

## Legislation Text

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**File #:** Ordinance 13-2019, **Version:** 4

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Agenda Date: 05/21/2019

**Subject:**

Ordinance 13-2019: Second introduction of an ordinance amending Title 10, Chapters 1, 3, and 8 of the city code regarding indoor and outdoor Shooting Ranges as Conditional Uses

Presented By: Mike Sutherland, AICP Deputy Director, Community Development
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**POLICY QUESTION:**

Does city council support amendments to the city code adding definitions for indoor and outdoor shooting ranges, adding the uses as conditional uses permitted in the B-3, I-1, and I-2 zoning districts, and adding various performance standards for the uses?

**BACKGROUND:**

As a use, shooting ranges are currently included in the category of “recreation, amusements, and entertainment” as either an indoor or outdoor recreation. Shooting ranges have no specific performance standards listed. The proposed amendment would define shooting ranges, regulate where shooting ranges are permissible as a conditional use, and provide specific performance standards.

**PRIOR ACTIONS OR DISCUSSIONS:**

- November 12, 2018 - Planning commission study session
- November 27, 2018 - City council study session
- December 10, 2018 - Planning commission second study session
- January 14, 2019 - Planning commission held a public hearing regarding the proposed amendment and recommended approval by a 7 to 0 vote
- April 2, 2019 - City council regular meeting; approved on first reading
- April 16, 2019 - City council regular meeting; continued to May 7, 2019
- May 7, 2019 - City council regular meeting, tabled to a date certain, May 21, 2019

**STAFF ANALYSIS:**

Since the planning commission meeting, staff removed all portions of the proposed code amendment not directly related to shooting ranges. These included definitions for all recreational and institutional uses and re-categorizing where each are allowed, which would have affected other uses in addition to shooting ranges. The proposed code amendments reviewed by the planning commission also included broad changes to the conditional use section of the code which would have affected all existing conditional uses, not just shooting ranges. No changes have been made since the continuance.

Effect on existing ranges:

Prior to effective date of ordinance (approximately seven days after adoption)

- Existing business may apply for a building permit to expand operations
- Permit will be processed under current code requirements, no planning process necessary
- If permit is allowed to expire, new code provisions apply

After effective date of ordinance

- Shooting ranges become legal non-conforming uses (no effects on other businesses aspects such as retail sales)
- Floor area within building already dedicated to use and area of use on lot is protected
- Non-conforming status runs with land (may be transferred from one owner to another) and only expires after abandonment or discontinuation
- Expansion of floor area within a building or area of use on lot requires a Conditional Use Permit and is subject to performance standards in proposed ordinance
- Planning Commission makes decision through the public hearing process
- Planning Commission decision only applies to expansion and does not affect existing operations
- Performance standards only apply to expansion and do not affect existing operations

**OPTIONS/ALTERNATIVES:**

- If council approves the proposed amendment, indoor and outdoor shooting ranges will be permissible only in the B-3, I-1, and I-2 zoning districts (and planned developments adopting those district categories) as conditional uses with specific performance standards. All permitted shooting ranges existing prior to adoption of the ordinance will become legal non-conforming uses as regulated by Littleton City Code, Title 10, Chapter 10.
- If council denies the proposed amendment, shooting ranges will continue to be regulated as “recreation, amusements, and entertainment” uses pursuant to current provisions of the Littleton City Code.

**FISCAL IMPACTS:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the revised code amendment and approval of Ordinance 13-2019.

Following the continuance, staff consulted with legal counsel on questions concerning the ability for existing gun ranges to expand operations internal to their own building without approval of a conditional use permit. Legal counsel recommended against altering the code.

**PROPOSED MOTION:**

I move to approve on second reading the ordinance amending Title 10, Chapters 1, 3, and 8 of the city code regarding indoor and outdoor shooting ranges.