

Planning and Zoning Code- Section 40

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SECTION 40 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

40.01 PURPOSE- The development and execution of a comprehensive Zoning Code are based upon the division of the City into zones, within which the use of land and structure and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that off-street parking and off-street loading requirements are necessary in order; to relieve congestion so that the street can be utilized more fully for the movement of vehicular traffic; and to promote the safety and convenience of pedestrians; and to protect adjoining residential area; and to promote the objectives of the Plan of Development of the City.

40.02 GENERAL PROVISIONS FOR OFF-STREET PARKING AND OFF-STREET LOADING SPACE-

No land shall be used, occupied, no structure shall be erected, constructed, reconstructed, altered, or used and no use shall be operated unless the off-street parking and/or loading space herein required is provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking and/or loading space need be neither provided nor maintained for land, structures or uses, actual uses, occupied and operated on the effective date, such land, structures or uses are enlarged, expanded, or altered so as to require a greater amount of off-street parking and/or loading space not required to be furnished by reason and new uses shall not be used, occupied or operated unless there is provided the required sum of off-street parking and/or loading space required therein. Parking spaces reserved for handicapped persons shall be as near as possible to the building entrance or walkway.

- 40.02.01 ELECTRIC VEHICLE OFF STREET PARKING REQUIREMENTS - Any new development that requires 25 or more parking spaces, as calculated by Section 40.04 of these regulations, shall have a minimum of 1 charging space or 3% of the total number of spaces allocated to Electric Vehicles (EV's) (whichever is greater) and must have a Level 2 or 3 charging station/connection per EV parking space. Parking spaces shall be well lit and shall be for public use. **Applicants may request a waiver or reduction of electric vehicle parking requirements from the Planning and Zoning Commission during site plan approval.**
- 40.02.02 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS - Electric Vehicle Charging Stations (EVC's) shall be regularly maintained to ensure proper functionality. EVCs shall have clear legible signage stating the volt and amp levels, hours of operation, safety information, usage fees, and contact information for maintenance department.
- 40.02.03 REQUESTS FOR REDUCTION OF GENERAL PARKING SPACES IN EXCHANGE FOR ADDITIONAL EV PARKING For any development that exceeds the minimum number of EVCs as required parking spaces equal to the number of EV parking spaces above the minimum required 3%. The reduction of parking cannot be greater than 10% of the total amount of parking for the proposed development.

- 40.03 DEVELOPMENT AND MAINTENANCE STANDARDS- Plans and design standards for areas to be used for off-street parking and/or loading space shall be in conformity with the following:
 - 40.03.01 PARKING SPACE AREA- Automobile parking spaces shall not be less than nine (9) feet in width and eighteen (18) in depth, except in Industrial Zones where the

width may be eight (8) feet. Special size and arranged parking spaces may be proposed for employees of land-users. In addition, there shall be provided adequate interior driveways and entrance and exit driveways to connect each public parking space with a public right-of-way. Parking spaces reserved for handicapped persons shall not be less than twelve (12) feet wide.

