



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

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson  
 Seconded by: Alderman Green  
 Date of Adoption: June 18, 2024  
 Index No: 118-24

**I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.**

Richard P. McCormack  
 Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

**I hereby approve the attached Resolution/Local Law.**

\_\_\_\_\_  
 Joseph M. DeStefano, Mayor

\_\_\_\_\_  
 Date

**Authorization to Amend City Code as It Pertains to Efficiency Apartments**

WHEREAS, there are references in footnotes to the Bulk Table Regulations attached to the City of Middletown Zoning Code to an “efficiency apartment”, and

WHEREAS, the Zoning Code itself contains no definition of efficiency apartments and makes no references to efficiency apartments, and

WHEREAS, efficiency apartments are not listed in the Zoning Code as a permissible use in any zoning district in the City of Middletown, and

WHEREAS, as a result efficiency apartments are not a permissible use in any zoning district in the City of Middletown.

NOW, THEREFORE, BE IT RESOLVED, AND BE IT ORDAINED, by the Common Council

of the City of Middletown, as follows:

Section 1. The four (4) Bulk Table Regulation attachments to the Zoning Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and are hereby modified by deleting all references to “efficiency apartment” in such Bulk Tables.

Section 2. The aforementioned four (4) Bulk Table attachments are therefore modified to read as follows in the four (4) tables attached to -- and made a part of – this Resolution.

Section 3. This Ordinance shall take effect immediately.

Prepared by:  
Alex Smith, Corporation Counsel

**Attachments:**

1.	MI0232-475b Table 2 SR-3 Bulk Reg REV
2.	MI0232-475d Table 4 SR-3b Bulk Reg REV
3.	MI0232-475c Table 3 SR-3A Bulk Reg REV
4.	MI0232-475a Table 1 UR-3 Bulk Reg REVISED

ZONING

475 Attachment 2

City of Middletown  
Table 2

Bulk and Parking Regulations for SR-3 Multiple-Residence Low-Density District

Number of Habitable Rooms* in the Dwelling Unit (DU)	Single-Family Dwellings	Multiple Dwellings				Attached Dwellings							
		2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)	4 (3 or more bedrooms)	2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)	4 (3 or more bedrooms)				
<b>Minimum Required</b>													
Lot area, total	15,000 sq. ft.	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres
Lot area, per DU (square feet)**	—	3,600	5,400	7,200	3,600	5,400	7,200	3,600	5,400	7,200	3,600	5,400	7,200
Lot width (feet)	100	150	150	150	150	150	150	22 (a)	22 (a)	22 (a)	22 (a)	22 (a)	22 (a)
Lot depth (feet)	125	150	150	150	150	150	150	100	100	100	100	100	100
Front yard (feet)	30	40	40	40	40	40	40	30	30	30	30	30	30
One side yard (feet)	20	30	30	30	30	30	30	(a)	(a)	(a)	(a)	(a)	(a)
Both side yards (feet)	50	60	60	60	60	60	60	—	—	—	—	—	—
Rear yard (feet)	30	30	30	30	30	30	30	35	35	35	35	35	35
Livable floor area per DU (square feet)***	900	600	800	1,000	600	800	1,000	600	800	1,000	600	800	1,000
Off-street parking spaces per DU	—	1.75	2.0	2.5	1.75	2.0	2.5	1.75	2.0	2.0	1.75	2.0	2.5
Play lot area per DU (square feet)	—	250	350	400	250	350	400	100	100	125	100	125	175
Usable open space per DU (square feet)	—	950	1,125	1,250	950	1,125	1,250	950	1,125	1,125	950	1,125	1,250
<b>Maximum Permitted</b>													
Lot coverage	—	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
Building height	—	—	—	—	—	—	—	—	—	—	—	—	—
Number of stories	2½	3	3	3	3	3	3	3	3	3	3	3	3
Feet	35	35	35	35	35	35	35	35	35	35	35	35	35

NOTES:

- \* A habitable room is to be defined as a "living room," as specified in § 4 of the New York State Multiple Dwelling Law, within a dwelling unit, except that for the purpose of determining lot area requirements, a habitable room shall not include any of the following:
  - A. Kitchen.
  - B. Foyer, bathroom, toilet, public or private hall, corridor or passageway.
  - C. Dining alcove, dinette or other dining space (without limit as to size) when not separated by walls, doors from other habitable rooms or cooking spaces.
- As a guide, a one-bedroom apartment, has two habitable rooms; a two-bedroom apartment, three habitable rooms; and a three-bedroom apartment, four habitable rooms.
- \*\*\* To derive the acreage used in computing the allowable number of units on a given property, use the gross acreage minus the acreage allotted to bodies of water and areas which have a slope of over 20%.
- \*\*\*\* "Livable floor area" is defined in § 475-4 hereof.
- (a) All end row or attached dwellings shall have a minimum lot width of 37 feet and a side yard of at least 15 feet. All attached dwellings have a minimum building width of 22 feet.

ZONING  
475 Attachment 4

City of Middletown  
Table 4

Bulk and Parking Regulations for SR-3B Multiple-Residence Low-Density District with Bonus Density Capability

Number of Habitable Rooms* in the Dwelling Unit (DU)	Single-Family Dwellings	Multiple Dwellings				Attached Dwellings							
		2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)		2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)					
<b>Minimum Required</b>													
Lot area, total	15,000 sq. ft.	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres
Lot area, per DU (square feet)**	—	7,000	10,000	15,000	15,000	7,000	10,000	15,000	10,000	15,000	15,000	15,000	15,000
Lot width (feet)	100	150	150	150	150	20 (a)	22 (a)	22 (a)	22 (a)	22 (a)	22 (a)	22 (a)	22 (a)
Lot depth (feet)	125	150	150	150	150	100	100	100	100	100	100	100	100
Front yard (feet)	30	40	40	40	40	30	30	30	30	30	30	30	30
One side yard (feet)	20	30	30	30	30	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Both side yards (feet)	50	60	60	60	60	—	—	—	—	—	—	—	—
Rear yard (feet)	30	30	30	30	30	35	35	35	35	35	35	35	35
Livable floor area per DU (square feet)***	900	600	800	1,000	1,000	600	800	1,000	800	1,000	1,000	1,000	1,000
Off-street parking spaces per DU	—	1.75	2.0	2.5	2.5	1.75	2.0	2.5	2.0	2.5	2.5	2.5	2.5
Play lot area per DU (square feet)	—	250	350	400	400	100	125	125	125	125	125	125	125
Usable open space per DU (square feet)	—	950	1,125	1,250	1,250	950	1,125	1,250	1,125	1,250	1,250	1,250	1,250
<b>Maximum Permitted</b>													
Lot coverage	—	20%	20%	20%	20%	25%	25%	25%	25%	25%	25%	25%	25%
Building height													
Number of stories	2.5	3	3	3	3	3	3	3	3	3	3	3	3
Feet	35	35	35	35	35	35	35	35	35	35	35	35	35

NOTES:

- \* A habitable room is to be defined as a "living room," as specified in § 4 of the New York State Multiple Dwelling Law, within a dwelling unit, except that for the purpose of determining lot area requirements, a habitable room shall not include any of the following:
  - A. Kitchen.
  - B. Foyer, bathroom, toilet, public or private hall, corridor or passageways.
  - C. Dining alcove, dinette or other dining space (without limit as to size) when not separated by walls, doors from other habitable rooms or cooking spaces.
- As a guide a one-bedroom apartment has two habitable rooms; a two-bedroom apartment, three habitable rooms; and a three-bedroom apartment, four habitable rooms.
- \*\* To derive the acreage used in computing the allowable number of units on a given property, use the gross acreage minus the acreage allotted to bodies of water and areas which have a slope of over 20%. Also subject to bonus density as per this chapter.
- \*\*\* "Livable floor area" is defined in § 475-4 hereof.
- (a) All end row or attached dwellings shall have a minimum lot width of 35 feet and a side yard of at least 15 feet. All attached dwellings have a minimum building width of 20 feet.

