

SUMMARY: A Bill proposing to amend Nye County Code Title 17, the Pahrump Regional Planning District Zoning Ordinance, pertaining to Incarceration Facilities; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, THE PAHRUMP REGIONAL PLANNING DISTRICT ZONING ORDINANCE, PERTAINING TO INCARCERATION FACILITIES; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Nye County Board of County Commissioners (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; and

WHEREAS, on July 18, 2000, the Board adopted Ordinance 229 establishing Title 17 of the Nye County Code and adding Section 17.04, which provides regulations concerning zoning districts, variances, special exceptions and conditional use permits within the Pahrump Regional Planning District (PRPD); and

WHEREAS, on June 16, 2004, the Board adopted Ordinance 285 amending Title 17, Section 17.04 of the Nye County Code, by establishing general development standards within the PRPD in order to comply with the Goals, Objectives and Policies of the November 19, 2003 Master Plan Update for the PRPD; and

WHEREAS, the Board hereby finds that establishing additional regulations related to Incarceration Facilities will result in further promoting the goals and objectives of the County in regards to land use and development;

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, the following amendments and regulations:

NYE COUNTY CODE 17.04. IS HEREBY AMENDED AS FOLLOWS, with **Deletions** shown in strike-through red font, and **additions** shown in underscored blue font:

17.04.510 CF – COMMUNITY FACILITIES

- A. **Scope.** The following regulations shall apply to the CF Community Facilities Zone. No new building or structure shall be erected, or parcel development in a CF Community Facilities Zone unless full public services are available and in conformance with the provisions identified herein.
- B. **Purpose.** The CF Community Facilities Zone is established in order to provide for the location and development of **sites** suitable for necessary public buildings, structures, uses and accessory

uses, and related private buildings, structures, uses, and accessory uses, open space and community recreational facilities. The development standards shall be specified in the conditional use permit process and within a development agreement.

C. Special Distance Requirements. The following distance requirements shall apply to certain facilities where persons are detained awaiting trial or sentencing or where persons have been convicted and are confined as a result of sentencing:

Type of Incarceration Facility:	Special Distance Requirements:
<u>Prison</u>	<u>The facility must be located at least fifty thousand (50,000') feet (9.5 miles) from all residential zoning districts.</u>
<u>Detention Facility</u>	<u>The facility must be located at least fifty thousand (50,000') feet (9.5 miles) from all residential zoning districts.</u>

A. Permissive Uses:

Animal Shelter, Government Operated (Ord. 346, 2007)

Farmer's Market

Golf course

Government Offices

Hospital

Jail (city, town or county facility)

Juvenile Detention Facility (city, town or county facility)

Library

Museum

Parks and Open space

Recreational Facility

School, Primary & Secondary

B. Uses Subject to a Conditional Use Permit. The following uses are subject to a conditional use permit as provided for in Article V and VIII of this Chapter as deemed appropriate.

Accessory Uses and Structures

Airport/Airstrip

Cemetery

College or University

Communication Building, Antennas and Towers

Concert Hall and Convention Center (Ord. 299, 2005)

Correctional Facility, or Prison

Detention Facility (Private)

Electric sub-Sub-Stations

Emergency Care Facility

Exposition Halls

Fairground

Gravel Pit, Temporary during construction

Hazardous materials Storage

Heliport

Jail (private)

Juvenile Detention Facility (private)

Place of worship

Prison

Public or Private Utility Facilities and Structures

Reformatory

Storm Water Retention/Detention Facilities

Temporary Government Facilities

Transitional Prison to Community Facility

Water Supply and Treatment Facility

C. Public/Quasi-Public Buildings, Facilities and Uses Not Listed as Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the Planning Commission.

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 _____ day of _____, 2010.

Proposed on the 16th day of March, 2010

Proposed by: Commissioner _____

Adopted on the _____ day of _____, 2010

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____

Gary Hollis, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board