

# Village of Anna Zoning Regulations

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## VILLAGE OF ANNA ZONING REGULATIONS

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# Village of Anna Zoning Regulations

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## CHAPTER ONE GENERAL REGULATIONS

### **SECTION A: TITLE AND ENACTMENT**

These Zoning Regulations are adopted by Ordinance 1227-98 passed the 12 day of January 1999 and became effective the 12 day of February 1999. Amendments and updates were incorporated August 24, 2007, August 11, 2009, December 21, 2009 and July 14, 2011.

The purpose of these Regulations is to ensure orderly development within the Village by regulating, restricting, and limiting the location and use of buildings, structures and land for trade, industry, residential or other purposes; by restricting, and limiting the height and size of buildings and structures; by providing a method of administration and enforcement; and by prescribing penalties for violation of these Regulations.

### **SECTION B: AREA OF JURISDICTION**

The provisions of these Regulations shall apply to all of the incorporated territory of the Village of Anna, Ohio and to territory subsequently annexed to the Village.

### **SECTION C: OFFICIAL ZONING DISTRICT MAP**

The official Zoning District Map is an integral part of these Regulations. The official Zoning District Map, and all notations and references and other matters shown thereon, shall be and is hereby made part of these Regulations and shall carry the same force and effect as the balance of the material contained herein. In the event any inconsistency should exist between the notation of reference shown on the official Zoning District Map and the legislative action of the Village Council, the legislative action of Village Council shall control.

### **SECTION D: INTERPRETATION AND PURPOSES**

In interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general health. Except as provided in Section O of these Regulations, these Regulations shall not repeal, abrogate, annul or in any other way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises. Where these Regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings or require large lots or yards than are imposed or required by such existing provisions of law or ordinance by such rules or regulations the provisions of the Regulations shall control.

### **SECTION E: ESTABLISHMENT OF DISTRICTS**

For the purpose of regulating and restricting the location of buildings, other structures and premises to be used for trade, industry, residence or other specified uses; regulating the location of buildings and other structures hereafter erected or altered, setback building lines and area of yards, courts and other open space; and regulating and limiting the height of buildings and other structures hereafter erected or altered, the Village of Anna may be divided into Zoning Districts.

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The official Zoning District Map shall be an integral part of these Regulations, and no structures shall be erected, nor shall any land be used, except in conformity with the regulations for the district in which the land is located.

## **SECTION F: RULES FOR OFFICIAL ZONING DISTRICT MAP INTERPRETATION**

It is the intent of these Regulations that the entire area under the jurisdiction of the Village of Anna Zoning, including all land, water areas, streets, alleys, railroads, and other right-of ways, be included in the Districts established by these Regulations.

When definite distances in feet are not shown on the Official Zoning District Map, the district boundaries on the Official Zoning District Map are intended to be along the centers of existing streets or alleys, or along property lines or extensions of or from the same. If the exact location of such line is not clear, it shall be determined by either supplemental detail drawings or by rules of interpretation adopted by the concurring vote of a majority of the Board of Zoning Appeals.

When the streets or alleys on the ground differ from the streets or alleys not shown on the Official Zoning District Map, the Board of Zoning Appeals may apply the district designations on the map to the property on the ground in such a manner as to conform to the intent and purpose of this section in the judgment of the Board of Zoning Appeals.

## **SECTION G: RULES FOR TEXT INTERPRETATION OF ZONING REGULATIONS**

In the interpretation of the text, the rules of interpretation contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The following rules apply to the text:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
3. The words “will” and “shall” are mandatory. The word “may” is permissive.
4. Words used in the present tense include the future, words used in the singular number shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates the contrary.
5. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” or “occupied for”.

## **SECTION H: REQUIRED CONFORMANCE**

Except as hereinafter specifically provided:

1. No land shall be used except for a use permitted in the Zoning District where it is located, for a use conditionally permitted and subject to the granting of a conditional use by the Board of Zoning Appeals. There shall be only one type of use (i.e., Residential, Commercial, Industrial, etc.) per lot unless a Conditional Use Permit is granted by the Board of Zoning Appeals to allow more than one type of use.

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2. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used except for use permitted or conditionally permitted in the District in which such building or structure is located.
3. Every building or structure hereafter erected or altered shall be located on a lot as herein defined. No more than one principal building per lot shall be permitted except as otherwise permitted by these Regulations. No more than two accessory uses, buildings, and structures shall be permitted on any lot.
4. No lot shall be established which does not conform and meet the requirements of these Regulations.
5. No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by these Regulations; and, if already less than the minimum required by these Regulations, such area or dimension shall not be further reduced. No part of a yard, court, parking area or other space provided about, or for, any building or structure for the purpose of complying with the provisions of these Regulations shall be included as part of a yard, court, parking area or other space required under these Regulations for another building or structure.
6. Where lots have frontages on more than one street, the required front yard setback shall be observed on all lot boundaries having street frontage.
7. No accessory buildings or structures shall be located in the front yard of any lot.

## **SECTION I. REGULATIONS NOT RETROACTIVE**

Except as otherwise specified in these Regulations, any use, lot building or structure that exists as of the enactment date of these Regulations, or any amendments thereof, may be continued even though such use, lot, building or structure may not conform to the provisions of the Zoning District where it is located. The provisions for non-conforming uses shall apply.

## **SECTION J: REGULATIONS OF NON-CONFORMITIES**

Non-conforming uses, buildings, and structures include uses, buildings, or structures that were lawfully existing prior to the adoption of these Regulations, or any amendment thereto and which are prohibited or further restricted as a result of the provisions adopted in these Regulations. A non-conforming use, building, or structure may be changed to another non-conforming use, building, or structure only by the Board of Zoning Appeals. The Board of Zoning Appeals may permit substitution of a new non-conforming use, building, or structure in place of an existing non-conforming use, building, or structure provided the Board of Zoning Appeals determines that any changes will be less detrimental to the neighborhood than the existing use.

Any non-conforming use of land that is discontinued for a period of (12) months or more shall not thereafter be returned to a non-conforming use.

Any non-conforming use superseded by a permitted use within the Zoning District where it is located shall thereafter be in conformance with these Regulations, and the previous non-conforming use shall not be resumed.

No non-conforming use, building, or structure shall be enlarged, extended, reconstructed or structurally altered except as pursuant to the provisions of these Regulations.

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No non-conforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the Zoning District in which such building or structures are to be located.

Any non-conforming building or use of land destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than (60%) of its replacement value shall not be resumed or reconstructed. The remains of any buildings or structure shall be razed as soon as possible. Any subsequent use of the land shall be in conformance with these Regulations. Replacement value shall be based upon the reproduction cost of the building, structure or use prior to the calamity and determined by the Zoning Administrator, In case of any uncertainty about the replacement value of a particular building, structure or use, the determination of the Board of Zoning Appeals or their designated representative shall be final.

Nothing in these Regulations shall grant legal non-conforming use status to a use that existed unlawfully prior to the enactment of these Regulations.

## **SECTION K: ESSENTIAL SERVICES**

Public utilities, facilities, and structures shall be classified either as primary utilities or secondary utilities. The term “public” means the utility serves more than one lot or customer.

Primary utilities include facilities and structures which due to their relatively large size, height, noise of operation, generation of odors, or other factors, could disrupt or diminish the use or enjoyment of surrounding properties. Primary utilities typically include the source of generation or the final destination of the utility which can stand apart from the individual customers or lots which it serves and is typically distributed by secondary utilities. Primary utilities include, but are not limited to, wastewater treatment plants, water treatment plants, water towers, electric substations, electrical generating facilities, telecommunications towers, and any facility of a height greater than 45 feet (except for utility poles and flag poles) or a size greater than 500 square feet.

Secondary utilities include facilities and structures, which due to their relatively small size, are unobtrusive and do not typically disrupt the use or enjoyment of surrounding properties. Secondary utilities typically include the distribution system of the utility, which must be in direct contact with or in the immediate vicinity of the customer or lots which it serves, is fed by or feeds to the primary utility. Secondary utilities include, but are not limited to, distribution structures such as pipes and wires, small structures such as hydrants, valves, electrical boxes, and utility poles of 45 feet in height or less.

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any secondary utility shall be permitted in any Zoning District provided every effort is made to protect the character and general welfare of the Zoning District.

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The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any primary utility shall be in conformance with the requirements of the Zoning District which it is located.

## **SECTION L: INVALIDITY OF APART**

If any chapter, section, subsection, paragraph, sentence, clause or phrase of these Regulations is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining chapters, sections, subsections, paragraphs, sentences, clause or phrases of these Regulations since the same would have been enacted without the unconstitutional or invalid chapter, section, subsection, paragraph, sentence, clause or phrases.

## **SECTION M: APPLICABILITY**

These Regulations shall apply to all land, every structure and every use of land or structures except for those uses specifically mention in Section J, as required by the Ohio Revised Code.

## **SECTION N: MISCELLANEOUS PROVISIONS**

### **1. Street Frontage Required**

All lots created after the adoption of these Regulations shall have frontage on a dedicated and improved street of (50) feet.

### **2. Sight Triangle**

A sight triangle, defined as that area from the intersection of (2) street right of ways on the lot to a point (20) feet back from the intersection point on the lot lines, shall be required on corner lots at all street intersections in all Districts. Visibility between (2) and (10) feet above the plane of established grades of the street within the sight triangle shall be clear of landscape materials, vehicles, fences, signs, parking, or any other view-obstructing structures with the exception of required traffic control devices, and utility poles. Trees shall be permitted in the sight triangle as long as the trunk is visible within (10) feet above the ground, except during early growing stages. In the event street corners are of the radius type, then the right of ways shall be projected to a point that they intersect. This point shall be referred as the intersection point. (Exhibit A)

### **3. Unsafe Buildings**

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure.

### **4. Height Limitations Exceptions**

The height limits of these Regulations shall not apply to projections such as antennae, aerials, steeples, chimneys, flagpoles, etc. that are attached to a structure, provided the height of said projection is less than 20 feet above the highest point of the structure to which it is attached.

### **5. Annexed Land**

When land is annexed to the Village of Anna, the applicable township zoning regulations then in effect shall remain in full forces and shall be enforced by the township officials until such time as the Village shall approve a zoning district for the annexed land.

### **6. Vacation of Public Right-of-Way**

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Whenever any street, alley, railroad right-of-way, or other public right-of-way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley, railroad right-of-way, or other public right-of-way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriated regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area.

### **SECTION O: REPEAL OF EXISTING ORDINANCES**

Ordinance No. 1168-97, passed October 1997, Ordinance No. 1227-98, passed January 12, 2009, and Ordinance No. 1264-99, passed June 22, 1999 are hereby repealed. Any violation of the regulations set forth in the former Ordinances, on the effective date of this Ordinance, shall be enforced under the former Ordinance. These Regulations shall become effective from and after the date of their approval and adoption, as provided by law.

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## CHAPTER TWO RESIDENTIAL DISTRICT REGULATIONS

### SECTION A: STATEMENT OF INTENT

#### 1. **R-1 = Low Density Residential District**

The R-1 Density Residential District is intended to provide areas in the Village for single family detached residential development at a relatively low density. When developed according to the Regulations, these areas will constitute areas of sound, extensive residential development on large lots. New districts established shall have a minimum of (5) acre.

#### 2. **R-2 = Medium Density Residential District**

The R-2 Medium Density Residential District is intended to provide areas reserved exclusively for single family detached residential development at a medium density. When developed according to regulations, these areas will constitute areas of sound, extensive residential development on average sized lots. New districts established shall have a minimum of (4) acre.

#### 3. **R-3 = Medium-High Density Residential District**

The R-3 Medium High Density Residential District is intended to provide areas reserved exclusively for multi-family attached residential development. It is intended that R-3 Districts be developed on lands which are underdeveloped and/or strategically located sites with respect to the Village's Commercial areas, and frontage on arterial streets. New districts established shall have a minimum of (1) acre.

#### 4. **Use and Limitation Standards**

- A. Double Frontage Lots: Where lots have a double frontage, the required front yard shall be provided on both streets.
- B. Corner Lots: Lots formed at the intersection of (2) streets shall be required to provided (2) front yard setbacks. The property owner shall determine the rear and side yard.
- C. Accessory Uses: No accessory uses or buildings shall be located in the required front yard of any lot. Each lot shall be limited to (2) accessory uses or buildings.

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## **SECTION B: R-1 RESIDENTIAL DISTRICT MINIMUM REQUIREMENTS**

Minimum floor area for family dwellings shall be 1,400 sf.

		SETBACKS			
<u>lot Area</u>	<u>width</u>	<u>front</u>	<u>side</u>	<u>rear</u>	<u>max height</u>
12,000 sf.	80 ft.	30 ft.	10 ft.	35 ft.	35 ft.

Examples of Permitted Uses:

1. Residential- Single family detached dwellings, including modular housing units.
2. Day Care Type B

Examples of Conditional Uses:

1. Home Occupation- Businesses conducted from the home by the residents.
2. Churches and Places of Worship.
3. Educational- Kindergarten, elementary, junior high and high schools, vocational, community and junior colleges and universities.
4. Outdoor Recreational- Parks, playgrounds, recreational areas and related facilities such as swimming pools, summer camps, golf courses, and similar facilities.

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## **SECTION C: R-2 RESIDENTIAL DISTRICT MINIMUM REQUIREMENTS**

Minimum floor area for family dwellings shall be 1,100 sf.

		SETBACKS			
<u>lot area</u>	<u>width</u>	<u>front</u>	<u>side</u>	<u>rear</u>	<u>max height</u>
7,500 sf.	60 ft.	25 ft.	6 ft.	30 ft.	35 ft.

Examples of Permitted Uses:

1. Residential- Single family detached dwellings, including modular housing units.
2. Day Care Type B

Examples of Conditional Uses:

1. Home Occupation- Business conducted from the home by the residents.
2. Churches and Places of Worship.
3. Educational- Kindergarten, elementary, junior high and high schools, vocational, community and junior colleges and universities.
4. Outdoor Recreational- Parks, playgrounds, recreational areas and related facilities such as swimming pools, summer camps, golf courses, and similar facilities.
5. Hospitals and Nursing Homes
6. Public Uses- Governmental office buildings, fire and police stations, libraries, and other uses supported in whole or in part by taxes.
7. Day Care Type A

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## **SECTION D: R-3 RESIDENTIAL DISTRICT MINIMUM REQUIREMENTS**

Minimum floor area for a single family dwelling shall be 1,100 sf.

Minimum floor area for a two family dwelling shall be 900 sf. each.

Minimum floor area for a multi-family dwelling shall be 800 sf. each.

	SETBACKS					
	lot area	width	front	side	rear	max height
Permitted use:						
1 unit	7,500 sf.	60 ft.	25 ft.	6 ft.	30 ft.	35 ft.
2 units	12,000 sf.	80 ft.	30 ft.	10 ft.	30 ft.	35 ft.
3-8 units	30,000 sf.	100 ft.	30 ft.	15 ft.	30 ft.	40 ft.
9 + units	60,000 sf.	150 ft.	30 ft.	20 ft.	35 ft.	40 ft.
Conditional use:						
all	7,500 sf.	60 ft.	25 ft.	6 ft.	30 ft.	35 ft.

