

CHAPTER 1143
Zoning Use Districts

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
Districts established - see P. & Z. 1139.01
Variances - see P. & Z. 1179.02
Conditional uses - see P. & Z. 1179.04

1143.001 R-O SINGLE-FAMILY RESIDENTIAL ANNEXATION DISTRICT.

A. Purpose

The purpose of the R-O Low Density Residential Annexation District is to provide low density residential development of residential property annexed to the City from the Township. The R-O District is intended to reflect a compromise between Township zoning and City zoning consistent with applicable land use plans. All residential property annexed into the City from Harrison Township after the effective date of this amendment shall be designated and classified as R-O.

B. Permitted Uses

1. Single-family dwellings.
2. Accessory structures incidental to dwellings such as garages, for non-commercial storage of automobiles, storage sheds, and swimming pools and associated accessory structures.

C. Conditional Uses

1. Public non-commercial facilities such as parks, playgrounds, tennis courts, swimming pools, golf courses, and community centers, operated with or without a fee.
2. Public libraries, museums, art galleries, and similar public cultural uses.
3. Adult family homes.
4. Home occupations (Refer to Section 1147.24.)
5. Child day care home (Type B: 1-6 children) (Refer to Section 1147.21).
6. Public and private schools provided land consists of at least three (3) acres, and parking and traffic access requirements of Chapter 1159 are satisfied. Private schools must offer general educational courses and have no facilities for the housing of students.
7. Temporary school buildings.

8. Churches and other places of religious worship.
9. Cemeteries
10. Outdoor commercial and noncommercial recreation facilities.
11. Bed and breakfast operations.
12. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.

D. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.
(Ord. 30-03. Passed 7-1-03.)

1143.01 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

A. Purpose

The purpose of the R-1 Low Density Residential District is to encourage low density residential development.

B. Permitted Uses

1. Single-family dwellings.
2. Accessory structures incidental to dwellings such as garages, for non-commercial storage of automobiles, storage sheds, and swimming pools and associated accessory structures.

C. Conditional Uses

1. Public non-commercial facilities such as parks, playgrounds, tennis courts, swimming pools, golf courses, and community centers, operated with or without a fee.
2. Public libraries, museums, art galleries, and similar public cultural uses.
3. Adult family homes.
4. Home occupations (Refer to Section 1147.24).
5. Child day care home (Type B: 1-6 children) (Refer to Section 1147.21).
6. Public and private schools provided land consists of at least three (3) acres, and parking and traffic access requirements of Chapter 1159 is satisfied. Private schools must offer general educational courses and have no facilities for the housing of students.

7. Temporary school buildings.
8. Churches and other places of religious worship.
9. Cemeteries.
10. Outdoor commercial and noncommercial recreation facilities.
11. Bed and breakfast operations.
12. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.

D. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.

1143.02 R-3 ONE- AND TWO FAMILY RESIDENTIAL DISTRICT.

A. Purpose

The purpose of the R-3 One- and Two-Family Residential District is to provide for the establishment of areas for medium density residential development along with a wider range of compatible nonresidential uses.

B. Permitted Uses

1. All uses permitted in Section 1143.01B.
2. Two-family dwellings.

C. Conditional Uses

1. All uses conditionally permitted in Section 1143.01C.
2. Zero lot-line homes.
3. Condominiums.
4. Child day care (Type A: 7-12 children) (Refer to Section 1147.21).
5. Private clubs, fraternities, lodges, and meeting places or other similar organizations not including those that are customarily conducted as a gainful business.
6. Professional offices such as those pertaining, but not limited to insurance, real estate, financial, civic, education and philanthropic establishments or organizations, architecture, dentistry, engineering, law, and medical for human care only. (Ord. 46-01. Passed 11-6-01.)

7. Nursing homes, elderly assisted living, and elderly retirement housing.
(Ord. 30-03. Passed 7-1-03.)
8. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.
(Ord. 46-01. Passed 11-6-01; Ord. 23-2003. Passed 5-6-03.)

D. Lot requirements for each dwelling

Refer to Section 1143.12 for development standards pertaining to this District.

1143.03 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT.

The purpose of the R-4 Multi-Family Residential District is to provide multi-family housing opportunities, including zero lot-line dwellings commonly used in the construction of duplexes that have two separate owners with the property line being the party wall.

A. Permitted Uses

1. All uses permitted in Section 1143.02B.
2. Multi-family units and accessory uses incidental to the uses, including the following:
 - a) Office to handle rentals and maintenance of dwelling units within a multi-family development in which the office is located.
 - b) Private swimming pools for the exclusive use of residents of a multi-family development (Refer to Section 1147.32).
3. Condominiums.
4. Churches and other places of religious worship.
5. Public and private schools provided land consists of at least three (3) acres and parking and traffic access requirements are of Chapter 1159 are satisfied. Private schools must offer general educational courses and have no facilities for the housing of students.
6. Public libraries, museums, art galleries, and similar public cultural uses.
7. Accessory structures incidental to dwellings such as garages, for non-commercial storage of automobiles, storage sheds, and swimming pools and associated accessory structures.

