

URBAN DESIGN COMMITTEE

APPLICATION NUMBER	Urban Design Record #UDR26005
APPLICATION TYPE	Advisory review and final action
ADDRESS/LOCATION	All B-zoned and O-1 districts in Lincoln.
HEARING DATE	March 03, 2025
ADDITIONAL MEETINGS	-
APPLICANT	Paul Barnes, pbarnes@lincoln.ne.gov
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RECOMMENDATION: CONDITIONAL APPROVAL

Summary of Request

The City recognizes the many benefits of sidewalk cafes but also understands the need to update regulations and streamline the review and approval process. The Sidewalk Café package addresses this need by updating Lincoln Municipal Codes and adopting new design standards.

In coordination with Project O Street, the Planning and Development Services Department has authored a text amendment change related to sidewalk cafes. Together, the text amendment and the new design standards will create more clarity and flexibility with the design and layout of sidewalk cafes while also providing for a possible administrative approval process.

The origin of this text amendment and updates to the sidewalk café design standards comes from a desire from City staff and Downtown stakeholders to update the requirements for sidewalk cafes to allow them to be better integrated into the Downtown environment.

Guidebook and Design Standards

The Sidewalk Café Guidebook is a graphic document that intends to provide clarity and guidance for permit holders regarding permitted and prohibited uses within the public right-of-way. At the same time, the Design Standards ensure that outdoor seating areas operate safely, remain accessible, and comply with all applicable City requirements while supporting an active and vibrant streetscape. The Guidebook encompasses the applicable codes and standards in a way that's easily understood.

The existing sidewalk café design standards lack sufficient guidance for applicants navigating the application materials and process. There has also been limited direction on key design elements, including permissible barriers and defining feature types, required setbacks and buffers, shades, awnings, overhead structures, lighting, heating elements, and ADA accessibility, making application review complicated for staff and applicants alike.

The proposed Guidebook addresses these gaps by presenting the content in a clear, accessible format that walks applicants through the application process, materials checklist, and permit eligibility. The Design Standards use concise text, imagery, and easy-to-understand graphics to provide guidance on all of the above elements, incorporating lessons learned from previous sidewalk café reviews and case studies from other comparable cities to help streamline the approval process.

The text amendments to the code establish clearer provisions for administration and enforcement, including updated permit conditions and a revised list of required application materials. These updates are intended to improve coordination among reviewing departments and provide greater transparency for applicants.

Importantly, the amendments introduce a possible administrative approval pathway. Under the proposed changes, sidewalk café applications would be reviewed by a Sidewalk Café Review Committee consisting of representatives from the Health Department, Planning & Development Services Department, City Clerk's Office, Department of Transportation and Utilities, Police Department, Urban Development Department, and Fire Prevention Bureau. Applications that fully meet the standards outlined in the guidebook may be eligible for administrative approval and would not require UDC review. Applications that deviate from the standards may require additional review, as outlined in the proposed code.

Overall, the proposed changes are intended to create a more predictable, efficient, and enforceable framework while ensuring public safety, accessibility, and high-quality design within the public right-of-way.

The UDC is asked to provide advice and feedback on the Sidewalk Café Guidebook and the updated Design Standards, particularly as they relate to the Downtown streetscape, and on the expanded options they offer applicants in terms of café layouts and furniture.



Sidewalk Café Guidebook

A Guide to Help Lincoln Businesses Develop and Maintain Sidewalk Cafés



CITY *of* LINCOLN



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THANK YOU FOR YOUR INTEREST IN CREATING A SIDEWALK CAFÉ

The City of Lincoln is committed to supporting local businesses. Whether you are just starting to explore the idea or ready to apply, this guide is here to walk you through every step of the process.

CAFÉ SEATING IN THE RIGHT OF WAY

Lincoln is known for its vibrant dining scene, and our local restaurants and bars provide essential economic, cultural and community benefits for our city. To support the local restaurant industry, the City of Lincoln has developed these design standards to help restaurant and bar owners continue to use the public right of way to expand their dining areas through café seating on sidewalks. This program aims to offer clear and consistent guidance for the use of outdoor dining furnishings and structures in the right of way.

ABOUT THE STANDARDS

These standards ensure that all outdoor dining installations in the public right of way are accessible for emergency responders, provide space for public transit operations and loading zones, and prevent street safety hazards. All installations must comply with ADA standards for accessibility. The standards acknowledge the importance of serving individuals with disabilities, ensuring that everyone in our community can benefit from these enhancements and seating options. By adhering to these design standards, permit holders have clarity about permitted and non-permitted uses and can ensure that their right-of-way outdoor seating meets all requirements.



APPLICATION PROCESS

After you submit an application, a team member will get in touch with you to complete the permitting process. The City of Lincoln will support applicants as much as possible to make sure they meet the permit requirements. **This is what applying for an Sidewalk Café Permit looks like:**

Step 1: Verify Eligibility

Verify that your property falls within an approved zoning district.

Step 2: Complete Application

Complete the Sidewalk Café Permit Application and submit all required materials. Make sure to:

- *Answer all questions completely*
- *Upload all required documents*
- *Pay the \$150 annual fee*

Submitting a complete application helps avoid delays.

Step 3: City Review

City staff review new applications to confirm compliance with zoning, safety, and design standards.

Step 4: Receive Your Permit

Once approved, the City Clerk's Office will contact you with next steps to finalize payment and issue your permit. Cafés must be set up as approved, display the permit on site, and remain subject to inspection.

Prepare Application Materials Checklist

Before starting your application, collect the following materials:

- Business and property information
- Required permits
- Photos of proposed furniture and equipment
- A site plan with dimensions
- Proof of insurance
- A \$5,000 bond, if applicable

Questions about the design standards or potential deviations should be directed to the Planning and Development Services Department at **402-441-7491**.

PERMIT ELIGIBILITY

Sufficient pedestrian passageway

My outdoor café would leave AT LEAST 5 feet of unobstructed clear passageway on the sidewalk.	Yes, you are eligible.
My outdoor café would leave LESS THAN 5 feet of unobstructed clear passageway on the sidewalk.	No, you are not eligible.

