

Chapter 1218: Parking, Access, and Mobility

1218.01 PURPOSE (REVISED) 1270.01

The purpose of this section is to regulate the amount and location of vehicular parking and circulation as well as pedestrian circulation in order to promote a more efficient use of land, enhance urban form, encourage the reduction of impervious surface area, and provide for better pedestrian movement. The provisions of this chapter are intended to:

- (a) Prevent and alleviate the congestion of public streets;
- (b) Encourage the incorporation of alternative modes of transportation by encouraging pedestrian and bicycle circulation;
- (c) Promote greater safety of passage between highway and land;
- (d) Minimize the detrimental effects of vehicular use areas on adjacent properties;
- (e) Encourage the reduction of impervious surfaces through effective design and the use of shared parking, where practical; and
- (f) Promote the health, safety, and public welfare by establishing minimum requirements for vehicular use areas.

1218.02 APPLICABILITY

(a) Time of Review

Compliance with this section shall be reviewed as part of an application for a certificate of zoning compliance.

(b) New Development

- (1) The requirements of this section shall apply to all new development where there is the construction of a new structure (excluding accessory structures) or establishment of a new land use.
- (2) The number of existing parking, loading, or stacking spaces may not be reduced below the minimum requirements established within this section.

(c) Expansions and Enlargements

The parking, loading, and stacking space requirements of this section shall apply when an existing structure is expanded or enlarged or when there is an increase in the number of dwelling units within the building. In the case of such expansions and enlargements, additional parking, loading, and stacking spaces are required to serve only the enlarged or expanded area.

(d) Subdivisions

All subdivisions shall be subject to the requirements of Section [1218.07](#).

(e) Nonconforming Parking, Loading, and Stacking

Where a site is legally nonconforming due to a lack of compliance with the parking, loading, or stacking space requirements of this section, a future use of the site need not comply with the required number of spaces provided:

- (1) The applicant provides the maximum amount of parking, loading, or stacking spaces possible without being required to remove or partially remove a structure.
- (2) If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking, loading, or stacking spaces necessary towards fulfilling the minimum requirements of this section.
- (3) In no case shall the number of parking spaces be further reduced after the effective date of this code.
- (4) A use or structure with nonconforming off-street parking (e.g., insufficient off-street parking to meet the current requirements or insufficient landscaping) may only be expanded in compliance with the provisions of this section.
- (5) Changes or expansions of a residential dwelling shall not require the addition of parking, regardless of the number of existing spaces, provided the change does not increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access.

(f) Exemptions

- (1) Single-family, two-family, and three-family dwellings are required to comply with this chapter as it relates to setbacks and the number of parking spaces required, as well as the general requirements in Section 1218.03, but are otherwise exempt from other standards related to the design and layout of vehicular use areas.
- (2) All development in the Urban Core Central Subdistrict shall be exempt from the off-street parking requirements of this chapter provided that any of parking areas developed at the option of the property owners shall be designed in accordance with Section 1218.04(g) and shall comply with any applicable standards in Section 1218.03.

1218.03 GENERAL REQUIREMENTS

(a) Traffic Impact Studies, Access Management, and Curb Cuts

All requirements and regulations related to traffic impact studies, access management, curb cuts, and similar requirements are located in Chapter 1026 of the Middletown Code of Ordinances.

(b) Driveways

All private driveways shall comply with the requirements of applicable sections of Chapter 1410 of the Middletown Code of Ordinances.

(c) Cross-Access Requirements

- (1)** Development that includes nonresidential uses shall allow for shared, private vehicular access among all buildings and/or lots within the development and with adjacent lots to the maximum extent feasible in order to facilitate movement of customers and their vehicles without generating additional turning movements on public streets.
- (2)** Where cross access is provided across multiple lots, a cross-access easement shall be recorded with the applicable county recorder prior to issuance of a certificate of occupancy. Cross access shall be provided subject to the following provisions:
 - A.** Cross-access routes shall permit shared automobile access to driveways and parking areas for all nonresidential uses in the development, and to the maximum extent feasible, to adjacent lots and development. The use of parking spaces may be restricted to the owner's customers and tenants only.
 - B.** The Development Code Administrator may waive the requirement for cross access, in whole or in part, administratively, where cross-access is deemed impractical due to vehicular safety issues or environmental constraints such as severe topography.

(d) Location

- (1)** Except as otherwise expressly provided in Section [1218.04\(f\)\(2\)](#), all required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use.
- (2)** Parking lots, parking spaces, vehicle stacking spaces, and loading spaces shall be subject to this section, unless otherwise expressly stated in this code.
- (3)** Where a buffer is required pursuant to Section [1216.06](#), no vehicular use area may be located in the required buffer area and related setback.
- (4)** Vehicular use areas with five or more parking spaces shall be set back a minimum of five feet from all rights-of-way and 10 feet from all residential lots or lots used for public or institutional uses unless shared parking or joint parking arrangements are made. In cases where buffering is required, a wider setback may be required.
- (5)** Off-street parking areas shall not be permitted in the front yard (See Section [1204.09\(a\)](#).) of any use in any O-1, O-2, B-3, I-1, BC (including all subdistricts) or residential zoning districts unless located on a paved driveway.

