

setback for mixed-used, retail and office buildings shall be 15 feet.

- I. In no case shall vehicular use areas such as drive-ways, parking spaces or drive aisles be located in the front yard between the main façade of the building and the right-of-way line.

15.7 Minimum Side Yard Setback

There shall be no minimum side yard setback unless adjacent to a Residence District, in which case the side yard setback shall be 10 feet.

15.8 Minimum Rear Yard Setback

There shall be no minimum rear yard setback unless adjacent to a Residence District, in which case the rear yard setback shall be 20.

15.9 Maximum Height Regulations

The maximum height regulations for properties in the V-C Village Center District shall be as follows:

- A. The maximum height of any principal building shall be 44 feet.
- B. No accessory structure shall exceed 25 feet in height.

15.10 Structure Width Requirement

All new buildings and building additions constructed within the V-C District with facades greater than 100 feet in length facing a public or private street shall contain one façade change or wall offset for every 50 feet of building façade length. Such façade changes or wall offsets shall include recesses, projections, or other architectural features no less than one (1) foot in depth and 10 feet in width.

15.11 Ground Floor Transparency Requirement

Buildings in the V-C Village Center District shall provide a minimum of 50 percent transparency (transparent windows and doors) for all facades that front on a public or private street with the following provisions:

- A. The percentage of the building's street elevation is measured between 2.5 feet and 7.0 feet in height above grade.
- B. Glass block, opaque or darkly tinted glass is not considered to be transparent.
- C. Display or show windows that do not provide clear visual access into the interior of the building count towards the transparency requirement, provided they are at least two feet in depth.

- D. Security grills may not be installed on the outside of windows along primary street frontage. Open meshed architectural grills installed on the inside are allowed.
- E. Buildings used solely for residential or office purposes are exempt from the ground floor transparency requirements.

15.12 Additional Parking and Buffering Requirements

- A. Surface parking lots or exposed parking structures shall only be located in the rear yard.
- B. In addition to the requirements of Chapter 20, parking lots for 5 or more vehicles shall be accessed from a major road or non-residential side street, where possible.
- C. The required parking for uses in the V-C Village Center District may be reduced or waived by Zoning/Building Official if adequate parking is available in nearby public parking lots or provided by on-street parking spaces.
- D. Access to parking lots shall in no case be located directly opposite a single-family or two-family structure.
- E. In addition to the planting requirements contained in Chapter 19, an additional 4 evergreen trees per 100 linear feet of parking area boundary shall be planted within 10 feet of all parking lots and exposed parking structure boundaries adjacent to a residential property line.

15.13 Mixed Use Requirements

The following restrictions apply to all mixed use buildings located in the V-C Village Center District:

- A. Retail uses shall only be permitted on the ground floor of any building.
- B. Office and residential uses shall be permitted on any story of any building.
- C. The primary public entrance to retail or office uses shall be located on the façade facing the primary road if two frontages abut the property.
- D. Dumpsters and loading areas are prohibited unless located within an interior court not visible from residential properties or public streets.

15.14 Amenity Requirements

New structures in the V-C Village Center District shall incorporate the following

amenities into their design:

- A. Public sidewalks no less than 15 feet in width that incorporates public seating areas and includes one bike rack that can accommodate at least 4 bikes.
- B. Public open spaces equal in size to at least 10% of the building footprint. Public seating areas and outdoor café areas can count towards this requirement.
- C. Street trees shall be planted along all public streets in accordance with any tree ordinance adopted by the Village and in effect at the time of construction.

15.15 Additional Requirements

Except as stipulated in this Chapter 15, uses within the V-C Village Center District must conform to the standards established in Chapter 19, Bufferyards and Landscaping and Chapter 20, Off-Street Parking and Loading.

15.16 Site Plan Review Requirement

Site plan review and/or conditional use approval by the Planning Commission is required for all new structures and expansions of existing uses located in the V-C Village Center District. This review shall be conducted in accordance with the standards and procedures outlined in Chapter 22.6.

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CHAPTER 16
G GREENBELT DISTRICT

16.0 Permitted Uses

In a Greenbelt District, no land shall be used and no building or other structure shall be erected or altered to be used in whole or in part, unless otherwise provided for, except for the following purposes:

- A. Public park reservation and playgrounds.
- B. Public recreational buildings.
- C. Allotment gardens, farms, nurseries and gardens.
- D. Public utilities.
- E. Bus passenger stations.
- F. Signs erected by public authority of an educational or directional nature for the welfare and convenience of the public.

16.1 Height Regulations

In a Greenbelt District, no building shall be erected or altered to exceed twenty-five feet or one story in height. Unoccupied towers are excepted.

