



Corporate NO: C391

Report COUNCIL DATE: Feb. 24, 1998

COUNCIL-IN-COMMITTEE

TO: Mayor & Council **DATE: February 9, 1998**

FROM: General Manager, Planning & Development **FILE: 0023-001**
5591-001

SUBJECT: Regulating Secondhand Stores and Pawnshops - By-law No. 13251

RECOMMENDATION

In order to affect Surrey Zoning By-law, 1993, No. 12000, Text Amendment By-law, 1997, No. 13251, to regulate secondhand stores and pawnshops, the Planning & Development Department recommends that Council:

1. Rescind Third Reading of Surrey Zoning By-law, 1993, No. 12000, Text Amendment By-law, 1997, No. 13251, attached as Appendix 1.
2. Split Surrey Zoning By-law, 1993, No. 12000, Text Amendment By-law, 1997, No. 13251 into two By-laws: By-law No. 13251A and By-law No. 13251B as outlined in this report.
3. Give Third Reading and Final Adoption to By-law No. 13251A to:
 - Insert new definitions for Pawnshop, Secondhand Store, and Purchase into Part 1 Definitions;
 - Exclude secondhand stores and pawnshops from Section B Permitted Uses of the following Zones: Part 35 Neighbourhood Commercial Zone C-5, Part 36 Community Commercial Zone C-8, Part 36A Community Commercial A Zone C-8A, Part 37 Town Centre Commercial Zone C-15, and Part 38 Downtown Commercial Zone C-35; and
 - Remove retail stores selling damaged goods from Section B Permitted Uses of Part 39 Highway Commercial Industrial Zone CHI.
4. Give Third Reading to By-law No. 13251B to create a Community Commercial B Zone (C-8B) to accommodate and regulate secondhand stores and pawnshops.

5. Approve the proposed rezoning of City-owned property located at 13535 King George Highway from "Highway Commercial Industrial (CHI)" to "Community Commercial B (C-8B)" in order to complete the process of establishing the C-8B Zone.

6. Instruct the City Clerk to introduce a By-law for First Reading to rezone 13535 King George Highway from "Highway Commercial Industrial (CHI)" to "Community Commercial B (C-8B)", and to set a date for a Public Hearing.

7. Instruct the City Clerk to bring forward the following supplemental amendment By-laws for adoption concurrently with the rezoning of a site to Community Commercial B (C-8B): Surrey Subdivision and Development By-law, 1986, No. 8830, Amendment By-law, 1997, No. 13252; Surrey Development Cost Charge By-law, 1993, No. 11951, Amendment By-law, 1997, No. 13253; and Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631, Amendment By-law, 1997, No. 13254.

BACKGROUND

In May 1997 Council requested the Planning & Development Department to utilize zoning as a means to regulate the location and concentration of secondhand stores and pawnshops. On November 17, 1997, Surrey Zoning By-law, 1993, No. 12000, Text Amendment By-law, 1997, No. 13251 (attached as Appendix 1) to regulate the concentration and location of new secondhand stores and pawnshops received Third Reading. This By-law contains several amendments to the Zoning By-law including the exclusion of secondhand stores and pawnshops from the Permitted Uses section of all Commercial Zones, and the creation of a Community Commercial B (C-8B) Zone to accommodate secondhand stores and pawnshops.

Final adoption of this By-law has been held pending rezoning of a specific site to the new C-8B Zone. However, it is important that this By-law be adopted expeditiously in order to stop the proliferation of new secondhand stores and pawnshops in Surrey; protect the community from secondhand dealers and pawnbrokers that engage in misleading business practices; and prevent clusterings of drug users that a concentration of these stores can encourage.

DISCUSSION

The recommended approach to ensuring expeditious adoption of By-law No. 13251 consists of two steps:

1. Splitting the By-law into two parts; and
2. Initiating rezoning of a piece of City-owned property to C-8B.

1. Splitting the By-law into Two Portions

Splitting the By-law into By-law No. 13251A and By-law No. 13251B will enable the City to stop the proliferation of new secondhand stores and pawnshops without having to wait until a site is rezoned to C-8B. In order to split the By-law into two parts, it is necessary for Council to first rescind Third Reading of By-law No. 13251. However, another Public Hearing is not required before Final Adoption of By-law No. 13251A and By-law No. 13251B since the contents have not been changed.