(e) Fire Code

All vehicular use areas shall conform to all requirements set forth in the applicable fire code as adopted by the City of Middletown.

(f) Accessibility

All vehicular use areas shall be designed and improved in compliance with applicable building and design codes to ensure compliance with the Americans with Disabilities Act.

(g) Use of Vehicular Use Areas

- (1) Off-street vehicular use areas required by this section shall be used solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such uses.
- (2) No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street vehicular use area, except that off-street vehicular use areas for residential uses may be used for occasional auto washing or minor repairs of vehicles owned by the occupant.
- (3) Off-street parking areas shall not be used for the storage or display of vehicles, trailers, boats, etc. for sale unless such display is in conjunction with a business establishment whose principal business is in the sale or lease of vehicles, trailers, or boats or if the vehicle being sold is the personal vehicle of the lot owner.
- (4) The sale of merchandise in a parking area shall be permitted only in accordance with Section [1206.01](#).

(h) Grading, Surface, and Maintenance (Revised 1270.07)

- (1) All grading and storm water control plans relating to the parking areas shall be reviewed and approved by the City Engineer before any work can commence.
- (2) All parking areas shall be properly graded and drained so as to dispose of all surface water accumulated within the area of the parking lot.
- (3) Except for temporary parking permitted as part of a temporary use or any pervious surface permitted above, all open off-street parking areas shall be graded and provided with a hard surface of asphaltic, bituminous cement, concrete or other properly bound pavement so as to provide a durable and dustless surface, including private parking areas on residential lots.
- (4) Up to 50 percent of parking spaces may be constructed of a pervious surface, as approved by the City Engineer. The design of any areas surfaced with a pervious surface shall be reviewed by the City Engineer. Failure to maintain the pervious surface in good working order as may be necessary dependent on the type of surface shall be considered a violation of this code subject to [Chapter 1228: Enforcement and Penalties](#).
- (5) The surfacing requirements in paragraphs (3) and (4) above shall not apply to an off-street parking area located in any I-1 or I-2 District which is located at least 100 feet from any lot in any residential zoning districts except that a dustless surface shall be provided in any case. However, any access drive to such unpaved lot shall be paved for a distance of at least 20 feet from any public right-of-way.
- (6) The total surface area of a private parking area, including driveways, in the front yard shall not exceed fifty percent of the total surface area of the front yard in all residential districts.

- (7) Parking areas with more than five spaces shall be so graded and drained as to dispose of all surface-water accumulation by means of catch basins or intakes so that water from these areas does not run across a public sidewalk or directly into a public street.

(i) Parking and Storage of Major Recreational Equipment and Large Utility Trailers (Revised 1224.10)

- (1) In any residential zoning district, there shall be no parking or storage of major recreational equipment or large utility trailers in any front yard of a dwelling (See Section 1204.09(a).) within 35 feet of the right-of-way line. Temporary parking is allowed for a period of 72 hours within any seven consecutive days for loading and unloading purposes.
- (2) Major recreational equipment, the related trailers, and large utility trailers may be parked or stored outdoors in the side or rear yard of a residential premises, provided that:
- A. All vehicles and trailers shall be parked or stored in a single location on the premises; and
 - B. All parking spaces shall meet the surface requirement as specified in Section 1218.03(h). Alternative hard surface brick or interlocking paver material may be used.
- (3) Major recreational equipment or large utility trailers may be parked or stored, in any condition, within a fully enclosed garage that is located in accordance with Section 1206.01.
- (4) The vehicle or trailer shall be properly licensed and registered for highway use as required by the State, and the vehicle shall be maintained in good condition so that it can be readily transported (wheels shall not be removed; tires shall not be flat; and the vehicle shall not be fixed to the ground).
- (5) No business shall be conducted within major recreational equipment while it is parked on residential premises.
- (6) No major recreational equipment shall be used for dwelling purposes.

(j) Parking of Commercial Vehicles on Residential Lots (Revised 1224.12)

- (1) Only those vehicles that are classified as a Class 1 (Light Duty) or Class 2 (Light Duty) vehicle by the Federal Highway Administration are permitted to be parked or stored on residential lots. All other classification of vehicles may only be parked or stored on residential lots when within a fully enclosed building.
- (2) The above prohibition does not apply to commercial vehicles that are delivering goods to a residence, related to service calls, related to construction on the site, or other similar activities where commercial vehicles may be required.

1218.04 OFF-STREET PARKING REQUIREMENTS

(a) Rules for Computation

(1) On-Street Parking

On-street parking spaces shall not be counted toward off-street parking space requirements except as may otherwise be provided for in this code.

(2) Driveway Space Meeting Parking Requirements

Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family, two-family, and three-family dwellings where driveways may be used in calculating the amount of off-street parking.