B. Conditional Uses

1. Professional offices such as those pertaining, but not limited to insurance, real estate, financial, civic, education and philanthropic establishments or organizations, architecture, dentistry, engineering, law, and medical for human care only.
2. Public noncommercial facilities such as parks, playgrounds, tennis courts, swimming pools, golf courses, and community centers operated with or without a fee.
3. Temporary school buildings (that are contiguous to main school buildings)
4. Outdoor commercial and noncommercial recreational facilities.
5. Private clubs, fraternities, lodges, and meeting places or other similar organizations not including those that are customarily conducted as a gainful business.
6. Zero lot-line homes.
7. Adult group homes.
8. Child day care home (Type A: 7-12 children) (Refer to Section 1147.21).
9. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.
10. Home occupations (Refer to Section 1147.24).
11. Funeral Homes

C. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.

1143.04 B-1 LOCAL BUSINESS DISTRICT.

A. Purpose

The purpose of the B-1 Local Business District is to encourage the establishment of areas for convenience business uses which tend to meet the daily or weekly needs of the residents of an immediate neighborhood, and to provide a lower-intensity of use for the general public. This District shall not include activities characterized by major purchase items or goods or services which are oriented to a City-wide or highway-attracted clientele.

B. Permitted Uses

1. Bakery, barber and beauty shop, drug store, dry cleaning and laundry, self- service laundries, florist, gift shop, delicatessen, meat market, shoe repair shop, fabric shop, tailor and dressmaker.

2. Public noncommercial facilities such as parks, playgrounds, tennis courts, swimming pools, golf courses, and community centers operated with or without a fee.
3. Health and recreational facilities.
4. Public libraries, museums, art galleries, and similar public cultural uses.
5. Pharmacies.
6. Banks and other financial institutions with or without drive-in or drive-through facilities.
7. Churches and other places of religious worship.
8. Funeral homes.
9. Business and professional lenders.
10. Printing and copying shops having a sales office or retail outlet on premises.
11. Restaurants or coffee shops without drive-in or drive-through facilities, taverns, ice cream parlors, not including entertainment or dance halls.
12. Convenience stores with or without drive-in or drive-through facilities.
13. Private clubs, fraternities, lodges, and meeting places or other similar organizations not including those that are customarily conducted as a gainful business.
14. Adult group homes.
15. Public and private schools provided land consists of at least three (3) acres and parking and traffic access requirements are of Chapter 1159 are satisfied. Private schools must offer general educational courses and have no facilities for the housing of students.
16. Child day care centers (Refer to Section 1147.21).
17. Studios of photography, dance, music, or art.
18. Accessory buildings and uses customarily incidental to the above uses.
19. Mixed use - residential with commercial/office.
(Ord. 46-01. Passed 11-6-01.)

20. Nursing homes, elderly assisted living, and elderly retirement housing.
(Ord. 30-03. Passed 7-1-03.)

C. Conditional Uses

1. Automated teller machines, located outside the building of an existing use.
2. Temporary school buildings.
3. Convenience stores with or without drive-in or drive-through facilities.
4. Restaurants with drive-in or drive-through facilities.
5. Night Clubs.
6. Beer and wine carry-out.
7. Automotive service stations with or without repair garage.
8. Car washes.
9. Indoor commercial and non-commercial recreational facilities.
10. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.

D. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.

1143.05 B-2 MIXED USE DISTRICT.

A. Purpose

The purpose of the B-2, Mixed Use District, is to permit a variety of uses to be developed in combination and at varying intensities within a single parcel or collection of parcels in order to create desirable live/work environments at an appropriate scale. The District is intended to:

1. Encourage attractive and distinctive developments that create a sense of place within the City;
2. Further the implementation of the City of Harrison Comprehensive Plan;
3. Provide a suitable transition with existing or planned uses on surrounding properties;

4. Permit a mix of related and compatible residential and non-residential uses within a single development that afford desirable employment and living opportunities;
5. Provide relief from the rigid segregation of uses found in other zoning districts;
6. Promote walkable environments ; and
7. Facilitate the provision of affordable housing.

