

530.02. (Added, Ord. No. 95-08) B4p pawnbrokers, secondhand goods dealer, consignment house dealers, auction house dealers and traders district regulations. Subdivision 1. Purpose and intent. In the development and execution of this code, it is recognized that there are some uses, which by their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulations of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or the downgrading of the surrounding neighborhoods. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these used in any one area. The district shall herein be referred to as the "B4p overlay district."

Subd. 2. Lands subject to this district. The lands subject to the B4p overlay district are those set forth in appendix A2 and shown on the official zoning map of the city of Robbinsdale.

Subd. 3. Definitions. For the purposes of this district, the terms listed below shall have the following meanings :

- (a) "Pawnbroker" means a person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.
- (b) "Secondhand goods dealer" means a person whose regular business includes purchasing or selling tangible personal property (excluding motor vehicles) previously used, rented, owned or leased.
- (c) "Consignment house dealer" means a person whose regular business includes receiving, but not purchasing, tangible property with the intention to sell the property and divide the proceeds with the owner.

- (d) "Auction house dealer" means a person whose regular business includes auctioning used goods. The auction house dealer may receive used goods to auction but may not purchase said items for auction.
- (e) "Trader" means a person(s) whose regular business primarily consists of receiving tangible property in trade for other tangible property in stock.
- (f) "Minor dealer" means a consignment house dealer or trader whose business occupies no greater than 2,250 square feet of gross floor area. (Amended, Ord. No. 98-17)

Subd. 4. Uses permitted. Any use permitted within the existing zoned district.

- (a) Minor dealers as defined by section 530.02, subdivision 3(f). (Added, Ord. No. 98-17)

Subd. 5. Permitted accessory uses. All accessory uses allowed within the existing zoned district.

Subd. 6. Conditional uses.

- (a) All conditional use allowed within the existing zoned district.
- (b) Any pawnbroker, any secondhand goods dealer, any auction house dealer, a consignment house dealer greater than 2,250 square feet unless exempted by subdivision 8 of this section or a trader business greater than 2,250 square feet provided that: (Amended, Ord No. 98-17, Ord No. 02-10)
 - (1) the establishment, maintenance, or operation of the facility will not be detrimental to or endanger the public health, safety, morals, comfort, general welfare;
 - (2) the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish property values within the neighborhood;
 - (3) adequate utilities, access roads, drainage, and necessary facilities have been or are being provided;
 - (4) an off-street loading and unloading rear entrance is provided;
 - (5) requirements of Minnesota Statutes regarding pawn and secondhand goods, consignment, auction, and trading establishments are met;
 - (6) licensing requirements of section 1135 of the Robbinsdale city code are met;
 - (7) no alcohol is allowed on the premises;
 - (8) that the standards set forth in subdivision 7 are met; (Amended, Ord. No. 98-17)

- (9) that there is no other pawnbroker, secondhand goods dealer, auction house dealer, consignment house dealer greater than 2,250 square feet or a trader greater than 2,250 square feet within 1,000 square feet. (Amended, Ord. No. 98-17)
- (10) that the structure of the business complies with the architectural design guidelines. (Added, Ord. No. 98-17)

Subd. 7. Standards for pawnbroker, secondhand goods dealers, auction house dealers, and consignment house dealers greater than 2,250 square feet or traders business greater than 2,250 square feet. The following minimum requirements shall be observed in the B4p overlay district subject to additional requirements, exceptions and modifications set forth in this ordinance. (Amended, Ord. No. 98-17)

- (a) lot areas: 20,000 square feet minimum
- (b) lot width: 80 feet minimum
- (c) lot coverage: the maximum percent of the area of a lot allowed to be covered by the main building and all accessory buildings is as follows:
 - (1) one story - 40% maximum
 - (2) two story - 35% maximum
 - (3) three story - 30% maximum
 - (4) four story - 25% maximum
 - (5) five story - 20% maximum
 - (6) six story - 15% maximum

The above lot coverage will be subject to other considerations including parking and open space requirements, use of facilities and proximity to other districts which may decrease the maximum lot coverage.

- (d) Setbacks: the setbacks will be the same as those allowed in the existing zoned district.
- (e) Building requirements:
 - (1) Height: the allowed height of all buildings shall be the same as that allowed within the existing zoned district.
 - (2) Exterior materials: the type of building materials used on exterior walls shall be face brick, natural stone, stucco, glass finished grade concrete or other materials approved by the city.

- (f) Parking requirements:
 - (1) Parking ratio: at least one off-street parking space shall be provided for each 150 square feet of gross floor area.

- (g) Landscaping requirements:
 - (1) All open areas of any site, except for areas used for parking and driveways, shall be landscaped and be incorporated in a landscape plan.
 - (2) The landscape plan shall be submitted for approval by the city and indicate the locations, size and species, and method and quantity of all proposed plants including designation of, and other site improvements.

- (h) Performance standards:
 - (1) Refuse. All trash or garbage receptacles must be located in the rear or side yard and be totally screened from view from any public right-of-way. Provisions must be taken to protect screening from vehicle damage.
 - (2) Off-street loading. The required loading dock must be located in the side or rear yard.

Subd. 8 (Added, Ord No. 02-10) Exemptions: This section does not apply to or include the following:

- (a) The sale of secondhand goods where all of the following conditions are present:
 - (1) the sale is held on property principally occupied as a dwelling by the seller, or owned, rented or leased by a charitable or political organization;
 - (2) the items offered for sale are owned by the occupant;
 - (3) the sale does not exceed a period of 72 consecutive hours;
 - (4) not more than two sales are held either by the same person or on the same property in any 12 month period; and
 - (5) none of the items offered for sale have been purchased for resale or received on consignment for purpose of resale.

- (b) sales by a person licensed under section 1130 as a motor vehicle dealer;
- (c) the sale of secondhand books, magazines, or films or bona fide antiques or collectibles;
- (d) the sale of goods at an auction held by a licensed auctioneer if occurring not more than twice in a 12-month period;
- (e) the business of buying or selling secondhand good where such business is incidental to and not the primary business of a person. Incidental in this case shall mean less than 20% of the total gross sales;
- (f) a bulk sale of property from a merchant, manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock;
- (g) firearms, including antique firearms, sold by firearms dealers holding currently valid federal firearms dealer licenses permitting them to deal in such sales;
- (h) sale of precious metals made by precious metal dealers holding currently valid federal firearms dealer licenses permitting them to deal in such sales;
- (i) sale made by sheriff or other public officials in discharge of their official duties;
- (j) sales made by assignees or receivers appointed in this state to make sales for the benefit of creditors; or
- (k) a consignment house dealer licensed under Section 1135.05 that sells furniture and home decorating items only and does not sell any of the following items:
 - 1) consumer electronics including CD's, DVD's, records, tapes, etc.
 - 2) jewelry
 - 3) musical instruments
 - 4) tools
 - 5) sporting goods
 - 6) clothing.