



RULE INTERPRETATION DETERMINATION

Determination #: RID 2014-002

Title: Horse-Drawn Carriage (Base Operations)

Drafted by: Land Development Division, Policy Administrator

Rule in Question: Table 311-2 (*Nonresidential Use Matrix*) of the Unified Development Code (*UDC*); animal-related uses.

Department Action: The Director concurs with the staff position, finding horse-drawn carriage base operations materially similar to animal and pet services and identifying appropriate zoning districts for this use. The Director also concurs with the suggested *UDC* amendments.



Roderick Sanchez, AICP, CBO
Development Services Director

11-27-13
Date

Effective Date of Determination: Immediately

Staff Analysis: The *UDC* does not reference horse-drawn carriage uses, provide definitions or identify permitted zoning districts for the base operations of such uses. Therefore, to begin an analysis of this use, other chapters of the City Code that do specifically address this use must first be consulted.

Section 5-52(a) of Chapter 5 (*Animals*) of the San Antonio City Code states:

“Regulation of horse drawn carriages shall be governed by the provisions of chapter 33.”

Chapter 33 (*Vehicles for Hire*) of the City Code underwent substantial revision in August of 2013. Being a transient use, most of these new regulations address the actual conduct of the business activity, including hours and locations of operation, use of public rights-of-way for passenger pick up and drop off, animal care and permitting and licensing requirements. The sole land use-related reference is found in Division 6 (*Stables*), Section 33-471 (*Location*), stating:

“Stables for housing of horses and carriages shall be at locations approved by the director of code compliance or public works, shall be situated in areas properly zoned for such use, and shall be no less than one hundred (100) feet from any dwelling. Such facilities shall conform to all health and sanitation regulations and shall be open for inspection by the director of animal care services and their designees at all reasonable times, with or without prior notice.”

The most intense component of carriage operations is the boarding of horses or other large animals. Though Chapters 5 and 33 of the City Code do not define stables, the term is commonly accepted to mean a building or structure where large, domesticated animals, such as horses or livestock, are boarded and/or sheltered. Chapter 35 (*Unified Development Code*) also does not define stables or attempt to distinguish indoor stables versus outdoor stables. Further, the *UDC* does not offer specific guidance pertaining to the use in question, particularly in those zoning districts common in and around the downtown core of San Antonio.

A definition and two separate use entries for “animal and pet services” were added to the *UDC* in October, 2012. As defined, these uses may provide a combination of boarding, grooming, sitting, and training services. The permitted zoning districts for these service-oriented uses is largely dependent upon the location of the activity (inside or outside of a building) and not the types, sizes or number of animals or the scale of the activity:

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
		Animal	Animal and pet services (no outdoor training, boarding, runs, pens or paddocks)			P	P	P	P	P	P		
Animal	Animal and pet services (outdoor training, boarding, runs, pens or paddocks permitted)								P	P		S	2720

Staff Position: Since the adoption of the *UDC* in May of 2001, Certificates of Occupancy have been issued for horse carriage operations for properties zoned “I-1.” However, the City has not entertained specific zone change applications for carriage-related uses in non-industrial zoning districts since 2000 when City Council approval authorized a “horse stable” on property in the “B-4” Central Business District. A Certificate of Occupancy was later issued for “Horse Drawn Carriages” at this location (the office and carriage components of the use deemed appropriate for that zoning district). Most zone change requests for animal-related uses since 2001 have involved veterinary clinics.

Section 35-311 (b)(3) of the *UDC* authorizes the Director to “*make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described.*” The base operations for carriage providers typically involve a combination of office, carriage storage and the long-term boarding of animals, so other animal-related uses such as “Animal – Equestrian Center and Riding Trails,” “Stockyard” and “Animal – Pound and Shelter” are not materially similar to carriage operations. However, “Animal and pet services” is a materially similar use by definition and offers guidance in determining the appropriate zoning for horse-carriage operations.

Given a history of Certificates of Occupancy issuance for carriage operators in industrial zoning districts, staff finds base operations an appropriate by right use in “L” and “I-1” zoning districts. Further, similar to the animal and pet services uses currently identified in the *UDC*, carriage operations are an appropriate use in “C-3” and “D” (and the comparable Form Based zoning Transects 5 and 6) provided all activities associated with carriage operations are conducted inside of a principle building or structure. Identifying “D” and “FBZD” as acceptable zoning districts is important, particularly since many carriage operators conduct business in and around downtown San Antonio where this service is most desired by and available to San Antonio residents and tourists alike; however, should either of the storage or boarding elements be conducted outdoors, the use is permissible in “C-3” and “D” only with the approval of a Specific Use Authorization by City Council. This approach is consistent with previous Certificate of Occupancy and zoning application decisions and recommendations.

Staff finds Horse-Drawn Carriage (Base Operations) materially similar to “Animal and pet services” and suggests amending Table 209-13B (*Form Based Development, Specific Function by Transect*) accordingly and Section 35-A101 and Table 311-2 of the UDC as follows:

Section 35-A101. Definitions and Rules of Interpretation.

Horse-Drawn Carriage (Base Operations). A location with a principal building or structure from where carriage operators originate and return to for carriage storage and animal boarding. Carriages may be drawn by other large animals in accordance with Chapters 5 and 33 of the City Code.

Stables. A building or structure where large domesticated animals are provided short or long term boarding and/or shelter, including access to food, water and grooming. Stables may be enclosed, partially enclosed or predominately open structures; stables not completely enclosed shall be subject to the separation requirements from dwellings identified in Chapter 33 of the City Code.

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Transportation	<u>Horse-Drawn Carriage (Base Operations) – Indoor Carriage Storage and/or Animal Boarding only (see also Chapters 5 and 33 of the City Code)</u>						P	P	P	P		P	
Transportation	<u>Horse-Drawn Carriage (Base Operations) – Outdoor Carriage Storage and/or Animal Boarding allowed (see also Chapters 5 and 33 of the City Code)</u>						S	S	P	P		S	