(3) Multiple Uses

- A.** If the development includes a multi-tenant development as defined in this code, such use shall comply with the parking requirements for such use as established in [Table 1218-1](#).
- B.** Where a development contains multiple buildings with different uses, the parking areas shall include a number of spaces that equals the combined total of parking spaces required for each individual use.

(4) Area Measurements

- A.** All square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage accessory to the principal use, restrooms, utilities or other maintenance areas, loading and unloading docks, and other areas incidental to the principal use.
- B.** When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction one-half or less shall be disregarded and any fraction over one-half shall require one parking space.

(5) Capacity- Based Standards

- A.** For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift, the typical, or average, enrollment, or the maximum fire-rated capacity, whichever is lesser.
- B.** In hospitals, bassinets shall not be counted as beds.
- C.** In the case of benches, pews, and similar seating accommodations that do not have individual seats, each 24 inches of length of seating shall be counted as one seat for the purpose of determining the parking requirements.

(6) Parking Areas within a Structure

No parking spaces located within the interior of a structure (excluding parking garages) shall be counted in meeting the off-street parking requirements of this section except when located within a private garage, parking garage, or other facility designed for the parking of cars.

(7) Unlisted Uses

- A.** Upon receiving an application for a use not specifically listed in the parking schedule in [Table 1218-1](#), the Development Code Administrator shall apply the parking standard specified for the listed use that the Development Code Administrator deems most similar to the proposed use in regards to use, size and intensity of use.
- B.** If the Development Code Administrator determines that there is no listed use similar to the proposed use, intensity, or size, the Development Code Administrator may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).
- C.** The Development Code Administrator's decision regarding parking requirements for a specific use is appealable to the BZA as established in Section [1226.13](#).

(8) Accessory and Temporary Uses

Accessory and temporary uses shall be exempt from off-street parking requirements unless specifically required in [Chapter 1206: Accessory and Temporary Use Regulations](#).

(b) Number of Spaces Required

- (1)** [This section](#) defines the number of parking spaces required for each use within the City.
- (2)** For all uses except single-family, two-family, and three-family dwellings, the number of parking spaces required in [Table 1218-1](#) may be modified according to the following provisions:
 - A.** An application shall include the number of spaces required in [Table 1218-1](#), or up to 10 percent less without needing an administrative waiver or variance approval.
 - B.** Ten percent of the spaces required in this section may be reduced as of right but the remaining percentage, with a maximum reduction of 50 percent, may be permitted only if the applicant provides off-site parking spaces, shared parking spaces, or land banked parking spaces as provided for in Section [1218.04\(f\)](#).
- (3)** References to use categories and use types are related to those in [Table 1204-3](#).

TABLE 1218-1: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS

USE	PARKING SPACE REQUIREMENTS
AGRICULTURAL USES	
Agriculture (Raising of Crops or Livestock)	No parking spaces are required
Greenhouses and Nurseries	One space per 250 square feet of indoor display and sales area plus one space per 1000 square feet of outdoor sales / display areas
RESIDENTIAL USES	
Group Living Use Category (All Use Types)	One space per two beds
Household Living Category (All Use Types)	Two spaces per single-family, two-family, or three-family dwellings
	1.5 spaces per dwelling unit for multi-family dwellings or for dwelling units over nonresidential uses
COMMERCIAL USES	
Assembly Halls and Conference Centers	One space per two fixed seats or one space per two persons based on the maximum capacity, whichever is greater
Auction Houses and Flea Markets	One space per 300 square feet of floor area
Automotive Repair (Heavy) and Towing Services	One space per 300 square feet of indoor floor area, plus two spaces per service bay (service bay may not be counted as a parking space).
Automotive Service Station and Parts Sales	
Business Services	One space per 400 square feet of floor area with a minimum of five spaces
Bed and Breakfast Establishments	Two spaces for owner plus one space for each guest room
Business and Professional Offices	One space per 400 square feet of floor area with a minimum of five spaces
Community Centers	One space per two fixed seats or one space per two persons based on the maximum capacity, whichever is greater
Convenience Stores	One space per 300 square feet of floor area with a minimum of five spaces
Eating and Drinking Establishments Use Category (All Use Types)	One space per 100 square feet of floor area
Financial Institutions	One space per 300 square feet of floor area with a minimum of five spaces
Funeral Homes and Mortuaries	Six spaces for each parlor + one space for each fleet vehicle or one space for each 50 sq. ft. of floor area in assembly rooms used for services, whichever is greater.
Hotels and Motels	One space per room or suite plus five spaces for employees
Kennels and Animal Boarding	One space per 1,000 square feet of floor area plus one drop-off space per 20 kennel spaces.
Live/Work Units	3 space per unit
Medical or Dental Clinics or Offices and 24-Hour Urgent Care	One spaces per 200 square feet of floor area with a minimum of five spaces
Mixed Use Building (with Residential Uses)	One space per 300 square feet of nonresidential floor area + one space per dwelling unit
Mobile Home, Commercial Truck, and Recreational Vehicle Sales and Leasing	One space per 100 square feet of indoor floor area
Multi-Tenant Development	One space per 300 square feet of floor area, regardless of proposed uses.
Night Club	One space per 50 square feet of floor area
Package Liquor Stores	One space per 300 square feet of floor area with a minimum of five spaces
Personal Service Establishments	One space per 200 square feet of floor area, or two spaces per station/chair, whichever is greater

