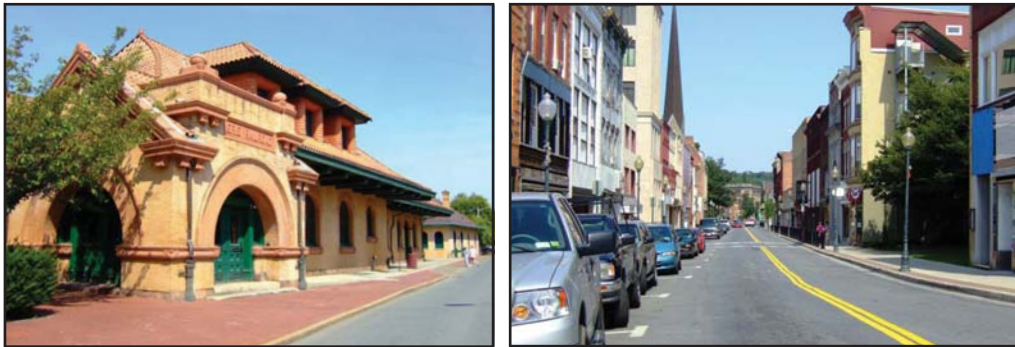


CITY OF MIDDLETOWN COMPREHENSIVE PLAN

Task 1 Existing Conditions Technical Memorandum



City of Middletown, New York
Saccardi & Schiff, Inc.
August, 2007

APPENDIX

APPENDIX

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B. Land Use Approval Procedures Summary

**Appendix Table 6
City of Middletown
Land Use Approval Procedures**

Requirements	Subdivision Chapter 420 City Code	Special Use Permit Chapter 475 City Code	Site Plan Review Chapter 475 City Code	Section(s)
Owner must apply to Common Council	■			§420-2A
Owner must apply to Planning Board for approval		■	■	§475-53B
Each application shall be accompanied by a proposed plan showing the size and location of the lot, the buildings and proposed facilities and all streets within 200 feet of the lot and each application shall be accompanied by a fee of One Hundred Dollars (\$100.00).		■		§475-53E(1)
If the proposed special use permit involves any of the areas specified in §123-38K, of this ordinance, then the Planning Board at least ten (10) days before the public hearing shall mail notices thereof to the applicant and to the Orange County Planning Department.		■		§475-53E(3)
Unless work is commenced and diligently prosecuted within 6 months and completed within two years of the date of the granting special use permit, such special use permit shall be null and void.		■		§475-53E(6)
Maps must be submitted to Planning Board for review; Board has 30 days to advise Common Council	■			§420-2B
Within 20 days of receipt of Planning Board recommendations, Common Council requests changes	■			§420-2C
Common Council may hold public hearing	■			§420-2C
Subdivider must submit five (5) original drawings of plat and street profiles	■			§420-2C
Approval/disapproval must happen within forty-five (45) days of receipt of plat	■			§420-2C
Development of approved subdivision must occur within one year of approval; if not, Engineer must inspect site and determine cost of completion, no further building permits will be issued until subdivider posts cash and tenders cession of all lands included in streets, highways, or parks	■			§420-2D
Within two years of approval, the Engineer shall inspect the property and if the subdivision is not completed by the subdivider, the cash deposited as surety will be forfeited and the City shall complete the work	■			§420-2E
All structures, equipment or material shall be readily accessible for fire and police protection		■		§475-53B(1)
The proposed use shall be in harmony with the surrounding uses in terms of design and style and will not be detrimental to orderly development of adjacent properties		■		§475-53B(2)
While in a residential use zone:				
The location, size, and character of the use will not be detrimental, hazardous, or inconvenient to the surrounding residential use		■		§475-53B(3)(a)
Location and height of buildings or walls and nature of landscaping do not hinder or discourage the appropriate development or uses; or adversely affect the enjoyment or value of the adjacent residential properties		■		§475-53B(3)(b) and (c)
All plans must show arrangement, layout, and design of the proposed use of the land on said plan. Objectives shown consideration shall include:			■	§475-53J
Traffic Access			■	§475-53J(1)
Circulation and Parking			■	§475-53J(2)
Landscaping and screening			■	§475-53J(3)
Character and appearance			■	§475-53J(4)
The applicant shall cause a site plan map to be prepared by a civil engineer, surveyor, land planner, architect, or other competent person			■	§475-53L

Requirements	Subdivision	Special Use Permit	Site Plan Review	Section(s)
Procedure for Site Plan Review:				§475-53N
Presubmission conference between applicant and Planning Board to discuss proposed development and uses in order to determine which of the site plan elements shall be submitted to the Planning Board.			■	§475-53N(1)
Within six (6) months following the presubmission conference, the site plan and any related information shall be submitted to the Commission of Public Works in duplicate at least thirty (30) days prior to the Planning Board meeting at which the plan is to be discussed.			■	§475-53N(2)
Site plans of over five-hundred (500) units must be submitted at least sixty (60) days before such meeting. If not submitted within this six-month period, another presubmission conference shall be required.			■	§475-53N(2)
The application shall be accompanied by a fee of fifty dollars (\$50.00) minimum, plus fifty dollars (\$50.00) for each multiple of fifty (50) housing units of housing.			■	§475-53N(2)
The developer must also pay for the review by the Commissioner of Public Works at the rate of \$100 per hour and for the cost of any other professionals who review the plans on behalf of and for the Planning Board.			■	§475-53N(2)
The Commissioner of Public Works shall certify on each site plan or amendment whether or not the plan meets the requirements of all Zoning Ordinance provisions, other than those of this section, regarding the site plan approval.			■	§475-53N(3)
The Commissioner of Public Works shall retain one (1) copy and transmit one (1) copy of the certified site plan to the Secretary of the Planning Board at least seven (7) days prior to the Planning Board meeting at which the site plan is to be reviewed.			■	§475-53N(4)
The Planning Board shall comply with the provisions of the State Environmental Quality Review Act.			■	§475-53N(7)
The Planning Board may secure the advice or assistance of one or more expert consultants qualified to advise as to whether a proposed use and the proposed site plan will conform to the requirements of this ordinance, and whether the use will be operated in conformance with the performance standards, and if not, what modifications in design or operation would be necessary for conformance. A copy of the report from the consultants shall be furnished to the Commissioner of Public Works and the applicant.			■	§475-53N(8)
The Planning Board shall conduct a public hearing within sixty-two (62) days from the day a complete application is received on any matter referred to it under this section.		■	■	§475-53E; §475-53N(5)
Notice of the public hearing must be made public with announcement in the official newspaper of the City at least five (5) days prior to the date thereof.		■	■	§475-53E(2); §475-53N(5)
Notice of the public hearing shall also be delivered at least ten (10) days before such hearing to the Clerk of the Common Council, with a request for comments from members of the Council		■	■	§475-53E(2); §475-53N(5)
At least ten (10) days before the public hearing, the Planning Board shall mail notices to the Orange County Planning Commission, the City of Middletown Architectural Review Board, and the Clerk of the Common Council.			■	§475-53N(6)
The Planning Board shall decide the application within sixty-two (62) days after the public hearing and after the applicant has submitted all supporting required information. Unless work is commenced and diligently prosecuted within six months and completed within two years of the date of the granting of a special use permit, such permit shall be null and void.		■	■	§475-53E(5); §475-53N(9)