

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-01-03 (R2)

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 10th day of March 2003:

Present:	Vote:
W. R. "Ray" Davis, Jr.	Nay
Rebecca M. Ringley	Nay
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb, Sr.	Aye

Motion was made by Mr. Burrell, which carried 3:2, to adopt the following ordinance:

AN ORDINANCE TO AMEND SECTIONS 98-293, 98-294
AND 98-745 OF CHAPTER 98, ZONING, NEW KENT
COUNTY CODE, TO MODIFY THE REQUIREMENTS FOR
HORSE KEEPING IN RESIDENTIAL DISTRICTS

WHEREAS, the provisions under which conditional use permits are granted for horse keeping in residential districts may be more cumbersome and time-consuming than desired; and

WHEREAS, the Board referred the proposed amendments to the New Kent County Planning Commission in accordance with state law and accepted procedure; and

WHEREAS, after conducting a duly advertised public hearing, the Planning Commission voted to recommend denial of the amendment; and

WHEREAS, the Board finds that keeping horses in residential areas where lots are of sufficient size and when done in an appropriate manner and arrangement contributes favorably to the rural character of the County; and

WHEREAS, this application has twice been advertised for public hearing before the Board in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning in the County of New Kent and that approval will further these public purposes,

NOW THEREFORE BE IT ORDAINED this, the 10th day of March 2003, by the New Kent County Board of Supervisors that that the following amendments to Sections 98-293, 98-294 and 98-745 of Chapter 98, Zoning, New Kent County Code be, and they are hereby, adopted:

Sec. 98-293. Permitted uses.

In the single-family residential R-O, R-OA, R-1 and R-1A districts, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Community center with an approved site plan.
- (2) Construction trailers and/or portable or temporary buildings for offices, storage facilities, public and semipublic uses, and such use shall be in conjunction with a bona fide construction project for which a building permit has been issued, the development of an approved subdivision, or highway or public works construction projects. In addition, the following conditions shall apply:
 - a. The temporary structure shall be located in conformance with all applicable requirements of this chapter.
 - b. The temporary structure shall not be used as temporary living quarters at any time.
 - c. The use shall be allowed for a period of one year or 30 days beyond the date of the issuance of a certificate of occupancy for the permanent structure, whichever occurs first.
 - d. Upon evidence that the completion of construction is imminent, the zoning administrator may grant one 30-day time extension.

- e. The zoning administrator retains the right to have the use removed if, at any time, the applicant violates the conditions set forth in this section.
 - f. The zoning administrator retains the right to require a site plan.
- (3) Parks and playgrounds with an approved site plan.
 - (4) Public utilities other than those requiring a conditional use permit under the provisions of section 98-294 with an approved site plan.
 - (5) Public schools with an approved site plan.
 - (6) Radio, television or communication towers not exceeding 50 feet in height and satellite dishes provided any of these uses are located in the rear yard of a principal permitted use.
 - (7) Single-family dwellings.
 - (8) Subdivisions of single-family dwellings.
 - (9) *Horsekeeping, provided that the following conditions are met:*
 - a. *The keeping of horses shall not be specifically prohibited authorized in restrictive covenants and deed restrictions applicable to the property.*
 - b. *The keeping of horses shall be accessory to a single-family residential unit and solely for the recreational purposes of the family living on the premises. Riding stables and the boarding of horses which are not owned by the resident family whether for commercial purposes or not shall be prohibited.*
 - c. *The minimum parcel size for keeping horses shall be three (3) five (5) useable acres on which one (1) two (2) horse may be kept. Additional horses may be kept at a ratio of one (1) horse for each additional two (2) acres to a maximum of ten (10) horses. Useable acreage excludes Chesapeake Bay Resource Protection Areas and buffers adjacent to public water supplies as required in subparagraph e of this section.*
 - d. *A stable must be provided for the housing of all horses. Any stable or structure used for the keeping of such animals shall meet the following setback requirements:*

Side: Twenty-five feet (25')

