



Planning and Zoning Guide for Horse Friendly Communities

By Christine Hughes, AICP

EQUINE LAND CONSERVATION RESOURCE

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Introduction

A significant portion of our population lives in or near urban areas. This, combined with continued development and urban sprawl is putting pressure on horse lands, negatively impacting our **population's exposure to horses** and threatening to put the equine experience out of reach to many.

Since land is saved locally, it is vital that horsemen understand the basics of planning and zoning and how this impacts horse keeping, breeding, competing and recreating, as well as equine related businesses in their communities, in order to retain access to horses and enjoy their benefits.

While horse facilities, competition and recreational riding venues can exist close to and even in cities, local land use planning must purposefully incorporate them. For this to happen, horsemen must understand the basics of planning and zoning and be able to articulate the benefits horses bring to their communities as well as supporting community planners with information about incorporating horses into their local plans.

Purpose of this Guide

Horsemen and community members must understand the planning and zoning process and learn to participate in order to include favorable equine language in plans and ordinances. Planning and zoning decisions can affect how land is taxed, what it may be used for, and which standards and

regulations are applied to it. These regulations determine not only whether individuals may keep horses on their own property, but also whether horses have access to community parks and trails.

Ignoring the planning and zoning process will inevitably lead to lands and access lost to horsemen through poorly planned **development and citizen's unfamiliarity with** livestock, agriculture and the benefits of open land.

Some people are excited about the community planning process. Those folks can be found serving on government planning committees and councils, and they **virtually glow with anticipation when it's time for** the comprehensive plan to be developed or updated.

So why is it necessary to stick your nose in **where 'they' know best?**





Reason 1: It's your right and your responsibility.

It's your community, so it's your community comprehensive plan. Don't give away the opportunity to make your needs known and get them included in the plan's language.

You may love horses and horse land. You also know that there are lots of people **who don't get it. Some have other ideas for sensitive land. You're probably not going to like most of those ideas. But you won't know what they are or how to prevent them from happening unless you join in on the comprehensive planning fun!**

Think of it this way – you are about to sign a weighty contract. But since you **don't like to read contracts, you've looked at the friendly pictures on the front cover, and not much else. Dollars to donuts, something in that document is going to have unfortunate consequences for you on down the road. It might be better to read the fine print before you sign.**

Reason 2: It's how you get stuff that you need.

Your community's government can: build and maintain parks; plan trails; set aside agricultural or conservation areas; regulate the use of land for activities like horse boarding and shows; partner with other government agencies or private interests to make decisions, find grants and fund projects. It can also plan well and carefully for future growth by protecting open and sensitive lands.

Still many planners are just not familiar with horses and the needs of horses and horsemen. Without adequate input from the equine community how can you be assured that your needs will be considered?

Reason 3: It's how you keep characteristics that make your community special.

You and your fellow horse-community members probably have some great ideas that will not only address horse land and facility needs but help make the community a better place to live overall. The planning committee would like your input.

For example: you want to keep your **community's rural, agricultural, open and scenic character. It's the environment best suited for your equine endeavors, and is attractive to tourists. Let your rural community plan-**

ners know why it should stay that way, and that you want to protect it from development. The closer you are to urban areas, the more critical your participation will be over the coming years.

How to Use this Guide

The *Planning and Zoning Guide for Horse Friendly Communities* is one of many on-line community land use planning resources available in the **Planning for Horses in Your Community** section of the ELCR website (www.elcr.org). The Guide is intended specifically for use by horsemen to understand the basics of planning and zoning and how they impact horse keeping and equine related activities.

This guide is full of information about how your community plans for the future. The publication provides beginning and advanced information, tools and other resources to horsemen, community leaders and planners to help them understand how to successfully include horses and horse-related activities in their community planning efforts, and why they should.

Users will learn about community comprehensive plans, land use maps, zoning ordinances and other planning methods. There are also lots of tips and tools to help you figure out how you can participate in the process of planning for a horse-friendly community and a better place to live.



A General Overview of Community Planning and Zoning

Planning and **zoning** are basic tools by which a community defines its land uses, shapes its built environment, and protects public health, safety, and welfare. It is important to understand that planning and zoning, while they typically go hand-in-hand, are not the same thing. This guide is designed to help equine enthusiasts understand the basics of planning and zoning, how to navigate the planning and zoning processes, and what tools may be available.

Planning is a process used to help shape the built environment, including buildings, roads, sidewalks, utilities, and open spaces. Ideally, the planning process is a community-based problem-solving process that helps protect community resources and guide how the community will grow, develop, and change in the future. Planning very often involves extensive community **input to identify the community's vision, values, and goals for the future of that place.**

The idea of city planning was born in New York, New York in the late 1800s. Being a densely populated urban area then as now, the issues surrounding how the city should function and look were very important. Spurred on by the Industrial Revolution and the changes it was bringing to city life, the profession of city planning was born. Today,

Zoning refers to local ordinances that govern how land is used and developed. These are local laws that must be followed.

Plans are policy guidelines, adopted at state, regional, and/or local levels, that help define how an area should grow and develop. These are policy documents and not local laws.

The first urban planning conference in the US was held in New York in 1898. At that time, horses were the primary means of transportation and city streets were covered with horse manure. The idea of how to balance public health and efficient transportation was a major concern for these early planners.

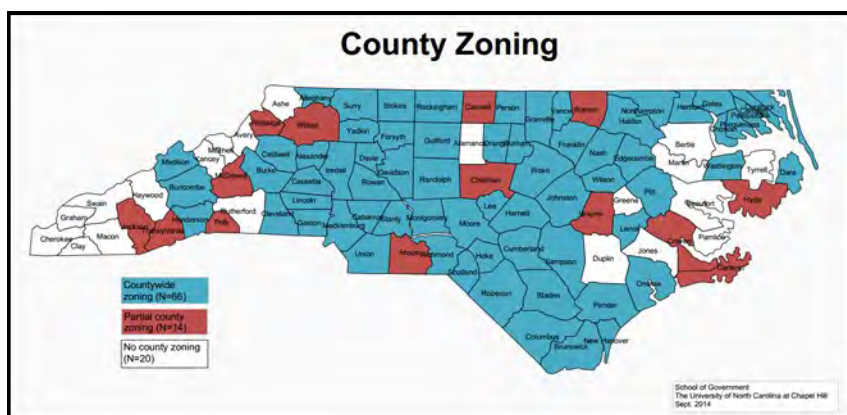
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planning is no longer confined to large, urban cities - municipalities and counties of all shapes and sizes now engage in planning.

While planning is policy-oriented, **zoning** is a legal tool used regulate buildings, land use, and physical development, frequently through separation of uses. Like planning, zoning was largely born in New York City as a means of controlling how and where buildings were built and designed. As zoning increased in popularity across the country, it largely became a means of separating incompatible land uses in an effort to protect public health; zoning was being used to keep smelly, dirty industrial uses out of neighborhoods. As transportation evolved, so did zoning. Separating land uses became easier as the streetcar made it more practical to move people greater distances from residential areas to business areas. Prior to the advent of zoning, it was common to see a shop on the ground floor of a building with an office on the second

floor and an apartment above that. As the separation of uses increased in popularity, mixed uses fell out of favor and even became illegal in many places.

If planning and zoning evolved in more urban areas, what does that mean for open space, agricultural uses, and equine land? While it may seem like the concerns of densely-populated urban areas are not important in more rural areas, urban cannot be considered without rural. Most conflicts arise on the fringes, those areas where urban, suburban, and rural meet. But rural areas enhance the quality of life for urban dwellers, as do urban areas enhance the quality of life for rural dwellers. Allowing denser development, taller buildings, and **mixed uses in and near a city's center can** help relieve the pressure to develop rural areas into residential subdivisions or strip malls. Conversely, preserving open space and agricultural land can help provide recreation opportunities, scenic landscapes, and natural resources conservation for all.



