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County

City

of **The Incorporated Village of Patchogue**

Town

Village

**Local Law No. 1 of the year 2024.**

**A LOCAL LAW OF THE VILLAGE OF PATCHOGUE**

The Added Section 435-30.2 of Chapter 435 of the Village Code which shall read as follows:

§ 435-30.2 HTL Hotel District.

A. Purpose.

In November 2002, the Suffolk County Department of Planning released a "Village of Patchogue Downtown Business District Study" (the "District Study"), which has served as a blueprint for the Village's revitalization over the past two decades. The implementation of the District Study's recommendations has led to a significant growth in housing units and downtown commercial uses and has improved and revitalized the economic base of the Village. Among the District Study's recommendations was the pursuit and implementation of a strategy to attract a hotel that would complement the Village's growing destination uses. This remains the one area where the Village has yet to realize its potential. The Village does not have a hotel, and the areas south of Sunrise Highway in Central and Eastern Suffolk, also lack suitable accommodations for visitors to the area. Given the Village's need for a hotel, the Village finds it necessary to create a special floating zone that would encourage such development.

The Village also recognizes that large hotel operators have special zoning and building requirements for their properties. These requirements are often in conflict with the Village's business, residential, and industrial district regulations. A special floating zone that is devised to address the requirements of major hotel operators ensures that the Village can attract a hotel while not compromising the regulations in its other districts through excessive variances.

B. General application procedure.

(1) The HTL Hotel District is established, as a floating zone, subject to approval by the Village Board of Trustees in each case and in accordance with an approved preliminary development concept plan, as described and defined herein.

(2) The procedure for a zone change to the HTL Hotel District and development approval shall involve a two-stage review process, as follows:

(a) Approval of a preliminary development concept plan and rezoning of specific parcel(s) by the Board of Trustees; and

(b) Approval of a final detailed site development plan, and a subdivision plat, if applicable, by the Planning Board.

C. Application to the Board of Trustees for zone change approval. Application for establishment, extension, or expansion of a HTL shall be made by submitting 10 copies of the application to the Board of Trustees. The application shall include, at a minimum, the following:

(1) The names and addresses of the property owner(s), the applicant(s), if other than the owner(s), and the planner, engineer, architect, surveyor, and/or other professional engaged to work on the project.

(2) Where the applicant(s) is/are not the owner(s) of the property, written authorization from the owner(s) for the submission of the application.

(3) A written statement describing the nature of the proposed project, how it is designed to serve the purposes of this section, the site's relationship to immediately adjoining properties and the surrounding neighborhood, the availability and adequacy of community facilities and utilities to serve the site, and the safety and capacity of the public roadways in the area of the site in relation to the anticipated traffic generation from the site.

(4) Evidence, such as an agreement or lease, that an established and reputable hotel operator will operate the property as a hotel.

(5) A written statement of the proposed method of ownership and maintenance of all common utilities, common facilities, and areas of open space within the proposed development.

(6) A preliminary development concept plan for the proposed project, drawn to a convenient scale, and including, but not limited to the following:

(a) The area of the project site, in both acres and square feet;

(b) A site location sketch indicating the location of the project site with respect to neighboring streets and properties, the names of all owners of property within 200 feet of the site, the existing zoning of the site, and the location of all zoning district boundaries in the surrounding neighborhood;

(c) A preliminary site development plan, indicating the approximate location and design of all buildings, the arrangement of parking areas and access drives, the general nature and location of other proposed site improvements, and the lot configuration if applicable; and

(d) building plans showing the layout of the hotel, the number of hotel rooms, and ancillary and incidental uses.

(7) An application fee, which shall be established from time to time by resolution of the Board of Trustees. If not established by the Board of Trustees, the fee shall be the same as the change of zone application fee under Article XI of this Chapter.

(8) A Full Environmental Assessment Form, as required by the New York State Environmental Quality Review Act and the SEQRA implementing regulations at 6 NYCRR Part 617.

(9) Such other information as may be determined necessary by the Board of Trustees in order to properly enable them to review and decide upon the application.

#### D. Procedure for zone change approval.

(1) The Board of Trustees may determine, at any time, with or without a public hearing, and with or without review pursuant to SEQRA and its implementing regulations, that an application for zone change approval pursuant to this section will not be entertained.

(2) If the Board of Trustees determines to entertain an application for zone change approval pursuant to this section, the Board of Trustees shall schedule and hold a public hearing on the application pursuant to the same notice and procedural requirements that are generally prescribed by law for Village zoning amendments.

E. Criteria for zone change approval and development. In determining whether to grant an application for establishment, extension, or expansion of an HTL Zone, the Board of Trustees, in addition to exercising their discretion in considering a change of zone, shall also determine that the application complies with all the following requirements:

(1) Location. An HTL zone may be established, extended, or expanded within a 1,000-foot radius of any of the following: the property containing the Patchogue LIRR Station, any property within the DRD Zoning District, and the property containing the Patchogue Theatre for the Performing Arts.

(2) Minimum site size. The minimum land area required for the establishment of an HTL Zone shall be 2 acres, except that there is no minimum land area required for the addition of lands to an existing HTL Zone. Any site proposed for establishment of an HTL Zone shall be of such shape, dimension, topography, and location as will allow for an appropriate and attractive development.

(3) Ownership. The site of a proposed HTL Zone, or proposed extension or expansion to an existing HTL Zone, may include any number of separate parcels and may be owned by one or more persons or entities, but shall be presented as a single parcel of land in any application made pursuant to this section. Such application shall be jointly filed by all owners and, if approved, shall be binding upon all of them and shall be developed in accordance with any approvals granted as part of the final site development approval.

