

ORDINANCE NO. 2536

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WEDDING VENUE WITHIN AN EXISTING BARN ON APPROXIMATELY 2 ACRES AROUND THE BARN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 49.12 ACRES, MORE OR LESS

WHEREAS, on the 25th day of April 2017, a conditional use application, denominated Conditional Use No. 2099, was filed on behalf of Richard and Dawn Jamison; and

WHEREAS, on the 14th day of September 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of September 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2099 be approved with conditions; and

WHEREAS, on the 3rd day of October 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2099 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 Seaford Hundred, Sussex County, Delaware, and lying on the north side of Woodpecker Road, approximately 600 feet east of Green Briar Road and being more particularly described in attached deed prepared by Haller & Hudson, said parcel containing 49.12 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 10:00 p.m.**
- 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.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2536 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF DECEMBER 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 Richard and Dawn Jamison for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a wedding venue within an existing barn on approximately 2 acres around the barn to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 49.12 acres, more or less (located on the north side of Woodpecker Road, approximately 600 feet east of Green Briar Road (Tax I.D. No. 531-12.00-92.00 (portion of) (911 Address: 4647 Woodpecker Road, Seaford).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Richard Jamison was present on behalf of the application; that he would like to have a wedding venue with reception on the site; that the maximum number of people would be approximately 100 people; that the existing barn would be used as the venue; that there is parking in the area of the barn; that he and his wife would be on site during the events to keep an eye on the event; that a caterer would be able to come onto the site; that he wants to keep it as an agricultural venue with a focus on agriculture; that he is ok with an ending time; that he may want to hold anniversary and birthday parties on the site; and that they are looking at putting in a bathroom in the barn or barn area.**
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6), Council found that:**
 - 1. The site is a 49.12-acre parcel of land owned by the applicants. The applicants intend to use a 1930s barn for the wedding events. This is an appropriate location for a wedding and reception venue.**

- 2. The use is an innovative re-use of the large historic barn on the property, and it promotes Sussex County's agricultural heritage.**
- 3. The use will be limited in scope, and will not require any significant additional permanent structures on the property.**
- 4. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.**
- 5. The parking area proposed by the Applicant is approximately 24,000 square feet in size, which is adequate for this use.**
- 6. The Applicants will reside on the property and maintain close control over the use and the site at all times.**
- 7. Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to seven (7) conditions (A - G), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**
 - a. All events shall end no later than 10:00 p.m.**
 - 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.**