Alcohol sales

My outdoor café does NOT sell alcohol	Does not have any barrier around it.	Yes, you are eligible.
My outdoor café DOES sell alcohol	Does not have any barrier around it.	No, you are not eligible.
	Does have a barrier with an opening of less than 8 feet.	Yes, you are eligible.

Proximity to permanent objects in the right of way

My outdoor café:

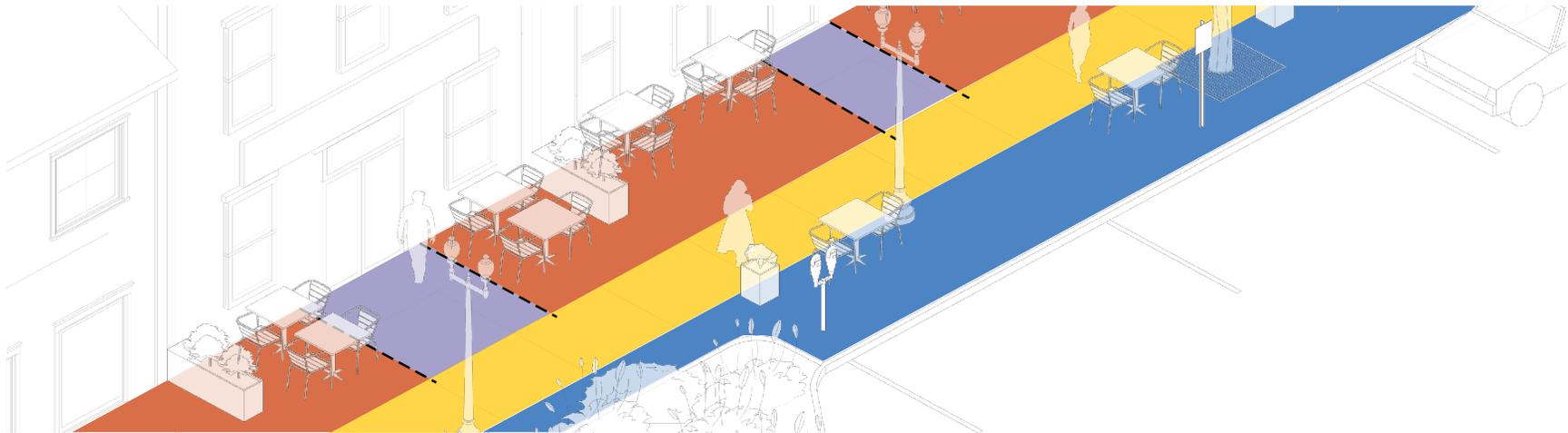
Is within 5 feet from crosswalk landings, curb ramps, bus stops, or bus shelters.	No, you are not eligible.
Is within 2 feet from the edge of the curb from driveways, parking, or loading zones.	
Is within 3 feet from fire hydrants, parking meters, signage, or bike racks.	
Has a clear zone of less than 5 feet in the front of business entry & exit points.	
Has a clear zone of less than 5 feet in front of business entry and exit points.	
Maintains a clearance of less than 10 feet from crosswalks.	
Is near an intersection or driveway, but located outside of the sight triangle defined by the City.	Yes, you are eligible.

USING THE DESIGN GUIDEBOOK

City of Lincoln Café Seating Program Design Principles

Design for maintenance • Accessible for all • Quality materials and finishes • Easily removable

Throughout the design guidebook, diagrams illustrate requirements and recommendations to obtain a sidewalk café permit.



Sidewalk Zones Explained

Curb Zone

This is the area next to the street. Café seating may be placed here if all required buffers and safety clearances are maintained.

Building Entrance Zone

Keep this space open in front of doorways to allow safe and easy access in and out of the building.

Frontage Zone

This is the area along the building where café seating is typically placed.

Pedestrian Through Zone

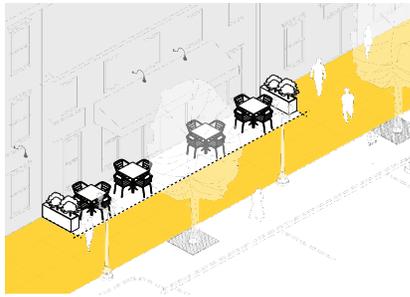
Keep at least 5 feet completely clear so people can walk through comfortably and safely.

SIDEWALK CAFÉ TYPES

If your café is directly against your building, there must be at least five feet of clear passageway between the café and the street. If café seating is placed both near the building and at the curb, the five-foot passageway must run between them.

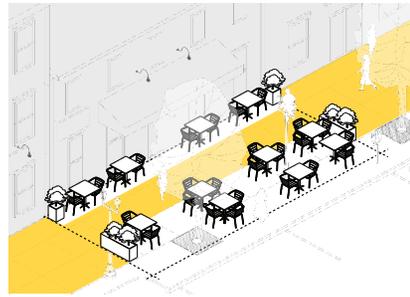
In areas with special site characteristics, the City may require a wider passageway.

 min. 5' unobstructed pedestrian passageway



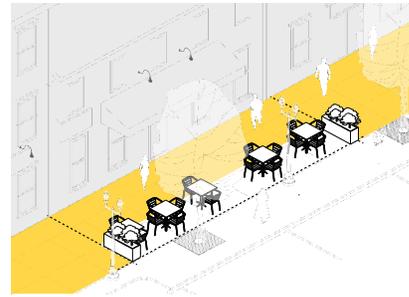
Building abutting

Sidewalk café located directly next to the building.



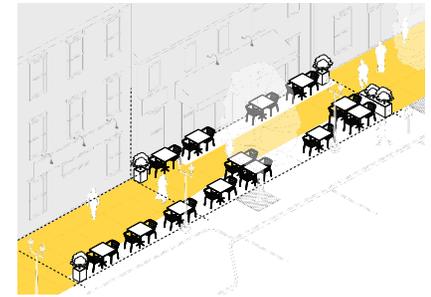
Split by pedestrian passageway

Sidewalk café on both sides of the pedestrian passageway, encroaching the curb zone.



Curbside

Sidewalk café near the curb side of the pedestrian passageway.



Split by pedestrian passageway and abutting neighboring property

Sidewalk café on both sides of the pedestrian passageway, and abutting part of the neighboring property.

SIDEWALK CAFÉ CRITERIA

Use of Public Property

Your café must sit on public sidewalk space between your building and the curb.

