



# TOWN OF DEWEY

## BEACH

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### ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO EXPAND AN EXISTING CONDITIONAL USE FOR THE PROPERTY LOCATED AT 1818 COASTAL HIGHWAY, DEWEY BEACH, DE, FORMALLY KNOWN AS MAP 20.18 PARCEL 149.00, LOCATED IN ZONING DISTRICT RB-2, SOUTH OF BELLEVUE ST. AND NORTH OF DAGSWORTHY AVE. PURSUANT TO SECTION 25D(1) OF CHAPTER 185 AND IN ACCORDANCE WITH THE DEFINITION AND REQUIREMENTS OF A RESTAURANT IN CHAPTER 144, SECTION 6, AND WITHOUT LIMITATION AS TO THE TYPE OF ALCOHOLIC BEVERAGES TO BE SERVED**

**WHEREAS**, on the 21<sup>st</sup> day of October, a Special Town Commissioners Meeting was held, after proper notification, resulting in a referral to the Planning Commission for a recommendation concerning an application of an expansion of a conditional use in the RB-2 Resort Business District for a restaurant, filed Steve Montgomery, an authorized member of Starboard Claw Land Company, LLC, located at 1818 Coastal Highway in Dewey Beach, Delaware being part of Sussex County Tax District Map 20.18 Parcel 149.00.

**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 for an expansion of a Conditional Use from Starboard Claw Land Co, LLC. of 1818 Coastal Highway in Dewey Beach, Delaware to establish a restaurant as shown on a preliminary site plan, is hereby approved, and the adoption of this Ordinance subject to the following terms and conditions:

- (1) Hours of operations shall not be earlier than 7:00 a.m. and no later than 1:00 a.m.
- {2} There shall be no loud speakers or amplifiers on the exterior of the building.
- (3) The requirements of Chapter 144, Restaurants, shall be complied with by the Restaurant at all times.
- (4) A final floor and final Site plan shall be submitted and complied with at all times.

(5) Applicant shall apply for and comply with a Certificate of Compliance as provided in Chapter 144, Restaurants, prior to commencement of operations.

(6) Applicant shall acquire all necessary licenses from the Town of Dewey Beach and the State of Delaware. All State health and regulatory agency requirements and regulations, including the State Fire Marshal, shall be complied with by the licensee, and licensee shall operate at its own risk of violation and State regulation that is not incorporated into the approval.

(7) There shall be trash receptacles placed at the premises by the proprietor in compliance with the Dewey Beach Code.

(8) A waiver of 17 off-street parking spaces is granted.

(9) This Conditional Use will be extended to cover the entirety of the parcels that are currently known separately as TMP 334-20.18 149.00, and 334-20.18-150.00 once the two parcels are combined.

**Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

**ORDAINED AND ENACTED into law this \_\_\_\_\_st day of \_\_\_\_\_ 2021.**

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**William Stevens, Mayor**

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**Bill Zolper, Town Manager**