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ORDINANCE NO.

AN ORDINANCE TO AMEND A CONDITIONAL USE PERMIT TO EXPAND THE PATRON AREA FOR THE FROZEN FARMER, LLC, LOCATED AT 1601 COASTAL HIGHWAY UNIT 102, DEWEY BEACH DE, FORMALLY KNOWN AS MAP 334-20.18 PARCEL 75.00 UNIT 102, 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 The Frozen Farmer LLC to operate an eatery at 1601 Coastal Highway Unit 102 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 The Frozen Farmer, LLC 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 102, 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 881-2026.
- 3) Applicant shall maintain compliance with applicable Town Code requirements as set forth in §185-25D(4), as amended.

46
47 4) No live entertainment is permitted in the outdoor patron area.
48

49 5) The Applicant shall maintain cleanliness of the outdoor patron area in accordance with
50 existing zoning code requirements.
51

52 6) Any prior conditions that were put on the business will continue.
53

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

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

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

70 **Section 7.** This Ordinance shall take effect immediately upon its approval by the Town Council.
71 Adopted by a majority vote of all Commissioners of the Town of Dewey Beach on September 19,
72 2026.
73
74
75
76
77

78 _____
79 William Stevens, Mayor
80

Bill Zolper, Town Manager

*** Requestor Full Name**

The Frozen Farmer Dewey

*** Date of Request**

8/31/26

*** Mailing Address (City, State, Zip)**

9843 Seashore Highway
Bridgeville, DE 19933

*** Phone**

3022455525

*** Email**

evansfarmsllc@gmail.com

*** Dewey Beach Address**

1601 Coastal Hwy Ste 102

*** Property Map-Parcel-Unit**

334-20. 18-75.00

*** Zoning District of Property**

Commercial

*** Business Name**

The Frozen Farmer Dewey

*** Nature of Request**

Amend existing Conditional Use approval to permit outdoor customer seating, including tables, chairs, and a decorative cow-shaped seating bench, immediately adjacent to The Frozen Farmer storefront.

Attach Supporting Documents (Request Description, Reason, etc)

Upload Complete: OUTDOOR SEATING 2 DEWEY.jpeg

Attach Plot Plan/Sketches

Upload Complete: OUTDOOR SEATING 1 DEWEY.jpg

Additional Files (If Applicable)

No file chosen

***Applicant Signature**

I hereby affirm that all information provided in this application is true and correct to the best of my knowledge and belief. I understand that incomplete applications may delay the scheduling of a hearing. I further understand that submission of this application does not constitute approval, nor does it guarantee that the requested application will be approved.

Received 8-31-26, KLB

A handwritten signature in black ink, appearing to read "Katey J. Evans", is written on a white rectangular background.

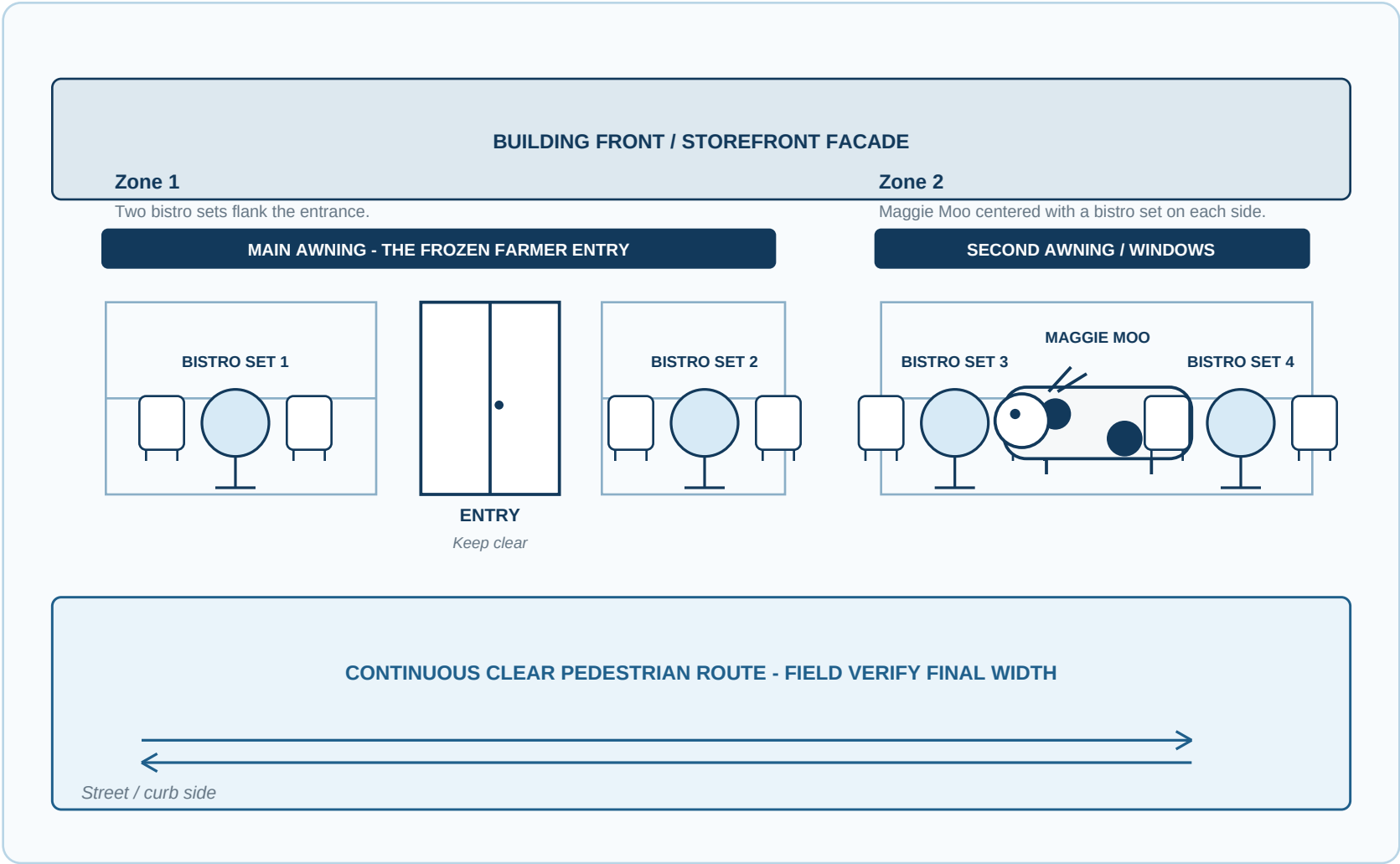
Type your full name to confirm:

Katey J. Evans

THE FROZEN FARMER DEWEY

PROPOSED OUTDOOR SEATING PLAN

Concept plan - not to scale



PLAN KEY

○ Bistro table

□ Folding chair

▭ Maggie Moo

▭ Clear route

PROPOSED FURNISHING

4 bistro tables

8 folding chairs

1 existing cow bench

APPLICATION NOTES

All furniture is proposed to sit close to the facade. Maintain access to entry and an unobstructed pedestrian route at all times. Final placement and clearance to be field verified.