

TO: Mayor Stefan C. Densmore
Members of Village Council

FROM: Terrence M. Donnellon

RE: Community Free Libraries

DATE: February 17, 2021

Council has set a public hearing for March 22, 2021 to consider the recommendation from the Planning Commission to allow Community Free Libraries in the Village as an exception to the prohibition concerning Accessory Structures and Uses located in front yards.

Attached is the structure of an Ordinance embodying the recommendations from the Planning Commission. These regulations concern Location, Construction and Maintenance, and provide for a nominal Penalty for violation of the regulations. The Planning Commission did recommend that there be a permit for installing such structures, but that there shall not be a fee for installing such structures. Each structure will be registered with the Office of the Village Administrator so we know when a structure has been erected and a follow-up inspection can determine whether or not the structure complies with the rules and regulations of the Code.

It is recommended at this time that the Accessory Structures be accessible to a public sidewalk. Accessibility to a public sidewalk will allow a property owner to install a small walkway from the public sidewalk onto his or her property to access the Community Free Library, but the purpose is to encourage pedestrian access with the concern for traffic safety and pedestrian safety if a structure was located directly accessible to the public street.

The rules and regulations are drawn from similar rules and regulations adopted by various communities in which these free libraries are located. Most importantly, they must be anchored to the ground or anchored to another structure which is affixed to the ground so that they are safely in place. The structure cannot overhang the sidewalk and when the door is opened it cannot overhang the sidewalk so that pedestrians are safe, particularly at night when an open door may not be visible.

Finally, there was a recommendation that there be a moratorium on the number of structures initially installed rather than imposing a restriction requiring the structures to be separated throughout the community. Once these first twelve structures are installed the Administration can stop and study whether we have the appropriate number and density and location within the community, and whether additional rules and regulations are required to support the Community Free Libraries.

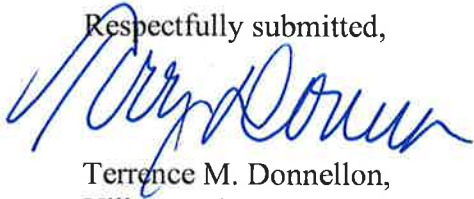
Throughout the discussion we have made reference to the Little Free Libraries, but this is a trademarked name controlled by that organization. A resident can enroll their library with Little Free Libraries, and they will obtain a plaque and a Charter number, but in defining them within our Code we have provided a broader, more generic definition of Community Free Libraries.

In preparing the final Ordinance I realized we did not address the issue of removing a structure which has been abandoned and no longer in use. If Council wishes to make that amendment to the recommendation from the Planning Commission, the following language would be appropriate. The 120-day limit is a placeholder until a final decision is made:

If the structure is deemed by the Zoning Administrator to be in an unsafe condition, **or abandoned or no longer in use for a period in excess of 120 days**, the owner of the property upon which the structure has been constructed shall be notified in writing and shall, within Ten (10) days of such notification correct such unsafe condition or remove the structure. The allowable time **to correct such unsafe condition**, may be reduced if the structure poses an unreasonable risk to public health and/or safety. If the correction has not been made, **or if the abandoned structure has not been removed**, within the time allowed, the Zoning Administrator may remove, or cause such unsafe structure to be removed, in addition to any other penalty which may be assessed for violation of the Planning and Zoning Code.

Council cannot enact this Ordinance as an emergency. Council can suspend the second and third readings and the Ordinance will take effect thirty days after the first reading. After the public hearing required on March 22, 2021, Council can add this legislation to the Agenda and pass it that evening or make amendments to the legislation and move it forward on the Agenda into April.

Respectfully submitted,



Terrence M. Donnellon,
Village Solicitor

TMD/lld

Enclosure

cc: Ron Hirth, Village Administrator
Andy Lanser, Asst. Village Administrator

ORDINANCE NO. 2021 -

**AN ORDINANCE AMENDING SECTION 1129.03 OF THE CODE OF ORDINANCES
TO PERMIT COMMUNITY FREE LIBRARIES AS ACCESSORY STRUCTURES
IN THE RESIDENTIAL A DISTRICT**

WHEREAS, Section 1129.03 of the Code of Ordinances prohibits Accessory Structures and Accessory Uses in the front yards of properties located in the Residential A District; and

WHEREAS, after careful study, the Planning Commission has recommended that the Code be amended to recognize and support Community Free Libraries as Accessory Structures within the Residential A District to promote community engagement and to add to the vibrancy of the Village; and

WHEREAS, at a public hearing scheduled February 1, 2021, the Planning Commission did review the Code and has recommended that the following Ordinance be adopted; and

WHEREAS, after a public hearing properly published in the *Cincinnati Enquirer* was held March 22, 2021, Council did review the text changes to the Code of Ordinances as outlined herein, and Council did concur to recommend legislative action to amend the Code to support Community Free Libraries.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. Section 1129.03 of the Code of Ordinances is hereby amended to read as follows:

1129.03 *Accessory Uses and Structures*

Accept as otherwise provided herein at Section 1129.031, no Accessory Structure, including parking areas, shall be erected except in a rear yard and shall not occupy more than 20% of a required rear yard. Accessory Structures shall be distanced at least six feet from any dwelling situated on the same lot, unless an integral part thereof, and at least three feet from all lot lines of adjoining lots, unless located not less than sixty feet from the front lot line and not on a corner lot. Accessory Uses include the following: (a) private garages, storage sheds, decks and parking areas solely for the use by the principal use on the same lot; (b) private swimming pools, tennis courts, and playground type structures; and (c) agricultural uses.

