

Guide for Establishing Outdoor Customer Service Areas

District of North Vancouver | April 2023



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About this Guide



This guide provides an overview of the District of North Vancouver’s Outdoor Customer Service Area Program (“OCSA Program” or “the Program”). The guide outlines the steps required to apply for an Outdoor Customer Service Area (also referred to as a “patio” through this guide) and details the requirements for designing and operating an OCSA.

The following procedures apply to OCSA proposals:

- Anyone who wishes to install a new Outdoor Customer Service Area (OCSA) must submit a OCSA proposal to the District of North Vancouver (the “District”) prior to installing their OCSA, with their business licence application, modification, or renewal.
- Anyone who wishes to continue the operation of an existing OCSA which has not been processed in any previous business licence application, modification, or renewal, or which has been operating under a Temporary Outdoor Business Area (TOBA) permit, must submit a OCSA proposal to the District with their business licence modification or renewal.
- Anyone who wishes to modify an existing OCSA must submit a OCSA proposal to the District, prior to modifying their OCSA, with their business licence modification or renewal.

Note: In this guide and related documents, all uses of the term “patio” refer to a patio’s use in conjunction with commercial or light industrial uses, not residential or other uses; the terms “patio” and “Outdoor Customer Service Area (OCSA)” are used interchangeably.

Guiding Principles

- 1) Support local businesses by expanding patio options and simplifying approvals;
- 2) Promote patios that are safe and accessible;
- 3) Minimize impacts to neighbours and public infrastructure; and
- 4) Enhance street and community vibrancy in the District of North Vancouver.



Eligibility and Design Guidelines

Before you begin planning your patio, please review the requirements in this guide, in *Section 413* of the [Zoning Bylaw](#), and in *Section 526* of the [Business Licence Bylaw](#). In addition to the patio's location and design, businesses should consider their patio's accessibility and safety for patrons, as well as more functional requirements such as clearance, access, fencing, and weather protection.

The District of North Vancouver's patio requirements differ depending on whether the patio is located on public property (also referred to as District property, for example, a sidewalk, boulevard or curbside parking spot), or on private property, including private parking lot spaces.

Eligibility and Use

An Outdoor Customer Service Area means an area situated on private or public property which is accessory to a restaurant, retail food service, neighbourhood public house, or licensed lounge. You are only eligible to submit an OCSA proposal with your business licence application or renewal if an OCSA is a permitted accessory use under the zoning applicable to the property upon which your business is located.

An Outdoor Customer Service Area may only be used for the consumption of food and beverages by customers. Cooking and food preparation are not permitted.

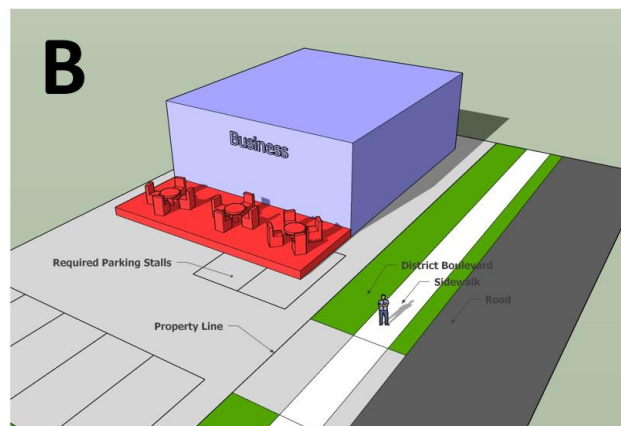
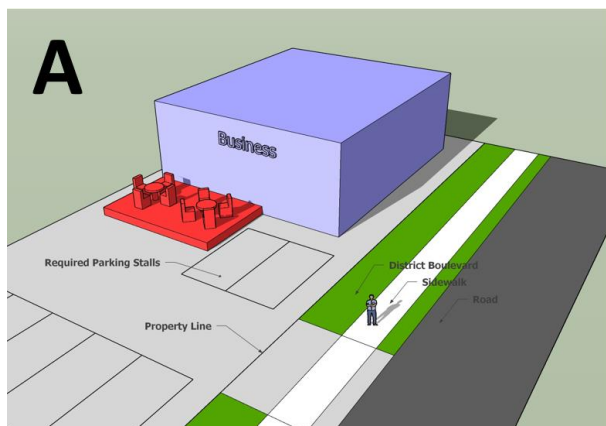
Operating Hours

Your permitted operating hours within OSCAs will be dictated by your Provincial Liquor Licence and/or Business Licence, and your licence agreement with the District of North Vancouver if your OCSA is or will be located on District road allowance or other District property. A key consideration is reducing negative impacts to immediate neighbours.



Patio Location Scenarios

There are four typical scenarios your OCSA will fall under:



Scenario A shows the proposed patio on private property, not requiring the removal of parking stalls. This is the most straightforward scenario.

Scenario B shows the proposal patio occupying space previously used for on-site parking. Should this create a deficiency in required on-site parking, a [Development Variance Permit](#) is required.



Scenarios C and D both occupy District lands (boulevard and public road respectively). In these scenarios, a Licence Agreement with the District will be required (see Licence Agreement section in this guide).

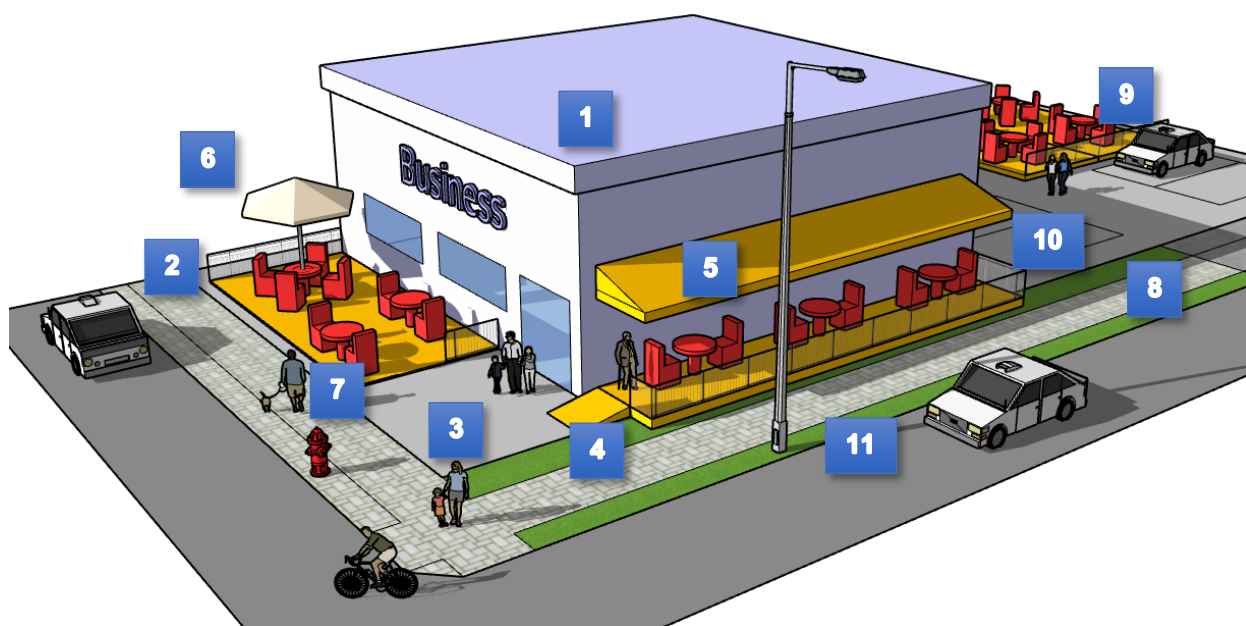
Licence Agreement

In relation to Scenario C and D, where a patio is proposed on District property (for example, boulevard, public plaza, sidewalk), a Licence Agreement will be required. These agreements are negotiated on a case-by-case basis, and will address, among other things, risk allocation, insurance requirements, use limitations, pedestrian access, utility clearances, maintenance and removal requirements, and termination rights.

Current licencing fees are found in the [District's Outdoor Customer Service Area Policy-Municipal Property](#) and subject to change at the District's discretion.

General Patio Design Guidelines

The following image illustrates key guidelines applicable to all Outdoor Customer Service Areas, whether located on District land (pursuant to a licence agreement) or on private property. Please refer to *Section 413* in the [Zoning Bylaw](#) and *Section 526* in the [Business Licence Bylaw](#) for complete requirements.



