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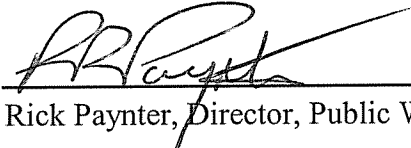


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
May 11, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Geri Kaiser, Acting Chief Administrative Officer


Rick Paynter, Director, Public Works & Transportation

DATE: April 28, 2004

SUBJECT: **By-Law V-102, Respecting An Amendment to Schedule "D" of the Former City of Halifax Streets Ordinance.**

Re: "Buffer Zone Around Downtown Area In Which Vending Is Not Permitted".

ORIGIN

Staff request to amend City of Halifax Ordinance 180, Streets to expand the area in the restricted "Buffer Zone" identified in Schedule "D" of the Ordinance, to include University Avenue.

RECOMMENDATION

It is recommended that Regional Council approve in principle By-law V-102, respecting an amendment to Schedule "D" of the former City of Halifax Streets Ordinance 180 and commence the process for giving first reading for the adoption of the by-law.

BACKGROUND

Part V11 of Ordinance 180, permits street vending in designated sites within the downtown core of Halifax. These designated sites have been approved by Public Works and Transportation to ensure sufficient sidewalk space for the ingress and egress of pedestrian traffic on the sidewalks, and visibility to the vendors.

Schedule "D" of Ordinance 180 defines a buffer zone around the downtown area that prohibits street vending. The buffer zone was designed to restrict street vending to the "commercial" downtown area only.

Over the past three years Staff have been dealing with numerous issues and complaints concerning vending in the vicinity of University Avenue. Recently, the problems encountered on University Avenue have escalated to the point where immediate action is desired.

DISCUSSION

Staff is currently in the process of developing a by-law that will rationalize all former municipal by-laws that deal with "Commercial Use of Public Spaces" including vending. This process requires research and consultation with Staff from several business units and external organizations including the Capital District Task Force and Business Commissions in the HRM. It is the intention of Staff to present the vending section of the by-law to Regional Council in the near future.

Within the new by-law, Staff intends to recommend the replacement of the "buffer zone" established in Schedule "D" with only allowing vending at approved designated sites in HRM. Should the by-law be approved, an application process would be made available to citizens who would like a location identified for vending. This application process would involve an inspection by Staff to ensure that the proposed location meets the criteria outlined in the by-law, and be awarded accordingly. It is not anticipated that there will be any designated sites recommended in the vicinity of University Avenue with the adoption of the new by-law.

As an interim measure to the stated problem, Staff recommends the expansion of the restricted "buffer zone" established in Ordinance 180, Streets to include the area in and around University Avenue (attached as Appendix A in bold). This is intended to address the current vending problem along University Avenue, while allowing vending to continue to occur at appropriate locations.

The impact of the proposed amendment is that the buffer zone around the downtown area of Halifax in which vending is not permitted would be enlarged to cover the following area:

"Thence westerly following the northern official street line of Spring Garden Road and the northern official street line of Coburg Road to the western official street line of Oxford Street; Thence southerly following the western official street line of Oxford Street to the southern official street line of South Street;"

Approving this amendment would be commensurate with the direction Staff is taking toward developing the proposed "Commercial Use of Public Spaces" by-law. This interim amendment is being brought forward, in advance of the general region-wide Commercial Use of Public Spaces by-law, to deal with this immediate problem.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

BY-LAW RATIONALIZATION COMMITTEE

The recommended amendment has been reviewed and approved by the By-Law Rationalization Committee, the Director of Public Works and Transportation and the Director of Legal Services.

ALTERNATIVES

The only alternative available to Regional Council is to direct Staff to maintain the status quo at least until the harmonized by-law is brought forward for Council's consideration. However, this is not recommended as it would allow the vending problem at University Avenue to continue, until such time as the Commercial Use of Public Spaces by-law is adopted.

