

RESOLUTION NO. 116

A RESOLUTION TO APPROVE A SPECIAL EXCEPTION TO ALLOW A THREE (3) DAY EXPANSION OF PERMISES FOR THE GRAND OPENING OF JIMMY'S GRILLE LOCATED ON HIGHWAY-ONE AND BELLEVUE STREET IN DEWEY BEACH DELAWARE

WHEREAS, Stephen W. Spence of Phillips, Goldman & Spence, P.A. has requested on behalf of Jimmy's Grille an approval for a permit authorizing a three (3) day special event expansion of the restaurant premises in a 50 ft x 40 ft area in the parking lot next to the restaurant, and to allow one portable bar, and to allow additional temporary seating for forty patrons; and

WHEREAS, Chapter 185, Table 3, Uses in Resort Business Districts, of the Town of Dewey Beach Zoning Code provides for the following Special Exception in the Resort Business Districts:

Temporary expansion of patron area into the parking lot for special events; provided that such expanded patron area shall not encompass more than 2,000 square feet and such expanded patron area shall not be used before 8:00 am and after 8:00 pm between May 15 and September 15, and a special exception for such expanded patron area shall not be permitted more than twice per calendar year. (Subject to the above described limitations, permits may be approved by the Town Commissioners following a public hearing for special events requiring such expanded patron area for a period of three days or less.)

WHEREAS, a public hearing on the request for a special exception was conducted on May 8, 2009.

NOW, THEREFORE, BE IT RESOVED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS 8th DAY OF MAY, 2009, THAT:

Section 1. Assuming Jimmy's Grille has finished construction and obtains all of its operating permits by Memorial Day weekend, Jimmy's Grille is hereby granted a Special Exception permitting it to hold a grand opening celebration ("special event") on Friday, May 22, Saturday, May 23 and Sunday, May 24, 2009.

Section 2. Jimmy's Grille is permitted to expand the patron area in a 50 ft x 40 ft (2000 sf) area of the parking lot during the special event.

Section 3. Subject to the approval of the Alcoholic Beverage Control Commissioner, Jimmy's Grille is allowed one portable bar in the expanded premises during the special event.

Section 4. Jimmy's Grille is permitted to have additional temporary seating for up to forty patrons in the expanded premises during the special event.

Section 5. The expanded premises area shall not open before 11:00 a.m., and shall close no later than 11:00 p.m. during the special event.

Section 6. Jimmy's Grille shall provide security during the special event.

Section 7. If any provision of this Resolution 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 Resolution which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Resolution are hereby declared to be severable.

Section 8. This Resolution shall become effective immediately upon adoption May 8, 2009 by a majority of the Commissioners of the Town of Dewey Beach.

Mayor Dell Tush

Town Manager Gordon E. Elliott