CITY OF COCOA
Planning & Zoning Board /
Local Planning Agency
City Council Chambers

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Special Meeting
April 9, 2019
6:00 p.m.

I. OPENING MATTERS:
1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:
1. AGENDA: Special of April 9, 2019
2. MINUTES: Meeting of March 6, 2019

III. OLD BUSINESS: (None)

IV. NEW BUSINESS:

A. PZ-18-00200017 – Large Scale Site Plan – Dr. Joe Lee Smith Community Center

ITEM TO BE TABLED

The City of Cocoa, Public Works Department, is requesting Approval of a Large Scale Site Plan entitled "Dr. Joe Lee Smith Community Center". The subject property comprises 2 parcels of land totaling ±3.23 acres and is generally located at the southwest corner of Stone Street and Washington Street. The property is more specifically identified by the Brevard County Property Appraiser as Parcel #'s 24-36-33-00-264 and 24-36-33-CC-12.E-2. The City is proposing to develop a new community center building comprising a total of approximately 15,708 sq.ft. along with parking and stormwater retention facilities.

B. PZ-19-02000001 – Text Amendment – Indoor gun range in M-2 zoning district

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 19 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW INDOOR SHOOTING RANGES AS A PERMITTED USE SUBJECT TO CERTAIN CONDITIONS, INCLUDING ANCILLARY RETAIL SALES AND RESTAURANT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

V. OTHER BUSINESS:
1. Tree Board Update:
2. Recent Development Update:

VI. NEXT MEETING DATE:
Wednesday, May 1, 2019

VII. ADJOURNMENT

(Over please)

NOTICE TO PUBLIC:
This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the Planning & Zoning Division at 65 Stone Street, Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting date, or by phoning (321) 433-8535.

CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
March 6, 2019

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, March 6, 2019 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Dobrin called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member

MEMBERS ABSENT:

Todd Anderson	Board Member
Sherry Ervin	Board Member

OTHERS PRESENT:

Dodie Selig	Planning & Zoning Manager
Kristin Eick	Board Attorney (via telephone)
Monica Arsenault	Board Secretary
Jake Williams, Jr.	Board Liaison

APPROVAL OF AGENDA:

1. Approval of Agenda: March 6, 2019.

   Motion by Board member Blanco, seconded by Board member Koss, to approve the agenda of March 6, 2019. The vote on the motion carried unanimously.

2. Approval of Minutes: February 6, 2019.

   Alternate member Greenwood requested that a change be made to the minutes to incorporate a statement he made at the February 6, 2019 meeting regarding why he'd like for several individuals from the Extension Office on Lake Drive to come provide information about different types of trees to the Board.

Motion by Board member Gilliam, seconded by Board member Koss, to approve the minutes of February 6, 2019 with the recommended changes. The vote on the motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. PZ-19-003 – Map Amendment (Rezoning) – Joe Lee Smith Center (Institutional)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY ON WHICH THE CURRENT DR. JOE LEE SMITH COMMUNITY CENTER IS LOCATED, TOTALING 3.23 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF STONE STREET AND WEST OF WASHINGTON STREET, APPROXIMATELY 0.10 MILES WEST OF US 1, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-W (WHOLESALE COMMERCIAL) AND RU-1-7 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig noted that the City of Cocoa, as the applicant, is requesting to amend the Zoning Map designation of two parcels totaling approximately 3.23 acres of the Dr. Joe Lee Smith Community Center complex as depicted on Exhibit A.

She shared a map depicting the subject property and explained that the City intends to build a new community center on the northern parcel of this property where the current baseball field and playground are presently located. Also on this parcel are the existing pool and basketball court. The southern parcel of the community center complex contains the existing community center building.

Ms. Selig explained that the parcels have a future land use designation of REC (Recreation and Open Space). This designation is intended to accommodate existing and planned public and private parks and recreation areas and extensive open space areas such as the golf courses and similar uses. The Comprehensive Plan allows all zoning districts under the REC future land use designation.

Furthermore, neither of the present zoning districts of the subject parcels (C-W and RU-1-7) allow a community center use. Therefore, in order to support the planned development of the site a rezoning of the parcels is necessary. The Institutional zoning district was selected as the most appropriate district choice as it provides the closest fit to the present use as well as offering the most compatible future uses for additional development of the site. A "community center" is a principal use under this district as are "public parks and playgrounds", eliminating the need for a Special Exception as is the case in some other zoning district categories.

Ms. Selig pointed out that in accordance with Appendix A Zoning, Article XXII, Section 1(G), a total of sixteen (16) criteria are to be considered in the review of an application

for a rezoning. These criteria address issues such as the established land use pattern, population density, the comprehensive plan, living conditions in the adjoining neighborhood, traffic congestion, public safety, drainage, property values, public welfare, and others related to the impact of the proposed change.

She noted that staff found that the proposed rezoning would bring the existing land use into compliance with the (proposed) zoning district. It would also bring the zoning district for these parcels into compliance with the current future land use designation.

While the Institutional zoning district designation would be specific to these two parcels and not found on other parcels nearby, the intent of the zoning district is “to support the needs of the neighboring community for public and semi-public facilities of a religious, educational, health or cultural nature”.

Staff also found that the existing zoning boundaries on the northern parcel are illogically drawn in relation to the existing uses. The line separating the C-W zoning from the RU-1-7 zoning on the larger northern parcel has no relation to the baseball field and playground currently developed on that portion of the site. The proposed rezoning will correct this problem by applying the same zoning district to the entire parcel.

Ms. Selig pointed out the consistency with Comprehensive Plan Policies and Objectives and explained that the proposed Institutional zoning designation is consistent with the allowable uses under the “Recreation and Open Space” Future Land Use per the City of Cocoa Comprehensive Plan. This site will also not require any new or additional facilities that would require a concurrency application or mitigation.

She stated that staff recommends that the Planning & Zoning Board recommend approval to City Council of the Zoning Map Amendment consistent with Appendix A. Zoning, Article XXII, to change the Zoning Map designation of two parcels (3.23 acres) from C-W (Wholesale Commercial) and RU-1-7 (Single Family Residential) to INST (Institutional) as depicted on Exhibit “A”.

Board member Koss asked if the existing building will be torn down when the new building is built. In response, Ms. Selig stated that the current building will not necessarily be torn down as no final decision has been made.

Additionally, Board member Koss asked if the baseball field will be lost and if the swimming pool will remain. In response, Ms. Selig explained that the City will build over the baseball field, however the pool will stay and there is also a basketball court.

Chairman Dobrin asked when the current building was built. In response, Ms. Selig shared that she believes it was built in the 1960’s.

Vice Chairman Washington asked that ample parking be provided for the new structure as parking is always an issue.

Alternate member Greenwood asked if the building code can be enhanced to resolve the parking issue. He pointed out that with the new building being built, he anticipates more people utilizing the center and parking will need to be addressed.

