



The following requirements have been set forth to assist food establishments with the creation of temporary outdoor seating. Such request shall be viewed as a Public Interest and Special Event in accordance with the Unified Development Code (UDC), Section 40.03.330 of the *New Castle County Code*. In addition to adhering to the above-referenced code, applicants shall also follow the State of Delaware social distancing guidelines set forth in Governor Carney's Economic Reopening Guidance document. Such Public Interest and Special Event approvals are limited to six (6) occurrences for a period of fourteen (14) days.

Note: Temporary Outdoor Seating Use Permits cannot be processed through ePlans (please see submission details below)

The following requirements concern public interest and special events as defined in the Unified Development Code:

- ❖ Activity is limited to no more than six (6) times per year, and each event shall last no longer than fourteen (14) days. Such request can be consecutive for a combined timeframe of 84 days.
- ❖ No display, sales or parking is permitted in any street right-of-way, nor shall it obstruct pedestrian or vehicular traffic.
- ❖ All display areas and temporary structures shall comply with the minimum required yard setbacks for the zoning district in which the public interest/special event is being proposed and may not displace required parking for the primary use of the property.
- ❖ Site must be cleared of all temporary structures and debris within 15 days of the expiration of the permit.

Documents Required by New Castle County

All New Castle County forms are available via the County website at www.newcastlede.gov/lu.

- Temporary Outdoor Seating Application** (<https://www.newcastlede.gov/224/Use>)
- Site Plan**, An existing Record Plan or Survey may be used. This plan shall show all highway entrances, buildings, parking spaces and rights-of-way. Please indicate size and location of any structures such as tents, tables, stands and the like (Appendix #1, 3.C. of UDC). In the event that a comprehensive review is required, please allow several additional days for processing, review, and approval.
- Written Permission from the Property Owner**, This may consist of the owner's signature on the permit application or a written acknowledgment (e.g.: email, letter, etc..).
- Flame Retardant Certification**, All tents must have Flame Retardant Certifications submitted with the permit application (provided with the rental or purchase of the tent).

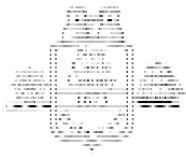
Documents Required from Outside Agencies

- Fire Marshal Approval or Waiver**, written acknowledgement required to process request – 302-323-5365
- Entrance/Exit Permit from Delaware Department of Transportation**, *Only Required* if the creation of an expanded outdoor seating area results in transportation concerns (ROW impacts, the transportation infrastructure being adversely affected (i.e. parking on the shoulders of roads), increasing site capacities or expanding uses/sites). DelDOT – 302-326-4679
- Board of Health Approval**, *Only Required* if a food preparation area is proposed as part of the temporary outdoor seating area – 302-744-4546

Verification of Paid Taxes, Property taxes and sewer billing fees must be paid on the property for which you are requesting a use permit and on any tax parcel that such landowner owns in New Castle County prior to permit submission (*New Castle County Code* 06.03.012.H). This will be verified as part of the application process.

- Fees:** \$100 Temporary Certificate of Use
+ \$105 Site Plan Review Fee
\$205 Payment options: online at <https://secure.nccde.org/UsePermitFeePayment/Lookup/> (once application is processed) or include a check with mail-in or drop-off option

Completed request shall be emailed to Eva Grier at Eva.Grier@newcastlede.gov. Please include "Temporary Outdoor Seating" in the subject line so we can assure these requests get expedited. Request can also be dropped off or mailed to the Department of Land Use, 87 Reads Way, New Castle, DE 19720 along with a check for \$205. For general questions, please email landuse@newcastlede.gov or call (302) 395-5400.



DEPARTMENT OF LAND USE
87 READS WAY, NEW CASTLE, DE 19720
PHONE: 302-395-5400 • WWW.NCCDELU.ORG

EST. 05/22/2020

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JOB LOCATION

Tax Parcel Number (10-15 digits) _____

No. _____ Street _____ Zoning _____

Description of Property _____

IDENTIFICATION

Applicant Name _____ Phone # (____) - ____ - _____
Street _____ City _____ State _____

Applicant Signature _____ Email _____

Property Owner Name _____ Phone # (____) - ____ - _____
Street _____ City _____ State _____

I, the undersigned, give permission to the above-named applicant to use this property for the purpose indicated below.

Owner Signature _____ Date ____/____/____

Separate written acknowledgement provided by Property Owner

Type of Event (e.g.: Temporary Outdoor Seating) _____

Please check all items that apply:

Tent(s)* Quantity: _____ Size: _____ * Provide Flame Retardant Certification

Parking Spaces Temporarily Eliminated No. of Spaces _____

Food Preparation/Service (Requires Office of Food Protection Approval)

Hours of Operation _____

Dates of Operation From ____/____/____ to ____/____/____ (Maximum of 84 days)

Sq. Ft. of Temp. Outdoor Seating _____ Sq. Ft. of Existing Restaurant Space Unoccupied _____

❖ Attach a copy of a site plan (existing Record plan or Survey) showing all highway entrances, buildings, parking spaces and rights-of-way. Please indicate size and location of any structures such as tents, tables, stands and the like. Also include square footage of temporary outdoor space and unoccupied interior space resulting from Economic Reopening Guidelines.

Completed request shall be emailed to Eva Grier at Eva.Grier@newcastlede.gov. Please include “Temporary Outdoor Seating” in the subject line so we can assure these requests get expedited. Request can also be dropped off or mailed to the Department of Land Use, 87 Reads Way, New Castle, DE 19720 along with a check for \$205. For general questions, please email landuse@newcastlede.gov or call (302) 395-5400.

OFFICE USE ONLY

Fire Marshal Approval or Waiver

Check / Payment Received (\$205.00)

Issued Date _____ Permit Number _____