

**Attachment A**

**Restaurant, with or without an ABCC license**

A commercial establishment whose primary activity is the service of complete meals from a representative menu subject to the following requirements (as per Chapter 185-25.D(1)(a)[1] of the Town Code).

- a. Seated dining for thirty-five (35) or more patrons must be provided.
- b. A minimum of 80% of the patron area, exclusive of kitchens, storage areas, offices, outside service areas and restrooms, must be permanently committed to seated dining, and said seating areas may not be altered, moved or removed.
- c. A maximum of 20% of the patron area, exclusive of kitchens, storage areas, offices, outside service areas and restrooms, may be designated as bar area where seated and stand-up consumption of alcoholic beverages by patrons is permitted.
- d. In the area designated for seated food service, alcoholic beverages shall only be served to dining patrons.
- e. No stand-up consumption of alcoholic beverages in the area designated for seated food service is permitted.
- f. All tables and chairs shall be maintained in the configuration shown in the approved conditional use application.
- g. If the bar area is separated from the dining area by walls or partitions, the number of patrons in the bar area cannot exceed the Fire Marshal occupancy limit for that area.
- h. Kitchen facilities shall be under the direction of a chef or cook.

**Outside Service Area (as per Section 1-16 of the Town Code)**

A porch, patio, deck or area of land which is not within the permanent outside walls of a restaurant or eatery, which is used for seated dining only, and provided that there be no stand-up consumption of alcoholic beverages, that there shall be no external speakers or amplifiers on the patio, that no internal speakers from the premises are to be directed to the outside service area and that the area shall be cleared of patrons by 11:00pm.

**Applicant's Statement (please complete ONE):**

- I. The (name of business): \_\_\_\_\_ is in compliance with all the above provisions and is applying for a Dewey Beach business license as a conforming restaurant. The Fire Marshal occupancy limit is: \_\_\_\_\_.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- II. The (name of business): \_\_\_\_\_ is in NOT in compliance with all the above provisions, but was in existence prior to April 11, 1992 and is applying for a Dewey Beach business license to continue operations as a nonconforming ("grandfathered") facility as per Chapter 185-25(1)(c) of the Town Code. The Fire Marshal occupancy limit: \_\_\_\_\_.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment B**

**Eatery (as per Section 1-16 of the Town Code)**

A commercial enterprise located within a building or portion thereof set aside for the preparation and carry-out sale and/or eat-in service of food and beverages, excluding alcoholic beverages, and which has been approved by the Town Commissioners as a conditional use pursuant to Chapter 185 § 185-25D(1)(a)[4] of the Town Code:

- a. Alcoholic beverages shall not be served, nor shall foods containing or infused with alcohol be served.
- b. If indoor seating is provided, it shall be limited to a maximum of thirty-five (35) patrons.
- c. A minimum of one handicap 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.
- d. If outdoor or unenclosed tables or chairs are provided by the eatery, the hours of operation of the outdoor or unenclosed area shall not extend beyond 11:00pm.
- e. Outside loud speakers for the amplification of sound shall not be permitted.
- f. Portable toilets are prohibited.
- g. Hours of operation shall not be earlier than 6:00am and not after 1:00am.

**Applicant's Statement (please complete ONE):**

- I. The \_\_\_\_\_ is in compliance with all the above provisions and is applying for a Dewey Beach business license as an Eatery. The Fire Marshal occupancy limit is: \_\_\_\_\_.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- II. The \_\_\_\_\_ was properly licensed for business in Dewey Beach prior to April 10, 1997, has been properly licensed every year since 1997, and is applying for a Dewey Beach business license to continue operations as a nonconforming eatery. The Fire Marshal occupancy limit is: \_\_\_\_\_.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_