
Originator

Item

City Code amendment – creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts

Date

10/27/2016

Description

GENERAL INFORMATION

Applicant: City of Bloomington

Request: City Code amendment – creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts

DEADLINE FOR AGENCY ACTION

The applicant has waived the agency action deadline for this application.

Requested Action

Staff recommends the following motion:

In Case PL2016-162, I move to recommend the City Council adopt an ordinance amending the City Code to create definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited, or conditional uses in various zoning districts.

Attachments:

Staff Report
Draft Ordinance
Existing Zoning Map
FFL Map
Buffering Scenarios Maps
Confidential Memo
ATF Review Email
PC Study Session Minutes
CC Study Session Minutes
Standards Summary
Publication Verification

GENERAL INFORMATION

Applicant: City of Bloomington

Request: City Code amendment – creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts

CHRONOLOGY

Planning Commission Study Action: 05/05/16 – Policy direction provided

City Council Study Action: 05/09/16 – Policy direction provided

Planning Commission: 10/27/16 – Public hearing scheduled

City Council: 11/21/16 – Tentative date for public hearing

STAFF CONTACT

Mike Centinario
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PROPOSAL

The proposed ordinance includes amendments to City Code Chapters 14, 19, and 21 intended to:

1. Adjust standards related to Target Ranges, Pawnbrokers, and Secondhand Goods Dealers to be consistent with the proposed zoning changes and with State law.
2. Amend and create definitions to delineate and differentiate various firearms-related uses;
3. Establish those uses as either permitted, prohibited, or conditional in various zoning districts;
4. Establish minimum separation requirements between some firearm sales facilities and firing ranges and residential districts, day cares, and schools;
5. Reference State of Minnesota statutes and administrative rules related to security and environmental health; and
6. Identify the City Council as the review authority for firing ranges and some firearms sales facilities.

BACKGROUND

As part of the 2016 Planning Commission Work Plan, the City Council tasked the Planning Commission and Division to review and discuss zoning standards for firearm-related uses. Resident concerns about existing firearm dealer standards surfaced when a firearms dealer applied for a conditional use permit to locate in Countryside Center, a shopping center surrounded by residential, park, institutional, and low-intensity commercial uses. The City received significant feedback from residents questioning the appropriateness of the proposed firearms dealer location given the surrounding businesses and land uses. Ultimately, the applicant withdrew the conditional use permit application.

Two initial maps were prepared to provide additional background for Planning Commission and City Council study meetings and have been included again in the packet. One map identifies the locations where firearms sales are conditionally permitted today. Firearm sales are limited to the B-2, C-2, and C-3 zoning districts. A second map identifies the locations of Federal Firearms License (FFL) holders. According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), there are 15 active FFLs within the City of Bloomington.

Planning staff researched how peer cities in the metropolitan area regulate firearms sales. The regulatory framework varies widely among peer communities from no special standards to simply prohibiting firearms sales.

Local governments have the ability to regulate firearms sales by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances where not preempted by State or Federal law. The following State statutes apply:

471.633 FIREARMS.

The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

- (a) a governmental subdivision may regulate the discharge of firearms; and*
- (b) a governmental subdivision may adopt regulations identical to state law.*

Local regulation inconsistent with this section is void.

471.635 ZONING ORDINANCES.

Notwithstanding section [471.633](#), a governmental subdivision may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances, the location of businesses where firearms are sold by a firearms dealer. For the purposes of this section,

a firearms dealer is a person who is federally licensed to sell firearms and a governmental subdivision is an entity described in sections [471.633](#) and [471.634](#).

Minnesota laws limit cities to regulating location. Further discussion of these State provisions and the case law associated with the use was provided and discussed at the August 27, 2015 Planning Commission meeting (minutes attached). Working within these limitations, staff focused proposed standards on location and separation from potentially sensitive uses such as residential zoning districts, day care facilities, and schools. A series of maps were prepared that depict:

1. Where firearm sales would be allowed based on zoning district with no separation requirements applied (Figure 1);
2. Where firearm sales would be allowed based on zoning district using the City of Minneapolis' buffering standards applied (Figure 2);
3. Where firearm sales would be allowed based on zoning district and using City of St. Paul's' buffering standards applied (Figure 3);
4. Where firearm sales would be allowed based on zoning district using the preferred approach to separation standards proposed by staff (Figure 4); and
5. Where firearm sales would be allowed based on zoning district using the preferred separation approach, except without a separation standard from residential zoning districts (Figure 5).

Ultimately, the Planning Commission and City Council directed staff to prepare the draft ordinance based on the preferred approach to separation standards identified in Figure 4.

ORDINANCE OVERVIEW

The staff report is intended to be read in conjunction with the attached ordinance as it provides commentary on the proposed amendments specific to individual sections of the City Code.

Amendments to Chapter 14

ARTICLE II. PUBLIC ENTERTAINMENT LICENCES AND REGULATIONS

- Division G. Target Ranges – Amendments to this section references the Firearm Facilities Code section and alters text to be consistent with proposed amendments to Chapters 19 and 21.

ARTICLE III. BUSINESS LICENSES AND REGULATIONS

- Division M. Pawnbrokers: Sec. 14.295.01 License Restrictions – Amendments remove the firearm display prohibition and references federal, state, and local standards pertaining to firearm facilities.

- Division Z. Secondhand Goods Dealers: Sec. 14.442.44 Operating Restrictions – Amendments remove the firearm display prohibition and references federal, state, and local standards pertaining to firearm facilities.

Amendments to Chapter 19

ARTICLE I. GENERAL DEFINITIONS

- Sec. 19.03 Definitions – Amendments to this section include the removal of the existing Firearms dealer definition and addition of six definitions including firearms and definitions for types of firearm facilities.

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

- Sec. 19.31.01 Regional Commercial (CR-1) District – Amendment adds Incidental Firearm Sales as a permitted principle use.
- Sec. 19.33 Industrial (I-1, I-2, and I-3) Districts – Amendment adds Firearm Manufacturing, Warehousing, and Distribution as a permitted principal use and Firing Range as a conditional use.
- Sec. 19.33.01 Industrial Park (IP) District – Amendment adds Firearm Manufacturing, Warehousing, and Distribution as a permitted principal use and Firing Range as a conditional use.
- Sec. 19.34 Freeway Development (FD-1 and FD-2) Districts - Amendment adds Firearm Manufacturing, Warehousing, and Distribution as a permitted principal use.
- Sec. 19.40.08.01 Commercial Office/Mixed Use District CO-2 – Amendment adds Incidental Firearm Sales as a permitted principal use.

Amendments to Chapter 21

ARTICLE III. DISTRICTS AND USES

- Sec. 21.209 Use Tables – Amendments remove Firearms Dealer from use tables, identifies Incidental Firearm Sales as a permitted principal use in the B-2, B-4, C-2, C-3, C-5, CX-2, and LX districts.
- Sec. 21.302.11 Firearm Facilities – Amendments establish the purpose for firearm sales facility performance standards, references to applicable federal and state firearm regulations, separation requirements from residential districts, day care facilities, and schools, special application submittal requirements, and separation measurement methodology.

- Sec. 21.302.13 Home Businesses – Amendments add Firearm Office as a permitted home business where no firearms or ammunition are stored or inventoried on the premises and prohibits home businesses where firearms and ammunition are stored or inventoried on the premises.

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

- Sec. 21.501.04 Review and Approval – Amendments require City Council review of conditional use permit applications for Primary Firearm Sales and Firing Ranges.

PUBLIC OUTREACH

Notice of the public hearing on the proposed amendments to the City Code was published in the official newspaper (Sun Current). Details on the ordinance update were published on the City website's Zoning Ordinance Update Project page. The draft ordinance was emailed to individuals who expressed an interest in the Code amendments. A contact with the local ATF Field Office reviewed the draft ordinance and confirmed it meets applicable federal firearms standards. Notice of the ordinance and links to more information was sent via E-Subscribe to 958 members signed up on the City's Zoning Ordinance Updates list and 1,335 members signed up on the City's Planning Commission list. Finally, the staff report, draft ordinance, and supporting information are posted on the City website's agenda management system page.

RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-162, I move to recommend the City Council adopt an ordinance amending the City Code to create definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited, or conditional uses in various zoning districts.

ITEM 2
6:08 p.m.

CASE:	8300A-15
APPLICANT:	Reserve Company LLC (owner) Max Guns and Ammo LLC (user)
LOCATION:	10750 Bloomington Ferry Road
REQUESTS:	Conditional Use Permit for a firearm dealer in an existing retail center

PUBLIC HEARING DISCUSSION:

Centinario gave a brief recap of the application, which was continued from a previous meeting. He showed an aerial photo of the existing retail center, as well as a photo of the tenant space. The regulations that apply to a firearm dealer include obtaining a Federal Firearm License, registering secondhand goods with the City of Bloomington, submitting a security plan to the Police Department and going through inspections with the Bureau of Alcohol, Tobacco and Firearm and the Police Department.

Markegard gave a recap of the previous July 23, 2015 Planning Commission meeting at which the Planning Commission continued the item to August 27, 2015 and requested staff to prepare a resolution of denial. Since the last hearing, staff has prepared a resolution of denial and has received additional correspondence from the public as well as from the applicant and the landowner's attorney. The 120 day Agency Action Timeline for this application is October 14, 2015. If action is not taken on the application October 14, 2015, the application would be automatically approved with no conditions. The options are either adopting a resolution of denial, which would require four affirmative votes, or adopt a resolution of approval. Under Robert's Rules of Order, approval could only occur if one of the four people who voted against approval on July 23, 2015 make a motion to reconsider. The appeal period lasts until 4:30 pm on September 1, 2015. If an appeal were received, the application would be heard by the City Council on October 5th, 2015 and that meeting would include public testimony. A tie-vote by the Planning Commission would create an automatic appeal to the City Council.

Bennett said she appreciated the additional input from the public. She voted to approve the application on July 23rd, 2015 because it met the findings. Finding 1a of the resolution of denial does not provide enough evidence for an incompatible use. Finding 1b does not provide enough evidence regarding decreased property values. Finding 2a regarding distance from the Police Department is not included in any ordinance. Therefore, she does not support the resolution of denial.

Fischer said he voted to request the resolution of denial at the last meeting. The lack of security plan and the proximity to the school and church are major concerns for him. The firearms store might affect the preexisting businesses in the area.

Batterson said he voted for supporting denial previously and still feels the same. His issues are site specific and based on location, as it is very close to a church and a residential neighborhood. His mind has not changed and he hopes the applicant moves the store elsewhere in Bloomington.

Willette said he voted to support denial because of safety concerns. People hold conceal-to-carry permits in Minnesota, and he wonders if something could happen. Security measures are not strict enough.

Goodrum said he previously voted to approve the application. He stated he had issues with safety and location, but will support the application due to his conclusion that it meets the required findings.

Nordstrom said he previously voted to support the application. The legal process guarantees that every application is treated fairly. But sometimes personal opinion gets in the way of the legal process. There are many concerns that stem from the applicant's incomplete security plan. Before the applicant obtains a Conditional Use Permit, review of a security plan by the Police Department is required. The vote is split and will likely be heard at City Council. He asked staff for input on a motion given the apparent 3-3 situation.

Markegard suggested the Commission first consider a motion for denial as the Planning Commission had requested a resolution of denial at its last meeting. If that motion results in a tie, the Commission could then ask whether any member who voted against the motion for approval at the last meeting wanted to reconsider that vote.

Nordstrom clarified for the public that the Commission has to have a majority that agrees in order to adopt a resolution of approval or denial.

Batterson said he will make a motion of denial.

Markegard clarified that the motion when it is made should reference the resolution of denial in the staff report, and if any of the language in that resolution is desired to be modified or added to, the motion should list those changes.

The commission identified no needed changes to the draft resolution.

After Batterson's motion to adopt the resolution of denial failed, the Chair asked if any of the members voting against the motion to approve the application at the last meeting were interested in reconsidering their vote. Commissioners Batterson, Fischer and Willette said they were not.

Because of the tie, it was announced that the item will automatically move forward to City Council, with an anticipated date of October 5, 2015.

ACTIONS OF THE COMMISSION:

M/Batterson, S/Fischer: In Case 8300A-15, not being able to make the required findings, I move to adopt the resolution of denial for a Conditional Use Permit for a firearms dealer at 10750 Bloomington Ferry Road as shown in the August 27, 2015 Planning Commission packet. Motion failed on a 3-3 tie vote.

ORDINANCE NO. 2016-

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 ~~strickethrough~~ 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 ~~[strikethrough]~~ 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 ~~strike through~~ 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> 21.302.11
Firearm sales, primary		<u>C</u>			<u>CA</u>	<u>CA</u>		21.302.11

(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 _____ day of _____, 2016.

Mayor

ATTEST:

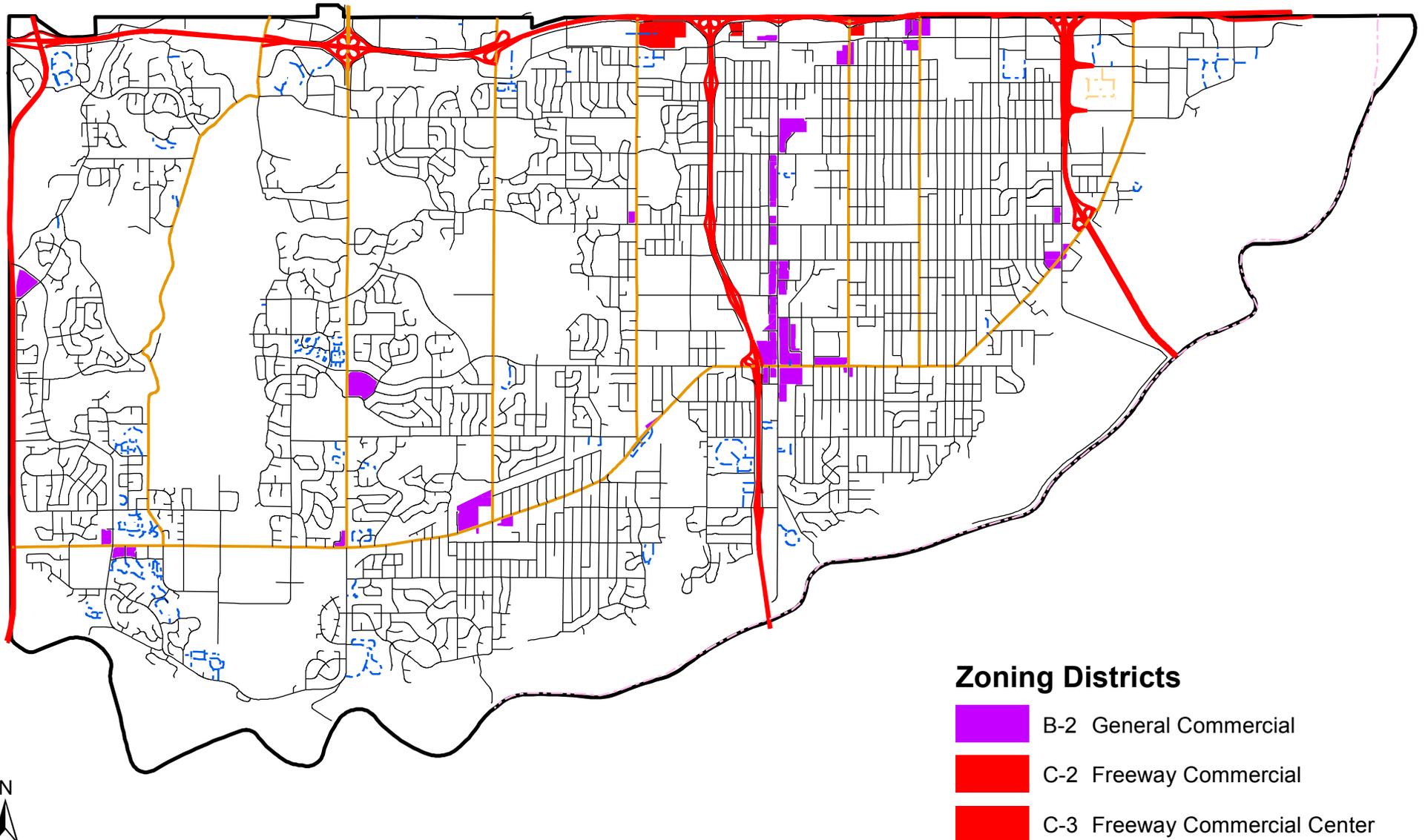
Secretary to the Council

APPROVED:

