

## San Juan Capistrano Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[TITLE 9. LAND USE](#)[CHAPTER 3. ZONING DISTRICTS AND STANDARDS](#)[Article 5. Supplemental District Regulations](#)[\[ remove highlighting \]](#)**Sec. 9-3.515. Equestrian standards (commercial and noncommercial stables).**

(a) Purpose and Intent. The purpose of this section is to establish provisions and procedures that will ensure that the City will continue to realize the benefits of the equestrian community; support the equestrian lifestyle; protect the natural environment; provide watershed protection; and maintain the aesthetics and community character. The provisions of this ordinance are enacted to:

- (1) Provide appropriate design standards and criteria for keeping and protection of equine on private property;
- (2) Create, enhance, and protect the equestrian and rural atmosphere by integrating open space areas and multi-use trails into equestrian oriented development;
- (3) Achieve visually pleasing and compatible relationships between buildings and accessory structures, multi-use trails, open space areas, and the natural environment by providing appropriate buffers between equestrian and nonequestrian uses;
- (4) Comply with requirements set forth in City, State and Federal law;
- (5) Protect the public, health, safety, and general welfare.

(b) Applicability. The regulations in this section shall apply to all commercial stables and noncommercial stables located within the City. All stables shall be required to adhere to all development and operational standards as set forth in this section.

(c) Commercial Stables.

- (1) For the purposes of this section, “commercial stables” shall mean any place where horses or other equine are kept, housed, boarded, lodged, fed, hired, trained, sold, rented, or bred for monetary compensation.
- (2) For the purposes of this section, “multi-use” trails shall mean trails that are used for equine, hiking, and bicycles.
- (3) Setbacks. The setback requirements set forth in Table 3-21 shall pertain to all equestrian related structures, including, but not limited to, paddocks, corrals, arenas, barns, box stalls, and fly-tight manure bins, except pastures, grazing areas, and access roads. For the purposes of this section “Setback” is defined in Appendix A, Figure 13.

**Table 3-21**  
**Commercial Stable Setbacks**

Location	Minimum Setback*
Front Yard	50 feet*
Side Yard	25 feet* (May be reduced to five (5) feet if the interior side yard is adjacent to another commercial stable)
Rear Yard	Five (5) feet*

\* All structures shall maintain a minimum of 100 feet from any property which is used, zoned, or shown on the General Plan for residential use. No paddock, box stall, or corral shall be located within 100 feet of any school, hospital or similar institution as measured from the property line.

(4) General Development Standards. The establishment of a commercial equestrian stable, as defined by this section and as identified in specific zoning districts, shall require approval of a Conditional Use Permit, except that minor increases in existing stable density may be approved administratively in accordance with subsection 9-3.515(c)(3)(A)(ii) of this section. The requirement for a Conditional Use Permit is necessary in order to consider the following issues before

such a use could be established: (1) ability of the site to accommodate the use; (2) compatibility with areas adjacent to the keeping of equines; (3) determination on the number of horses that the site and its specific location can accommodate; and (4) compatibility of its design with the surrounding land uses. Commercial equestrian stables shall comply with the following general development standards:

(A) Maximum Equine Density.

(i) The maximum number of equines allowed at a commercial equestrian stable shall be as follows. For the purposes of this section, “usable acre” is defined as that portion of the total site which is relatively flat (not exceeding ten (10) percent slope) and which does not encroach into the 100-year flood area as defined by the Federal Emergency Management Agency (FEMA):

- a. The maximum density shall not exceed ten (10) equines per usable acre where the stable does not have the ability to access a General Plan designated equestrian/hiking trail.
- b. The maximum density shall not exceed twenty-eight (28) equines per usable acre where the stable has the ability to access a General Plan designated equestrian/hiking trail. For the purposes of this section, “access” shall mean that said equestrian stable is located adjacent to an equestrian easement such as a feeder trail that serves a General Plan designated equestrian/hiking trail or trail(s) that are located in the vicinity.