### Examples of Permitted Uses:

1. Residential- Single family detached dwellings, including modular housing units.
2. Day Care Type B

### Examples of Conditional Uses:

1. Home Occupation- Business conducted from the home by the residents.
2. Churches and Places of Worship.
3. Educational- Kindergarten, elementary, junior high and high schools, vocational, community and junior colleges and universities.
4. Outdoor Recreational- Parks, playgrounds, recreational areas and related facilities such as swimming pools, summer camps, golf courses, and similar facilities.
5. Hospitals and Nursing Homes
6. Public Uses- Governmental office buildings, fire and police stations, libraries, and other uses supported in whole or in part by taxes.
7. Day Care Type A
8. Group Homes
9. Boarding and Rooming Houses
10. Day Care Facilities
11. Primary Public Utilities

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## CHAPTER THREE COMMERCIAL DISTRICT REGULATIONS

### SECTION A: STATEMENT OF INTENT

#### 1. C-1 Central Commercial District

The C-1 District is intended to preserve the commercial character of the existing downtown area of the Village by allowing for the continuation and expansion of commercial establishments traditionally found in a village downtown area. The Central Commercial District is characterized by smaller, closely spaced buildings with limited parking. New districts established shall have a minimum of (2) acre.

#### 2. C-2 General Commercial District

The C-2 District is intended to accommodate a full range of commercial activities along state highways or other major street frontages. The General Commercial District is characterized by larger buildings on larger lots with more accessible parking and access than the Central Commercial District. New districts established shall have a minimum of (2) acre.

#### 3. Use Limitations and Standards

- A. Buffer Yards: All commercial uses adjacent residential uses or Districts, either along the rear or side lot lines, shall provide a buffer yard, according to regulations specified.
- B. Accessory Uses: No accessory uses or buildings shall be located in the required front yard of any lot. Each lot shall be limited to (2) accessory uses or buildings.
- C. Storage and Service Areas: Outdoor storage of materials shall be allowed provide such materials are enclosed and secured, and in no case shall such materials be stored higher than (10) feet in height. All storage and service areas shall be screened from view from the perimeter of the site with landscaping and/or fencing. The height of the fence shall not exceed (10) feet from the ground.

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## SECTION B: C-1 CENTRAL COMMERCIAL DISTRICT MINIMUM REQUIREMENTS

lot area	width	SETBACKS			max height
		front	side	rear	
none	50 ft.	none	none	10 ft.	45 ft.

Exceptions:

Adjacent to residential district or use.

none	50 ft.	15 ft.	5 ft.	20 ft.	45 ft.
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Examples of Permitted Uses:

1. Retail & Service Establishments- Department, dry foods and apparel stores, mail order houses, variety and dime stores, art or antique shops, self-service laundries, dry cleaning shops, hardware stores, shoe stores, business and professional offices, and specialty shops.
2. Entertainment Services- Motion picture theaters, dance halls, studios, bowling alleys, skating rinks and lounges.
3. Food Establishments- Food stores, restaurants and delicatessens.
4. Printing and Publishing- Commercial printing establishments, newspaper printing and the like, providing that the business is in an enclosed building and does not require outside storage of material or products and is not objectionable by reason of smoke, noise, dust, odor, cinders, vibrations, fumes, glare, or light.
5. Public Uses- Governmental office buildings, fire and police stations, libraries, and other used supported in whole or in part by taxes.

Examples of Conditional Uses:

1. Churches and Places of Worship.
2. Educational- Vocational, community colleges, junior colleges and universities.
3. Hospital, Nursing Homes
4. Day Care Facilities
5. Primary Public Utilities
6. Upper Story Apartments
7. Automotive Services and Fuel

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## SECTION C: C-2 GENERAL COMMERCIAL DISTRICT MINIMUM REQUIREMENTS

lot area	width	SETBACKS			max height
		front	side	rear	
5,000 sf.	50 ft.	40 ft.	10 ft.	10 ft.	45 ft.

### Exceptions:

Adjacent to residential district or use.

5,000 sf.	50 ft.	40 ft.	20 ft.	40 ft.	45 ft.
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### Examples of Permitted Uses:

1. Retail & Service Establishments- Supermarkets, barber shops, beauty shops, clothing stores, dry cleaning and laundry shops, drug stores, garden supply stores and the like, florist, furniture , grocery, hardware paint, shoe, and sporting goods stores, and restaurants.
2. Entertainment Services- Motion picture theaters, dance halls, studios, bowling alleys, skating rinks and lounges.
3. Public Uses- Governmental office buildings, fire and police stations, libraries, and other used supported in whole or in part by taxes.
4. Business and Professional- Medical offices, finance, insurance and real estate offices.
5. Automotive Services- Gasoline filling stations, automotive and related repair shops, body shops, automotive and related sales and servicing stores, tire sales and service stores, automotive parts stores, agricultural implement sales and storage stores, and marina equipment sales and mobile home/travel trailer sales stores.
6. Building and Related Trades- Carpenter shops, electrical, plumbing, heating and air conditioning shops, and furniture upholstering and similar facilities.
7. Outdoor Recreational- Parks, playgrounds, recreational areas and related facilities such as swimming pools, summer camps, golf courses, and similar facilities.
8. Funeral Homes and Mortuaries
9. Animal Hospitals- Animal hospitals, kennels, vets, pet shops, and housing, boarding or caring for animals.

### Examples of Conditional Uses:

1. Churches and Places of Worship.
2. Educational- Vocational, community colleges, junior colleges and universities.
3. Hospital, Nursing Homes
4. Day Care Facilities
5. Primary Public Utilities
6. Upper Story Apartments

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## CHAPTER FOUR INDUSTRIAL DISTRICT REGULATIONS

### SECTION A: STATEMENT OF INTENT

#### 1. I-1 Industrial District

The I-1 District is intended to accommodate existing industrial development, allow land for its future expansion and to provide land for new industrial sites. The Industrial District is best suited for lands located where convenient access exists to major highways and/or rail systems. I-1 Districts should ideally be separated physically and functionally from Residential Districts. New Districts established shall have a minimum of (10) acre.

### SECTION B: I-1 GENERAL INDUSTRIAL DISTRICT MINIMUM REQUIREMENTS

lot area	width	SETBACKS			max height
		front	side	rear	
10,000 sf.	100 ft.	35 ft.	20 ft.	10 ft.	45 ft.

Exceptions:

Adjacent to residential district or use.

10,000 sf.	100 ft.	35 ft.	40 ft.	40 ft.	45 ft.
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Examples of Permitted Uses:

1. Industrial and Manufacturing- Any industrial or manufacturing processing establishment.
2. Wholesale and Warehousing- Any wholesaling business, storage and warehousing, including beverage bottling and distribution plants.
3. Building Material Yard
4. Adult Entertainment Facilities- Adult entertainment facilities must be located a minimum of one thousand (1,000) feet from and protected use and not share any portion of any lot line with a Residential District.
5. Public Uses- Governmental office buildings, fire and police stations, libraries, and other uses supported in whole or in part by taxes.

Examples of Conditional Uses:

1. Churches and Places of Worship.
2. Day Care Facilities affiliated with a permitted use.
3. Primary Public Utilities

### SECTION C: USE LIMITATIONS AND STANDARDS

1. Accessory Uses: No accessory uses or buildings shall be located in the required front yard of any lot. There shall be no more than (2) accessory buildings per uses and/or lot.
2. Buffer Yards: All industrial uses adjacent residential uses or Districts, either along rear or side lot lines, shall provide a buffer yard to regulations specifications.
3. Storage and Service Areas: Outdoor storage of materials shall be allowed provided such materials are enclosed and secured, and in no case shall such materials be stored higher

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than (10) feet in height. All storage and service areas shall be screened from view from the perimeter of the site with landscaping and/or fencing. The height of the fence shall not exceed (10) feet from the ground.

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## CHAPTER FIVE AGRICULTURE DISTRICT REGULATIONS

### SECTION A: STATEMENT OF INTENT

#### 1. A-1 Agricultural District

The Agricultural District is intended to act as a temporary zoning district for land already used for agricultural purposes with no specific plan for development. This district is intended for use primarily when new land is annexed to the Village. No new development will be permitted on land zoned A-1 except in support of the existing agricultural activities already in use.

### SECTION B: A-1 AGRICULTURAL DISTRICT MINIMUM REQUIREMENTS

lot area	width	SETBACKS			max height
		front	side	rear	
n/a	50 ft.	35 ft.	20 ft.	10 ft.	45 ft.

Exceptions:

Adjacent to residential district or use.

n/a	50 ft.	35 ft.	40 ft.	40 ft.	45 ft.
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Examples of Permitted Uses:

1. Already existing agricultural uses.
2. New agricultural uses in support of existing agricultural uses.

Examples of Conditional Uses:

1. Churches and Place of Worship.

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## CHAPTER SIX PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

### **SECTION A: STATEMENT OF INTENT**

It is the intent of the Planned Unit Development Districts (*PUD*) to allow space in the Village for innovative developments that do not lend themselves to traditional development standards and to provide a flexible process to review these development proposals while ensuring that they are compatible with other uses in the Village.

The Planned Unit Residential District (*PRD*) will allow a wide range of housing opportunities to develop in the Village.

The Planned United Mobile Park District (*PMHP*) will allow the option of mobile homes in the Village in a well-organized way compatible with the character of the surrounding area.

The Planned Commercial District (*PCD*) will allow retail development in a cluster or shopping center type layouts and will encourage new types of retail centers in places of “strip” developments.

The Planned Industrial District (*PID*) will allow industrial uses to develop in ways that promote efficiency and are compatible with surrounding uses.

### **SECTION B: GENERAL PUD DISTRICT REQUIREMENTS**

All PUD developments shall comply with the general requirements and with those requirements specifically applicable to their development type.

#### **1. Open Space**

There shall be reserved within the tract to be developed on a planned unit basis, a minimum land area of (20%) of the tract for use as common open space. No more than (50%) of this open space shall be water surface and not more than (40%) of the open space shall have a slope of (10%) or greater. This common open space shall not consist of isolated or fragmented pieces of land that would serve no useful purpose.

Pedestrian walkways, bikeways, parkland, open areas, swimming pools, tennis courts, and other lands of essentially open character may be included in this common open space, exclusive of off-street parking areas.

If the Planning Commission determines that sufficient open space is available in the area, the Commission may determine that the developer can pay a fee in lieu of holding open space. This fee schedule will be determined and approved by the Planning Commission and Village Council.

#### **2. Preservation of Natural Resources**

Where significant natural features, such as large trees, woodlots, streams, ponds, wildlife habitat or other landscape features, are present on the site, these features shall be preserved

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wherever possible. These areas may fulfill open space requirements where the specified open space criteria can be met.

### **3. Utilities**

All electrical and telephone facilities, street light wiring and other wiring conduits and similar facilities shall be placed under-ground by the developer, unless otherwise permitted by the Planning Commission for technical reasons.

### **4. Preservation of Historical Structures**

Where significant historical structures, such as bridges, stone walls and buildings, are present on the site, these structures shall be preserved wherever possible. These areas may fulfill the open space requirements where the specified open space criteria can be met. The historic structures shall not be calculated as part of the impervious surface.

## **SECTION C: (PRD) PLANNED RESIDENTIAL DISTRICT**

### **Area Requirements**

All Planned Residential Districts shall be minimum of (5) acre in size.

### **Permitted Uses**

1. Single Family Dwellings
2. Double Family Dwellings
3. Multi-family Dwellings
4. Schools
5. Churches
6. Parks
7. Golf Courses
8. Rest Homes/Nursing Homes
9. Hospitals
10. Community Centers

### **Accessory Uses**

1. Garages/Sheds
2. Satellite Receiving Stations
3. Swimming Pools
4. Game Courts

### **Site Requirements**

There shall be a setback of (50) feet maintained around the total perimeter of the development, which is landscaped to provide a buffer that is (75%) opaque when adjacent residential uses and (100%) opaque when adjacent commercial and industrial uses from the ground to (6) feet above the ground. Earthen mounds may be used as part of the buffering system.

Detached principle structures shall be a minimum of (15) feet away from one another.

# Village of Anna Zoning Regulations

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Private accessory structures and uses shall not be located on common open space and shall be a minimum of (15) foot away from all structures other than the principal structure they are associated with.

All structures shall be located at least (25) feet back from all public and private roads. No residential structure or cluster of attached buildings shall have more than three hundred (300) linear feet of frontage.

## **Density Requirements**

Residential structures shall be allowed in the Planned Residential District at up to (5) units per acre. This shall be calculated as the total number of dwelling units per the total acreage of the site. Clustering of units may be used; however, in no case shall a portion of the site be substantially higher in density than any other portion on the site.

## **Height Requirements**

No residential structure shall be more than (3) stories or (35) feet in height. No accessory structure shall be more than one (1) story or (15) feet in height. No institutional or community service use shall be more than (3) stories or (45) feet in height.

## **Parking**

Parking requirements are those set forth in Chapter Seven.

## **Signs**

Sign requirements are those set forth in Chapter Eight.

## **SECTION D: (PMHP) PLANNED MOBILE HOME PARK DISTRICT**

### **Area Requirements**

All planned Mobile Home Park Districts shall be a minimum of (5) acre in size.

### **Permitted Uses**

1. Mobile Home Dwellings

### **Accessory Uses**

1. Storage Sheds
2. Satellite Receiving Stations

### **Site Requirements**

There shall be a setback of (50) feet maintained around the total perimeter of the site. This setback shall be landscaped to provide a moderate buffer of sixty-five percent (65%) opaque year-round.

Each individual mobile home site shall have a minimum of three thousand, six hundred (3,600) square feet in area.

All mobile home structures shall be a minimum of (20) feet away from one another.

## Village of Anna Zoning Regulations

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Private accessory structures and uses shall not be located on common open space and shall be a minimum of (15) foot away from all structures other than the principal structure they are associated with. There shall be no more than (2) accessory uses or buildings per principle structure.

Each mobile home shall be parked on and supported by a concrete stand designed to carry a load placed thereon. The minimum dimensions of this concrete stand shall be (12) feet wide by (60) feet long. Each mobile home lot shall be provided with a minimum of (10) anchors and tie downs such as cast-in concrete “dead-men” eyelets imbedded in the concrete runways, screws augers, arrowhead anchors, or other devices for securing the stability of the mobile home. Each mobile home shall be skirted entirely enclosing the bottom section, within (60) days after its placement on the concrete stand.

No mobile placed upon a mobile home park shall front a state highway or Village street. Every mobile home park shall provide a main entrance not less than (36) feet in width. All interior streets shall have a minimum width of not less than (20) feet and have included curbs and gutters for stabilization of the pavement and adequate drainage. All mobile homes shall abut upon a paved interior street which shall not be a public right-a-way. All streets within a mobile home park shall be lighted at night.

In all mobile home parks, the following facilities shall be provided and available to residents:

1. Management and maintenance offices including storage facilities for grounds-keeping equipment.
2. A safe useable recreation area or areas conveniently located in each mobile home park and shall not be less in area or areas than (8%) of the gross area of the mobile home park or (1/2) acre, whichever is greater.

