

**Minutes  
Newton Planning Commission  
November 27, 2012  
Council Chambers  
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on November 27, 2012 in the Council Chambers at City Hall.

**Members**

**Present:** Ken Simmons, Chairman  
Melinda Travis  
Jim Smith  
Donny Setzer  
Stan Gabriel  
Jim Granny  
Mark Stalnaker

**Members**

**Absent:**

**Staff Present:**

Alex Fulbright, AICP, Assistant Planning Director  
Max Sigler, Planner

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**Item 1: Call to Order**

**Chairman Simmons** called the meeting to order at 7:00 pm.

**Item 2: Consideration of Minutes of the October 23, 2012 Meeting**

**Chairman Simmons** asked for consideration of the minutes of the October 23, 2012 meeting. There being no corrections or additions, **Chairman Simmons** ruled that the minutes were approved as presented.

**Item 3: Public Hearing**

**Text Amendment #2012-05 Filed by David Collins proposes to allow Indoor Shooting Ranges within the M-1 Zoning District.**

**Chairman Simmons** recognized Assistant Planning Director **Alex Fulbright**, who handed out a copy of an article about the City of South Jordan, UT. He explained that South Jordan was dealing with a similar proposal and the article contained insight of some of the issues that they encounter. He stated that the intent of distributing the article wasn't to sway the commission but

to enable them to see what one community saw was the issues. He also explained that both Planner **Max Sigler** and the Applicant would have presentation on the item. **Mr. Fulbright** recognized Planner **Max Sigler** who reviewed his memo dated November 27, 2012 as follows:

**Background:**

At the request of **David Collins** the Planning Commission has been asked to review a text amendment to the Zoning Ordinance that would allow for Indoor shooting ranges within the M-1 zoning district. The Planning Commission is also asked to assess Chapter 66 “Offenses and Miscellaneous Provisions” in the City Code of Ordinances for changes that would be necessitated by an approval of Indoor Shooting Ranges.

~This is not an issue of a citizen’s Second Amendment rights; The Right to Bear Arms is not what is being asked for the Planning Commission to consider. Any other regulations other than the location and construction of the use ~

**Review:**

Indoor firing ranges are popular among law enforcement and recreational shooters because they offer protection from inclement weather conditions and can be operated under controlled environmental conditions. Currently within the county there are two indoor shooting ranges, one which is located on Springs Road near Saint Stephens High School, and another indoor/outdoor range located off of Rifle Range Road.

Typically, a gun range will offer safety courses, concealed carry courses, and advanced training in firearms techniques, for a fee. In addition, some states require employees who use firearms on the job (e.g., armored car drivers, security guards) to have certain certifications. In most cases, a shooter may take a class and qualify for these certifications at a gun range. Many gun ranges will let shooters rent firearms, as well. In most cases, ranges (especially indoor) rent out handguns and rifles in various calibers; however there are ranges that rent Class III/NFA firearms (full-auto weapons, suppressed weapons, etc.). The National Shooting Sports Foundation estimates that there are 20 million active target shooters in the United States. Of those, 13.8 million are rifle shooters and 10.7 million participate in handgun target shooting [NSSF 2006]. NIOSH (National Institute for Occupational Safety and Health) estimates that 16,000 to 18,000 firing ranges operate in the United States.

Considerations in the permitting of indoor shooting ranges involve the location of such uses, noise that it may create, environmental impact, and projectiles staying within the confines of the target area.

The location requested to be limited to the M-1, General Manufacturing District, this district provides a place for the location of manufacturing and other uses which would be incompatible with general business areas. It is intended to permit in these districts any use which is inherently obnoxious to urban areas because of noise, odors, smoke, light, dust or the use of dangerous material. Being that the noise created from an indoor firing range may not be more obnoxious than any other use allowed within the M-1 district a detailed distance from residential areas to an indoor firing range may or may not be specified.

For the environmental impact that an indoor firing range would have on an area, the EPA and OSHA have regulations that deal with the hazards of lead escaping into the surrounding landscape and atmosphere. These regulations would also help dampen the noise by insulating the building and any air ducts that might be needed to obtain a negative pressure within the firing area.

The Catawba County Building Inspections office would handle the safety of the building through the International Building Code - The live loads specified in Section 1607.2 include allowance for impact conditions. Provision shall be made in the structural design for uses and loads that involve unusual vibration and impact forces. The method shall be approved by a building official.

