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Item No. 4

Halifax Regional Council
February 24, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by Director

Mike Labrecque, DCAO and Acting Director, Transportation and Public Works

DATE: February 2, 2015

SUBJECT: Canopy Sizes at Sackville Landing and Nathan Green Square

INFORMATION REPORT

ORIGIN

Regional Council motion, September 9, 2014, that the matter of canopy size for vending locations in Sackville Landing and Nathan Green Square be referred back to staff for consideration of allowing a footprint size of 3.1 x 3.1 m.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008, c. 39, section 186 – the power to “(a) license, includes the power to regulate; (b) regulate, includes the power to license; and (c) regulate includes the power to prohibit”.

Halifax Regional Municipality Charter, 2008, c. 39, section 188 including “The Council may make by-laws, for municipal purposes, respecting (c) persons, activities and things in, on or near a public place or place that is open to the public”;

Halifax Regional Municipality Charter, 2008, c. 39, section 191, “without limiting the generality of Section 188 but notwithstanding the *Motor Vehicle Act*, the Council may, by by-law, regulate vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the Municipality”; and

By-law C-501, the *Vending on Municipal Lands By-law*, subsection 40 (5), Vending by Artisans; sets out provisions applicable to artisan vendors, includes restrictions on display table sizes, minimum clear widths for sidewalks, and conditions respecting canopies and coverings.

BACKGROUND

Proposed By-law C-501 was before Council for Second Reading on September 9, 2014. The By-law (effective September 13, 2014) permits the canopies, but does not specify any maximum size. The recommendation report from First Reading (Regional Council Item 11.1.9, July 22, 2014) included a section about Canopies for Artisans. See an excerpt from that report below:

2. Canopies for Artisans

Regional Council requested a staff report outlining options for protective canopies for artisans and craftspeople. The current by-law has permissive language in Section 32 (6) (c), which states:

A person who vends pursuant to this Section shall use tables, booths, display stands, coverings, screens and other equipment used for display that are of a temporary and moveable nature. This includes a vinyl or canvas umbrella. Umbrellas that encroach the sidewalk must be two (2) metres or more above the level of the sidewalk;

This includes, but is not limited to, umbrellas. This means that the use of tents or other types of protective canopies are not prohibited. As the style of canopy is not restricted and could take many different forms, staff is not recommending any specific amendments to include methods for securing the canopies to tables.

The display areas have a maximum size of 1m by 2m. The By-law does not specify the total maximum footprint of a site including the canopy of choice of the vendor. Upon further investigation, staff determined that the total site footprint at Sackville Landing sites cannot be any larger than 2.1m by 2.1m; and 2.1m by 1.5m at Nathan Green Square. General language with respect to the maximum footprint sizes of the artisan sites were not included in the by-law in the same way as there are for other types of vending sites because they are specific to each site. As such, staff is recommending no changes to the by-law, but that the maximum footprint of the sites be indicated on the site licence.

As noted in the September 9th meeting minutes, correspondence was received and circulated to Council. The subject matter of the correspondence prompted discussion and debate around the appropriateness of the maximum sizes noted in the report, resulting in the motion for this item to be referred back to staff.

DISCUSSION

The September 9th, 2014 report states “*Upon further investigation, staff determined that the total site footprint at Sackville Landing sites cannot be any larger than 2.1m by 2.1m; and 2.1m by 1.5m at Nathan Green Square*”, but does not provide any clarification.

The attachments provide a visual representation of the actual spaces at Sackville Landing and Nathan Green Square used for vending. Overlaid on the maps are the larger footprints of the canopies as requested by Council.

The vending activities must coexist with other uses of the waterfront; a primary function of which is to be able to walk up and down the boardwalk unencumbered. This function is very similar to that of a sidewalk. For encroachments on sidewalks, we have a precedent of maintaining at least 2.1m (7ft) of clear space for pedestrian use wherever possible. The 2.1m minimum pedestrian width is referred to in Section 40 (5) (g) of the Vending By-law (C-501), although it is specifically for sidewalks. This standard clear width is also reflected in both the Temporary Signs By-law (S-800) – where sandwich boards on sidewalks must be placed in such a way as to not encumber the minimum pedestrian through zone of 2.1m (7ft) – and in the Sidewalk Café By-law (S-1000) – where temporary sidewalks built into the street around seasonal cafés must be at least 2.1m (7ft) wide, and clear of signs and other obstructions.