You cannot extend into the street or public parking spaces.

If your café footprint uses the space in front of a neighboring business, you'll need a notarized agreement from that property owner.

When reasonable, new sidewalk cafés should align with existing cafés on the same block face to accommodate a consistent, direct pedestrian passageway.



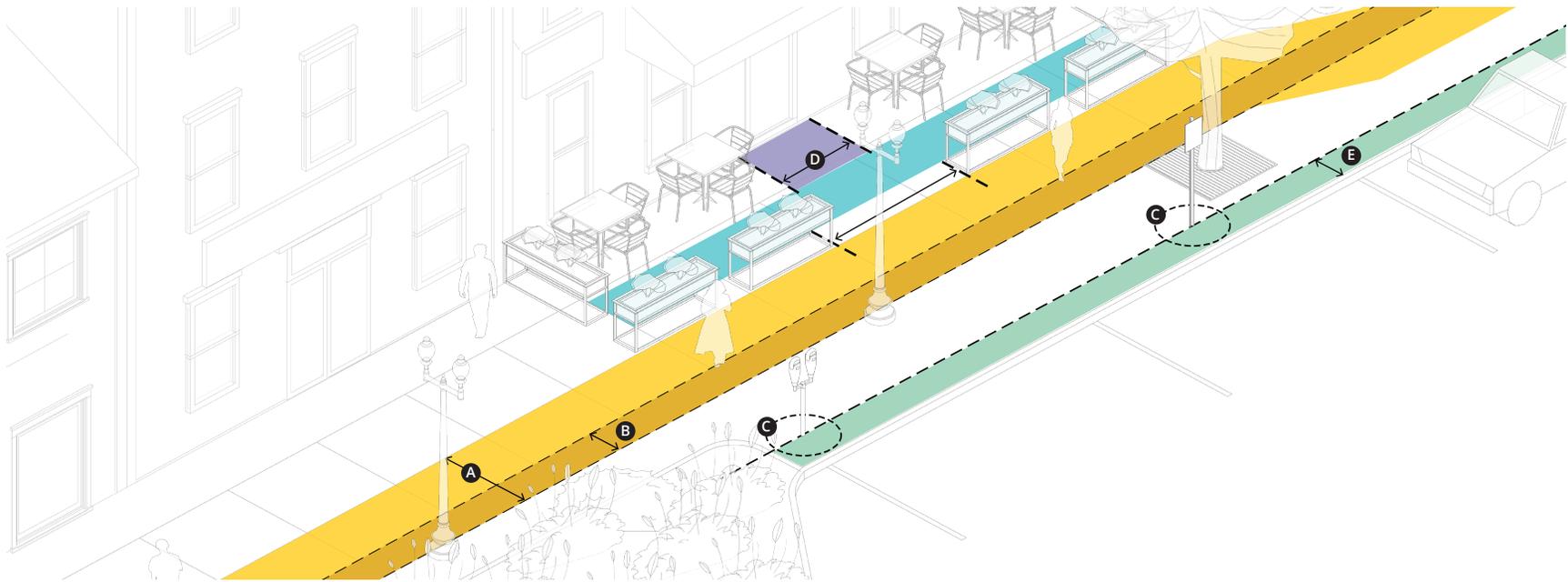
Serving Alcohol?

If you plan to serve alcohol, your sidewalk café must be delineated with movable rigid barriers or planters.

You must hold a valid liquor license from the Nebraska Liquor Control Commission.



REQUIRED SETBACKS AND BUFFERS



- A Pedestrian through zone:** Keep at least 5 feet of sidewalk completely clear of furniture, heaters, planters, signs, cords, or other objects.
- B Clear visibility zone:** Maintain a straight, continuous 2-foot wide path along the sidewalk so people can move through without obstacles.
- C Obstacle buffer:** Keep café furniture and barriers at least 3 feet away from fire hydrants, parking meters, signs, and bike racks.

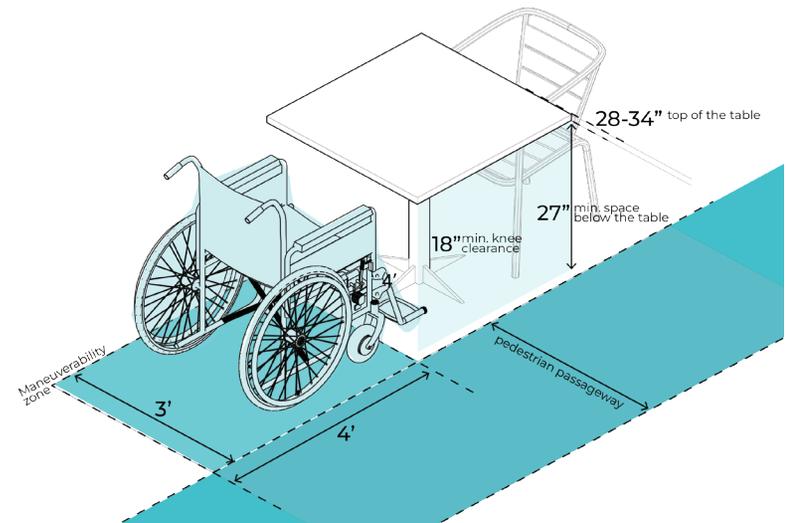
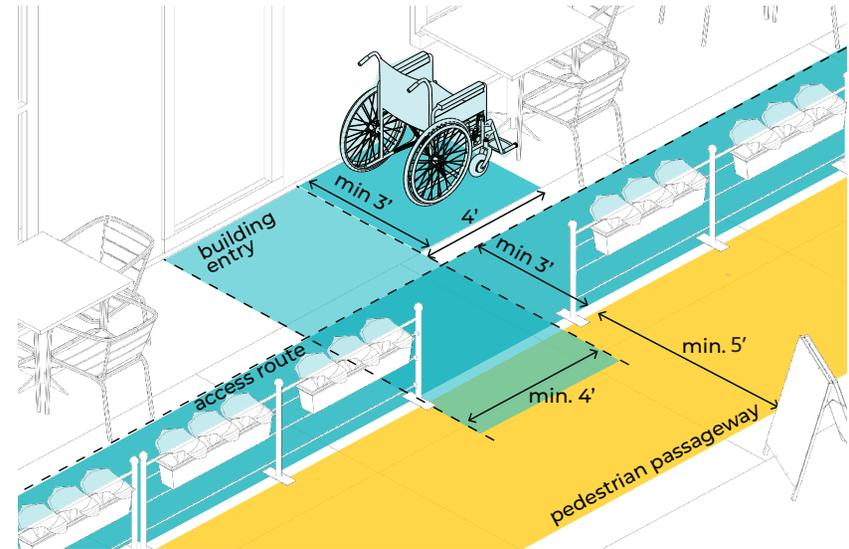
- D Entry/exit point:** Leave a 5-foot clear space in front of business doorways so customers can enter and exit safely.
- E Curb buffer:** Keep café items at least 2 feet away from the curb near driveways, parking spaces, and loading zones.

