

A Look at Backyard Horse Keeping

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Do you own a small residential property that's large enough to keep a horse or two? There are many considerations that make backyard horse keeping a viable option. Maybe there are no nearby boarding stables, or the cost of boarding at someone else's facility is prohibitive. Perhaps you're already set up with an existing barn and fencing, or there is a great trail system nearby, accessible from your own property that makes stabling your horse elsewhere a non-starter; or, your neighborhood is home to many small horse properties, with regular riding companionship!



A pretty barn and an equine companion or two live cozily in a residential back yard zoned for horse keeping. Photo courtesy Shedwindowsandmore.com

In some older suburban residential areas, horse owners are allowed to keep horses in their back yards and small acreage parcels. These smaller, private backyard horse barns and paddocks are really a necessity for the horse loving population as larger farms, stables and event places are continually replaced by development.

In years past, as development was beginning to consume previously open or agricultural lands, decision makers in planning and zoning departments were convinced by local equestrians that some lots in new subdivisions could be made large enough to allow for

homeowner horse-keeping, with a few restrictions, and zoned for that purpose.

Later, planned equestrian communities began to gain favor with both equestrians and developers. Some have common stabling and turn out areas, while some have individual residential horse-keeping lots with areas of shared amenities for horse activities. These newer equestrian communities tend to be on the expensive side and require special zoning.

In most situations, smaller horse properties require residential horse-friendly zoning. Zoning ordinances spell out the basic regulations for keeping horses, or for that matter other livestock, on residential lots. Those regulations may include:

- The number of horses that may be kept by the owner per acre of land;
- If horses belonging to outside boarders may be kept or not;
- How manure is to be disposed of;
- Types of fencing that are allowed;
- How a backyard or small farm should be laid out to achieve permitting approval;
- Required setbacks from adjacent homes, property lines, etc.;
- Inclusion of stormwater protection mechanisms, such as vegetated swales, infiltration ponds, etc., that can be found in local engineering and stormwater manuals;
- Accessory buildings, such as storage buildings and arenas, that may or may not be allowed;
- If there is a requirement to petition your neighbors for permission or agreement to a horse keeping scheme for your property.



A one-acre New Jersey home zoned for horses

If a property is zoned for horses, the home owner needs to check with their town, city, or county planning department or engineering department as to what the restrictions are and have the appropriate zoning ordinance(s) pointed out and explained to them. Zoning ordinances can generally be found online these days, but that doesn't make them any easier to understand! And if you need to apply for a zoning variance, a good understanding of the process and an attorney to represent you and interpret documents will be necessary.

Before you start putting up barn and fence, communicate and make friends with your neighbors. Broach the subject of horse-keeping *carefully*. Try to educate your neighbors as to the advantages of horses and be willing to discuss the potential negative impacts with them, such as the odor of manure, noise, escaped animals, etc. If you are fortunate enough to be able to have boarders or hold events, increased traffic and noise is likely to be an issue. So, you'll have to work through that too, and get permitting for all the aspects of horse keeping facilities.



*...and a small barn with storage ready for your equine friends.
Photos Courtesy LandandFarm.org*

Communities That Allow Backyard Horse Keeping – Some Examples

In a comparison between New Jersey, Long Island, NY, Los Angeles, CA and many other areas surrounding larger cities and on the east and west coasts, the presence of the equine industry and housing with horse-friendly zoning has not stopped the relentless march of development. When you have a small property, the opportunity to ride your horse to a nearby trail system or even a lesson center is an advantage. Trailering is expensive and requires some skill.

As tracts of open land are subdivided, unless the municipality has restrictions on developers that require them to zone a percentage of land for horse keeping or to provide for an equestrian or multi-use connector trail, valuable trail connections are lost. Trails that are not protected with easements on private property or that are not located on public land (parks, forests, etc.) are very likely to bump up against a 'locked gate', i.e. property that has been ridden on for years or even decades will be subject to

loss of access when a new owner doesn't want horses anywhere on their property. Linear easements can be placed on private land to ensure passage along the trail corridor, but this needs to happen before the land changes hands. Pockets of residential horse properties may still be found. Here are some examples:

Long Island, New York

In the Long Island township of Islip, NY, horse-friendly zoning exists in older subdivisions with one acre and larger lots. The proximity of the Connetquot River State Park and its 50 miles of looping, wooded equestrian/hiking trails to surrounding subdivisions is a boon to area equestrians. There are roadways to cross to get there by horse, but area riders have figured out the best ways to go. It's interesting, because the only evidence that Islip is a horse community is by the appearance of the occasional road apple grouping and a neigh that breaks the morning quiet.