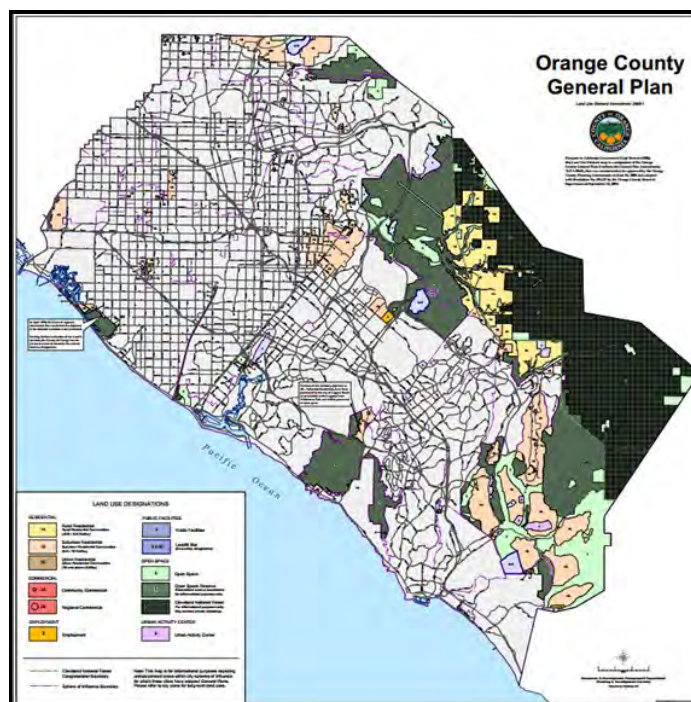
This map from the University of North Carolina School of Government illustrates which counties in North Carolina have countywide zoning (blue), partial county zoning (red), and no county zoning (white). Source: www.sog.unc.edu

The Comprehensive Plan

Local governments may adopt a variety of plans: comprehensive plans, neighborhood plans, small-area plans, greenway plans, conservation plans, and corridor and roadway plans. The comprehensive plan, or general plan, is going to be the broadest look at a community, and it will cover the entire city or county and all aspects of planning and community development. A small-area or neighborhood plan may be at the scale of a single neighborhood or several neighborhoods together. It is common for a community to develop a comprehensive plan, which is then supplemented with several small-area plans. Not every community, however, will adopt a comprehensive plan, especially largely rural areas.

The comprehensive plan is a long-range policy document, often with a 15- or 20-year planning horizon, that outlines a **community's visions, goals, and values**, and is designed to help a community manage change. This is the document that sets the framework for the physical development of the municipality, county, or region, as well as other community development and planning factors. The comprehensive plan is the foundation on **which a local government's zoning ordinance** relies; in some states, zoning must be consistent with the comprehensive plan. Although a comprehensive plan has a long planning horizon, a good rule of thumb is that these plans should be updated about every five years.

Once adopted, the comprehensive plan is a **community's guidebook**. This will be the resource to which staff, elected officials (e.g., city council, county commission), and recommending boards (planning commission) turn for guidance in decision making. The decisions made about land use, hazard recovery, capital improvements, transportation, housing, utilities, and how resources are used and conserved should be consistent with the policies of the comprehensive plan. In some states, such as Florida and Kentucky, a comprehensive plan is required for some or all local governments, and the state reviews these plans for compliance with state-wide



Source: <http://ocplanning.net/code>

growth management regulations. In other states, comprehensive planning is encouraged, but not required. In Georgia, for example, the adoption of a comprehensive plan is not required; however, a local government is ineligible for a majority of state funding programs if a comprehensive plan has not been adopted. In most states, however, the decision to adopt a comprehensive plan is left entirely to the local government.

The comprehensive plan policies will be tied to a **land use map**. Sometimes called a *future land use map* or *growth framework map*, this map outlines preferred land uses as the community grows, develops, and redevelops throughout the life of the comprehensive plan. This map is most often color-coded to depict the preferred land uses and patterns that are consistent with the policies of the comprehensive plan. Rather than specific land uses or specific

zoning classifications, the land use map may recommend the intensity or degree to which land should be developed in the future or which areas should change and which areas should be more stable. The land use map categories do correspond directly to a zoning map, though they are related. A land use map is developed with a complete inventory of current land uses, but the future land use map is a way to help determine future development patterns and land use changes.

The comprehensive plan may include an **“urban service boundary” or public service area boundaries**, the area beyond which public utilities should not be extended in order to control sprawling development and protect open and **agricultural lands (see the “public tools” section for more details on urban services boundaries)**. Unlike a zoning map, the land use map may not be parcel-based, but may instead identify general areas or districts. The land use map is largely **implemented via a local government’s zoning ordinance or zoning code**.

Best Practices

The land use map should address the transitions between areas of varying intensity, such as where rural lands border more developed areas.

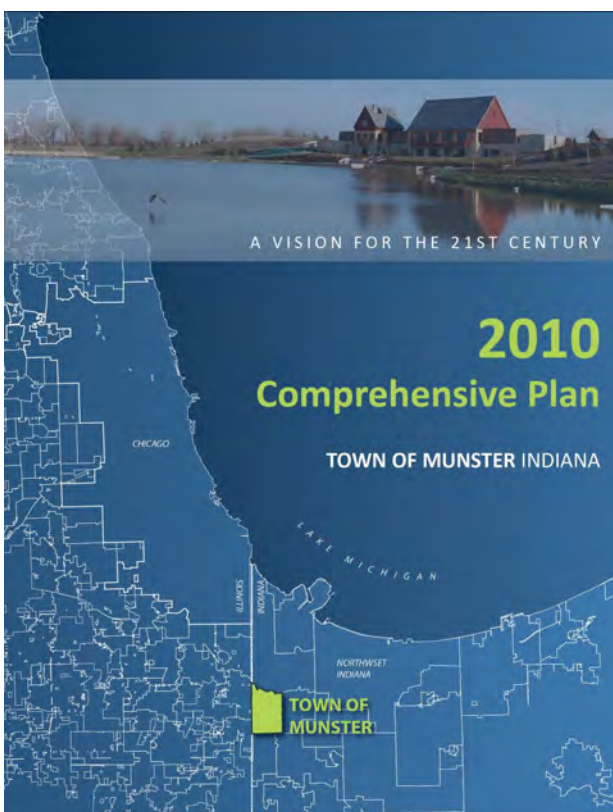
Local development regulations and any impact fees should be structured to ensure that redevelopment and infill are easier and more cost efficient than greenfield development.

The land use map may be a valuable tool when making decisions about where and how to use and develop equine land. If the farm that caught your eye is identified on the land use map as suitable for redevelopment for a commercial mixed-use center, or is quite close to land identified for major change, you may wish to think carefully about how these land use recommendations may impact the property you are considering.

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A comprehensive plan should address the transitional areas between urban, suburban, and rural parts of the community. The transitional areas between urban and rural may be of particular concern to horsemen. As land values and pressures increase from expanding urban areas, the fringes become ripe for land speculation. Small farms or large-lot homes may be purchased speculatively and turned into single-family subdivisions, often bringing conflicts between the new residents and existing rural land uses, as horse lands gradually slip away. Because the land on the fringe may become very valuable, small farms may also be absorbed by larger farms farther out, where there may be less development pressure. One way to help relieve development pressures on rural lands is to ensure that it is easy to develop, redevelop, and infill in urban and semi-urban areas. If the development deck is stacked in favor of **“greenfield” development and it is** quicker, cheaper, and easier to develop rural land than it is to fill in the gaps or redevelop in already developed areas, then development is likely to continue to sprawl into rural areas. Making it easier to redevelop abandoned big-box stores and malls, decaying subdivisions, and infill vacant land will relieve some of the development pressures to sprawl into rural areas. Comprehensive plan policies should accurately reflect the true and complete costs of greenfield and/or **“leapfrog” development rather than** inadvertently or covertly subsidizing rapid consumption of farmland.

If your community is in the process of developing or amending a comprehensive plan, be sure to participate in the process; make sure to give input on the vision for the future of your community. What if your community has already adopted a plan **and associated maps and you don’t like** what you see? Land use maps and comprehensive plans can always be amended—find out when the next plan update is scheduled or how to request a specific amendment, if necessary.



Source: <http://www.munster.org/eGov/apps/document/center.egov?view=item;id=1756>

How Does Zoning Work in Your Community?

Not every local government utilizes formal planning and zoning tools. Particularly in rural areas, it is possible that a local government does not use zoning at all or may zone only specific portions within the jurisdiction, so it is critical to confirm the zoning of your property with the local government. If your local government does not use zoning, there may still be specific land subdivision or technical development regulations. Your local government staff can confirm which, if any, land development regulations are applicable to your property.

Zoning Codes

Land use regulations are adopted in a **zoning ordinance** or **zoning code**, made up of both text and a map. These rules are codified (local law) and may be part of a unified development ordinance (UDO) or a small chapter within the general code of ordinances. To use zoning, a local government divides the jurisdiction into *zoning districts* and regulates the development and use of buildings within these districts.