B. Permitted Uses

1. Any retail business, up to fifty thousand (50,000) square feet of gross floor area, provided all activities are conducted within a completely enclosed building.
2. Personal service establishments, such as barber shops, beauty salons, tailors, shoe repair, and similar uses.
3. Restaurants, excluding drive-in or drive-through.
4. Health and recreational facilities.
5. Banks and other financial institutions, with or without drive-in or drive-through facilities
6. Business and professional offices.
7. Medical and dental offices and clinics.
8. Single family and two-family dwellings, not exceeding four(4) dwelling units per acre
9. Public non-commercial facilities such as parks, playgrounds, tennis courts, swimming pools, golf courses, and community centers, operated with or without a fee.
10. Public or private schools.
11. Churches and other place of public religious worship.
12. Accessory buildings and uses customarily incidental to the above uses.

C. Conditional Uses

1. Outdoor display or sales areas, accessory to a principal use.
2. Single family, two-family, townhouse, or multiple family dwellings, exceeding four (4) dwellings per acre.

3. Zero lot-line homes.
4. Adult group homes.
5. Nursing homes, elderly assisted living, and elderly retirement housing.

D. **Qualifying Conditions** The following minimum conditions must be met for any B-2, Mixed Use District:

1. The minimum site size shall be twenty (20) contiguous acres.
2. The site shall be under single or common ownership by a single entity.
3. The site must be served by central or public water and sewer facilities.
4. The site shall abut and have direct access to an arterial street, as designated in the City Comprehensive Plan.
5. All individual uses within the development shall be served by an interior street network. No use shall have direct access to an abutting public street.
6. A system of sidewalks, pathways, or similar pedestrian facilities shall be provided throughout the development to line and provide access to all uses.
7. The site shall be designated "Planned Mixed Use Employment Area" on the City's comprehensive Plan future land use map.

E. **Development Standards**

Refer to Section 1143.12 for development standards pertaining to this District. For commercial and office uses, the standards of the B-4 District shall apply. For residential, public, and institutional uses, the standards of the R-4 District shall apply. (Ord. 29-07. Passed 9-4-07.)

1143.06 B-4 GENERAL BUSINESS DISTRICT.

A. **Purpose**

The purpose of the B-4 General Business District is to encourage the establishment of business uses to meet the needs of a regional market area. Shopping centers and large space users should be the predominant building approach. General Business Districts shall be located on most arterial thoroughfares and closely associated with major interchange areas along limited access highways and primary thoroughfares in the City.

B. **Permitted Uses**

1. Any use permitted in Section 1143.04B.

2. Hotels and motels.
3. Hospitals (ambulatory and emergency care) and clinics for the care of humans.
4. Funeral Homes.
5. Cemeteries.
6. Restaurants with or without drive-in or drive-through.
7. Automotive service stations and repair garages.
8. Car washes.
9. Automotive, boat, trailer, farm implement, recreational vehicle, and manufactured home sales and services.
10. Convenience stores with or without drive-in or drive-through facility.
11. Supermarkets and shopping centers.
12. Beer and wine carryout.
13. Theaters and concert halls.
14. Night clubs, bowling alleys, and similar places of amusement or entertainment.
15. Tavern, bar, club, lodge (private or public), and dance hall.
16. Indoor commercial and non-commercial recreational facilities.
17. Carpenter, electrical, plumbing, paint, heating shops, furniture upholstery, and similar enterprises, not including contractor's yards.
18. General merchandise and apparel, including department stores.
19. Furniture and home furnishings stores.
20. Other retail, including hardware, automotive supply, paint and wallpaper, music and records, and sporting goods.
21. General service and repair establishments.
22. Printing, publishing, sign painting shops, and other commercial advertising.
23. Monument works having a retail outlet on the premises.

24. Medical and dental offices, and other offices for conducting a profession or the administration of a trade or business.
25. Automated teller machines located outside the building of an existing use.

C. Conditional Uses

1. On-site living quarters for property manager.
2. Amusement arcades.
3. Animal hospitals, veterinary clinics, kennels. Exercise runs shall be enclosed on four (4) sides by unpierced fence or wall at least five feet (5') in height.
4. Building materials sales yard, lumber yards including mill work, storage and sale of grain and livestock feed, or fuel including storage of vehicles provided such uses are conducted either:
 - a) Within a completely enclosed building or buildings. Except for storage of vehicles, each building shall be at least one hundred feet (100') from any R District, unless such building has no openings other than stationary windows and required fire exits within such distance, but in any case not within fifty feet (50') of any R District.
 - b) Within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six feet (6') high, but not within two hundred feet (200') of any R District; provided further that all storage yards related to the uses in this subsection shall be enclosed.
 - c) Storage yards related to this use shall be enclosed with fencing (Refer to Section 1147.16).
5. Drive-in theaters, provided the screen shall be so located as not to be visible from adjacent streets or highways, and such screen shall be set back not less than two hundred feet (200') from the established right-of-way of any such street or highway.
6. Outdoor commercial and noncommercial recreational facilities.
7. Warehousing (wholesale and retail) storage and distribution.
8. Self-service mini-storage facilities.
9. Recycling centers.
10. Machinery and heavy equipment rental and sales.