Additional requirements:

- Stay at least 10 feet away from crosswalks.
- Keep café setups 5 feet away from crosswalk ramps, curb ramps, bus stops, and bus shelters.

ACCESSIBILITY REQUIREMENTS

- The sidewalk cafe space must have a minimum 4-foot wide accessible entry from adjacent pedestrian passageway.
- Cafes serving with capacity over 50 people must have two such entry points.
- Inside the café, a minimum three-foot-wide accessible path that connects accessible features must be provided.
- At least 5% of tables, but no fewer than one, must meet ADA standards:
 - **Table height:** 28 to 34 inches (measured from the ground to the top surface)
 - **Knee clearance:** 27 inches high, 30 inches wide, 19 inches deep
- Surfaces must be relatively flat, with a maximum 2% cross slope (perpendicular to the curb) and 5% running slope (parallel to the curb).



RESPONSIBILITIES AND MAINTENANCE

Sidewalk café permit holders are responsible for keeping their café seating well-maintained and in good repair to ensure safety, accessibility and cleanliness of these spaces. Permit holders must follow these maintenance procedures:

Operational Requirements

- Adhere to the approved layout: your café must match the plan approved by the City. Any changes, including furniture types, layout adjustments, or added elements like heaters, require City review and approval.
- Keep your permit on display: your active sidewalk café permit must be visible from the public sidewalk at all times.
- Sidewalk cafes may operate during hours noted in your approved application. You may not operate earlier or later without written permission from the City.
- You are responsible for keeping the sidewalk café and surrounding area clean, safe, and free of debris at all times.

PERMIT CONDITIONS

Emergencies and Complaints

- The City or emergency services may require the temporary removal or closure of your sidewalk café in the event of public safety concerns, construction or utility work, or severe weather.
- If complaints are received about safety, accessibility, or obstruction, the City may inspect your café and require corrective action.

Renewing Your Permit

- Sidewalk café permits are valid for one year.
- To continue operating, you must submit a renewal application before your current permit expires.
- If there are no changes to your layout, a streamlined renewal process may be available.
- The City may deny renewal if your café has violated regulations or failed inspections.

What Could Cause Your Permit to be Revoked?

The City reserves the right to revoke your permit at any time if you:

- Fail to maintain the required clearances or accessible paths
- Operate outside of approved hours or boundaries
- Do not maintain cleanliness or safety standards
- Ignore the required corrections following a City inspection
- Misrepresent your café setup in your application

GENERAL DESIGN REQUIREMENTS

Furniture

- All proposed furniture (tables, chairs, benches, etc.) must be commercial-grade, durable for outdoor use, and their specifications must be included in the permit application.
- Furniture should be removable and not permanently affixed to the sidewalk.
- When not in use for extended periods of time, businesses are encouraged to remove the furniture from the sidewalk.

Materials

- Acceptable materials include stainless steel, powder-coated aluminum or steel, and treated hardwoods or composites proven for durability.
- While not a requirement, we recommend that applicants consider water drainage on flat surfaces when selecting furniture. Tabletop selections are encouraged to include metal meshes, slats, or alternative materials like solid surface acrylic to prevent water pooling.
- A variety of materials may be used for landscaped planters, but materials that are susceptible to salt damage like concrete, are discouraged.

Barriers and Defining Features

- If alcohol will be served, the café must be delineated by a rigid barrier or other defining feature at least 36" in height.
- Barriers must maintain a minimum 4-foot-wide open entrance, preferably located in front of the business entrance, and shall not exceed 8 feet in width.

Temporary vs Permanent Elements

- All sidewalk café elements, except those attached directly to the building, must be temporary and removable without tools.
- Any element requiring drilling or bolting into the pavement is considered permanent and is generally not allowed unless otherwise approved by the City.

TYPES OF RIGID BARRIERS, OR OTHER DEFINING FEATURES

Requirements

- Barriers must be free-standing, stable, well-balanced, and removable. They must not pose any risk of tipping or causing tripping hazards.
- Height and placement of barriers, and other defining features will be reviewed case-by-case, particularly near street or alley intersections where sight triangles are critical for the safety of pedestrians, cyclists, and vehicles.
- Barriers must maintain clear visibility between the street and café.
- Planters and rope barriers must have a lower edge no more than 27 inches above the ground so people with vision impairments using a cane can detect them.
- Rigid barriers taller than 60 inches may be permitted only at café corners or adjacent to building façades, not along curbs.
- Businesses must ensure regular maintenance of the planters and keep the plants healthy, well-pruned, and free of debris.



Prohibited barrier types

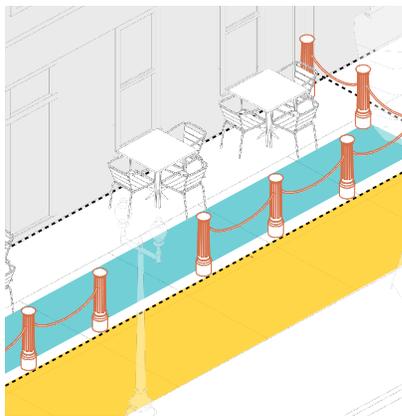
- Unstable sectional fencing
- Chain-link fencing
- Trash receptacles used as barriers
- Corten steel
- Plastic lattice
- Untreated lumber

Or any material not intended for permanent outdoor architectural use.