Chairman Dobrin asked if the new building will have the same square footage. In response, Ms. Selig shared that the new building is at least twice the size of the current structure.

Board member Green asked if the Board will have the opportunity to review the plans before the building will be built. In response, Ms. Selig replied affirmatively.

Board member Koss inquired if there will be any other workshops or public discussions on this topic. In response, Ms. Selig responded negatively.

Additionally, he asked if the new structure will have solar panels. In response, Ms. Selig stated that she was not sure.

Chairman Dobrin opened the discussion to the public. There being no response, the public portion of the meeting was closed.

Motion by Alternate member Greenwood, seconded by Vice Chairman Washington, to recommend approval to City Council of the Zoning Map Amendment consistent with Appendix A. Zoning, Article XXII, to change the Zoning Map designation of two parcels (3.23 acres) from C-W (Wholesale Commercial) and RU-1-7 (Single Family Residential) to INST (Institutional) as depicted on Exhibit "A". The vote on the motion carried unanimously.

OTHER BUSINESS:

A. Tree Board Update

Ms. Selig shared that a resident of Cocoa sent an email to the Public Works Department explaining that there was an oak tree located between the street and the sidewalk in front of their property at 1716 Manor Drive that was slowly dying and continuously dropping dead branches into the street. The resident added that a dead branch fell and narrowly missed him while he was mowing his lawn. He pointed out that the tree had been trimmed by the City in the past but he believed at this time it needed to be removed completely.

Ms. Selig explained that Public Works staff has since been out to the property to address the issue and remove the tree. She pointed out that in addition to the rot in the branches, Public Works staff notified her that when the trunk was cut there was also water inside that smelled of rot. The tree was a twenty six inch laurel oak and it was removed last week. Furthermore, Ms. Selig mentioned that crews were sent out to initially remove dead areas of the tree, however, it was discovered that there was extensive internal rot present in the branches and in the trunk of the tree, deeming it an imminent threat and resulting in its removal.

Additionally, Ms. Selig stated that Public Works has suggested planting a replacement live oak tree as part of the future Forrest Avenue/US1 Stormwater Park project.

She shared that staff is seeking approval from the Board of the location and species of the replacement tree as recommended by staff.

Alternate member Greenwood explained the difference between laurel oaks and live oaks. He further asked for clarification in regard to the location of the replacement tree.

In response, Ms. Selig explained that Public Works has proposed planting a replacement tree as part of the future Forrest Avenue/US1 Stormwater Park project. She pointed out that the location where the original tree was rooted was between the curb of the street and the sidewalk, which is a narrow area.

Chairman Dobrin asked if anyone was familiar with the new proposed location. In response, Board member Koss shared that he is familiar with the location in question and the replacement tree will fill the gap there nicely. He added that he spoke with a retired arborist that lives down the street from where the tree was removed and he explained to Mr. Koss that there are hundreds of different types of oak trees but there is one specifically, commonly referred to as an “urban oak”, that only grows to be about thirty (30) feet tall and fifteen (15) feet wide in diameter which could fit a small area between a curb and a sidewalk. Board member Koss noted that he asked him about the root system and the gentleman explained that the roots would not disrupt the sidewalk.

Furthermore, Board member Koss expressed that it all comes down to “right tree, right place” and he agrees with Alternate member Greenwood that laurel oaks are weak, they grow fast and do not live long. He recommended that the City try to stay away from planting these types of trees for these reasons.

Board member Koss pointed out that Sally Scalera, from the Extension Office in Cocoa, is not a licensed arborist but she is a landscape expert. He noted that he feels she would be able to provide good information to the Board on this topic.

He mentioned that while he realizes the City may not have the money and staff, it may be a good idea to have someone drive through the City and look at the trees on public property to determine which trees are at risk and trim the dead areas. Ideally, this would eliminate having to remove the trees entirely if possible.

Board member Green added that she is pleased with the information that was provided and felt that Public Works was very responsive in handling this matter. She pointed out that while she has learned a few things about trees this evening she feels that until the Board is educated enough to make more informed decisions, the Board should accept staff’s recommendation as she feels they are recommending the right course.

Alternate member Greenwood highly recommended a licensed arborist from the Agricultural Department to come and give a presentation to the Board. He added that there would be no cost to the City, however, she would need approval from the City Manager first. He pointed out that he feels more comfortable having someone with credentials provide information to the Board and he would like the City to consider building a working relationship with this individual.

Motion by Alternate member Greenwood, Seconded by Board member Koss to have a letter provided by the City Manager’s Office inviting a licensed arborist from the Department of Agriculture to come and provide an unbiased opinion and provide information to the Board. The vote on the motion carried unanimously.

Chairman Dobrin opened the discussion to the public.

Mr. Edward Green, 104 Riverside Dr., Cocoa, shared that he rides his motorcycle along Manor Drive several times a week and notated that the tree that was removed was indeed an issue and the location that they are seeking to plant the replacement tree would benefit from having a new tree planted there. He added that the area where the tree was removed is nicely landscaped and will not suffer from the loss of the tree.

There being no further questions or comments, the public portion of the meeting was closed.

Alternate member Greenwood inquired how large the replacement tree will be. In response, Ms. Selig explained that the size of the tree was not shared in the memo provided by Public Works.

Chairman Dobrin suggested that the Board make a motion to approve the Public Works request contingent upon the tree being a certain height.

Motion by Alternate member Greenwood, seconded by Board member Sengel to approve the request made by Public Works with a contingency that the replacement tree be a live oak with a minimum of twenty feet (20) in height. Vote on the motion carried unanimously.

Board member Koss asked what the recourse is if a property owner hires a private company to remove a public tree that is located in an easement or right-of way by their property. In response, Ms. Eick explained that it would depend on the circumstance and provided an example.

Vice Chairman Washington added that the property owner pays taxes on the easement so that easement is theirs. He pointed out that it is the responsibility of the property owner to maintain it even though the City has access to it.

Several members of the Board asked if further clarification regarding this topic could be brought back at the next meeting.

Board member Koss inquired about the removal of private property trees and if a permit is required. In response, it was clarified that a twenty five dollar ($25.00) fee is charged and a permit is required to remove a tree on commercial property, but not on residential/private property.

Alternate member Greenwood shared the contact information of Dana Sussmann from the Agricultural Department with the Board.

Vice Chairman Washington asked that staff respond to Mr. Terrell and let him know that the Board appreciates the information that was provided to them.

Additionally, he asked Mr. Green if he thought if the removal of the tree could have waited a few extra days so the Board could have the opportunity to review it. In response, Mr. Green explained that he had seen branches falling from the tree in question but he does not know enough about trees to say whether or not it could have lasted a few more days.

Ms. Selig noted that she will respond to Mr. Terrell’s letter.

B. Recent Development Update

Chairman Dobrin asked if there are updates on the hotel. In response, Ms. Selig explained that she has not heard of any new news at this time. She shared that she does not think that a Development Agreement has been drafted yet as it was her understanding that staff was waiting on a few things from the developer.