1. The size of an Outdoor Customer Service Area shall not exceed 50% of the total gross floor area of the principal use to which the Outdoor Customer Service Area is accessory, or 50% of the number of seats permitted for the principal use to which the Outdoor Customer Service Area is accessory whichever is the lesser.
2. Any railing, fencing, or other enclosure should not be less than 0.9 m (3.0 ft.) nor more than 1.2 m (3.9 ft.) in height.
3. An adjacent clear path of pedestrian travel of minimum 2.0 m (6.5 ft.) in width should be maintained.
4. At least 1 table, or 20% of tables (whichever is greater) should be fully accessible for a person with a wheeled device or other mobility equipment.

5. Overhead cover or other structures may require a Building Permit.
6. The lowest portion of an umbrella, canopy or similar overhead device should provide for a minimum clearance of 2.1 m (7ft.) above any walking surface.
7. Patio furniture, enclosure railings or barriers, plants etc. should not block pedestrian or vehicular sightlines or visibility of street signage and traffic signals.
8. Use of land located within hazard development permit areas (streamside or environmental protection, slope or wildfire hazard) is discouraged, and would likely require issuance of an environment and/or hazard development permit.
9. The perimeter of any OCSA adjacent to parking spaces or a vehicle drive aisle should be protected as appropriate with a temporary barrier or railing.
10. No permanent structures (other than fences, railings, stairs, paths, awnings and platforms) and no structures for which a building permit is required (other than an awning) shall be installed in an OCSA.
11. Any space that is climate controlled or completely enclosed for more than a total of 7 months in any 12-month period is not permitted in an Outdoor Customer Service Area.
12. All temporary structures (other than fences, railings, stairs, paths, awnings and platforms) must have transparent walls.
13. Business names and logos may appear on fencing or barriers, but other banners, signs and advertisements, including third party signage or advertisements are prohibited, with the exception of any signage required under WorkSafeBC Guidelines or similar advisory signage.
14. Any use of District lands or right of ways is subject to a Lease Agreement with the District.

Guidelines for Patios on Public Property

The issuance of a licence agreement for an OCSA on a District road allowance or on any other District property is subject to the sole discretion of the District. The District's discretion is considered in the context with, but not limited by, the following guidelines:

1. Existing public landscaped areas should not be converted to Outdoor Customer Service Areas.
2. Removal of accessible parking spaces, no stopping areas, loading areas and cycle lanes is not permitted.
3. Proposals will be reviewed for impacts on sightlines, driveway access, and other civil engineering, highway and sidewalk issues.
4. Minimum setbacks from public infrastructure apply and will be assessed on a case-by-case basis.
5. Where an OCSA is within 2.5 m (8.2 ft) of an adjacent roadway, temporary 30 km/hr posted speed signage may be required to be installed adjacent to the OCSA.
6. Due to higher operating speeds and traffic volumes, OCSAs on arterial and higher-travelled roads may require a greater degree of separation between the patio/retail

space and adjacent vehicle lane(s). Separation could include “jersey barriers” and signage along the interface of the temporary use area.

7. No OCSA will be permitted if it would or could impact on wheelchair accessibility on any District sidewalk.
8. Structures requiring a Building Permit (other than awnings) cannot be accommodated on public property.
9. Landscape elements should be provided only in easily removable planters.
10. Planters and plants must not obstruct sightlines or create hazards for vehicle operators or pedestrians.

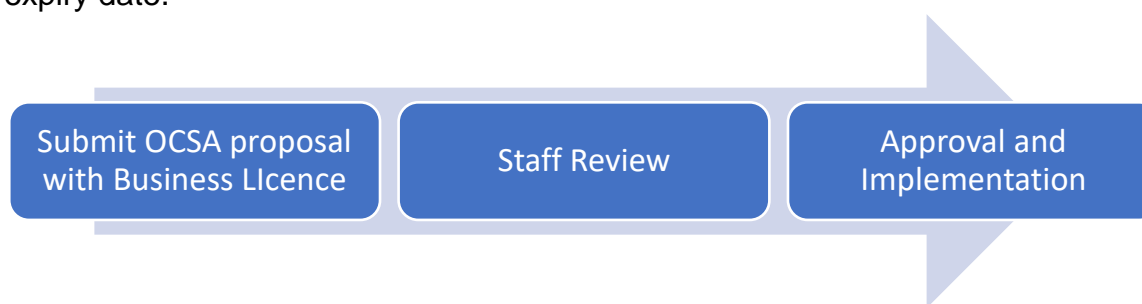


Application Process

Prior to installation of a new OCSA or prior to the modification or continuation of an existing OCSA, including all patios permitted under the Temporary Outdoor Business Area (TOBA) program, an applicant must submit an OCSA proposal to the District as part of their business licence application, renewal, or modification, as applicable.

