

foregoing requirements if it should find that the peculiar nature of the residential, business, trade, industrial, other use, exceptional situation or condition would justify such action.

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## **CHAPTER 21 SIGN REGULATIONS**

### **21.0 Purpose**

It is the purpose of these sign regulations to permit the use of signs as a means of communication in the Village; to maintain and enhance the Village's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

The purpose as stated above is based on the following findings concerning signs:

- A. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and man-made beauty of the Village, and as such are detrimental to the public health, safety and general welfare of the Village.
- B. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

### **21.1 General Provisions**

The following regulations shall apply to all permitted signs in the Village:

- A. Traffic Safety, Ingress and Egress, Ventilation:
  - 1. Notwithstanding any provisions of this ordinance to the contrary, no sign shall be so located as to obstruct or interfere with traffic or traffic visibility.
  - 2. No sign shall be so designed or constructed as to resemble or imitate signs, devices or signals erected by the Village for the regulation of traffic and parking.
  - 3. No sign shall be so located as to obstruct or interfere with any ingress or egress to a building or other premises which is required by any applicable Fire, Building or Zoning Codes or any window or other opening in any building providing ventilation to such building.
- B. Illuminated or Animated Signs
  - 1. No sign shall be permitted in the Village which rotates and which is incorporated animation, moving parts, flashing lights or changing colors.
  - 2. Signs may be illuminated by either external or internal sources of light;

however, no illuminated sign shall be permitted where any part of the illumination flashes on and off or displays change in any degree of intensity, provided further that a part of a sign, which by means of changes in copy or moving parts, indicates time and/or temperature or other public information, shall be exempted from the provisions of this Section.

3. Any illuminated signs located within one hundred (100) feet of any Residential Zoning District shall cease to be illuminated between the hours of 11:00 P.M. and 6:00 A.M., unless the establishment is open for business.

#### C. Directional or Informational Signs

1. Small directional or informational signs, non-advertising signs such as "IN", "OUT", "REST ROOMS", "REGULAR" and "PREMIUM", etc., shall be permitted, provided that such signs shall be limited to the following:
  - a. Two (2) square foot in any face area for each.
  - b. A maximum of two (2) signs per curb cut.
  - c. A total of not more than four (4) signs shall be permitted per site.
2. Such signs shall comply with the following provisions:
  - a. They may be internally lighted.
  - b. They must not exceed four (4) feet in height, nor may they obstruct the view of any drivers on or off the premises.
  - c. They shall be located no closer than five (5) feet to any property line or right-of-way.

#### D. Projecting Signs

1. No sign, whether freestanding or attached to a building or other structure may project over the right-of-way of any public street, sidewalk or other public right-of-way.
2. Any sign which encroaches on a right-of-way shall be immediately removed.

#### E. Temporary Signs and Displays

Signs, pennants, banners, flags, streamers or other display devices which are of a temporary nature and which advertise or call attention to grand openings, special sales or other temporary business promotions may be erected or installed only upon prior approval of the Building/Zoning Official and in accordance with Section 21.2 D.

## F. Unsafe Signs

1. Notwithstanding any provisions of this Chapter to the contrary, the Building/Zoning Official shall make an inspection of all signs or other structures governed by this Chapter upon notice of a complaint and, if upon such inspection, the Building/Zoning Official shall determine that any such sign is or has become defective or insecurely mounted or supported so as to constitute a public or traffic hazard, the Building/Zoning Official shall order such sign to be removed or repaired so as to eliminate such hazard.
2. If the Building/Zoning Official determines that such sign is of immediate danger, he shall place or cause to be placed signs or barriers indicating such danger, and shall be empowered to order its immediate removal or repair.
3. The Building/Zoning Official shall order rusted signs or signs in disrepair or with peeling paint or other damage to be repaired or removed.
4. The owner or persons in control of such sign shall bear the full cost of compliance with such order of the Building/Zoning Official.

## G. Other Prohibited Signs

1. Pole Signs
2. Portable signs, except as permitted temporarily in Section 21.2-D
3. Snipe signs – signs attached to a public utility pole, light pole, service pole, or supports for another sign.
4. Vehicular signs – signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or direct people to a business or activity located on the same or nearby property but shall not include signs on vehicles primarily used in the daily operation of business.

## 21.2 Permitted Signs in Non-Residential Districts

Permanent signs shall be of a style, material and design compatible with the associated building.

The following provisions define the categories of signs permitted by this Chapter in Non-Residential Zoning Districts and set forth certain specific regulations with respect to each category. All other provisions of this Chapter, which are by their nature applicable to any of the following categories of signs, shall apply to such categories.

## A. Wall Signs

Every commercial, business, industrial or institutional use located in a Non-Residential Zoning District may paint or erect and maintain, upon or incorporated into the structure of the building or portion of a building in which such use is maintained, either illuminated or non-illuminated signs.

