

DRAFT Ordinance No.

AN ORDINANCE TO ADD AN EXPANSION OF OUTDOOR SEATING IN AN EXISTING EATERY BUSINESS KNOWN AS MAMA MARIA'S, IN THE RB-2 ZONING DISTRICT LOCATED AT 1608 COASTAL HIGHWAY, DEWEY BEACH, DE. 19971, FORMALLY KNOWN AS TAX MAP 334-2`0.18 PARCEL 189.00.

WHEREAS, a Conditional Use application has been filed for outdoor seating for twelve (12) seats (six (6) two top tables) at an existing conforming restaurant, Mama Maria's, in a RB-2 Zoning District located at 1608 Coastal Highway and McKinley Street, Dewey Beach, DE, being tax map 334-20.18 parcel 237.00 pursuant to §185-73 of the Code of the Town of Dewey Beach; and

WHEREAS, on the 8TH day of December, 2018, 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 request should be reviewed by the Planning and Zoning Commission; and

WHEREAS, § 185-25D(1) provides for the use of a restaurant, with or without an ABCC license, in a RB2 zoning district when, in the determination of the Commissioners, the application is in accordance with the provisions of §144-4(1) through (5); and

WHEREAS, the above referenced requirements of Mama Maria's 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 the Town of Dewey Beach, Delaware that:

The above-referenced outdoor seating expansion of applicant's request is hereby approved as follows and with the following attached conditions:

1. The requirements of the applicant's above conditional use approval shall be complied with by the restaurant at all times.

The Commissioners declare that the adoption of this Ordinance is an appropriate legislative action based upon the following findings of fact and 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 that 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 RB2 zoning district are preserved and enhanced.

ORDAINED AND ENACTED IN LAW THIS ___**TH** DAY OF _____, **2019**

TJ REDEFER, MAYOR

SCOTT KOENIG, TOWN MANAGER