

CITY OF LINCOLN PARK, MICHIGAN
CERTIFIED COPY OF RESOLUTION #2016-13A

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF LINCOLN PARK,
WAYNE COUNTY, MICHIGAN, HELD IN THE JOHN A. ALOISI COUNCIL CHAMBERS, OF
THE MUNICIPAL BUILDING.

UNDER THE DATE OF: February 1, 2016

MOVED BY: Council President Murphy

SUPPORTED BY: Councilman DiSanto

RESOLVED, that "AN ORDANCE AMENDING PART TWELVE OF THE CODIFIED ORDINANCES FOR THE CITY OF LINCOLN PARK BY INCORPORATING AMENDMENTS TO TITLE SIX ZONING. CHAPTER 1260.08 (definitions), CHAPTER 1276.03 (NBD), CHAPTER 1278.03 (MBD), CHAPTER 1282.03 03 (RBD), CHAPTER 1284.03 (LID), CHAPTER 1286.03 (GID), ADDING A NEW SECTION .40 TO CHAPTER 1294, AND AMENDING CHAPTER 1296.02, SITE DESIGN AFTER SPECIAL APPROVALS", to provide standards, procedures and regulations for donation bins, pawn shops and secondhand stores," be given its third and final reading, by TITLE ONLY. EFFECTIVE upon approval of the LP Receivership Board and Seven (7) days after publication in the city official newspaper.

THE CITY OF LINCOLN PARK ORDAINS:

That Zoning Ordinances, Part Twelve, Title Six of the Municipal Code be amended by incorporating certain amendments as approved by the Planning Commission on December 9, 2015. To provide standards, procedures and regulations for donation bins, pawn shops and secondhand stores. Text amendments will become effective after approval of the LP Receivership Board and upon the expiration of seven days of its publication.

SECTION 1. §1260.08.B, Definitions, shall be amended to add the following definitions:

Antique: A product that is sold or exchanged because of its high value, rarity, or unique vintage character, and is typically a minimum of 50 years of age or older. Antiques are not simply a product that is not new or old.

Donation Bin: A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items; provided, however, that the definition of donation collection bins shall not include trailers where personnel are present to accept donations.

Jewelry Store: Shops that buy, sell, or repair new or used precious metals, jewels and gemstones, or reconstitute precious metals, jewels and gemstones they purchase into jewelry forms that are sold at retail on the premises.

Pawn Shop: An establishment primarily engaged in the loaning of money on the security or deposit of personal property or other valuable thing, pledged in the keeping of a pawnbroker, and conditional purchase or sale of such personal property. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking requirements.

Secondhand Store: A retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment, or a retail establishment engaged in selling donated used. Merchandise is brought to the establishment and processed by marking, cleaning, sorting, and storing as a major part of the principal use. Such stores do not include those selling vehicles, auto parts, scrap, or waste.

SECTION 2. §1276.03, Neighborhood Business Districts (NBD) Uses Permitted after Special Approval, shall be amended to add the following:
(h) Secondhand Stores.

SECTION 3. §1278.03, Municipal Business Districts (MBD) Uses Permitted after Special Approval, shall be amended to add the following:
(s) Secondhand Stores.

SECTION 4. §1282.03, Regional Business Districts (RBD) Uses Permitted after Special Approval, shall be amended to add the following:
(k) Secondhand Stores.

SECTION 5. §1284.03, Light Industrial Districts (LID) Uses Permitted after Special Approval, shall be amended to add the following:
(i) Pawn Shops.

continued

SECTION 6. §1286.03, General Industrial Districts (GID) Uses Permitted after Special Approval, shall be amended to add the following:

(i) Pawn Shops.

