

ORDINANCE NO. 30257

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 Sections 51-4.217 and 51A-4.217; providing regulations for book exchange structures as accessory open storage and 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 (9), "Open Storage," of Subsection (b), "Specific Accessory Uses," of Section 51-4.217, "Accessory Uses," of Division 51-4.200, "Use Regulations" of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(9) Open storage.

(A) Definitions:

(i) ACCESSORY OPEN 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) Districts permitted: This accessory use is permitted in any district if it satisfies the requirements of Subsection (a) of this section and if it is not prohibited by the additional provisions of the main use and this section. This accessory use is not permitted in the P 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 open storage is not permitted in the primary [~~front~~] yard or on a front porch of a residential building. In [~~For purposes of~~] this subsection, "primary yard" [~~"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 front yard;

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

(dd) lawn furniture or a book exchange structure 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 open storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory open storage. Except as otherwise provided in this article, open storage is considered to be a separate main use if it occupies more than five percent of the lot.

(vi) The board may grant a special exception to the additional provisions of this subsection relating to accessory open 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 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.

(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) 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 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 4. 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 5. 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.

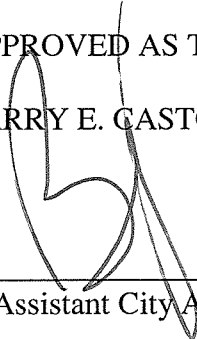
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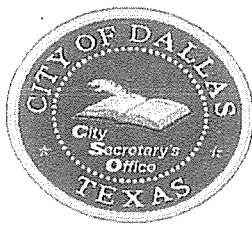
SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. GASTO, City Attorney

By  _____
Assistant City Attorney

Passed OCT 26 2016



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL OCT 26 2016

ORDINANCE NUMBER 30257

DATE PUBLISHED OCT 29 2016

ATTESTED BY: