

# Memorandum



DATE September 9, 2016

TO Members of the Quality of Life and Environment Committee:  
Sandy Greyson (Chair), Tiffinni A. Young (Vice Chair), Mark Clayton, Philip T. Kingston, B. Adam McGough, and Rickey D. Callahan

SUBJECT **Little Free Library: Book Exchange Structure Regulations**

This item was previously briefed to the Quality of Life and Environment Committee on November 9, 2015, and December 8, 2015, at which time the committee directed staff to take the item to the Zoning Ordinance Advisory Committee (ZOAC). ZOAC considered this item at three public meetings and on May 19, 2016 recommended the proposed amendment to the City Plan Commission. The City Plan Commission heard this item on June 30, 2016 and recommended approval. The proposed code amendment is currently scheduled for consideration by City Council on October 26, 2016. A copy of the briefing material and ordinance is attached for your review.



Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Christopher D. Bowers, Interim City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Eric D. Campbell, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

## 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 \_\_\_\_\_

# Little Free Library: Book Exchange Structure Regulations

Quality of Life & Environment Committee  
September 12, 2016



# Background

- This item was previously briefed to the Quality of Life and Environment Committee on November 9, 2015, and December 8, 2015. The Committee directed staff to take the item to the Zoning Ordinance Advisory Committee (ZOAC).
- ZOAC considered this item at three public meetings and on May 19, 2016 voted to send staff's recommendation to the City Plan Commission (CPC).
- CPC heard this item on June 30, 2016 and recommended approval.

# General Information

- Little Free Libraries is a concept to promote free book exchange “take a book, leave a book”.
  - National organizations (Little Free Libraries - [littlefreelibrary.org](http://littlefreelibrary.org))
  - Local organizations (Libros Libres Dallas in conjunction with [bcworkshop](http://bcworkshop))
  - Anyone can use their DIY skills to build one by installing a box or receptacle that holds books to share, in a pedestrian friendly accessible location.
- The recent emergence of these, often in the front yard setback in single family neighborhoods, is in conflict with the Dallas Development Code which requires that front yards be open and unobstructed except for fences.
- Consequently, Code Enforcement has received calls regarding these structures.



# CPC Recommendations

## Definition:

**Book Exchange Structure** means an enclosed structure that holds books or other literacy material to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