Another section of the City Code of Ordinances would need to be amended to allow for the lawful discharge of firearms within an approved indoor shooting range. This amendment would not fall under the scope of the Planning Commission; however, the staff would like the Commission to make a motion that includes all of the information so that the Planning Commission will be aware of all of the issues related to the proposed text amendment and so a complete collection can be presented before the City Council.

In the City Code of Ordinances, Chapter 66-3 reads:

Sec. 66-3. - Discharge of firearms, explosives, etc.

- (a) Discharge prohibited; exceptions. No person shall discharge any gun or other firearm, shoot any blank cartridge, torpedo, dynamite, air rifle (BB guns or pellet guns), slingshot, pyrotechnics, bow and arrow or cross bow, or explode any fireworks within the city; except that permission may be given by the chief of police for the shooting of rodents, the training of law enforcement personnel at the police pistol range, memorial services or funerals, high school field and track events or special events held in connection with Soldiers Reunion activities.

**Mr. Sigler** concluded his presentation and recognized the applicant **David Collins Sr.**

**Mr. Collins** explained his intent to open an indoor shooting range. He stated that his intent was to acquire a building in a M-1 Zoning District. His plan is to stage the business in three phases. The first phase would be the manufacturing of ammunition, the second phase would include the sales of firearms and ammunition, and the last phase would be the construction of an indoor shooting range. He explained that the endeavor that would occur of the course of a year or more.

**Mr. Fulbright** clarified that the application was for the operation of an indoor shooting range. He stated that the manufacturing of ammunition and sales of firearms & ammunition could be considered an accessory use of the indoor shooting range; however based on **Mr. Collins'** sequencing that could not be the case as the shooting range was the last component and not the first. He stated that in order for **Mr. Collins** to proceed as he presented that the ordinance would need to be amended to allow the manufacturing of ammunition and sales of firearms & ammunition in the M-1 Zoning District. He stated that a public hearing would have to be advertised and held prior to that being considered.

**Mr. Collins** agreed to the additional amendments, as they were crucial to his business plan.

**Chairman Simmons** closed the Public Hearing and asked Planning Commission to consider the item. There were some concerns voiced by members of the Planning Commission about the need for public notification. **Mr. Fulbright** stated that the Planning Commission could consider the use as a special use instead of a use by right. He explained that in order for this item to move forward that he would like to see that there was consensus for support of the application with the amendments as mentioned. It was suggested that staff issue a press release on the matter informing the public of the upcoming public hearing in order to obtain public comment. There was unanimous support for the item with the necessary amendments.

**Item 4: Old Business**

There was no old business.

**Item 5: New Business**

(a) Solar Farms

**Chairman Simmons** recognized **Mr. Fulbright**, who explained that there was a growing interest in the construction of solar farms. He stated that the zoning ordinance allows for public service facilities, which is defined as follows:

Public service facilities means the use of land, buildings, or structures by a public utility, railroad, or governmental agency, including water treatment plants, sewage treatment plants, telephone exchanges, resource recovery facilities, and other similar public service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

He explained that a solar farm could be considered as a public service facility and would be permitted as an allowed use in the B-4 and M-1 Districts; and a special use in the remaining districts with the exception of the EM-1 District, where it is not allowed. The use would be required to be screened as prescribed in the zoning ordinance which would likely be evergreen shrubbery, such as hollies or Leyland Cypress. He mention that this is similar to the way that surrounding jurisdictions address these facilities. He added that these facilities use 5 to 200 acres of land.

It was the consensus of the Planning Commission that the existing ordinance was sufficient for solar farms.

(b) Setbacks Related to Signs within Highway Corridor Protection Districts

**Chairman Simmons** recognized **Mr. Fulbright**, who explained that he was asked by the City Manager to have the Planning Commission consider setbacks related to signs within the Highway Corridor Protection Districts. **Mr. Fulbright** distributed maps of the Highway Corridor Protection Districts and related

ordinances. **Mr. Fulbright** explained that there were concerns that the 40' setbacks for signs were restrictive and that directional signs were limited to 2 square feet in area. He showed the Planning Commission examples of two businesses that have indicated the desire for changes in the current ordinance. It was the consensus of the Planning Commission that the existing ordinance served the intent to protect the right of way for future widening and that any changes would jeopardize those efforts.

**Item 6: Monthly Reports**

**Chairman Simmons** recognized **Mr. Fulbright**, who requested that the review of the monthly report be skipped due to the time.

**Item 7: Adjournment**

With no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Alex Fulbright, AICP  
Recording Secretary