

Firearm Business Zoning Amendment

Zoning and Planning Committee Discussion

April 26, 2021

Planning & Development Department

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Summary

- Newton's Zoning Ordinance does not regulate firearm businesses and they are permitted anywhere retail is permitted (most business zones as well as mixed-use and limited manufacturing zones)
- Proposed ordinance would limit firearm businesses to certain zoning districts, always require a Special Permit, require buffers from certain sensitive uses, and include additional standards and criteria for approval
- Initial draft is intended to provide flexibility for changes as a result of additional analyses, discussions, and public testimony
- Due to Constitutional protections, it is reasonable to expect that the more restrictively firearm sales are regulated, the more likely such regulations will be subject to legal challenge

Firearm Zoning Examples

- Few examples found in MA, most neighboring communities do not regulate firearm businesses in zoning
- All examples require discretionary approval
- Most are limited to combination of commercial and/or industrial zones
- Most require buffers from sensitive uses
- Sensitive uses vary but generally include schools, daycares, park and playgrounds. Buffers from residential uses/districts are less common.

Firearm Zoning Examples - Massachusetts

- Dedham – 150' buffer from residential use/district, schools, libraries, religious uses, child-care facilities, parks, playgrounds, establishments selling alcohol for onsite consumption, and other adult use and firearms businesses.
- Westwood – limited to local business districts, highway business district, and industrial district. No specific buffers or regulations.
- Worcester – only regulates shooting ranges. 1,000' buffer between shooting ranges and schools; 100' between ranges and parks and playgrounds.
- Framingham excludes firing ranges from definition for outdoor recreational facilities and North Reading prohibits gun and shooting clubs in highway business district

Firearm Zoning Regulations – Outside MA

- Bloomington, MN – 250' buffer from residential zoning districts, daycares and k-12 schools; 1,000' buffer from other firearm sales.
- Piscataway, NJ – 1,000' buffer from schools, daycares, colleges, funeral homes, health services, other firearms sales dealers, assisted living, places of worship, liquor stores, establishments selling alcohol for onsite consumption, parks, playgrounds and recreational facilities
- Contra Costa, CA – 500' buffer from schools, daycares, parks, establishments selling alcohol for onsite consumption, places of worship, and firearms sales facilities

Firearm Zoning Regulations – Outside MA

- Windsor, CA – 500' buffer from parks, libraries, churches, personal services, and preschools; 1,000' from schools
- Healdsburg, CA – 500' buffer from churches, chapels, places of worship, schools, libraries, youth centers, daycare, parks, and other firearm sales
- McCordsville, IN – 200' buffer from schools

Ordinance Framework

Regulated Uses

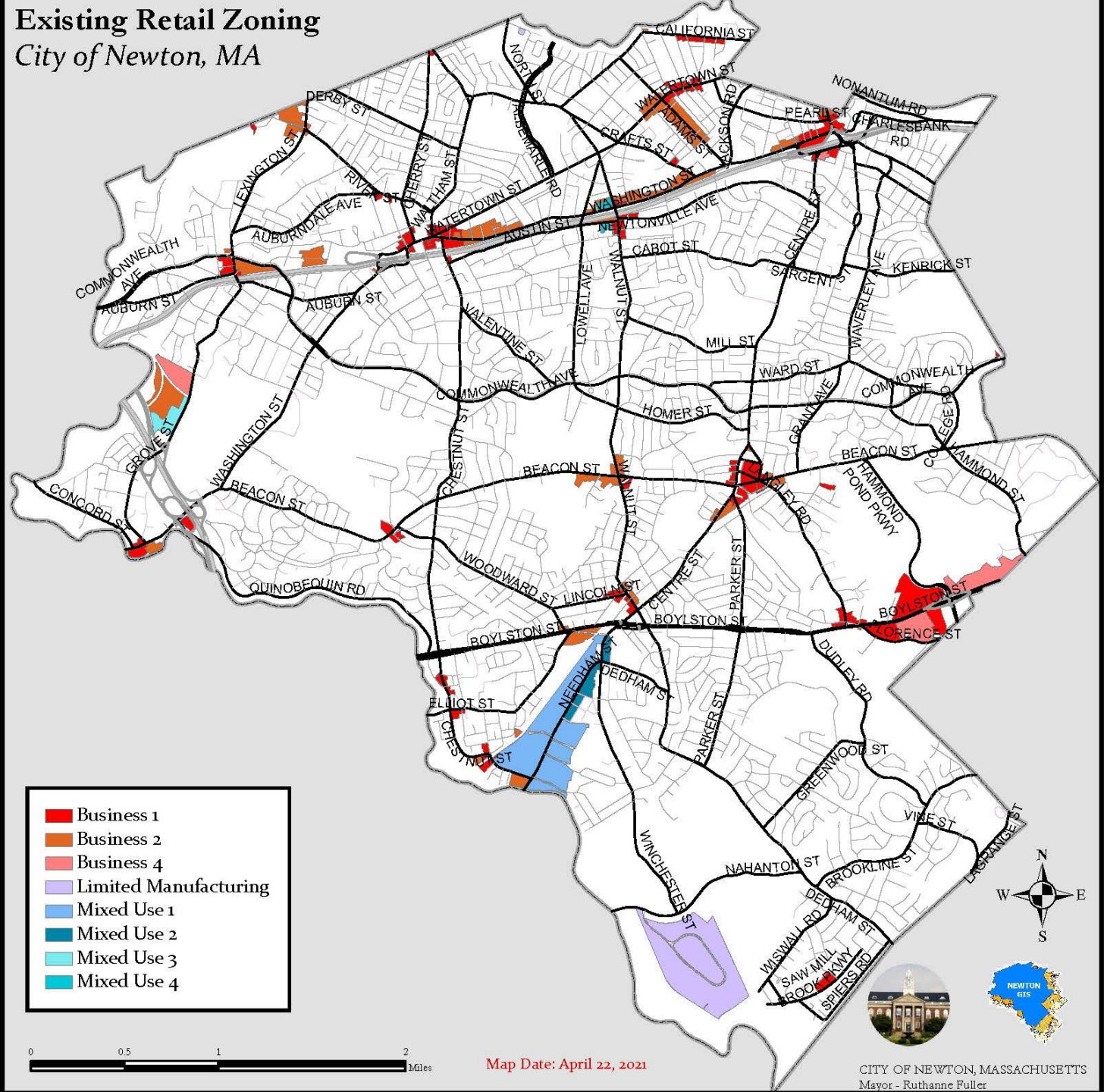
- Firearm Business – a retail or wholesale operation involving the purchase or sale of Firearms, Ammunition, and/or Firearm Accessories
- Firing Range – a commercial facility designed for Firearm(s) training and/or shooting practice
- Gunsmith – any retail operation involving the repairing, altering, cleaning, polishing, engraving, blueing or performing of any mechanical operation on any Firearm