16.2 Planning Commission Approval Required

In a Greenbelt District, no land shall be used and no building or other structure shall be erected or altered to be used in whole or in part for permitted uses, except after plans for the proposed use, building or other structure, and the location thereof, have been submitted to the Planning Commission for their recommendation.

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CHAPTER 17 PLANNED UNIT DEVELOPMENT

17.0 Intent and Purpose

It is the intent of this chapter to accommodate creative and imaginative Planned Unit Developments and to permit those innovations in land development which are in the best interest of the Village. In order to accomplish this intent, it is the purpose of this chapter:

- A. To encourage, in a Planned Unit Development (PUD), a variety of architectural designs, structural techniques and types of structures in a maximum density permitted within the district in which the Planned Unit Development is proposed;
- B. To encourage the flexible spacing of lots and buildings in order to encourage separation of pedestrian and vehicular circulation, the conservation of natural amenities of the landscape, and the provision of readily accessible common open space areas where appropriate;
- C. To encourage residential uses that result in an improvement to the housing stock of the Village as it relates to building size, architectural character and the introduction of housing choices currently not available in the Village.
- D. To encourage mixed uses (i.e. residential/commercial) where the Planned Unit Development includes the appropriate underlying zone districts.

17.1 Use Regulations

Village Council may permit the following uses in a Planned Unit Development:

- A. Any use permitted in the Zoning Code for the particular property which is the subject of the Planned Unit Development application. A Planned Unit Development which includes more than a single zoning district within its boundaries may be approved as a mixed use Planned Unit Development where the Planning Commission and Council determine that the mix is compatible with the surrounding uses.
- B. In residential Planned Unit Developments, accessory services or associated uses such as private garages, storage spaces, community facilities and schools to service the occupants of the Planned Unit Development may also be permitted as appropriate and clearly incidental to the uses permitted on the same premises, or such other uses as approved by the Planning Commission and Council and designed to serve primarily the occupants of the Planned Unit Development.
- C. Open space which may include land, water or a combination of both, and along with the natural environmental features, swimming pools, tennis courts, other

recreational facilities and complementary structures and improvements deemed permissible by the Planning Commission and Council. These facilities are to be used mainly by the occupants of the development in which the facilities are located and their guests. Streets, parking lots, structures for habitation or storage and the like shall not be included as part of the required open space and recreational facilities.

17.2 Area, Density and Lot Regulations

- A. Area for Development. The minimum area for a Planned Unit Development shall be 1 acre. All land within the development shall be contiguous in that it shall not be divided into segments by any tract of land (other than streets or rights of way for pipelines or electric transmission lines) not owned by the developer of the Planned Unit Development.
- B. Maximum Density. A Planned Unit Development shall not exceed the densities prescribed for the district in which it is located. The permitted density shall be determined by the average number of units per net acre, as determined by the minimum lot sizes in the respective districts.
- C. Minimum Requirements.
1. Yard setback, height controls, type of dwelling unit, frontage, use and parking restrictions contained in other chapters of this Zoning Code are hereby waived for Planned Unit Developments, provided that the intent and objectives of this chapter are implemented in the total development plan, as determined by the Planning Commission and Council. Building separation shall be maintained in accordance with the requirements of the Fire Code and other safety codes of the Village and the State.
 2. Every building shall have access to a public street, internal walkway, internal street or other area dedicated to common use.
- D. Perimeter Requirements. If topographical or other barriers within the development do not provide reasonable privacy for the existing uses adjacent to the development, the Planning Commission and Council may impose either of the following requirements, or both:
1. Structures located on the perimeter of the development shall be set back in accordance with the provisions of the Zoning Code unless modified by the Planning Commission or Council as part of the Preliminary Plan Approval process; and
 2. Structures located on the perimeter shall be well screened in a manner approved by the Planning Commission and Council.

17.3 Streets

A. Interior public streets shall be paved according to the Village's street design standards. Interior private streets shall be properly lighted and maintained. The minimum paved roadway for private streets in a residential Planned Unit Development shall be as follows:

1. Two-way road with parking on one side where approved - twenty-four feet;
2. One-way road with parking on one side where approved - twenty feet;
3. One-way road without parking - fifteen feet; and
4. Alleys with parking on one side - eighteen feet.

Parking along access roads shall be subject to the approval of Council and the Municipal Manager or authorized representative appointed by the Manager. In business or industrial Planned Unit Developments, the above minimum right-of-way widths shall be increased in accordance with the requirements of Council.

