

Bill HN-2-2023

A local law to amend Chapter 195 of the Code of the Village of Hewlett Neck, to provide for areas included as lot coverage and provisions related to tennis courts, sports courts and recreational facilities, in the Village.

Section one. Section 195-2(B) is hereby amended, to add the following definition:

“Sports Court - Any outdoor surface, feature, or element, whether pervious, impervious, or a combination thereof, in excess of 100 square feet, in the aggregate, including formed ice, other than grass or other landscaping, which is designed or used, or is intended or susceptible of use, for the playing of hockey, pickleball or any other game or games, sport or sports, or hobbies, except where such court is used solely for basketball or tennis. The term shall not include swimming pools or driveways.”

Section two. Section 195-2(B) is hereby amended, by amending the definition of “Structure”, to read as follows:

“Structure - Anything constructed or erected which requires location on or in the ground or which is attached to something located on or in the ground, including, but not limited to, a building, garage, dwelling, tennis court, swimming pool, beach house, platform, wall, shed, shelter, dock, sign, recreational facility, sports court or fence in excess of six feet in height. A structure defined under this section shall not include a fence of six feet or less in height and shall not include up to two entry piers, provided that such piers have a footprint of no greater than a total of four square feet each and have no dimension that exceeds three feet and neither width nor length of each pier exceeds three feet and such pier height will not exceed three feet above the existing grade, excluding any light fixture.”

Section three. Section 195-14(C) is hereby amended, to read as follows:

“§195-14(C). The area occupied by structures and accessory buildings shall be included in computing the maximum portion of the lot area which may be built upon in any given district. The area occupied by structures and accessory buildings shall not exceed 8% of the area of the lot. Driveways and walkways used exclusively for vehicular and/or pedestrian use are excluded from this calculation.”

Section four. Section 195-25 is hereby amended, to read as follows:

“§195-25. Sports Courts and Tennis Courts.

A. Restrictions. A sports court and/or tennis court complying with the provisions of this section, and other relevant sections of this Chapter, shall only be permitted in a residential district as an accessory use to a dwelling for the residents of such dwelling and their guests.

B. Issuance of building permit. No sports court and/or tennis court shall be constructed unless a building permit shall be issued by the Building Inspector. Every application for a permit shall be accompanied by a dimensioned site plan, drawn to scale and showing locations of all details, duly certified by a licensed professional engineer or architect, which site plan shall have been submitted to and approved by the Village Building Inspector.

C. Yard and setback limitations. A sports court and/or tennis court shall be constructed only in the rear yard of a dwelling and shall be located entirely within the setback limits of the district, but shall not, in any event, be located closer than 20 feet to the nearest property line.

D. Fences and enclosures.

1. Every sports court and/or tennis court shall be enclosed by a fence of a design approved by the Village Building Inspector.

2. Notwithstanding the provisions of this Chapter to the contrary, such fence may be not less than four feet but not more than 10 feet in height, subject to the site approval of the Village Building Inspector.

3. Nothing herein shall be deemed to permit any type of cover or enclosure over a sports court and/or tennis court.

E. Landscaping. All sports courts and/or tennis courts shall be completely screened from adjoining properties by a living screen of coniferous trees. Said trees shall be of a height, when planted, not less than two feet below the top of the adjacent fence and shall be planted five feet on center and not more than 10 feet away from the fence surrounding the tennis court, on all sides of the court not facing the dwelling on the same lot. Said coniferous screening shall consist of Canadian hemlock, or an alternate approved by the Village Building Inspector, and shall be maintained so long as the tennis court remains in existence.

F. Grade; drainage.

1. The height of the playing surface of the sports court and/or tennis court shall not be above the existing mean level of the ground immediately surrounding the tennis court area prior to construction of the tennis court.

2. No sports court and/or tennis court shall be constructed or maintained so as to permit any drainage water to flow onto adjoining properties.

G. Use of lights; hours.

1. The use of a sports court and/or tennis court before 8:00 a.m. or after 9:00 p.m. is prohibited.

2. No lighting shall be erected, operated or maintained in connection with a sports court and/or tennis court in such a manner as to create an annoyance or nuisance to any surrounding property. All lights over sports courts and/or tennis

courts shall be shielded so as to prevent their shining upon the property of any adjacent property owner.

3. No sports court or tennis court may be used for commercial purposes, for hire or for the purpose of giving lessons to persons not a resident of the property.

Section five. Any local law or provision of the Code of the Village of Hewlett Neck 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 pursuant to the Municipal Home Rule Law.