11. (EDITOR'S NOTE: Former subsection C.11. was repealed by Ordinance 64-09.)
12. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.

D. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.
(Ord. 64-09. Passed 10-6-09.)

1143.07 DRD DOWNTOWN REDEVELOPMENT DISTRICT.

A. Purpose

The purpose of the DRD Downtown Redevelopment District is to provide and encourage further expansion and renewal in the historical core business area of the city. A variety of business, institutional, public, semipublic, cultural, and other related uses are encouraged in an effort to provide the mix of activities necessary to establish urban character.

B. Downtown Development Plan

The Downtown Redevelopment District shall be developed in accordance with an approved Downtown Development Plan. The Downtown Development Plan is a plan for the development and use of a specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, both public and private, all landscaped areas to be erected and maintained thereon; and further explained by such specifications, conditions, and limitations as may be imprinted on the plat, drawings or building specifications approved by the Director of Zoning. All Downtown Development Plans shall show construction consistent with the overall theme approved by the Planning Commission and Council for development in the DRD. A building permit or zoning certificate contemplating any use shall not be issued for real estate until a Downtown Development Plan has been approved by the Planning Commission

C. Permitted Uses

The following uses shall be permitted:

1. Dwellings above the first floor of a business
2. Indoor commercial and noncommercial recreational facilities.
3. Public noncommercial facilities such as parks, playgrounds, tennis courts, swimming pools, golf courses, and community centers, operated with or without a fee.
4. Public libraries, museums, art galleries, and similar public cultural uses.
5. Public schools, or private schools having a curriculum similar to a public school.

6. Business school, college, university, and theological schools.
7. Churches and other places of religious worship.
8. Private clubs, fraternities, lodges and meeting places or other similar organizations not including those that are customarily conducted as a gainful business.
9. Pharmacies.
10. Sale of goods and products at retail, except gasoline and oil products.
11. Shops for repair and servicing of bicycles, electrical equipment, appliances, keys, shoes, and similar uses not involving conduct of manufacturing on the premises, and where not more than ten (10) persons are employed on the premises at any one time.
12. Dressmaking, millinery, tailoring, bakery and similar trades whose products are sold only at retail on the premises and where not more than ten (10) persons are employed on the premises at any one time.
13. Dry cleaners and laundromats housing a retail outlet on premises.
14. Restaurants or coffee shops without drive-in or drive-through facilities.
15. Medical and dental offices, and other offices for conducting a profession, or the administration of a trade or business,
16. Studios of photography, dance, and music.
17. Banks and other financial institutions, without drive-in or drive-through facilities.
18. Barber shops, beauty salons and similar personal service shops
19. Funeral homes.
20. Theaters and concert halls.
21. Night clubs, bowling alleys, and similar places of amusement or entertainment.
22. Governmental offices, including police and fire stations.
23. Hotels.

24. Printing shops having a sales office or retail outlet on the premises and employing not more than ten (10) persons on the premises at any one time.

D. Conditional Uses

1. Single-family, two-family, and multiple-family dwellings.
2. Bus shelters.
3. Automated teller machines, located outside the building of an existing use.
4. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.

E. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.

1143.08 M-1 RESTRICTED INDUSTRIAL DISTRICT.

A. Purpose

The purpose of the M-I Restricted Industrial District is to provide for industrial uses having a minimum impact upon the surrounding environment in areas which are suitable for restricted or light manufacturing operations by reason of their location and the availability of adequate utility and transportation systems. Industrial uses that can be operated in a clean and quiet manner, subject only to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business activities are permitted. This district is further designed to act as a transitional area between heavy industrial uses and other less intense business and residential uses.

B. Permitted Uses

Within the M-1 Restricted Industrial District, a building or premises may be erected or used only for the following purposes:

1. Motels.
2. Laundries, dry cleaning, and dyeing plants.
3. Moving and storage companies.
4. Compounding, processing, and packaging of meat, dairy and food products, exclusive of slaughtering.
5. Machinery and heavy equipment rental, sales, and storage.
6. Manufacturing or assembling, or repairing of electrical and electronic products, components, and equipment.

