

TO: Village Planning Commission

FROM: Terrence M. Donnellon

RE: Community Free Libraries

DATE: January 25, 2021

The next step in the process to update our Code to accept Community Free Libraries is to allow the Planning Commission to review the standards discussed at our previous meeting and make a recommendation to incorporate those standards in legislation which is then passed forward to Village Council. Village Council will hold a hearing on the recommendation and from there specific legislation will be drafted to be reviewed and approved by Council through its legislative process. To meet the requirements of our Code, we have advertised the February 1 meeting of the Planning Commission noting that this specific issue for Community Free Libraries will be on our Agenda.

We cannot reference these structures by their popular name, Little Free Libraries, as that is a trademarked name. The organization does encourage residents when these libraries are installed to register with Little Free Library to be part of the nationwide organization and to allow them to post a Charter sign with their Charter number on their Little Free Library structure. For our Code, we will reference these structures as Community Free Libraries so as not to infringe upon those trademarks.

The first step in our process to recognize these installations is to amend Code § 1129.03, which recognizes Accessory Structures and Accessory Uses in the Residential A District. Generally, these structures and uses are prohibited in front yards, so our first step will be to modify that Code Section to recognize Community Free Libraries as an exception to the front yard restriction. We would then expand § 1129.03 to set forth the specific regulations applicable to these structures.

The next step is to define a Community Free Library. A proposed definition would be *A structure meeting the Code requirements erected by a residential property owner to offer books and other literature for free to the community.*

Once recognized and defined, we need to regulate where these structures may be located. The following regulations are suggested from our last meeting:

Location: *The structure shall be constructed and located as follows:*

1. *Shall not be located within nor overhang the public street right-of-way or any other public easement 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 to a public sidewalk without entering upon the private property where it is constructed.*
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. *May not be greater than 48 inches in height once installed as measured from the ground to the top of the structure, and the structure may not be lower than 15 inches from the ground, but may be placed at a height to be wheelchair accessible.*

The Code should also have standards for construction and maintenance, which are recommended to be as follows:

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.*

It is recommended that we call out a specific penalty in Chapter 1129 for the violation of these rules and standards. It is recommended that the penalty be a misdemeanor punishable by a fine not to exceed One Hundred Fifty Dollars (\$150), and each day a violation occurs or is permitted to occur may be charged as a separate violation.

Finally, it was discussed and recommended that we have an initial limit on the number of Community Free Libraries which may be constructed in the Village. Rather than imposing restrictions on spacing, it is recommended that the Ordinance, once approved, will allow up to Twelve (12) Community Free Libraries to be constructed in the Residential A zones throughout the Village, after which there will be a moratorium for One Hundred Eighty (180) days for the installation of any additional Community Free Libraries to allow the Administration to determine if spacing restrictions are appropriate or whether the marketplace itself is controlling spacing and density.

These are the recommendations for the Planning Commission to review to make a final recommendation to Village Council.

Respectfully submitted,



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TMD/ldd

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