

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Old Brookville

Local Law No. 2 of the year 2024

A local law entitled "Pickleball Courts" to amend Section 300-7, "Residence Districts," of Chapter 300,
(Insert Title)
"Zoning," of the Code of the Incorporated Village of Old Brookville to regulate pickleball
courts in the Village.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Old Brookville

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**VILLAGE OF OLD BROOKVILLE
LOCAL LAW 2-2024
“PICKLEBALL COURTS”**

A local law to amend Section 300-7, “*Residence Districts*,” of Chapter 300, “*Zoning*,” of the Code of the Village of Old Brookville to regulate pickleball courts in the Village. The Code was adopted by Local Law 1-2016 by the Board of Trustees on March 21, 2016 and was last amended by the Board of Trustees by Local Law 2-2023 on June 26, 2023.

BE IT ENACTED by the Board of Trustees of the Village of Old Brookville as follows:

SECTION 1. Section 300-3, “*Word usage; definitions*,” of Chapter 300, “*Zoning*,” of the Code of the Village of Old Brookville is hereby amended to revise the definition of Structure and add new definition for Pickleball Court as follows:

PICKLEBALL 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 pickleball. 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 pickleball court.

* * *

STRUCTURE

Any combination of materials forming any construction, erected with a fixed location on the ground or the use of which requires location on the ground, such as but not limited to: buildings, garages, tool houses or sheds, greenhouses, children's play houses, tree houses, outside garbage or other bins, stables, barns, kennels for dogs or other animals, rabbit hutches, runs for dogs or other animals, riding rings, paddocks, corrals or other roofless fenced enclosures for animals, roofed enclosures for animals, fountains or reflecting or other pools, and swimming pools, whether above or below ground (including filters, heaters and other mechanical equipment, and/or appurtenant bath houses or cabanas, pickleball courts, tennis courts and/or appurtenant tennis houses, walls, fences, gates, gate posts, statues, signs, billboards, poster panels, tents, gazebos, pergolas, arbors, trellis, clothes lines, posts or other drying structures, trash or other burners, air-conditioning equipment, units or compressors, heat exchangers or aboveground heating tanks, solar collectors, generators, utility meters, platforms, porches, verandas, outdoor decks or patios, paved area used principally as a recreational area, TV antennas or dish antennas, radio or television towers and/or antennas, communication antennas used for the receiving or sending of communication signals, standpipes, transmission or distribution lines, towers and/or poles, trailers, campers, mobile homes (whether movable or stationary) and enclosures therefor, stadiums, reviewing stands, windmills, observation towers, staging, gasoline tanks or pumps (whether above or below ground), any of the foregoing or other structures, whether permanent or temporary, and any structure over one foot above ground. The word "structure" shall be construed as though followed by the words "or part thereof."

SECTION 2. Subsection D of Section 300-7, “*Residence Districts*,” of Chapter 300, “*Zoning*,” of the Code of the Village of Old Brookville is hereby amended to read as follows:

§300-7 Residence Districts.

* * *

- D. Lot area, height, setback, front lot line, building size and lot coverage. In all residence districts, all buildings and structures shall conform to the following lot area, height, setback, front lot line, building size and lot coverage regulations.

* * *

- (7) Pickleball Courts. Construction of new pickleball courts, or conversion of any playing courts or tennis courts for playing pickleball, shall be subject to site plan review by Planning Board and subject to the following additional standards:

- (a) Pickleball courts shall only be permitted on residential properties in the R-3A Residence Zone. Pickleball courts shall also be permitted on non-residential properties operating pursuant to a special use permit pursuant to subsection B of §300-7 of the Village Code if such pickleball court use is deemed by the Planning Board to be a normal or customary accessory use. In no event shall a pickleball court be permitted on any lot with a lot area of less than three acres.

- (b) New stand-alone pickleball courts shall be:

- (i) Only located within the rear yard of any property;

- (ii) Setback at least 75 feet from the nearest property line and shall be sunken at least four feet when measured from the lowest adjacent existing grade; and

- (iii) Surrounded on three sides by a six-foot sound-attenuation wall, placed no further than 10 feet from the edge of the court, constructed of a minimum of ¾-inch solid boards, and with the middle section of the wall on the court side closest to the nearest adjoining property line.

- (c) Conversion of an existing tennis court to a pickleball court on a residential property within the R-3A Residence Zone on a lot of at least 3 acres shall only be permitted if such court is at least 75 feet from the nearest property line and:

- (i) If the court is at least four feet below grade, a solid noise barrier of at least ¾ inch thick, six feet 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 ¾ inch thick, eight feet 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.

(iii) No tennis court installed after the adoption of this section shall be converted into a pickleball court unless it complies with the standards under subsection (7)(b) above.

(d) At the discretion of the Planning Board, 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 Subsection 7(c)(i) or (ii) above as long as the height from the court surface is at least eight feet and the AcoustiFence covers three sides.

(e) Pickleball Courts shall only be used between the hours of 9:00 am and 7:00 pm. No outdoor lighting of any kind shall be installed or permitted to illuminate any pickleball court.

(f) In addition to any sound attenuation installations, the Planning Board shall be authorized to direct the installation of landscape screening in its sole discretion to shield any adverse impacts of the pickleball courts on neighboring properties.

(g) No pickleball play shall be allowed on any property within the Village unless such play is conducted on an approved court compliant with the above regulations.

SECTION 3. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Old Brookville was duly passed by the Board of Trustees on March 18, 2024, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the ~~(Name of Legislative Body)~~ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the ~~(Name of Legislative Body)~~ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. ~~(Elective Chief Executive Officer*)~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the ~~(Name of Legislative Body)~~ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

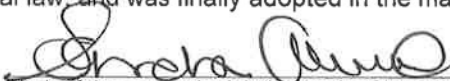
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/25/24

(Seal)