

CHAPTER 1254 (DRAFT)
UC Urban Core Districts

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1254.01 GENERAL PURPOSES.

The general purposes of all Urban Core districts (UCC and UCS) are as follows:

- (a) Encourage, support and enhance Downtown Middletown as the civic and cultural center of Middletown and as a vibrant and attractive urban neighborhood;
- (b) Encourage quality and variety in building design as well as compatibility in use and form;
- (c) Protect and enhance historic, cultural and architectural resources;
- (d) Create and enhance pedestrian-oriented streets to preserve retail vitality and improve the quality of life for downtown workers, visitors, and residents;
- (e) Establish appropriate standards for the review of proposals by the Downtown Design Review Board for new development and redevelopment.

1254.02 SPECIFIC PURPOSES BY DISTRICT.

- (a) UCC Urban Core Central District: To encourage, support and enhance Downtown Middletown as mixed-use, high-intensity urban district and a center of retail, service, entertainment, office, government and urban residence. The UCC District encourages pedestrian-oriented retail or eating, drinking and entertainment establishments on the ground floor and residential on upper floors of buildings, but also allows service, office, institutional and recreational uses.
- (b) UCS Urban Core Support District: To maintain and enhance Downtown Middletown by providing areas for office, institutional and residential uses that support Central District uses and provide a transition between the high-intensity Central District and surrounding residential neighborhoods. The UCS District allows residential (including single-family), some service, office, institutional and recreational uses.

1254.03 PERMITTED USES BY DISTRICT.

The schedule beginning below explains permitted uses in the Urban Core Districts. Principally permitted uses are indicated by "P", while conditionally permitted uses are indicated by "C". Uses indicated by "X" are not permitted in the district shown. All uses are subject to the Development Regulations in Section 1254.04 and Required Conditions in Section 1254.05.

SCHEDULE OF PERMITTED USES

Use	UCC	UCS
Residential		

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Single-family detached dwellings	X	P
Single-family attached dwellings	X	P
Multi-family dwellings	P ¹	P
Dwellings on upper floors of buildings with non-residential ground-floor uses	P	P
Live-Work Units ²	P ¹	P
Bed and Breakfasts	P ¹	P
Family and group care homes	P ¹	P
Rooming houses	C	C
Retail sales		
Retail sales such as antiques, apparel and accessories, appliances, books, cameras and photo supplies, department stores, discount stores, drugs, electronics, fine art and photography, florists, furniture, gifts, grocery, hardware, hobbies, home improvement supplies, jewelry, musical instruments, office supplies, opticians, recordings, specialty foods or beverages, sporting goods, toys or other merchandise or retail uses of similar nature	P	X
Bakery goods	P	X
Services		
Barber and beauty shops	P	X
Costume and formal attire rental	P	X
Dry cleaning and laundry pick-up stations	P	C
Fine art and photography studios and galleries including the fabrication of sculpture, ornamental metal, stained and art glass, ceramics, woven materials, and other fine art products.	P	C
Funeral homes and mortuaries	P	C
Health clubs and sports facilities	P	C
Hotels, motels	P	X
Real estate and insurance offices	P	C

¹Use may not occupy the ground floor of the building

²Live-Work Unit is defined as a dwelling unit that contains a studio, gallery, office, or business, provided the non-residential portion of the use is permitted in the applicable zoning district

SCHEDULE OF PERMITTED USES, CONTINUED

Use	UCC	UCS
Services, continued		
Repair of appliances, electronics, musical instruments, watches, and shoes, tailoring	P	X
Servicing of office machinery and equipment	P	X
Studios for instruction	P	P
Trade or vocational schools	P	P
Travel agencies	P	X
Animal clinics and grooming (excluding pet boarding and dog runs)	P	C
Miscellaneous trades, such as carpenter shops, printing, reproduction and publishing, sign painting, and upholstering as accessory to retail sales.	P	X
Eating, drinking, and entertainment places		
Indoor theaters	P	X
Banquet halls	P	X
Bars, clubs and lounges serving liquor with or without live music	P	X
Restaurants with table service and/or counter service, excluding drive-in or drive-through facilities	P	X
Entertainment and dancing	P	X
Vending carts (must meet conditions described in Section 1254.05(g))	P	X
Office and Professional Services		
Administrative, executive and professional offices including the management of commercial businesses, and religious institutions	P	P
Banks and financial institutions	P	X
Public offices	P	P
Medical clinics, offices, and laboratories	P	P
Radio/TV broadcasting studios	P	P
Institutional		
Places of worship	P	P
Nursing homes, rest homes and rehabilitation facilities	P	P