Important Note: To continue operating patios permitted under TOBA after the District's temporary outdoor patio programs expires on March 31, 2023, **you must submit your OCSA proposal to the District to transition your patio to permanent.**

If you serve alcohol, the Province requires that licensees [apply](#) for a new outdoor patio, permanent structural change (indoor), or manufacturer endorsement if they wish to operate their Temporary Expanded Service Area (TESA) past the December 31, 2024 expiry date.



Submission Requirements

To submit your proposal for an OCSA to PropertyUse@dnv.org you will need to provide:

1. A completed Outdoor Customer Service Area Design Checklist (enclosed).
2. Written permission from the registered owner of the property supporting the proposed patio.
3. Fully-dimensioned site plan of your proposed patio with a seating plan and seating count. The plans must delineate and label the area of the proposed patio and the interior floor space of the principal use to which the OCSA is accessory. The plans must indicate the location of fire extinguishers on the premises.
4. Elevation drawing(s) of your proposed patio showing heights of fencing, railings, decks, signage and other structures.
5. Photographs of the proposed location of the patio.
6. Any other documents that you feel may clarify/support your proposed patio(s).
7. Other information as may be required to ensure compliance with all District Bylaws and guidelines to indicate compliance with all regulations of other authorities having jurisdiction;

Application Fees

There is no additional fee associated with submitting a proposal for the OCSA component of your Business Licence, whether you are applying for a new Business Licence, adding a new OCSA under an existing Business Licence or transitioning a TOBA to a permanent OCSA. Complex proposals requiring additional processes will require payment of applicable fees (see Potential Additional Processes section).



Potential Additional Processes

Patio applications may trigger other District regulatory, bylaw, licencing and/or permitting requirements, and may also trigger requirements of other statutory authorities, including WorkSafe BC, Vancouver Coastal Health Authority, and the Provincial Liquor and Cannabis Regulation Branch. All such other requirements must be satisfied before a business licence is issued, renewed or modified in relation to a new OCSA or a continuation or modification of an existing OCSA. The associated requirements and processes below remain unchanged. Additional relevant fees apply.

Note: District staff will advise you on any additional processes when responding to your proposal and work with you to reconcile the requirements.

Building and Fire Review

No permanent structures (other than fences, railings, stairs, paths, awnings and platforms) and no structures for which a building permit is required (other than an awning) shall be installed in an Outdoor Customer Service Area.

New outdoor customer service areas and the use of heating equipment of certain fuel types within certain patio enclosure scenarios may require review and approval from the District's Fire and Rescue department to ensure the safety of occupants and neighbouring properties.

Should a business wish to construct a permanent structure, the standard processes of the District will apply.

Development Variance Permit

In some unique situations, reasonably designed patios may not be able to meet all requirements set out in the applicable bylaws. DVPs may be required to accommodate these scenarios, should there be policy support for such variances.

Council is concurrently considering the delegation of the authority to issue minor variances to staff (currently all variances require Council or Board of Variance approval). Should Council authorize this delegation to staff, increased efficiencies are anticipated to result in a more streamlined process for minor DVPs.

Liquor Licence

As required by the Provincial Liquor and Cannabis Regulation Branch, any business wishing to serve alcohol on a patio must receive a Stamped Occupancy Load Drawing by the District and [receive a licence from the LCRB](#).

District Council would be requested to provide a municipal endorsement to the LCRB for certain types of liquor licences. **Please advise the District if you have submitted an application with the LCRB.**

Note: Expanding an existing permanent licenced patio, with no increase to occupancy, avoids a new municipal endorsement process where applicable as determined by the LCRB.

