

# Horse-friendly Zoning Practices In American Communities

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# What Is Zoning?

**ZONING** is very important concept for horse community members to understand, because it effects how and where you may keep your horses, and even how they can be used within a community. So we'll begin with some definitions, starting with the basis for zoning, the community comprehensive plan.

Comprehensive Plan Comprehensive planning is a process used by many communities to set priorities for future growth and development. This document often serves as a framework for future land use. It is a dynamic document, that is, it changes as communities grow and change, and is revised periodically with public input. Zoning ordinances should reflect the intent of the comprehensive plan.

Zoning Zoning is a legal tool and process used by many local governments to regulate the physical development of land, including the type and intensity of uses, the location and design of buildings and structures, and the dimensions of lots and parcels.

Zoning Districts A unit of local government (township, city, county, or the like) divides the land within its jurisdiction into zoning *districts* and regulates land use and land development within those districts.

Zoning Maps Zoning districts are most often shown on a color-coded zoning *map*. The zoning map will show how the local government has designated each area of land, showing residential, commercial, office, industrial, agricultural and open space districts.

Zoning District Categories There may be several

categories within each of those zoning district designations. For example, a city may have several residential districts of differing densities (number of units per acre) —some that allow single-family homes, others that allow duplexes and triplexes, and others that allow multifamily development.

Zoning Ordinances Regulations typically vary between districts, and in most cases the zoning ordinance is based on separating incompatible uses (factories cannot be located in the same zoning district as homes, for example).

Zoning Code of Ordinances (“Code”)

This is the entire group of ordinances that are applied to community land use. A unified development ordinance includes all development-related codes,

**ZONING** impacts where and how horses can be boarded, trained, bred, raced, cared for, shown, and ridden. Zoning ordinances (regulations) for horses and other farm animals are usually intended to help limit the impacts from:

- Animal waste
- Vehicular access and storage
- Noise
- Water quality
- Public health
- Odors
- Animal welfare
- Sedimentation and erosion
- Fencing
- Lighting

## What Makes Zoning Horse-Friendly?

such as zoning, signs, subdivisions, etc. Referred to in this document as “code,” your zoning code of ordinances can usually be found on your local government’s planning division website pages. The planning department can help you to understand specific ordinances or the general intent of the code sections.

Zoning Nomenclature (naming) Zoning districts are often identified with a series of abbreviations made up of letters and/or numbers. For example, R is usually the designation for Residential. R-1 may refer to a specific allowable density, and have other specific new development requirements.



Wes Blevins, Creative Commons

Zoning is unique to each local government; for example, while two cities may both have R-1 zoning districts, the regulations may create very different requirements for the same district name.

### Horse Friendly Zoning Ordinances

There are many factors to consider when thinking about what makes a zoning ordinance horse friendly. Several standout horse-friendly zoning ordinances include use-specific districts, where stabling, riding, raising, and breeding of horses are the focus of the district. In communities that are less equestrian oriented, regulations may be less clear or even not included specifically in the code. Many ordinances address keeping horses in a more general way.

While most zoning codes allow for a variety of zoning districts, horse-friendly zoning language should include, at a minimum:

- Clear definitions.
- Agricultural (or similar) zoning districts,
- Either *no* requirements or *flexible* requirements for horse density, and
- Flexible building setback and site development regulations.

The **definitions** outlined in the code should clearly cover relevant terms such as livestock, farm, agriculture, stables, etc. While not every code will specifically address every use, there should be little ambiguity as to how equine land uses are defined.

*Without a specific definition of particular uses, ... a “backyard horse” could be considered anything from a farm operation on down to a pet, or anything in between.*

While the “ins and outs” of how a use is permitted will not be found in the definitions section of a code, there

## What Makes Zoning Horse-Friendly?

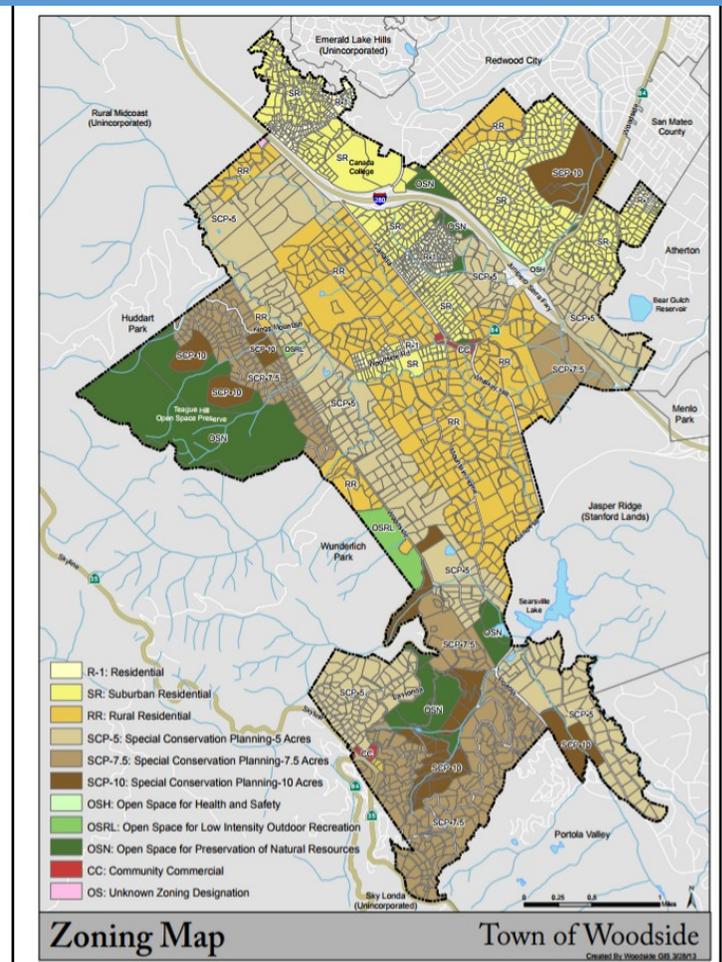
are critical details found in a definition that can make a big difference. If “riding stables” are not defined, does that mean they are a prohibited use or does it mean they fall under a category such as “outdoor recreation?” Without a specific definition of particular uses, having even a “backyard horse” could be considered anything from a farm operation on down to a pet, or anything in between.

When considering development regulations, zoning is not the only factor. It may be necessary

**By-right Use** A “by-right use” refers to the use of land and structures in a way that is consistent with what is listed as permissible in the zoning district in which the property is located. A “by-right use” is allowed in the district and not subject to special review and approval by the local government so long as the standards of the code of ordinances are met.

**Special Use** A “special use,” also known as a conditional use or special exception is something that is permitted only under certain circumstances and typically requires additional approval from the local government beyond an administrative approval. Obtaining a special or conditional use permit often requires a public hearing in front of a board or commission.

**Variance** A “variance” is authorization to depart from certain specific requirements of the ordinance. For example, if an irregularly shaped lot precludes building within the prescribed setback requirements, a property may seek relief from the hardship of the setback requirements. Variances are often approved by a zoning board of appeals or board of adjustment.



Woodside, California includes a “Special Conservation Planning” (SCP) zoning district, which is created to protect land with steep slopes and other natural and environmental concerns.  
[www.woodsidetown.org](http://www.woodsidetown.org) August 1, 2017

to also consider stormwater regulations, building code, animal welfare standards, and other local and state regulations.

Other elements to consider are fencing regulations, lighting restrictions, manure storage/disposal regulations, noise and odor abatement, carcass disposal, and waste water management.

### **By-right Use**

The keeping of horses should be a **permitted by-right use** in multiple zoning districts. Many zoning ordinances include at least one agricultural or open space district, designed to protect agricultural uses and buffer these

## Agricultural Zoning

from more intense residential and commercial development. Agricultural districts typically have a large minimum lot area (five or more acres) and clearly permissible equine and residential uses.

All districts included in an ordinance will have some sort of list or table of permitted uses. In an agricultural district, uses such as private and commercial stables (lessons, boarding, etc.), breeding, training, and related uses should be permitted as by-right uses which are allowed without a special or conditional use permit. This is important, because in many zoning codes, uses not specifically listed as permitted in some way are *prohibited*.



