

ORDINANCE NO. 2016-28

AN ORDINANCE CREATING DEFINITIONS AND STANDARDS FOR FIREARM(S) AND FIRING RANGE FACILITIES AND ESTABLISHING THEM AS PERMITTED, PROHIBITED OR CONDITIONAL USES IN VARIOUS ZONING DISTRICTS THEREBY AMENDING CHAPTERS 14, 19 AND 21 OF THE CITY CODE.

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are in ~~strikethrough~~ font and adding those words that are underlined, to read as follows:

CHAPTER 14

LICENSES AND PERMITS

ARTICLE II. PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS

DIVISION G. TARGET RANGES

§ 14.84 LICENSE.

The issuing authority is hereby authorized to issue licenses for the operation of rifle ranges, trap ranges and target ranges at any place in the city as permitted by City Code upon payment of a fee as set forth in § 14.03 of this code, provided that such ranges comply in all respects with the regulations promulgated under the provisions of § 14.83 of this code. The Chief of Police may limit such license in any respect which in his or her opinion will result in the elimination of dangers and nuisance factors.

ARTICLE IV. BUSINESS LICENSES AND REGULATIONS

DIVISION M. PAWNBROKERS

§ 14.295.01 LICENSE RESTRICTIONS.

(u) *Display and storage of firearms.* As a condition of licensure, ~~[a pawnbroker shall not display on the licensed premises any firearms pawned or purchased by the pawnbroker. A]~~ the display and storage of all firearms must be approved by the [shall be securely stored in an area that is not accessible by the general public. The] City Police Department and must be compliant [shall approve how firearms are stored and secured.] with applicable federal and state security standards, including, but not limited to, M.S. § 624.7161, and Minnesota Rules Chapter 7504. Firearms may be sold only when allowed in a particular location by the Zoning Ordinance.

DIVISION Z. SECONDHAND GOODS DEALERS

§ 14.442.44 OPERATING RESTRICTIONS.

(j) *Display and storage of firearms.* As a condition of licensure, ~~[the dealer shall not display on the licensed premises any firearms. A]~~ the display and storage of all firearms must be approved by [must be securely stored in an area that is not accessible to the general public. No firearm may be stored on the licensed premises unless or until] the City Police Department and must be compliant [approves the security of the premises and manner of storage] with applicable federal and state security standards, including, but not limited to, M.S. § 624.7161, and Minnesota Rules Chapter 7504. Firearms may be sold only when allowed in a particular location by the Zoning Ordinance.

Section 2. That Chapter 19 of the City Code is hereby amended by deleting those words that are in ~~[striketrough]~~ font and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

§ 19.03. DEFINITIONS

~~**[Firearms dealer**—Any person or business engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person engaged only in the business of repairing firearms.]~~

Firearm. A device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion, as defined in M.S. § 609.666.

Firearm Sales, Incidental. A permanent establishment where the primary use is the retail sale of non-firearm items and where no more than 15 percent of the tenant’s gross floor area is devoted to display and storage of firearm(s) and ammunition.

Firearm Sales, Primary. A temporary or permanent establishment for the retail sale, lease, trade, service, or other transfer of firearm(s), ammunition, or firearm(s) accessories where more than 15 percent of the tenant’s gross floor area is devoted to display and storage of firearm(s) and ammunition for permanent establishments or any floor area is devoted to display or storage of firearms for temporary establishments.

Firearm Manufacturing, Warehousing, or Distribution. An establishment engaged in the manufacture, warehousing, or distribution of firearm(s) or ammunition with no on-site retail sales, display, lease, trade, or other transfer of firearm(s) or ammunition.

Firearm Office. A temporary or permanent establishment facilitating the sale, lease, trade, or transfer of firearm(s) services with no on-site retail sales, display or inventory.

Firing Range. A specialized facility designed for firearm(s) shooting practice with no retail sales, display, lease, trade, service, or other transfer of firearm(s), ammunition, or firearm(s) accessories.

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§ 19.31.01. REGIONAL COMMERCIAL (CR-1) DISTRICTS.

(b) Permitted Principal Uses -

(11) Firearm sales, incidental, subject to standards set forth in § 21.302.11.

§ 19.33. INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.

(b) **Permitted uses -**

(13) Firearm manufacturing, warehousing, or distribution, subject to standards set forth in § 21.302.11.

(d) **Conditional uses -**

(8) [Reserved.] Firing range, subject to performance standards set forth in § 21.302.11 and license requirements for target ranges set forth in §§ 14.82 – 14.84.

§ 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.

(b) **Permitted Principal Uses.**

(10) Firearm manufacturing, warehousing, or distribution, subject to standards set forth in § 21.302.11.

(d) **Conditional Uses -**

(7) [Reserved.] Firing range, subject to performance standards set forth in § 21.302.11 and license requirements for target ranges set forth in §§ 14.82 – 14.84.

§ 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

(b) **Permitted uses -**

(10) Firearm manufacturing, warehousing, or distribution, subject to standards set forth in § 21.302.11.

§ 19.40.08.01. COMMERCIAL-OFFICE/MIXED USE DISTRICT CO-2.

(b) **Permitted Principal Uses -**

(6) Firearm sales, incidental, subject to standards set forth in § 21.302.11.

Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words that are in ~~strikethrough~~ font and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE II. DISTRICTS AND USES

Division H. Uses

§ 21.209. USE TABLES.