City Attorney

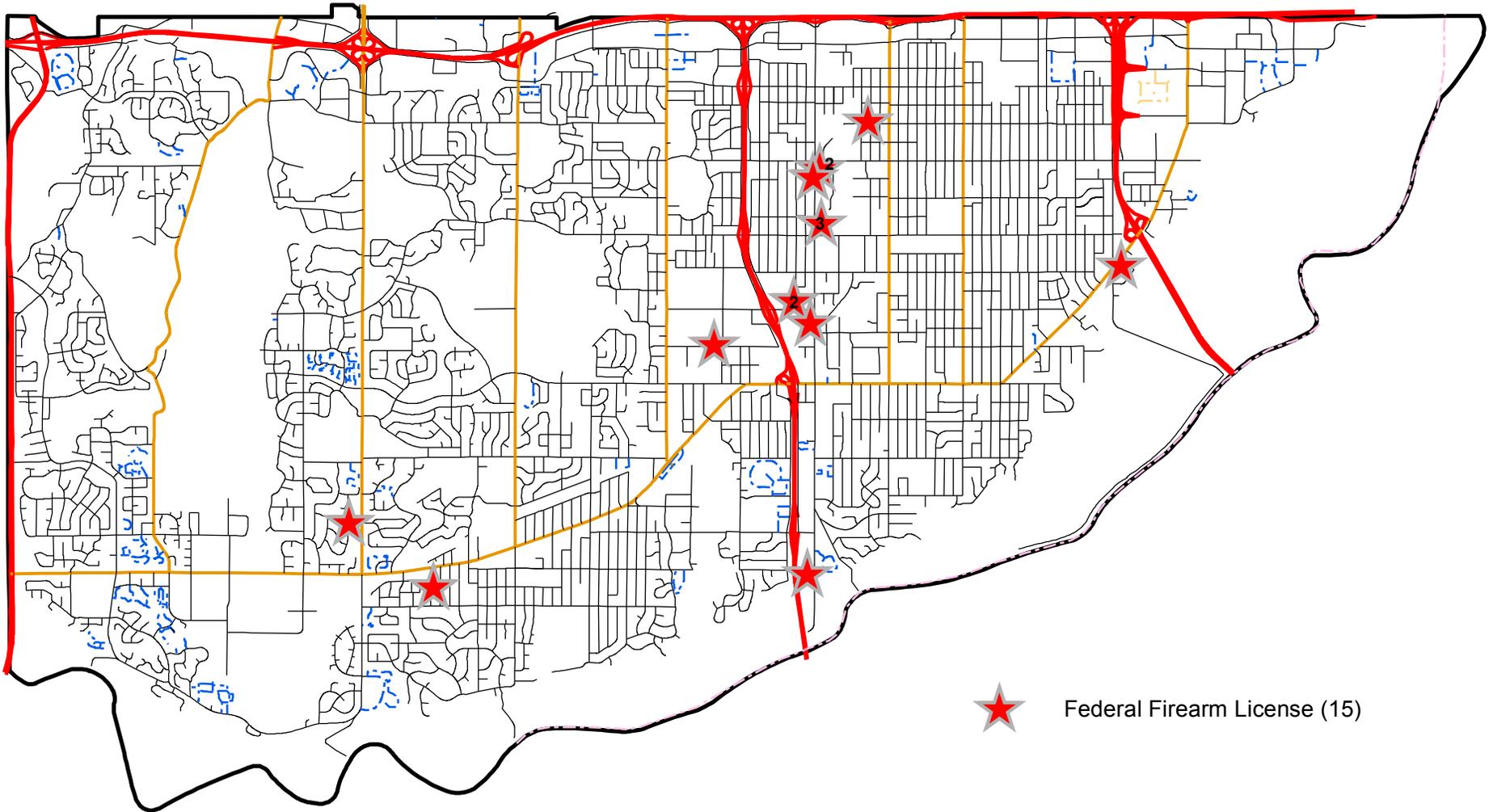
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Areas Where Firearms Dealers are Allowed as Conditional Uses

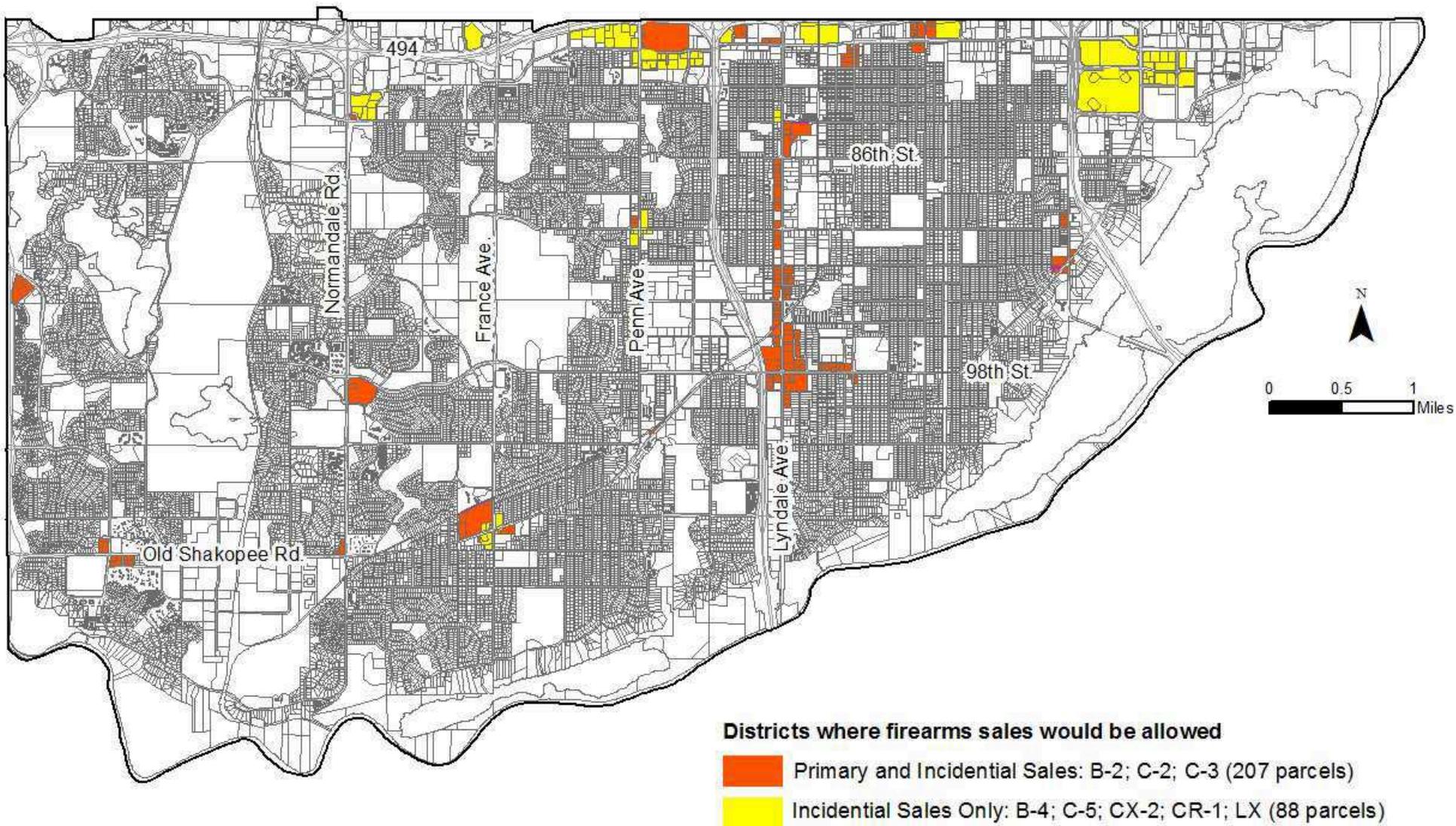


Source:
City of Bloomington
April 21, 2016

Federal Firearms Licenses Located in Bloomington



Source:
City of Bloomington
Bureau of Alcohol, Tobacco, Firearms & Explosives
April 21, 2016