- 40.03.02 SURFACE- All such off-street parking and/or loading facilities shall be so drained as to prevent damage to abutting properties or public street and shall be constructed of asphalt or other such materials acceptable to the Public Works Department and the Commission which will have a surface reasonably resistant to erosion. Driveway ramps between the curb and sidewalk shall be constructed of reinforced concrete. All workmanship shall be accordance with details and specifications of the Public Works Department. (Amended effective 8/215/95).
- 40.03.03 CURBING- All parking and/or loading spaces shall be separated from walkways, sidewalks, streets or alleys by curbing. Any parking area providing parking spaces for more that one hundred (100) automobiles shall be separated by curbing and/or landscaped areas at least fifteen (15) feet in width and each area thus created shall not contain more than one hundred (100) automobiles.
- 40.03.04 INTERIOR DRIVEWAYS- Interior driveways shall be at least:
 - A. Twenty-four (24) feet wide when used with seventy (70) to ninety (90) degree angle parking. Two (2) way traffic circulation shall be permitted in twenty-four lanes.
 - B. Eighteen (18) feet wide when used with forty-six (46) to sixty-nine (69) degree angel parking. One (1) way traffic circulation shall be permitted in eighteen (18) foot lanes.
 - C. Fourteen (14) feet wide when used with parallel to forty-five (45) degree angle parking. Only one (1) way traffic circulation shall be permitted in fourteen (14) foot lanes.
- 40.03.05 ENTRANCE AND EXIT- Entrance and exit driveways shall not be less than fifteen (15) feet wide nor more than twenty-five feet (25) wide and shall be separately provided whenever possible, except where such driveways are provided for one (1) or two (2) family dwellings, such minimum width shall be nine (9) feet.
- 40.03.06 MARKING- Each parking space shall be clearly marked and pavement directional arrows or signs provided wherever necessary. These markers shall be properly maintained to insure their maximum efficiency. Parking spaces reserved for handicapped persons shall be clearly identified.
- 40.03.07 BUFFER BETWEEN DIFFERENT LAND USES- When a new land-use (including different housing types) is proposed to be located adjacent to an existing use there shall be a ten (10) foot landscaped buffer strip at the edge of the new site in addition to any required yards. The new use shall be screened from the abutting existing use by: (a) hedges or coniferous planting having a height of at least four (4) feet at the time of planting, not more than two (2) feet on center or (b) solid fencing at least six (6) feet in height or a combination of these as shown and approved on the site plan.
- 40.03.08 LIGHTING- Adequate lighting shall be provided if the parking facilities are used at night. If the parking facilities abut residential land, the lighting shall be installed and arranged so as not to reflect or cause glare onto the abutting residential land.
- 40.03.09 TWO OR MORE USES- Requirements for the provisions of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan etc. are complied with.
- 40.03.10 JOINT USES- Land or buildings used for two (2) or more purposes, the number of parking spaces required shall be the sum of the requirements for the various individual uses, computed in accordance with this paragraph; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any use, except as provided in Section 40.04.26. (Effective 8/1/84.)

- 40.03.11 BACKING OUT- All parking or loading areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-family and two-family dwellings.
- 40.03.13 OBSTRUCTION- All parking or loading areas shall be constructed so that no part of parked vehicles will extend beyond the parking space so as to obstruct walkways, sidewalks, streets or alleys.
- 40.03.14 RIGHT-OF-WAYS- No land within any public right-of-way shall be used in computing the parking or loading area for a specific use.
- 40.03.15 COVERED AREAS- All garages or other spaces allocated for parking of vehicles within buildings or in basements or open spaces on the roofs of buildings shall be considered part of the required parking or loading area and may be included as such in computing the quantity of space outlined in this section.
- 40.03.16 COMPUTATION OF EMPLOYEES- For the purpose of this section, the number of employees for a use, shall be computed on the basis of the employees on the large shift.
- 40.03.17 OTHER USES- No parking area shall be used for sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- 40.03.018 SLOPE- Whenever possible, parking areas and lots shall be level except for necessary drainage purposes. The maximum permissible slope for any parking area shall be seven (7) percent. If parking spaces are provided in areas which exceed five (5) percent slope, all such spaces shall be parallel to the contour lines of the parking area.

40.04 QUANTITY OF PARKING SPACES- The quantity of parking spaces shall be in accordance with this Section. The number of parking spaces reserved for the handicapped shall be the number of accessible spaces required in the State Building Code. Special size and arranged parking spaces may be proposed for employees of land-users.

	USE	REQUIREMENTS
40.04.01	AUTOMOBILE FILLING STATION	One (1) parking space for each gasoline pump, waste room, grease break, or similar service area and one (1) parking space for each two (2) employees.
40.04.02	AUTOMOBILE REPAIR AND SERVICE STATION	One (1) parking space for each one hundred (100) sq. ft. of floor area of the shop or garage and one (1) parking space for each two (2) employees.
40.04.03	CLINICS, MEDICAL OR DENTAL	One (1) parking space for each two hundred (200) sq. ft. of floor area plus one (1) space for each doctor plus one (1) space for each three (3) employees.
40.04.04	COMMERCIAL ESTABLISHMENTS DEVOTED TO RETAIL SALES, TRADE,	One (1) parking space for each three hundred (300) sq. ft. of gross building area per floor.

