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ORDINANCE NO.

AN ORDINANCE TO AMEND A CONDITIONAL USE PERMIT TO EXPAND THE PATRON AREA FOR THE STOKE CAFÉ, LOCATED AT 1601 COASTAL HIGHWAY UNIT 104, DEWEY BEACH DE, FORMALLY KNOWN AS MAP 334-20.18 PARCEL 75.00 UNIT 104, LOCATED IN ZONING DISTRICT RB-2, SOUTH OF MCKINLEY AVE AND NORTH OF READ AVE, PURSUANT TO §185-25D(4).

WHEREAS, on August 25, 2026 a Conditional Use permit was granted to Lennon Zuri LLC (The Stoke Café) to operate an eatery at 1601 Coastal Highway Unit 104 in Dewey Beach, Delaware 19971; and

WHEREAS, The Applicant requests an amendment to its Conditional Use Permit to permit additional seating in the exterior area of the establishment; and

WHEREAS, a public notice regarding this matter was posted in the Cape Gazette and a mailing of the notice to surrounding properties was distributed on September 4, 2026.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Delaware that the amendment to the Conditional Use Permit for Lennon Zuri, LLC (The Stoke Café) be hereby approved in accordance with the conditions set forth below:

Section 1. After reviewing the Applicant’s proposal and site plan submissions, the Town of Dewey Beach finds that the location and dimensions of a proposed outside seating area are appropriate, and that public health, safety, morals and general welfare are not adversely affected, and that necessary safeguards will be provided for the protection of the surrounding property, persons and neighborhood values.

Section 2. All conditions and requirements set forth in the previously approved Conditional Use Permit shall remain in full force and effect, except as expressly amended herein.

Section 3. This Conditional Use approval shall be subject to all application provisions of US federal, State of Delaware, Sussex County and Town of Dewey Beach Code of Ordinances as well as the following enumerated conditions:

- 1) The Applicant will ensure the outdoor seating area is entirely on the property of map 334-20.18 parcel 75.00 unit 104, and does not encroach on any state or local streets, sidewalks or rights-of-way.
- 2) The Applicant will continue to comply with all existing conditions associated with their establishment as set forth in Ordinance 882-2026.

- 45 3) Applicant shall maintain compliance with applicable Town Code requirements as set forth
46 in §185-25D(4), as amended.
47
48 4) No live entertainment is permitted in the outdoor patron area.
49
50 5) The Applicant shall maintain cleanliness of the outdoor patron area in accordance with
51 existing zoning code requirements.
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53 6) Any prior conditions that were put on the business will continue.
54

55 **Section 4.** This Conditional-Use Approval shall terminate under conditions in which the ownership
56 and/or control of the EATERY is substantially changed, or if the primary business of the EATERY is
57 no longer accurately described as that of an exclusively carry-out and delivery food operation.
58 Under such circumstances continued operations at this location shall require a new conditional-
59 use approval. Additionally, any change in location shall require a new conditional-use approval.
60

61 **Section 5.** Applicant agrees to abide by all Federal, State, County and Town laws and codes or risk
62 forfeiture of its conditional-use approval. Violation of any condition enumerated in Section 3 herein
63 may be cause for penalties and/or revocation or modification of this conditional-use approval.
64

65 **Section 6.** Severability. If any provision of this Ordinance shall be deemed or held to be invalid or
66 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect
67 any other provision of this Ordinance which may be given effect without such invalid or
68 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to
69 be severable.
70

71 **Section 7.** This Ordinance shall take effect immediately upon its approval by the Town Council.
72 Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on
73 September 19, 2026.
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75
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79 _____
80 William Stevens, Mayor
81

Bill Zolper, Town Manager



Applicant Information

Name of Requestor: Molly Wagner		Date of Request: 8/31/26
Mailing Address (City, State, Zip): 12116 Pimlico lane, Berlin MD 21811		
Phone: 4433662713	Email: thestokeyoc@gmail.com	
Dewey Beach Address: 1601 Coastal Highway Unit 3 & 4		
Property Map: 20.18	Parcel: 75.00	Unit: 104
Business Name: The Stoke		Zoning of Property: RB2

Nature of Request

We are requesting an amendment to our existing Conditional Use approval to allow for a small outdoor seating area consisting of a limited number of bistro-style tables and chairs immediately outside of our café. The purpose of the seating is to provide patrons with a comfortable space to briefly sit and enjoy coffee, breakfast, and other café items purchased from The Stoke.

The outdoor seating will be available during our normal café operating hours and is intended to remain a small, low-impact extension of our café. There will be no outdoor amplified music or entertainment associated with the seating area.

The Stoke will be responsible for maintaining the area and ensuring that it remains clean, orderly, and free of litter. A trash receptacle will be provided during all operating hours, and our staff will routinely monitor and clean the outdoor seating area throughout the day and at closing.

Attach Supporting Documents (Request Description, Reason, etc)

Attach Plot Plan/Sketches:



Payment Information

Conditional Use Application Fee:

USD

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Applicant Signature:

Molly Wagner

Molly Wagner (Jul 27, 2026 15:48:13 EDT)

Date:

8/31/2026

Property Owner Signature:

Date:

Business Owner Signature:

Date:

STAFF USE ONLY

Town Clerk Signature:

(Jul 27)

Kate Banaszak

Date Application Received:

Received 8-31-2026, KLB

Date of Hearing:

Date of Mailing:

