



## ORDINANCE NO. 840

**AN ORDINANCE TO AMEND A CONDITIONAL USE AND RESTAURANT PERMIT OF COMPLIANCE TO EXPAND THE EXISTING RESTAURANT, NALU, LOCATED AT 1308 COASTAL HIGHWAY, DEWEY BEACH DE, FORMALLY KNOWN AS MAP 334-23.06 PARCEL 20.00, LOCATED IN ZONING DISTRICT RB-2, SOUTH OF DICKINSON AVE AND NORTH OF VAN DYKE AVE. PURSUANT TO SECTION 25D(I) OF CHAPTER 185 AND IN ACCORDANCE WITH THE DEFINITION AND REQUIREMENTS OF A RESTAURANT IN CHAPTER 144, SECTION 6.**

**WHEREAS**, the Applicant was granted by the town an amendment of a Conditional Use Permit to expand the existing restaurant in September of 2019; and

**WHEREAS**, Nalu, LLC wishes to expand its restaurant in accordance with the attached site plan prepared by Foresight Services on April 3, 2024; and

**WHEREAS**, on the 27<sup>th</sup> day of June 2024, a Planning Commission meeting and public hearing was held, after proper notification, resulting in a recommendation to allow the expansion of Nalu as depicted in the site plan and in accordance with the conditions set forth below.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

**Section 1.** The Conditional Use Permit for Nalu restaurant be amended in accordance with the architectural drawing attached hereto and incorporated herein as though restated in full;

FURTHER, the outside deck areas are to be closed to all persons, including staff and patrons, after 11:00pm; and

FURTHER, all windows are to be closed at 11:00pm; and

FURTHER, all doors are to be kept closed and not opened after 11:00pm, with the exception of the egress doors located at the east side and northwest corner of the premises. The egress doors may not be propped open after 11:00pm, but may be used by patrons or staff to enter or exit; and

FURTHER, the building is to be fully enclosed with permanent insulated walls, double-paned glass windows, and double-paned glass doors; and

FURTHER, all speakers throughout the premises utilized for amplified sound, whether permanent or temporary for an event, must be placed in a location and pointed in a direction approved by the Dewey Beach Building Official. The location of the speakers shall not face, either fully or partially, toward the exterior of the premises; and

FURTHER, that any and all terms and conditions set forth in the previous conditional use permits not expressly conflicting herewith remain in full force and effect; and

FURTHER, that this conditional use approval shall terminate if the primary business of the restaurant can no longer be accurately described as a restaurant with outside service area. Under such circumstances, continued operations at this location shall require a new conditional use approval. Additionally, any change in location shall require a new conditional use approval.

**Section 2. Severability.** 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 approval by the Town Council. Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on July 19, 2024.

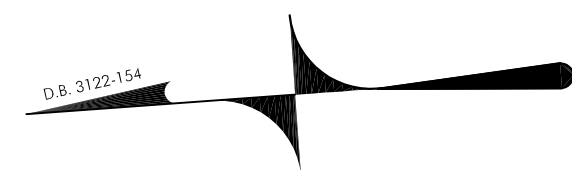
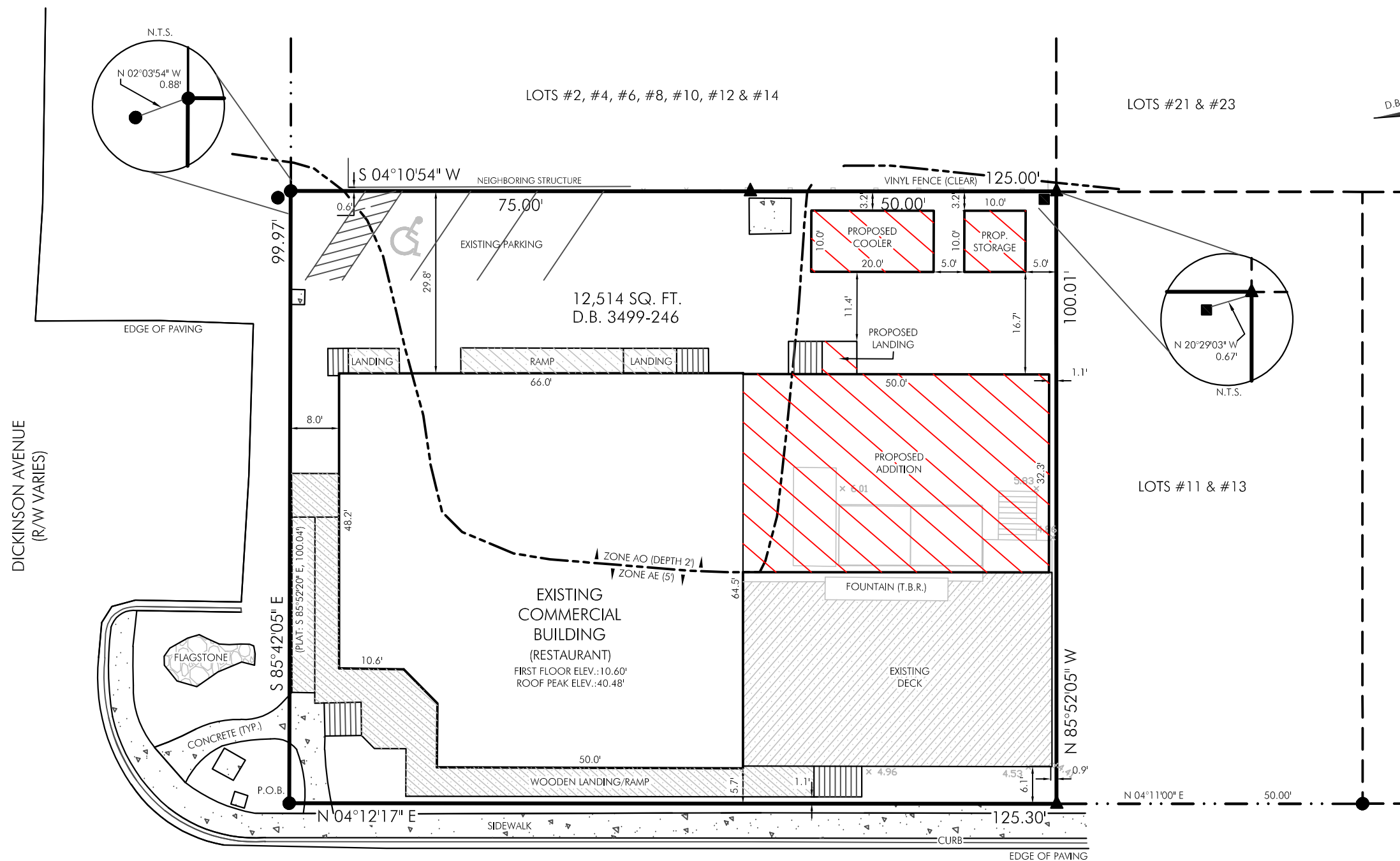