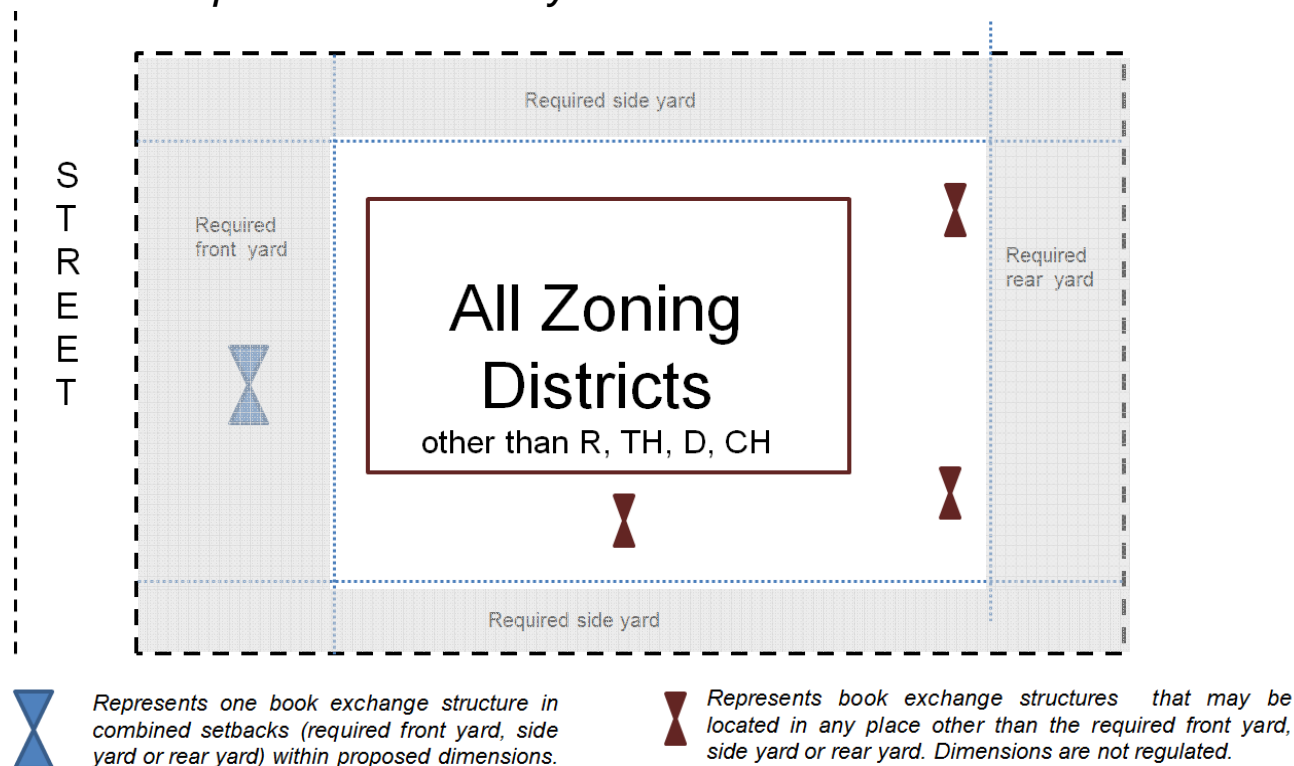


# CPC Recommendations

## When in all zoning districts other than R, D, TH, CH

- Allowed in a required front yard, side yard or rear yard
- Maximum of one book exchange structure allowed in the combined setbacks on a lot within the proposed dimensions

**Note:** when not in a required setback may have more than one and size is not regulated

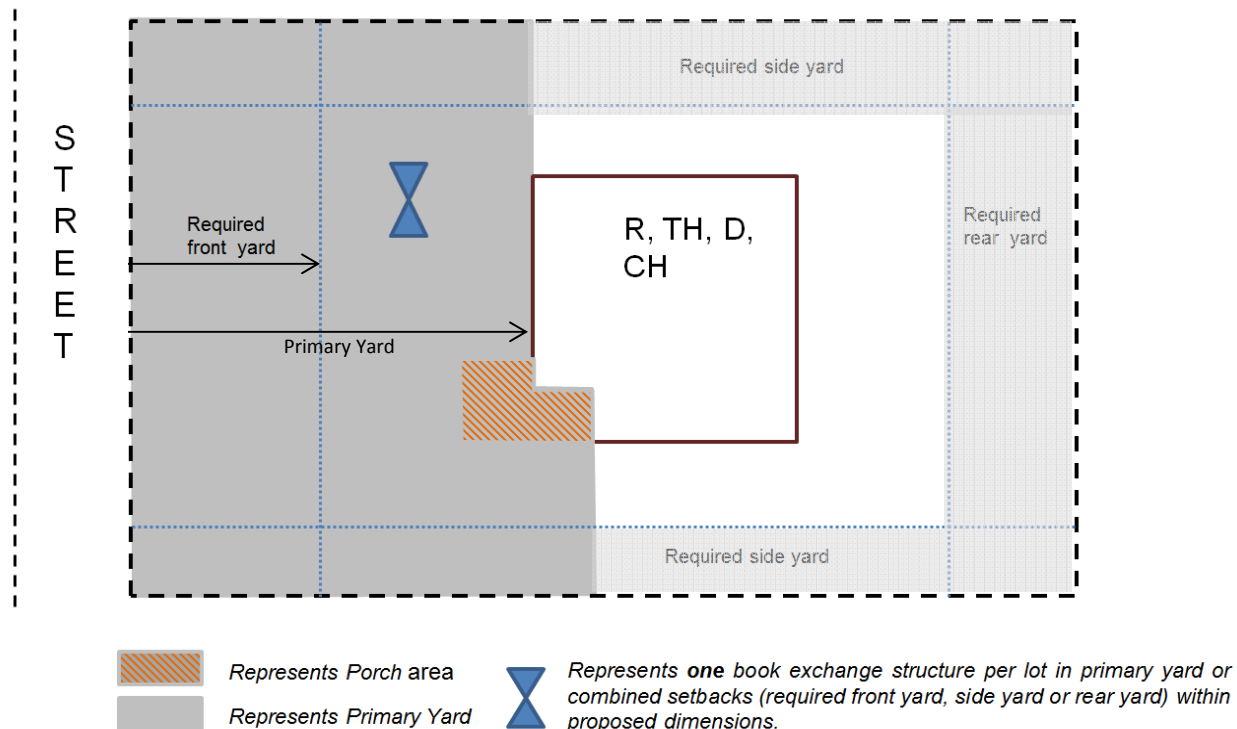


# CPC Recommendations

## When in R, D, TH, or CH Districts

- Allowed in the required front, side, rear yard or primary yard or front porch within the proposed dimensions
- Maximum **one** book exchange structure per lot

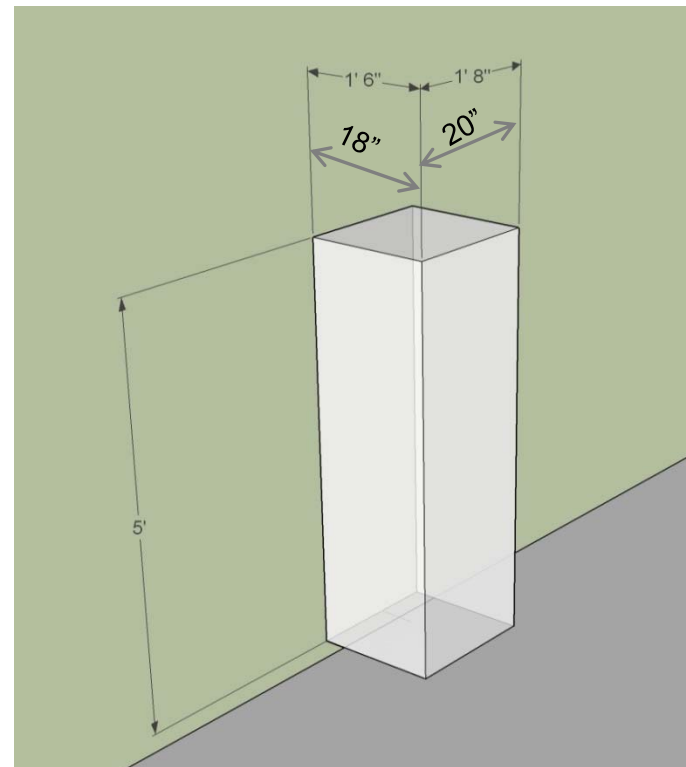
*Primary Yard means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.*



# CPC Recommendations

## Maximum dimensions:

- when located in the required front yard, side yard, or rear yard; and
- when located in the primary yard or front porch in R, D, TH, and CH districts:
  - no taller than 5 feet in height
  - 20” wide
  - 18” deep



Picture shows the buildable envelope of a book exchange structure

# CPC Recommendations

- Distance between the book exchange structure and the adjacent property line shall **not be less than 10 feet**



located too close to adjacent property line

## **Other concerns regulated by existing Codes**

- Cannot be used for selling or advertising
- Cannot be placed in the public right-of-way without a license
- Cannot obstruct required parking
- Cannot be placed in the visibility triangle
- Made of material resistant to damage or deterioration from exposure to the outside environment
- Properly mounted, bolted, and protected to withstand winds, rain, and other seasonal changes
- Regular upkeep and monitoring
- Noncompliance with any of the regulations is subject to Code Enforcement

# Issues

- During the City Plan Commission hearing, bcworkshop identified 3 out of 16 of their structures that do not meet the proposed regulations. Staff was asked to see what it would take to make these three structures legal.
- The issues associated with these structures are:
  1. Two structures are too large - taller, wider, and deeper than the proposed dimensions (5'x18"x20")
  2. One location exceeds the maximum number (1) of structures allowed on a lot in a single family district

# Issues



## Too Large

(6'tall x 24" wide x 46" deep)

- Too tall (by 1')
- Too wide (by 4")
- Too deep (by 28")





# Issues



## Too Large

(3'4" x 31" x 21")

- Too wide (by 11")
- Too deep (by 3")

**Exceeds** the maximum number of structures (1) allowed on a lot in a single family district



# Options

- No changes to CPC recommendation
- Allow BDA to grant a special exception to the dimensions
- Propose recommendations to allow taller, wider and deeper structures
  - The larger dimensions would apply city wide for all structures
- Create a special provision for non-residential uses in single family districts to allow more than one structure on the lot or allow an administrative waiver for size and maximum number provisions

# Next Steps

- Direction on options
- Schedule for City Council action