Generally, zoning codes are used to regulate what can be done on land (land use), the allowable density (number of dwelling units per acre), building and site design, floor area ratio, parking requirements, setbacks (distance of a building from property lines), and permitted lot coverage (how much land may be covered by the building footprint and/or paved and how much must remain open or landscaped). Regulations

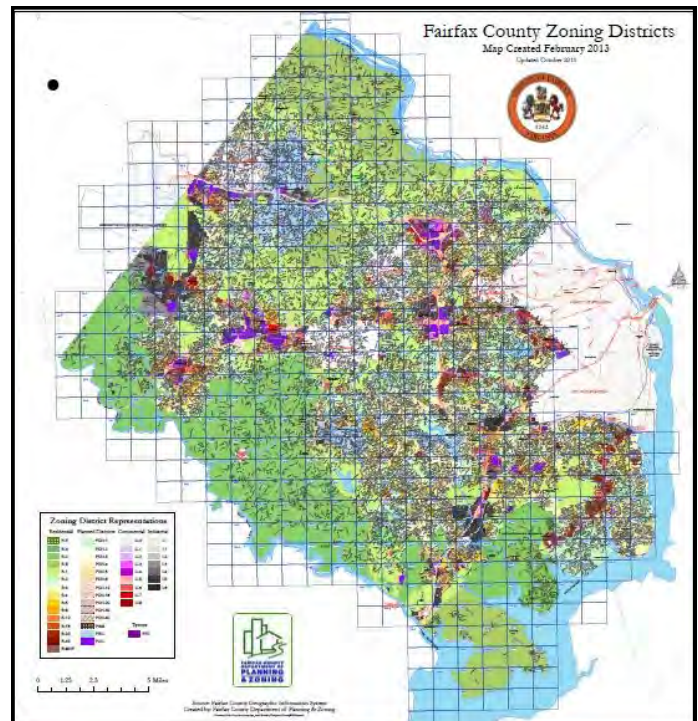


Best Practices

A horse-friendly zoning code should include the following elements:

- At least one agricultural zoning district with large minimum lot areas
- Appropriate buffering requirements when commercial or residential used abut agricultural uses
- Flexible horse density standards
- Flexible setback regulations for barns and other accessory structures
- Appropriate definitions for “horse” and “livestock”
- An option to appeal decisions to a zoning board of appeal or board of adjustment

may differ between individual zoning districts, but within each individual district, the regulations must be the same for all properties within that zone. Most zoning codes use a full name and a code or abbreviation to identify zoning districts. The district names and abbreviations vary from place to place. For example, one jurisdiction may use district names such as A-2 and O&I. These names usually identify the general intent of the district in terms of land use, and the number may signify density or minimum land area. In this example, the A-2 district is the Agriculture-Residential zoning district and permits one dwelling unit (home) per two acres of land. The O&I district is the Office and Institutional zoning district. In both cases, the names of the district tip you off as to what kinds of uses are allowed, but it is necessary to know more about each district to understand the specific requirements of each.



Fairfax County, VA zoning map
Source: www.fairfaxcounty.gov

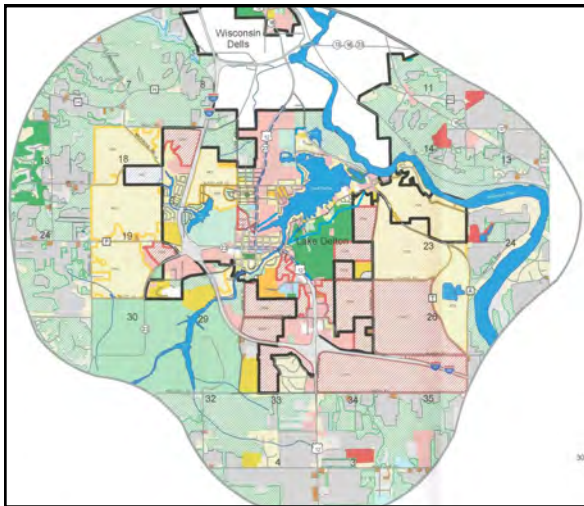
What is a horse density standard?

Some zoning codes include a maximum number of horses permitted per acre. This is usually done to help manage the impacts of horses on the land and the neighboring properties—odor, water pollution, dust, noise, traffic safety, and viewsheds. A flat horse-per-acre calculation may not account for the quality of the land, the site plan or layout, or the scale of the operation, or other natural features. A flexible or tiered standard may be more appropriate both encourage the welfare of the horses and the alleviate hardships on stable operators.

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Each individual zoning district will typically include a list of uses and development standards for that zoning district. Usually, there is a list of *permitted*, or *by-right uses*. These are uses allowed without additional public review or special permits. For example, in an A-2 agricultural district, farming uses and non-farm residential uses may be permitted by right.

There may also be a set of uses permitted with *special conditions* or *special exceptions*. These uses are typically allowed without a special public hearing or special permit, but are required to meet certain standards above and beyond those uses permitted by right. For example, a golf or country club may be permitted in an A-2 agricultural district, provided that certain additional buffering and parking requirements are met.



Lake Delton, WI zoning map
www.lakedelton.org

Finally, there may be a list of *conditional*, or *special uses*, those uses which are permitted in the district with issuance of either a special use permit or a conditional use permit. These types of permits usually require approval by the planning board, the local governing board, or by both bodies. These conditional uses and special uses add some flexibility to a code, allowing uses with conditions that mitigate their impacts on their neighbors.

In most traditional zoning codes, uses not specifically listed as permitted are prohibited in that zone.

A **zoning map** is a part of the zoning ordinance. This map is the official zoning assignment for all zoned parcels within a jurisdiction – a visual representation of how the land within the jurisdiction is zoned. This map may be changed by official action of the governing body. Once you have located your property on the zoning map to identify what it is zoned, you next refer to the zoning ordinance to determine what the rules for that zoning district are. Many communities now offer online mapping through their Geographic Information System (GIS), which allows you to check the zoning of your property very easily. If you find an online zoning map for your community, you will also likely find a disclaimer that the official zoning map is on file at the planning office and that the official map will govern any dispute of the current zoning. A quick look at a zoning map can be helpful in making decisions about where to buy property and how to plan for building on your property. If you

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are shopping for a great piece of horse property, and you come across something that seems like just the right thing, the current zoning of the property should be verified using the official zoning maps. It is also a good idea to check out the zoning of the surrounding properties as well. You may find that the large tract next door, though still wooded and undeveloped, is zoned for a single-family subdivision or for commercial uses. While this would not necessarily affect the zoning or use of your property, future development of the neighboring property might be something you want to consider when purchasing property or designing your site. In some states, the zoning of property may impact the tax assessment as well, which may also be a consideration in choosing land.

Of course, zoning maps can be changed, and each local government will have an established process for how to make such an amendment (*see page 13*). Zoning codes will vary greatly from place to place. Even municipalities within the same county will have different zoning codes, processes, and procedures.



The Bottom Line

What you need to know about zoning in relation to your equine land:

1. Whether your local government uses zoning;
2. What your property and the property around yours is zoned and what is permitted in those zoning districts;
3. What restrictions exist related to where horses and barns may be located on the property and whether there are any horse density limits (number of horses per acre);
4. How you can change the zoning of your property; and
5. How to stay informed about potential zoning changes in your area.

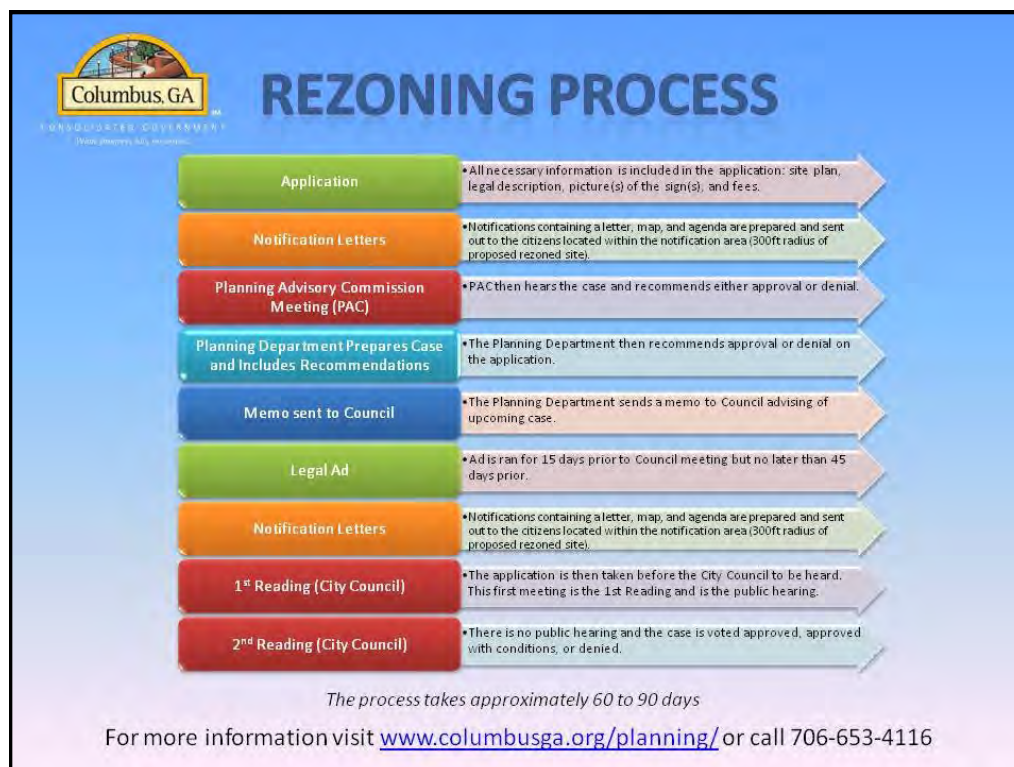
Now That You Know – First and Next Steps for Horsemen

Now that you understand the basics of planning and zoning, you may be wondering how to get involved in the planning process in your community, what your property is zoned, or what the recommendations in the comprehensive plan for your property are. The first thing you will want to do is meet your planning staff.