Suffolk County Equestrian Task Force

In 2011, Long Island's Suffolk County legislature collaborated with several other agencies, equestrian organizations, the Long Island Farm Bureau and SPCA to produce a thorough Suffolk County Equestrian Task Force Report. At the time, the Island was home to 1800 equine

properties, most of less than ten acres, totaling 28,000 acres. Small farms and stabling facilities were moving farther east as development rolled over the formerly agricultural land.

Tracking Your Equestrian Assets

Denise Spezio, past president of the Nassau Suffolk Horsemen's Association, spoke about the progress that the county has made on the eight study recommendations:

- Help to pass the Equine Activity Liability Statutes at the state level. This was completed in 2018.
- Form cooperatives, such as partnerships created through the Long Island Farm Bureau to make manure and bedding disposal available and affordable.
- Update existing government farmland protection programs. Changed the formula for number of horses allowed. The original formula, acreage per number of horses divided by income per year, was altered to allow for a lower income level, as previous requirements were impossible to achieve due to a refocusing of equine activities from breeding to lessons, training and trails.
- Work on the Model Code. With ten townships in the county, a consolidated zoning/building code is difficult to achieve.
- Develop a Suffolk County Equestrian Center. The county identified a facility location to hold events, and a smaller facility is currently utilized, but is not large enough to hold the preferred events. A proposal for a new facility has been submitted, with no response as of the date of this article.

- Develop a high school equestrian program. The Patchogue-Medford district is an example of how this can be accomplished on a broader basis, and how partnerships can work. Due to liability issues for the schools, they can partner with local equestrian facilities, Scouts and organizations to run their program.
- Expand and Create New Equestrian Trails. This ongoing objective works toward connectivity of Long Island's trail systems and trail maintenance. A new trailhead was built at the center of the Pony Express trails system near Ridge, NY. Efforts continue, and youth groups are the focus of several stables and use of the trails.
- An Equestrian Survey. A survey was developed. Results are pending.

Denise noted that the coveted small horse properties and clusters existing on Long Island will likely continue to exist, but that regulations may become stricter, especially regarding pollution of the water supply. High taxes, the elevated cost of feed and bedding and availability of equine services may be the contributing factors that reverse the appeal of these small horse properties. The presence of at least a few larger lesson, show and stabling facilities is needed, as is a vibrant and connected trail system that is accessible to horses for the long run. All in all, partnerships between equestrians, municipalities and suppliers are needed to protect the area's equestrian community.

New Jersey is home to the largest percentage of horses per acre of all the states. The horse is



Horse-friendly communities and trail systems throughout New Jersey.

the state animal. What role does the small horse property play in the state? As you might imagine, the closer you get to New York City and Philadelphia, the more pressure development places on open lands. Though small property equestrians' land may not be quite as much at risk from development as larger farms are, the losses they face involve access to trails, and the additional cost of trailering horses to outlying trails and events. Properties that are zoned for horses and previously owned by equestrians can change hands, with new owners that are not horse oriented. Suddenly your small horse operation may be surrounded by unfriendly neighbors.

The Purpose Of Equine Zoning: "to protect the health, safety and general welfare of the citizens of the Township...as well as to provide for the safety and health of horses and similar livestock."

Many New Jersey counties and townships have horse friendly zoning for small and backyard horse keeping. A sampling of these include Hunterdon, Somerset, Burlington, Monmouth, Sussex, Morris, Bergen, Gloucester, Middlesex and Warren.



Horses and bicycles do mix when trail users act cordially and give way when needed. Photo Courtesy New Jersey Horse Council.

What Does A Horse-Friendly Zoning Ordinance Look Like?

New Jersey's **East Greenwich and Randolph Townships** utilize similar Residential District Codes to establish where horses can be kept. The Rural Residential Zone lists out the requirements and definitions related to horse keeping. Subsequent Single Family residential districts, including RLD (low density), R-1, R-2 and R-3 may follow the Rural Residential code if horses are kept under sanitary conditions in general accordance with the New Jersey Horse Council's Horse Keeping Guidelines.

See <https://www.njhorsecouncil.com/store.htm> and click on the [order form](#) (just below the NJHC Shoppe) for the free NJHC Intro Pamphlet. The zoning code for rural residential is shown here:

Rural Residential Zoning Code: Horses.

