



# TOWN OF DEWEY BEACH

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William H. Rutherford  
Town Manager

## ORDINANCE NO. 376

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DEWEY BEACH AND TO APPROVE AS A CONDITIONAL USE THE APPLICATION OF PATRICIA AND THOMAS DERRICK FOR PROPERTY IDENTIFIED AS 1818 HIGHWAY ONE, DEWEY BEACH, SUSSEX COUNTY, DELAWARE, BEING SUSSEX COUNTY TAX PARCEL NO. 3-34 20.18 149.00, AS AN EATERY**

WHEREAS, Chapter 2, Section 2 of the Dewey Beach Municipal Code provides a definition and conditions of approval for an eatery; and

WHEREAS, in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach, it is appropriate to approve the Conditional Use application and to place reasonable conditions on operations thereat;

**NOW THEREFORE;**

**BE IT ENACTED AND ORDAINED,** by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware that:


**Section 1.** The above-captioned application of Patricia and Thomas Derrick as a Conditional Use for an eatery is hereby granted with the following conditions:

1. The conditions set forth in Section 2 of Chapter 2 of the Dewey Beach Code are incorporated herein.
2. Seating in the interior area shall be limited to a maximum of 35 patrons and hours of operation are 5:30 AM to 1:00 AM.
3. No outdoor speakers shall be permitted.
4. Alcoholic beverages shall not be served.
5. A minimum of one (1) handicapped unisex restroom shall be provided. Said restroom shall have unimpeded access directly from the public area of the eatery and not through the food preparation area or storage area. Portable toilets are prohibited.
6. No exterior deck or service area is permitted.
7. All State regulatory agency's requirements and regulations shall be complied with by the licensee, and licensee shall operate at his own risk of violating any State regulation that is not incorporated into this approval.

Section 2. The Commissioners' Findings Of Fact which support this application are as follows:

1. After hearing all of the evidence, it is the opinion of the Commissioners that the Conditional Use is appropriate, that the proposed use of an eatery to serve candy and assorted food products shall be in conformity with the surrounding community and shall not detrimentally affect the property values of surrounding property owners and that the conditions associated with the approval shall protect the convenience and welfare of the community, surrounding property owners, and the Town of Dewey Beach citizens.

Ordained and enacted into law this  
11th day July, 1997.

  
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Robert G. Frederick, Mayor

  
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William Rutherford, Town Manager