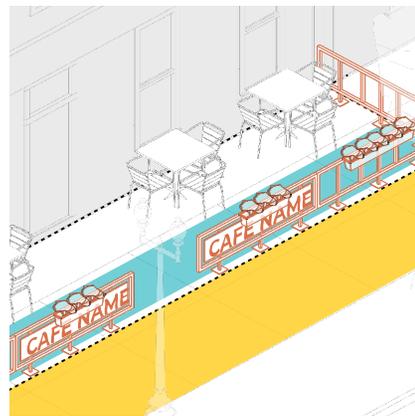
TYPES OF RIGID BARRIERS OR OTHER DEFINING FEATURES

The City of Lincoln encourages creative, well-designed, and visually appealing solutions for sidewalk café enclosures, including planters, and other rigid barriers.

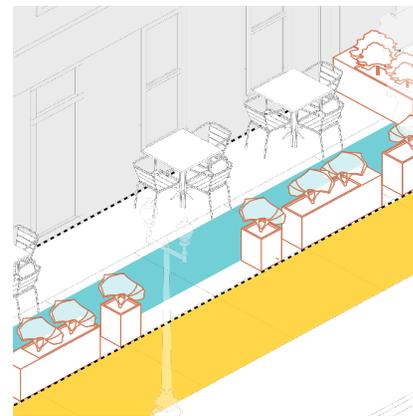
- Acceptable materials include:
 - **Metal:** Powder-coated steel, aluminum, or wrought iron with a durable, weather-resistant finish.
 - **Wood:** Hardwoods or treated softwoods suitable for outdoor environments.
 - **Cable or tensioned rail systems:** Stainless or coated steel cables supported by a rigid frame.
 - **Planters:** Constructed from metal, wood, or other stable, weather-resistant materials such as high-density polystyrene. Heavy materials like stone or concrete may be used sparingly.
 - **Tempered glass or acrylic panels:** Supported by metal or wood framing for a clean, modern aesthetic.
- The above are approved types of movable rigid barriers that may be used to enclose a sidewalk café space. The selection of materials, dimensions, and placement of these barriers will be reviewed and approved on a case-by-case basis.



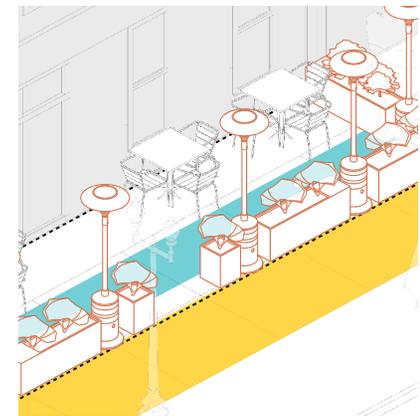
Rope barrier bollards



Customized movable barricade/partitions with planter boxes



Landscape planters



Landscape planters + heaters

OVERHEAD ELEMENTS

Permitted

- Roller shades will be approved on a case-by-case basis and must maintain an opacity of 95% or less, corresponding to a minimum transparency (openness) level of 5% or more; fully opaque shades are not permitted.
- Shades with higher openness percentages let in more light and offer a clearer outside view, making them ideal for spaces like sidewalk cafés that allow visibility to the sidewalk and from the sidewalk into the café.
- Awnings, shades, railings, umbrellas, and other sidewalk café features may only display the name of the business and should not be used to advertise any other products.

NOT Permitted

- Shade sails are not permitted. Awnings, coverings, and shades must not obscure the building façade or disrupt the transparency of the ground-level frontage.



Awning with the business name

✔ Permitted.



Umbrella with a brand name

✘ Not permitted.



Transparent shades

✔ Permitted.

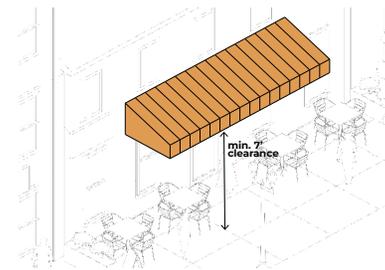


Opaque shades

✘ Not permitted.

Clearance

- Overhead elements, including awnings, umbrellas, pergolas, or other elements are permitted as long as they meet the code requirements and do not obstruct circulation or visibility for pedestrians or drivers.
- Retractable awnings are allowed, as long as the awning is fully supported by its attachment to the building and not via vertical posts on the sidewalk.

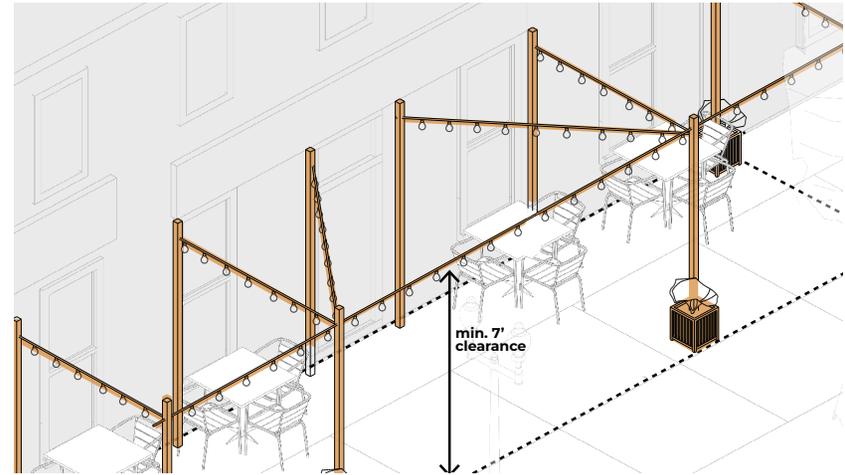


Awnings and umbrellas must have a minimum clearance of 7'

LIGHTING AND HEATING

Lighting

- Lighting must be low-glare, downward-facing, temporary in nature, and must be UL listed, meaning it's been safety-tested and approved for outdoor use.
- Power cables that extend overhead or on the ground surface of the pedestrian passageway are prohibited.
- Lighting equipment must not be attached to or strung through street trees or any other public infrastructure.
- Lighting elements must avoid added glare for pedestrians or drivers. Approved lighting must be low-level output and directed downward.



