

ORDINANCE NO. 2220

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 24th day of June 2011, a conditional use application, denominated Conditional Use No. 1909 was filed on behalf of Thomas P. Collins; and

WHEREAS, on the 25th day of August 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1909 be approved with conditions; and

WHEREAS, on the 20th day of September 2011, 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. 1909 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 Cedar Creek Hundred, Sussex County, Delaware, and lying southeast of Shawnee Road (Route 36) 365 feet southwest of Calhoun Road (Road 621) and being more particularly described in Plot Book 88, Page 39, in the office of the Recorder of Deeds in and for Sussex County, 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:

- 1. The use shall be limited to a beauty salon and the types of uses that typically occur in such a facility, such as limited retail sales, tanning, etc.**
- 2. One lighted sign, not to exceed 32 square feet in size per side shall be permitted.**
- 3. The site shall also comply with all the parking requirements contained in the Zoning Code.**
- 4. The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 3:00 p.m. on Saturdays.**
- 5. There shall be no more than two employees in addition to the Applicant and his wife.**
- 6. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2220 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF SEPTEMBER 2011.


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:

- 1. This is an application for a Conditional Use of land in a GR General Residential District for a beauty shop to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, Delaware, containing 5.0 acres, more or less, lying southeast of Shawnee road (Route 36) 365 feet southwest of Calhoun Road (Road 621).**
- 2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "B" of Shawnee Road will not change as a result of this application.**
- 3. The Sussex County Engineering Department Utility Planning Division commented that the site is located in the Western Sussex Planning Area #1; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required;**

that the proposed use is not in an area where the County currently has a schedule to provide sewer service.

- 4. The Applicant and his wife have operated a beauty salon in the City of Milford for 19 years; they do not want to go through any additional rental increases; they feel that having the salon near their home would be more cost beneficial and more effective for the business; and they will continue to reside on the premises.**
- 5. There were no parties present in support of or in opposition to this Application.**
- 6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 7. The use is of a public or semi-public nature.**
- 8. Based on the record and recommendations of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to six conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**