ZONING  
475 Attachment 3

City of Middletown  
Table 3  
Bulk and Parking Regulations for SR-3A Multiple-Residence Low-Density Conservation District

Number of Habitable Rooms* in the Dwelling Unit (DU)	Single-Family Dwellings	Multiple Dwellings		
		2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)
<b>Minimum Required</b>				
Lot area, total	1 acre	5 acres	5 acres	5 acres
Lot area, per DU (square feet)**	—	9,000	13,000	18,000
Lot width (feet)	200	200	200	200
Lot depth (feet)	125	150	150	150
Front yard (feet)	50	50	50	50
One side yard (feet)	25	25	25	25
Both side yards (feet)	60	60	60	60
Rear yard (feet)	50	50	50	50
Livable floor area per DU (square feet)***	2,000	1,500	1,600	1,800
Off-street parking spaces per DU	—	1.75	2.0	2.5
Play lot area, per DU (square feet)	—	250	350	400
Usable open space, per DU (square feet)	—	950	1,125	1,250
<b>Maximum Permitted</b>				
Lot coverage (percent)	—	20	20	20
Building height				
Number of stories	2½	3	3	3
Feet	35	35	35	35

NOTES:

- \* A habitable room is to be defined as a "living room," as specified in § 4 of the New York State Multiple Dwelling Law, within a dwelling unit, except that for the purpose of determining lot area requirements, a habitable room shall not include any of the following:
  - A. Kitchen.
  - B. Foyer, bathroom, toilet, public or private hall, corridor or passageway.
  - C. For this zone, dining alcove, dinette or other dining space (without limit as to size).
- \*\* To derive the acreage used in computing the allowable number of units on a given property, use the gross acreage minus the acreage allotted to bodies of water and areas which have a slope of over 20%.
- \*\*\* "Livable floor area" is defined in § 475-4 hereof.

ZONING  
475 Attachment 1

City of Middletown  
Table 1

Bulk and Parking Regulations for UR-3 Multiple-Residence High-Density District

Number of Habitable Rooms* in the Dwelling Unit (DU)	Multiple Dwellings				Attached Dwellings			
	2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)		2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)	
<b>Minimum Required</b>								
Lot area, total	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Lot area, per DU (square feet)**	2,700	3,000	3,600	4,000	3,000	4,000	5,000	5,000
Lot width (feet)	150	150	150	20 (a)	20 (a)	20 (a)	20 (a)	20 (a)
Lot depth (feet)	150	150	150	100	100	100	100	100
Front yard (feet)	40	40	40	30	30	30	30	30
One side yard (feet)	2.5	2.5	2.5	(a)	(a)	(a)	(a)	(a)
Both side yards (feet)	50	50	50	—	—	—	—	—
Rear yard (feet)	30	30	30	35	35	35	35	35
Livable floor area per DU (square feet)**	600	700	750	600	600	700	850	850
Off-street parking spaces per DU	1.75	2.0	2.5	1.75	1.75	2.0	2.5	2.5
Play lot area per DU (square feet)	250	350	400	100	100	125	175	175
Usable open space per DU (square feet)	950	1,125	1,250	950	950	1,125	1,250	1,250
<b>Maximum Permitted</b>								
Lot coverage	20%	20%	20%	25%	25%	25%	25%	25%
Building height								
Number of stories	3	3	3	3	3	3	3	3
Feet	35	35	35	35	35	35	35	35

NOTES:

\* A habitable room is to be defined as a "living room," as specified in § 4 of the New York State Multiple Dwelling Law, within a dwelling unit, except that for the purpose of determining lot area requirements, a habitable room shall not include any of the following:

- A. Kitchen.
  - B. Foyer, bathroom, toilet, public or private hall, corridor or passageways.
  - C. Dining alcove, dinette or other dining space (without limit as to size) when not separated by walls, doors from other habitable rooms or cooking spaces.
- As a guide, a one-bedroom apartment has two habitable rooms; a two-bedroom apartment, three habitable rooms; and a three-bedroom apartment, four habitable rooms.

\*\* To derive the acreage used in computing the allowable number of units on a given property, use the gross acreage minus the acreage allotted to bodies of water and areas which have a slope of over 20%.

\*\*\*\* "Livable floor area" is defined in § 475-4 hereof.

(a) All end row or attached dwellings shall have a minimum lot width of 35 feet and a side yard of at least 15 feet. All attached dwellings have a minimum building width of 20 feet.