



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, PhD, FAICP, Community Development Director

DATE: August 16, 2012

SUBJECT: An amendment to Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Store” and “Private Indoor Firing Range” (Plan Case 2181-T-12)

Introduction

The Zoning Administrator is requesting that the Zoning Ordinance be amended to add use categories and restrictions for firearm stores and firing ranges. The proposed ordinance amendment would add definitions to Article II, add these uses to Table V-1 (Table of Uses), and add standard Special Use Permit conditions to Article VII of the Urbana Zoning Ordinance. Additionally, a restriction would be added under Article V for home occupations involving firearm sales.

The purpose of the proposed amendment is to address a deficiency in the Zoning Ordinance regarding two firearms-related uses. Recently, a business owner approached the City to determine where a principal use gun shop could be operated under Urbana zoning. The business, D & R Firearms, is looking to locate on one of two properties off of South Poplar or Glover Streets, north of Washington Street. Because the Zoning Ordinance’s Table of Uses does not specify firearm stores or indoor firing ranges whatsoever, City staff has not been able to guide this potential new business in terms of procedures and standards.

For uses not listed in the Table of Uses, Section V-1.B of the Zoning Ordinance provides that “such use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator.” For firearm sales there are compatibility and security considerations that must be taken into account that do not apply to any other use listed in the Zoning Ordinance, and therefore there are no other uses that closely match the proposed use. Similarly, indoor firing ranges are not listed in the Table of Uses. In order for the City to preserve options in reviewing such proposed uses, it is necessary to first establish specific regulations by amending the Zoning

Ordinance. The draft ordinance under consideration would establish firearm stores and indoor firing ranges as Special Uses, limited to two zoning districts, and to be reviewed by the Plan Commission and City Council on a case-by-case basis.

It is important to note that this Zoning Ordinance amendment is intended to address the process and standards for potential firearm stores and indoor firing ranges. The amendment is not intended to address firearm ownership; nor is it intended to address firearm sales generally as an activity. Based on legal research, it would be in the best interest of the City to adopt procedures and standards for potential firearm stores and indoor firing ranges, consistent with the City's comprehensive planning policies and land use restrictions.

The Urbana Plan Commission held a public hearing on this case at their July 19, 2012 and August 9, 2012 meetings. Approximately 28 members of the public attended the July 19 meeting, and three members of the public attended the August 9 meeting. Representatives of D&R Firearms attended both public hearings and answered questions from the Plan Commission about Federal and State regulations, procedures, and the local market for such uses. Following the public hearing on August 9, the Plan Commission, by a vote of 6-ayes and 1-nayes, recommended approval with five specific amendments. The attached draft ordinance incorporates these recommended amendments.

Background

Federal Regulatory Context

Firearm sales are licensed and regulated by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF). There are several federal laws that apply to firearm sales, including the Gun Control Act (18 U.S.C. Chapter 44), the National Firearms Act (26 U.S.C. Chapter 53), and the National Instant Criminal Background Check System (24 CFR Part 25). These laws require that anyone selling firearms obtain a license from ATF and meet their requirements for record-keeping, storage, background checks, and limiting sales to adults. A comprehensive list of federal laws regarding firearms is available at <http://www.atf.gov/publications/firearms/>.

State Regulatory Context

Additionally, the State of Illinois has its own laws regarding firearms. Those wishing to purchase or sell firearms must qualify for and obtain a state-issued Firearm Owner's Identification card (FOID). For FOID card holders, state law imposes a 72-hour waiting period to purchase handguns and a 24-hour waiting period to purchase long guns. Gun dealers must comply with strict record-keeping and must have the State Police approve each firearm transaction in advance. Illinois also bans sales of firearms at schools and establishments that sell liquor. A complete compilation of State of Illinois laws and statutes regarding firearms can be found at: <http://www.atf.gov/publications/download/p/atf-p-5300-5-2011/atf-p-5300-5-illinois-2011.pdf>. This document also abstracts municipal firearm regulations reported to the ATF.

Illinois Municipal Context

Generally, the Illinois Legislature provides municipalities broad authority to regulate firearms and ammunition. Illinois' Firearms Owners Identification Card Act provides that "[t]he provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act." The attached *Zoning News Bulletin* (Exhibit A) outlines a range of issues and solutions municipalities typically have for firearm-related uses. Research of municipal ordinances regarding firearm sales shows that many communities do not regulate firearm sales but instead rely solely upon state and Federal statutes. For example, the City of Champaign classifies firearm sales as a retail use allowed anywhere retail sales are permitted. It should be noted that the City of Champaign does restrict firearms sold at pawn shops through their city code, including prohibiting window display and requiring a burglar alarm.

Zoning. For cities regulating firearm sales, a standard approach is through zoning standards. Nationally, such regulations often include minimum distances from schools, parks, places of worship, and other firearm stores. In Illinois, some municipalities, principally in Cook County, have imposed minimum distance requirements for firearm stores and indoor firing ranges from other such uses, and from schools, parks, and places of worship.

Courts have upheld municipal restrictions on the location of gun sales within a specified distance of schools, playgrounds, parks, and places of worship. And because firing ranges may create excessive noise and pollution, courts have also prohibited ranges from operating in locations that are too close to residences. But the restrictions must be reasonable. In *Illinois Sporting Goods Association v. County of Cook* (1994), the U.S. District Court for the Northern District of Illinois found that a half-mile distance requirement for firearm stores from schools and parks was a valid exercise of the County's police power because it was rationally related to the governmental interest in reducing firearm violence among youth. However, the Court issued a preliminary injunction against the County because the regulations imposed this distance requirement only to sporting goods shops and gun stores and not to other businesses selling firearms, such as "big box" retailers. Some suburban Chicago municipalities have until recently continued to require a half mile separation for gun stores. The Village of Lincolnwood is currently considering reduction reducing their minimum distance requirement from half a mile to 800 feet.

More recently in Illinois, court decisions have led two Cook County municipalities to either drop or reduce minimum distance requirements. Following a landmark U.S. Supreme Court decision in 2010 -- *McDonald et al v City of Chicago et al* -- the Village of Oak Park's Public Health Board, following an extensive review of evidence over a series of public meetings, recommended against imposing rules such as minimum distance requirements. And similarly, after the 7th Circuit Court of Appeals (*Ezell v City of Chicago*) overturned a City of Chicago ban on indoor firing ranges in July 2010, the City of Chicago first allowed indoor firing ranges no closer than 1,000 feet to any home, school, place of worship, park, retail sales of liquor, library, museum, hospital, or place of children activities. After these restrictions were challenged in court as being too harsh, the City of Chicago in 2011 reduced the distance to 500 feet. In short, municipal minimum distance requirements for businesses

involving firearms must be reasonably constructed and applied, and rationally related to serving an important public purpose.

Zoning standards for firing ranges are less common than those for firearm sales. Cities regulating firing ranges typically concentrate on outdoor ranges, requiring location on larger parcels with ample setbacks from neighboring properties. Such requirements generally keep outdoor firing ranges to the mostly rural or fringe areas around cities, reducing the chance that they will negatively impact urban neighborhoods. Where permitted, indoor firing ranges generally have fewer use restrictions. Design standards published by the federal government may be adopted to ensure safety and low noise impacts on adjacent properties.

The National Shooting Sports Foundation lists some 225 sporting ranges in Illinois, including indoor and outdoor firing ranges, skeet clubs, and archery ranges, meaning that many Illinois communities have been able to accommodate such uses.

Licensing. Nationally, some communities provide standards through licensing rather than zoning. They require city-licensing of firearm dealers in addition to Federal licensing. Licensing programs have been used by municipalities to require more detailed record-keeping or daily reporting, fingerprinting of gun purchasers, annual inspections, and collection of fees. The Village of Northbrook, Illinois, has used its licensing program to restrict sale of handguns. Some cities also limit the number of firearm dealer licenses, much like they do for liquor or taxi licenses. This approach may work well for larger cities that have a high concentration of gun shops.

City of Urbana Zoning

The City of Urbana currently has no zoning standards for principal use firearm sales (gun shops) or firing ranges. Table V-1 of the Zoning Ordinance does not list firearm sales or gun shop as a principal use. According to Section V-1.B of the Zoning Ordinance, when a principal use is proposed to be established that is not listed in Table V-1, the Zoning Administrator shall determine what is the most related or similar use. The proposed use would then be allowed under the same regulations as the most similar use. In the case of firearm sales, there is no similar use provided in the Table of Uses, due to the special considerations unique to this use.

“Sporting goods store” is a related use, but it is not generally similar. A sporting goods store sells a variety of merchandise, including clothing, fitness equipment, and sport-specific equipment. Sporting goods stores sometimes sell firearms for hunting or target shooting, but is only a component of a larger retail business. Similarly, a general merchandise store such as Walmart may sell firearms in their sports or outdoor department. Firearm sales would generally be allowed as an accessory use for these stores if it is a small part of their business. These businesses must have a federal license to sell firearms. Staff is not aware of any sporting goods stores or general merchandise stores that sell firearms within the City of Urbana. Pawn shops are locations in the City where firearms are known to be sold. As with sporting goods and general merchandise stores, firearm sales are a small part of the business and considered an accessory to the principal use.

Site Security Plan

To better understand the aspects of site security planning for home-based firearms dealers, City staff on August 3, 2012 met on site with the owners of D&R Firearms which operates under a City home occupation permit. Site security features of note include secure storage of firearms in construction-type storage boxes bolted to concrete floors; window bars; alarm activated by motion sensors, contacts, and push button; barred windows; barred and reinforced exterior doors; security signs; and preset procedures in case of emergency. Urbana Police and Fire and METCAD all have a copy of the security plan so that they can respond accordingly in case of emergency.

