

**RESOLUTION NO. 11-2012**

A RESOLUTION OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ADOPTING TH SIDEWALK CAFÉ, OUTDOOR DINING, AND SPECIAL EVENT DESIGN GUIDELINES.

WHEREAS, the City of Nampa recognizes the importance of outdoor dining to the vitality and success of the Downtown; and

WHEREAS, the City of Nampa desires to adopt procedures and guidelines intended to promote the health, safety and welfare of our residents, businesses and visitors; and

WHEREAS, it appears to the City Council of the City of Nampa, Idaho, that it would be advantageous and beneficial to the City, particularly to the Downtown Historic District, Economic Development & Code Enforcement, to adopt the Sidewalk Café, Outdoor Dining and Special Event Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NAMPA, IDAHO:

Section 1: That the City of Nampa hereby ADOPTS the Sidewalk Café, Outdoor Dining, and Special Event Design Guidelines. See Attachment A

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 21st DAY OF FEBRUARY, 2012.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 21ST DAY OF FEBRUARY, 2012

## ATTACHMENT A

### SIDEWALK CAFÉ, OUTDOOR DINING, AND SPECIAL EVENT DESIGN GUIDELINES

#### Introduction

The City of Nampa recognizes the importance of outdoor dining to the vitality and success of our Downtown Historic District (DH) Zone. These design guidelines are in place to promote the health, safety and welfare of our residents, businesses and visitors. All sidewalk cafes, outdoor dining facilities, and special events are subject to the City of Nampa Ordinances, all applicable Building Codes, Fire Codes, Americans with Disabilities Act, and the State of Idaho Liquor regulations.

#### Purpose

These guidelines provide standards for outdoor dining areas throughout the Downtown Historic District (DH Zone) with special attention to those dining areas in high visibility areas within the public right-of-way. Central to the process of allowing outdoor dining areas is the necessity of ensuring furniture and other items placed along the street positively contribute to the historic character of Downtown Nampa. The guidelines apply to all sidewalk cafes, outdoor dining facilities, and special events approved by the City of Nampa's Economic Development Department. Failure to comply with these requirements constitutes a violation of Nampa City Code.

#### Definitions

1. **Limit Line:** Area approved by the City of Nampa to be occupied for an outdoor seating/dining/event use. Such area may be on sidewalks, where sidewalks are wide enough to accommodate the requested use plus space required for the pedestrian zone. Such pedestrian zone shall comply with the ANSI standards for accessibility, but in no case be less than five (5) feet in width. Areas located within on-street parking stalls shall in no case take up more than twelve (12) feet of the length of such stalls.
2. **Fence Line or Perimeter Fence:** A fence enclosing an outdoor seating/dining/event area, which may be on or within the limit line.

#### Other Regulations

City of Nampa and the State of Idaho have adopted regulations that may apply to outdoor dining areas, seating areas, and/or special event areas. These may include, but may not be limited to:

City of Nampa

- Alcoholic Beverages
- Sidewalk Café, Outdoor Dining, and Special Event

- Noise Regulations
- City Ordinances
- Sign Regulations

State of Idaho

- Alcoholic Beverages (Title 23)

References are made to some of these regulations in these standards for information purposes only. References are in italics. Not all regulations are referenced. Business owners should consult City of Nampa and the State of Idaho regarding regulations, permitting and license requirements. For the purpose of these standards, where these standards are more restrictive than the State of Idaho, these standards shall prevail.

## **Placement of Fences and Furnishings**

- **Placement of Fences**

The distance from any fence used to enclose a café or outdoor seating area, which fence is parallel to the building face, shall not exceed the limit line unless otherwise specified in the Parking Use Permit conditions.

- **Placement of Furnishings/Accessories**

All furnishings/accessories except certain umbrella shades, awning or canopy extensions and planters shall be placed within the perimeter fence surrounding the outdoor dining/seating/event area, if a fence is required/provided, or within the limit line if no fence is required or provided. The furnishings include but are not limited to benches, chairs, tables, umbrella bases, awnings and canopies, planters, trash receptacles, and all other accessories or equipment.

Umbrella stands and any umbrella shade that is less than six (6) feet, eight (8) inches in height at its lowest point from the walking surface shall be located inside the perimeter fence and the limit line. If an umbrella shade is at least six (6) feet, eight (8) inches in height at its lowest point from the walking surface, then the umbrella shade may extend outside the perimeter fence and the limit line.