SCHEDULE OF PERMITTED USES, CONTINUED

Use	UCC	UCS
Institutional, continued		
Elementary, secondary and post-secondary schools, nursery schools, and child welfare centers	C	P
Museums	P	P
Libraries and reading rooms	P	P
Recreational		
Public parks, playgrounds	P	P
Recreational and community center buildings	P	P
Bowling and billiard establishments	P	X
Clubs, fraternities, sororities, lodges and meeting places for similar organizations	P	C
Automotive/Transportation		
Off-street surface or structured parking as a principal use	C	C
Automotive, truck, or trailer sales and rental	C	X
Car Wash	C	X
Gasoline Station	C	X
Vehicle repair facility	C	X
Accessory Uses		
Off-street surface or structured parking	P	P
Signs (must meet the requirement in Section 1270)	P	P
Outdoor dining (must meet conditions described in Section 1254.05(e))	P	X

1254.04 DEVELOPMENT REGULATIONS.

(a) Purpose. The purpose of this section is to establish development standards for Urban Core Districts, including issues of building scale, building location, building design and parking and loading standards.

- (1) Building scale includes standards regarding minimum lot areas, minimum lot widths, minimum building widths and maximum building heights. The specific standards are set forth in the schedule set forth in subsection (c) of this section.

- (2) Building location includes standards regarding setbacks and side yard and rear yard requirements. The specific standards are set forth in the schedule set forth in subsection (c) of this section.
- (3) Building design standards include the following.
- a Front Entrance. A primary building frontage shall incorporate at least one (1) main entrance door. At a building corner where two (2) primary building frontages meet, one (1) main entrance door may be located so as to meet the requirements for both building frontages.
 - b Horizontal Scale. A building frontage that exceeds a width of fifty (50) feet shall include vertical piers or break in the horizontal plane of the facade. The vertical piers or other vertical elements shall be spaced at intervals of not less than Thirty-five (35) feet along the entire building frontage.
 - c Ground Floor Transparency. For each primary building frontage, at least sixty (60) percent of the area between the height of two (2) feet and ten (10) feet above the nearest sidewalk grade shall be transparent window glass permitting a view of the building's interior to a minimum depth of four (4) feet. For a secondary building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten (10) feet.
 - d Screening. All containers for the disposal of refuse shall be screened from public view to the height of the container through the use of opaque enclosures constructed of brick, stone, or wood.
 - e Fences and Walls. Where fences or walls are constructed for exterior enclosures, 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 zones.
 - f Signs. Signs in the UC zones shall conform to the provision of Chapter 1272 and shall be subject to Design Review per section 1254.05 (a).
 - g Building Materials. Primary exterior cladding materials to be used in the district include brick, stone, painted lap cement fiberboard and stucco. Natural wood clapboard, wood board and batten, wood shingles, vinyl, aluminum, or steel siding may be permitted as secondary materials as permitted by fire code ratings. Visible roofing materials to be used are dimensional asphalt, slate, tile, or standing seam.
 - h New Construction and Renovation Guidelines. New Construction and building renovations should follow the guidelines established in the Downtown Middletown Design Guidelines for New Construction and Building Renovation.

(4) Parking and loading standards include the following.