ELCR Photo, Courtesy Keith Mountain.

### The Value of Agricultural Zoning

As cities and urban areas grow, agricultural land is often subject to non-agricultural, non-farm residential development. Drawn to the open spaces and views of the country environment, even small-scale agricultural activities become nuisances to new residents who are surprised by the noise, dust and odors that accompany farming. Complaints to municipal agencies too often follow. Agricultural zoning can help avoid,

or at least limit, these conflicts by keeping non-agricultural uses at a distance from agricultural uses.

Exclusive agricultural zoning, which prohibits all non-farm residences and most non-agricultural uses, is rare. It is more common to see non-exclusive agricultural zoning districts, which typically require large minimum lot sizes or area-based allocations to help minimize land use conflicts, but also allow certain non-agricultural uses such as churches and clubs.

Because agricultural districts typically require a large minimum lot size, a critical mass of agricultural land can be maintained, even if non-agricultural uses are permitted. Minimizing scattered development of non-agricultural development helps prevent physical barriers to equine uses which serve to diminish the overall strength of the agricultural community.

### Horse Density Requirements

Either no **horse density** requirements or flexible requirements should be included in a horse-friendly zoning ordinance. If there are restrictions on the number of horses permitted per acre, it should be a flexible standard and tied to the capacity of the land to support horses rather than a simple horse to acreage requirement. While these standards are designed to help manage impacts such as noise, water pollution, and odors, a flat horse-per-acre calculation may not account for the quality of the land, the scale of the operation, natural features such as streams and steep slopes, or the site layout.

*If there are restrictions on the number of horses permitted per acre, it should be a flexible standard and tied to the capacity of the land to support horses rather than a simple horse-to-acreage requirement.*

# Horse Density Zoning Ordinances

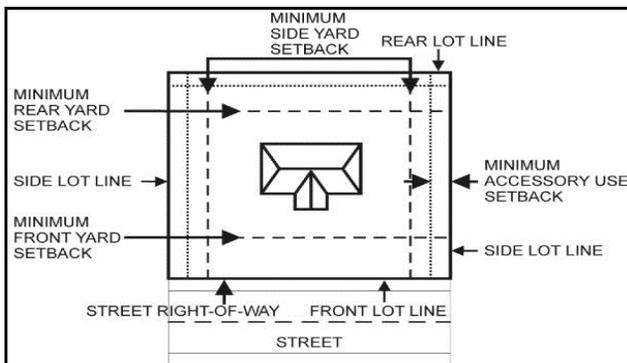
A flexible or tiered standard may be more suitable for animal welfare, nuisance abatement, and the protection of natural features and water quality. More preferable are standards designed to protect natural features and water quality that are not tied to the number of horse on a site. This could include setting back grazing areas and barns from streams and ponds, managing and/or treating stormwater, carefully managing manure storage and restricting spreading, and requiring vegetation and buffers.

**Setbacks** are the standards that define where on a parcel of land, usually in relation to the property lines, a house, barn, accessory structures, or fencing can be located. A horse-friendly code should maximize flexible setback standards. If all barns, for example, are required to be 200 feet from any property line without regard to natural features or the shape of a piece of property, it could become difficult or even impossible to build a barn on an irregularly-shaped lot.

Setbacks from neighboring dwelling units rather than property lines allow for greater flexibility. While setbacks from property lines are usually intended to minimize impacts on neighboring properties, setback standards may also be applied in relation to streams and other surface and subsurface waters to protect water quality. If you have a creek or other water feature on your property, expect a setback anywhere from 25 feet to 200 feet or more, depending on topography, soil conditions and pollution factors that are affecting water quality.



Stream Setbacks and Buffering Help Protect Soils and Water Quality. Photo Courtesy Jeff Rogers.com



City of New Berlin, WI setbacks diagram. <http://ecode360.com/7769939>

## State Level Regulations—Right to Farm

**W**

hile zoning is a local action, most states have a framework within which local governments enact zoning regulations.

Many states have regulations that affect zoning, farming, and agricultural uses. All 50 states have “right to farm” laws that protect qualified farmers and agricultural operators from nuisance lawsuits filed by those who may have moved into the rural area where farming was already going on. Right to farm laws were developed in the late 1970s in response to rapid suburban encroachment on agricultural land. These laws vary from state to state and vary in what they allow, require, and prohibit.

### **The Right to Farm Act**

This act defines certain farm uses, operations, practices and products. It outlines situations in which a farm cannot be found to be a public nuisance.

This legislation protects qualifying farmers and ranchers from nuisance lawsuits filed by those who move into a rural area where normal farming operations exist before the new residents.

While states have similar legislative frameworks, each state has different specific laws.

Visit the [National Agricultural Law Center](https://www.nationalagriculturelawcenter.org/) for more information, including ready access to each state’s right to farm legislation.

All 50 states have “right to farm” laws that protect qualified farmers and agricultural operators from nuisance lawsuits.



[https://en.m.wikipedia.org/wiki/Right-to-farm\\_laws](https://en.m.wikipedia.org/wiki/Right-to-farm_laws)

***But we can decide on the nature of ...growth—on the quality and the character of it, and where it ought to go.***

## State Level Regulations on Agricultural Practices

Some states exempt agricultural uses from local zoning regulations altogether. The **Ohio** Revised Code (sections 303 and 519), for example, exempts agriculture from rural zoning authority in many situations. These laws limit how much authority local governments have over agricultural land uses, and generally, a county or township may not prohibit the use of any land for defined agricultural purposes in any unincorporated area, in any zoning district, whether industrial, commercial, residential, or otherwise. There are exceptions to this rule, for smaller lots (five acres or fewer).



PHOTO: Horse barn North Carolina

In **North Carolina**, cities have a broad authority to regulate agricultural uses, whereas counties have more limited zoning authorities. State statutes (GSA 153A-340(b)) exempt bona fide farms from county zoning regulation, with the exception of hog farms. A bona fide farm includes the production of and activities related to crops, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products. This exemption includes

dairy farming and the raising, management, care, and training of livestock, including horses, bees, poultry, deer, elk, and other animals for individual and public use.



Northfield Township, Michigan Dwight Burdette Wikimedia commons

In **Michigan**, the state building code exempts certain agricultural buildings from the scope of the building code and, therefore, from requiring a building permit. Buildings incidental to use of the land on which the building is located for agricultural purposes, but not used in the business of retail trade, are exempted from the definition of “building.” This means that buildings for the use of “land and soil for the production of crops for the use of animals or humans, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry” are exempted from building permit requirements (MCL 125.1501).

**Vermont** also places limitations on municipal bylaws, prohibiting the regulation of agricultural practices, including the construction of farm structures. This includes “the raising, feeding, or management of four or more equines owned or boarded by the farmer,

## State Level Regulations on Agricultural Practices

Not all states' statutes include exemptions or exceptions for agricultural zoning. **Kentucky**, which shares the title of the "horse capital of the world" with Ocala, Florida, a largely agricultural state, with no state-level zoning exemptions for agricultural land uses. The Kentucky Revised Statute (KRS 100.111) defines agriculture, in terms of planning and zoning, as a land use of at least five contiguous acres in the production of crops, including pasture. This definition would include most land owned and used by recreational equestrians. Also included in the definition are certain activities that are often associated with horse farms, regardless of the size of the parcel:

- Riding lessons
- Rides
- Training
- Projects for educational purposes



Kentucky Horse Park Photo Courtesy RL Jacobs.

- Boarding and related care
- Shows with youth and amateur programs with 70 or fewer participants

For the most part, horses must be contained within fences and barns, but some states still allow livestock owners to allow animals to roam unfenced. The **Nevada** Revised Statutes (Sec. 568.360) defines "open range" as "all unenclosed land outside of cities and towns upon which cattle, sheep, or other domestic animals by custom, license, lease, or permit are grazed or permitted to roam."



Cattle on the open range in Nevada. Photo Courtesy Jeremy Michael, Flickr

## The Urban—Rural Connection

including training, showing, and providing instruction and lessons in riding, training, and the management of equines” (Sec. 4413(d) of Title 24 of Vermont Statutes Annotated).