1. Such signs may be attached to the exterior walls or other vertical surfaces of such buildings but may not extend beyond the parapet of such building provided further that the face of such signs shall be parallel to the face of the building.
2. The total wall sign area on each building shall not exceed ten (10) percent of the building face.
3. No portion of said signs shall project more than one (1) foot beyond the face of the building, nor extend beyond the end of the building face.
4. No building shall have a roof mounted sign, except for signs mounted on the face of a mansard roof.
5. A property owner may allocate up to fifty (50) percent of the allowable total wall sign area to a building wall other than the front wall of the building, however, in no case shall the total wall sign area for the entire building exceed ten (10) percent of the front building face area.
6. The total wall sign area for any building, including all facades, shall not exceed one hundred and fifty (150) square feet in area.

## B. Ground Signs

1. Setback requirements for ground signs shall be as follows:

No portion of any freestanding, ground level sign shall be closer than five (5) feet to any property line or right-of-way.

2. Height requirements for ground signs shall be as follows:

No portion of any such sign may exceed eight (8) feet in height.

3. Distance between ground signs shall be as follows:

- a. No ground sign shall be closer than fifty (50) feet to any other freestanding sign.
- b. Distance shall be measured on a straight line directly between signs but shall not apply to signs located across any public right-of-way except an

alley.

4. Number of ground signs permitted shall be as follows:
  - a. Every commercial, business or industrial use or multiple development located in a non-residential zoning district may erect and maintain one or more freestanding signs as follows:

<u>Road Frontage</u>	<u>Number of Signs Permitted</u>
0 to 400 feet	One (1) sign
401 to 800 feet	Two (2) signs
801 feet or more	Three (3) signs

- b. In the case of a user or multiple development located on a corner lot, the aforesaid minimum frontage shall be computed by adding together the frontages on each abutting street or road.
    - c. If the premises upon which a freestanding sign is erected fronting on more than one public street, other than a corner lot, the street frontage nearest the sign(s) shall be used in determining the maximum number of permitted signs on such streets.
5. Display surface area for ground signs:
  - a. The sign area for a ground sign shall not exceed fifty (50) square feet per display area. More than one display surface shall only be permitted when such surfaces are placed "back to back" and cannot be viewed at the same time.
  - b. In the case of a multiple development, the permitted total area of display surfaces of a ground sign shall include all the display surfaces of any individual signs identifying separate uses in such multiple development.
  - c. The allowable area of a freestanding sign may include a section for changeable letters. Such area shall not exceed fifty (50) percent of the sign area.

#### C. Landscaping of Signs

Any ground mounted sign shall have landscaping beneath the sign according to the following standards:

1. The minimum landscaped area shall be equal to the area of the sign face.
2. The landscaped area shall provide a year-round (i.e. evergreen) screen of all points of structural support attachment to the ground.

3. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles is required. The minimum horizontal distance between the face of any required curb and any part of the sign is thirty-six (36) inches.
4. The landscaped area shall include live plantings that are maintained on a regular basis. The use of concrete, asphalt or other paved surface inside the required landscaped area beneath the sign is prohibited.

#### D. Temporary Signs

One temporary sign for any of the following events shall be permitted for each business, except that two such signs shall be permitted on corner lots. Such signs may have two faces with each sign face area as follows:

1. Non-commercial Events
  - a. Maximum size = 8 square feet
  - b. Maximum time = 14 days
2. New development
  - a. Maximum size = 32 square feet
  - b. Maximum time = Annual Renewal
3. Commercial Events
  - a. Maximum size = 60 square feet
  - b. Maximum time = 14 days per event; a period of 60 days shall elapse between temporary sign permit issuance and no more than two such signs are permitted within one year.

### 21.3 Signs Permitted in Residential Zoning Districts

The following provisions define the categories of signs permitted by this Chapter in Residence Zoning Districts and set forth certain specific regulations with respect to each category. All other provisions of this Chapter, which are by their nature applicable to any of the following categories of signs, shall apply to such categories.

#### A. Institutional or Place of Worship Signs - Bulletin Boards

1. Any church, religious sect or congregation, community center of similar semipublic, public or institutional use may erect and maintain for their own use a bulletin board or announcement sign.
2. The area of each display surface of such signs shall not exceed thirty-two (32) square feet, nor the total of all surfaces exceed sixty-four (64) square feet.
3. If not attached flat against a building, said sign shall be at least five (5) feet

from all front property lines and right-of-way.

4. A maximum of one (1) such sign shall be permitted for the development.

#### B. Real Estate Signs

1. Real estate signs advertising the sale, rental or lease of the premises on which they are erected and maintained shall be located at least five (5) feet from any property line or, at the seller's option, may be mounted flat against the premises to which it pertains.
2. The area of each display surface of such signs shall not exceed six (6) square feet, nor shall the total of all surfaces exceed twelve (12) square feet in Residential Zoning Districts.
3. Any such sign shall be removed five (5) days after the closing on the premises is complete.
4. A maximum of one (1) such non-illuminated sign shall be permitted for the property.

#### C. Contractors Signs

1. Signs announcing the name of contractors, subcontractors, materials, suppliers, or architects participating in the construction or improvement of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved.
2. The area of each display surface of such signs shall not exceed twelve (12) square feet, nor shall the total of all surface exceed twenty-four (24) square feet in Residential Districts.
3. The area of each display surface of such signs shall not exceed thirty-two (32) square feet, nor shall the total of all surfaces exceed sixty-four (64) square feet in all other Districts.
4. Said sign shall be at least five (5) feet from all property lines and right-of-way.
5. A maximum of one (1) such unlit sign shall be permitted per lot.