Parking shall be provided as an accessory or principle use subject to the following conditions:

a Required Parking Spaces. Adequate parking, as defined in section 1270.03, must be secured for the following activities:

- The placement, construction, or reconstruction of a principal building;
- Expansion, alteration or change in use of a principal building or construction of an accessory structure that increases parking demand by thirty percent (30%) or more beyond the demand generated prior to expansion, alteration, change in use, or construction of an accessory structure;
- Any activity that eliminates off-street parking; in which case the number of eliminated spaces must be compensated.
- No parking in structures shall be visible on the ground floor of the street facing frontage

Accepted methods of securing parking include providing off-street spaces on the subject property, securing a shared parking agreement for off-street spaces within 300 feet of such property.

b Dimensions and Definitions. All parking facilities must comply with all standards and specifications found in Chapter 1270.02, Subsections (a), (c), (e) and (f);

c Screening. All surface parking lots shall be screened from abutting public streets with a fence or wall as described in Section 1254.04(c)(5);

d Location. Accessory surface parking and access to parking must be located to the rear of the building. If parking to the rear is not physically possible, the parking may be located to one side of the building.

e Required Loading Spaces. The required number of loading spaces may be eliminated at the discretion of the Zoning Administrator, with due consideration given to: frequency and time of deliveries; size and nature of vehicles accommodated by the loading spaces; the character of the neighborhood; and impact upon adjoining streets or alleys.

(b) The various development standards in this section apply differently depending on the construction activity on the property. “Applicable activities” as used in the schedule in subsection (c) refer to the activities listed below in correspondence with the number assigned to each activity there.

- (1) The placement, construction, or reconstruction of a principal building;
- (2) Expansion of a principal building’s gross floor area by up to fifty (50) percent;

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- (3) Expansion of a principal building's gross floor area by more than fifty (50) percent;
 - (4) Extension or expansion of a principal building towards a public street;
 - (5) Exterior alteration of a primary building frontage, including any changes in the material, painting of natural masonry surfaces, general design or arrangement of the exterior of the building, including but not limited to roof coverings, windows, doors, siding materials, foundations, awnings, porches, staircases, chimneys, cornices, columns, dormers, signs, and railings that do not alter its original footprint or ground floor area;
 - (6) The construction of parking lots;
 - (7) The construction of accessory structures.
- Routine maintenance and in-kind replacement of acceptable construction materials are exempt from the standards and requirements of this chapter.

(c) Regulations and Applicability: The table below describes building scale, building location, design requirements, and parking and loading standards in UCC and UCS districts and the "applicable activities" to which they apply. Yes means the specific regulation applies to the "applicable activities" listed.

TABLE OF DEVELOPMENT REGULATIONS

Regulations	Applicability			Additional Information
	UCC	UCS	Applicable Activities See subsection (b)	
Building Scale				
Minimum Lot area	None	None	None	
Minimum Lot width	None	None	None	
Minimum Building width	70% of site width	None	1	
Maximum Building Height	5 stories ¹	3 stories ¹	1,2,3,4	
Building location				

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Minimum front setback	None	None	None	
Maximum front setback	0 ²	15 feet	1, 3, 4	
Minimum side yard	None	None	None	
Minimum rear yard	None	None	None	
Maximum rear yard	None	None	None	
Building Design				
Front Entrance	Yes	Yes	1,2,3,4,5	See subsection (c)
Horizontal Scale	Yes	Yes	1,2,3,4,5,6	See subsection (c)
Ground Floor Transparency	Yes	No	1,2,3,4,5	See subsection (c)
Screening	Yes	Yes	1,2,3,4,5,6	See subsection (c)
Fences and Walls	Yes	Yes	1,2,3,4,5,6	See subsection (c)
Signs	Yes	Yes	1,2,3,4,5,6,7	See subsection (c)
Building Materials	Yes	Yes	1,2,3,4,5,6,7	See subsection (c)
New Construction and Renovation Guidelines	Yes	Yes	1,2,3,4,5,6,7	See subsection (c)

TABLE OF DEVELOPMENT REGULATIONS, CONTINUED

Regulations	Applicability			Additional Information
	UCC	UCS	Applicable Activities see subsection (b)	
Parking				
Required Parking Spaces	Yes	Yes	1,2,3,4,7	See subsection (d)
Dimensions and Definitions	Yes	Yes	1,2,3,4,6	See subsection (d)
Screening	Yes	Yes	1,3,6	See subsection (d)
Location	Yes	Yes	1,3,6	See subsection (d)

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Required Loading Spaces	Yes	Yes	1,2,3,4	See subsection (d)
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¹ May be increased to a maximum of 90 feet through the Development Plan process, as described in Chapter 1264.