The greatest land use and zoning challenges exist on the fringes, where suburban development threatens to spill into the countryside. If urban land use planning and decision making allows land uses that provide the greatest sustainability, it is for the benefit of both urban and rural residents. City dwellers need open and green spaces and rural dwellers need the amenities the city provides. Horses are one way that those living in urbanized areas can connect with nature. In fact, a 2016 study in Minnesota shows that the greatest concentration of horse barns is in the areas of greatest population, with a significant concentration of barns around Minneapolis, St. Paul, and Rochester (Edwards, Sophie. *Horse Barns in Relationship to Population Density in Minnesota*, 2016).



Midnight Sun Enterprises typifies the concentration of equine facilities near Minneapolis, MN. Photo Courtesy Midnight Sun Enterprises.



“Backyard chickens” are a symbol of urban agriculture.  
Krista Bronisas .

There has been, of late, something of a movement to return to urban agriculture. Many cities have engaged in the “backyard chicken debate,” as city dwellers try to reconnect with nature, sustainable food systems, and urban farming. At the turn of the last century, it was not unusual to see cows in backyards. At the turn of this century, local governments were struggling with how to address backyard chickens, community gardens, and other similar issues inside cities’ limits.

Urban agriculture is a tool local governments can use to help address public health, environmental health, food security, and financial wellbeing for citizens. Agricultural uses in, and close to, cities can help reduce travel distance to obtain food and help provide open space, recreation, stormwater management, and other amenities for cities.

The best way to prevent sprawling development from driving out horse land is to build a better city. Population growth in rural areas is typically at a density so low that great quantities of land are consumed to provide housing. If urban areas allow greater densities and building heights, mixed uses, and services in proximity to residential development, population growth can be accommodated without threatening rural lands.

# Growth Management and Sustainability

## The Urban Service Boundary

An urban service boundary, or urban growth boundary, is an area within which development is allowed at higher densities than outside of the boundary. Within an urban service boundary, mixed uses are usually encouraged, and a full range of public services, such as lighting, water, sewer, street maintenance, etc., are provided.

The designation of an urban service boundary is an “urban containment strategy,” aimed at keeping urban places urban and rural places rural. By constraining growth to a limited area, open space and agricultural land can be preserved, public expenditures can be limited and more efficient, and citizens can expect a more predictable permitting and growth process.

***The designation of an urban service boundary is an “urban containment strategy,” aimed at keeping urban places urban and rural places rural.***

Lexington, Kentucky was the first community in the country to adopt an urban services boundary in 1958. Today, many cities and counties employ this growth management technique.

## Growth Management Policies

Growth management policies should focus on both urban and regional plans to support economic growth while protecting natural and agricultural land uses, rather than focusing exclusively on rural or urban areas. This not only helps protect rural lands, but also promotes poverty alleviation and sustainable rural development.

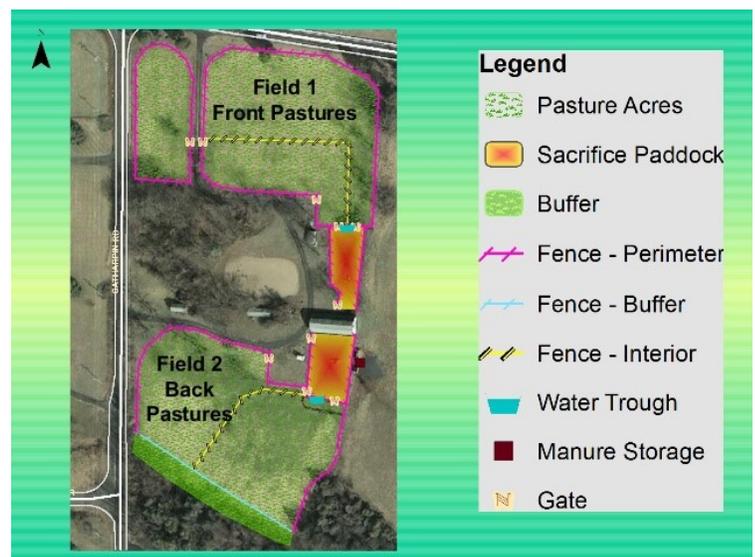
The growth of urban areas does not necessarily

need to threaten or compete with agricultural land or production. Conflicts often arise when residential developments are located near farmlands; encouraging appropriate development at higher densities within the urban core of a city can help limit these conflicts.

## Policies for Sustainability

Integrating sustainable development policies for both urban and rural areas into regional planning efforts helps integrate rural regions into the economy and encourages human settlements that strengthen urban-rural linkages and treat metropolitan areas, towns, villages, and rural areas as equal parts of the spectrum. In areas where planning and zoning efforts are extremely limited, as in Texas, for example, the consumption of open land for urban sprawl is more likely to occur.

When it comes to keeping horses in or close to already developed areas, there is likely to be an increased focus on water and stormwater quality; this may take the form of increased setbacks from streams and water sources and tight restrictions on spreading or removing manure, for example.



Best Stormwater Management Practices for Horse Facilities, an Illustration from ‘Model Horse Farm Project’. Courtesy the Chesapeake Bay Program for Prince William Soil & Water Conservation District, Maryland.

## Suburban Development and Infrastructure Costs

Zoning in these areas is also likely to be designed to limit the impacts of noise and odors on nearby residential uses with increased setbacks from adjacent properties.

Stricter horse density requirements are also common where urban areas meet rural. In Henrico County, the area around Richmond, Virginia, there is a one horse per acre horse density limit.

In Gwinnett County, Georgia, a rapidly developing suburb of Atlanta, where farmland is frequently turned into new home sites, a rezoning action often requires developers to make note on subdivision plats or individual parcel deeds that the new property purchaser will be moving into an area inhabited by farms, farm animals, and the smells, sounds, and sights that are typical to these uses. This gives purchasers in new subdivisions a fair “head’s up” as to who their neighbors may be and what to expect if they are buying into that area.

### The Cost of Infrastructure

Beyond monitoring what happens in terms of private land use, it is necessary for adequate consideration to be given to how, when, and where public services and transportation infrastructure are extended away from urban areas.

When water and sewer lines are extended and roads built outward from cities, development and population growth are sure to follow. Water and sewer extensions are often limited through zoning by restricting land uses, limiting extension to only those areas within an urban growth boundary, and/or requiring a developer to pay for extensions or pay impact fees for extensions.

***Impact fees or utility and road extensions included within development projects rarely include the whole cost of infrastructure...(which) are often born by the existing community.***

It should be noted that impact fees or utility and road extensions included within development projects rarely include the whole cost of infrastructure. Existing sewer treatment plants, water distribution plants, roadway systems and power utilities may not be able to carry the increased load of the new infrastructure and



Road Construction as a land use. Photo Courtesy Road Commission for Oakland County, MI.

maintenance costs are often born by the existing community.

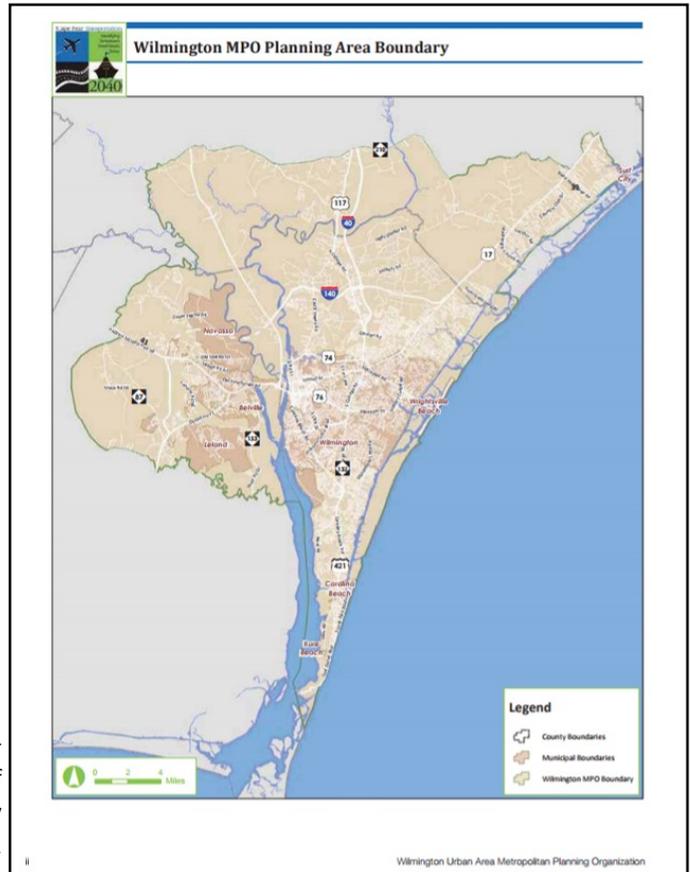
Road construction is perhaps the greatest driver of consumption of open land and urban sprawl. Highways can fragment forests, wildlife habitats, and agriculture lands. Recognizing that rural and urban areas are dependent on each other and that transportation planning must occur at a regional level, there is a federally mandated and funded regional policy making structure.

