

ORDINANCE NO. 2478

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS

WHEREAS, on the 19th day of July 2016, a conditional use application, denominated Conditional Use No. 2059 was filed on behalf of Julie Norwood; and

WHEREAS, on the 22nd day of September 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 17th day of November 2016, said Planning and Zoning Commission recommended that Conditional Use No. 2059 be approved with conditions; and

WHEREAS, on the 25th day of October 2016, 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. 2059 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 at the northwest corner of John J. Williams Highway (Route 24) and Retz Lane (a private road) and being more particularly described in Plot Book 8, Page 162, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,205 square feet and being referenced as Lot 13 and Lot 14 in Country Village Subdivision.

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. In addition to these conditions, the Applicant must comply with the relevant conditions imposed by Conditional Use No. 1981, identified as Ordinance No. 2344, granted to Robert and Julie Norwood to operate an office for a cleaning service.**
- B. This use as a beauty salon must occur within the structure that currently exists on the property.**
- C. Access to the property must be from Retz Lane. There shall not be any direct access to the property or this use from Route 24. The entrance installed on Route 24 must be removed and landscaped to control the use.**
- D. The Final Site Plan shall clearly show the parking areas and spaces set aside for this use as well as the parking areas and spaces set aside for the cleaning service office. Both uses shall comply with the parking requirements set forth in the Sussex County Zoning Code.**
- E. As proposed by the Applicant, there shall be no more than 4 stylists working within the salon at any one time.**
- F. As stated by the Applicant, the hours of operation shall be from 9:00 a.m. until 6:00 p.m., Tuesday through Friday, and 9:00 a.m. through 2:00 p.m. on Saturdays.**
- G. Only one lighted sign, not to exceed 32 square feet per side, shall be permitted on the property. This single sign must be used to advertise the beauty salon business and the cleaning service.**
- H. This Conditional Use is on the same property as Conditional Use No. 1981/Ordinance No. 2344 and Julie Norwood was identified as an Applicant on both. Since no Final Site Plan has been submitted in the prior application at this time, the Applicant shall submit a single Final Site Plan that consolidates this Conditional Use with Conditional Use No. 1981/Ordinance No. 2344. This consolidated 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. 2478 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 6TH DAY OF DECEMBER 2016.

**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 an application of Julie Norwood to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a beauty salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less. The property is located at the northwest corner of John J. Williams Highway (Route 24) and Retz Lane (a private road) (911 Address: None Available) (Tax Map I.D. 334-12.00-25.00).**
- B. Council found that DelDOT commented that it does not recommend that a Traffic Impact Study be performed.**
- C. Council found the Sussex County Engineering Department, Utility Planning Division, commented that the property is located in the Sussex County Unified Sanitary Sewer District, Goslee Creek Planning Area; that central sewer service is not available to the parcel; that the County does not have a schedule to provide sewer service to the parcel at this time; that the proposed beauty salon will use an on-site septic system; that conformity to the North Coastal Area Planning Study will be required; that when the County does provide central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a Concept Plan is not required.**

- D. Based on testimony before the Planning and Zoning Commission, it was found that Julie Norwood was present on behalf of the application, and based on testimony before the Sussex County Council, it was found that Pete Norwood was present on behalf of the application. It was found that Julie and Pete Norwood stated that they purchased this property 5 or 6 years ago; that the window cleaning business is operated out of the garage in the rear of the property with access to Retz Lane, and that Retz Lane provides adequate access for that use; that neighbors within 200 feet of the site have voiced support for the application for the beauty salon; that the driveway referenced by the opposition and Lawrence Lank, Director of Planning and Zoning, was already in existence, and that they only improved the entrance with stone and created a parking area in front of the structure; that the structure only contains approximately 1,000 square feet; that she is proposing to have 4 stylists in the salon; that there is adequate space on the site for parking for both businesses; and that hours of operation will be from 9:00 a.m. to 6:00 p.m. Tuesday through Friday and 9:00 a.m. to 2:00 p.m. on Saturdays.**
- E. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (6A through 6H), Council found that:**
- 1. The use is relatively small in nature, and will occur within the structure that currently exists on the site.**
 - 2. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
 - 3. There are other small businesses in the area which operate from properties and structures similar in nature to this one, including doctor's offices, a lamp store, a small seafood business and others. This use will be consistent with these other uses scattered throughout this area.**
 - 4. Although this property is in a subdivision, the documents in the chain of title to the property reference that it may be used for commercial purposes.**
 - 5. Several nearby property owners appeared in support of the application, and no parties appeared in opposition to it.**
 - 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to eight (8) conditions (A – H), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**