NOTE: Notice is hereby given that there may be a quorum of The City of Balcones Heights City Council Members. There will be no formal action taken by city council members.

NOTICE OF MEETING OF THE
City of Balcones Heights
PLANNING AND ZONING COMMISSION

AGENDA

Notice is hereby given that a meeting of the Planning and Zoning Commission of the City of Balcones Heights, Bexar County, Texas will be held Tuesday, March 20, 2018 at 6:00 p.m., at the Justice Center, located at 3300 Hillcrest Drive, Balcones Heights, Texas, at which time the following subjects will be discussed, to-wit:

I. CALL TO ORDER AND RECORDING OF QUORUM:

II. BUSINESS ITEMS:

1. Approval of Minutes – February 20, 2018

2. ACTION: Amending Section 153.5.2.4 of the Balcones Heights Code of Ordinances as it pertains to storage and parking of recreational vehicles, boats, trailers and vehicles in residential districts.

III. CITIZENS TO BE HEARD:

At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no action may take place and no discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.

IV. ADJOURNMENT:

City of Balcones Heights

DELIA R. SANCHEZ
City Secretary

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at the City of Balcones Heights, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: March 16, 2018 at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

The Balcones Heights Planning and Zoning Commission reserves the right to adjourn into executive session at any time to discuss any of the matters listed above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.073 (Deliberations about Gifts and Donations) § 551.074 (Personnel Matters) § 551.076 (Deliberations about Security Devices), and § 551.086 (Economic Development)

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Balcones Heights Planning and Zoning commission meeting is available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at 735-9148 ext. 236 or write to 3300 Hillcrest Drive, Balcones Heights, Texas 78201.
NOTICE OF MEETING OF THE  
City of Balcones Heights  
PLANNING AND ZONING COMMISSION  

MINUTES  

Date: February 20, 2018  
Time: 6:00 p.m.  

MEMBERS PRESENT:  
George Monsive  
Ashley Leasing  
Dr. Richard Adam  

MEMBERS ABSENT:  
NONE  

SIGN IN SHEET:  
Lili Cruz  
Lamar Gillian  

I. CALL TO ORDER AND RECORDING OF QUORUM:  

Called to order and quorum was present.  

II. BUSINESS ITEMS:  

1. Approval of Minutes – November 14, 2017  

MOTION: I make a motion to approve the minutes of November 14, 2017.  

Motion by: Dr. Adam  
Second: George Monsive  
3/0/0  
PASSED  

2. ACTION: Amending Section 153.5.2.4 of the Balcones Heights Code of Ordinances as it pertains to storage and parking of recreational vehicles, boats, trailers and vehicles in residential districts. (Public Hearing was held on November 14, 2017)  

Director of Community Development Rita Hoyl gave a PowerPoint presentation on the background, revisions, and recommendation in regards to the proposed ordinance.  

MOTION: I make a motion that we pass this and recommend it to city council.  

Motion by: George Monsive  
Second: Dr. Adam  
3/0/0  
PASSED  

3. PUBLIC HEARING: To consider input from the public on a City initiated request to allow Medical-Hospitals in O-2 High Rise District as a Permitted Use to include amending Code Section 153.3.5.5. Permitted Use and Table 3.5.-1 Use Matrix.  

Public Hearing Opened at 6:22 p.m.  

Director of Community Development Rita Hoyl gave a power point presentation on the city-initiated request to allow Medical Hospitals in O-2 High Rise District and gave background and recommendation.  

Public Hearing closed at 6:29 p.m.  

Planning and Zoning – Agenda
4. **ACTION:** Amending Code Section 153.3.5.5. Permitted Use and Table 3.5.-1 Use Matrix to allow Medical-Hospitals in O-2 High Rise as a permitted use.

**MOTION:** I would like to make a motion that we amend code section 153.3.5.5 Permitted Use and Table 3.5-1 Use Matrix to all Medical Hospital in O-2 High Rise as a permitted use.

(Recommendation to Council)

Motion by: Dr. Adam Second: George Monsive 3/0/0 PASSED

Informed PZ Members that TEXSAN will be expanding at some time in the future.

**III. CITIZENS TO BE HEARD:**

There were no citizens to be heard.

**IV. ADJOURNMENT:**

Dr. Adam made a motion to adjourn at 6:37 p.m., George Monsive seconded and all were in favor.