So how do you know if your community uses zoning or has a comprehensive plan? First, you should determine under what jurisdiction your property falls. Are you within an incorporated city or township? Are you in an unincorporated part of the county? In terms of zoning, it is unlikely that both distinct municipal and

county regulations apply to a single property. If you are unsure, call your local planning office and provide them with your address so they can confirm if your property is within their planning and zoning jurisdiction. Chances are, if you have ever had to obtain a building or sign permit, or a zoning verification for a mortgage loan, you have already met at least one member of your planning staff.

Once you have confirmed the appropriate jurisdiction, the planning staff will be able to tell you what your property is zoned, what uses are permitted in that zoning district, and what other regulations may be applicable to your property. The planning staff can also tell you if there is



Columbus, Georgia's rezoning process.

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a comprehensive or small-area plan existing or under development that may affect your property. Most local governments post both the zoning code and any adopted or pending plans on their websites, but it may be helpful to have a planner talk you through the details, as they may be quite complex. Your planning staff can also advise you on the local process for how to make changes to codes and plans.

Perhaps you have heard that a property is being considered for rezoning or for subdivision – you may have even seen a sign posted on a site – or perhaps you have seen a property staked out and you are wondering if there have been any building permits issued for that site. If

you are looking for more details about what may be going on at a specific location, call your planning staff. If possible, provide them with an exact address (or even a case number, if you have seen a sign posted on site). Once the planner has located the exact parcel in question, they will be able to tell you what permits have been issued, if there are any pending public actions (e.g., rezoning, special use permit, or board of appeals action) on the site, and other relevant information.

Usually, the planning staff has very limited decision-making authority. Staff may review and approve site plans for technical compliance, but are probably not authorized to make changes to the zoning



Deb Balliet

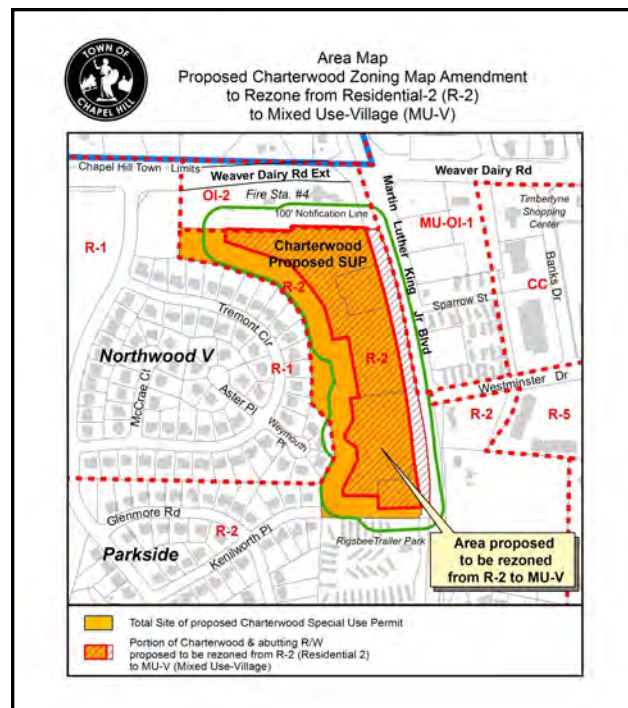
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map or to the comprehensive plan; these decisions are made by local elected officials. Most planning and zoning decisions must first go through a recommending body before going to the governing body for consideration. This recommending board may be called a **planning board** or **planning commission**. Sometimes, planning commissions are authorized to make certain decisions as a board; sometimes planning commissions only make recommendations, which are then passed on to the city council or county commission. A typical rezoning process might involve the following steps:

1. A property owner submits a rezoning (and/or plan amendment) request to planning staff;
2. Local government staff reviews of the request and makes a recommendation on the proposed change, based on the policies and maps found in the comprehensive plan, which is forwarded to the planning commission;
3. The planning board will review the request, often in the form of a public hearing. At the public hearing, citizens can voice their opinions of the proposed change. The planning board will make a recommendation, which is sent on to the governing board;
4. Finally, a public hearing in front of the local governing board (e.g., city council) will be held, with the governing board hearing public input before making a final decision on the request.

Your planning staff will be able to walk you through this process, and provide you with the specifics for your community.

Perhaps you are part of a neighborhood or subdivision that has active covenants or other restrictions monitored by a property owners or homeowners association. It is important to understand that these are almost always private restrictions on property, and are not typically enforced by the local government. If you are curious about any covenants or deed restrictions, you should check your deed and ask your property owners association.



Source: www.townofchapelhill.org

Policies that Support Sprawling Development

If not used appropriately, regulatory codes can inadvertently incentivize the development of rural lands over the infill and redevelopment of already built areas. This can threaten horse lands as the need for housing and commercial uses forces development outward.

- Low or limited density requirements for housing;
- Low or limited building heights;
- Requiring vast amounts of land to be allocated for unusable open space, deep setbacks, and parking;
- Inappropriate or lacking impact fee structures;
- School siting policies that require single-level buildings and vast acreage;
- Requiring strict separation of uses.

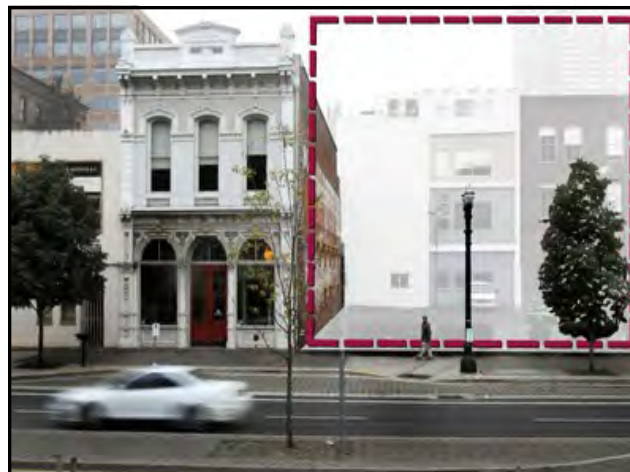


Source: USDA NRCS

Policies that Support Infill and Redevelopment

Regulatory codes can be structured to support infill and redevelopment, and even put it on even footing with greenfield development, helping to discourage sprawl and alleviate development pressures on agricultural land.

- Allowing mixed-use buildings;
- Allowing greater density and building heights;
- Modified open space, parking, and setback requirements;
- Impact fees that related directly to the cost of providing community services;
- Allowing reuse of older buildings that may not conform to contemporary codes.



Source: <http://anniekoh.tumblr.com/post/50101952799/infill>

What to Look and Ask for in Your Small-area or Comprehensive Plan

If your local government is working on a plan for your community, be sure to get involved! A good plan is going to include an extensive amount of community input. Be on the lookout for signs in your neighborhood, postings on the **municipality's or county's website**, a postcard in the mail, or an email from your planning staff, elected official, or even your neighbors. Planning processes are proactive, giving you a chance to get involved before major changes occur, so it is the perfect time to talk with your neighbors and planning staff about your vision for the future of your community.

The local planning staff will have a process for gathering input, and will host community meetings and use online Surveys and many other tools for gathering stakeholder input. Be sure to take advantage of these opportunities to share what is most important to you.

This is a chance to talk about any specific issues you see in the future, such as protection of equine land, encroaching development, stormwater controls, water and sewer extensions, zoning concerns, and anything else you view as important to the future success of your community. It is also helpful to be prepared to educate your planning staff (and your elected officials) on the economic impact of the equine community in your area, and the environmental benefits of protection of equine lands. Many states have conducted studies about the economic impacts of the equine community; the ELCR has information on existing studies and research.

Take advantage of this opportunity to network with other horsemen; a strong, organized voice is always helpful in



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www.Finnhillalliance.org

navigating planning processes. By participating in the plan development process, you can ensure that the concerns of the equine community are not only considered, but planned for in a proactive way.

Monitoring changes

After you have helped shaped the comprehensive plan, and the local government has adopted it, what happens next? Remember, plans are policy documents, not laws, so you may not realize immediate affects of a newly adopted plan. It is also important to

remember that these plans typically have a very long planning period, sometimes 20 or 25 years. While there will likely be shorter-term action items targeted, it may take a long time to realize many of the goals of the comprehensive plan.

