

**ORDINANCE NO. \_\_\_\_\_**

An Ordinance regarding a Conditional Use Permit application and an application for Restaurant Permit of Compliance to construct and operate a new restaurant to be located at 1509 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 adjoins Coastal Highway and Read Ave, bears Tax Parcel Number 334-20.18-116.00 and lies in the RB-2 Zoning District.

**WHEREAS**, on the 19<sup>th</sup> day of August , a public hearing was duly held, after proper notification, for a Conditional Use in a RB-2 (Resort Business) District for a Restaurant, filed by Mr. Jeff Gosnear, authorized agent of Grotto Pizza Inc, located on Coastal Highway, Dewey Beach, DE, being part of Sussex County Tax Map 334-20.18 Parcel 116.00 pursuant to Subsection 25D(1)(a)[1] of Chapter 185 and in accordance with the definition and requirements of a Restaurant in Chapter 144;

**WHEREAS**, Chapter 185, Section 25D(1)(a)[1], Conditional Uses in a Resort Business District, provides for the Conditional Use of a Restaurant with an ABCC license in the RB – 2 Resort Business District when, in the determination of the Commissioners, the application meets the provisions of Chapter 185, Subsection 25D(1)(a)[1] and Chapter 144.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of Town of Dewey Beach, Delaware that the above captioned Conditional Use Application of Grotto Pizza Inc for the establishment of a restaurant as shown by the Preliminary Site Plan is hereby approved subject to the following terms and conditions:

1. The requirements of Chapter 144, Restaurants, shall be complied with by the Restaurant at all times.
2. A final floor and final site plan shall be submitted and complied with at all times.
3. Applicant applied for and will comply with the Certificate of Compliance as provided in Chapter 144, Restaurants.
4. 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 violating and State regulation that is not incorporated into this approval.
5. There shall be trash receptacles placed at the premises by the proprietor in compliance with the Dewey Beach Town Code.
6. All exterior slider doors are to be closed on or before 11pm each business day.

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.

**Section 2.** If any provision 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 adoption by the Commissioners of the Town of Dewey Beach.

**ORDAINED AND ENACTED IN LAW THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

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**WILLIAM STEVENS, MAYOR**

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**BILL ZOLPER, TOWN MANAGER**