TABLE 1218-1: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS

USE		PARKING SPACE REQUIREMENTS
Recreation Facilities (Indoors)		One space for each three persons at maximum building capacity
Recreation Facilities (Outdoors)		See Section 1218.04(c).
Retail and Service Commercial Uses		One space per 300 square feet of floor area
Retail Fuel Sales		One space per 300 square feet of indoor floor area plus one space per fuel pump or service bay (service bay may not be counted as a parking space).
Theaters		One space for each four persons at maximum building capacity
Automotive Sales and Leasing		One space per 100 square feet of indoor floor area
Vehicle Washing Establishment		Three spaces per washing bay (washing bay may not be counted as a parking space).
Veterinarian Offices or Animal Grooming (No Boarding)		One space per 250 square feet of floor area with a minimum of 5 spaces
INDUSTRIAL USES – ALL USE TYPES IN ALL USE CATEGORIES		
The total number of required spaces is cumulative based on the variety of different functions present in a single use as established below		
Office or administrative area		1.0 space per 300 square feet of floor area
Indoor sales area and displays of goods manufactured on site		1.0 space per 300 square feet of indoor floor area
Indoor areas used for storage, warehousing, assembly, vehicular service, or general manufacturing activities	1-3,000 square feet of floor area	1.0 space per 250 square feet of floor area
	3,001-5,000 square feet of floor area	1.0 space per 500 square feet of floor area
	5,001-10,000 square feet of floor area	1.0 space per 750 square feet of floor area
	10,001 or more square feet of floor area	1.0 space per 1,250 square feet of floor area
Outdoor storage area (3,000 square feet or less)		1.0 space per 750 square feet of outdoor space
Outdoor storage area (more than 3,000 square feet)		1.0 space per 1,000 square feet of outdoor space
PUBLIC AND INSTITUTIONAL USES		
Active Recreational Facilities	Athletic/Play Field	Ten spaces per acre
	Golf Course	Four spaces for each hole plus one space for 100 square feet of net floor area in any cocktail lounge, bar, or similar facility.
	Golf Driving Range	One space for each driving tee plus one per employee
	Parks, Playgrounds	See Section 1218.04(c).
	Skating Facility	One space per 250 square feet of floor area
	Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Facilities	See Section 1218.04(c).
Cemeteries		One space per four seats in a chapel or place of assembly
Passive Parks, Open Space, and Natural Areas		See Section 1218.04(c).
Cultural Facilities		See Section 1218.04(c).
Essential Services		No parking spaces are required
Educational Institutions (K-12)		Three spaces per classroom, one space per four seats in auditorium, or one space for each 17 classroom seats (at maximum capacity), whichever is greater

TABLE 1218-1: NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS

USE	PARKING SPACE REQUIREMENTS
Colleges and Higher Educational Institutions	One space for each five classroom seats plus one space for each auditorium seat
Fraternal, Charitable, and Service Oriented Clubs	One space per two fixed seats or one space per two persons based on the maximum capacity, whichever is greater
Government Facilities	See Section 1218.04(c).
Hospitals	One space for every two patient beds + four spaces per 1,000 square feet of outpatient clinics, laboratories, pharmacies and other similar uses
Nursery Schools or Day Care Centers (Children or Adults)	One space for every four children based on maximum capacity
Radio and Television Broadcasting Studios	One spaces per 350 square feet of floor area with a minimum of five spaces
Religious Places of Worship	One space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater
Wireless Telecommunication Facilities	Two spaces per tower
Utility Facilities and Buildings	See Section 1218.04(c).
Utility Structures	No parking spaces are required

(c) Uses with Variable Parking Demand Characteristics

Uses that reference this subsection in [Table 1218-1](#) have widely varying parking demand characteristics, making it difficult to establish a single off-street parking standard. Applicants that propose a use subject to this subsection shall submit information with their application on the size of building, potential employment, proposed seating, applicable fire capacity information and similar information along with justification on how the proposed number and design of parking spaces is sufficient for the proposed use. The Development Code Administrator shall have the authority to review and make a decision on the proposed number of parking spaces based on the information submitted by the applicant and any estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

(d) City Parking Lots (Existing 1270.66)

(1) The Planning Commission, in consultation with other City departments and agencies concerned, may undertake studies of various areas in the City for the purpose of determining areas within which there is need for establishment of off-street parking facilities to be provided by the City and to be financed wholly or in part by a special assessment district or by other means. Where such need is found, the Planning Commission shall report its recommendation for the acquisition of such off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the area they are intended to serve.

