
**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 06/14/2016
Agenda Item: 5

ACTION: Request for a Code Text Amendment consisting of changes within the Zoning and Development Code Section 3-401 and adding a new subsection E for NEIGHBORHOOD LIBRARIES. The applicant is the City of Tempe.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Adopt Ordinance

BACKGROUND INFORMATION: NEIGHBORHOOD LIBRARIES (PL160180) consists of regulations that would assist and foster the use of neighborhood libraries, which is a small physical structure that serves as a free “take a book, leave a book” gathering place where neighbors share their favorite literature and stories. The regulations allow a resident or community to build a neighborhood library by right. There is a proposed reimbursement program, which would involve the Community Services Department, allowing a rebate construction of for the libraries, up to \$300. The request includes the following:

1. Code Text Amendment within the Zoning and Development Code under Section 3-401 and adding a new subsection E.

ATTACHMENTS: Ordinance, Project File

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Dave Nakagawara, Community Development Director

Legal review by: N/A

Prepared by: Ryan Levesque, Deputy Community Development Director

PUBLIC INPUT

The neighborhood libraries draft ordinance was shared with the Neighborhood Advisory Commission on June 1, 2016. There was discussion and feedback regarding the proposal with questions and comments including the following:

- Plenty of residents have already created little libraries on their own, why are you now imposing all these criteria?
- What problem is being solved and what are we trying to fix?
- This is already happening organically.
- Literacy is the issue. Low income neighborhoods do not have \$300 available for upfront costs and those are the neighborhoods where books and literacy are lacking. Try a different approach like a scholarship incentive?
- By signing form, must you comply with all elements of ordinance?
- Do existing little libraries have to be retrofit?
- Does Tempe Library still provide satellite locations in community centers?
- Maybe encourage a non-profit to make some little libraries and donate them to neighborhoods in need?
- If you make it more complicated and require monitoring by staff, you may unintentionally create lots of barriers.
- Design is pretty loose. Does not require that you have to spend \$300.
- If a little library is on private property, it's their land and the ordinance seems way too limiting regarding location and accessibility.
- Do we have to have an ordinance because money is attached?
- I'm not a fan of this pilot.
- Commissioners inquired why those who are already creating little libraries had not been consulted first.

MOTION: The Neighborhood Advisory Commission approved a motion, that involved Councilmembers and staff consult with existing little libraries practitioners and any other interested parties regarding the proposed ordinance to determine if the proposed ordinance is an impediment to little libraries or an assist.

ORDINANCE NO. O2016.____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING AND DEVELOPMENT CODE, PART 3 — LAND USE, CHAPTER 4, SECTION 3-401, ACCESSORY BUILDINGS, USES AND STRUCTURES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 3-401 of the Zoning and Development Code, pertaining to Accessory Buildings, Uses and Structures, is hereby amended by adding a new Subsection E, to read as follows:

E. Neighborhood Libraries

1. Neighborhood libraries. Neighborhood libraries, which are gathering places where neighbors share their favorite literature and stories, are considered an accessory structure.
2. Neighborhood libraries are permitted to be placed, with the landowner's permission, on single-family residential lots, multi-family residential lots, church properties, public or parochial school properties, and on City properties with the authorization of the Community Development Director. Neighborhood libraries are not permitted in public right-of-way.
3. Neighborhood libraries are accessory use to the property and shall conform to all of the following guidelines:
 - a. The neighborhood library shall not be located between the street and the public sidewalk.
 - b. The neighborhood library shall not obstruct vehicular, bicycle or pedestrian traffic, either physically or by a person utilizing the neighborhood library.
 - c. The neighborhood library shall not obstruct access isles or paths utilized by persons in wheelchairs or for ADA accessibility.
 - d. On residential property, the neighborhood library must be placed in the front yard between the face of the building and the right-of-way.
 - e. The neighborhood library shall be designed to hold books. The overall structure shall be limited to a height not to exceed 66 inches; a width not to exceed 30 inches; a depth not to exceed 18 inches; and the box height shall not exceed 30 inches.

- f. The neighborhood library shall be anchored to the ground or securely attached to something having a permanent location on the ground.
- g. There shall be a limit of one neighborhood library per residential property.
- h. A neighborhood library meeting the above conditions will not be subject to any permits or special licensing requirements.

SECTION 2. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA,
THIS __ DAY OF _____, 2016.

DRAFT

PROJECT FILE
for
NEIGHBORHOOD LIBRARIES
(PL160180)

ATTACHMENTS:

1. Memo from April 25, 2016, City Council Work Study
2. FAQ for Neighborhood Libraries
3. Sample Authorization Form
- 4-6. Images of existing neighborhood libraries

Memorandum



City of Tempe

Date: April 25, 2016
To: Mayor and Council
Through: Councilmembers Granville and Schapira
From: Kristin Gwinn, Council Aide
Subject: **Neighborhood Libraries Working Group Recommendation**

BACKGROUND:

On January 21, 2016, the Mayor and Council approved the request to create a City Manager's Working Group exploring the feasibility of creating a system of small, free, neighborhood libraries.