The enforceability of plans will vary from state to state. While the comprehensive plan is a policy guide, it does provide the policy basis for land use decisions in the community. Be sure to ask about the next steps in terms of plan implementation. It is common to see major updates to zoning codes and zoning maps following a new comprehensive plan. Comprehensive plans

The Economic Impacts of Horses

It is critical that planners and decision makers understand equine economic impacts. A 2005 study by the [American Horse Council](#) reports that 4.6 million Americans are involved in the horse industry in some capacity and there are more than 9 million horses in the United States. The industry has a \$102 million impact on the national economy; this impact increases when expenditures by spectators are included. The horse industry contributes nearly \$2 billion in taxes across all levels of government, and the horse industry creates the equivalent of 460,000 full-time equivalent jobs. Racing, showing, and recreation each contribute between \$10 and \$12 billion to the total value of goods and services produced by the horse industry.

Planners and decision makers should also understand that horse ownership is not the exclusive domain of the wealthy. Horse owners are a diverse group, made up of all sorts of riders, employees, and volunteers. The American Horse Council reports that approximately 46% of all horse owners have a household income of between \$25,000 and \$75,000.

In some states, such as Kentucky, where horses and the equine industry are a very visible part of the economy, planners and decision makers are likely to have a basic understanding of the economic impacts of the industry. In other places, where the equine industry is not as visible, it will be up to the equine community to gather information, collect data, and be a voice and advocate for the equine industry.

Planning and Zoning Guide for Horse Friendly Communities

are often supplemented with small-area or neighborhood level plans, so be alert for these next steps with which you may want to get involved.

The most common way that you will see the plan enacted, enforced, and challenged is through zoning actions and land use changes. If major zoning changes are a key part of plan implementation, the new zoning ordinance and zoning map (or amendments to the existing code and map) should implement many of the goals of the plan soon after the plan is adopted. If a petition to change the zoning of a single parcel or small group

of parcels is received, the zoning action should be consistent with the recommendations and policies of the comprehensive plan.

The decision-making process associated with the zoning map amendment is the primary way through which citizens can keep up with consistency between the plans and zoning actions. In some states, consistency between the zoning map and the comprehensive plan is required, so you may see a zoning change request accompanied by a plan amendment request.



Source: <http://www.home-building-answers.com/lot-selection-criteria.html>

Planning and Zoning Guide for Horse Friendly Communities

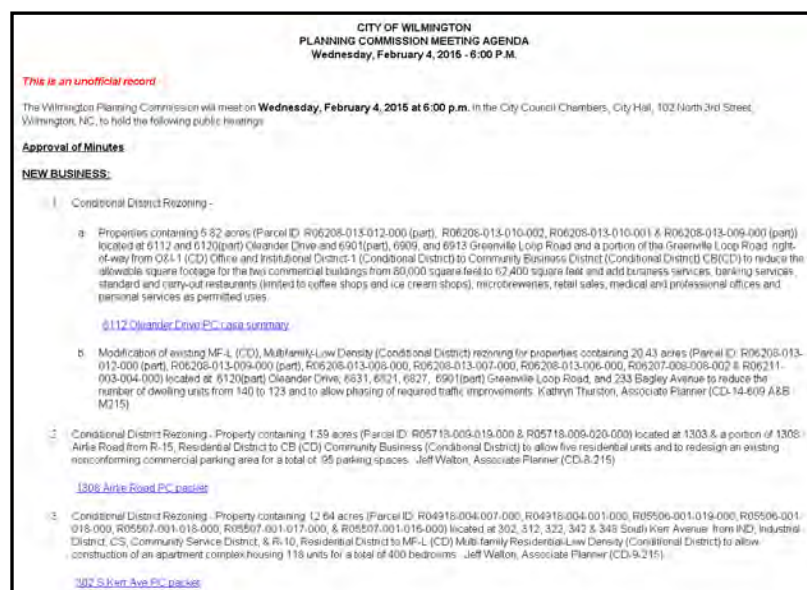
It is not uncommon for the public hearing process associated with zoning changes to be the primary way that citizens act as an advocate for the plan. It is very helpful to have an organized group of equine leaders who can stay aware of proposed zoning changes and plan amendments and who can advocate for equine interests through these processes. Online forums and social media tools may help you connect with others in your local equine community, including nextdoor.com and meetup.com, and other social media groups.

Your local government may maintain a list of neighborhood associations and likely has a listserv through which you can be notified of current events, including the agendas for official meetings. Most official zoning actions require some sort of

minimum legal notification, such as a legal ad in the local paper. Many local governments will also post signs on site and some even require that adjacent and/or nearby property owners be notified by mail. Be sure to check the local **government's website for notifications** as well as the local newspaper.

Best Practice

Changes to the zoning map and zoning ordinance should be consistent with the recommendations of the comprehensive plan.



The city of Wilmington, North Carolina maintains a subscription email list. By signing up, subscribers receive the month planning commission agenda.

The Bottom Line

What to ask for when your community is going through a comprehensive planning process:

If equine land preservation, protection, or conservation is a concern:

- What are the proposed anti-sprawl policies?
- Where is existing farm land and where and how is preservation of farmland being prioritized?
- Will new zoning regulations include agriculture zoning tools?
- Will an urban growth boundary be included in the plan, and if so, where will it be?
- How will the plan relate rural areas to urban centers?

If keeping horses on land not designated for agricultural use is a concern:

- What are the proposed definitions for horses and livestock?
- Are minimum acreage or horse density requirements for keeping horses and livestock proposed?

If adequate access to public recreation land is a concern:

- Where are horse-friendly parks, trails, and facilities being proposed?
- Are there opportunities for public access to private land for recreational uses?

If your community is facing environmental concerns, such as chronic flooding or surface water contamination:

- Where are regional composting facilities being planned?
- Where is rural land and open space protection being prioritized?
- Where are regional stormwater facilities being planned?
- Where is wetlands restoration being prioritized?

If a plan already exists:

- How is your land and the land around yours is addressed?
- How can the plan be changed, if necessary?
- What policies are included to protect equine land, maintain equine access to recreation amenities, and to manage sprawl?
- How does this plan fit into the larger regional planning context for the mutual benefit of urban and rural citizens?
- How can you stay informed about potential changes to existing plans and/or the development of new plans?

Tools for Protecting Open, Agricultural, and Equine Lands

There are several public and private tools available to aid in the protection, preservation, and conservation of equine lands. Some of the tools listed below require a partnership between private property owners and a public agency, such as a city or county, or a nonprofit agency. Not all of these tools are available in every state; it is important to seek advice from a seasoned land use practitioner in your area to determine what your options are.

Private tools

A **conservation easement** is a versatile tool that can be used in many ways and enhances many other private land conservation tools. A conservation easement is a legal agreement between a private landowner and a land trust (or government agency) that restricts the use of land to specific purposes in order to preserve and conserve the land, usually in perpetuity. Property owners retain ownership of the land and can pass it on to heirs, but future owners of the prop-

erty are still bound to the rules of the conservation easement, as it usually runs with the property, protecting the land in perpetuity. The rules of the easement are enforced and managed by the holder of the easement.

Landowners may sell or donate an easement to a land trust, unit of government, or other public agency. The donation of any easement may make you eligible for a tax deduction.

Conservation easements may also reduce estate taxes. The easement removes some or all of the development value of the property. This reduced

Best Practice

Conservation easements are one of the best tools a land owner can use to preserve private property as rural land for future generations.



<http://dutchessland.org/our-work/land-conservation-program/conservation-easement-faqs/>

development value lowers the market value of the land, which, in turn, reduces the tax liability. If you are considering a conservation easement as a means of protecting your horse lands, the ELCR can help you find a land trust in your area.

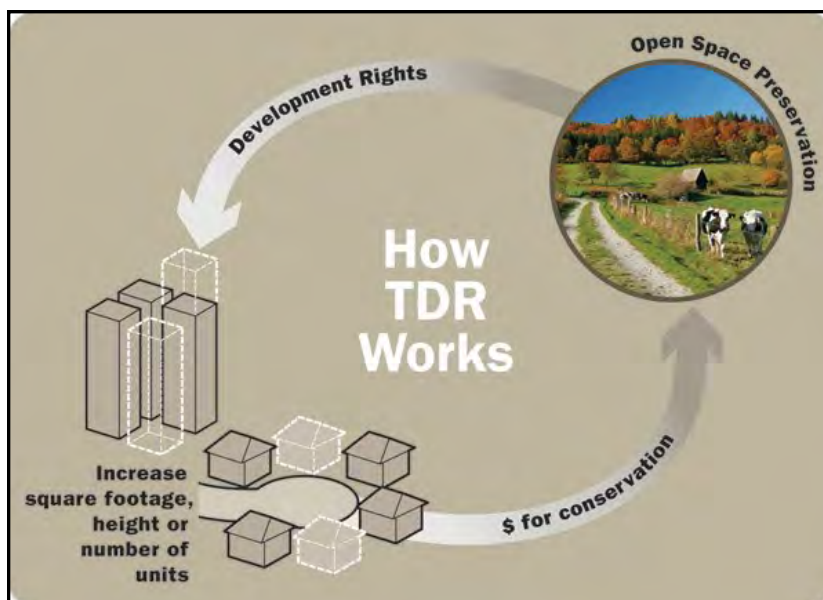
Land trusts are nonprofit organizations that work to conserve land, either through buying land or conservation easements. A community land trust can be a great tool for preservation of horse lands for current and future generations, as it can actually purchase and hold land for the benefit of the community, ensuring conservation of the land and often allowing public access to that land. Land and easements may be donated to or purchased by a land trust.