- (2) Wherever off-street parking facilities are established by means of a special assessment district or by any other means which the City Council may determine, all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district, or other district which the City Council may have determined, shall be exempt from the requirements of this chapter for privately supplied off-street parking facilities, except as provided in the following.
- (3) The City Council, upon recommendation of the Planning Commission and after public hearing, may require by resolution that a portion, not to exceed 50 percent, of the off-street parking facilities required by this chapter shall be provided in connection with occupancy or use of a building in an area that was included in a special assessment district for the provision of off-street parking facilities, or in any other district which the City Council may have determined to be served by a public off-street parking facility in the following cases:
- A. In such cases where the use of a building, erected after the levying of the special assessment in such an area or after the establishment of the public off-street parking facility, creates a need for an unusual or exceptional amount of off-street parking facilities; and
 - B. In such cases where alteration, extension or change in use of a building, after the levying of the special assessment in such an area or establishment of the public off-street parking facility, creates a need for off-street parking facilities more than 30% in excess of the requirements for off-street facilities for such a building or use before alteration, extension or change in use, as computed on the basis of the requirements.

(e) Bicycle Parking

Any bicycle parking accommodations provided on a site shall be located in an area adjacent to the building and separate from vehicular or pedestrian (sidewalk) traffic circulation so as to prevent traffic conflicts and safety hazards between vehicles, people, and bicyclists.

(f) Alternative Parking Options

(1) Land Banked Parking

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavement provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with this section. See Section [1218.04\(b\)](#).

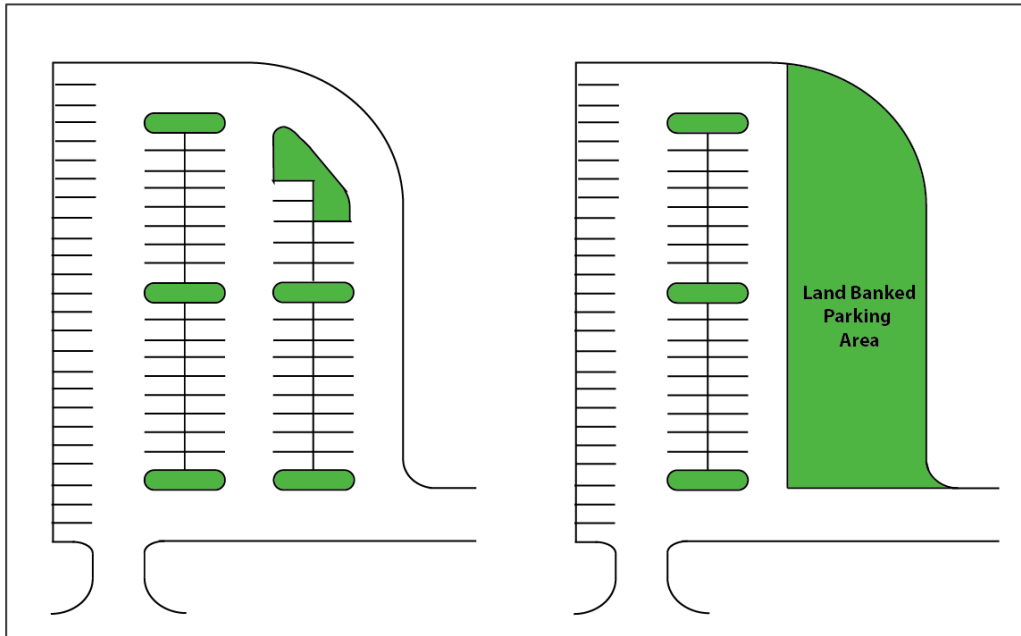


Figure 1218-A: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.

- A.** The parking plan submitted with the certificate of zoning compliance application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the "land banked" parking spaces will be constructed according to these regulations in the event that the Development Code Administrator determines at any time that all or any portion of this parking is necessary.
- B.** The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations even though a portion of the parking area may not be developed initially.
- C.** Any conditions required by the City, and the design for the site as established above, shall be illustrated on a final site plan that shall be recorded with the applicable county's recorder's office. The applicant shall be required to provide proof that the final site plan has been recorded with the applicable county's recorder's office prior to the issuance of a certificate of occupancy.
- D.** At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavement may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- E.** At no time shall any portion of the required parking that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this section.

- F.** The owner of record shall be required to begin construction of the approved land banked parking area(s), as identified on the approved parking plan, within six months of written notice from the Development Code Administrator, identifying that such parking is determined to be necessary. Such determination may be made:
 - i. When the Development Code Administrator is reviewing an application related to a change of use or activity; or
 - ii. When the Development Code Administrator, or their designee, documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.
- G.** Construction of the land banked parking area must be completed within one year of the written notice identified in paragraph [1218.04\(f\)\(1\)F](#) above. Failure to construct the remaining parking area within the applicable timeframe shall be considered a violation of this code.

(2) Shared Parking or Off-Site Parking

Shared parking or off-site parking may be authorized under this code subject to the following:

- A.** Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities and they are located on adjacent properties.
- B.** The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request.
- C.** Shared parking may be approved if:
 - i. A sufficient number of spaces is provided to meet the highest demand of the participating uses;
 - ii. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Development Code Administrator, documenting the nature of uses and the hours when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
- D.** Off-site parking shall not be used to satisfy the off-street parking standards for residential uses or hospitals. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- E.** No off-site parking space shall be located more than 600 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

F. If an off-site parking area is located in a different zoning district than the use served, the off-site parking areas shall still adhere to the vehicular use landscaping regulations of Section [1216.08](#).

