

**Section 4.4. ALLOWED USES**

**4.4.1. Business, Mixed Use & Manufacturing Districts**

<b>Business, Mixed Use &amp; Manufacturing Districts</b>	<b>BU1</b>	<b>BU2</b>	<b>BU3</b>	<b>BU4</b>	<b>BU5</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>MU4</b>	<b>M</b>	<b>LM</b>	<b>Definition/ Listed Standard</b>
Firearm Business	--	--	--	SP	--	SP	--	--	--	SP	SP	Sec. 6.10.4
Firing Range	--	--	--	SP	--	SP	--	--	--	SP	SP	Sec. 6.10.4
Gunsmith	--	--	--	SP	--	SP	--	--	--	SP	SP	Sec. 6.10.4

**6.10.4. FIREARM BUSINESS USES**

A. **Purpose.** To establish criteria for the establishment of Firearm Business Uses in the City that address safety concerns in operations of such businesses and the potential disruption of peace and quiet enjoyment of the community. This Sec. 6.10.4 provides for separation between Firearm Business Uses and certain uses enumerated herein to maximize protection of public health, safety, and welfare.

B. **Definitions.**

**Ammunition.** Cartridges or cartridge cases, primers (igniter), bullets, tear gas cartridges, or propellant powder designed for use in any Firearm.

**Firearm.** Any device designed or modified to be used as a weapon capable of firing a projectile using an explosive charge as a propellant, including but not limited to a gun, pistol or rifle.

**Firearm Accessory.** Any device designed, modified or adapted to be inserted into or affixed onto any Firearm to enable, alter or improve the functioning or capabilities of the firearm or to enable the wearing or carrying about one’s person of a Firearm.

Firearm Business Uses shall include the following:

1. **Firearm Business.** A retail or wholesale operation involving the purchase or sale of Firearms, Ammunition, and/or Firearm Accessories.
2. **Firing Range.** A commercial facility designed for Firearm(s) training and/or shooting practice.
3. **Gunsmith.** Any retail operation involving the repairing, altering cleaning, polishing, engraving, bluing or performing of any mechanical operation on any Firearm.

C. **Firearm Business Uses not allowed as-of-right.** Firearm Business Uses are not included within the definition of retail sales or services, manufacturing, or any other lawful

business permitted as of right or by special permit as provided in this Chapter.

**D. Firearm Business Uses allowed by special permit.** Use of land, buildings or structures for a Firearm Business, Firing Range, or Gunsmith shall be allowed only by special permit in the districts specified in Sec. 4.4.1 subject to the requirements and criteria of this Sec. 6.10.4.

**E. Minimum criteria and limitations on approval.**

1. A Firearm Business, Firing Range, or Gunsmith shall not be located within a radius of **TBD [SEE EXPLANATORY NOTE BELOW]**<sup>1</sup> feet from any residential property line, private or public k-12 school, daycare center, preschool, child-care facility, public park intended for passive or active recreation, playground, land or structures used for religious purposes, library, another Firearm Business, Firing Range, or Gunsmith, unless the City Council finds that such Firearm Business, Firing Range, or Gunsmith is sufficiently buffered such that these facilities or uses will not be adversely impacted by the Firearm Business, Firing Range, or Gunsmith's operation. Such distance(s) shall be measured in a straight line from the nearest property line of the proposed Firearm Business, Firing Range, or Gunsmith to the nearest property line of any of the designated uses set forth herein.
2. A Firearm Business, Firing Range, or Gunsmith shall obtain and maintain all necessary Federal, State and other required local approvals and licenses prior to beginning operations.
3. A Firearm Business, Firing Range, or Gunsmith shall comply with all applicable Federal, State and local laws and regulations in the operation their business.
4. A special permit granted by the City Council authorizing the establishment of a Firearm Business, Firing Range, or Gunsmith shall be valid only for the registered entity to which the special permit was issued, and only for the lot on which the Firearm Business, Firing Range, or Gunsmith has been authorized by the special permit.
5. No graphics, symbols or images of Firearms, Ammunition, or Firearm Accessories shall be displayed or clearly visible from the exterior of the Firearm Business, Firing Range, or Gunsmith. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood.
6. No Firearm Business, Firing Range, or Gunsmith shall be located within a building containing a residential use.
7. Firearm Business Uses shall not be open to the public between the hours of 11:30 p.m. and 6:00 a.m. The City Council may, as a special permit condition, further limit

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<sup>1</sup> **EXPLANATORY NOTE** – The Planning & Development Department is compiling and analyzing geographical and land use data and will submit recommendations for the optimal buffer distances between Firearm Business Uses and the other enumerated land uses in the proposed Sec. 6.10.4.E.1 for the Zoning and Planning Committee's consideration. Such recommendations will be set forth in the Planning & Development Department's forthcoming memorandum for the public hearing scheduled for May 10, 2021 for this docket item.

the hours of operation of a Firearms Business Use to mitigate any adverse impacts on nearby uses.

8. A special Permit for a Firearm Business, Firing Range, or Gunsmith shall not be granted if such business is owned by or to be managed by any person or persons convicted of violating the provisions of G.L. c. 140, §§ 122B, 130, 131N, or similar laws in other states.

F. **Special permit application and procedure.** The procedural and application requirements of Sec. 7.3 shall apply. In addition to the procedural and application requirements of Sec. 7.3, an application for special permit shall include, at a minimum, the following information:

1. **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site.
2. **Lighting Analysis:** A lighting plan showing the location of proposed lights on the building and the lot and a photometric plan showing the lighting levels.
3. **Context Map:** A map depicting all properties and land uses within a minimum 1,000 foot radius of the proposed lot, whether such uses are located in the City or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs. The context map shall include the measured distance to all uses described in paragraph E.1 above.

G. **Special Permit Criteria.** In granting a special permit for a Firearm Business, Firing Range, or Gunsmith, in addition to finding that the general criteria for issuance of a special permit are met, the City Council shall find that the following criteria are met:

1. Criteria for all Firearm Business Uses:
  - a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the lot.
  - b. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
  - c. The Firearm Business, Firing Range, or Gunsmith establishment is designed to minimize any adverse impacts on abutters.
  - d. The Firearm Business, Firing Range, or Gunsmith establishment has satisfied all of the conditions and requirements in this section.

H. **Severability.** If any portion of this section is ruled invalid, such ruling will not affect the validity of the remainder of the section.