

Jeff Wenzel  
Mayor

Pamala Hall  
Mayor Pro-Tem

Dexter Sholar  
Councilmember

Greg Hines  
Councilmember

Rena Bragg  
Councilmember

Carolyn Stanley  
Councilmember

# *Town of Holly Ridge*

*Post Office Box 145  
Holly Ridge, North Carolina 28445*

*Telephone (910) 329-7081  
Fax (910) 329-1593*



Heather Reynolds, CMC  
Town Manager

Tracy Martin  
Deputy Town Clerk

## **HOLLY RIDGE PLANNING BOARD MEETING AGENDA September 20, 2022 6:30PM**

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Adoption of Agenda**
- 4. Approval of August 23, 2022 PB Minutes**
- 5. New Business**

### **Zoning Ordinance Text Amendments—Wesley Wooten, Penslow, LLC**

Discussion and recommendation for a text amendment of Sections 7-4-12 and 7-3-26 to set a minimum area of 100 acres for outdoor firing/shooting ranges and remove the requirement for an approved Special Use Permit for such uses within the RA Zoning District

- 6. Board Questions/Comments**
- 7. Adjournment**



**Planning & Zoning Department  
Staff Report  
Text Amendment  
Planning Board Meeting Date:  
September 20, 2022**

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Request submitted by Wesley A. Wooten, Penslow, LLC, to amend Chapter 7 Sections 7-4-12 "Indoor/Outdoor Firing Range (Shooting Ranges) and 7-3-26 (Permitted Use Table)

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**Applicant:** Wesley A. Wooten, Penslow, LLC

**\*Planning Board Action Required:** Yes

**\*Town Council Action Required:** Yes

**Actions:**

1. **Recommend approval** of the request as submitted.
2. **Recommend denial** of the request as submitted.
3. **Recommend an approved modification** of the amendments as submitted.
4. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is October 18, 2022.
5. **Determine Consistency** with Holly Ridge Comprehensive Plan.
6. **Public Hearing** scheduled for October 11, 2022.

**Staff Recommendation:**

Town Staff recommends **Approval** of the proposed amendments.

## **OVERVIEW**

Wesley Wooten, of Penslow, LLC, has requested amendments to the Town's Zoning Ordinance pertaining to the regulations associated with firing, or shooting, ranges. The request is to amend Section 7-4-12, which provides the supplemental requirements associated with such ranges, by adding subsection B(3) to require outdoor ranges to be located on a minimum of one hundred (100) acres. Additionally, Mr. Wooten is requesting the Permitted Use Table (Section 7-3-26) be amended by removing the requirement for a Special Use Permit and allowing the use by right within the RA Zoning District. Compliance with the supplemented requirements associated with firing/shooting ranges would still need to be met prior to approval of such use.

Currently, the supplemented requirements for indoor/outdoor firing range (shooting ranges) is found in Section 7-4-12 and reads:

### **Section 7-4-12 Indoor/Outdoor Firing Range (Shooting Ranges)**

(A) This section is intended to regulate the establishment and operation of shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This section 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 businesses and recreational facilities.

(B) It is the intent of this article to accomplish the following:

1. Shot containment. Each shooting range facility shall be designed to contain the bullets, shot or arrows on the range facility within the safety fan zone.
2. Noise mitigation. Each shooting range facility shall be designed to minimize offsite noise impacts generated by the activities conducted on the range facility.

(C) 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; Section 4 and verified by the NRA Range Technical Team, National Shooting Sports Foundation (NSSF), the U.S. Occupational Safety and Health Administration (OSHA:), and the National Institute of Occupational Safety and Health (NOISH). In addition, construction standards shall comply with all appurtenant North Carolina Building Codes and verified by a professional engineer.

(D) Setbacks. All outdoor shooting stations on a range facility shall be located a minimum of 150 feet from any property line.

(E) 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.

