

ORDINANCE NO. 2670

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 15th day of March 2019, a conditional use application, denominated Conditional Use No. 2177, was filed on behalf of Ingrid Hopkins; and

WHEREAS, on the 18th day of July 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of July 2019, said Planning and Zoning Commission recommended that Conditional Use No. 2177 be approved with conditions; and

WHEREAS, on the 30th day of July 2019, 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. 2177 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Fisher Road approximately 0.45 mile and 0.76 mile west of Beaver Dam Road, and being more particularly described in the attached legal description prepared by Tunnell and Raysor, P.A., said parcel containing 5.0 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. Food and beverage service and music or similar entertainment is permitted.**
- B. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- C. All entrance locations shall be subject to the review and approval of DelDOT.**
- D. All events shall conclude prior to 11:00 p.m., with music ending no later than 10:00 p.m.**
- E. 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. 2670 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 30TH DAY OF JULY 2019.

**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 Ingrid Hopkins for a Conditional Use in an AR-1 Agricultural Residential District for an events venue to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5.0 acres, more or less (lying on the north side of Fisher Road, approximately 0.45 mile and 0.76 mile west of Beaver Dam Road (Tax I.D. No. 334-10.00-53.00 (portion of) and 334-10.00-55.00 (portion of) (911 Address: 30249 Fisher Road, Lewes).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that the Applicant, Ingrid Hopkins, was present on behalf of the application; that the application is for several different parcels of land which are farmed under one entity known as Green Acres Farm; that Parcel 55 is where the ceremonies are held and where the parking is located; that the bed and breakfast, known as Covered Bridge Inn, began in 2016; that, with the help of her father, legislation was changed for agricultural preserved lands to hold events for more than 50 persons; that as the business has grown, so has the number of requests to host weddings on the property; that Agri- Tourism has been integrated with ice cream production and hosting weddings into the Hopkins Dairy Farm in order to continue dairy farming; that all the processes were followed for the Special Use Exception for the bed and breakfast; and that she is now requesting a Conditional Use to host events on the property.**
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 9) and Conditions (10A – E), Council found that:**
 - 1. The site is a 5.00-acre parcel of land owned by the Applicant. It is surrounded by farmland owned by the Applicant's family. The use will occur within a renovated barn and the surrounding area, including pavilions.**
 - 2. This is also the site of a bed and breakfast that was approved by the Sussex County Board of Adjustment. This use is consistent with the prior approval on this agricultural property.**

- 3. The use is an extension of the historical agricultural use of this property and it is consistent with the surrounding farmland.**
- 4. The Applicant intends to hold events that include weddings, birthday parties and similar events.**
- 5. The Delaware Agricultural Lands Preservation Foundation has confirmed that the Agri-Tourism use is an approved use on lands that are in the State Agricultural Preservation Program.**
- 6. The site will have sufficient areas for parking.**
- 7. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.**
- 8. This use promotes agricultural activities in Sussex County and is an innovative Agri-Tourism destination.**
- 9. No parties appeared in opposition to this application.**
- 10. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to the following five (5) conditions (A - E), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**