

CODIFIED ORDINANCES OF HARRISON

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Subdivision Regulations

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**CHAPTER 1101
General Provisions**

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CROSS REFERENCES

- Rules of construction - see ADM. 101.03
- Jurisdiction - see Ohio R.C. 711.09

1101.01 SHORT TITLE.

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the City of Harrison, Hamilton County, Ohio" and shall hereinafter be referred to as "these Regulations."

1101.02 INTERPRETATION AND PURPOSE.

The purpose of these regulations is to provide for the harmonious development of the City by protecting and providing for the public health, safety, convenience, and general welfare of the City of Harrison by establishing reasonable standards of design and procedures for approval of plats and subdivisions.

- (a) Lessening congestion in the streets and highways by providing a proper arrangement in relation to existing or planned streets, highways, and driveways as well as to the City and Hamilton County Thoroughfare Plan.
- (b) Providing for the safe and convenient pedestrian circulation throughout the City through the construction of sidewalks and walkways.
- (c) Furthering the orderly layout and use of land by facilitating the further resubdivision of larger tracts into smaller parcels of land, avoiding undue concentration of population, and providing the most beneficial relationship between the use of land, roadways, buildings, and the natural environment.
- (d) Assuring adequate, convenient, and appropriate open spaces for utilities, access of fire fighting apparatus and other emergency vehicles, recreation, light, and air as well as mitigate the effects of traffic, noise, and higher density.
- (e) Safeguarding against the pollution of air, streams, rivers, and ponds; assuring the adequacy of drainage facilities; helping safeguard the water table; and encouraging the wise use and management of natural resources throughout the City.
- (f) Facilitating adequate and timely provisions for transportation, water, sewage, schools, parks, playgrounds, and other public needs and requirements.
- (g) Ensuring proper legal descriptions and the monumentation of subdivided land by providing for the proper location of lot lines and building setback lines, and to encourage innovative forms of development.
- (h) Coordination of land development in accordance with the City's Zoning Code, and the City Comprehensive Plan.
 - (1) The provision of these regulations is made with reasonable consideration, among other things, of the character of the City, with a view of conserving the value of the buildings placed upon the land, by providing the best possible environment for human habitation, and by encouraging the most appropriate use of land throughout the City.

1101.03 SCOPE.

These regulations shall govern the development of all types of land uses, and it is the intent of these regulations to develop a sound, harmonious, and wholesome community by regulating the design and improvements of all new subdivisions and/or redevelopment projects. These rules and regulations shall be applicable to:

- (a) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership.
- (b) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets; and
- (c) The division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

- (d) The division of a tract of land into five (5) parcels or less fronting upon an existing public street, and where the transfer is to be accomplished by the recording of a deed rather than a plat, requires the approval of the Planning Commission before it can be recorded. Such approval may be accomplished in the manner provided in Section 1103.06 of these Regulations.

1101.04 JURISDICTION.

These regulations shall apply to all subdivisions made of lands, including those by deeds and land contracts, and/or leases resulting in the creation of a lot located within the corporate boundaries of the City of Harrison.

1101.05 AUTHORITY.

The City of Harrison, as an incorporated home rule community, derives its legal authority, in the matter of regulating the subdivision of land, from the following:

- (a) The Ohio Revised Code including, but not limited to, the statutes contained in Chapter 711, and 713.
- (b) The Charter of the City of Harrison including, but not limited to, Article II, Section 2.02, Article III, Section 3.03 (7), Article V, Section 5.10.

1101.06 ADMINISTRATION.

These regulations shall be administered by the City of Harrison Planning Commission, the Department of Zoning, and any other City Department or City staff as designated by the Mayor with approval of City Council.

1101.07 INTERPRETATION, CONFLICT, AND SEVERABILITY.

(a) Interpretation. In their interpretation and application, the provisions of these Rules and Regulations shall be held to be the minimum requirements necessary to promote the public health, safety, convenience, and welfare of the City of Harrison.

(b) Conflict. Where the conditions imposed by any provisions of these Rules and Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(c) Severability. If any sentence, clause, section, word or words, or part of these Rules and Regulations is for any reason found to be unconstitutional, illegal, or invalid, that unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, word or words and parts of these Rules and Regulations.

1101.08 SAVING PROVISION.

These Rules and Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section of provision existing at the time of adoption of these Rules and Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these Rules and Regulations.

1101.09 EFFECT ON OTHER LAWS AND REGULATIONS.

These Rules and Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other laws or regulations (except those subdivision regulations specifically repealed by or in conflict with these Rules and Regulations), or with private lawful restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party.