Each mobile home park shall make use of the following utilities:

1. Water systems inspected and approved by the Ohio Department of Health, providing adequate pressure with appropriate water connections for domestic use.
2. Sanitary sewer system inspected and approved by the Ohio Department of Health, providing appropriate sewage connections for domestic use. Connections between storm water drainage systems and sanitary sewer systems shall not be permitted.
3. Adequate drainage for each lot connected to the main storm water drainage system.
4. At least (1) electrical connection shall be provided for each mobile home dwelling.
5. Natural gas piping systems shall be installed underground in accordance with applicable codes and regulations. Each mobile home lot provided with natural gas shall have an approved manual shut-off valve installed up stream of the gas outlet. The outlet shall be equipped with an approve cap to prevent accidental discharge of gas when the outlet is not in use.

With each mobile home park, all utility lines, including those for electricity, telephone and cable television services shall be located underground.

# Village of Anna Zoning Regulations

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## **Density**

Mobile home structures shall be allowed in the Planned Mobile Home Park District up to (8) units per acre. This will be calculated as the total number of mobile home units per the total acreage of the site.

## **Height Requirements**

No principal or accessory structure shall be more that (15) feet in height. Other structures taller than (35) feet in height may be permitted as a Conditional Use. (flag poles, etc.)

## **Lighting**

Each mobile home park shall be adequately lighted for safety at night.

## **Parking**

Parking requirements are those set forth in Chapter Seven.

## **Signs**

Sign requirements are those set forth in Chapter Eight.

## **SECTION E: (PCD) PLANNED COMMERCIAL DISTRICT**

### **Area Requirements**

All Planned Commercial Districts shall be minimum of (2) acre in size.

### **Permitted Uses:**

1. Business or Professional Offices
2. Retail and Service Establishments
3. Indoor Entertainment Establishments
4. Financial Institutions
5. Eating and Drinking Establishments
6. Printing and Publishing Establishments
7. Wholesale and warehousing Establishments
8. Automotive Service Stations
9. Building and Related Trade Establishments

### **Accessory Uses:**

1. Satellite Receiving Stations

### **Site Requirements**

There shall be a setback of (50) feet maintained around the total perimeter of the development, which is landscaped to provide the appropriate buffer to the adjacent land uses.

Detached principal structures shall be a minimum of (20) feet away from one another.

All structures shall be located at least (25) feet back from all public and private roads.

There shall be (1) entrance/exit drive per street frontage. On the major street frontage, there may be (2) entrance/exit drives if the street frontage is more than (300) feet and the (2) drives are at least (200) feet apart.

# Village of Anna Zoning Regulations

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## **Storage and Service Areas**

All storage buildings and garbage collection areas shall be at the rear of the site. Loading bays and other service and utility apparatus shall be to the rear of the site and appropriately screened from view with landscaping and/or fencing.

## **Height Requirements**

No principal or accessory structure shall be more than (35) feet in height unless the Planning Commission determines that a taller structure will not be detrimental to the area. Structures taller than (35) feet in height may be permitted as a Conditional Use.

## **Parking**

Parking requirements are those set forth in Chapter Seven.

## **Signs**

Sign requirements are those set forth in Chapter Eight.

## **SECTION F: (PID) PLANNED INDUSTRIAL DISTRICT**

### **Area Requirements**

All Planned Industrial Districts shall be minimum of (10) acres in size.

### **Permitted Uses:**

1. Wholesale and Warehousing Establishments
2. Building and Related Trade Establishments
3. Automobile Service and Repair Establishments
4. Industrial and Manufacturing Establishments
5. Research and Development Establishments

### **Site Requirements**

There shall be a setback of (100) feet maintained around the perimeter of the site. This setback shall be landscaped in a dense planting at least (75%) opaque from the ground to (8) feet above the ground to buffer where the adjacent uses are less intensive. Where the site is adjacent to other industrial uses, the Planning Commission may determine that a less dense buffer is required.

Detached principal structures shall be a minimum of (30) feet away from one another.

All structures shall be located at least (25) feet back from all public roads. Vehicle access points to and from the site shall be at least (250) feet apart from one another.

### **Storage and Service Areas**

Outdoor storage of materials shall be allowed provided such materials are enclosed and secured, and in no case shall such materials be stored higher than (15) feet in height.

All storage and service areas shall be screened from view from the perimeter of the site with landscaping and/or fencing.

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## **Parking**

Parking requirements are those set forth in Chapter Seven.

## **Signs**

Sign requirements are those set forth in Chapter Eight.

## **SECTION G: GENERAL PUD REVIEW CRITERIA**

The Planning Commission shall not approve a request for a Planned Unit Development unless specific findings of fact directly based upon the particular evidence presented to the Planning Commission support the conclusion that:

1. The PUD can be substantially completed with the period of time specified in the schedule of development submitted by the developer.
2. The site shall be accessible from public roads adequate to carry the traffic that will be imposed on them by the proposed development.
3. The streets on the site of the proposed development shall be adequate to serve both the residents and businesses of the proposed development and the community at large and meet Village specifications.
4. The development shall not impose any undue burden on public facilities and services, such as fire, police and education.
5. The development plan contains such proposed covenants, easements and other provisions relating to the proposed development as are reasonably required for public health, safety and welfare.
6. The location and arrangement of structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
7. Any part of a PUD not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
8. Natural features such as watercourses, trees and rock out-crops shall be preserved to the degree possible, so that they can be incorporated into the layout to enhance the overall design of the planned development.
9. The layout is designed to take advantage of existing land contours in order to provide satisfactory road gradients and suitable building sites and to facilitate the provisions of proposed services.
10. The development pattern, to the maximum extent possible, preserves and utilizes natural topography and geological features, scenic vistas, trees and other vegetation, and does not cause disruption of natural drainage patterns.
11. The development provides adequately for storm water and sanitary waste disposal.
12. The developer has proposed to install all necessary infrastructure improvements, including streets, sidewalks, storm drainage systems and utilities to Village specifications.

# Village of Anna Zoning Regulations

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## **SECTION H: PUD APPLICATION PROCESS**

### **Pre-application Conference**

Any owner of land for which a PRD, PMHP, PCD, or PID Zoning District classification is sought shall, prior to filing a formal application for approval of a PUD, attend a pre-application conference with the Planning Commission. The purpose of such a conference is to allow the developer to present a general concept of the proposed development prior to preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to the following:

1. A letter of intent from the developer establishing intentions as to the development of the land.
2. A statement of ownership or option on all land in the proposed project area.
3. A topographic survey and location map.
4. Sketch plans and ideas regarding land use, dwelling type and/or other commercial or industrial structures, density street and lot arrangement and tentative lot sizes.
5. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

The Village Officials shall advise the developer of the zoning requirements of any Village plans that might affect the proposed development as well as the procedural steps for approval.

### **Preliminary Plan**

The preliminary plan of the PUD shall be filed with the Planning Commission for consideration. The required procedure for consideration and approval of the preliminary plan shall be submission of the following:

1. A written application for approval of a planned development, which shall be made in the manner prescribed and approved by the Village.
2. A preliminary development plan and report, with maps at a scale of (100) feet or less to the inch, including, as appropriate to the kind of planned development proposed, the following information presented in generalized form.
3. The proposed land uses and approximate height, bulk and location of principal structure sufficient to permit an understanding of the style of development. Proposals containing residential units shall specify the number of housing units by size and type proposed within the overall development if the development is not to be staged.
4. Proposed automobile and pedestrian circulation patterns, including streets by type (major, collector or minor), width and ownership (public or private), pedestrian ways and existing or plotted streets proposed to be vacated.
5. Major off-street parking areas.
6. Proposed parks, playgrounds, pedestrian parkways and other major open spaces as well as general form of organization proposed to own and maintain any common open space.
7. The general location of utility installations and easements.

If the development is to be in stages, and indications as to the order and timing of development and a demonstration that each stage, when completed, will complement any stage completed earlier and will form a reasonably independent unit even though succeeding stages are delayed.

## Village of Anna Zoning Regulations

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Proposals for expediting provisions of public facilities, utilities or services where lacking or unlikely to be available when needed for the planned development or for providing suitable private facilities, utilities or services. A report shall be provided, if appropriate in a particular development, containing proposals for improvement and continuing maintenance and management of any private streets.

The substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.

The Planning Commission shall distribute application materials to the appropriate Village staff which shall submit written comments to the Planning Commission within (30) days. Failure to submit comments shall indicate approval.

The Planning Commission shall study materials received and confer with other agencies of government, as appropriate, to determine general acceptability of the proposal as submitted. In the course of such preliminary considerations, the Planning Commission may request and the applicant shall supply additional materials needed to make specific determinations. Following such study, the Planning Commission shall hold a conference or conferences with the applicant to discuss desirable changes in the preliminary development plan and report. Recommendations of the Planning Commission to the applicant shall be in writing. Following any such conference agreements between the applicant and the Planning Commission as to changes in the preliminary plan and report or other matters to be recorded and acknowledged shall be in writing. On items where no agreement is reached, or where there is specific disagreement, this fact shall be recorded, and the applicant may place in the record their reason for any disagreement.

The Planning Commission shall schedule a public hearing (in accordance with the Ohio Revised Code) within (30) days of the Village staff's approved sign-off date, after which the Planning Commission shall make its recommendation to the Village Council. Such recommendations shall indicate approval, approval with specific reservations or disapproval with reasons. With such recommendations, the Planning Commission shall transmit to the Village Council, within (30) days, the latest draft of the preliminary plan and report submitted by the applicant, a record of agreements reached and matters on which there was no specific agreement, including any reason recorded by the applicant for such disagreement.

The Village Council shall schedule a public hearing for the preliminary plan and the respective planned development zone designation after receiving the proposal from the Planning Commission. Within (30) days after receipt, the Village Council shall approve the proposal, approve it subject to conditions or deny it. If approved, the area of land marked shall be redesigned PRD, PMHP, PCD, or PID and shall be used only in accordance with the uses and densities shown on the planned unit development preliminary plan.

# Village of Anna Zoning Regulations

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## **Final Plan**

The Final planned unit development plan shall conform substantially to the preliminary plan as approved and shall be filed within (6) months after approval of the preliminary plan. If desired by the developer, the final plan may be submitted in stages, with each stage reflecting a portion of the approved preliminary plan, which is proposed to be recorded and developed, provided that such portion conforms to all the requirements of this chapter. The required procedure for approval of a final plan shall be as follows:

1. The final plan and supporting data shall be filed with Village officials who, in turn, shall forward copies to the Planning Commission for certification that the final plan is in conformity with this chapter and in agreement with the approved preliminary plan.
2. Similar modifications of standards contained in other regulations or policies applying generally may be reflected in such maps and reports if the Planning Commission finds and certifies, after consultation with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are well or better served by specific proposals of the formal plan and reports.
3. A general site and land use plan for the planned development as a whole, indicating sub-areas for phased development, if any; the location and use of structures and portions of structures in relation to building sites lines; building sites reserved for future use and uses for which sites are reserved; automotive and pedestrian circulatory networks; principal parking areas; open space not in building sites and the use for which this open space is intended; and such other matters as are required to establish a clear pattern of the relationships that exist between structures, uses, circulation and land shall be filed.
4. After review of the final plan and supporting data, the Planning Commission shall approve or disapprove the plan within (30) days after submittal by the developer.

Disapproval of the final plan shall include a clear statement of the reasons.

The Planning Commission shall then forward the final plan, together with its recommendations, to the Village Council. The Village Council shall review the recommendations of the Planning Commission at its next regular meeting and shall approve, approve subject to conditions or deny the final application.

## **Recording of Final Plan**

After approval of the Village Council of the final plan, Village officials shall see that all the requirements of the Village are complied with before the final plan is sent to the Shelby County Recorder for recording.

The purpose of such recording is to designate with particularity the land subdivided into conventional lots, the dimensions of other lands not so treated into common open areas and building areas and to designate each building or structure as well as the use of land in general.

No final plan within the Village shall be so recorded unless it has the approval of the Village Council inscribed thereon.

# Village of Anna Zoning Regulations

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## **Zoning Permit**

No zoning permit shall be issued by Village officials until the final plan has been approved and duly recorded, and the Planning Commission has approved the detailed plans.

Before any zoning permit may be issued in the planned development, all agreements, contracts and deed restrictions shall be submitted in a form acceptable to the Village.

No zoning permit shall be issued for construction in any PUD District until all required public improvements are installed or a performance bond in the amount of one hundred ten percent (110%) of the estimated cost of the public improvements is posted with the Village of Anna.

## **SECTION I. CHANGES IN THE PLANNED DEVELOPMENT**

### **General**

A planned development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees and shall limit and control the use of the premises, including the internal use of buildings and structures and the location of structures in the planned development as set forth herein.

### **Major Changes**

Changes that alter the concept or intent of the planned development after preliminary approval, including increases in the number of units per acre, changes in the location or amount of non-residential land uses, more than (15%) modification in the portion of housing types, reductions of proposed open space and significant redesign of roadways, utilities or drainage, may be approved only by submission of a new preliminary plan and supporting data and by following the preliminary approval steps and subsequent amendment of the final plat.

### **Minor Changes**

The Planning Commission may approve minor changes in the planned development that do not change the concept or intent of the development. A minor change is defined as any change that is not a major change.

## **SECTION J: REVOCATION OF PERMIT**

A planned unit development permit may be revoked in any case where the conditions of such permit have not or are not being complied with and where the developer has not initiated the process outline in Chapter 5, Section I, to make approved major and minor changes. In these cases, the Planning Commission shall give the permittee notice of intention to revoke such permit at least (10) days prior to review of the permit by the Planning Commission. After conclusion of such review, the Planning Commission may revoke such permit if it finds that a violation in fact exists and has not been remedied prior to such hearing.

In any case where a planned development has not yet been established (substantially under way) within (1) year from the date of granting thereof, then without further action by the Planning Commission, the planned development authorization thereof shall be null and void. If the

# Village of Anna Zoning Regulations

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development falls more than (1) year behind schedule filed with the final plan, the permit may be subject to revocation.

## **SECTION K. APPLICATION LIMITATION**

No application for a planned development, which has been denied wholly or in part by the Planning Commission and Village Council, shall be resubmitted for a period of (1) year from the date of such order of denial, except on the grounds of new evidence or proof of changes of conditions found to be valid by the Planning Commission and Village Council.

## **SECTION L. DIAGRAM OF PUD APPLICATION PROCESS**

See Exhibit B

# Village of Anna Zoning Regulations

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## CHAPTER SEVEN OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS

### **SECTION A: GENERAL REQUIREMENTS**

#### **Required Compliance**

No building, structure or use shall be erected or substantially altered unless permanently maintained off-street parking spaces and off-street loading spaces are provided in accordance with these Regulations. The requirements in this section shall not apply to any existing building, structure or use except where a change or alteration is made.

**Minor Changes:** Whenever a building or structure is enlarged to the extent of less than (50%) in floor area, additional parking and loading space shall be provided on the basis of the enlargement only.

**Major Changes:** Whenever a building or structure is enlarged to the extent of (50%) or more in floor area, the entire building or structure, including the enlargement, shall comply with the full parking and loading requirements.