## Planning and Transportation

The Federal Aid Highway Act of 1962 required the formation of a metropolitan planning organization (MPO) for any urbanized area with a population greater than 50,000. All federal funding for transportation projects and programs are based on this regional comprehensive planning process.

Some states have created rural transportation organizations (RPO) that follow the MPO structure. This regional focus on transportation planning and funding can help manage the urban-rural balance by ensuring new roads are not planned or constructed in a way that encourages sprawl or leap-frog development patterns.

The Cape Fear Area (North Carolina) MPO area includes all of New Hanover County and portions of Brunswick and Pender counties. Photo Courtesy Wilmington MPO.



New Transportation Corridors can disturb the Urban-Rural balance by encouraging development far beyond an urban service boundary or planned development area. Photo Courtesy Georgia DOT.

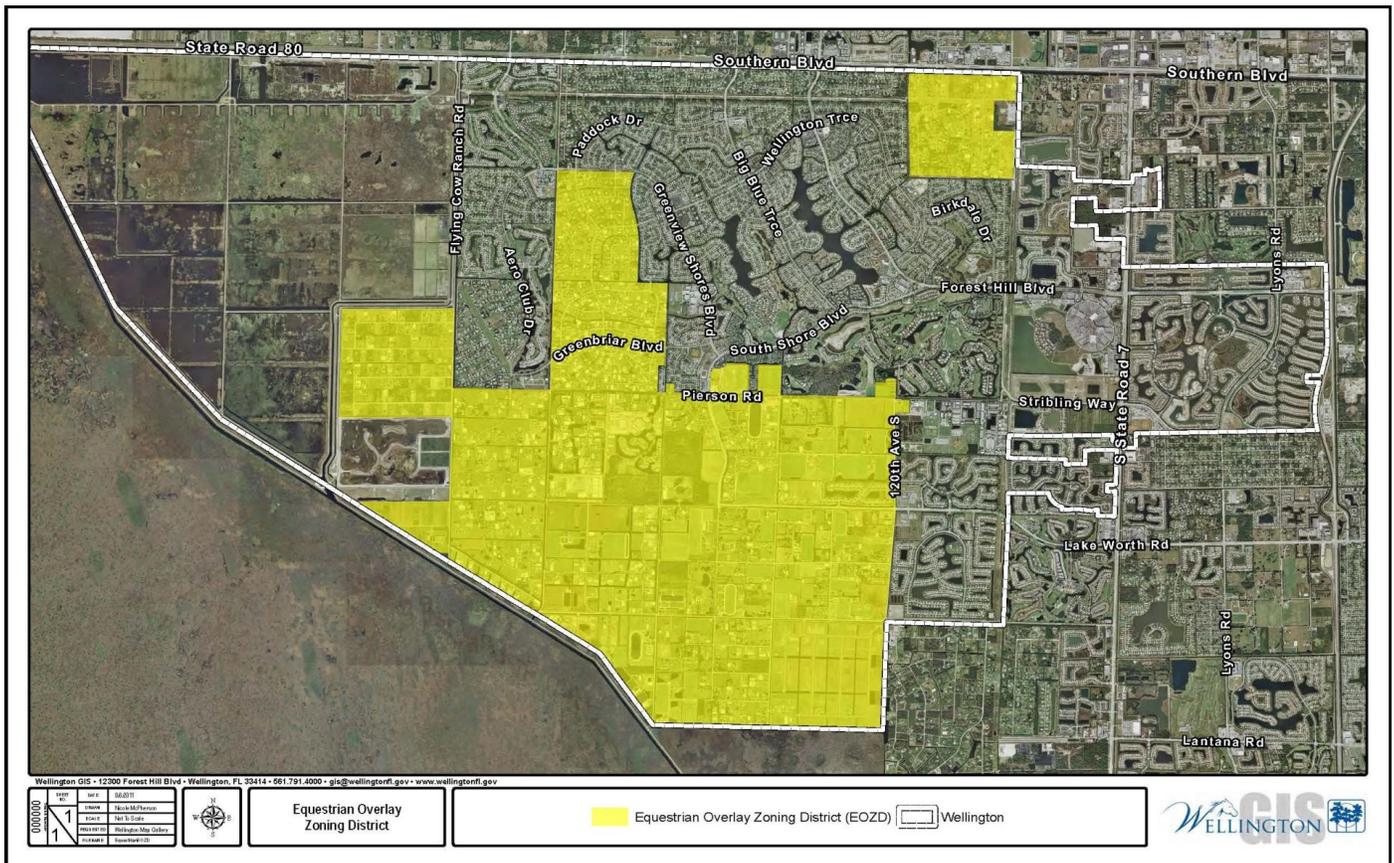
# Horse-friendly Zoning Examples

Several zoning ordinances from across the country were examined to find the best practices for horse lands. This assessment begins with ordinances that are “shining stars” in the area of equestrian zoning best practices, Wellington, Florida, Lexington, Kentucky, Aiken, South Carolina, and Norco, California, and follows with key horse-friendly elements from other ordinances across the country. Each example includes a link to the full text of the zoning ordinances. All zoning ordinances are subject to change, and as such, regulations should be verified with the local planning office.

While this report focuses exclusively on zoning best practices, more information on comprehensive planning best practices can be found in the [Planning and Zoning Guide for Horse-friendly Communities](#), published by ELCR.

## Wellington, Florida

Wellington is a premier equine community in Florida, so it comes as no surprise that the city has an exceptional zoning code that supports equine uses. There are multiple zoning districts in which raising and keeping of horses is permitted, including multiple agricultural districts with large minimum lot areas (10 acres). Several districts allow uses such as equestrian arena, farrier, and livestock raising as by-right uses.



Wellington, Florida’s Equestrian Overlay Zone is approximately 9,000 acres in the western and southern portions of Wellington, as well as the northeast portion known as Little Ranches. Wellington, Florida [www.wellingtonfl.gov](http://www.wellingtonfl.gov)

Perhaps most the striking element of the Wellington ordinance is the Equestrian Overlay Zoning District (EOZD). This overlay is intended to:

- Protect and enhance the equestrian preservation areas of the village;
- Preserve, maintain, and enhance the equestrian community associated with the village;
- Preserve, maintain, and enhance the rural lifestyle associated with the equestrian community;
- Identify and encourage land uses that are supportive of the equestrian and rural character of the preservation areas; and
- Preserve, maintain, and enhance development patterns that are consistent with the overall character of the equestrian community.

The code includes extensive definitions that clearly include horses (e.g., Livestock raising means the breeding, raising and caring for animals that are used for products. Livestock shall also include horses ), and additional definitions are included in the overlay regulations.



Marcia Kulak's barn, Wellington, Florida. Photo by Julia Rubinic, Flickr .

The overlay includes several sub-areas, with regulations such as density (ranging from one unit per two acres to one unit per 10 acres) and minimum lot size (ranging from one acre to 10 acres) varying between these sub-areas. This

low density and large lot area protects clustered equestrian uses, minimizing nuisances and strengthening the equestrian network.

Uses permitted within the EOZD are not exclusively equestrian, but include residential and other supportive uses. Commercial uses in the overlay must be “oriented toward agricultural and equestrian uses of a community-serving nature.”

