



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: June 12, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-53; Petition No. 13TCH-00PB
An ordinance of the City of Gainesville, Florida, amending section 30-72(c) related to permitted uses in the agriculture district (AGR); reformatting the permitted uses into a table and allowing outdoor gun ranges as a use by special use permit; creating and adding section 30-72(f) providing conditions for the outdoor gun ranges; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended.

STAFF REPORT

The agriculture district allows membership sports and recreation clubs (IN-7997) but specifically excludes shooting and gun clubs. Sport shooting is a popular activity in North Florida. This activity is most safely practiced within the confines of an indoor or outdoor firing range. Staff finds that the proposed use could be compatible with the agriculture district if permitted by special use permit. The Plan Board reviewed the petition and recommends the following criteria apply to outdoor firing ranges:

1. The outdoor gun club shall be located a minimum of 2500 feet from any property in a residential zoning district; public schools; hospitals and public parks.
2. No live ammunition or weapons shall be stored on site.
3. Provide an operational plan, which establishes and enforces range rules, including guidelines for the use of the range by minors, safety procedures for the loading and unloading of weapons, and emergency procedures. Provide a range master at all times during use.
4. A licensed engineer in accordance with NRA design guidelines shall design the firing range. Berm height shall be 20 feet. When wetlands or other similar conditions are providing an appropriate buffer between the facility and the property line the minimum berm height shall be 8 – 10 feet as determined by staff.

5. An outdoor range shall be fenced with a minimum 6-foot chain link fence with barbed wire or similar combination. Place signage around the perimeter of fencing warning of firearms range facility. Properly post and enforce "No Trespassing".
6. The range shall meet the requirements of the Alachua County Hazardous Materials Management Code.

The Plan Board recommends approval of the petition with the criteria as stated above.

Public notice was published in the Gainesville Sun on March 1, 2000. The Plan Board held a public hearing March 16, 2000. Planning Division staff recommended that gun clubs be permitted by special use permit in the AGR district with conditions. The Plan Board approved the petition with the further condition that no live ammunition of guns be used and a minimum berm height of 8-10 feet be added as conditions. The Plan Board recommended that the City Commission approve Petition 13TCH-00 PB. Plan Board vote 4-1.

..Fiscal Note
None

CITY ATTORNEY'S MEMORANDUM

During the first reading of this ordinance on May 22, 2000, the City Commission asked this office and the Planning staff to revise the requirements for a range master and an operational plan. The ordinance now requires that the operation and presence of a range master be in accordance with the NRA range manual.

Prepared by: Patricia M. Carter
Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by: Marion J. Radson
Marion J. Radson,
City Attorney

MJR:PMC:sw

Ronald J Shema
1410 NW 13 Street #2
Gainesville, Fla 32601

June 1, 2000

City Commissioners
P.O. Box 490
Gainesville, Florida 32602

Reference: Ordinance No 0-00-53 reformatting the
permitted use to allow an outdoor gun range.

Dear Commissioners,

Thank you for your time and assistance in helping achieve the goal for thousands of firearms owners in Alachua County... a safe place to target practice, and learn firearms safety. Many of the clubs members are Certified NRA firearms instructors of which will unselfishly commit to give their time teaching their expertise of firearms safety. Not to mention training classes covering items like "Refuse to be a Victim". It's a program that has little or nothing to do with firearms, but instead focuses on the awareness aspect of self-defense.

The Gainesville Gun Club will be an NRA affiliate and we will be closely allied to hunter education programs teaching wildlife identification, firearms safety, conservation and woodsmanship. The NRA is the official sanctioning body of hundreds of competitive events that take place in America and around the globe. Our club, as an affiliate will be hosting events which will mean many out of town visitors coming to Gainesville. This range is a positive value to the City of Gainesville and the firearms owners thank you for your support.

I would like to address 2 issues that came up at the first reading of the ordinance. They are items f-3 and 4. I would like you to consider the following verbage in lieu of what was in the first reading.

Item f-3 Operational Plan. The owner of an outdoor gun club must operate in accordance with the national standards as written in the NRA Range Guidelines.

Item f-4 Range master. A range master must be present in accordance with the national standards as written in the NRA Range Guidelines.

I feel that following the NRA Range Guidelines which is the national standard for range operations throughout the world would more than suffice for addition to the Land Development Code of the City of Gainesville.

If you have any questions please contact me at 376-4608 or mobile 538-1793.

Sincerely,

A handwritten signature in blue ink that reads "Ron Shema". The signature is written in a cursive style with a large, stylized "R" and "S".

Ronald J Shema

Cc: Marion Radson