

Alternative Amendments to Zoning Bylaw 12800

The following attachment outlines alternative amendments to Zoning Bylaw 12800 that could be introduced to regulate pawn stores. Some of these changes could be undertaken independently or in conjunction with one another, while others are mutually exclusive. Numerical references for each option are provided to allow for the discussion of compatibility between the amendments. The six alternative amendments are:

1. Remove pawn stores and secondhand stores as separate uses, but maintain pawn stores as a defined term
2. Add Special Land Use Provisions for pawn stores
3. Establish a separation distance between pawn stores
4. Allow pawn stores in additional zones
5. Require notification for all new pawn stores
6. Remove notification requirements

Table 1: Summary of Zoning Bylaw Amendment Options shows at a glance how each option supports the four key outcomes identified for managing pawn stores:

- **Design quality** - promote attractive buildings that contribute to the surrounding area
- **Safety** - ensure the design of buildings support safe streets and neighbourhoods
- **Root causes** - address underlying stigma and social dynamics that contribute to negative perceptions of those who use or operate pawn stores
- **Process streamlining** - support an efficient and predictable development permit process.
- **Competitive Business Climate** - ensure regulations support effective market conditions and customer benefits

Additionally, Table 1 notes whether each Zoning Bylaw option would have an impact on the following factors that were raised as part of the discussion related to CR_4329 - Development Applications for Pawn Stores and Other Potentially Sensitive Land Uses Proposed in Established Commercial Areas:

- Preventing clustering or dispersing the locations of new pawn stores across Edmonton
- Notifying neighbours of a new pawn store, which does not necessarily result in the ability to influence the decision if land use impacts are not identified

Table 2 provides a more detailed description of each amendment option, including:

- The implications of the amendment
- What other amendments it would be compatible with
- A detailed draft markup of what the text changes would look like in Zoning Bylaw 12800

Table 1: Summary of Zoning Bylaw Amendment Options

Approach to Pawn Stores in the Zoning Bylaw	Design Quality	Safety	Root Causes		Process Streamlining	Business Competitiveness	Disperse Locations	Neighbour Notification
			Mitigate Causes of Poverty	Reduce stigma				
Recommended Approach Bylaw amendments and other initiatives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/> *
1. Defined term	-	-	-	<input type="checkbox"/>	<input checked="" type="radio"/>	-	<input checked="" type="radio"/>	-
2. Special Land Use Provisions	<input type="checkbox"/>	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>	-	-	<input type="checkbox"/>
3. Separation Distance	<input type="checkbox"/>	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>	-
4. List use in more zones	-	-	-	<input checked="" type="radio"/>	-	<input type="checkbox"/>	<input checked="" type="radio"/>	-
5. Add/keep notification reqs	-	-	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-	<input type="checkbox"/>
6. Remove notification reqs	-	-	-	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>	-	<input checked="" type="radio"/>
<input type="checkbox"/>	Achieves outcome							
<input checked="" type="radio"/>	Partially achieves outcome							
<input type="checkbox"/>	Does not achieve outcome							
-	Does not influence outcome							

* **Note:** Pawn stores would follow standard notification processes of other commercial uses (i.e. notices sent out if the Use is discretionary, or if a variance is granted).

Table 2: Detailed Zoning Bylaw Amendment Options

Please note that text amendment options are written with the following format in Table 2:

- Black Font - Existing Text in Zoning Bylaw 12800
- ~~Strikethrough~~ - Proposed deletion from Zoning Bylaw 12800
- Underline - Proposed addition to Zoning Bylaw 12800

1 REMOVE PAWN STORES AS A SEPARATE USE, BUT MAINTAIN PAWN STORES AS A DEFINED TERM	
<p>This approach would remove pawn stores and secondhand stores as a defined use in Zoning Bylaw 12800. Administration has identified that pawn stores and secondhand stores generally fit within the definition of General Retail Stores and have similar characteristics and land use impacts to this use.</p>	
<p>Implications</p> <ul style="list-style-type: none"> ● Would result in pawn stores and secondhand stores being considered General Retail Stores. Pawn stores and secondhand stores would be permitted or discretionary wherever General Retail is listed ● Maintaining pawn store as a defined term would provide the opportunity to set out special land use regulations for pawn stores ● Would not reduce stigma as pawn stores would continue to be treated differently to other similar uses ● Would provide more options for the location of pawn stores, which could reduce the number of pawn stores located in proximity to one another ● Reduces some level of complexity in Zoning Bylaw 12800 by removing two uses (pawn stores and secondhand stores), however permitting processes for pawn stores would not be simplified 	
<p>Compatibility with other amendments:</p> <ul style="list-style-type: none"> ● Could be combined with amendment options 2, 3, 5 and 6 ● Increases more opportunities for pawn stores in comparison to option 4, adding pawn stores as a use in new zones, as a defined term would no longer be a separate listed use 	
Text Amendment	Rationale
<p><u>6.1 General Definitions</u> Pawn Stores means development used to provide secured loans in exchange for goods offered as collateral, including the sale and minor repair of such goods.</p>	<p>Pawn stores is added to the general definitions, which means it is not a separate use but can still be distinguished from other general retail activities.</p>
<p>7.4(24) General Retail Stores means development used for the retail or consignment sale of new <u>or used</u> goods or</p>	<p>Updating the general retail stores use capture pawn</p>

<p>merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. <u><i>This Uses includes Pawn Stores and secondhand stores.</i></u> Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use does not include <u><i>the sale of construction and industrial equipment and does not include</i></u> Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Cannabis Retail Sales, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, <i>Pawn Stores</i>, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, <i>Secondhand Stores</i>, and Warehouse Sales.</p>	<p>store and secondhand stores. As highlighted, the only current distinction between General Retail and pawn store and secondhand stores is the sale of used goods</p>
<p><i>7.4(42) Pawn Stores means development used to provide secured loans in exchange for goods offered as collateral, including the sale of such goods. This Use may also include the minor repair of goods sold on Site. Typical Uses include the resale of clothing, jewelry, stereos, household goods and musical instruments in pawn. This Use does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include Flea Markets or Secondhand Stores.</i></p>	<p>Pawn stores would no longer be a separate use and would instead be covered under General Retail Stores.</p>
<p><i>7(48) Secondhand Stores means development used for the retail or consignment sale of secondhand personal or household goods, including the minor repair of goods sold on Site. Typical Uses include clothing, jewelry, book and antique stores. This Use does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include Flea Markets or Pawn Stores.</i></p>	<p>Secondhand stores would no longer be a separate use and would instead be covered under General Retail Stores.</p>
<p><u><i>Remove Pawn Stores and Secondhand Stores from the following zones:</i></u></p> <ul style="list-style-type: none"> • <u><i>910.12 (AED) - Arena & Entertainment District Zone</i></u> • <u><i>330 (CB1) Low Intensity Business Zone</i></u> • <u><i>340 (CB2) General Business Zone</i></u> • <u><i>370 (CB3) Commercial Mixed Business Zone</i></u> • <u><i>910.11 (UW) - URBAN WAREHOUSE ZONE</i></u> • <u><i>910.5 (CCA) Core Commercial Arts Zone</i></u> • <u><i>910.10 (RMU) Residential Mixed Use Zone</i></u> • <u><i>910.6 (CMU) Commercial Mixed Use Zone</i></u> • <u><i>910.7 (HA) Heritage Area Zone</i></u> • <u><i>910.9 (JAMSC) Jasper Avenue Main Street Commercial Zone</i></u> 	<p>Removed from zones as pawn stores and secondhand stores would not longer be listed uses.</p>

2 ADD SPECIAL LAND USE PROVISIONS FOR PAWN STORES

This approach would set out specific development regulations or information requirements for new pawn store applications. The special land use provisions could set out standards for high quality design and safety, including:

- Architectural regulations that enhance the built form on private property and improve pedestrian experience on adjacent walkways, as well as decorative elements to enhance the visual appearance of storefronts, and limitations on size and location of signs.
- The regulations would also include transparency at the ground floor to promote pedestrian interaction and increase a sense of safety. The provisions could also require a Crime Prevention Through Environmental Design audit.