Transfer of development rights

(TDR) is a tool intended to allow development to occur while also protecting open space, by way of both the private market and the public planning process. Land is

permanently protected for water supply, agricultural use, recreational use, historic resources, or scenic views by transferring some or all of the development that could have occurred on these lands to other locations where development is more suitable, such as city centers. In other words, the development rights from a “sending district” are given to a designated “receiving district,” usually through a combination of deed restrictions, easements, and zoning ordinances. This allows density and intensity to be shifted to preferred locations, supporting both open space and economic development goals, outlined in the comprehensive plan, to be achieved. TDR is a complex process and is not legal in all states. Some states, like New Jersey, have publicly-held TDR banks, which may facilitate the process of matching sending and receiving property owners.

The landowner who gives up some development rights on his property retains ownership of the land, and can use, sell, or transfer the property. As development



Source: <http://www.kingcounty.gov/environment/stewardship/sustainable-building/transfer-development-rights/overview.aspx>

potential on rural land is transferred to other areas, the overall development pressure in the area may be reduced, benefiting many agricultural landowners.

Purchase of development rights

(PDR) is a tool that involves a landowner selling development rights to his property to a public agency, land trust, or unit of government. Unlike a TDR, the forfeited rights are not granted to another property in another location. A conservation easement is recorded on the property deed; this conservation easement permanently limits development on the property. The ability to subdivide the land in the future may also be limited. Although development of the land is restricted, the landowner maintains all other rights to the land, and can use it or sell it for the purposes allowed in the easement. A property owner may wish to retain rights to allow development of farm buildings, residences, and other farm-related uses.

PDR programs can be helpful for farm owners. The landowner receives cash in exchange for the development rights, which can be used for any purpose. Selling the development rights reduces the development value of the property, which may reduce tax liabilities.

Deed restrictions are private conditions, covenants, or restrictions on land, such as those used by a homeowners or property owners association. Deed restrictions are a great option for a developer creating a new development, but may also be used by an individual landowner to help structure the future use of his property. An equine-friendly development may have deed restrictions that specify that horses are allowed, limit how parcels may be subdivided, specify where and how accessory structures may be built, or regulate the design of new construction.

Deed restrictions can only be placed on a property by consent of the property owner. An equine landowner may choose



The Legacy Ranch community in Lubbock, Texas, has deed restrictions that require a minimum home area based on the lot size, architectural design requirements, and regulations related to large animals (horses and calves are permitted and five-acre tracts may have up to six large animals). Source: <http://www.legacyranchliving.com/deedrestrict.html>

to place restrictions on the uses and development of her property that will transfer with the sale of the property to the next owner. Deed restrictions are recorded with the deed of the property, but are typically enforced by the seller of the property, and not by the local government.

Deed restrictions are not typically eligible for the tax benefits associated with conservation easements and often do not have the same standing in court as conservation easements. They may also be structured so that they expire after a period of time.

First Right of Refusal is a written agreement between the owner of a property that is not currently for sale and an interested buyer. This tool allows the interested buyer, such as a land trust, to be the first in line to purchase your property when you decide to sell. The



Deb Balliet

First Right of Refusal does not obligate the sale or purchase of property, it simply allows someone with a preservation interest to match a purchase offer and have the first chance to buy the land. This may be implemented in the form of a deed restriction or by a private agreement between the land owner and the interested buyer, and usually relies on the landowner to notify the interested buyer of his intent to sell the property.

Best Practices

Urban growth boundaries should be considered by both the city and the county in concert to maximize the ability conserve rural lands.

Areas with both existing rural lands and development pressures should utilize agricultural zoning districts, buffers, and PDRs to protect rural lands from encroaching development. Growth should be directed in towards already-developed areas where infrastructure can be used most efficiently.

Planning and Zoning Tools

Agricultural zoning tools vary by jurisdiction, and some communities may employ multiple zoning tools for the protection of agricultural land. Agricultural zoning protects farmland from incompatible land uses that could adversely impact the usability and economic viability of agricultural land. Some jurisdictions may go so far as to have equine use zoning districts, which limit uses to those related to equine-specific uses, such as riding academies, trail riding, pasturelands, etc. Whereas a conservation easement may preserve land in perpetuity, zoning is always subject to change.

The most basic form of agricultural zoning is to simply have a zoning district that limits the construction of buildings and structures unrelated to agricultural land uses and activities. *Exclusive agricultural zoning* prohibits all non-farm residences and most non-agricultural activities from the zone. *Non-exclusive agricultural zoning districts* typically use either large minimum lot sizes or area-based allocations to help protect land from encroaching development and reduce conflicts between nearby land uses.

An example of *non-exclusive agricultural zoning* can be found in Gwinnett County, Georgia, which has an RA-200 (Residential-Agricultural) zoning district. This district is created for land having a rural character and is intended to **“provide for agricultural, forestry, and very low-density residential uses and to discourage the subdivision of land for urban development requiring urban services as public water supply and sanitary sewers.”** **Parcels must be at least 40,000 square feet in area (0.92 of an acre), and at least 200 feet wide** (hence the 200 in the name of the district). Permitted uses in the RA-200 district include agricultural uses, bee-keeping, country club and golf course, equestrian facility/riding stables, forestry and logging, wholesale greenhouses, winery, places of worship, and single-family dwelling units, including mobile or modular homes.

Large minimum lot size zoning sets a standard of land area that is required for each new parcel created. No parcel can be subdivided to a size less than the minimum lot size. Some communities

Sliding Scale (Example)	
Area of Lot of Record	Maximum Additional Lots Permitted
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
over 320.1 acres	7

Source: <http://www.hillsdalecounty.info/planningeduc0007.asp>

require a minimum lot area of one acre, while others require a minimum lot area of 20 acres or more. The minimum lot area ensures that many parcels would be large enough to support agricultural uses, even when developed with a home or subdivided from a larger tract of land.

Sliding-scale or area-based zoning limits the number of times an original or **“parent” parcel may be subdivided.** The larger the parent parcel, the more times it can be subdivided. This type of zoning may allow some non-farm uses without special permits or other reviews. Sliding-scale zoning is most effective in areas where a wide-range of parcel sizes exist and non-farm residential development has already started to occur.

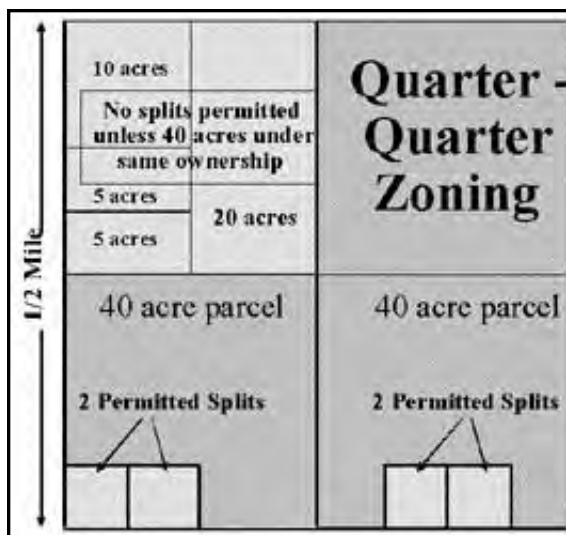
Using minimum and maximum lot sizes can encourage the location of non-farm

development on less productive farmland, allocating the best agricultural land for agricultural uses. It can also help direct new non-farm growth into areas where existing development is more concentrated or into already fragmented land. This type of zoning is often used in conjunction with buffers to avoid land use conflicts between new residential development and agricultural uses.

Quarter-quarter zoning is a density-based zoning tool that may be useful in areas with very large existing lot areas (often 40 acres or more) with moderate development pressures. **“Quarter-quarter” refers to the section of land** (1/4 of 1/4, or 1/16, of 640 acres, or 40 acres) that may be allocated for limited non-agricultural uses, with the balance of the land required to remain in agricultural use. Non-agricultural uses are usually required to have a minimum and maximum lot areas, often no less than one acre and not more than two acres. This density-based approach offers some assurance that agricultural uses will continue to dominate the landscape and land use conflicts may be reduced due to the generally lower density.

Urban service boundaries or urban growth boundaries are planning tools that help promote orderly and efficient growth management. They are part of a municipal or county plan to protect natural resources, open and/or rural land, and greenspace, and to promote efficient use of public infrastructure, stimulate community and economic development, and manage long-term patterns of growth within the city or county.