SECTION 7. Chapter 1294, Provisions Relating to All Districts, shall be amended to add a new §1294.40 to read as follows:

1294.40 DONATION BINS

Donation Bins, as defined herein, shall be a permitted, accessory use in the Neighborhood Business District (NBD), Municipal Business District (MBD), Regional Business District (RBD), and Light Industrial District (LID), subject to the following:

(a) Review and Approval Procedures, Issuance of Permit and Required License

- (1) A license issued by the City Clerk pursuant to Chapter 834 of the Lincoln Park City Code and a permit issued by the Building Department shall be required prior to the installation of any Donation Bin on property in the City of Lincoln Park.
- (2) Permit applications shall be submitted to the Building Department along with required fees, as established by the City Council.
- (3) The Building Superintendent shall review requests for all donation bins and find that they meet all standards and conditions identified in herein. Where appropriate, the Superintendent shall consult with the Police Chief and Fire Chief.
- (4) If the request meets all of the standards and conditions identified herein the permit shall be approved. If not, the request shall be denied and the Superintendent shall state the reasons for denial in writing and provide a copy to the applicant.

(b) Standards and Conditions

- (1) Donation Bins shall be constructed of metal or a similar durable material and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of any graffiti.
- (2) Donation Bins shall be of the type that are locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
- (3) Donation Bins shall have, at minimum, one-inch type font, visible from the front of each Donation Bin that states the name, address, email address, website, and telephone number of the operator. Other signs may be placed on the sides of the donation bin, provided that the total area of signage shall not exceed 20 percent of each side. The Donation Bin shall not have information, advertising, or logos other than those relating to the operator.
- (4) Donation Bins shall be serviced and emptied as needed, but at least every 30 days.
- (5) The owner of the property on which the bin is located shall maintain, or cause to be maintained, the area surrounding the Donation Bins, free from any junk, debris or other material.
- (6) Donation Bins shall not be permitted on any unimproved parcel, shall not be allowed as a principal use of a parcel, and shall not be permitted where the principal use of the land has been closed or unoccupied for more than 30 days.
- (7) Donation Bins shall not be less than 1,000 feet from another Donation Bin as measured along a straight line directly from one box to the other. Notwithstanding this separation requirement, up to two Donation Bins on a single parcel or lot of record are permitted if the parcel or lot is not less than two acres in size and the two Donation Bins are side by side and are no more than three feet apart.
- (8) Donation Bins shall not exceed seven feet in height, six feet in width, and six feet in depth.
- (9) Donation Bins shall not cause a visual obstruction to vehicular or pedestrian traffic.
- (10) Donation Bins shall not be placed closer than fifteen feet from:
 - i. A public sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance;
 - ii. A public right-of-way;

continued

- iii. A driveway; or
 - iv. A side or rear property line of adjacent property zoned or used for residential purposes.
- (11) Donation Bins shall not obstruct or cause safety hazards with regard to a designated fire lane or building exit.
- (12) Donation Bins shall not:
- i. Interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space;
 - ii. Encroach upon an access drive, off-street parking lot maneuvering lane, and/or required off-street parking space.
 - iii. Donation Bins shall be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

SECTION 8. §1296.02, Site Design Standards for Uses Permitted after Special Approval, shall be amended to add the following:

(OO) Pawn Shops.

1. A 1,000 foot separation shall be maintained at all times between pawn shop use and existing pawn shop. Measurement of the one-thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed pawn shop use will be situated.
2. No pawn shop use shall be permitted within a five hundred (500) foot radius of a residential district.
3. The applicant shall specify the days and hours of operation.
4. No merchandise shall be stored, displayed, or sold outside of the building.
5. Pawn shops shall comply with all other applicable federal, state and local laws, regulations, and licenses.

SECTION 9. INCONSISTENCIES REPEALED.

Any and all other ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 10. SEVERABILITY.

Should any section, clause or paragraph of this Ordinance be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Motion unanimously carried.

ADOPTED: February 1, 2016
PUBLISHED: February 24, 2016
EFFECTIVE: March 2, 2016

I, DONNA BREEDING, duly authorized City Clerk of Lincoln Park; do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Mayor and Council on February 1, 2016, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976.

Donna Breeding
Donna Breeding, CMC
City Clerk