Discussion

Firearm sales are proposed to be added to the Table of Uses as Special Use Permit, along with standard conditions designed to promote the safety and general welfare of the public. Firearm sales would only be allowed in Urbana's IN-1 (Light Industrial/Office) and B-3 (General Business) zoning districts and only as Special Uses. The B-3 district is intended for general commercial activity for uses that are more intense than those allowed in neighborhood business districts. While a gun shop is not a high-impact use in terms of generating vehicle trips, excessive noise, or other potential nuisances, it may not be compatible with residential and institutional uses. The IN-1 district is designed to provide for limited retail commercial uses, in addition to office and light industry. Properties zoned IN-1 are generally located in areas that are not next to residences.

Requiring a Special Use Permit will give Plan Commission and City Council a chance to review each proposed gun shop application. Per Section VII-V of the Zoning Ordinance, Special Use Permits are evaluated on the following factors:

- Is the proposed use conducive to the public convenience at the proposed location?
- Is the proposed use designed, located, operated so that it will not be unreasonably injurious or detrimental to the district it is in or to the public welfare?
- Does the proposed use conform to the applicable regulations and standards of, and does it preserve the essential character of the district?

City Council may require additional conditions for individual Special Use Permits as deemed necessary for the public health, safety, and welfare. In addition to these criteria, City staff and the Plan Commission are recommending standard conditions that all principal use firearm sales businesses meet. Rather than minimum distance requirements, the Plan Commission is recommending an increased public notice requirement to notify property owners within 500 feet rather than the normal 250 feet from the proposed Special Use. Additionally, conditions would include limited hours of operation, prohibition of unaccompanied minors in gun stores, prohibition of display of guns and ammunition in windows, and a security plan approved by the Chief of Police.

The Urbana Plan Commission discussed whether to impose standard minimum distance requirements for firearm stores and firing ranges from potentially sensitive land uses nearby. The Urbana Zoning Ordinance now has minimum distance requirements for other uses, including: Outdoor Commercial Recreational Enterprises, Riding Stables, Kennels, Veterinary Hospitals, Truck Terminals, Billboards, Adult Entertainment Uses, Telecommunication Towers, and Wind Turbines.

Additionally the State of Illinois requires a minimum 100 feet between any retail sales of liquor and any “church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on . . .” Urbana City Codes generally require public hearings for issuance of new liquor licenses.

Given the intent of this amendment to address firearm stores and indoor firing ranges and not firearm sales generally, and in light of recent court decisions, the Plan Commission is not recommending distance restrictions. Rather, the Plan Commission recommends that public hearing noticing for these uses be expanded, and that potentially sensitive adjacent land uses be handled on a case-by-case basis through the public hearing process.

Two related text amendments have been included with this plan case: requiring an approved security for home occupations involving firearms, and permitting private firing ranges as a special use in certain districts. Currently the Zoning Ordinance does not address home occupations that deal with firearms. The home occupation ordinance does not distinguish different types of businesses; instead it regulates businesses based on how they impact their surrounding neighborhood. Home offices and mail-order/internet businesses are generally approved, but retail uses that depend on walk-in customers are not allowed.

For firearm sales as a home business, one major concern is securing weapons kept in the home. All businesses must advertise in some fashion to potential clients, but advertising that one’s home contains a number of firearms poses a security risk, even if those weapons are secured in a gun safe. For home businesses involving firearms, allowing limited clientele through special orders would require very limited stock. This combined with a required site security plan will address many concerns.

Firing ranges are another use involving firearms that is not addressed in the Zoning Ordinance. Staff has received inquiries about potential firing range businesses in the past. These uses are generally recreational, but could have impacts on surrounding properties if not properly designed and constructed. Primary concerns include safety for users of the range and adjacent properties, and noise for surrounding properties. These concerns are addressed in federal guidelines for Range Design Criteria (www.hss.doe.gov/SecPolicy/pfs/Range_Design_Criteria.pdf). Staff is

proposing to define an indoor firing range as a use that meets the federal range design criteria. The criteria include specifications for baffles, backstops, HVAC systems, sound-proofing, and other requirements to ensure that ricochets do not escape the building or harm users, and that sound from discharging weapons will not affect neighbors. Any potential indoor firing range would also have to ensure noise levels do not exceed the City's noise standards. Outdoor firing ranges are not being addressed as part of this Zoning Ordinance amendment as more study is needed to draft proper standards.

Comprehensive Plan

The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to this case:

Goal 17.0 Minimize incompatible land uses.

Objectives

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

The proposed text amendment would accomplish these goals by establishing logical locations for potentially incompatible firearm-related uses, separate from residential and institutional uses. It would also add design controls to minimize incompatibilities between uses.

Proposed Text Amendment

Based on the comments provide at the public hearing held by the Urbana Plan Commission on July 19 and August 9, 2012, as well as specific amendments recommended by the Plan Commission, the following revised Zoning Ordinance text amendment is proposed. Underlined words indicate proposed text to be added to the Zoning Ordinance.

Section II-3. Definitions

Section II-3, Definitions, of the Urbana Zoning Ordinance, would be amended by adding the following new definitions.

Firearm: Any device from which a projectile is discharged by gunpowder through a barrel.

Firearm Store: A retail store that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

Firing Range, Private Indoor: A building inside of which club members, or the public at large, discharge firearms for target practice.

Section V-13, Regulation of Home Occupations

Section V-13, Regulation of Home Occupations, of the Urbana Zoning Ordinance would be amended by adding the following condition for administrative approval of any home occupation permit involving sale of firearms.

H: The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years.

Table V-1. Table of Uses

Table V-1, Table of Uses, of the Urbana Zoning Ordinance would be amended by adding the following new principal uses and footnotes.

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
Firearm Store†												S							S	
Private Indoor Firing Range††									S								S		S	

† See Section VII-5.D for Standards for Firearm Stores
 †† See Section VII-5.E Standards for Private Indoor Firing Ranges

Section VII-5. Special Use Terms and Conditions

The following standard conditions would be required of any firearm store or private indoor firing range issued a Special Use Permit as authorized by the Urbana City Council.

D. The following conditions shall apply to any Firearm Store:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.
2. Approval of a site security plan by the Urbana Chief of Police, or designee, shall be a condition for approval of a Special Use Permit. Updated site security plans shall be submitted to the Police Chief at least every three years.
3. Firearms and ammunition shall not be displayed in windows.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
5. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

E. The following conditions shall apply to any Indoor Firing Range:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Private Indoor Firing Ranges shall conform to U.S. Department of Energy's Range Design Criteria or subsequent criteria.
3. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

Summary of Findings

1. The Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish regulations for firearms-related uses, which are currently not addressed in the Table of Uses.
2. Firearms sales are regulated by federal and state laws, and are licensed through the Bureau of Alcohol, Tobacco, and Firearms.
3. The proposed amendment will modify Articles II, V, and VII of the Urbana Zoning Ordinance to allow firearm stores and indoor firing ranges in limited districts under specific conditions.
4. The proposed amendment would require a security plan; limit hours of operation; and bar entry of Firearm Stores by unaccompanied minors.
5. The proposed amendment will require firearm stores and indoor firing ranges to be approved by City Council as a Special Use and with expanded notification requirements.
6. The proposed amendment will provide standards to ensure firearm sales and firing ranges do not have a negative impact on surrounding properties.
7. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan to minimize potentially incompatible land uses and to promote design controls to minimize concerns.
8. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

The Urbana City Council has the following options regarding Plan Case 2181-T-12:

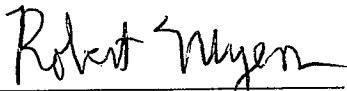
- a. Approve the proposed Zoning Ordinance amendment;
- b. Approve the proposed Zoning Ordinance amendment with specific suggested changes; or
- c. Deny the proposed Zoning Ordinance amendment.

Recommendation

The Urbana Plan Commission on August 9, 2012, by a vote of 6-ayes and 1-nay, recommended **APPROVAL** of proposed Zoning Ordinance amendment as attached. City staff likewise recommends approval.

Under Illinois State law, the City of Urbana would need to report any municipal regulations of firearms to the State Police within 30 days of passage.

Prepared by:



Robert Myers, AICP
Planning Manager

Attachments:

Draft ordinance
Plan Commission minutes, July 19, 2012; August 9, 2012
Exhibit A: "On the Firing Line", *Zoning News Bulletin*, February 2000

cc: Patrick Connolly, Urbana Police Chief
Curt Borman, City Attorney
Dean Hazen
Roger Tillman
Marcus Harris

ORDINANCE NO. _____ - _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Table V-1, Article II, Article V, and Article VII to establish standards for "Firearm Store" and "Private Indoor Firing Range" - Plan Case No. 2181-T-12)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish procedures and standards for firearm stores, firing ranges, and home occupations involving firearm sales; and

WHEREAS, the proposed amendment will require firearm stores and indoor firing ranges to be reviewed by the Urbana Plan Commission and City Council on a case-by-case basis as part of the Special Use Permit process; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their July 19, 2012 and August 9, 2012 meetings; and

WHEREAS, the Urbana Plan Commission on August 9, 2012 voted 6 ayes to 1 nay to recommend approval with specific changes based on public comments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That Section II-3, Definitions, of Urbana Zoning Ordinance is hereby amended to add the following new definitions:

Firearm: Any device from which a projectile is discharged by gunpowder through a barrel.