1101.10 EXEMPTIONS.

Any person who demonstrates to the City Planning Commission that their proposed division, sale, exchange or improvement of land satisfies one of the exemptions described in subsections (a), (b) and (c) hereof, shall be exempted from the requirements of these Rules and Regulations.

- (a) The division or partition of land into parcels of more than five (5) acres not involving any new streets or easements or access;
- (b) The sale or exchange of parcels between adjoining lot owners which does not create additional building sites;
- (c) The establishment of private streets serving industrial structures.

1101.11 VARIANCES.

(a) Whenever the tract of land to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements of these Regulations would result in real difficulties, substantial hardship, or injustice, such requirements may be varied or modified (as stipulated in subsection (c) hereof) so that the subdivider may subdivide his property in a reasonable manner; provided, however, that the public welfare and interest of the City and the surrounding area are thoroughly protected and the general intent and spirit of these Regulations are enforced. The Planning Commission may make recommendations of variations which may be permitted, but the authority for approval of such variations shall rest with the City Council.

(b) The planned unit development approach to development is encouraged as a means to further the policies and objectives of these Rules and Regulations. These Rules and Regulations may be modified to the degree necessary to accomplish the objectives and standards set forth in the City of Harrison's applicable zoning ordinances for planned unit development of residential, commercial, or industrial subdivisions, or a combination thereof. Provided, however, that such variations shall not exempt the subdivider from the requirements of subdivision plat approval as set forth herein nor have the effect of nullifying the intent and purpose of these Rules and Regulations or the applicable City zoning ordinances.

(c) General Standards for Variations. The Planning Commission shall not grant variations to these Rules and Regulations unless it shall make written findings of fact based upon the evidence presented by each specific case that:

- (1) The particular physical surroundings, environmental constraints, shape, topographical or other exceptional condition of the specific property involved would cause extraordinary hardship or exceptional practical difficulty to the applicant, as distinguished from a mere inconvenience, if the provisions of these Rules and Regulations were strictly enforced; and

- (2) The conditions upon which the request for a variation is based are unusual to the property for which the variation is sought and are not applicable generally to other property; and
- (3) The purpose of the variation is not based exclusively upon a desire to obtain additional income from the property; and
- (4) The granting of the variation will not be detrimental to the public health, safety, or general welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (5) The special circumstances or conditions are created by the provisions or requirements of these Rules and Regulations and have not resulted from any act of the applicant or applicant's predecessor in interest; and
- (6) The variation requested is the minimum adjustment necessary for the reasonable use of the land.

(d) Conditions. In approving variations, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Rules and Regulations.

(e) Procedures. A petition for any such variation shall be submitted in writing by the subdivider on a form provided by the City Planning Commission at the time when the Preliminary Subdivision Plan is filed for consideration by the Planning Commission or at the earliest point in the process after the need for the variance becomes evident. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1101.12 AMENDMENTS.

Proposed changes in these Regulations shall be subject to review and approval by the Planning Commission prior to consideration by Council. The Council may, after public hearing, amend, supplement, or change these Regulations. Notice shall be given of the time and place of such public hearing by publication in at least one (1) newspaper of general circulation published in the local area, thirty (30) days prior to holding of said hearing. The amendment or amendments shall be on file in the office of the Clerk of Council for public examination during said thirty (30) days.

1101.13 DEFINITIONS.

For the purpose of these Rules and Regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

- (1) Unless the context indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these rules"; the word "rules" means "these rules".
- (2) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (3) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (4) The word "person" includes a firm, a corporation, an organization, a partnership, a trust, a company, an incorporated association of persons such as a club, as well as an individual.

- (5) "A.A.S.H.T.O." means the American Association of State Highway Transportation Officials. This organization publishes a manual with transportation and roadway standards cited in these regulations.
- (6) "Access Management" means the process of providing and managing access to land development while preserving the flow of all modes of traffic in terms of safety, capacity, speed, and the prevention of congestion. This traffic can include automobile, truck, mass transit, bicycle, and pedestrian forms.
- (7) "Agriculture" means farming, dairying, pasturage, ranching, horticulture, floriculture, viticulture (the growing of grapes for wine making), ornamental horticulture, olericulture (vegetables), pomiculture (fruit), apiculture (the keeping of bees), aquiculture (hydroponics), and animal and poultry husbandry.
- (8) "Applicant" means the legal or beneficial owner or owners of land included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. When the applicant is not the owner, written consent shall be required from the legal owner of the land. See also Subdivider and Developer.
- (9) "Block" means a tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad right-of-way, waterways or the corporate limits of the City.
- (10) "Buffer" means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the planting and placement of trees, shrubs, fences, and/or berms, designed to limit the view, light, and/or sound from or to the site to adjacent sites, properties, or thoroughfares.
- (11) "Buildable Area" means space remaining on a lot after the minimum subdivision and zoning requirements for yard, setbacks, easements, and restrictions have been met.
- (12) "City" means the City of Harrison, Ohio.
- (13) "Clerk" means the Clerk of Council of the City of Harrison, Ohio.
- (14) "Comprehensive Plan" means a plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the City of Harrison, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.
- (15) "Condominium" means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
- (16) "Council" means the City Council (Legislative Authority) of the City of Harrison, Ohio.
- (17) "County" means Hamilton County, State of Ohio.
- (18) "Crosswalk (Walkway)" means a right-of-way which may be located within an easement to facilitate pedestrian access to adjacent streets and properties.
- (19) "Curb" means the raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

