

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption 06-07-16

Index No: 180-16

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	7			2

Whereas, the Common Council held a public hearing on May 3, 2016 in connection with proposed changes to the Zoning Code, Section 475-22, C-3A Limited General Business District to consider the removal of the following uses under Subsection B: large retail stores; wholesale business establishments; hotels and motels; and service establishments for service other than of a personal nature, and

Whereas, all persons who wanted to speak about the proposed zoning changes were able to do so, and the public hearing addressed the fact that the area covered by the C-3A zone is being developed for college and related uses, and the proposed changes would assist in that effort, and

Whereas, after comments were presented at the public hearing, the public hearing was closed, and

Whereas, this matter was submitted to the Orange County Planning Department for any comments on the proposed zoning changes, and the Orange County Planning Department determined it was a matter for local determination.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-22 (B) of the Code of the City of Middletown (Zoning) is hereby repealed and replaced in its entirety with the following:

B. Uses requiring issuance of both a special use permit and site plan approval by the Planning Board.

- (1) Convenience stores.
- (2) Personal service store such as barbershop, beauty shop, shoe repair, tailor or dry-cleaning service (excluding dry cleaning on the premises).
- (3) Restaurants and eating establishments, but excluding bars and nightclubs.
- (4) Restaurants and eating establishments with a beer and wine license, but excluding bars and nightclubs.
- (5) Restaurants and eating establishments with a full liquor license, but excluding bars and nightclubs.
- (6) Bakery whose primary business is retail on the premises but which may also sell and deliver its products wholesale to stores, hotels, restaurants or similar businesses.
- (7) Bus terminals and taxi stands.
- (8) Health club or fitness facility which may include such facilities as: weight-lifting equipment; indoor running tracks; swimming pools; tennis, squash or racquetball courts; exercise machines, such as treadmills and rowers; skating, roller or boxer rinks; and accessory facilities such as saunas, showers and locker rooms, but excluding any facility involving the use or discharge of firearms.
- (9) Public or private schools elementary and high schools, colleges and universities, including playgrounds, security offices and quarters, and other accessory uses required for operation.
- (10) Offices for the following:
 - (a) Accountant.
 - (b) Architect.
 - (c) Bond and loan companies.
 - (d) Engineers and surveyors.
 - (e) Insurance.
 - (f) Lawyer.
 - (g) Medical/dental practitioners.
 - (h) Real estate.
 - (i) Stock brokerage companies.
 - (j) Business offices and offices for philanthropic and charitable institutions and necessary business activities related thereto, such activities to be limited by the terms of the authorization granted.
- (11) Student housing used in the operation of a university or college authorized to confer degrees in New York by the New York Board of Regents and/or the New York State Education Department (subject to the requirements set forth in the bulk and parking regulations for UR-3 District located at the end of this chapter, provided that the Planning Board in its discretion may waive any of such requirements).
- (12) Places of assembly such as a theater, dance hall, auditorium, stadium, or similar uses and purposes.

Be it further resolved that this resolution shall take effect immediately.