Allowed Zoning with No Sensitive Land Use Buffers Applied

Figure 1



Area within 250' of:
Residential zoning district

Area within 500' of:
Place of Assembly for Worship
K-12 School
Child Care Center
Library
Park

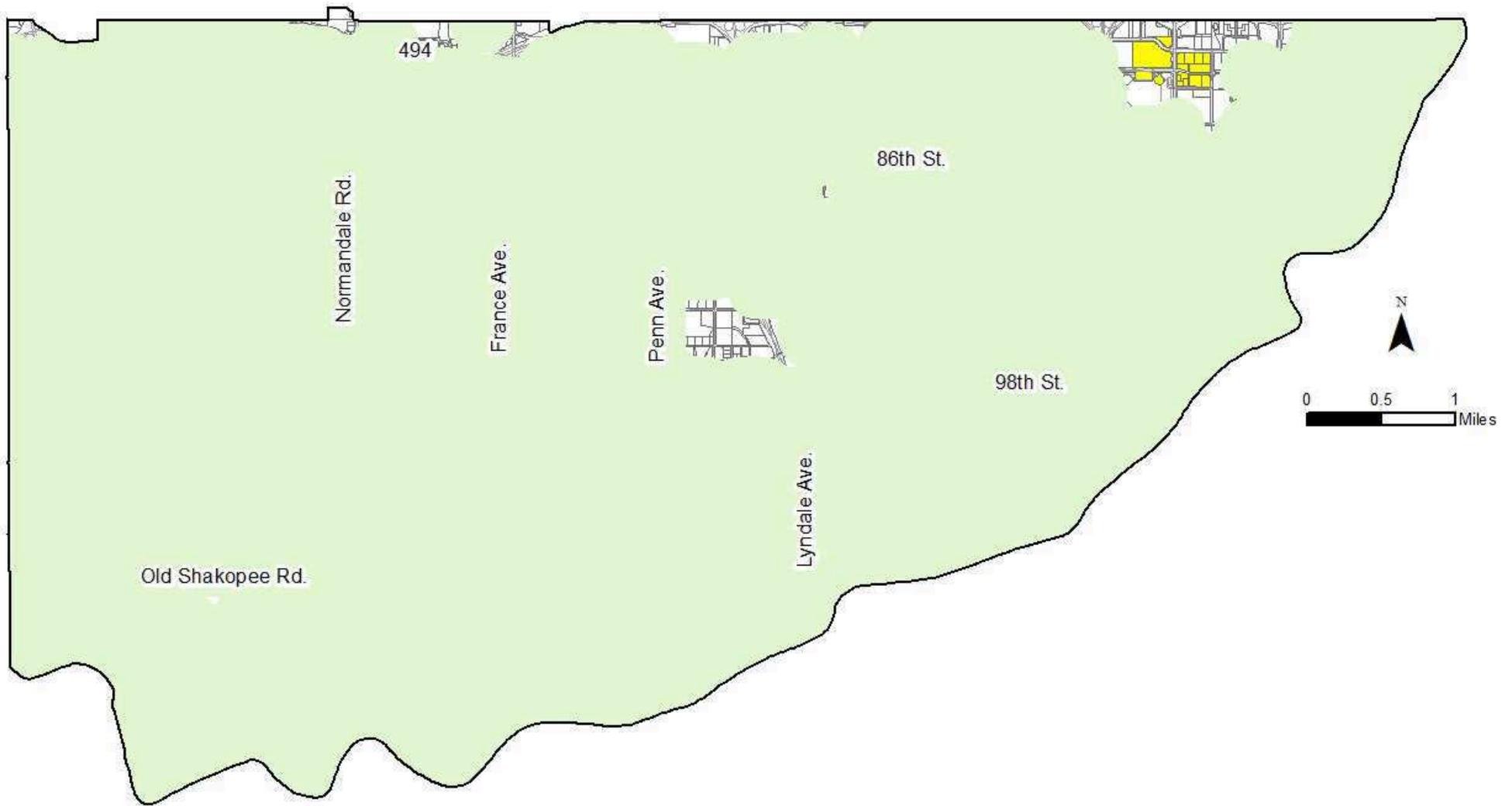
Districts where firearms sales would be allowed

Primary and Incidental Sales: B-2; C-2; C-3 (31 parcels)

Incidental Sales Only: B-4; C-5; CX-2; CR-1; LX (41 parcels)

Minneapolis Buffers Applied

Figure 2

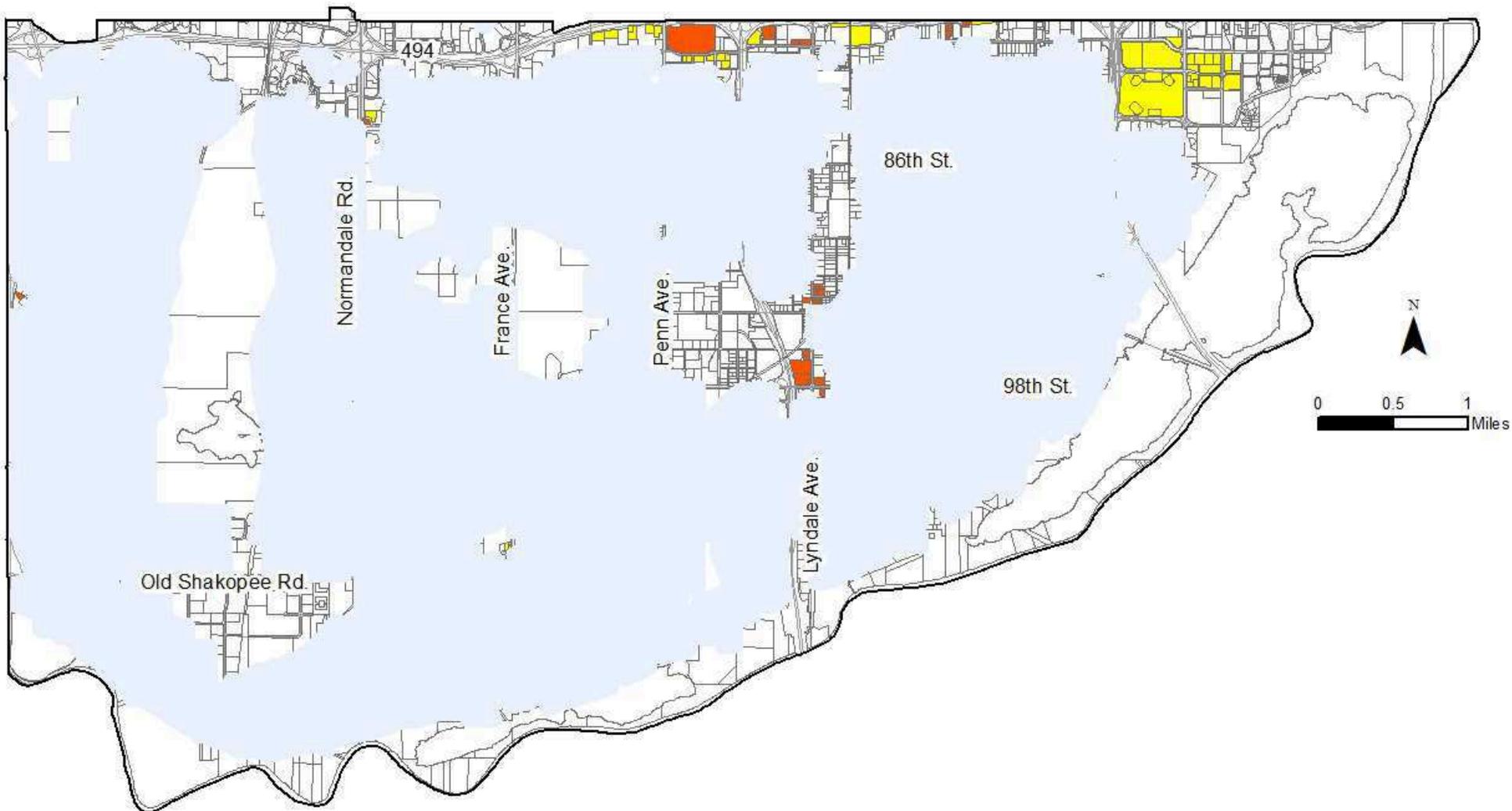


Area within 1,000' of:
 Residential Zoning District
 Place of Assembly for Worship
 K-12 School
 Child Care Center
 Library
 Public Recreation Center
 Park

