



PATRICIA JUNE SCOVA  
Town Clerk

EXTRACT OF THE MINUTES  
OF THE REGULAR MEETING  
OF THE TOWN BOARD  
WESTCHESTER COUNTY, NY  
HELD OCTOBER 11, 2016

1. Garden Sheds, Tool Houses, Play Houses, Tree Houses, Play Apparatus:  
Article I - General Provisions

§218-3 Definitions:

PROPERTY LINE - (also referred to as a LOT LINE) - A line of record bounding a parcel of land and dividing it from another parcel of land, right-of-way, body of water or public space. Any building, structure, wall, fence, parking area, or any other physical improvement (requiring the issuance of any permit) located directly on a property line shall be deemed to be shared between the adjacent property owners, and shall require an easement or other legal mechanism to accommodate the shared use.

SHED - A type of non-habitable accessory structure typically used for the storage of tools, landscaping equipment, pool accessories, household recycling, recreational equipment or similar items shall be restricted in height and outside of the setbacks as established in §218-21-1.

Article II - Supplemental Regulations

§218-21 Garden sheds, tool houses, play houses, tree houses, play apparatus.

1. Garden Sheds, Tool House and other related sheds

A. Location in Reference to Set Backs:

i. R-10 District or smaller residential zone district - No Shed regardless of the type of material used in construction, shall be placed on any lot except in

the rear yard or between the side yard at the midpoint of structure to a point of the start of the rear lot, provided however; that such Shed shall not be placed closer than 12 feet from main building or deck and closer than 5 feet from the rear lot line and closer than 5 feet from any side lot line. These dimensional setbacks shall apply unless a more restrictive provision exists in the Table of Dimensional Regulations for accessory buildings for the zoning district within which the site lays, in which case, the more restrictive provision shall apply. A shed in this District shall not exceed 12 feet in height as measured from the ground surface at any point along the base of the shed to the peak or highest point of the roof.

ii. R-20 District - No Shed regardless of the type of material used in construction, shall be placed on any lot except in the rear yard or between the side yard at the midpoint of structure to a point of the start of the rear lot, provided however; that such the Shed shall not be placed closer than 25 feet from main building or deck and closer than 10 feet from the rear lot line and closer than 10 feet from any side lot line. These dimensional setbacks shall apply unless a more restrictive provision exists in the Table of Dimensional Regulations for accessory buildings for the zoning district within which the site resides, in which case, the more restrictive provision shall apply. A shed in this District shall not exceed 12 feet in height as measured from the ground surface at any point along the base of the shed to the peak or highest point of the roof.

iii. R-40 District - No Shed regardless of the type of material used in construction, shall be placed on any lot except in the rear yard or between the side yard at the midpoint of structure to a point of the start of the rear lot, provided however; that such the Shed shall not be placed closer than 25 feet from main building or deck and closer than 10 feet from the rear lot line and closer than 10 feet from any side lot line. These dimensional setbacks shall apply unless a more restrictive provision exists in the Table of Dimensional Regulations for accessory buildings for the zoning district within which the site resides, in which case, the more restrictive provision shall apply. A shed in this District shall not exceed 15 feet in height as measured from the ground surface at any point along the base of the shed to the peak or highest point of the roof.

iv. Any Other Districts - All Districts not listed above shall follow the R-40 District requirements.

#### B. Shed Heights:

i A Shed to be located within an R-20 or R-10 District shall not exceed 12 feet in height as measured from the ground surface at any point along the base of the shed to the peak or highest point of the roof.

ii A Shed to be located within any other district shall not exceed 15 feet in height as measured from the ground surface at any point along the base of the shed to the peak or highest point of the roof.

C. The construction and/or installation of a garden shed or tool house shall require the issuance of a building permit.

D. A garden shed, tool house or related structure shall not be served by any utilities except for an electric service for lighting and one ground fault circuit interrupter duplex receptacle circuit w/ max 15 Amps for basic garden / battery charged equipment (an electrical permit will be required to be issued by the Building Inspector for all electrical work). A shed shall not be constructed upon a foundation solely designed to support the structure or rest upon a concrete slab greater than 6 inches. Tie downs are permitted to secure the shed to the ground surface.