Implications

- Would duplicate design and safety regulations for pawn stores located with the Main Streets Overlay, but would require a higher degree of design for pawn stores than other commercial uses outside of the Main Streets Overlay area. Pawn stores outside the Main Streets Overlay would continue to be subject to Crime Prevention Through Environmental Design requirements in the Bylaw
- Meets the objective of improving the design quality and safety
- Would not reduce stigma as pawn stores would continue to be treated differently to other similar uses
- Would add complexity to Zoning Bylaw 12800 by adding addition regulations and creating redundancy in regulations for pawn stores located along main streets
- Create uncertainty for applicants and neighbours

Compatibility with other amendments:

- Could be combined with amendment options 1, 3, 4, 5 and 6

Text Amendment

Rationale

91. Pawn Stores

1. To improve architectural and visual interest, and the safety of the development, the following shall be required for any Pawn Store development:
 - a. the principal structure or commercial space occupied by a Pawn Store shall incorporate all season design techniques such as entrance features, varied roof design, canopies or landscaping;
 - b. the use of colour, functional, and decorative lighting to enhance the appearance of the building or commercial space while minimizing light pollution during the winter months in accordance with the minimum safety standards prescribed by the Illuminating Engineers

These special land use provisions would ensure a high level of design for all pawn stores, regardless of the location of the pawn store. These regulations are duplicated from the Main Streets Overlay.

Society of North America:

- c. all exposed building Facades of the commercial space occupied by a Pawn Store shall have complementary exterior finishing materials and shall wrap around the sides of the building to provide a consistent profile facing all public roadways;
 - d. each Facade facing a public roadway, other than a Lane, of the commercial space occupied by a Pawn Store shall have a minimum of 70% clear, non-reflective glazing on the exterior of the ground floor to promote pedestrian interaction and safety;
 - e. a maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction;
 - f. notwithstanding where specified elsewhere in the Bylaw, signage for the commercial space occupied by a Pawn Store shall be limited to a single Fascia On-premises Sign and one pedestrian-oriented, Projecting sign:
 - i. No digital copy shall be permitted to be used on the Fascia on-premises sign or the single Projecting Sign;
 - ii. A Projecting Sign shall not exceed a total Sign Area of 1 m²
 - iii. Signage shall be designed and located so as to ensure that it does not detract from the overall appearance of the development and is not obtrusive, having regard to the scale of the building on the site and to the distance of the building setback.
2. The Development Officer shall determine whether a Crime Prevention Through Environmental Design (CPTED) audit of the business premises is required and may confer with the Edmonton Police Service for their recommendation when reviewing applications for Pawn Stores:
- a. If the Development Officer deems a CPTED audit necessary, the Development Officer may include recommendations of the CPTED audit that, in the Development Officer's opinion, have implications for land use impacts including, but not limited to, exterior illumination, landscaping, screening, signs, and access, as condition(s) of the Development Permit.

3 ESTABLISH A SEPARATION DISTANCE BETWEEN PAWN STORES

This approach would establish a minimum separation distances between pawn stores to prevent new pawn stores from locating near existing establishments. Administration was not able to identify any research to suggest a specific distance to recommend. Other jurisdictions require a variety of separation distances ranging from 160 metres in Saskatoon, 300 metres in Vancouver, and 400 metres in Calgary.

In reviewing pawn store applications in the past six years in Edmonton, only one of the seven applications was adjacent to an existing pawn store. The other six new pawn stores were between 700 metres and over a kilometres from another pawn store.