Posts with overhead festoon lighting

Heating

- Heaters must be portable, UL-listed, and approved by the Fire Prevention Bureau. No wood-burning fire pits are allowed.
- Propane and electric heaters are allowed, subject to approval from the Fire Prevention Inspector.
- Floor-mounted patio heaters must maintain a minimum clearance of 5 feet from buildings and any combustible elements such as awnings or overhangs.
- Heaters may not be permanently installed in the public right-of-way, but must be securely fastened to the ground using a cable and lock system, and shall not be relocated during business hours.
- Sprinklers are mandatory for any sidewalk café that includes overhead or floor-mounted patio heaters.



HAYMARKET EXCEPTIONS



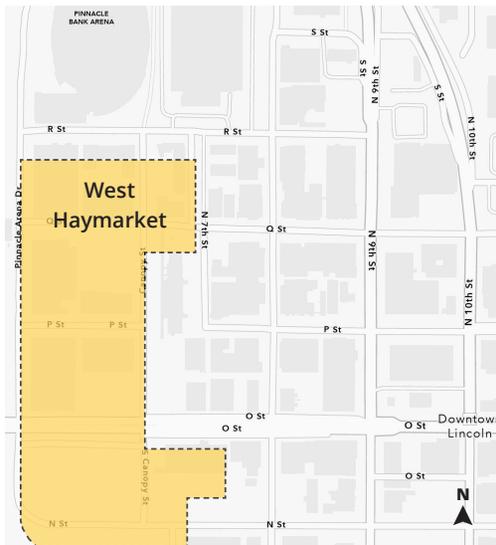
Historic Haymarket

Since the Historic Haymarket is a designated local landmark, all proposed sidewalk cafés within the area are subject to review and approval by the Historic Preservation Commission.

Per standard 16.6 of the Historic Preservation Design Standards, sidewalk cafés and other dining areas in or adjacent to the public right-of-way should be designed with high-quality materials and low railings to avoid obscuring views of the historic buildings.

The proposed design of the sidewalk cafés must complement the architectural elements of the abutting building.

Sidewalk cafés located on loading docks must have a secured barrier along the full length of the dock.



West Haymarket

All new sidewalk cafés in the West Haymarket are required to use a consistent railing design, as shown on the right. No other railing types are permitted in this area.

You can find out if your business is located in the Historic Haymarket or West Haymarket by searching your address at Lincoln.NE.gov/GIS.



RESOURCES

Application Form and Checklist

To start your application, visit [Insert link to the webpage/application]

If you need a printed copy, contact the Planning Department using the information below.

City Code References

For full details on sidewalk café regulations, see:

Lincoln Municipal Code Chapter 14.54 – Sidewalk Cafés

[Insert hyperlink to code section]

Who to Contact for Help

Have questions? We're here to help. Contact the City of Lincoln Planning and Development Services Department:

Planning and Development Services Department

555 S. 10th Street, Suite 213

Phone: 402-441-7491

Email: plandev@lincoln.ne.gov

Website: [Insert website URL]

Title 3 DESIGN STANDARDS FOR ZONING REGULATIONS

Chapter 3.78 SIDEWALK CAFE DESIGN STANDARDS

The Planning Department is assigned responsibility for the administration of these design standards.

Section 1. INTRODUCTION

The allowance of sidewalk cafes in the City of Lincoln was first formalized in 1980 with an update to the Lincoln Municipal Code that established regulations for the use of public right-of-way. Sidewalk cafes are supported and are intended to enhance pedestrian environments in commercial districts by bringing excitement, vitality, and good design to public spaces.

1.1 Definition of a Sidewalk Café

Sidewalk café shall mean an outdoor area included in an annual permitted premises, which is used for the service and consumption of food, and/or for the consumption of alcoholic liquors, and when the premises are contained by a rigid barrier, or other defining features clearly delineating the permitted area. The defining features may be made to be removable when a special designated liquor license is obtained.

Section 2. WORK REQUIRING REVIEW

The Design Standards apply to new sidewalk cafes and renewal applications located in B and O-1-zoning districts.

Section 3. APPLICATION AND REVIEW PROCESS

Planning staff will coordinate review of new sidewalk café applications with the Outdoor Dining Committee and will administratively approve those that meet the requirements of the Design Standards. Sidewalk café applications that do not meet these design standards will be forwarded to the Urban Design Committee, Historic Preservation Commission, or Nebraska Capital Environs Commission. Renewal applications will be processed by the City Clerk.

Efforts will be made to avoid increased time for review and approval. To facilitate this review process, the applicant shall submit all items outlined in 14.50.040, as applicable.

Section 4. SITE DEVELOPMENT

4.1 Location and Site Requirements

- a. Sidewalk cafés must be located in B-zoned districts, including B-1 Local Business, B-2 Planned Neighborhood Business, B-3 Commercial, B-4 Lincoln Center Business, B-5 Planned Regional Business District, or O-1 Office District.
- b. Sidewalk café spaces shall be allowed within public property, between the property line and the back-of-curb of the adjacent street. They are not allowed to extend into the street or public parking spaces.
- c. Sidewalk cafés must provide a clear, unobstructed pedestrian passageway not less than five feet in width at all points, entirely across the frontage of the space to be permitted, except where

larger pedestrian passageways are otherwise required. If a non-alcohol sidewalk café applicant wishes to occupy an area that captures space on both sides of an unobstructed passageway, the permit shall be for an overall space that includes the abutting unobstructed passageway.

- d. A consistent and clear visibility zone of no less than two feet must be provided within the pedestrian passageway.
- e. The location and layout of a proposed sidewalk café shall consider the context of adjacent sidewalk cafés on the block to ensure efficient pedestrian circulation. When reasonable, new sidewalk cafés should align with existing cafés to accommodate a consistent, direct pedestrian passageway.
- f. Sidewalk cafés shall be located at least five feet away from all curb ramps, business entry/exit points, and bus stops and shelters.
- g. Sidewalk cafés should be located to leave at least three feet of clear space from the following elements to ensure proper visibility and usability:
 - 1. Streetscape furnishings and amenities (bike racks, trash receptacles, benches, etc.)
 - 2. Parking meters
 - 3. Fire hydrants
 - 4. Streetscape signage
- h. If a sidewalk café abuts the curblines where parking or loading exists, a two-foot buffer between the café and the back-of-curb must be maintained.
- i. Sidewalk cafés shall not extend beyond the abutting limits of the business/property, except for the following conditions:
 - 1. The limits may be extended to abut a neighboring property if a notarized agreement between the affected parties is submitted prior to the issuance of a permit.
 - 2. If a non-alcohol sidewalk café is being located nearest the curb side of the pedestrian passageway, or if the sidewalk café is to occupy an area that captures space on both sides of the passageway, the part of the sidewalk café between the curb and the passageway may extend past the owner's abutting property lines if approved by the City.

