



Local Planning and Zoning Practices Related to Equestrian Facilities

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Contents

3-4 Introduction

5 Zoning

6-9 Definitions of Allowed Use

6 Design

7 Rezoning

7 Other Considerations

Notes

“Horses and dogs have been man’s most intimate and faithful companions since the dawn of history, but the horse has certainly been the most useful.

In sport, agriculture, transport and warfare, the horse has contributed more to human pleasure, ambition and progress than any other animal.”

--Prince Phillip (1921-) Forward to Monique and Hans B. Dossenbach, the Noble Horse (1987)

Zoning regulations and other building rules are, by their very nature, restrictive and may challenge a landowner’s creativity in developing a property. When considering keeping horses on your land, there are other considerations as well. If you are considering horses on your land, you will be a more powerful advocate for your goals if you thoroughly understand the existing zoning rules of your community. After reading this booklet and studying your local regulations (a copy of which can be obtained from your local planning and/or zoning department. It may require some patience on your part, but a careful reading of this booklet and your local regulations will give you enough information to start asking the right questions.

--Equine Land Conservation
Resource

Introduction



Cities and counties “plan” in order to shape the character of our communities. Using tools such as zoning, subdivision regulations, variances and transportation plans, local governments articulate goals for growth, protect the environment, and identify the future needs for water, sewer, roads and other infrastructure. Every state and local government has developed its own methods, tools, ordinances and procedures for planning. This brochure is intended to discuss many of the common planning applications. There is no requirement that local governments in the same state or even in the same county have similar land use ordinances or planning processes. As such, it is important that people contact their local jurisdictions for more information on the specific laws and ordinances that might apply to their equestrian projects. Failure to do so can lead to serious consequences even years after construction.

Local zoning ordinances, as well as building and fire codes, may apply to everything from keeping horses, giving riding lessons, barns and other buildings, to holding horse shows of any size, rodeos or the like.

Zoning

A zoning ordinance is the local law that spells out the allowed uses for each piece of property within the community. Usually utilizing a map, the jurisdiction will adopt a system of categories, or zones, which, when consulted in tandem with the zoning ordinance, will describe the uses allowed within each area.

While this may seem straightforward, with equestrian uses, the interpretation of the actual use is often complicated. The spectrum of equestrian facilities, and the fact that in most jurisdictions they are relatively rare, often requires that the local government make an interpretation as to which zoning definition is the most appropriate for the exact nature of the facilities. The Planning Department staff is usually the municipal staff charged with administering the Zoning Ordinance and making these determinations.

You will want to make clear the variety of activities that will be taking place at your facility. It is important to avoid finding out after purchase, or after significant investment that your property is not zoned for the intended use.

Often, which regulations apply to your equestrian facility are determined by how the community defines the use. There are several different aspects of equestrian barns that may place it into one or another use category. Most communities will write a letter determining whether or not a specific use is allowed on property if you are careful to articulate what types of enterprise are proposed at the site. Consider the following to make sure that there is clear communication between you and the local Planning Department.



Definitions and Allowed Uses

Keeping of Horses

Before purchasing or leasing land, you will want to make sure that any property in which you are interested in is zoned appropriately so that you may keep horses and the number of horses you intend to have on the property. For instance, many communities identify keeping any number of horses as an agricultural use and limit the areas in the community where agriculture is allowed. More frequently, the thresholds between a residential use and an agricultural use are set depending upon the number of horses on the property and the ownership of the animals.

Commercial boarding, even of one horse, may place your facility into a different land use definition. Think of it as being similar to the difference between keeping a dog as a pet and operating a kennel. Whether or not the horse owner resides at the property can make a difference as well in whether the facility is seen as a boarding facility or the keeping of a "pet." Also, whether or not you are going to hire a barn manager or other such employee may change the type of use as interpreted by the local government



Definitions and Allowed Uses

Riding Lessons or Other Training Activities

If your business plan includes offering riding lessons, you will want to make sure that the specifics of your school are allowed under the current zoning. Some localities will allow instruction, such as riding lessons, as an allowed use as long as there is a limit to the number of students and the number of employees. Inquire with the Planning Department as to whether or not there are such limits.



Do not assume that because the area has a rural nature, it is zoned for agricultural uses.

Agriculture

Agriculture is often most limited to certain areas of the county. This separation of uses recognizes that many of the practices associated with commercial agriculture along with the smells and sounds that go hand in glove, are not necessarily compatible with other, less intense uses such as residential uses. Do not assume that because the area has a rural nature, it is zoned for agricultural uses. Also, in some areas, horse operations are not considered to be a part of agriculture.

