

**P11-20**

**PENDING TEXT AMENDMENT**

County Zoning Ordinance  
Outdoor Firing Range

**CURRENT MEETING INFORMATION:**

County Joint Planning Board, May 21, 2013 at 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville, 2<sup>nd</sup> floor hearing room – if you wish to address the board, you must sign up prior to 6:55 pm outside the hearing room.

**CASE HEADING:**

**P11-20.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER THE TERM AND DEFINITION FOR “FIRING RANGE, OUTDOOR;” AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING IN ALPHABETICAL ORDER A NEW ROW ENTITLED “FIRING RANGE, OUTDOOR (SEC. 907.1)” IN THE LAND USE COLUMN AND ALLOWING THIS USE AS CONDITIONAL ZONING BY INSERTING A “Z” IN THE CD, A1, A1A, O&I(P), C1(P), C2(P), C(P), M1(P) AND M(P) ZONING DISTRICT COLUMNS ON THIS SAME ROW; AMENDING ARTICLE IX INDIVIDUAL USES BY CREATING AND INSERTING IN NUMERICAL ORDER A NEW SECTION ENTITLED: SECTION 907.1 FIRING RANGE, OUTDOOR, WITH SUB-SECTIONS “A” THROUGH “J;” AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (NOTE: ORIGINAL HEADING HAS CHANGED TO REFLECT THE CURRENT PROPOSED AMENDMENT.)

**ADDITIONAL INFORMATION:**

Complete text is attached – proposed amendment has changed from previous postings.

The Joint Planning Board’s Land Use Codes Committee has considered this text amendment and recommends approval as attached.

**CONTACT INFORMATION:**

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**P11-20**  
**COUNTY ZONING ORDINANCE TEXT AMENDMENT**  
(Outdoor Firing Ranges)

**P11-20.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER THE TERM AND DEFINITION FOR “FIRING RANGE, OUTDOOR;” AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING IN ALPHABETICAL ORDER A NEW ROW ENTITLED “FIRING RANGE, OUTDOOR (SEC. 907.1)” IN THE LAND USE COLUMN AND ALLOWING THIS USE AS CONDITIONAL ZONING BY INSERTING A “Z” IN THE CD, A1, A1A, O&I(P), C1(P), C2(P), C(P), M1(P) AND M(P) ZONING DISTRICT COLUMNS ON THIS SAME ROW; AMENDING ARTICLE IX INDIVIDUAL USES BY CREATING AND INSERTING IN NUMERICAL ORDER A NEW SECTION ENTITLED: SECTION 907.1 FIRING RANGE, OUTDOOR, WITH SUBSECTIONS “A” THROUGH “J;” AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (NOTE: ORIGINAL HEADING HAS CHANGED TO REFLECT THE CURRENT PROPOSED AMENDMENT.)

1. **AMEND** Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by **INSERTING** in alphabetical order the following definition:

**Firing Range, Outdoor:** A facility, including its component shooting ranges, safety fans or shotfall zones, parking areas, all structures for classrooms, administrative offices, ammunition storage areas and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. For purposes of this ordinance, outdoor firing ranges are a principal use of property and therefore, shall not be considered incidental or accessory. This ordinance is exclusive of occasional target practice by an individual on property owned or leased by the individual or the individual’s immediate family and sighting of weapons for purposes of hunting, or temporary turkey shoots conducted on a property no more than 12 days in any calendar year; or any activities conducted by a club or lodge as defined in this ordinance. (Sec. 907.1)

2. **AMEND** Article IV Permitted, Conditional, and Special Uses, Section 403. Use Matrix, by **INSERTING** in alphabetical order in the *Land Uses* column the term **FIRING RANGE, OUTDOOR (Sec. 907.1)** with the new row reflecting that outdoor firing ranges are allowed with Conditional Zoning approval as indicated by **INSERTING** a “**Z**” in the **CD** Conservancy, **A1** and **A1A** Agricultural, **O&I(P)** Planned Office and Institutional, **C1(P)**

Planned Local Business, **C2(P)** Planned Service and Retail, **C(P)** Planned Commercial, **M1(P)** Planned Light Industrial and **M(P)** Planned Industrial zoning district columns.  
(Editor's note: See *Attachment 1* for matrix layout to be inserted into the existing Section 403)

3. **AMEND** Article IX Individual Uses, by **INSERTING** in numerical order **SECTION 907.1. FIRING RANGE, OUTDOOR**, including sub-sections, as follows:

**SECTION 907.1. FIRING RANGE, OUTDOOR.**

A. A detailed site plan complying with the provisions of Article XIV shall be submitted for review and if approved, all applicable permits must be obtained prior to commencement of range activity. The detailed site plan shall be sealed by a North Carolina registered engineer attesting that the proposed plan incorporates the specific safety and design standards for outdoor firing range provisions and live fire shoot house provisions, if applicable, as set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 1-20, of the *Range Design Criteria* (June 2012) as published by the US Department of Energy's Office of Health, Safety and Security for the type of range proposed; except that Section 4.b(10), the second sentence of Section 4.c(7) and Section 6.a(1) shall not be considered for the reason that these sections are specific to the needs of the DOE.

[Editor's note: If adopted, a link to the *Range Design Criteria* publication will be provided for this sub-section on the County's website. A hardcopy will be made available to the public in the office of the Land Use Codes section of the Planning & Inspections Department.

B. The detailed site plan shall show the boundary of the subject property in its entirety and shall further disclose all existing uses, if discernible, and structures within a distance of 300 feet from the boundary.

C. Surface danger zones shall be located entirely on the subject property and shall be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or occur on the property. The layout of the proposed range(s) with the accompanying safety fans shall be delineated on the required site plan for each/all range(s) to be constructed on the property.

D. A 60 foot wide buffer, undisturbed except for fence installation and vegetative planting, shall be provided around the entire perimeter of the subject property and shall also be delineated on the detailed site plan.

E. A firing range facility must have access to an approved private street or a public street.

F. Unauthorized access to the firing range facility shall be controlled while firearms are being discharged.

G. The developer/operator of the firing range facility shall provide to Code Enforcement at the time of application for the building final inspection, a certification prepared by a North Carolina registered engineer that the firing range facility has an environmental stewardship plan, which may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of the lead and is compliant with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA) most current edition of *Best Management Practices for Lead at Outdoor Shooting Ranges*.

H. If any firing range facility, or the use thereof, is intended to be expanded to include types of ranges, operations, munitions or activities not covered by the most current conditional approval or pre-existing status, re-submittal/submittal of the site plan for the entire firing range facility for review and approval of the change or expansion shall be required prior to commencement of the change or expansion. This provision applies regardless whether or not the firing range facility was in existence prior to the adoption of this section.

I. All outdoor firing range facilities shall maintain general liability insurance coverage in an amount of not less than Three Million Dollars through an insurance company licensed to do business in North Carolina. The policy shall not exclude coverage for property damage or personal injury caused by the discharge of firearms.

J. All other applicable Federal, State and local regulations, to include the County's Noise Ordinance, shall be strictly adhered to.

**Attachment 1**  
**P11-20 Outdoor Firing Ranges**

**SECTION 403 USE MATRIX**

CUMBERLAND COUNTY ZONING ORDINANCE  
P = PERMITTED USE  
S = SPECIAL USE (Sec. 1606 Board of Adjustment approval required)  
Z = CONDITIONAL ZONING (Article V – County Commissioners approval required) (Amd. 04-11-18)

LAND USES				ZONING CLASSIFICATIONS																		
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
FIRING RANGE, OUTDOOR (Sec. 907.1)	Z	Z	Z														Z	Z	Z	Z	Z	Z