

17-0-077

PLN-TXT-2017-004

Alternate Version October 20, 2017

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE, ENTITLED "ZONING," ARTICLE 14, SECTION 14-1000 THEREOF, TO REQUIRE FREESTANDING BOOK EXCHANGES TO BE SET BACK TWO-FEET FROM RIGHT OF WAY AND TO CLARIFY THAT FREESTANDING BOOK EXCHANGES INSTALLED ON MUNICIPAL PUBLIC PROPERTY BY OTHER THAN A PUBLIC ENTITY SHALL REQUIRE A LICENSE AGREEMENT FROM THE CITY.

WHEREAS the Council of the City of Chesapeake finds the public necessity, convenience, general welfare and good zoning practice so require;

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia that Appendix "A" of the Chesapeake City Code, entitled "Zoning," Article 14, entitled "Accessory Uses and Structures," Section 14-1000 be amended and reenacted, as follows:

ARTICLE 14. - ACCESSORY USES AND STRUCTURES

Section 14-1000. - Freestanding book exchanges.

A. Intent. It is the intent of the City Council to adopt regulations enabling the placement of freestanding book exchanges in order to further bolster the City's desire to protect and preserve the quality of its neighborhoods and the community at large; to encourage the exchange of children's books, teen authors, literary works, and similar literature; to promote literacy and the love of reading in our community; to cultivate stewardship among our community; and to further support the quality of life and sense of community in our City. The owner of the freestanding book exchange shall be solely responsible for the content of the materials and books within the freestanding book exchange and for the maintenance of said structure.

B. Definition. As used in the following sections, freestanding book exchanges shall be deemed to be structures that are anchored to the ground or otherwise securely

attached to a base which has a permanent location on the ground permanently-mounted on private property and used to store books and other literature for the purpose of fostering a community book exchange. Nothing contained herein shall be interpreted or construed to mean that any freestanding book exchange permitted by this ordinance is a public place or public service.

C. All freestanding book exchanges shall require a permit from the Zoning Administrator or designee prior to installation. The Zoning Administrator or designee may approve a freestanding book exchange and issue through a permit issued by the Zoning Administrator, provided that if the following requirements are met:

1. The height of the freestanding book exchange shall not exceed six (6) feet and the size of such book exchange shall be no larger than four (4) square feet of lot coverage area.
2. The freestanding book exchange shall be set back at least ~~five (5) feet~~ two (2) feet from any public right-of-way. ~~and~~ If a sidewalk exists, then the freestanding book exchange may only be placed on the interior of the any sidewalk.
3. The Department of Public Works determines that the freestanding book exchange will not interfere with or impede traffic visibility.
4. The freestanding book exchange is constructed so that the finished side faces the street.
5. If the freestanding book exchange is proposed to be installed on municipal public property by a party other than a public entity, then a license agreement from the City must be executed prior to issuance of this permit.

D. Variance requests. In the event an application for a freestanding book exchange fails to meet one or more of the criteria in subsection C. above, the property owner may request a variance from the City Board of Zoning Appeals.

ADOPTED by the Council of the City of Chesapeake, Virginia this 14th day of November, 2017.

APPROVED:



Mayor

ATTEST:



Clerk of the Council