Districts where firearms sales would be allowed

- Primary and Incidental Sales: B-2; C-2; C-3 (0 parcels)
- Incidental Sales Only: B-4; C-5; CX-2; CR-1; LX (17 parcels)

Saint Paul Buffers Applied
Figure 3



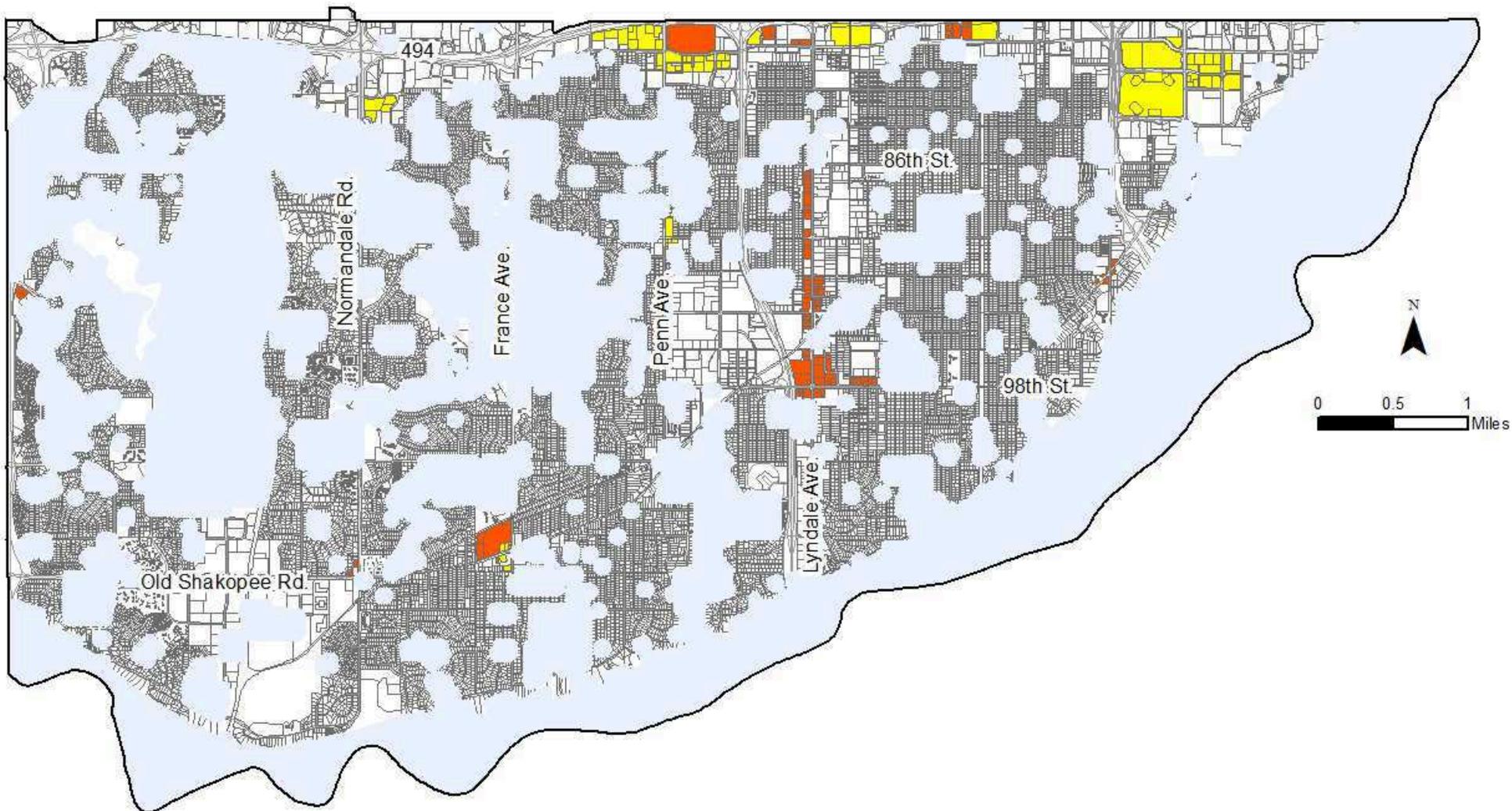
Area within 250' of:
 Residential zoning district
 Daycare facility
 K-12 School

Districts where firearms sales would be allowed

- Primary and Incidental Sales: B-2; C-2; C-3 (40 parcels)
- Incidental Sales Only: B-4; C-5; CX-2; CR-1; LX (47 parcels)

Proposed Approach

Figure 4



Area within 250' of:
 Place of Assembly for Worship
 Daycare facility
 K-12 School
 Library
 Park

Districts where firearms sales would be allowed

- Primary and Incidental Sales: B-2; C-2; C-3 (132 parcels)
- Incidental Sales Only: B-4; C-5; CX-2; CR-1; LX (77 parcels)

Minneapolis Buffers Applied, minus Residential Buffer

Figure 5

Centinario, Michael

From: Sarah.M.Schmidt@usdoj.gov
Sent: Thursday, October 13, 2016 4:32 PM
To: Centinario, Michael
Subject: RE: City of Bloomington Draft Firearm Sales Ordinance

Michael,

The draft of proposed amendments concerning firearms is fully compliant within the Federal law and regulations.

One stipulation ATF has encountered more frequently in the last few years in light of internet sales, are FFL's who are exclusively conducting firearm sales via internet. Federally, this is recognized as a service of FFLs provided they have a permanent dwelling. Often, City code does not specify internet transfers, however, it does appear the City of Bloomington makes the distinction under 'Firearm Office.'

Please feel free to contact/call with further questions!
Sarah

From: Centinario, Michael [mailto:mcentinario@BloomingtonMN.gov]
Sent: Wednesday, October 12, 2016 10:18 AM
To: Schmidt, Sarah M. <Sarah.Schmidt@atf.gov>
Subject: City of Bloomington Draft Firearm Sales Ordinance

Ms. Schmidt,

We've spoken before about FFLs within the City of Bloomington. I believe I described an effort to establish standards for firearm sales businesses. Attached is a draft ordinance that would create those standards. There are a few minor changes that are still needed, but the structure, standards, and majority of the proposed language are in place. The draft will be reviewed by the City of Bloomington Planning Commission on October 27, 2016.

Please review the proposed ordinance and forward any comments or questions to me. Thank you for your time,
Mike

Michael Centinario | Planner
Planning Division | City of Bloomington
1800 West Old Shakopee Road | Bloomington, MN 55431
Direct: (952) 563-8921 | MCentinario@BloomingtonMN.gov

ITEM 4
6:15 p.m.

