



GUNSTER

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January 28, 2013

Karl E. Holley, AICP
Sumter County Planning Department
7375 Powell Road, Suite 115
Wildwood, Florida 34785

Re: Shooting Range Ordinance

Dear Mr. Holley:

We understand the Sumter County Zoning and Adjustment Board ("ZAB") and the Sumter County Board of County Commissioners ("BCC") will, during the month of February, consider a proposed amendment to Chapter 13 of the Sumter County Code of Ordinances to provide for sport shooting ranges as a special use permit in specified land use zones ("the Amendment"). As you may recall, our firm represents Long Hammock Ranch, LLC and Long Hammock Ranch II, LLC, the owners of Long Hammock Ranch, a working cattle ranch located in the northwestern portion of Sumter County, Florida. As we have previously stated, our clients do not oppose shooting ranges, but they have concerns that the proposed Amendment does not adequately address necessary standards for the siting and development of shooting ranges.

We agree that it is prudent for Sumter County to adopt an ordinance that specifically identifies those zoning districts in which shooting ranges are permitted, and to include appropriate standards (we note that the National Rifle Association resource book (1999 edition) that is considered for standards itself states that it should not be used for this purpose) that provide specific locational, including siting, buffer, safety and other similar design standards, and construction standards for any shooting range located within Sumter County consistent with Florida Statutes Section 823.16. Given the nature and type of activities that occur at shooting ranges, it is extremely important for the health, safety and welfare of Sumter County residents to regulate this type of use through such standards, which is why we have revised the Amendment to include specific zoning standards for sport shooting ranges proposed to be located within Sumter County. Our proposed modifications to the Amendment are attached as Exhibit "A". The modifications categorize sport shooting ranges into two types, indoor and outdoor ranges, and provide specific setback, berm, landscaping, environmental and barrier protections for each type of sport shooting range. Also given that sport shooting ranges are typically commercial operations, we have revised the Amendment to allow the indoor ranges in the commercial and industrial land use zones as well as the proposed agricultural and public land use zones.

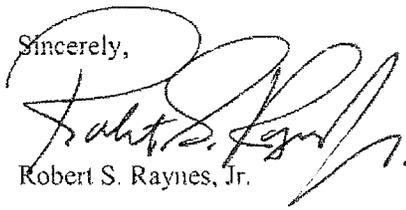
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As we have also previously stated, the operation of a sport shooting range use on property with an Agriculture land use designation is inconsistent with the Sumter County Comprehensive Plan. Comprehensive Plan Future Land Use Element Policy 1.2.4 describes the type of uses that are permitted under the Agriculture land use classification, which generally consist of agriculture type uses, aquaculture, forestry, and horticulture type uses. None of these uses are consistent with the proposed use of a shooting range. Policy 1.2.4 also states that small-scale, neighborhood-serving commercial and commercial and industrial uses that directly support agriculture uses are allowed under the Agriculture land use classification; however, shooting ranges do not fall under these types of commercial uses. Furthermore, Policy 1.2.4 states that these commercial type uses are secondary uses. Shooting ranges as a secondary use on property with an Agriculture land use designation will not directly support and enhance any of the primary Agricultural uses. See Policy 1.1.1. Based on Policy 1.2.4, the use of a private or commercial indoor or outdoor shooting range on property with an Agriculture land use designation is inconsistent with the Comprehensive Plan. Given this inconsistency, an amendment to the Sumter County Comprehensive Plan is needed to allow sport shooting ranges in the Agriculture land use.

Notwithstanding the need for a Comprehensive Plan amendment, we request that the Sumter County ZAB and BCC consider our modifications to the Amendment as set forth in Exhibit "A" to this letter. Our proposed modifications consider the safety of the entire community, which is of great importance when adopting standards that would be applicable Countywide. We have included multiple copies of this letter, including Exhibit "A", for distribution to the ZAB and BCC members. We have also included a copy of our September 28, 2012 letter regarding the Amendment. With that letter, we provided examples of locational and construction standards from other local governments throughout Florida. Our modifications to the Amendment incorporate many of what we believe are some of the best concepts and standards from the various examples included in that letter.

Thank you for your consideration of our modifications to the Amendment. If you have any questions, please feel free to give me a call.