Site plans for new commercial development must include both pedestrian and equestrian circulation plans and equestrian-focused amenities such as hitching posts, fences, corrals—where most zoning codes require vehicular parking and sometimes bicycle

An overlay district is like a layer placed on top of one or more base zoning districts. The land is subject to the regulations of the base zoning district as well as the overlay regulations. An overlay is often used to protect special features, including historic buildings, steep slopes, watershed areas, greenspace, or waterfront areas. Overlays can also be used to promote specific types of development, such as mixed use, or, in the case of Wellington, equestrian-specific uses and developments.

parking, the EZOD requires horse parking!

New development approval in the EOZD may include a requirement for dedication of bridle path easements, which will strengthen access to a recreational trail system.

New homes built with stables are subject to restrictions on the size and location of the stable.

The Palm Beach Little Ranches Overlay District is created for similar purpose and intent, but is a somewhat scaled-back version of the EOZD, with smaller minimum lot areas and a greater focus on residential uses. New development in this overlay may also be subject to the dedication of bridle path easements.

[Lexington-Fayette County Urban County, Kentucky](#)

There is, perhaps, no city more associated with horses than Lexington, so it is no surprise that Lexington’s zoning code exemplifies best practices for horse-friendly zoning. This code strikes a good balance between urban development and growth and preserving rural lands. In fact, this is the longest-established urban growth boundary in the country.

The new Lexington-Fayette County zoning ordinance, adopted in March, 2017, includes four agricultural districts. Three of these districts, Agricultural Rural (A-R), Agricultural Buffer (A-B), and Agricultural Natural Areas (A-N) are intended to preserve rural character and transition from the most rural areas toward more urbanized areas. The Agricultural Urban (A-U) district is the transitional district between urban and rural and is intended to limit development of rural land

within the identified urban services area to help focus growth into the already urbanized parts of the county. The principal uses in all four zones are “land used solely for agricultural purposes, including small farm wineries and equine-related activities” and single-family homes with farm tours and hayrides also allowed in the A-U zone.

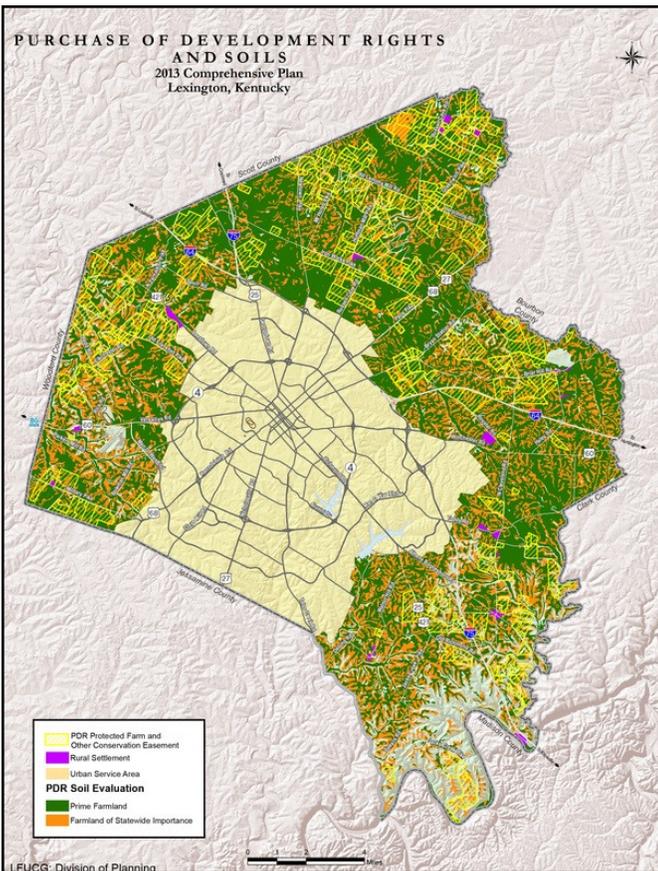
Other accessory and conditional uses are also permitted. The minimum lot areas for these districts range from 40 acres to no minimum (in the A-U zone). All of the single-family zoning districts (R-1A—R-1E) allow agricultural uses as a permitted accessory use, “outdoor commercial and non-commercial recreational facilities, such as...riding stables and equine trails,” horse race tracks, horse sales establishment, and large animal veterinarian as conditional uses (permitted with Board of Adjustment approval).

The code defines agricultural use, equine hospital, farm tour, and many other relevant terms. The definition of “recreation, active” clarifies that it includes equine-related training and riding facilities.

The code also includes two agricultural and rural corridor overlay zones. The intent of these overlays is to provide an alternative to traditional zones and to promote the “efficient use of existing and proposed agricultural lands, to minimize land use conflicts, and to respect existing and planned agricultural facilities.” The Agricultural Market (AM-1) Overlay zone promotes the agricultural industry.

The purpose statement for this overlay notes that some agricultural uses such as “livestock markets, horse sales facilities, and horse race tracks are recognized as providing a benefit to the surrounding agricultural community, but must be appropriately located throughout the community so as not to be a detriment to the surrounding agricultural areas which they are to serve.” Permitted principal uses in this overlay are livestock markets, horse race tracks, horse riding and training facilities, and horse sales establishments, with supportive accessory uses permitted.

Barns, silos, or other farm structures are exempted from the height limits of the code and there are flexible fencing standards for agricultural uses.



Lexington, Kentucky’s urban services boundary, *2013 Comprehensive Plan*. <https://drive.google.com/file/d/OB0aBvWAKyfxaMnNTdmd1VXZBN2M/view> August 1, 2017.

## Aiken, South Carolina

Aiken was a planned town, incorporated in 1835; however, zoning was not adopted in Aiken until 1992. Despite the relative newness of zoning, the code is a strong example of horse-friendly regulations.

The code include two horse-centered zoning districts, the Single-family/Horse (RSH) and the Single-family/Stable (RSS) districts. Both districts allow for single-family homes on large lots (minimum of one acre in the RSH district and three acres in the RSS district) while allowing horses and stables for personal use. For commercial operations, the code includes the Horse (HD) district, which is for the protection of “open spaces and facilities necessary for horse-training businesses, polo, and other equestrian activities.”

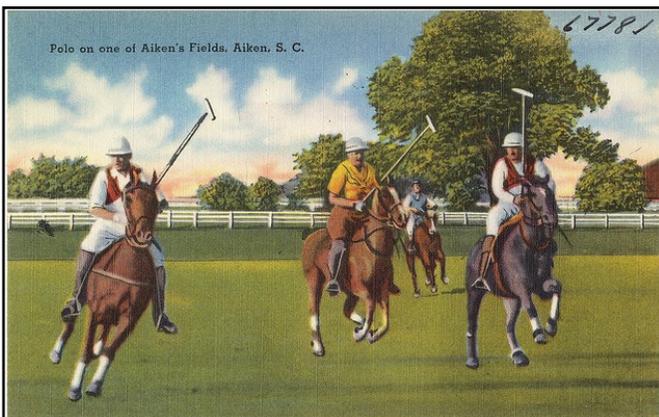
Horse-related uses earn their own category on the table of uses, and include:

- Equestrian facility (polo, dressage, race track, training facility)
- Equine hospital, surgical facility, farrier
- Riding or driving school
- Stable, commercial
- Stable, pleasure

Pleasure stables are allowed as a special exception in the single-family districts (RS15—RS-6, RSA) and two multifamily districts (RML and RMH), and as a conditional use in the RSH and RSS districts. There is a minimum lot area of one acre. There is no limit on the number of horses allowed in the RSS and HD districts; however, where a special exception is required, there is an additional acreage requirement (horse density standard) of one half acre per additional horse. In the RSH district, the first acre allows three horse and each additional horse requires an additional half-acre of land area.

Conditions also include maintenance requirements related to stormwater, water quality, manure storage, grain storage, dust prevention, and animal welfare. In residential districts, there is a setback requirement for manure storage of 50 feet from any dwelling, pool, patio, or adjoining lot. In the RSS and HD districts, horses must be stabled and pastured no closer to the dwelling, buildings, and recreational structures on adjacent lots than they are to the dwelling on the subject lot.