Firearm Store: A retail store that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

Firing Range, Private Indoor: A building inside of which club members, or the public at large, discharge firearms for target practice.

Section 2. That Section V-13, Regulation of Home Occupations, of the Urbana Zoning Ordinance is hereby amended to add the following new requirement:

H: The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years.

Section 3. That Table V-1, Table of Uses, of Urbana Zoning Ordinance is hereby amended by adding the following new uses and footnotes:

Table V-1. Table of Uses

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
Firearm Store†												S							S	
Private Indoor Firing Range††									S								S		S	

† See Section VII-5.D for Standards for Firearm Stores

†† See Section VII-5.E Standards for Private Indoor Firing Ranges

Section 4. That Section VII-5, Special Use Terms and Conditions, of the Urbana Zoning Ordinance is hereby amended by adding the following new conditions:

D. The following conditions shall apply to any Firearm Store:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Approval of a site security plan by the Urbana Chief of Police, or designee, shall be a condition for approval of a Special Use Permit. Updated site security plans shall be submitted to the Police Chief at least every three years.
3. Firearms and ammunition shall not be displayed in windows.
4. Hours of service shall be limited to 9:00 a.m. to 9:00 p.m.
5. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

E. The following conditions shall apply to any Indoor Firing Range:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.
2. Private Indoor Firing Ranges shall conform to U.S. Department of Energy's Range Design Criteria or subsequent federal criteria.
3. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 6. The City Clerk is directed, within 30 days passage of this ordinance, to submit a copy to the Illinois Department of State Police, in conformance with Section 65/13.3 of the Firearm Owners Identification Card Act (430 ILCS 65).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2012.

PASSED by the City Council this _____ day of _____, 2012.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2012.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Table V-1, Article II, Article V, and Article VII to establish standards for "Firearm Store" and "Private Indoor Firing Range" - Plan Case No. 2181-T-12)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No.

_____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2012, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2012.



On the Firing Line: Zoning for Gun-Related Uses

By Michael Davidson

Few issues have received more attention in recent decades than the implications of firearms. Gang-related warfare, school rampages, and post office shootings spurred a passionate debate between those defending the right to bear arms and those concerned about the violence in society. *Zoning News* will not delve into moral issues or the state of American culture. Rather, this issue will address the land-use requirements of gun-related enterprises, including firearms dealers and shooting ranges.

Is Nothing Untouched by Sprawl?

Outdoor shooting ranges have fallen victim to incompatible zoning. As the countryside succumbs to urbanization and farms are sold to developers, range operators find themselves uncomfortably close to the residents of new subdivisions. Annoyed and concerned homeowners, neighborhood associations, and town zoning boards complain about noise and related nuisances coming from the nearby shooting range.

Most outdoor shooting ranges are classified as agricultural, industrial, or recreational uses, and therefore are zoned appropriately where few residential uses are present. Even then, a jurisdiction may take extra measures to minimize the impact of the land use. For example, Durham, North Carolina, gives outdoor shooting ranges a "buffer intensity" classification in the city's rural zoning district.

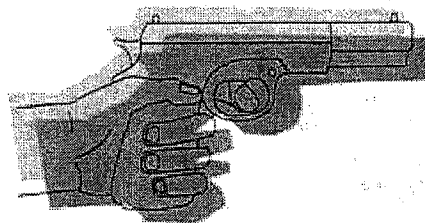
Ohio enacted legislation in 1998 to protect owners, operators, and users of existing shooting ranges from the ramifications of sprawl. Ranges that were established in isolated areas years ago came under fire when encroaching residential development led to legal action over noise. Supporters of the legislation argued for protection similar to that given farmers under Ohio's Right-to-Farm Law. The law provides limited immunity from civil and criminal liability to persons who own, operate, and use shooting ranges that are in "substantial compliance" with standards established by the Division of Wildlife in Ohio's Department of Natural Resources. The law prohibits courts from issuing injunctions against shooting ranges for nuisances if they find that a range is in substantial compliance with state standards. The law also affects the manner in which local governments can regulate ranges with measures such as zoning.

The law's greatest effect is on the "reconstruction, enlargement, remodeling, or repair" of structures or facilities that are part of an existing shooting range. However, it offers minimal protection from local regulations addressing the establishment of new shooting ranges, which must comply with all existing local ordinances. Under the new law, all shooting ranges will abide by the general development standards that apply to all structures in a county or township. The rules adopted by the Division of Wildlife for the reconstruction, enlargement, remodeling, or repair of a shooting range and its related facilities do not preempt

local laws. However, locally adopted standards may no longer be authorized if they specifically target facilities or structures that are part of a shooting range.

No Guns in My Back Yard

Zoning ordinances ensure that compatible land uses are placed in zoning districts that will minimize or prevent land-use conflicts. Concerns over gun-related enterprises include the buffering and screening of shooting ranges for aesthetic reasons and to prevent bullets and projectiles from leaving the premises. Other concerns focus on firearm noise, devaluation of property near gun dealers and ranges, the perpetuation of crime, illegal firearms sales, and gun accessibility to minors and persons without licenses.



Outdoor shooting ranges have fallen victim to incompatible zoning. As the countryside succumbs to urbanization and farms are sold to developers, range operators find themselves uncomfortably close to the residents of new residential subdivisions.

Many ordinances eliminate gun dealing in residential areas altogether. Opponents of the dealers argue that "kitchen-table" operations pose a potential threat to nearby residents. The homes of such enterprises may not be equipped with the state-of-the-art security systems often found in commercial buildings. Storefront gun shops are typically required by ordinance to place bars on the windows and doors, employ security personnel, and install bulletproof glass. Gun inventories in stores are kept in locked cases, accessible to customers only when a trained professional is present. There is also the risk associated with residential gun dealers who do not keep sufficient records or conduct background checks on customers. Both offenses violate many state and federal laws.

Municipal ordinances can effectively deter kitchen-table operations by requiring a local dealer's license. For example, the dealer may be required to present proof that the operation exists outside a residential neighborhood and away from schools, day care centers, parks, liquor stores, bars, and other firearms dealers. All these areas are frequently deemed sensitive by local officials.

Zoning provisions can restrict firearm dealers to commercial areas. Lafayette, California, requires that dealers first obtain a land-use permit before opening shop. Applicants must also go

Permitted and Conditional Uses for Commercial Districts, Pleasanton, California*

Use	CR (m)	CR (p)	CN	CC	CS	CF	CA
Antique stores, no firearm sales					P		
Antique stores with sales of antique firearms				C			
Catalog stores, no firearm sales	P	P		P			
Catalog stores with firearm sales	C	C		C	C		
Firearm sales	C	C		C			
Firearm sales in which no more than 10 firearms are stored on site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows.	C	C		C	C		
Gunsmiths	P	P		P	P		
Shooting Galleries, indoors with firearm sales	C			C	C		
Sporting goods stores, no firearm sales	P	P	P				
Sporting goods stores, with firearm sales	C	C		C			

*P = Permitted Use C = Conditional Use
 CR (m) = Regional Commercial (retail only) CR (p) = Regional Commercial (retail used amount only)
 CN = Neighborhood Commercial, CC = Central Commercial, CS = Service Commercial, CF = Freeway Commercial
 CA = Accessible Commercial

through a public hearing process before the local plan commission to allow for public input. Still, the land-use permit is not lawful until the applicant secures a local police permit and meets federal and state licensing requirements. Such measures have reduced dramatically the number of residential gun dealers throughout the country. Oakland, California, passed its own comprehensive gun dealer ordinance in 1992, reducing the number of local dealers from 115 to six.

The owners of some storefront gun shops in Illinois actually lobbied against residential dealers by supporting President Clinton's 1994 crime bill, which gave local governments more regulatory power over gun dealers. Until then, dealers in some of Chicago's southern suburbs could hold a permit to sell firearms even if the business was violating a state law or a local ordinance. Shop owners say their support for the bill arose from concerns about image rather than profits.

Banning guns in residential zones was not the only important objective of an ordinance passed in Los Angeles County, California. Requiring gun dealers to have a "fixed place of business where all licensed activities will be conducted" helps to eliminate illegal gun sales conducted out of the trunks of cars. The ordinance requires the dealer to be the legal occupant of the place of business, which cannot be a United States post office box address or a private commercial mailbox. The dealer also must prove that he is the owner, lessee, or other legal occupant of the fixed place of business. Any subsequent license will specify the post office address of the dealer's business.

Commercial districts are certainly not immune to the banishment of gun-related enterprises. Culver City, California, circulated a petition to adopt a zoning measure entitled "The Safe School Zones Ordinance of 1999," which would restrict certain uses, including gun shops, within 500 feet of public and private schools, regardless of the location. The petition states: "Not all commercial development is incompatible with school zones. A proper balance can be reached that enhances our business districts, but without sacrificing the health, safety, and well-being of our children in the process."

Permitted or Not?

When gun-related enterprises are not listed as a use by right (permitted use) in a zoning district, owners are required to traverse through a lengthy administrative process to determine whether the operation is permissible through an alternate measure. Lafayette's gun-related enterprises are not allowed in commercial districts as a permitted use. A firearms dealer must

apply for and obtain a land-use permit before conducting business in a commercial area. Conversely, indoor ranges are listed as permitted uses in the planned industrial districts and the light and heavy industrial districts of Mankato, Minnesota, which requires applicants to embark on the somewhat less difficult process of acquiring a business license, building permit, certificate of occupancy, etc., and complying with any performance standards established by the federal, state, and local governments. Such a process is certainly less burdensome for the planning staff, as the land-use implications of a permitted use are relatively marginal and the paperwork minimal.

