

ORDINANCE NO. 2790

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 98.60 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of April 2021, a conditional use application, denominated Conditional Use No. 2280 was filed on behalf of Covered Bridge Inn, LLC; and

WHEREAS, on the 27th day of May 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of June 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2280 be approved with conditions; and

WHEREAS, on the 13th day of July 2021, 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. 2280 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 south side of Fisher Road, approximately 0.38 mile west of Hopkins Road and being more particularly described in the attached legal description prepared by Thompson Mapping Systems, said parcel containing 98.60 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. This approval is contingent upon an approval for the use issued by the Delaware Agricultural Lands Preservation Foundation.**
- b. The Final Site Plan shall depict the area within the larger 98.6 acre parcel where this Conditional Use shall occur.**
- c. 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. 2790 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF JULY 2021.



**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 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC) 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 98.60 acres, more or less (property lying on the south side of Fisher Road, approximately 0.38 mile west of Hopkins Road) (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available).**
- B. Based on testimony before the Sussex County Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Ingrid Hopkins and Amy Hopkins were present on behalf of the application; that the request is to expand the Covered Bridge Inn to a second event venue; that there is now a 911 address for this location; that the Covered Bridge Inn on agricultural preserved land has grown into a business on preserved land without developing the land; that business is growing and a second location is necessary; that there is a barn on the property that can be modified to accommodate the event venue; that although the Covered Bridge Inn is a 3-day rental, this venue will be a one-day venue with no overnights; and that a 10:00 p.m. end time is strictly enforced.**
- 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. – c.), Council found that:**
 - 1. The site is part of a 98.6-acre parcel of land owned by the Applicant. It is in an area where other farmland is owned by the family applying for this Conditional Use.**
 - 2. The use will occur within renovated agricultural buildings and the areas surrounding those buildings.**
 - 3. The use will be part of the existing Covered Bridge Inn event venue that was approved by Conditional Use No. 2177 and Ordinance No. 2670.**
 - 4. This use is an extension of the prior agricultural use of the property. It is also consistent with the agricultural uses that occur on the surrounding farmland.**
 - 5. The Applicant intends to hold events that include weddings, birthday parties and similar functions in conjunction with events that occur at the Covered Bridge Inn.**

- 6. The site will have sufficient areas for parking.**
- 7. With the conditions and limitations placed upon this Conditional Use, it will not adversely affect neighboring properties or area roadways.**
- 8. The use promotes agricultural activities in Sussex County and is an innovative agritourism destination.**
- 9. No parties appeared in opposition to the 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 conditions imposed upon Conditional Use No. 2177 and Ordinance No. 2670, as well as three (3) conditions (a. – c.) listed above, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**