#### **Location of Parking and Loading Spaces**

Off-street parking and loading spaces required by this section shall be provided on the same lot as the principal use the spaces are provided to serve unless a Conditional Use Permit for off-site, or satellite, parking and/or loading is approved.

#### **Required Setbacks**

1. No parking or loading spaces shall be allowed in the required front yard in a Residential District. Parking in a Commercial or Industrial District shall be allowed in any paved yard but if in a front yard the setback requirement is (20) feet. If parking or loading is situated next to a Residential District a buffer is required. Loading spaces shall be in the rear or side yards if possible.
2. No parking or loading spaces shall be allowed in the required sight triangle set forth in Chapter 1.
3. No parking or loading spaces shall be established within (5) feet of any property line.

#### **Computation of Required Off-Street Parking and Loading Spaces**

1. **Units:** When units of measurement determining the number of required parking and loading spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and any fraction over (1/2) shall require (1) additional parking/loading space.
2. **Mixed Occupancies and Uses Not Specified:** In the case of mixed use, the total requirement for off-street parking/loading facilities shall be the sum of the requirements for various uses computed separately. In the case of a use not specifically mentioned, the requirements for off-street parking/loading facilities shall apply for a use which is mentioned and to which such use is similar, subject to approval of the Zoning Administrator. However, no required loading spaces may be used to satisfy the area

# Village of Anna Zoning Regulations

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requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

3. Joint Parking: Provisions of off-street parking/loading facilities to be shared by (2) or more buildings or uses is permitted as a Conditional Use.

## **Off Street Parking of Inoperable and Disabled Vehicles**

All required off-street parking/loading areas shall be solely for the parking, loading and unloading of operable vehicles and are not to be used to store inoperative vehicles or used for any repair work or service of any kind, except for emergency repairs. The parking of an inoperable or disabled vehicle for a period of more than (7) day in an off street parking/loading area shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

## **Miscellaneous Requirements**

1. Paving: All required parking/unloading areas, including stalls, aisles, and driveways shall be graded and provided with, at a minimum, a chip and seal or equivalent surface, and shall be dust and nuisance free over the entire parking area. All driveways for Commercial, Industrial, and Multi-family Residential Uses shall be completely paved. All driveways for Single and Two-family Residential Uses shall be paved between the property line and curb or edge of street.
2. Driveways: There shall be adequate ingress and egress to all off-street parking spaces and loading/unloading areas. Where a lot does not have street frontage, an access drive to serve said lot may be permitted; however, such access drive shall be located in the same zoning district as the property it serves.
3. Drainage: All required parking/loading areas shall be provided with adequate drainage facilities in order to ensure that storm water does not flow onto adjoining property or adjoining sidewalks in such a way or quantity that adjoining property owners or users of the sidewalks would be unreasonably affected or inconvenienced.
4. Lighting: Any lighting used to illuminate off-street parking/loading areas shall be installed or shielded to prevent glare and illumination of adjoining property.
5. Landscaping: All open off-street parking or loading/unloading areas that are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs and/ or trees, which shall be maintained in good condition by the owner.
6. Maintenance: Off-street parking/loading areas shall be maintained in good condition without holes and free of dust, trash and other debris.

## **SECTION B: OFF-STREET PARKING REQUIREMENTS**

### **1. Residential Use**

- |                            |                     |
|----------------------------|---------------------|
| A. Single family           | 2 per dwelling unit |
| B. Multi-family            | 2 per dwelling unit |
| C. Rooming/Boarding Houses | 1 per rentable room |

### **2. Institutional and Educational Use**

- |                              |  |
|------------------------------|--|
| A. Churches/Place of Worship | 1 per 8 seats in principle auditorium          |
|                              | 1 per 17 classroom seats, whichever is greater |

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|--|---|
| B. Elementary Schools                                      | 1 per every 850 sf. of classroom space plus<br>1 per 100 sf. of office space                                  |
| C. Junior/Senior High Schools                              | 1 per every 60 sf. of classroom space plus<br>1 per 100 sf. of office space                                   |
| D. Universities, Colleges,<br>Vocational/Technical Schools | 1 per 100 sf. of classroom space plus<br>1 per 50 sf. of assembly space                                       |
| E. Hospitals   | 1 per 80 sf. of sleeping space plus<br>1 per 100 sf. of office space plus<br>1 per 150 sf. of treatment space |
| F. Nursing Homes   | 1 per 480 sf. of sleeping space plus<br>1 per 100 sf. of office space   |
| G. Group Homes   | 3 per facility  |
| <br>   |   |
| <b>3. Recreational Use</b>                                 |   |
| A. Public Parks  | Required cumulative according to facilities available   |
| B. Athletic Fields   | Considered on a case by case basis  |
| C. Community Center  | 30% of maximum number of people permitted   |
| D. Tennis Courts   | 5 per court   |
| E. Golf Courses  | 8 per hole  |
| <br>   |   |
| <b>4. Commercial Use</b>                                   |   |
| A. Business or Professional Office                         | 1 per 400 sf. of floor area   |
| B. Animal Hospitals  | 3 per treatment room plus<br>1 per 100 sf. of office space  |
| C. Automobile Service Repair/Fuel                          | 1 per 200 sf. of floor space  |
| D. Bowling Lanes   | 2.5 per alley   |
| E. Carpenter/Plumbing/Electrical Shops                     | 1 per 300 sf. of floor area   |
| F. Eating and Drinking Places                              | 1 per 200 sf. floor area  |
| G. Financial Institutions                                  | 1 per 200 sf. of floor area   |
| H. Food Stores   | 1 per 300 sf. of floor area   |
| I. Funeral Homes   | 1 per 100 sf. of floor space in public area   |
| J. Furniture Upholstering                                  | 1 per 300 sf. of floor area   |
| K. Golf Drive Ranges                                       | 1 per tee   |
| L. Hotels and Motels                                       | 1 per sleeping room plus<br>1 per 100 sf. of office space plus<br>1 per 50 sf. of restaurant and lounge space |
| M. Printing and Publishing Establishments                  | 1 per 300 sf. of floor area   |
| N. Retail or Service Establishments                        | 1 per 300 sf. floor area  |
| O. Theaters/Assembly Halls                                 | 30% of max. number of people permitted  |
| P. Wholesale and Warehousing                               | 1 per 200 sf. of office space plus<br>1 per 400 sf. of manufacturing plus<br>1 per 750 sf. of storage space   |

# Village of Anna Zoning Regulations

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## 5. Industrial Use

A. Automobile Service/Repair/Fuel	1 per 200 sf. floor area
B. Carpenter/Plumbing/Electrical Shops	1 per 300 sf. floor area
C. Furniture Upholstering	1 per 300 sf. floor area
D. Manufacturing	1 per 200 sf. of office space plus 1 per 400 sf. of manufacturing space plus 1 per 750 sf. of storage space
E. Research and Development	1 per 200 sf. of office space plus 1 per 400 sf. of manufacturing space plus 1 per 400 sf. of laboratory space plus 1 per 750 sf. of storage space
F. Wholesaling and Warehousing	1 per 200 sf. of office space plus 1 per 400 sf. of manufacturing space plus 1 per 750 sf. of storage space

## SECTION C: DESIGN STANDARDS FOR OFF-STREET PARKING

### Parking Space Dimensions:

1. Off-street parking spaces shall conform to the appropriate stall and aisle dimensions as shown in Exhibit C.
2. A minimum clear distance of (3) feet shall be provided between the parking stall and any fence, structure, wall, or other obstacle when a parking stall is located immediately adjacent to a fence, structure, wall or other obstacle.
3. Parking spaces shall be provided for disabled persons in accordance with the provisions of the Ohio Basic Building Code, as applicable.
4. Off-street parking includes provisions of aisle space to serve such parking. Use of any alley, street, or other public way as a parking aisle to serve private parking is not permitted except with express approval of Village Council. Private parking served by such public aisle shall not be considered off-street parking unless approved as a parking variance by the Board of Zoning Appeals.

## SECTION D: OFF-STREET LOADING/UNLOADING REQUIREMENTS

### Required Spaces

- |   |  |
|---|--|
| 1. Retail, Service, Office Establishments | 1 per first 5,000 sf. of floor area plus<br>1 per each additional 20,000 sf. |
| 2. Industrial Establishments              | 1 per first 5,000 sf. of floor area plus<br>1 per each additional 20,000 sf. |
| 3. Wholesale/Warehouse Establishments     | 1 per every 5,000 sf. of floor area  |

## SECTION E: DESIGN STANDARDS FOR OFF-STREET LOADING/UNLOADING

### Location

1. No loading/unloading space shall be located within (50) feet of the nearest point of intersection of any (2) public thoroughfares.
2. No loading/unloading space shall be located closer than (50) feet from any lot in a Residential District or from any Residential Use unless screening is provided between the

## Village of Anna Zoning Regulations

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loading/unloading space and the Residential District or Use; said screening to consists of a wall, solid fencing, an earth berm, a dense evergreen hedge or planting, or a combination of these not less than (6) feet in height and maintained in good condition.

**Dimensions:** Each loading space shall not be less than (10) feet in width, (25) feet in length and (14) feet in height.

### **SECTION F:            PARKING AND STORING REQUIREMENTS FOR RECREATIONAL AND COMMERCIAL VEHICLES**

The off-street parking of recreational vehicles, boats and/or boat trailers, pick-up campers or coaches, motorized dwellings, tent trailers, travel trailers or utility trailers in Residential Districts is permitted, provided no such equipment shall have permanent connections to electricity, gas, water or sanitary sewer facilities, nor shall such equipment be used as a dwelling.

The off-street parking area need not be paved is for less than (5) spaces but must have 6” of base gravel to curb weed and grass growth.

# Village of Anna Zoning Regulations

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## CHAPTER 8 SIGN REGULATIONS

### **SECTION A: STATEMENT OF INTENT**

It is the intent of this chapter to promote and protect the public health, welfare, and safety by regulating outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, and reduce hazards that may be caused by signs overhanging or projecting over public rights-of-ways.

### **SECTION B: GENERAL REGULATIONS**

1. **Required Signage:** Signs erected and maintained pursuant to and as required by law, any governmental function, ordinance, or governmental regulation shall be excluded from the requirements of this chapter.
2. **Number of Signs:** There shall be no more than one permanent free-standing plus one permanent wall sign per lot, excluding directional signs.
3. **No sign of any type shall be installed, erected, or attached in any form to a fire escape.**
4. **Sign Identification and Maintenance:** All free-standing and wall mounted signs, except for directional signs, shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign. Should any sign be or become unsafe or in danger of falling, the owner thereof or the person maintaining the same shall put such sign in a safe and secure condition or remove the sign.
5. **Signs in Public Right-of-Ways:** No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control and directional signs. Regulations of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.
6. **Measurements of Sign Area:** The surface area of a sign shall be computed including the entire area within a regular, geometric form or combinations or regular, geometric forms comprising all of the display area of the sign and including all the elements of the matter displayed.
7. **Sign Illumination:** Any illuminated sign or lighting device shall employ only light emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be direct or beamed so as to cause glare or reflection that may constitute a nuisance or a traffic hazard. Temporary signs shall not be illuminated.
8. **Non-Conforming Signs:** The continuance of an existing sign that does not meet the regulations and requirements of this chapter shall be deemed a non-conforming sign, which may not be replaced or substantially repaired unless conforming to the requirements of this chapter.
9. **Abandoned Signs:** Abandoned signs shall be promptly removed by the owner or the person responsible to maintain such sign. A sign shall be considered abandoned when the sign is associated with an abandoned use, and/or the sign remains after a business has been

# Village of Anna Zoning Regulations

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closed to the public for at least (90) consecutive days (seasonal businesses are except from this determination).

## **SECTION C: DEFINITIONS**

1. Permanent Sign shall mean signs which remain in place for more than (60) days.
2. Temporary Signs shall mean signs which remain in place for less than (60) days.
3. Exterior Signs shall mean signs mounted to the exterior of any wall, building, or structure and free-standing signs mounted on open property.
4. Window Signs shall mean signs mounted on the interior of a building to a window so that it may be seen from the exterior.
5. Free-standing Signs shall mean signs mounted on posts or similar supports.
6. Roof Signs shall mean signs painted on or mounted to the roof of a building.
7. Wall Signs shall mean signs painted on or mounted flat against a building, structure, or wall.
8. Projected Signs shall mean signs mounted at an angle from the building, structure, or wall to which it is attached or mounted to extend beyond the face of the building, structure, or wall to which it is attached.
9. Flush-mounted Signs shall mean signs mounted flat against a building, structure, or wall and not projecting beyond the surface of said building, structure or wall.
10. Directional Signs shall mean signs to guide traffic to visitor parking areas, loading areas, entrances and exit drives, etc.
11. Off Premise Signs or Billboards means signs advertising goods or services not offered on the same lot on which the signs are located.

## **SECTION D: PERMITTED SIGNS FOR WHICH NO PERMIT IS REQUIRED**

The following signs shall be permitted in the Village of Anna subject to the following regulations. No zoning permit shall be required for any sign constructed or erected under the terms of this section.

1. Temporary Signs (Real Estate): Temporary signs advertising the sale, rental or lease of property shall be located upon the premises they advertise and shall not exceed (40) square feet in area except in Residential Districts, where they shall not exceed (2) square feet in area.
2. Temporary Signs (General): Temporary signs such as mobile signs, portable signs, banners, and advertising balloons to a limit of (4) such signs.
3. Address Signs: Signs denoting the address and/or name of the occupants of the premises shall not exceed (2) square feet in area.
4. Home Occupation Signs: Signs designating home occupations shall not exceed (2) square feet in area and shall be flush-mounted on the wall of the residence.
5. Professional Name Plates: Professional name plates shall be wall-mounted and shall not exceed (4) square feet in area.
6. Political Signs: Political signs or posters concerning candidates or issues for election shall be posted no more than (60) days before an election and shall be removed within (7) days following election-day. Such signs shall not exceed (6) square feet in area.

# Village of Anna Zoning Regulations

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7. Commemorative Signs: Commemorative signs such as cornerstones, markers, tables and historical signs shall be limited to (9) square feet in area.
8. Directional Signs: Directional signs shall be smaller than (3) square feet in area and there shall be no more than (4) directional signs per lot.
9. Window Signs: Window signs are permitted in the ground floor or first-floor windows of all Commercial and Industrial Districts. No window sign shall occupy more than (2) percent of the total window surface on a given side of the building.

## **SECTION E: PERMITTED SIGNS FOR WHICH A PERMIT IS REQUIRED**

All exterior signs not specifically excluded shall require a permit.

