

LOCAL LAW #4 OF 2022

**AMENDING THE VILLAGE CODE WITH RESPECT TO
CHILDREN'S OUTDOOR RECREATIONAL APPARATUS AND SHEDS
(May 9, 2022)**

Be it enacted by the Board of Trustees of the Village of Irvington as follows:

Section 1: Section 224-3 (Zoning Definitions) of the Village Code is hereby amended to add the following new definitions:

CHILDREN'S OUTDOOR RECREATIONAL APPARATUS – Any children's apparatus used for outdoor recreational use that is incidental to a permitted residential use. A children's outdoor recreational apparatus shall include, but not be limited to, a trampoline, swing set, sand box and jungle gym or similar climbing apparatus. A children's outdoor recreational apparatus shall not include a stand-alone playhouse, tree house or similar accessory building, a skateboard ramp or roller blade ramp or similar recreational apparatus or a sport court or other outdoor recreational facility used for the playing of basketball and racket sports, but excluding a basketball hoop that is erected on a driveway.

SHED – A detached accessory building in a residential district, not including a garage, that is used for the storage of tools, garden equipment, play equipment or domestic supplies.

Section 2: The definition of “building” in § 224-3 of the Village Code is hereby amended as follows (new language in *italics*):

BUILDING – Any combination of materials forming any construction, except where entirely underground so as to permit the use of the ground above the same as if no building was present. The term "building" shall include, but not be limited to, the term "structure," as well as the following:

- A. Signs other than those regulated pursuant to Article XXIX of this chapter.
- B. Fences.
- C. Walls.
- D. Radio and television antennas, except for such antennas installed on the roof of a "building" and extending not more than 15 feet

- above the highest level of the roof of such "building.
- E. Public swimming pools, including those operated by clubs.
- F. Pergolas, porches, outdoor blinds and other similar structures.
- G. Swimming pools, whether installed in the ground or above ground and regardless of the material or type of construction.
- H. Satellite receiving antennas, including any parabolic or spherical dish-type antenna, the purpose of which is to receive, but not transmit, microwave or other electronic signals from satellites or other sources for television or radio reception, data transmission, teleconferencing or other types of telecommunication.
- I. Driveways, parking spaces, patios, walkways and other paved areas.
- J. Solar energy equipment.

The term "building," however, shall not include children's outdoor recreational apparatus or sheds, provided the shed:

- (1) does not have a paved foundation,*
- (2) is not greater than 64 square feet in area or 10 feet in height,*
- (3) does not have any side longer than 10 feet.*

and

Section 3: Section 224-8.B (Accessory uses in One-Family Residence Districts) is hereby amended by adding the following to the list of permitted accessory uses:

- (2) Children's outdoor recreational apparatus.*
- (3) Sheds.*

Section 4: Renumber subsections (2) - (13) of § 224-8.B as subsections (4) - (15) respectively.

Section 5: Section 224-11.B (Exceptions to yard requirements) is hereby amended by adding the following paragraph to the list of exceptions:

Sheds that do not have a paved foundation and are not greater than 64 square feet in area or 10 feet in height and have no side longer than 10 feet, and children's outdoor recreational apparatus, may be erected

anywhere on the lot, except:

- (a) *as provided in § 224-154 (freshwater wetlands);*
- (b) *as provided in § 224-51.C (Croton Aqueduct Buffer); and*
- (c) *in front of the front facade of a dwelling facing a street or public way.*

Section 6: Section 224-51.C(1) is hereby amended to read as follows (new language in *italics*):

C. Croton Aqueduct buffer.

- (1) For existing lots, no building or part thereof *nor any children's outdoor recreational apparatus nor any shed (irrespective of size)* shall be erected nearer than 30 feet to any boundary line of the property on which the Croton Aqueduct is located or such greater distance as may be prescribed by § 224-11A. Any additional structures or intrusions into the Croton Aqueduct buffer shall be permitted only by a variance obtained from the Zoning Board of Appeals and conditioned upon the planting of evergreen and deciduous plantings. No variance from the provisions of this section may be granted unless the requirements of § 224-97 are satisfied and, as a condition of such variance, the applicant and his or her successors in interest are required to install and maintain such evergreen and deciduous plantings and landscaping as, in the judgment of the Zoning Board of Appeals, shall be necessary to screen the building or other structure from the view of persons who may use the aqueduct.

Section 7: Section 224-154 (Freshwater Wetlands, Controlled activities requiring permit) is hereby amended to read as follows (new language in *italics*):

§ 224-154. Controlled activities requiring permit.

Within a freshwater wetlands controlled area, no person shall allow or conduct, either directly or indirectly, any of the following activities without a permit issued in accordance with the requirements of this chapter:

- A. Any form of draining, dredging, excavation or removal of soil, mud, sand

gravel or other material.

- B. Any form of dumping, filling, grading or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind.
- C. Erection of any structures or roads *or children's outdoor recreational apparatus or sheds* if the actual construction *or installation* activity is within 100 feet of a wetlands shown on the Freshwater Wetlands Map.
- D. Driving of pilings or the placement of any other obstructions, whether or not changing or diverting the flow of water, or alteration or modification of natural drainage patterns.
- E. Alteration or modification of the contours of the land.
- F. Introduction of any form of pollution, including but not limited to installing a septic tank, running a sewer outfall discharging sewage treatment effluent or other liquid wastes into or so as to drain into a freshwater wetlands area.
- G. Destruction of natural growth, including living trees and shrubs.
- H. Any other activity which may substantially impair the natural functions served by the wetlands or the benefits derived therefrom.

Section 8: Section 224-137 (Exemptions from calculation of floor area ratio in residential zones) is hereby amended by adding the following new subsection:

- E. *One shed, provided it does not have a paved foundation, does not exceed 64 square feet in area or 10 feet in height, and has no side longer than 10 feet.*

Section 9: Section 95-4.B (Building Construction, Building permits) is hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

No building permit shall be required for work in any of the following categories:

- (1) *If accessory to a one- or two-family dwelling or multiple single-family dwellings (townhouses), installation of swings, playhouses with a footprint of 35 square feet or less and a height of five feet or less, playground equipment, and similar equipment associated with a one- or two-family*

~~dwelling or multiple single family dwellings (townhouses) and children's outdoor recreational apparatus;~~

Section 10: Section 95-4.B (Building Construction, Building permits) is hereby amended to add the following new exception:

(8) *Sheds that do not have a paved **foundation, are not greater than 64 square feet in area or 10 feet in height, and have no side longer than 10 feet.***

Section 11: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 12: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.