Sincerely,



Robert S. Raynes, Jr.

RSR/SMR:jl
Enclosures

cc: George G. Angeliadis, Esquire

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Richard Jernigan
Brian Seymour, Esquire
Randall Thornton, Esquire

Exhibit "A"

SUMTER COUNTY ORDINANCE 2013 - _____

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, AMENDING CHAPTER 13 OF THE SUMTER COUNTY CODE OF ORDINANCES THROUGH THE AMENDMENT OF THE LIST OF ALLOWABLE USES REFLECTED IN TABLE 13-362A, CONTAINED WITHIN SECTION 13-362(C)(1) OF THE SUMTER COUNTY LAND DEVELOPMENT CODE, TO INCLUDE SPORT SHOOTING RANGES AS A PERMITTED AND SPECIAL USE IN CERTAIN ZONING DISTRICTS AND TO PROVIDE SPECIFIC USE STANDARDS FOR SHOOTING RANGES IN ARTICLE V, DIVISION 7, OF THE SUMTER COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Sumter County Board of County Commissioners previously established Table 13-362A (Table of Uses) within Chapter 13 of the Sumter County Code of Ordinances, Division 5, Land Development Code, to promulgate rules and regulations for the Permitted, Special and Conditional Uses of land within Sumter County, Florida; and,

WHEREAS, the Sumter County Board of County Commissioners previously established Article V, Specific Use Standards, to promulgate standards for certain uses allowed within the Sumter County Land Development Code; and

WHEREAS, pursuant to Section 790.33, Florida Statutes, any and all County ordinances regarding firearms, guns, shooting, or ammunition, not set forth as repealed herein, are hereby repealed. Pursuant to Sections 790.33(4) and 823.16(7), Florida Statutes, the sections of the Sumter County Land Development Code regarding shooting ranges are specifically excepted from this repeal; and

WHEREAS, it is the policy and desire of the Sumter County Board of County Commissioners to preserve the right of citizens to keep and bear arms and to promote the safe use of firearms for sport shooting purposes; and

WHEREAS, the Sumter County Land Development Code's Table of Uses is not all inclusive, but provides the Director with the authority to classify non-listed uses, taking such factors as similarity in nature, size and effect on the community into consideration; and

WHEREAS, the Sumter County Land Development Code specifically identifies law enforcement firing ranges in its Table of Uses as well as indoor and outdoor recreational uses, including archery ranges, but does not specifically address recreational shooting ranges, although said uses could be reasonably seen as associated with one or the other; and

WHEREAS, the Florida Statute §823.16(6) references the National Rifle Association gun safety and shooting range standards as related to the operation of shooting ranges, but makes no reference to appropriate zoning or development standards; and

WHEREAS, the National Rifle Association standards specifically provide that they should not be used as a zoning regulation.

WHEREAS, it is the intent of the Sumter County Board of County Commissioners to recognize that recreational shooting ranges conform to certain standards to provide for the health, safety, and welfare of the citizens of Sumter County; and

WHEREAS, the Sumter County Board of County Commissioners, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this Ordinance;

NOW THEREFORE BE IT ORDAINED by the Sumter County Board of County Commissioners, as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to Amend the Sumter County Code of Ordinances: Chapter 13 – *Land Development Code*, amending specific sections contained in Article III and Article V, for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE. Chapter 13 of The Sumter County Code of Ordinances, Entitled “Land Development Code”, is hereby amended to reflect the following changes to Article III, Division 5, Section 13-362(c)(1), specifically amending Table 13-362A:

A. Section 3.500 of Table 13-362A, entitled "RECREATION, ENTERTAINMENT, AMUSEMENT AND HOBBIES" is hereby amended to include the following language:

	PIE	REC	ID	CR	CH	CI	CN	R6C	R6M	R4C	R4M	R2C	R2M	RR1C	RR1	RR25C	RR25	RR5C	RR5	AC	A10C	A10
3.531 Shooting Range, Indoor	S		P	P	P		S															
3.546 Shooting Range, Outdoor																					S	S

B. Section 5.600 of Table 13-362A, entitled "EMERGENCY SERVICES/DETENTION FACILITIES" is hereby amended as follows:

	PIE	REC	ID	CR	CH	CI	CN	R6C	R6M	R4C	R4M	R2C	R2M	RR1C	RR1	RR25C	RR25	RR5C	RR5	AC	A10C	A10
5.630 Shooting Range, Indoor	S		P	P	P		S															
5.631 Shooting Range, Outdoor																					S	S

