

**INTRODUCTORY LOCAL LAW NO. 4 of 2019
VILLAGE OF WOODBURY**

**A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE
VILLAGE OF WOODBURY TO CREATE A HOTEL OVERLAY ZONING DISTRICT**

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York as follows:

SECTION 1. PURPOSE

The purpose of this local law is to amend Chapter 310 (“Zoning”) of the Code of the Village of Woodbury to (i) maintain the character and scale of the existing Village hamlet areas; (ii) provide locations for hotel uses in commercial centers and retail complexes that draw customers from a regional market; and (iii) provide locations for hotel development near regional road networks.

SECTION 2. CHAPTER 310: ZONING.

Section 310-2 (“Definitions”) is amended to repeal the definitions of “hotel or motel” and “motel”, and add the following two definitions:

HOTEL

A facility offering rooms for lodging accommodations for compensation to the general public and wherein all rooms are connected to interior hallways and thereby to interior elevators, lobbies and/or stairways, through which access to the exterior is gained. Motels and motor courts are not included in this definition and are prohibited in all zoning districts.

MOTEL

A facility offering rooms for lodging accommodations for compensation to the general public and which access to the room is gained through exterior stairs or parking areas.

Section 310-3(A) (“Enumeration of districts”) is amended to add the following language:

Title	Symbol
Hotel Overlay	HO

Section 310-7 (“Schedule of zoning district regulations”) is hereby amended to repeal “hotels or motels with related dining, conference and/or recreational facilities” from the Limited Commercial (LC) and Industrial Business (IB) zoning tables.

Section 310-7 (“Schedule of zoning district regulations”) is hereby amended to include as an accompanying zoning table the attached Schedule of Zoning District Regulations for the Hotel Overlay District.

Chapter 310 (“Zoning”) is hereby amended to add Section 310-7.1, entitled “Hotel Overlay District” as follows:

§ 310-7.1 HOTEL OVERLAY DISTRICT

- A. Boundaries. The Hotel Overlay District includes that property identified on the Village of Woodbury Zoning Map as being within the designated Hotel Overlay District area.
- B. Special Permit Required. A hotel shall require the issuance of a special permit and site plan approval by the Planning Board, subject to the relevant procedures and required findings set forth within Article VIII of the Zoning Law, and the requirements of this § 310-7.1.
- C. Public Water and Sewer. A hotel shall be serviced by public water and sewer services.
- D. Bulk and development standards. In addition to those provided in the § 310-7, a hotel is subject to the following supplemental bulk and development standards:
 - (1) Density. There shall be no more than one hotel unit for each 700 square feet of lot area.
 - (2) Setbacks. All buildings shall be set back a minimum of fifty (50) feet from all State and County highways and Larkin Drive. Parking areas are permitted to be located within the required setback area.

- (3) Height Exceptions. The maximum height permitted shall not apply to rooftop bulkheads, elevator penthouses, cooling towers or air-conditioning or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the area of the roof of a building and are set back from the edge of the roof at least one foot for each one foot by which such features exceed the maximum permitted height. All mechanical equipment located on the tops of buildings shall be visually screened to the satisfaction of the Planning Board.
- (4) Buffer. There shall be a minimum fifteen (15) foot wide landscaped buffer along all boundary lines of the property. Only access drives and sidewalks may traverse the landscaped buffer; no other impervious surfaces may be located in the landscape buffer.
- (5) Frontage. The property shall have frontage of at least 100 feet along Larkin Drive, or on a State or County highway or right-of-way. Said frontage shall permit the ability to directly access these roadways for vehicular ingress and egress to the property. If the hotel is located within a commercial center, the commercial center shall have direct access on Larkin Drive, or on a State or County highway or right-of-way, or the property shall have access through an easement or access agreement to Larkin Drive, or to a State or County highway or right-of-way.
- (6) Parking. A minimum of 1.25 parking spaces per hotel unit, in addition to the parking requirements contained in § 310-40 for all accessory uses, shall be provided.
- (7) Screening. Any parking or garage area, delivery or service yard, or active recreation area shall be screened to adequately protect the view of neighboring properties, as well as to assure an attractive environment within the site. All screening shall be in accordance with the standards and requirements contained in § 310-27(B).
- (8) Multiple Uses. Where more than one use exists on a lot, uses may be permitted to share parking spaces to meet the number of parking spaces otherwise required if, and only if, the Planning Board conclusively determines based upon objective criteria that one or more of such uses will be generating a demand for parking spaces primarily during periods when the other use(s) will not be operating. If deemed necessary by the Planning Board when such uses are under different ownership, a legal agreement providing for the use, maintenance, and repair of such shared parking shall be provided, the form of such agreement shall be satisfactory to the attorney for the Planning Board, including whether such agreement must be filed with the Orange County Clerk's office.
- (9) Loading. Hotels shall adhere to the loading regulations provided in § 310-41 ("Off Street Loading Berths").
- (10) Pre-existing, Non-conforming Uses. Any legally pre-existing, non-conforming uses shall adhere to Article VII ("Nonconforming Buildings, Lots and Uses").