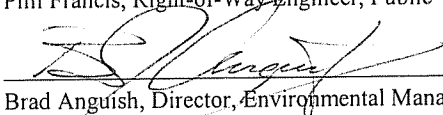
ATTACHMENTS

- Appendix A: Proposed By-Law V-102, Respecting an Amendment to Schedule "D" of the Former City of Halifax Streets Ordinance
- Appendix B: Map of Proposed Amendment to Schedule "D" Buffer Zone

**By-Law V-102, Respecting An Amendment to Schedule "D"
of the Former City of Halifax Streets Ordinance
Council Report**

May 11, 2004

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:	Nancie Dort, Manager Customer Service Centres, Shared Services	490-6396
	Tanya Phillips, Manager of By-Law Services, EMS	490-4491
	Phil Francis, Right-of-Way Engineer, Public Works & Transportation	490-6219
Report Approved by:	 Brad Anguish, Director, Environmental Management Services	490-4825

APPENDIX A

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER V-102**

**RESPECTING AN AMENDMENT TO THE FORMER CITY OF HALIFAX STREETS
ORDINANCE**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the former City of Halifax Ordinance 180, the Streets Ordinance by repealing Schedule "D" and by substituting therefor the following Schedule:

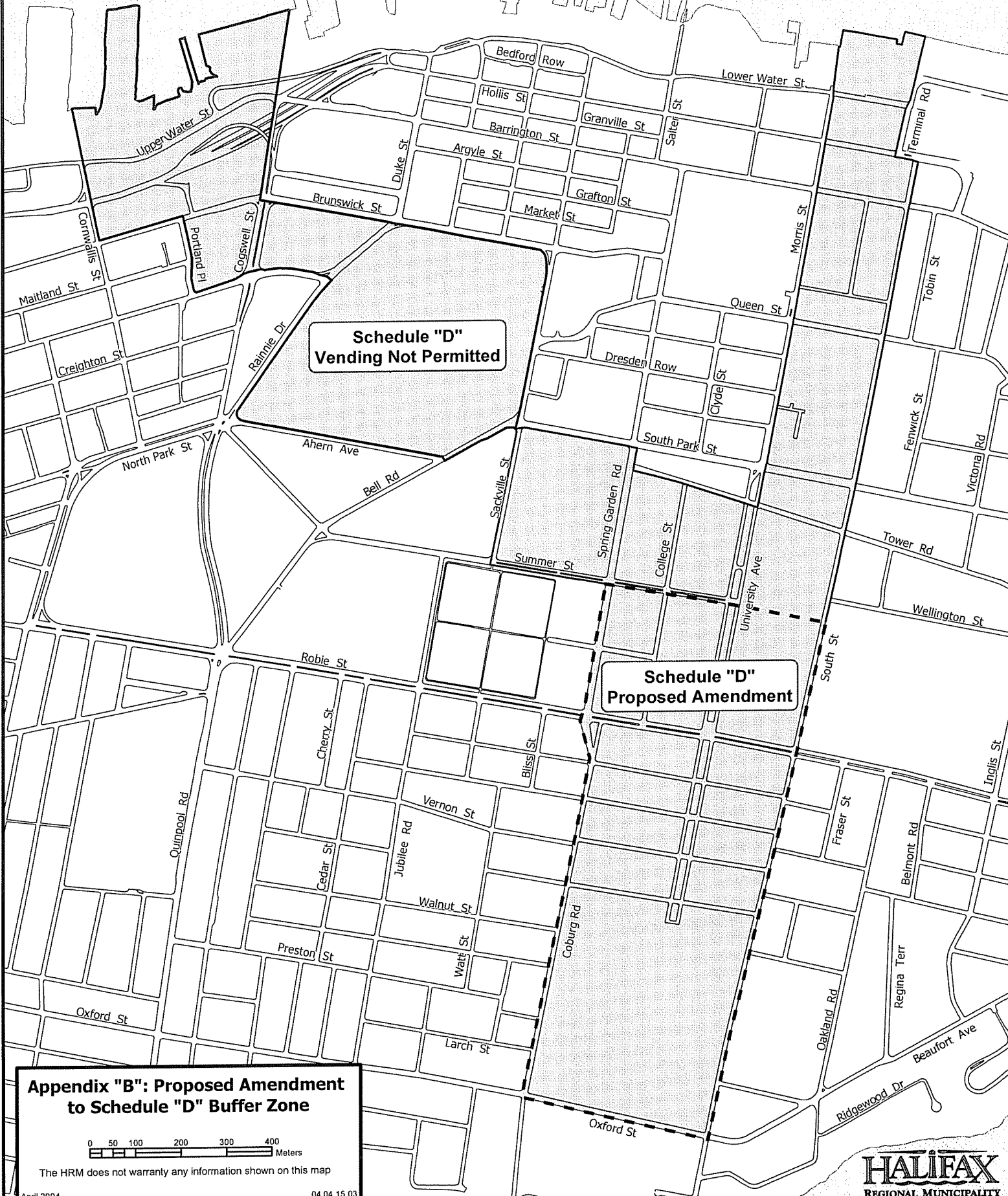
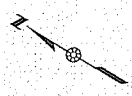
Schedule "D"