SECTION II. There is hereby enacted Section 1129.031 entitled *Community Free Libraries* reading as follows:

1129.031 Community Free Libraries

Community Free Libraries as an Accessory Structure are acceptable Accessory Uses in a Residential A District, subject to the restrictions as set forth herein. By definition, Community Free Libraries are a structure erected by a private residential property owner upon such property owner's lot to offer books and other literature for free to the community.

A. Location: A Community Free Library structure shall be constructed and located as follows:

1. Shall not be located within nor overhang the public street right-of-way, any other public easement, or public sidewalk when it is installed nor when any door, window or shutter of the structure is open.
2. Shall not obstruct vehicular, bicycle or pedestrian traffic.
3. Shall be accessible from a public sidewalk.
4. Shall be anchored to the ground or otherwise securely attached to a fence or wall which is permanently anchored to the ground. Such fence or wall must also meet the Code requirements for an Accessory Structure.
5. Access to the structure's enclosure in which the books or other literature are contained, may not be greater than 48 inches in height to the handle or knob which opens the structure, and the access to the structure may not be lower than 15 inches from the ground. It is encouraged that access to the structure be wheelchair accessible. The maximum height for a structure measured from the ground to the top of the structure shall be no greater than 72 inches.

B. Construction and Maintenance: All allowable Community Free Library structures must meet the following requirements for construction and maintenance:

1. Shall be constructed of treated/finished wood. All metal parts and supports for such structure that are not galvanized or rust resistant metals shall be kept neatly painted.
2. The portion of the structure in which books or other reading materials shall be maintained shall have a secure enclosure to prevent waste and deterioration, and shall be enclosed to be weather resistant. The materials used for construction, particularly the visual opening, must be constructed with safety glass.

3. The enclosure shall be sized to be no more than 3.5 cubic feet.
4. There may be no sign nor advertising attached to nor affixed on the structure with the exception of a registered logo or trademark for any structure which is a part of or registered with a not-for-profit organization. As an example, a Charter sign and Charter number for Little Free Libraries is permitted.
5. The structure must be maintained in good structural condition at all times. Peeling or chipped paint should be properly repaired. Component parts should be properly repaired so as not to present unreasonable risk to public health and/or safety.
6. The property owner upon whose premises the structure has been erected shall be responsible for any litter or waste upon their property and within the structure itself.
7. No permit is required for the installation of a Community Free Library, but the property owner upon which the structure is to be constructed shall register the structure with the office of the Village Administrator prior to installation.
8. If the structure is deemed by the Zoning Administrator to be in an unsafe condition, the owner of the property upon which the structure has been constructed shall be notified in writing and shall, within Ten (10) days of such notification correct such unsafe condition or remove the structure. The allowable time may be reduced if the structure poses an unreasonable risk to public health and/or safety. If the correction has not been made within the time allowed, the Zoning Administrator may remove, or cause such unsafe structure to be removed, in addition to any other penalty which may be assessed for violation of the Planning and Zoning Code.

C. **Penalty:** A violation of any section of 1129.031 may be cited as a minor misdemeanor punishable by a fine not to exceed \$150. Each day a violation occurs or is permitted to occur may be charged as a separate violation.

SECTION III.

To most effectively determine whether or not these regulations are sufficient and whether or not there should be distance separating Community Free Libraries or a limit on the number of Community Free Libraries in the community, a moratorium will be automatically in place once the twelfth Community Free Library is registered with the Village Administrator. Such moratorium shall continue for a period of no more than 180 days to enable the Administration to report to City Council the positive impact of Community Free Libraries in the Village and determine whether or not additional regulations are required to support and/or regulate such Accessory Structures.

SECTION IV. This Ordinance shall take effect the earliest opportunity as allowable by law.

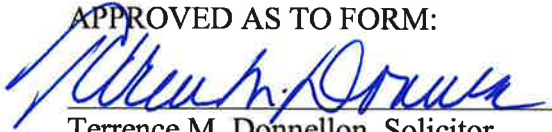
PASSED this _____ day of _____, 2021.

Mayor Stefan C. Densmore

ATTEST:

Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:



Terrence M. Donnellon, Solicitor