

**ARTICLE VII – A**

**“TA-1” TRANSITIONAL AGRICULTURE OVERLAY DISTRICT**

**SECTION 1. PURPOSE AND INTENT OF DISTRICT:** The “TA-1” Transitional Agriculture Overlay District is intended for the purpose of allowing opportunity for keeping of domesticated farm animals in designated areas of the municipal zoning jurisdiction where adequate space is available to assure safe and sanitary conditions. Such uses are subject to species, density and maintenance regulations to minimize the potential for negative environmental impacts and creation of neighborhood nuisances.

This district is intended to be appended as an overlay to any zoning district where required conditions are determined to be present.

**SECTION 2. DISTRICT REGULATIONS:** In the “TA-1” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in SECTION 3 below.

**SECTION 3. USE REGULATIONS:**

1. Uses and structures permitted in the parent district to which this district is appended.
2. Keeping of horses, as an accessory use to any lawful principal use of a parcel where such use is existing as of the effective date of this ordinance.

The term “horse” shall not include donkeys, mules or any other non-horse equines, or any other cross bred species.

3. Prior to establishment of any animal keeping facilities the owner shall obtain a permit from the Downs City Council which shall be subject to such conditions as they may impose.

**SECTION 4. INTENSITY OF USE REGULATIONS:** Horses as defined above may be located on a lot which conforms to the minimum lot size requirements of the parent district to which this district is appended, provided that there shall be no more than one (1) horse for each 15,000 square feet of useable open space available on the lot. Such open space may not include the area within any required front yard and shall exclude buildings and structures.

Animal density shall be limited to a total of two (2) animals per zoning lot.

**SECTION 5. LOT COVEREAGE:** The lot coverage requirements of the parent district 4 which this district is a part shall be the maximum lot coverage requirements.

**SECTION 6. HEIGHT REGULATIONS:** The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements.

**SECTION 7. YARD REGULATIONS:** The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements.

**SECTION 8. SIGN REGULATIONS:** The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for signs unless otherwise approved by the Planning Commission and the Governing Body.

**SECTION 9. PARKING AND LOADING REGULATIONS:** The parking and loading requirements of the parent district, of which this district is made a part, shall be the minimum requirements unless otherwise prescribed and/or approved by the Planning Commission and the Governing Body.

**SECTION 10. SPECIAL REQUIREMENTS:** Keeping of horses shall conform to the following:

1. All pens and shelters, used to house the horses shall be maintained in neat appearance and in sanitary conditions.
2. All horses shall be kept within a fenced enclosure with appropriate shelter. Enclosures shall not be closer to any street line than the primary structure,
3. Structures used for shelters be at least ten (10) feet from the rear lot line, and shall not be closer to any street line than the primary structure.
4. The lot shall be graded and maintained so as to prevent flowage of wastes on to any adjacent lot parcel or street.
5. Lot maintenance produces shall include control of vermin, insects and other disease vectors, as well as objectionable odors.
6. Failure to maintain the premises in safe and sanitary condition shall be cause for revoking the permit to keep horses.
7. Only horses which are the property of the lot owner shall be maintained, and no horses belonging to another many be boarded.

**SECTION 11. COMPLAINTS, VIOLATIONS AND PENALTIES:**

1. The permit to keep horses shall be reconsidered by the Downs City Council when a review petition stating there are problems regarding conditions at a particular location has been signed by fifty (50) percent or more of the owners of property within two hundred (200) feet of the subject premises, and has been submitted to the City for administrative processing.
2. Upon a finding of violation of the zoning regulations or any special condition established during the permitting process the City Council may take action to revoke the permit to keep horses in addition to any and all other legal remedies and penalties.

**SECTION 12. EXCLUSIONS:** Nothing in this section shall be construed to apply to zoos, animal exhibits, pet stores or veterinarian facilities.