Proposed Zoning Districts

- Limit all Firearm Business Uses to the Mixed Use 1 (MU1), Business 4 (BU4), Limited Manufacturing (LM), and Manufacturing (M) districts
- Currently firearm sales are considered a general retail use and are allowed in the Business 1 – Business 4 districts, Mixed Use 1 – Mixed Use 4, and the LM district
- City Council may decide to remove districts from those proposed or add districts where retail is currently allowed in order to balance opportunity and buffers from sensitive uses

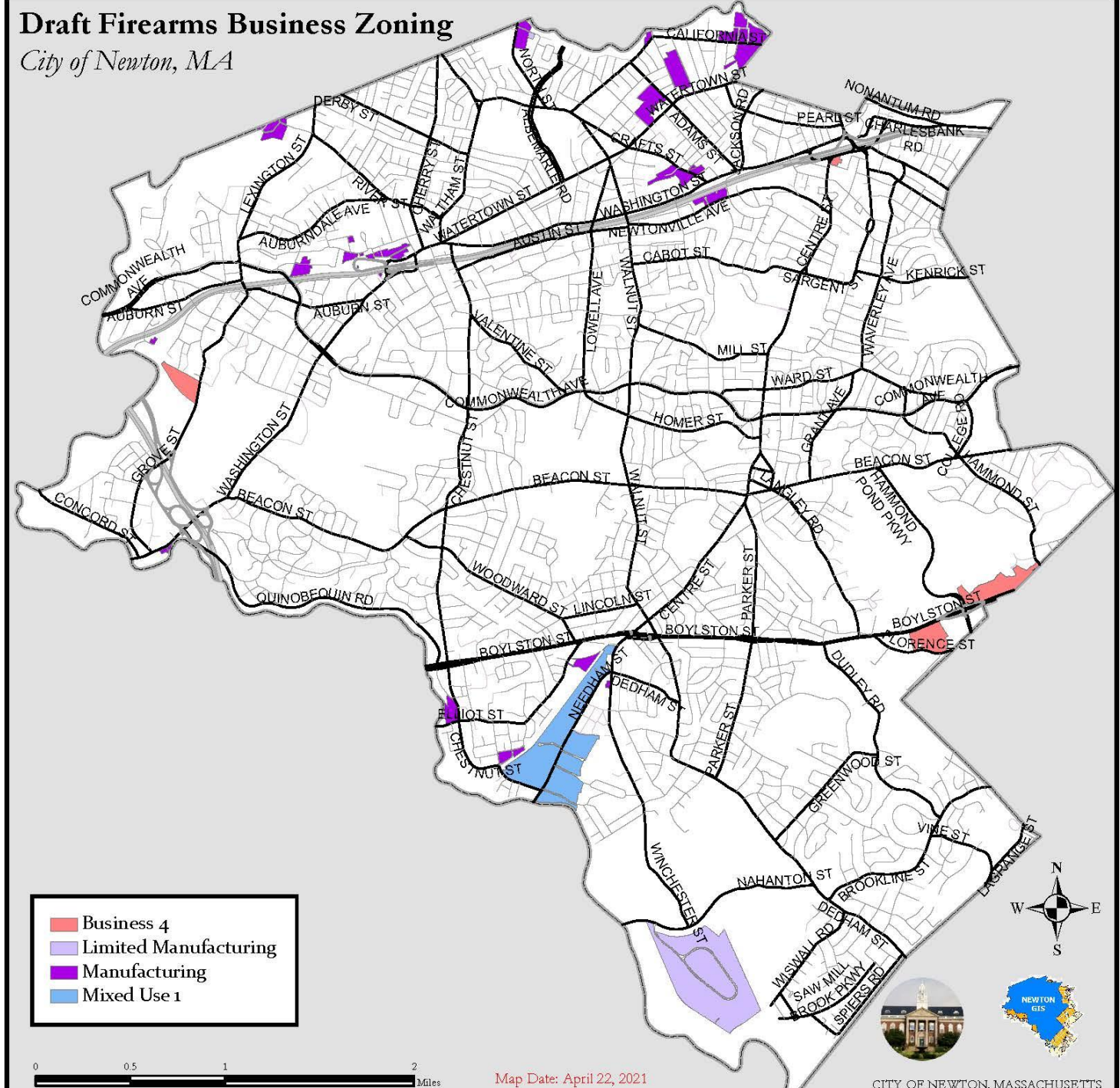
Existing Retail Zoning

Existing Retail Zoning City of Newton, MA



Proposed Firearm Zoning

Draft Firearms Business Zoning City of Newton, MA



Buffers

- Buffers require careful analysis to balance providing opportunity while ensuring sensitive uses are sufficiently buffered
- Proposed ordinance identifies the following sensitive uses, which would require a buffer from firearms businesses: residential property line, private or public k-12 school, daycare center, preschool, childcare facility, public park intended for passive or active recreation, playground, land or structures used for religious purposes, library, and other firearm businesses
- Actual buffer is to be determined. GIS data requires work to ensure it is up to date and data is in the right format to match the ordinance.

Buffer Comparisons

- Buffers from other ordinances reviewed ranged from 150 feet (Dedham) to 1,000 feet
- Except for Piscataway, NJ, 1,000' buffers were limited to schools or between other firearm businesses
- Only Dedham and Bloomington, MN require a buffer from residential uses or districts. 150' in Dedham and 250' in Bloomington.
- California examples require 500' (actual sensitive uses varied but all included schools, parks and preschools). Windsor, CA requires 1,000' from schools and 500' from other uses.
- Worcester requires 1,000' between schools and shooting ranges

Existing Zoning Buffers for Restricted Uses

- 500' required between adult businesses and nearest religious use, public park, youth center, daycare, family daycare, center for child counseling, great pond or navigable river
- 150' required between adult businesses and nearest residential property line
- 1,000' required between adult businesses and any other adult business within the City or an adjacent municipality
- 500' required between marijuana retailer or medical marijuana treatment center and k-12 schools
- Half mile required between marijuana retailers/treatment centers and other marijuana retailers/treatment centers

Buffer Considerations

- Newton is largely residential. A large buffer from residential uses and/or districts may eliminate all opportunities. 150' may be feasible, but more analysis is needed.
