

ORDINANCE NO. 2516

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SHOP (WITH TWO CHAIRS AND THREE EMPLOYEES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.012 ACRES, MORE OR LESS

WHEREAS, on the 24th day of January 2017, a conditional use application, denominated Conditional Use No. 2086, was filed on behalf of Kristin Bryan; and

WHEREAS, on the 13th day of August 2017, 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. 2086 be approved with conditions; and

WHEREAS, on the 22nd day of August 2017, 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. 2086 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the northwest side of Governor Stockley Road approximately 1,308 feet north of E. Piney Grove Road and being more particularly described per the attached Deed prepared by Wilson, Halbrook & Bayard, P.A., said parcel containing 1.012 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. There shall be no more than three employees.**
- B. The Applicant shall comply with all roadway and entrance improvements required by DelDOT.**

- C. **There shall be no more than two chairs in the beauty shop.**
- D. **One unlit sign shall be permitted, The existing sign on-site shall remain. If it is ever replaced, it shall not be greater than 16 square feet per side.**
- E. **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. 2516 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF AUGUST 2017.

**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 Kristin Bryan to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a beauty shop (with two chairs and three employees) to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.012 acres, more or less (located on the northwest side of Governor Stockley Road, approximately 1,308 feet north of E. Piney Grove Road) (Tax I.D. No. 133-10.00-9.07) (911 Address: 26330 Governor Stockley Road, Georgetown).**
- B. **Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Corey Bryan was present on behalf the application requesting the addition of one (1) chair and two (2) new employees to provide more services; and that there will be no impact to the area.**
- C. **Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 4) and Conditions (5A through 5E), Council found that:**
 - 1. **The site has been used for a home-based beauty shop with one chair.**
 - 2. **With the conditions of approval, the use of the property for residence with a two-chair beauty shop will not adversely affect the neighboring properties, roadways, or the community.**
 - 3. **The use has a public or a semipublic character that is desirable to the general convenience and welfare of Sussex County and its residents.**
 - 4. **No parties appeared in opposition to this application.**
 - 5. **Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to five (5) conditions (A - E), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**