Planters owned by the business owner/operator are permitted in the outdoor dining/event area at the discretion of the business owner/operator as long as they are within the limit line. If an outdoor dining/event area has a perimeter fence, planters are permitted outside the fence line if they are within the limit line. If a business owner/operator desires planters outside the

perimeter fence or suspended from the outside edge of the perimeter fence, the fence shall be placed or configured so both the fence and the planters are within the limit line.

Awnings and canopies that are attached to the building and extend from the building face to the limit line may include an extension beyond the limit line if the extension is at least seven (7) feet in height from the walking surface. Extensions shall not exceed one-half (1/2) feet beyond the limit line.

## **Design Standards**

- **Fences**

Each outdoor dining/event area where alcohol is served shall have a continuous fence around the perimeter except for one opening as required by Idaho State Code<sup>1</sup>. Fences installed shall be of metal, and be black, antique brown or bronze in color. Fences shall be well-crafted and have a durable, professional finish. Prior to installing a fence, the business owner/operator shall obtain approval from the City of Nampa for the design, materials and construction specifications to be used for the fence.

Fences shall have sturdy support poles and bases that can withstand heavy jostling and bumping. The bases and fence layout shall be designed to create a stable enclosure without anchoring the fence to the ground. Attaching the fence to the ground is not allowed. Connections at corners shall be made so fence does not pull apart under normal use. Fences shall be a minimum of thirty-six (36) inches in height. Fences shall not create a continuous barrier more than four (4) feet in height. Fences shall be removable to accommodate events and change in seasons.

Fences that run more or less parallel to the curb line shall be equidistant from the curb line with allowances for indentations at entrance points and for planters. Where no curb line exists, the fence should be equidistant from the building face. Fence placement shall not be slipshod. City of Nampa may require a business owner/operator to adjust fence alignment to meet these standards.

Bases on support posts for fences may extend an additional one (1) foot outside the limit line if the base lies flat on the ground. Combining a fence with a support structure for an overhead awning or canopy is allowed if approved in writing by the City of Nampa Economic Development Department.

Outdoor dining areas where alcohol is not served are not required to have a continuous fence, but must have fencing between all dining areas and adjacent parking stalls and the street. All furnishings other than umbrella shades and awning or canopy extensions shall be placed within the limit line.

- **Sidewalks**

A minimum of five (5) foot wide continuous pedestrian access along the public sidewalk free from all obstructions is required and must not create any pedestrian hazard.

- **Umbrellas, awnings and canopies**

Umbrellas, awnings and canopies shall be of cloth, and use colors that are in compliance with the Downtown Historic Guidelines and complementary to the aesthetics of the building it serves. Umbrellas and freestanding awnings or canopies shall be plain with no writing, graphics or advertising permitted. Umbrellas shall be securely anchored in stands.

Awnings and canopies attached to the building may include the name of the business if this signage is approved by the City of Nampa as an allowed tenant identification sign and the proper sign permits have been obtained.

Awnings and canopies that are attached to the building and extend from the building face to the limit line as provided in the section of placement of furnishings.

- **Planters**

The design of planters owned by business owners/operators is at the discretion of the business owner/operator as long as they are placed within the limit line and are complimentary to the colors of the building exterior.

- **Trash receptacles**

Each outdoor dining area shall have a trash receptacle with a lid within the fence lines/limit lines.

- **Signage**

Signage shall not be posted on fencing surrounding outdoor areas except for signs required by law or for small informational signs, such as; "No smoking on patio". Sign banners are not permitted. A-frame and T-frames signs shall be located within the outdoor area limit line for the outdoor area to which they belong or in the furnishing zone directly in front of the outdoor area. All signage shall comply with the City of Nampa regulations.

- **Decorative Lighting**

Lighting on fencing is permitted if the intent is to add a festive, decorative element and not to attract attention. Lighting shall be white or clear in color and shall be understated. Flashing

lights are not allowed. Light strands shall be kept in good repair and burned out bulbs shall be replaced.

- **Accessibility**

Location and number of tables, spacing of tables and access within the outdoor dining area must meet all Building Code and Americans with Disabilities Act requirements.

## **Maintenance**

Business owners/operators shall be responsible for maintaining fences and furnishings in such a manner that these improvements present a high quality image. Any fences or furnishings showing signs of wear, damage or failure shall be promptly refurbished, repaired and/or replaced.

*<sup>1</sup>The State of Idaho Alcohol Commission requires that outdoor dining areas where alcohol is served must be separated from pedestrian areas by a continuous enclosure except for one entry point. Such outdoor dining areas must also be immediately adjacent to the establishment serving alcohol. Signage must be posted that alcohol cannot be taken off-premises.*