- (20) "Density" means a unit of measurement; the number of dwelling units per acre of land.
- A. "Gross Density" means the number of dwelling units per acre of the total land to be developed (including right-of-way).
- B. "Net Density" means the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses (excluding public right-of-way).
- (21) "Developer" means any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other entity commencing proceedings under these regulations to effect a platted subdivision of land hereunder for himself or for another. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interests in such land.
- (22) "Driveway" means a privately owned and maintained way to one lot of record used to provide vehicular and pedestrian access.
- (23) "Easement" means the right granted of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
- (24) "Easement of Access" means an easement for immediate or future use, to provide vehicular and/or pedestrian access and/or accommodation for utilities, from a street to a lot, principal building, or accessory structure.
- (25) "Engineer" means the designated Engineer of the City of Harrison, Ohio.
- (26) "Finance Director" means the chief fiscal officer and financial advisor of the City of Harrison.
- (27) "Floodplain" means the areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.
- (28) "Floodway" means the channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100 year flood.
- (29) "Floodway Fringe" means that portion of the floodplain outside of the floodway.
- (30) "Frontage". The front or frontage is that section of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.
- (31) "Grade, existing" means the present level of ground.
- (32) "Grade, finish" means the top surface elevation of lawns, walks, drives or other improved surfaces after completion of construction or grading operations.
- (33) "Gutter" means that portion of a right-of-way, whether paved or sodded, carrying surface drainage.
- (34) "Improvements" means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, street signs, flood control and drainage facilities, utility lines, grading, landscaping, and other related items normally associated with the development of raw land into building sites.
- (35) "Improvements, Public" means improvements, including but not limited to, street signs, streets and highways, sidewalks, public grounds, ways for public service facilities, parks, playgrounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment; which are devoted to public use and are either owned or maintained by a public body or agency.
- (36) "Law Director" means the legal advisor of the City of Harrison, Ohio.

- (37) "Landominium" means a subdivision with access and maintenance agreements which is similar to a condominium except that a purchaser of a unit receives fee simple title both to the unit and the land underlying the unit. A landominium is a subdivision within the meaning of and subject to the Rules and Regulations contained herein.
- (38) "Lot" means a parcel of land occupied or intended to be occupied by one or more dwellings in a residential district or a permitted building or use in a commercial or industrial district; intended as a unit of transfer of ownership, together with accessory buildings and uses customarily incidental thereto. A lot includes open spaces and minimum area provisions as are required by this Zoning Ordinance for the district in which the lot is situated.
- (39) "Lot Area" means the total area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake, river, creek, or major drainage ditch.
- (40) "Lot Line" means a line dividing one lot from another lot or from a street or alley.
- (41) "Lot of Record" means a lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the Office of the Auditor and Recorder of Hamilton County, Ohio.
- (42) "Lot Types". Terminology used in these regulations with reference to corner lots, interior lots, and through lots are as follows:
- A. "Corner lot" means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, and in any case forming an interior angle of less than one hundred and thirty-five (135) degrees.
 - B. "Interior lot" means a lot with only one (1) frontage on a street.
 - C. "Through lot" means a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets are sometimes referred to as double frontage lots.
 - D. "Reverse frontage lot" means a lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.
 - E. "Panhandle or flag lot" means a lot which utilizes a narrow strip of land (not a building site) to provide access to, or legal frontage on, a public or private street.
- (43) "Municipality" means the City of Harrison, Ohio.
- (44) "Mayor" means the Mayor of the City of Harrison, Ohio.
- (45) "Model Home" means a dwelling unit constructed on an unrecorded lot in a subdivision for marketing purposes and not available for sale until recordation of the Final Plat of the Subdivision.
- (46) "Official Map" means the map established by the Planning Commission showing the streets, highways and parks theretofore laid out, adopted, and established by law and any amendments thereto adopted by the Council and the Planning Commission, or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.
- (47) "Official Thoroughfare Plan" means the officially adopted plan designating a system of principal or major streets for traffic intercommunication.