Evaluation of the maximum size of the canopy footprint was based upon the same standard as sidewalks; if a vendor can setup a 3.1m (10ft) by 3.1m (10ft) canopy and maintain a 2.1m (7ft) clear walkway Sackville Landing and Nathan Green Square, the larger canopy could be permitted.

Sackville Landing

Attachment A shows the current configuration of the vending sites at Sackville Landing. The vendors were repositioned after the recapitalization project in 2012. The dotted area shows the 2.1m by 2.1m (approximately 7ft by 7ft) footprint as proposed by Staff in the earlier report. The dashed lines show the larger 3.1m by 3.1m (approximately 10ft by 10ft) canopy space which Council requested Staff investigate. In the case of Sackville Landing, the minimum 2.1m clear can be maintained even with the larger canopy footprint. As such, Staff will now consider maximum sizes of up to 3.1m by 3.1m on the licenses for these vending locations.

Nathan Green Square

Attachment B shows the configuration of the vending sites at Nathan Green Square. The dotted area shows the 2.1m by 1.5m (approximately 7ft by 5ft) footprint as proposed by Staff in the earlier report. The dashed lines show the larger 3.1m by 3.1m (approximately 10ft by 10ft) canopy space which Council requested Staff investigate. In the case of Nathan Green Square, the minimum 2.1m clear cannot be maintained with the larger canopy footprint.

As the area with the vending sites is very narrow, Staff will continue to restrict canopy sizes in this area in the interest of maintaining clear space for pedestrians to move freely along the walkway. The previously suggested 2.1m by 1.5m (approximately 7ft by 5ft) leaves 2.4m (approximately 8ft) of clear space as identified in Attachment B. There does appear to be sufficient space beside the vending sites to allow a wider covering; the maximum size these sites can accommodate without impeding pedestrian flow is 3.1m by 1.5m (approximately 10ft by 5ft). This maximum size will be control by licence conditions.

FINANCIAL IMPLICATIONS

No implications identified.

COMMUNITY ENGAGEMENT

Current licence holders at Sackville Landing and Nathan Green Square were contacted regarding the conclusions with respect to the canopy sizes.

Eight of the nine current licence holders at Sackville Landing were contacted. Their feedback is as follows:

- All are in favour of a 10x10 canopies being allowed at the site, but are concerned about how to keep them tied down (they were told they could not nail anything in the wood).
- Six said that Nathan Green should be charged less.
- Two vendors said they would pay more to have a canopy and a larger footprint.
- Two vendors said the canopies should be uniform so that it looks professional.
- Two vendors suggested having more sites at Sackville Landing, down the walkway to give vendors more options as there is plenty of room available.

Staff were only able to contact four of the seven current licence holders at Nathan Green Square. Their feedback is as follows:

- All are in favour of the 10x10 canopies at Sackville Landing.
- Three feel disadvantaged if they are not allowed to have a canopy at Nathan Green or some type of covering (i.e. if it rains they have to pack up and leave as a canopy will allow the Sackville Landing vendors the option of staying).
- Three said they should pay less for Nathan Green or Sackville Landing vendors should pay more.