- B. Collector streets and major thoroughfares shall be designated as such by the developer upon submission of the general plans as provided for hereafter. Such designations shall be subject to modification by the Planning Commission and Council so that an efficient circulation system is established in relation to other existing or planned streets in the area. There shall be no access from a structure in the Planned Unit Development directly to a major thoroughfare, and direct access from individual structures or lots to collector streets shall be minimized.
- C. Off-street parking shall be provided outside the public or private right of way sufficient to accommodate the normal uses of any structure consistent with the requirements of Chapter 20, and those persons who live or are employed on the premises as well as their social or business invitees. Screening of parking or service areas may be required through the use of such devices as are determined by the Planning Commission and Council. All parking spaces and service drives shall comply with the regulations contained in Chapter 20.

17.4 Common Open Space

- A. All Planned Unit Developments must contain common open space area(s), the amount of which is required shall be determined by the Planning Commission and Council and shall be a function of the nature of the development and the avoidance of adverse impacts or blighting influences upon neighboring uses as well as consideration for improvements to the existing vehicular parking situation in the immediate vicinity of the PUD site. Such open space shall be clearly shown on the Preliminary and Final Plans, and shall be physically situated so as to be readily accessible, available to and useful to all occupants of the Planned

Unit Development.

- B. All common space shown on the Preliminary and Final Plans and recorded with the County Recorder shall be conveyed in accordance with one of the following methods:
1. By dedication to the Village as publicly owned and maintained open space. All common open space for dedication to the Village shall be acceptable to the Planning Commission and Council with regard to size, shape, location and improvement. In addition, the developer shall show that the dedication of such areas will be for the benefit of the general public of the Village.
 2. By leasing or conveying title (including beneficial ownership) to a corporation, occupants' association, trust or other legal entity. In the terms of such lease or other instrument of conveyance, provisions shall be included which are suitable to the Planning Commission and Council for guaranteeing: the continued use of such land for intended purposes; continuity of property maintenance; when appropriate, the availability of funds required for such maintenance, adequate insurance protection; and recovery for loss sustained by causality, condemnation or otherwise. In any event, the developer shall file with the County Recorder at the time the approved final development plan is filed, legal documents which shall produce the aforesaid guarantees and, in particular, shall provide a method for restricting use of common open space for designated purposes.

17.5 Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system, exclusive of any alley, in order to provide separation of pedestrian and vehicular movement.

17.6 Utilities

The Planning Commission and Council shall have the authority to require the provision of underground installation of utilities in Planned Unit Developments. Utility installation and maintenance of facilities shall be in accordance with Village requirements and regulations. A Planned Unit Development shall not be approved unless adequate assurance is given that adequate public or central water and sanitary sewers shall be available at the first occupancy.

17.7 Privacy in Residential Planned Unit Developments

Each residential Planned Unit Development shall provide reasonable visual and acoustical privacy so that the occupants of one unit shall not interfere with the activities of occupants of another unit, unless specifically designed otherwise and approved as such by the Planning Commission and Council. Fences, insulation,

walls, barriers and landscaping shall be used as appropriate, for the protection and aesthetic enhancement of property, the privacy of its occupants, screening of objectionable views or uses and the reduction of noises.

17.8 Establishment of Planned Unit Development

Planned Unit Developments may be established either by a determination of the Planning Commission and Council that a particular piece of property shall be developed under this chapter, or by approval of an application from a property owner. Sections 17.9 to 17.12 regulate how all Planned Unit Developments are to be reviewed.

17.9 Preliminary Plan Submission

A. At the time of application for approval of a Planned Unit Development, a Preliminary Plan for the development of the land shall be filed with the Planning Commission by the owner or owners of the land involved. The Preliminary Plan (which may be set forth on one or more maps or in one or more instruments) shall have been signed by all of the owners of the property within the project, shall have been drawn to scale, and shall have been prepared by an architect, landscape architect, civil engineer or urban or regional planner. The developer may, at his option, request Preliminary and Final Plan approval simultaneously by complying with this section and Section 17.11 in one submission, by providing simultaneously all of the information required by both sections.

1. All Preliminary Plans shall be presented to the Planning Commission on a form to be prescribed by the Municipal Manager or an authorized representative appointed by the Manager.
2. A fee, which shall include a deposit to cover professional review(s), as established by Council shall accompany the Preliminary Plan submission.