Defined. Equidae, including horses, ponies, donkeys, mules, miniature horses, and miniature donkeys.

Applicability. This ordinance shall apply only to private horse owners who keep horses for non-commercial use.

Exception. Farms, as defined in this chapter, shall be exempt from this ordinance.

Generally. Horses are permitted, if they are kept under sanitary conditions in general accordance with the New Jersey Horse Council's Horse Keeping Guidelines.

Fence. At all times unattended horses shall be kept within a secure fenced enclosure, safe to both animals and humans. The fence shall be more than 5 feet from any property line.

Housing structure. Horses should be housed in an appropriate housing structure no closer than 40 feet from any property line and 100 feet from a principal structure of a neighboring property.

Necessary property. A minimum of 80,000 square feet of area shall be provided for the maintenance and keeping of a horse. If more than 3 horses are kept, a minimum of 80,000 square feet of area shall be provided for the first three animals and an additional 15,000 square feet shall be provided for each additional horse.

Grandfathering available. Existing horse owners, who maintain a horse or horses at the time that this ordinance is adopted with lots greater than 45,000 but less than 80,000 square feet, may grandfather their rights to maintain the same number of horse(s) by registering with the Zoning Officer within 6 months of the date that this ordinance is adopted. Existing horse(s) may be replaced so long as the number of horse(s) does not exceed the number of horse(s) maintained at the time of registration.

Manure. Manure shall be maintained to prevent storm run-off from adversely impacting wetlands, streams, and storm drainage systems. Manure piles shall be located on the premises at a maximum distance from neighboring homes, public streets, streams, and wetland areas.

Los Angeles, California

California communities that allow residential scale horse-keeping can be found throughout the state. Communities like Norco, where horses may be kept in the backyard, or the front yard for that matter, have horse friendly language written into their zoning ordinances. Established Norco neighborhood streets have horse trails as sidewalks, and there are equestrian facilities surrounding the community. As the community is further developed, conflicts do exist. Drivers decry the slow speed limits, and newer subdivision residents complain about horse odors, flies and the overall equestrian atmosphere, which begs the question of why they moved there in the first place.

Los Angeles has a plethora of backyard equine zoned pockets. In a 2015 Chronicle of the Horse discussion forum on urban horse keeping in Los



Zoned for boarders? Make sure you check with your municipal planning/zoning office. Photo courtesy US Pony Club

Angeles, posters talk about some of these areas, both in California and further afield. In the LA area, they list Burbank, Sunland, La Mirada, Orange Park Acres, Baldwin Park and Los Feliz, Glendale, Sun Valley, La Canada, Flintridge, Thousand Oaks, Pasadena, South Bay, Westside, Riverside, San Gabriel Valley “Diamond Bar, Stanton, La Habra Heights, Sunny Hills in Fullerton; Temecula, Palos Verdes and Hidden Hills in Calabasas; Bradbury near Azusa; Sullivan Canyon in Brentwood; Malibu, Agoura Hills and Azusa and Topanga Canyon. And don’t forget about Compton, home of the Compton Posse, a program that helps inner city kids by involving them with horses.

An impressive list. Further afield, the Bay Area has several ‘horsey’ areas, as do the north shore communities of Boston, Anchorage, Alaska and Philadelphia. (Chronicle of the Horse, *Urban Horse-keeping in Los Angeles*, June 19, 2015).

What Backyard Horse Owners Need to Think About and Do

Here Are Some Tips Concerning Liability

Currently, every state but one has an Equine Recreational Liability Law that protects private landowners from lawsuits when they open their



land for recreational purposes, and don't charge for that use. That doesn't mean a lawsuit can't be filed, just that you have a strong piece of legislation on your side. However, when you are running a boarding/training operation, things are a little different.

Julie Fershtman Esq., an attorney with Foster, Swift, Collins & Smith Attorneys, a long-time advisory board member for Equine Land Conservation Resource and a horsewoman herself, has given ELCR a few tips for backyard horse keepers. Even a casual horse operation, with a boarder or two to help offset costs, is legally a business. If you have people visiting you or their own horses and they are injured, regular homeowners insurance might not fit the bill. Check the coverages that are excluded. Don't end up in court paying for legal fees and potentially losing your property in a settlement.

Talk to your insurance agent about business or commercial coverage. You may even need care, custody and control insurance to protect you from the injury or death of boarded horses.

