

Outdoor Sales and Services

(Ordinance 20-070)

New Castle County Land Use Committee



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Department of Land Use

Combating COVID-19 in Delaware

Stay at Home: March 12- May 31

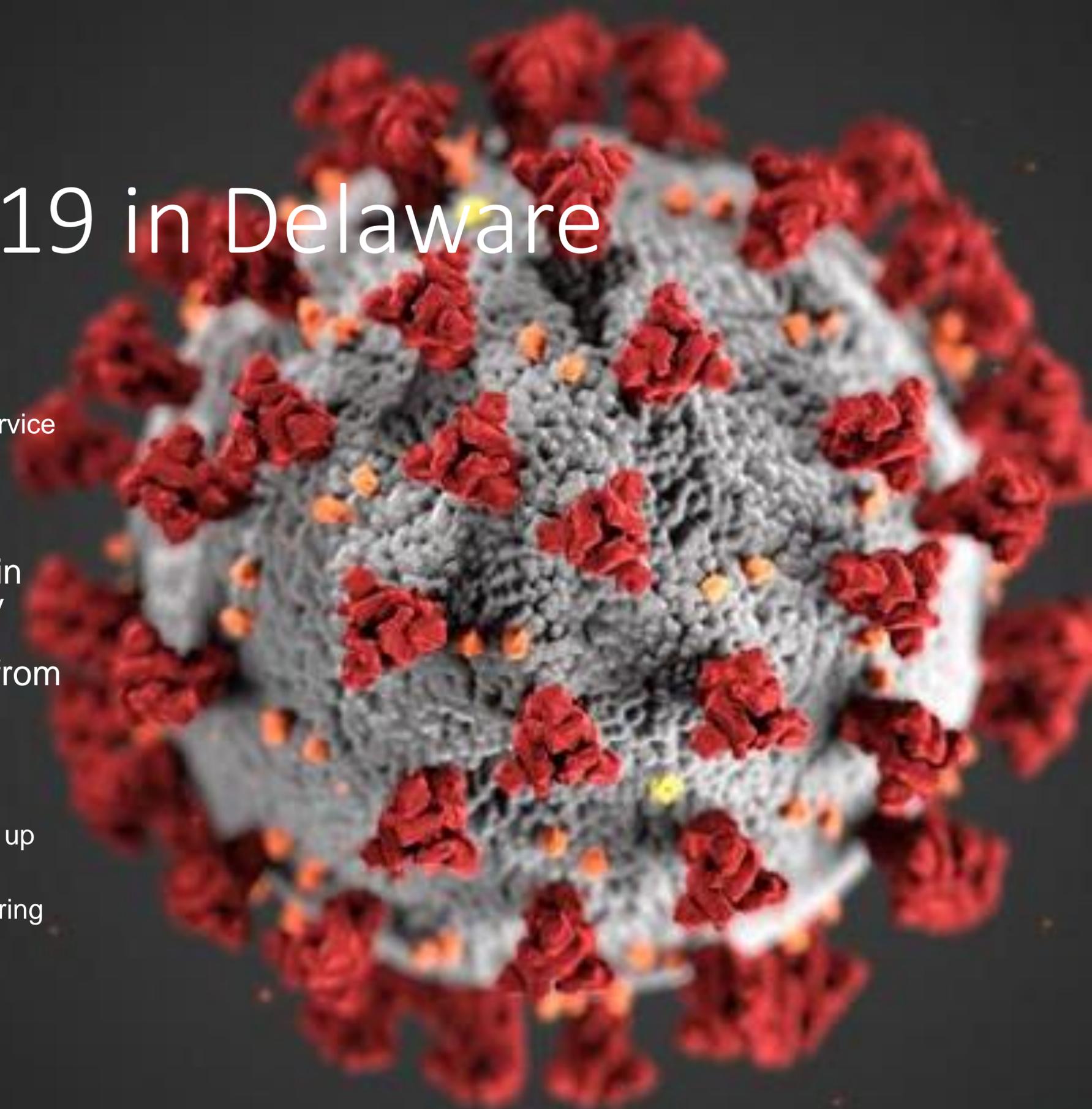
- Restricted restaurants to “only provide food and beverage service through take-out, drive through and off premises delivery”

Phase I: June 1- June 14

- This permitted restaurants to serve patrons within the facility, up to 30% of the fire code occupancy
- All tables must be located no closer than 6 feet from neighboring tables.

Phase II: June 15 → Today

- This permitted restaurants to serve patrons within the facility, up to 60% of the fire code occupancy
- All tables must be located no closer than 6 feet from neighboring tables.



Moving Forward

- Restaurants face an uphill battle if they are permitted to serve 30-60% of their total capacity
- There is no guarantee that moving forward that COVID-19 numbers will continue along current trends into the fall and thereafter.
- Additional flexibility for Commercial Temporary Outdoor Sales may provide additional needed capacity.



Current UDC Provisions

Commercial Temporary Outdoor Sales

1. Outdoor sales shall be permitted only four (4) times a year. Owners must obtain a limited use permit for all such temporary outdoor sales before the use is permitted. The permit shall be valid for no more than seven (7) consecutive days.
2. No display, sales or parking is permitted in any street right-of-way. In addition, no display, sales or parking shall obstruct pedestrian or vehicular traffic, except as permitted in Subsection A.4.
3. All display areas or temporary structures shall comply with the minimum required yard setbacks for the zoning district in which the commercial temporary outdoor sale is being proposed.
4. No more than ten (10) percent of the required parking area for the existing commercial use may be used for the temporary outdoor sales.



Ordinance 20-070

1. Removes the restriction for Temporary Sales to occur only 4 times per year.
2. Extends the period for each permit from 7 to 30 consecutive days.
3. Permits seating in right-of-way areas with DeIDOT's permission.



Substitute No. 1 to Ordinance 20-070

Extends the period for each permit from 7 to 120 consecutive days addressing the condition of the Department of Land Use and Planning Board



Standards for Text Amendment

(Section 40.31.420)

- A. Implementation of a new portion of the Comprehensive Development Plan.
- B. Implementation and achievement of the Comprehensive Development Plan's goals and objectives.
- C. Consistency with the provisions of this Chapter and standards for similar uses.
- D. Necessity to respond to State and/or federal legislation.
- E. Flexibility in meeting the objectives of this Chapter.
- F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.
- G. Consideration of specific problems found in this Chapter.



DEPARTMENT OF LAND USE & PLANNING BOARD RECOMMENDATION

The Department & Planning Board considered the *Standards for Text Amendment* in Section 40.31.420 of the *New Castle County Code* and comments received from the public and other agencies. Based on this analysis, the Department and Planning Board recommended **CONDITIONAL APPROVAL** of Ordinance 20-070 with the condition that County Council consider extending the permit duration to 120 days.