

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: April 5, 2021

SUBJECT: Set Public Hearing LDC Text Amendments (#TX-2021-02)

PRESENTER: Autumn Radcliff, Planning Director
Matt Champion, Zoning Administrator

ATTACHMENTS: 1. Draft Text Amendment Recommended by the Planning Board

SUMMARY OF REQUEST:

On March 17th, 2021, the Board of Commissioners directed the Planning Board to provide a recommendation on the draft language for shooting ranges as discussed by the Board. The Planning Board was given 30 days to review the draft language and provide a recommendation on the proposed text amendment. The proposed amendment to the Land Development Code (#TX-2021-02) is related to indoor and outdoor shooting ranges.

The Planning Board discussed the proposed text amendments at its meeting on March 18, 2021 and voted to hold a special called meeting on March 24th, 2021 to continue its discussion. At the special called meeting the Planning Board voted unanimously to send forward a favorable recommendation on the proposed amendments as attached.

BOARD ACTION REQUESTED:

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment. Planning Staff requests the Board set a public hearing for Wednesday, April 21, 2021 at 9:30 a.m.

Suggested Motion:

I move that the Board set a public hearing on the proposed LDC Text Amendments (#TX- 2021-02) for Wednesday, April 21, 2021 at 9:30 a.m.

3-24-21 Planning Board Recommended Changes

Remove the current definition for shooting range and replace with a definition for commercial shooting range.

~~**Shooting Range.** A facility designed or used for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions. A shooting range may be indoors (completely enclosed within a building/structure) or outdoors.~~

Shooting Range, Commercial. - An area, indoors or outdoors, designed and operated for profit for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. This includes any such area owned and/or operated by a for-profit or non-profit entity which requires membership dues to be a member, or which requires any remuneration (including “donations”) in exchange for access to the area, or any other organization that meets the requirements of the exception to the Noise Ordinance in Section 18-4.A.3. For the purpose of this chapter, private shooting on individual property that does not meet the above standards for commercial shooting ranges shall be allowed by right without a zoning permit provided that it complies with Chapter 23 of the Henderson County Weapons Ordinance, 23-10.C.

Add a provision on HOA’s to the LDC as a general requirement for all uses.
§42-13

In the event a parcel is subject to restrictive covenants, homeowners or property owner’s association rules, in a situation where those covenants or rules are more restrictive in terms of permitted land use than this Ordinance, the provisions of such covenants or rules would be unaffected by this Ordinance.

Amend the Table of Permitted and Special Uses for shooting ranges.

USE TYPE	GENERAL USE DISTRICT										
	P=Permitted; S=Special Use Permit										
	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
4. RECREATIONAL USES											
Shooting Ranges, Indoor			S	S	S		S	S	S	S	4.17
Shooting Ranges, Outdoor				S	S					S	4.18
<i>Commercial Shooting Ranges, Indoor</i>			P	P	P	S	P	P	P	P	4.17
<i>Commercial Shooting Ranges, Outdoor</i>			P	P	P	S	P	P	P	P	4.18

Amend the SR requirements as follows.**SR 4.17. *Commercial Shooting Ranges, Indoor***

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Structure. Indoor *shooting ranges* shall be designed to contain all projectiles fired within portions of the *structure* specifically designated for firearm discharge.

SR 4.18. *Commercial Shooting Ranges, Outdoor*

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.
- (4) Separation. An outdoor *shooting range* shall not be constructed or newly located within:
 - a. One-half ($\frac{1}{2}$) mile of an existing *school, library, day care facility, healthcare facility* and/or *religious institution*; and
 - b. One thousand (1,000) feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).
- (5) Security. The operations of an outdoor *shooting range* shall be totally enclosed by: (1) a security fence at least eight (8) feet in height; or (2) a wall at least eight (8) feet in height. Entrances and exits should be secured and locked during non-operating hours.
- (6) Perimeter Setback. Two hundred (200) feet. (Storage of debris, equipment and other materials shall not be permitted in the *perimeter setback*).
- (7) Perimeter Buffer. Fifty (50) feet.
- (8) Structure. Outdoor *shooting ranges* must be designed to contain all projectiles fired on-site.
- (9) Hours of Operation. 9:00 a.m. to 8:00 p.m.
- (10) Special events that include, but not limited to, turkey shoots, competitions, etc, shall be allowed with a Special Events Permit provided it complies with SR 11.5 and/or SR 11.6. These events are allowed in all zoning districts.