

Chapter 1208: General Development Standards

1208.01 ENCLOSED ACTIVITIES

- (a) Except in the I-2 District or for uses where the use type is, by definition, an outdoor use, all activities related to the principal use, with the exception of parking and loading, shall take place within a completely enclosed building.
- (b) Outdoor displays, sales, and storage may only be permitted as part of an approved accessory or temporary use. See [Chapter 1206: Accessory and Temporary Use Regulations](#).

1208.02 ON-SITE UTILITY REQUIREMENTS

All visible utilities that are internal to a site shall be buried or rerouted to an unobtrusive location.

1208.03 PERFORMANCE STANDARDS (REVISED CHAPTER 1274)

(a) Purpose (Revised 1274.01)

It is the purpose of this section to provide standards for the operation of all uses or activities to prevent dangerous or harmful elements from adversely affecting adjacent properties.

(b) Applicability (Revised 1274.03)

All new uses and activities installed or enacted on or after the effective date of this code shall adhere strictly to these standards. All new uses and activities installed or enacted prior to the effective date of this code may continue as authorized in [Chapter 1224: Nonconformities](#).

(c) Standards (Revised 1274.02)

The following factors of annoyance shall be measured at the lot or property line where produced:

- (1) No vibration which is discernible to the human sense of feeling shall be permitted except for normal but temporary construction activities.
- (2) Music, noise, and sound shall all be subject to rules and standards of Chapter 648 of the City of Middletown Code of Ordinances.
- (3) No odor shall be emitted which is harmful to humans.

1208.04 OUTDOOR LIGHTING STANDARDS

(a) Purpose

The purpose of this section is to regulate outdoor lighting elements as they contribute to the identity of a development or project. It is also the purposes of these regulations to ensure the safety of pedestrians while minimizing light pollution and the negative impacts of excessive glare.

(b) Applicability

- (1) The standards of this section shall apply to the following development activities:
 - A. Construction of all new buildings in nonresidential zoning districts;
 - B. Construction of all new nonresidential buildings in residential zoning districts.
 - C. Establishment or expansion of any vehicular use areas; or
 - D. Addition of outdoor lighting fixtures regulated by this section
- (2) The requirements of this section shall not apply for a lighting related to single-family, two-family, and three-family dwellings, however, all lighting for these uses, with the exception of low-voltage landscaping lighting, shall be completely shielded from adjacent properties.
- (3) The applicant must provide a plan that identifies the location, height, and type of luminaries, and shows how the applicant intends to comply with this section.

(c) Lighting Standards

(1) General Standards (New)

- A. The placement of light poles within raised curb planting areas or landscaped islands should be the priority location, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.
- B. Outdoor lighting shall not be designed or located in such a way as to shine directly into an adjacent dwelling unit, regardless of the applicable zoning district.
- C. All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that adjacent lots or streets located in residential districts are not directly illuminated.

(2) Building-Mounted Lighting

- A. Lighting may be mounted to a building façade only at entrances, loading/service locations, or for the purpose of accent lighting.
- B. In no case shall a light fixture mounted on a structure be mounted at a height where the fixture will exceed the height of the roofline.

(3) Ground-Mounted Lighting

The maximum height of a light fixture, if mounted on a pole or on a structure other than the principal building, is 25 feet.

(4) Lighting Intensity and Glare

- A.** Lighting must be selected, located, aimed and shielded, using cutoff shields or similar measures, so as to focus illumination exclusively on the intended site elements and away from adjoining properties and public streets.

