

1 **40.260.210 Temporary Dwellings**

2 A. Authorized – Hardship. Subject to the conditions and upon the issuance of the permit provided for herein, one
3 (1) or more temporary dwellings may be established and maintained on a lot, tract, or parcel if the parcel is already
4 occupied by one (1) or more principal dwellings, for use by one (1) of the following:

5 1. A person who is to receive from or administer to a resident of the principal dwelling, continuous care and
6 assistance necessitated by advanced age or infirmity, the need for which is documented by a physician's
7 medical statement; or

8 2. A caretaker, hired-hand or other similar full-time employee working on the lot, tract or parcel in
9 connection with an agricultural or related use of the premises; or

10 3. Relatives over sixty-two (62) years of age with an adjusted household gross income, as defined on IRS
11 Form 1040 or its equivalent, which is at or below fifty percent (50%) of the median family income for Clark
12 County (as adjusted), who are related by blood or marriage to a resident of the principal dwelling;

13 4. Within the forest and agricultural districts (Section 40.210.010) only:

14 a. Relatives; or

15 b. A purchaser of the lot, tract, or parcel if a seller who is at least sixty (60) years of age has retained a
16 life estate to occupy the principal dwelling as a primary residence.

17 (Amended: Ord. 2017-07-04)

18 B. Conditions. Temporary dwellings authorized herein shall be subject to the following minimum conditions:

19 1. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be
20 located in such a manner as to enable compliance with such zoning and subdivision regulations as would be
21 applicable but for the authorization of this section; provided, that:

22 a. One (1) temporary dwelling may be approved for each authorized permanent dwelling, if the tract or
23 parcel of which it is a part is either:

24 (1) One (1) acre or larger in size; or

25 (2) Able to comply with the residential density standards for the applicable zoning district with the
26 addition of the temporary dwelling(s). For example, the addition of one (1) temporary dwelling on a
27 ten thousand (10,000) square foot lot in the R1-5 zoning district with one (1) existing dwelling.

28 b. Within the agriculture and forest districts (FR-80, FR-40, AG-20):

29 (1) The additional dwelling(s) private well and septic system shall be located where they will
30 minimize adverse impacts on resource land;

31 (2) If practical, the temporary dwelling shall be located within two hundred (200) feet of the
32 principal dwelling.

33 c. The temporary dwelling shall be a temporary structure such as a mobile manufactured or modular
34 home designed, constructed and maintained in a manner which will facilitate its removal at such time as
35 the justifying hardship or need no longer exists; provided, that the additional dwelling authorized by
36 Section 40.260.210(A)(4)(b) need not be a temporary structure if the declaration required by Section
37 40.260.210(C)(1)(e) includes a covenant obligating the purchaser or successors to remove the existing
38 dwelling upon the death or permanent change in residency of the seller retaining a life estate.

39 2. A current vehicular license plate, if applicable, shall be maintained on the temporary dwelling.



1 3. No more than one (1) temporary dwelling shall be authorized under this chapter if the primary dwelling is
2 a mobile manufactured or modular home.

3 4. Upon cessation of the hardship or need justifying the temporary dwelling permit, either such dwelling
4 shall be removed or the owner of the lot, tract or parcel shall comply with all applicable zoning subdivision
5 requirements.

6 (Amended: Ord. 2016-06-12; Ord. 2017-07-04)

7 C. Permits.

8 1. Applications for a single temporary dwelling permit shall be subject to a Type I review process pursuant
9 to Section 40.510.010. Applications shall be accompanied by a processing fee established for mobile
10 manufactured or modular home placement permit, and shall include:

11 a. A site plan showing the size and boundaries of the lot, tract or parcel; the location of all existing
12 buildings; and the proposed location of the temporary dwelling;

13 b. A description of the proposed temporary dwelling;

14 c. Documentation of approval of water supply and sewage disposal system by the appropriate
15 governmental agency;

16 d. Statement signed by the applicant describing the hardship or need; provided, that if the applicant is
17 relying upon Section 40.260.210(A)(1), a letter from a medical doctor verifying the need for continuous
18 care and assistance shall also be submitted;

19 e. A declaration to be filed with the County Auditor upon approval of the application setting forth the
20 temporary nature of the dwelling.

21 2. Applications seeking approval for two (2) or more temporary dwellings on the same lot, tract or parcel
22 are subject to conditional use permit approval as set forth in Section 40.520.030.

23 3. A temporary dwelling permit shall be valid for two (2) years, and may be renewed by the issuing body for
24 successive two (2) year periods upon written substantiation by the applicant to the continuing hardship or need
25 justification. Upon the expiration of the two (2) year period, or at the end of each successive two (2) year
26 period(s), if granted, the applicant shall notify the responsible official in writing that the temporary dwelling
27 has been removed and, further, said notice shall include a request for an inspection to determine that the
28 temporary dwelling has, in fact, been removed in compliance with the permit.

29 D. Revocation.

30 In addition to any other remedies provided for by law, violation of permit conditions, standards of this chapter,
31 or other applicable land use requirements, including the provisions of Chapter 9.24 of the Clark County Code, shall
32 constitute grounds for revocation of a temporary dwelling permit. Such revocation may be ordered following a
33 public hearing by the Hearing Examiner, whose decision shall be final unless a timely appeal is filed with the
34 Superior Court.

35 (Amended: Ord. 2009-10-19)

