

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 15, 2021 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 – September 15, 2020.
2. **PUBLIC HEARING** – Amending Balcones Heights Code of Ordinances Title XV: Land Usage, Sec. 153.5.2.4 Storage and Parking of Trailers and Vehicles.
3. Commission will consider and take **ACTION** regarding recommendation to city council to amend Sec. 153.5.2.4 Storage and Parking of Trailers and Vehicles in the city's Code of Ordinances.

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

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the following date and time: June 10, 2021 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.

Public Hearing opened at 6:40 p.m. and closed at 6:41 p.m.

Item 6 was addressed after Item 3.

4. **PUBLIC HEARING** – for the purpose of Amending Balcones Heights Code of Ordinances Title XV, Land Use, Chapter 153 Zoning Code as it pertains to townhomes, condominiums, zero lot line homes, garden and patio homes.

Director of Community Development Janet Helen gave a presentation and briefed the Commission.

Public Hearing opened at 6:50 p.m. and closed at 6:51 p.m.

Item 7 was addressed after Item 4.

5. Commission will consider and take **ACTION** regarding recommendation to council to amend Balcones Heights Code of Ordinances Title XV, Land Usage, Section 153.1.1 Definitions and adding Section 153.3.1.1(3), Carports in R-1 Single Family Residence and Section 153.3.4.2 Tabular Form - Table 3.4-1 as it pertains to carports and front yard setbacks.

MOTION: I make a motion to leave as is and not adopt the proposed amendment.

Motion by: Juan M. Lecea, Jr. Second: Dr. Adam 3/1/0 PASSED

Nay vote: George Garza

6. Commission will consider and take **ACTION** regarding recommendation to council to amend Balcones Heights Code of Ordinances Title XV, Land Usage, Section 153.5.2.4(4)(d) as it pertains to exception for oversized vehicles, boats, vehicles, trailers or recreational vehicles owned or operated by a governmental entity, and adding Section 153.5.2.4(4)(e) provisions for a variance for oversized vehicles.

MOTION: Motion to recommend the proposed changes.

Motion by: Dr. Adam Second: Juan M. Lecea, Jr. 4/0/0 PASSED

7. Commission will consider and take **ACTION** regarding recommendation to council to amend Balcones Heights Code of Ordinances Title XV, Land Use, Chapter 153 Zoning Code as it pertains to townhomes, condominiums, zero lot line homes, garden and patio homes.

MOTION: Motion to recommend to council that staff proceed with the research and moving forward.

Motion by: Juan M. Lecea, Jr. Second: Dr. Adam 4/0/0 PASSED

III. CITIZENS TO BE HEARD:

There were no registrations to speak submitted.

IV. ADJOURNMENT:

Meeting adjourned at 7:10 p.m.

Submitted by:

DELIA R. SANCHEZ
City Secretary

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**City of Balcones Heights
Public Hearing**

The Planning and Zoning Commission will conduct a Public Hearing at 6:00 p.m. on Tuesday, June 15 2021 at 3300 Hillcrest Drive, Balcones Heights, TX 78201.

The following will be considered:

Amending Balcones Heights Code of Ordinances Title XV, Land Usage, Sec. 153.5.2.4 Storage and Parking of Trailers and Vehicles.

The City Council on Monday, June 28, 2021 will conduct a Public Hearing at 6:00 p.m. at 3300 Hillcrest Drive, Balcones Heights, TX and consider recommendations of the Planning and Zoning Commission.

If you have any questions, please contact Janet Thelen, Director of Community Development at (210) 957-3545.

George Monsive, Chairman
Planning and Zoning Commission

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Legal Notices

First Run Date

Wednesday, May 26, 2021

Last Run Date

Wednesday, May 26, 2021



City of Balcones Heights

MEMO TO THE PLANNING & ZONING COMMISSION

DATE: June 15, 2021
FROM: Janet Thelen, Director of Community Development
SUBJECT: Parking & Storage of Vehicles

BACKGROUND: At the May 2017 city council meeting, the City Council discussed revising language outlined in Chapter 71 Certain Parking Prohibitions in residential areas, pertaining to RV parking regulations in residential districts. There was also discussion on conflicting language in Section 153.5.2.4., as it also refers to RV parking regulations in residential districts.

Action was tabled and a committee was appointed to meet and bring forward proposed language for consideration. Committee members included Councilmembers Stephen Lara and Jack Burton, along with City Administrator David Harris and Community Development Director Rita Hoyl.

After several meetings with the Committee language from both sections of the Code were combined to incorporate into one proposed Ordinance in the Zoning Code

Revisions and/or changes included:

- Definition for Storage Parking;
- Gravel material not an allowed surface for parking any type of vehicle;
- Boat, trailer or recreational vehicle may not be parked past the front house line;
- 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.

The City Council adopted Ordinance No. 2018-04 at the March 26, 2018 city council meeting amending Section 153.5.2.4 Parking & Storage of Vehicles to the City Council as detailed above. Section 153.5.2.4 was amended at the July 23, 2019 city council meeting with the adoption of Ordinance No. 2018-06. The amendment added the following:

Definition:

OVERSIZED 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 not be considered an Oversized Vehicle; and

(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 6:00 p.m. and 6:00 a.m. the following day:

- a. R-1. Single-family residence;
- b. R-2. Dual-family residence;
- c. R-3. Quadraplex residence;
- d. R-4. Multifamily low-rise residence;
- e. R-5. Townhouse residence; and,
- f. R-6. Multifamily mid-rise residence.

In response to a citizen's request at the July 2019 city council meeting, the City Council requested the Planning and Zoning Commission to consider re-visiting the regulations for the parking of recreational vehicles. The Planning and Zoning Commission met in August 2019 and recommended to the City Council to take no action to amend the parking regulations. The City Council followed the recommendation and no action was taken.

In the Spring of 2021, a citizen requested that the ordinance be enforced as adopted and that a boat that was using the exception to park at a residence for no more than 72 hours be cited for violating the code. A review of the code determined that the exception for 72-hour parking was only granted to recreational vehicles. Recreational vehicle is not defined in the code which has led to confusion regarding applicability of the exception for a boat. City Attorney Garza was asked to provide guidance and confirmed that the exception only applied to recreational vehicles. He also expressed that excluding boats would be difficult to defend in a legal proceeding.

At the request of the City Council, staff and legal have reviewed the parking regulations and recommend the addition of definitions for improved clarity and the expanding the allowable exceptions to include boats and trailers for temporary 72-hour parking for provisioning and maintenance.

Respectfully,

Janet Thelen

Attachement: Redline of Sec. 153.5.2.4. STORAGE AND PARKING OF TRAILERS AND VEHICLES.

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, **boats** 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. 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).

MOTOR VEHICLE. A self-propelled vehicle or a vehicle propelled by electric power and is requires registration under the laws of the State of Texas.

NON-MOTORIZED BOAT. Canoes, kayaks, stand-up paddle board, rubber raft, punt, rowboat, or other boats under 14 feet in length which are maneuvered by paddling, poling, rowing, or windblown.

OVERSIZE VEHICLE. 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 not be considered an Oversized Vehicle.

RECREATIONAL VEHICLE. A temporary dwelling for travel and recreational purposes, and licensed as a motor home, camper or travel trailer. Including Class A, B, and C motorhomes, pop-up camper, fifth wheel trailer, toy hauler, or travel trailer.

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

TRAILER. Is designed or used to carry a load wholly on the trailer's own structure and is drawn or designed to be drawn by a motor vehicle.

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 boat, trailer, or recreational vehicle, 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. **Non-motorized boats transported affixed to or in a motor vehicle and not on a trailer are exempted from the regulations of this ordinance.**
- (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 or recreational vehicle per dwelling shall be permitted.
 - I. Single axle flatbed utility trailers, dual axle flatbed utility trailers, and/or trailers actively supporting a boat shall not be counted toward this limit
- (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, **or** 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 in Chapter 94 of the Code of Ordinances and 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.

4. **Exceptions.**

- (a) A resident may park a **boat, trailer or** 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, **or performing maintenance.**
- (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 the **boat, trailer or** 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) Boats, vehicles, trailers or recreational vehicles owned or operated by a public entity shall not be subject to this section except they shall park on an approved surface.
- (e) Shall allow parking in an approved surface or roadway of an oversized vehicle owned by a public entity or critical communication infrastructure provider whose operator is subject to after-hours emergency response call-out and who has obtained a variance from the city administrator or his or her designees. The vehicle's GVWR cannot exceed 18,000 pounds and no exemptions shall be granted for semi-truck parking in residential zoning districts.