



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: May 22, 2000
FIRST 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 (1) approve Petition 13TCH-00 PB, with changes, and (2) adopt the proposed ordinance.

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

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held on June 12, 2000.

Prepared by:



Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:PMC:sw

D R A F T

4-24-00

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,

D R A F T

4-24-00

1 heard;

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

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

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

7 (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>

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

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

4 (f) Additional conditions for outdoor gun club. In addition to all other requirements, an
5 outdoor gun club must comply with the following:

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

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

10 (3) Operational plan. The owner of an outdoor gun club must provide to the city
11 manager or designee an operational plan that establishes and provides for enforcement of
12 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 during times of operation.

15 (5) Design. The outdoor gun club must be designed by a licensed engineer in
16 accordance with NRA design guidelines. No berm shall be less than 8 feet in height.

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

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

D R A F T

4-24-00

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

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

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

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

11
12 **PASSED AND ADOPTED** this _____ day of _____, 2000.

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15 _____
16 PAULA M. DeLANEY
17 MAYOR

18
19 **ATTEST:** Approved as to form and legality

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22 _____
23 KURT M. LANNON MARION J. RADSON
24 CLERK OF THE COMMISSION CITY ATTORNEY

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

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

27
28 carter:ordinances:13TCH-00PB

City of
Gainesville

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 12

Item No. 3

TO: City Plan Board **DATE:** March 16, 2000
FROM: Planning Division Staff
SUBJECT: Petition 13TCH-00 PB, City of Gainesville. Amend the AGR (agricultural district) to permit gun clubs.

Recommendation

Planning Division staff recommends that gun clubs be permitted by special use permit in the AGR district with the conditions listed below.

Explanation

The agriculture district allows membership sports and recreation clubs (IN7997) 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. Staff 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 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. The firing range shall be designed by a licensed engineer in accordance with NRA design guidelines. Berm height shall be 20 feet unless wetlands or other similar conditions are providing appropriate buffer.

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March 16, 2000

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.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH

3. **Petition 13TCH-00 PB** City of Gainesville. Amend the AGR (agricultural district) to permit gun clubs.

Ms. Carolyn Morgan was recognized. Ms. Morgan indicated that staff recommended that gun clubs be permitted in the Agricultural District with a Special Use Permit and with the conditions provided in the board's packets. She explained that the Agricultural District currently allowed membership sports and recreation clubs, but specifically excluded shooting and gun clubs. Ms. Morgan indicated that staff believed sport shooting was most safely practiced within a properly designed gun range and the use was compatible with the Agricultural District. She noted that agricultural lands were often rented and used for hunting purposes. She pointed out, however, that lands in the City did have proximity issues to be dealt with since Agricultural Districts occasionally abutted other uses. Ms. Morgan discussed proposed distance requirements, restrictions on the storage of ammunition, operational rules, berm height, fencing, warning signage, and the requirement that the range be designed by a licensed engineer in accordance with the National Rifle Association (NRA) guidelines. She pointed out that gun clubs were allowed as a use by right in Industrial Districts. Ms. Morgan concluded her presentation and offered to answer any questions from the board.

Dr. Fried suggested that storage of weapons, as well as live ammunition, should be prohibited.

Ms. Morgan agreed that the proposed text could be amended accommodate that requirement.

Mr. Polshek asked if Ms. Morgan had reviewed Alachua County's regulations on the use.

Ms. Morgan explained that she reviewed information from many counties and cities and found almost no regulation of the use. She noted that, in her review of the matter, she used information from the NRA guidelines for firing ranges and the Gainesville Police Department.

Mr. Polshek asked how many gun ranges existed within the City limits.

Ms. Morgan indicated that, at the present time there was only one, the Police Academy Range on NE 39th Avenue. She noted, however, that another range had been recently approved for construction in an Industrial Zoning District.

Mr. Polshek asked why the petition had been brought forth at the present time.

Ms. Morgan indicated that the petition was based upon a request. She explained that staff was looking for alternate sites to replace the gun range at the airport.

Chair Guy asked if gun ranges were permitted in the industrial districts without any design requirements.

Ms. Morgan stated that there were no design requirements written in the Code.

Chair Guy asked if the board should request guidelines and a Special Use Permit for gun ranges in districts other than Agricultural.

Ms. Morgan deferred the question to Mr. Hilliard.

Mr. Hilliard explained that staff would have to initiate another petition to extend the guidelines to other districts. He indicated that it would not be a problem to have the same type of regulations for all gun clubs.

Dr. Fried suggested that, after the board acted on the current petition, they could propose revisions for all gun clubs.

Chair Guy asked what type of engineer would be required to design facilities.

Ms. Morgan indicated that a civil engineer would be appropriate.

Chair Guy noted that a berm height of 20 feet was required unless there were wetlands or other similar conditions provided an appropriate buffer. He asked if Ms. Morgan could define an appropriate buffer.

Ms. Morgan explained that, according to the NRA guidelines, the range of a bullet was between one and three miles, depending upon the firearm and ammunition used. She noted that there were also issues of trajectory. She explained that the NRA manual proposed a berm of eight to ten feet on the sides and fifteen to twenty feet on the rear, depending on the type of range. Ms. Morgan noted that the Police Department recommended twenty feet on all sides. She explained that staff recommended twenty feet, but in a recent petition, the Development Review Board chose not to take that recommendation where other geological features provided a buffer. Ms. Morgan noted that a minimum buffer had to be eight to ten feet.

Mr. Hilliard suggested that the language regarding minimum buffer heights could be added to the conditions.

Chair Guy asked if the word wetlands should be eliminated from the text.

Ms. Morgan explained that the issue of wetlands dealt with the distance around the site.

Dr. Fried cited a concern with the use of wetlands for a buffer. He pointed out that wetlands also included marsh grasses.

Ms. Morgan explained that the wetlands were intended to be a separating feature from other uses.

Dr. Fried suggested that a distance be specified.

Mr. Hilliard pointed out that, if there were no wetlands or other features, the berm would have to be twenty feet high. He explained that, if there were other features, then the berm could be eight to ten feet.

Mr. Polshek asked if staff had any plans to remove gun clubs as a use by right in the industrial zones.

Ms. Morgan stated that staff had no plans to do so at the present time.

Mr. Polshek cited a concern about the noise from gun clubs. He suggested that the proposed six foot fence with barbed wire was not an adequate barrier.

There was no public comment on the petition.

Mr. Carter made the motion to approve the petition with conditions and Dr. Fried seconded the motion.

Mr. Polshek requested that a condition be added to double the proposed fence height.

Mr. Carter indicated that he would prefer to keep the fence height as recommended by the Police Department.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Dr. Fried
<u>Moved to:</u> Approve Petition 13TCH-00 PB with staff conditions and the conditions that no live ammunition or weapons be stored on the site and that the minimum berm height be 8 - 10 feet.	<u>Upon Vote:</u> Motion Carried 4 - 1 Yeas: Carter, Fried, Myers, Polshek, Guy Nays: Polshek