### 21.4 Signs in a Planned Unit Development

Signs in a Planned Unit Development shall conform to the regulations of the underlying district unless otherwise modified during the PUD approval process.

### 21.5 Political and Campaign Signs

Political and campaign signs on behalf of candidates for public office or for measures on election ballots shall comply with and are subject to the following regulations:

- A. No sign shall be located within or over the public right of way, in planting strips, on Village of Greenhills property, or on Greenbelt land.
- B. Maximum area per sign will not be over eight square feet per face and the maximum aggregate sign area per parcel shall not be over forty square feet.
- C. No sign shall be displayed which shall have a maximum height greater than five feet above the ground level.
- D. No sign shall be illuminated either internally or externally by spotlight, searchlight or otherwise.
- E. Signs shall be removed if they are not maintained free and clear of defaced or defective parts or painting.
- F. There shall appear on every sign the name and residence or business address of the chairman, treasurer or secretary of the organization making the sign, or the person who is responsible therefor. Such person, the property owner, and any candidate shall be responsible for compliance with these regulations.

## **21.6 First Amendment Protection**

- A. Purpose. It has never been the intent of the Village of Greenhills to infringe on the rights of property owners and occupiers to display messages protected by the First Amendment. Therefore, this Section is adopted in order to clarify the existing regulations and to remove any doubt that it is the public's right to receive and display First Amendment protected messages, including, but not limited to, religious, political, economic, social and philosophical messages. It is the further purpose to reaffirm that an expedient appeal process exists that addresses these First Amendment concerns.
- B. Definitions. For purposes of Chapter 21, "First Amendment Protected Speech Message" shall mean any message that is not intended to convey a commercial message. "First Amendment Protected Messages" include, but are not limited to, religious, political, economic, social, and philosophical messages. A "Commercial Message" is one that is intended to call attention to a business or promote the sale of any goods or services.
- C. Conflict with Existing Provisions. In furtherance of the purpose of this section, if there is any conflict between the provisions of this Section 21.6, with any other section of the Zoning Code, including any other provisions of Chapter 21 regulating signs, and such conflict could be construed to infringe on First

Amendment protected messages, the provisions of this Section 21.6, shall control.

D. First Amendment Safeguards. In order to safeguard the protections offered by the First Amendment of the United States Constitution, the following regulations shall apply:

1. Signs permitted to be displayed under this Section 21.6 shall not be placed any closer than five feet from any side or rear property line. No such signs shall be permitted in the right of way. Any sign placed in the right of way may be removed and stored by the Village of Greenhills without prior notice. It is the responsibility of the property owner to properly identify the location of a right of way line. Failure to remove a sign from the right of way shall not waive the Village's future right to remove such sign or any other sign placed in the right of way.
2. All signs must be maintained in good and safe condition. If the signs permitted under this Section 21.6 are not maintained in good and safe condition, notice shall be sent to the property owner by regular mail. The property owner shall have seven (7) days from the date of mailing indicated on the notice to restore or replace the sign to a good and safe condition. If the sign is not restored to good and safe condition within seven (7) days, and the owner or occupant of the property has not filed an appeal from the notice, then the owner and/or occupant shall be in violation of this Section and guilty of a minor misdemeanor. Each day that the sign remains in violation of the notice to remove is a separate violation. No additional notices shall be required.
3. Every parcel that is permitted to display a sign containing a commercial message or other permitted message pursuant to the Zoning Code shall be permitted to display a First Amendment Protected Message in lieu of the permitted commercial or other permitted message. However, this provision shall not apply to existing signs displaying a message necessary for public safety, such as messages directing vehicular or pedestrian flow, parking restriction signs, or fire lane signs. Whether a sign displays a commercial message or a First Amendment Protected Speech message, each sign shall still be subject to the dimensional regulations imposed in each zoning district, including, but not limited to, size, height, area and setback. Signs with the First Amendment Protected Speech Message displayed in lieu of a commercial message shall be permitted in addition to signs displaying the First Amendment Protected Message permitted by this Section 21.6.

E. Signs Not a Principal Use. Signs shall be considered an accessory use and regulated as an accessory use pursuant to underlying zoning district regulations. However, signs authorized by this Section 21.6 shall be permitted to be displayed by the owner on undeveloped lots.

- F. Exemption from Sign Permit Requirements. Signs authorized by this Section 21.6 and real estate signs permitted by the zoning code are exempt from obtaining a sign permit required under Section 21.11.

### **21.7 Maintenance of Signs**

All signs, in all Districts, and the immediate surrounding premises shall be maintained by the owner of such sign or signs or his agent in a clean condition, free and clear of all rubbish and weeds.

### **21.8 Appeals and Variances for Denial of Sign Permit**

In order to confirm a property owner's ability to exercise his or her First Amendment rights without undue delay, a special process shall be instituted for the appeal of the denial of a Sign Permit for any sign. To the extent that the appeal process of this section conflicts with the provisions of Chapter 22 of the Zoning Code, the appeal process of this Chapter 21 shall control.

