

**ORDINANCE NO. 2532**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECREATION FACILITY, OFFICE, CARETAKER HOUSE, EQUINE-ASSISTED THERAPY AND STABLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.38 ACRES, MORE OR LESS**

**WHEREAS, on the 9th day of May 2017, a conditional use application, denominated Conditional Use No. 2103, was filed on behalf of Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.; and**

**WHEREAS, on the 12th day of October 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. 2103 be approved with conditions; and**

**WHEREAS, on the 7th day of November 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. 2103 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 Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Harbeson Road, approximately 463 feet south of Diamond Farm Road, and being more particularly described per the attached deed prepared by Bonnie M. Benson, P.A., said parcel containing 9.38 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 hours of operation shall be 7:00 a.m. until 10:00 p.m., Monday through Sunday.**
- B. All entrances, intersections, or other improvements required by DelDOT shall be completed by the Applicant, as required by DelDOT.**
- C. One lighted sign shall be permitted. The sign shall not exceed 32 square feet per side.**
- D. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. Any dumpsters shall be screened from view of neighboring properties or roadways.**
- F. The failure to abide by the conditions shall result in the termination of this Conditional Use.**
- G. 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. 2532 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF NOVEMBER 2017.**

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**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 Southern Delaware Therapeutic and Recreational Horseback Riding, Inc. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a recreation facility, office, caretaker house, equine-assisted therapy and stables to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 9.38 acres, more or less (located on the west side of Harbeson Road, approximately 463 feet south of Diamond Farm Road (Tax I.D. No. 235-26.00-17.14) (911 Address: 17170 Harbeson Road, Milton).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Mark Davidson with Pennoni Associates was present with Scott Swingle, Tom Peet, Kelly Boyer, and Georgia Truitt, all Board Members of Professional Association of Therapeutic Horsemanship International, and also present was on behalf of the application was Jessica Hudson and Alyssa Hudson; that Southern Delaware is one of 850 PATH (Professional Association of Therapeutic Horsemanship International) accredited facilities in the world and the only such organization in Sussex and Kent County; that Sussex County, Delaware is home to 1,750 children and more than 28,000 adults with disabilities; that since 1988 they have operated out of leased properties; that they would like to establish a permanent home to allow for better partnerships; that in 2014 they found a site and the caretaker moved onto the site for 24-hour care; that the property is approximately 9.3 acres; and that there are 26,000 square feet of buildings on site; and that there is an indoor riding arena.**

- C. Council also found that the property is now owned by the Applicant; that they are a non-profit organization; that the property is located on Route 5 and that they are not seeking to change the use of a farm; that the property is located in a Level 4 Area in the State Strategies; that the land is in a Low Density area; that a Traffic Impact Study was not warranted; that there are two (2) existing wells on the site; that the site is served by an on-site septic system permitted by DNREC; that the hours of operation are 7:00 am to 10:00 pm, Monday through Sunday; that they would like a 32 square foot sign; that all lighting will be downward illuminated; that the dumpster will be screened from view; that there is no adverse impact on the neighboring area; that Saturday is the busiest day with about twenty-five (25) people; that when they have horse shows they might have up to fifty (50) people which includes parents with their children; that they have horse shows twice a year; that most of the activities are held indoors in the riding area; that there is a fulltime farmhand, three (3) instructors, volunteers, and sixty-five (65) clients that they work with; that their goal is to have one hundred (100) to one hundred fifty (150) clients a week; and that they have summer camps and a veterans program.**
- D. 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 6G), Council found that:**
- 1. This property has existed as a horse farm for decades. This use will be consistent with that prior use and the AR-1 zoning of the property.**
  - 2. The use will provide a much needed and much appreciated, therapeutic riding facility for children and adults with disabilities.**
  - 3. There was dramatic testimony from a young participant of the facility, who stated “when we ride we are free”. Based on this type of testimony, it is clear that the use is desirable for the health, safety and welfare of the residents of Sussex County.**
  - 4. There is a need for this type of use in Sussex County. There was testimony in the record that there are approximately 1,750 children with disabilities and 28,000 adults with disabilities in Sussex County. There is no other therapeutic riding facility in the area.**
  - 5. The use will not generate a lot of traffic on area roadways and it will not adversely affect neighboring properties.**
  - 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to seven (7) conditions (A - G) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**