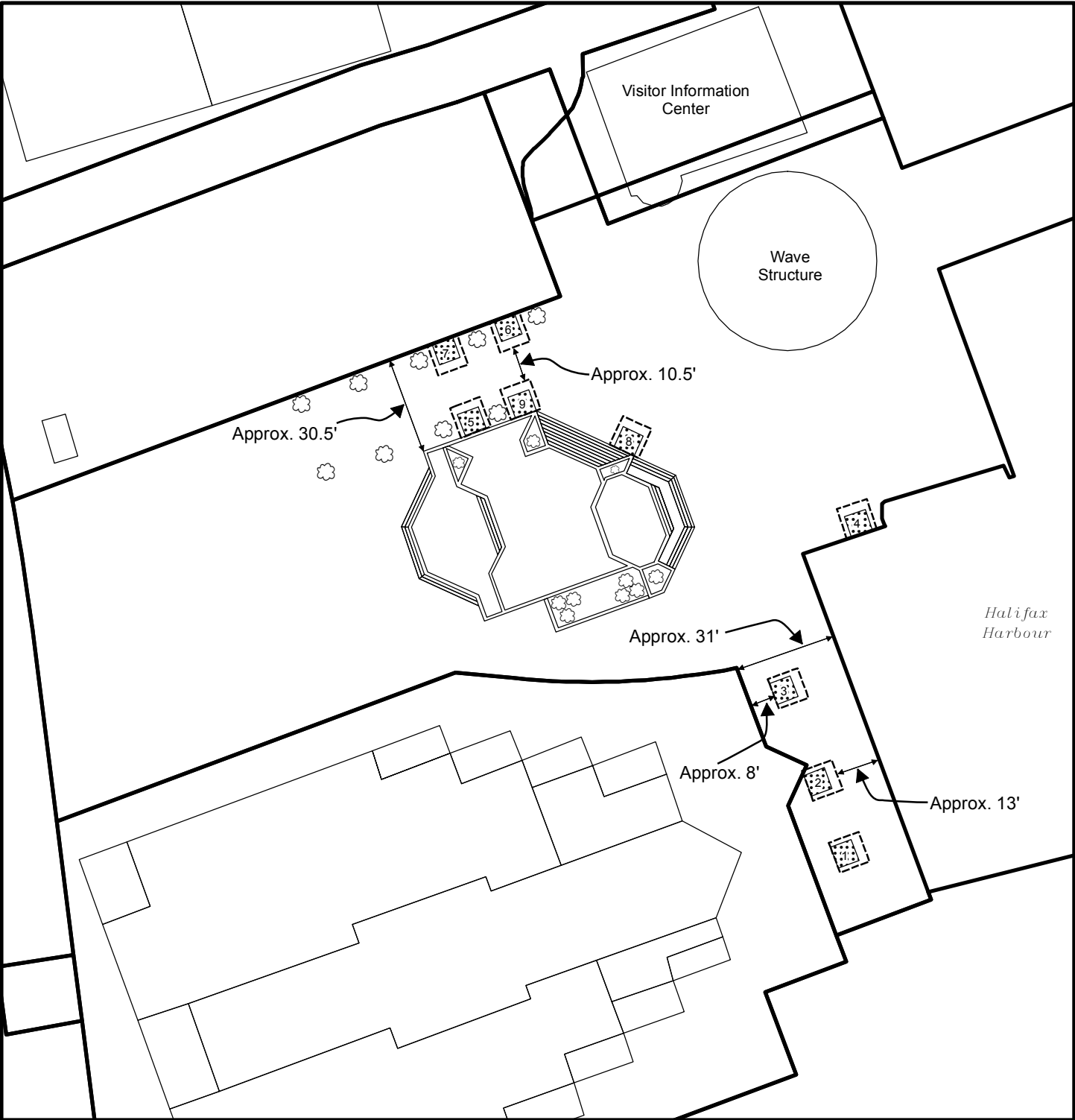
ATTACHMENTS

Attachment A – Vending Locations at Sackville Landing
Attachment B – Vending Locations at Nathan Green Square

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.



Report Prepared by: Christopher Davis, P.Eng., Supervisor, Right of Way Services 902-490-7462

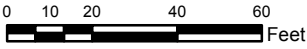
Report Approved by: _____
Taso Koutroulakis, P.Eng., Manager, Traffic Management 902-490-4816