Submitted by:

DELIA R. SANCHEZ
City Secretary
MEMO TO THE PLANNING & ZONING COMMISSION

MEETING DATE:  January 16, 2018
FROM:  Rita Hoyl, Director of Community Development
SUBJECT:  Parking & Storage of Vehicles

BACKGROUND:  At the November 14, 2017 Planning & Zoning meeting the Commission received a presentation for consideration of revising the language in the Code of Ordinances pertaining to RV parking regulations in residential districts and the conflicting language in Section 153.5.2.4., as it also refers to RV parking regulations in residential districts.

The Commission tabled forwarding a recommendation to City Council to allow the City Attorney to draft an ordinance for consideration.

Proposed Draft Ordinance is attached. Included in the draft are revisions and/or changes to:

- Definition for Storage Parking;
- Clarifying storage on permanently maintained parking areas; concrete, asphalt, or pavers;
- No part of a boat, trailer or recreational shall extend further than the front line of the house;
- Only one boat, trailer or recreational vehicle permitted shall be permitted per dwelling unit;
- Temporary occupancy of a recreational vehicle limited to seven (7) cumulative days per year; no generators shall be used. Resident must notify Balcones Heights Police Dispatch giving date and duration of occupancy, license plate # of RV, and last date of temporary occupancy. Any extensions must be approved by City Administrator.
- No vehicle of any type may be parked on grass.
- Exceptions to parking:
  - Recreational Vehicle may be parked for up to 72 hours (3-days) in front or side yard for loading and unloading. Balcones Heights Police Dispatch must be notified with date and time of arrival, license plate # of RV, departure date.
  - 2-hour limit for vehicle to be parked off an approved surface for loading, unloading, or washing vehicle.
Also included is the Planning & Zoning packet presented to the Commission November 14, 2017.

Staff recommends forwarding a favorable recommendation to the City Council for the proposed language for new Section 153.5.2.4 Parking & Storage of Vehicles to the City Council.

Respectfully,

*Rita Hoyl*
February 20, 2018
MEETING
PLANNING & ZONING COMMISSION
City of Balcones Heights
City Council appointed a committee to review and propose language.

- Conflicting Language in two existing sections of the Code pertaining to RV’s, Boats, Trailers stored in front yards
  - 71.02 Certain Parking Prohibitions in Residential Areas
  - 153.5.2.4 Storage and Parking of Trailers and Commercial Vehicles.
November 14, 2017 - Public Hearing

- Tabled Action/Recommendation
  - City attorney draft ordinance
    - Definition for Storage Parking;
    - Clarify storage on permanent maintained areas: concrete, asphalt, pavers;
    - No part of boat, trailer, RV shall extend further than the front line of the house;
    - Only one boat, trailer, or RV permitted per dwelling unit;
    - Temporary occupancy in RV limited to seven (7) cumulative days per year;
    - No vehicle of any type may be parked on grass;
    - Exception to parking:
      - RV may be parked up to 72 hours (3-days) in front/side yard for loading/unloading
      - Dispatch must be notified
      - 2-hour limit for vehicle off approved surface for loading/unloading/washing vehicle.
and Vehicles
153.5.2.4 Storage and Parking of Trailers
Chapter 153
Amend & Retitle
Residential Areas
71.02 Certain Parking Prohibitions in
Chapter 71
Repeal

City of Balcones Heights

 BALCONES
HEIGHS
HEIGHS
the City Council to approve ordinance.
Forwarding a favorable recommendation to

Staff Recommends:
Sec. 153.5.2.4 STORAGE AND PARKING OF TRAILERS AND VEHICLES

1. **Intent.** The intent of this section is for the special conditions for storage and parking of vehicles which include recreational vehicles, boats, trailers, and to provide opportunities for residents to own, utilize and store vehicles, trailers and recreational vehicles

   (a) To ensure that parking and temporary storage of vehicles, trailers, and recreational vehicles is not detrimental to the neighborhood character and adjacent residents or property owners.

   (b) To set forth restrictions on the parking of vehicles, boats, trailers, recreational vehicles in residentially zoned areas of the city.

   (c) To provide exceptions for these restrictions and to provide penalties for the violation of this section.

2. **Definitions.**

   **VEHICLE** shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

   **STORAGE PARKING:** The keeping of any vehicles, boats, trailers, and recreational vehicles in the same place for more than 24 hours.

3. **Storage requirements.** Except in accordance with the requirements of this section;

   (a) It shall be unlawful for any person owning, leasing or having control of any vehicle, boats, trailer, or recreational vehicles, to store or to allow same to be stored, at any time in the front yard of a dwelling within the limits of the city or within the city.

