

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Sommers

Sec'd by Ald. Jean-Francois

Date of Adoption 04-05-16

Index No: 95-16

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Sommers	X			
Ald. Witt	X			
Ald. Kleiner	X			
Ald. Burr				X
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, the Common Council has been advised that the present provisions in the Zoning Code regarding the taking in of boarders in residential dwellings has been the subject of numerous abuses, and

WHEREAS, the Common Council wishes to clarify when boarders may be allowed to reside in residential dwellings.

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Common Council of the City of Middletown, New York, that the Code of the City of Middletown, Chapter 123, Zoning, be and is hereby amended as follows:

Section 1. Subsection A of Section 475.35, Boarders in residential districts and dwellings; boardinghouses, of the Zoning Code of the City of Middletown is hereby amended to read as follows:

A. The taking of a boarder or the renting of a room by a residential family in a one-family dwelling in any zoning district is permitted, provided that:

- (1) The dwelling is owner-occupied; and
- (2) The taking in of a boarder and the renting of a room is incidental only to the family use of such residences; and
- (3) The number of such boarders shall not exceed one person; except that the Planning Board may grant a revocable special use permit, pursuant to the provisions of §

475-53, for a greater number of boarders or the renting of rooms in one-family dwellings in all zoning districts if the building is owner-occupied and if the Planning Board determines it to be in the public interest, and then only on such conditions and regulations as the Planning Board deems necessary to protect neighboring properties, and

(4) The owner must apply for and receive a rental permit pursuant to the provisions of Article IV of Chapter 296 of the Middletown City Code.

Section 2. Subsection B of Section 475.35, Boarders in residential districts and dwellings; boardinghouses, of the Zoning Code of the City of Middletown is hereby amended to read as follows:

B. Boarders are not permitted in two-family dwellings or multiple dwellings, except as provided in Subsection C of this Section. No landlord or tenant may sublet a room out to another person in a rental dwelling or apartment, except as provided in Subsection C of this Section.

Section 3. Severability. If any provision of this ordinance or the application of any other provision to any item in this ordinance is held invalid, the invalidity of that provision or application shall not affect any of the other provisions or the application of those provisions to other items in this chapter or ordinance.

Section 4. Effective date. This ordinance shall take effect immediately.