1. Wall Signs: Wall signs may extend outward (perpendicular from the wall) a maximum of (2) foot. Wall signs shall not exceed a maximum area of (4) square feet in Residential Districts and (100) square feet in non-Residential Districts.
2. Projected Signs: Projected signs are permitted only in the Central Commercial District (C-1). (1) projected sign is permitted per building per street frontage. Projected signs shall project not more than (4) feet outward from the wall of the structure, shall not exceed (2) square feet in size and shall be perpendicular to the wall to which they are attached. The bottom of all projected signs shall be not less than (9) feet above the sidewalk or ground level. Projected signs shall be of sturdy construction and erected in such a manner as to protect persons who pass underneath from possible injury. Sign users who place projected signs over the public right-of-way shall assume sole liability for such sign.
3. Free-standing Signs: Free-standing signs are permitted in all Zoning districts provided the requirements below are met:
  - A. Residential Districts: Free-standing signs in Residential Districts are permitted only for permitted and conditional uses in Residential Districts, such as places of worship, libraries, museums and schools. Free-standing signs in Residential Districts shall not exceed (10) feet in height, (15) square feet in area and shall be located on the premises of the establishment they serve.
  - B. Commercial and Industrial Districts: Free-standings signs located on the premises they service in Commercial and Industrial Districts shall not exceed (35) feet in height and shall not exceed (200) feet in area.
  - C. Off-Premise Signs: Off premise signs or billboards are permitted in the General Commercial (C-2), Industrial, and Agricultural Districts. No off-premise sign shall exceed (1,200) square feet in area and shall not exceed the height regulations for the Zoning District in which it is located.
4. Roof Signs: Roof signs are prohibited in all Zoning Districts.

## **SECTION F: PROHIBITED SIGNS**

1. Animated signs that employ flashing lights, blinking lights or other elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention are prohibited.
2. The above section does not apply to any sign that has at least (90%) of the face devoted to performing a public service function of indicating time, temperature or some other similar service.

# Village of Anna Zoning Regulations

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## **SECTION G: SIGN SETBACK REQUIREMENTS**

1. Required Setback: Except as modified below, ground-mounted signs shall be set back from the property line a minimum of (10) feet. No sign may be mounted within the required sight distance triangle.
2. Increased Setback: For every square foot by which any on-premise sign exceeds (50) square feet, the setback shall be increased by (1/2) foot but need not exceed (100) feet.
3. Setbacks for Off-Premise Signs: No off-premise sign shall be erected in any required yard for the Zoning District in which the sign is located nor closer than (20) feet to the front lot line if no front setback has been established.

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## CHAPTER 9 SUPPLEMENTARY REGULATIONS

### **SECTION A: PERFORMANCE STANDARDS TO REGULATE POTENTIAL HAZARDS AND NUISANCES**

The following are consider potential nuisances and must meet the basic requirements listed in these regulations.

1. Glare and Exterior Light: The lighting on all properties shall be positioned so as not to extend glare or light onto neighboring properties.
2. Dust, Erosion, and Noxious Weeds: Dust, silt, and the spread of noxious weeds shall be minimized through landscaping or paving to prevent their transfer by wind or water off the lot on which they are located. All properties must complete landscaping and paving within (12) months after the development of the property is started.
3. Chemicals: The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - A. No discharge shall be permitted into any public sewer, private sewage disposal system or stream, or into the ground, of any materials that can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements.
  - B. The storage, utilization or manufacture of solid combustible materials or products ranging from free or active burning to intense burning may be permitted only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - C. All activities involving the use and/or storage and/or disposal of flammable liquids or materials that produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate firefighting and suppression equipment and devices standard to the industry involved.

### **SECTION B: REGULATION OF ACCESSORY USES**

1. General
  - A. In each Zoning District, unless otherwise prohibited, any use, building and/or structure customarily incidental to an accessory to a permitted use, structure and/or building in such Zoning District shall be permitted as an accessory use. However, accessory uses for which a Conditional Use Permit is required shall be required to obtain said permit.
  - B. No accessory use, building, and/or structure may be established until the primary use of the lot has been established.
  - C. There shall be no more than (2) accessory uses, buildings, and/or structures per lot. Air conditioning units shall not be counted as one of the two allowable accessory uses, buildings, and/or structures but shall meet the setback requirements for an accessory structure.
2. Accessory Uses: Accessory uses shall include, but not necessarily be limited to, home

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occupations, keeping of not more than (2) roomers and/or boarders by a resident family, temporary buildings for uses incidental to construction work while construction work is in progress, and any other use customarily found in conjunction with and required for full utilization and enjoyment of the principal use.

3. Accessory Buildings/Structures: Accessory buildings/structures shall include, but not necessarily be limited to, utility shed, garages, swimming pools, tennis courts, satellite receiving stations for individual use, and any other building or structure customarily found in conjunction with and required for full utilization and enjoyment of the principal use. Fences and signs are not considered accessory uses.
- A. A structure or building connected to a principal structure or building by a breezeway or other similar structure shall be considered a part of the principal structure or building.
  - B. No accessory structures or buildings shall be erected in any yard except a rear or side yard. No detached accessory structure or building shall occupy more than (35%) of the area of the required rear yard, and such structure or building shall be located a minimum of (6) feet from all lot lines except for detached garage, which shall meet the minimum side yard requirements for the Zoning District in which it is located.
  - C. The height of an accessory building or structure shall not exceed (12) feet except for a detached garage, the height of which shall not exceed (18) feet. The distance of detached accessory buildings or structures from other buildings or structures on the same lot shall be at least (6) feet.
  - D. Private swimming pools, tennis courts and other recreational facilities used for the enjoyment of the occupants of the principal use of the property on which it is located shall be considered accessory uses but must meet the following restrictions:
    - 1. The structure shall not be located in any yard except the rear yard and shall meet all yard setback requirements for the Zoning District in which it is located.
    - 2. Attractive nuisances, including swimming pools, or the entire property on which they are located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than (6) feet in height (excluding posts) and shall be maintained in good condition with a self-closing gate and lock. Such (6) foot fence or wall may be the extension of the side walls of the swimming pool.
  - E. Satellite receiving stations and other structures used to transmit or receive signals to/from earth satellites for the use of the occupant of the lot on which it is located shall be considered accessory uses but must meet the following restrictions:
    - 1. The structure shall not be located in any yard except the rear yard and shall meet all yard setback requirements for the Zoning District in which it is located.
    - 2. The structure shall not be roof-mounted in Residential Districts if larger than (3) feet in diameter.
    - 3. The structure shall contain no graphic message or advertising.

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## SECTION C: REGULATION OF CONDITIONAL USES

### 1. General

- A. The purpose of a Conditional Use Permit is to allow uses that may only be suitable within certain Zoning District(s) if such uses are designated, controlled, or laid out in a particular manner on the site. Approval by the Board of Zoning Appeals shall be required for all conditionally permitted uses. In considering application for a Conditional Use Permit the Board of Appeals shall consider the impact of the proposed use on the surrounding area, including but not necessarily limited to, traffic flow, parking, noise, glare and potential nuisances.
- B. Unless otherwise specified, Conditional Use Permits shall be granted to a designated address and are not transferable from address to address.
- C. Should the activity requiring the Conditional Use Permit cease to exist for a period of (12) months, the Conditional Use Permit shall be considered revoked and a new permit must be obtained before that activity may resume.
- D. All applicants for conditional uses shall be required to fully comply with these regulations. The Board of Zoning Appeals may waive conditions or specify conditions in addition to those indicated if, in the opinion of the Board, such conditions are necessary to mitigate any negative effect a proposed facility or activity may have on the surrounding area.
- E. In order to ascertain the conditions under which a Conditional Use Permit have been granted are being met, the Zoning Administrator shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by said permit.

### 2. Specified Conditional Use Permits

- A. Home Occupations
  - 1. Conditionally permitted in Residential Districts.
  - 2. Definitions: A home occupation is defined as any business or commercial activity that is conducted from property that is zoned for residential use and is not considered an existing non-conforming use.
  - 3. Conditional use permits granted for home occupations shall be temporary in nature and shall be granted to a designated person who resides at the designated address. The permits are not transferable from person to person or from address to address. Should the holder of the Conditional Use Permit for a Home Occupation die or move to a new location, the permit shall be automatically terminated.
  - 4. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. The occupation shall be conducted by the applicant, who shall reside on the premises.
    - b. There shall be no change in the outside appearance of the building as related to home occupation, other than a sign as permitted by these regulations.
    - c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the dwelling unit's use for residential purposes by its occupants. Home occupations shall be

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- conducted only in the building that is used by the occupant as the private dwelling, and not more than (25%) of the floor area of the dwelling unit may be used for such purpose, including storage.
- d. There shall be no exterior storage of business equipment, materials, merchandise, inventory or heavy equipment.
  - e. No more than (2) vehicles in addition to those registered at that address shall be present at any one time.
  - f. No equipment, process or storage associated with the home occupation shall create odors, noise, vibrations, glare, electrical interference or other nuisances.
  - g. No equipment, process or storage associated within a home occupation shall create any fire or explosion hazard or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling unit containing no home occupation.
  - h. The use of mechanical equipment other than is usual for purely domestic or hobby purposes shall be prohibited.
  - i. No wholesale or retail business is allowed unless it is conducted entirely by mail and does not involve the sale of merchandise on the premises.
- B. Churches and Places of Worship
1. Conditionally permitted in all Districts.
  2. Definition: Churches, temples, mosques, and other place of worship.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic and indicate that the adjacent major streets and adjacent properties shall be able to accommodate traffic.
    - b. An assessment shall be made of the probable impact of the proposed facility on surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.
    - c. Lots shall be a minimum of (1) acre.
- C. Educational
1. Kindergarten, elementary, junior high, and senior high schools are conditionally permitted in Residential Districts; vocational schools, community colleges, colleges and universities are conditionally permitted in Residential and Commercial Districts.
  2. Definition: Kindergarten, elementary, middle junior high, and senior high schools; vocational schools, community colleges, junior colleges, colleges and universities.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:

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- a. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic and indicate that the adjacent major streets and adjacent streets will be able to accommodate traffic.
  - b. An assessment shall be made of probable impact of the proposed facility on surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.
  - c. Lots shall be a minimum of (1) acre.
  - d. There shall be a minimum yard requirements of (50) feet in any yard from which exits or entries to the principal structure are made.
  - e. No on-street pick-up or delivery of passengers shall be permitted.
- D. Outdoor Recreational
1. Conditionally permitted in Residential Districts.
  2. Definition: Parks, playgrounds, recreation areas and related facilities such as swimming pools, summer camps, golf courses, and similar facilities.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic and indicate that the adjacent major streets and adjacent properties will be able to accommodate traffic.
    - b. An assessment shall be made of the probable impact of the proposed facility on surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.
- E. Hospitals, Nursing Homes
1. Conditionally permitted in R-2, R-3, and Commercial Districts.
  2. Definition: A facility staffed by qualified medical practitioners providing overnight care.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. A (6) foot solid wall or fence, a (6) foot dense evergreen hedge, or a (6) foot landscaped berm, or any combination thereof shall be required between such facilities and any adjacent Residential District or use.
    - b. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic and indicate that the adjacent major streets and adjacent properties will be able to accommodate traffic.
    - c. An assessment shall be made of the probable impact of the proposed facility on surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.

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- F. Governmental
1. Conditionally permitted in R-2 and R-3 Districts.
  2. Definition: Uses supported in whole or in part by taxes, including but not necessarily limited to governmental offices, fire/police stations, libraries, post offices, and similar uses.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic and indicate that the adjacent major streets and adjacent properties will be able to accommodate traffic.
    - b. An assessment shall be made of the probable impact of the proposed facility on surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.
- G. Group Homes
1. Conditionally permitted in R-3 Districts.
  2. Definition: A residence for (3) or more unrelated individuals who require assistance to perform daily activities.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved.
    - a. Every room occupied for sleeping purposes within the home shall contain a minimum of (100) square feet of habitable room area for (1) occupant, and when occupied by more than (1) individual, shall contain at least (80) square feet habitable room areas for each occupant. No such facility shall use living rooms, dining rooms, entry ways, closets, corridors, outside porches or areas located below ground level as sleeping rooms.
    - b. The group home shall provide not less than (25) square feet per person of suitable indoor recreation area and not less than (75) square feet of outdoor recreation open space per person in any useable yard.
    - c. No exterior alteration of the structure shall be made that departs from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
    - d. No group home shall be located within (1/4) mile radius of another such facility.

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## H. Boarding and Rooming Houses

1. Conditionally permitted in R-3 Districts.
2. Definition: A residence for (3) or more unrelated individuals.
3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
  - a. Every room occupied for sleeping purposes within the facility shall contain a minimum of (100) square feet of habitable room area for (1) occupant, and when occupied by more than (1) individual, shall contain at least (80) square feet habitable room area for each occupant. No such facility shall use living rooms, dining rooms, entry ways, closets, corridors, outside porches or areas below ground level as sleeping rooms.
  - b. The facility shall provide not less than (25) square feet per person of suitable indoor recreation area and no less than (75) square feet of outdoor recreation open space per person in any useable yard .
  - c. No exterior alteration of the structures shall be made that departs from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.

## I. Day Care Facilities

1. Conditionally permitted in R-3, C-1, and C-2: conditionally permitted in I-1 if directly affiliated with a permitted use.
2. Definition: A child day care facility is any place not the residence of the provider in which day care is provided for thirteen or more individuals.
3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
  - a. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic and indicate that the adjacent major streets and adjacent properties will be able to accommodate traffic.
  - b. An assessment shall be made of the probable impact of the proposed facility on the impact to surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.
  - c. Day care facilities must meet current State Standards and Regulations to provide adequate outdoor areas to handle the number of individuals being cared for.
  - d. All exterior activity areas and play lots shall be fenced and screened with appropriated landscape materials.
  - e. All structures and play lots associated with this use shall be located a minimum of (25) feet from any R-1 and R-2 District.
  - f. Day care facilities located in an R-3 District shall be architecturally compatible with the surrounding residential uses.

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- J. Primary Utilities
1. Conditionally permitted in R-3, C-1, C-2, and I-1 Districts.
  2. Definition: See Chapter One.
  3. All the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. Non-climbable fences or comparable safety devices shall be installed and maintained in order to make the facility inaccessible to the public.
    - b. Portions of properties not used for buildings, parking or related services must be maintained with natural ground cover.
    - c. For a structure taller than the maximum height for the Zoning District in which it is located, the setback from all property lines shall be 1 ½ times the height of the structure.
    - d. An assessment shall be made of the probable impact of the proposed facility on surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.
- K. Upper Story Apartments
1. Conditionally permitted in C-1.
  2. Definition: Apartments or rooms for residential use located above a permitted C-1 use.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. Parking for such dwelling units must be provided off-street and at (2) parking spaces per dwelling unit in addition to parking required for the C-1 use.
    - b. Access to the upper story apartment shall be separate and independent from access for the C-1 use.
- L. Automotive Services and Fuel
1. Conditionally permitted in C-1 Districts.
  2. Definition: Any business or facility which sells gasoline, oil, or other engine products or which is engaged in the repair and/or restoration of automotive vehicles.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. There shall be a minimum of (2) separate driveways providing entrance and exit to and from the property, located not closer than (20) feet from one another, (10) feet from an adjacent property line and (25) feet from any adjacent residential district. On corner lots, such driveways shall not be located closer than (30) feet to the intersection of the right-of-way lines of the (2) streets.
    - b. All hydraulic lifts, oil pits and all lubricants, greasing and other equipment shall be enclosed and operated entirely within the service station or garage building.

