

5. RZ09-10, Text Amendment regarding pawn shops and check cashing establishments within the city. First Reading

Mayor Wood requested the reading of the ordinance be conducted before discussion. City Attorney David Davidson conducted the first reading of an **ORDINANCE TO AMEND THE CITY OF ROSWELL ZONING ORDINANCE REGARDING PAWN SHOPS AND CHECK CASHING ESTABLISHMENTS WITHIN THE CITY OF ROSWELL: 1. Article 3, of the City of Roswell Zoning Ordinance, Section 3.1 Definition**, is amended by adding new definitions to read as follows and deleting the existing definition of Pawnbroker:

Check Cashing Establishment: An establishment where an individual, partnership, association, or corporation engaged in cashing checks, money orders, or other drafts for a fee. Such fee may be payable in cash, in the form of exchange of value in excess of regular retail value, in the form of mandatory purchase of goods or services by patrons, or in the form of the purchase of catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items.

Pawn: A pledge that means a bailment of personal property or title as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

Pawnbroker: Any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property or title on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or within this form of business purchasing tangible personal property or title from persons or sources other than manufacturers or regulated dealers as a part of or in conjunction with the business activities described herein.

Pawnshop: An establishment engaged in a business involving in any part of the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent thereon.

2. The Zoning Ordinance of the City of Roswell is further amended by adding as permitted uses to Table 6.1 “Pawn Shops and Check Cashing Establishment” to read as follows:

TABLE 6.1

USES PERMITTED IN OFFICE AND COMMERCIAL ZONING DISTRICTS

P = Permitted use C = Conditional use X = Not permitted

(*) = Specific use regulations apply

USE	Zoning District				
	O-P	C-1	C-2	C-3	I-1
Pawnshop* (see Article 10)	X	X	X	P	X
Check Cashing Establishment* (see Article 10)	X	X	X	P	X

3. The Zoning Ordinance of the City of Roswell is further amended by adding a new Chapter 10.40 "Pawn Shops and Check Cashing Establishment" to Article 10, *Specific Use Requirements* to read as follows:

Chapter 10.40 Pawn Shops and Check Cashing Establishments

In zoning districts and on sites where permitted, a pawnshop and/or check cashing establishment shall be subject to the following distance restrictions:

- (a) No pawnshop and/or check cashing establishments shall be located within 5,000 feet of any other pawnshop and/or check cashing establishments.

Mr. Davidson noted that if approved, this would be the first reading of the ordinance.

Mayor Wood requested that Planning and Zoning Director Brad Townsend explain how the City's current law is being changed and what effect this text amendment will have. Mr. Townsend stated this will amend the current zoning ordinance to add four definitions; check cashing establishment, pawn, pawn broker, and pawn shop. The current definition of pawn broker will be removed because the definition being proposed more aligns with the current state requirement and state definition. This proposed text amendment includes pawn shop and check cashing establishments as a permitted in the C-3 zoning district if they comply with the proposed restriction of not being located within 5,000 (five thousand) feet of another pawn shop or check cashing establishment. Mr. Townsend displayed a proposed map showing the existing location of pawn shops and check cashing establishments which included the 5,000 foot buffer; he said any new establishments would have to be "out" of that 5,000 foot location from these existing ones.

Council comment:

Councilman Dippolito for clarification purposes stated these uses are currently allowed in C-3, this text amendment will restrict the uses. Mr. Townsend replied that was correct; these have been permitted in the past as retail establishments. This text amendment will clearly define pawn shops and check cashing establishments and indicating they are located and permitted in zoning designation C-3.

Councilwoman Wynn for clarification purposes stated title exchange businesses will be under the classification of pawn shop.

Motion: Councilman Dippolito moved to approve the First Reading of **RZ09-10, Text Amendment regarding pawn shops and check cashing establishments within the city.** Councilwoman Wynn seconded. No public comments were made. The motion passed unanimously.