

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE: Monday, September 29, 2008, @ 6:30 P.M. – 2nd Case
Office of Zoning Hearing Room
441 4th Street, N.W. Suite 220-S
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 08-20 (Text Amendment – DCMR Title 11 - Text Amendment to Regulate Firearms Retail Sales Establishments)

THIS CASE IS OF INTEREST TO ALL ANCs

On July 28, 2008, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (“OP”) requesting amendments to the Zoning Regulations to add a definition of firearms and firearms retail sales establishment to § 199; to permit firearm retail sales establishments as a special exception use in the C-3-C, C-4, and C-5 Zone Districts, and to establish specific requirements regulating the location of firearm retail sales establishments within those zones; and to clarify that firearm retail sales use is not permitted as a principal or accessory use in other Commercial zones or in Special Purpose, Mixed Use Commercial-Residential, Industrial, or Waterfront zones.

At a properly noticed special public meeting on July 28, 2008, the Zoning Commission set down this case for a public hearing. The Commission also took action to adopt the amendments on an emergency basis and issue a notice of proposed rulemaking.

The proposed amendments to the Zoning Regulations are as follows, with addition to existing provisions shown in **bold text**:

1. *Amend Chapter 1 Definitions § 199 by adding the following definitions:*

Firearm: a gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.

Firearms retail sales establishment: an establishment devoted to the sale, lease, or purchase of firearms or ammunition. If an establishment is a firearms retail sales establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.

2. *Amend Chapter 5 Special Purpose Districts § 502.7 Accessory Uses as follows:*

502.7 Any other accessory use and accessory building customarily incidental to the uses otherwise authorized by this chapter shall be permitted in an SP District, except that firearm retail sales shall not be permitted.

3. *Amend Chapter 6 Mixed Use (Commercial Residential) District § 602 Prohibited Uses by adding the following:*

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602.1 (r) Firearms retail sales establishment or firearm retail sales as an accessory use.

4. *Amend Chapter 7 Commercial (C) District § 702.4 C-1 Accessory Uses as follows:*

702.4 Other accessory uses customarily incidental and subordinate to the uses permitted in C-1 Districts shall be permitted in a C-1 District, except that firearms retail sales shall not be permitted as an accessory use.

5. *Amend Chapter 7 Commercial (C) District § 722.3 C-2 Accessory Uses as follows:*

722.3 Other accessory uses customarily incidental and subordinate to the uses permitted in C-2 Districts shall be permitted in a C-2 District, except that firearms retail sales shall not be permitted as an accessory use.

6. *Amend Chapter 7 Commercial (C) District § 742.5 C-3 Accessory Uses by adding the following subsection as follows:*

742.5 Firearm retail sales as an accessory use shall only be permitted by special exception in accordance with the provisions of § 746.

7. *Amend Chapter 7, Commercial (C) by adding the following special exception use for the C-3-C District, in a new § 746:*

746 Firearms Retail Establishments (C-3-C)

746.1 A firearms retail establishment or firearm retail sales as an accessory use shall be permitted in C-3-C District as a special exception only if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

746.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.

746.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, or playground.

746.4 No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.

746.5 Any firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.

746.6 Any firearm retail sales establishment shall be located on the ground level of a building and provide direct access to the exterior.

746.7 Any proposal for a new or expanded firearm retail sales establishment shall be referred to the Chief of Police, Metropolitan Police Department for review and comment regarding security measures, and to the Director, Office of

Planning for review and comment regarding potential neighborhood impacts.

8. *Amend Chapter 7 Commercial (C) District § 752.5 C-4 Accessory Uses by adding the following subsection as follows:*

752.5 Firearm retail sales as an accessory use shall only be permitted by special exception in accordance with the provisions of § 757.

9. *Amend Chapter 7 Commercial (C) District by adding the following special exception use for the C-4 District, in a new § 757:*

757 Firearms Retail Establishments (C-4)

757.1 A firearms retail establishment shall be permitted in C-4 District as a special exception only if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

757.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.

757.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, or playground.

757.4 No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.

757.5 Any firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.

757.6 Any firearm retail sales establishment shall be located on the ground level of a building and provide direct access to the exterior.

757.7 Any proposal for a new or expanded firearm retail sales establishment shall be referred to the Chief of Police, Metropolitan Police Department for review and comment regarding security measures, and to the Director, Office of Planning for review and comment regarding potential neighborhood impacts.

10. *Amend Chapter 7 Commercial (C) District § 761.7 C-5 Accessory Uses by adding the following subsection as follows:*

761.7 Firearm retail sales as an accessory use shall only be permitted by special exception in accordance with the provisions of § 769.

11. *Amend Chapter 7 Commercial (C) District by adding the following special exception use for the C-5 District, in a new § 769:*

769 Firearms Retail Establishments (C-5)

- 769.1 A firearms retail establishment shall be permitted in C-5 District as a special exception only if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.**
- 769.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.**
- 769.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, or playground.**
- 769.4 No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.**
- 769.5 Any firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.**
- 769.6 Any firearm retail sales establishment shall be located on the ground level of a building and provide direct access to the exterior.**
- 769.7 Any proposal for a new or expanded firearm retail sales establishment shall be referred to the Chief of Police, Metropolitan Police Department for review and comment regarding security measures, and to the Director, Office of Planning for review and comment regarding potential neighborhood impacts.**
12. *Amend Chapter 8 Industrial Districts by amending § 801.2 Uses as a Matter of Right in CM as follows:*
- 801.2 Any commercial use permitted in the C-4 District under § 751, except establishments whose principal use is the administration of massages, sexually-oriented business establishments, **firearm retail sales establishment**, and international organizations, shall be permitted as a matter of right in a C-M District. For purposes of this subsection, a community-based residential facility shall not be considered a commercial use.
13. *Amend Chapter 8 Industrial Districts § 801.8 Accessory Uses as follows:*
- 801.8 Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by §§ 801 through 803 shall be permitted as a matter of right in a C-M District, including mechanical amusement machines subject to § 2501, **except that firearm retail sales shall not be permitted as an accessory use.**
14. *Amend Chapter 8 Industrial Districts by amending § 821.4 Uses as a Matter of Right in M as follows:*
- 821.4 Accessory uses and accessory buildings customarily incidental to the uses in this section, including mechanical amusement machines subject to § 2501, shall be permitted, **except that firearm retail sales shall not be permitted as an accessory use.**

15. *Amend Chapter 8 Industrial Districts by amending § 823.1 Prohibited Uses as follows:*
823.1 (o) Firearm Retail Sales Establishment.
16. *Amend Chapter 9 Waterfront Districts by amending § 901.2 Uses as a Matter of Right in W as follows:*
901.2 Accessory use (including parking), building, or structure customarily incidental and subordinate to the principal uses permitted in § 901.1 shall be permitted in a Waterfront District as a matter of right, **except that firearm retail sales shall not be permitted as an accessory use.**
17. *Amend Chapter 9 Waterfront Districts by amending § 902.1 Prohibited Uses as follows:*
902.1 (r) Firearm Retail Sales Establishment.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR, MICHAEL G. TURNBULL, AND PETER G. MAY, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

