

Bill VSC 1911

A local law to amend Chapters 138 and A162 of the Code of the Village of Sea Cliff, in relation to accessory structures and ancillary structures.

Section one. The following provisions and Chapter of the Code of the Village of Sea Cliff are hereby repealed:

Chapter A162;
Section 138-201, definition of “ancillary structure”;
Section 138-416.1
Section 138-516.1
Section 138-616.1
Section 138-716.1

Section two. Section 138-201 of Chapter 138 of the Code of the Village of Sea Cliff is hereby amended, to read as follows:

“ACCESSORY BUILDING

A building or structure, the use of which is incidental to that of the principal building and which is attached thereto or is located on the same premises, which includes, but is not limited to, a detached private garage, except that a private garage that is attached to the principal building shall be considered a part thereof and shall not be considered an “accessory building”, deck, generator, air conditioning, pool equipment and filter, mechanical equipment, and a recreational, tennis or sports court. Unless otherwise excluded specifically in this Chapter, an Accessory Building includes an Accessory Structure, and the terms are used interchangeably herein. All Accessory Buildings and Accessory Structures are subject to any restrictions provided in this Chapter, except where such Accessory Building or Accessory Structure meets all of the criteria for exemption from such restrictions, as set forth in section 138-1205.

Section three. Section 138-1205 of the Code of the Village of Sea Cliff is hereby amended, to read as follows:

§138-1205. Accessory Structures

The following accessory structures are expressly permitted, when located on property used exclusively for residential use and located within a Residence District and when in strict compliance with the requirements, restrictions and criteria set forth in this section. Any structure that complies strictly with the following provisions shall not require a building permit. Any structure that does not comply strictly with the following applicable provision shall require a building permit and be subject to all of the requirements, conditions and provisions of Chapter 138 applicable to accessory buildings or structures.

A. No more than one freestanding shed with an area of 100 square feet or less, a height of eight feet or less above the average pre-existing surrounding grade, and

located in a rear yard or a side yard with a setback of at least three feet from any property line. Neither the width nor the length of the shed shall exceed 10 feet.

B. Patio or deck with a height of eight inches or less above the average pre-existing surrounding grade, located in a rear yard or a side yard with a setback of at least three feet from any property line, so long as the patio is not pitched in a downward slope towards a property line and drainage facilities are provided to accommodate the entire patio surface area, whether the patio is impervious, semi-pervious or pervious.

C. No more than one outdoor brick or stone barbeque with an area of 35 square feet or less, a height of six feet or less above the pre-existing average surrounding grade, and located in a rear yard or a side yard with a setback of at least three feet from any property line, and provided that the barbeque is compliant with the New York State Fire Code. If the barbeque is connected to a gas line, a plumbing permit shall be required.

D. One basketball pole, with a backboard and rim, located at least ten feet from any front property line and at least 3 feet from any rear or side property line.

E. Flag pole with a height of 30 feet or less located at least 10 feet from any front property line and at least three feet from any side or rear property line.

F. Decorative pool, as defined in Chapter **115** of the Village Code, having a depth of six inches or less and covering an area of 100 square feet or less, water fountain, or bird bath located at least 10 feet from any front property line and at least three feet from any side or rear property line. In the event a connection is made to any water supply, a plumbing permit shall be required and a backflow device shall be installed.

G. Landscape retaining wall not exceeding two feet in height and not constructed in conjunction with any other wall or grading which creates a change in grade, or a combined height, of more than four feet.

H. Residential canvas awnings located at least 10 feet from any front property line and at least three feet from any side or rear property line.

I. Doghouse with an area of 20 square feet or less, a height of four feet or less, and located in a rear yard or a side yard with a setback of at least three feet from any property line.

J. Arbor with a length of 20 feet or less, a height of eight feet or less above the average surrounding grade, and located in a rear yard or a side yard with a setback of at least six feet from any property line.

K. Portable wading pool made of plastic, vinyl, or similar material, placed on the property for temporary use, having a maximum depth of one foot, a maximum area of 60 square feet, and located in a rear yard or a side yard with a setback of at least three feet from any property line. A portable wading pool satisfying the conditions set forth herein shall not be subject to the provisions of Chapter **115** of the Village Code.

L. Childrens' playground equipment covering an area of 100 square feet or less, having a height of 10 feet or less above the average surrounding grade, and located in a rear yard or a side yard with setbacks of at least 10 feet from any side property line and at least five feet from any rear property line.

M. No more than four structures used as storage bins. Each storage bin shall have an area of 20 square feet or less, a height of four feet or less above the average surrounding grade, and neither the width nor the length of the storage bin shall exceed approximately six feet. All storage bins shall be located at least three feet from any property line.

Section four. Section 128-9 of the Code of the Village of Sea Cliff is hereby amended, to read as follows:

A storage container is not deemed to be an accessory structure as that term is defined in Chapter 138.

Section five. Any local law, ordinance, or resolution of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section six. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section seven. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.