   (b) Vehicles, boats, trailer or recreational vehicles may be stored in a side yard provided that: i) no part of the boat, trailer or recreational vehicle shall extend further than the front line of the house; and, ii) it is stored on a permanently maintained parking area constructed of:

      I. Concrete; or
      II. Asphalt; or
      III. Pavers.

   (c) No more than one boat, trailer (excluding single axle flatbed utility trailer), or recreational vehicle per dwelling shall be permitted.

   (d) In no case shall any vehicle used for the sole or partial purpose of hauling explosives, gasoline or liquefied petroleum products be permitted in any residential zoning district.

   (e) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, recreational vehicle shall be parked or stored in any street, or upon the right-of-way.
(f) A recreational vehicle shall not be occupied permanently while it is parked or stored in any permitted area. However, temporary occupancy shall be allowed and may not exceed seven (7) cumulative days per year. During a period of temporary occupancy, generators shall not be used. Residents must notify Balcones Heights Police Dispatch giving the date and time of occupancy, license plate number of recreational vehicle, last date of temporary occupancy, and any other information requested, by the City. Any extended period of time must be approved by city administrator.

(g) A junked vehicle (as defined by state law) shall not be permitted to be parked or stored on or near lots with dwelling units, or on streets or within right-of-way.

(h) No vehicle of any type may be parked on the grass at any time.

4. Exceptions.

(a) A resident may park a recreational vehicle in the front or side yard on a paved surface of a residence for a period not to exceed three (3) days or 72 hours for the purpose of loading or unloading.

(b) If the resident intends to utilize the exception in division (4)(a), the resident shall notify the Balcones Heights Police Dispatch giving the date and time of arrival, license plate number of recreational vehicle, departure date of such vehicle and any other additional information required by the City.

(c) A vehicle may be parked off of an approved surface for purposes of loading or unloading or washing of vehicles not to exceed two hours.

5. Authority to enforce

The authority to enforce the provisions of this section shall be vested with the City Administrator or his or her duly appointed representative.

6. Liability

Any non-conformance to Division (3) shall fall under the responsibility of the current resident.

7. Penalties.

Any person violating the provisions of division (3) of this section shall, upon conviction, be punished by a fine of not less than $1 nor more than $2,000. Each day a vehicle is parked in violation of this section will constitute a separate violation.

8. Nothing in this section shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction of traffic.
Requestor: Rita Hoyl
Department: Community Development
Date of Meeting: February 26, 2018
Subject: Public Hearing on Amendment to Storage of Parking of Vehicles

Caption:
A PUBLIC HEARING will be held to consider input from the public on proposed revisions to Section 153.5.2.4 of the Balcones Heights Code of Ordinances as it pertains to storage and parking of recreational vehicles, boats, trailers and vehicles in residential districts.

Background:
The Planning & Zoning Commission held a Public Hearing November 14, 2017. After presentation and discussion, a motion to table this item to allow the city attorney to review the proposed language presented by staff, add definition(s) if necessary, and draft an ordinance for further discussion and consideration.
The Planning & Zoning Commission continued discussion February 20, 2018. Planning & Zoning Commission voted unanimously to recommend the City Council accept the proposed language/ordinance amending Chapter 153.5.2.4 as presented.

Fiscal Impact:

Recommendation:
Staff recommends accepting the recommendation of the Planning & Zoning Commission.

Attachment(s):
Memo to Planning & Zoning Commission
<table>
<thead>
<tr>
<th><strong>Requestor:</strong></th>
<th>Rita Hoyl</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Department:</strong></td>
<td>Community Development</td>
</tr>
<tr>
<td><strong>Date of Meeting:</strong></td>
<td>February 26, 2018</td>
</tr>
<tr>
<td><strong>Subject:</strong></td>
<td>Action on Planning &amp; Zoning Commission Recommendation to Amend Storage &amp; Parking</td>
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</tbody>
</table>

**Caption:**

Consideration and ACTION to adopt an ordinance to amend code Section 153.5.2.4 as it pertains to storage and parking of recreation vehicles, boats, trailers and vehicles in residential districts.

**Background:**

The Planning & Zoning Commission met to consider action on amending Section 153.5.2.4. The Commission voted unanimously to recommend the City Council accept the proposed language/ordinance amending Chapter 153.5.2.4 as presented.

**Fiscal Impact:**


**Recommendation:**

Staff recommends accepting the recommendation of the Planning & Zoning Commission.