(F) Distance from occupied dwelling. All outdoor shooting range stations shall be located at least 1000 feet from any occupied dwelling, excluding those dwellings occupied by the range owner and staff of the range. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within 1000 feet of the shooting station.

(G) The permittee shall be required to carry a minimum of \$500,000.00 of liability insurance. Such insurance shall name the town as an additional insured party and shall save and hold the town, 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 Town shall be notified of any policy changes or lapses in coverage.

(H) A site plan shall be prepared in accordance with Section 7-5-5, but shall also include a complete layout of each range, including shooting stations or firing lines, target areas, shot fall zones or safety fans, backstops, berms and baffles, when necessary and projected noise contours;

(I) Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.

(J) Permit transferability. A permit issued pursuant to this article may not be transferred to another operator without the written approval and consent of the town's Planning Department.

(K) Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations or activities not covered by an approved permit or otherwise cause nonconformance with this article, a new permit for the entire facility shall be secured in accordance with all of the provisions of this article.

(L) Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the Town of such intent by providing written notice to the Planning Department.

Should the amendment be approved, approval of such uses would be granted by Town Staff as is the case with all other uses permitted by right within Holly Ridge. And, as with other such uses that may contain supplemented requirements, other agencies having authority will be consulted prior to any approvals being given.

### **Staff Recommendation**

Staff recommends **APPROVAL** of the requested amendment as submitted.

Currently, there is not a minimum area requirement associated with outdoor firing/shooting ranges. The proposed amendment would require a minimum of one hundred (100) acres in order to operate such a use and would also afford more protective measures (i.e., shot fall areas, buffering, sound mitigation efforts, etc.) to be considered. It would also allow for additional assistance in determining an appropriate location for such uses by setting a minimum area to assist in determining compatibility with surrounding uses. Additionally, the removal of the Special Use Permit requirement would allow for more expeditious consideration for development to start for such a use.

The inclusion of the minimum acreage requirement would also limit this particular use into areas more apt for either low-density residential uses and/or those uses found within those areas designated as open space, such as nature trails, forestry, and agricultural uses.

**Actions & Consistency Statements**

**Action A: Recommend Approval**

Motion that the Town of Holly Ridge Planning Board hereby recommends adoption of the proposed amendments of Chapter 7 of the Town's Code of Ordinances- Chapter 7: Zoning Regulations to the Town Council and finds that (i) it is consistent with the Town's 2019 Comprehensive Land Use Plan because the minimum acreage requirement would place such uses within low-density and open space areas which uses would include agriculture and forestry activities as well as educational and recreational opportunities in more qualified open space as indicated on page 5-9 and 5-10 of the Land Use Plan and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of Holly Ridge by requiring such uses to be located in a minimal area to which adequate safety and sound efforts are more readily able to be met.

**Action B: Recommend Denial**

Motion to recommend denial of the following resolution: RESOLVED, that the Town of Holly Ridge Planning Board hereby finds the text amendments to the Zoning Ordinance is (i) consistent/inconsistent with the Town's comprehensive plan (Town of Holly Ridge Comprehensive Growth Strategy) because \_\_\_\_\_, and

And (ii) that it is not reasonable and in the public interest because it will:

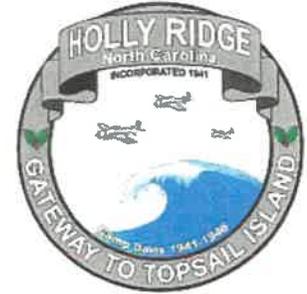
\_\_\_\_\_

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## TEXT AMENDMENT APPLICATION

Application must be completed in its entirety, accompanied by the \$300 application fee, and attachments as required on page two of this application. An incomplete application will be returned to the applicant and will result in delays to process the request. An applicant is encouraged to visit the planning and zoning department for a preliminary review of the request.