E. No more than two of either combination of garden sheds, garden tool houses or related structures shall be permitted to be installed on a property located in the R-10 or R-20 zoning district, provided the combined square footage does not exceed 150 square feet. In the R-40 zoning district, no more than two such structures shall be permitted, provided the combined square footage does not exceed 250 square feet.

## 2. Play Apparatus, Swing Sets and other related Recreational Equipment

A. In all one-family residential zoning districts, play apparatus, swing sets and other related recreational equipment requiring structural tie down for stability, shall be permitted no closer to the front yard than the mid-point of the property or the mid-point of the structure.

B. No play apparatus with a footprint greater than 200 square feet, as measured along a line enclosing the outside perimeter of the play apparatus, shall be placed no closer than 10 feet from the rear lot line and not closer than 10 feet from any side lot line.

C. Play apparatus, swing sets and other related recreational equipment shall be limited to fifteen feet (151 in height).

D. In cases where the footprint of a play area encompassing play apparatus, swing sets or other related equipment is greater than two-thousand (2000) square feet, an evergreen planting buffer, utilizing arborvitae or other similar species, shall be provided to shield the play apparatus from the nearest residential neighbor. This screening shall be of an appropriate height and density to adequately mitigate the impacts created by the use of large play apparatus, as determined by the Building Inspector.

3. Tree Houses - A tree house shall be permitted in the rear yard of a lot in any one-family residential zoning district, provided the tree is wholly contained within the lot containing the principal residence, does not exceed 100 square feet in area, has a floor or platform no higher than 12 feet off the ground, is

limited to one level or story and that the structure is setback from the rear and side property lines by at least 15 feet. The installation and erection of a tree house requires the issuance of a Building Permit.

4. Trash Container Enclosures - Fully contained trash container enclosures, not exceeding a total gross floor area of 50 square feet, may be located within 1 foot of a required side or rear yard and may be omitted in shed area calculations. Any trash container enclosure exceeding 50 square feet shall comply with all applicable regulations and requirements as set forth for a garden shed, garden tool house, or playhouse.

- Tent Garages.

Article II - Supplemental Regulations

§218-22 - Tent Garages.

The installation and erection of a tent garage requires the issuance of a Building Permit. Tent garages are considered temporary structures, and may be erected for a period of time not to exceed 6 months. Permits will be issued for a maximum term of 6 months. An extension of the permit may be issued if the 6 month period has elapsed without the tent garage being deployed.

A. A tent garage shall be permitted in a side or rear yard.

B. A tent garage shall be permitted in a front yard in the area of a paved driveway only. No tent garage shall be permitted in a front yard outside of the area of a paved driveway.

- Storage Pods:

Article II - Supplemental Regulations

§218-22 - Storage Pods.

Storage pods are temporary in nature and may not be permanent fixtures. Storage pods may be present at a residential property for a period not to exceed 45 days. Storage pods required as part of the renovation or rehabilitation of an existing structure, or the construction of a new structure, may be permitted for a period exceeding 45 days in length, provided said storage pod is included as part of the Building Permit, is subject to any terms and conditions found to be necessary by the Building Inspector and is removed upon issuance of the Certificate of Occupancy. In such an instance, said storage pod shall not result in the elimination of any required off-street parking spaces or when installed within the Town right-of-way, reduce the sight distance for motorists or pedestrians utilizing the roadway.

2. Portico:

Article I - General Provisions §218-3 Definitions:

PORTICO - a covered walkway in the form of a roof supported by multiple columns or pillars (not containing walls) for the sole purpose to shield from rain or snow on a standard landing before entering a structure. A Portico may project up to 5 feet into the front yard setback by the width of the standard landing. A Portico that project beyond 5 feet into the front yard setback or exceeds the standard landing width will be required to be issued a variance by the Zoning Board.

PATRICIA JUNE SCOVA, RMC  
TOWN CLERK  
TOWN OF MOUNT PLEASANT