- A. It shall be the duty of the Zoning Inspector to either approve or deny applications for Sign Permits for signs within seven (7) business days of the date of application. Any aggrieved applicant shall have the right of appeal the denial of a Sign Permit. Such appeal shall be heard by the Board of Zoning Appeals ("BZA") with the following limitations:
1. The Board of Zoning Appeals shall have the power to authorize a variance from the strict application of the provisions of this Chapter upon appeal by reasons of exceptional narrowness, shape, topographic conditions, or other extraordinary situation, in order to relieve the undue hardship, provided that the variance can be granted without substantial detriment to the public good and does not substantially impair the intent of these regulations. No variance shall be granted unless the Board finds that the special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
  2. The Board may not grant any variances whose effect will be to continue or to permit a hazard to public safety.
- B. Any such appeal must be taken within ten (10) days after the decision of the Zoning Inspector by filing a notice of appeal, stating the grounds for such appeal, with the Zoning Inspector and the BZA. In the alternative, it shall be sufficient to satisfy this requirement to present the notice to the Municipal Manager who shall cause the notice of appeal to be promptly delivered to the Zoning Inspector and the BZA. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.

- C. The Board shall fix a time for the hearing of the appeal not sooner than fifteen (15) days and not later than thirty (30) days from the filing of the notice of appeal. The Board shall give at least ten (10) days' notice in writing to all interested parties and give notice of such public hearing by one publication in one or more newspapers of general circulation in the Village at least ten (10) days before the date of the hearing. The appealing party has the right to waive any and all of the time restrictions imposed on the Board. However, absent such waiver, failure of the Board to act within these time limitations shall be deemed an approval of the application for the Sign Permit.
- D. The Board shall render a written decision on the appeal not later than fourteen (14) days after the date of the public hearing.

### **21.9 Village Not Responsible**

The Village of Greenhills is hereby not responsible for any signs which have been previously placed within the right-of-way of any street, highway, lane, avenue, road, drive or public thoroughfare and which have to be removed because of any reason whatsoever.

### **21.10 Rights Reserved by the Village**

The Village of Greenhills reserves the right to erect Village name signs and traffic signs anywhere that the public health, safety and general welfare of the Village are served.

### **21.11 Sign Permits**

Sign permits shall be regulated as follows:

- A. No sign shall be erected, enlarged, expanded, altered, (including face changes), relocated, reconstructed or placed unless a permit has been issued by the Building/Zoning Official, except that no permit shall be necessary for the following signs as identified in this Chapter:
  - 1. Real Estate Signs.
  - 2. Contractors Signs.
  - 3. Political Signs.
  - 4. Signs erected by the Village.
- B. A fee to be determined by Council shall be charged for each sign permit.

## 21.12 Exemptions

Exemptions from this Chapter shall be as follows:

The provisions of this Chapter shall not apply to the following signs:

- A. Signs not more than two (2) feet in height, on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of the business.
- B. Signs not exceeding two (2) square feet of display surface on a residence building stating merely the name of the occupants and/or the street address.
- C. Signs not exceeding ten (10) square feet of display surface on a public building or institutional building use giving the name and nature of the occupancy and information as to the conditions of use or admission.
- D. Any other signs authorized by a department of the Village which is not inconsistent with the authority of that department.
- E. Signs not exceeding 1 square foot of display surface on a residential building stating merely the name and profession or occupation of an occupant.

## **CHAPTER 22 ADMINISTRATION**

### **22.0 Purpose**

This Code sets both the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council and the Building/Zoning Official with respect to the administration of the provisions of this Code.

### **22.1 Responsibilities of the Building/Zoning Official**

A Building/Zoning Official shall be appointed by the Village Council. The Building/Zoning Official shall have the following responsibilities and powers:

- A. Enforce the provisions of this Code and interpret the meaning and application of its provisions, including both map and text.
- B. Receive, review and make determinations on applications for Zoning Certificates.
- C. Issue Zoning Certificates as provided by this Code, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Code.
- E. Make determinations as to whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Code.
- G. Maintain permanent and current records required by this Code, including but not limited to the Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the Village Council, Planning Commission, the Board of Zoning Appeals and to the public.
- H. Revoke a permit or approval issued contrary to this Code or based on a false statement or misrepresentation in the application.
- I. Act upon all applications within thirty (30) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said thirty (30) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Board of Zoning Appeals.

## 22.2 Village Planning Commission

A. The Planning Commission shall be composed of members as provided in Section 6.02 of the Greenhills Charter, and shall be governed by the provisions of Sections 6.09 and 6.10 of the Charter. Included in the specific powers and duties of the Planning Commission shall be the planning of the Municipality and lands adjacent thereto bearing relation to the planning of the Municipality, the location and heights of buildings and structures, setback building lines, and the division of the Municipality into zones or districts, the making of maps or plans for streets, playgrounds or improvements and provision for the administration thereof.

