



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

REV. 08/26/2020

In accordance with Section 40.03.329 of the Unified Development Code (UDC), any lawfully existing commercial use shall be permitted to display and sell its merchandise and serve food or beverage outdoors. Conditions of this approval are outlined below.

Note: Temporary Commercial Outdoor Sales, Restaurant Seating and Craft Alcohol Production Establishment (CAPE) permit requests cannot be processed through ePlans. (please see submission details below)

The following limited conditions shall apply as defined in the Unified Development Code:

- ❖ Owners must obtain a limited use permit for all such temporary uses. The permit shall be valid for no more than one hundred twenty (120) consecutive days and is renewable. Permits may be revoked at the discretion of the Department based on any applicable State of Emergency, and shall not exceed any timeframes set forth by other regulatory agencies.
- ❖ No display, sales, seating or parking is permitted in any street right-of-way unless approved by DeIDOT. In addition, no display, sales, seating or parking shall obstruct pedestrian or vehicular traffic.
- ❖ All temporary structures associated with display, sales, dining areas shall comply with the minimum required yard setbacks for the zoning district in which the commercial temporary outdoor use is being proposed.

Documents Required by New Castle County

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

- Temporary Commercial Outdoor Sales, Restaurant Seating and CAPE 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. In the event that a comprehensive review is required, additional fees aside from those listed below may be required.
- 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 temporary use 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). DeIDOT – 302-326-4679
- Board of Health Approval**, *Only Required* if a food preparation and/or service area is proposed – 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 the Permits Section at Permits@newcastlede.gov. 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.



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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 120 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, if applicable.

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OFFICE USE ONLY

- Fire Marshal Approval or Waiver
- Check / Payment Received (\$205.00)

Issued Date _____

Permit Number _____