Chairman Dobrin asked if the City has established timelines. In response, Ms. Selig explained that the Development Agreement will establish timelines once it has been drafted.

Alternate member Greenwood shared that Mr. Brown flew in from Ohio and has established a residence in the area. He added that Mr. Brown has since met with both an architect and an engineer and is in the process of satisfying the second part of the Development Agreement. Mr. Brown is hopeful to complete his list of things to do within the next three months.

C. August meeting date change - from Wednesday, August 7th to Tuesday, August 6th

NEXT MEETING:

The Board members established that the next meeting would be held on Wednesday, April 3, 2019.

ADJOURNMENT:

Motion to adjourn by Board member Koss, seconded by Board member Sengel. The vote on the motion carried unanimously.

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There being no further business the meeting adjourned at 7:01 P.M.

Approved on this _____ day of _____, 2019.

_____
Mike Dobrin, Chairman

_____
Monica Arsenault, Board Secretary

City of Cocoa
Planning & Zoning Board

STAFF REPORT

Date:	April 3, 2019
Project Name:	Zoning Text Amendment – Indoor Shooting Ranges
Project No:	PZ-19-02000001
Meeting Date:	April 9, 2019
Project Planner:	Dodie Selig, Planning & Zoning Manager
Applicant/Owner:	Greystone Debt Acquisitions, LLC Mr. Bob Scales
Requested Action:	**CONSIDERATION OF AN ORDINANCE** of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Section 19 of the zoning ordinance of the City of Cocoa to allow indoor shooting ranges as a permitted use subject to certain conditions, including ancillary retail sales and restaurant.

I. Zoning Ordinance Amendment Analysis

In accordance with Section 1(G)(2), Article XXII, Appendix A (Zoning), of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

a. *The need and justification for the change.*

b. *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*

Need and justification for change

The ordinance proposes a text amendment to the City's Zoning Code, specifically Article XI, Section 19, M2 Manufacturing and Industrial District, to allow for the use of indoor shooting ranges as a permitted use. The amendment was precipitated by a project proposed for an indoor shooting range, as yet untitled, that would include a retail shop component as well as a restaurant. This business model is similar to another operation in Melbourne and one in Volusia County. At the present time there is no provision for indoor shooting ranges as a use in the City's zoning code.

Article XI, Section 19 provides the following statement of intent:

> The provisions of this district are intended to preserve the function of various industrial activities, warehousing and distribution without creating hazards or negatively influencing surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and be served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low-intensity commercial uses.

In addition, the Comprehensive Plan, Policy 1.1.2.10 indicates that Industrial zoning districts shall be regarded as appropriate locations for businesses that might have adverse secondary effects on residential areas, religious establishments, schools, parks, or day care centers located within the City.

The amendment would allow indoor shooting ranges as a permitted use, with ancillary retail sales and restaurants permitted in accordance with Section 19(A)(12)(d.). Currently, restaurants located within one (1) principal structure, including the sale of beer and wine for on-site consumption only, with a minimum three thousand (3,000) linear feet spacing requirement between restaurant uses as measured between the nearest property lines is permitted in the M-2. This distance requirement shall not apply if the proposed restaurant is part of a master planned industrial park and the restaurant is located within four hundred (400) feet of Grissom Parkway.

In addition, the proposed ordinance would require all firing to take place within a completely enclosed building. Further, site plan applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating the building is soundproof and appropriately designed for such use.

Currently, outdoor firearm testing facilities are permitted as a special exception in the M-1 and M-2 districts, when ancillary to a permitted firearm manufacturing use as provided below. The staff report for the ordinance allowing outdoor firearm testing facilities, dated February 13, 2013, recommended this use as a special exception to ensure outdoor firearms testing facilities would not be located within close proximity to residential areas.

Special Exceptions

(9) Outdoor firearm testing facility, when ancillary to a permitted firearm manufacturing use, subject to the following conditions:

(a) No sales or consumption of alcoholic beverages shall be permitted on the property.

(b) Hours of operation shall be established for each outdoor firearm testing facility. No nighttime testing shall be permitted.

(c) Measures shall be implemented to mitigate the sound impacts of the facility to the surrounding community. Noise impacts caused by the facility shall not exceed 40 dBA. Outdoor sound testing shall be performed on a semi-annual basis or more frequently, as determined necessary by Cocoa, to ensure compliance with this subsection. Said sound testing shall be in accordance with American Society for Testing and Materials (ASTM) standards.

(d) The following shall be submitted with all applications for an outdoor firearm testing facility special exception permit for informational purposes only:

(i) A list of the types of firearms, ammunition, and shooting to be allowed at the facility.

(ii) All existing and proposed structures and appurtenances on the range including landscaping, screening, buildings, driveways, parking areas, walkways, utilities, etc.

(iii) Information pertaining to firing lines, firing positions, target lines, shotfall zones and related data.

(iv) The location, composition and dimensions of all baffles, safety berms, backstops and related safety features.

(v) Other information deemed necessary by the Community Development Director.

<u>Safety, Noise, and Other Considerations</u>

Staff's primary concern regarding the proposed zoning text amendment is protection of the surrounding community and the environment. Sport shooting and training ranges are regulated in part under Section 790.333, Florida Statutes. This statute provides that it is the public policy of the State of Florida to encourage the safe handling and operation of firearms and mandates appropriate training in the safe use and handling of firearms for persons licensed to carry concealed firearms and for persons licensed to hunt in the state. Sport shooting and training ranges throughout the state provide the location at which this important public purpose is served and at which the firearms training mandates are fulfilled.

Over years of operation, projectiles accumulate in the environment at many sport shooting and training ranges. The Department of Environmental Protection (DEP) has developed shooting range best management practices (BMPs) in order to minimize the potential for any adverse environmental impact resulting from the operation of such shooting ranges, though the BMPs published appear to discuss only *outdoor* shooting ranges. According to Section 790.333, Florida Statutes, no later than January 1, 2006, sport shooting or training range owners had to implement appropriate environmental management practices. In an effort to reduce litigation against shooting range operations, the Florida Legislature enacted protections for such

operators, providing immunity from lawsuits or other legal action by local governments if the operator makes a good faith effort to implement appropriate environmental management practices and cooperates with DEP to implement corrective action plans should contamination be found.

Section 790.333, F.S., further provides that the Legislature has preempted the whole field of regulation of *firearms and ammunition use* at sport shooting and training ranges, including the environmental effects of projectile deposition at sport shooting and training ranges. However, zoning ordinances regarding the siting of shooting ranges continue to be permitted.

