

ORDINANCE NO. 2016 -07- L&R

**ORDINANCE AMENDING VARIOUS PORTIONS OF
THE GREENHILLS CODE OF ORDINANCES**

WHEREAS, Village Council forwarded proposed zoning code amendments to the Greenhills Planning Commission for consideration and recommendation, and

WHEREAS, the Greenhills Planning Commission, after due consideration and a public hearing Planning Commission has recommended approval of the attached amendments, and

WHEREAS, Village Council conducted a public hearing on the amendments.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Greenhills.

SECTION 1.

The proposed amendments to the Greenhills Planning and Zoning Code attached as Exhibit A to this Ordinance are hereby approved by Village Council.

SECTION 2.

This Ordinance shall be in effect from and after the earliest period allowed by law.

Passed this 25th day of October, 2016.

David Moore, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

TO DEFINITIONS ADD:

1111.01 DEFINITIONS:

(57) Financial Institution. A financial institution is any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATM's) credit unions, savings and loan institutions and mortgage companies *that are FDIC or NCUA insured. Check cashing, pawn shops, payday loan businesses or similar type facilities are not considered financial institutions.*

SECTION 1111.01 122-A

Sign, Channel Letter. Channel letter signs are individually illuminated letters and graphics. Standard channel letters are made up of a U-Channel base with translucent faces. Reverse channel letters are signs that have metal faces and returns (sides or letters) but have a clear plastic backing. These letters are designed to be mounted an inch of two away from the wall or raceway. "Open" face channel letter signs are prohibited.

AMEND SECTION 1125.07 RESIDENTIAL ACCESSORY BUILDINGS

Detached private garages, attached or detached carports, detached storage barns, portable carports and other detached structures, excluding "portable storage containers" as regulated by Section 1125.04, and urban agricultural structure regulated by Section 1125.03, shall be permitted as an accessory use in all Residential Districts in accordance with the following requirements:

- (a) Area and Height. Shall not exceed 1,032 square feet in area and shall not exceed 14.5 feet in height measured to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- (b) Setback. Shall not be closer than three feet (3') from any property line.
- (c) *No accessory building shall be used as a dwelling.*

AMEND PORTIONS OF CHAPTER 1149 SIGN REGULATIONS as indicated in italics

1149.01 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 a safe, healthy and attractive 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.

1149.02 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.

1149.03 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. *All wall signs shall be channel letters and if illuminated, shall be backlit or internally illuminated.*

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. All bracing and support structures for signs visible from a street or residence shall be decorative or covered.
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~~ fourteen (14) inches 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.

E. **Alternative Signs and Sign Standards**

It is recognized that individual sites and/or businesses may present unique characteristics, including shape and location, and the design of existing and proposed structures could be best developed through the application of alternative signs or standards which depart from the requirements of this Section. In such cases, the Planning Commission may approve alternative signs or standards for on-premises and temporary signs, contingent upon finding that the alternative signs or standards will:

1. *Result in a site and/or business having a visual character which is as compatible, or more compatible, with adjacent sites and/or businesses than anticipated by the requirements of this Section.*
2. *Encourage a development trend or a visual character similar to that anticipated by the requirements of this Section.*
3. *Result in a sign which meets or exceeds all other requirements of this Section.*

1149.04 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.

1149.05 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.

1149.06 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.

1149.07 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.

1149.08 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.

1149.09 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.

1149.10 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.

1149.11 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.

1149.12 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.

1149.13 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.