Nonconforming use. The preexisting nonconforming use, one which may be referred to as having "grandfather" status, is unavoidable for zoning administrators as cultural interests and living styles change and cities continue to grow. Despite such conflicts, some of the now "nonconforming" uses will be allowed to stay, albeit with restrictions. Even a minor structural modification of a gun facility could result in the termination of its nonconforming status, as stated in the Ohio law. The owner of a Michigan gun club wanted to expand his building to include a new range. The request was denied because of the club's status as a preexisting nonconforming use, and to change or alter the use would violate the law, rendering the facility "different" and making it a potential threat to the area with which it was once thought compatible.

Conditional or special use. Subject to the high standards of planning and design, as well as the general standards established in the ordinance, conditional or special uses are allowed in districts that do not have them as a permitted use. These add flexibility to the ordinance by allowing a previously unwanted land use to be developed with minimal negative consequences to neighboring properties. Zoning boards typically approve a conditional or special use when that use is compatible with the surrounding area. Present and future compatibility with the surrounding area is an extremely important consideration that zoning administrators, who may have the prerogative of designating the restrictions, should take seriously. Violation of any of the conditions could result in a loss of the permit or some other penalty. Any changes, however minor, to grandfathered outdoor ranges in Cowlitz County, Washington, require the issuance of a special use permit, rendering the entire facility subject to the standards of a new ordinance.

In Santa Monica, California, conditional uses (which include any "business or use which sells, transfers, leases, offers or advertises for sale, transfer or lease any firearm or munitions in any location where such business is permitted") may be granted if the following criteria are met:

- The proposed use will not adversely affect the welfare of neighborhood residents in a significant manner;
- The proposed use will not contribute to an undue concentration of similar uses in the area.
- The proposed use will not detrimentally affect nearby neighborhoods, considering the distance of the use to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing similar uses.
- The proposed use is compatible with existing and potential uses within the general area.
- The public health, safety, and general welfare are protected.
- No harm to adjacent properties will result.

- The proposed use is not within 1,500 feet of any other similar use, any day care facility, or any elementary, middle, junior, or high school.

Special use provisions for outdoor shooting ranges in New Hanover County, North Carolina, require that:

- all shooting areas shall be set back a minimum distance of 100 feet from any street right-of-way.
- the firing range shall have a natural earth embankment at least 10 feet high placed behind all targets within the shooting area.
- the firing range shall be posted "No Trespassing—Danger—Shooting Range," at 100-foot intervals around the perimeter.
- at least one qualified individual in the sponsoring club or organization shall be certified for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.
- the firing range shall be covered by a minimum of \$300,000 accident and liability insurance.

Legal vs. Lethal

Because zoning ordinances originate from a local government's police power, which is used to ensure public welfare, legal challenges to municipal gun regulations may be unsuccessful, according to the Legal Community Against Violence, a San Francisco-based organization. (More information is available at the group's web site, www.lcav.org.) Municipalities can regulate or prohibit uses that jeopardize the character or safety of a residential neighborhood, which may motivate opponents to challenge the municipality under various legal arguments.

Preemption. A preemption challenge by residential gun dealers may face rejection in a court of law. In California, the legislature authorizes cities and counties to regulate the sale of firearms within community boundaries, including decisions about licenses and local fees. State regulations exist as well, including those that require gun dealers to perform background checks. Preemption over local authority would not occur simply because a local ordinance prohibiting residential gun dealers "does not involve firearm registration or licensing." Additionally, the ordinance would not contradict the state's penal code requiring background checks because it does not impose any permit or licensing requirements on people who want to purchase firearms for their homes or places of business.

Equal protection. An ordinance challenged as violating equal protection will be upheld if the court finds that it does not specifically target a particular class or compromise a person's basic rights, and as long as there is a logical relationship between the ordinance and a valid governmental objective. If an ordinance that bans residential gun dealers has followed its intended purpose of maintaining the residential character of a neighborhood, then those arguing that it violates their equal protection rights will probably not have a solid legal argument.

A California Superior Court rejected a 1995 equal protection challenge to an ordinance banning residential gun dealers, starting in its order, "The sale of firearms is not a fundamental right. There is a rational basis for a ban on gun dealers in residential areas and, accordingly, there is a justifiable exercise of police power."

Inverse condemnation. Existing residential gun dealers may challenge an ordinance if they think that such regulation will negatively affect their business. They might argue that this would constitute a "taking without just compensation" in violation of the state and federal constitutions. Still, a cause for action under inverse condemnation should fail. A taking would

occur only if the ordinance imposed substantial constraints on the use of the property as a residence. Prohibiting kitchen-table gun operations does not severely limit a property owner in enjoying the benefits of selling or renting the home, or otherwise living in the home as she wishes.

Legislation regulating gun-related enterprises has increased substantially in recent years. Whatever the type of gun-related use, it is clear that zoning laws and other forms of municipal regulation are essential in achieving peaceful solutions.

OUTDOOR RANGE STANDARDS

Shooting ranges have safety as the prime zoning purpose for regulation. Most codes require a minimum site size of 10-20 acres, with 20 acres most common. Setbacks of 50-200 feet are common for zone yards and behind back stops in the line of fire. Buildings located ahead of the firing line are allowed to be located to the normal zone yard setback. The site plan must show the location of the firing line or shooting stakes, targets, and backstops and indicate how the backstops are constructed. The backstop must be an earth mound or dugout of sufficient dimension to stop projectiles. The range must be screened and fenced with no gates or outlets except as approved on the site plan, to avoid the possibility of unauthorized persons entering the shooting area and to intercept and stop projectiles from leaving the site. The passageway between the firing point and targets must be enclosed or be in a trench to protect users from projectiles.

An ancillary retail store and snack shop is allowed, selling convenience items and prepared snacks and sandwiches to patrons of the shooting range, but no drinks or beer, and short-term rental of firearms and equipment for use only on the premises. Buildings can have rooms for training in the use of firearms but not as an indoor shooting range unless approved with the permit.

—Charles Reed, *The Zoning Report*, "Definitions and Standards for Campgrounds, Shooting Ranges, Golf Courses, and Other Outdoor Recreation Uses," Vol. 11, No. 15, December 17, 1993. Reprinted with permission from Charles Reed.

Big Box Big Issue in California

California is starting out the new year with a new approach to local competition for big box retail stores, courtesy of A.B. 178, which passed the General Assembly last year. Last September, Gov. Gray Davis vetoed a second law passed by the General Assembly that targeted big box retailing. It would have prohibited municipalities from approving retail projects larger than 100,000 square feet if more than 15,000 square feet of the store were used to sell nontaxable merchandise, such as produce.

A.B. 178 prohibits local governments from offering development incentives to retail stores or auto dealers over 75,000 square feet that move from one jurisdiction to another in the same market region. The new law requires that the receiving local government share 50 percent of the sales tax revenue if the relocation results in a loss to the city where the business was originally located. The resulting tax sharing between municipalities would be continued for 10 years. According to Davis, the new law offers a fair approach to dealing with the loss of a large retail store.

State Assemblyman Tom Torlakson, a supporter of the new law, says state and local budget crises have forced governments to compete over business developments that generate sales tax. Threatened cities must then scramble to come up with an investment package or face the relocation of a business to a nearby city. Torlakson previously had tackled this issue unsuccessfully with

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 19, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Mary Tompkins

MEMBERS EXCUSED: Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner II

OTHERS PRESENT: Robin Arbiter, Camden Baxer, Ronald Berkman, John Boch, Matt Boynton, Jessica Dewitt, Brendon Ellis, Chris Fortier, Will Gillespie, Marcus Harris, Dean Hazen, Mike Holden, Pat Holden, Christina Kniskern, David Martin, Ryan Meekma, Kenneth Selby, Steve Stanley, Susan Taylor, Clyde Walker

COMMUNICATIONS

The following written communications were distributed to Plan Commissioners at the beginning of the meeting:

- Updated recommendation for proposed Zoning Ordinance text for Plan Case No. 2181-T-12 provided by City staff.

NEW PUBLIC HEARINGS

Plan Case No. 2181-T-12: A request by the Zoning Administrator to amend Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Sales” and “Firing Range (Private Indoor)”

Jeff Engstrom, Planner II, presented this case to the Plan Commission. The proposed text amendment originated when a property owner contacted the Zoning Administrator to determine where the Urbana Zoning Ordinance would allow opening a new gun store and firing range in Urbana. Mr. Engstrom noted that the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) enforces federal laws such as the Gun Control Act, the National Firearms Act, and the National

Instant Criminal Background Check System. Additionally, the State of Illinois has adopted firearms laws concerning rules for sale and purchase of firearms. Cities have the ability to regulate firearm sales through zoning or licensing. Zoning regulations may include minimum distances from schools, parks, churches or other gun shops or restricting firearm sales to specific zoning districts.

Mr. Engstrom stated that requirements for shooting ranges were less common than those for firearm sales. For indoor shooting ranges, design standards have been adopted by the federal government to ensure safety and low noise impacts on adjacent properties.

He discussed possible zoning districts in the City of Urbana where firearm sales might be allowed with a Special Use Permit. City staff is proposing firearm sales would only be allowed in the IN-1 (Light Industrial/Office) and B-3 (General Business) Zoning Districts. In addition, City staff is recommending the following three standard conditions for all principal use firearm sales businesses to meet: 1) Require a minimum distance from schools and places of worship; 2) Require a security plan approved by the City of Urbana's Police Department and 3) Restrict firearms and ammunition from being displayed in windows.