Some provisions of state and federal law provide further regulation of indoor shooting ranges. In accordance with Section 823.16, F.S., a sport shooting range in compliance with any noise control laws or ordinances adopted by a local government at the time of construction or initial operation of the range shall not be subject to civil or criminal liability in any matter relating to noise or noise pollution. Once the sport shooting range is constructed, it is not required to comply with new noise ordinances or amendments to existing noise ordinances, provided it continues to conform to noise ordinances in existence at the time of its construction and conforms to current National Rifle Association gun safety and shooting range standards. Therefore, consistent with state law, the proposed ordinance includes a soundproofing requirement for the indoor gun range. This will eliminate any concern about an indoor gun range not having to comply with noise ordinance amendments enacted subsequent to the proposed ordinance and further should eliminate negative impacts to surrounding properties.

The Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) also have adopted lead standards to protect employee health and safety. See 29 CFR 1910.1025. OSHA published a Fact Sheet in June 2018, titled "Lead Hazards: Protecting Workers at Indoor Firing Ranges," which is attached hereto.

In addition, firing range waste must be managed in accordance with the Resource Conservation and Recovery Act (RCRA) and Title 40 Code of Federal Regulations (CFR) 260-265. The U.S. EPA has published a brochure, titled "Do you Use Best Management Practices for Lead at Your Outdoor Shooting Range?" and the National Park Service has published a brochure on "Firing Range Waste Management." These brochures include information that would be relevant to indoor shooting ranges for the handling of hazardous waste.

Given the extensive regulation of environmental impacts and employee safety associated with shooting ranges, coupled with a recommendation that noise soundproofing be incorporated into a site plan, staff recommends that indoor shooting ranges be allowed as a permitted use in the M-2 district.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policies support the applicant's request:

- Future Land Use Element Goal 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

- Future Land Use Element Goal 1.2: Location Criteria for Land Uses. Future land use categories and land development regulations shall be consistent with the density and intensity standards in Policy 1.1.1.1 and be based upon the following locational and development standards and criteria:

    - Policy 1.1.2.10: **Industrial (IND).** Industrial areas shall be regarded as appropriate for activities associated with industrial development, which can include materials processing, materials assembly, product manufacturing, and storage of finished products. Uses can include manufacturing facilities, warehouse distribution centers and truck terminals. The following criteria shall be used for determining appropriate locations for industrial land use designations on the future land use map.

      A. Industrial areas shall also serve as an area to locate businesses with principal uses and activities which could have adverse secondary effects (i.e., increase crime; neighborhood deterioration and blight; property devaluation; economic deterioration; and health risks) on residential areas, religious establishments, schools, parks, or day care centers located within the City; including, but not limited to adult entertainment establishments.

      B. Commercial and office uses that are complementary to and support industrial development and operations may be permitted within industrial designated areas.

      C. Future industrial areas should be planned with extensive landscaping, and coordinated parking. Industrial areas shall have immediate access to a two-lane collector and/or two-lane arterial.

      D. Industrial development shall be designed to minimize the negative impacts on lower intensity land uses through such means as, for example, landscaping and appropriate transitional uses including low scale professional offices or medium density residential development.

- Future Land Use Element Goal 1.3: The City of Cocoa shall enhance the quality of life and prosperity of its citizens through the retention and creation of a wide range of profitable business opportunities and jobs.

II. Recommendation

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of Ordinance No. XX-2019 amending Appendix A, Article XI, Section 19 of the zoning ordinance of the City of Cocoa to allow indoor shooting ranges as a permitted use subject to certain conditions, including ancillary retail sales and restaurant.

ORDINANCE NO. ___-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 19 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW INDOOR SHOOTING RANGES AS A PERMITTED USE SUBJECT TO CERTAIN CONDITIONS, INCLUDING ANCILLARY RETAIL SALES AND RESTAURANT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City desires to amend its zoning regulations to allow indoor shooting ranges as a permitted use, with limited conditions, and including ancillary retail sales and restaurant uses, in the M-2 Manufacturing and Industrial District; and

WHEREAS, this ordinance is not intended to, nor shall it have the effect of, regulating the field of firearms and ammunition, including the use, purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof, and nor shall it have the effect of regulating firearms and ammunition use at sport shooting and training ranges; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

Section 2. **Code Amendment.** The City of Cocoa Code of Ordinances, Appendix A, Article XI, Section 19, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (*** * ***) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Section 19. It is intended that the text in Appendix A, Article XI, Section 19 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

APPENDIX A - ZONING

*** * ***

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

*** * ***

Sec. 19. – District and intent – M-2 Manufacturing and Industrial District.

The provisions of this district are intended to preserve the function of various industrial activities, warehousing and distribution without creating hazards or negatively influencing surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and be served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low-intensity commercial uses.

(A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

* * *

(12) Limited commercial uses, as identified in this section, shall be permitted with the following conditions:

a. Commercial uses shall only be located on property having a minimum of one hundred fifty (150) feet of frontage along Grissom Parkway.

b. Commercial uses shall only be located within four hundred (400) feet of Grissom Parkway, as measured from the right-of-way line. All on-site commercial-related improvements, such as retention, parking, loading/unloading, etcetera, shall be contained within this four hundred (400) foot area. Retention areas may be provided outside of the four hundred (400) foot requirement if the proposed commercial use is part of a master planned industrial park with an associated retention system.

c. Commercial uses shall have no outdoor storage or display.

d. Commercial uses shall be limited to:

1. Retail sales of carpet, tile, pool, furniture, construction products or materials sold directly to the end user (builder, installer, or homeowner).

2. Restaurants located within one (1) principal structure, including the sale of beer and wine for on-site consumption only, with a minimum three thousand (3,000) linear feet spacing requirement between restaurant uses as measured between the nearest property lines. This distance requirement shall not apply if the

proposed restaurant is part of a master planned industrial park and the restaurant is located within four hundred (400) feet of Grissom Parkway.

3. Business service establishments.

4. Veterinary hospitals, clinics, and animal boarding facilities.

5. Indoor shooting ranges, with ancillary retail sales and restaurant subject to the requirements of subsection (A)(12)(d)(2.) of this Section, shall be permitted with the following conditions:

   a. All firing shall take place within a completely enclosed building.

   b. Site plan applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating that the building is soundproof and appropriately designed for such use.

* * *

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Incorporation Into Code. This Ordinance shall be incorporated into the City Code of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

_____

JAKE WILLIAMS, JR., Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

First Reading: _____
Legal Ad Published: _____
Effective Date: _____

OSHA® FactSheet

Protecting Workers from Lead Hazards at Indoor Firing Ranges

Using lead bullets or lead-containing primers at indoor firing (shooting) ranges can expose workers to lead and result in unsafe levels of lead in their blood. Lead enters the body through inhalation or ingestion. Once in the bloodstream, lead can damage various organs and cause health problems.

Firing range employers must protect their workers from the hazards of lead exposure. The Occupational Safety and Health Administration (OSHA) Lead Standard (29 CFR 1910.1025) requires that in a workplace with potential lead exposure, the employer conduct an initial determination of workers airborne exposure to lead. If a worker is exposed at or above the action level (AL) or above the permissible exposure limit (PEL) for lead, additional requirements apply. This fact sheet provides firing range employers with information on how their workers can be exposed to lead and summarizes the provisions and requirements of the Lead Standard that apply to firing ranges. For more complete information on lead and detailed requirements under the Lead Standard, visit OSHA's Safety and Health Topics Page on Lead.