### B. Powers and Duties

The Planning Commission shall have the following responsibilities and powers as they relate to this Code:

1. Carry on a continuous review of the effectiveness and appropriateness of this Code and recommend such changes or amendments as it feels would be appropriate.
2. Hold public hearings, notice of which shall be given in accordance with Section 713.12 of the Ohio Revised Code.
3. Initiate advisable Official Zoning District Map changes, or changes in the text of the Code where same will promote the best interest of the public in general through recommendation to the Village Council.
4. Review proposed zoning amendments and Planned Unit Development applications as filed by a property owner.
5. Conduct Site Plan Review for projects requiring such approval.
6. Review and approval/disapproval of Conditional Use applications.
7. Conduct or cause to be conducted a continuing survey to identify historic properties in the Village in accordance with procedures approved by the Ohio Historic Preservation Office.
8. Make recommendations for designation by the Village Council of local historic landmarks, historic districts, contributing buildings or historic sites.
9. Review and approve/disapprove applications for changes to any designated historic property, whether a local historic landmark, contributing building in a historic district, or historic site.

10. Establish and use written guidelines for the preservation of designated historic properties and historic districts in review of applications for changes to any designated historic property.
11. Act in an advisory role to other officials and departments of local government regarding the protection of local historic properties.
12. Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
13. Work toward the continuing education of citizens within Greenhills regarding historic preservation issues and concerns.
14. Seek expertise when the commission considers a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline that is not represented on the commission, before rendering its decision.
15. Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the Ohio Historic Preservation Office (OHPO), pertaining to work and functions of the commission or on specific historic preservation issues.
16. Additional responsibilities may be undertaken by the commission upon mutual written agreement between the Village of Greenhills and the OHPO.
17. Function, in addition, as provided by all other applicable Sections of the state law, Chapter 713 of the Ohio Revised Code.

#### C. Conditional Uses

The Planning Commission may hear and decide upon, in accordance with the provisions of these regulations, applications for a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow a proper integration of uses into the Village which may only be suitable in specific locations within certain zoning district(s) or only if such uses are designated or laid out in a particular manner on the site.

In considering an application for a Conditional Use Permit, the Planning Commissioner must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.

A public hearing shall be held by the Planning Commission when considering an

application for a Conditional Use Permit. Notice shall be given not less than fifteen (15) days prior to the date of public hearing, both by notifying all properties adjacent to the subject site, and by publishing notice in a newspaper of general circulation.

An application for a Conditional Use Permit shall contain the following information:

1. The total area in the development.
2. The existing zoning of the property in question and/or all adjacent properties.
3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
4. Existing topography with a maximum of ten (10) foot contour lines.
5. The proposed finished grade of the development shown by contours not larger than five (5) feet.
6. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
7. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
8. Location of all sidewalks and other open areas.
9. Location of all walls, fences, and buffer yards.
10. Location, size, height, materials, lighting, and orientation of all signs.
11. Location of all existing proposed streets, highways and alleys.
12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
13. The schedule of phasing of the project.
14. Names and mailing addresses of owners of property adjacent to the subject property as recorded by the Hamilton County Auditor's Office.
15. Such other information as required by the Planning Commission to determine the conformance with this Code.

#### D. Standards for Conditional Use

The Commission shall not grant a Conditional Use unless it, in each specific case, makes specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

1. The proposed Conditional Use will comply with all applicable regulations of this Code, including lot size requirements, development standards and use limitations.
2. Adequate utility, drainage and other such necessary facilities have been or will be provided.
3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.
4. All necessary permits, and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property.
5. All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential district.
6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets given access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
7. The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
8. Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals.

#### E. Conditions and Restrictions

In granting a Conditional Use Permit, the Commission may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in this Chapter to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.

#### F. Period of Validity

A Conditional Use Permit granted by the Commission shall terminate at the end of one year from the date on which the Commission grants the Conditional Use, unless within the one year period a building permit is obtained and the erection or alteration of a structure is started.

#### G. Appeal of Planning Commission Decision for Conditional Uses

Any party aggrieved by a decision of the Planning Commission for a Conditional Use may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

### 22.3 Village Council

The powers and duties of the Village Council are as follows:

- A. Appoint a Building/Zoning Official to administer and enforce the provisions of these Regulations.
- B. Initiate or act upon suggested amendments to the Zoning Regulations text or the Zoning District Map following the advisory recommendation of the Village Planning Commission.
- C. Determine fees for permits, application review and violations. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit or Variance shall be accompanied by filing fees. These filing fees shall be forwarded to the Village, and shall be utilized to help cover the expenses of the Building/Zoning Official, the Planning Commission, the Board of Zoning Appeals, and the public.
- D. Provide for maintaining and keeping current the permanent records required by these regulations, including but not limited to the Zoning District Map, Zoning Certificates, inspections, and all official zoning actions of the Village Council. Such records shall be made available for use by the Village Council, Planning Commission, Board of Zoning Appeals, and the public.
- E. To hear and decide appeals to the decision of the Planning Commission regarding an application for Site Plan Review.

### 22.4 Board of Zoning Appeals

#### A. Membership

In accordance with Section 6.03 of the Greenhills Charter, a Board of Zoning Appeals consisting of five (5) members shall be established. The members shall

be two (2) members of the Planning Commission elected by the Planning Commission, with the remaining three (3) members appointed by the Mayor with approval of Council. The members shall have terms of three (3) years. The Board shall be a continuing body, shall adopt its own rules of procedure, and shall have the powers conferred upon it by Council Ordinances.