An urban growth boundary is a line on a map showing the boundary between land where there is or may be concentrated development and land where there is or may be limited development. Outside of the boundary, land is developed primarily with low-intensity land uses, including farms, timberland, large residential lots, and natural or protected lands. Inside the boundary, more intensive land uses and higher densities are or will be permitted, including some commercial and industrial uses, multifamily and single-family residential development, schools, government facilities, and transit services. This tool is used to show where and how growth should occur during the period specified in a growth management plan such as the comprehensive plan. It may help form the basis for transfer of development rights or purchase of development rights programs. By limiting extension of urban services, sprawling development is discouraged and



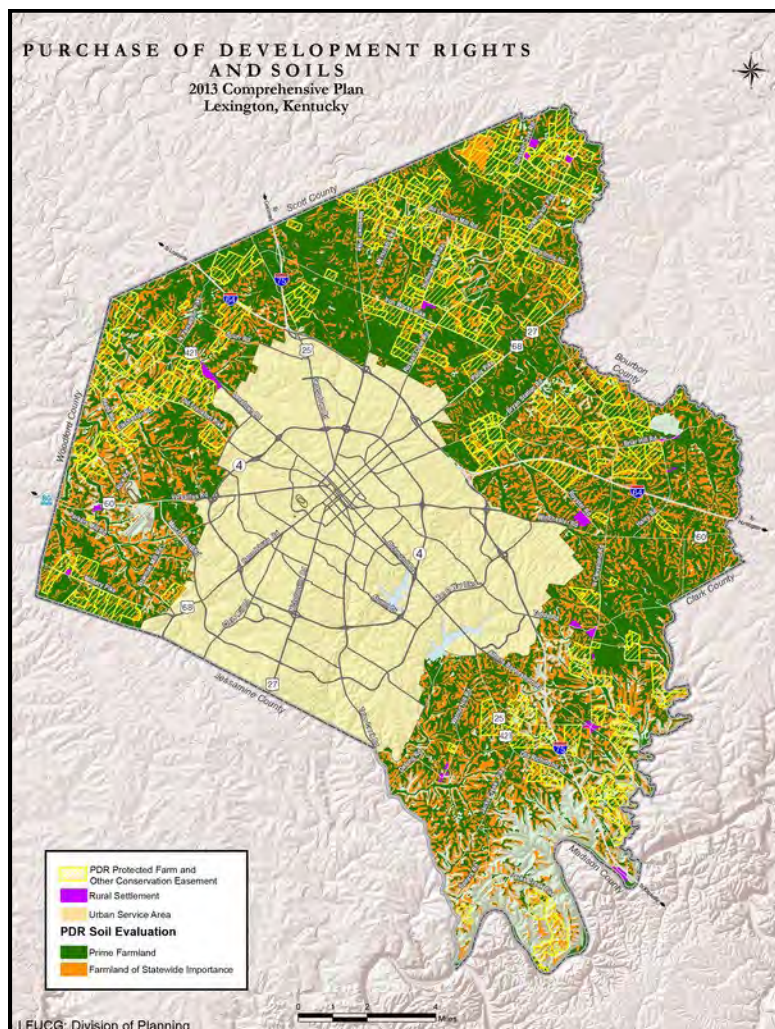
Source: <http://www.hillsdalecounty.info/planningeduc0007.asp>

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protection of rural and natural land is encouraged. This may help encourage infill and redevelopment inside the boundary, where services already exist or can be most efficiently provided.

states, depending on the state and local planning laws, they are simply policy recommendations and may not stop development from occurring on the “wrong” side of the boundary line.

While urban service boundaries and urban growth boundaries are a great starting place for land conservation, they are not always enforceable – in some



Lexington and Fayette County (Kentucky) have used urban growth boundary to meet its planning goals since 1958, making it the oldest growth boundary in the United States. The primary purpose is to protect bluegrass and horse farms by requiring most development to take place inside the boundary and severely limiting development outside the boundary. The tan area is inside the urban growth boundary in this map from the 2013 comprehensive plan. The city and county also manage a purchase of development rights (PDR) program to help conserve equine land. Source: www.lexingtonky.gov

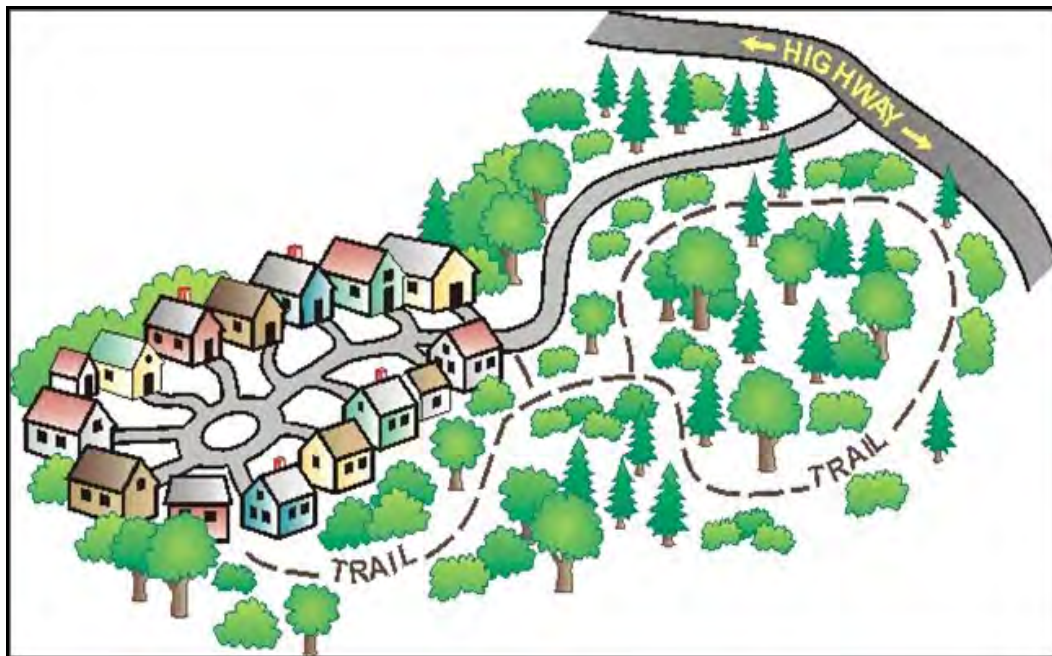
Cluster or conservation subdivisions

are a popular tool for allowing development to occur at the desired or maximum permitted density while still maintaining open space. Unlike a conventional subdivision, where all or most of the parent parcel is divided into individual home sites, a conservation subdivision allocates a portion of the overall acreage as open space. The same number of individual home sites are accommodated in the remaining land, with houses clustered closer together. Cluster subdivisions typically preserve 50% - 70% of the buildable land, plus the areas likely to be unbuildable, such as wetlands, steep slopes, and floodplains. The conserved land may be subject to deed restrictions, and may be dedicated for use

as recreation area for residents of the development; the conserved land is typically managed by a homeowners association or by a land trust. This is a great option for allowing moderate-density residential development to occur while still setting aside land for equine recreational uses.

Buffering is a zoning tool that helps reduce conflicts between dissimilar land uses.

Often, a commercial or industrial land use will be required to provide a buffer on that property when it is adjacent to a less intense land use, such as a single-family neighborhood. The width of a buffer and what materials constitute the buffer are usually prescribed in the zoning code. For

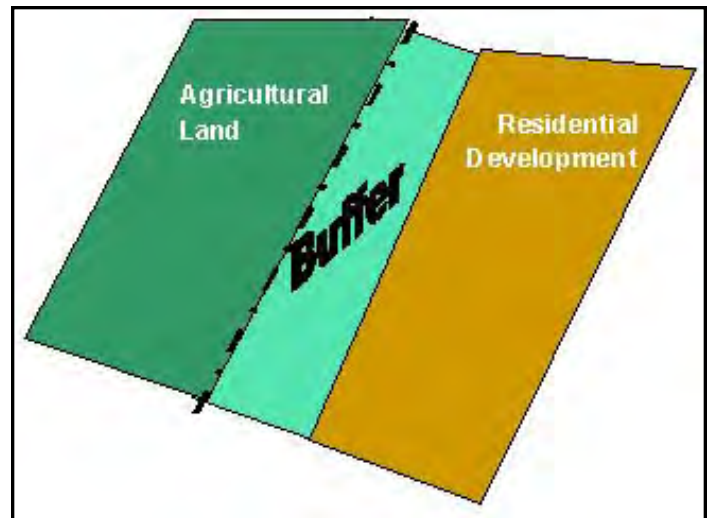


In this example of a cluster subdivision, houses are close together and occupy only a small percentage of the total land area. The remaining land is left undeveloped. Source: <http://www.tcrpc-pa.org/Planning-Toolkit/Open-Spaces/Pages/Clustered-Subdivision.aspx>

example, a city may require a grocery store adjacent to a neighborhood to provide a 20-foot wide buffer, planted with evergreens, and supplemented with an eight-foot tall opaque fence. Buffers may also be required to be installed by a new residential subdivision abutting a farm or agricultural land use (if this is not required by your zoning code, you may want to petition for a change to the code). While buffers are usually intended to protect the less intense land use from the noise, light, and other impacts of the more intense land use, buffers can work the other way, too. Should you find your equine land the victim of encroaching subdivisions, you may have new neighbors suddenly complaining about the sights, sounds, and smells coming from your property, even though you were there before your neighbors were. If you have the land area available, you may find that planting a row of fast-growing evergreen trees and shrubs, such as a Leyland cypress or American holly, will help minimize the nuisance complaints, being sure, of course, to avoid plants that are dangerous for horses. Choosing native plant species will make maintenance of the buffer easier.

