Subject of Interpretation:
Boarding Stables as a primary use vs. an accessory use of boarding horses on a residential property

Zoning Ordinance Section Numbers:
Table 11-5-2

Title of Section:

Cause for Interpretation:
The question came up in Lehi as to whether it was legal for a resident in an RS-43 district to lease out stalls for others to board their horses.

Interpretation:
The MZO allows Boarding Stables, defined as “Facilities in which equines are kept for sale or hire to the general public. Breeding, boarding, or training of equines may also be conducted.” Boarding stables as a primary use of the property is allowed only in the AG, RS-90, and RS-43 zoning districts and only with the approval of a Special Use Permit. Further, in the RS zoning districts, the lot must be at least 10 acres in size.

Table 11-5-2 allows Boarding Stables as a commercial activity in the RS-90 and RS-43 Districts with the approval of a Special Use Permit and provided the property is at least 10-acres in size. Table 11-5-2 also allows Animal Keeping by right provided it is done in compliance with Section 11-31-4 of the MZO.

Section 11-31-4 of the MZO allows for keeping of animals in the AG District and as an accessory use to residential zones subject to compliance with Section 8-6, Article IV, Livestock and Large Animal Regulations, of the Mesa City Code. There is nothing Section 8-6, Article IV which prohibits leasing stalls for people who do not reside on the property to board a horse. Section 11-31-4 B of the MZO does, however, limit any additional livestock allowed above the base amount provided for in Section 8-6 Article IV through the approval of a Special Use Permit to only keeping of private livestock.

The intent of the Code has been to limit and regulate properties that are strictly used as Boarding Stables. It was not the intent of the code to limit or prohibit property owners to lease out stalls on property where the primary use of the land is the residential dwelling and the number of horses kept is in compliance with all requirements of Section 8-6, Article IV.
Therefore, this interpretation is that when the primary use of a property is residential, stalls may be leased for the keeping of animals in conformance with Section 8-6, Article IV, without it being considered a Boarding Stable. Any increase in the number of animals permitted on a property as a result of the approval of a Special Use Permit per Section 11-31-4 of the MZO must be for private use, not for leasing of space.