

## ORDINANCE 2024-1635

### SUMMARY

Ordinance 2024-1635, an ordinance amending Chapter 20.622 of the Douglas County Code, by limiting and restricting Vacation Home Rentals (VHRs) in the Lincoln Park residential community, including: (1) requiring two parcels of separation between all existing or proposed VHRs; (2) limiting the amount of times a VHR permit can be renewed; (3) reducing nighttime occupancy to no more than six occupants; and (4) reducing permitted parking to no more than two vehicles.

### TITLE

Ordinance 2024-1635, an ordinance amending Chapter 20.622 of the Douglas County Code, by limiting and restricting Vacation Home Rentals (VHRs) in the Lincoln Park residential community.

NOW THEREFORE, based on the foregoing, the Board does ordain:

**SECTION I:** Chapter 20.622 of the Douglas County Code is hereby amended as follows, with new language shown underlined and the deleted language shown with a ~~strikethrough~~:

#### **20.622.020 Definitions.**

The words and phrases in this chapter have the following meanings: [...]

A. "Bedroom" means for the purposes of this chapter a confined space having a floor area of not less than 70 square feet (no less than 7 feet in any horizontal direction) and which is heated and has glazing of 8% of the floor area and natural ventilation through windows at 4% of the room floor area and can provide emergency egress as determined by Douglas County, with a minimum ceiling height of 7 feet. A bedroom, as defined in this chapter, must be designed to be used as a sleeping room and for no other stated or significant purpose. Every bedroom must have an exterior access allowing emergency escape or rescue exit. This definition is derived from the International Residential Code Section R303, R304 and R310.

B. "Daytime" means between the hours of 8 a.m. and 9 p.m. for the purpose of this chapter only.

C. "Director" means the Director of Community Development or his designee.

D. "Local contact person" and/or "local contact" means an individual who has access and authority to assume control of the VHR and take remedial action regarding violations of this ordinance. A local contact must reside and work within 30 minutes of the VHR and must be available, 24 hours a day, to respond to the location of the VHR within 30 minutes of being notified of the existence of a violation of this chapter or any other provision of this code, or any disturbance requiring immediate remedy or abatement.

E. "Local licensed property manager" means an individual who is engaged in the physical, administrative or financial maintenance and management of real property, or the supervision

of such activities for a fee, commission or other compensation or valuable consideration, pursuant to a property management agreement. A local licensed property manager must hold a Nevada Real Estate License and Property Manager Permit issued by the State of Nevada, Department of Business and Industry, Real Estate Division. A local licensed property manager must reside and work within one hour of the VHR.

F. "Owner" means an individual or family, including a family trust, who holds legal or equitable title to private property. "Owner" also includes a closely held limited liability company, corporation, partnership or similar legal entity that holds legal or equitable title to private property, if the members of such entity reside together and each member of the legal entity agrees to be personally liable and responsible for the legal entity's compliance with the requirements found in Chapter 20.622.

G. "Nighttime" means between the hours of 9 p.m. and 8 a.m. for the purpose of this chapter only. Nighttime hours are designated as quiet hours.

H. "Rent" means the consideration received by an owner or other consideration valued in money for lodging subject to the tax authorized in Title 3 of the Douglas County Code.

I. "Studio apartment" means a single, habitable dwelling unit consisting of a single room that serves as a combined space for living, dining, and sleeping. For purposes of this chapter, a studio apartment is deemed to be a bedroom if it meets the requirements of 20.622.020(A), with the exception that it may be used for purposes other than as a sleeping room only.

J. "Vacation Home Rental (VHR)" means one dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 28 days other than an ongoing month-to-month tenancy granted to the same renter for the same unit pursuant to NRS Chapter 118A. The term VHR excludes time shares or similar commercial activities regulated pursuant to NRS Chapter 119A.

K. "VHR Density" means the amount of VHR permits issued within a given residential community, divided by the total number of dwelling units located within that residential community, excluding time shares or similar commercial activities regulated pursuant to NRS Chapter 119A.

#### **20.622.030 Permit Process.**

A. It is unlawful to rent a dwelling unit or any bedroom for 28 consecutive calendar days or less without a valid Vacation Home Rental Permit issued by Douglas County. The issuance of any permit is discretionary and not a right.

B. In order to preserve the residential nature of communities within the Tahoe Township, the number of available VHR permits is restricted as follows:

1. No more than 600 VHR permits may be issued within the Tahoe Township.

2. Except as provided in subsections (3) ~~and (4) through (5)~~, the amount of VHR permits issued within any residential community of the Tahoe Township the VHR Density within each residential community shall not exceed 15% of the total number of dwelling units located within that residential community, excluding dwelling units that constitute time shares or similar commercial activities regulated pursuant to NRS Chapter 119A.

a. The boundaries of a residential community for the purposes of this section are based upon TRPA plan area statements (<https://gis.trpa.org/localplans/>) that were approved by the County and may be refined by the Director to include adjacent parcels which are consistent

with the uses contained within an adjacent plan area, or to differentiate between distinctive neighborhoods or homeowners associations within a plan area.

b. A map showing the boundaries of the residential communities within the Tahoe Township shall be maintained by the Director and made available to the public.