7. Public utilities, not otherwise exempt pursuant to Chapter 4906 or Section 4905.65 of the Ohio Revised Code, as follows:
 - a) Electric substations, equipment buildings, transmission lines, and towers.
 - b) Telephone substations, distribution centers, and transmission equipment and buildings.
 - c) Gas regulator and meter stations.
 - d) Water filtration plants and pumping stations.
 - e) Sanitary sewage treatment plants and pumping stations.
8. Commercial radio and television transmitting stations and antenna towers.
9. (EDITOR'S NOTE: Former subsection B.9. was repealed by Ordinance 64- 09.)
10. Sign painting and manufacturing.
11. Research and engineering laboratories, and testing facilities.
12. Printing, publishing, binding, and typesetting plants.
13. Offices and service centers.
14. The following uses provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within two hundred feet (200') of any R District.
 - a) Welding shops, machine shops, cooperage works, and other metal working shops.
 - b) Ice manufacturing and cold storage plant, creamery, and bottling plant.
15. Monument works having a retail outlet on the premises.
16. Printing, publishing, sheet metal shops, sign painting shops, and other commercial advertising.
17. Wholesale establishments, warehouses, and storage facilities (including mini-storage facilities).
18. Other manufacturing, processing, assembling or compounding operations possessing characteristics similar to those industrial uses listed in this section, which can be operated in compliance with the performance standards of this section.

19. Accessory buildings and uses customarily incidental to the above uses.

C. Conditional Uses

1. Automobile/truck service stations and car/truck washing facilities.
2. Airport, landing field, or heliport.
3. Restaurants with or without drive-in or drive-through facilities.
4. The following uses when conducted no closer than three hundred feet (300') from any R District and shall be enclosed on all sides with a minimum six foot (6') fence.
 - a) Flammable liquids. Bulk station underground storage only.
 - b) Contractor's and equipment storage yards. Building materials sales yards including concrete mixing, lumber yards including millwork, and open yards for storage and sale of feed.
5. Any other use determined by the Board of Zoning Appeals to be similar to those uses listed above.

D. Required Conditions

1. Enclosed Buildings: All businesses, services, or processing under Section 1143.08B. shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants, and fluids at service stations, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials, and equipment and the uses specified in Section 1143.08C.
2. Night Operation: No building customarily used for night operation shall have any openings other than stationary windows or required fire exits within two hundred feet (200') of any R Districts; any space used for loading and unloading commercial vehicles in connection with such an operation shall not be located within two hundred feet (200') of any R District.

E. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District. (Ord. 64-09. Passed 10-6-09.)

1143.09 M-2 GENERAL INDUSTRIAL DISTRICT.

- A. Purpose

The purpose of the M-2 General Industrial District is to encourage the development of major industries and other uses that can be operated in such a manner as to conform to the applicable performance standards of this District. These uses perform essential and necessary functions and are provided for in areas that are best suited for such industrial development by reason of location, and the availability of adequate utility and transportation systems. Accordingly, an M-2 District is isolated from residential neighborhoods.

B. Permitted Uses

Within the M-2 District, a building or premises may be erected or used only for the following purposes:

1. All uses permitted in Section 1143.08B.
2. Foundry casting lightweight nonferrous metal or electric foundry not causing noxious fumes and odors.
3. Manufacturing and processing: Provided that these establishments comply with the performance standards in Chapter 1147 (Supplementary District Regulations)
 - a) Automobile assembly, food processing and packaging, breweries and liquor distilleries, forge and foundry work, warehousing.
 - b) Trucking terminals and freight stations.

C. Conditional Uses

1. All uses conditionally permitted in Section 1143.08C.
2. Refuse disposal sites: such uses shall meet the following additional criteria:
 - a) Refuse disposal sites are established in accordance with guidelines from the Federal and State Environmental Protection Agencies and shall be subject to additional protective measures as deemed necessary by the City.
 - b) Prior to granting a conditional use permit, the applicant shall provide the City with documentation evidencing the approval of the appropriate state an/or federal regulatory agencies and the necessary permits and licenses for such operations.
 - c) In no event shall the disposal, handling or storage of radioactive, toxic, or hazardous materials be permitted on the premises unless reviewed and approved by the City Fire Department or hazardous materials officials.

3. Extraction of sand and gravel, top soil and other natural resources. Such uses shall meet the following additional criteria:
 - a) Any extraction operation that is intended to, or will, result in the creation of a body of water shall be effectively fenced along the property lines and provided with a locking gate. Such height shall be of a non-climbable design installed and maintained at a height of six feet (6').
 - b) No excavation shall be permitted nearer than fifty feet (50') to any property line.
 - c) Any processing or storage of materials shall be conducted within an enclosed structure and/or effectively screened from view.
 - d) Prior to granting a permit, the applicant shall provide the City with documentation evidencing the approval of the appropriate State and/or Federal regulatory agencies and the necessary permits and licenses for such operations.
4. Smelting of ferrous or nonferrous ores.
5. Steel manufacturing.
6. Storage, drying, and cleaning of iron, junk, rags, glass, cloth, paper or clippings, including refining, baling, wool pulling, and scouring.
7. Sexually oriented business as defined by Harrison Codified Ordinances Chapter 737. Because of the recognized secondary impacts of adult uses, this use shall meet the following:
 - a. No adult bookstores, adult cabaret, or adult motion picture theater shall be placed within 1,000 feet of a school child day care, church, public building, establishments that sell alcoholic beverages, group homes, nursing homes, and any R (Residentially Zoned) Districts.
 - b. No sexually oriented business may place any item on display that has any content or reference to specified sexual activities or specified sexual anatomical areas that can be seen from any public right-of-way.
8. Any other use not specified herein which conforms with the intent and purpose of this Article subject to approval by the Board of Zoning Appeals.

D. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.

1143.10 OA OPEN AREA DISTRICT.

The purpose of the Open Area District is to preserve and protect environmentally sensitive land that is steep sloped, rural, open space, a wetland, or prone to flooding (within the 100-year flood plain) as conservation areas of the City.

A. Permitted Uses

1. Cultivation of crops, fruit trees, nursery stock, truck garden products, and similar plant materials.
2. Public noncommercial facilities such as parks, playgrounds, tennis courts, swimming pools, golf courses, and community centers that operate with or without a fee.

B. Conditional Uses

1. Summer camps.
2. Sexually oriented business as defined by Harrison Codified Ordinances Chapter 737. Because of the recognized secondary impacts of adult uses, this use shall meet the following requirements:
 - a. No adult bookstores, adult cabaret, or adult motion picture theater shall be placed within 1,000 feet of a school, child day care, church, public building, establishments that sell alcoholic beverages, group homes, nursing homes, and any R (Residentially Zoned) Districts.
 - b. No sexually oriented business may place any item on display that has any content or reference to specified sexual activities or specified sexual anatomical areas that can be seen from any public right-of-way.

C. Development Standards

Refer to Section 1143.12 for development standards pertaining to this District.

1143.11 PLANNED UNIT DEVELOPMENT.

A. Purpose

The purpose of the Planned Unit Development District (PUD) is to achieve, to the greatest possible degree, land development that is responsive to the natural and environmental assets and liabilities of a given site. The PUD provides an alternative zoning category that is intended to encourage imaginative design of development. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

B. General Requirements and PUD District Designation

Subsequent to the approval of City Council, the designation of PUD may be applied to any existing zoning district, with the limitations described herein. There are two types of PUDs.

1. A PUD may be a predominantly residential development, and in which case is referred to as a PUD-RES. A PUD-RES may only be applied to an existing residential district. The tract of land proposed to be developed as a PUD-RES must be owned, leased, or controlled by one person or single entity, and must contain more than one unit and/or lot.
2. A PUD may also be a mixed use development, referred to as a PUD-BUS. A PUD-BUS may be applied to any existing non-residential zoning district. The tract of land proposed to be developed as a PUD-BUS must be owned, leased, or controlled by one person or single entity, and must be at least five (5) contiguous acres in size.

Upon the approval of the final development plan according to Section 1143.11H. The Official Zoning Map shall be amended to designate the property "PUD-RES or PUD-BUS". (Ord. 40-05. Passed 12-6-05.)

C. Permitted Uses

The permitted uses in both the PUD-RES and PUD-BUS district are as set forth below:

1. Permitted Uses - PUD-RES

An applicant may propose to include any mixture of permitted or conditional uses in any existing residential district, as well as land uses which are allowed as a permitted use in the B-1 district, provided that not more than twenty-five percent (25%) of the net acres in the development is devoted to non-residential uses.

2. Permitted Uses - PUD-BUS

An applicant may propose to include any mixture of non-residential land uses in a proposed PUD-BUS development, provided that at least sixty percent (60 %) of the net acres in the development are devoted to uses permitted in the district(s) applying to the property at the time of application.

D. General Development Standards

The following standards represent broad parameters under which all PUD developments must be designed:

1. Central Water and Sewer Facilities:

All structures in developments approved as a PUD must be served by central or public water and sewer facilities.

2. Development Layout and Design:

The design and layout of all PUDs shall display excellence in design by properly considering significant site features such as topography, natural drainage patterns, roadway access and circulation, surrounding land uses, and general public welfare to result in desirable land development. Attractive landscaped buffer areas shall be provided between incompatible land use and activities.

3. Front, Side and Rear Setback Standards for Perimeter Lots:

All lots that are located along the perimeter of the PUD shall have minimum front, side and rear setbacks equal to those that would normally be specified in the zoning district prevailing at the time of application for PUD approval or 25 feet, whichever is greater.

4. Off-Street Parking and Loading Facilities:

For all land uses located within the PUD, the parking and loading standards contained in Chapter 1159 shall be applied.

E. Residential (PUD-RES) Development Standards

In addition to the general development standards described in Section 1143.11D. above, PUD-RES shall meet the following development standards:

1. Clustering Residential Development and Required Open Space:

A minimum of twenty percent (20%) of the land developed for residential purposes in a PUD project shall be reserved for common open space. Clustering residential density is encouraged to provide required common open space. This required amount of common space shall be established as common open space under one ownership, and provisions shall be established for maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance shall be submitted to the City. The City Council may require as a condition of final approval, any evidence deemed necessary to document that the required common space shall remain in its stated condition as long as the development exists (including such legal documents as deed restrictions, conservation easements, etc.).