He also spoke about limiting retail sales of firearms as a home occupation and permitting private firing ranges as a conditional or special use in certain districts. The amendment would also limit gun sales out of homes. Upon researching firing ranges, City staff found all of their concerns addressed in the federal guidelines for range design criteria. Staff is proposing to adopt these design guidelines as a requirement for any indoor firing range.

Mr. Engstrom explained how the 2005 Urbana Comprehensive Plan relates to the proposed text amendment. He read the options of the Plan Commission and presented City staff's recommendation.

Chair Pollock asked staff to explain the processes for acquiring a special use permit and a conditional use permit. Mr. Engstrom then explained the process for each.

Mr. Hopkins asked if there is a particular reason why the special use permits being proposed in the text amendment only apply to IN-1 (Light Industrial/Office). Mr. Engstrom replied that when the City recently created the IN-1 (Light Industrial/Office) and IN-2 (Heavy Industrial) Districts, the intent of the IN-1 District includes limited retail uses, but IN-2 Districts are intended to be limited to heavy industrial uses.

Mr. Hopkins asked how indoor firing ranges related to the CRE (Conservation-Recreation-Education) Zoning District which is primarily public owned land. Mr. Engstrom answered that although CRE zoning is mostly publically owned, it could also include privately owned property.

Mr. Hopkins asked what constitutes a private firing range as opposed to a public firing range. Mr. Engstrom responded that a new definition would define a "private" firing range as essentially private owned. The proposed text amendment distributed tonight would apply to private firing ranges and not publically owned ranges such as the law enforcement-only range at the closed City landfill.

Mr. Hopkins wondered if the Urbana Park District wanted to open a public firing range, then the proposed regulations would not apply. Mr. Engstrom said that is correct.

Mr. Otto noticed the wide range of minimum distance requirements on Page 3 of the written staff report range from 500 to 2,000 feet. Why is City staff proposing 500 feet distance? Mr. Engstrom explained that the table shows a sample of local standards. Most all of the cities require from 500 to 1000 feet, so City staff decided to go with the lower distance. The Plan Commission can recommend a different distance if they wish to do so.

Mr. Otto asked why there are different laws based upon business volume. He feels that there should be one set of regulations. Mr. Engstrom replied that when we generally look at principal uses for different businesses, there are different concerns that would affect them. Larger businesses have larger volumes of traffic. Mr. Myers added that it is the intent of this amendment to deal with land use categories rather than gun sales specifically. This amendment concerns principal use gun stores rather than pawn shops and sporting goods stores which may include gun sales as a smaller component of a broader range of retail sales.

Chair Pollock inquired as to whether the proposed regulations, if approved by the City Council, would be applied to stores that currently sell firearms or would these stores be grandfathered in without the regulations. Mr. Myers responded that because it is a zoning regulation, any firearms stores, private firing ranges, or approved home-based gun sales would be grandfathered as legally non-conforming uses. When the City staff drafted the proposed text amendment, they had firearm stores in mind rather than general retail stores.

Mr. Otto commented that his concern is not so much over the character of the use but more for the security of the inventory. A larger business, such as Walmart, could have a firearm section that while it may only be considered a small portion of their overall inventory could be five times larger than a firearm store. The City needs to have the same laws for any business who would sell firearms.

Mr. Otto noted that on Page 7 of the memo, under Section V-13. H. (home occupations) it states that, "*....No firearms inventory shall be regularly kept in the home.*" He felt this language should be removed for the simple reason that a firearm dealer with a home occupation permit will probably have a stock of guns for their own personal possession kept at home. How would one determine whether this would be part of the inventory or part of the dealer's personal collection? Mr. Myers stated that the City is not intending to limit gun ownership through this Zoning Ordinance amendment. The home occupation ordinance is vague in several major respects, including that it doesn't prohibit retail sales from the home. Allowing outright retail sales from a home flies in the face of residential zoning. Prohibiting stock in trade at home is intended to insure that a gun dealer operating from the home with internet sales does not become a gun store operated in a residential zoning district.

Mr. Fell asked if a firearm store owner wanted to provide a place for a potential buyer to fire a gun prior to purchasing it, would it be considered a firing range? Mr. Engstrom stated that this would be considered a private firing range. Chair Pollock pointed out that this could only happen in certain districts with the approval of a special use permit.

With no further questions for City staff, Chair Pollock opened the hearing for public input.

Marcus Harris and Dean Hazen approached the Plan Commission. Mr. Harris explained that he owns rental property and Mr. Hazen approached him about relocating his home firearm business. After researching firearm sales and firing ranges and reviewing the properties that he owns, he found two locations that would be suitable for these uses. The property at 705 South Glover Avenue might be a gun store, and 801 South Poplar might be suitable for an indoor firing range. Mr. Harris said he approached City staff about the process of opening each business.

Mr. Myers asked Mr. Harris to talk about the design of indoor firing ranges. Mr. Harris noted that the National Rifle Association (NRA) offers range conferences, and professional firing range outfitters can be hired to construct firing ranges to meet the federal, state and local regulations. Building or retrofitting a building to meet these standards requires a considerable investment.

Mr. Fitch questioned whether Mr. Hazen had any concern about possibly opening a firearm store close to an establishment where alcohol is served and consumed on premises. Mr. Hazen did not have any concern with this because most alcohol would be served in the evening during the hours when his business would be closed.

Mr. Fitch asked if Mr. Hazen felt confident that a security plan would cover any problems that might be unique to a similar location. Mr. Hazen recognized that the Plan Commission did not want to get specific details about his plans to open a firearm store and firing range, but he currently has an extensive security plan for his home business in which he has invested a lot of money.

Mr. Hazen spoke about larger chain stores selling firearms. Walmart used to sell guns at one time. However, he is not aware of any chain store in the area currently selling firearms. One reason why is because the stores would have to invest more training and money in employees authorized to handle firearm sales. The employees would have to pass written tests and background checks, obtain FOID cards and undergo extensive training. In addition, there are strict regulations on selling firearms and a large amount of paperwork to file when a firearm is sold. Larger chain stores realized it was not worth the extra cost, so they discontinued selling firearms in their businesses.

Mr. Hazen asked if there is a fee to apply for a special use or conditional use permit. Mr. Engstrom said yes. The fee is \$150.00 for a conditional use permit and \$175.00 for a special use permit. This is a one-time fee rather than annual.

Ron Berkman, of 1003 Philo Road, stated that shooting is a sport for him and his wife. They support the idea of allowing firearm sales and firing ranges in the City of Urbana. The nearest indoor firing ranges are in Bloomington, Rochester, and Pocahontas. They belong to the local clubs that provide outdoor shooting ranges in St. Joseph, Sadorus, and Foosland. They would like a local place to go when it gets cold outside. The use of firearms has to do with training and knowledge. There should be more information disseminated throughout the population. The City already supports bicycles and art, and there is no reason for the City not to support the sport

of shooting firearms. Firearms are simply machines, just like cars, motorcycles, boats, and aircrafts. Any of these could be used as weapons.

Robin Arbiter, President of the Lierman Neighborhood Action Committee (LNAC), and Jessica Dewitt, resident of the City of Urbana, came before the Plan Commission to speak. They handed out copies of a letter to the Plan Commission regarding the concerns of the Lierman Neighborhood Action Committee, and Ms. Arbiter read the letter aloud. The Lierman Neighborhood Action Committee does not want gun stores to be allowed by right but instead considered on a case-by-case basis. They want businesses and services which will serve and support the community. They need a store where they can buy fresh food. They already have liquor sales and adult entertainment. A gun store would not benefit the neighborhood.

Chair Pollock pointed out that many of the standards that LNAC recommends are included in the proposed text amendment. Ms. Arbiter replied that they do support the proposed text amendment and feel that it addresses many of the neighborhood's concerns. The one area where the proposed text amendment had less emphasis is in spelling out the community impact. Chair Pollock assured them that every time the Plan Commission meets to review a case, they consider the impact that their decision would have on the community.

Ms. Dewitt wondered if a gun shop being located in a neighborhood would lower the property value of the homes in that neighborhood. Mr. Engstrom said he could research this issue.

Ms. Dewitt mentioned that there could be a potential for a secondary market of firearms even though this would be illegal. A firearms store locating in a neighborhood such as the Lierman Neighborhood would not present a good image for the neighborhood.

John Boch, President of Guns Save Life, approached the Plan Commission to speak. He encouraged the City of Urbana to adopt regulations that are more permissive than restrictive to avoid the potential for legal expenditures down the road. If the City adopts rules that are highly restrictive, it could lose in court like the City of Chicago and have to pay big money. He did not see a need for any setback requirements from other uses. The Constitution's Second Amendment, the right to keep and bear firearms, is right on par with the right to free speech, freedom of religion, etc. Firearms used properly are very safe and beneficial. If they are used for criminal acts, then let the justice system take care of the offenders.

Chair Pollock asked if Mr. Boch had read the proposed text amendment and would he term it as being "highly restrictive". Mr. Boch responded that based on his reading he believes that there is some wiggle room in the language and that it is not terribly objectionable. He hoped that it would not be amended to become more restrictive than what it appears in its current state.

Steven Stanley, resident of Liberty Commons, stated that he is a gun owner. He pointed out that purchasing firearms is already very restrictive with the federal and state regulations. He hoped that the City of Urbana would not create an ordinance that would infringe upon gun owners. Allowing indoor and outdoor shooting ranges would be beneficial to gun owners as well as to the City. Gun owners would have a local place to go, and the City would benefit from the revenue that shooting ranges would generate.

