

BILL NO. 2023-10

NYE COUNTY ORDINANCE NO. 600

SUMMARY: An Ordinance Amending Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article VI, titled Development Standards, Section 17.04.785, titled Park Model Recreational Vehicle Parks, adding Tiny Homes to title; and providing for the severability, constitutionality, and effective date thereof; and other matters properly relating thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 17, TITLED COMPREHENSIVE LAND USE PLANNING AND ZONING, CHAPTER 17.04, TITLED PAHRUMP REGIONAL PLANNING DISTRICT, ARTICLE VI, TITLED DEVELOPMENT STANDARDS; SECTION 17.04.785, TITLED PARK MODEL RECREATIONAL PARKS, ADDING TINY HOMES TO TITLE; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY, AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety, morals, or the general welfare of the community of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment;

WHEREAS, the Board finds this change to be appropriate and an improvement to the regulations;

WHEREAS, Senate Bill 150 relating to housing; setting forth certain requirements for a tiny house and a tiny house park; requiring the governing body of a city or county to authorize tiny houses in certain zoning districts; revising certain requirements for the issuance of receipts to tenants of manufactured home parks and NRS 278.253 Ordinance for zoning of tiny houses, becomes effective January 1, 2024.

NOW THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate, and order compliance therewith within the Pahrump regional Planning District of Nye County the following amendments and regulations:

Article IV Development Standards

17.04.720: General Development Standards

17.04.730: Parking

17.04.740: Landscaping

17.04.750: Lighting

17.04.760: Screening, Walls, And Fences

17.04.770: Signage Requirements

17.04.780: Recreational Vehicle Parks

17.04.785: Park Model Recreational Vehicle and/or Tiny Home Parks

17.04.790: Mobile Home Parks

17.04.800: Home Occupations

17.04.805: Mobile Food Vending

17.04.810: Model Homes

17.04.820: Manufactured Homes And Factory-Built Homes

17.04.785: Park Model Recreational Vehicle and/or Tiny Home Parks

1. Park Model Recreational Vehicle and/or Tiny Home Parks:

1. No Portion Subject To Flooding: No portion of the subject property shall be subject to flooding, subsidence or erosion, and no permits for the development of a park model RV and/or Tiny Home park shall be issued within an "area of special flood hazard" (zones A, AE, AH, AO, A99, V or VE) as indicated on the current flood insurance rate maps (FIRM), unless the application is accompanied with a technical drainage study and mitigation plan.
2. Park Density: Park density shall not exceed thirteen (13) park model recreational dwelling units or Tiny Homes per acre.
3. Dwelling Units Allowed: Only park model recreational dwelling units and Tiny Homes that meet the intent of NRS 278.253 shall be allowed in a park model and/or Tiny Home RV park.
4. Minimum Development Standards: The following minimum development standards shall apply:
 - a) Minimum park model RV and/or Tiny Home park site area: Five (5) net acres;
 - b) Minimum net site area per park model recreational dwelling or Tiny Home unit space: Two thousand (2,000) square feet;
 - c) Minimum width of each park model recreational dwelling or Tiny Home unit space: Forty feet (40');
 - d) Minimum setback of any on site building or park model recreational dwelling unit or Tiny Home from any public street right of way: Twenty-five feet (25');

- e) Minimum setback of any on site building or park model recreational dwelling or Tiny Home unit from any adjacent residential use property line: Fifty feet (50'), and shall be landscaped in a manner so as to provide a buffer;
 - f) Minimum park model recreational dwelling or Tiny Home unit setback from private access street: Five feet (5');
 - g) Minimum distance between park model recreational dwelling units and Tiny Homes shall be as follows:
 - a) Front to front with access streets: Forty feet (40').
 - b) Side to side: Fifteen feet (15').
 - c) End to end: Fifteen feet (15').
 - d) Side to end: Fifteen feet (15').
2. Units Anchored to Ground: Park model recreational and/or Tiny Home dwelling units shall be anchored to the ground in accordance with applicable county building codes and ordinances.
- a) A Tiny Home NOT built on a permanent foundation may only be issued a certificate of occupancy for the tiny house that is tied to the specific parcel of land on which the tiny house is located. If the tiny house is moved from that parcel, the owner of the tiny house must obtain a new certificate of occupancy.
3. Date Of Models: Park model dwelling units installed within a park model RV park shall be 1976 or newer models.
- a) Tiny Homes shall be 2018 or newer as that is when the International Residential Code included them in their documents.
4. Installation Of Units: The installation of every park model recreational dwelling unit and/or Tiny Home shall comply with all applicable county building codes and ordinances, including obtaining building permits in accordance with the international residential code, international building code, international plumbing code, international mechanical code, international fuel gas code, international fire code, international property maintenance code and all others as adopted by the Nye County board of county commissioners.
5. Additions Attached Permanently: Permanently attached porches, carports, awnings, and other similar additions shall be allowed, provided that all required construction permits and inspections are obtained from the building safety division, and provided that a ten-foot (10') separation between structures on adjacent spaces is maintained.
6. Room Additions: Room additions which expand the total living area to greater than four hundred (400) square feet are not permitted.
7. Storage Buildings: Storage structures are limited to a maximum of two hundred (200) square feet of floor area and shall not exceed ten feet (10') in height at the highest dimension. The storage structure

shall be ground set, and there shall be no other storage units allowed on the space. A ten-foot (10') separation between structures on adjacent spaces shall be maintained.

8. Community Water and Sewer:

- a) An accessible, adequate, safe and potable supply of water for domestic purposes shall be provided for each park model space and/or Tiny Home.
- b) The development of a community water supply to serve the development may be made only upon the express approval granted by the bureau of health protection services of the Nevada state health division and the Nevada division of water resources. When a public supply of water is available, connection shall be made thereto, and its supply shall be used exclusively.
- c) The water supply system shall be designed, constructed and located in such a manner that neither underground nor surface contamination will reach the water supply from any source, and shall be constructed and maintained in compliance with state health regulations.
- d) Where water is obtained from sources other than a public water supply, water sampling and testing shall occur in accordance with state health regulations, and any costs incurred shall be borne by the property owner/park management.
- e) The water distribution system shall be designed and maintained to provide a minimum pressure acceptable to the Nevada state health division.

9. Community Sewerage:

- a) Every park model recreational dwelling unit and Tiny Home shall be properly connected to a community sewerage system connection in accordance with all applicable state and county building and health codes and requirements.
- b) If a clubhouse, laundry room, or other similar community amenities or facilities are provided, separate toilet facilities for men and women shall be provided.

10. Refuse Collection And Storage:

- a) The storage, collection and disposal of refuse in the park shall be conducted so that no health hazards or air pollution is created.
- b) All refuse or garbage shall be stored in approved locations and in containers sufficiently sized so that sanitary conditions can be maintained at all times.
- c) Refuse containers shall be provided in sufficient number and capacity to properly store all refuse and garbage.
- d) Refuse and garbage shall be collected weekly or more frequently as necessary and shall be disposed of in an approved manner.
- e) Refuse collection areas shall be screened from view by fencing and landscaping.

11. Fire Protection:

- a) All park model RV and Tiny Home parks shall be subject to the rules and regulations of the fire protection authority and all applicable laws.

- b) In all park model RV and Tiny Home parks, there shall be installed and maintained fire hydrants and fire extinguishers of the number, type, size and location as may be required by the fire protection authority. Extinguishers may be installed in lieu of faucets and hose upon approval of the fire protection authority.
- c) Park model RV and Tiny Home parks shall be kept free of litter, rubbish and other flammable materials.

12. Recreational Facilities And Open Space:

- a) Swimming pools including required fences, if provided, shall not be located in any required front yard, in any utility easement, or less than fifty feet (50') from any lot line. All mechanical equipment related to the maintenance of the swimming pools shall be located not less than ten feet (10') from any lot line.
- b) Must follow all locally adopted building and swimming pool and spa codes and state laws.
- c) Swimming pools, if provided, shall be maintained in accordance with applicable laws, shall be adequately protected or fenced to discourage unauthorized access, and shall have fencing with a self-locking gate adequate to restrain all access to the pool when the pool is not being used. Swimming pool fences shall be designed in accordance with section 15.16.094 of this code.
- d) All pools and spas shall comply with applicable state health regulations. For the purpose of cleaning pool filters and back flushing the system, no discharge shall be made into a septic tank or sanitary sewer. Either a separate french drain shall be provided, or discharge may be made into an existing natural or manmade drainage channel or storm sewer system and conveyed into the public right of way in a manner so as not to create a public nuisance.
- e) All park model RV and Tiny Home parks shall be provided with at least one recreational area or open space accessible from all spaces. The size of such open space shall not be less than ten percent (10%) of the gross park area and shall be landscaped in an approved manner.

13. General Requirements:

- a) Every owner or operator of a park model RV or Tiny Home Park shall maintain any and all records that may be required by local and state laws and regulations.
- b) A business license shall be obtained from the appropriate agency for any park model RV and Tiny Home park and shall be renewed as required.
- c) Any exposed ground surfaces in all parts of the park model RV or Tiny Home Park shall be planted, paved or covered with an approved material that is capable of preventing soil erosion and eliminating objectionable dust.
- d) No barnyard animals or poultry shall be permitted in a park model RV or Tiny Home Park.
- e) Dogs, cats or other pets are not permitted to run at large or cause any nuisance within the park.
- f) An area of sufficient size and enclosed via chain-link fencing or other appropriate material shall be provided as a designated exercise area for dogs.
- g) Each park model RV and/or Tiny Home Park constructed, operated and licensed shall be limited solely and only to park model recreational dwelling units and/or Tiny Homes and shall not be

converted or used for any other use without full compliance with all requirements for the new use.