## B. Jurisdiction

The Board shall have the following powers:

### 1. Administrative Appeals

To hear and decide appeals where it is alleged there is an error in any interpretation, judgment, decision or determination made by the Building/Zoning Official in the administration and enforcement of the provisions of these regulations.

### 2. Variances

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the terms, provisions or requirements of this Zoning Code as will not be contrary to the public interest provided, however, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property as described below, the literal enforcement of the provisions or requirements of this Zoning Code would result in practical difficulty in the case of an area variance or undue hardship in the case of a use variance, so that the spirit of the Zoning Code shall be upheld, public safety and welfare secure and substantial justice done. Variances shall not be granted for uses not permitted in the zoning district applicable to the property.

#### a. Conditions Prevailing.

Where there are exceptional or extraordinary circumstances or conditions, the literal enforcement of the requirements of this Zoning Code would involve practical difficulty in the case of an area variance or would cause undue hardship in the case of a use variance, unnecessary to carry out the spirit and purpose of this chapter, the Board of Zoning Appeals shall have power to relieve such circumstances or conditions. In authorizing a variance, the Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use it as it may deem necessary in the interest of the furtherance of the purpose of the chapter and in the public interest. In authorizing a variance, with attached conditions, the Board of Zoning Appeals shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions

attached. In determining whether or not practical difficulties exist, the Board of Zoning Appeals shall consider the following criteria:

- i. Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;
  - ii. Whether the variance is substantial;
  - iii. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - iv. Whether the variance would adversely affect the delivery of governmental services;
  - v. Whether the property owner purchased the property with knowledge of the resolutions, ordinances, regulations, measures and orders, including the fact that all property owners are presumed to have actual or constructive knowledge of such information, and that a claim by a property owner to have no knowledge of such information shall not be a reason standing alone to grant a variance;
  - vi. Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
  - vii. Whether the spirit and the intent behind the resolutions, ordinances, regulations, measures and orders would be observed and substantial justice done by granting the variance.
- b. Findings of the Board of Zoning Appeals.

No such variance of the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals unless the Board of Zoning Appeals finds that all of the following facts and conditions exist and they determine that the hardship was not self-created:

- i. Exceptional Circumstances.

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the original effective date of this Zoning Code (March 15, 1966), or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes of uses on the

same zoning district.

ii. Preservation of Property Rights.

That such variance is necessary for the preservation and enjoyment of substantial property rights which are possessed by other properties in the same zoning district and in the same vicinity.

iii. Absence of Detriment.

That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Zoning Code or the public interest.

iv. Not of General Nature.

That the condition or situation of the subject property, or the intended use of the property, for which variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation.

3. An application for an Appeal or Variance shall contain the following information:
- a. Name, address and telephone number of the applicant.
  - b. A brief narrative description of the existing use of the property.
  - c. Statement of location of the property (subdivision, township, range, section number, lot number).
  - d. A statement indicating the zoning of the property.
  - e. A brief narrative description of the proposed appeal or variance being requested, citing the section of the Zoning Code from which the appeal or variance is being requested.
  - f. A plan, drawn at an appropriate scale, showing the following:
    - i. Location of the property, indicating all existing and proposed structures and lot lines.
    - ii. Locations of the nearest public rights-of-way and location of all access points to the site, existing or proposed.
    - iii. Locations of any easements existing or proposed.
    - iv. Locations of any existing or proposed parking areas and driveways,

showing intent to comply with all parking requirements specified by these regulations.

- g. Such other information as may be required by the Board of Zoning Appeals.
- h. Names and mailing addresses of owners of property adjacent to the subject property as recorded by the Hamilton County Auditor's Office.

#### 4. Appeal of Board of Zoning Appeals Decision

Any party aggrieved by a decision of the Board of Zoning may appeal within thirty (30) days of the date of decision to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

### 22.5 Zoning Certificates

The following shall apply for the application of a Zoning Certificate:

#### A. Requirements

No person shall obtain a building permit to locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within the Village without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of these regulations.

#### B. Provision of Utility Services

No public utility company or supplier of electrical service shall supply initial utility services (gas, electricity, water, sewer) to any use until such time as a Zoning Certificate is presented to such public utility or electrical service company which indicates that the building to be serviced has been officially approved by the Building/Zoning Official.

#### C. Application

Application for a Zoning Certificate shall be made in writing to the Building/Zoning Official. Each written application shall include the following:

1. Three (3) copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
2. The location of the lot, existing zoning and land use, including the immediately surrounding area;

3. The location, size and height of any building or structure to be erected or altered;
4. The existing or intended use of each building, structure or use of land where no buildings are included; and
5. The number of families or dwelling units each building is designed to accommodate, if applicable.

D. Time Limit

Subject to an extension by the Building/Zoning Official, no Zoning Certificate shall be valid for a period longer than six (6) months unless a building permit application has been submitted in compliance with the approved Zoning Certificate.

## 22.6 Site Plan Review

Site plan review shall be as follows:

A. Applicability

This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined as an increase of the existing structure by twenty-five (25) percent or more.

