First Reading: Ordinance No. 07, Series of 2022, An Ordinance Amending Section 16-22-130 of the Greenwood Village Municipal Code Regulating Home Occupations to Prohibit the Commercial Sale of Firearms

TO: Honorable Mayor and City Councilmembers

FROM: Tonya Haas Davidson, City Attorney

Executive Summary

Ordinance No. 07, Series of 2022, proposes to prohibit the sale of firearms in conjunction with the operation of a home occupation in Greenwood Village.

Attachment

Ordinance No. 7, Series of 2022

Background

On March 21, 2022, a study session was held to discuss a petition signed by 217 Greenwood Village residents asking that the Village enforce its code provisions regarding public nuisances and home occupations against a federal firearms license (FFL) holder operating out of a home in Greenwood Village and that Council take “whatever action is needed to ensure [that] no other residential gun sales are allowed in Greenwood Village.”

At the March 21 meeting, District 3 councilmembers directed the City Attorney to draft an ordinance prohibiting the sale of firearms in conjunction with a home occupation.

Ordinance No. 7, Series of 2022

Ordinance No. 7, Series of 2022 would amend the Home Occupation regulations of Chapter 16 by prohibiting the sale of firearms in conjunction with a home-based business. The ordinance amends the Land Development Code and pertains to zoning, rather than the sale or possession of firearms, and would not prohibit the occasional private sale of a firearm from a residence.

Due to constitutional and statutory limitations (Colo. Const. art. II, sec. 11 and C.R.S, § 38-1-101) any change to the Village’s zoning regulations cannot be applied retrospectively. If passed, any use of a residence by an FFL dealer currently operating
a home-based businesses would become a legal non-conforming use, which is a land use that was legal at the time of a zoning code change but becomes non-conforming with the code as changed.

The proposed ordinance also includes a separation clause that allows the current home occupation regulations to remain should the new section regarding firearms be challenged and deemed unconstitutional.