

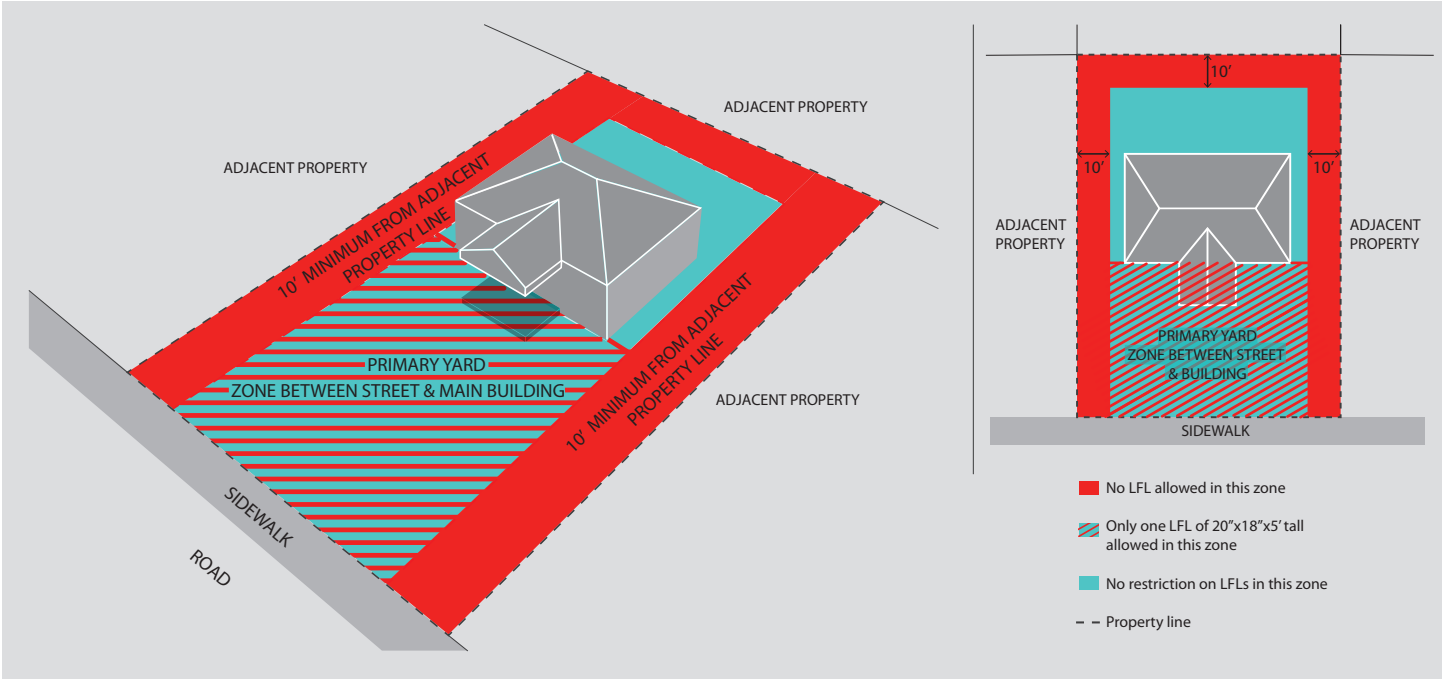
PROPOSED REGULATIONS BY DALLAS CITY PLANNING COMMISSION TO AMEND DALLAS DEVELOPMENT CODES FOR BOOK EXCHANGE STRUCTURES

Free outdoor libraries have encouraged vibrant, connected public spaces and helped to increase access to books. In Dallas, LFLs have been built through the national program, through buildingcommunityWORKSHOP's ([bc]) program and by individuals. For [bc]'s Little Free Libraries/Libros Libres program, we have partnered with Big Thought and Dallas Public Library to bring together local artists, designers and community leaders to create custom Little Free Libraries. This process emphasizes collaboration and community engagement, which promotes community ownership. It also helps improve the built environment through a small gesture that creates high quality, functional designs and serves the larger concern of literacy. For such a program to bring people together, it requires flexibility to design and create.

The photographs below show that LFLs come in various shape and sizes when they are designed through the community engagement process. None of these LFLs fall under the 20"x 18"x 5' size limitation proposed by the amendment. Three of these examples fall in the setback area of the property. This location is important because placing the LFL in the setback can be an easy way for people to "take-a-book or leave-a-book" without entering people's private spaces. The amendment as it is currently proposed will make these structures illegal.

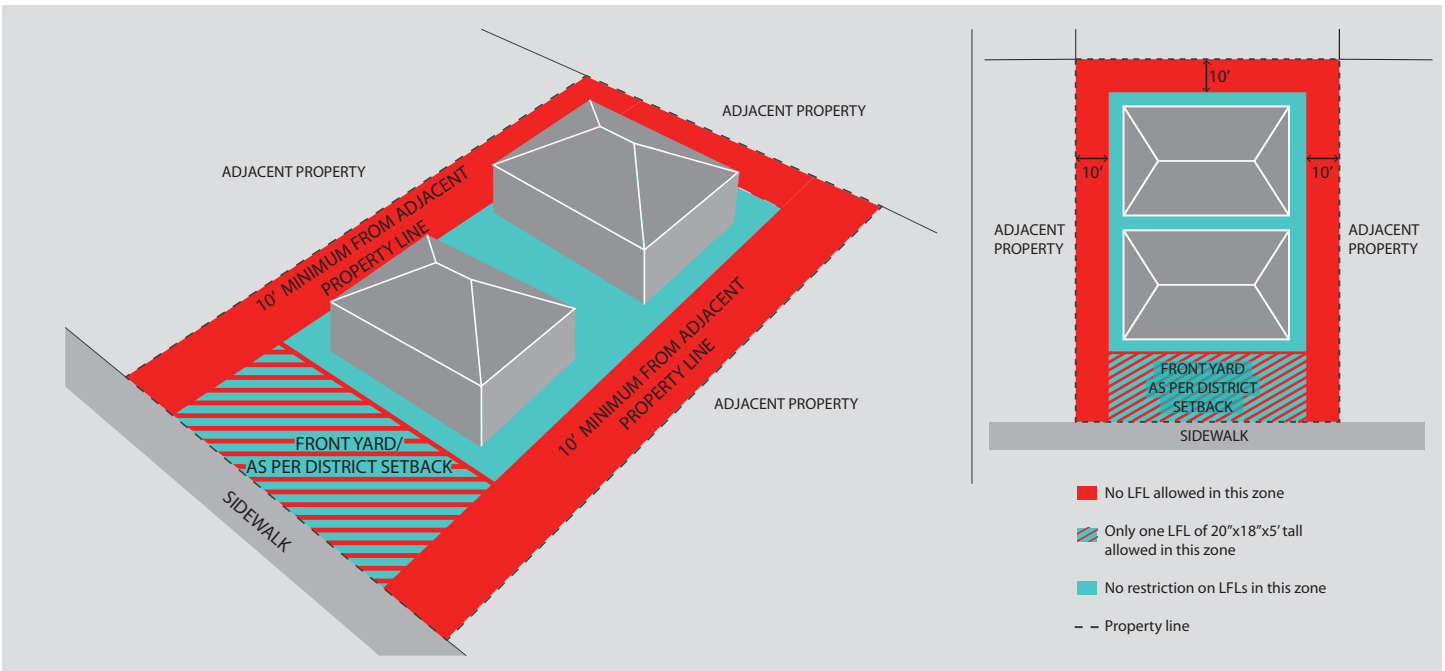


INTERPRETATIVE DIAGRAM EXPLAINING PROPOSED REGULATION IN RESIDENTIAL DISTRICTS



PROPOSED REGULATIONS to Dallas Development Code for "Book Exchange Structures" for properties in all residential districts (single family, duplex, townhouse or clustered housing districts)

INTERPRETATIVE DIAGRAM EXPLAINING PROPOSED REGULATION IN ALL OTHER DISTRICTS



PROPOSED REGULATIONS to Dallas Development Code for "Book Exchange Structures" for properties in all other districts.

PROPOSED REGULATIONS, RECOMMENDED BY THE CITY PLANNING COMMISSION TO THE CITY COUNCIL:

"An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51-4.217; providing regulations for book exchange structures as accessory outside storage; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date." Full amendment as proposed by the Dallas City Planning Commission, dated 6/26/2016, is attached.

RESEARCH:

The proposed regulations appear to not offer needed flexibility to achieve forms of neighborhood identity, ownership and community based scope of design that past Little Free Libraries have created. Instead it is prescriptive and therefore limits opportunities for neighborhood expression and cohesion. There is no possibility for the existing LFLs to be grandfathered in as the proposed requirements will be applied retroactively.

1. Out of the **49** LFLs that were found in Dallas **25 (50%)** will be affected by this amendment & will be illegal.
2. Out of **19** LFL structures available for purchase online through the National LFL website, **only 6**, would be allowed.
3. Out of **16** current [bc] LFLs, **3** will be illegal.
4. No other big cities of Texas - including **Houston, Austin, San Antonio, and El Paso** - have any code regulations for LFLs. Other cities around Dallas - **Frisco, Plano, Fort Worth, Richardson and Irving** - do not have any code regulations for LFLs. Only one suburban city, Pearland has rules that disallow LFLs.
5. The current city code for "accessory outside storage," does not specify any location and dimensional requirements for landscaping and ornamental structures like birdbaths, planter containers or statuettes.
Under the new proposed code, only LFL's will be subject to dimensional and location requirements.

WHAT YOU CAN DO:

1. Inform your Council Member via email or phone about how this affects your neighborhood.
2. Sign up to speak at the open mic session for upcoming public hearings listed below and let the committee and council know your position on the amendment. To sign up for public session, you can call 214-670-3738 by 5:00pm the day before the hearing or email at citysecretary@dallascityhall.com. Or show up to the public hearing and sign up with a speaker card before the session.

08/22/16 - Code amendment briefing to Quality of life committee by the planning department

TBD - Code amendment presented at City Council public hearing

3. Attend one of these meetings to show your support.

Stay tuned to <https://www.facebook.com/lfdallas/> for future updates.

ORDINANCE NO. _____

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51-4.217; providing regulations for book exchange structures as accessory outside storage; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (6), “Accessory Outside Storage,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(6) Accessory outside storage.

(A) Definitions:

(i) ACCESSORY OUTSIDE STORAGE means t[F]he outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.

(iii) Except as otherwise provided in this subsection, accessory outside storage is not permitted in the primary [~~front~~] yard or on a front porch of a residential building. For purposes of this subsection, PRIMARY YARD [~~a front yard~~] means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;

(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the primary [~~front~~] yard;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the primary [~~front~~] yard or on the front porch for landscaping purposes;

(dd) lawn furniture made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(v) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

(vi) A book exchange structure is accessory outside storage.

(aa) Book exchange structures are allowed in a required front, side, or rear yard.

(bb) For a book exchange structure located in a required front, side, or rear yard the maximum dimensions are 20 inches wide, 18 inches deep, and five feet in height.

(cc) For a book exchange structure located in a primary yard or on a front porch in a single family district, duplex district, townhouse district, or clustered housing district the maximum dimensions are 20 inches wide, 18 inches deep, and five feet in height.

(dd) A maximum of one book exchange structure is allowed in the combined setbacks on a lot.

(ee) A maximum of one book exchange structure is allowed on a lot in a single family district, duplex district, townhouse district, or clustered housing district.

(ff) Book exchange structures must be located a minimum of 10 feet from adjacent property lines.

(vii) The board may grant a special exception to the additional provisions of this subsection relating to accessory outside storage in the primary [~~front~~] yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

DRAFT

By _____
Assistant City Attorney

Passed _____