**Attachment(s):**

Draft Ordinance
ORDINANCE NO. ____________________

AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS, TEXAS AMENDING CODE OF ORDINANCES TITLE XV: LAND USAGE, ARTICLE 153.5.2.4 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES; REPEALING CODE OF ORDINANCES TITLE VII: TRAFFIC CODE, ARTICLE 71.02 CERTAIN PARKING PROHIBITIONS IN RESIDENTIAL AREAS; DECLARING A PUBLIC PURPOSE; PROVIDING A REPEALER; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Balcones Heights, Texas has adopted Article 153: Zoning Code in the manner provided by Article 211.006 Local Government Code; and

WHEREAS, the Planning & Zoning Commission and the City Council have recognized that regulations are required to ensure that parking and temporary storage of vehicles, trailers, and recreational vehicles is not detrimental to the neighborhood character and adjacent residents or property owners; and

WHEREAS, the City Council has recognized that regulations of parking and temporary storage of vehicles, trailers and recreational vehicles should be consolidated into one article in the Code of Ordinances; and

WHEREAS, after public hearing before the Planning & Zoning Commission and the City Council in the manner prescribed by law, the City has amended TITLE XV: LAND USAGE, ARTICLE 153.5.2.4 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES; to its Code of Ordinances which shall hereinafter read as follows; and

WHEREAS, the City Council in the manner prescribed by law, has repealed TITLE VII: TRAFFIC CODE, ARTICLE 71.02 CERTAIN PARKING PROHIBITIONS IN RESIDENTIAL AREAS; to its Code of Ordinances which shall hereinafter read as follows.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS:

SECTION 1. AMENDMENT. The City of Balcones Heights, Texas, Code of Ordinances TITLE XV: LAND USAGE, CHAPTER 153 ZONING CODE, ARTICLE 153.5.2.4 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES shall, as referenced below, shall be amended to wit:

Sec. 153.5.2.4 STORAGE AND PARKING OF TRAILERS AND VEHICLES

1. Intent. The intent of this section is for the special conditions for storage and parking of vehicles which include recreational vehicles, boats, trailers, and to provide opportunities for residents to own, utilize and store vehicles, trailers and recreational vehicles.
(a) To ensure that parking and temporary storage of vehicles, trailers, and recreational vehicles is not detrimental to the neighborhood character and adjacent residents or property owners.
(b) To set forth restrictions on the parking of vehicles, boats, trailers, recreational vehicles in residentially zoned areas of the city.
(c) To provide exceptions for these restrictions and to provide penalties for the violation of this section.

2. **Definitions.**

**VEHICLE** shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

**STORAGE PARKING** shall mean the keeping of any vehicles, boats, trailers, and recreational vehicles in the same place for more than 24 hours.

3. **Storage requirements.**

Except in accordance with the requirements of this section;

(a) It shall be unlawful for any person owning, leasing or having control of any vehicle, boats, trailer, or recreational vehicles, to store or to allow same to be stored, at any time in the front yard of a dwelling within the limits of the City or within the City.
(b) Vehicles, boats, trailer or recreational vehicles may be stored in a side yard provided that: i) no part of the boat, trailer or recreational vehicle shall extend further than the front line of the house; and, ii) it is stored on a permanently maintained parking area constructed of:
   I. Concrete; or
   II. Asphalt; or
   III. Pavers.
(c) No more than one boat, trailer (excluding single axle flatbed utility trailer), or recreational vehicle per dwelling shall be permitted.
(d) In no case shall any vehicle used for the sole or partial purpose of hauling explosives, gasoline or liquefied petroleum products be permitted in any residential zoning district.
(e) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, recreational vehicle shall be parked or stored in any street, or upon the right-of-way.
(f) A recreational vehicle shall not be occupied permanently while it is parked or stored in any permitted area. However, temporary occupancy shall be allowed and may not exceed seven (7) cumulative days per year. During a period of temporary occupancy, generators shall not be used. Residents must notify Balcones Heights Police Dispatch giving the date and time of occupancy, license plate number of recreational vehicle, last date of temporary occupancy, and any other information requested, by the City. Any extended period of time must be approved by City Administrator.
(g) A junked vehicle (as defined by state law) shall not be permitted to be parked or stored on or near lots with dwelling units, or on streets or within right-of-way.

(h) No vehicle of any type may be parked on the grass at any time.

4. **Exceptions.**

   (a) A resident may park a recreational vehicle in the front or side yard on a paved surface of a residence for a period not to exceed three (3) days or 72 hours for the purpose of loading or unloading.

   (b) If the resident intends to utilize the exception in division (4)(a), the resident shall notify the Balcones Heights Police Dispatch giving the date and time of arrival, license plate number of recreational vehicle, departure date of such vehicle and any other additional information required by the City.