(ii) Minor Density Increases. The Community Development Director shall be authorized to approve a minor increase in equine density not to exceed ten (10) percent at an existing stable in accordance with this subsection.

a. The Community Development Director may approve a minor increase in equine density if the Community Development Director finds that:

1. The proposed density increase would not increase the existing number of equines at the subject site by more than ten (10) percent;
  2. The subject site is lawfully operating in accordance with a previously approved Conditional Use Permit and the Conditional Use Permit establishes a **horse** density that is less than the maximum density allowed in Section 9-3.515(c)(3)(A)(i);
  3. The proposed density increase would comply with the development standards and requirements set forth in this section;
  4. The proposed density increase would not exceed the maximum densities set forth in Section 9-3.515(c)(3)(A)(i);
  5. No prior density increase has been approved administratively for the subject site. If a density increase has been previously approved for the subject site then any further requests for density increases shall require approval of a Conditional Use Permit Modification, said modification shall be granted by the Planning Commission;
- b. The Community Development Director shall have the authority to impose any conditions of approval deemed necessary to ensure compliance with the standards and requirements set forth in this section;
- c. The Community Development Director shall have the authority to inspect the property to ensure that property is in compliance with any conditions that may be attached to the approved density increase;
- d. The Community Development Director shall have the authority to modify or revoke such administrative approval if the Community Development Director determines that the property is operating in violation of any code requirement or condition of approval. Such modification or revocation may be appealed to the Planning Commission;

(B) Maximum Building Height. The maximum building heights for equestrian related structures are as follows:

Box Stalls: twenty-five (25) feet;

Hay Storage structures: thirty-five (35) feet;

Covered Arenas: thirty-five (35) feet;

Stand Alone Office structures: twenty (20) feet.

Equestrian-related structure with second floor ancillary uses: thirty-five (35) feet.

Accessory structures (e.g., windmills, water tanks, etc.): twenty-five (25) feet. The maximum building height for all equestrian related structures shall be subject to final discretionary approval by the Planning Commission.

(C) Landscaping, Landscape Buffers, and Irrigation. The landscaping and irrigation system shall be subject to review during the development review process and shall require the following:

(i) Commercial stables located adjacent to residentially zoned land or public streets shall provide a fifteen-foot landscaped buffer area. Said area shall include trees, shrubs and groundcover.

(ii) A minimum five-foot buffer area with perimeter trees, shrubs, and groundcover shall be provided adjacent to all property lines.

(iii) An approved water conservation irrigation system shall be provided to serve all landscape areas.

(D) Signs. All signs shall conform to the requirements of Section 9-3.543

(E) Lighting. All security lighting shall be such that it is directed onto the site. All lighting shall conform to the requirements of Section 9-3.529

(F) Access Roads. All access roads shall be finished with asphalt, aggregate base, decomposed granite or equivalent material as approved by the City Engineer. The extent of finished roads and the stable's circulation system shall be determined during the development review process.

(G) Building Area. A maximum of thirty (30) percent of the usable acres may be devoted to buildings, covered areas, feed storage structures, impervious surface parking areas, barns, caretaker residence, covered paddocks (roofed areas only), offices and other covered structures. Uses which are not to be considered in calculating building coverage are those support uses which are open in character, including, but not limited to, open arenas, open paddocks, pastures, hot walkers, wash racks, picnic areas, pervious concrete/surfaces, etc. "Usable Acre" is that defined by subsection (a)(3)(A)(i) of this section.

(H) Development procedures. The procedures for development shall be as set forth in Article 3 Development Review Procedures of Chapter 2 of this title.

(I) Equestrian Shows and Exhibits. For the purposes of this section, equestrian shows and exhibits shall mean equine related events that are juried, provide instruction or demonstration to exhibitors and where participants will attend and perform. Said shows and exhibitions shall be permitted only at approved commercial stables, unless otherwise permitted by the City Council. Equestrian Shows and Exhibits shall require review and approval by the Community Development Director for major events. Major events shall be larger, sanctioned events which draw participants and attendees from out of the area and that create impacts to traffic, parking, noise, lighting or public safety. The Community Development Director shall have the authority to prescribe the type and form of information required for the Administrative Approval application. Applications to conduct an equine show or exhibit shall be submitted at least fourteen (14) business days prior to the scheduled event to the Community Development Department for either approval or denial pursuant to Section 9-2.303 Administrative Approvals.

(J) Minor events shall be exempt from this section. For the purposes of this section, "Minor events" shall mean any event that does not invite the general public and that takes place and is isolated within the facility property boundary. However, said events shall adhere to all other Municipal Code regulations and standards.

(K) Exterior sides which are to enclose structures shall be finished with wood, stucco, masonry, or other material of similar texture and durability.

(L) The roof material of structures shall be slate, tile, asphalt shingle, colored corrugated metal or standing seam, or other material of similar appearance, texture, substance, and durability as approved by the Community Development Director.