Date: 8/15/2022

Applicant: Penslow LLC Wesley A Wooten

Mailing Address: 8155 Malpass corner rd Currie NC 28435

Applicant Contact: wesley@lewisfarmsandliquidwaste.com (Cell): 910 604-0049

(Fax): \_\_\_\_\_

Type of Change Requested:

Ordinance Chapter 7 Section(s): 7-3-25 & 7-4-12 New Text  Revision of Text  X

**Applicant is responsible for submitting the language for the proposed new text or the proposed revisions of text. A separate page may be submitted if needed.**

Proposed Language for New Text:

Section 7-3-25 Permitted Use Table- "Recreation" Entertainment and Public Assembly"-- " Firing range, outdoor"- with RA change "Special Use with Supplemented Regulation (SS)" to Permitted with Supplemented Regulation (PS) ",

Proposed Language for Revised Text:

Section 7-4-12 Indoor/Outdoor Firing Range (Shooting Ranges)-- 7-4-12(B)(3)-- Minimum area -- Each outdoor shooting range facility shall be located on a minimum of 100 acrea

Provide Explanation for Proposed Changes:

~~We would like to annex this property into the town of Holly Ridge for a possible shooting range. Annexion would provide Police & Fire services. If we are annexed we could then offer Holly Ridge residents a reduced rate creating a great amenity for Holly Ridge. This range facility will cost millions to build and without being a permitted use we could not justify the investment. Currently the zoning does not allow this use by right. With the amendment, this use would be permitted within the town.~~

The following items are to be submitted with the Application:

\$300 Fee Remitted with the Application : Cash or Check (made payable to Town of Holly Ridge).

10 Copies of Application and Attachments.

Wesley Wooten  
Signature of Applicant

8/16/22  
Date

Wesley Wooten  
Printed Name of Applicant

- Applicant should allow 30 days for staff review; at which time a public hearing will be scheduled, and the applicant will be notified by Town Staff.
- Application must be completed in its entirety with the required documents as stated above.
- Application Fee must be remitted with the application.

For Office Use

Date Application Filed: \_\_\_\_\_

Received By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Check: \_\_\_\_\_ Cash: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_

Use	OAR	R-20	R-15	R-15A	R-10	R10A	R7.5	R7.5A	R5A	C	NB	LI	MFR	RA
Cons/Env Restoration & Educational Activities	P													P
Fire and Rescue (EMS)										P	P	P		
Governmental facilities	P	S	S	S	S	S	S	S	S	P	P	P	P	P
Hospital (human)										S	S	S		
Libraries										P	P	S		
Liquor Store (ABC Store)										P	P	P		
Museums										P	P	S		
Parks and Playgrounds	P									P	P	S		
Police Department	P	S	S	S	S	S	S	S	S	P	P	P	P	P
Schools (elementary, middle, high, private)										P	P	S		S
US Postal Service										P	P	S		

### Recreation, Entertainment, and Public Assembly

Adult Establishments										SS				
Amusement park										P	–	P		
Arcade										P	P			
Baseball hitting ranges	P									P	P			
Billiard or pool halls										P	P			
Boat marina										S	S			
Bowling alley										P	P			
Dance schools										P	P			
Dragstrip and race tracks												S		S
Electronic gaming operation										SS	SS			
Firing range, indoor										SS	SS	SS		
Firing range, outdoor	SS											SS		SS
Fishing lakes/impoundments	P													P
Go cart track										S	–	S		
Golf course, public/private	S									S	S			
Golf driving range										S	S			
Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Health club										P	P	S		
Horse show/riding facility														S
Hunting Preserves/Hunt Clubs	S													P
Livestock petting zoo										P	S	S		S
Miniature golf										P	P			
Motorcross track												S		S
Movie theatres (indoor)										P	P	S		
Private recreation clubs (non-adult)										P	P	S		
Rodeo	S													S
Skating rink										P	P	S		
Stable (private)														P
Stable (public)														P

### Transportation, Wholesaling, and Warehousing

Airport												S		S
Ambulance service										P	P			