City of Balcones Heights

MEMO TO THE PLANNING & ZONING COMMISSION

DATE: **August 8, 2019**

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 include:

- 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, 2018 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 is requesting the Planning and Zoning Commission to consider re-visiting the regulations for the parking of recreational vehicles. If the Commission determines additional amendments are needed, the Commission may present to the city council for consideration recommendations for the parking of recreational vehicles in the City of Balcones Heights. The Commission may respond to the City Council that no changes are required.

Respectfully,

Janet Thelen

Attachments: Section 71.02 Certain Parking Prohibitions in Residential Areas (Repealed 3/26/18)

Section 153.5.2.4 Storage and Parking of Trailers and Commercial Vehicles (Amended 3-26-18 and 7-23-18)

§71.02 CERTAIN PARKING PROHIBITIONS IN RESIDENTIAL AREAS.

(A) Purpose. The purpose of this section is to set forth restrictions on the parking of vehicles, boats, trailers, recreational vehicles and tractors in residentially zoned areas of the city, to provide exceptions for these restrictions, and to provide penalties for the violation of this section.

(B) Definitions.

DWELLING is as defined in Chapter 153 of this Code of Ordinances.

FRONT YARD is as defined in Chapter 153 of this Code of Ordinances.

SIDE YARD is as defined in Chapter 153 of this Code of Ordinances.

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

(C) Scope of this section.

(1) It shall be unlawful for any person owning or having control of any vehicle, boat, trailer, recreational vehicle or tractor to park or to allow same to be parked at any time in the front and/or side yard of a dwelling within the limits of the city. Further, it shall be unlawful for any person owning, leasing, occupying or controlling a dwelling to park or to allow a vehicle, boat, trailer, recreational vehicle or tractor to be parked at any time in the front and/or side yard of the dwelling within the city. However, vehicle, boats, trailer, recreational vehicles and tractors may be parked on permanently maintained parking areas constructed of:

(a) Gravel with barriers or permanent curbing to define the driveway; or

(b) Concrete; or

(c) Asphalt.

(2) Exceptions.

(a) A resident may park a recreational vehicle in the front or side yard of a residence for a period not to exceed seven days or 168 hours.

(b) If resident intends to utilize the exception in division (C)(2)(a), the resident must notify the Code Enforcement Officer or the Police Department, giving the date and time of arrival, license plate number of vehicle and the departure date of such vehicle.

(c) A vehicle may be parked in the front yard for purposes of loading and unloading or washing of vehicle not to exceed two hours.

(D) 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.

(E) Evidence of the person who parked the vehicle. For purposes of division (C) of this section, proof that said vehicle, boat, trailer, recreational vehicle or tractor was, at the date of the alleged offense, owned by the person charged with the offense, shall constitute prima facie evidence that said vehicle, boat, trailer, recreational vehicle or tractor was parked or left standing at the place charged by said owner; but the owner shall have the right to introduce evidence to show that said vehicle, boat, trailer, recreational vehicle or tractor was not parked by him as charged in the complaint.

(F) Penalties. Any person violating the provisions of division (C) 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.

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

(Ord. 2005-13A, passed 7-11-05)

Sec. 153.5.2.4. STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

(1) Intent. The intent for the special conditions for storage and parking of commercial vehicles is to:

(a) Provide opportunities for residents to own, utilize and store commercial vehicles, trailers and recreational vehicles; and

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

(2) Location requirements. Except in accordance with the requirements of this section, commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district.

(3) Site requirements.

(a) No more than one commercial vehicle per dwelling shall be permitted.

(b) In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

(c) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, motor home or commercial vehicle shall be parked or stored in the street yard of any lot or upon the right-of-way.

(d) A travel trailer or vehicle shall not be occupied either permanently while it is parked or stored in any permitted area. Temporary occupancy shall not exceed 14 days. During a period of temporary occupancy, generators shall not be used.

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

(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)