

ORDINANCE NO. 2504

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 62.157 ACRES, MORE OR LESS

WHEREAS, on the 19th day of December 2016, a conditional use application, denominated Conditional Use No. 2076, was filed on behalf of Joseph Mark Zduriencik; and

WHEREAS, on the 11th day of May 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of June 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2076 be approved with conditions; and

WHEREAS, on the 13th day of June 2017, 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2076 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 north of Johnson Road in the Smokey Hollow development, and being more particularly described per the attached legal descriptions, said parcel containing 62.157 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:

- a. All events shall end no later than 11:00.**
- b. Food and beverage service and music or similar entertainment is permitted.**
- c. Portable toilet facilities may be permitted during any event as needed.**

- d. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
- e. The interior drive and parking area shall contain sufficient space for vehicles and shuttle buses to turn around completely on the site.
- f. All entrance locations shall be subject to the review and approval of DelDOT.
- g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- h. If any lots in the subdivision are sold, then the contract and the deeds are to contain language notifying future owners of the event venue.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2504 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF JUNE 2017.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

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

- A. This is the application of Joseph Mark Zdurienick for the Conditional Use of land in a GR General Residential District for an event venue to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 62.157 acres, more or less (located on the north side of Johnson Road in the Smokey Hollow development) (Tax I.D. No. 533-18.00-20.01-20.10) (911 Address: None Available).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Joseph Mark Zdurienick was present on behalf of his application; that Mr. Zdurienick spoke that the application is for tented events; that he would like to build a barn on the property; that there would be a maximum of 200 to 250 people at each event; that the events would be held 2 to 3 times a month; that he is the only one that lives there; that this is a recorded subdivision; that he does not have plans to sell any lots; that the streets are in; that he is the only property owner of all lots and has the ability to use any lot for the tented events; that the parking area will be on the grass with telephone poles and parallel parking; that the land is pretty solid and if the venue grows, it will possibly become a gravel parking lot; that no sign is needed; that all the facilities will be brought in until the barn gets built; that when the barn gets built, they will have DNREC approvals; that all the events will be catered; that there will eventually be lighting; and that the road narrows to one lane to over the ditch.
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6) and Conditions (7A through H), as amended, Council found that:
 - 1. The site is within a subdivision owned entirely by the Applicant. The entire size of the Applicant's property is 62.157 acres. This is an appropriate location for an event venue.
 - 2. The use will be limited in scope, and will not require any significant additional permanent structures on the property.

- 3. The use of the 62 acre site for outdoor weddings and receptions on a limited basis is not inconsistent with the surrounding residential uses.**
- 4. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.**
- 5. No parties appeared in opposition to the application.**
- 6. The use is a benefit to Sussex County residents and visitors by providing a location for wedding receptions and similar outdoor events in a convenient area.**
- 7. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to eight (8) conditions (a – h), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**