G. Parking Agreement Required

A parking agreement shall be required for shared or off-site parking arrangements.

- i. The agreement shall be subject to review and approval by the City's legal counsel and shall provide for the rights of the respective parties to use the parking areas as shared or off-site parking areas.
- ii. The agreement shall include provisions and evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- iii. The approved shared agreement shall be filed with the application for a certificate of zoning compliance and shall be filed with the applicable county's recorder's office in a manner as to encumber all properties involved in the parking agreement.
- iv. The applicant shall be required to provide proof that the agreement has been recorded with the applicable county's recorder's office prior to the issuance of a certificate of zoning compliance.

(g) Design of Off-Street Parking Areas

(1) Access to Parking

Access to parking areas shall be provided as follows for all parking areas other than garages for individual dwelling units:

- A.** Parking areas shall provide suitable maneuvering area so that vehicles enter from, and exit to, a public street in a forward direction only.
- B.** Parking lots shall be designed to prevent access at any point other than at designated access drives.
- C.** All access drives shall conform to the access management requirements in § 1026.04 of the City of Middletown Code of Ordinances.

(2) Parking Space Dimensions

Each parking space shall have direct and unrestricted access to an aisle of the minimum width set out in [Table 1218-2](#) and illustrated in [Figure 1218-B](#).

TABLE 1218-2: PARKING STALL AND AISLE DIMENSIONS				
PARKING ANGLE/TYPE	A		B	C
	AISLE WIDTH		STALL WIDTH (FEET)	LENGTH OF STALL (FEET)
	ONE-WAY	TWO-WAY		
0°/Parallel	12 ft.	18 ft.	10	22
45°	13 ft.	20 ft.	9	19
60°	18 ft.	22 ft.	9	19
90°	22 ft.	24 ft.	9	19
Compact [1]	Based on angle of parking, see above.		8	16

NOTE:
[1] Compact parking spaces shall only be permitted when a minimum of 50 parking spaces is provided. In such cases, no more than 15 percent of the parking spaces may be designed as compact spaces. Such spaces shall be marked or otherwise identified as spaces for compact vehicle parking.

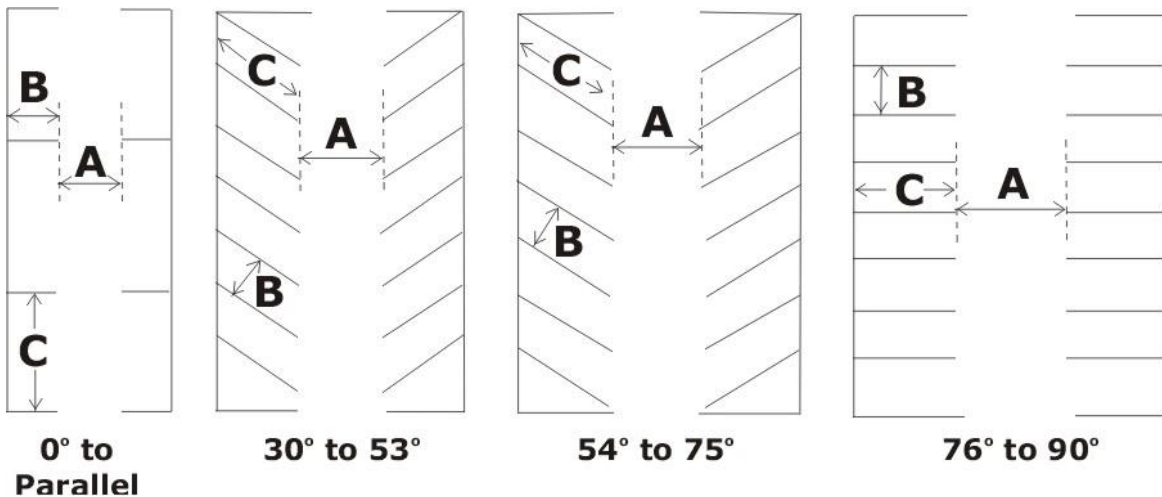


Figure 1218-B: Illustration of parking angles and related dimensional references.

- A.** When the length of a parking space (full size or compact) abuts a column, fence, wall, or other obstruction, the required width of the entire parking space shall be increased by at least one foot.
- B.** The required length of a parking space may include an area of overhang where a vehicle can overhang a landscape island, curb, sidewalk, or walkway provided:
- C.** Such overhang does not extend over any public right-of-way; and/or
- D.** Such overhang shall, if extending over a sidewalk or walkway, shall not encroach on the minimum width of sidewalk or walkway required for compliance with the Americans with Disabilities Act.

(3) Use of Compact Vehicle Spaces

This subsection provides for the establishment of compact vehicle spaces as an alternative to full sized spaces.

- A.** The minimum off-street parking dimensions for compact vehicle spaces shall be as identified in [Table 1218-2](#).
- B.** For parking lots with 50 or more spaces, a minimum of five percent of the total spaces shall be designed for compact vehicle spaces.
- C.** A maximum of 20 percent of spaces in any single parking lot may be dedicated to compact parking spaces.
- D.** Compact spaces shall be clearly labeled for “compact cars” and grouped together in one or more locations, or at regular intervals, so that only compact vehicles can easily maneuver into the space.
- E.** The compact parking spaces shall be identified by signs or painting on the pavement, as approved by the Development Code Administrator, to prevent the parking of standard size vehicles in compact parking spaces.
- F.** Existing nonresidential developments that wish to utilize this section to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for certificate of zoning compliance.
- G.** The property owner shall be responsible for any enforcement of use of the spaces for compact vehicles.

(4) Striping and Identification

- A.** Parking spaces shall be clearly outlined with four-inch wide lines painted white on the parking surface unless required by State law (e.g., parking for the disabled).
- B.** The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
- C.** Where approaches contact the public right-of-way, the paint lines dividing vehicle paths and other pavement markings shall be in accordance with the *Ohio Uniform Traffic Control Manual*.

(5) Wheels Stops and Curbing

- A.** All parking areas subject to this section shall be bounded by curbs with a minimum height as approved by the Development Code Administrator with consultation from the City Engineer. Such curbs may be made of concrete, stone or similar material, but shall not be made of asphalt.

- B.** Continuous concrete curbing that is at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, lot lines, landscaped areas, and structures, unless the elimination of this curbing is required to adhere to storm water management requirements. Curb cuts are permitted along the curbing where it will allow for the passage of stormwater. See [Figure 1218-C](#).



Figure 1218-C: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.

- C.** Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.
- D.** When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

(h) Off-Street Parking in Parking Garages or Parking Decks

No parking in structures shall be visible on the ground floor that faces a street frontage unless the design of the structure or natural landscape buffering is provided to fully screen the structure.

1218.05 VEHICLE STACKING SPACE REQUIREMENTS

(a) General Standards

- (1)** Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 250 feet from any adjacent residential dwelling unit.
- (2)** Drive-through signs shall be regulated in accordance with Section [1206.01](#).

(3) Stacking Space and Lane Requirements

A. The number of required stacking spaces shall be as provided for in [Table 1218-3](#). See [Figure 1218-D](#) for illustration of stacking spaces:

TABLE 1218-3: STACKING SPACE REQUIREMENTS		
ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Pick-Up Window that is closest to the Drive- Through Sign/Order Box
Full Service Car/Truck Wash	6	Outside of Washing Bay
Self-Service or Automated Car/Truck Wash	2	Outside of Washing Bay
Other	As determined by the Development Code Administrator	

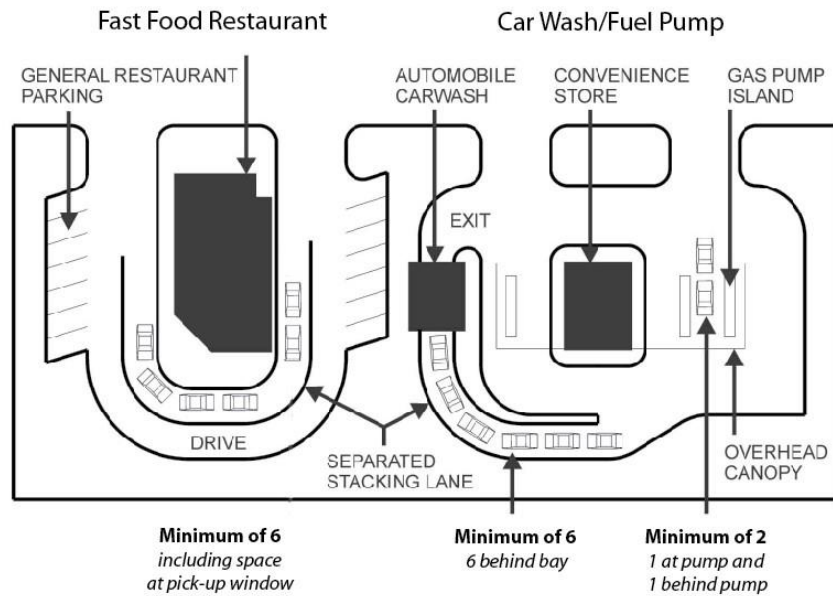


Figure 1218-D: Location of stacking spaces and lanes. Note that the stacking lanes are oriented toward the side and rear yards rather than the front yard.

- B.** Stacking lanes shall be provided for any use having a drive-through establishment and shall apply comply with the following standards:
- i. Drive-through stacking lanes shall have a minimum width of ten feet and a minimum length of 18 feet for each space required.

- ii. When stacking lanes are separated from other stacking lanes, bypass lanes or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.
- iii. Stacking lanes shall be set back 25 feet from right-of-ways.
- iv. The number of stacking spaces required by [Table 1218-3](#) shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with [Table 1218-3](#) with the spaces located after the convergence point counting toward both stacking lanes.