	MERCHANDISING OR SIMILAR USE. This requirement shall not apply to the Central Business District Commercial Zone.	
40.04.05	CIVIC CLUBS, PRIVATE CLUBS, LODGES, AND SIMILAR USES	One (1) parking space for each fifty (50) sq. ft. of gross building area per floor.
40.04.06	DORMITORIES	One (1) parking space for each two (2) students.
40.04.07	EDUCATIONAL INSTITUTIONS	One (1) parking space for each two (2) employees, including teachers and administrators, plus sufficient off-street space for safe and convenient loading and unloading students, plus additional facilities for student parking, taking into consideration the total number of students driving automobiles, and the requirements for stadium, gymnasium and auditorium use.
40.04.08	ELEEMOSYNARY (Charitable) AND PHILANTHROPIC INSTITUTIONS	One (1) parking space for each two (2) employees, plus such additional facilities for the residents and visitors, as the Commission shall deem necessary.
40.04.09	HOSPITAL	One (1) parking space for each one thousand (1,000) square feet of floor area, plus one (1) space for each participating staff doctor, plus one (1) space for each five (5) employees.
40.04.10	HOUSING FOR ELDERLY	One (1) space per bedroom and one (1) visitor space every five (5) units (Amended effective 2/10/95)
40.04.11	INDUSTRIAL OR MANUFACTURING ESTABLISHMENT	One (1) parking space for each two (2) employees plus additional parking for customers. However,

	OR WAREHOUSE a. Industrial or Manufacturing Establishment	no use in this category shall have less than three (3) spaces or less than one (1) space for every 500 sq. ft. of gross building area.
	b. Warehouse	One (1) parking space for each two (2) employees plus additional parking for customers. However, no use in this category shall have less than three (3) spaces or less than one (1) space for each 1,500 sq. ft. of gross building area. (Amended eff. 7/31/01)
40.04.12	MORTUARY OR FUNERAL PARLORS	One (1) parking space for each fifty (50) sq. ft. of assembly space and one (1) space for each two employees.
40.04.13	MOTEL, TOURIST HOME CABIN, HOTEL, APARTMENT	One (1) parking space for each guest room, cabin or suite, and one (1) parking space for each two (2) employees.
40.04.14	MULTIPLE-FAMILY DWELLING (Including former category of Housing for Elderly)	One or fewer bedrooms - 1 Two bedrooms - 2 Three or more bedrooms - 2 Building or buildings, parking spaces driveways and other vehicular ways shall not in their total area exceed more than forty (40) percent of the lot area. Commission specifically retains the right to require additional visitor and overflow parking as deemed necessary based on the site characteristics. (Section Amended eff. 11/1/02 and 5/27/14)
40.04.15	OFFICE BUILDINGS, PROFESSIONAL BUILDING OR SIMILAR USES	One (1) parking space for each three hundred (300) sq. ft. of gross floor area.

40.04.16	ONE FAMILY AND TWO FAMILY DWELLINGS	3 spaces per dwelling. (Effective 7/1/87)
40.04.17	ADDITIONAL LIVING UNIT IN A BUILDING, DESIGNED AS A ONE FAMILY DWELLING	2 spaces (Effective 5/15/88)
40.04.18	URBAN CORE LIVING UNIT- (Including former category of Rooming House) (Eff. 5/15/88)	One or no bedrooms- 1.00 spaces Two or more bedrooms- 2.00 Spaces (Amended 5/15/88)
40.04.19	RESTAURANT OR SIMILAR PLACES DISPENSING FOOD DRINKS OR REFRESHMENTS	One (1) parking space for each fifty (50) square feet of floor area devoted to patron use, excluding restrooms, within the establishment, and one (1) parking space for each eighty (80) square feet of ground area devoted to patron use on the property outside the establishment and one (1) space for each two (2) employees.
40.04.20	ROOMING HOUSES- Included in Urban Core Living Unit (Eff. 5/15/88)	DELETED (Effective 5/15/88)
40.04.21	GOLF DRIVING RANGE (Amended eff. 10/30/93)	Off-street parking of at least one and a half spaces for each tee box plus one space for each employee on the longest shift. (Amended eff. 10/30/93)
40.04.22	NONE	
40.04.23	PUBLIC ASSEMBLY FOR CULTURAL, ENTERTAINMENT AND/OR RECREATIONAL USES	One (1) parking space for each three hundred (300) sq. ft. of gross building area per foot. Add plus one space for each four seating capacity. (Effective 4/30/87.)

