

**ORDINANCE NO. 2795**

**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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.0 ACRES, MORE OR LESS**

**WHEREAS, on the 30th day of November 2020, a conditional use application, denominated Conditional Use No. 2253 was filed on behalf of Chester V. Townsend IV and Shirley D. Townsend; and**

**WHEREAS, on the 22nd day of July 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 12th day of August 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2253 be approved with conditions; and**

**WHEREAS, on the 31st day of August 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. 2253 as it applies to the properties hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tracts, pieces or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Vines Creek Road (Rt. 26), approximately 0.20 mile east of Sandy Landing Road (S.C.R. 342), and being more particularly described in the attached deeds prepared by the Law Office of Susan Pittard Weidman, P.A., said parcels containing 6.0 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. As stated by the Applicant, food and beverage service shall be provided by catering services, as there will not be any kitchen facilities on-site.**
- b. All parking areas shall be 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 10:00 at night.**
- 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. 2795 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 31ST DAY OF AUGUST 2021.**

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**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 Chester V. Townsend and Shirley D. Townsend for the consideration of 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 Baltimore Hundred, Sussex County, containing 6.0 acres, more or less. The property is lying on the north side of Vines Creek Road (Rt. 26), approximately 0.20 mile east of Sandy Landing Road (S.C.R. 342). 911 Address: 32859 & 32805 Vines Creek Road, Dagsboro. Tax Parcels: 134-11.00-2.02 & 3.00.**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that the Applicant, Ms. Shirley Townsend, was present on behalf of the application, with Ms. Veronica Townsend and Mr. Chester Townsend, Jr.; that Fishkiller's Lobster Shack was originally located on the property at 32805 Vines Creek Road; that the Applicant pursued making a vineyard, built a small golf course and planted a field of sunflowers on the adjacent property; that the Applicant would like to use the adjacent property as an event venue without changing the character of the property; that they envision children's birthday parties or small weddings; that they do not envision large events as it is not a large piece of property; that people could bring in and then remove temporary amenities, such as a tent or portable restrooms; that the Applicant acknowledges that the end time for all outdoor music and events would be 10:00 p.m.; that the red concession trailer on the other property has been sold, but the home is still present; that both properties are affected as the entranceway to the event venue would be located on the other parcel of land, and additional parking could be located in the grass behind the home on the property; that there is a frame of a building to the back of the property and they would like to possibly convert that to a restroom; that they would like to have a sign; and that they do not envision having many, if any, employees.**

**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. - e.), Council found that:**

- 1. The site is 6.0 acres of land owned by the Applicant.**
- 2. The property is located along Vines Creek Road, also known as Route 26. This is an appropriate location for this type of limited use.**
- 3. The Applicants intend to hold events that include weddings, birthday parties and similar events.**
- 4. The site will have sufficient areas for parking.**
- 5. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.**
- 6. No parties appeared in opposition to this application.**
- 7. 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 five (5) conditions (a. through e.) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**