William Stevens, Mayor



Bill Zolper, Town Manager

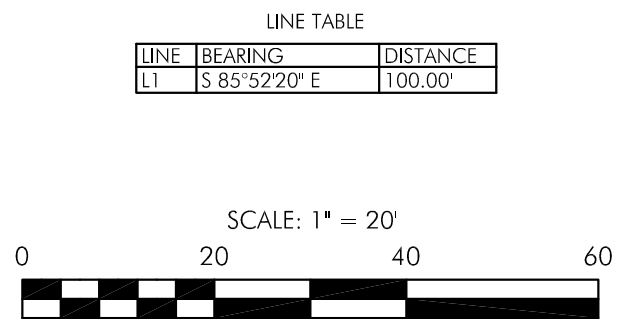
# PLANS



- LEGEND:**
- ▲ IRON ROD (FOUND)
  - IRON PIPE (FOUND)
  - CONCRETE MONUMENT (FOUND)
  - POINT
  - × 0.00 ELEVATION SPOT SHOT (NAVD 88)

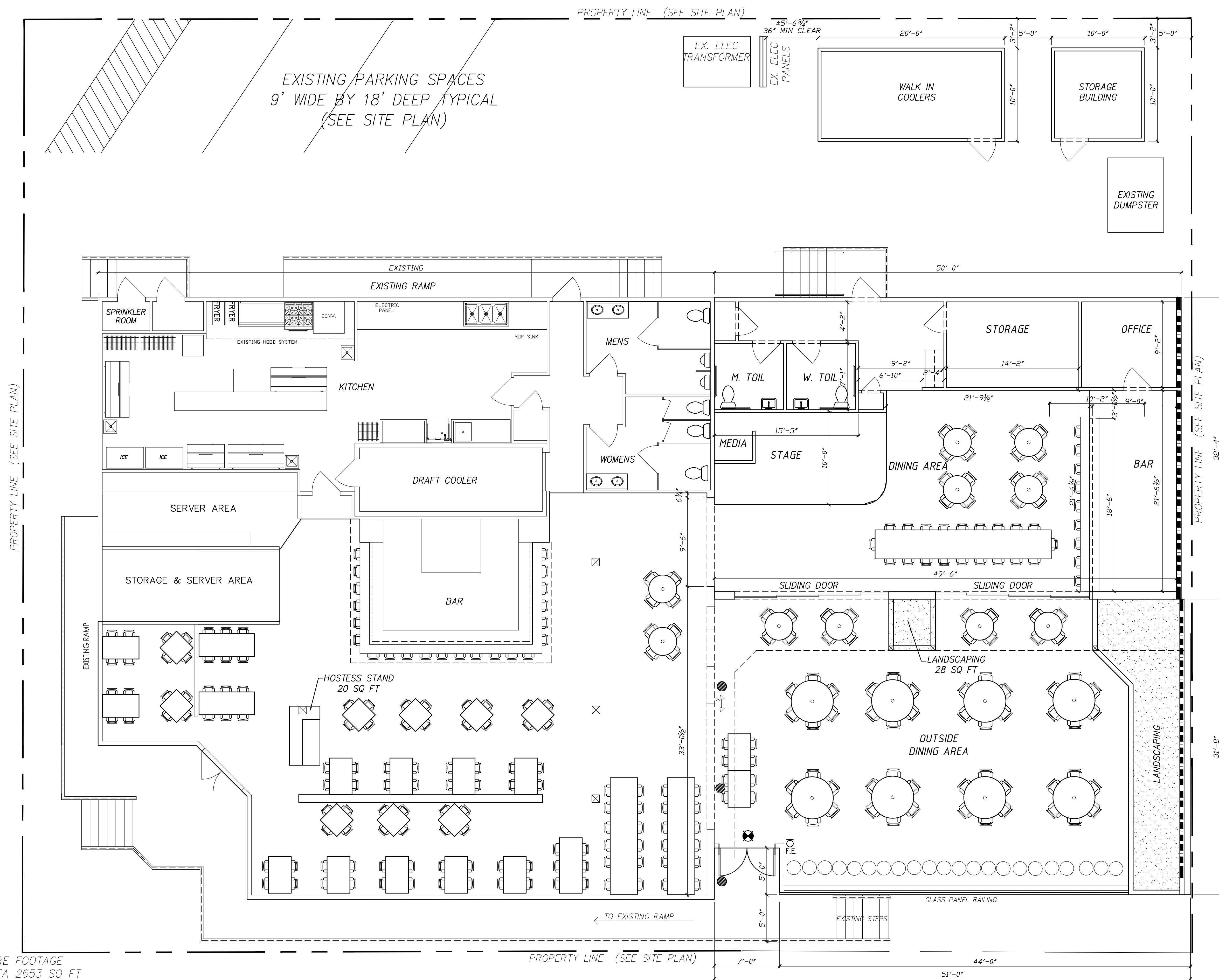
PROPOSED CONDITIONS SITE PLAN  
**NALU LLC.**  
 TOTAL AREA: 12,514 SQ. FT.  
 REFERENCE: DEED BOOK: 3122-154  
 TOWN OF DEWEY BEACH

**NOTES:**  
 THESE PARCELS ARE IN FLOOD ZONES: AO (DEPTH 2) & AE (5' B.F.E.) F.I.R.M.: 10005C0354K, MARCH 16, 2015  
 VERTICAL DATUM: NAVD 88  
 ZONING: RB-2 - RESORT BUSINESS  
 ALL RESTRICTIONS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL THE TOWN OF DEWEY BEACH.  
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.  
 NO TITLE SEARCH PROVIDED OR STIPULATED.  
 SURVEY CLASS: SUBURBAN



SUBDIVISION: LOTS #1, #3, #5, #7, & #9 BLOCK 6 OF " THE TOWN OF DEWEY BEACH"		MARCH 26, 2020*	
HUNDRED: LEWES & REHOBOTH	COUNTY: SUSSEX		
STATE: DELAWARE	DRAWN BY: D.M.S.		
REF.: D.B. 3122-154	DWG. NO.: 334-2306-35	SURVEY CLASS: SUBURBAN	
DATE	REVISION	Prepared by: <b>FORESIGHT</b> Services Surveying & Precision Measurement	
3/30/2020	LOCATED FREEZER/FRIDGE	302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971	