² Except where an area utilized for seating, outdoor dining, public art and/or other pedestrian amenities is provided, in which case a maximum front yard setback of 15 feet is permitted.

1254.05 REQUIRED CONDITIONS:

All uses permitted herein shall be subject to the following conditions:

- (a) Design Review. All activities described in section 1254.04(b) must obtain approval from the Council on Landmarks and Historic Districts in accordance with the procedures outlined in section 1210.08. The sign standards outlined in section 1210.08 shall only apply to signs within the South Main Street Historic District. Additional design guidelines beyond the regulations defined in section 1254.04 apply to properties in the South Main Street Historic District.
- (b) Enclosure. Any business, service, repair, storage or display shall be conducted wholly within an enclosed building, except for incidental or seasonal sidewalk sales, outdoor dining as provided in section 1254.05(g), and off-street parking and loading.
- (c) Equipment Installation. All equipment or machinery, whether hand or power-operated, used in the servicing of the building or in the processing of goods therein, shall be installed entirely within a building or enclosure, and shall be so located, isolated or sound-insulated in such a manner that any noise generated thereby is not audible beyond the limits of the lot or property line where used.
- (d) Performance Standards. See the requirements of Chapter 1274.

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(e) Outdoor Dining.

- (1) Outdoor dining shall only be permitted as an accessory to an indoor restaurant. Outdoor seating shall not be permitted in the public right-of-way or sidewalk, except as permitted in Section 1254.05 (g), nor obstruct any entrance or exit to a restaurant.
- (2) The number of seats permitted outdoors shall be no greater than 30 percent of the number of seats inside the restaurant.
- (3) The outdoor dining area shall be limited to seating only and shall not include bussing facilities or cooking facilities.
- (4) No separate advertising may be permitted for the outdoor dining area, including any advertisement for the business or any supplier to the business on any umbrellas, awning or other separate structure pertaining to the outdoor dining facilities other than specifically allowed under chapter 1172.
- (5) The property owner shall be responsible to keep the outdoor dining area free and clear from all garbage, trash and other debris and shall provide appropriate trash receptacles within the outdoor dining area for the deposit of refuse and litter. Such trash receptacles shall be emptied on a regular basis and shall be moved indoors at the end of each business day.

(f) Vending Carts

A vending cart, for purposes of this section, is a non-motorized vehicle used to prepare and serve food and beverages.

- (1) Vending carts must obtain a permit from the Zoning Administrator
- (2) The placement of a vending cart shall not result in the reduction of off-street parking spaces.
- (3) The vending cart operator shall provide appropriate trash receptacles for the deposit of refuse and litter. Such trash receptacles shall be emptied on a regular basis and shall be removed when the vending cart is removed.
- (4) The vending cart operation shall not include seating.

(g) Items allowed on a public sidewalk

Certain items listed below may be placed on a public sidewalk in the UCC zone subject to obtaining a zoning certificate. 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.

- (1) Sandwich or A-frame signs may be allowed on a public sidewalk under the condition that the sizes not exceed four feet in height and two feet in width. The

sign must be placed only at the frontage of the business that owns and applies for the sign. A sign permit must be obtained for the initial placement of the sign. The sign must be removed at the end of each business day.

- (2) 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.
- (3) Tables and chairs may be permitted on the sidewalk as accessory to an eating and drinking establishment. All tables and chairs must be removed from the sidewalk at the end of each business day. The use of the tables and chairs are also subject to the conditions for outdoor dining in 1054.05(e).
- (4) Merchandise may be placed on the sidewalk for the purpose of periodic sidewalk sales events. Merchandise may be displayed on the sidewalk for not more than two calendar days of any calendar month. All merchandise must be removed from the sidewalk at the end of the business day.

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