

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: April 21, 2021

SUBJECT: Public Hearing for LDC Text Amendments (#TX-2021-02) Related to Shooting Ranges

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS:

1. Draft Text Amendment
2. Certification of Public Notice
3. Resolution of Consistency
4. PowerPoint Presentation

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 for both private and commercial operations.

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.

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on April 7th, 2021 and April 14th, 2021 (See attached Certification of Public Notice).

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.

Suggested Motion:

*I move that the Board adopt the attached resolution regarding the consistency with the CCP,
and*

*I move that the Board adopt the proposed text amendments to the LDC (#TX-2021-02) related
to shooting ranges as discussed.*

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											
<i>Shooting Ranges, Indoor</i>			S	S	S		S	S	S	S	4.17
<i>Shooting Ranges, Outdoor</i>				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.**

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the April 21st, 2021 hearing regarding the proposed amendments (#TX-2021-02) to the Henderson County Land Development Code, were:

- 1. Submitted to the Hendersonville Lightning on April 1, 2021 to be published on April 7, 2021 and April 14, 2021 by Matt Champion;

The signatures herein below indicate that such notices were made as indicated herein above:

- 1. *Matt Champion* _____

STATE OF North Carolina

COUNTY OF Henderson

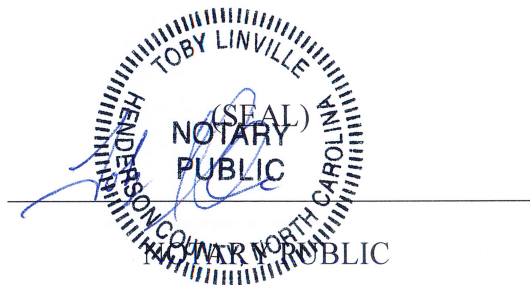
I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that Matt Champion

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 13th day of April, 2021.

My commission expires:

5/25/21 _____





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, the Henderson County Board of Commissioners exercises regulations relating to development within the County’s jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2021-02; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on April 21, 2021; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed text amendments related to (#TX-2021-02 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 21st day of April, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

ATTEST:

TERESA L. WILSON
Clerk to the Board of Commissioners

[COUNTY SEAL]

Land Development Code Text Amendments (TX-2021-02)

**Public Hearing
Board of Commissioners Meeting
April 21, 2021**

Henderson County Planning Department

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Overview

- On March 17th, 2021 the Board of Commissioners directed the Planning Board to review the draft language approved by the BOC and make a recommendation with any proposed changes discussed by the Planning Board within 30 days
- The Planning Board discussed the amendments at its meeting on March 18th and at a special called meeting on March 24th and voted to send forward a favorable recommendation on the proposed amendments

Henderson County Planning Department

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LDC Text Amendments TX-2021-02

Remove the current definition for shooting ranges and replace with the following:

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.

Henderson County Planning Department

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Public Hearing Requirements

- Notices of the public hearing were published in the Hendersonville Lightning on April 7th and April 14th

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Public Comment and Board Discussion

Henderson County Planning Department