

Workshop Meeting



To: Town Council

From: Travis Morgan

Date: 4/26/2021

Re: **Zoning Ordinance Text Amendment** (*Informational Item*)

REQUEST:

Julian Wilson on behalf of Palmetto State Armory would like your consideration for a zoning ordinance text amendment to allow a gun range in the B-4 (Highway Business) zoning district. The business he would like to establish sells guns, accessories, and gun range. Gun sales are permitted by right in that zoning district but the ordinance does not provide for gun ranges.

STAFF COMMENT:

Staff recommends text with specific conditions to mitigate community impacts or concern. Staff recommends addressing the following through text or confirmation of building code standards.

- 1) Noise heard off site
- 2) Exhaust air location and filters
- 3) Separation from incompatible uses such as residential property
- 4) Bullet stop wall minimum standards

STAFF COMMENT DETAIL:

Staff seeks input as to the use being permitted by right or conditionally approved (see table of use question marks). Applicant's request is specific to a B-4 zoned property but staff would like include G-I zoning district added in the text amendment as other municipalities provide for the use in business and industrial zoning districts. Staff has also included text and conditions to address outdoor ranges as well to help regulate the use should we receive a proposal in the future (see CS in the General Industrial column). Staff is still researching other municipal gun range regulations. See the following text addition and amendment to the Pineville Zoning Ordinance 6.5.25. Text regulation is very preliminary, edited and combined from multiple municipal sources. Staff welcomes comment and corrections.

Staff is aware of Town Code 130.03 prohibiting discharge of fire arms. Out of an abundance of caution staff has included outdoor range as a zoning use if needed (rather than and individual activity). Awaiting legal interpretation if this additional section is needed as a safeguard.

See following Zoning Text Amendment.

Table 6.1 Use Classifications

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Zoning District													
Use	R-44	R-12	R-7	R-MF	DC	RMX	O-I	O-C	B-3	B-4	B-P	G-I	Special Regulations
Gun or Shooting Range (outdoor)												CS	6.5.25
Gun or Shooting Range (indoor only)										?		?	6.5.25

6.5.25 Gun or Shooting Range

These provisions are intended to regulate the establishment and operation of weapon discharge facilities. Such recreational and training facilities, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This article does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with all other applicable laws or regulations. Further, the regulations of this article have been made with reasonable consideration among other things, as to the character of the Town and its areas and their peculiar suitability for these zoning uses.

(A) **Indoor Ranges.** Indoor ranges shall require all range activity to be conducted entirely within an enclosed building

1. Must be in a singular free-standing building.
2. The building shall be constructed so as to significantly muffle noise generated by the firing of weapons so that no sound over 40 decibels may be heard at the property line. Sound absorbing materials, heavy masonry walls, or other options shall be identified on the site plan as the intended methods of noise reduction outside the range structure.
3. Structural details shall conform to the design standards outlined in the latest revised edition of the NRA Range Source Book, Section 3, Chapters 1 through 12, applicable OSHA standards, and meet or exceed National Shooting Sports Foundation (NSSF) 4-star rating qualifications. The specific design standards being followed shall be identified on the site plan.
4. Parking areas and building entrances must be adequately lighted to prevent any shadows or dark spaces between any parking space and the entrance doorway.
5. Shall be a minimum of two hundred (200) feet away from any church, educational facility including school, residence, or public park measured from closest on-site building wall to off-site property line.
6. No mechanical or ventilation equipment shall be visible from a public right-of-way. Exhaust air discharged from the range shall meet all local, state, and federal requirements. Ventilation shall be designed to filter discharge air from any air supply intakes from nearby uses to prevent cross-contamination of metal-laden or contaminated air.
7. No storage of lead, ammunition, firearms, gunpowder, or other hazardous or dangerous materials, shall be stored in an accessory structure. No cleaning or repair of guns shall be allowed within an accessory structure.

(B) **Outdoor Ranges.** Outdoor ranges shall be required to comply with the following

1. Outdoor ranges shall be conditionally approved and site plan specific only.
2. *Compliance.* All new shooting facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically

"The Range Manual, A Guide to Planning and Construction," Section 1: Chapters 1 through 7, Section 2: Chapters 1 through 18, Section 3: Chapters 1 through 12; and Section 4. In addition, construction standards shall comply with all appurtenant North Carolina Building, Fire Codes, and meet or exceed National Shooting Sports Foundation (NSSF) 5-star rating qualifications. Each specific design standards being followed shall be identified on the site plan.

3. Minimum lot size shall be twenty (20) acres.

4. There shall be a minimum one hundred (100) foot landscaped buffer and six (6) foot solid fence surrounding the property perimeter

5. *Warning signs.* Warning signs meeting N.R.A. guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the shooting range facility.

6. All outdoor ranges shall be required to be at least 1,000 feet measured from closest property lines from any church, public park, building, educational facility including schools, or residences; excluding those occupied by the owner and staff of the range.

7. *Hours of operation.* Outdoor shooting ranges shall be allowed to operate between 8 a.m. and sunset. On Sundays, outdoor shooting shall not commence before 11:00 a.m. and all outdoor shooting activity shall cease at 6:00 p.m., or at sunset, whichever occurs first.

8. *Liability insurance.* The permittee shall be required to carry a minimum of \$500,000.00 of liability insurance. Such insurance shall name the county as an additional insured party and shall save and hold the county, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The county shall be notified of any policy changes or lapses in coverage.

9. *Required information.* The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the proposal and determine compliance. In addition, copies of any written agreements from adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany the permit application.

10. *Site plan.* A site plan prepared by a professional engineer and/or a registered land surveyor for the entire range facility which shows the following applicable information drawn to an appropriate scale, Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date and ownership information for the site; Complete layout of each range, including shooting stations or firing lines, target areas, shot fall zones or safety fans, backstops, berms and baffles; Projected noise contours; and maximum decibel levels at all property lines.

11. All shot must be kept within the property.

12. Highest level of weapon or firearm shall be specified with weapon specific safety protocols

12. If lead containing shot is used procedures and design of spent shot collections must be provided to prevent lead and similar contamination of land and water.

PROCEDURE:

This meeting is to familiarize you with the initial applicant proposal. As a text amendment; Planning Board is also required to review and offer recommendation. Formal approval will need to take place in the form of a Public Hearing at a later meeting. Should the use be listed conditional the site-specific plan would need to be reviewed and voted on after the text amendment was approved.