

**ORDINANCE NO. 2334**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.767 ACRE, MORE OR LESS (Tax Map 335-12.06-7.00)**

**WHEREAS, on the 3rd day of October 2013, a conditional use application, denominated Conditional Use No. 1974 was filed on behalf of Sara Kay I. Phillips; and**

**WHEREAS, on the 19th day of December 2013, 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. 1974 be approved with conditions; and**

**WHEREAS, on the 14th day of January 2014, 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. 1974 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 northwest of Route 9 (Savannah Road) and across from Quaker Road and being more particularly described as follows:**

**BEGINNING at a pipe on the northwesterly right of way of Route 9 (Savannah Road) a corner for these subject lands and lands of John M. and Helen S. Quillen; thence north 30 degrees 15 minutes 46 seconds west 402.125 feet along said Quillen lands to a point; thence north 47 degrees 43 minutes 51 seconds east 83.27 feet along Covey Creek Subdivision to a concrete monument; thence south 30 degrees 36 minutes 50 seconds east 406.08 feet along lands of George and Edith Canakis to a point on the northwesterly right of way of Route 9; thence south 50 degrees 41 minutes 05 seconds west 85.00 feet along the northwesterly right of**

way of Route 9 to the point and place of beginning, said parcel containing 33,435 square feet, 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 small salon within the existing structure on the premises.
2. All entrances shall be subject to DelDOT approvals.
3. The hours of operation shall be between 9:00 a.m. and 8:00 p.m. Monday through Friday, and 8:00 a.m. and 2:00 p.m. Saturdays. No Sunday hours shall be permitted.
4. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
5. The parking shall comply with all Sussex County parking requirements.
6. 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. 2334 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF JANUARY 2014.

  
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 the Conditional Use of land in an AR-1 Agricultural Residential District for a hair salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.767 acres, more or less, lying northwest of Route 9 (Savannah Road) and across from Quaker Road (Tax Map I.D. #335-12.06-7.00).
2. DelDOT commented that the Department has reviewed the proposal and that a Traffic Impact Study is not recommended and that the current Level of Service E 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 West Rehoboth Expansion Area; that wastewater capacity is

available if the proposed use does not exceed approximately 1.0 Equivalent Dwelling Unit (EDU) of sewer assessment; that the parcel was provided with a 6-inch lateral located along the parcel's frontage on Savannah Road; that it is noted that the parcel is served with central sewer and that the existing house is connected; that an on-site septic is not permitted; that conformity to the West Rehoboth Expansion Area Planning Study will be required; and that a Concept Plan is not required.

4. The Applicant was present and stated that she is proposing a small hair salon to be operated by her daughter; that she has purchased the property and will rent it to her daughter; that the site was previously approved for a doctor's office; and that there is no residence on the premises.
5. The proposed business hours are 9:00 a.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to 2:00 p.m. on Saturdays and closed on Sundays; that three parking spaces are proposed in the front yard; that a handicap ramp is being designed and will be built for access to the salon; and that she has spoken to an immediate neighbor and heard no opposition.
6. The use will be a small salon operated by the Applicant's daughter and the use, in the existing structure, will resemble a home occupation in its size and scope. The site was previously approved for a small scale conditional use and this recommendation is consistent with the prior approvals. The use is in an area where other small businesses and professional offices exist and there are also some large scale commercial retail uses in the vicinity.
7. The use will have no impact upon traffic or area roadways and the use will not adversely affect neighboring properties or the community.
8. There were no parties present in support of or in opposition to this application other than the Applicant.
9. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to six (6) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.