



# TOWN OF DEWEY

## BEACH

www.townofdeweybeach.com

105 Rodney Avenue  
Dewey Beach, DE 19971  
302-227-6363 (Voice or TDD)  
302-227-8319 (Fax)

### ORDINANCE NO. \_\_\_\_\_

### **AN ORDINANCE TO AMEND CHAPTER 185, ZONING, TO RAISE THE SQUARE FOOT THRESHOLD FOR PROVIDING OFF-STREET PARKING FROM 2000 SQ. FT. TO 4000 SQ. FT. OF PATRON AREA FOR RESTAURANTS LOCATED IN THE RB-2 ZONING DISTRICT**

**WHEREAS**, the Commissioners of the Town of Dewey Beach desire to amend 185-35A(6)Restaurants to reduce the off-street parking requirement for restaurants located in the Resort Business 2 zoning district (RB-2) so as to be more in keeping with parking standards applicable to restaurants located in nearby beach communities;

**WHEREAS**, the Commissioners are persuaded to believe that an onerous off-street parking requirement discourages beneficial investment in existing and future restaurant establishments; and

**WHEREAS**, the Commissioners are of the belief that for modest sized restaurants with patron areas of 4000 sq. ft. or less, the benefits of off-street parking are minimal in the RB-2 District.

**WHEREAS**, lots in the RB 2 district are mostly 50 x 100 ft: existing requirements for patron/parking spaces would severely restrict future restaurants due to the existing limits, not including lot space for refuse collection.

**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.** Amend § 185-35, Off-street parking requirements at subparagraph A (6)(a) by adding thereto the underlined language “RB-2,” and by inserting a new subparagraph “(c)” as depicted below:

#### **(6) Restaurants.**

(a) All zoning districts except for the RB-2, PRB-1 and PRB-3 Zoning Districts: Restaurants with 2000 square feet or less assigned for patron use shall have no off-street parking requirements. Restaurants with more than 2000 square feet assigned

for patron use shall have one space for each 200 square feet assigned for patron use, including open decking.

(b) PRB-1 and PRB-3 Zoning Districts: All restaurants shall require one space for each 200 square feet of patron area, including open decking, regardless of the building size.

(c) RB-2 Zoning District: Restaurants with 4000 square feet or less assigned for patron use shall have no off-street parking requirements. Restaurants with more than 4000 square feet assigned for patron use shall have one space for each 200 square feet assigned for patron use, including open decking.

## **B. Other commercial establishments.**

(1) Where 5,000 square feet or more are assigned for patron use, including open deck, one space for each 100 square feet assigned for patron use shall be required.

(2) Where less than 5,000 square feet but more than 2,000 square feet are assigned for patron use, including open decking, one space for each 400 square feet assigned for patron use shall be required.

(3) Where 2,000 square feet or less are assigned for patron use, including open deck, there shall be no off-street parking requirements.

**Section 2.** Amend Table 2, Bulk Standards in all Districts, Restaurant Parking Requirements by amending same to reflect the revised off-street parking requirement threshold for restaurants located in the RB-2 zoning district pursuant to Section 1, hereof.

**Section 3.** If any provisions 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 passage by a majority vote of the Commissioners of the Town of Dewey Beach.

**ORDAINED AND ENACTED into law this 21st day of January 2022.**

---

**William Stevens, Mayor**

---

**Bill Zolper, Town Manager**