



**JOINT CITY COUNCIL, PLANNING COMMISSION WORK SESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
JULY 26, 2021
6:00 PM**

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

1. Review and discuss potential changes to zoning regulations for firearm sales, repair, and other related uses.

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



WORK SESSION

7/26/2021

REPORT PREPARED BY: Melissa Poehlman, Asst. Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
7/20/2021

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
7/23/2021

ITEM FOR WORK SESSION:

Review and discuss potential changes to zoning regulations for firearm sales, repair, and other related uses.

EXECUTIVE SUMMARY:

The City has not thoroughly reviewed regulations related to firearms since 2004. In light of recent testimony regarding the changing market for the sale of firearms, the City Council approved a six-month moratorium on applications for new uses involving firearms, so that a study and review of existing regulations could be conducted.

The first issue to be addressed is the intent of the regulations as a whole. It seems clear based on the public record that these regulations are intended to apply to uses that include the sale and repair of firearms and firing ranges; however, it appears that as part of the 2006 Zoning Ordinance re-write, the words "sale and repair" were removed. The apparent thought being that "firearms related uses" covered all uses related to firearms and that the additional text was redundant. "Firearms related uses" is a defined term in the City Code that specifically refers to firing ranges. Staff is asking the Council to confirm that there remains a desire to regulate the location of the sale and repair of firearms.

Summary of Existing Regulations:

- Conditionally permitted in C-2 (General Commercial) and MU-R (Mixed Use - Regional) Districts.
- Minimum separation from residentially-zoned property - 100 ft.
- Minimum separation from schools, churches, daycares, public libraries, or government buildings - 300 ft.
- Minimum separation from other gun or ammunition businesses - 1,000 ft.
- Hours of operation - 8 a.m. - 9 p.m.
- Prescribes details for soundproofing, transport, storage, outside security plan, alarm system for firing ranges.

Some communities in the metro area consider the sale of firearms and/or ammunition a general retail use and have no special regulations or separation requirements. Of those that prescribe separation requirements, Richfield is on the low-end in terms of separation from residential uses and other sensitive or "protected" uses (e.g. churches, daycares, schools, government buildings). Some communities include a much larger list of uses from which firearms dealers must be separated.

The City of Bloomington has some of the most extensive regulations; providing different rules for establishments that sell firearms as an incidental part of their business versus those that operate primarily as a firearms dealer. Even in the case of incidental dealers, the separation from residential uses is more than double that of Richfield's requirement. The City of St. Paul also provides an exception for retailers over 50,000 square feet that sell firearms as an incidental part of their business.

Few communities address the specific issue of online sales, which was brought up at the open forum. St. Paul's regulations include an exemption for federally-licensed firearms dealers engaged only in processing Internet-based or mail-order sales to other licensed dealers when no physical transfer takes place on or near the property.

State law allows cities to adopt zoning regulations related to gun shops so long as they are "reasonable, nondiscriminatory, and nonarbitrary." That said, the City Attorney's Office has recommended that the City not adopt regulations that either explicitly or via regulation effectively prohibit them. The work session discussion will focus on whether or not the policymakers see a need for adjustment to: separation requirements, permissions for incidental or online sales, ambiguities in existing language.

DIRECTION NEEDED:

- **Should the City continue to regulate the location of firearm sales/repair and related uses, or move to a "general retail" model that is more permissive?**
- **Manner of limitation - If the desire is to continue to regulate, shall this be in the current manner (prescribed buffers from specific uses) or explore an alternative model that grants permissions for incidental or online sales and prohibits businesses in which the primary focus is firearm sales?**
- **Several existing ambiguities must be addressed if the current manner of regulation is to be continued; the following terms need clarification:**
 - **Residentially zoned**
 - **Government buildings**
 - **Daycare**
 - **Firearms related uses**

BACKGROUND INFORMATION:

A. HISTORICAL CONTEXT

- In 2004 the City Council reviewed regulations related to the sale and repair of firearms and added regulations to conditionally permit firing ranges.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- See Executive Summary for explanation of Federal, State, and Local regulations.

C. CRITICAL TIMING ISSUES:

- The approved six-month moratorium will expire on November 11, 2021. In order to have an ordinance in place by that time, the Planning Commission must hold a public hearing in September, followed by City Council consideration in October.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- The City Attorney will review any proposed changes prior to consideration by the Commission and Council.

ALTERNATIVE(S):

N/A

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▣ Current Zoning Regulations - Firearms	Exhibit
▣ Draft Presentation	Exhibit

534.07. Conditional uses.

Subdivision 1. The uses listed in this Subsection are conditional uses in the C-2 District, and are subject to the conditional use permit provisions outlined in Section 547.09 of this Code.