   (c) A vehicle may be parked off of an approved surface for purposes of loading or unloading or washing of vehicles not to exceed two hours.

5. **Authority to enforce**

   The authority to enforce the provisions of this section shall be vested with the City Administrator or his or her duly appointed representative.

6. **Liability**

   Any non-conformance to Division (3) shall fall under the responsibility of the current resident.

7. **Penalties.**

   Any person violating the provisions of division (3) of this section shall, upon conviction, be punished by a fine of not less than $1.00 nor more than $2,000.00. Each day a vehicle is parked in violation of this section will constitute a separate violation.

8. Nothing in this section shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction of traffic.

**SECTION 2. REPEAL.** The City of Balcones Heights, Texas, Code of Ordinances Title XV: Land Usage, Chapter 153 Zoning Code; 71.02 CERTAIN PARKING PROHIBITIONS IN RESIDENTIAL AREAS shall, as referenced below, shall be repealed in its entirety to avoid conflicts with 153.5.2.4 as amended above.

**SECTION 3. PUBLIC PURPOSE.** The City Council declares that the amendments to the zoning code and traffic code are in the public interest and are necessary for the good government, peace, and order of the municipality.
SECTION 4. REPEALER. All ordinances, code sections, ordinances, or parts thereof in conflict herewith are repealed to the extent of such conflict.

SECTION 5. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and the City Council as to substance, and as a part of the ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION 7. EFFECTIVE DATE. The ordinance shall be effective after approval by the City Council.

ORDERED AND APPROVED this ______ day ____________________, 2018.

By: __________________________

Suzanne de Leon
Mayor

ATTEST:

_________________________

Delia Sanchez
City Secretary
Public Hearing on amending Section 153.5.2.4 of the Balcones Heights Code of Ordinances as it pertains to storage and parking of recreational vehicles, boats, trailers and vehicles in residential districts.
Purpose

Conflicting language outlined in two chapters of the Code of Ordinances as it pertained to RV's, Boats, Trailers stored in front yards.

Chapter 71
71.02 Certain Parking Prohibitions in Residential Areas

Chapter 153
153.5.2.4 Storage and Parking of Trailers and Commercial Vehicles
City Council appointed a committee May 2017 to review and propose language.

- Committee members:
  - Councilman Stephen Lara
  - Councilman Jack Burton
  - City Administrator
  - Community Development Director
November 14, 2017

- Planning & Zoning Public Hearing
- Discussion
- Action postponed – attorney to draft ordinance for consideration

February 20, 2018

- Discussion
- Action
REVISIONS

- **Repealed** Section 71.02 Certain Parking Prohibitions in Residential Areas.
- **Retitled** 153.5.2.4 Storage and Parking of Trailers and Vehicles.

- **Added:**
  - ✓ Definition for Storage Parking (more than 24 hours in same place)*
  - ✓ Only one boat, trailer (excluding single axle flatbed utility trailer), or recreational vehicle permitted per dwelling
  - ✓ No vehicle of any type may be parked on grass*

- **Clarified:**
  - ✓ Storage on permanently maintained parking areas; concrete, asphalt, or pavers
  - ✓ Boat, trailer or RV may not extend further than front line of the house.

- **Removed:**
  - ✓ Reference to commercial vehicles and tractor trailers.

- **Revised:**
  - ✓ Temporary RV occupancy—limited to seven cumulative days.
    - ✓ Must notify BHPD-date, days of occupancy, LP #.
    - ✓ Extensions may be approved by City Administrator.

- **Exceptions:**
  - ✓ *RV may park up to 72 hours in front or side yard on approved surface for loading and unloading.
  - ✓ *Two (2) hour limit off of approved surface (parking on grass) for loading, unloading or washing.
PLANNING & ZONING MEETING QUESTIONS

- Can changes be made to the Ordinance in the future?
  - Yes, staff may present amendment considerations.

- Are all trailers prohibited?
  - An exception is a single axle flatbed utility trailer.

- Is a boat w/trailer considered one vehicle?
  - Yes.

- Are existing boats, trailers, RV’s grandfathered so they can remain on the property?
  - No grandfathered provisions for storage of these type vehicles.
  - Staff will notify - publish in the Newsletter, website, individual letter, etc.

- Can a residence have one boat w/trailer, one trailer and one RV on the property?
  - No, only limited to one of these types of vehicle.
Planning & Zoning Commission voted unanimously to recommend to the City Council they accept the proposed language/ordinance amending Chapter 153.5.2.4.