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- M. Drive-Through Restaurant and Retail Establishments
1. Conditionally permitted in C-1 and C-2.
  2. Definition: A restaurant or business which sells food or services via a drive-through lane for which customers need not leave their vehicles.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. There shall be (2) separate driveways providing access to the property. On corner lots, such driveways shall not be located closer than (25) feet to the intersection of the right-of-way lines of the (2) streets.
    - b. The drive-through lane shall be such that at least (5) vehicles may be in line on the premises and none of these vehicles encroach on a public thoroughfare.
- N. Satellite Parking and Loading Areas
1. Conditionally permitted in any District.
  2. Definition: Any parking or loading area located on a separate lot from the use it serves.
  3. All of the following conditions shall be considered before a Conditional Use Permit may be approved:
    - a. Satellite parking/loading shall be considered only if the required off-street parking/loading spaces cannot reasonably be provided on the same lot where the principal use associated with these parking/loading spaces is located. However, the use and the parking /loading must both be in the same Zoning District.
    - b. All satellite parking/loading spaces shall be located within (500) feet of the lot on which the use associated with such parking/loading is located. An assessment shall be made of the probable impact of the proposed parking/loading on traffic in the area.
    - c. An assessment shall be made of the probable impact of the proposed facility on surrounding properties with respect to the proposed hours of operation and what noise or other nuisances could occur.
    - d. A written agreement shall be provided by the owner/operator of the use for which the satellite parking is requested and by the owner of the lot on which the satellite parking is to be located to acknowledge the satellite parking/loading is permitted on the site and that it will continue to be permitted as long as the use requiring the parking/loading area is in effect. If the use for which satellite parking/loading ceases to exist for a period of (12) months, the Conditional Use Permit for the satellite parking /loading is revoked.

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- O. Joint Parking/Loading
  - 1. Conditionally permitted in any District.
  - 2. Definition: Any off-street parking or loading area shared between (2) or more uses.
  - 3. (2) or more uses may jointly provide and use off-street parking or loading spaces provided at least (75%) of the required parking or loading spaces for all uses summed together is provided.

## **SECTION D: FENCING, SCREENING, BUFFERING AND LANDSCAPING**

### Statement of Intent

The intent of this section is to provide for orderly transition between land uses, to protect and screen property, to inhibit unintended access to industrial and commercial sites, to provide security and privacy to property owners, to provide a physical and visual barrier between different land uses, to define property lines, to identify and emphasize entrances, and to generally improve the aesthetic appearance of a lot.

### Designs Standards

- A. General Requirements: A fence, wall, hedge or other barrier may be located in the rear or side yard in any District, provided:
  - 1. In Residential Districts the height of the fence, wall, hedge, or barrier shall not exceed (6) feet above the ground except when surrounding a tennis court, where it shall not exceed (10) feet in height, excluding post heights.
  - 2. In non-Residential Districts the height of the fence, wall, hedge, or barrier shall not exceed (10) feet above the ground excluding post height.
  - 3. A fence, wall, hedge, or other barrier may not be located in any utility easement.
  - 4. Electrified fences are prohibited in all districts.
  - 5. Barbed wire on fences is permitted in Industrial Districts and may not be used along any lot line which adjoins a Residential District or a residential use. The barbed wire need not be considered part of the fence height.
- B. Special Requirements for Front Yards: A fence, which shall include a wall, hedge, or other barrier, may be located in a front yard in any District provided:
  - 1. The fence, wall, hedge, or barrier is ornamental in nature, meaning it does not enclose the yard, does not have a gate, and is clearly intended to decorate the yard rather than contain it.
  - 2. The fence, wall, hedge, or barrier shall not exceed (3 ½) feet above the ground, excluding posts.
  - 3. The fence, wall, hedge, or barrier shall not be located closer than (3) feet to the lot line along the street frontage.
  - 4. The fence, wall, hedge, or barrier shall not be located in the required sight triangle.
- C. Required Fencing: A fence, wall, hedge, or other barrier is required to be located between land uses according to the following:

## Village of Anna Zoning Regulations

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1. Whenever a commercial or industrial use is located on a lot that adjoins a Residential District or a residential use, an effective buffer or screen consisting of a solid wall or fence, landscaped earth mound, or view-obscuring dense planting or various combinations thereof, shall be provided along the lot line(s) adjoining that Residential use. Such buffer or screen shall not be less than (6) feet in height measured from the ground on the side of the Residential District or use: it may be higher if necessary as determined by the Zoning Administrator to provide visual privacy for the adjacent residential property, and shall be maintained in good condition by the owner.
2. Any premise used or intended to be used for auto wrecking or dismantling or for the open storage of auto bodies, or other metal, glass, bottles, rags, cans, sacks, rubber, paper or other articles commonly known as junk, or for any articles known as secondhand goods, wares or merchandise, must be enclosed with a masonry wall or tight board or similar fence not less than (6) feet high, painted or stained a neutral color, and continuously maintained in good condition.
3. When any open off-street parking or loading area containing more than (2) spaces is not separated from a Residential District or a residential use by a public street, an effective buffer or screen, consisting of a solid wall or fence, landscaped earth mound, or view-obscuring dense planting or various combinations thereof, shall be provided at the lot lines adjoining said Residential District or use. Such buffer or screen shall not be less than (6) feet in height measured from the ground on the side of the Residential District or use: it may be higher if necessary as determined by property, and shall be maintained in good condition by the owner. The Zoning Administrator may allow an exception to this height requirement where strict adherence would interfere with the necessary sight distance needed to exit the parking/loading area.
4. All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas, these areas shall be enclosed at least on (3) sides by a solid wall or fence at least (5) feet in height if such area is not within an enclosed building or structure. Said wall or fence shall be maintained in good condition by the owner. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage shall be required.
5. Storage and Service Areas: Outdoor storage of materials is not permitted in Residential Districts. Outdoor storage of materials shall be allowed in non-Residential Districts provided such materials are enclosed and secured, and in no case shall such materials be stored higher than (6) feet in height. All storage and service areas shall be screened from view from the perimeter of the site with fencing and/or view-obscuring landscaping not to exceed (6) feet from the ground. Said fencing or landscaping shall be maintained in good condition by the owner.

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## **SECTION E: REGULATIONS OF TEMPORARY USES**

### Statement of Intent

Temporary uses shall be permitted subject to conditions that will safeguard the public health, safety and general welfare and are based on the following requirements.

### Permitted Temporary Uses

- A. **Retail Outdoor Display**  
An outdoor display is permitted of products sold on site, provided such display is at least (10) feet from front lot line and (5) feet from any side or rear lot line of owners property. Display must be well maintained and if seasonal in nature must be removed after season passes. If display is located on a sidewalk, public access must be maintained throughout the sale.
- B. **Garage Sales**  
Garage sales, yard sales and rummage sales shall be permitted at individual dwellings in the Residential Districts, not to exceed (4) times and (72) hours per calendar year. No more than (2) signs, not to exceed (4) square feet each, per sale shall be permitted. Such signs shall be removed within (24) hours after the end of the garage sale.
- C. **Real Estate Offices**  
Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new residential development shall be permitted only until the sale or lease of all dwelling units within the development has taken place.
- D. **Christmas Tree Sales**  
Christmas tree sales are allowed for a time period not to exceed (45) days. Display of Christmas trees shall comply with the setback requirements of these regulations. Christmas trees sales in Residential Districts shall be permitted only if adequate parking and access are available.
- E. **Carnivals, Circuses, Festivals**  
Open-air carnivals, circuses and festivals are allowed for a time period that does not exceed (7) days. Structures or equipment that might block the view of operators of motor vehicles on adjacent public streets shall not be located within (3) feet of the intersection of the curb line of any (2) streets. Carnivals, circuses, and festivals in Residential Districts shall be permitted only if adequate parking and access are available.
- F. **Contractor's Offices**  
Contractor's office, trailer and equipment sheds (containing no sleeping or cooking accommodations) that are accessory to a construction project are allowed and can continue for the duration of such project and must be removed within (3) days after the completion of the construction project.
- G. **Storage Areas**  
Outdoor storage of construction materials without fencing or screening is permitted as a temporary use in any District provided a current Zoning Permit is in effect and the storage is on the property for which the permit has been issued. Storage shall include only material to be used on site and shall not include

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discarded material or other debris. All excess material will be promptly removed from the site.

- H. Other  
Other temporary uses that are similar to character to those listed above.

## **SECTION F: YARD MODIFICATIONS**

### Supplementary Yard Requirements

- A. Irregular Side Yards  
For lots in which the side wall of an existing building is not parallel with the side lot line, the side yard width shall be considered the average width of the yard as measured between the building and the property line at the smallest and largest points. The average width of the side yard shall be not less than the required least width and shall not be narrower at any point than (1/2) the otherwise required least width. This requirement notwithstanding, no new addition to any building shall encroach upon the minimum required side yard.
- B. Average Front Yard Setbacks  
No front yard setback depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent to each side if each of such lots are within the same block and within (100) feet of each other.
- C. More Than One Street Frontage  
Lots with frontage on more than (1) street shall meet the requirements for front setbacks on all street frontages.

### Projections into Yards

There may be projections into required yard areas as follows:

- A. Architectural features such as canopies, cornices, eaves and other similar features may project into the required yard a distance of not more than (2) feet, (6) inches. Such projections may include satellite dishes attached to the building provided they do not project into the required yard more than (2) feet (6) inches from the wall to which they are attached.
- B. Outside stairs and landings, except for fire escapes, with or without cover, may project into the required front, side or rear yard a distance not more than (6) feet.
- C. Fire escapes may project into the required yard not more than (4) feet, (6) inches.
- D. Any structure that rises more than (1) foot above the ground level must meet all required yard setbacks. Structures or facilities that are less than (1) foot above the ground level, such as patios, terraces, porches without railings, decks without railings, and similar structures, may be located in required side and required rear yards provided that are not closer than (6) feet to any adjacent property line. If located closer than (8) feet on any adjacent property line, they shall be screened along the property line by a hedge or fence not less than (6) feet, provided in height and maintained in good conditions.
- E. Front porches with railings may project into the required front yard a distance not to exceed (6) feet, provided it is open on (3) sides, except for railings or banisters.
- F. Bay windows, balconies, oriel windows and chimneys may project into any required yard for a distance not to exceed (3) feet, provided, however, that the

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aggregate width of such projection does not exceed (1/3) of the length of the wall upon which it is located.

## **SECTION G. RESIDENTIAL DESIGN AND APPEARANCE STANDARDS**

Single-family, two-family, and multiple-family residential dwellings, whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- B. Minimum roof pitch requirements entailing a (4) inch vertical rise for each (12) inches of horizontal run.
- C. Roof material shall be wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt, metal or fiberglass shingles ( no corrugate metal or corrugated fiberglass).
- D. Exterior siding shall be one or a combination of materials such as brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood, shingles, shakes, or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used.
- E. Structure size shall be a minimum width of (24) feet.
- F. Enclosed garages with overhead doors for single-family and two-family residences for each dwelling are required on all new structures.

## **SECTION H. PROHIBITING FREESTANDING OUTDOOR FURNACES**

- A. Freestanding Outdoor Furnace means but is not limited to, any device, apparatus, or structure or any part thereof,
  - 1. Designed to burn wood, or other fuel including, but not limited to coal, paper, or other agricultural products; and
  - 2. The unit is not located within a building intended for habitation by humans or domestic animals; and
  - 3. That is installed for the primary purpose of combustion of such fuel to produce heat, energy, and/or hot water to be used as a component of a heating system which provides heat for any interior space.
- B. It shall be unlawful to install or operate a Freestanding Outdoor Furnace, or to cause or permit installation or operation of a Freestanding Outdoor Furnace within the Village of Anna.
- C. This section shall in no way be construed, nor is the same intended, to prohibit the installation, operation, or use of exterior chimneys, stove pipes, or similar apparatuses that are otherwise in conformity with other federal or state laws, rules, or regulations constituting any part of any interior furnace system, interior stove system, interior fire place system, or operation of any system that provides the exhaust of waste heat, smoke, or similar substances from interior space.

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- D. This section shall not apply to any Freestanding Outdoor Furnace that was installed, connected and operating as of the effective date of this section. However, this section shall not be deemed as specific authorization for the use of any pre-existing Freestanding Outdoor Furnace and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take legal action regarding damage or nuisance caused by the use of a Freestanding Outdoor Furnace.
- E. No existing Freestanding Outdoor Furnace in existence on the effective date of this section shall be replaced or upgraded.

### **SECTION I. REGULATING WIND TURBINES WITHIN THE VILLAGE LIMITS**

- A. Wind Turbine means but is not limited to:
  - 1. Device designed to generate electricity for personal use; and
  - 2. Towers or other structures used to support wind turbines; and
  - 3. Any apparatuses associated with the operation of wind turbines.
- B. Wind Turbines must be located on the owner of the wind turbines' property and follow the following setback requirements:
  - 1. Wind turbines must be placed 1 ½ times the overall height of the structure from neighboring property lines, right-of-ways- or utility structures.
- C. All property owners must receive the necessary state and local permits as well as any other permits required for the proper installation and operation of the wind turbine.
- D. Wind Turbine Towers with guide wires will not be permitted.
- E. Decibel readings from all wind turbine equipment must below (80) decibels.

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## CHAPTER TEN ADMINISTRATION AND ENFORCEMENT

### **SECTION A: ADMINISTRATIVE ENTITIES**

#### General Provisions

The formulation, administration and enforcement of these Regulations is hereby vested in the following office of the Village of Anna:

- A. The Zoning Administrator
- B. The Planning Commission
- C. The Board of Zoning Appeals
- D. The Village Council

All departments, officials and public employees of the Village of Anna vested with the duty or authority to issue permits, certificates or licenses shall conform to the provisions of these Regulations and shall issue no permit, certificate or license for any use, building, structure or purpose if such use, building, structure or purpose is in conflict with the provisions of these Regulations shall be deemed null and void.

#### Zoning Administrator

- A. Authority  
The Village Administrator shall be the Zoning Administrator. If the position of Village Administrator is vacant or ceases to exist, the Mayor, with the approval of the Village Council, shall appoint a Zoning Administrator.
- B. Duties and Responsibilities  
It shall be the duty of the Zoning Administrator or his/her designee to:
  - 1. Enforce the provisions of these regulations.
  - 2. Interpret the Zoning Regulations text and Official Zoning District Map.
  - 3. Issue Zoning Permits in accordance with these regulations and maintain a complete record of all Zoning Permits issued.
  - 4. Advise the Planning Commission, the Board of Zoning Appeals and the Village Council of all matters pertaining to issues upon which they need to act and to provide all documents, maps and any other related material that the Planning Commission, Board of Zoning Appeals or Village Council requests.
  - 5. Determine whether various uses of land within the area of the Village are in compliance with these regulations.
  - 6. Maintain and keep the permanent records required by these regulations, including but not limited to the Official Zoning District Map, Zoning Permits, inspection records, and all official zoning actions of the Village Council, Planning Commission and the Board of Zoning Appeals.
  - 7. Inspect any premises being constructed under a Zoning Permit or any building being used in conjunction with a Conditional Use Permit in the Village to ensure compliance with these regulations.

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## Planning Commission

### A. Authority

The Planning Commission shall be constituted and to carry out its duties and responsibilities as prescribed in the Ohio Revised Code, Chapter 713. The Planning Commission shall consist of (5) members, consisting of the Mayor, (1) member of Council and (3) citizens of the Village to be appointed by the Mayor and approved by the Village Council, for terms of (6) years each. Vacancies shall be filled in the same manner for the unexpired term of the vacant seat.

