

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Ramkissoon

Date of Adoption 02-04-20

Index No: 30-20

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois				X
Ald. Burr				X
Ald. Green				X
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	6			3

WHEREAS, the Common Council wishes to require commercial usage of the first floor of two-family and multiple dwellings in C-1, C-2 and C-3 commercial zoning districts.

Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraphs 15 and 16 of Subsection B of Section 475.18, C-1 Neighborhood Business Districts to read as follows:

(15) Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically § 475(12)(C)(8) and (9), and provided that the first floor (street level) must be a commercial use as provided in this section. This subsection shall not apply to any dwelling units included in a subdivision application submitted after the effective date of this amendment, except that the first-floor commercial use is required unless waived by the Common Council in its sole discretion.

(16) Two-family dwellings [subject to requirements in the R-2 Zone, and provided that the first floor (street level) must be a commercial use as provided in this section].

Section 2 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraphs 12 and 16 of Subsection B of Section 475.20, C-2 Limited Business Districts to read as follows:

(12) Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically § 475-12(C)(8) and (9), and provided that the first floor (street level) must be a commercial use as provided in this section. This subsection shall not apply to any dwelling units included in a subdivision application submitted after the effective date of this amendment, except that the first-floor commercial use is required unless waived by the Common Council in its sole discretion.

(16) Two-family dwellings [subject to requirements in R-2 Zone, and provided that the first floor (street level) must be a commercial use as provided in this section].

Section 3 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraphs 16 and 20 of Subsection B of Section 475.21, C-3 General Business Districts to read as follows:

(16) Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically § 475-12(C)(8) and (9), and provided that the first floor (street level) must be a commercial use as provided in this section. This subsection shall not apply to any dwelling units included in a subdivision application submitted after the effective date of this amendment, except that the first-floor commercial use is required unless waived by the Common Council in its sole discretion.

(20) Two-family dwellings [subject to requirements in R-2 Zone, and provided that the first floor (street level) must be a commercial use as provided in this section].

Section 4 - This ordinance shall take effect immediately.