Common LCRB Licences and Endorsements	Examples	District Process
Food Primary	Restaurant + Retail Food	Stamped Occupancy Load Drawing reviewed by DNV Building Department
Liquor Primary	Pub + Bar	Stamped Occupancy Load Drawing reviewed by DNV Building Department + Council Endorsement (Public Input)*
Manufacturer with Lounge Endorsement	Brewery + Distillery	Stamped Occupancy Load Drawing reviewed by DNV Building Department + Council Endorsement (Public Input)*
Manufacturer with new Picnic Area Endorsement	Brewery + Distillery	Stamped Occupancy Load Drawing reviewed by DNV Building Department

** Proponents who serve liquor, and especially proponents subject to the council endorsement requirement, are encouraged to submit their application with the LCRB as soon as possible.*

Other Applicable Regulations

Noise Bylaw

The occupancy of the patio should be limited as necessary to minimize disturbance where there are nearby residential dwellings and must comply with Noise Regulation Bylaw No. 7188. The Noise Regulation Bylaw can be found here:

<https://www.dnv.org/bylaws/noise-regulation-bylaw>

Smoking Regulation Bylaw

Smoking is prohibited on or within 6 metres of an Outdoor Customer Service Area under Smoking Regulation Bylaw No. 7792. The Smoking Regulation Bylaw can be found here: <https://www.dnv.org/bylaws/smoking-regulation-bylaw>

Provincial Liquor and Cannabis Regulation Branch (LCRB)

The LCRB must approve any outdoor patio that serves alcoholic beverages. Online applications can be made via the following link: [Home - Liquor and Cannabis Regulation Branch \(gov.bc.ca\)](https://www.gov.bc.ca/liquor-cannabis-regulation-branch/)

Provincial Policy on Pet Dogs on Outdoor Dining Areas

Please refer to the BC Centre of Disease Control webpage:

www.bccdc.ca/resourcegallery/Documents/Educational%20Materials/EH/FPS/Food/DogsonPatios.pdf

Outdoor Customer Service Area (OCSA) Checklist

The Checklist below must be submitted with your Outdoor Customer Service Area (OCSA) Proposal. Please submit the completed and signed Checklist, along with the Submission Requirements listed in the *Guide for Establishing Outdoor Customer Service Areas*, to PropertyUse@dnv.org.

Identification and Operation	
Business Name	
Business Licence No. (if applicable)	
Address of Business	
Property Owner written support of patio	<input type="checkbox"/> Yes <input type="checkbox"/> No
Purpose	<input type="checkbox"/> create a new OCSA <input type="checkbox"/> continue operation of an existing OCSA <input type="checkbox"/> modify an existing OCSA
Which best describes where your OCSA will be located (select multiple if applicable)?	<input type="checkbox"/> On private property not occupying required on-site parking <input type="checkbox"/> On private property occupying some required on-site parking* <input type="checkbox"/> On public sidewalk or boulevard <input type="checkbox"/> On public street (or parking on street)
*If your patio is occupying required on-site parking, how many spaces?	_____
Does the proposal increase business occupancy (i.e. total number of people on premise)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will liquor be served on the patios? If yes, under which type of license?	<input type="checkbox"/> Yes <input type="checkbox"/> Food Primary <input type="checkbox"/> Liquor Primary <input type="checkbox"/> Manufacturer w/ Lounge Endorsement <input type="checkbox"/> Other _____ <input type="checkbox"/> No
Have you started your LCRB application to serve liquor on your patio?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Expected duration of patio use	<input type="checkbox"/> All year <input type="checkbox"/> Other (Specify): _____
What are the intended hours of operation for the patio(s)?	

Outdoor Customer Service Area (OCSA) Checklist

Instructions – Read First:

- If the patio is on private property, complete Section 1 and Section 2 below
- If your patio is on public property, complete Section 1 and Section 3 below
- If your patio is on both private and public property, complete all sections below
- Tick off the ☐ to demonstrate that your patio meets the requirement
- If you are unsure whether your patio meets the requirement, leave ☐ blank and use the Additional Information column to explain