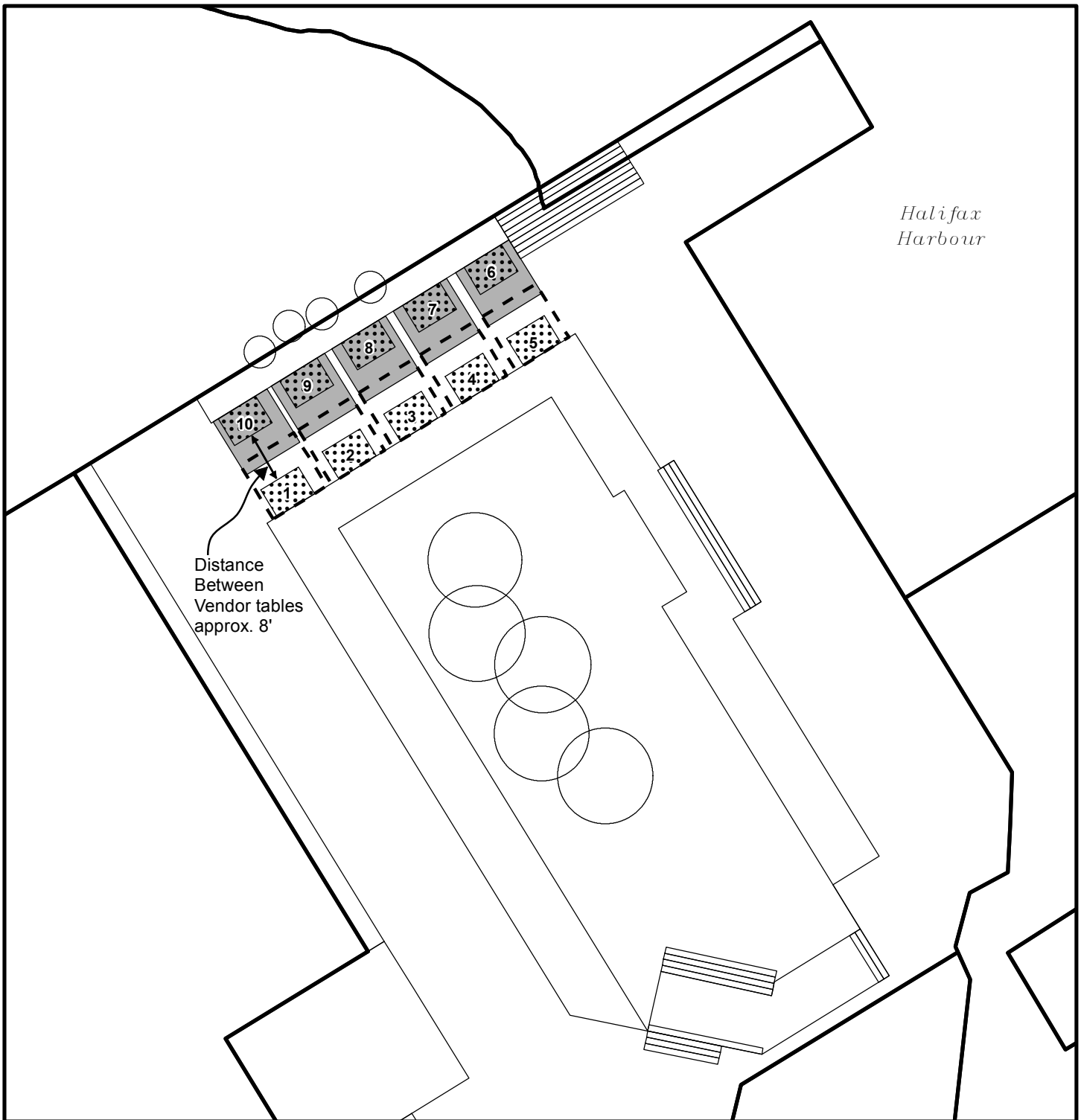
Sackville Landing

HALIFAX

-  7' x 7' vendor sites
-  10' x 10' Canopies for vendors



The accuracy of any representation on this plan is not guaranteed.



Nathan Green Square

HALIFAX



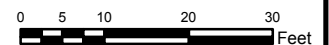
7' x 5' vendor sites



10' x 10' Canopies for vendors 6 - 10



10' x 10' Canopies for vendors 1 - 5



The accuracy of any representation on this plan is not guaranteed.