(M) Fencing. Where equines are kept within paddocks and stables, fences shall maintain a height of at least five (5) feet and shall be of such construction as to preclude the escape of equines. Said fencing shall be constructed with wood, masonry, metal bar construction, heavy-gauge metal wire or polyvinyl (that meets industry standards) or other appropriate material as approved by the Community Development Director.

(N) Public Toilets. A minimum of one public bathroom for each sex shall be provided. Portable outdoor bathroom facilities shall be permitted for areas located within a FEMA-designated flood zone and may allow use by both men and women. All other facilities shall be of permanent construction.

(O) Maintenance. All stables shall be maintained in such a manner as to insure the health and safety of all equines and the structural integrity of all buildings, corrals, paddocks, barns and fences.

(P) Emergency Plan. All stables shall maintain an Equestrian Emergency Plan. An Equestrian Emergency Plan shall be submitted to the City Manager or designee, for approval once every four (4) years. The Plan shall include, but not be limited to, an emergency action checklist that identifies the organization for emergency response and actions to be taken

during an emergency, and the identity of all staff, facilities, number (quantity) of stalls, major equipment and supplies available for emergency use, relocation sites and emergency contact information. The City Manager or Designee may provide a template for a Plan that meets the requirements hereunder.

(Q) Stable Management. The management of commercial stables shall meet the requirements of the Orange County Environmental Health Department to ensure that environmental impacts are kept at a minimum and shall maintain a valid Animal Control permit issued by the Health Department at all times.

(R) Employee Housing. In order to provide for the health and safety of equines and structures, caretaker residences may be established on the premises. Such residences shall meet the requirements set forth in Section 9-3.511 Caretaker Residences.

(S) All stables shall comply with all provisions and regulations of Municipal Code Chapter 14 Water Regulations and with the City's Equestrian—Related Water Quality Best Management Practices Manual.

(d) Noncommercial Stables. Noncommercial residential stables and equestrian facilities. Equines may be maintained within residential districts where permitted, subject to the provisions of this section. All such uses shall be restricted to a private noncommercial activity.

(1) For the purposes of this section, noncommercial stables shall mean any place where equines are kept for the use and enjoyment of the occupants of the premises, or a noncommercial facility for the use of a private homeowner association.

(2) Setbacks. The following setback requirements shall pertain to all structures which relate to the keeping of equines, and exercise or grazing areas. Such facilities shall be subject to the following provisions:

From property line to paddocks/stall on same lot:

Front yard: Twenty (20) feet.

Side and rear yard: Fifteen (15) feet.

From property line to pasture/exercise area on same lot:

Front yard: Twenty (20) feet.

Side and rear yard: Ten (10) feet.

From pasture/exercise area to setback line for residences on adjacent lot:

Front yard: Thirty-five (35) feet.

Side and rear yard: Thirty-five (35) feet.

From pasture/exercise area and paddocks/stall to residence on same lot:

Front yard: Zero (0) feet.

Side and rear yard: Zero (0) feet.

From paddocks/stall to setback line from residence on adjacent lot:

Front yard: Fifty (50) feet.

Side and rear yard: Fifty (50) feet.

### (3) General Development Standards.

(A) Equines may be kept within the Residential/Agriculture (RA), Hillside Residential (HR), Single-Family-40,000 (RSE-40,000), Single-Family-20,000 (RSE-20,000), Single-Family-10,000 (RS-10,000), Single-Family-7,000 (RS-7,000), Residential Garden-7,000 (RG-7,000), Single-Family 4,000 (RS-4,000), Residential Garden-4,000 (RG-4,000), and Planned Community (PC) Districts where common equestrian facilities are designed into the development and equestrian trails are established adjacent to all equestrian facilities or where access can be reasonably achieved as

determined by the Community Development Director. Developments with common equestrian stables or corrals shall conform to the development standards set forth in subsection (c) of this section for commercial stables.