4.2 General Design Requirements

- a. Materiality
 - 1. All sidewalk café features shall consist of commercial-grade products to ensure long-term durability.
 - 2. Metal elements shall either be stainless steel or powder-coated aluminum/steel to avoid rusting caused by the natural elements and salting of the streetscape.
 - 3. A variety of materials may be used for landscaped planters, but materials that are more susceptible to salt damage, like concrete, are discouraged.

4. Fabrics used for awnings and umbrellas shall be commercial-grade products that can withstand significant winds.
5. Wood and composite materials shall be limited to selections with proven track records for durability.

b. Temporary Nature of Sidewalk Cafes

1. All sidewalk café elements, except for those directly attached to the building, shall be temporary in nature unless otherwise approved by the City. Temporary shall be defined as removable without special equipment or tools, or otherwise requiring mounting that permanently impacts the ground surface of the right-of-way. For instance, core drilling or surface mounting with bolts drilled into the sidewalk shall be considered permanent in nature, and are not typically allowed.

c. Rigid Barriers or Other Defining Features

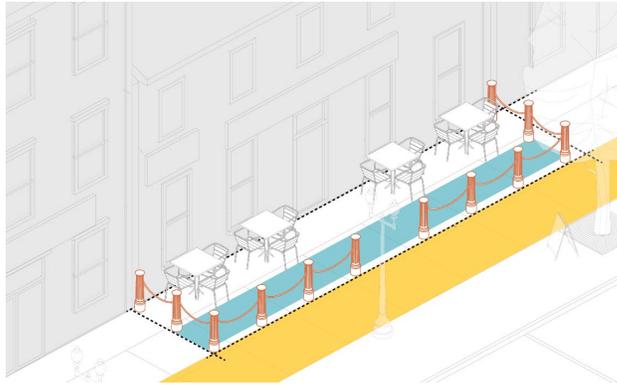
1. Although not required for non-alcohol sidewalk cafes, the sidewalk café permit area may be delineated with a rigid barrier or other defining features.
2. Acceptable defining features shall include vertical posts, landscape planters, and other unique elements that help define the café space.
3. Barriers must be free-standing, stable, well-balanced, and removable. They must not pose any risk of tipping or causing tripping hazards.
4. Height and placement of barriers, and other defining features, will be reviewed case-by-case, particularly near street or alley intersections where sight triangles are critical for the safety of pedestrians, cyclists, and vehicles.
5. Barriers must maintain clear visibility between the street and the café.
6. For planters and rope barriers, the lower edge must not exceed 27 inches from the ground.
7. Planters taller than 60 inches may be permitted only at café corners or adjacent to building façades, not along curbs.
8. Businesses must ensure regular maintenance of the planters and keep the plants healthy, well-pruned, and free of debris.
9. Alcohol sales requirements:
 - a. Due to existing State of Nebraska laws and regulations, a sidewalk café with a liquor license must abut the building and be fully enclosed on all open sides with a minimum 36-inch-high rigid barrier, movable planters, or a combination of these.
 - b. Applicants wishing to sell alcohol shall conform to the requirements of Chapter 5.04 Alcohol Liquor of the State of Nebraska Revised Statutes and regulations (Nebraska Liquor Control Commission).

c. Sidewalk cafés serving alcohol must be licensed by the State of Nebraska.

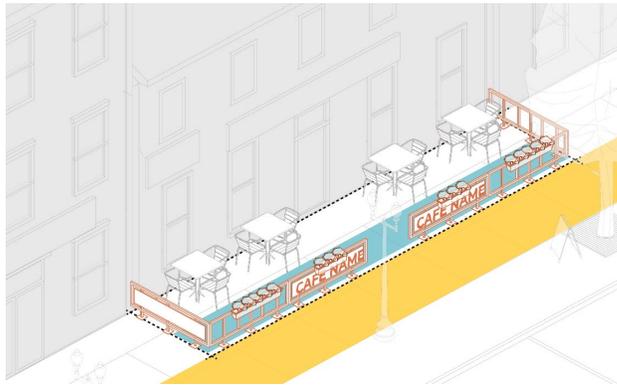
10. The defined sidewalk café space shall have at least one accessible entry that is four feet or greater in width. Sidewalk cafes planning for a maximum occupancy of 50 or more shall have two entry points.

11. The following are approved types of rigid barriers that may be used to enclose a sidewalk café space where alcohol is served. The selection of materials, dimensions, and placement of these barriers will be reviewed and approved on a case-by-case basis.

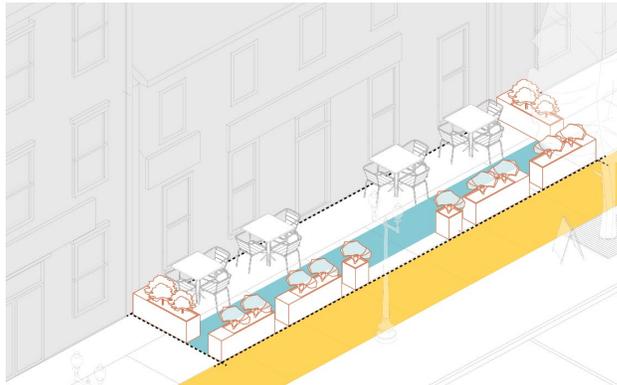
a. Robe barrier bollards



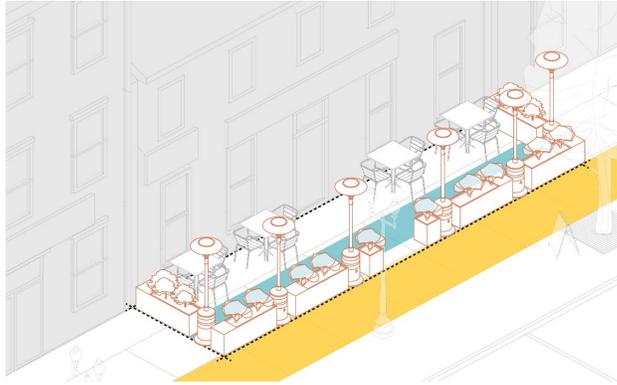
b. Customized movable barricade/partitions with planter boxes