(4) Permitted uses.

(a) Hotel.

(b) Residential uses only when part of a hotel development plan and only within the same building as the proposed hotel. The maximum number of dwelling units in a hotel development plan shall be no greater than one-fifth of the number of hotel rooms.

(c) Uses ancillary or incidental to operation of the hotel, including, restaurants, gift shops, and places of assembly.

(5) Height. The maximum height of any primary building or structure in a HTL Zone shall not exceed 75 feet.

(6) Parking. Parking facilities for hotel and residential uses shall be provided in accordance with Article IV of Chapter 435 of the Village Code. Parking for uses ancillary or incidental to operation of the hotel, including restaurants, gift shops, and places of assembly need not be provided so long as such uses, in total, do not comprise more than 25% of the total floor area.

(7) Long-term hotel use. Applicant must submit an executed lease, agreement, term sheet, or memorandum of understanding that sufficiently commits applicant and an established, reputable hotel operator to a long-term hotel operation on the property.

(8) Other Dimensional requirements. Other than the dimensional requirements already set forth in this section, the dimensional requirements set forth in the D1 Business District shall apply.

F. Zoning change approval by the Board of Trustees.

(1) The Board of Trustees may approve or approve with modifications the preliminary development concept plan, as well as the establishment of a proposed HTL Zone by local law granting a zone change so as to locate or place the property shown in such development concept plan in an HTL Zone. Approval of the preliminary development concept plan or approval with modifications is required for, and shall be deemed to authorize, the applicant(s) to proceed with the detailed design of the proposed development in accordance with such concept plan and the subsequent procedures and requirements of this section. Copies of said local law shall be forwarded to the Planning Board and the applicant(s).

(2) The Board of Trustees may require, incident to granting an HTL zone change, that the applicant(s) submit a declaration, to be recorded in the Office of the Suffolk County Clerk,

imposing such covenants and restrictions on the property included in such HTL Zone as the Board of Trustees may deem necessary or desirable in order to protect the neighborhood and assure that such property will be developed in accordance with, and will not be used in violation of, the purposes and provisions of this section.

(3) Any local law establishing an HTL Zone may establish other conditions and requirements applicable to the use and development of such property. Such conditions and requirements shall supersede any and all conditions and requirements set forth elsewhere in this Code.

(4) Approval of the establishment of an HTL Zone shall expire three years after the effective date of such local law if the applicant has not, within such period, applied for and received site development plan approval and, if applicable, final subdivision plat approval for at least the first section of the subdivision plat. The Board of Trustees, upon request of the applicant, may extend the above time period for two additional periods of not more than one year each. In any case where a phased development plan is approved, the HTL Zone shall expire five years after the effective date of such local law. Notwithstanding the foregoing, the Board of Trustees may extend any of said expiration periods upon application of any owner made prior to the expiration of such period for the property affected by the HTL Zone. In the event of expiration of HTL Zone approval, the HTL Zone classification shall automatically be removed from the subject property, and such property shall revert to the zone classification(s) existing prior to the establishment of the HTL Zone for such property. The Village Clerk shall amend the official copy of the Zoning Map accordingly.

#### G. Site development approval by the Planning Board.

(1) Before a building permit is issued or a use is commenced or changed on property located in an HTL Zone, a site development plan showing the layout, arrangement and design of the proposed use shall be submitted to the Planning Board, who shall review and either approve, approve with modifications, or disapprove the site development plan. Site development plan review shall be conducted in accordance with the procedures set forth in Article XIII of this Code. Subsection H of § 435-83 of the Code shall not apply to applications pursuant to this Section.

(2) The site development plan shall show and include the following elements:

- (a) The proposed location, use, dimensions, and architectural design and features of all buildings and structures, including, among other elements, the exterior building material, color, roofline, and building elevations, and lot coverage data;
- (b) The location and dimensions of proposed parking and truck loading areas, including access and egress thereto, with proposed grades;
- (c) The location of outdoor storage, if any;
- (d) A description of the method of sewage disposal and location of all facilities and structures;
- (e) The location, size, and design of all signs;
- (f) The location and nature of screening, landscaping, and buffer areas; and
- (g) The location, design, and proposed hours of operation of all lighting structures.
- (h) Detailed building plans showing the size and number of each room and dwelling unit and incidental and ancillary uses.
- (i) Such other information as may be determined necessary by the Planning Board in order to properly enable them to review and decide upon the application.

(3) No building permit shall be issued and no commencement or change of use shall be permitted unless and until a site development plan shall have been approved by the Planning Board.

(4) Where a proposed HTL development also involves a subdivision or resubdivision of land, no development may proceed unless and until the Planning Board has granted final subdivision plat approval in accordance with the Village Law and any applicable Village Code provisions or other regulations.

(5) Bonding. The Planning Board is authorized to impose such requirements for bonding the approved development, construction, and improvements as they deem necessary and appropriate, and also to condition the release of such bond or portions thereof on the approval, acceptance, or dedication of all or any portion of the work that has been bonded.

H. Conversion of hotel rooms in an HTL Zone. Should an owner or other interested party seek the conversion of hotel rooms to dwelling units, each new dwelling unit shall have a minimum of 800 square feet of habitable floor space.

I. Severability. Should any court of competent jurisdiction determine that any clause, sentence, paragraph, word, section or part of this section, or the application of same to any building, structure, land, or owner, is unconstitutional, illegal, or invalid, such determination shall not affect, impair, or invalidate the remainder of this section, which shall be separately and fully effective, or the applicability of this section to any other building, structure, land or owner.

Effective Date:

This Local Law shall take effect immediately.