Furthermore, no building shall be erected or structurally altered on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan. No building permit shall be issued prior to the approval of a site plan.

B. Contents of Site Plan

Before a permit is issued for construction, six copies of the site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Building/Zoning Official setting forth, identifying and locating the following:

1. The total area in the development.
2. The existing zoning of the property in question and/or all adjacent properties.
3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or

abandoned.

4. Existing topography with a maximum of five (5) foot contour intervals.
5. The proposed finished grade of the development shown by contours not less than one (1) foot.
6. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
7. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
8. All sidewalks and other open areas.
9. Location of all walls, fences, and buffer yards.
10. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
11. Location of all existing proposed streets, highways and alleys.
12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
13. The schedule of phasing of the project.
14. A lighting plan including photometric information and proposed style and height of light fixtures.
15. A landscape plan.
16. Such other information as required by the Planning Commission to determine the conformance with this Code.

#### C. Site Plan Review Guidelines

The following principles shall guide the exercise of site planning review by the Planning Commission:

1. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
2. Buildings and open spaces should be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the

development site.

3. A site that has an appearance of being congested, over built or cluttered can evolve into a blighting influence and therefore such should not be congested, over built or cluttered.
4. Open spaces should be linked together.
5. Natural separation should be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal should be kept to a minimum.
6. Screening of intensive uses should be provided by utilizing landscaping, fences or walls to enclose internal areas.
7. Buildings should be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.
8. In connection with the siting of mid-rise and high-rise buildings, the location should be oriented to maximize the privacy of the occupants of adjacent buildings.
9. Street location and design shall conform to existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets. Flat as possible grades shall be utilized proximate to intersections.
10. Pedestrian circulation in non-residential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking should be located as near as possible to be accessible to the structure. Pedestrian and vehicular circulation should be separated as much as possible, through crosswalks designated by pavement markings, signalization or complete grade separation.
11. Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
12. Parking lots and garages should be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there should be a sharing of curb cuts for more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
13. Drive through establishments such as restaurants and banks should be

located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations or vehicular traffic on adjacent public streets.

#### D. Action by Planning Commission for Site Plan Review

Upon submission of the complete application for site plan review to the Building/Zoning Official, the application shall be transmitted to the Planning Commission where they shall review the site plan pursuant to Section 22.6(C) Site Plan Review Guidelines. No public notice or public hearing shall be required in conjunction with the review, the approval, approval with modifications or disapproval of the site plan. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Building/Zoning Official. Within the said thirty-five (35) day period, a majority of the members of the Planning Commission present at a meeting thereof may vote to extend the said period for a period of time not to exceed an additional sixty (60) days.

#### E. Appeal of Planning Commission Decision for Site Plan Review

An appeal can be made to the Village Council regarding a decision by the Planning Commission regarding approval of a site plan review. An applicant, or other aggrieved party, may appeal to the Village Council to evaluate the decision of the Planning Commission as related to a site plan review application. The Village Council may uphold the decision of the Planning Commission, overturn the decision of the Planning Commission or modify the decision of the Planning Commission. An affirmative vote of three-fourths (3/4) of the Village Council is required to overturn or modify the recommendation of the Planning Commission.

### **22.7 Text Amendments and Changes of Zoning Districts**

The text of this Zoning Code and the Zoning Map may be amended from time to time by the passage of an ordinance duly adopted by the Village Council in accordance with the procedures set forth in this Chapter and in compliance with the provisions provided in the Ohio Revised Code, Chapter 713.

#### A. Parties Entitled to Initiate Amendments

An amendment to the text of the Zoning Code or to the Zoning Map may be initiated by motion of the Planning Commission, by passage of an ordinance by the Village Council that is certified by the Village Clerk to the Planning Commission, or by the filing of an application with the Planning Commission by one or more of the owners or lessees of property located within the area proposed to be changed or affected by the proposed amendment.

## B. Standards for Reviewing Amendments

The decision of the Village Council to amend the text of the Zoning Code or to amend the Zoning Map is within the sound legislative discretion of the Council. As a part of the review by the Council, for any amendment to the text of the Zoning Code or to the Zoning Map, the following factors, where applicable, should be considered:

1. The reports submitted by reviewing governmental agencies.
2. The comments received at the public hearing concerning the proposed amendment.
3. The relationship to the public health, safety, morals and general welfare.
4. Compatibility with the goals and objectives, if any, of adopted plans for land use, transportation, utilities, community facilities.
5. The economic viability of the proposed district.
6. The location of the subject property and the compatibility of the proposed use with the character of the area.
7. The existing and proposed site features of the subject property.

## C. Review Procedures for Amendments

### 1. Application

An applicant for a zone amendment shall file an application on a form or forms provided by the Planning Commission. The application shall be considered complete when the Building/Zoning Official or other designee determines such.

### 2. Scheduling of the Planning Commission Public Hearing

Within five (5) days after the adoption of a motion by the Planning Commission, certification of an ordinance by the Village Council or the filing of an application determined to be complete, the Planning Commission shall set a date for a public hearing not less than twenty (20) nor more than forty (40) days from the date of initiation of the amendment by motion, certification or the filing of an application and provide notice of such hearing pursuant to Section 22.8.

