

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

TIME AND PLACE: **Thursday, February 26, 2009, @ 6:30 P.M.**
 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 requesting certain amendments to the Zoning Regulations concerning firearms and firearms retail sales establishments. At a properly noticed special public meeting on July 28, 2008, the Zoning Commission (the “Commission”) set down this case for a public hearing. The Commission also took action to adopt the amendments on an emergency basis and authorized the publication of a notice of proposed rulemaking. A Notice of Emergency and Proposed Rulemaking and a Notice of Public Hearing were published in the *D.C. Register* on August 8, 2008 (55 *DCR* 8547 and 55 *DCR* 8516, respectively).

The amendments permitted a Firearms Retail Sales Establishment use in a C-3-C through C-5 zones as a special exception and disallowed the use in all other zones, whether as a principal or an accessory use. In addition, the use was conditioned upon compliance with several requirements and the maintenance of a 600 foot buffer between it and certain other uses and the boundary line of any residence and special purpose zone.

At a properly noticed hearing held September 29, 2008, the Commission heard public testimony and, in response thereto, requested additional information from the Office of Planning. The Commission also received written comments submitted on behalf of the National Rifle Association. After consulting with the Metropolitan Police Department and the Office of the Attorney General, the Office of Planning, by supplemental report dated November 14, 2008, submitted a revised proposal and requested that the Commission take proposed action to approve, and emergency action to adopt, the revised amendments. The Office of Planning did not specifically request that another public hearing be held.

The revisions differed in several respects from the published rules. Specifically the revised proposal would (i) prohibit a firearms retail sales establishment use as a home occupation; (ii) allow firearm retail sales establishments as a permitted use in the C-2-A through C-5 Commercial Districts and in both of the Industrial Zones; (iii) eliminate the performance conditions; and (iv) reduce the buffer area from 600 to 300 feet. The use would continue to be disallowed in all other zone districts, whether as a principal or an accessory use.

At a properly noticed public meeting held November 20, 2008, the Commission adopted the revised amendments on an emergency basis and authorized the publication of a notice of

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proposed rulemaking. That Notice of Emergency and Proposed Rulemaking is published in this volume of the *DC Register*.

The Commission also decided to advertise the revised rules for a public hearing.

The following amendments to the Zoning Regulations Title 11 (DCMR) are proposed. Addition to existing provisions shown in **bold** and underlined text:

1. *Amend Chapter 1, the Zoning Regulations, by adding the following definitions to § 199.1:*

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 engaged in 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, 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 a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

3. *Amend Chapter 6, Mixed Use (Commercial Residential) Districts, § 602.1, to add firearms retail sales establishment to the list of prohibited uses, by adding a new paragraph (r) to read as follows:*

602.1 (r) Firearms retail sales establishments as a principal or an accessory use.

4. *Amend Chapter 7, Commercial Districts, as follows:*

(a) *Amend § 702.4 to read 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 a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

(b) *Amend, § 721.3 by adding a new paragraph (u) to read as follows:*

721.3 (u) Firearms retail sales establishments, provided that no portion of the establishment shall be located within three hundred feet (300 ft.) of:

- (i) A Residence (R) or Special Purpose (SP) District; or
- (ii) A church or other place of worship, public or private school, public library, or playground.

5. *Amend Chapter 9, Waterfront Districts, as follows:*

(a) Amend § 901.2 to read 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 a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

(b) Amend § 902.1 by adding a new paragraph (r) to read as follows:

902.1 (r) Firearms 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 200/210-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, 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.