APPLICANT: City of Bloomington (study item)

REQUEST: Discuss potential City Code Amendments – Firearm Dealers

After noting that a review of firearm dealer standards is a project on the Planning Commission's 2016 Work Plan, Markegard presented the following information on firearm dealers:

- State Laws
 - o Markegard highlighted State laws regarding firearm dealers, including Section 471.633: "The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that: (a) a governmental subdivision may regulate the discharge of firearms; and (b) a governmental subdivision may adopt regulations identical to state law. Local regulation inconsistent with this section is void."
 - o And Section 471.635: "Notwithstanding section 471.633, a governmental subdivision may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances, the location of businesses where firearms are sold by a firearms dealer. For the purposes of this section, a firearms dealer is a person who is federally licensed to sell firearms and a governmental subdivision is an entity described in sections 471.633 and 471.634."
 - o Markegard noted the City has the ability to regulate the location but cannot regulate the security and operations of the use. There are State laws that apply to security and operations.
- Use classification
 - o The City Code defines firearms dealer as "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 only engaged in the business of repairing firearms."
 - o Firearm dealers are currently allowed as a conditional uses in the B-2, C-2 and C-3 Zoning Districts. The Code does not currently apply sensitive use buffers for firearms dealers.
- Home business
 - o "The sale, lease, or trade of firearms or ammunition" is prohibited as a home business under Code Section 21.302.13(c)(3)(C).
- Best practices review
 - o How do other cities regulate firearm dealer standards?
 - Some U.S. cities regulate security and operation standards. The Minnesota State Law says cities cannot address security or operation measures. However, Minnesota cities can address the use through use classification, zoning districts and sensitive land use buffers.

- Markegard mentioned that the packet includes more detail on best practices in other cities and that he would cite examples while discussing the three issues.
- Use classifications
 - The staff work groups initial thought is to classify firearm sales based on whether the sales are an incidental or primary use. Incidental sales could be defined as sales that do not cover more than 10% of the total floor area of the building.
 - Staff reviewed the ten largest suburban cities in the region plus Minneapolis and St. Paul. The suburban cities do not require sensitive use buffers from firearms dealers. However, Minneapolis and St. Paul do have sensitive use buffers. Markegard presented a table highlighting the Minneapolis and St. Paul buffers.
 - While Bloomington does not currently have sensitive use buffers for firearms dealers, it does have such buffers for several other uses. Markegard presented a table of sensitive use buffers currently applicable in Bloomington.
- Primary vs. incidental sales
 - Markegard said staff used GIS to analyze parcel counts under various scenarios and presented a series of maps.
 - Primary sales are currently allowed in the B-2, C-2 and C-3 Zoning Districts with a total of 207 parcels. Incidental sales could also be allowed in those districts.
 - Incidental sales without primary sales could also be allowed in all zoning districts that allow retail uses: the B-4, C-5, CX-2, CR-1, LX Zoning Districts with a total of 88 additional parcels.
 - As a test, staff applied Minneapolis' sensitive use buffers for firearm dealers and found that primary plus incidental sales in the B-2, C-2 and C-3 Zoning Districts would be limited to 31 parcels. Also, incidental sales only in the B-4, C-5, CX-2, CR-1 and LX Zoning District would be limited to an additional 41 parcels.
 - The sensitive land use buffers for Minneapolis include areas within 250 feet of a residential zoning district, 500 feet of a place of assembly, K-12 school, child care center, park and library.
 - As another test, staff applied St. Paul's sensitive use buffers and found that primary plus incidental sales in the B-2, C-2 and C-3 Zoning Districts totaled 0 parcels. Also, incidental sales only in the B-4, C-5, CX-2, CR-1 and LX Zoning District totaled 17 parcels.
 - The sensitive land use buffers for St. Paul include areas within 1,000 feet of a residential zoning district, place of assembly, K-12 school, child care center, library, public recreation center and park.
 - To seek a balance between buffering sensitive uses and maximizing the number of parcels available for firearms sales, staff modeled another scenario with a buffer within 250 feet of a residential zoning district, day care and K-12 school. Primary plus incidental sales within the B-2, C-2 and C-3 Zoning Districts would be available to 40 parcels whereas incidental sales only would be available to an additional 47 parcels, both a higher number of parcels than using the Minneapolis or St. Paul buffers.
- Feedback

Fischer said his lack of support for the recently proposed Max Guns and Ammo firearm dealer was not because he had anything against firearms dealers but because of the location and close proximity to a school and residential area. He liked the scenario with 250 foot buffer from a school, residential area and day care because of the range of locations still available while addressing the proximity issue and said he thought it was a reasonable compromise.

Batterson stated Bloomington is primarily residential zoned. He said the 250 foot buffer may be too restrictive and limiting and would like to see the results if residential were removed as a sensitive use. Markegard said eliminating the residential zone buffer would allow more areas for firearm dealers and that staff would prepare a map and count.

Goodrum said the 10% of floor area may be too small and said he thought some local sporting goods stores may be above the threshold. How many firearm uses would become nonconforming? He also asked if the residential zones buffered include the mixed-use zoning districts. Also, what happens when a day care center locates near a firearm dealer after the firearm dealer has opened? The firearms dealer would become legally nonconforming. Goodrum said he liked the Minneapolis buffer scenario.

Markegard said staff is not aware of a firearms dealer that would be made nonconforming by the compromise scenario. Some firearms dealers that existed in the past would have become nonconforming if they were still in existence. Markegard noted there are two illegally located firearms dealers on Lyndale Avenue that would be within the 250 foot sensitive use buffers, however they are already illegal by virtue of being in an industrial area, so it would not be a change in use status.

Markegard said staff's thought was not to apply the sensitive use buffer to residential uses in mixed use zones, given that residents in these zones tend to have different expectations about surrounding uses than do residents in purely residential zones.

Goodrum asked if a conditional use permit would be required. Markegard said staff's thought is to suggest that primary sales would require a conditional use permit whereas incidental sales would be a permitted use.

Bennett said she liked separating the sales by primary and incidental sales. She agreed that the 10% of floor area is too small and recommended 10% of sales instead. She asked if police response time could be considered as a buffer.

Markegard noted staff considered a threshold of 10% of sales but was concerned about lack of access to sales data, about the difficulty of conducting regular audits to ensure compliance and about potential fluctuations in sales from month to month. The 10% of floor area threshold is relatively easy to measure and is less likely to fluctuate over time. There is a work group that includes staff from Public Health, Police, Legal, Licensing and Planning and he will bring up the issue of proximity to a police station for lower response time.

Goodrum stated there are less police patrols along the edge of the City and a quick escape route along the Interstate 494 corridor.

Fischer's said his main concern with Max Guns and Ammo was that it was directly adjacent to a residential area. Firearms dealers are often the targets of robbery and areas where Police will need to respond, from his perspective as a Policeman, it is good to have a buffer between such uses and residential areas.

Batterson stated there was no good access behind the Max Guns and Ammo site and no visibility. When reviewing the potential locations for firearm dealers, it is important to look at the physical makeup of the building. Does it have a rear access for security? Markegard said such as standard may contradict Minnesota State Law's that limit City standards to location only.

Bennett asked about the sensitive land use buffers. Markegard said the work group is still identifying sensitive land use buffers. From a parcel count standpoint, the biggest impact is the residential zoning district buffer. In Bloomington, places of assembly and parks are mostly in residential zoning districts. Day care centers, group homes and libraries are often residentially zoned.

- Firearms manufacturing, warehousing and distribution
 - o Markegard said they could be allowed in industrial zones, potentially without sensitive use buffers.
- Firearms Office
 - o Markegard said the classification could be defined as having no firearms or ammunition on site, just office use only. Firearms office could be located anywhere where office use is allowed, including out of the home.
- Firing range
 - o Markegard noted there are two approaches for categorizing a firing range: as a recreational use allowed in several commercial districts or as more of a sports training use that could be limited to industrial areas only. Sports training facilities are allowed in industrial areas today. Recreational uses (such as bowling alleys) are not allowed in industrial zones because of concerns on erosion of the industrial land use base. The thought is to apply the same sensitive land use buffers that would apply to firearms dealers.

Spieß asked do you have to allow a firing range. Markegard said it would be a question for the Legal Department, but generally speaking, it is inadvisable to ban any use entirely from the City.

Fischer asked if Bloomington still has the outdoor firing range. Markegard confirmed and said it is residentially zoned. The site would become legally non-conforming and Police has confirmed that there are no expansion plans.