How lead exposure can occur:

- Shooting firearms with lead bullets or lead-containing primer creates airborne lead in the gun smoke.
- Lead bullet deformation and fragmentation can cause lead exposure at hard surface bullet trap systems.
- A building's standard HVAC system may not adequately remove airborne lead particles from the range.
- Handling spent cartridges or cleaning firearms can contaminate the hands and skin with lead.
- Improper range cleaning methods (dry sweeping; compressed air; non-high-efficiency particulate air (HEPA) filtered vacuums) or inadequate cleaning of lead-contaminated surfaces.
- Recovering lead bullets from traps, emptying bullet trays, or casting lead bullets can create lead dust and fumes.
- Bringing and consuming food and drinks in the range area. Not washing hands and face before eating, drinking, or smoking.
- Lack of handwashing facilities for workers to remove lead.
- Wearing contaminated work clothes in eating and office areas or wearing these clothes home.

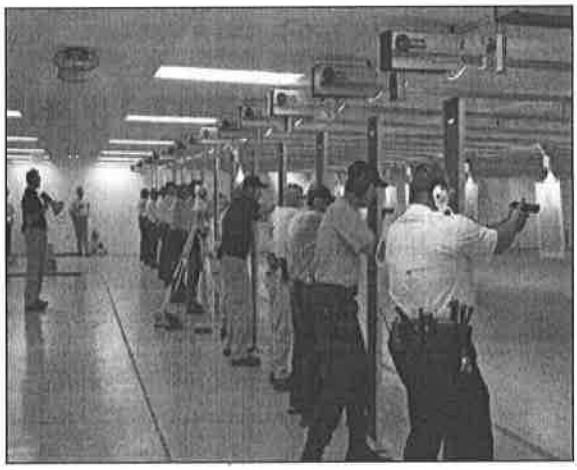


Photo: NIOSH

NIOSH estimates there are 16,000 to 18,000 indoor firing ranges in the U.S.

Firing Ranges and the OSHA Lead Standard

The following section highlights selected OSHA requirements, along with recommendations, that can help employers both comply with the Lead Standard and implement best practices. For all employer requirements under the standard, see OSHA's Lead Standard (29 CFR 1910.1025).

Exposure Monitoring

Required

- An initial determination – Collect full-shift personal air samples to determine if employee exposure is at or above the AL of 30 µg/m³ or exceeds the PEL of 50 µg/m³.
- If employee exposure is at or above the AL >30 days a year, employers must offer medical surveillance, including blood lead level monitoring to affected employees.
- Repeat monitoring is required at various intervals if exposures are at or above the AL or above the PEL. *See* 29 CFR 1910.1025(d)(6).
- If exposure is above the PEL >30 days a year, then employers must implement engineering and work practice controls to reduce exposure to or below the PEL (see box below for recommended exposure controls for firing ranges).
- When ventilation is used to control exposure, ensure effective operation of the ventilation system with scheduled (every 3 months) inspections and routine maintenance.

RECOMMENDED EXPOSURE CONTROLS FOR FIRING RANGES

Eliminate/Substitute: Use jacketed or lead-free bullets and non-lead primer.

Engineering Controls: Provide a separate "push/pull" ventilation system (not connected to the general HVAC system) with supplied and exhausted air flow designed to move lead emissions downrange from the source (firearm) toward the filtered exhaust area at/or behind the bullet trap:

- Electrically interlock supply and exhaust fans for simultaneous operation when the range is in use.
- Use HEPA filters in the ventilation exhaust system to prevent lead from entering the outside environment.

Work Practice Controls: Use a closed bag system to empty bullet trays and debris. Use a water mist spray or other type of wet method to keep lead dust from becoming airborne.

Housekeeping

Required

- Keep all surfaces as free of lead accumulations as practical.
- Ensure that workers do not use compressed air to clean floors or other surfaces where lead may accumulate.
- Ensure that workers do not shovel, dry-sweep, or brush lead-bullet debris unless vacuuming or other equally effective methods have been tried and found not to eliminate the hazard. *See* 29 CFR 1910.1025(h)(2)(ii).

Recommended

- Use a HEPA filtered vacuum and/or wet methods for cleaning.
- Perform housekeeping and cleaning procedures on a frequent basis.
- Wipe sample detection of lead is a useful tool to evaluate a housekeeping program (surfaces and floors including eating areas) and hygiene practices (employee hands) by identifying lead contamination. Colorimetric wipes for on-the-spot detection of lead are now readily available.

Respiratory Protection

Required

- Provide appropriate, NIOSH-approved respirators when engineering and work practice controls are not sufficient to reduce lead exposure to or below the PEL.
- For more information on respiratory protection program requirements, including fit testing, see OSHA's Respiratory Protection standard (29 CFR 1910.134) and visit OSHA's Safety and Health Topics webpage on Respiratory Protection.

Recommended

- Even when exposure is below the PEL, provide workers with appropriate respiratory protection for short-term, high lead exposure work tasks such as cleaning bullet traps, changing ventilation system filters, or disposing of vacuum-collected dust.

Protective Work Clothing and Equipment

Required

- Provide full-body work clothing (coveralls or disposable suits), gloves, head and foot covering, face shield, and vented goggles to workers exposed to lead above the PEL.

- Ensure that workers do not use compressed air or similar methods to remove lead dust from range floors, other surfaces, or clothing.

Recommended

- Provide protective work clothing and equipment for employees while performing range cleaning or maintenance.

Hygiene Facilities and Practices

Required

- Prohibit food, drink, eating, tobacco, and the use of cosmetics in areas with lead exposure above the PEL.
- Change rooms, separate storage lockers, and showers must be provided when worker exposures to lead are above the PEL.

Recommended

- Provide readily available handwashing stations.
- Do not allow any food, drinks, or tobacco products in the range area.
- Consider using lead decontamination wipes in addition to soap and water to remove lead from hands after cleaning firearms and picking up spent casings and before eating, drinking, or smoking.
- Provide a clean change area and separate storage lockers for employees with lead hazards in their work area, regardless of exposure levels.

Medical Surveillance and Medical Removal Protection

Required

- Implement a medical surveillance program for workers exposed to lead at or above the AL >30 days a year.
- Make available blood lead and zinc protoporphyrin testing to workers exposed to lead at or above the AL at frequencies specified in the Lead Standard. *See* 29 CFR 1910.1025(j)(2).
- Remove employees from work who have a lead exposure at or above the AL if their blood lead level meets or exceeds the criteria specified in the Lead Standard, or if a physician determines removal is needed. *See* 29 CFR 1910.1025(k)(1).

Recommended

- Offer blood lead testing for employees with lead hazards in their work area, regardless of exposure levels.
- Blood lead levels at or above 5 micrograms of lead per deciliter of blood (µg/dL) are considered elevated.