Implications

- Existing pawn stores would not be subject to the separation distance and could continue to operate in proximity to other pawn stores
- Existing pawn stores in proximity to one another would become legally non-conforming uses, which can create incentives for the pawn stores to continue operating as they could lose the development opportunity if they ceased operation
- New pawn stores would not be able to locate in proximity to existing pawn stores, which would result in no new pawn stores opening in an area with an existing pawn store
- Could prevent other pawn store operators who may offer a higher level of service, quality, or other improvements associated with competition in the market from moving into an area and could result in empty storefronts that would otherwise be occupied by a pawn store
- Could reinforce stigma associated with pawn stores
- Would have start up administrative costs ranging from \$10,000 to \$30,000, based on cost estimates to develop separation distance maps that track the location and buffer for existing pawn stores
- Would result in a high application to administrative cost ratio based on the fact that there have been only five development permits applications for pawn stores issued in the last six years

Compatibility with other amendments:

- Could be combined with amendment options 1, 2, 4, 5 and 6
- Recommend combining with option 4 to provide additional geographic areas for pawn stores to be located

Text Amendment	Rationale
<p><u>91. Pawn Stores</u> <u>1. Any Pawn Stores Use shall not be located less than X m from any other Pawn Stores Use.</u></p>	<p>Further discussion would be required to identify an appropriate separation</p>

<p>2. <u>For the purposes of this Section, the X m separation distance shall be measured from the closest point of the Pawn Stores Use to the closest point of any other approved Pawn Stores Use.</u></p>	<p>distance.</p> <p>The text of the proposed amendment will also need to be revised, if combined with Option 1, to delete the word 'Use', as Pawn Stores would no longer be a Use, and instead would be a defined term.</p>
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4 ALLOW PAWN STORES IN ADDITIONAL ZONES

This approach would keep pawn stores as a defined use in Zoning Bylaw 12800, but would include this use as either permitted or discretionary in more zones than it is currently allowed.

Implications

- Would reduce the zoning constraints that may contribute to new pawn stores locating in similar areas to existing ones
- Would be consistent with supporting more dispersed pawn store locations
- Would partially reduce stigma by allowing pawn stores the same opportunities as other similar uses, though would continue to signal pawn stores as a distinct use

Compatibility with other amendments:

- Could be undertaken in conjunction with options 2, 3, 5, and 6
- Would not be compatible with amendment option 1 as pawn stores would need to remain a listed use, rather than a defined term

Text Amendment	Rationale
<p><i>Add pawn stores as a permitted or discretionary use in the following zones:</i></p> <ul style="list-style-type: none"> • <u>(BLMR) Blatchford Low to Medium Rise Residential</u> • <u>(BMR) Blatchford Medium Rise Residential</u> • <u>(CNC) Neighbourhood Convenience Commercial</u> • <u>(CSC) Shopping Centre Zone</u> • <u>(CHY) Highway Corridor Zone</u> • <u>(CO) Commercial Office Zone</u> • <u>(CMU) Commercial Mixed Use</u> 	<p>These are zones where secondhand stores and general retail uses are currently located.</p>

5 REQUIRE NOTIFICATION FOR ALL NEW PAWN STORES

There are a limited number of areas in the Secondhand Store and Pawn Store Overlay that currently require notification of a pawn store application to be given to surrounding property owners and tenants, as well as Community Leagues and Business Improvement Areas, 21 days in advance of the Development Officer rendering a decision. This approach would expand the existing notification requirements to all pawn store applications across Edmonton.

Implications:

- Surrounding property owners, Community Leagues and Business Improvement Areas would receive notice of development permit applications for pawn stores
- Would allow those in the area to contact the Development Officer and provide comments related to the potential land use impacts of a proposed pawn store, which could be used by the Development Officer when making a decision on the development permit application
- Analysis of responses to past circulations for all development types have indicated a low response rate to these notices, and very often comments were not related to land use impacts that the Development Officer could consider in their decision
- Land use impacts associated with pawn stores have not been identified or upheld at the Subdivision and Development Appeal Board, which means that notifications may only serve to create frustration and uncertainty for members of the surrounding community
- Will add additional time and complexity to the development permit application process, working against streamlined and efficient processes. It would also duplicate notices when the use is discretionary or has any variances
- Would have additional costs to create maps and automated processes for pawn store notifications and in staff time

Compatibility with other amendments:

- Could be combined with amendment options 1, 2, 3 and 4
- Would be compatible with option 6 as the notification provisions of the Secondhand Stores and Pawn Stores Overlay would now be redundant

Text Amendment	Rationale
<p><u>91. Pawn Stores</u> <u>1. When the Development Officer receives a Development Permit application for Pawn Stores and the Use is Discretionary in the underlying Zone:</u> <u>a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and the Executive Director of each Business Improvement Area Association operating within the distance described above;</u></p>	<p>The notification requirements that currently exist in the Secondhand Store and Pawn Store Overlay would be added to special land use provisions and would be required for all new pawn stores.</p>

<p><i>b. <u>the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives confirmation from all specified recipients of receipt of the circulation; and</u></i></p> <p><i>c. <u>the Development Officer shall consider any comments directly related to the proposed Use.</u></i></p>	
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6 REMOVE NOTIFICATION REQUIREMENTS

The Secondhand Stores and Pawn Stores Overlay currently applies along portions of 118 Avenue, 111 Avenue, and a number of interspersed commercial properties between these avenues. The Overlay requires that all property owners, Community Leagues, and Business Improvement Areas are provided with 21 days to submit comments prior to the Development Officer rendering a decision.

This approach would remove this overlay based on the rationale that these processes have not resulted in the identification of land use impacts that could inform the Development Officers decision and have not been recognized at the Subdivision and Development Appeal Board.

Implications

- New pawn stores and secondhand stores locating within the existing Overlay area would no longer have different notification requirements compared to other pawn stores located across the city
- Any instances of pawn stores being a discretionary use or variances to regulations would continue to result in notification for nearby landowners, Community Leagues and Business Improvement Areas
- Would not address the desire Administration heard from some community members and businesses for advanced notice of new pawn store applications
- Would address some frustrations experienced when community members were unable to influence decisions after receiving notification
- Would reduce administrative resources and streamline application processes.

Compatibility with other amendments

- Could be combined with amendment options 1, 2, 3 and 4
- The removal of the Overlay could be compatible with option 5 as it would avoid duplication of notification requirements

Text Amendment	Rationale
818 Secondhand Stores And Pawn Stores Overlay	The purpose of the Overlay is provide notification to

~~818.1 General Purpose~~

~~The purpose of this Overlay is to supplement the regulations of Commercial Zones regarding Secondhand Stores and Pawn Stores in order to require notification of surrounding property owners prior to the Development Officer's decision in Zones where either Secondhand Stores is or Pawn Stores are listed as a Discretionary Uses.~~

~~818.2 Application~~

- ~~1. This Overlay applies additional regulations to Secondhand Stores and Pawn Stores when contained in the underlying Commercial Zones of these lands identified in the Appendices to this Overlay.~~
- ~~2. Notwithstanding that a Secondhand Store or Pawn Store does not conform to this Overlay, where a Development Permit was issued for the development prior to the adoption of this Overlay, such development shall be deemed to conform to the regulations contained within this Overlay.~~

~~818.3 Proposed Secondhand Store or Pawn Store~~

- ~~1. When the Development Officer receives a Development Permit application for Secondhand Stores or Pawn Stores and the Use is Discretionary in the underlying Zone:

 - ~~a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above to solicit comments on the compatibility of the proposed Use with nearby Uses;~~
 - ~~b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from all specified recipients; and~~
 - ~~c. the Development Officer shall consider any comments directly related to the compatibility of the proposed use with surrounding uses when determining whether to approve the Development Permit application in accordance with Section 11.2.~~~~

surrounding property owners, community leagues, and businesses. Removing this Overlay would remove the pre-application notification. Any pawn stores with variances would continue to be circulated.