

DOWNTOWN SEASONAL PATIOS

The establishment and use of seasonal patios in downtown Cranbrook will be regulated by “City of Cranbrook Downtown Seasonal Patio Bylaw No. 3860, 2016”. This bylaw provides regulations for patios on City owned sidewalks and/or patios located in on-street parking stalls.

Seasonal patios are permitted accessory to eating and drinking establishments in commercially zoned areas in the City’s downtown core.

This guide is intended to provide you with the information needed for establishing patios in downtown Cranbrook in accordance with the bylaw.

1. What is required if I want to build a patio in a parking stall on the street in front of my business or leave my patio infrastructure on the sidewalk for the season?

1. Submit a completed and signed “**Downtown Seasonal Patio Permit Application**” for an On-Street Constructed Patio and an initial \$50 application fee and/or \$25 renewal fee thereafter. Application requirements are listed on the back of the application.
2. Submit detailed construction drawings for the patio. The patio will be inspected by the City’s Building Inspector prior to occupancy.
3. Pay the seasonal fee of \$50 for the 2016 and 2017 calendar years per parking stall; and \$300 per parking stall (or portion thereof) starting in 2018 and/or \$1/m² of area taken up by the patio on the sidewalk.
4. Provide the \$500, fully refundable security deposit.
5. Provide proof of current General Liability Insurance in the amount of \$2,000,000 indemnifying the City of Cranbrook against any and all damages, injuries or claims.
6. Sign a License of Occupation agreement with the City to use the public sidewalk or road. The agreement is for a 3 year term and will be provided by the City.
7. The patio can occupy up to 3 parallel or up to 5 angled parking stalls, excluding handicapped accessible spaces.
8. If you wish to have cooking facilities, the “**Downtown Seasonal Patio Permit Application**” will need to go to Council for approval. See specific regulations below for requirements.

Please Note: The required inspection of the patio by the City’s Building Inspector is to ensure the patio structure is built to current BC Building Code requirements. The inspection will only be for the patio; however, the seating capacity of the patio may be impacted by your washroom capacity and Liquor Control and Licensing Branch regulations and will be reviewed at time of application.

2. What is required if I want to put some patio/bistro tables and chairs on the sidewalk and remove them at the end of each day?

If you are looking to place tables on chairs on the sidewalk and pull them in each night, you will need to do the following:

1. Submit a completed and signed “**Downtown Seasonal Patio Permit Application**” for Seasonal Patio and an initial \$50 application fee and/or \$25 renewal fee thereafter. Application requirements are listed on the back of the application.
2. Provide proof of current General Liability Insurance in the amount of \$2,000,000 indemnifying the City of Cranbrook against any and all damages, injuries or claims;
3. Sign a License of Occupation agreement with the City to use the public sidewalk. The agreement is for a 3 year term and will be provided by the City.
4. Maintain the table and chairs in accordance with the following bylaw regulations:
 - i. The Seasonal Patio tables and chairs are located on the sidewalk directly abutting the parent business premises or are located completely within 1.0 metre of the property line of the parcel; or on a portion of sidewalk approved through this permit process where the furniture is deemed to not impact pedestrian or vehicular movement; and
 - ii. The minimum 1.5 metre clear sidewalk is maintained;
 - iii. The tables and chairs are removed at the close of each business day; and
 - iv. Liquor is not served to patrons sitting at the tables and chairs.

THE GENERAL REQUIREMENTS BELOW APPLY TO ALL SEASONAL PATIOS:

Seasonal Patio Specifications – General Requirements

- (a) A Seasonal Patio Permit for on-street patios is valid from May 1 to October 31 in the year it is issued. Permits for Seasonal Patios where infrastructure is removed at the end of each business day shall be valid from date of permit issuance to December 31 of the same calendar year.
- (b) Seasonal Patios are only permitted in commercially zoned areas in the downtown core, as shown in the map attached as Schedule A and are only permitted as an accessory use to an existing eating establishment or drinking establishment, as permitted in the *City of Cranbrook Zoning Bylaw*.
- (c) Upon expiry of the Seasonal Patio Permit, all fixtures and structures placed on City land must be removed within 7 days.
- (d) A minimum of a 1.5 metre clear Sidewalk width for pedestrian movement must be maintained at all times where a Seasonal Patio is located on or adjacent to a sidewalk.
- (e) Fences, barriers or guardrails to a maximum height of 1.0 metre are required to be located between the Seasonal Patio seating area and the pedestrian thoroughfare or vehicular traffic, except in the following circumstances:

- i) The Seasonal Patio tables and chairs are located on the Sidewalk directly abutting the parent business premises or are located wholly within 1.0 metre of the property line of the parcel; or on a portion of sidewalk where the Permit issuer considers that the furniture is unlikely to impact pedestrian or vehicular movement;
 - ii) The minimum 1.5 metre clear sidewalk is maintained;
 - iii) The tables and chairs are removed at the close of each business day; and
 - iv) Liquor is not served to patrons sitting at the tables and chairs.
- (f) Seasonal Patios must not extend beyond the length of the frontage of the associated business or premises without specific written permission from the Owner of the affected adjacent property or affected business.
- (g) Seasonal Patios and their use must comply with all applicable municipal, provincial and federal enactments.
- (h) Design, materials and colours of Seasonal Patios shall compliment the architectural style of the parent business' building façade as determined by the issuer of the Permit. Materials and accessories shall be durable and of commercial grade, or of similar quality to accommodate outdoor commercial use. Unsightly seasonal patio infrastructure and accessories are subject to removal or replacement upon notice by the City.
- (i) Any and all accessories to be used by the Permit holder, including landscaping, planter boxes, umbrellas, tables and chairs, must be contained within the defined area of the Seasonal Patio.
- (j) For business premises located on a corner lot fronting two or more streets, only one Seasonal Patio shall be permitted on one side of the premises. More than one Seasonal Patio per business shall not be permitted.
- (k) No third party signage or advertising shall be displayed on infrastructure associated with the Seasonal Patio. Signage of the parent business shall be permitted.
- (l) Seasonal Patios shall not be permitted in lanes.
- (m) Cooking or barbecuing on a Seasonal Patio shall be permitted subject to the following:
- i) Approval of the Seasonal Patio Permit by Council;
 - ii) Submission of a letter of consent from the Owner(s) of the adjacent property or affected business;
 - iii) Confirmation of approval from relevant Provincial agencies including Interior Health and Liquor Control and Licensing Branch; and
 - iv) Maintain a 1.5 metre separation distance between cooking or heating appliances to combustible materials and be accompanied with an appropriate class of fire extinguisher.

IN ADDITION TO THE GENERAL REQUIREMENTS ABOVE, THE FOLLOWING SPECIFICATIONS APPLY TO ALL ON-STREET CONSTRUCTED PATIOS:

Seasonal Patio Specifications – On-Street Constructed Patios

Constructed Seasonal Patios may utilize a maximum of three (3) designated parallel On-street Parking Spaces or up to five (5) angled On-Street Parking Spaces, excluding handicapped accessible spaces, provided the patio meets the general requirements in section 6.1 of this bylaw, and the following additional specifications:

- (a) At time of application for an on-street Seasonal Patios Permit, the plans and structure will be subject to review and inspections by the Building Inspector prior to occupancy.
- (b) On-street Seasonal Patios must be constructed to be free-standing and not anchored to the roadway or Sidewalk and must be stable and firm.
- (c) Seasonal Patios must not extend beyond the limits of the on-street parking stall.
- (d) Patio surfaces must be flush at the point at which it joins the existing curb and Sidewalk.
- (e) Seasonal Patios must include a railing on all sides that are exposed to the street that are 1.0 metres in height from the top of the curb.
- (f) All constructed seasonal patios shall be wheelchair accessible unless it is shown to the satisfaction of the Director to be impractical.
- (g) Constructed Seasonal Patios shall not impede or block the function of City infrastructure such as catch basins, water valves, shallow utilities etc.
- (h) Constructed Seasonal Patios must include reflectors on the railings for visibility in traffic.

3. *What if my proposal doesn't fit within one of the scenarios above or I'm still having trouble determining what I need to do to get my patio.*

Please call or come in to see the staff in the **Engineering & Development Services Department** and they would be happy to have a look at your proposal and help determine what steps you will need to take.

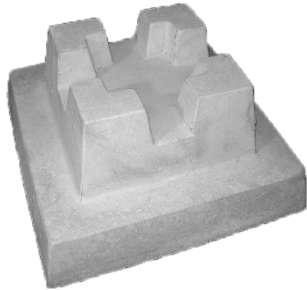
Please submit signed and completed applications to:

City of Cranbrook Engineering & Development Services
1212-2nd Street North,
Cranbrook, BC V1C 4T6

Phone: 250-489-0230
Fax: 250.417.2010

SOME CONSIDERATIONS FOR CONSTRUCTED PATIOS

- Non-permanent support structure



- Weather resistant materials (treated lumber, cedar, composites)



- Non-slip surfaces



- Maintain accessibility



- Adequate attachment of guardrails



All construction must meet BC Building Code standards and will be subject to an inspection. For more information please contact one of the City's Building Inspectors.