Rear: Fifty feet (50')

Street Setback: Seventy-five feet (75') from the right-of-way line

Principal Structure: Twenty feet (20') and ~~must be behind front~~

- e. All pastures, runs, or similar areas used for horse keeping shall be surrounded by secure fencing. Fences shall not block site triangle easements, ~~be electrified, or constructed of barbed wire.~~*
- f. Horses shall not be stabled, pastured, or otherwise kept within one thousand feet (1,000') of a drinking water reservoir unless it can be proven to the satisfaction of the health department and the zoning administrator that any runoff will be away from the reservoir and that public health will not be negatively impacted. In such cases, a two hundred foot (200') buffer must be maintained. This shall not be interpreted to preclude the riding of horses or establishment of bridle trails closer than the specified distance provided that the health department and owner of the reservoir approve.*
- g. Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate within a designated Chesapeake Bay Resource Protection Area.*
- h. The zoning administrator retains the right to require removal of some or all of the horses if, at any time, the applicant violates the conditions set forth above.*

Sec. 98-294. Uses permitted by conditional use permit only.

In the R-O, R-OA, R-1 and R-1A single-family residential district, structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a conditional use permit by the board of supervisors ~~or its agent~~:

* * *

- (6) Keeping or raising horses as an accessory use to a single-family dwelling *where not specifically prohibited the specific authorization within restrictive covenants or minimum parcel size of three (3) ~~five (5)~~ useable acres criteria established in Section 98-293(9) cannot be met.*

* * *

Sec. 98-745. Specific use conditions.

* * *

- (b) The following conditional uses shall comply with the specific requirements set forth herein. In addition to the following specific conditions, the planning commission may recommend, and the board of supervisors may adopt any additional conditions or modifications to the enumerated conditions it deems necessary to ensure the compatibility of conditional uses with surrounding uses, promote the New Kent County Comprehensive Plan, and protect the health, safety and general welfare of the public.

* * *

- (22) The keeping or raising of horses.
- a. The keeping of horses shall be solely for the recreational purposes of the family living on the premises. The commercial boarding of horses which are not owned by the resident family shall be prohibited.
 - b. The minimum area of any parcel used for the keeping or raising of horses shall be three (3) acres for the first horse. One additional horse may be kept or raised for each additional two (2) acres.
 - c. A stable must be provided for the housing of all horses. Any stable or structure used for the keeping of such animals shall be located not less than 75 feet from any property line *nor less than twenty feet (20') from the principal structure on the property.*
 - d. All pastures, runs, or similar areas for the keeping or raising of horses shall be surrounded by fencing ~~which is neither electrified nor constructed of barbed wire and~~ which does not block site triangle easements at intersections.
 - e. *Horses shall not be stabled, pastured, or otherwise kept within one thousand feet (1,000') of a drinking water reservoir unless it can be proven to the satisfaction of the health department and the zoning administrator that any runoff will be away from the reservoir and that public health will not be negatively impacted. In such cases, a two hundred foot (200') buffer must be maintained. This shall not be interpreted to preclude the riding of horses or establishment of bridle trails closer than the specified distance provided that the health department and owner of the reservoir approve.*

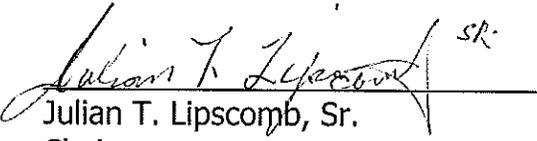
- f. *Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate within a designated Chesapeake Bay Resource Protection Area.*
- g. *Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate in any manner that diminishes the rights of adjacent property owners to enjoy reasonable use of their property.*
- h. *The keeping of horses shall not be excluded by the restrictive covenants and deed restrictions applicable to the property.*

* * *

BE IT FURTHER ORDAINED that the provisions contained herein shall be immediately valid and operative upon adoption.



Gary F. Christie
County Administrator



Julian T. Lipscomb, Sr.
Chairman