The code also includes specific provisions for dealing with compliance and complaints. There are extensive horse-related definitions, and, in addition, the grouping of horse-related uses a general use category add flexibility.



Polo in Aiken, post card from 1930s. Originally published by Richmond News Co, Augusta, GA. Boston Public Library, Flickr

## [Norco, California](#)

Norco is a small city in Riverside County, California with the motto “Horsetown USA.” The city has a vibrant and extensive horse community and, in fact, there are 81 miles of horse trails in Norco, and there are often sidewalks on one side of the street and horse trails on the other. There are often hitching posts and corrals near businesses, making commuting by horse a feasible option within the city.

The city even maintains an [Equestrian Resource Directory](#). Animal keeping versus suburbanization has been often dominated the development and political discourse, as workers from Orange County have started to make their homes in Norco. The zoning code makes reference to the city as a “new equestrian focal point in southern California” with a unique rural environment and historically significant location.

There are 14 zoning districts and four overlay zones in the code. Of the 14 districts, eight allow horse-related uses, including pastureland, commercial boarding, training, farriers, and other uses. The three agricultural zones are structured to encourage equestrian uses on large lots. There are horse density standards, but they are generous, and in many cases, a conditional use permit can be applied for to seek relief from the density standards.

The A-1 agricultural district even requires new subdivisions to include “primary animal keeping areas” for each lot plotted within the development. All three of the single-family residential sub-zones permit animal keeping with conditions.

In addition to the base zoning districts, there are two horse-specific overlays included in the code, the Pedestrian-Equestrian Trails (PE) overlay and

the Animal Keeping (AKO) overlay. The PE overlay establishes a 12-foot wide pedestrian-equestrian trail, to the exclusion of other uses, within public rights-of-way, private access easements, and public easements. The AKO is used over the R-1-10 sub-district to designate certain properties for animal keeping. This allows the keeping of horses on small lots (minimum lot area of 10,000 square feet, or less than 1/4 of an acre) for personal use. The housing development overlay offers a density bonus for projects that provide equestrian facilities within the a new housing development.

It is no surprise that the zoning code for “Horsetown USA” has a very horse-friendly zoning code and maximizes the ability to keep, ride, and enjoy horses, both on private property and public. This code is a good example of working flexibility into zoning regulations.



In Norco, horse trails run along the streets where other towns may have sidewalks. Cathy Renwick

# ZONING HIGHLIGHTS FROM COMMUNITIES ACROSS THE COUNTRY

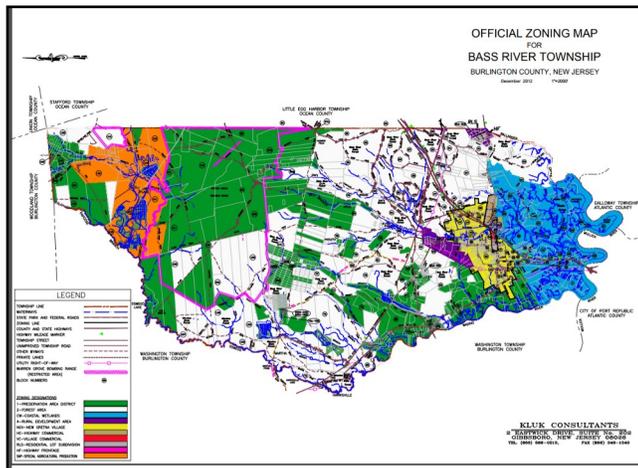
## NORTHEASTERN REGION

### Greenwich, Connecticut

Greenwich’s horse zoning regulations are based heavily around water and environmental quality. The city is urban nature and within commuting distance of New York City. Water quality issues and the health of Long Island Sound is critical, so it is not surprising that the zoning regulations are strict, but they are also horse friendly.

#### What makes this ordinance horse friendly:

- Up to six horses are allowed by-right in all single-family residential zones (RA-4—R-7).
- Keeping more than six horses may be permitted with a special exception form the Board of Zoning Appeals.
- The “conservation zones” have large minimum lot areas.



Bass River Township zoning map. Image courtesy Bass River, [www.bassriver-nj.org](http://www.bassriver-nj.org)

#### What could be a challenge:

- There is a lengthy and comprehensive process for approval of site plans and a “[horse management plan](#)” for new development of all horse-related activities.
- The site and management plan must be approved by the Planning and Zoning Commission, the Department of Environmental Health, and the Inland Wetlands and Watercourses Agency.

### Bass River Township, New Jersey

Bass River is a sparsely populated rural community in eastern New Jersey. Given the rural character of the area, it is no surprise that the zoning code is friendly to farm uses.

#### What makes this ordinance horse friendly:

- Up to 20 horses can be kept in multiple districts as a home occupation, though site plan approval is required.
- Keeping more than 20 horses is permitted, but considered a commercial use.
- The definition of “agricultural purpose or use” clearly covers that horses are defined as part of this use.
- The definition of “home occupation” makes clear that keeping up to 20 horses is allowed in the regular course of a home occupation.



Corolla’s wild horses in view of the Corolla Lighthouse. Photo Courtesy Peter Hummers, OBX Onstage

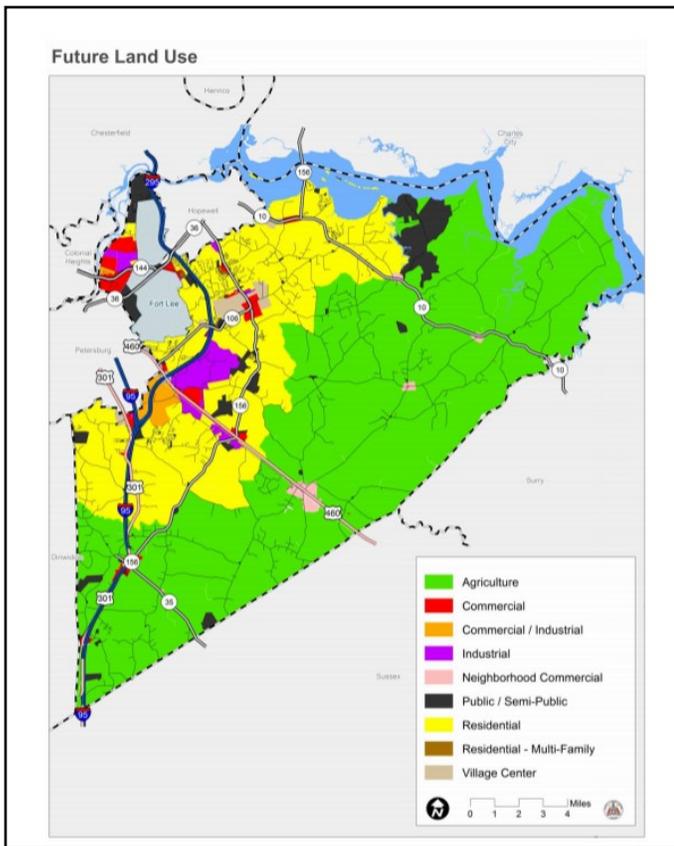
#### What could be improved:

- There is a strict horse density restriction of one acre for the first two horses and then one additional acre per horse.
- Surface waters, wetlands, and unusable land cannot be counted towards the horse density acreage calculations.

## SOUTHEASTERN REGION

### Currituck County, North Carolina

Currituck County is home to the Corolla Wild Horses of the Outer Banks. Whereas these feral equines are a great tourist attraction, they must remain isolated from domestic horses to protect them from equine diseases typically transmitted from domestic stock. The county publishes a helpful “at a glance” [guide](#) to horses and zoning regulations.



The bright green area on Prince George County’s Future Land Use Map (2014 Comprehensive Plan) is the “agricultural” category, which includes the rural portions of the county where agricultural uses are, and should be, the dominant land use. Future residential development of these properties is not encouraged. Image Courtesy Prince Georges County [www.princegeorgeva.org](http://www.princegeorgeva.org)

#### What makes this ordinance horse friendly:

- Horses, donkeys, mules are defined as livestock.
- “Equestrian facility” is a permitted use in the agricultural, single-family, manufacturing, and general business districts by right and allowed with a master plan in the PD districts.
- Animal husbandry is allowed by right in the agricultural district, a single-family, and industrial districts.