Employee Lead Hazard Training and Hazard Communication

Required

- Inform workers with potential lead exposure of the content of Appendices A and B of the Lead Standard.
- Provide initial and annual training to all employees exposed to lead at or above the AL on the content of the Lead Standard and work activities that could result in lead exposure.
- Post warning signs with the language specified in the Lead Standard in each work area where the PEL is exceeded.
- OSHA's Hazard Communication standard (29 CFR 1910.1200) requires employers to provide information and training for all employees with lead hazards in their work areas.

Additional Information

OSHA can provide compliance assistance through a variety of programs, including technical assistance about effective safety and health programs, workplace consultations, and training and education. OSHA's On-Site Consultation Program offers free, confidential occupational safety and health services to small and medium-sized businesses in all states and several territories across the country, with priority given to high-hazard worksites. On-Site consultation services are separate from enforcement and do not result in penalties or citations. To locate the OSHA On-Site Consultation Program nearest you, visit www.osha.gov/consultation.

Workers' Rights

Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards, methods to prevent them, and the OSHA standards that apply to their workplace.
- Review records of work-related injuries and illnesses.

- File a complaint asking OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA's rules. OSHA will keep all identities confidential.
- Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or OSHA. If a worker has been retaliated against for using their rights, they must file a complaint with OSHA as soon as possible, but no later than 30 days.

For additional information, see OSHA's Workers page (www.osha.gov/workers).

How to Contact OSHA

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov or call OSHA at 1-800-321-OSHA (6742), TTY 1-877-889-5627.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

U.S. Department of Labor

OSHA® Occupational Safety and Health Administration

DSG FS-3772 06/2018

NATIONAL PARK SERVICE
ENVIROFACTS

3/3/99

National Park Service
Hazardous Waste Management &
Pollution Prevention Team
Washington, DC 20240
(202) 565-1240 (x3)

FIRING RANGE WASTE MANAGEMENT

FIRING RANGE WASTES

Wastes generated from the discharge of fire arms at indoor and outdoor ranges including spent bullets and shot, cartridges, dust, soil, surface water runoff, or other contaminated environmental media, and waste gun cleaning materials.

APPLICABLE STANDARDS

Federal: Firing range wastes are regulated under the Resource Conservation and Recovery Act (RCRA) and 40 Code of Federal Regulations (CFR) 260 - 266. The assessment and cleanup of outdoor firing ranges is regulated under RCRA and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). 40 CFR 178 provides a proposed rule for closed and transferred military ranges. This rule can provide guidance for closed and transferred NPS firing ranges.

State: State rules for management of firing range wastes may be more stringent than Federal requirements. The regulations for your state must be reviewed to assess your park's compliance status and requirements.

Other: Additional Federal and state standards may apply to the environmental, health, and safety management of firing ranges at your park. Parks should rely upon the procedures outlined in the NPS Hazardous Waste Management Handbook, as well as applicable NPS safety guidance and requirements.

WASTE CHARACTERIZATION

Firing range wastes may be listed hazardous wastes or characteristically hazardous based on a toxic characteristic leaching procedure (TCLP) test.

- Fired shot and bullets - characteristically hazardous due to lead toxicity.
- Contaminated media (soil, surface water runoff, and indoor range dust) - potentially characteristic hazard due to lead and arsenic toxicity.
- Waste gun cleaning materials (solvents, oils, rags) - potentially hazardous due to ignitability characteristic and/or lead/arsenic toxicity; gun oil may be classified as used oil under 40 CFR 279.

Discharged ammunition is not a RCRA solid waste while it remains uncollected in the range. Once collected for disposal, or upon range closure, these materials become solid waste and are subject to RCRA. Metal ammunition waste components reclaimed or recycled by a scrap metal vendor are exempt from RCRA C hazardous waste handling and disposal requirements.

HANDLING/STORAGE

Handling this waste material may require special precautions such as personal protective equipment (PPE) and special procedures to prevent injury. Always remember to consult with your park or regional Safety Officer for additional information concerning proper handling.

Waste Collection: Spent projectiles should be periodically collected from traps and recovered (e.g., sifted) from outdoor range impact areas. The frequency of collection is dependent upon the level of range activity. Floors of indoor ranges should be vacuumed regularly to collect any firearm discharge related dust that may accumulate. An industrial vacuum equipped with a HEPA filter should be used.

Workers conducting lead collection activities must be properly trained in lead abatement hazards and procedures, use proper personal protective equipment, and conduct air monitoring in accordance with OSHA requirements.

Container Management: Firing range wastes should be segregated to facilitate reclamation or recycling. Containers used to accumulate spent projectiles and cartridges to be recycled or reclaimed should have covers and be labeled to identify contents and intended disposition (i.e. Spent Bullets to be Reclaimed). Dust vacuumed from indoor ranges and spent HEPA filters are hazardous wastes and must be handled and stored in accordance with RCRA regulations. Used gun cleaning solvents, oily and dirty rags should must also be properly handled and stored (see Waste Solvent, Used Oil and Sorbents and Wipes EnviroFacts)

RECYLING/DISPOSAL

- Spent projectiles should be classified as scrap metal and reclaimed (**otherwise they are be subject to classification and disposal as a hazardous waste**).
- Metal cartridges should be recycled via the supplier or manufacturer.
- Spent gun cleaning solvent and gun oil should be reclaimed or recycled.
- Used rags should be sent to an industrial laundry to be cleaned.
- Lead dust and HEPA filters must be disposed as a hazardous waste at a RCRA permitted facility.

Hazardous wastes from firing ranges must be properly manifested and shipped to a permitted hazardous waste disposal facility. Manifesting of wastes to be reclaimed or recycled is also recommended to track proper transport and disposal.

SPECIAL TOPICS

Operation/Maintenance and Monitoring: It is recommended that parks operate firing ranges in conformance with safe management practices designed to prevent the release of lead into the environment. This means:

- Maintenance of an impact berm to minimize erosion, bullet ricochet, and accidental ingestion of projectiles by wildlife.
- Conducting surface water monitoring programs to evaluate potential off-site contamination and prevention or mitigation measures.
- Provision of hand washing and clothing change facilities to help reduce potential lead exposure and environmental contamination by firing range users.
- At indoor ranges, operation of a firing range ventilation system with air pollution control equipment to maintain indoor air quality and emissions.

Recordkeeping: The park is responsible for maintaining all files associated with the characterization transport and disposal of firing range wastes. Up-to-date operation and maintenance plans and health and safety plans and maintenance records should also be maintained.

Closure, Site Assessment, and Remediation: A CERCLA based closure process should be implemented when a firing range is deactivated.

POLLUTION PREVENTION

- Utilize non-NPS shooting ranges where possible.
- Minimize unauthorized and unnecessary use of NPS ranges.
- Use "green" ammunition (e.g., Delta Ammunition by Winchester) and "green" gun cleaning supplies and methods (e.g., biocleaning solutions).

