

TOWN OF NORTH CASTLE

Local Law No. 6 For the Year 2016 Adopted September 28, 2016

A local law to amend the definition of a structure in Section 355-4 of the Town Code.

Section 1. Amend Section 355-4 of the Town Code.

STRUCTURE

- A. Anything that is constructed or erected which requires a location on the land or attachment to something having such location, including but not limited to the following:
 - (1) Signs or billboards.
 - (2) Fences over four feet or six feet in height in a front or side yard and fences over eight feet in height in a rear yard.
 - (3) Walls other than those less than four feet high.
 - (4) Radio and television antennas, except for such antennas installed on a roof of a building, which antennas shall be considered fixtures of the building.
 - (5) Pergolas, canopies, porches, patios, terraces, decks, outdoor bins, tool sheds, carports, satellite antennas, equipment and storage buildings or sheds, swimming pools, swimming pool filter pads, tennis, basketball or other similar sports courts, driveways, parking areas, doghouses or sheds.
 - (6) Tents, in excess of two hundred square feet, in total, mobile homes, trailers or similar structures on wheels or other supports used for business or living purposes. Tents shall not require site plan approval or be required to meet the minimum setback requirements for a principal or accessory structure, notwithstanding, in no case shall tents be located in the front yard. In addition, tents shall not count toward the calculation of gross land coverage, gross floor area and floor area ratio. Furthermore, tents shall not require the provision of off-street parking.
- B. A building permit shall be required prior to the construction or erection of any structure.
- C. All buildings are structures. For the purposes of setback requirements, classification of buildings as "principal" or "accessory" shall be controlling.
- D. A building permit shall not be required for anything equal to or less than 64 square feet in area and eight feet in height, and such shall not be considered a structure. Notwithstanding the foregoing, a building permit shall be required for the installation of a power generator of any size and for the installation out of doors of any other equipment which would generate audible noise at any property boundary (see § 355-15Q).
- E. For floodplain management purposes, a "structure" shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above the ground, as well as a mobile home.

Section 2. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: September 28, 2016