#### What could be a challenge:

- There is a strict density standard for hooved animals of 9,000 square feet per animal for husbandry uses.
- Barns, pens and enclosures have a strict setbacks of between 100 and 200 feet from lot lines and wells.
- Horse boarding and schooling facilities require additional permits.
- Keeping horses in the RO2 district (Outer Banks) requires a conditional use permit due to impacts of domesticated horses on the wild horse population.

### Loudoun County, Virginia

Loudoun County is a good example of striking an urban/rural balance. Loudoun County is within commuting distance to Washington, DC, is home to Dulles Airport, and is Virginia’s third-most populous county, but maintains a horse-friendly zoning ordinance.

#### What makes this ordinance horse friendly:

- There are 17 non-suburban zoning districts that support rural uses, if not specifically equestrian uses.
- There are extensive and inclusive definitions that cover private stables, neighborhood stables, public horse trails, and more.
- There are four agricultural districts, and animal husbandry, “agricultural support services,” equestrian event facility, and stables are permitted in the AR-1 and AR-2 districts and agriculture, equestrian event facility and stables are permitted in the A-10 and A-3 districts. Guest farm or ranch is also permitted in these districts.
- Agriculture and stables are permitted within the Countryside Residential-1 district.

**What could be a challenge:**

- Livestock keeping on less than five acres requires a “conservation farm plan,” which includes a waste management plan through the soil and water conservation district and the Virginia Cooperative Extension Service.
- Equestrian event facilities and stable/livery uses require a minimum lot area of 25 acres. The minimum number of parking spaces required increases based on lot size and scope of use.
- There is a cap on the size of structures and uses in the “agricultural support” use category.
- Some equestrian event facilities require a special exception if the parcel does not have frontage on a state-maintained road.

**Prince George’s County, Virginia**

Prince George’s County is part of the greater Richmond area, but maintains a rural character. The northern portion of the county is designated for business development, while much of the rest of the county is designated for farmland preservation.

**What makes this ordinance horse friendly:**



Blackstone Stables, Highland Twsp, Michigan, Photo Flickr.

- The definition of livestock explicitly covers horses.
- Keeping horses for personal use is permitted in the agricultural district and all of the single-family districts.
- Much of the county is designated for farmland preservation, ensuring contiguous

open and agricultural lands to help minimize nuisance issues.

**What could be a challenge:**

- In the single-family districts, there is a limit of one horse, donkey, mule, or pony permitted on a lot of two or more acres. For each additional acre, one additional horse, mule, donkey, or pony may be kept.
- A strict setback of 150 feet is required from the front property line for any fence around a grazing area.
- A strict setback is required for any stable or shelter of 100 feet from any side or rear property line and 150 feet a front property line.

***MIDWEST REGION***

**Highland Charter Township, Michigan**

Highland Township, a bedroom community to Detroit, is a rural, equestrian-friendly community with a number of annual events that celebrate the area’s equestrian heritage. The township estimates there is one horse for every 25 people and aims to integrate equestrian activities into the fabric of the town.

**What makes this ordinance horse friendly:**

- The agricultural and single-family districts are designed to concentrate growth into the central part of the township while protecting a more rural character around the edges.
- Farming, including equestrian and other large animal husbandry, and equestrian sports academies are permitted in the AAR district.
- The Highland Station district includes objectives to provide pathways for pedestrians, cyclists, and equestrians that include linkages to neighborhoods.

**What could be a challenge:**

- The keeping of horses is only permitted in one district, the agricultural (AAR) district.
- Any keeping of horses for training, riding, driving, or stabling for compensation or incidental to the operation of club, association, or ranch is considered an “equestrian sports academy,” which is a special use in the AAR district.

## Saint Louis County, Missouri

Saint Louis County is just west of the city of St. Louis and is bordered by the Missouri and Mississippi rivers. The county has a population in excess of one million people, but maintains more than 25 miles of public equestrian trails and an equestrian campground at Greensfelder Park.

### **What makes this ordinance horse friendly:**

- The Non-urban (NU) district is established to protect land with rough natural topography and non-urban development patterns.
- The NU district allows farming by right and blacksmiths, feed or grain storage, and riding stables with a conditional use permit.
- The KP (Karst Preservation) district allow farming by right and riding stables with a conditional use permit.
- The R-1 (single-family residence) district allows farming by right and riding stables with a conditional use permit.
- The NU, KP, and R1 districts have large minimum lot areas.
- Farming is a use by right in the FP (flood plain) district.

### **What might be a challenge:**

- Keeping horses is only permitted in one of the single-family districts (R1).
- Riding stables are defined as a commercial use. The keeping of horses for personal use it not specified within the code.

## **SOUTHWEST REGION**

### Maricopa County, Arizona

Maricopa County is the fastest growing county in central Arizona is home to the cities of Phoenix, Chandler, Mesa, Tempe, Cave Creek, Scottsdale, and others. The incorporated areas within Maricopa County maintain their own zoning ordinances. This ordinance is a good example of balancing urban and rural needs.

### **What makes this ordinance horse friendly:**

- The definition of farm clearly includes the raising of horses. There are several other relevant definitions included, such as feed lot and guest ranch.
- The purpose of the three rural zoning districts is to conserve and protect farms and other open land uses and to help prevent urban and agricultural land use conflicts.
- Farms, corrals, and “public equestrian uses accessory to a single-family residence” are permitted uses in the rural districts.
- Public equestrian uses that cannot meet the by-right conditions may be permitted with a special use permit.
- Horses are permitted in the single-family zoning districts.

### **What may be a challenge:**

- Within the single-family zoning districts, corrals for keeping horses must be in the year yard only and a strict setback of 40 feet from all property lines is required.
- In single-family zones, corrals for keeping horses have a strict minimum area of 1,200 square feet per horse.
- All structures, including barns and run-in sheds, must also meet all setback standards.



Turf Paradise in Phoenix, Arizona was opened in 1956 and was the first organized professional sports franchise in Arizona. Photo courtesy of Turf Paradise.

## Phoenix, Arizona

Phoenix is a large and ever-growing city within Maricopa County. Despite how urbanized Phoenix is, the zoning code is remarkably horse-friendly and is a great example of balancing urban and rural land use demands and minimizing conflicts.

### **What makes this ordinance horse friendly:**

- The Suburban district (S-1) is intended to provide for low-density farm uses and to allow for agricultural and farm uses to be maintained without conflicts from industrial, commercial, or high-density residential development.
- The Suburban S-2 district is designed to



Lookout Mountain, Jefferson County, Colorado. Photo courtesy Sam Howzit Flickr.

provide for agricultural commercial uses necessary to support a large urban community.

- The S-2 district allows feeder lots and public or private riding academies.
- The Mixed-use Agricultural district allows equestrian stables, including boarding and instruction on lots of at least 10 acres.
- The Resort district allows riding stables and corrals on lots of at least 10 acres with setbacks for stables and corrals of at least 250 feet from a residential district.
- Horses for personal use may be permitted in the single-family districts and some of the desert maintenance overlay sub-districts.

### **What may be a challenge:**

- Several terms and uses are listed throughout the code, with some inconsistency.
- Many of the terms are not specifically defined, which may cause some confusion.
- There are strict setback requirements for equine facilities.

## ***NORTHWEST REGION***

### Jefferson County, Colorado

Jefferson County is home to Golden and Lakewood and is within the Denver metro area. The county maintains large open and park spaces with public equestrian trails. The Jefferson County Horse Council maintains an online bulletin board to share information and keep equestrian informed and connected, including alerts on zoning issues within the county.

### **What makes this ordinance horse friendly:**

- Keeping of horses is permitted in nine of the county's 17 zoning districts.
- The county publishes an "at a glance" guide for keeping animals of all types.
- Several districts have large minimum lot areas.

### **What might be a challenge:**

- There is a strict horse density maximum of four horses per acre for personal use or ranching in several districts.
- There are additional fencing requirements for keeping stallions.

