

ORDINANCE NO. _____

An Ordinance to Amend a Conditional Use Permit and amend its Restaurant Permit of Compliance to expand the patron area for Dewey Beach Country Club located at 1705 Coastal Highway, Dewey Beach, DE, 19971, pursuant to Section 25D(1)(A)(1) of Chapter 185 and in accordance with the definition and requirements of a restaurant in Chapter 144, Section 6. The subject parcel of land is north of McKinley Avenue and south of Dagsworthy Avenue, bears Tax Parcel Number 334-20.18-69.00 and lies in the RB-2 Zoning District.

WHEREAS, in May of 2020 the establishment was granted a temporary expansion of premises in accordance with the Governor's then existing State of Emergency related to the Coronavirus pandemic;

WHEREAS, the Applicant seeks an amendment of its Conditional Use Permit to permanently expand its patron area to continue providing patron service as granted by the town in May 2020;

WHEREAS, on the 19th day of August 2022, a Public Hearing was held, after proper notice, before the Town Commissioners who determined, based upon the record established at the hearing that the proposed use promotes the health safety and welfare of the present and future inhabitants of Dewey Beach, and that it is appropriate to provide for the requested expansion of an existing Conditional Use;

WHEREAS, 185-25D(1) provides for the use of a restaurant, with or without an ABCC license, in a RB-2 zoning district when, in the determination of the Commissioners, the application is in accordance with the provisions of 144-4B (1) through (5);

WHEREAS, the above-referenced requirements of Dewey Beach Country Club have been proven by credible evidence presented by the Applicant to have been met.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of Town of Dewey Beach, Delaware that:

The Applicant's request for an amendment of its conditional use permit allowing the expansion of its patron area to include the outside service area depicted in its application submission is approved as follows:

1. The Applicant will ensure the improvement is entirely on the property of map 334-20.18 parcel 69.00.
2. The Applicant will continue to comply with all existing Conditions associated with their establishment as set forth in Ordinance 720 and Ordinance 422.
3. The Applicant's existing certificate of compliance issued pursuant to Chapter 144 of the Code of Ordinances of the Town of Dewey Beach is hereby amended accordingly.
4. All authorizations contained herein are subject to and conditioned upon compliance with applicable state law and relevant state agency approvals.

The Commissioners declare that the adoption of this Ordinance is an appropriate legislative action based upon the record established during the public hearing process. The application meets the requirements applicable to a Restaurant; adequate safeguards have been utilized by the applicant to provide safe access to the facility for customers. The conditions which have been carefully drafted as a result of input from the Applicant, interested members of the community, legal counsel and the Commissioners shall assure the health, safety and welfare of the present and future inhabitants and visitors of Dewey Beach shall be protected and the purpose and goals of the RB-2 zoning district are preserved and enhanced.

ORDAINED AND ENACTED IN LAW THIS ____ DAY OF _____, 2022.

WILLIAM STEVENS, MAYOR

BILL ZOLPER, TOWN MANAGER