ENVIROFACT X-REFERENCES

- Hazardous Waste Characterization
- Hazardous Waste Generator Status Determination
- Used Oil Management
- Spent Solvent Management
- Sorbents and Wipes Management

FIRING RANGE WASTE MANAGEMENT CHECKLIST

Checklist Item	Notes
1. Determine if "green" ammunition and gun cleaning supplies are utilized at the range. Contact Bill Colsen at the Federal Law Enforcement Training Center for further information [(912) 267-2233] or ask your ammunition supplier.	
2. Determine whether the park addresses firing range waste management and other procedures to minimize the potential for environmental impact.	
3. Confirm that there is a program for the collection of discharged projectiles and other firing range wastes including the collection of projectiles from impact berms and bullet traps and the collection of dust from indoor ranges using HEPA vacuums.	
4. Verify that firing range wastes are properly segregated and accumulated in closed, properly labeled containers.	
5. Confirm that proper waste disposal practices are conducted including the recycling or reclamation of spent projectiles and metal casings, cleaning solvents and oil and disposal of hazardous firing range wastes (e.g., lead contaminated dust and vacuum HEPA filters) in accordance with RCRA requirements at an authorized facility.	
6. Confirm that an adequate ventilation system with air pollution control equipment is provided for indoor ranges.	
7. Verify that personnel conducting maintenance activities are properly trained in lead abatement procedures, that they wear appropriate personal protective equipment, and that air monitoring is conducted during maintenance activities in accordance with OSHA requirements.	
8. Verify that contamination-monitoring programs have been conducted to determine the surface water, groundwater, and/or soil contamination and that procedures are in place to control or mitigate such contamination.	
9. Determine if there is a health and safety plan for the range and facilities (e.g., hand washing and clothes changing) to minimize exposure by users.	
10. Confirm that a formal closure procedure has been initiated and completed for deactivated ranges in accordance with CERCLA guidelines.	
11. Confirm that records of collection, storage and disposal, maintenance procedures, environmental monitoring, range closure and other documents related to range operations are properly maintained.	

What is a Best Management Practice and How Does It Apply to Shooting Ranges?

A Best Management Practice (BMP) is usually based on an approach or technology that has been shown to work and to be effective for the purpose intended. The United States Environmental Protection Agency (EPA) uses BMPs to specify standards of practice where a regulation may not be descriptive enough to do so. A BMP should also be as inexpensive as possible and the equipment or technology should be readily available. A BMP may be adopted based on a survey of practices (shooting ranges in this case) that have had successful experiences with an approach or technology.

BMPs for outdoor shooting ranges are actions that range owners/operators can take to minimize the impact of lead on the environment. Lead at outdoor shooting ranges may pose, in certain situations, a threat to the environment if BMPs, including reclamation and recycling, are not implemented in a timely manner.

What is the EPA *Best Management Practices for Lead at Outdoor Shooting Ranges* manual?

The *Best Management Practices for Lead at Outdoor Shooting Ranges* manual provides owners and operators of outdoor rifle, pistol, trap, skeet and sporting clay ranges with information on lead management at their ranges. The manual explains how environmental laws are applicable to lead management and presents successful BMPs available to the shooting range community. These practices have been proven to effectively reduce lead contamination. Since each range is unique in both the type of shooting activity and its environmental setting, site-specific solutions are not provided in the manual. Rather, range owners or operators may use the manual to identify and select the most appropriate BMP(s) for a range. The manual does not address range layout or design to meet range safety or competition requirements. It is also not intended for closing ranges. Range owners/operators are directed to other comprehensive reference materials available on that subject, from the National Rifle Association of America, National Shooting Sports Foundation and other shooting associations.

Owners/operators of ranges may want to assign the implementation of this BMP Manual to a specific team or committee if possible. Delegating this responsibility to a specific team or committee helps to assure that the work gets accomplished.

The manual is organized as follows:

Chapter I provides the background on why lead is of concern to human health and the environment. It includes a discussion of how environmental laws impact shooting ranges and the importance of an integrated BMP program to manage lead;

Chapter II discusses range physical and operational characteristics to be considered when selecting a successful BMP program;

Chapter III addresses BMPs for rifle/pistol ranges, trap and skeet ranges, and sporting clay ranges. In this chapter, the manual explores possible solutions to prevent, reduce and/or remove lead contamination for each type of range;

The Appendix provides current (as of May 2000) contacts for lead reclamation and recycling companies, other sources of information on lead management, bullet trap manufacturers and key RCRA regulatory interpretations.

How Is Lead Shot Regulated Under the Resource Conservation and Recovery Act (RCRA)?

Lead shot is not considered a hazardous waste subject to RCRA at the time it is discharged from a firearm because it is used for its intended purpose. As such, a RCRA permit is not required to operate a shooting range. However, spent lead shot (or bullets) are subject to the broader definition of solid waste written by Congress and contained in the statute itself. As such, spent shot and bullets are potentially subject to RCRA statutory authority including section 7002 and 7003.

In general, the following points should serve as guidance in understanding RCRA and how it applies to your range.

1. **The lead, if recycled, is considered a scrap metal pursuant to 40 Code of Federal Regulations (CFR) 261.6(a)(3)(ii) and is therefore exempt from RCRA regulation.**

2. **After the removal contractor or reclaimer applies standard BMPs to separate the lead from soil, the soil may be placed back on the range without further treatment.**

3. The collected lead shot or bullets are excluded from RCRA regulation, and need not be manifested, nor

does the range need to obtain a RCRA generator number (i.e., the range is not a hazardous waste "generator"), provided that the leadshot is recycled or re-used. The transporter does not need to have a RCRA I.D. number . However, ranges should retain records of shipments of lead from the range, and the facilities to which they were sent, in order to demonstrate that the lead was recycled.

4. Sections 7002 and 7003 of the RCRA statute allow the USEPA, states or citizens, using a civil lawsuit, to compel cleanup of "solid waste" (e.g., leadshot) posing actual or potential imminent and substantial endangerment. Such action can be sought whether the range is in operation or closed, and is based solely on a determination that real or potential harm is being posed by the range to public health and/or the environment. Since the risk of lead migrating increases with time, ranges that have not removed leadshot are more likely candidates for government action or citizen lawsuits under RCRA Section 7003. Therefore, ranges are advised to maintain a schedule of regular lead removal.

Benefits of Lead Management

Lead removal and implementation of other BMPs will allow the range to: minimize contamination of the range and potential impacts to human health and the environment; reduce liability with regard to potential agency or citizen lawsuits; possibly benefit economically from the recycling of lead; enhance its role as a good steward of the environment; and increase customer satisfaction.

Want More Information?

