

RETAIL SALE OF FIREARMS

Land Use Code Amendment 2018-02

September 4, 2018



Recommended Actions:

- 1) Review the draft revisions, receive public comments.
- 2) Introduce, with the amendments on slide 11, for the first reading, and waive the reading of the text, an Ordinance revising the Healdsburg Municipal Code to: 1) allow firearm sales in the CS, I and MU Districts by Conditional Use Permit; 2) no longer allow firearms sales in the CD District; 3) establish Firearm Sales as a Specific Land Use; and 4) codify the current issuance of a Firearms Dealer Permit by the Chief of Police.

Prior City Council and Planning Commission Actions:

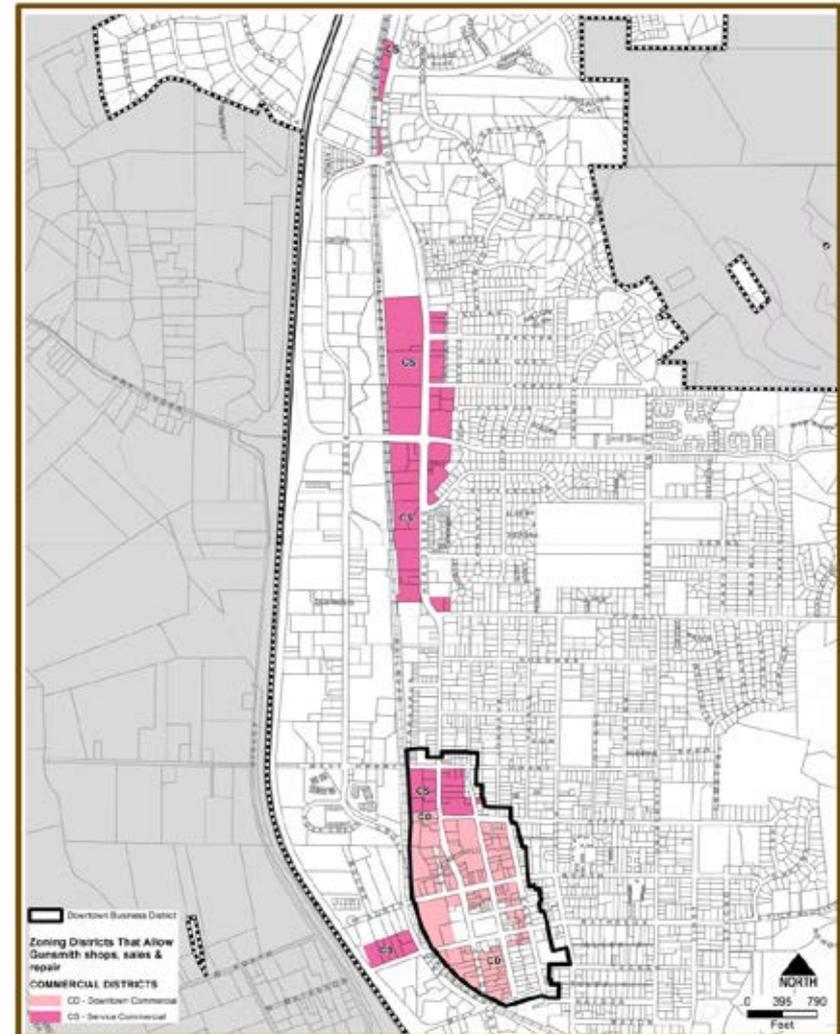
- On December 18, 2017, the Council voted unanimously to adopt Ordinance No. 1170 establishing a 45-day moratorium on new retail uses selling firearms.
- On January 22, 2018, the Council held a public hearing and adopted Ordinance No.1171 extending the moratorium for 10 months and 15 days, in order allow staff time to prepare amendments to Municipal Code regulating the retail sale of firearms.
- On March 14, 2018, the Planning Commission conducted a public hearing on the proposed amendments and voted 4-1 to recommend approval.

Current Land Use Regulations for Businesses That Sell Firearms

- “Gunsmith shops, sales and repair” are permitted as of right in the Downtown Commercial (CD) and Service Commercial (CS) zoning districts.
- It could be interpreted that firearm sales could be permitted by right in the CD and CS Districts within a hardware store or sporting goods store.
- It could also be interpreted that firearms sales could be permitted by right in the Mixed Use (MU) District as a part of a sporting goods store.

CD and CS Zoning Map

Legend



Current Land Use Regulations for Firearms Type Businesses

The City has limited regulations governing guns:

- No home sales are permitted. (HMC 20.20.005(K)(1).)
- Permit from the Chief of Police is required to carry a concealed weapon. (HMC 9.16.010; 9.16.020.)
- Discharge of weapons in the City is prohibited. (HMC 9.16.040.)

Proposed Amendments to City's Land Use Code

- Require a CUP for all firearm sales.
- CS and I Districts: Allow firearm dealers (free-standing or secondary use) with a CUP.
- MU District: Allow sporting goods stores to sell firearms limited to no more than 5% of the floor area, with a CUP.
- CD District : No longer allow the sale of firearms.