B. The Preliminary Plan shall include a declaration by the developer in which there is furnished:

1. A general statement regarding the nature, size and location of open space, and descriptive data as to the methods to be employed for guaranteeing its continuity and maintenance;
2. The areas of each structure to be used with a designation of the purposes of each area in each structure;
3. The total population density for residential Planned Unit Developments and/or the average daily employment and customer traffic for commercial, business or manufacturing Planned Unit Developments;
4. Descriptive data concerning sewer, water and storm drainage facilities within

the project, identifying the entity, whether public or private, to whom such facilities are to be dedicated or transferred; and

5. General description of the availability of other community facilities such as schools, fire and police protection services and cultural facilities, if any, and how these facilities are affected by this proposal.
- C. The Preliminary Plan shall also include conceptual and schematic plans to a scale of one inch equals 100 feet, or less, incorporating the following elements:
1. An area map showing adjacent property owners and existing land uses within 200 feet in any direction of the parcel;
 2. The boundaries of the project, including the legal description of the metes and bounds of the parcel and the size of the parcel;
 3. Existing contours at five feet intervals or less, accompanied by a proposed grading plan;
 4. The proposed street system for the project, including designation of collector thoroughfares agreeable to the Council, or where otherwise necessary for efficient vehicular circulation;
 5. Drainage control, including a plan showing provisions for control of erosion and sedimentation during and after construction; such plans shall be accompanied by documentation indicating the review and recommendation of such plan by the Municipal Manager or authorized representative appointed by the Manager;
 6. Location of all principal buildings and accessory structures accompanied by an outline explaining intended heights, coverage and treatment of yards within the project;
 7. Location, size and landscaping of proposed parking lots within the project;
 8. Pedestrian circulation features, walks and paved areas within the project;
 9. Landscaping and forestry features;
 10. Principal ties to the community at large with respect to transportation, water supply and sewage collection and treatment;
 11. General nature and location of public and private utilities and community facilities and services, including maintenance facilities within the project;
 12. Recreational and other non-building areas designated within the project; and

13. A soil interpretive map indicating degree of limitation, if deemed necessary.
- D. The Preliminary Plan shall also include common open space information including:
1. Percentage of acreage of common open space in each part of the project;
 2. The general nature and location of common open space use; and
 3. Topographical factors affecting common open space.
- E. The Preliminary Plan shall also include a document describing the proposed phasing program of the project for all dwelling units, non-dwelling structures, recreational and other common facilities, and open space improvements.

17.10 Preliminary Plan Approval

- A. The Planning Commission shall review the Preliminary Plan and make recommendations to Council with respect to the Preliminary Plan. In connection with the review of the Preliminary Plan, the Planning Commission will submit the Preliminary Plan to a certified engineer, an architectural review professional, a professional planner and the Village Law Director for their review and comment. Such professionals shall submit written comments to the Planning Commission regarding the Preliminary Plan within fourteen (14) days of receipt of the Preliminary Plan from the Planning Commission. The Planning Commission shall have thirty days from the date of the public hearing at which the Preliminary Plan is considered to approve, deny or modify the Preliminary Plan, provided that by mutual agreement between the applicant and the Planning Commission, that time limit may be extended. The recommendations of the Planning Commission shall include written findings with respect to the following:
1. The relationship, beneficial or adverse, of the proposed Planned Unit Development to the neighborhood in which it is proposed to be established;
 2. Whether or not there are adequate services and utilities available or proposed to be made available in the construction of the project;
 3. Whether or not the proposal meets the intent and objectives for Planned Unit Developments as expressed in this chapter;
 4. Whether or not the proposal meets all general regulations for Planned Unit developments; and
 5. Whether the Planning Commission recommends approval, approval with modifications, or disapproval of the Planned Unit Development, with a statement of the reasons for the recommendation by the Planning Commission.

- B. Council shall consider the recommendations of the Planning Commission and shall conduct a public hearing prior to acting on the application. The public hearing and review requirements shall be the same as those required for a zoning amendment. After receipt of the recommendation of the Planning Commission, Council shall consider the request and at the conclusion of the public hearing, approve, deny, or approve with modifications the Preliminary Plan.
- C. Within two years of approval the Preliminary Plan by Council, the developer shall apply for and secure Final Plan approval as specified in Section 17.11 for any specific areas within the project or the overall project, or the Preliminary Plan approval shall automatically expire. No substantial change from the approved Preliminary Plan shall be made without prior minor changes, provided that the overall density is not increased, without a new Planned Unit Development application. The Planning Commission shall notify Council in writing of the authorization of such minor changes within ten days of such authorization.