### B. Quorum

Three (3) members shall constitute a quorum. The majority vote of the quorum shall be necessary to take official action.

### C. Duties and Responsibilities

It shall be the duty of the Planning Commission to:

1. Review and make recommendations on proposed Zoning Regulations, the official Zoning District Map and all proposed zone changes for consideration by the Village Council.
2. Review development plans within the Planned Unit Development Districts and make recommendations regarding such plans to the Village Council.
3. Review site plans for proposed non-Residential development and for Residential Development when more than (2) dwelling units per structure are proposed.
4. Keep minutes of its proceedings, showing records of all official actions of the Commission.

## Board of Zoning Appeals (BZA)

### A. Authority

The Board of Zoning Appeals shall be constituted and carry out its duties and responsibilities as prescribed in the Ohio Revised Code. The BZA shall consist of (5) members, appointed by the Mayor and approved by the Village Council, for terms of (5) years. Vacancies shall be filled in the same manner for the unexpired term of the vacant seat.

### B. Quorum

Three (3) members shall constitute a quorum. The majority vote of the quorum shall be necessary to rectify an Administrative Appeal, grant a variance, grant a Conditional Use Permit, or to take any official action.

### C. Duties and Responsibilities

It shall be the duty of the BZA to:

1. Hear and decide appeals of Administrative decisions.
2. Authorize variances.
3. Authorize the issuance of Conditional Use Permits.
4. Authorize extensions of the time period for which a Zoning Permit is issued or authorize issuance of a new permit when circumstances beyond the control of the applicant prohibit completion of construction within (1) year.

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5. Decide any questions involving the interpretation of the Zoning Regulations or Map.
  6. Keep minutes of its proceedings, showing records of all official actions of the BZA.
- D. Appeals from decisions of the Board of Zoning Appeals shall be filed in the Shelby County Pleas Court.

## Village Council

- A. Authority  
The Village Council shall carry out its duties and responsibilities relative to these regulations as prescribed by the Ohio Revised Code, Section 713.
- B. Duties and Responsibilities  
It shall be the duty of the Village Council to:
1. Approve the Mayor's appointment of a Zoning Administrator when the position of Village Administrator is vacant or ceases to exist.
  2. Approve the Mayor's appointment of the members of the Planning Commission.
  3. Approve the Mayor's appointment of the members of the Board of Zoning Appeals.
  4. Act upon suggested amendments to the Zoning Regulations or Official Zoning District Map upon recommendations of the Planning Commission.
  5. Act upon suggested development plans for Planned Unit Development (PUD) Districts upon recommendation of the Planning Commission.

## **SECTION B: ADMINISTRATIVE PROCEDURES**

### Zoning Permit

- A. No person shall located, erect, construct, reconstruct, enlarge or structurally alter any building or structure, including accessory buildings or structures, including temporary buildings or structures, without obtaining a Zoning Permit. No person shall change the use of any property without obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of these regulations.
- B. Application  
Application for a Zoning Permit shall be made in writing to the Zoning Administrator. Each written application shall include the permit fee and the following information:
1. The name, address and telephone number of the property owner and the applicant.
  2. A 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.
  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, including the wording to appear on any signage.

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5. The number of families or dwelling units each building is designed to accommodate, if applicable.
  6. The location and size of off-street parking areas and loading/unloading facilities, if applicable.
  7. Any information deemed necessary by the Zoning Administrator to determine whether the request conforms to the requirements of these Zoning Regulations.
- C. The Zoning Administrator shall act upon all applications for Zoning Permits by either issuing a Zoning Permit or providing a letter of explanation as to why the application is denied.
- D. Records  
A record of all Zoning Permit applications, with Permit issued or letter of denial shall be kept on file in the office of the Fiscal Officer.
- E. Time Limit  
If a Zoning Permit is issued for the purpose of constructing a new building or structure or an addition to an existing building or structure and such construction has not begun within a (6) month time period, or such construction is not substantially completed within a (12) month time period, then said Zoning Permit shall be null and void unless otherwise approved by the Board of Zoning Appeals.
- F. Extension of Time Limit  
Should construction of an improvement for the required Zoning Permit was legally granted have begun within (6) months of the effective date of these regulations, but due to circumstances beyond the control of the builder, cannot be completed within the required (1) year period, the Board of Zoning Appeals may authorize an extension of the Zoning Permit or issuance of a new Zoning Permit to complete the construction. A request for such an extension or issuance of a new Zoning Permit must be submitted to the Zoning Administrator in advance of the expiration of the Zoning Permit. Said request must include the circumstances which caused the delay and the anticipated completion date of construction. The Zoning Administrator shall forward the request to the Board of Zoning Appeals, which shall consider the request and either grant an extension of the exiting Permit for a specified length of time not to exceed (6) months; shall authorize issuance of a new Zoning Permit; or shall deny the request.
- G. Permit Revoked
1. Any Zoning Permit issued upon a false statement shall be void, and such false statement shall be deemed a violation of these regulations.
  2. Zoning Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement set forth in such approved plans and applications, and construction that does not comply with that use authorized shall be deemed a violation of these regulations.
  3. Whenever such unauthorized use and/or arrangement is established to the satisfaction of the Zoning Administrator, the Zoning Permit shall be revoked by notice in writing to be mailed or delivered to the holder of the Void certificate. Any person who proceeds thereafter with such work

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without having obtained a new Zoning Permit shall be deemed guilty of a violation of these regulations.

### H. Penalty for Violation

Any person or corporation who violates any of the provisions of these regulations or who fails to comply with any of the requirements thereof, or who builds or alters any building or structure in violation of any statement or plan submitted and approved shall for each and every violation or non-compliance be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500 or imprisoned not to exceed (30) days, or both, and each day such violation shall be permitted to exist shall constitute a separate offense.

### Text Amendments and Changes of Zoning District

A. Amendments or supplements to the Zoning Regulations may be initiated by motion of the Village Planning Commission, by motion of the Village Council, or by the filing of an application by (1) or more of the owners of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Planning Commission.

B. The Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulations Text or the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

1. Manifest error in the original Zoning Regulations Text and/or designations on the Official Zoning District Map.
2. Accordance with, or more appropriate conformance to, any existing Land Use Plans for the area under consideration.
3. Substantial change in area conditions.
4. Legitimate requirements for additional land area for the particular Zoning District.

### C. Applications

All applications filed by the owner(s) or lessees of the property within the area proposed to be changed or affected by the proposed amendment or supplement shall include the filing fee and the following information:

1. A description or statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the district boundaries of the Official Zoning District Map.
2. A map showing the existing and proposed zoning of the property to which a change in district boundaries is proposed and the zoning of the surrounding properties and a legal description of the property to be affected by a proposed change of the district boundaries.
3. A statement of the relation of the proposed change or amendment to the general health, safety, aesthetics and welfare of the public in terms of need or appropriateness of the change within the area by reasons of changed or changing conditions and the relation to appropriate plans for the area.
4. A list of the names and addresses of owners of property within, contiguous to and directly across the street from such area proposed

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to be rezoned. Such list it to be in accordance with the Shelby County Auditor's current tax list.

### D. Review and Hearing Process

#### 1. Notice to Village Planning Commission

Upon receipt of application or following motion by Village Council, the Zoning Administrator shall forward to the Planning Commission a copy of the proposed change or amendment, together with text and map pertaining thereto.

#### 2. Planning Commission

The Planning Commission shall meet to review the proposed change or amendment, at which meeting the Zoning Administrator shall present to the Village Planning Commission a written report and map(s), where appropriate, including all apparent facts, implications and conclusion concerning the proposed change or amendment. The Planning Commission shall forward their recommendations to approve, deny, or modify all requests to Village Council.

#### 3. Village Council

Village Council shall by motion set the date, time, and place for a public hearing.

#### 4. Fiscal Officer

a. The Fiscal Officer shall issue a public notice of the time and place of such hearing, together with a summary of the proposed change or amendment to be published in a newspaper of general circulation in Shelby County (1) time and the date of publication to be at least (3) days before the date for such hearing.

b. In addition thereto, if the proposed amendment or change in the Zoning Regulations or the Official Zoning District Map shall intend to rezone or redistrict (10) or less parcels of land as shown and listed upon the tax duplicates, the Fiscal Officer shall cause a written notice of such hearing to be mailed by regular U.S. mail to the owners of such property within, contiguous to and directly across the street from the parcel or parcels intended to be rezoned or redistricted.

c. In addition, the Fiscal Officer shall cause to be prepared and placed on file in the Village Offices at least (30) days prior to such public hearing a copy of any ordinance proposed to be enacted, together with a copy of any map or plans referred to in such ordinance or included as part of the application for such redistricting or rezoning, as submitted by any applicant and recommended by the Planning Commission.

#### 5. Public Hearing

The Village Council shall consider the proposed change or amendment at the scheduled public hearing, and at such other meetings deemed necessary.

#### 6. Action by the Village Council

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Following the Public Hearing, the Village Council shall either adopt or deny the recommendation of the Planning Commission in accordance with the provisions of Section 713.12, Ohio Revised Code.

E. Date of Effect

Any ordinance changing or amending the Zoning Regulations or the Official Zoning District Map of the Village of Anna, or redistricting or rezoning any portion of land within the Village of Anna, shall become effective (30) days from the date of its adoption by the Village Council. During this (30) day period the same shall be posted or published as required by law unless within such (30) day period a petition is presented to the Village Council requesting that such change or amendment, redistricting or rezoning, be submitted to a referendum and such petition complies with the Ohio Revised Code with respect to referendum petitions.

Variance

A. Property

On a particular property, exceptional narrowness, shallowness, shape, topographic conditions or extraordinary situations or circumstances may exist, making a strict enforcement of the requirements of the Zoning Regulations unreasonable. Under these circumstances the Board of Appeals may grant a variance from these requirements to provide the flexibility necessary to adapt to changed or unusual conditions under circumstances which do not ordinarily involve a change of the use of the land or structure permitted. No variance shall be granted unless the Board of Zoning Appeals finds that all of the following exist:

1. The special circumstances applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
2. That granting the variance requested will not substantially impair the intent of these regulations nor confer on the applicant any special privilege that is denied to other lands or structures in the same Zoning District.
3. That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity.

B. Application

An application for variance shall be filed with the Zoning Administrator by the owner of the property or his/her agent. The application shall include the application fee and following information:

1. The nature of the variance, including the specific provisions of the Zoning Regulations to which the variance is requested.
2. A legal description of the property.
3. A statement addressing the reasons for which a variance may be granted, including the special circumstances or conditions applying to the land or structure that do not generally apply throughout the Zoning District.

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4. A list of the names and addresses of owners of property within, contiguous to and directly across the street from the property for which the variance is requested. Such list is to be in accordance with the Shelby County Auditor's current tax list.
  5. A plan showing the following:
    - a. The boundaries and dimensions of the lot.
    - b. All special conditions or circumstances for which a variance may be warranted.
    - c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping.
    - d. The relationship of the requested variance to the lot size, bulk and parking requirements.
  6. Such other information regarding the application for appeal as may be pertinent or required by the Zoning Administrator or the Board of Zoning Appeals.
- C. Board of Zoning Appeals Action
1. Upon receipt of an application for variance the Zoning Administrator shall schedule a Public Hearing for the Board of Zoning Appeals to consider the request.
  2. Notice of Meeting  
The Fiscal Officer shall issue a public notice of the time and place of such Public Hearing to be published in a newspaper of general circulation in Shelby County (1) time, and the date of the publication to be at least (7) days before the date for such hearing.
  3. Notification  
In addition thereto, the Fiscal Officer shall cause a written notice of such hearing to be mailed by regular U.S. mail to owners of such property within, contiguous to and directly across the street from the parcel or parcels for which a variance is requested.
  4. Time Limit  
The Board of Appeals shall act upon all requests within (30) days of the application being filed unless a longer period of time is mutually agreed between the Board and the applicant.
  5. Should a variance be denied it shall not be resubmitted for consideration for a minimum of (2) year from the date of denial, unless the request is substantially changed from the original request and so may be considered a new request.

### Conditional Use Permit

#### A. Permit

The Board of Zoning Appeals is authorized to grant a Conditional Use Permit to those uses listed as conditional uses, to uses sufficiently similar to those listed uses as to be considered conditional uses, or to allow more than one type of use per lot. The Board shall consider the provisions of these regulations in hearing requests for

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a Conditional Use Permit and may impose requirements and/or other conditions in granting a conditional use if necessary, in the opinion of the Board, to protect the general health, safety, welfare and aesthetics of the Village.

### B. Application

An application for a Conditional Use Permit shall be filed with the Zoning Administrator by the owner or the property or his/her agent. The application shall include the application fee and the following information:

1. The nature of the requested conditional use, including any conditions proposed to mitigate its impact on the surrounding properties.
2. A legal description of the property.
3. A statement of the relationship of the proposed use to adjacent property and land use.
4. A list of names and addresses of owners of property within, contiguous to and directly across the street from the property for which a Conditional Use Permit is requested. Such a list is to be in accordance with Shelby County Auditor's current tax list.
5. Such other information regarding the property, proposed use, or surrounding area may be pertinent to the application as required for appropriate action by the Board of Zoning Appeals.

### C. Public Hearing

1. Upon receipt of an application for a conditional use the Zoning Administrator shall schedule a Public Hearing for the Board of Zoning Appeals to consider the request.
2. The Fiscal Officer shall issue a public notice of the time and place of such hearing to be published in a newspaper of general circulation in Shelby County (1) time, and the date of publication to be at least (7) days before such hearing.
3. In addition thereto, the Fiscal Officer shall cause a written notice of such hearing to be mailed by regular U.S. mail to the owners of such property within, contiguous to and directly across the street from the parcel or parcels for which a Conditional Use is requested.

### D. Board of Appeals Action

The Board shall act upon requests for Conditional Use Permits within (30) days of such requests being filed unless the Board and the applicant mutually agree to an extension of time. The Board shall hear the application and all interested parties and either approve or deny the application. The Board of Zoning Appeals shall submit a written record of the reasons for its action to the applicant upon request.

### E. Permit Revoked

1. The Board of Zoning Appeals may revoke a Conditional Use Permit for failure to comply with the conditions of that approval.
2. The Board shall notify the holder of the Board's intention to revoke approval and of the holder's right to a hearing before the Board via certified mail. The holder must request a hearing within (30) days of the date of receipt of notification.

## Village of Anna Zoning Regulations

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3. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder as well as all adjoining property owners which would be notified if this were a request for a new Conditional Use Permit.
4. The Board shall hear the applicant and all interested parties at the hearing and shall determine whether the Permit shall be revoked, amended, or allowed to continue without change.
5. If no hearing is requested, the Board may revoke the Conditional Use Permit without a hearing at the end of the (30) day period of notification. The authority to revoke approval is in addition to any other means of zoning enforcement provided.

### Planned Unit Development District Approval

A planned Unit Development District shall be approved only through the process specifically stated in these regulations and only when such approval will not endanger the general health, safety, welfare and aesthetics of the Village of Anna, as determined by the Planning Commission and the Village Council.

