



## Legislation Details (With Text)

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<b>On agenda:</b>	11/27/2018	<b>Final action:</b>	
<b>Title:</b>	An update to the recreation definition and shooting ranges in the zoning code		
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<b>Code sections:</b>			
<b>Attachments:</b>	1. Recreation and Shooting Range Definitions - DRAFT, 2. Staff Presentation		

Date	Ver.	Action By	Action	Result
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Agenda Date: 11/27/2018

Subject:

An update to the recreation definition and shooting ranges in the zoning code

Presented By: Steve Kemp, City Attorney and Jocelyn Mills, Community Development Director
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### REQUESTED COUNCIL ACTION:

Does city council support staff proceeding to the planning commission with a recommended update to the definitions pertaining to recreation in the zoning code and to incorporate a conditional use requirement for all gun range locations?

### BACKGROUND:

The recreation definitions address a number of unrelated uses in our zoning code. As with many of the definitions in the code, they do not relate to the actual uses or define uses that should be addressed separately. As staff brings to the council amendments to the code, we recommend correcting these definitions.

An example of this problem is the definition of gun ranges. Currently indoor gun ranges are treated as an indoor recreation use. Outdoor gun ranges have no standards and are treated as outdoor recreation.

These definitions have been carried over into planned developments throughout the city that allow recreational uses in general without reference to the city's definitions. This has resulted in a number of incompatible uses being principal permitted uses with no further review. Staff has done an analysis of the recreation definitions and the conditional use portion of the code and recommends a number of amendments.

### STAFF ANALYSIS:

The mixture of uses in our recreational definitions and the lack of definitions under the recreational section for some uses such as sexually oriented businesses is a critical problem that needs to be addressed. Most cities,

such as Lakewood and Fort Collins provide specific definitions for these uses and identify the uses by definition in the land use chart. This was also a recommendation of Clarian Associates when they review the definitions of the Littleton Code in 2015.

Staff proposes to create specific definitions for a number of the recreational uses in the Zoning Code and to place those uses in the land use chart. Where possible the existing designations were carried over to the new definitions. This includes making indoor gun ranges and outdoor gun ranges conditional uses.

The staff will be presenting a power point on this proposal and the justification of making these uses conditional uses, including a requirement that they be a conditional use in existing Planned Developments unless the Planned Development was amended to provide for the use.

The staff recommends addressing the land use issue through this process in order to provide appropriate guidelines for such uses in the future. The proposed ordinance also adds clarification and a revocation provision to the conditional use permit process.

Staff also recommends separate to the code an administrative process that would require the Police Department to review all applications for retail gun stores and firing ranges with the purpose of making recommendations for safety and security of such facilities. The implementation of those recommendations would be at this time voluntary for retail gun stores and for firing ranges would additional information used in the conditional use permit process in determining if a project may proceed.

It is staff's recommendation that council approach the gun regulation issue in phases with the direction from this study session as the first phase. As a second phase, staff recommends a more detailed review in the near future of the related code issues to guns and contrast those against the current code priorities within the work plan. This would allow the council to confirm your priorities well in 2019 and thereby direct staff.

One example is the noise level at gun ranges and our current code. Previously, staff had presented to council this section of the code as a "tier 2"; i.e. establish a schedule for later in 2019. There had been some recognition that our current noise code did not adequately address outside concert events. This particular code is complex in setting operational parameters and then with the measurement and enforcement for all different types of uses. In a phase 2 approach, council may wish to reconfirm the priority based upon gun ranges.

#### **FISCAL IMPACTS:**

N/A

#### **STAFF RECOMMENDATION:**

That the Mayor and Council direct staff to proceed with a proposed text amendment to the zoning code to amend recreation related definitions and to require gun ranges to obtain a conditional use permit.

#### **OPTIONS/ALTERNATIVES:**

Option A - Direct Staff to proceed no further with a change to the zoning ordinance pertaining to shooting ranges.

Option B - Direct staff to proceed to the planning commission with a proposed text amendment pertaining to recreation definitions and a conditional use requirement for gun ranges in the zoning code.