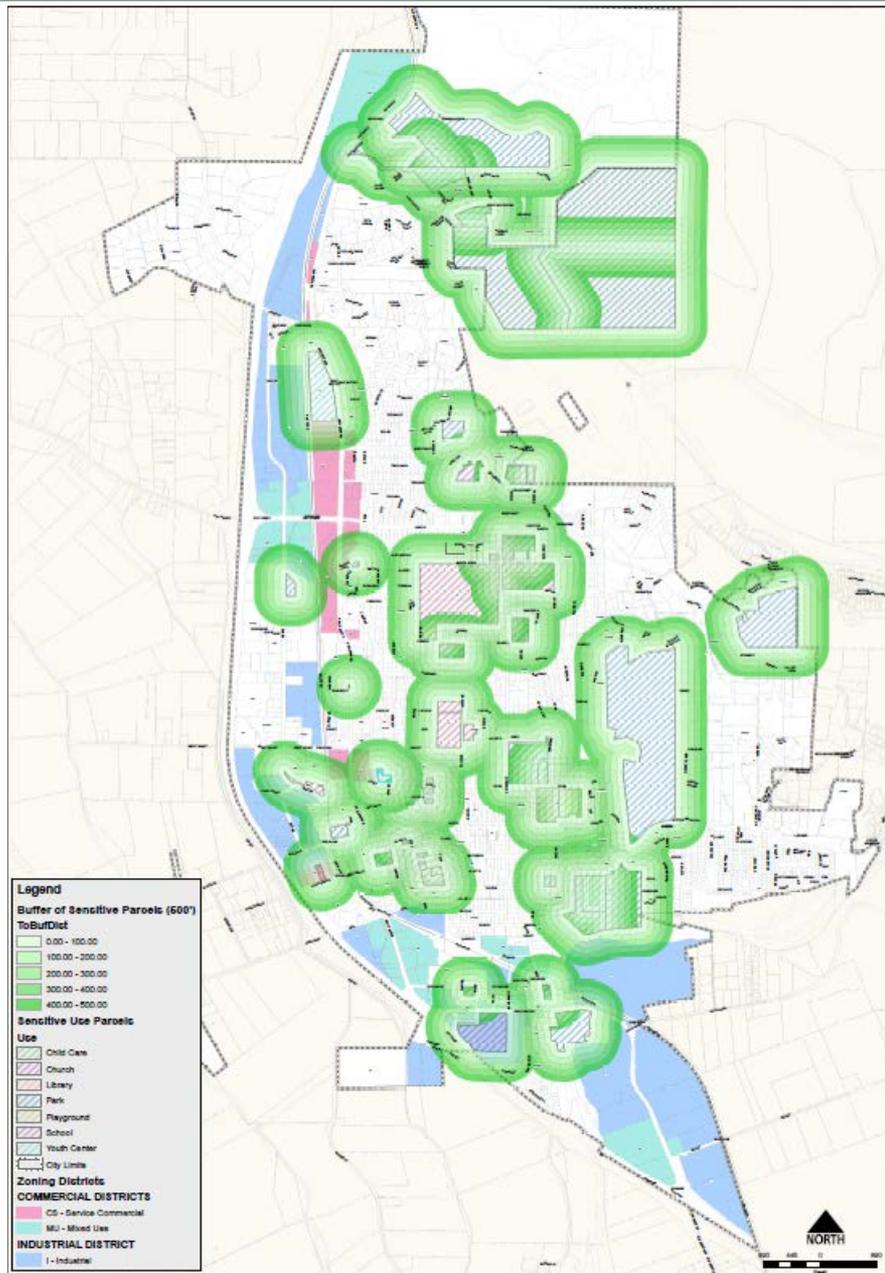
Proposed Amendments to City's Land Use Code

- Add “Firearm sales” as a “Specific Land Use” to establish requirements specific to the use as follows:
 - Require a CUP for all gun sales;
 - Maintain security measures and safe storage; and
 - Require 500-foot separation from churches, schools, youth centers, libraries, commercial day care, parks, and another firearms sales location.

Benefits of a CUP for Firearm Land Uses

- Public information, noticing and input.
- Additional study of adjacent land uses to determine if the location is appropriate.
- Identification of operational restrictions to ensure compatibility with adjacent properties.
- Ability of the Planning Commission to revoke the CUP.

Zoning Districts and 500 foot buffer zones



Corrections to Draft Ordinance

- Section 4; HMC 20.08.195 (packet p. 95): Add footnote to “Maintenance/ repair service” use: “If this use includes firearms sales, it shall require a use permit.”
- Section 2; HMC 20.08.145 (packet p. 88): “Gunsmith shops, sales and repair” as a permitted use should be stricken.

Glass shops (glaziers)	--	--	P
Gunsmith shops, sales and repair	=	P	P
Hardware, paint and wallpaper stores, with no firearm sales	--	P	P

- Section 5, HMC 20.20.105 (packet p. 97), “Hardware store” definition: “must be contiguous,” should be added to the definition (third line from bottom) consistent with the definition of “sporting goods sales”: “The floor area used for gun sales and related activities *must be contiguous*, meaning...”

Firearms Dealer Permit

- Codifies the current Police Department process of issuing a Firearm Dealers Permit on a yearly basis to businesses that sell firearms. It is the way the City verifies that a firearms dealer is in compliance with State laws regarding the sale of firearms.

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Recommended Actions:

- Staff recommends the following changes to the draft ordinance:
- 1. Section 4; HMC 20.08.195 (packet p. 95): Add footnote to “Maintenance/ repair service” use: “If this use includes firearms sales, it shall require a use permit.”
- 2. Section 2; HMC 20.08.145 (packet p. 88): “Gunsmith shops, sales and repair” as a permitted use should be stricken.

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QUESTIONS?