

TO: Mayor Stefan C. Densmore
Members of Village Council

FROM: Terrence M. Donnellon

RE: Legislative Agenda – April 12

DATE: April 1, 2021

The following legislation is on the Agenda for the April 12, 2021 meeting of Village Council:

1. Ordinance No. 2021 - 5

An Ordinance Amending Section 1129.03 Of The Code Of Ordinances To Permit Community Free Libraries As Accessory Structures In The Residential A District

This Ordinance will amend the Zoning Code upon recommendation from the Planning Commission and the recommendation from Council from the public hearing March 22, 2021 to permit Community Free Libraries as Accessory Structures within the Residential A District of the Village. Property owners wishing to install the Library will need to register with the Village, but no fee will be required to obtain a permit. The installation then must match the restrictions of the Ordinance, which are common restrictions in many communities where these Libraries are permitted.

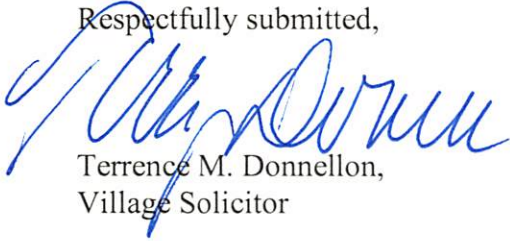
After installation, the Code Enforcement Official will inspect the Library to determine it complies with the Code. Citations would only be issued if there is a continuing problem after notification to the property owner that the structure is non-complying. We do not anticipate initial installations to be non-complying, but over time an installation may deteriorate and need attention.

Finally, as it was recommended by Council, we have amended Section II(B)(8), *Construction and Maintenance*, to allow the Code Enforcement Official to notify a property owner to remove a Library which is no longer in use or abandoned for a period in excess of One Hundred Twenty (120) days.

The Ordinance cannot be passed as an emergency, but Council can waive the second and third readings which allow the Ordinance to become effective at the beginning of May. As we discussed during the Council meeting, a Registration Form will be available online in anticipation of the effective date of the Ordinance. Once we have Twelve (12) registered locations, an automatic

moratorium will take place to allow the Administration, Planning Commission and Council to step back and determine what, if any, modifications we need to make to the regulations to improve community engagement with these structures.

Respectfully submitted,



Terrence M. Donnellon,
Village Solicitor

TMD/lld

Enclosure

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

ORDINANCE NO. 2021 - 5

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 accept 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, 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.

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.

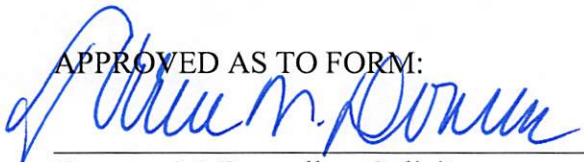
PASSED this _____ day of _____, 2021.

Mayor Stefan C. Densmore

ATTEST:

Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:



Terrence M. Donnellon, Solicitor