E. Design standards. A hotel is subject to the following design standards:

- (1) Guest sleeping rooms shall not contain kitchen facilities or equipment such as or similar to the following: full refrigerator, oven, stovetops, or hot plates.
- (2) Guest sleeping rooms shall not be used as apartments for non-transient tenants.
- (3) Units shall not contain more than two rooms, and shall not be connected by interior doors in groups of more than two.
- (4) No outdoor public address or music system shall be permitted.

Section 310-40 (“Off-street parking”) is hereby amended to repeal the following language:

Use	Number of Spaces
Motel, hotel, bed-and-breakfast or boardinghouse	1 per guest unit, plus 1 for every two employees per largest shift

and replace it with the following language:

Use	Number of Spaces
Bed-and-breakfast or boardinghouse	1 per guest unit, plus 1 for every two employees per largest shift
Hotel	1.25 per hotel unit, plus the parking requirements for all proposed accessory uses

Section 310-41 (“Off-street loading berths”) is hereby amended to repeal “or motels”.

SECTION 3. ZONING MAP AMENDMENTS.

The Zoning Map of the Village of Woodbury is hereby amended to establish the Hotel Overlay District as shown on the attached map.

SECTION 4: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, including, but not limited to, Village Law §§ 7-706 and 7-708, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 5: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by

any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 6: EXEMPTION

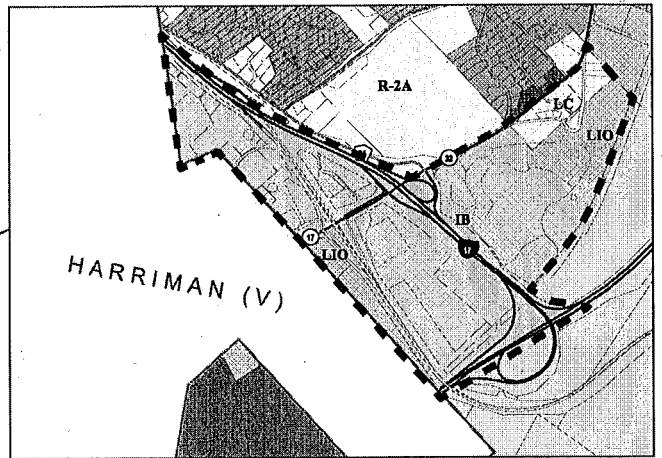
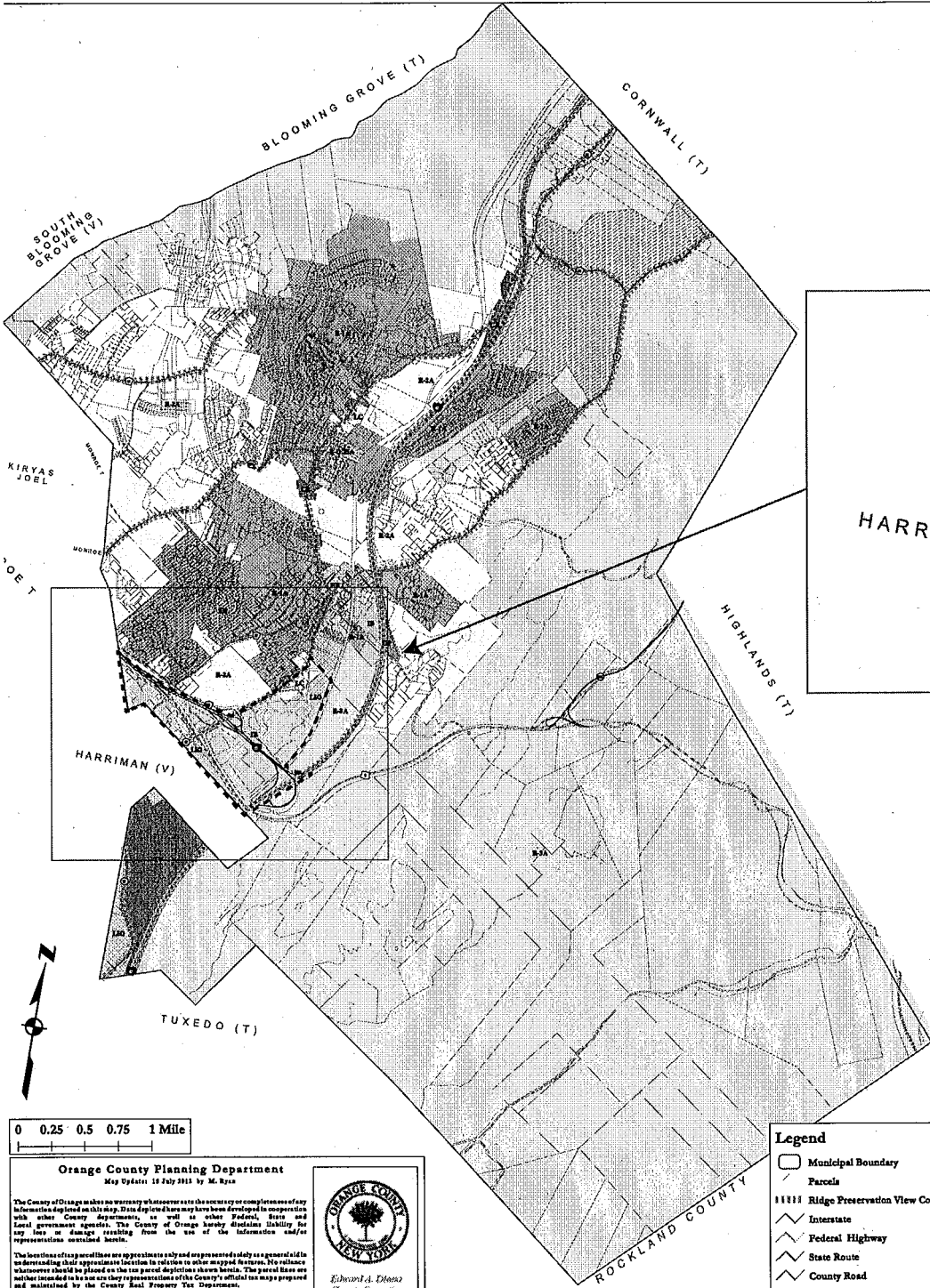
All projects that received Conditional Final Approval or Final Approval for a hotel construction from the Village of Woodbury Planning Board, and have such approvals in effect on the date that this Local Law becomes effective, are exempt from this Local Law and may proceed under the prior applicable zoning laws.