- 500' buffers from schools, parks, and other non-residential sensitive uses seemed most common in other firearm zoning and is consistent with adult business buffers. More analysis is needed however given the number of parks and daycares in Newton.
- It may be preferable to have different tiers of buffers, similar to other examples where typically the largest buffers were around schools.
- Different buffers may also make sense for the different types of firearm businesses

Additional Standards

- Compliance with all federal, state and local laws and regulations
- Prohibit graphics, symbols or images of firearms or firearm accessories from be visible
- Limit hours of operation to 6 am – 11:30 pm (same as adult businesses) or as further restricted by Special Permit

Additional Special Permit Criteria

- 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
- Loading, refuse, and service areas are designed to be secure and shielded from abutting uses
- The firearm business is designed to minimize any adverse impacts on abutters
- The firearms business has satisfied all of the conditions and requirements of this ordinance

Additional Regulations

- Assault weapons are banned in Massachusetts
- Firearms within stores must be secured in a locking container or with a tamper proof locking mechanism
- Firearms may not be displayed in store windows
- Police Department are required to review and approve any license to sell firearms and to ensure all safety measures are in place
- Police Department must perform annual inspections of a dealer's sales records
- Subject to all other applicable ordinances, such as Noise Ordinance

Questions

- Are there any sensitive uses identified in the ordinance that are not necessary?
- How should sensitive uses be prioritized? If residential uses are important to buffer a smaller buffer and/or expanded zoning districts may be necessary.
- Should residential buffer be from residential zoning districts or residential uses?
- Should there be fewer zoning districts with smaller buffers or allow firearm businesses in more districts but with larger buffers?

Questions

- Should there be a tiered system of buffers? Which use should have the greatest buffer?
- Should there be different regulations for different types of firearm businesses (firearm sales, gunsmiths, firing range)?
- Are there any additional standards or Special Permit criteria that should be considered?

Next Steps

- Public Hearing – May 10th
- Planning to provide analysis and maps illustrating buffers
- Visit our website for more information, including the proposed ordinance and a regularly updated FAQ:
<https://www.newtonma.gov/government/planning/plans-policies-strategies/firearms-zoning-amendment>