(d) **Neighborhood and Freeway Commercial Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section

RETAIL/SERVICES

Retail Sales and Services									
[Firearms dealer]		[C]			[CA]	[CA]			
Firearm sales, incidental		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>	<u>21.302.11</u>
Firearm sales, primary		<u>C</u>			<u>CA</u>	<u>CA</u>			<u>21.302.11</u>

(f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX							See Listed Section

RETAIL/SERVICES

Retail Sales and Services									
Bank or financial institution	P	P							
Body art establishment	P	P							14.376 to 14.390.01
Currency exchange	P	A							14.159 to 14.165
Exterminating shop		A							
[Firearms dealer]									
Firearm sales, incidental		<u>P</u>	<u>P</u>						<u>21.302.11</u>
Firearm sales, primary									<u>21.302.11</u>

ARTICLE III. DEVELOPMENT STANDARDS

Division B. Use Standards

§ 21.302.11 [RESERVED.] FIREARM FACILITIES.

- (a) **Purpose.** To provide opportunities for firearm sales, service, and ranges and to provide opportunities to manufacture, warehouse, and distribute firearm(s) while addressing safety concerns and the potential disruption of peace and quiet enjoyment of the community. Providing separation between firearm facilities and certain uses maximizes safety of residents, businesses and guests, minimizes potential nuisance factors of such facilities, and is in the public interest.
- (b) **Incidental Firearm Sales standards.**
 - (1) Security. All incidental firearm sales facilities must meet applicable federal and state security standards including but not limited to M.S. § 624.7161, and Minnesota Rules Chapter 7504.
 - (2) Separation requirements. No incidental firearm sales facility may be located:
 - (A) Within 250 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
 - (B) Within 250 feet of a day care facility.
 - (C) Within 250 feet of a school (K-12).
 - (3) Prior to plan approval, a floor plan must be submitted for review demarcating the area(s) devoted to display and storage of firearm(s) and ammunition.
- (c) **Primary Firearm Sales standards.**
 - (1) Security. All primary firearm sales facilities must meet applicable federal and state security standards including but not limited to M.S. § 624.7161, and Minnesota Rules Chapter 7504.
 - (2) Separation requirements. No primary firearm sales facility may be located:
 - (A) Within 250 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
 - (B) Within 250 feet of a day care facility.
 - (C) Within 250 feet of a school (K-12).
 - (D) Within 1,000 feet of another primary firearm sales facility.
 - (3) Conditional Use Permit Submittal Requirements. In addition to the submittal requirements stated in § 21.501.04, a conditional use permit application for a primary firearm sales facility must also include a detailed security plan demonstrating compliance with applicable federal and state safety standards including but not limited to M.S. § 624.7161, and Minnesota Rules Chapter 7504.
- (d) **Firearm Manufacturing, Warehousing, or Distribution standards.**
 - (1) Separation requirements. No firearm manufacturing, warehousing, or distribution facility may be located:
 - (A) Within 250 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
 - (B) Within 250 feet of a day care facility.
 - (C) Within 250 feet of a school (K-12).
- (e) **Firing Range Standards.**
 - (1) Separation requirements. No firing range may be located:
 - (A) Within 1,000 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
 - (B) Within 1,000 feet of a day care facility.
 - (C) Within 1,000 feet of a school (K-12).
 - (2) Firing ranges must be located within a completely enclosed building.

- (3) The completely enclosed building housing the firing range must include adequate noise insulation, ventilation and filtering systems. Ventilation and filtering systems must be in accordance with Minnesota Mechanical Code § 502.19, see Minnesota Rules Part 1346.0050 (incorporating Chapters 2 to 15 of the 2012 edition of the International Mechanical Code), and United States Department of Labor Occupational Safety and Health Standards, 29 C.F.R. § 1910.1025.
- (4) No liquor licenses may be issued to any establishment within the same building as the firing range.

(f) **Standards for Firearm Offices.**

- (1) Firearm Offices are permitted in all districts where general offices are permitted.

(g) **Measurement.**

- (1) Separation measurement. For the purposes of this section, distance between a firearm facility and a zoning district is measured in a direct line from any public or private entrance of a firearm facility tenant space to the applicable zoning district line. Distance between a firearm facility and another facility, school or day care is measured in a direct line from any public or private entrance of a firearm facility tenant space to any public or private entrance of the other facility. When measuring distance between indoor tenant spaces, measurement will be taken along the shortest pedestrian path between public or private entrances rather than in a direct line.
- (2) Floor area measurement. The calculation of floor area devoted to firearm(s) and ammunition includes all display cabinets, storage, and the entire adjacent aisle or standing space for customers and employees.

§ 21.302.13. HOME BUSINESSES.

(c) **Types of Home Businesses.**

- (1) Type I. Type I home businesses are of a type that the City Council has historically found do not adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type I home businesses are listed below. This list is intended to be illustrative not exhaustive.

- (G) Firearm Office where no firearm(s) or ammunition are stored or inventoried on the premises.

- (3) Prohibited home businesses: The following home businesses are prohibited without limitation:

- (C) The sale, lease, or trade of firearm(s) or ammunition, where firearm(s) or ammunition are stored or inventoried on the premises;

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division A. Approvals and Permits

§ 21.501.04 CONDITIONAL USE PERMITS

- (d) **Review and Approval.** Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in § 21.501.04(d)(1), which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the conditional use permit application is automatically sent to the City Council for their final action.
- (1) **City Council Review.** Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when a conditional use permit is required by the underlying zoning district.

- (O) Manufactured home parks; ~~and~~
(P) Medical marijuana distribution facilities[-];
(Q) Firearm sales, primary; and
(R) Firing range.

Passed and adopted this 21st day of November, 2016.

/s/ Gene Winstead
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney