

**BILL #332  
CITY OF FERNLEY  
ORDINANCE #2023-007**

**AN ORDINANCE AMENDING TITLE 32, CHAPTER 07, SECTION 020 (ACCESSORY DWELLINGS) OF THE FERNLEY MUNICIPAL CODE TO CONFORM WITH NRS SECTION 278.253 REGARDING TINY HOUSES, AND OTHER MATTERS RELATED THERETO.**

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter "the Council", DO HEREBY ORDAIN:

**Section 1.** Chapter 32.07.020 is hereby amended as follows:

**Sec. 32.07.020. - Accessory dwellings.**

*Purpose:* Certain accessory structures may be converted to or developed for residential dwelling uses to promote efficient use of land. This section allows accessory dwelling units (ADUs) with standards to ensure that they do not change the residential character of the principal use. This provides affordable living options in prescribed zoning districts, while protecting their character and maintaining compatibility between uses. Examples of living arrangements for ADUs include seniors occupying a second family living unit or apartment, or families with elderly parents unable to live completely alone.

(a) *Applicability.* This section applies to any accessory dwelling unit ("ADU").

(b) *Where allowed.*

- (1) An ADU may be located in those zoning districts shown in Table 32.06.150-2 (Use Table).
- (2) An ADU may be:
  - a. Constructed as a new building;
  - b. Adapted from an existing building into an existing accessory structure on the same lot; or
  - c. Adapted from part of the main structure.
- (3) Only one ADU is allowed on a lot.
- (4) An ADU is not allowed on a nonconforming lot.
- (5) Mobile homes/RVs/Travel Trailers cannot be used as accessory dwelling units in any zoning district.
- (6) A tiny home (as defined in the International Residential Code) with a permanent foundation is allowed for use as an ADU.

(c) *Standards.*

- (1) Accessory dwellings shall not exceed a gross floor area of 1,000 square feet or more than 50 percent of the main structure's floor area, whichever is less.
  - a. Tiny homes shall not exceed 400 square feet as defined in the International Residential Code.
- (2) 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.
- (3) The property owner must live on the property and maintain one of the units as the primary residence.
- (4) Deed restrictions. Before obtaining a building permit, the property owner shall file with the county recorder a declaration or agreement of restrictions which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:

- a. The accessory dwelling unit shall be considered legal only so long as either the primary residence or the accessory dwelling is occupied by the owner of the property;
  - b. The accessory dwelling cannot be sold separately;
  - c. The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance may result in legal action against the property owner.
- (5) The accessory dwelling shall be compatible with the primary dwelling in terms of architectural style and building materials.
- (6) On parcels of less than one acre, all accessory dwellings shall be single-story.
- (7) Accessory dwellings shall be in conformance with the setback requirements of the permissive main structure of the zoning district in which it is located.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3.** The City Clerk is instructed and authorized to publish the title of this ordinance as provided by law.

**Section 4.** This ordinance shall become effective upon passage, approval, and publication.

**Section 5.** The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

**Section 6.** In any subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

**Section 7.** The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

BILL #332 BEING HEREBY PROPOSED on the 18th day of October, 2023.

BILL #3312 BEING HEREBY PASSED, APPROVED, and ADOPTED this 15th day of November, 2023, by the following vote of the Council:

Ayes: 4      Nays: 1      Abstentions: 0      Absent: 0

FERNLEY CITY COUNCIL

By: Neal E. McIntyre  
Neal E. McIntyre, Mayor

Date: 11/15/2023

Attest By: Kim Swanson  
Kim Swanson, City Clerk

Date: 11/15/2023