Kenneth Selby, a federally licensed firearms dealer, talked about his life experience with regards to firearms. He feels that the proposed text amendment is overly restrictive with regards to distance from schools. He owned a firearm store in Jacksonville that was within 300 feet from a public school and across the street from the athletic field for the high school. The only issue he had would be when there was a football game on Friday night with parents and fans parking in his parking lot. He never had an issue with kids coming into his shop because they were not old enough to purchase firearms. Another issue he has with the proposed text amendment is with regards to inventory. The ATF will not allow a person to open a firearms store out of their home unless they have specific hours of operation. "By appointment only" will not be approved by the ATF. In his current firearm business, which is located in Rantoul, he does mostly internet sales. Firearms are delivered to his house by regular carriers, and he ships firearms to his clients through the United States Post Office. He has about 30 guns in his inventory that he advertises on the internet.

The ATF allows for individuals to open firearm businesses in their homes, grow their business, and once the business has outgrown the home, the individual can move their business into a shop elsewhere in the City. However, the proposed text amendment as worded would not allow this to happen in the City of Urbana.

David Martin, resident of rural Urbana, noted that with regards to indoor shooting ranges, the City of Bloomington is 55 miles away, the range in the Danville area is north of Oakwood about five miles, and the Village of Foosland is approximately 7 to 8 miles north of Mahomet. To have an indoor shooting range close by for the citizens of Urbana and for residents of the surrounding areas would be a great benefit to the area. If ever the State of Illinois adopts a conceal/carry law, then there would be a big business in firearms training. People would need a place to practice.

Mr. Hazen re-approached the Plan Commission to address comments that were mentioned by other speakers. He verified Mr. Selby's comments about the ATF requiring specific hours of operation for home based firearms businesses. In his current home business, he has one day a week with limited hours of operation to meet ATF's regulations and restricts other business to no more than five visits per day to meet local regulations.

Regarding inventory, Mr. Hazen has about 65 to 70 guns in his business inventory. He has construction toolboxes bolted to the floor, alarms in the house, motion sensors, and barbed windows in the garage. He has customers who have four to five times the number of guns in their personal collections than he has in inventory, and his customers do not have nearly as much security as he does. He wanted to discuss what the City's concerns are regarding security in terms of inventory.

With regards to his business and the proposed text amendment, Mr. Hazen understood that his home business would be grandfathered in. While the proposed text amendment would prevent any future competition, he believes in the American dream and that others should have the same opportunity that he has had. He mentioned that he has not made any money in the year and a half that he has been in business. It is a labor of love. Most of the firearm dealers that work out of their homes have this type of business because of fond memories from hunting with their fathers or learning how to shoot guns in school.

He talked about the Police Training Institute located on the University of Illinois' campus. He noted that this is not a public range. It is a shooting range for people who belong to the faculty and staff shooting club. The Urbana Police Department has their own range on the north side of town.

He stated that he is a police officer and a resident of southeast Urbana. He is very concerned about the development of southeast Urbana in terms of home values, crime rate and safety. When good businesses pull out of a neighborhood then it leaves more room for the crime rate to increase. Gun owners and firearm store owners are some of the most civic minded, methodical, and responsible people. This is the type of people who will be frequenting a firearm store; not people under the influence of alcohol or felons. He would like to see the neighborhood get built up with good business no matter what the business may be.

Mr. Myers explained that the intent of only allowing business "by appointments" is to prohibit retail trade from occurring in a home. Mr. Hazen asked that now City staff knows that the ATF require at least one day with limited hours if they could include that in the language of the proposed text amendment so that it would be possible for an individual to open a home-based firearm business. Mr. Myers said yes.

Mr. Harris mentioned that he owns about 50 residential properties in the neighborhood. He would not do anything to impact the value of those properties. Therefore, he would not rent to Mr. Hazen if a firearms store would lower home values.

Mr. Hopkins wondered if there is alternative language that would be more directly useful than not allowing any inventory be kept in a home based business. Mr. Hazen stated his security plan for his home based firearm business is on file with the Urbana Police Department as well as with METCAD. Mr. Hopkins proposed that the City change the language in the proposed text amendment to make it a requirement for any home based firearm business to submit a security plan to the Urbana Police Department and to METCAD in lieu of any other regulations.

Mr. Ash wondered if Mr. Harris or Mr. Hazen, upon getting approval in the future to open a firearm store and/or indoor shooting range, would provide educational training for people who are interested in learning about firearm safety. Mr. Harris remarked that if people are interested in the educational or training component, then he would be willing to have open doors to offer it and possibly even have some competitor events. Mr. Ash felt that by offering education and working together with people to obtain their FOID cards, that it could help bridge the gap between them and the community.

Mr. Berkman re-approached the Plan Commission. He mentioned that he has a home-based business and deals with people as clientele. He communicates with them through email and periodically someone will come by to pick up their product. He also has mail order customers. A gun shop and a shooting range could serve as a focal point for the individuals who are capable of sharing information with those who are interested in becoming involved. The more communication they have and the more interchange they have between the groups, then the better the end product will be.

Michael Holden, of 1209 East Michigan, welcomes an indoor shooting range. He, especially, likes the idea of a range being located close to his home so he could walk there. He asked why the Pledge of Allegiance was not said at the start of the meeting. Chair Pollock stated that it is said at City Council meetings in conjunction with holidays. Mr. Holden commented that he wished it would be said at the start of all government meetings.

Steven Stanley re-approached the Plan Commission. He talked about education and how it increases safety and it teaches people not to be as scared of firearms.

Ryan Meekma, resident of the City of Urbana, talked about how when he first moved here he was unable to meet new people who enjoyed the same hobbies as him, especially when it came to shooting as a sport. It took him two years to find shooting clubs in other communities. He advised people to be careful when talking about guns or firearms and not call them weapons. It offends those who like shooting as a sport or for hunting. We need to educate people correctly so that they do not consider guns as weapons.

Clyde Walker, of 901 South Lierman Avenue, senses an irony in the idea of locating a firearm store in an area where so much gun violence has occurred over the last several years. To him it is a matter of semantics of whether they are called firearms or weapons because the potential physical and psychological results are still the same.

With no further input from the audience, Chair Pollock closed the public input portion of the meeting and opened it up for further questions for City staff from the Plan Commission.

Mr. Ash questioned whether the two existing home-based firearm store permits would expire and have to be renewed. If so, would they be renewed under the amended ordinance? Mr. Engstrom said no, home occupation permits, once granted, are perpetual as long as the home owners abide by the conditions in their applications.

Chair Pollock then opened the meeting up for Plan Commission discussion. Mr. Hopkins felt that the Plan Commission needed to make some revisions to the proposed text amendment prior to making a motion.

One revision would be to Section V-13, Paragraph H. Mr. Hopkins believed that they should require approval of a site security plan by the Urbana Police Department. This should be the only requirement listed in this paragraph. The current proposed language is over written in trying to solve concerns of the City staff. The Urbana Police Department should be able to figure out whether a size of inventory requires some kind of alarm system or not.

Mr. Otto felt that anything they come up with should be in accordance with the ATF. He felt that Mr. Hopkins' suggestion to require approval of a site security plan by the Urbana Police Department is too broad or general, and he is worried that the responsibility of making the decision might fall on someone with less experience with the ATF's regulations. He would like for City staff to find the specific regulations that the ATF requires. It was the consensus of the Plan Commission to have City staff look at what types of issues we should have the Urbana Police Department look at, what the ATF regulations are and some options for how to reword the language so that it fits with the ATF criteria as well as safety concerns for the City's neighborhoods.

Mr. Otto inquired about current regulations for existing home-based businesses with regards to hours of operation. Mr. Myers replied that there are many issues with the home occupation ordinance. It does not actually say that retail is not allowed; however, it has been a long-standing interpretation that it does not include retail sales. It does not generally prohibit having business hours open to the public because some home occupation uses that are permitted may need to have hours of operation, such as a hair salon/parlor. Chair Pollock suggested that given the vagueness of the ordinance in general and its various different applications depending on types of businesses that when the Plan Commission looks at gun sales in particular they hone in specifically on this use. The Plan Commission should leave the recrafting of the home occupation ordinance in general to a later date.

Mr. Hopkins felt that the notion of distance from other uses needs some justification. Chair Pollock voiced his idea that maybe discussion on this should take place during the special use permit process depending on the property, adjacent properties and the zoning of the properties. Mr. Fitch stated that he would like to see a justification of why 500 feet would be appropriate instead of 200 or 300 feet and why does it only apply to churches, schools and mosques. Why does it not apply to businesses that sell alcohol? He believes it warrants more discussion and research by City staff.

Mr. Hopkins understood Section VII-5. Paragraph D to be specific conditions to be added to the special use criteria for firearms in addition to general criteria for special uses. It seems to him that Item 4 is so vague that it is covered under the general criteria for special uses, and therefore invites misinterpretation. Chair Pollock added that special use permit process provides great flexibility for the Plan Commission and the City Council to make those determinations on a case-by-case basis, so there is really no reason to have Item 4 in the ordinance. It was the consensus of the Plan Commission to remove Item 4.

Mr. Otto pointed out that there had been no discussion on hours of service for a firearm sale use. The Plan Commission agreed that City staff should research this more and find if other areas have hours of operation for firearm sale use as home occupations.