3. Tahoe Village. Due to the high density of time shares and hotels in the Tahoe Village TRPA plan area, ~~the amount of VHR permits issued~~ the VHR Density within the Tahoe Village TRPA plan area shall not exceed 40% ~~of the total number of dwelling units located within that community, excluding dwelling units that constitute time shares or similar commercial activities regulated pursuant to NRS Chapter 119A.~~

4. Areas north of Cave Rock. Due to their significant distance from the High Density Tourist (HDT) overlay zoning district in Stateline, which is the portion of the Tahoe Township that has been specifically designated and designed to accommodate high-intensity development, lodging, and recreational uses, VHR permits in residential communities north of Cave Rock State Park shall be limited as follows:

a. No VHR permits shall be issued in the following residential communities:

- i. Cave Rock Cove
- ii. Logan Creek
- iii. Shakespeare Point
- iv. Uppaway
- v. Non-affiliated Glenbrook Parcels

b. ~~The amount of VHR permits issued~~ The VHR Density within the following residential communities shall not exceed 15% ~~of the total number of dwelling units located within each residential community, excluding dwelling units that constitute time shares or similar commercial activities regulated pursuant to NRS Chapter 119A;~~ and further, owners holding VHR permits within the following residential communities shall only rent their VHR to individuals who also own property within the same residential community:

- i. Glenbrook - South - Single Family
- ii. Glenbrook Inn
- iii. Glenbrook - Multi Family
- iv. Glenbrook - North
- v. Pray Meadow

5. Lincoln Park. Due to the unique characteristics of the Lincoln Park residential community, the VHR Density within the Lincoln Park residential community shall not exceed 15%, and the following additional restrictions apply:

a. Each VHR within the community must be separated from any other VHR within the community by at least two intervening residential lots that are not used as VHRs;

b. VHR permits within the community must be renewed annually, but such permits may only be renewed twice, for a total maximum duration of three years;

c. Nighttime occupancy shall be no more than six, and daytime occupancy shall be no more than double the nighttime occupancy; and

d. The number of permitted parking spaces shall be no more than two.

6. Implementation of restrictions:

a. The restrictions set forth in subsections (1) through (3) will only apply to new VHR permits and not to the renewal of an existing VHR permit.

b. The restrictions set forth in subsection (4) shall take effect on December 31, 2024.

c. The restrictions set forth in subsection (5) shall be implemented as follows:

i. All active VHR permits in the Lincoln Park residential community shall expire by January 15, 2025.

ii. Any owner wishing to hold a VHR permit in the Lincoln Park residential community after January 15, 2025, shall submit an application to be placed on a waitlist. Waitlist applications shall be submitted no later than April 31, 2024.

iii. The initial waitlist shall be compiled by the Director in May of 2024. The order in which owners are placed on the initial waitlist shall be determined through a random draw. Owners who submit a waitlist application after April 31, 2024, shall be added to the end of the waitlist in the order that their applications were submitted.

iv. The first owner on the waitlist will be given the first opportunity to apply for a new VHR permit or renew their existing VHR permit, as applicable.

v. Subsequent owners on the waitlist, in descending order, will likewise be given an opportunity to apply for a VHR permit, but such owners shall be subject to both the 15% VHR Density cap and the two-lot spacing requirement described in subsection (5). If either restriction makes an owner ineligible to apply for a VHR permit, the owner shall remain in their position on the waitlist, and opportunities to apply for VHR permits shall be given to subsequent owners on the waitlist, in descending order, until either all available permits have been issued or all eligible owners on the waitlist have been given an opportunity to apply.

vi. As additional permits become available over time, opportunities to apply for VHR Permits will be given to owners consistent with their position on the waitlist, subject to the 15% VHR Density cap and the spacing requirement.

Proposed on the 7th day of March, 2024.

Proposed by Commissioner Hales.

Adopted this 7th day of March, 2024, by the following vote:

Vote: Ayes:                      Commissioners                      Hales

\_\_\_\_\_ Rice \_\_\_\_\_

\_\_\_\_\_ Nowosad \_\_\_\_\_

\_\_\_\_\_ Tarkanian \_\_\_\_\_

\_\_\_\_\_ Gardner \_\_\_\_\_

Nays:                      Commissioners                      \_\_\_\_\_

Absent: Commissioners

  
\_\_\_\_\_  
Wesley A. Rice, Chairman  
Douglas County Board of Commissioners

Attest:

  
\_\_\_\_\_  
Amy Burgans, Douglas County Clerk-Treasurer

This ordinance is effective on the 21st day of March, 2024.