1218.06 OFF-STREET LOADING REQUIREMENTS (REVISED 1270.05)

(a) Applicability

- (1) This code does not require a specific number of off-street loading spaces for uses but the standards of this subsection shall apply in any instance where an applicant proposes to provide off-street loading spaces or docks.
- (2) The Development Code Administrator has the authority to deny an application if he/she deems that an adequate amount of off-street loading areas has not been provided. The Development Code Administrator shall provide, in writing, the reasons for the rejection. The Development Code Administrator may refer to any best practices information in making their determination.

(b) Design Standards

- (1) Off-street loading spaces shall not overlap with any areas used for parking or vehicle stacking.
- (2) Each loading space shall have a minimum width of 12 feet, a minimum length of 30 feet, and have a minimum vertical clearance of not less than 15 feet.
- (3) Loading areas shall be located as near as possible to the main structure and shall be located in the rear yard to the maximum extent feasible. Where locating such loading areas in the rear is not feasible, as determined by the Development Code Administrator, the loading areas may be located in the side yard. The spaces shall be subject to the minimum setbacks established for the applicable zoning district.
- (4) All loading and unloading activities, including truck maneuverability, shall take place on-site. In no case shall a loading space or maneuverability area encroach on a public right-of-way or on other required vehicular use areas.
- (5) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation.

- (6) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.
- (7) All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened. See Section [1216.10](#) for screening requirements.
- (8) Loading areas shall have lighting capable of providing adequate illumination for security and safety; lighting shall also comply with the requirements of Section [1208.04](#).

1218.07 SIDEWALKS, PATHS, BIKE TRAILS, AND PEDESTRIAN CONNECTIONS

(a) Applicability

This section shall apply to all new development that requires a certificate of zoning compliance and to all major subdivisions.

(b) Public Sidewalks

- (1) Concrete sidewalks shall be required on both sides of all streets, in all major subdivisions and shall be installed as part of the public improvement requirements identified in [Chapter 1222: Subdivision Design](#).
- (2) For development projects outside of a subdivision, new public sidewalks, constructed to meet the City of Middletown standards, shall be required along the street frontage of any lot being developed when the following conditions exist:
 - A. The development includes new construction on a vacant lot or complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced);
 - B. There is no public sidewalk along one or more of the public street rights-of-way adjacent to the lot;
 - C. A public sidewalk exists in the public right-of-way on the lot adjacent to the lot being developed; and
 - D. There is adequate existing right-of-way for the public sidewalk.
- (3) All sidewalks shall be constructed with a minimum width of five feet. Wider sidewalks may be required by the Planning Commission or the Development Code Administrator, based on the applicable review procedure, where they determine:
 - A. A significant amount of pedestrian traffic is expected based on the use that requires a wider sidewalk;
 - B. The adjacent sidewalk is wider, in which case the new sidewalk should be of the same width; or
 - C. A wider sidewalk is required for the cross-section of the new proposed street.
- (4) All sidewalks at intersections will include ramps that are compliant with the American Disabilities Act.

(5) Where unusual or exceptional factors or conditions require a modification of this section, such sidewalks may be waived, in whole or in part, by the Planning Commission as part of a major subdivision review. For waivers related to sidewalks required outside of a subdivision, the BZA shall review the request as part of a variance application.

(6) Items Allowed on Public Sidewalks

- A. Certain items listed below may be placed on a public sidewalk in the UC-C sub-district subject to obtaining a certificate of zoning compliance.
- B. The application shall be accompanied by a certificate of liability insurance, naming the City as an additional insured, of not less than \$1,000,000, covering the proposed sidewalk item, wherein the City is named as an insured for any injury, loss or damage caused by the use or maintenance of the sidewalk item. Further, the applicant shall execute an agreement with the City whereby the applicant agrees to indemnify the City and hold the City harmless from any claims for injury, loss or damage arising from the use or maintenance of the sidewalk item. Any item placed on a sidewalk must allow for a minimum of six feet of sidewalk width clear for pedestrian traffic.
- C. Benches and flower planters may be placed on the sidewalk in front of the business subject to the condition that the bench or planter contains no signage and be well maintained.
- D. Merchandise may be placed on the sidewalk for the purpose of periodic sidewalk sales as authorized in Section [1206.02](#).

(c) Internal Pedestrian Connections

- (1) Where a sidewalk, bike trail, or greenway path, or other pedestrian route exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building. See [Figure 1218-E](#).
- (2) The pedestrian connection shall have a minimum width of five feet.



Figure 1218-E: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

- (3)** All pedestrian walkways located within a site (internal pedestrian circulation) shall be either physically separated from all drive lanes and driveways or shall be visually distinguishable from the adjacent pavement areas (e.g., variation in color, texture, materials, pattern, etc.). See [Figure 1218-E](#).

(d) Bike Trails

Bike paths may be required as part of subdivision in accordance with Section [1222.05](#) and the *Manual of Design for Public Improvements*.