2. Clustering Residential Density:

To achieve a clustering of residential density and to provide for the required common open space, the lot area requirements for residential land uses may be reduced from the densities required under the district(s) applying to the property at the time of application, by up to twenty percent (20%). The lot width and yard requirements for residential lots may be also be reduced as needed to accommodate a variety of structural patterns, clustering designs, and housing types.

3. Residential Dwelling Types

Along with clustering residential density, a PUD-RES may include a mixture of dwelling types, including, single-family detached dwellings, two-family units, zero lot line units, and multi-family units, provided the maximum densities defined in each existing zoning classification is not exceeded.

F. General PUD Approval Procedure

The applicant for a PUD is encouraged to informally present conceptual or preliminary plans to both City Council and the Planning Commission for review prior to extensive engineering and formal submission of a Final Development Plan. Property proposed to be developed as a PUD must be rezoned to PUD, and the decision to approve a Final Development Plan, and to rezone a property to PUD are done concurrently.

G. Final Plan

The applicant for a PUD shall submit ten (10) copies of the proposed Final Plan to the Zoning Director along with the required application fee. The final plan shall include:

1. The specific description of permitted, conditionally permitted and accessory uses to be allowed in each area of the development.
2. A copy of proposed deed restrictions.
3. The final plan shall be drawn to illustrate:
4. A survey and legal description of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography (at two foot contour intervals); and existing features of the development site, including major wooded areas, streets, easements, utility lines, existing land uses;
5. The location and dimensions of all lots, setbacks, and building envelopes.
6. Conceptual drawings of sewer and water facilities as well as street and drainage systems.
7. A table indicating acreage devoted to various development types.
8. Landscaping plan for all buffer areas and other common areas.
9. Architectural guidelines to apply throughout the development.
10. The proposed names of all interior streets proposed for the development.
11. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.
12. Existing or proposed protective covenants, deed restrictions, and form of notices to property owners relative to their interests and responsibilities with respect to open space and recreation facilities.
13. Description of form of organization to be followed in the establishment of a property owners' association in the event that care and maintenance of common open space and recreation facilities is to be a responsibility of property owners.

14. A description of the expected timing of the development.

In addition to the above, the City Council may require additional information, including but not limited to environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development and to address potential mitigation measures. The applicant shall be responsible for reasonable expenses incurred by the City in reviewing final development plans. Such expenses are beyond application fees established by the City and may include professional service fees such as legal expenses or fees from other professionals, such as engineers, landscape architects, planners or environmental scientists, incurred in connection with reviewing the plans submitted.

H. Final Plan and Rezoning Approval Procedure Process

The decision to rezone land to PUD and to approve the final plan are accomplished concurrently. All PUD final plan submissions are deemed to be an application for amendment to the Zoning Code according to Chapter 1183. All procedures (Planning Commission Review, public hearings and action by the Council), therein shall be followed in considering an application for a rezoning of the land in question to PUD. Upon approval of such plan and rezoning, the Official Zoning District Map shall be amended to designate the project area as "PUD-RES or PUD-BUS." Thereafter, with the concurrent approval of the rezoning and final plan pursuant to the criteria stated in Section 1143.111., all development restrictions and conditions described in the Final Plan shall become official requirements of the PUD.

I. Criteria of Approval - Final Plan

The Planning Commission and City Council shall review the proposed Final Plan according to the following criteria:

1. That the proposed development is in conformity with the goals and objectives of the master plan.
2. That the proposed development advances the general health, safety and morals of City.
3. That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
4. That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan, according to these PUD requirements.
5. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
6. That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the PUD.

J. Amendments (Changes)

After the final development plan has been approved by the City Council, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents. Minor changes, as defined herein, are allowed, provided such requests conform to the standards established by the final development plan and this Ordinance. A minor change shall require approval by the Planning Commission and shall include the following:

1. Adjustments to the size and location of buildings, swimming pools, and other on site structures provided:
 - a) It does not result in an increase in the number of housing units approved in the final plan;
 - b) It does not encroach materially into the established setback areas;
 - c) It does not create a larger building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.
2. Alterations to the proposed drives and/or parking areas do not encroach into building areas or specified recreation areas.
3. Adjustments in the size and location of development identification signs.

A major change is any change that does not meet the criteria above and in addition, is one which would constitute a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require submittal of a final plan as defined in Section 1143.11G. of that portion of the development proposed to undergo a major change.