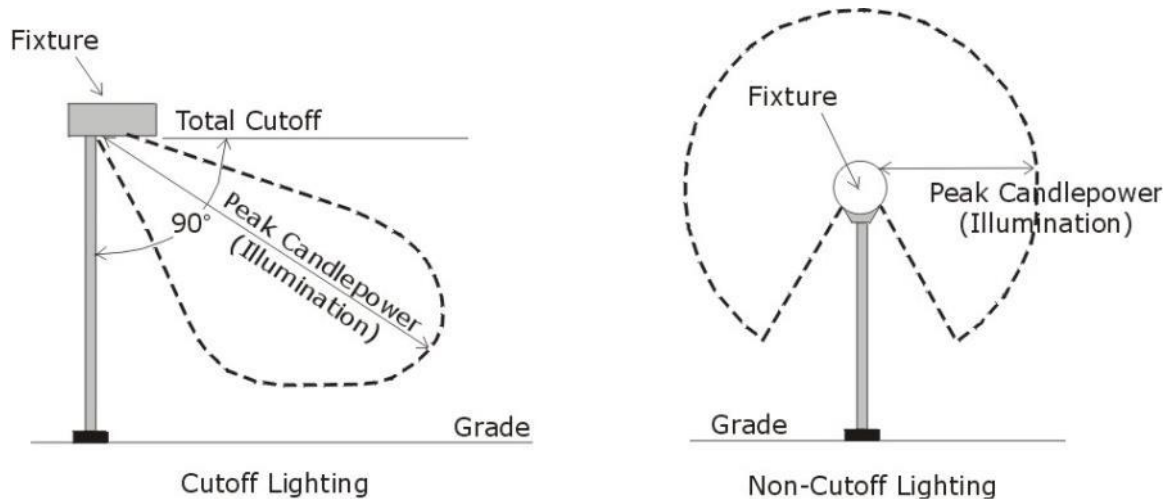


Figure 1208-A: Cutoff lighting fixtures (left) are permitted whereas non-cutoff lighting fixtures (right) are prohibited.

- B.** [Table 1208-1](#) includes lighting level guidelines for individual site elements.

TABLE 1208-1: OUTDOOR LIGHTING STANDARDS		
LIGHTING LOCATION OR ILLUMINATED SITE ELEMENT	LIGHTING STANDARD	MAXIMUM TO MINIMUM LIGHTING RATIO
Internal Driveways and Roads (Non-Public)	Average of 1.5 foot-candles	Four to One
Drop-Off Areas	Minimum of 2.0 foot-candles	Four to One
Other Vehicular Use Areas	Average of 0.8 foot-candles	Four to One
Pedestrian Traffic Areas	Average of 1.25 foot-candles	Four to One
Building Entrances	Minimum of 2.0 foot-candles	Three to One

1208.05 INTERSECTION VISIBILITY

- (a)** In order to provide a clear view to the motorist there shall be a triangular area of clear visibility that is free of any obstructions where there is an intersection of two or more streets and/or where a driveway intersects with a street.

- (b)** Where a street intersects with another street, the triangular areas shall be defined by measuring 25 feet from the intersection of the extension of the front and side street curb lines (or the edge of pavement where there is no curb) and connecting the lines across the property. See [Figure 1208-B](#).

Figure 1208-B: Intersection visibility area for two intersecting streets.⁶

- (c)** Where a driveway intersects a street, the triangular areas shall be defined by measuring 20 feet from the edge of the driveway along the street and 10 feet along the driveway, perpendicular from the street. See [Figure 1208-C](#).

Figure 1208-C: Intersection visibility area for driveway and street intersections.

- (d)** These standards shall not apply to driveways for single-family, two-family, or three-family dwellings.
- (e)** The Development Code Administrator, in consultation with the City Engineer, may reduce the distance requirement where it is determined that a narrow lot frontage would excessively reduce buildable area.
- (f)** No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the area established above, unless approved by the City Engineer. Trees may be located within these areas provided they are pruned and/or the canopy is trimmed to provide clear visibility (with the exception of the tree trunk) up to eight feet above the top of the curb.
- (g)** Where no curb exists, the height shall be measured from the top of the pavement.
- (h)** The Ohio Department of Transportation may impose additional restrictions along State routes, interchanges, and interstate highways.

⁶ We will add an updated graphic for these two standards.

1208.06 FENCES, WALLS, AND HEDGES (REVISED 1272.01)

(a) Permit Required

- (1)** No person shall construct or erect a fence or wall without first obtaining an approved certificate of zoning compliance and/or a building permit, if applicable. Permits are not required for repairs of existing fences, for replacement of a fence for which the original permit can be produced, or for invisible fences.
- (2)** A certificate of zoning compliance shall not be required for vegetative hedges or invisible fences but they shall be subject to any applicable requirements of this section.