**BUFFER ZONE AROUND DOWNTOWN AREA
IN WHICH VENDING IS NOT PERMITTED**

All that area of the former City of Halifax, County of Halifax and Province of Nova Scotia bounded as follows:

Beginning at the point of intersection of the shoreline of Halifax Harbour with the extension easterly of the southern official street line of Morris Street; Thence westerly following the southern official street line of Morris Street and the southern official street line of University Avenue to the western official street line of Tower Road; Thence northerly following the western official street line of Tower Road to the southern official street line of Spring Garden Road; Thence easterly following the southern official street line of Spring Garden Road to the eastern official street line of South Park Street; Thence northerly following the eastern official street line of South Park Street to the northern official street line of Sackville Street; Thence easterly following the northern official street line of Sackville Street to the western official street line of Brunswick Street; Thence northerly following the western official street line of Brunswick Street to the northern official street line of Cogswell Street; Thence easterly following the northerly official street line of Cogswell Street and the extension thereof easterly to the waters of Halifax Harbour; Thence northerly following the shoreline of Halifax Harbour to the extension easterly of the southern official street line of Cornwallis Street; Thence westerly following the southern official street line of Cornwallis Street to the eastern official street line of Brunswick Street; Thence southerly following the eastern official street line of Brunswick Street to the extension easterly of the southern official street line of Portland Street; Thence westerly following the southern official street line of Portland Street to the eastern official street line of Gottingen Street; Thence southerly following the eastern official street line of Gottingen Street and the extension thereof to the southern official street line of Rainnie Drive; Thence westerly following the southern official street line of Rainnie Drive to the eastern official street line of Ahern Avenue; Thence southerly following the eastern official street line of Ahern Avenue and the extension thereof to the western official street line of Bell Road; Thence southerly following the western official street line of Bell Road to the northern official street line of Sackville Street; Thence westerly following the northern official street line of Sackville Street and the extension thereof to

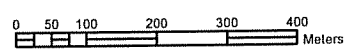
the western official street line of Summer Street; Thence southerly following the western official street line of Summer Street to the northern official street line of Spring Garden Road; **Thence westerly following the northern official street line of Spring Garden Road and the northern official street line of Coburg Road to the western official street line of Oxford Street; Thence southerly following the western official street line of Oxford Street to the southern official street line of South Street;** Thence easterly following the southern official street line of South Street and the extension thereof to the western official street line of Hollis Street; Thence **southerly** following the western official street line of Hollis Street to the extension westerly of the northern official street line of Terminal Road; Thence easterly following the northern official street line of Terminal Road and the extension easterly thereof to the shoreline of Halifax Harbour; Thence northerly following the shoreline of Halifax Harbour to the place of beginning.



**Schedule "D"
Vending Not Permitted**

**Schedule "D"
Proposed Amendment**

**Appendix "B": Proposed Amendment
to Schedule "D" Buffer Zone**



The HRM does not warrant any information shown on this map