For a copy of the USEPA *Best Management Practices for Lead at Outdoor Shooting Ranges*, please complete the information below and fax or mail to:

Leadshot Coordinator
RCRA Compliance Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway - 22nd Fl.
New York, NY 10007-1866
Fax: (212)637-4949
E-Mail: Leadshot.Region2@epa.gov

The manual will also be placed on the world wide web at www.epa.gov/region2/waste/leadshot.

Name: _____

Address: _____

_____

_____

Phone: _____

United States Environmental Protection Agency - Region 2
EPA-902-F-00-001

Do You Use Best Management Practices for Lead at Your Outdoor Shooting Range?



Cover photo by: Mr. Jack Hoyt

Application # PZ - 19 - 02000001

ZONING ORDINANCE AMENDMENT APPLICATION (TEXT ONLY)

Serving the Community

Community Services Department
Planning and Zoning Division
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: http://www.cocoafl.org

This form is divided into steps, which will help you prepare your application, provide supplemental items, and prepare for the Planning & Zoning Board and City Council hearings. A pre-application meeting with Staff is **required**.

For Office Use Only - Date Received

Stamp Only When Application is Fully Complete

Please TYPE or PRINT this application neatly.

1. **Request:** MODIFY THE EXISTING M-2 (MANUFACTURING AND INDUSTRIAL DISTRICT) LANGUAGE TO INCLUDE INDOOR GUN RANGE + SHOP AS A PERMITTED COMMERCIAL USE.

2. **Applicable City Code Section(s):** ARTICLE XI. SCHEDULE OF DISTRICT REGULATIONS SECTION 19. DISTRICT AND INTENT - M-2, MANUFACTURING AND INDUSTRIAL DISTRICT

3. **Applicant Information:** * *NOTE: Applicant is the main contact, who must attend the meeting!*

   Company (if applicable): GREYSTONE DEBT ACQUISITIONS, LLC

   Name: BOB SCALES

   Mailing Address: 211 CAROLINE STREET

   City: CAPE CANAVERAL State: FL Zip Code: 32920

   Phone #: _____ Fax #: _____

   Mobile #: 321-508-4803 E-mail: BOBS@TSCCONSTRUCT.COM

4. **Please submit the following items in order complete the application:**

   a. ☑ **Notarized application.**

   b. ☑ **Petition.** Complete the Zoning Text Ordinance Amendment petition form. A sample "Petition" form is available from the City.

   c. ☑ **Application fee.** Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. Public mail notice and legal advertising fees must also be paid a few weeks after application submittal. See Schedule of Fees, Charges and Expenses for applicable fees.

   d. ☑ **Corporate documents.** If the applicant is representing a company, articles of incorporation which show the applicant is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (http://www.sunbiz.org/corpweb/inquiry/search.html).

e. ☑ **Additional information.** Submit any information that may be helpful in understanding the request. This may include, but limited to, desired ordinance text, examples, photos, sketches, elevations, and letters.

5. **Application filing procedure.** This application, together with all required exhibits and attachments, shall be completed and filed with the Planning and Zoning Division.

Public hearings process information – please read this!

6. **Dates and locations of public hearings.** All zoning text ordinance amendments require one hearing in front of the Planning & Zoning Board and two hearings in front of the City of Cocoa Council. All regularly scheduled Planning & Zoning Board hearings are held on the second Wednesday of each month at 6:00 pm in the Cocoa City Council Chambers located at 65 Stone Street, Cocoa, Florida unless otherwise notified. All regularly scheduled City of Cocoa Council meetings are held on the second and fourth Tuesday of each month at 7:00 pm in the Cocoa City Council Chambers located at 65 Stone Street, Cocoa, Florida unless otherwise notified.

7. **Board types.** The Planning & Zoning Board is an advisory board to the City Council and therefore is only authorized to make recommendations. City Council is an authoritative body and is able to make binding decisions.

8. **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.

9. **Preparing for the public hearings.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan.

10. **Exhibits at public hearings.** If photographs, documents, maps or other materials are provided to the Board/Council as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.

11. **Witnesses at public hearings.** For the purposes of making a decision on the application, the Board/Council shall only consider testimony of qualified witnesses. A witness is determined by the Board/Council and is generally based on:
    a. The witness has personal knowledge of the fact in which the witness will testify; and/or
    b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
        1. *Layman witness*: Testimony of a witness other than an expert witness is qualified only if:
            - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
            - The opinions and inferences do not require any special knowledge, skill experience or training.
        2. *Expert witness*. Testimony of an expert witness is qualified only if:
            - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
            - The witness is adequately qualified to express an opinion on the matter.

12. **Planning & Zoning Board vs. City Council actions.** If the Planning & Zoning Board finds that the facts presented in the matter justify approval, it may recommend to approve the request, or a portion thereof, and it may specify any conditions deemed necessary to preserve the intent of the City of Cocoa Code. If the Board finds that the facts presented do not justify approval, it may recommend to deny the request and will specify the reasons for denial. A decision is usually made at the same meeting that the hearing is held. Regardless of the outcome, the application will be forwarded to the City Council for consideration where a final decision can be made.

13. Signatures and Notarization.

STATE OF Florida COUNTY OF Brevard. I, Bob Scalos being first duly sworn, depose and say that:

☐ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☑ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this application and applicable petition, and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

(APPLICANT SIGNATURE)

(Print, Type, or Stamp Commissioned Name of Notary Public)

KIRSTEN BOHAK
Notary Public - State of Florida
Commission # GG 199396
My Comm. Expires Mar 24, 2022
Bonded through National Notary Assn.

Personally Known ☐ OR Produced Identification ☐

Type of I.D. Produced _____

(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 23 day of January, 2019

FOR OFFICE USE ONLY

Fee of $ 500.- in cash ☐ or check ☒ (No. 5498) payable to the "City of Cocoa".

Receipt Number: 254974

Date: 1-29-19

Signature from Planning & Zoning Division:

ZONING TEXT ORDINANCE AMENDMENT PETITION

TO: City of Cocoa Council

I, the undersigned, hereby petition the City of Cocoa Council for a zoning text ordinance amendment as specified below:

In order to approve a zoning text ordinance amendment, the Planning & Zoning Board and City Council must consider and study the criteria listed below (as described in Appendix A, Article XXII, Section 1 (G)(2) of the City of Cocoa Code). Please provide your consideration of the following criteria and any pertinent data and evidence that may be useful to the Planning & Zoning Board and City Council.

a. The need and justification for the change.

IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GRISSOM PARKWAY CORRIDOR WHILE FOSTERING A SAFE AND SECURE LOCATION TO EDUCATE, TRAIN, AND PRACTICE INDOOR SHOOTING, WE PROPOSE THE INCLUSION OF AN INDOOR GUN RANGE AND SHOP BE ADDED AS AN ACCEPTABLE COMMERCIAL USE AS A PRINCIPAL STRUCTURE TO ARTICLE XI, SECTION 19, ITEM 12.

b. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Applicant's Signature — Date: 1/23/19

BOB SCALES
Applicant's Printed Name

If you have any questions please contact the Planning and Zoning Division at (321) 433-8535.