17.11 Final Plan Approval

- A. Final Plan. Construction of the uses authorized by the Planning Commission's and Council's approval of the Preliminary Plan may begin only after a Final Plan has been approved by the Planning Commission and Council. For approval of a Final Plan, the owner shall file a Final Plan for any specific area within the project or the overall project with the Planning Commission together with a letter of application for such approval. Such Final Plan shall show the following:
 - 1. The area to be developed and the area to be devoted to open spaces for the uses of all occupants of the area, with accurate amounts of land involved, courses and distances to be determined by a licensed engineer or surveyor who shall sign such plan and certify to the accuracy of it. The boundaries of any area for which Final Plan approval is requested shall not be gerrymandered to comply with the density and open space provisions but shall be proportioned and allocated so that the provided open space is convenient to the developed property included in the area submitted for Final Plan approval.
 - 2. The location and floor plans of all buildings, descriptive data as to the type, floor area of buildings, the uses to which the buildings will be placed, the number of units for separate occupancy and, with respect to dwelling units, the number of bedrooms per unit.
 - 3. A title guarantee or rider to an existing policy showing the legal description of the land which has been set aside for open space and showing appropriate restrictions limiting the use of such land to open space or to recreation in perpetuity, guaranteeing owners and occupants of the area to be developed

a right and easement of use in such open space.

4. A detailed plan setting forth the manner, means and proposed time of compliance with Section 17.4.
5. A detailed landscaping plan for all areas.

B. Conditions for Final Plan Approval. The Planning Commission shall review the Final Plan and recommend that Council approve, modify and approve, or disapprove the Final Plan. The Planning Commission shall also transmit its recommendation to Council. The Planning Commission shall have thirty days from the date on which the Final Plan is filed to consider and report upon an application for approval of a Final Plan. The time may be extended by mutual consent of the developer and the Planning Commission. Council shall consider the report from the Planning Commission and shall have sixty days from the date on which it receives the report from the Planning Commission to consider and to approve, deny or approve with modifications the Final Plan, provided that time may be extended by mutual consent of the developer and the Village. Council shall approve the application if it finds that the following conditions are met:

1. The Final Plan accurately sets forth the area to be developed, the area to be set aside as open space with appropriate boundaries established by courses and distances, the quantity of land within the area to be approved and the quantity of land to be set aside as open space for the use of all occupants of the area;
2. The Final Plan is substantially in accordance with the Preliminary Plan which has been previously filed with the Planning Commission and approved by Council.
3. The density of dwelling units in any area does not exceed that shown on the Preliminary Plan;
4. In residential Planned Unit Developments, the area reserved for open space and recreation is the sum of all areas for which Final Plan approval has been given or is requested and shall never be less than the common open space required under the Preliminary Plan previously filed with the Planning Commission and approved by Village Council;
5. The Developer submits an amount in escrow or provides a performance bond to the Village to secure its obligations to complete the public improvements as set forth in the Final Plan. The amount of any such escrow deposit or performance bond shall be as established by the Village Council in connection with approval of the Final Plan;
6. For phased projects already underway, satisfactory progress has been made

in previously approved segments with respect to the provision and improvement of indicated recreational facilities; and

7. The Final Plan accurately sets forth a schedule demonstrating proportionate development of the open space and recreational facilities in conjunction with the total project. A performance bond may be allowed to substitute for actual construction of recreational facilities. Any such construction covered by a performance bond shall be completed within one year. The amenities included in each phase shall be, in effect, completed prior to the issuance of occupancy permits.

17.12 Recording

Upon approval of the Final Plan by Council, the applicant shall cause the terms and conditions of the approval to be recorded in a recordable instrument, approved as to form by the Village Law Director. The recordable instrument shall recite that the conditions of the Planned Unit Development are covenants that run with the land and are enforceable by the Village or by neighboring property owners.

17.13 Building and Zoning Certificate

Upon recording of the Final Plan pursuant to Section 17.12, a building permit and zoning certificate shall be obtained pursuant to initiating construction.

17.14 Permit of Occupancy

Upon completion of construction, a permit of occupancy shall be obtained. Additionally, the Building/Zoning Inspector shall determine that construction occurred in compliance with the approved and recorded Final Plan.

17.15 Failure to Begin

- A. If no construction has begun in the Planned Unit Development within one year from the approval of the Final Plan for the overall project or any part thereof and the recording of the necessary documents as outlined in Section 17.12 has not occurred, approval of the Final Plan shall lapse and be of no further effect. The Planning Commission, for good cause, may extend for periods of up to one year, the time for beginning construction.
- B. If an approved Final Plan shall lapse, as provided herein, a record of such lapse shall be recorded by the Planning Commission and thereafter such approval shall be considered as having been revoked.
- C. Nothing herein shall be considered as effecting such lapse and revocation if the developer commences construction. If construction commences, the Final Plan may be modified only in accordance with Section 17.16.