Willette asked if there is a range at the armory. Markegard was unsure but will look into it.

Fischer asked if there could be an exception for government use of a firing range. Markegard said it is possible but would be better to treat all firing range uses the same.

Goodrum said his preference would be to treat firing ranges similar to recreational uses.

Batterson noted firing ranges are often attached to a gun store, another reason to allow them in commercial districts. There should be a way for those uses to be combined. What if the residential uses were eliminated from the buffers? Markegard said staff would prepare a map to evaluate but removing residential districts as a sensitive use would not address the concerns raised by Commissioner Fischer regarding there being a higher chance of robbery and crime at a firearms dealer and therefore concern that it not be adjacent to residential uses so that neighbors are not caught up in the middle of a crime scene response.

Fischer noted the air from a firing range often has lead contamination. A firing range could require environmental regulations, barriers, noise regulations, etc. Markegard said a buffer from residential areas for firing ranges could be advantageous to minimize issues with noise and environmental impacts.

Fischer asked if there is a distinction between indoor and outdoor firing ranges. Markegard stated there is no difference today, but could be. Outdoor firing ranges would have higher levels of impact.

Goodrum said he is not opposed to firing ranges but he would like more information. The City of Osseo opened a firing range close to their city hall. He believed shooting a gun at a firing range is the same as selling a gun at a gun store. He would like more information on firing ranges.

Batterson said firing ranges as a recreational use may be advantageous. Industrial areas are more closed off and dark, making them less suited for the use.

Fischer was less concerned about the separation of firing ranges from sensitive uses that the separation of firearms dealers from sensitive uses. He said there is less chance for crime at firing ranges. Markegard said the firearm sales often are collocated with firing ranges.

Batterson asked if a handgun distributor with inventory could locate in an industrial zoning district. Markegard said yes. The sensitive land use buffers could be applied to manufacturing of firearms. He noted that some manufacturers only manufacture single components of a firearm and would never have inventory of the full firearm. Fischer noted the security measures will be high for a manufacturing use, often with armed security.

The next steps for discussion include a study session at City Council on May 9th. Public hearings on the draft ordinance are anticipated to occur this summer.

The meeting adjourned at 7:04p.m.

Prepared By: EO Reviewed By: GM

Approved By Planning Commission: June 16, 2016

City Council Study Meeting
Monday, May 09, 2016
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- 1 **Call to Order - 6:00 PM** Mayor Winstead called the study meeting to order at 6:00 p.m.
- Present: Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson, D. Lowman and J. Oleson
- 2 **INTRODUCTORY** None.
- 3 **ORGANIZATIONAL BUSINESS** None.
- ~~3.1 **National Citizen Survey Peer Cities Group** Requested Action: Expand the peer cities comparison group to include seven Minnesota cities in the National Research Center's database in the 2016 National Citizen Survey.~~
- ~~Community Services Director Diann Kirby shared PowerPoint presentation explaining the National Citizen Survey which showed geographic distribution of the survey. Explained the benchmark comparisons from peer cities. Kirby explained that Staff recommended adding seven Minnesota cities to the list of benchmark comparison cities. Asked Council if the comparison should be with the original list, or with the expanded list to include the added Minnesota cities. Cost would be the same for either option.~~
- ~~Baloga asked what the history is of the seven Minnesota cities using this survey instrument. If this is something that will be done infrequently, using their comparison data could skew the results.~~
- ~~Mayor Winstead said at least four of the cities have done community surveys for many years.~~
- ~~Carlson said weather would be a critical component for this and is an obvious criteria.~~
- ~~Busse suggested comparing where Bloomington was four years ago to where Bloomington is now. Suggested keeping all 28 cities on the list. Council agreed with keeping all 28 cities on the list.~~
- ~~Kirby gave a run-through on the business survey methodology. Final report to come out in July.~~
- ~~Carlson asked if there will be a Business Day this year. Kirby confirmed that it will be Friday September 16th.~~
- 3.2 **Firearms Sales Zoning** Requested Action: Provide input and direction on potential City Code amendments related to firearm sales.

Planning Manager Glen Markegard provided PowerPoint presentation. Defined the current standards and use classification. Showed the areas where firearms dealers are allowed as Conditional Uses. City Code prohibits the sale, lease, or trade of firearms or ammunition out of the home. Bloomington currently does not have sensitive use buffers.

Markegard said that if Minneapolis buffers were applied to Bloomington, the number of primary and incidental sales would be lower. If applying the St. Paul buffer, there would be even more restrictions yet. Zero parcels for primary and 17 incidental sales, which would be in South Loop.

The Planning Commission consensus is to go with the hybrid approach of an area of within 250' of residential zoning district for places of worship, daycare facilities, and K-12 schools.

Baloga said the incidental is strictly what the proposal is to percent of floor space. Asked if there was consideration for total revenue generated. Markegard responded that after discussing that, there is concern with getting the data, would have to audit the data which is time consuming. There was also a concern that it could fluctuate from period to period due to factors outside the retailer.

Mayor Winstead asked how the 10% of the space would be calculated. Markegard said it would need to be defined clearly in an ordinance. There would also need to be a definition for accessories.

Busse recommended having a limitation for how many gun shops can be within a certain area, to avoid having multiple gun shops near each other.

Mayor Winstead asked if the categories are acceptable, and if the feet restrictions are acceptable. Suggested that primary and incidental is a good way to view it, but will need to solidify definitions.

Council discussed the possibility of limiting shops within certain number of feet from each other, primary to primary.

Baloga said he'd feel better, for primary, if we were looking for a separation greater than 250'. 1000' or more is more appropriate if interested in spacing the locations out.

Abrams asked about the trends for sales. Markegard said online sales and gun shows are trends, and added that the buffers should apply to temporary locations.

Markegard defined firearms sales, incidentals, firearms sales, primary, firearms manufacturing, warehousing or distribution, firearms office, and firing range. Feedback from Planning Commission said it fell more within recreational side.

Council discussed noise issues with indoor and outdoor ranges, and uses of firing ranges. Mayor Winstead suggested having indoor only with a 1000' or more of a buffer.

Markegard summarized that they would be reviewing just industrial, and just indoor. Next step is Planning Commission public hearing this summer.

Carlson asked if the taskforce has come up with any lists of other stipulations for sensitive uses (e.g. no bars in windows, no firearms in window view) and asked this to be explored further. Suggested this along with submittal of security plan within police department.

Baloga asked if there is an opportunity to do inventory control during off hours, like having a display case and putting firearms into a vault for after hours to secure inventory.

Markegard to look into Council questions and concerns including if 10% for incidental sales is a reasonable percentage.

3.3 Facility and Energy Management

Requested Action: Council to consider commitment and strategy for facility and energy management.

Maintenance Superintendent Jim Eiler and Assistant Maintenance Superintendent Deb Williams introduced Laura Malwitz and Chad Rykal from CR-BPS Inc.

Malwitz walked through overall goal, current state of buildings, and defined and explained FCI (Facility condition index) and EUI (energy use intensity). The facilities have been benchmarked, excluding parks. With all the facilities taken into account, there are several buildings that are in "unsatisfactory" condition. Discussed the costs for long-term capital planning as well as strategies.

Williams explained the groupings of the buildings as priorities. Group 1 priorities are Civic Plaza, Public Works, and Old Town Hall.

Mayor Winstead said it's \$6 million per year for upkeep, and Baloga asked what the 10-year spend would include. If we keep budgeting the way we are, we'd be in the \$2 million per year range.

Carlson asked what value \$6 million per year would bring the buildings to. Malwitz said it would get them to a "better" condition. Suggested setting a desired condition, and from there, the software will dial in on needs and priorities by dollar amount.

Baloga said we would also need to look at the replacement needs. Must take out ongoing maintenance for Creekside because it could be skewing the overall results.

Oleson asked if the operational costs are figured in. Malwitz said there is an inflation factor, but it's just a general average of inflation. Operational would be more included in "RI". Currently just looking at conditions and lifecycle of systems.