### Spokane County, Washington

Spokane County updated the zoning code in 2016.

### **What makes this ordinance horse friendly:**

- The code includes five "resource lands" zones that allow for the preservation of forest and agricultural land. Animal raising and keeping is permitted in three of these zones with a density limit of three horse per gross acre.
- The resource lands zones have large minimum lot areas ranging from 20 acres to 40 acres.
- There are five rural zones in the code, four of which require large lot sizes and allow residential, agricultural and open space uses, including animal

keeping and raising with density limits and setback requirements.

- The low-density residential-plus district allows animal keeping, with conditions, including a density limit of three horses per gross acre and setback requirements.

**What might be a challenge:**

- There are strict density limits of three horses per gross acre.
- There are strict setback requirements.
- Animal raising and keeping is listed as a permitted use, but not defined.

**WEST REGION**

[Marin County, California](#)



Horse Hill Preserve, Marin County Open Space District, Marin County, California. Photo courtesy Marin County Parks, [www.marincountyparks.org](http://www.marincountyparks.org)

Marin County, just across the Golden Gate Bridge from San Francisco, is home to an extensive collection of riding trails and open space preserved from development. The Marin Horse Council has been active in community outreach, land use, and land preservation since 1981.

**What makes this ordinance horse friendly:**

- Keeping horses for personal use (up to five) is permitted in most residential districts.
- There are several agricultural districts, all of which allow equestrian facilities.
- Equestrian access easements may be required in new developments.
- Within coastal zone areas, keeping horses,



Whiskey Hill Road in Woodside, California. Photo courtesy Naoto Sato, Flickr

ponies, donkeys, and mules for personal use is allowed with a conditional use permit.

**What may be a challenge:**

- Regulations are split between two ordinances, zoning (Title 22) and development (Title 24), making the regulations a bit cumbersome.
- Keeping more than five horses requires a special use permit in several districts.
- There is a strict horse density regulation of one equine per 15,000 square feet, plus 5,000 square feet per additional animal.
- Most districts do not allow keeping horses as a by-right use, rather, a master plan, conditional use permit, or use permit is required in many districts.
- The definitions related to equestrian uses are unclear.

[Woodside, California](#)

Woodside is rural town with a rich equestrian heritage on the San Francisco peninsula. Woodside was incorporate in 1956 to help prevent urbanization and growth pressures from nearby Silicon Valley. Citizens enjoy extensive equestrian trails that connect to three county parks and a number of open spaces; through this trail network, one can ride from the San Francisco Bay to the Pacific Ocean.

**What makes this ordinance horse friendly:**

- Extensive definitions cover a range of equine uses, terms, and needs, including barn, corral, caretaker, pasture, and stable.
- The Special Conservation Planning District requires large minimum lot areas, ranging from five to ten acres, and protects rural lands with steep slopes and other environmental constraints.
- There are five open space districts, including two “open space for outdoor recreation” districts.
- Animal keeping is permitted by right in the rural, conservation, and single-family districts, with a minimum lot area of one acre and limit of two horses per acre.
- Storage of farm equipment and pasture uses are also permitted by right in several districts.
- Private stables are permitted by right in the rural, conservation, and single-family districts.
- Within the all of the open space districts, animal keeping is permitted as a conditional use. Commercial stables are permitted as a conditional use in the open space low intensity and medium intensity districts.
- Open or covered riding arenas are permitted as a conditional use, an accessory use, in the open space districts.

**What may be a challenge:**

- There are separate regulations for stables in Title XI, the Business Regulations section of the city code, apart from the zoning code. These regulations establish a licensing requirement for the keeping of horses.
- Private stables require an annual permit.
- Strict horse density limit of two per acre and min. lot area of one acre for keeping horses.
- There is a strict minimum turn out area requirement of 600 square feet.
- Stables, pastures, corrals, and other equestrian structures are prohibited in areas with a slope greater than 20%.
- Exterior lighting requires authorization by the Planning Director.

- There are building materials restrictions for new professional stables.

Town of Woodside Zoning Code Regulations for private stables:

**TOWN OF**  
**Woodside** CALIFORNIA

**§ 115.12 PRIVATE STABLE REGULATIONS.**  
The following regulations apply to all private stable permits.

**Minimum size:** One acre.

**Number of horses permitted:** Maximum two per acre: In calculating the number of horses permitted by any section of this Code, a horse shall not be counted if under one year of age.

**Shelters:** Every horse shall have a shelter defined as a roofed structure a minimum of 10 feet by 10 feet, with at least one wall, dry footing, adjacent to turnouts, with water and feed containers.

**Turnouts:** Min. 600 sq. ft.; with water and shelter available if no stall.

**Traffic/circulation:** Shall be served by a driveway meeting the min. Town standards.

**Topography:** Areas on which stables, pastures, corrals and other equestrian structures are located shall have less than 20% slope.

**Fire protection:** Garden hose of a minimum ¾-inch diameter and hose bib no more than 50 feet from the stable or shelter, capable of reaching all areas of the stable or shelter, with adequate water flow and pressure; fire extinguishers; halter and lead rope at the door of each stall.

**Waste management:** The applicant shall submit a waste management plan that demonstrates that the property will be maintained in a clean and sanitary condition for review by the Livestock Committee and approval by the Planning Director. Waste management may be through removal, composting or spreading of waste.

**Insect control:** An insect control plan may be required.

**Dust control:** A dust control plan may be required.

**Drainage:** Adequate drainage and maintenance of drainage.

**Residence:** The primary residence of the permittee shall be on-site. The permittee may or may not be the owner of the property.

**Events:** Special events, including training, where horse trailers or similar vehicles will be parked in the right-of-way shall be regulated by special permit issued by the Planning Director, and shall be subject to an approved parking and staging plan.

**Parking:** On-site parking shall be provided at equestrian facilities for workers, users and guests.

**Lighting:** No exterior lighting, other than needed for safe passage around buildings, unless specifically authorized by the Planning Director.

**Fences:** All turnouts shall be enclosed by an adequate fence that complies with the provisions of § 153.051 of this Code.

**Stallions:** Fencing shall be six feet in height. Signs shall be posted on stall doors, turnout gates, and fences adjacent to trails indicating a stallion is kept therein. The owner shall disclose on the stable application the number of stallions kept on the property and/or shall so amend an existing stable permit prior to bringing a stallion onto the property. Turnouts shall be at least 50 feet from neighboring property lines and dedicated trail easements.

(Ord. 2007-538, effective 11-22-07; Am. Ord. 2008-541, effective 7-10-08)

## 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. The equine land owner must understand many considerations – urban and rural— to ensure that equine and agricultural open lands are protected for future generations. The decisions made at the local and regional levels about land use, public services, infrastructure, and transportation, will help determine how, or if, open land and horse-friendly uses are allowed to thrive.

When considering equine land uses, consider first the local zoning code, but keep in mind that other local regulations may also need to be taken into account. Many communities have separate regulations for stormwater, animals, business operations, and other aspects of owning and enjoying horses.

It is important to check with the local planning office to confirm accurate information regarding zoning, future land uses and long-range plans, and changing regulations. Before committing to the purchase, lease or other use of a horse property, or if a property comes up for rezoning, verify with the local planning office what is allowed. For example, if horses are allowed, but the fencing setbacks preclude a useful pasture, it is best to find out before a fence goes up!

Many states have regulations that affect how and if local governments can regulate certain uses through zoning. Beyond zoning, state-level regulations may also impact animal keeping and

other equine-related land uses. It is important to remember that zoning maps and zoning designation can change and the zoning ordinance itself can change. It is up to all of us to ensure the preservation of and access to equine lands!

### Know Before You Buy!

If you plan to buy property with the intention of keeping horses, get clear (preferably written) answers to important questions from your planning and zoning office.

- What is the property zoned?
- What uses are permitted?
- Are any special use permits required?
- What are the restrictions on setbacks, fencing, accessory buildings, riding arena?
- Is a caretaker's residence permitted?
- What is the limit on the number of horses allowed on the property?
- Is boarding horses for others allowed?
- Are there manure disposal restrictions?
- Is a registration or business license necessary?