40.04.24	CHILD CARE FACILITY	One (1) space for each two (2) staff (including teachers, administrators, and voluntary aides) plus one (1) space for each eight (8) enrollees of licensed capacity.
40.04.25	CARE/NURSING HOME, COMMUNITY RESIDENTIAL TREATMENT FACILITY	One (1) space for each 300 sq. ft. of gross building area per floor up to six (6) spaces. Thereafter One (1) space for each 1,000 sq. ft. or part thereof of gross floor area per floor. This requirement shall not apply in the B-1 zone.
40.04.26	CONFERENCE CENTER COMPLEX	One (1) space for each guest room in the hotel, plus (1) space for each two (2) employees located on the site, plus one (1) space for each fifty (50) square feet of restaurant dispensing food, drinks or refreshments calculated on the floor area devoted to patron use within the establishment, excluding restrooms. Parking spaces for uses such as ballroom functions, within the Conference Center Complex, whose peak attendance will be at night or on weekends, may be provided by the use of off-street parking facilities on the same or an adjacent lot, which also serve to satisfy parking requirements for daytime and non-weekend uses such as office building. (Effective 8/1/84.)
40.04.27	ALL OTHER USES NOT MENTIONED OR VARIATIONS OF LISTED USES	The minimum number of parking spaces required shall be determined by the Planning and Zoning Commission to be needed to prevent frequent parking on the street. Where the parking spaces the decision of said Commission shall be based upon 1) standards set forth herein for uses with similar characteristics and 2) previous experience with similar

		uses and 3) the staff's recommendations based on research about similar uses in Middletown and surrounding communities. (Added 4/15/91.)
40.04.28	INDOOR RECREATIONAL FACILITY	200 (Two hundred) parking spaces. The Commission reserves the right to adjust the parking requirements up or down dependent on the size of the facility and the anticipated intensity of the uses. (Added effective 10/13/06.)
40.04.29	DATA CENTER	one (1) space per employee on the major shift. (Added effective 3/15/15)

40.05 DEVELOPMENT STANDARDS FOR OFF-STREET LOADING SPACES- Plans and design standards for areas to be used on off-street loading spaces shall conform to the following:

- 40.05.01 LOADING AREA- Each off-street parking space shall be at least fourteen (14) feet wide; have a vertical clearance of at least, fifteen (15) feet; and shall be at least thirty-three (33) feet in length; or as determined by the Commission.
- 40.05.02 LOCATION- Off-street loading spaces shall not be located between the building line and the street line (front yard).
- 40.06 QUANTITY OF LOADING SPACES- The quantity of loading spaces shall be in accordance with the following:
 - 40.06.01 USES WHICH ARE PRIMARILY CONCERNED WITH THE HANDLING OF GOODS GROSS FLOOR AREAS-

GROSS FLOOR AREAS (Sq. Ft.)	QUANTITY OF LOADING SPACES
2,400 to 20,000	1
20,001 to 50,000	2
50,001 to 80,000	3
Each Addt'l 45,000	1 Additional

- 40.06.02 USES WHICH ARE NOT PRIMARILY CONCERNED WITH THE HANDLING OF GOODS GROSS FLOOR AREAS-

GROSS FLOOR AREAS (Sq. Ft.)	QUANTITY OF LOADING SPACES
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2,400 to 75,000	1
75,001 to 200,000	2
200,001 to 333,000	3
Each Addt'l 150,000	1 Additional

- 40.06.03 When one establishment has two or more distinct uses, such uses shall be measured separately for the purpose of determining the quantity of spaces required.
- 40.06.04 CONFERENCE CENTER COMPLEX- A conference Center Complex shall require one (1) loading space. (Effective 8/1/84.)
- 40.06.05 REFUSE AND RECYCLING AREAS- All multi-family buildings containing 4 or more dwelling units and all non-residential buildings shall be required to have loading and/or storage areas for refuse and for recyclable materials as required by the Middletown Code of Ordinances Section 11.17 and 11.18 as amended. (Added effective 5/9/90.)
- 40.06.06 DATA CENTER- A Data Center shall require one (1) loading space. (Added Effective 3/15/15)

40.07 DISCONTINUANCE- Once any required parking or loading space has been established within the provisions of this section, whether on the same lot as the structure or use to which it is assigned or on a separate lot, such parking or loading space shall not be discontinued if the result would be a reduction below the amount of parking or loading required by this section. Any such discontinuance of parking or loading space shall constitute a violation of this ordinance.

40.08 APPEALS- In any case where off-street parking or loading space has been provided in compliance with the standards of this section and subsequently there is a change in the use of the property, or any other circumstances requiring that additional parking or loading space would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of said property, the Commission may modify the requirement for such additional parking or loading, provided such relief can be granted without substantial impairment of the intent or purpose of this section.