(B) Equines may be kept on individual lots within the Agri-Business (A), Residential/Agriculture (RA), Hillside Residential (HR), Single-Family-40,000 (RSE-40,000), and Single-Family-20,000 (RSE-20,000) Districts provided the following standards are met:

- (i) Number of horses/lot size. One equine per 10,000 square feet of overall lot size.
- (ii) Minimum lot area for equestrian use. 2,500 square feet for the first **horse**, of which 500 square feet must be flat (slope no greater than ten (10) percent). For each additional **horse** beyond one, an additional 500 square feet of flat land shall be provided.
- (iii) Number of equines that require a conditional use permit.
  - a. If the property is two (2) acres or less, four (4) equines may be kept without needing a conditional use permit.
  - b. If the property is between two (2) and five (5) acres, six (6) equines may be kept without needing a conditional use permit.
  - c. If the property is more than five (5) acres, ten (10) equines may be kept without needing a conditional use permit.

For the purposes of this section, a mare and a foal (up to eight (8) months of age kept together) shall count as one **horse**.

(C) The roof material of equestrian-oriented accessory structures such as barns, and stables shall be slate, tile, asphalt shingle, colored corrugated metal or standing seam, or other material of similar appearance, texture, substance, and durability as approved by the Community Development Director.

(D) Perimeter Fencing. Perimeter fences shall maintain a height of at least five (5) feet and shall be of such construction as to preclude the escape of equines. Said fencing shall be constructed with wood, masonry, metal bar construction, polyvinyl (that meets industry standards) or other appropriate screen material as approved by the Community Development Director.

(e) Nonconformities. The nonconformities section shall apply only to Commercial Stables. Nonconforming equestrian uses and/or structures shall be subject to the following:

(A) Except as provided in this section, all existing buildings, structures, fences, enclosures and uses of land, including the number of equines allowed by this section, which do not conform to the provisions of this section, but were existing as legal conforming uses or structures on February 4, 2008, shall be considered legal nonconforming uses and/or structures for purposes of this section.

(B) The owner of property with equestrian uses or structures that have been rendered nonconforming by the provisions of this section shall file a written, nonconformity statement with the Community Development Director in order to establish a record of and the right to continue the nonconforming uses or structures.

(C) The property owner desiring to establish the legal, nonconformity of equestrian uses or structures shall file a written nonconformity statement with the Community Development Director no later than four (4) months after the adoption of this chapter. Failure to do so will render the nonconforming use as unlawful and will require discontinuance of the use and removal of all equestrian uses and structures no later than November 1, 2009.

(i) A written nonconformity statement shall include:

- a. The ownership of the lot or parcel;
- b. If the nonconformity involves the keeping of more than the maximum allowable equines on a vacant or developed lot or parcel, or on any combination of contiguous lots or parcels which are owned or under the control of the same individual(s), a statement identifying the owner of each animal kept on the subject property;
- c. Permission from the owner for a City representative to enter upon said lot or parcel to verify, inspect, and photograph the nonconforming condition; and
- d. Any additional information, as required by the Community Development Director.

(ii) Upon submittal of the written nonconformity statement to the Community Development Director, the Director or his or her representative shall verify the nonconforming condition through a site visit to the property. Upon verification of the nonconforming condition, the Community Development Director shall keep on file a record of the nonconforming condition.

a. Code Enforcement Compliance. If an existing site condition is deemed illegal by the City or is in a current state of Code Enforcement, said property owner shall gain compliance prior to the City approving and recording a nonconforming statement.

(iii) Except as provided below, the acceptance and verification of a written nonconformity statement by the Director shall permit the nonconforming condition to continue as follows:

a. The boarding of equines on a lot or parcel or on any combination of contiguous lots or parcels which are owned or under the control of the same individual(s), shall be permitted to continue pursuant to Section 9-3.533 of this Code.

b. Nonconforming conditions may continue until abandoned by a change of use or cessation of the equestrian use for longer than a six-month period.

(iv) The Director shall cause each nonconformity statement which is issued to be recorded with the county recorder. The recorded document shall clearly describe the uses and/or structures that are allowed to continue on the property.

(v) If no written nonconformity statement has been submitted to the Community Development Director pursuant to this Section, or if the property owner does not allow the Community Development Director or his/her representative to verify the nonconforming condition, it shall be presumed that the nonconforming condition was illegal at the time of adoption of the ordinance establishing these regulations.

(D) Certificate of Compliance. Commercial stables that have provided documentation proving compliance with applicable Municipal codes shall be issued a Certificate of Compliance. To assist the City in making the determination of compliance the required documents may include facility entitlements, record drawings/maps of the facility, building permits, and similar records of land use approval. (§ 2, Ord. 869, as amended by § 3 Exh. B, Ord. 937, Ord. No. 958, § 2 (Exh. A), 5-19-2009)

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