The working group met and explored what other cities have done and determined that the City can extend the reach of the Tempe Public Library into the neighborhoods by incentivizing residents to build or purchase small, neighborhood library boxes. The attached ordinance amends the Zoning and Development Code and provides for the following:

- Permits the placement of Neighborhood Library boxes, with the landowner's permission, on single-family residential lots, multi-family residential lots, church properties, public or parochial school properties, and on City properties with the authorization of the Community Development Director.
- Defines maximum dimensions for library boxes and places restrictions on where and how the boxes can be placed, protecting public right of ways, traffic flow, and ADA access.

Additionally, the working group recommends a pilot program offering residents a rebate for box construction costs of up to \$300 with their written agreement to host and maintain the box for five years and register it with a specified nonprofit registry. This pilot program would fund approximately 30-40 boxes with a maximum expenditure of \$10,000.

DIRECTION:

Respectfully request the Council approve and forward the attached ordinance to the next available Regular Council Meeting for public hearing and vote. Additionally, request that Council approve the development of a pilot rebate program to be administered by the Community Services Department.

WORKGROUP MEMBERS:

Councilmember Kolby Granville
Councilmember David Schapira
Don Bessler, Public Works Director
David Nakagawara, Community Development Director
Jeff Tamulevich, Code Enforcement Manager
Chuck Cahoy, Deputy City Attorney
Barbara Roberts, Deputy Community Services Director, Library
Elizabeth Higgins, Chief of Staff, Mayor and Council
Kristin Gwinn, Council Aide

Neighborhood Libraries

Frequently Asked Questions

What is a Neighborhood Library?

A Neighborhood Library (NL) is a small, physical structure that serves as a free “take a book, leave a book” gathering place where neighbors share their favorite literature and stories.

What does the proposed ordinance do?

1. Permits NLs to be placed, with landowner’s permission, on residential lots, church and school properties, and on City properties with authorization.
2. Prohibits placement of NLs in the public right of way as well as obstruction of pedestrian, bicycle, or vehicular traffic, or any obstruction of ADA accessibility.
3. Sets guidelines for box size no larger than 30” high, 30” wide, and 18” deep with a total height of no more than 66”.

How would a resident go about installing a Neighborhood Library?

The ordinance allows a resident to build an NL box to the dimensions specified and install it on their property. After doing so, residents may turn in receipts for building expenses to the City for reimbursement up to \$300. As a condition of reimbursement, residents would need to sign an agreement with the City outlining terms and conditions.

What kind of commitment is required to host a Neighborhood Library?

In order to host an NL, residents must agree to allow the box to remain on their property for a minimum of five years, to keep it up to code, to keep it stocked and to register their NL with <https://littlefreelibrary.org/registration-process/> so that residents may more easily locate nearby NLs.

Who is responsible for stocking and maintaining the Neighborhood Library?

The resident who is hosting the NL is responsible for keeping it stocked. *Friends of the Library* have agreed to provide books to those residents who request assistance with initially stocking the NL but will not be responsible for ongoing maintenance of the contents.

How do residents get reimbursed for building their own Neighborhood Library?

Residents who build their own NL boxes may download a reimbursement form from www.tempe.gov and return it to the Community Services department along with all receipts from box construction for reimbursement up to \$300. Residents may include receipt for the registration of the NL with www.littlefreelibrary.org within the allotted \$300 reimbursement.

Are there limits to how many Neighborhood Library boxes can be built or reimbursed by the city?

There is no defined limit to the number of NLs allowed in the City of Tempe, but the Working Group recommends a pilot program to cost no more than \$10,000 that would fund approximately 30-40 NL boxes across the City.



City of Tempe
P.O. Box 5002
Tempe, AZ 85280

Neighborhood Library Authorization Form

Attach to Neighborhood Library Rebate Application and mail to above address, attention XXX.

Please Print

Property Address: _____ **Zip Code:** _____
(Neighborhood Library location)

Property Owner Authorization

As the property owner of the residence listed above, I authorize the residents to participate in Tempe's Neighborhood Library Rebate Program. I understand that receipt of rebate requires that the Neighborhood Library be maintained on the property for 60 months even if the current residents do not remain. Additionally, I acknowledge that the Neighborhood Library must conform with Tempe Zoning and Development Code, Section 3-401 and all applicable laws. The Neighborhood Library remains the resident's property at all times; the City shall not be liable for any claim, loss or damage that may result from or be related to the Neighborhood Library.

By signing below, signer agrees to the terms and conditions listed above.

Signature

Print name

Phone

____/____/____
Date

Homeowner's Association Authorization

As an authorized agent of the Homeowner's Association of which the residence listed above is a member, I authorize the residents to participate in Tempe's Neighborhood Library Rebate Program. I understand that receipt of rebate requires that the Neighborhood Library be maintained on the property for 60 months even if the current residents do not remain. Additionally, I acknowledge that the Neighborhood Library must conform with Tempe Zoning and Development Code, Section 3-401 and all applicable laws. The Neighborhood Library remains the resident's property at all times; the City shall not be liable for any claim, loss or damage that may result from or be related to the Neighborhood Library.

By signing below, signer agrees to the terms and conditions listed above.

Signature

Print name

Name of HOA

Phone

____/____/____
Date



ATTACHMENT 4



ATTACHMENT 5



ATTACHMENT 6