SECTION 4. AMENDMENT OF LAND DEVELOPMENT CODE. Chapter 13 of The Sumter County Code of Ordinances, Entitled "Land Development Code", is hereby amended to reflect the following changes to Article V, Section 7:

A. Division 7 of Article V is hereby amended as follows:

Division 7. Reserved Shooting Ranges

Sec 13-781. – Shooting Ranges

- (a) *Purpose and intent.* Shooting Ranges are permissible as a permitted or special use where indicated by uses 3.531, 3.546, 5.630 and 5.631 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

- (b) *Definitions.* Shooting Ranges are defined as "an area designed and operated for the use by those other than an owner of property of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar type of shooting for either sport or emergency personnel training." Shooting Ranges are categorized as either "Shooting Range, Indoor" or "Shooting Range, Outdoor", recognizing that there are different criteria that may be applied based on different safety concerns. Where all shooting activities occur only indoors, a shooting range is classified as "Shooting Range, Indoor." All other shooting ranges are classified as "Shooting Range, Outdoor."
- (c) *Permittee.* Special and conditional use Shooting Range permits are issued jointly to the property owner and shooting range operator designated therein. A change in owner or shooting range operator shall be reported to the Director, in writing, by certified mail, within 30 days of such change by the new owner or shooting range operator. A change in owner or shooting range operator of a Shooting Range permit may require a new operating permit, as determined by the Director.
- (d) *Preemption.* Pursuant to Section 790.33, Florida Statutes, any and all County ordinances regarding firearms, guns, shooting, or ammunition, not set forth as repealed herein, are hereby repealed. Pursuant to Sections 790.33(4) and 823.16(7), Florida Statutes, the sections of the Sumter County Land Development Code regarding shooting ranges are specifically excepted from this repeal.
- (e) *Development standards- Shooting Range, Outdoor.*
 - (1) Location.
 - a. No Shooting Range, Outdoor is permitted on property adjacent to property zoned to allow for the following uses: Residential, Houses of Worship, Community Service or Education. Variances from this standard are not permitted.
 - (2) *Buffers.*
 - a. Setbacks
 - 1, Firing positions shall be separated a minimum of 2,500 feet from the property line of any adjacent parcel in separate ownership. However, for an outdoor shooting range designed and used specifically and solely for shooting clay targets with

a shotgun the following shall apply (unless otherwise approved): firing positions shall be separated a minimum of 900 feet from the property line of any adjacent parcel in separate ownership.

b. Berm or Barrier.

1. An impenetrable berm or barrier, 20 feet or more in height, shall be constructed along the three sides lying in the direction of fire of any authorized firearm discharge area. A shooting range, outdoor designed specifically and solely for shooting clay targets with a shotgun is exempt from Section 13.781(e)(2)(b)(1).

2. The construction of any berm or barrier in accordance with Section 13.781(e)(2)(b)(1) shall not be constructed of any material that would increase the possibility of ricochet.

3. The berm must be constructed at a 3:1 slope or less.

4. *Berm Landscaping*

a.

All portions of the buffer shall be covered with natural grass, ground cover, shrubbery, or other suitable live plant material.

b.

At least one shade or flowering tree shall be planted in a required buffer for each 20 linear feet or portion thereof. All shade and flowering trees shall be Florida #1, a minimum of 12 feet in height, and possess a minimum of 8 feet of clear trunk space at the time they are installed. Required shade or flowering trees may be planted at intervals or may be clustered if clustering improves the effectiveness of the buffer. Clustering of required trees shall be subject to approval from the Planning and Zoning Director.

c.

At least one shrub shall be planted for each 500 square feet of berm open space. Required shrubs shall be Florida # 1 and a minimum of 24 inches in height at the time they are installed. Shrubs may be clustered subject to approval from the Planning and Zoning Director.

d.

Irrigation which provides one hundred (100) percent coverage of the landscape area is required. All landscape plant materials that die shall be replaced within sixty (60) days.

c. Perimeter

1. Fence/Wall

a. The perimeter of the shooting range activity, including the firearm discharge area and surrounding berms or barriers, shall be enclosed by a fence or wall, a minimum of six feet in height.

2 Landscaping

a.

All perimeter fences/walls shall have a minimum 10 foot landscape buffer in addition to the required setback.

b.

The perimeter wall landscape buffer shall contain at least one shade or flowering tree for each 20 linear feet or portion thereof. All shade and flowering trees shall be Florida #1, a minimum of 12 feet in height, and possess a minimum of 8 feet of clear trunk space at the time they are installed.

c.

The perimeter wall landscape buffer shall contain a continuous hedge. All hedge material shall be Florida #1 and a minimum of 24 inches in height at the time they are installed. All hedge material shall be planted with two-foot to three-foot intervals

3. The above Perimeter standards are in addition to the Berm or Barrier requirements set forth in Section 13-781(e)(2)(b).
- (2) *Site Plan.* The discharge of firearms shall be conducted only within areas specifically designated for such use on an approved site plan.
- a. Signage.
 1. Warning signs of at least one square foot each shall be attached to the perimeter fence or wall at the rate of at least one for every 100 linear feet plus one at each entry gate.
 - b. Hazardous Waste Management Plan
 1. The applicant shall submit a hazardous waste management plan, prepared by an independent environmental consultant, to assure the protection of groundwater from lead and other contaminants associated with the discharge of firearms. The hazardous waste management plan should generally be consistent with the Florida Department of Environmental Protection Best Management Practices for Environmental Stewardship of Florida Shooting Ranges as referenced in Section 790.333, Florida Statutes.
 - c. Parking
 1. Shooting ranges must provide one parking space per firing point.
 - d. Design and Operation
 1. The applicant shall demonstrate compliance with all applicable State regulations. The applicant shall demonstrate how safety and noise factors have been addressed through the site plan and other special features of the proposed development.
 2. Design and operation must conform to the current National Rifle Association gun safety and shooting range standards, which may include those standards detailed in the NRA Range Sourcebook.

(f) *Development standards- Shooting Range, Indoor.*

(1) *Buffers.*

a. *Setbacks*

- 1) A Shooting Range, Indoor shall have a minimum 100 foot setback from any adjacent property zoned to allow for the following uses: Residential, Houses of Worship, Community Service or Education.

- (2) *Site Plan.* The discharge of firearms shall be conducted only within areas specifically designated for such use on an approved site plan.

a. *Signage.*

1. Warning signs of at least one square foot each shall be posted along the perimeter of the property every 100 linear feet plus one at each entry gate.

b. *Hazardous Waste Management Plan*

1. The applicant shall submit a hazardous waste management plan, prepared by an independent environmental consultant, to assure the protection of groundwater from lead and other contaminants associated with the discharge of firearms. The hazardous waste management plan should generally be consistent with the Florida Department of Environmental Protection Best Management Practices for Environmental Stewardship of Florida Shooting Ranges as referenced in Section 790.333, Florida Statutes.

c. *Parking*

1. Shooting ranges must provide one parking space per firing point

d. *Design and Operation*

1. The applicant shall demonstrate compliance with all applicable State regulations. The applicant shall demonstrate how safety and noise factors have been addressed through the site plan and other special features of the proposed development.

2. Design and operation must conform to the current National Rifle Association gun safety and shooting range standards, which may include those standards detailed in the NRA Range Sourcebook.

SECTION 5. CODIFICATION

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Sumter County, Florida, with the exception of Sections 2, 5, 6 and 7. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein, within Chapter 13 of the Land Development Code.

SECTION 6. CONFLICTS AND REPEALER

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption by the Sumter County Board of County Commissioners.

PASSED AND ADOPTED BY THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, SUMTER COUNTY, FLORIDA, THIS ____ DAY OF FEBRUARY, 2013.

SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS

DOUG GILPIN, CHAIRMAN

ATTEST:

GLORIA HAYWARD,

SUMTER COUNTY CLERK OF COURT

BY: CONNIE WEBB, Deputy Clerk

Approved as to form for the reliance of
The Sumter County Board of County
Commissioners, only:

GEORGE ANGELIADIS, ESQ.,

THE HOGAN LAW FIRM, COUNTY ATTORNEY