### 3. Planning Commission Review and Recommendation

The Planning Commission shall, within thirty (30) days after their public hearing recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment pursuant to the standards in Section 22.7(B). The Planning Commission shall then submit its recommendation together with the proposed text and map changes to the

Village Council.

#### 4. Village Council Review and Action

##### a. Schedule of Hearing

Upon receipt of the recommendation from the Planning Commission, the Village Council shall hold a public hearing within thirty (30) days in accordance with the procedures outlined in Section 22.8.

##### b. Decision

Within twenty (20) days after the public hearing, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification of the recommendation by the Planning Commission. In making its decision, the Board shall consider the factors contained in Section 22.7(B).

##### c. Effective Date

An amendment adopted by the Village Council shall become effective in thirty (30) days after the date of adoption of the ordinance unless within that time period a petition for zoning referendum is presented in accordance with the requirements of the Ohio Revised Code.

#### 5. Referendum

Referendum petitions shall be processed pursuant to the Village Charter and the provisions of the Ohio Revised Code.

### **22.8 Notice Requirements for Public Hearings**

An amendment to the text of the Zoning Code or to the Zoning Map, initiated by any one of the three methods described in Section 22.7A, shall require notification of required public hearings in accordance with the following provisions.

#### A. Published Notice

Notice of the public hearing shall be given by the Planning Commission or Village Council, as the case may be, both by notifying all properties adjacent to the subject site and by publishing notice in a newspaper of general circulation.

#### B. Mailed Notice

The Planning Commission or the Village Council, as the case may be, shall provide notice for map and text amendments according to the following situations. When the proposed zone map amendment involves the rezoning or redistricting of ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed at least fifteen (15) days before the date of the public hearing. That notice shall be mailed to all

owners of property within, contiguous to, directly across from, and within two hundred (200) feet of the area proposed to be rezoned or redistricted. When the proposed zone map amendment involves the rezoning or redistricting of more than 10 parcels of land as listed on the County Auditor's current tax list, or when a text amendment is proposed, the Planning Commission shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice as required by this Code.

C. Content of Published and Mailed Notices

Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:

1. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Code;
2. The nature of the proposed amendment;
3. The current and proposed zoning classification of the property named in the proposed amendment;
4. The time and place where the motion, resolution, or application proposing to amend the Zoning Code will be available for examination for a period of at least ten (10) days prior to the public hearing;
5. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

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## **CHAPTER 23 ENFORCEMENT**

### **23.0 Enforcement by Village Building/Zoning Official**

A Building/Zoning Official shall be designated by the Village Council. It shall be the duty of the Building/Zoning Official to administer and enforce this Code in accordance with the provisions of this Chapter. All departments, officials, and public employees of the Village vested with the duty and authority to issue permits or licenses shall conform to the provisions of this Chapter.

### **23.1 Revocation of Zoning Certificate**

Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Village Council, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with these regulations, shall be deemed guilty of a violation thereof.

### **23.2 Schedule of Fees**

The Village Council shall by Ordinance, establish a schedule of fees for Zoning Certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Code. The schedule of fees shall be posted in the office of the Building/Zoning Official, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

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## CHAPTER 24 VIOLATION, REMEDIES AND FEES

### 24.0 Violation

Any building that is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land that is proposed to be used in violation of this Chapter or any amendment or supplement thereto, the Village Council, the Village Law Director or, the Building/Zoning Official or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation to prevent the occupancy of the said building, structure or land or to prevent any illegal act, conduct, business or use in or about, such premises.

### 24.1 Notice of Violation

The notice of any violation of the Zoning Code shall be as follows:

- A. Whenever the Building/Zoning Official determines that there is a violation of any provision of this Zoning Code, a notice of such violation shall be issued. Such notice shall:
1. Be in writing;
  2. Identify the violation;
  3. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Code being violated; and
  4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; **or**
  2. By Certified Mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the First Class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; **or**
  3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

## **24.2 Remedies**

The following remedies shall apply to violations of the Zoning Code:

### **A. Prohibitions**

1. No person, business or corporation shall fail or refuse to comply with an order issued by the Building/Zoning Official. A separate offense shall be deemed committed each day upon which a violation occurs or continues.
2. No person, business or corporation shall construct, modify, alter, use or occupy any structure or property in violation of the Greenhills Zoning Code. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

### **B. Penalties**

1. Whosoever violates this section is guilty of a minor misdemeanor for each offense.
2. If within one year of the date of the offense the offender has been convicted of or pleads guilty to another violation of Section 23.0, the offender is guilty of a misdemeanor of the third degree.

### **C. Civil Remedies**

The Village of Greenhills, the Village Council on behalf of the Village of Greenhills or any officer designated by the Village Council on behalf of the Village of Greenhills may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Zoning Code, or if the violation has caused damages to the Village of Greenhills for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Code may file suit for injunction or damages to the fullest extent provided by the law.

## **24.3 Fees**

The fees for all applicant costs incurred in this Chapter shall be established by Village Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the Village.

The applicant shall be responsible for the expenses incurred by the Village in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including engineering expenses and

legal fees in connection with reviewing the plan, prepared reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.