

Review by P&Z: \_\_\_\_\_ 09/10/15  
Public Hearing: \_\_\_\_\_ 09/21/15  
Adopted by Council: \_\_\_\_\_ 09/21/15  
Sponsor: Councilwoman Brown  
Ord. No.: \_\_\_\_\_ 013-15

**AN ORDINANCE TO AMEND APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA BY AMENDING SECTION 5 (“DISTRICT REGULATIONS”), SUBSECTION 10 (“HIGHWAY COMMERCIAL DISTRICT HC”) AND SUBSECTION 9 (“CENTRAL COMMERCIAL DISTRICT CC”) TO CLARIFY THAT BREWERY-PUBS ARE A PERMITTED USE**

WHEREAS, the Town Council of the Town of Smyrna is authorized by 22 Del. C. Chapter 3 and Section 4.2.37 of the Town Charter to enact zoning regulations in the town;

WHEREAS, the Town Council of the Town of Smyrna has enacted zoning regulations in the Town of Smyrna; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, the use of property within the Highway Commercial (HC) District and the Central Commercial (CC) District for brewery-pub establishments is consistent with the intent of those districts, and it is necessary to amend the Town Code to allow brewery-pubs as a permitted use within these districts.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 10 (“Highway commercial district HC”), subsection A (“Permitted uses”) by inserting the following immediately after subsection 10(a) (20) as follows:

(21) Brewery-pub establishments, as defined at 4 Del. C. § 512B, provided that:

- a. All permits and approvals required by the Delaware Alcoholic Beverage Commissioner to operate a brewery-pub are obtained and remain in full force and effect.
- b. All aspects of the brewing process are completely confined within a building, including storage of all materials and finished products.

**Section 2.** Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 9 (“Central commercial district (CC)”), by making insertions as shown by underline and deletions and shown by strike through as follows:

(8) Restaurant, Full-Service and Brewery-pubs; provided that:

- (a) Suitable on-site kitchen facilities are provided.

- (b) The primary use consists of sit-down, full meal service to patrons.
- (c) Adequate seating arrangements for patrons are provided on the premises.
- (d) Those facilities serving alcohol shall be licensed by the Delaware Alcoholic Beverage Control Commission as a ~~restaurant or brewery pub~~ brewery-pub under 4 Del. C. § 512 512B or as a restaurant authorized to serve alcohol and shall provide sit-down, full meal service to patrons with lunch, dinner and dessert menus during all hours of operation; except that limited late meal service may be substituted beginning 90 minutes before the time alcoholic beverages are no longer served. The limited late mean service shall consist of such foods as sandwiches, salads, pizza, and similar items.

SYNOPSIS

This ordinance amends the Zoning Code regulations for the Highway Commercial District and the Central Commercial District to clarify that brewery-pub establishments are a permitted use.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna/Clayton Sun Times" on \_\_\_\_\_, 2015 and posted at the Town Hall on \_\_\_\_\_, 2015.

So Certifies:

\_\_\_\_\_  
Town Clerk

This shall certify that the title, effective date and synopsis of this Ordinance was published in "The Smyrna/Clayton Sun Times" on \_\_\_\_\_, 2015 and posted at the Town Hall on \_\_\_\_\_, 2015.

So Certifies:

\_\_\_\_\_  
Town Manager