· **By-law No. 13251A**

By-law No. 13251A can be given Third Reading and Final Adoption right away. Specifically, this By-law will amend Surrey Zoning By-law, 1993, No. 12000 by:

1. Inserting new definitions for Pawnshop, Secondhand Store, and Purchase into Part 1 Definitions;
2. Excluding secondhand stores and pawnshops from Section B Permitted Uses of the following Zones: Part 35 Neighbourhood Commercial Zone C-5, Part 36 Community Commercial Zone C-8, Part 36A Community Commercial A Zone C-8A, Part 37 Town Centre Commercial Zone C-15, and Part 38 Downtown Commercial Zone C-35; and
3. Removing retail stores selling damaged goods from Section B Permitted Uses of Part 39 Highway Commercial Industrial Zone CHI.

Once By-law No. 13251A is adopted, businesses licensed as "Secondhand Dealers and Pawnbrokers" will no longer be a permitted use in existing Commercial Zones. Based on the new definition of "Secondhand Store" that will be adopted as part of By-law No. 13251A, businesses that do not deal in items commonly associated with stolen merchandise will be reclassified to "retail merchant" when their business license is renewed. Approximately half of the 45 "Secondhand Dealers and Pawnbrokers" will remain licensed as such, and will be considered legally non-conforming. Non-conforming uses are protected under Section 911 of the Municipal Act and can continue until the use of the business is changed, the non-conforming use is discontinued for a period of 6 months, or the buildings and structures are damaged to the extent of 75% or more of the building value.

By-law No. 13251B

By-law No. 13251B will create a Community Commercial B Zone (C-8B) to accommodate secondhand stores and pawnshops. It can receive Third Reading right away, and Final Adoption upon rezoning of a specific site to C-8B.

Adoption of By-law No. 13251B will enable the City to adopt the new C-8B Zone to effectively regulate the location of new secondhand stores and pawnshops. Owners of existing secondhand stores and pawnshops have the option of applying for rezoning to C-8B if they do not want to remain non-conforming.

The Locational Guidelines for Secondhand Stores and Pawnshops adopted as Council Policy in September 1997 (attached as Appendix 2) will be used to determine the suitability of sites for secondhand stores or pawnshops associated with rezoning applications.

2. Rezoning City-Owned Property to C-8B

Initiating rezoning of a piece of City-owned property to C-8B now rather than waiting for a privately initiated application to come forward will enable the City to adopt By-law No. 13251B and the new C-8B Zone in a timely manner.

The Real Estate & Administration Division has identified a vacant piece of City-owned property that is

suitable for rezoning to C-8B. The property is located at 13535 King George Highway (see Appendix 3). The property is zoned "Highway Commercial Industrial (CHI)". The site is designated City Centre in the Official Community Plan (OCP), and meets the land use designations outlined in the OCP for the C-8B Zone. The City Solicitor has indicated that the property can be rezoned back to CHI after approximately one year, or earlier if another site receives rezoning to C-8B. The property is within the jurisdiction of the Ministry of Transportation & Highways, and requires their approval before rezoning can be finalized.

CONCLUSION

In order to stop the proliferation of new secondhand stores and pawnshops in the City, the Planning & Development Department recommends that Council rescind Third Reading of By-law No. 13251, and split the By-law into two parts. By-law No. 13251A which excludes secondhand stores and pawnshops as a permitted use in existing Commercial Zones can be adopted immediately. By-law No. 13251B which establishes a new C-8B Zone to accommodate secondhand stores and pawnshops can be adopted concurrently with the rezoning of 13535 King George Highway from CHI to C-8B. The City Solicitor concurs with these recommendations.

Lehman O. Walker

General Manager

LA/bea Planning & Development Department

Attachments

Appendix I: By-law No. 13251

Appendix II Locational Guidelines for Secondhand Stores and Pawnshops

Appendix III Location Map for Property Proposed for Rezoning to C-8B

c.c. - City Solicitor

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