

ORDINANCE NO. 2899

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A HORSE-RIDING ACADEMY WITH OVERNIGHT ACCOMODATIONS AND ASSOCIATED AGRICULTURAL ACTIVITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 20th day of December 2022, a conditional use application, denominated Conditional Use No. 2331 was filed on behalf of Sweet Meadows Riding Academy; and

WHEREAS, on the 17th day of November 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. 2331 be approved; and

WHEREAS, on the 10th day of January 2023, 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. 2331 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 Baltimore Hundred, Sussex County, Delaware, and lying on Sweet Meadow Lane on the north side of Deer Run Road (S.C.R. 388) approximately 0.5 mile southwest of Zion Church Road (Rt. 20) and being more particularly described in the attached legal description prepared by Parsons & Weidman, P.A., said parcel containing 5.0 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2899 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF JANUARY 2023.

**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 Sweet Meadows Riding Academy for a Conditional Use of land in an AR-1 Agricultural Residential District for a horse-riding academy with overnight accommodations and associated agricultural activities to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.0 acres, more or less (property lying on Sweet Meadow Lane on the north side of Deer Run Road [S.C.R. 388], approximately 0.5 mile southwest of Zion Church Road [Rt. 20]) (911 Address: 37033 Sweet Meadow Lane, Selbyville) (Tax Parcel: 533-11.00-27.04).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Mark Davidson, with Pennoni Associates, Inc. and Ms. Shelly Lynn Wright-Estellam were present on behalf of the Application; that the Application is for a Conditional Use within the AR-1 (Agricultural Residential) Zoning District, on five acres of land and is agricultural based in nature;; that the property is located on the north side of Deer Run Road (S.C.R. 388) directly across the road from Bearhole Road (S.C.R. 390); that the property is owned by Ms. Wright and her husband who live on the property with their children; that Ms. Wright founded Sweet Meadow Riding Academy in 2003; that Sweet Riding Academy has been operating under an existing Special Use Exception under Case No. 8287-2003, which was approved by the Board of Adjustment on August 18, 2003; that the use was approved for a riding academy, for the purpose of boarding horses and teaching equestrian skills; that the property consists of the existing dwelling and an office, as well as existing barns, sheds, run-ins, lean-tos, parking and pastures; that the facility is gated with a key-code entrance; that customers are granted a key-code to access the site; that the subject area is located down the lane, past the existing dwelling; and that the Applicant has security cameras on the site.**
- C. Council found that the Applicant has two horses, one miniature house, an alpaca, two goats, a Hyland bull, six chickens and one peacock; that the Applicant proposes to expand the horse riding academy by offering overnight accommodations and associated agricultural activities; that the overnight accommodations would consist of 10 individual style guest accommodations for temporary occupancy for persons engaged only for the specific use of the riding academy; that the Applicant proposes four cabins, two yurts and three A-style framed tents; that the Applicant proposes to offer a barn-style sleeping quarters in the existing barn; that this will allow guests to sleep closer to the animals; that the Applicant proposes the different style accommodations for the different styles, wants and experiences of her guests; that the proposed use will allow guests to ride horses and take care of the animals; that the largest part of the Applicant's business plan is education and teach the different styles of care for the animals; that the Applicant proposes a bathhouse; that, due to the proposal for tents and yurts, there is a need for a bathhouse; that it would be located next to the existing entrance; that the bathhouse will be connected to the public facilities of the Sussex County Unified Sanitary Sewer; that the bathhouse will service the four nearby tents and yurts, but will also service the entire academy as well and the yurts are proposed to be permanent; that all proposed structures will be permitted and reviewed by Sussex County Building Code; that some of the cabins will provide built-in bathroom facilities; that the agricultural activities will be centered around the horsemanship for the visiting guest by offering education and an unforgettable farm-like experience; and that proposed activities will include, classes on horses and other farm animals, daily chore schedules, dude ranch living and style riding, cowboy**

camp, English riding, equine-based demonstration, animal yoga, and horse whispering.