- h) All utilities shall be located underground with no exceptions, including the wiring of interior light poles.
- i) No park model RV or Tiny Home Park shall be occupied until a final approved inspection by the building inspector has been obtained.

14. Traffic Impact Analysis/Access/Parking:

- a) A traffic impact analysis shall be required for all park model RV and Tiny Home parks.
- b) Access to the park model RV and/or Tiny Home Park shall be designed to minimize congestion and traffic hazards at the entrance or exit and allow safe movement of traffic on adjacent streets. All traffic ingress and egress shall be through controlled entrances and exits or crash gated as approved by the fire protection authority.
- c) All internal streets and driveways shall be properly signed.
- d) Each park model and /or Tiny Home space shall have a minimum of two (2) vehicle parking spaces containing a minimum area of three hundred sixty (360) square feet.
- e) No on street parking of any vehicle shall be allowed adjacent to park model recreational dwelling or Tiny Home unit spaces but may be allowed adjacent to open space areas if a minimum ten foot (10') wide parking lane is constructed to accommodate parked vehicles.
- f) One visitor parking space shall be provided for each ten (10) park model or Tiny Home spaces. Visitor parking areas shall be appropriately signed and may be situated in various locations throughout the park.
- g) All internal streets shall be paved a minimum of twenty-four feet (24') wide with a thirty foot (30') right of way. Such streets shall be paved with an approved dust-free material.
- h) Dead ended streets shall be prohibited, and turnaround areas shall be provided with a minimum ninety-foot (90') diameter measured at the outside of the traveled way.

15. Accessory Buildings And Service Facilities:

- a) Accessory buildings shall be limited to:
 - 1. One permanent caretaker's dwelling, consisting of either site-built construction or manufactured home shall be allowed and may be used as the business office of the park model RV or Tiny Home Park.
 - 2. A separate office building may be provided for the park's business office.
 - 3. One convenience grocery store shall be allowed only for park model RV and or Tiny Home Parks that are greater than ten (10) acres in size.
 - 4. Clubhouse, pool and spa buildings, and laundry. Laundry facilities must contain at least one washer and one dryer for every thirty-five (35) park model or Tiny Home spaces in the park.

16. Site Development Plan: For the purposes of site development plan review the following shall be provided or designed and approved by the appropriate agency:
- a) Water system and connections.
 - b) Sewer system and connections.
 - c) Supply of natural gas, liquid petroleum, gas or oil.
 - d) Electrical supply, equipment and connections.
 - e) Protection of exposed equipment.
 - f) Fire protection.
 - g) Management of solid waste.
 - h) Drainage and grading.
17. Certificate Of Occupancy:
- a) A park model RV park, or a space within a park model RV park, or part thereof, must not be occupied or used unless or until it has been issued a certificate of occupancy pursuant to NAC 461A.
 - b) Tiny Homes not built on a permanent foundation may only be issued a certificate of occupancy for the tiny house that is tied to the specific parcel of land on which the tiny house is located. If the tiny house is moved from that parcel, the owner of the tiny house must obtain a new certificate of occupancy.
18. Restriction On Length Of Occupancy: Once properly installed in accordance with all applicable codes and regulations, a park model recreational dwelling unit and/or Tiny Home may remain indefinitely within the park, and there is no established time limit or restrictions as to the length of occupancy of the unit.
19. Impact Fees: For the purposes of impact fee calculations, park model recreational dwelling units and/or Tiny Homes shall be considered "residential dwelling units (detached)" and as such shall require the payment of impact fees in accordance with the adopted impact fee ordinance. (Ord. 396, 2010)

B. Definitions:

- a) Tiny Home: A dwelling that is 400 square feet or less in floor area excluding lofts.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application there to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 9th day of October, 2023.

Proposed on the 1st day of August, 2023.

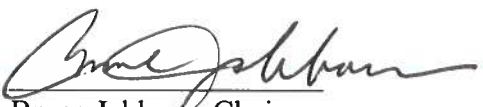
Proposed by: Commissioner Carbone.


Adopted on the 19th day of September, 2023.

Vote: Ayes: Commissioners: Jabbour, Strickland, Cox, Carbone, Boskovich

Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY: 
Bruce Jabbour, Chair
Nye County Board of
County Commissioners

ATTEST: 
Mark F. Kampf
Clerk and Ex-Officio
Clerk of the Board