet the requirements of the most current version of the ~~Uniform Building Code~~ International Residential Code as adopted by the County, or, if it is a manufactured home, it must meet the requirements of the HUD Code and must not have been altered in violation of such codes.

2-b. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be recorded with the County Recorder and the title must be filed with the Manufactured Housing Division, State of Nevada.

3-c. The dwelling must be approved for and permanently connected to all required utilities.

4-d. Each dwelling shall have a code compliant, site built, concrete, masonry, steel, or treated wood foundation capable of transferring design dead loads and other design loads unique to local home sites due to wind, seismic, and water conditions that are imposed by or upon the structure into the underlying soil or bedrock without failure. All foundations shall be designed in accordance with Douglas County adopted building codes or an approved engineered design. All tie-down devices must meet the manufacturer's installation requirements and Douglas County adopted building codes or an approved engineered design. The space beneath the structure must be enclosed at the perimeter of the dwelling and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry type foundation materials. The foundation material shall be comparable to the predominant materials used in foundations of surrounding dwellings. All manufactured homes shall have running gear, tongues, axles, and wheels removed at the time of installation.

5-e. Manufactured homes must be certified under the National Mobile Home Construction and Safety Standards Act of 1974 and must be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot.

6-f. The dwelling shall have a roof surface of metal, asphalt, composition, or concrete, fiberglass cement, clay, or slate tiles. Unfinished galvanized steel, copper, or aluminum roofing shall not be permitted, unless designed to weather and gain a patina with age. The dwelling shall have a roof with a minimum of 4:12 pitch for at least 75 percent of the total roof area and there shall be a roof overhang at the eaves and gable ends of not less than 18 inches for standard residential construction and 16 inches for manufactured home construction, excluding rain

gutters, measured from the horizontally from the exterior wall to the tip of the eave. The roof overhang requirement shall not apply to areas above porches, alcoves, and other appendages.

~~7.g.~~ Dwellings shall have exterior siding materials consisting of wood, hardwood, brick, concrete, stucco, glass, tile, vinyl lap, or stone.

~~8.h.~~ The width of the dwelling shall be at least 20 feet at the narrowest point of its first story for a length of at least 20 feet exclusive of any garage or porch area. The width shall be considered the lesser of the two primary dimensions. Manufactured homes must consist of more than one section and contain a minimum of 1,000 square feet of livable area.

~~9.i.~~ Off-street parking shall be provided in accordance with section 20.692.050. In addition, single-family dwellings shall be provided with a garage or carport with a minimum interior width of 12 feet and constructed concurrently with the primary dwelling. The garage or carport shall be architecturally compatible with the dwelling in terms of color, size, roof overhangs and materials and exterior materials.

~~10.j.~~ Porches, decks, or verandas that require a building permit are permitted on the front of the home only when covered with a roof.

~~11.k.~~ All single-family dwellings shall utilize at least three of the following architectural features: dormers; more than two gables; recessed entries; covered porch/entry; bay window or alcove; building off-set; roof overhang at the eaves of at least 24 inches; roof pitch of at least 6:12; a deck with railing or planters and benches; or other compensating features that would make the dwelling architecturally compatible and harmonious with the surrounding neighborhood, as approved by the director.

~~12.l.~~ The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions, and restrictions placed on the lot and that the lot is not located within a historic district.

~~13.m.~~ The director may consider variance requests from one or more of the developmental or architectural standards contained in development standards f through k, above. All variance requests related to these standards shall be considered a minor variance and are to be considered under the variance provisions of chapter 20.606. In lieu of the findings required under section 20.606.050(A), the following findings must be made for approval:

~~a.i.~~ The architectural style proposed provides compensating features and the proposed dwelling will be compatible and harmonious with existing structures in the vicinity;

~~b.ii.~~ The variance is not requested exclusively on the basis of economic hardship to the applicant; and

~~c.iii.~~ The granting of the variance will not result in material damage

or prejudice to other properties in the vicinity, substantial impairment of natural resources or be detrimental to the public health, safety and general welfare.

2. The following standards shall apply to the construction of all tiny houses:

a. The tiny house must meet the requirements of the most current, adopted version of the International Residential Code, Appendix Q.

b. The tiny house must be taxed as real property. If the tiny house is also a manufactured home, an affidavit must be recorded with the County Recorder, and the title must be filed with the Manufactured Housing Division, State of Nevada.

c. The tiny house must be approved for and permanently connected to all required utilities.

d. Each tiny house shall have a code compliant, site built, concrete, masonry, steel, or treated wood foundation capable of transferring design dead loads and other design loads unique to local home sites due to wind, seismic, and water conditions that are imposed by or upon the tiny house into the underlying soil or bedrock without failure. All foundations shall be designed in accordance with Douglas County adopted building codes or an approved engineered design. In manufactured home parks or subdivisions constructed prior to January 1, 2025, all tie-down devices must meet the manufacturer's installation requirements and Douglas County adopted building codes or an approved engineered design. The space beneath the tiny house must be enclosed at the perimeter of the tiny house and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry type foundation materials. The foundation material shall be comparable to the predominant materials used in foundations of surrounding dwellings. All tiny houses shall have running gear, tongues, axles, and wheels removed at the time of installation.

e. A tiny house that is also a manufactured home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974 and must be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot.

f. The tiny house shall have a roof surface of metal, asphalt, composition, or concrete, fiberglass cement, clay, or slate tiles. Unfinished galvanized steel, copper, or aluminum roofing shall not be permitted, unless designed to weather and gain a patina with age. The dwelling shall have a roof with a minimum of 2:12 pitch, located street side, for at least 25 percent of the total roof area. There shall be a roof overhang at the eaves and gable ends of not less than 12 inches, excluding rain gutters, measured horizontally from the exterior wall to the tip of the eave. The roof overhang requirement shall not apply to areas above porches, alcoves, and other appendages.

g. Tiny houses shall have exterior siding materials consisting of wood, hardwood, brick, concrete, stucco, glass, tile, vinyl lap, or stone, or metal that mimicks the look and appearance of above referenced materials.

h. Off-street parking shall be provided as follows: each tiny house shall be provided with a garage or carport not to exceed 50% of the total square footage of the tiny house, constructed concurrently with the tiny house. The garage or carport shall be architecturally compatible with the dwelling in terms of color, size, roof overhangs and materials and exterior materials.

i. Porches, decks, or verandas that require a building permit are permitted on the front of the tiny house only when covered with a roof.

j. All tiny houses shall utilize architectural features that make the tiny house architecturally compatible and harmonious with the surrounding neighborhood, as approved by the director.

k. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting tiny houses nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a tiny house on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions, and restrictions placed on the lot and that the lot is not located within a historic district.

l. The director may consider variance requests from one or more of the developmental or architectural standards contained in development standards f through j, above. All variance requests related to these standards shall be considered a minor variance and are to be considered under the variance provisions of chapter 20.606. In lieu of the findings required under section 20.606.050(A), the following findings must be made for approval:

i. The architectural style proposed provides compensating features and the proposed dwelling will be compatible and harmonious with existing structures in the vicinity;

ii. The variance is not requested exclusively on the basis of economic hardship to the applicant; and

iii. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, substantial impairment of natural resources or be detrimental to the public health, safety and general welfare.

Appendix A – Definitions

"Tiny house": a dwelling that is 400 square feet or less in floor area, excluding lofts.

20.662.010 Table.

[illegible]