Written contracts are a necessity regardless of your relationship with your boarders. However, they may not hold up in court. Waivers, signed by all visitors, and posted signage regarding state Equine or Recreational Liability Laws are most likely necessary. Everything you do to warn visitors about the potential hazards endemic with horse activities will help, but anyone can file a suit. They may not win if you have done your best to keep your horse facility hazard free, but there will still be legal costs. Have your attorney look over the contract documents and advise you about your legal status as a business.

You are responsible for the condition of all aspects of your property, and need to keep barns, fencing, paddocks, utilities and all other structures and paved areas in good shape. Monitor the condition of your property and make repairs to anything that is not functioning correctly.

Know Your Zoning

If you purchase a residential property with the intent of keeping horses, or if you already keep horses in your backyard, chances are you have had contact with your community's zoning board. This is a critical step when purchasing, changing or starting a horse keeping operation on property that you already own. Find out what your community zoning will allow you to do by visiting the zoning office and having staff explain the pertinent horse ordinances to you. Here's an example.

The Township of Jackson, NH has a quite specific Equine Ordinance. Here's what it looks like when you research it on the Township's website:

In the Township's zoning code book, Chapter 98 Animals, Article VIII: Horses and Other Livestock, you will see the categories: 98-47 Purpose.

- 98-48 Regulations.
- 98-49 Persons presently keeping horses.
- 98-50 Violations and penalties, and

98-47 Purpose.

The purpose of this article is to protect the health, safety and general welfare of the citizens of the Township of Jackson, as well as to provide for the safety and health of horses and similar livestock.

98-48 Regulations.

In any zone in the Township of Jackson wherein the keeping of horses or other livestock is allowed, the following regulations shall be complied with:

- A lot or parcel of at least 45,000 square feet shall be required for the keeping of horses, ponies or other similar livestock.*
- Within the pasture or field there must be provided a barn or similar three-sided lean-to with a roof to provide shelter for the horses, ponies or similar livestock. This barn or similar three-sided lean-to with a roof must yield a minimum of 80 square feet per horse or pony or animal unit. This eighty-square-foot shelter minimum requirement per horse, pony or animal unit is in addition to any other footage required by this section.*
- Location.*
 - *All stables and/or similar three-sided lean-tos with roofs for sheltering horses, ponies or similar livestock shall be located a minimum of:*
 - Twenty feet from any adjacent property line.*
 - Seventy-five feet from any neighboring dwelling.*

- *Pasture or field fencing may be placed at any point up to the property line. Said fencing shall be a minimum of 50 feet from a neighboring dwelling.*
- All pasture or field fences shall be constructed of such material and in such a manner as to prevent and preclude an escape of livestock. It is recommended that an Underwriters' Laboratories, Inc., approved electrical fence wire be mounted on the inside of all perimeter fencing.*
 - All fences, barns, three-sided lean-tos or similar structures must be maintained in a state of repair to prevent the escape of horses, ponies or other livestock.*
 - Stables and similar enclosures must be built and maintained to avoid the creation of offensive odors, fly breeding or other nuisances. Fly retardants such as fly-strips and/or fly-traps must be in place and in such condition as to perform adequately from March 1 to and including October 31.*
 - Manure from stabled horses or other livestock may not be stored in the stable or housing structure used to house said horses or livestock. Any stockpile or manure shall not exceed 100 square feet and shall be stored a minimum of 100 feet from the nearest neighboring dwelling. All stockpiles of manure shall be limed at least once every week.*

98-49 Persons presently keeping horses.

*Any person, firm or corporation presently using land or premises within the Township of Jackson for the keeping of horses, ponies or other livestock shall comply with all the provisions of this article except as follows: Said person, firm or corporation is exempt from the requirements of **98-48A, B and C**, provided that such person, firm or corporation complies with all other ordinances, rules and regulations of the*

Township of Jackson or any agency thereof, and provided further that such noncompliance shall not be restored in the event of abandonment or discontinuance.

98-50 Violations and penalties.

For any and every violation of the provisions of this article, the owner of said premises where such violation has been committed or shall exist or the tenant of such premises where such violation has been committed or shall exist or any other person who commits, takes part in or assists in such violation or who maintains any building or premises in which any such violation shall exist shall, for each and every day that such violation continues, be subject to a fine of not more than \$500 or be imprisoned in the county jail for a term not exceeding 90 days, or both.