Malwitz provided overview of Public Works. Eiler discussed strategy and what needs upgrading and replacing within the Public Works building.

Williams asked what FCI level is tolerable. Would like to bring back more actual plans rather than overview. Will follow up with the related budgets to see what needs to happen.

Eiler suggested keeping group 1 buildings maintained as-is. Group 2 buildings will need some money put into them. Will need to look at some of these individually, and how that will affect the overall budget.

Baloga said it's overwhelming to hear that so many buildings are deficient, and it's difficult to understand how the numbers work and how they'll be prioritized. Now that there is a baseline, how can the prioritization give us the biggest bang for the buck.



MEMORANDUM

To: Glen Markegard, Planning Manager

From: Liz O'Day, Planning Intern

Date: August 14, 2015

Subject: Comparison of Standards and Regulations of Firearms Dealers

1) INTRODUCTION

There are a number of statewide regulations involving firearms sales. The standards typically vary from state to state; some states have restrictive firearms sales in place while other states are relatively lax. This report will identify ordinances regulating firearm sales in a variety of states across the US and offer a comparison matrix (Appendix A) analyzing firearm regulation among the ten largest suburbs in the Twin Cities Metro area. The research was provided through the American Planning Association's Planning Advisory Service. Table 1 identifies the ordinances reviewed by state.

Table 1: Ordinances Reviewed by City through PAS

State	City
California	Alameda County
	Culver City
	Chino
	East Palo Alto
	Kern
	Lafayette
	Pacifica
	Pleasant Hills
	Santa Clarita
Colorado	Brighton
Georgia	Snellville
Illinois	Franklin Park
	Northbrook
	North Riverside
	Sauk
Nevada	Carson City
North Carolina	Raleigh
Pennsylvania	Pittsburg
Texas	Allen

2) HOME OCCUPATION

A number of cities in the United States regulate firearm sales as a home occupation. Some cities prohibit firearms dealers to store and sell ammunition, firearms and explosives on the premises. For example, Brighton, Colorado bans the sale of firearms on site but only permits the exchange of firearms at gun shows. Carson City, Nevada allows for firearm sales as a home occupation but it is not permitted to conduct business with clients on site, with the exception of federal firearm licensed gun dealers. Other communities require dealers to obtain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco and Firearms. Kern, California has tight firearm regulations including a requirement to obtain an FFL, a seller's license from the state board and a certificate from the Department of Justice. Other regulations require no outdoor storage, no deliveries greater than normal in residential areas, no noise or smell, no signs and no more than 25% of floor area may be used for such a purpose.

3) ZONING PROVISIONS

It is particularly common for municipalities to include firearm zoning provisions in their ordinances. Culver City, CA and Pittsburg, CA has a 1000 foot distance requirement from any school, parks, playgrounds and other firearm stores. Other communities have varying land use regulations. Franklin Park, IL allows firearm sales as a permitted use in the Business Opportunity Overlay District which includes the I-2 Industrial District. Lafayette, CA allows firearm sales as a conditional use in the commercial and business district but not in the industrial district.

4) REGULATIONS OF FIREARMS AS A DISTINCT USE

Many communities require special regulations regarding installment of security plans. In Chino, CA, the police department will investigate the applicant's personal history, building review, compliance with local, state and federal laws, and moral character of the applicant. North Riverside, IL outlines a number of conditions that must be met before obtaining a firearms license. Those conditions include:

- The applicant being the one who owns, operates and maintains the firearms retail store that is leased to the applicant with a duration of not less than three years,
- Gun sales may not exceed 20% of total retail area of the store
- Must obtain a valid general retail merchandising permit
- Gun sales shall be only those used for hunting or target shooting, no sale of handguns allowed
- Must be located in a business district zoning area

All conditions will be inspected and reviewed by the police chief.

Pleasant Hills, CA requires the applicant to obtain a police permit and local business permit. The police chief will inspect and review applicant and must be given an annual report created by the applicant. Also, the applicant must install an alarm system by a third party and a video surveillance system that meets all security requirements. Lastly, the building must have windows with bars, metal grates with spaces no larger than 6 inches and windowless doors.

5) **LOCAL LICENSING PROVISIONS WITH LAND USE REQUIREMENTS**

The only local licensing provision that was researched is in Northbrook, IL. Obtaining a FFL will not be issued unless firearms and ammunition be stored in locked cases and an inspection of the premises, if required by the community.

COMPARISON OF STANDARDS OF FIREARM DEALERS IN THE TEN LARGEST TWIN CITIES SUBURBAN COMMUNITIES (Appendix A)

City	Contact	Mail order only as home based business?	Allowed in industrial districts? If so, is retail allowed?	Classified as retail or another category? If so, what is approval process?	Special standards?	Security plan required?	Licensed?
Brooklyn Park	Todd Larson 763-493-8069	Yes – but must obtain a home occupation license	Yes, 10% of building. 10% or more for a CUP	Retail	None	No, but must work with Police Dept	Federal License, no City license
Plymouth	Marie Darling 763-509-5457	No	No retail sales in industrial	Allowed under sporting goods category	None	No	Yes, through the Bureau of Alcohol, Tobacco and Firearms
Eagan ¹	Mike Ridley 651-675-5650	No retail in homes in general					Yes, through the Bureau of Alcohol, Tobacco and Firearms
Coon Rapids	Scott Harlicker 763-767-6452	No	Not allowed in industrial areas	Permitted Use in Community Commercial, and General Commercial	None	No	Yes
Burnsville	Jane Hovind 952-895-4455	Can sell from home (home occupation ordinance)	Not allowed in industrial areas	Categorized under Sporting Goods; allowed in B-2 (neighborhood business), B-3 (general business) and HOC (Heart of the City)	None	No	Regulated through ATF; no local licensing requirements or conditions of approval
Eden Prairie	Steven Durham 952-949-8491	Yes, one as home based business	Allowed in industrial district with 15% of floor area as retail	Yes, as retail	Only special standards with Fed gov't	Reviews with Police Dept	No
Minnetonka	Ashley Cauley 952-939-8298	Currently amending code to not allow as home based business	Allowed in industrial areas with retail 25% of floor area – accessory use 25%-50% of floor area – conditional use	Yes, as retail	Selling ammunition goes through different process	No	Yes
Maple Grove	Dick Edwards 763-494-6045	Not allowed	Not allowed	Not allowed			
Edina ²	Joyce Repya 952-826-0462		No retail in industrial	Not allowed			

¹ No firearm dealer in zoning ordinance or City Code

² No firearm dealer in zoning ordinance or City Code

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

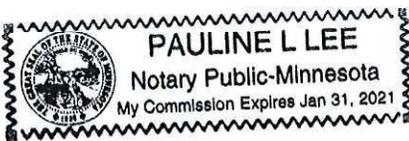
(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 10/13/2016 and the last insertion being on 10/13/2016.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold
Designated Agent

Subscribed and sworn to or affirmed before me on 10/13/2016 by Charlene Vold.

Pauline L. Lee
Notary Public



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(1) Lowest classified rate paid by commercial users for comparable space:
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CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION

CASE FILE NUMBER:
PL2016-162

APPLICANT:

City of Bloomington

PROPOSAL: City Code amendment creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts

DATE, LOCATION, AND TIME
OF HEARING:

October 27, 2016, 6:05 p.m.

City Council Chambers -

Bloomington City Hall

1800 West Old Shakopee Road

Bloomington, MN 55431-3027

HOW YOU CAN PARTICIPATE:

(Please include Case File number above when corresponding)

1. Review supplemental information online at blm.mn/updates or in the Community Development Department at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027;

2. Submit a letter to the address below expressing your views;

3. Attend the hearing and give testimony about the proposal; and/or

4. Contact the Planning Division using the information below.

FURTHER INFORMATION:

A full copy of the Case File is available for public review during regular business hours in the Community Development Department at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027

OR contact:

Mike Centinario, Planner

City of Bloomington

1800 West Old Shakopee Road

Bloomington, MN 55431-3027

(952) 563-8921

Email: mcentinario@BloomingtonMN.gov

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