(Subdivisions 2-16, not related to Firearms, have been deleted)

Subd. 17. Firearms-related uses provided the following conditions are met:

- a) Such uses shall be licensed under Section 920 of the City Code;
- b) Such uses shall be located not less than 300 feet from any school, church, daycare center, public library, or governmental building;
- c) Such uses shall be located not less than 1,000 feet from other gun or ammunition sales/repair businesses or firearms related uses;
- d) Such uses shall be located not less than 100 feet from residentially zoned property;
- e) Firearms-related uses shall not operate before 8:00 a.m. or after 9:00 p.m.;
- f) Firearms-related uses shall only be allowed within an enclosed structure that is soundproofed to prevent the sound to be heard by persons on adjoining property;
- g) No firearms-related use shall be allowed in a trailer or other nonpermanent building;
- h) Any firing-range existing in the City on or prior to January 1, 2004, shall be allowed to continue;
- i) The design and construction of any firearm-related use shall totally confine all ammunition rounds within the building and in a controlled manner. The design and construction of the firing range shall be certified by a registered architect and engineer in the State of Minnesota. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls, and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine;
- j) No ammunition shall be used in any firearms-related use that exceeds the certified design and construction specifications of the firing range;
- k) A written log of users of any firing range or other firearms-related use shall be maintained by the range operator. The log shall include the name and address of the range user, and the time and date the user was in the range. The name and address of the user shall be verified by photo identification;
- l) An alarm system, cut wire protected, shall be supplied to provide security for a building containing any firearm-related use;
- m) Firearms that are stored on the premises shall be stored in a vault when the range is closed for business. An alarm system, independent of the general alarm system and cut wire protected, shall be supplied for the firearm vault;
- n) Ammunition shall not be stored in the firearm vault;
- o) On site supervision at any firearm-related use shall be supplied at all times by an adult with credentials as qualified range master;
- p) An outside security plan for the general grounds of any firearm-related use shall be submitted to the City Manager or designee for review and approval;

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- q) The transport of firearms on the premises shall conform to State Law;
 - r) Minors shall not be allowed in any firearm-related use unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class, which is supervised by an adult instructor; and
 - s) The Council reserves the authority to review or modify the performance standards for the range.



Zoning – Firearms-Related Uses



Background

- Federal license required (ATF)
- Local licensing requirements
- MN State law preempts local governments from regulating firearms with certain exceptions.
- Exception (Minn. Stat. 471.635) states that cities “may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances,” the location of firearms sales.

Richfield's Current Regulations

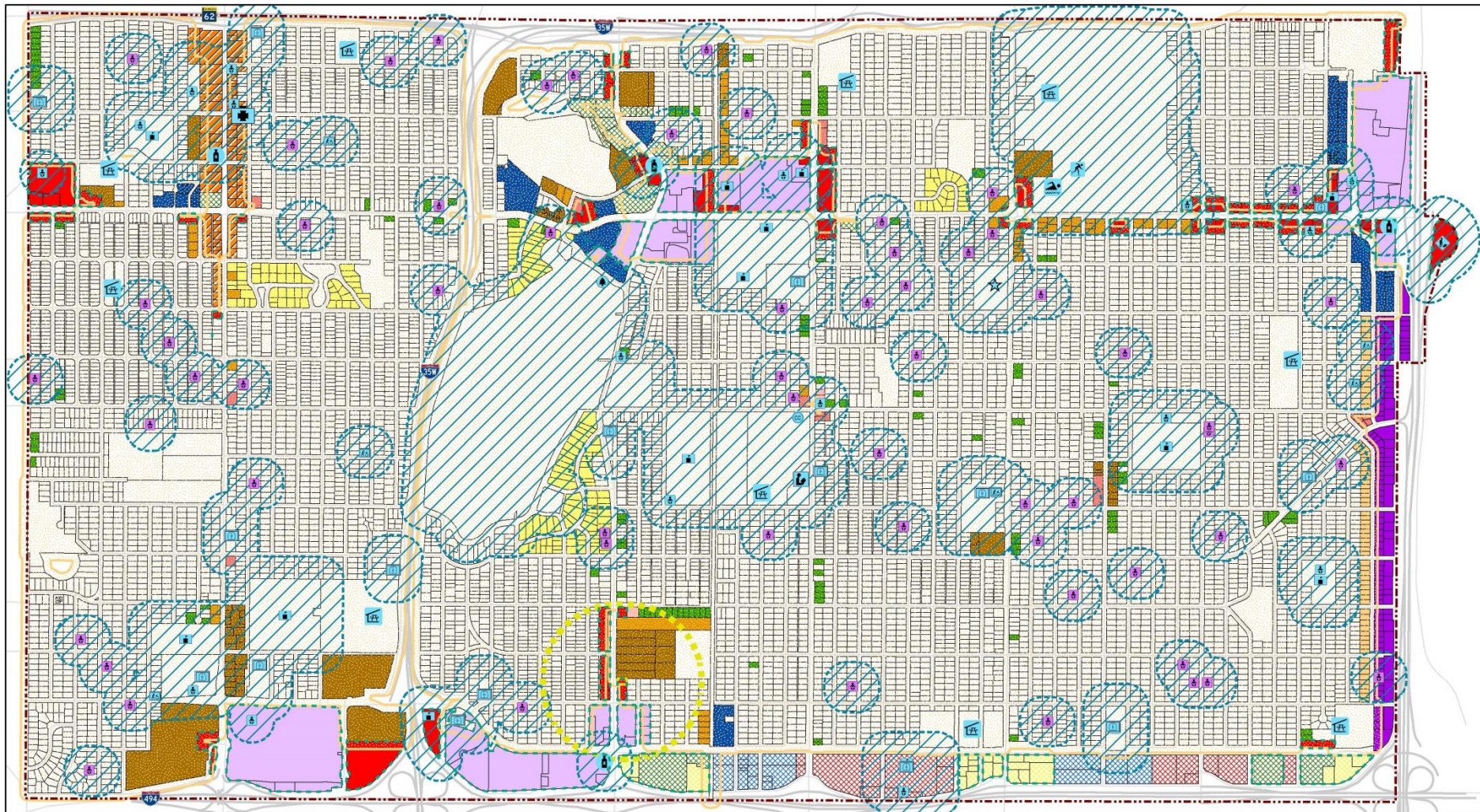
- Conditionally permitted in C-2 & MU-R.
- 100 ft from residentially zoned property.
- 300 ft from schools, churches, daycares, public libraries, or gov't buildings.
- 1,000 ft from other gun or ammunition business.
- Hours of operation 8 a.m.- 9 p.m.
- Soundproofing, transport, storage, outside security plan, alarm system, firing ranges.