17.16 Revision of Approved Final Plan

- A. The development shall conform to the approved Final Plan. The applicant, his successors and assignees shall make no alterations, additions or deletions with respect to the Final Plan, the related documents, or to the site, except that the Planning Commission may authorize minor changes.
- B. An alteration, addition or deletion with respect to the Final Plan will be deemed to be a "minor change" if the Planning Commission determines that such alteration, addition or deletion does not represent a departure from the intent of, or a major departure from the substance of, the Final Plan. For purposes of this Section, a "major departure from the substance of a Final Plan" may include, but is not limited to, an increase in or relocation of areas planned for a particular use or the addition of a use not included in the approved Final Plan.
- C. Upon approval of a Final Plan, changes other than minor changes approved by the Planning Commission may be made pursuant to a new submission, beginning with a Preliminary Plan, of a Planned Unit Development application, which shall be processed and approved in accordance with this chapter.

17.17 Phasing

The establishment of common open spaces, the construction of public or common recreational facilities shown on the recorded Final Plan and the construction of other non-residential structures shall proceed substantially in accordance with the phasing program referred to in Section 17.9, Preliminary Plan Submission, herein. After general construction commences, the developer shall submit progress reports annually to the Planning Commission, which shall review all building permits issued and compare them to the overall development phasing program. If it is determined that the rate of construction of units substantially differs from the phasing program, the Planning Commission shall notify the developer in writing. Thereafter, the Village can take such action as it may against any other violators of this Zoning Code.

17.18 Violation

- A. Whenever the Planning Commission or Council, by ordinance, shall find in the case of any approved Final Plan that any of the terms, conditions or restrictions upon which Final Plan approval, Section 17.11 herein, was granted, are not being complied with, the Planning Commission or Council by ordinance, may rescind and revoke such approval. Notice thereof shall be the same as that required for a zoning amendment.
- B. Violation of the Final Plan for a Planned Unit Development as approved shall constitute violation of the Zoning Code.

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CHAPTER 18
H – HISTORIC OVERLAY DISTRICT

18.0 Purpose and Intent

- A. The purpose of this Chapter is to preserve and protect historic properties in the Village of Greenhills, and any subsequently designated local historic landmarks, historic district(s), contributing buildings, and historic sites. In order to preserve and protect the historic character of existing and future historic districts and/or local historic landmarks, the regulations of this Chapter are imposed in addition to other zoning regulations contained in the Zoning Code and thus comprise an overlay of additional regulations.

The provisions of this Chapter shall control and supersede, wherever inconsistent with other existing provisions of the Zoning Code, all regulations of the underlying zone district. Otherwise, all existing provisions of the Zoning Code shall remain in full force and effect and shall govern all proposed land uses and development except as supplemented by this Chapter.

- B. The character of the Village is directly linked to the economic, social, historical, and cultural health and well-being of the community. This Chapter, therefore, establishes procedures to maintain the historic character of select local historic landmarks and/or districts within the Village and obtain the following objectives:
1. To maintain and enhance the Greenhills Comprehensive Plan and safeguard the Village's attractions to prospective residents, businesses and visitors by preserving the distinctive character of historic local historic landmarks and/or districts.
 2. To safeguard the architectural integrity of the Village's local historic landmark buildings and allow for future addition of local historic landmarks and/or districts.
 3. To safeguard the heritage of the Village by preserving sites, buildings, objects, landscapes and works of art that reflect elements of the Village's cultural, social, economic, political or architectural heritage.
 4. To seek alternatives to demolition or incompatible alterations of local historic landmarks and/or districts within the Village before such acts are performed.
 5. To afford the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards.
 6. To encourage the use or appropriate development of vacant properties, as applicable, in accordance with the character of local historic landmarks

and/or districts.

7. To combat urban blight caused by neglect of aging buildings, sites and districts and their setting.
8. To encourage investment in historic resources and strengthening of the Village's economy.
9. To enhance the environmental and aesthetic quality of the Village.
10. To stabilize and improve property values.
11. To promote preservation and continued use of historic public buildings such as the Greenhills Community Building and Marquardt-Whallon House.
12. To protect public health, safety, prosperity, and welfare.

C. It is the further intent of this section to discourage the subdivision of lots in ways that would conflict with the historic patterns of development in historic district(s).

18.1 Definitions

The following definitions shall apply to this section of the Zoning Ordinance and are in addition to the definitions found in Chapter 2 of the Zoning Code.

Addition. Any act or process that changes one or more of the exterior architectural features of a building or structure and increases the floor area of the building or structure.

Alteration. Any act or process that changes one or more of the exterior architectural features of a building or structure, including but not limited to the erection, construction, reconstruction, or removal of the building or structure. Alteration shall include change in design, material or exterior architectural feature.

