

# **Bond Case Briefs**

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## **ZONING - NORTH CAROLINA**

### **Fort v. County of Cumberland**

**Court of Appeals of North Carolina - August 19, 2014 - S.E.2d - 2014 WL 4071036**

Petitioners sought writ of mandamus to contest County Board of Adjustment determination that proposed weapons training and gun range facility was permitted by right in zoning district. The Superior Court reversed, and facility operator and county appealed.

The Court of Appeals held that:

- Facility was not a vocational school prohibited by zoning ordinance, and
- Evidence supported Board determination that facility was most similar to recreation/amusement classification allowed under zoning ordinance.

Proposed weapons training and firearm safety facility was not a vocational school prohibited by zoning ordinance. Facility did not teach a skill or trade to be pursued as a career, but rather provided training to existing members of a profession in order to practice and refine their already-existing skills such that the facility was in the nature of skill level improvement.

Evidence supported Board of Adjustment determination that weapons training and firearm safety facility was most similar to recreation/amusement classification allowed under zoning ordinance. Planning department director testified that they looked at the effects of a firing range on health, safety and welfare to neighboring properties, that outdoor recreation was the only portion of the zoning ordinance that addressed objects of any kind leaving a site or area, and that “with respect to that and that measure of any projectile on a firing range leaving the area as well as the less impact of lighting and noise, they were also similarly addressed in outdoor recreation.”