

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Kleiner

Date of Adoption 06-21-16

Index No: 201-16

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 of the City of Middletown on June 7, 2016 held a public hearing on a proposed amendment to the Zoning Code to add child day care as a use allowed in the C-3 zoning district with Planning Board approval, under certain conditions, and

Whereas, at the public hearing issues such as requiring a minimum size for the day care facility, requiring an outside play area and requiring off-street drop-off areas were discussed, and

Whereas, this matter was referred to the Orange County Planning Department as required by New York General Municipal Law, and the Planning Department advised that this was a matter for local determination, and

Whereas, the Common Council would like to change the Zoning Code to allow child day care facilities to include conditions such as those mentioned above, subject to special use permit and site plan approval by the City's Planning Board.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Chapter 475 – Zoning of the Code of the City of Middletown, Section 475-21, C-3 General Business Districts, is amended by adding subsection B (25) in its entirety as follows:

(25) Child day care facility, provided that such facility (a) is licensed by the State of New York, (b) contains at least 3,000 square feet of usable floor space, (c) provides an outside play area of at least 600 square feet, and (d) provides an off-street drop-off area for such children to avoid impacting street traffic in the area. The Planning Board, in granting special use permit and site plan approval, can require additional conditions as may be necessary or appropriate based on the presence of other existing or prospective business and residential uses in the area of the proposed child day care facility.

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