Applicant. Any owner, association, partnership, corporation, or agents thereof, who applies for a Certificate of Appropriateness in order to undertake any change on premises subject to the regulations of this section.

Certificate of Appropriateness. A document issued by the Planning Commission, as prescribed by 18.5 B, signifying that the proposed construction, reconstruction, alteration, demolition, or removal of a structure subject to the provisions of this section and within an historic district or the subdivision of a lot containing a local historic landmark building has been reviewed and found to be in compliance with these regulations.

Change. Any alteration, demolition, removal, construction or reconstruction involving any property subject to the provisions of this section.

Construction. The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Contributing Building. Any building designated as such pursuant to 18.4 which is at least 50 years old, has architectural or historical merit, generally contributes to the historical fabric of the Village, and is located in an historic district.

Demolition. Any act or process that razes or destroys, in whole or in part, any building subject to the provisions of this section.

Exterior Architectural Feature. A functional or decorative element of a building including, but not limited to doors, windows, shutters, cornices, chimneys, latticework, walls, roofs, eaves, or porches, gutters, downspouts, stair rails and similar features.

Historic District. An area designated as such pursuant to 18.4 so as to maintain the historic character and integrity of contributing buildings.

Historic Property. Any property designated by the Village as historic pursuant to 18.4, whether a local historic landmark, contributing building in a historic district, or historic site.

Historic Site. A premises that contains something of archaeological or historical significance, may or may not include a contributing building, or be wholly within an historic district, and is designated by the procedures in 18.4. An historic site may comprise one or more properties.

Local Historic Landmark. Any building, structure, site or object that has been designated as a landmark pursuant to the provisions of 18.4, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archeological significance.

Maintenance. Maintenance of a structure includes, but is not limited to, normal procedures to keep the structure in good condition. Maintenance includes cleaning, painting, patching, tuck-pointing, and replacement of a worn part with a new one of the same material and design. Ordinary maintenance is not considered an alteration unless it involves a change in design, material or exterior architectural feature, whether original or current, by a previous alteration.

National Historic Landmark. A site, building, or object in private or public ownership, designated by the Secretary of the Interior to possess national significance in American history, architecture, archeology, or culture.

Non-Contributing Building. A building that does not contribute to the distinctive character of an historic district. Typically constructed after most of the buildings in an historic district were built, **Non-Contributing Buildings** are usually of a different character than the contributing buildings due to their age and the difference in their scale, massing, material, and detailing. All buildings not identified as landmarks or contributing within an historic district are considered to be non-contributing buildings.

Preservation. The act or process, including maintenance, of applying measures necessary to sustain the existing form, integrity and materials of a historic property.

Reconstruction. The act or process of depicting by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure, or a part thereof, for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions and features which convey its historic, architectural, and cultural values.

Restoration. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Removal. Any relocation of a historic building or structure from its original location to another premises.

Site Improvements. Any improvements made to property other than a dwelling or principal building, including but not limited to signs, accessory buildings and walls, fences, paving and parking areas, landscaping and street fixtures such as gaslights, benches, street signs, fountains, and sidewalks.

18.2. Planning Commission

The Planning Commission shall serve as the official Historic Preservation Commission for the Village unless a separate commission is appointed by the Village Council. The membership of the Commission and its responsibilities are outlined in Chapter 22 of the Zoning Code and Section 6.02 of the Village Charter.

18.3 Powers and Duties of the Planning Commission

The powers and duties of the Planning Commission relative to historic preservation are outlined in Chapter 22 of the Zoning Code and Section 6.02 of the Village Charter.

18.4 Designation of Local Historic Landmarks, Historic Districts, Contributing Buildings and Historic Sites

A. General. Greenhills Village Council may, from time to time, designate specific properties as local historic landmarks, contributing buildings, historic sites, or portions of the Village as historic districts. In order to ensure that the intent of proposed designations are met during the review process, any local historic landmark, historic district, contributing building, or historic site for which an application has been received or proposed by the Village Council in accordance

with division (B) of this section shall be considered temporarily adopted during the review process for up to a maximum of 180 days or until approved or rejected, whichever is earlier. Otherwise such designations shall occur after receiving recommendations from the Planning Commission and shall follow the procedures of divisions (C) and (D) of this section.

B Applications.

1. Any application to designate a property as a local historic landmark, contributing building, or historic site, shall be initiated by the owner(s) of the property, the Planning Commission or by the Village Council.
2. Any application to designate a portion of the Village as an historic district shall be initiated by 51% of the property owners of the proposed district or by the Village Council.
3. Applications shall be submitted in writing on forms provided by the Municipal Manager created with assistance of the Planning Commission.

