

Report to the Zoning, Infrastructure, Policy, Procedure and Ordinance Review (ZIPPOR) Committee

Prepared by the Maricopa County Planning and Development Department

Subject: TA2008006 –Equestrian Uses

Meeting Date: February 26, 2009

Agenda Item: 1

Supervisor District: All Districts

Applicant: N/A

Request: Request for Commission initiative of a Text Amendment to the *Maricopa County Zoning Ordinance (MCZO)* in regard to accessory equestrian uses in Rural zoning districts.

Discussion:

The purpose of TA2008006 is to allow equestrian uses of a limited public/commercial nature as an accessory to a single-family residence in the Rural zoning districts. Historically, the MCZO previously allowed public riding and boarding stables in Rural zoning districts, provided the site contained at least (10) acres and the buildings housing animals set back a distance of not less than one hundred (100) feet. This previously allowed use was eliminated and deleted from the MCZO in 1974. Staff received numerous e-mails from the equestrian community wherein a concern with the 100 foot setback requirement was expressed. This requirement is found as part of the past allowed use, as well as in the current language regarding Special Uses (Article 1301.1.20). This proposed amendment would have no effect on Article 1301.1.20, and the 100 foot setback required for special uses would not apply to TA2008006.

At the request of Supervisor Kunasek, staff approached representatives of the equestrian community to explore the potential of allowing some equestrian uses that presently require an SUP as by-right uses in Rural zoning districts. It would seem that reasonable equestrian uses can be allowed. Such allowance would then obviate need for many current SUP cases and would likely mitigate a number of zoning violations. Therefore, staff proposes to allow limited, commercial / public equestrian uses accessory to a single-family residence in the Rural zoning districts.

Staff proposes to add a new article limiting equestrian uses that will be allowed accessory to an established primary use in the Rural zoning district as MCZO Art. 501.2.21.e:

Public equestrian uses accessory to a single-family residence limited to the following:

- 1. The boarding of up to five (5) horses not owned by the private property owner and/or resident.*
- 2. Riding lessons, team roping practices, and similar activities involving up to a maximum of 24 persons (including staff, participants and spectators).*
- 3. All structures shall meet minimum setback requirements and the maximum lot coverage requirement. All parcels must meet minimum lot area and width requirements.*
- 4. Any public equestrian use that cannot meet these conditions will require a Special Use Permit in accordance with Article 1301.1.20 of this ordinance.*

Since it may become necessary to determine whether horses are personal or boarded, a consistent means of determining ownership should be considered. In the past, hauling papers were commonly accepted as proof of ownership. Since horses may be registered for a small fee through the State, registration seems to be a reasonable means of determining ownership. The Commission may wish to consider a requirement for the proposed article.

After meeting several times with representatives of the equestrian community, the proposed language has been revised and simplified. Equestrian representatives have expressed a desire for more liberal allowances for equestrian uses by-right in the Rural zoning district, such as a per acre ratio for the number of boarded horses and a greater number of event attendees. It should be noted, however, that this amendment will be giving allowances that presently are not afforded at any level without an approved SUP. Staff is not amenable to a per acre ratio at this time. A future Text Amendment intended to address concerns regarding animal densities in the Rural zoning district may include a per acre ratio.

Comments received to date are attached to this report. Note that the comments ask for delineation of items that are detailed elsewhere in the ordinance. There are also comments that speak to disclosure with conveyance documents but that is not the charge of the MCZO. Staff desires to keep the amendment succinct and specific to the limited subject at hand.

A prior draft of this proposed Text Amendment was brought to ZIPPOR on October 16, 2008. Due to a lack of quorum, the Commission could not initiate this amendment. Depending upon direction from the Commission, staff anticipates bringing this item for vote at a regular Commission hearing within the next quarter after analysis and

external review. Larger public involvement will be sought which is expected to foster additional debate.

Recommendation:

Staff recommends the ZIPPOR Committee **initiate TA2008006.**

gcb/dvg

Attachments: NRDHCA letter (2 pages)
Comments from equestrian community representatives (2 pages)
October 16, 2008 ZIPPOR minutes (40 pages)
Memo from Farm Bureau Equestrian Advisory Committee