

**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, June 19, 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 – May 15, 2018
2. **ACTION:** Proposed amendments to Ordinance 2018-04 Parking & Storage of trailers and vehicles.

**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: **June 15, 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 210-957-3542 or write to 3300 Hillcrest Drive, Balcones Heights, Texas 78201.

**City of Balcones Heights**  
**PLANNING AND ZONING COMMISSION**

**MINUTES**

Date: May 15, 2018

Time: 6:01 p.m.

MEMBERS PRESENT:       George Monsive       Dr. Richard Adam  
                                  Ashley Leasing       Helen Nicholson

MEMBERS ABSENT:       NONE

SIGN IN SHEET:         Suzanne de Leon (Mayor)   Charles White (Councilmember)

**I. CALL TO ORDER AND RECORDING OF QUORUM:**

Meeting was called to order and quorum was present.

**II. BUSINESS ITEMS:**

1. Approval of Minutes – March 20, 2018

MOTION: Motion to approve minutes.

Motion by: George Monsive               Second: Helen Nicholson   4/0/0               PASSED

2. **PUBLIC HEARING:** Amending Ordinance No. 2018-04 as it pertains to regulating oversized vehicles, storage and parking of recreational vehicles, boats, trailers and vehicles in residential districts.

Public Hearing opened at 6:03 p.m.

Director of Community Development Rita Hoyl came up to present the proposed amendments adopted in March 26, 2018.

- Definitions of oversized vehicles
- Prohibiting oversized vehicle parking
- Correct verbiage in Section 153:5.2.4
- Amend Sub section 4: Exceptions

Public Hearing closed at 6:34 p.m.

3. **ACTION:** Amending Ordinance No. 2018-04 as it pertains to regulating oversized vehicles, storage and parking of recreational vehicles, boats, trailers and vehicles in residential districts.

The following are the amendments to ordinance discussed:

- Whether or not to add the exception for governmental vehicles

- What the Gross vehicle weight rating should be or to say accept the definition as proposed today
- Whether to add the oversized vehicle prohibited parking section.as proposed
- To amend 3A

Motion and second was made to recess. Meeting was recessed at 6:50 p.m. and reconvened at 6:59 p.m.

Directive was given to staff to make proposed changes to ordinance and bring amended ordinance to the next meeting.

MOTION: Motion to table to next month.

Motion by: George Monsive                      Second: Helen Nicholson      3/1/0      PASSED

Nay vote: Dr. Adam

### **III. CITIZENS TO BE HEARD:**

None

### **IV. ADJOURNMENT:**

Motion to adjourn made by Helen Nicholson and seconded by Dr. Adam and unanimously approved. Meeting adjourned at 7:03 p.m.

**Submitted by:**

**DELIA R. SANCHEZ**  
**City Secretary**



# City of Balcones Heights

## MEMO TO THE PLANNING & ZONING COMMISSION

**MEETING DATE:** June 19, 2018

**FROM:** Rita Hoyl, Director of Community Development

**SUBJECT:** Review Proposed Amendments Vehicles to Ordinance 2018-04  
Parking & Storage of Trailers & Vehicles

**BACKGROUND:** Planning and Zoning met May 15, 2018 for discussion and action on amendments to Ordinance 2018-04. At the conclusion of discussion, a motion was made to table action to allow the City Attorney to draft an ordinance to include red-lined deletions and additions to the language. Ordinance is enclosed.

***Changes include new definition:***

**OVERSIZED VEHICLES** – shall mean motorized or un-motorized vehicles, or trailer trucks, heavy duty equipment, vans or commercial vehicles or trailers, any of which are greater than 14,001 GVWR (gross vehicle weight rating). Recreational Vehicles not used for commercial purpose shall not be considered an Oversized Vehicle.

***Amendments include:***

Deleting the word “vehicle” in Section 3(a).  
Renumbering 3(c) – (i)

***3(c) will now read:***

No more than one boat, trailer, or recreational vehicle per dwelling shall be permitted.

- I. Single axle flatbed utility trailers and/or trailers actively supporting a boat shall not be counted toward this limit.

***New subsection 3(i) will read:***

No Oversized Vehicles shall be parked or stored:

- I. In any district for more than six (6) consecutive hours on a City street or permanent thoroughfare of the city, except for the purpose of loading or unloading the same;
- II. On an unimproved surface; or,
- III. In the following zoning districts between the hours of 6:00 pm and 6:00 am the following day:
  - i. R-1. Single-family residence;
  - ii. R-2. Dual-family residence;

- iii. R-3. Quadraplex residence;
- iv. R-4. Multifamily Low-rise residence;
- v. R-5. Townhouse residence; and,
- vi. R-6 Multifamily mid-rise residence.

**Section 4(c) will now read:**

A vehicle other than an Oversized Vehicle may be parked off of an approved surface for purposes loading or unloading or washing of vehicles not to exceed four (4) hours.

**New subsection will read 4(d) will read:**

Oversized Vehicles, Boats, Vehicles, trailers or recreational vehicles owned or operated by a governmental entity shall not be subject to this ordinance.

Staff Recommends approval of the changes as discussed May 15th and outlined in the attached Draft Ordinance.

Respectfully,

*Rita Hoyl*

ORDINANCE NO ~~2018-04~~ \_\_\_\_\_

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 oversized vehicles, trailers, and recreational vehicles is not detrimental to the neighborhood character, city streets and right of ways, 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.**

**BOAT** shall mean any watercraft subject to registration pursuant to the Water Safety Act of the Texas Park and Wildlife Code. For convenience only, this generally includes all watercraft including: 1) all motorized boats, regardless of length (motorized boats include boats propelled by a trolling motor); and, 2) all sailboats 14 feet in length or longer, or any sailboat with an auxiliary engine(s).

**OVERSIZE VEHICLE** shall mean motorized or un-motorized vehicles, or trailer trucks, heavy duty equipment, vans or commercial vehicles or trailers, any of which are greater than 14,001 GVWR (gross vehicle weight rating). Recreational Vehicles not used for a commercial purpose (shall/shall not) be considered an Oversized Vehicle.

Commented [A1]: Pick one

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

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

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.
  - I. Single axle flatbed utility trailers and/or trailers actively supporting a boat shall not be counted toward this limit

~~(e)~~(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.

~~(d)~~(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.

~~(e)~~(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.

~~(f)~~(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.

(i) No Oversized Vehicles shall be parked or stored:

I. In any district for more than 6 consecutive hours on a City street or permanent thoroughfare of the city, except for the purpose of loading or unloading the same;

II. on an unimproved surface; or,

III. in the following zoning districts between the hours of 6:00pm and 6:00am the following day;

i. R -1. Single-family residence;

ii. R-2. Dual-family residence;

iii. R-3. Quadraplex residence;

iv. R-4. Multifamily Low-rise residence;

v. R-5. Townhouse residence; and,

vi. R-6. Multifamily mid-rise residence.

I.

Formatted: English (United States)

Formatted

Formatted: Indent: Left: 1.31", No bullets or numbering

#### 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 other than an Oversized Vehicle may be parked off of an approved surface for purposes of loading or unloading or washing of vehicles not to exceed four (4) hours.

(d) Oversized Vehicles, Boats, Vehicles, trailers or recreational vehicles owned or operated by a governmental entity shall not be subject to this ordinances.

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 23. 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 34. REPEALER.** All ordinances, code sections, ordinances, or parts thereof in conflict herewith are repealed to the extent of such conflict.

**SECTION 45. 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 56. 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 67. 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

DRAFT