C. Review of application.

1. Any application to designate a local historic landmark, historic district, contributing building or historic site shall be referred to the Planning Commission for review and recommendation. The Planning Commission shall complete and make its recommendations to the Village Council within 60 days after referral. Upon request by the Planning Commission, the Village Council may grant an extension of one additional 30-day period for review of the application. Should no recommendation be rendered by the Planning Commission within the aforesaid approved time frame, the application shall be considered approved and forwarded to Village Council.
2. After the receipt of the Planning Commission's recommendation, or should no recommendation be rendered by the Planning Commission within the allotted time frame, the Village Council shall convene a Public Hearing within 60 days of receipt and shall notify property owners of the proposed local historic landmark, historic district, contributing building, or historic site by certified mail at least 30 days prior to holding the Public Hearing to consider such designation. All hearing(s) under this division (C)(2) shall be published at least 15 days in advance of such hearing, in a newspaper of general circulation in the Village.

D. Decision of the Council. Within 30 days following such hearing, the Village Council shall take action on the designation by approving or disapproving the application.

E. Criteria. To be considered for designation, a property must be fifty years old or older and retain integrity of its design and materials. In acting on such

designation, the Village Council shall consider the recommendations of the Planning Commission, the Public Hearing and the following criteria of the property.

1. Its character, interest or value as part of the development, heritage or cultural characteristics of the Village, the state or nation.
 2. Its association with a significant historic event.
 3. Its identification with a person who significantly contributed to the culture and development of the Village, state or nation.
 4. Its exemplification of the cultural, economic, social or historic heritage of the Village, state or nation.
 5. Its embodiment of distinguishing characteristics of a building type or architectural style.
 6. Its identification as the work of an architect or master builder whose work has influenced the development of the Village, state or nation.
 7. Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
 8. Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural or architectural motif.
 9. Its unique location or singular physical characteristic representing an established and familiar visual feature of the Village.
 10. Its potential to yield information important to prehistory or history (archaeology).
- F. Zoning District Map. Upon the designation of a local historic landmark, historic district, contributing building or historic site by ordinance, the zoning district map of the Village shall be revised by the addition of an "H" to indicate the parcels containing the listed designation, and the Clerk of the Council shall send a certified copy of the ordinance by registered mail to the owner(s) of record.
- G. Limitations. The Village Council may designate local historic landmarks, historic districts, contributing buildings or historic sites without limitation as to number or period when designation proceeds from an application for the same.
- H. Lists. Any area, building, structure, premises, etc. that is designated as an local historic landmark, historic district, contributing building, or historic site shall be included on a list to be maintained by the Building/Zoning Official.

18.5 Regulations for Reviewing Applications

- A. Limitations on issuance of building and demolition permits. No construction, reconstruction, addition, demolition or removal of any building or significant exterior architectural feature thereof to any listed local historic landmark, contributing building, or any other structure within an historic district shall be undertaken prior to obtaining a Certificate of Appropriateness from the Planning Commission and a zoning certificate from the Building/Zoning Official, if applicable. No zoning certificate shall be issued by the Building/Zoning Official for the construction, addition, demolition or removal of a listed local historic landmark, contributing building or non-contributing building or historic site in or outside of an historic district, except in cases falling within the exclusion set forth in this section, unless the application for such permit is approved by the Planning Commission through the issuance of a Certificate of Appropriateness in the manner prescribed herein.
- B. Certificate of Appropriateness.
1. Applicability.
 - a. When the owner of a listed local historic landmark, contributing building or non-contributing building or historic site intends to construct, reconstruct, alter or demolish any exterior architectural feature of such building or an accessory building exceeding 150 square feet in floor area located on the same lot as the local historic landmark, contributing or non-contributing building, unless said accessory building is designated as an historic site, or when the owner intends to subdivide the lot, they shall first apply for and secure a Certificate of Appropriateness. A Certificate of Appropriateness is required for any exterior change to the building or its property, as otherwise regulated by this section.
 - b. The application for a Certificate of Appropriateness shall be filed with the Building/Zoning Official with such plans, specifications, and other materials as the Village requires, on such forms provided by that Department.
 2. Procedure.
 - a. Once an application for a Certificate of Appropriateness is filed with the Building/Zoning Official, it shall be scheduled on the agenda of the next available meeting of the Planning Commission, except, however, that such application shall have a hearing within 45 days of the receipt of the completed application and necessary attachments by the Village. The Building/Zoning Official shall notify the applicant and adjoining property owners of the hearing date. At the hearing, the Planning Commission shall approve the application or make suggestions to modify the application for approval at its next meeting.