- D.** Council also found that the properties are bordered on the north and east by a property with an existing residential dwelling and a previously used chicken house whose owners have provided a letter in support of the Application; that the property is bordered in the south by a property with a residential dwelling, whose owners have also provided a letter in support; that an agricultural field borders the property to the west; that the Applicant has planted a vegetated buffer, starting from behind the residence, down the eastern property line and the northern property line; that the Applicant has placed a six foot high privacy fence adjacent to her neighbor to the south; that at this time, the Applicant is not proposing a buffer on the western property line; that there currently is an existing swale along the property line; that the property is adjacent to an agricultural field; that the Applicant feels the relationship between the two agricultural uses is beneficial when performing education classes; and that Applicant has proposed a condition stating, if the farm field should be developed, she will plant a buffer along that property line.
- E.** Council found that the surrounding area to the property is a mixture of AR-1 (Agricultural Residential) and a large portion of GR (General Residential) land; that the Conditional Use is not out of character for the neighborhood as there are several other Conditional Use properties within the vicinity of the site; that the purpose of a Conditional Use is to provide for certain uses which cannot otherwise be well adjusted by environment and particular location with full protection offered to surrounding properties by the ridged application and district regulations; that the horse riding academy, with the overnight accommodations and associated agricultural activity uses is of a public and semi-public character and is essential and desirable to the general convenience and welfare of the community; that the site is within a Developing Area according to the 2019 Comprehensive Plan; that the Developing Area is considered one of the seven Growth Areas; that the site is surrounded by areas designated within the Coastal Area; and that the site is in close proximity to a Commercial Area.
- F.** Council also found that the Comprehensive Plan promotes tourism, related services and economic growth within designated Growth Areas, which offer employment opportunities, economic benefits to the area business, consistent with the character of the zoning and development in the area, subject to there being no negative impact on schools and other public facilities; that the Comprehensive Plan states permitted uses within the farm rich use development, with careful a careful mixture of homes, with light commercial is appropriate to provide for desired services; that §9.2.1 of the Comprehensive Plan states that agriculture is an important sector for the overall economy of Sussex County, providing a strong economic foundation; that there is a large potential for agritourism within Sussex County; and that Sweet Meadows Riding Academy is designated agritourism with the Delaware Department of Agriculture.
- G.** Council further found that the property has an existing entrance to the site; that the site will have access to Deer Run Road by the existing access and existing driveway; that DelDOT confirmed the Conditional Use will not adversely affect the traffic congestion of the roads; that DelDOT stated the traffic impact for the proposed use would be de minimis, as the use would generate less than 50 vehicle trips per day; that DelDOT did not require a Traffic Impact Study; that the Applicant feels, by offering the overnight accommodations, it will reduce traffic; that currently guests may arrive and depart the site; that if guests are able to stay overnight, it will decrease the flow of traffic; that there are no wetlands located on the site; that an Environmental Review was performed as the site is in close proximity to the Coastal Area; that there are no threatened or endangered species located on the site; that the property is located under the Tier I Sussex County Unified Sanitary Sewer District; that the property is currently served by sewer; that water is provided by private commercial wells, which are currently servicing the property; that the property is not located within any Excellent Groundwater Recharge or Wellhead Protection areas; that the

property is outside of the 100 Year Flood Plain; that the Roxanna Fire Department, Station No. 90, will provide fire protection services for the site; and that the use will be limited to the horse riding academy, with overnight accommodations and associated agricultural uses.

- H. Council found that there will be a maximum of 10 overnight accommodations for persons engaged only with the specific use of the horse riding academy and associated agricultural uses; that the property has an existing sign, being under 32 square feet on each side, which the Applicant would like to keep as is; that the facility has programs scheduled for year round use; that there is a proposed condition for quiet hours, being from 8:00 p.m. until 7:00 a.m. daily; that any security lighting on the property will have downward illumination; that all buffers will be maintained by the Applicant; that the Applicant has received approvals from DeDOT, Sussex Conservation District and the Delaware State Fire Marshal's Office; and that the proposed use meets the general purpose of the Zoning Ordinance and is located in an appropriate location.
- I. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 9) and Conditions (10a. – g.), Council found that:
1. The site is a 5.00-acre parcel of land owned by the Applicant that is currently used as a small farm. In 2003, the Sussex County Board of Adjustment granted a Special Use Exception to operate a riding academy on this property. This Application seeks to expand that use to allow campers to stay overnight.
 2. The use is an extension of the Riding Academy and the agricultural zoning of this property, and it is consistent with the surrounding uses.
 3. The Applicant intends to allow campers to stay overnight as part of the overall equestrian and agricultural experience associated with the riding academy.
 4. The property shall be served by central sewer from Sussex County.
 5. This is an appropriate Agri-Tourism use within the AR-1 Zoning District.
 6. The site is in the Developing Area and in close proximity to the Coastal and Commercial Areas according to the County Future Land Use Map. This small Agri-Tourism Use is appropriate in this location according to the Plan.
 7. There was no opposition to this Application and there was one letter in support of it.
 8. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.
 9. This use promotes agricultural activities in Sussex County and is an innovative AgriTourism destination.
 10. 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 following seven (7) conditions (a. – g.) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.
 - a. The accommodations associated with this use shall be used in conjunction with the approved riding academy on the site by guests engaged in the specific use of the horseriding academy.
 - b. The location of the overnight accommodations shall be shown on the Final Site Plan. There shall be no more than ten (10) cabins or "yurt" structures on the site.

- c. All entrance locations shall be subject to the review and approval of DeIDOT.**
- d. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- e. An existing buffer has been established along the north and east boundary along Parcel 27.02 and a 6-foot-tall privacy fence has been installed along the south and west property lines along Parcel 27.06. This buffer and fencing shall be shown on the Final Site Plan. No buffer is currently required along Parcel 28.00 given the agricultural use of that property. Should Parcel 28.00 ever be developed, the Applicant shall install a buffer along that common boundary line.**
- f. All dumpsters and other trash containers shall be outside of the setback lines and screened from the view of neighboring properties and roadways.**
- g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**