

WHEREAS, the Common Council wishes to establish one-year renewable Student Housing Rental Permits.

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Common Council of the City of Middletown, New York, that the Code of the City of Middletown, Chapter 475: Zoning, be and is hereby amended as follows:

Section 1. Paragraph 4 of Subsection C of Section 475-35, Boarders in residential districts and dwellings; boardinghouses, of the Zoning Code of the City of Middletown is hereby amended by replacing Paragraph (4) to read as follows:

(4) Notwithstanding any other provision of this Chapter, boardinghouses for college students are uses permitted in all R-1, R-2, OR-2, SR-3A, SR-3B, C-1A, C-3A and DMU zoning districts, provided that:

(a) The college students must be full time students during the entire period of their occupancy at an accredited college or university located in Orange County (“full time students” is defined to mean undergraduate or graduate students who are taking at least 12 credit hours of classes per semester at such college or university, or 30 credit hours of classes during such college or university’s academic year, or full time medical residents at or associated with Orange Regional Medical Center);

(b) There can be no more than three (3) such students in any such boardinghouse;

(c) The only other persons permitted to reside in such boardinghouse are the owner(s) and his/her/their immediate family;

(d) The owner(s) must apply for and receive a Student Housing Rental Permit pursuant to the provisions of Article III of Chapter 296 of the Middletown City Code. This Rental Permit shall be applied for and issued in accordance with all of the requirements contained in Article III for boardinghouse permits, except:

(i) The Student Housing Rental Permit shall be valid for a period of one (1) year from the date of issuance and may be renewed for additional one-year periods as provided in Section 296-18(B);

(ii) The applicant for a Student Housing Rental Permit or a renewal thereof is not subject to the background check requirements of Section 296-20(H).

Section 2. Severability. If any provision of this ordinance or the application of any other provision to any item in this ordinance is held invalid, the invalidity of that provision or application shall not affect any of the other provisions or the application of those provisions to other items in this chapter or ordinance.

Section 3. Effective date. This ordinance shall take effect immediately.