Definitions and Allowed Uses

Sale of Horses

It is important to discuss with the Planning Department any restrictions on the sale of horses. If you are planning on operating a breeding barn, you will want to make sure that the sale of horses, as well as the number of horses you intend to sell, does not put the facility into a commercial use classification.

Horse Shows

Hosting horse shows at your barn may also change the classification of the use, particularly if the shows are large or frequent. It is important to plan for the future as well when considering how “events” will be handled at your farm. The local government is going to want to ensure that the use is allowed, and there are sufficient facilities to accommodate those attending the horse show. Again, because this use can



range from a relatively small event to something rather grand, it is important to get the specifics of any potential event to the Planning Department and be prepared to explain exactly what will be happening immediately before, during and after an event at your farm. Be able to provide the local government with information regarding the number of possible attendees, the parking provisions and the number of

Definitions and Allowed Uses



events expected a year. From this information, the local government will be able to determine if the shows will have an adverse effect on the local traffic or the surrounding properties and if other code requirements may come into play. If the event location is held inside, there will most assuredly be building and fire code considerations as well.

Also be aware that local governments often require permits for these shows, although not

necessarily with the Planning Department. Check to be certain that your event will be one that will be permitted and what is involved for the permitting process at this early stage so that you are not caught unaware of regulations, these ordinances may restrict the number of non-related people living in one parcel. Also, the number of dwellings may be restricted; it is not uncommon to have the number of single family houses allowed on one parcel to be held.

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Design

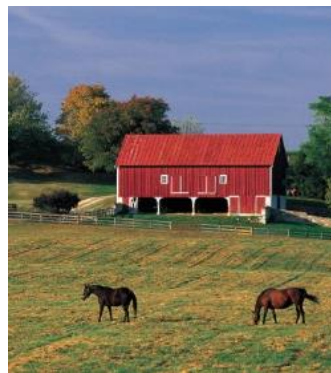
In addition to the uses that are regulated by zoning, most zoning ordinances include design standards that may prescribe everything from the distance buildings must be set back from the property line, the number of buildings, the amount of impervious surface for parking and drives, and the like. Once you have determined that the issue is allowed, make certain that the buildings fences, signs, and other structures you want may be placed on the site and meet zoning regulations.

Building Barns, Fences and Signs

Once it is certain that the use is approved, then the second consideration is the buildings associated with the use. Besides meeting building and fire codes, barns, accessory structures and homes must meet the requirements of the

zoning ordinances. These requirements may include set back requirements (the number of feet a building must be from the property lines). Building height is usually regulated. Some communities limit the size of accessory structures, prohibit some construction materials or restrict the location of 'pre-manufactured housing' (mobile homes).

Even fences may fall under zoning regulations including fence height and location of the fence on the property.



Design

Signs indicating the name of the barn may be restricted in size and location or to merely providing address information.

If your property is designated historic by local ordinance, changes to the existing buildings or the site may require special historic review.

Lighting

Lighting ordinances are often enacted by local governments interested in limiting the amount of light trespass (light generated by one parcel that illuminates neighboring parcels) or the light produced in general. Particularly in environmentally sensitive areas, there is a community interest in keeping the amount of light to a minimum.



Rezoning

If the Zoning Ordinance will not allow the type of use you foresee in your equestrian facility, you may wish to discuss the possibilities of rezoning your property. If the proposed project cannot meet the design requirements, inquire as to whether or not a variance from zoning requirements is an option. These processes usually require an application and consideration by the local governing body (Mayor and Commission, City Council, County Commission). Applications are evaluated against criteria established in the ordinances and approved or denied based on those criteria. Rezoning meetings are often the subject of public meetings where potential neighbors and other community members will offer their comments both for and against your proposal.



Other Considerations

Caretakers and Other Employees: The number of employees living on the property may also be a consideration. Some communities limit the number of non-family members living on one property. Often referred to as “Definition of Family” regulations, these ordinances may restrict the number of non-related people living in one parcel. Also, the number of dwellings may be restricted. It is not uncommon to have the number of single family houses allowed on one parcel to be held at one. If you are considering a small apartment to be incorporated into a larger barn structure, certain building and fire codes will often apply to the construction methods which will provide a safe fire separation between the two uses.

Operating an animal hospital or veterinary office may also place your facility into another use classification.

The federal government and most states have environmental regulation that may apply to your project. A facility that has over 500 horses meets the Federal Standards for a feedlot and requires Federal review and permitting. Often states set their own thresholds for review but at smaller numbers. For instance, Georgia Water Quality Control regulations require review if the number of horses exceeds 150. Some communities and states have environmental controls that may determine acceptable methods of manure disposal. You may also be limited as to your ability to utilize streams and other water systems that cross your property for livestock. Some communities require buffers to rivers and streams that may deny your horses access to this natural supply.