### Interpretation of Text and Map

The Board of Zoning Appeals shall have the power to decide any questions involving the interpretation of the Zoning Text or Official Zoning District Map as set forth in these regulations.

### Appeal of Administrative Decisions

- A. Where it is alleged there is an error in any order, requirement, decisions or determination made by the Zoning Administrator or his/her designee in the administration and enforcement of the provisions of these regulations, the Board of Zoning Appeals shall hold a hearing to consider such appeal. The Board may reverse or affirm, wholly or partly, or modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- B. Appeals to the Board of Zoning Appeals may be submitted by a person aggrieved or by any office of the Village affected by any decision of the Zoning Administrator. Such appeal shall be submitted within (30) days after the decision by filing with the Zoning Administrator a notice of appeal and specifying the grounds.
- C. Upon receipt of a request for appeal the Zoning Administrator shall set a time and place for the Board of Zoning Appeals to hear the appeal. The Public Hearing shall be within (30) days of receipt of the appeal unless an extension of time is agreed between the Board and the person or office appealing.
- D. At the hearing the Board shall consider the appeal and all pertinent information and either reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination, and to that end shall have all powers of the officer from whom the appeal is taken.

# Village of Anna Zoning Regulations

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## Review of Site Plan

- A. The Planning Commission shall have the authority to review all site plans for non-Residential development and for Residential Development of more than (2) dwelling units. The purpose of such review is to determine whether the proposed plans meet the requirements of these regulations and to determine specific requirements for each site in those instances where these regulations state only general requirements. The review shall include, but not necessarily be limited to, a review of the location of any proposed building or structure on a lot, the provision of parking, whether any portion of the lot is to have lighting, the proposed placement and wording of signage, and whether adequate drainage has been provided.
- B. Application  
An application for a site plan review shall be filed with the Zoning Administrator and shall include the following information:
1. The name and address of the owner and developer.
  2. A legal description of the property.
  3. A list of the names and addresses of owners of property within, contiguous to and directly across the street from the property proposed to be developed.
  4. A scale drawing showing the following information:
    - a. The boundaries, dimensions and zoning of the lot to be improved.
    - b. The location, size and height of all existing structures and all proposed improvements; required and proposed yard setbacks.
    - c. Existing and proposed parking and loading spaces, and all information required to calculate parking and loading requirements.
    - d. Location and dimensions of proposed driveways and other access points, including sidewalks.
    - e. Location and wording of all proposed signage.
    - f. Location and type of all existing and proposed lighting.
    - g. Location and capacity of all proposed drainage improvements.
    - h. Location of all proposed landscaping and the type and size of plantings.
  5. Any other information required by the Zoning Administrator to ensure compliance with this code.
- C. Notification Requirements  
The Zoning Administrator shall cause a written notice of such review to be mailed or delivered to the owners of such property within, contiguous to and directly across the street from the property for which a site plan review is requested.
- D. Planning Commission Action  
Within (30) days of request for site plan review being filed (unless an extension of time is agreed to by the applicant and the Commission), the Commission shall review all plans for compliance with the requirements of these regulations.

# Village of Anna Zoning Regulations

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## SECTION C: ENFORCEMENT

### General

No person shall erect, construct, alter, repair or maintain any building or structure or the use of any property in violation of these regulations. In the event of any such violation, or imminent threat thereof, the Village of Anna, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.

### Assessment of Fees

The Zoning Administrator shall collect any applicable fees from all applicants requesting the following:

<u>Zoning Permit</u>	<u>Fee</u>
Residential- new construction	\$25.00
Residential-remodeling/addition	\$15.00
Non-Residential-new construction (includes site plan review)	\$50.00
Non-Residential-remodeling/addition (includes site plan review)	\$30.00
Accessory Structure/Building/Use –permanent and temporary	\$10.00
Miscellaneous-fence, sign, parking, change of primary use, etc.	\$10.00
<u>Administrative</u>	<u>Fee</u>
Request for Variance	\$60.00
Request for Conditional Use Permit	\$60.00
Request for Text Amendment/Change of Zoning District	\$60.00
Appeal of Administrative Decision	\$25.00
Planned Unit Development Review	\$100.00

Each item for which Zoning Permit would be required shall be charged individually, even if applied for jointly. The Zoning Administrator may waive or adjust the above-mentioned fee at his/her discretion due to extenuating circumstances or undue hardship.

### Enforcement Officer

These regulations shall be enforced by the Zoning Administrator.

### Violation

In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is proposed to be, used in violation of these regulations or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Zoning Administrator or any property owner who would be specifically damaged by such violation, in addition to other remedies provided by laws, may institute injunction, mandamus, abatement or any other appropriate action. Said actions or proceedings by notice in writing to be delivered upon said premises to the owner of the premises, and by any other required notice, to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

## Village of Anna Zoning Regulations

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### Penalty for Violation

- A. Any person or corporation who violates any of the provisions of these regulations or who fails to comply with any of the requirements thereof, or who builds or alters any building or structure in violation of any statement or plan submitted and approved, shall for each and every violation or non-compliance be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or imprisoned not to exceed (30) days, or both, and each day of such violation shall be permitted to exist shall constitute a separate offense.
- B. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall each be guilty of a separate offense and upon conviction thereof shall be imprisoned as herein provided.

# Village of Anna Zoning Regulations

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## CHAPTER ELEVEN DEFINITIONS

**Accessory Building/Structure:** Any building incidental and subordinate in area, extent or purpose to the principal building or use of the lot on which it is located.

**Accessory Use:** Any use of a lot, building, or structure incidental and subordinate in area, extent or purpose to the principal use of the lot, building, or structure it serves.

**Adult Entertainment Facility:** A facility with a business defined as follows:

1. **Adult Book Store/Novelty Store/Video Store:** A commercial establishment which devotes a significant portion of its interior business or advertising 25% or more of its retail floor space to the sale or rental, for any form of consideration, or any one or more of the following:
  - A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” as defined herein.
  - B. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse.
2. **Adult cabaret** means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear nude, or semi-nude: live performances which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities,” or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exposure of “specified anatomical area” or by specified sexual activities”.
3. **Adult Motel** means a motel, hotel, or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, videos, cassettes, slide, or other photographic reproductions which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities”.
4. **Adult Motion Picture Theater** means a commercial establishment where films, motion pictures, video cassettes, slide, or similar photographic reproductions which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities”.
5. **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features person who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities”
6. **Escort Agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.

## Village of Anna Zoning Regulations

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7. **Massage Parlor** means any place where, for any form of consideration, massage, alcohol rub, administration of the aforementioned, electric or magnetic treatments, or any other treatment, manipulation of the human body which occurs as a part of or in connection with “specified sexual activities,” or, where any person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas.” This definition shall not include the practice of massage in any licensed hospital, nor by any licensed hospital, licensed physician, chiropractor, or osteopath; nor by any nurse or technician working under the supervision of a licensed physician, chiropractor, or osteopath, nor by any trainers for amateur, semiprofessional, or professional athlete or athletic team or school athletic program nor by any licensed massage therapist licensed in the State of Ohio pursuant to ORC 4731.15.
8. **Nude Model Studio** means any place where a person, who regularly appears in a state of nudity or displays “specified anatomical areas” is provide for any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted.
9. **Sexual Encounter Establishment** means a commercial establishment that, as one of its primary business purposes, offers for any form of consideration, a place where people congregate, associated, or consort for the purpose of “sexually specified activities” or the exposure of “specified anatomical areas” or activities where one or more of the persons is in a state of nudity. This definition shall not include an establishment where a medical practitioner, psychiatrist, or similar professional persons licensed by the state engages in medically approved and recognized sexual therapy.

**Aesthetics:** The outward visual appearance that is pleasing and sensitive to the senses.

**Alterations, Structural:** Any change in the supporting members of the building, such as walls, floors, column, beams or girders.

**Apartment:** A room or group of rooms which are part of a larger building that are intended for or occupied as a residence.

**Automobile Service and Repair:** Any building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion, which can include space and facilities for washing, polishing, greasing, repairing and servicing motor vehicles.

**Billboard:** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes of goods or services not offered on the premises.

**Board:** The Board of Zoning Appeals of the Village of Anna, Ohio.

**Boarding House, Rooming House:** A building or part thereof, other than a hotel or restaurant, where meals and or lodging are provide for compensation for (3) or more persons and where no cooking or dining facilities are provide in individual rooms.

**Buffer Yard:** A landscaped area adjoining or surrounding a land use and unoccupied in it’s entirety by any building or structure.

# Village of Anna Zoning Regulations

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**Building:** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building, Height of:** The vertical distance from the average contact with ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.

**Business:** An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or service.

**Coverage:** The percentage of the lot area covered by any building or part thereof.

**Day Care:** A facility that administers to the needs of children or adults by persons other than their parents, guardians, custodians, relatives, or school authorities for any part of a day in a place or residence other than the child's or adult's home.

1. **Day Care Type B:** Day care administered in the home of the provider for (6) or fewer individuals, not including individuals who live at the residence.
2. **Day Care Type A:** Day care administered in the home of the provider for (7) to (12) individuals, not including individuals who live at the residence.
3. **Day Care Facility:** Any place not the residence of the provider in which day care is provided for (13) or more individuals.

**Dwelling:** Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, cabin, trailer, or trailer coach, mobile home, tree house or a room in a hotel or motel.

1. **Single-Family:** A building designed for or used for residence purposes by one family or housekeeping unit.
2. **Two-Family:** A building designed for or used for residence purposes by two families or housekeeping unit.
3. **Multi-Family:** A building designed for or used for residence purposes by three or more families or housekeeping units.

**Dwelling Unit:** One room or a suite of two or more rooms designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

**Family:** A person living alone, or two or more person living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel or hotel.

**Garage:**

1. **Private:** A detached accessory building or portion of the principal building used only for the storage of vehicles and incidental personal property.
2. **Public:** A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling or storing vehicles or similar equipment.

## Village of Anna Zoning Regulations

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**Gasoline Service Station:** Any building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion but does not include space or facilities for washing, polishing, greasing, repairing or servicing motor vehicles.

**Group Home:** A residential facility that provides residential services to individuals who are mentally retarded, developmentally disabled, physically handicapped, who cannot otherwise care for themselves or who are convalescing or undergoing rehabilitation and/or treatment. These individuals are provided services to meet their individual needs. They must not have been previously convicted of a felony or required institutional care or treatment. This category is licensed by and/or has accountability to a governmental agency for the clientele served. This category does not include hospitals, as defined herein, or facilities that administer treatment as their primary function to in-patients, or out-patients or on a day care basis.

**Home Occupation:** Gainful activity, either full or part-time, conducted within a dwelling unit by a person residing there, occurring in such a way that it does not create a nuisance and conforms to all the regulations of Chapter Eight, Section C.

**Hospital:** An establishment for the medical, surgical, or psychiatric care of bed patients for a continuous period longer than (24) hours, which is open to the general public (24) hours each day for emergency care, has a minimum of (10) patient beds and an average of (2,000) patient days per annum and has on duty a registered nurse (24) each day.

**Hotel:** A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than (12) sleeping rooms or apartments.

**Junk Yard:** A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged material incidental to manufacturing operations.

**Lot:** A piece, parcel or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street.

1. **Corner:** A lot at the juncture of and fronting on (2) or more intersecting streets.
2. **Area:** The computed area contained within the lot lines.
3. **Depth:** The mean horizontal distance between the front and rear lot lines.
4. **Lines:** The property line bounding the lot.
5. **Line, Front:** The line separating the lot from a street.
6. **Line, Rear:** The line opposite and most distant from the front line.

# Village of Anna Zoning Regulations

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7. Line, Side: Any line other than a front or rear lot line.
  - A. Side Street Lot Line: A side lot line separating a lot from a street.
  - B. Side Interior Lot Line: A side lot line separating a lot from another lot or lots.
8. Width: The width of the lot measured at the building setback line.

**Mobile Home:** Any non-self-propelled vehicle so designed for transportation after fabrication, on streets, highways, land, air or water and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy after location on the site whether by wheels, jacks, or permanent foundations, and connection to utilities and the like. Not including cap or travel trailers.

**Modular Housing:** An assembly of materials or products comprising all or part of a total residential structure that , when constructed, is self-sufficient, or substantially self-sufficient, containing plumbing, wiring and heating at the point of manufacture, and which when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.

**Motel or Tourist Court:** A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.

**Non-Conforming Use:** A building, structure or premises legally existing or used at the time of adoption of this Ordinance, and which does not conform with the use regulations prescribed by this Ordinance for the district in which located.

**Nudity or State of Nudity:** The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering; or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

**Opaque:** Not allowing visibility through (e.g. dense, compact row of vegetation).

**Parking Space:** The area required for parking (1) automobile, which in this Ordinance is held to be an area not less than (9) feet wide and (19) feet long, either within a structure or in the open. For commercial and industrial uses, space shall be computed exclusive of driveways or access drives.

**Protected Use:** Uses listed and defined as the following:

1. Religious Institution is any church, synagogue, mosque, temple, or building which is primarily for religious worship and related religious activities.
2. School is any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities.

# Village of Anna Zoning Regulations

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**Recreational Vehicles:** As used in these regulations, these are defined as and shall include the following:

1. **Travel Trailer** is a vehicular portable structure built on chassis, designed to be used as temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.
2. **Pick-up Camper** is a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation use.
3. **Motorized Home** is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. **Fold-Tent Trailer** is a canvas folding structure, mounted on wheels and designed for travel and vacation use.
5. **Boats and Boat Trailers** shall include boats, floats, and rafts, plus the normal equipment to transport the same on the highway.

**Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, and lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

**Setback Line:** The closest point at which a building may be constructed in relation to the lot line.

**Sight Triangle:** The triangular area of a corner lot bound by the property lines and a line connecting the two points on the property lines (20) feet from the intersection of the property line.

**Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or human genitals in a discernable turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:**

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation or arousal.

**Story:** The portion of a building included between the surface of any floor and the surface of the floor above it, or if there is not floor above it, then the space between the floor and the ceiling next above it.

**Structure:** Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

## Village of Anna Zoning Regulations

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**Variance:** A variation from a strict interpretation of the terms of this Ordinance, owing to peculiar conditions or circumstances that apply only to the property in question, and no other.

**Yard:** An open space at grade between the edges of a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provide herein.

1. **Front:** An open space extending the full width of the lot between the edge of the building and the front lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
2. **Rear:** An open space extending the full width of the lot between the edge of a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
3. **Side:** An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**Zoning Administrator:** The person authorized to issue Zoning Permits and to enforce the Zoning Regulations of the Village of Anna, Ohio.

**Zoning Permit:** A permit issued by the Zoning Administrator for the construction of any building or structure, or for the use of any property.

# Village of Anna Zoning Regulations

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## CHAPTER TWELVE EXHIBITS

### **EXHIBIT A:       SITE TRIANGLE**

# Village of Anna Zoning Regulations

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## **EXHIBIT B:           DIAGRAM OF PUD PROCESS**

# Village of Anna Zoning Regulations

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## **EXHIBIT C: MINIMUM PARKING STALL AND AISLE DIMENSIONS**