Considerations for New Backyard Horse Facilities

Aside from being close enough to trails or horse facilities, back-yarders need to consider the following before jumping in at the deep end:

1. Zoning ordinances will contain regulations about such things as setbacks for barns and other buildings from property lines and adjacent residences, location and types of fencing, storage of feed and bedding, manure storage and disposal, where new driveways can be located, night lighting, stormwater runoff and more.
2. Compare your lot size and configuration with relevant setback requirements. If your lot is 150 feet wide and the setback from the property lines must be



50' each way, which only leaves you room for a 50' long barn or structure. And that is only if you have enough room to the back property line, which may have the same setback requirement.

3. The same goes for fencing. You may be able to fence along your property line, but only after you take account of the setback distance from your neighbor's house. There may also be a setback for buildings from the fence line. Don't forget about security. Horses do, on occasion, disappear!

Obviously, you will need to scale your horse keeping facilities to your lot size minus the setback areas. Here are some design and layout tips:

- Have a professional engineer, architect or landscape architect assess your lot for difficult soils that are not good for bearing buildings or that are always wet; steep slopes or very shallow slopes, which do not allow for good drainage; and existing vegetation.
- Create a muck enclosure that will NOT allow fluids to leach out of the pile and into the surrounding soils or downhill to streams and ponds.
- Use permeable or pervious pavements for driveways and parking areas.
- Install lighting that does not interfere with neighboring residences or the visibility of the night sky.
- If you have room, plan for an exercise ring and/or sacrifice lot for the muddy season or for use when your turnout areas need a rest.
- Locate exterior waterers and place surfacing that is recommended for your soil conditions to prevent erosion.
- Install sustainable stormwater collectors such as rain gardens, vegetated swales and infiltration basins.

- Follow stream buffering recommendations and keep livestock away from the stream or pond bank area.

Just Because You Can – *Should* You Keep a Horse in Your Back Yard?

Unless you live in an area with very high property values or taxes, boarding your horse on your own land can be much less expensive and fairly convenient. Here are some things to take into consideration before you venture into home horse keeping.

1. What is your skill level as a rider? Are you confident enough as a rider that you won't be deterred by your horse's occasional bad behavior?
2. Do you have access to a good trainer and can you afford to send your companion off for a little re-schooling when needed?
3. Do you have a good supplier of feed, hay and bedding, and can you afford to keep an adequate supply on hand at all times?
4. Do you have friends or neighbors to ride with? If not, how will you and your horse socialize?
5. Do you have access to a large animal veterinarian and farrier services? Is regular or emergency care in your budget?
6. Do you have access to a horse trailer and truck in good condition?
7. Have you considered the costs of insurance, taxes and upkeep associated with horse keeping?
8. Do you have an emergency plan to get your horse(s) to safety in the event of a catastrophe?
9. Ask yourself if this is really the best option for you and for your horse.

If, after considering the items above you are still interested in keeping your horse at home, here is some additional information to help you along.

ELCR has in-depth information available about horse friendly zoning at the following links:

<https://bit.ly/2F8sW6l> - Article: *"The Basics of Planning and Zoning for Horse-Friendly Communities"*, 2017.

<https://elcr.org/zoning-best-practices/> - Guidebook: *"Guide – Horse-Friendly Zoning Practices in American Communities"*, 2017

<https://elcr.org/event/winter-17-webinar/> - Webinar: *"How to Use and Understand ELCR's "Horse-Friendly Zoning Practices in American Communities"*, 2017

<https://bit.ly/2SKB2Fz> - Webinar: *"Horse-Friendly Zoning Practices in American Communities"*, 2018

Want to know more about the ins and outs of home horse-keeping? Listen to this podcast with expert Alayne Bickel as recorded on *The Horse: Managing horses on small acreages*.
<https://thehorse.com/138384/managing-horses-on-small-acreages/>

Purchasing a fully developed small horse property can be prohibitive. It's evident that this 10.45 acre property, shown in the online newspaper *CTPost* in a September 4, 2018 posting, is a well-appointed small horse facility. The listing price? Just under \$900,000.



If you can invest at this level for a small horse property, you should have a turn-key farm in a higher cost area of the country. If not, you might start with a horse-friendly zoned property with fewer or no horse amenities and develop your backyard horse home over time.

Happy Horse Keeping!



About the Equine Land Conservation Resource (ELCR): The Equine Land Conservation Resource is the only national not-for-profit organization advancing the conservation of land for horse-related activity. ELCR serves as an information resource and clearinghouse for land and horse owners on issues related to equine land conservation, land use planning, land stewardship/best management practices, trails, liability and equine economic development. For more information about the ELCR visit our website at www.elcr.org or call (859)455-8383.