

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Sagaponack on the 18<sup>th</sup> day of May, 2022 adopted the following Local Law:

**LOCAL LAW NO. 4 OF 2022**

**A LOCAL LAW AMENDING SECTIONS 245-4 AND 245-34  
OF THE VILLAGE CODE REGULATING PICKLE BALL COURTS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SAGAPONACK AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to regulate the construction of pickle ball courts or the alteration of existing playing courts for use as a pickle ball courts.

SECTION 2. AMENDMENT/ENACTMENT.

Village Code Sections 245-4 and 245-34 are amended and enacted as follows:

245-4 Definitions

ACCESSORY BUILDING OR OTHER STRUCTURE

A building or other structure which is customarily located on the same lot occupied by a main building or other structure and is customarily incidental or subordinate to that main building or structure. The term "accessory building" or "accessory structure" may include, but is not limited to, a private garage, shed, hot tub, spa, pool pump and heater, spa pump and heater, heating and air-conditioning condenser, playhouse, swimming pool, tennis court, pickle ball courts, playing courts, and private greenhouse and terraces under 12 inches off grade, none

\*new language is underlined.

of which shall be designed and/or constructed or used for sleeping or cooking.

#### PICKLE BALL COURT

A structure wholly or partially outdoors constructed on the ground consisting of a playing area of whatever composition used to engage in the game of pickle ball. A backstop, if constructed, consisting of netting, fencing or similar material and designed to prevent the passage of play balls shall also be part of a pickle ball court all of which shall not exceed overall dimensions of 30 feet by 60 feet.

#### PLAYING COURT

A structure, or part thereof, which is designed or used for playing sports and consists of a playing surface. All associated netting, fencing, backstops, decks, slabs, patios, pavilions, pergolas, open-walled roofed structure and other improvements shall be considered part of the playing court. Tennis courts, handball courts, racquetball courts, volleyball courts, pickle ball courts, basketball courts, ice rinks and other similar facilities shall be deemed included in this definition. A bocce court is not included.

245-34 Placement of accessory buildings and uses in all districts.

S. Construction of new pickle ball courts, or conversion of any playing courts or tennis courts for playing pickle ball, shall be subject to the following standards:

[1] pickle ball courts are only permitted in R-80 and R-120 Residence Zones.

[2] new stand-alone pickle ball courts shall be:

(i) setback 60 feet from the nearest property line and must be sunken at least 4 feet when measured from the lowest adjacent existing grade; and

(ii) must be surrounded on three sides by a 6-foot sound attenuation wall, placed no further than 10 feet from the edge of the court, constructed of a minimum of  $\frac{3}{4}$  inch solid boards, and with the middle section of the wall on the court side closest to the nearest adjoining property line.

[3] conversion of an existing tennis court to a pickle ball court shall be permitted:

(i) if the court is at least 4' below grade, a solid noise barrier of at least  $\frac{3}{4}$  thick, 6' high must be

installed along the length of the two sides of the court closest to property lines; and

(ii) if the court is at grade, a solid noise barrier at least  $\frac{3}{4}$  thick, 8' high must be installed along the length of three sides of the court, with the middle section of the wall on the court side closest to the nearest adjoining property line.

[4] at the discretion of the Building Inspector, AcoustiFence or a similar product with at least the same dbA noise reduction impact may be used in lieu of the solid fencing required in (i) or (ii) above as long as the height from the court surface is at least 8 feet and the AcoustiFence covers three sides.

T. Construction of new tennis courts and playing courts, other than pickle ball courts, shall be subject to the following standards:

[1] playing courts require 150% of accessory structure setbacks. Any provision foregoing to the contrary notwithstanding a tennis court which is sunken at least 4' measured from the lowest adjacent grade and includes an acoustic barrier and is issued a permit by the Board of Trustees shall not be subject to a 150% setback.

245 Attachment 2 "Residence Districts Table of Dimensional Regulations"

Notes 6: Reserved

### SECTION 3. SEQRA.

This is a Type II action under 6 NYCRR § 617.5(C)(26).

### SECTION 4. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: May 18, 2022

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF SAGAPONACK  
Rosemarie Cary Winchell, CMC  
Village Clerk-Treasurer