SECTION 7: EFFECTIVE DATE.

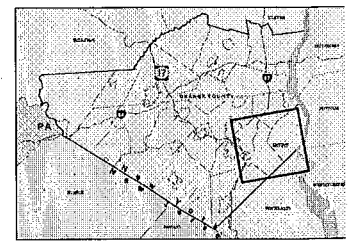
This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

This is the Official Zoning Map of the Village of Woodbury, last amended by Local Law #2 of 2011, adopted 14 June 2011, and certified as accurate on 22 May 2012. Signed copies are on file at the Orange County Department of Planning and the Municipal Clerk's office.

Hotels Overlay District Map



Hotel Overlay District



Orange County Planning Department
 Map Updated: 19 July 2013 by M. Ryan

The County of Orange makes no warranty whatsoever as to the accuracy or completeness of any information depicted on this map. If any depicted lines may have been developed in cooperation with other County departments, as well as other Federal, State and Local government agencies. The County of Orange hereby disclaims liability for any loss or damage resulting from the use of the information and/or representations contained herein.

The locations of these parcels are approximate only and are presented solely as a general aid in determining their approximate location in relation to other mapped features. No reliance whatsoever should be placed on the tax parcel depiction shown herein. The parcel lines are subject to change as their representations of the County's official tax maps prepared and maintained by the County Real Property Tax Department.



Legend		
	Zoning District	

ZONING
310 Attachment 12
Village of Woodbury
§ 310-7
Schedule of Zoning District Regulations

Hotel Overlay District

Zoning District	Accessory Uses Permitted Uses	Special Permit Uses	Minimum Required				Maximum Permitted		Off-Street Parking	
			Lot Area (sq ft)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Both Sides (feet)	Rear Yard (feet)		Coverage (percent)
HO Hotel Overlay	<p>1. Restaurants, bars, coffee shops, cafeterias providing food and drink</p> <p>2. Lobby area and office, which must be provided for all hotels</p> <p>3. Meeting or conference rooms/facilities</p> <p>4. Banquet facilities</p> <p>5. Recreational areas for the exclusive use of hotel guests, such as a tennis court, children's playground or swimming pool</p> <p>6. Other facilities approved by the Board of Trustees.</p>	1. Hotel	87,120 sq. ft. (2 acres)	See § 310-7.1	See § 310-7.1	See § 310-7.1	See § 310-7.1	75%	The lesser of 5 stories/60 feet	Refer to Section 310.7 for parking requirements

NOTES:

1 All uses in this district are subject to the provisions of § 310-7.1 of the Zoning Chapter.