Section 1: Requirements for All Patios			
No	Requirement	✓	Additional Information
1	When combined with any other existing outdoor patios, total outdoor patio space is equal or less than 50% of the full interior floor space of the establishment it is adjacent to	<input type="checkbox"/>	Total patio space: _____ Total interior floor space: _____
2	The patio is situated adjacent to, is accessory and is operationally connected to a building or buildings containing an establishment that is a restaurant, retail food service, neighbourhood public house, or licenced lounge	<input type="checkbox"/>	
3	The patio is for the purpose of consuming food and beverages and does not allow cooking and food preparation	<input type="checkbox"/>	
4	Does the patio abut one or more single family residential properties? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> • the establishment that the patio is adjacent to completely blocks any view of the patio from any ground level point on any abutting single family residential property or properties 	<input type="checkbox"/>	
5	The patio does not add to the occupancy load of the establishment ¹	<input type="checkbox"/>	

¹ Additions to occupancy load have expanded building and fire code requirements, such as washroom calculations, modified exits, etc. For more information, contact propertyuse@dnv.org

Outdoor Customer Service Area (OCSA) Checklist

[illegible]

² For information on when a Building Permit is required, go to [Building Permits](#) or contact building@dnv.org

³ For more information on Development Permit Areas, go to [Development Permit Areas](#) or contact propertyuse@dnv.org

Outdoor Customer Service Area (OCSA) Checklist

	<ul style="list-style-type: none"> The heaters are located in a clear space a minimum of 1.0 m (3.3 feet) from any combustible material (including trees and landscaping) 	<input type="checkbox"/>	
16	A fire extinguisher with minimum size 2A-10BC for a space of up to 139 m ² or 1500 sq. ft. is available within 23 m (75 ft.) of any part of the patio	<input type="checkbox"/>	
17	All railing, fencing, or other installed physical patio separation is not less than 0.9 m (3.0 ft.) in height and not more than 1.2 m (3.9 ft.) in height	<input type="checkbox"/>	
18	The patio does not obstruct critical sightlines or create hazards for pedestrians, cyclists, or drivers using public infrastructure	<input type="checkbox"/>	
19	The patio does not block access to municipal infrastructure such as fire hydrants, valves, or manholes or access to third party utilities such as gas, hydro or telecommunications manholes, kiosks, boxes, etc.	<input type="checkbox"/>	
20	<p>Does your patio include a business sign?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> The sign includes the business name and logo only and no other banners, advertising or signage, including third party, with the exception of any signage required under WorkSafeBC Guidelines, or similar advisory signage 	<input type="checkbox"/>	

Section 2: Additional Requirements for Patios on Private Property

No	Requirement	✓	Additional Information
1	<p>Is your patio fronting parking spaces?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> Curb stop(s) are installed between the parking space(s) and the patio 	<input type="checkbox"/>	

Outdoor Customer Service Area (OCSA) Checklist

Section 3: Additional Requirements for Patios on Public (District) Property			
No	Requirement	✓	Additional Information
1	<p>The patio does not remove any:</p> <ul style="list-style-type: none"> existing public landscaped area no stopping area no loading area cycle lane 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
2	<p>Is the patio located within 2.5 m (8.2 ft) of an adjacent roadway?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, I acknowledge that a temporary 30 km/hr posted speed signage may be required to be installed adjacent to the patio</p>	<input type="checkbox"/>	
3	<p>Is the patio located on an arterial of higher travelled road?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, I acknowledge that a greater degree of separation between the patio space and adjacent vehicle lane(s) may be required and could include "jersey barriers" and signage along the interface of the patio</p>	<input type="checkbox"/>	
4	<p>Are you introducing landscaping elements to your patio?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> Patio landscape elements are provided in easily removable planters Planters and plants do not obstruct sightlines or create hazards for vehicle operators or pedestrians 	<input type="checkbox"/> <input type="checkbox"/>	
5	All tables, chairs, and other patio furniture are secured at the end of each business day	<input type="checkbox"/>	
6	Patio furniture is not secured to sidewalks, lamp posts, street lights, trees or other public use assets	<input type="checkbox"/>	

Outdoor Customer Service Area (OCSA) Checklist

Authorized Signatory Declaration:

By signing or clicking the box below, I certify that, to the best of my knowledge, the information provided above is truthful and accurate. I further acknowledge that it is my establishment's responsibility to meet the requirements of related District and third-party regulations, including but not limited to the Provincial Liquor and Cannabis Regulation Branch and the Public Health Officer.

Date: _____

Name: _____

Signature: _____

I understand that checking this box constitutes a signature ☐