



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

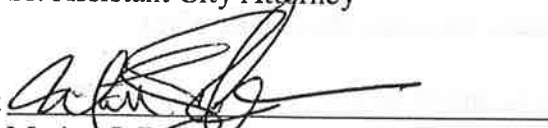
During the first reading of this ordinance on May 22, 2000, the City Commission asked this office and the Planning staff to revise the requirements for a range master and an operational plan. The ordinance now requires that the operation and presence of a range master be in accordance with the NRA range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

Prepared by:



Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:



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,



Ronald J Shema

Cc: Marion Radson

D R A F T

6-1-00

ORDINANCE NO. _____
0-00-53

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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.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on March 16, 2000; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on May 22, 2000; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville to be held at least 7 days after the day this first advertisement was published; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of the second Public Hearing to be held at the adoption stage at least 5 days after the day this second advertisement was published; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Petition No. 13TCH-00PB
CODE: Words ~~stricken~~ are deletions; words underlined are additions; words double-underlined or with ~~double-strikethrough~~ are changes since first reading.

D R A F T

6-1-00

1 **Section 1.** Subsection 30-72(c) of the Land Development Code of the City of Gainesville is
2 reformatted and amended to read as follows:

3 **Sec. 30-72. Agriculture district (AGR).**

4 (c) *Permitted uses.*

<i>SIC</i>	<i>Uses</i>	<i>Conditions</i>
	USES BY RIGHT	
	Any accessory use customarily incidental to any permitted principal use	
	Community residential homes	In accordance with Article VI
	Golf driving ranges	Without night lighting
	Public parks, playgrounds and recreation facilities	
	Sale of agricultural products and commodities which are raised exclusively on the premises, including retail roadside sales of such products and commodities	Temporary structures, defined as those structures in place for no more than two months within any six-month period, are permitted within the required front yard setback when used in conjunction with such retail roadside sales.
	Single-family dwellings, one unit per five acres	
Div. A	Agricultural, forestry and fishing uses	
GN-214	Tobacco stemming and redrying	
IN-7992	Public golf courses	Without night lighting
IN-7997	Membership sports and recreation clubs	Except shooting and gun clubs
	USES BY SPECIAL USE PERMIT	
	Places of religious assembly	
	Transmitter towers	
GN-726	Funeral service and crematories	
IN-7997	<u>Outdoor gun club</u>	<u>In accordance with conditions below</u>

5
6 **Section 2.** Subsection 30-72(f) is created and added to the Land Development Code of the City of
7 Gainesville to read as follows:

1 Sec. 30-72. Agriculture district (AGR).

2 (f) Additional conditions for outdoor gun club. In addition to all other requirements, an outdoor
3 gun club must comply with the following. Failure to continue to comply with any of these conditions
4 is grounds for revocation of the special use permit.

5 (1) Location. An outdoor gun club must be located a minimum of 2500 feet from any
6 existing residence and any property in a residential zoning district as defined in section
7 30-41(a)(1) of this Code, any public school, any hospital, or any public park.

8 (2) Storage. No live ammunition and no weapons may be stored on-site.

9 (3) Operational plan. The owner of an outdoor gun club must operate in accordance with
10 national standards as written in the National Rifle Association Range Manual ~~must provide to~~
11 ~~the city manager or designee an operational plan that establishes and provides for enforcement~~
12 ~~of range rules, including guidelines for the use of the range by minors, safety procedures for~~
13 ~~loading and unloading weapons, and emergency procedures.~~

14 (4) Range master. A range master must be present in accordance with the national
15 standards as written in the National Rifle Association Range Manual ~~during times of operation.~~

16 (4) Design. The outdoor gun club must be designed by a licensed engineer in accordance
17 with NRA design guidelines as written in the National Rifle Association Range Manual. No
18 berm shall be less than 8 feet in height.

19 (5) Fencing; signage. The outdoor range must be fenced with a minimum 6 foot high chain
20 link fence with barbed wire, or similar combination. Signs must be placed around the perimeter
21 of the fencing warning of the facility. The property must be posted "No trespassing" and the
22 prohibition on trespassing must be enforced by the owner or operator.

D R A F T

6-1-00

(6) Hazardous materials. The outdoor gun range must comply with the provisions of the Alachua County Hazardous Materials Management Code.

Section 3. It is the intention of the City Commission that the provisions of Sections 1 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 4. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 6. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this _____ day of _____, 2000.

PAULA M. DeLANEY
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this _____ day of _____, 2000.

This Ordinance passed on second reading this _____ day of _____, 2000.

carter:ordinances:13TCH-00PB