1143.12 Lot Area, Frontage, and Yard Requirements

A. Basic Yard, Area, and Height Requirements for Dwellings

City of Harrison Zoning Code								
District	Minimum Lot Width (feet)	Minimum Lot Size (square feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		Maximum Height	
					Either Side	Sum of SideYards	Stories	Feet
R-0	100	16,500	40	40	12	25	2.5	35
R-1	90	13,500	40	40	12	25	2.5	35
R-3								
Single-Family	65	8,750	25	35	7	15	2.5	35
Two-Family	105	6,500	25	35	10	23	2.5	35
Multi-Family	125	4,500	30	35	20	40	2.5	35
R-4								
Single-Family	65	8,125	25	30	7	15	2.5	35
Two-Family	80	5,000	25	30	8	20	2.5	35
Multi-Family								
Efficiency	100	2,250	25	30	15	35	3	45
1 bedroom		2,250	25	30	15	35	3	45
2 bedroom		3,000	25	30	15	35	3	45
3 + bedroom		3,500	25	30	15	35	3	45

(Ord. 46-01. Passed 11-6-01; 23-2003. Passed 5-6-03; Ord. 30-03. Passed 7-1-03.)

B. Exceptions

The front building line shall be used to measure the minimum frontage or lot width of lots in a cul-de-sac. However, the minimum setback shall meet the requirements of this Ordinance.

C. Floor Area Requirements for Dwellings

The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only areas used for living quarters shall be counted. Utility rooms, garages, carports, porches, laundry areas, heater rooms, and uninhabitable basement space are to be excluded.

MINIMUM FLOOR AREA REQUIRED FOR EACH FAMILY UNIT (SQUARE FEET)				
		Multiple-Family Dwellings		
District	Single- and Two-Family Dwellings	Efficiencies	1 Bedroom Unit	2 or More Bedrooms
R-1	1,200			
R-3	1,050	500	750	900+125*
R-4	900	500	650	800+125*

* Add 125 square feet for each additional bedroom beyond two bedrooms.

D. Requirements for Buildings Other Than Dwellings and Accessory Buildings

The following schedule establishes basic yard, area, lot coverage, and height requirements for all buildings other than dwellings and accessory buildings by district, except as otherwise provided in this chapter.

Requirements for Buildings Other Than Dwellings/Accessory Buildings							
District	Minimum Lot Width (feet)	Minimum Lot Area (square feet)	Minimum Depth (feet)		Minimum Width for Each Side Yard (feet)	Maximum % of Lot Coverage	Maximum Height of Building (feet)
			Front Yard	Rear Yard			
R-1	150	1 acre	50	50	30	20	35
R-3	125	30,000	40	40	30	20	35
R-4	100	20,000	40	40	25	20	35
B-1	60	9,000	30	20	None	40	35
B-4	100	20,000	50	30	None	40	45
DRD	60	6,000	None	20	None	60	35
M-1	150	1 Acre	50	40	30	40	45
M-2	250	2 Acres	40	40	30	40	45
OA	200	2 Acres	60	60	50	10	35

E. Additional Requirements

In addition to the requirements established in Section 1143.12A. and 1143.12D., the following conditions shall apply:

1. Child day care facilities, special or private schools, and similar uses shall provide an acceptable open play area requiring Planning Commission approval.
2. The Minimum Lot Area for a Motel or Hotel shall be the greater of the Minimum Lot Area established in Section 1143.12D. or the number of licensed rentable units times one thousand two hundred and fifty square feet (1,250 s.f.). Further, each licensed unit must contain at least two hundred square feet (200 s.f.) of floor area and provide adequate sanitary provisions and heating. All plans are subject to approval by the Planning Commission and must comply with applicable State, Federal, and City Regulations.

F. Side and Rear Yard Requirements for Non-Residential Uses Abutting R Districts

1. Minimum Yard Requirements

Non-residential uses shall not be located nor conducted closer to any lot line of an R District than the distance specified in the following schedule:

Minimum Side/Rear Yard Requirements for Non-Residential Uses Abutting R Districts	Use
25 feet	Off-street parking and loading spaces and access drives for non-residential uses.
50 feet	Churches, schools, and public or semi-public buildings.
60 feet	Recreation facilities, entertainment facilities, motels, and all business uses.
80 feet	Outside sale or storage of automobiles, trucks, automobile service stations, building material or construction equipment, bulk material, and all industrial uses.

G. Height Regulations for Buildings

1. Buildings with a height in excess of the maximum height specified in Section 1143.12A. and 1143.12D., may be permitted provided the required front, side, and rear yards are increased by one and one-half feet (1-1/2') for each foot of additional building height above the maximum specified in Section 1143.12A. and 1143.12D.
2. The height and location of television and radio antennas or towers, church spires, belfries, monuments, tanks, water and fire

towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors, and flagpoles shall be subject to the approval of the Planning Commission.