c. Landscape planters



d. Landscape planters + heaters



d. Overhead elements

1. Overhead elements, including awnings, umbrellas, pergolas, or other elements, shall be allowed as follows:
 - a. They do not obstruct circulation or visibility for pedestrians or drivers.
 - b. They must maintain a minimum unobstructed height clearance of seven feet between the ground and the element.
 - c. Retractable awnings shall be allowed if the awning is fully supported by its attachment to the building. Vertical supports may be used to support overhead elements as long as they are not drilled into the sidewalk (i.e., secured in planters).
 - d. Awnings, umbrellas, and shades must not obscure the transparency of the ground-level frontage.
 - e. Shade sails are not permitted.
 - f. Roller shades may be allowed on a case-by-case basis and must maintain an opacity of 95% or less, corresponding to a minimum transparency (openness) level of 5% or more; fully opaque shades are not permitted. Shades with higher openness percentages let in more light and offer a clearer outside view, making them ideal for spaces like sidewalk cafes that allow visibility to the sidewalk and from the sidewalk into the café.
 - g. Awnings, shades, umbrellas, and other sidewalk café features may only display the name of the business and shall not be used to advertise any other products.

e. Lighting

1. All lighting equipment must be UL-listed, approved for outdoor use, and temporary in nature.
2. Extension cords that extend overhead, or on the ground surface of the pedestrian passageway, are prohibited.

3. Solar and battery-powered lighting elements are acceptable.
4. Lighting equipment shall not be attached to or strung through street trees, landscaping, or any other public infrastructure.
5. Lighting elements shall not result in added glare for pedestrians or drivers. Instead, all approved lighting shall be low-level in output and directed downward, meeting the outdoor lighting standards set forth in Chapter 3.1000 Design Standards for Outdoor Lighting.

f. Heating

1. Heaters included as part of sidewalk café space must be UL-listed, approved for outdoor use, portable, and fully compliant with the current edition of the Nebraska Fire Code.
2. Propane and electric heaters are allowed, subject to approval from the Fire Prevention Inspector.
3. Floor-mounted patio heaters must maintain a minimum clearance of 5 feet from buildings and any combustible elements such as awnings or overhangs.
4. Heaters may not be permanently installed in the public right-of-way but must be securely fastened to the rigid barrier using a cable and lock system and shall not be relocated during business hours. They must be located within the defined sidewalk café space and must not impede the required pedestrian passageway.
5. Set up, operation, and maintenance must follow the manufacturer's recommendations. All relevant heater specifications shall be submitted with the sidewalk café application.
6. Sprinklers are mandatory for any sidewalk café that includes overhead or floor-mounted patio heaters.
7. Wood outdoor fire pits are prohibited in the right-of-way.

g. Furniture

1. Specifications for all proposed tables, chairs, benches, lean rails, and other furniture elements shall be submitted with the permit application.
2. Permittees are encouraged to remove all furniture from their sidewalk cafes during times of the year in which they are not in use in order to maximize the life of said furniture and to eliminate unnecessary streetscape clutter.
3. While not a requirement, it is recommended that applicants consider water drainage on flat surfaces when making furniture selections. Tabletop selections in particular are encouraged to include metal meshes, slats, or alternative materials like solid surface acrylic to limit the damage caused by pooling water.

h. Accessibility requirements

1. Sidewalk cafes shall be accessible and usable by individuals with disabilities. While the standards that follow serve as a baseline for accessibility, the 2010 ADA Standards for Accessible Design, the Public Rights-of-Way Accessibility Guidelines (PROWAG), and the International Building Code should also be consulted.
2. An acceptable path of travel shall connect the defined sidewalk café space to the adjacent pedestrian passageway. The accessible path must be a minimum of four feet wide.
3. Accessibility within the Sidewalk Cafe
 - a. Within the sidewalk café space, an accessible path at least three feet in width that connects to accessible feature(s) shall be provided.
 - b. Sidewalk cafes providing tables, drink rails, or other similar dining features shall ensure that 5%, but no fewer than one of the said features, shall be wheelchair accessible. Accessible features shall meet the following standards:
 - a. The height measured from the ground surface to the top surface of the dining feature must be between 28 and 34 inches.
 - b. The knee clearance for accessible dining features must be a minimum of 27 inches tall, 30 inches wide, and 19 inches deep.
 - c. The accessible part of the sidewalk café shall adhere to the following slopes:
 - a. Cross slope (perpendicular to the curb) should not exceed 2%.
 - b. Running slope (parallel to the curb) should not exceed 5%.

4.3 Special District Requirements

- a. Haymarket and other Landmark Districts
 1. Historic Haymarket, as shown on the map below, is a designated local landmark. All proposed sidewalk cafés within the area are subject to the Historic Preservation Design Standards and may require approval by the Historic Preservation Commission.
 2. Per standard 16.6 of the Historic Preservation Design Standards, sidewalk cafes and other dining areas in or adjacent to the public right-of-way should be designed with high-quality materials and low railings to avoid obscuring views of the historic buildings.
 3. The proposed design of the sidewalk cafés must complement the architectural elements of the abutting building.
 4. Sidewalk cafés located on loading docks shall have a secured barrier along the full length of the dock.

5. In other areas of Haymarket, to maintain control over the outdoor seating area, the sidewalk café permit area shall be delineated with defining features such as planters and other rigid barriers.

b. West Haymarket

1. All new sidewalk cafés in the West Haymarket are required to use a consistent railing design, as shown in the figure below. No other railing types are permitted in this area.



Section 5. PROCEDURES

Sidewalk café applications and materials must be submitted per 14.50 of Lincoln Municipal Code.

Section 6. WAIVERS AND APPEAL

Any request for a deviation of the Lincoln Downtown Design Standards may be approved by the Planning Director, Appeals Board, or City Council as provided in Chapter 1.00.