Mr. Otto stated that he would prefer to include the outdoor shooting range use with the proposed text amendment rather than to wait until someone expresses an interest. Chair Pollock mentioned that he had previous conversations with City staff prior to the meeting about how to handle this. City staff is not ready to present a text amendment to the Zoning Ordinance on outdoor shooting ranges. However, it is on the list of what City staff is planning to propose changes to or create in the form of future text amendments.

Mr. Ash asked Mr. Harris and Mr. Hazen whether they would offer firearm educational services to which they assented.

Chair Pollock announced that this case will be continued at the next regular meeting of the Plan Commission.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: August 9, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins

MEMBERS EXCUSED: Lew Hopkins, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Marcus Harris, Dean Hazen, Susan Taylor

CONTINUED PUBLIC HEARINGS

Plan Case No. 2181-T-12: A request by the Zoning Administrator to amend Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Sales” and “Firing Range (Private Indoor)”

Robert Myers, Planning Manager, presented an update of the proposed text amendment to the Plan Commission. City staff intends for the proposed text amendment to establish standards for firearm sales as a land use category rather than as an activity. Based on this, City staff modified the proposed term “firearm sales” to “firearm store” in Table V-1, Table of Uses.

At the request of the Plan Commission, Mr. Myers has further researched minimum distance requirements for firearm stores and firing ranges. He pointed out that there are minimal distance requirements for other uses in the City of Urbana are common, such as billboards and adult entertainment uses. He talked about minimum distance requirements for firearm sales and the results of the court case *Illinois Sporting Goods Association versus County of Cook* (1994). Establish minimum distance standards can be a reasonable zoning requirement, but City staff recommends that the standard minimum distance requirement be removed from the proposed ordinance since it is limited to two specific uses: firearm stores and firing ranges. The Plan Commission could choose to recommend minimum distance requirements, but City staff would need to do further legal research to determine whether these standards would need to be applied across the board to all firearm sales. The proposal in writing before the Plan Commission is to

deal with potentially sensitive nearby land uses such as churches and schools on a case-by-case basis through the special use permit process.

To address Plan Commission questions about what elements might be included in site security plan, Mr. Myers met with Dean Hazen and Roger Tillman of D & R Firearms to review the security used for their home-based business. Mr. Myers discussed these elements and suggested that the Plan Commission could make approval of a security plan a standard condition.

Chair Pollock opened the hearing up for Plan Commission questions to City staff. The questions and answers were as follows:

If a minimum distance regulation was supported and added to the proposed text amendment, how would it affect a home-based firearm dealer use? Mr. Myers replied that minimum distance requirements would not apply to a home based business because the use is accessory to the principal use as a home.

If the proposed text amendment is approved, would it prohibit home-based firearm business? Mr. Myers responded that such uses would still be permitted as long as it meets all of the City's home occupation standards and complies with approved permits.

Does the City's existing Home Occupation Ordinance require a security plan? Mr. Myers responded that it does not.

What about firing ranges? Mr. Myers responded that the current Zoning Ordinance does not have indoor firing ranges in the Table of Uses. As being proposed, the City would review requests for firing ranges on a case-by-case basis to ensure compatibility with neighboring properties.

There was a concern about who would approve a site security plan given that the proposed wording would be approval by the Police Department. Mr. Otto would be more comfortable identifying the Chief of Police as the person who reviews site security plans rather than just naming the Police Department. Mr. Myers said this could be changed.

There was also concern that there are no restrictions on the hours of operation. It is conceivable to have hours of operation as long as it relates to a public purpose.

Should there be a specific list of security measures that a future owner would be required to complete? Mr. Myers recommended that this be left to the Chief of Police to determine what type of security would be needed for each business. The City could also address this when reviewing and deciding upon the special use permit request that is required to open a firearm store.

Are firearm dealers required to renew their site security plans every so often? It would be reasonable to require periodic review of security plans.

Are regulations in a special use permit process allowed to be determined based on the specific needs of that particular request without regard to other special use permit approvals that have come before? Mr. Myers responded "yes".

Could an age limit be placed on entry into the store as a condition on approval of a special use permit request? How old must a person be to obtain a FOID card? Mr. Myers believed an age limit could be a condition if the City finds a reasonable relationship between the age limit and protecting the public.

Does the City of Urbana impose hours of operation for alcohol sales? Mr. Myers responded that City staff could find out and get back to the Plan Commission.

Why would private indoor firing ranges require a conditional use permit rather than a special use permit in the AG, Agricultural, and CRE, Conservation-Recreation-Education, Zoning Districts? Wouldn't the City Council want to review all of these uses? Mr. Myers explained that because AG and CRE Zoning Districts usually have large lots, firing ranges established there are less likely to impact neighbors and so a conditional use seems reasonable. But there is some logic to having all of these uses approved by the Plan Commission and City Council as Special Use Permits. Mr. Myers would support this change.

In researching the distance from specific uses, did City staff find any communities that regulate distance between a firearm store and a business that sells alcohol? Yes, occasionally. The most common distance regulations applied to schools, residences, places of worship and parks. Distance requirements to liquor stores is probably the fifth most common.

With no further questions for City staff, Chair Pollock reopened the public hearing and asked for any comments from the public.

Dean Hazen and Marcus Harris came before the Plan Commission to speak.

Following up on Plan Commission questions, Mr. Hazen explained that a person must be at least 18 years old to obtain FOID card and 21 years old to purchase. An 18-year-old can purchase shotgun and 22-rifle ammunition only.

A firearm business is required by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) to have a block of hours that the business is open, even if it's just a couple of hours a week. The reason is because the ATF can only inspect the business during business hours. For this reason a home occupation firearms dealer needs to be able to have some limited hours open to the public.

With regards to restricting the age limit for people who can enter a firearm business, he stated that some of his customers bring their children with them when coming to his business. They are out running errands and stop by his business to see what he has for sale. Owners of this type of business and the children's parents are not going to allow the children to handle guns. It is actually educational for children as part of firearms safety. It would not be onerous for the City to place an age restriction for entrance as long as they include that minors can be accompanied by their parent or legal guardians. It is a state law that a person must have a FOID card to even

look at or touch a firearm. He believes that the reason an 18-year-old can purchase a FOID card is for hunting purposes. Even then, the 18-year-old has to be sponsored by a parent.

He confirmed that there is a 72 hour waiting period to purchase a hand gun and 24 hour waiting period to purchase a long gun (shotgun or rifle). He explained the process for completing a background check. In the case where the waiting period has expired and he has not heard back from the Illinois State Police, there are specific steps to follow. After the initial 72 hour waiting period, he calls the State Police's FOID Division to inform them that he has not heard anything about the customer. They have an additional 2 days to respond. After 5 days with no response, the customer is legally able to purchase a firearm. But the firearm dealer is not obligated to sell a gun. He has turned down a few people even though they had a FOID card.

There was a concern expressed about the potential noise produced from an indoor firing range. Mr. Hazen said that any indoor shooting range he has visited he has not heard any noise outside whatsoever except in a few cases when someone is shooting something enormously loud. Chair Pollock pointed out that as mentioned earlier, an indoor shooting range is only allowed in the AG and CRE Zoning Districts, which are usually fairly large sized parcels. However, if an indoor shooting range is proposed to be located within the City on a smaller size lot, then the noise level is something that could be addressed during the special use permit process.

Mr. Hazen noted that easily 90% of his customers have inquired about places to practice shooting and receive training and education on firearms. There is no place locally for the public to go. Some people set up cans along the roadside to practice shooting, which is extremely dangerous because bullets can travel a long distance.

With regards to restricting hours of operation for a firearm store, Mr. Hazen thought that a closing time of 7:00 p.m. or 8:00 p.m. would not interfere with business. Most customers visit his business either before work, after work or on the weekends. Mr. Harris recommended for a shooting range, extending the hours of operation from 9:00 a.m. until 9:00 p.m. Weekends are very popular.

As for firearms, Mr. Hazen explained that most people bring their own firearms to a shooting range. However, most shooting ranges will have firearms that people can rent while at there. This gives people an opportunity to fire a gun that they may not own or have wanted to try.

Customers must have FOID cards. There are certain regulations people must follow to transport their firearms to a shooting range. Once a customer arrives, a range officer would then inspect the firearm to ensure that it is safe and would also inspect the customer's ammunition because there are regulations on what type of ammunition can be used at a range.

Mr. Harris stated that firing ranges are often conjoined with gun stores, or they sell their own ammunition and firearms. Sometimes the gun store and the shooting range are owned by separate people.

With no further input from the public, Chair Pollock closed the public hearing and opened it up for further questions for City staff from the Plan Commission.

The Plan Commission asked how a “school” was defined. Mr. Myers explained that staff uses the definitions in the Zoning Ordinance as land use categories to find principal uses of properties. The Zoning Administrator would interpret what the principal use of a property is based on the definitions in the Zoning Ordinance prior to a special use permit request coming before the Plan Commission or City Council.

With no further questions, Chair Pollock entertained Plan Commission discussion and/or motion(s).

