

ORDINANCE NO. 2184

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A WINERY/STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRES, MORE OR LESS

WHEREAS, on the 27th day of August 2010, a conditional use application, denominated Conditional Use No. 1873 was filed on behalf of Wine Worx, LLC; and

WHEREAS, on the 10th day of March 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of March 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1873 be approved with conditions; and

WHEREAS, on the 29th day of March 2011, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article X, Subsection 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1873 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the southwest corner of Route 54 and Fenwick Shoals Blvd. and being more particularly described as Parcel "A" Fenwick Shoals in Plot Book 113 Page 166 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.92 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- 1. In conjunction with the Applicant's Farm Winery License issued by the Delaware Alcoholic Beverage Control Commission, this Conditional Use permits the fermenting, bottling and labeling of wine at the site.**
- 2. The Conditional Use shall be limited to the approximately 2,800 square feet shown on the site plan with shared parking of 55 spaces. Any expansion of the Conditional Use shall require the review and approval of the Sussex County Planning and Zoning Commission and the Sussex County Council through public hearings.**
- 3. The hours of operation shall be 10:00 a.m. to 8:00 p.m. seven (7) days per week.**
- 4. Signage shall be in accordance with the sign regulations that exist for the B-1 Neighborhood Business District.**
- 5. All Federal and State regulatory requirements shall be met.**
- 6. The Applicant shall comply with all requirements of the Sussex County Engineering Department regarding any discharged wastewater into the County's sewer district.**
- 7. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2184 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH DAY OF MARCH 2011.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- 1. This is an application for Conditional Use of land in a B-1 Neighborhood Business District for a winery/store to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, containing 0.92 acres, more or less, lying on the southwest corner of Route 54 and Fenwick Shoals Blvd.**
- 2. DelDOT commented that a Traffic Impact Study was not necessary.**

- 3. The County Engineering Department, Utility Planning Division, commented that the site is located in the Fenwick Island Sanitary Sewer District; that Ordinance 38 Construction is not necessary; that the current system connection charge rate is \$4,820.00 per EDU; and that the proposed use is within an existing building that is connected to the Fenwick Island Sanitary Sewer District.**
- 4. The Applicant and his representative indicated that they are currently selling bottled wines in the existing store; that the State recognizes Farm Wineries as agricultural and manufacturing; that the site is across from the vineyard which is located in an AR-1 Agricultural Residential District, and that the Applicant will conduct fermenting and bottling of wines on the property under the Farm-Winery License.**
- 5. The Applicant currently has six (6) employees and would anticipate an additional two (2) or three (3) employees if this Application is granted.**
- 6. Based on the record and recommendations of the Planning and Zoning Commission and the record created before the Council, the Conditional Use is approved, subject to the seven conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**