TOWN OF DEWEY BEACH

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ORDINANCE NO. 352

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DEWEY BEACH AND TO APPROVE AS A CONDITIONAL USE THE APPLICATION OF DARIUS MANSOORY FOR PROPERTY IDENTIFIED AS UNIT NO. 4, 1703 HIGHWAY ONE, DEWEY BEACH, SUSSEX COUNTY, DELAWARE, BEING SUSSEX COUNTY TAX PARCEL NO. 3-34 20.18 70.00, AS AN EATERY

WHEREAS, Chapter 2, Section 2 of the Dewey Beach Municipal Code provides a definition and conditions of approval for an eatery; and

WHEREAS, in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach, it is appropriate to approve the Conditional Use application and to place reasonable conditions on operations thereat;

NOW THEREFORE;

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

Section 1. The application of Darius Mansoory for property identified as Unit No. 4, 1703 Highway One, Dewey Beach, Sussex County, Delaware, being Sussex County Tax Parcel No. 3-34 20.18 70.00, as a Conditional Use for an eatery is hereby granted with the following conditions:

1. The conditions set forth in the Section 2 of Chapter 2 of the Dewey Beach Code are incorporated herein.
2. Seating in the interior area shall be limited to a maximum of 35 patrons and hours of operation are 7 AM to 1:00 AM.
3. No outdoor speakers shall be permitted.
4. There shall be unimpeded access to the existing restroom.
5. No alcoholic beverage shall be served or consumed on the premises.
6. No exterior deck or service area is permitted at this time and until the applicant reapplies for a Conditional Use permit for exterior areas.
7. All State regulatory agency's requirements and regulations shall be complied with by the licensee, and licensee shall operate at his own risk of violating any State regulation that is not incorporated into this approval.

Section 2. The Commissioners' Findings Of Fact which support this application are as follows:

1. The applicant testified that the exterior eight by eight

foot wide deck was an appropriate area for customers who prefer to drink the gourmet coffees and eat the bagels which applicant intends to serve. However, applicant had insufficient information regarding the width of the front yard area and the specific area of service at the time of the public hearing. Generally, the gourmet coffee house will serve approximately 15 seated customers and will serve take-out from the interior area. Three other witnesses generally testified that the proposed use would not be out of character with the surrounding community and that the business was desirable to the image of Dewey Beach.

2. After hearing all of the evidence, it is the opinion of the Commissioners that the Conditional Use is appropriate, that the proposed use shall be in conformity with the surrounding community and shall not detrimentally affect the property values of surrounding property owners and that the conditions associated with the approval shall protect the convenience and welfare of the community, surrounding property owners, and the Town of Dewey Beach citizens.

3. For reasons that the applicant had insufficient information regarding the exterior deck area, the exterior portion of the application is deferred until sufficient information is acquired by the applicant, at which time applicant may re-apply with the payment of the Town's expenses of readvertising the application for the exterior portion.

Ordained and enacted into law this
14th day June, 1996.

Robert G. Frederick

Robert G. Frederick, Mayor

William Rutherford, Town Manager