Other Tools

Some states have enacted or allow local governments to enact agricultural district designations to aid in the protection of farmland, ensuring these lands remain economically viable in their current state. These programs offer incentives and protections to the property owner, including preferential property taxes and special benefits assessments, and special zoning and land use considerations.



Buffers are intended to shield a less-intense use from a more intense use. Source: (top) http://www.abbey-associates.com/splash-splash/green_components/buffer_yard.html (bottom) <http://www.hillsdalecounty.info/planningeduc0007.asp>

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There may also be some relief for private nuisance suits, which are common between farms and encroaching development. Qualification for participation may be based on a number of factors, including total income produced on the property, minimum land area, and specific types of uses. If your community offers an agricultural district, verify what, if any, minimum land area and minimum revenue requirements exist and if boarding, trail riding, and riding lessons conform to the prescribed definition of agriculture. Smaller-scale equine operations often do not have enough land area to meet minimum qualifications. Check with your local government to determine what, if any, tax benefits may be available in your **Area and how "agricultural uses" are defined.**

Impact fees are an indirect method, that when used properly, can encourage the protection of rural lands by directing development away from rural lands. Impact fees require a developer to pay for some or all of the costs of providing new services, such as water, sewer, and streets, to a new development. If impact fees for greenfield development accurately reflect the true costs of community services for sprawling development and fees are waived or reduced for infill and redevelopment, new development can be redirected towards already urbanized areas and away from rural land. By properly assessing impact fees, a local government can both accommodate demands associated with a growing population and preserve valuable open and agricultural lands.



Greenfield development is the practice of using land that is in agricultural use or previously undeveloped for new development. Often, local development codes inadvertently incentivize greenfield development over infill and redevelopment of already developed areas. This practice is a significant threat to open, rural, and agricultural lands. Source: Dolores Hayden Image Collection <http://www.marthabianco.com/Courses/edge.html>

Tying it All Together

Ultimately, the ongoing ability to use, own, and access equine lands is tied to how well a community plans for and accommodates growth and change. Maximizing the ability to utilize existing infrastructure, making it easy to redevelop and infill, discouraging sprawling development, and public and private land preservation and protection tools all work together to preserve equine land. The equine land owner must understand all the considerations – urban and rural, both within and outside your own community – to ensure that equine lands exist now and for future generations. The decisions made at the local and regional levels about transportation, while seemingly unrelated to equine land uses, are very important. Like roads, how, when, and where water and sewer lines are extended to an area will impact future development. Ideally,



Cal Farmland Conservancy Program and NRCS

The American Farmland Trust reports that, between 2002 and 2007, 4,080,300 acres of agricultural land were converted to developed uses. States with the biggest losses over the 25-year period from 1982-2007 are Texas, Ohio, North Carolina, California, and Georgia.

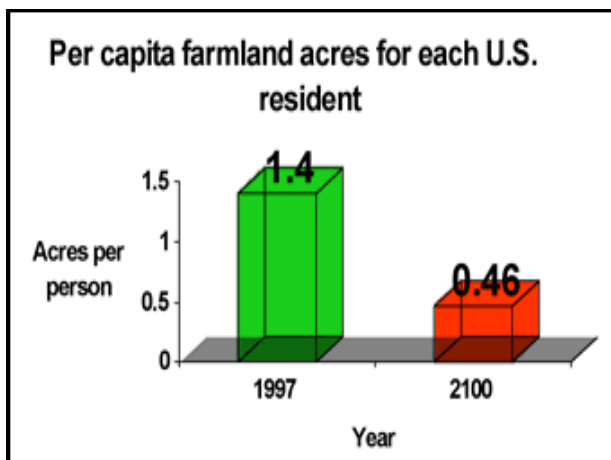
your community will have a comprehensive plan that accounts for the protection and preservation of equine land, and a zoning code that reinforces these goals.

Urban and rural areas are dependent upon one another for their individual success. In many states, there is no longer a bold line between urban, suburban, and rural. Economically, environmentally, and socially, we are all connected, no matter where we live. Rural areas provide goods for urban consumers, such as food and energy, and provide recreation areas and unique experiences. Urban areas create a market for those goods produced in rural areas, specialized services, diverse job opportunities, and generate other resources for public and private investment in rural areas. Rural areas provide opportunities to steward our precious natural resources and at the same time, some industries and services are, out of necessity, located in sparsely populated areas. Allowing concentrations

of density inside urban areas can relieve the pressure for population to sprawl into our rural areas.

In addition to the tools and resources listed here, you will find it helpful to learn from other communities that have employed good equine planning. In addition to learning from what they did right, it is also useful to understand and learn from what mistakes were made along the way. Planners like to benchmark their community against others and model best practices. Being prepared with this information will help you through the planning process.

Good planning depends on extensive public input. Be sure to take part in your local and regional planning processes to help preserve and protect equine lands today and into the future. While planners and decision makers are charged with acting in the best interest of the common good, it is up to the equine community to be a strong voice and advocate for equine land protection and preservation, equine recreation access,



<https://www.numbersusa.com/content/learn/issues/farmland/us-population-growth-key-factor-paving-w.html>



Best Practices

Some examples of horse-friendly zoning ordinances:

Aiken, South Carolina – has several horse-specific zoning districts

Brandywine, Pennsylvania – flexible standards for accessory buildings for “agricultural uses and country properties”

Middleburg, Virginia – agricultural-conservancy district designed to promote equine land uses

Some examples of horse-friendly comprehensive plans:

Lexington, Kentucky – uses many tools, including an urban growth boundary to protect horse lands from encroaching development

Wellington, Florida – features an entire chapter on equestrian preservation and includes horse-friendly policies in other chapters.

Glossary

Here are some definitions for terms used in this document, as they are used within the document.

Acre – a unit of land equal to 43,560 square feet or 0.405 of a hectare.

Density – the measure of the number things within a defined area, such as the number of dwelling units per acre of land or the measure of the number of people per acre of land.

Greenfield Development – building upon land that has never been used, or is in agricultural or farm use, where there is little or no need to demolish or rebuild structures.

Infrastructure – in a municipality or county, the basic physical and organizational structures and facilities needed for the operation. Typically this includes roads and streets, water and sewer, power, gas, sidewalks, and may also include parks, open-space, and other amenities.

Infill Development—the use of land within a built-up area for further construction, especially as part of community revitalization, growth management, or as part of **“smart growth.” Land identified for infill development is often vacant, though was previously built upon.**

Leapfrog Development – the process of developing land whereby a developer skips over land closer to an urban center to obtain land further out at a lower price, despite the existence of utilities and other infrastructure that may serve the skipped-over land.

Local government – **in this document, the term “local government” the administration** of a town, county, city, municipality, township, or other district.

Mixed-use Development – a development that contains any combination of residential, commercial, office, institutional, cultural, or industrial uses, either within the same building or within the same site, and where the functions of the various uses are physically and functionally integrated.

Ordinance – legislation (law) enacted by a municipal authority. A policy, on the other hand, is an adopted course of action or plan that is not enforceable by law.

Public Hearing – a formal meeting at which a local governing body hears testimony from the public at large on a specific issue, such as a zoning change or other proposed government action.

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Redevelopment – renovating or replacing existing buildings with new buildings, usually for a new purpose, such as a different use or higher density.

Rural – the area outside of urban centers and suburban development, typically with a low population density and small settlements. Land is often in agricultural or open use or forested.

Sprawl – low-density development, usually dependent on the automobile for mobility, taking place on the edges of urban centers and denser development nodes. It transforms open, rural, and undeveloped land into other land uses, such as residential subdivisions, office parks, and retail centers.

Suburban – development along the fringe of city center or urban area that is typical of low density and intensity. Suburban development is within commuting distance of an urban center, but may vary greatly in terms of development patterns and land uses. It is often thought of as the area between urban and rural lands.

Urban – **of or relating to a city. The US Census defines “urbanized areas” as those with a population of 50,000 or more;** however, the idea of what is urban can vary greatly from place to place and the lines between what is urban, suburban, and rural may not always be clear in highly developed areas.

Viewshed – an area of land, water, or other environmental elements that is visible from a fixed vantage point.

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