

Jeff Wenzel  
Mayor

Pamala Hall  
Mayor Pro-Tem

Dexter Sholar  
Councilmember

Greg Hines  
Councilmember

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Carolyn Stanley  
Councilmember

# *Town of Holly Ridge*

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## **HOLLY RIDGE PLANNING BOARD MEETING AGENDA November 15, 2022 6:30PM**

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Adoption of Agenda**
- 4. Approval of September 20, 2022 PB Minutes**
- 5. New Business**

### **Zoning Ordinance Text Amendments—Town of Holly Ridge**

Discussion and recommendation for a text amendment of Sections 7-4-12 to require Special Use Permits for outdoor firing ranges under 100 acres and to increase the liability insurance amount for indoor/outdoor firing ranges to \$1,000,000

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



**Planning & Zoning Department  
Staff Report  
Text Amendment  
Planning Board Meeting Date:  
November 15, 2022**

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Proposed text amendment to the Holly Ridge Zoning Ordinance Chapter 7 Section 7-4-12 to allow outdoor firing (shooting) ranges less than one hundred (100) acres within permitted districts with an approved Special Use Permit and to increase the amount of liability insurance for all ranges to one million dollars (\$1,000,000).

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**Applicant:** Town of Holly Ridge

**Planning Board Action Required:** Yes

**\*own 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 December 20, 2022.
5. **Determine Consistency** with Holly Ridge Comprehensive Plan.

## **OVERVIEW**

Due to receipt of public input, the Holly Ridge Town Council has requested the Planning Board provide a recommendation related to amendments of Section 7-4-12 pertaining to indoor/outdoor firing (shooting) ranges. They have provided the following suggested amendments to this section and the section in its entirety is included below with the amendments provided in red:

(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.
3. ~~Minimum Area. Each outdoor shooting range facility shall be located on a minimum of one hundred (100) acres.~~
4. ~~Special Use Permits are required for outdoor firing ranges located on less than 100 acres. Special Use Permits will not be required for ranges located on property equal to or greater than 100 acres.~~

(G) The permittee shall be required to carry a minimum of ~~\$500,000.00~~ **one million dollars (\$1,000,000)** 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.

In its entirety, Section 7-4-12 will now read as follows:

### **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.
3. ~~Minimum Area. Each outdoor shooting range facility shall be located on a minimum of one hundred (100) acres.~~
4. ~~Special Use Permits are required for outdoor firing ranges located on less than 100 acres. Special Use Permits will not be required for ranges located on property equal to or greater than 100 acres.~~

(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 outlined in the most recent version of the NRA Range Source Book, 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~~ one million dollars (\$1,000,000) 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, along with a certificate signed by a licensed design professional attesting that all requirements of this section have been met.

(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.

As found within the Permitted Use Table (Section 7-3-26), indoor firing ranges are permitted within the Commercial, Neighborhood Business, and Light Industrial districts with an approved Special Use Permit. Outdoor firing ranges are permitted within the Open Area Residential, Light Industrial, and Rural Agriculture districts and, should this amendment be approved, would require a Special Use Permit only if the area of the property is less than one hundred (100) acres. Regardless of the size of the proposed range, it is still required to submit the included information as found within Section 7-4-12, along with the additional referenced materials, that illustrates compliance.

This amendment is scheduled for a public hearing before Town Council on December 13, 2022.

## **Staff Evaluation**

Section 7-5-6 states that the purpose of Special Use Permits is because certain uses that, because of their unique characteristics or potential impacts on surrounding land uses, are not permitted in zoning districts as a matter of right but may be permitted under a specific set of circumstances and conditions. While such uses are generally compatible with the intent and purpose of specific zoning districts created by the ordinances, they require individual review of their location, design, and operation, and may require the imposition of conditions or mitigations, in order to ensure the appropriateness of the use at a particular location within a given zoning district.

As part of a quasi-judicial process, The Holly Ridge Board of Adjustment is authorized to review and approve Special Use Permits. The Board of Adjustment shall issue a Special Use Permit only when the Board makes an affirmative finding for each of the following:

1. That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;
2. That the use meets all required standards set forth in the ordinance;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Holly Ridge Comprehensive Plan.

It can be viewed that outdoor firing ranges located on property that is equal or greater than one hundred (100) acres will satisfy the listed requirements associated with approved Special Use Permits. If viewed as such, the removal of this requirement would also work in line with the direction provided by Town Council to ensure we are providing a reasonably expeditious process for development. The proposed amendment would still allow for such uses within permitted districts and, at the same time, retain the process to ensure smaller areas of property meet the conditions set forth for Special Use Permits.

## **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, Section 7-4-12 Indoor/Outdoor Firing Ranges (Shooting Ranges) to the Town Council and finds that (i) it is consistent with the Town's 2019 Comprehensive Land Use Plan because it would increase the number of parks, recreation, and open spaces to serve current and future Town residents and visitors (page 4-10) and (ii) that it is in the public interest because it will allow for more expeditious review processes for such uses on larger areas of property while at the same time placing reasonably protective standards to ensure such uses are permitted on smaller areas of property.

### **Action B: Recommend Denial**

Motion that the Town of Holly Ridge Planning Board hereby recommends denial of the proposed amendments of Chapter 7 of the Town's Code of Ordinances- Chapter 7, Section 7-4-12 Indoor/Outdoor Firing Ranges (Shooting Ranges) to the Town Council and finds that (i) it is inconsistent with the Town's 2019 Comprehensive Land Use Plan because it could provide for future conflicts with environmentally sensitive areas or the mixing of development at varying degrees of density and impact (page 5-4) and (ii) that it is not in the public interest because it will remove the affordability to place additional conditions as allowed through the Special Use Permit process.

Should the Town find it reasonable and in line with their vision related to the growth of Holly Ridge and their desire to provide an area of encouraged and friendly growth, the amendment should be favorably considered.