Residential Separation

- **Richfield – 100 ft.**
- Bloomington – 250 ft.
- Minneapolis – 250 ft.
- St. Louis Park – 350 ft.
- Maplewood – 350 ft.
- Golden Valley – 375 ft.
- St. Paul – 1,000 ft.

Protected Uses Separation

- Maplewood – None
- Bloomington – 250 ft. (K-12 school, daycare)
- **Richfield – 300 ft. (school, church, daycare, public library, gov't building)**
- St. Louis Park – 350 ft. (school, religious, park, library, community center)
- Minneapolis – 500 ft. (religious, K-12 school, child or adult daycare, library, park)
- Golden Valley – 750 ft. (institutional, ball fields/rec. facilities, child or adult daycare, gyms/fitness, schools)
- St. Paul – 1,000 ft. (daycare, religious, K-12 school, library, park, public rec center, public parkway)



Legend

- 1000 ft separation from other Firearm Uses
- 300ft separation from schools, churches, daycares, public libraries, or government buildings
- 100 ft separation from residentially-zoned property
- Property Zoned for Fire Arms Uses

Landmarks

- Religious Institution
- Park Shelter
- Community Center
- Day Care
- Day Care - Home Based
- Adult Day Care
- Fire Station
- Liquor Store
- Public Works Garage
- Municipal Center
- School
- Library