4/3/2024	PROPOSED ADDITION		

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BUILDING SQUARE FOOTAGE  
 INDOOR DINING AREA 2653 SQ FT  
 OUTDOOR DINING AREA 1339 SQ FT  
 TOTAL DINING AREA 3,992 SQ FT

EXISTING KITCHEN, RESTROOMS & SERVICE AREA 1822 SQ FT  
 ADDITION RESTROOMS & SERVICE AREA 912 SQ FT  
 TOTAL SERVICE & RESTROOM AREA 2,734 SQ FT  
 ADDITIONAL LANDSCAPING AREA 201 SQ FT

## FLOOR PLAN

$\frac{3}{16}'' = 1'-0''$

**GENERAL NOTES:**  
 1. PLANS ARE SCHEMATIC ONLY; ACTUAL BUILDING CONSTRUCTION MAY VARY.  
 2. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS, AND DIMENSIONS PRIOR TO PERFORMING THE WORK.  
 3. NOTIFY ARCHITECT OF ANY DISCREPANCIES AND INCONSISTENCIES IN DIMENSIONS AND PLANS PRIOR TO PERFORMING THE WORK.  
 4. DEVIATION FROM THESE DWG'S W/O PRIOR NOTIFICATION OF ARCHITECT WILL VOID CERTIFICATION AND SEAL.

SEAL

REVISIONS	
DATE	REMARKS

ISSUED FOR REVIEW  
5-16-24

**Design Delmarva**  
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RESIDENTIAL - COMMERCIAL - RENOVATION  
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NALU ADDITION  
 1306 COASTAL HIGHWAY  
 DEWEY BEACH DELAWARE  
 FLOOR PLAN

DATE 9-13-23	SHEET NO. A1
FILE	