Mr. Fell wondered if the minimum distance requirement should also apply to home occupation permits. It seems that every other instance where we have a minimum distance requirement, it is something that would never be a home occupation use, such as radio tower, wind turbine, etc. If we apply a minimum distance requirement to a firearm store, then we also need to apply it to a home-based firearm business. Mr. Myers replied that this opens up the issue of whether a minimum distance should be required for any business that sells guns. This would include a pawn shop or a sporting goods store, which are both permitted by right in certain zoning districts. As such, gun sales would only be a small portion of the overall business either in square footage or in their level of income. The City could never allow outright retail sales in any home occupation business because it flies in the face of residential zoning. Mr. Fell pointed out that home firearm businesses are required to be a retail shop for a certain period of time each week by having set hours of operation. Mr. Myers replied that City staff does not consider it to be a retail shop just because they have a few hours of operation. They have prior arrangement for visits on a clientele basis. The hours of operation could be time when pre-arranged clients could come to fill out paperwork, finalize a sale that started on the internet, pick up a product, etc. The proposed text amendment as written does not include minimum distance requirements. Each request would be considered on a case-by-case basis. Mr. Otto stated that it would be a good idea for the City to require a rationale for placing a minimum distance requirement on a specific request. Mr. Myers agreed.

Mr. Ash wondered if there should be any distinction for combination firearm stores/firearm ranges guns. Mr. Ash said that the two uses could cohabitate in one building with a wall separating them. Chair Pollock believes that they could impose a minimum distance requirement on the gun range from schools, churches, etc. in this instance.

Mr. Myers stated that there are two ways to deal with adjacent uses. One is through the approval process and the other is through standard conditions. The City could say that any specific use (such as billboard, firearm store, indoor shooting range, etc.) has to be a specified distance from another type of use (such as residential, church, etc.). Another way to deal with the use is to require a special or conditional use permit where it would be reviewed on a case-by-case basis. A third option would be to require both a minimum distance and a special or conditional use permit. Chair Pollock added that this part of the process is simply what zoning districts a firearm store or indoor shooting range would be allowed in and what type of process would an owner go through to locate there.

Ms. Stake talked about the danger of having a firearm store located near schools. There have been 100 school shootings since the deadly 1999 Columbine High School shooting. It is not reasonable to locate a firearm store or indoor shooting range in an area where there is already a high crime rate. She is opposed to people owning guns.

Could a firearm store currently be established in a commercial district? Mr. Myers responded that it could not now be established as a primary use. It could be part of a larger retail use such as a sporting goods store or pawn shop. The Zoning Administrator would need to make this interpretation.

There was discussion about the noticing requirements for special and conditional use permit hearings. City staff is required to notice public hearings within 250 feet, excluding City right-of-ways. If the Plan Commission desired to increase this distance, then they could add that to the recommendation that they forward to City Council for the proposed text amendment.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2181-T-12 to the Urbana City Council with a recommendation for approval as indicated in the revised written staff report dated August 3, 2012. Mr. Fell seconded the motion.

Mr. Ash moved a friendly amendment to amend Section V-13.H to read as such: *The sale of firearms as a home occupation shall require approval of a site security plan by the Chief of Urbana Police Department or his designee for renewal every three years.* Mr. Otto seconded the motion.

Mr. Ash stated that this will incorporate what the Plan Commission had already discussed in specifying the officer responsible for approval. If the Chief of Police is too busy, then he can designate one of his responsible deputies. It also incorporates Mr. Fell's comments as to the renewal period in the event that there is growth and expansion for the business owner.

Mr. Otto called the question on the amendment. Mr. Fitch seconded. A hand vote was taken and the question on the amendment passed.

Roll call on the motion to amend was as follows:

Mr. Ash	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	No	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes			

The motion to amend was approved by a vote of 6-1.

Mr. Ash moved a friendly amendment to amend Section VII-5: Special Use Terms and Conditions Subsection D, Number 1 to read as such, "*Urbana Police Department approval of a A site security plan shall be submitted to the Urbana Chief of Police or his designee for his approval every three years as a condition for approval of a Special Use Permit.*" Ms. Stake seconded the motion.

Mr. Fell understood the motion to mean that a firearm store owner would have to get approval of a new Special Use Permit every three years. Mr. Ash stated that his intent is to require a firearm store owner to resubmit a security plan every three years as a condition of the approval of the permit.

Chair Pollock presented a scenario where a store owner gets approval of a special use permit to locate a firearm store, submits a site security plan and it is approved, then three years later resubmits a site security plan as required that is not approved by the Chief of Police or his designee, what happens then with the special use permit? Mr. Ash replied that the Chief of Police would give notice of the denial of the site plan, and the special use permit would come back to the Plan Commission in terms of the validity of the permit. It would actually trigger a review of the special use permit.

Mr. Otto likes this idea, because many times a special use permit is granted and there is no way to enforce that the owner is complying with the conditions of the permit. For example, when an owner agrees to contract for additional required parking. They let the parking contract lapse after getting approval of the special use permit, and the City has no way of enforcing that a new contract be arranged.

There was discussion by the Plan Commission about whether the owner should be notified every three years when the time comes to resubmit a site security plan or whether the owner should be held responsible to resubmit on their own similar to a driver's license. It was pointed out that there is an expiration date on a driver's license alerting the individual when his/her license would expire. The Plan Commission decided it should be an administrative decision.

Chair Pollock asked for the motion to amend to be read back to them.

Roll call on the motion to amend was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	Yes	Ms. Tompkins	-	No
Mr. Ash	-	Yes			

The motion to amend was approved by a vote of 5-2.

Mr. Otto moved a friendly amendment to Table V-1. Table of Uses to change the level of review for *Private Indoor Firing Range* in the AG and CRE Zoning Districts from C (Conditional Use Permit) to S (Special Use Permit). Mr. Fitch seconded the motion.

Mr. Otto stated that an indoor firing range use has the potential to generate a lot of public interest and controversy. Therefore, he believes that it should require review and action by the Urbana City Council. Chair Pollock agreed.

Roll call on the motion to amend was as follows:

Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes	Mr. Ash	-	Yes
Mr. Fell	-	Yes			

The motion to amend was approved by unanimous vote.

Mr. Otto moved a friendly amendment to Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 3 and Subsection E to add Number 2 to read as such, “Hours of Service shall be limited to 9 a.m. to 9:00 p.m.” Mr. Fitch seconded the motion.

Mr. Otto felt that the earlier discussion explained the intent of this friendly amendment.

Roll call on the motion to amend was as follows:

Mr. Otto	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	Yes	Ms. Tompkins	-	No
Mr. Ash	-	Yes	Mr. Fell	-	No
Mr. Fitch	-	Yes			

The motion to amend passed by a vote of 4-3.

Chair Pollock moved a friendly amendment to Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 4 and Subsection E to add Number 3 to read as such, “No individual under the age of 21 unless accompanied by a parent or guardian will be allowed on the premises.”

Mr. Ash requested that they add “...legal guardian...”

There was discussion about 18-, 19- and 20-year olds being able to enter purchase some types of ammunition. The Plan Commission decided that these individuals are exempt from the regulation because they are not old enough to purchase firearms anyway.

There was discussion about if the government lowers the age restriction to purchase firearms. The Plan Commission decided to change the language in the amendment to read “...under the legal age of 21 to purchase a firearm...”

Chair Pollock restated the amendment to read as follows, “No one under the legal age to purchase a firearm in the State of Illinois will be allowed on the premises without a parent or legal guardian.” Mr. Otto seconded the motion.

Roll call on the motion to amend was as follows:

Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes	Mr. Ash	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Otto	-	Yes			

The motion to amend passed by unanimous vote.

Mr. Fitch moved a friendly amendment to Section VII-5. Special Use Terms and Conditions to add Subsection F to read as such, “*Require notification for Special Use Permit to property owners within 500 feet of the subject property*”. Ms. Stake seconded the motion.

Mr. Fitch felt this amendment is preferable for setbacks. Rather than setting a minimum distance requirement between uses, he believes that notifying a larger area of pending public hearings will generate more input for the Plan Commission and the City Council to use in making decisions. There was discussion about whether or not 500 feet would be enough. Mr. Myers clarified that 500 feet would be from the outer property line of the parcel on which the use is located, not from the building in which it would be located.

Roll call on the motion to amend was as follows:

Ms. Stake	-	Yes	Ms. Tompkins	-	Yes
Mr. Ash	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes			

The motion was passed by unanimous vote.

With no additional amendments, the main motion read as follows:

The Plan Commission forward Plan Case No. 2181-T-12 to the Urbana City Council with a recommendation for approval as amended in the revised written staff report dated August 3, 2012 along with the following amendments:

1. *Amend Section V-13.H to read as such: **The sale of firearms as a home occupation shall require approval of a site security plan by the Chief of Urbana Police or his designee for renewal every three years.***
2. *Amend Section VII-5. Special Use Terms and Conditions Subsection D, Number 1 to read as such: **A site security plan shall be submitted to the Urbana Chief of Police or his designee for his approval every three years as a condition for approval of a Special Use Permit.***
3. *Amend Table V-1. Table of Uses - **Change the level of review for Private Indoor Firing Range in the AG and CRE Zoning Districts from C (Conditional Use Permit) to S (Special Use Permit).***

4. *Amend Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 3 and Subsection E to add Number 2 to read as such, “Hours of Service shall be limited to 9 a.m. to 9:00 p.m.”*
5. *Amend Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 4 and Subsection E to add Number 3 to read as such, “No one under the legal age to purchase a firearm in the State of Illinois will be allowed on the premises without a parent or legal guardian.”*
6. *Amend Section VII-5. Special Use Terms and Conditions to add Subsection F to read as such, “Require notification for Special Use Permit to property owners within 500 feet of the subject property.”*

Roll call on the main motion and amendments was as follows:

Ms. Tompkins	-	Yes	Mr. Ash	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	No			

The motion was approved by a vote of 6-1.

Mr. Myers noted that Plan Case No. 2181-T-12 will be forwarded to City Council on Monday, August 20, 2012.