- (48) "Owner" means any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others:
- A. Has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
 - B. Has charge, care, or control of any premises, dwelling, or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.
- The person shown on the records of the recorder of deeds of the county to be the owner of a particular property shall be presumed to be the person in control of that property.
- (49) "Parcel" means a contiguous quantity of land in single ownership or under single control.
- (50) "Performance Bond or Surety Bond" means an agreement by and between a subdivider, developer or contractor and a bonding company in favor of the municipality for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.
- (51) "Planned Unit Development (PUD)" means a type of development in which an area of land, usually under the control of a single landowner is to be developed for different types of dwelling units (single-family detached residences, duplexes, townhouses, garden apartments) and commercial, industrial, and other uses, such as schools and churches. In a PUD, lot size, setbacks, bulk, lot coverage, parking, and other development standards are relaxed in order to achieve better site design, use relationships, and preservation of open spaces and natural topography.
- (52) "Planning Commission" means the Planning Commission of the City of Harrison, Ohio.
- (53) "Plat of Subdivision (Final Plat)" means the final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, will be submitted to the Recorder of Hamilton County, Ohio.
- (54) "Preliminary Plan (Plat)" means the preliminary map, drawing, or chart indicating the proposed layout of the subdivision.
- (55) "Protective Covenant" means a restriction on the use of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of development.
- (56) "Right-of-Way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such rights-of-way and not included within the dimensions or areas of such lots or parcels, provided the size of the lot for zoning purposes shall be determined by the applicable zoning ordinance.

- (57) "Setback Line" means a line established by the subdivision regulation and/or zoning code generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings or structures, may be located except as may be provided in said codes.
- (58) "Sidewalk" means that area within a right-of-way for pedestrian use.
- (59) "Sketch Plan" means a generalized concept plan, accompanied by the information described in Chapter 1103 of these Rules and Regulations.
- (60) "Streets, Highways, and Alleys":
- A. "Street" is the pavement area within a right-of-way, publicly or privately owned, which provides public or private vehicular and pedestrian circulation and access to adjacent properties.
 - B. "Alley" is a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. Alleys shall not provide the main frontage of any parcel or lot.
 - C. "Arterial Highway", "Arterial Street," "Major Thoroughfare" or "Major Street" means a street which serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials service to the adjacent land is subordinate to the provision of travel service.
 - D. "Cul-de-Sac" or "Dead-end Street" is a minor/local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.
 - E. "Collector Street" is a street which provides both land access and traffic circulation within residential, commercial, and industrial areas. It differs from the arterials in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets.
 - F. "Marginal Access Street" is a minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
 - G. "Minor Street" is a street not designed as a major or collector street that provides access exclusively to abutting property.
 - H. "Private Street" is a means of public ingress and egress located within an easement of access serving more than six (6) lots, not dedicated to the City by recorded instrument, that is maintained by the party or parties using such private street for private access.
 - I. "Street Width" is the shortest distance between the lines delineating the right-of-way of a street.
 - J. "Stub Street" is a street extended to the property line which has been approved by the Planning Commission in a Preliminary Subdivision Plan for future extension to another access point, or to provide access to abutting property.
- (61) "Subdivider" means any individual, developer, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these Regulations to effect a subdivision of land hereunder for himself/herself or for another.

- (62) "Subdivision" means the division of any land, lot, tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for residential, commercial, or industrial buildings or groups of buildings, the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes.
- (63) "Subdivision Design Standards" means the standards detailed in Chapter 1105 of these Rules and Regulations with which all subdivisions must comply.
- (64) "Surveyor" means any person authorized to practice surveying as defined by the Surveyor's Registration Act of the State of Ohio.
- (65) "United States Geological Survey (USGS) Quadrangles" means the Federal Agency in charge of keeping accurate maps of the United States. The USGS created topographic maps of the Country and divided them into quadrangles (quads). These quadrangles show 5, 10, and 20 foot contour elevations, streams, among other land features such as roads, bodies of water, and structures.
- (66) "Yard" means an open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest portion of the foundation of the main building.
- A. "Yard, Front" means a yard extending between the side lot lines across the front of a lot, and from the front lot line to the setback line.
- B. "Yard, Rear" means a yard extending between the side lot lines across the rear of a lot and from the rear lot line to the rear of the main building.
- (67) "Yard Requirement" means the open space between a lot line and the building area within which no structure shall be located except as provided in the Zoning Ordinance.
- (68) "Yard, Side" means a yard extending from the main building to the side lot line on both sides of the main building between the lines establishing the front and rear yards.
- (69) "Zoning Code" means the Zoning Code of the City of Harrison, Hamilton County, Ohio.