Seperation Distances for Fire Arms Uses

Zoning Districts

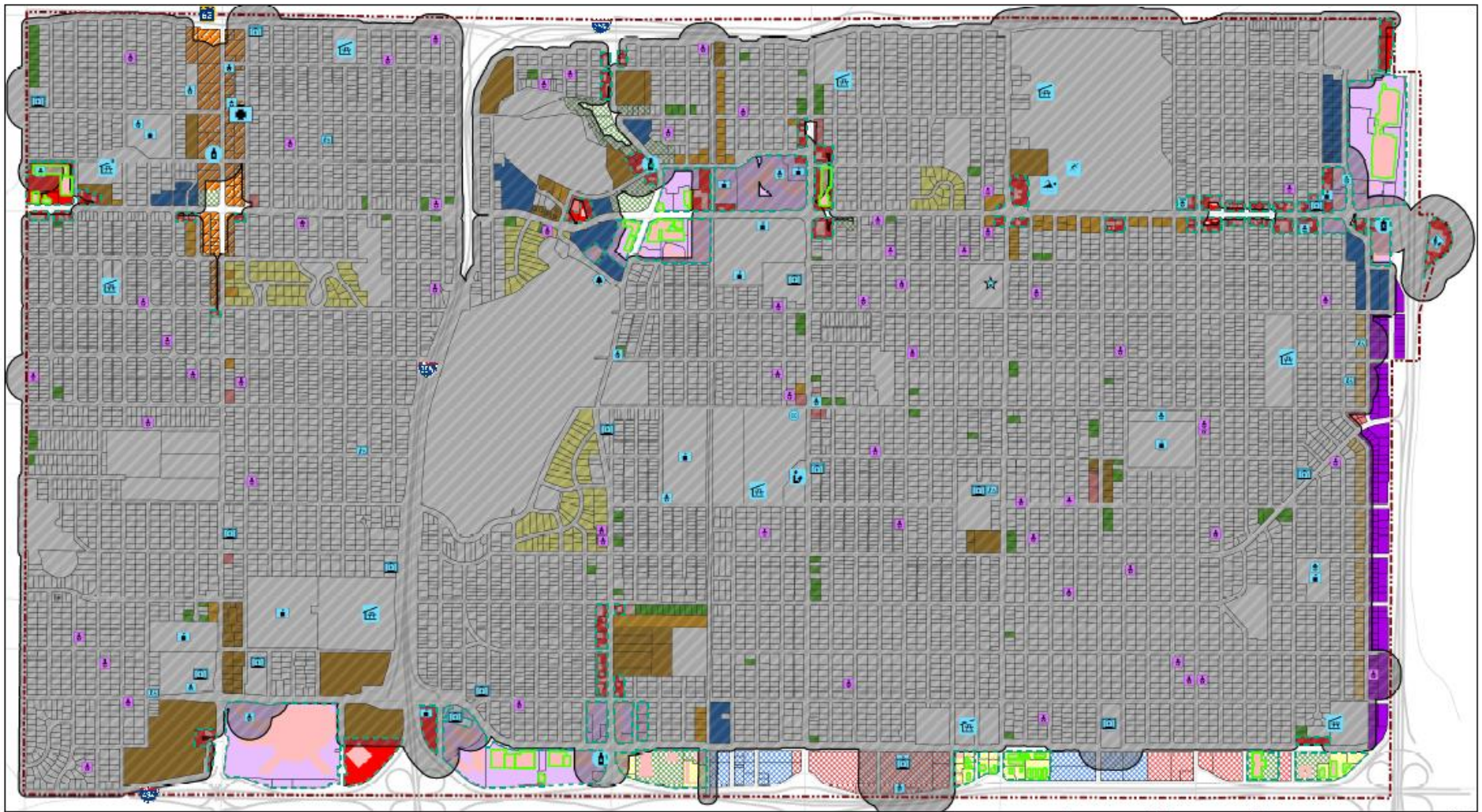
- R Single-Family
- R-1 Low-Density Single-Family
- MR-1 Two-Family
- PMR Planned Multi-Family
- MR-2 Multi-Family
- MR-2/CAC Multi-Fam + Cedar Overlay
- MR-3 High-Density Multi-Family
- SO Service Office
- C-1 Community Commercial

- C-2 General Commercial
- PC-2 Planned General Commercial
- PMU Planned Mixed Use
- MU-C Mixed Use-Community
- MU-C/CAC Mixed Use + Cedar Overlay

- MU-C/CAC Mixed Use + Penn Overlay
- MU-N Mixed Use-Neighborhood
- MU-R Mixed Use-Regional
- Industrial

0 0.25 0.5 1 Miles





Sites for Fire Arms Uses

Legend

- Property Zoned for Fire Arms Uses
- Within Minimum Separation Distance
- Eligible for Fire Arms Uses

Landmarks

- Religious Institution
- Park Shelter
- Community Center
- Day Care

- Day Care - Home Based
- Adult Day Care
- Fire Station
- Liquor Store

- Public Works Garage
- Municipal Center
- School
- Library

Zoning Districts

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- MR-2/CAC Multi-Fam - Cedar Overlay
- MR-3 High-Density Multi-Family
- SO Service Office
- C-1 Community Commercial

- C-2 General Commercial
- PO-2 Planned General Commercial
- PMU Planned Mixed Use
- MU-C Mixed Use-Community
- MU-C/CAC Mixed Use - Cedar Overlay
- MU-C/CAC Mixed Use - Penn Overlay
- MU-N Mixed Use-Neighborhood
- MU-R Mixed Use-Regional
- I Industrial

Discussion

Policy

- City Attorney does not advise completely prohibiting sales or a de facto prohibition by zoning buffers.
- Is a patchwork, overlapping system of buffers the preferred way to regulate?
- Should “incidental” sales be treated differently? Should we only allow incidental sales (as part of large big-box?)
- Should online sales be treated differently?
- Should repair be treated differently?
- Are separation distances correct? Do they include what we want?

Ambiguities

- Residential (right now “residentially zoned”). Clarify.
- Government buildings (park shelters, lift stations?)
- Daycare (in-home? Or centers?)
- The zoning record makes it clear to me that this ord. was intended to apply to gun and ammunition sales/repair in addition to shooting ranges. Language is ambiguous.