(b) General Requirements (New)

- (1)** All fences, walls, and hedges shall be subject to the intersection visibility requirements of Section [1208.05](#).
- (2)** Fences shall be subject to the standards of Chapter 1438 of the Middletown Code of Ordinances in addition to this section.
- (3)** All fences, walls, hedges and invisible fences, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way.
- (4)** The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
- (5)** All fences, walls, and hedges shall be maintained in a neat and orderly manner.
- (6)** Walls shall be prohibited within all utility easements. Fences that are placed in utility easements are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Replacement of the fence shall be at the property owner's expense.
- (7)** Fences, walls, and hedges shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district.
- (8)** It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Development Code Administrator issuing the certificate of zoning compliance, and that the fence does not encroach on another lot or existing easement. The issuance of the certificate and any inspection by the City shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

(c) Measurement

- (1)** The maximum fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence between posts. See [Figure 1208-D](#).⁷ The structure posts may exceed the maximum height allowed in this section by up to six inches including any decorative features.

Figure 1208-D: Illustration of measurement of fence height

- (2)** A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

(d) Materials

- (1)** In the UC District, the fence or wall materials and style must conform to the historic character of the district. Fences shall only consist of wood, ornamental iron or aluminum or vinyl material which resembles wood, ornamental iron or aluminum. Walls shall only be constructed with brick or stone exposed surfaces. Chain link, wire, and barbed wire fences are expressly prohibited all UC sub-districts.
- (2)** Chain link fencing shall not be used around the perimeter of the lot.

(e) Fences, Walls, and Hedges in Front Yards

The following shall apply to fencing, walls, and hedges in front yards:

- (1)** Fences, walls, and hedges shall not exceed 48 inches in the front yard or along any lot line that is adjacent to a street, including corner lots, in any residential district or in the O-1 or O-2 Districts.
- (2)** Fences and walls shall not exceed six feet in any front yard of any other zoning district except where such fence meets the minimum setback requirements for buildings in the applicable district.

⁷ We will add a graphic but this helps minimize the potential for people mounding up land beneath the fence to gain a taller fence.

- (3) For double frontage lots, fencing in the rear yard (See Section 1204.09(a)(5)G.) may exceed 48 inches if the fencing is set back a minimum of 50 feet from the right-of-way but in no case shall it exceed the height allowed in rear yards for the applicable zoning district. This setback shall not apply if the entire block face contains double frontage lots with the rear façade of the buildings facing the same street.

(f) Fences, Walls, and Hedges in Side and Rear Yards

The following shall apply to fencing, walls, and hedges in side and rear yards:

- (1) There shall not be a height requirement for hedges in side and rear yards.
- (2) Fences and walls shall not exceed six feet in height in any side or rear yard within any residential district or in the O-1 and O-2 Districts.⁸
- (3) Fences and walls shall not exceed ten feet in height in any side or rear yard within any residential district or in the I-1 and I-2 Districts.
- (4) Fences and walls shall not exceed eight feet in any side or rear yard of any other zoning district.

(g) Temporary Fences

Fences around construction sites shall be allowed for the duration of the construction work. A certificate of zoning compliance shall not be required for temporary fences.

1208.07 LAND REVITALIZATION PROGRAM (EXISTING 1213.01)

- (a) City Council finds that the existence of “non-productive land” within the boundaries of the City necessitate the implementation of a land revitalization program to foster either the return of such “non-productive land” to tax revenue generating status or the devotion thereof to public use.
- (b) The City hereby adopts the Land Revitalization Program as set forth in Chapter 5722 of the Ohio Revised Code.
- (c) The City Manager is hereby authorized and directed to utilize the provisions of Chapter 5722 of the Ohio Revised Code to obtain “non-productive land” and facilitate and effective revitalization of such land.
- (d) The City Manager is hereby authorized and directed to execute any and all necessary agreements to implement the Land Revitalization Program of the Ohio Revised Code Chapter 5722.

⁸ We will add a graphic for this to illustrate where different heights of fencing is allowed based on the lot type.