

**VILLAGE OF NORTHPORT
NORTHPORT, NY 11768**

PLEASE TAKE NOTICE: The Village Board of Trustees shall hold a public hearing on the 7th day of February 2023, at 6:00 p.m. Meeting will be held at Northport Village Hall, 224 Main Street, Northport, NY 11768 and will also be available via Zoom:

Register in advance to attend by Zoom only:

https://us02web.zoom.us/meeting/register/tZcqf-iqrTsoHd2b9MdUpS_SeSzflQVdIvp0

After registering, you will receive a confirmation email containing information about joining the meeting.

To consider amending Parking and Outdoor Dining in Marine Business District

Proposed Local Law "H" of 2022

a Local Law to amend

Northport Village Code Section 306-5, (Parking), Section 306-18.1(b) (Outdoor Dining),
Section 306-39(b)(2)(g)[1][a] (Marine District Business uses), Section 306-
39(b)(2)(g)[4][g](Marine District Business uses) and Section 306-39(b)(2)(g)[8](Marine
District Business uses)

THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW

Local Law Introductory No. H as follows:

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTHPORT
CONSIDERS AMENDING VILLAGE LAW ARTICLE 306-5, AS FOLLOWS:

§ 306-5 Parking Space

An area having direct access to a street and required for parking one automobile,
which in this chapter is held to be an area 10 feet wide and 20 feet long **except for a
parking space situated with the Marine Business District which may be an area 9
feet wide by 18 feet long**, not including passageways and driveways appurtenant
thereto and giving access thereto.

[Amended 5-21-1968]

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTHPORT
CONSIDERS AMENDING VILLAGE LAW ARTICLE 306-18.1(B), AS FOLLOWS

§ 306-18.1 (B) Outdoor Dining

Outdoor dining on private property, meaning that such dining is not located on a
sidewalk or other public property or right-of-way, shall be permitted in the Central
Business A and B Districts and in the Highway Business District, **and in the Marine
Business District** subject to compliance with the following:

(1)

All of the requirements for outdoor sidewalk dining shall be applicable and are hereby

incorporated herein by reference thereto, except for Subsections **A(2), (4), (6), (8)** and **(9)**.

(2)

The permit for outdoor dining on private property is a required permit for outdoor dining that is located on private property and not on a sidewalk or other public property or right-of-way. An eligible business may hold both permits provided they satisfy the requirements for each such permit.

(3)

Outdoor dining areas shall not be enclosed or maintained for year-round use unless all required building, zoning and other applicable permits for a permanent structure and/or use have first been obtained.

(4)

The installation, use or maintenance of radios, speakers, televisions or like apparatus and live entertainment shall be prohibited in outdoor dining areas, unless separately authorized by resolution of the Board of Trustees.

(5)

No variance shall be required from the Board of Zoning Appeals for outdoor dining in compliance with this section.

(6)

Applicants shall provide a survey for the premises for which the permit is requested showing all structures thereon, a sketch showing the proposed number of tables and chairs and the approximate area to be used for outside dining with a proposed seating plan for same.

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTHPORT
CONSIDERS AMENDING VILLAGE LAW ARTICLE 306-39(B)(2)(g)[1][a], AS FOLLOWS

§ 306-39(B)(2)(g)[1][a] -Marine Business District Uses

Restaurant which serves alcoholic beverages but which does not feature outdoor music, including outdoor live or amplified music, and which has a maximum indoor square footage of 1,000 square feet **of dining area** per restaurant, with the maximum square footage devoted to all restaurants on the entire marina property not to exceed ~~5%~~ **12%** of the total square footage of space within buildings devoted to retail uses, excluding space devoted to boat repair, maintenance or storage; a maximum of ~~400~~ **200** seats (indoor and outdoor combined) permitted for all restaurant uses for the entire marina property. (Note: There also are other restrictions on the number of seats permitted for outdoor dining set forth hereinafter in Subsection B(2)(g)[4][g].)

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTHPORT
CONSIDERS AMENDING VILLAGE LAW ARTICLE 306-39(B)(2)(g)[4][g], AS FOLLOWS

§ 306-39(B)(2)(g)[4][g] -Marine Business District Uses

The Board of Zoning Appeals shall determine the maximum number of outdoor seating for each restaurant, but in no event shall outdoor seating be permitted for more than ~~65~~ **100** persons per restaurant and for more than ~~75~~ **150** persons in total for outdoor dining

for all restaurants on site.

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTHPORT
CONSIDERS AMENDING VILLAGE LAW ARTICLE 306-39(B)(2)(g)[8], AS FOLLOWS

§ 306-39(B)(2)(g)[8] -Marine Business District Uses

~~Current restaurant uses in the Marine Business District. There are currently no lawfully existing restaurant uses in the Marine Business District, either as a nonconforming use or by virtue of any approval of any board of the Village of Northport, including the Board of Zoning Appeals. Specifically, the restaurant use known as "Whales Tales" at Britannia Marina is not a lawful nonconforming use or a use that has been authorized by covenants and restrictions that restrict uses at Britannia Marina or by any decision of the Board of Zoning Appeals. After the enactment of this subsection, this and all restaurant uses hereafter proposed to be located in the Marine Business District zone must comply with this subsection and obtain the necessary special use permit from the Board of Zoning Appeals in accordance with the requirements and subject to the restrictions set forth in the Marine Business District code, as amended.~~^[6]

~~[6]~~

~~Editor's Note: See also § 306-14, Marine Business District.~~

January 19, 2023
Village of Northport

Georgina Cavagnaro
Village Clerk