

**ORDINANCE NO. 2890**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOURIST HOME, EVENT VENUE, & HAIR SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.05 ACRES, MORE OR LESS**

**WHEREAS, on the 19<sup>th</sup> day of October 2021, a conditional use application, denominated Conditional Use No. 2319 was filed on behalf of Austin & Megan Embleton; and**

**WHEREAS, on the 13<sup>th</sup> day of October 2022, 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. 2319 be approved; and**

**WHEREAS, on the 18<sup>th</sup> day of October 2022, 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. 2319 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the south side of Memory Road (S.C.R. 613), approximately 0.41 mile southeast of Shawnee Road (Rt. 36) and being more particularly described in the attached legal description prepared by George B. Smith, Esq., said parcel containing 2.05 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. The use shall be limited to a Tourist Home within the existing dwelling, a hair salon within the renovated farm/shop building and an Event Venue.**
- b. All areas for parking shall be clearly shown on the Final Site Plan and marked upon the site itself. No parking shall be permitted along Memory Road.**
- c. There shall be a 6-foot-tall privacy fence installed along the common boundary with the property to the west of this site. The fence and the materials used to construct it shall be shown on the Final Site Plan.**
- d. All dumpsters shall be screened from view of neighboring properties and roadways.**
- e. All events shall conclude by 10:00 p.m.**
- f. Catered food and beverage service shall be permitted as part of the Event Venue.**
- g. One lighted sign shall be permitted. It shall be no larger than 32 square feet on each side.**
- h. The Final Site Plan shall be subject to the review and approval of the Planning & Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2890 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18<sup>TH</sup> DAY OF OCTOBER 2022.**

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**Tracy N. Torbert  
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 Austin and Megan Embleton for a Conditional Use in an AR-1 Agricultural Residential District for a tourist home, event venue, & hair salon to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 2.05 acres, more or less (property lying on the south side of Memory Road [S.C.R. 613], approximately 0.41-mile southeast of Shawnee Road [Rt. 36]) (911 Address: 10775 Memory Road, Harrington) (Tax Parcel: 430-3.00-20.08).**

**B. Based on testimony before the Sussex County Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Megan Embleton was present on behalf of her Application; that she and her husband are the owners of the property; that the property has been in her family for over 100 years; that the existing farmhouse on the property is currently a rental and has been for the last 25 years; that they are interested in renovating the farmhouse into an Airbnb; that they would like to renovate the outbuilding in the back into a two-chair hair salon; that she has been a stylist for 16 years; that she has a great following of clients; that she and her sister-in-law are both part time stylists; that they work Thursdays and Fridays and occasionally part of a Saturday; that she would appreciate the flexibility for salon hours, if needed; that, for the past 10 years, the salon hours have been Thursday, Fridays with occasional Saturday hours; that she and her sister-in-law both book by appointment only; that there is no walk-in clientele; and that there is not much traffic proposed for any other days of the week.**

**C. Council found that the Applicant would like to turn the second part of the outbuilding into a small event venue; that she has no intention of hosting large scale events; that she is more interested in hosting small, intimate special events; that her preliminary thoughts would be 75 to 100 people maximum for an event and that she does not desire to host for events any larger than 100 people; that she does not know what the maximum capacity is as the State Fire Marshal's Office had not yet been to the site; that she feels her community of Greenwood does not have many locations to host small events; that there currently is no intention of placing a kitchen in the event**

venue; that their plans are only for the building itself; that event clients would bring in their own caterers; that event clients would be required to rent the restroom trailers; and that she would not be limited to only Thursdays, Fridays and Saturdays.

D. Council found that they do have an adjacent neighbor, located to the left of the property; that they intend to place a six foot privacy fence, that would extend down the property line, past the cow pasture; that they propose this to provide a buffer to noise and for privacy; that both properties have a black-top connected driveway; and that the proposed fence would be placed in between the two driveways, extending down the property line to provide complete separation.

E. Council also found that they have provided a parking area, as well as an additional area for any overflow parking; that the proposed event venue would stop operation no later than 10:00 pm; that there will be no loud or excessive music; that the event venue would operate both inside and outside of the building; that the building is completely enclosed; that there is room to place a tent outside; that if lighting were to be needed for parking, they intend to rent the generated lights; that by renting the lighting there would be no consistent lighting other than the existing flood light located to the left of the property; that if the proposed venue was approved, they would request a small scale sign be located near the farmhouse; that there is a sign on the property currently, which states "Memory Lane Estates"; that if a sign were approved, the new sign would replace the current sign; and that they are not requesting any additional signage.

F. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 8) and Conditions (9a. – d.), Council found that:

1. The site is a 2.05-acre parcel of land owned by the Applicants. The property has been in the Applicants' family for more than 100 years, and it is an area where other farmland is owned by the Applicants' family.
2. The use will occur within the existing farmhouse and within renovated agricultural buildings and the areas surrounding those buildings.
3. This use is a reasonable re-use of the farmhouse and buildings that are part of the prior agricultural use of the property. It is also consistent with the agricultural uses that occur on the surrounding farmland.
4. The Applicant intends to hold events that include weddings, birthday parties and similar functions in addition to renting the farmhouse for guests. The Applicant has a small hair salon business that she wants to relocate to the property too. The hair salon is very nearly a permitted home occupation.
5. The site will have sufficient areas for parking.
6. With the conditions and limitations placed upon this Conditional Use, it will not adversely affect neighboring properties or area roadways.
7. The use promotes agricultural activities in Sussex County and is an innovative re-use of the farmhouse and farm buildings.
8. 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 the eight (8) conditions (a. – h.), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.