

Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NY 11968-4899

Phone: 631.283.0247

Fax: 631.283.4990

Website: www.southamptonvillage.org

MEMORANDUM FOR: NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

SUBJECT: Local Law #12-2024

DATE: April 9, 2024

On behalf of the Incorporated Village of Southampton, please accept this request of Local Law #12-2024. All support documentation is provided. Please reach out to csweeney@southamptonvillage.org or contact 631.332.1050 should any questions or concerns arise.

Kind Regards,

Cathy M. Sweeney
Village Clerk
Incorporated Village of Southampton

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.
8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

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 Southampton

Local Law No. 12 of the year 20²⁴

A local law Chapter 116 of the Village Code of Southampton to address all Playing Courts and the
(Insert Title)
requirements and restrictions for same.

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

County City Town Village
(Select one:)

of Southampton as follows:

A LOCAL LAW amending Chapter 116 of the Village Code of Southampton to address all Playing Courts and the requirements and restrictions for same.

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

(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. 12 of 2024 of the (County)(City)(Town)(Village) of Village of Southampton was duly passed by the Board of Trustees on March 14 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (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 _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (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 _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.)

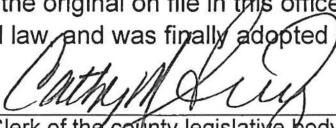
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.

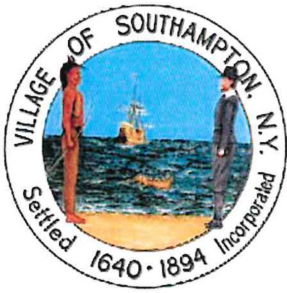
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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: March 14, 2024

(Seal)



Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NEW YORK 11968-4899

Phone: (631) 283-0247

Fax: (631) 283-4990

Website: www.southamptonvillage.org

Resolution

2024-86

3/14/2024

Information: WHEREAS, the Board of Trustees of the Village of Southampton is considering A Local Law Amending Chapter 116 to address all playing courts and establish new standards and setbacks for same; and

WHEREAS, the Village of Southampton's Planning Director, has conducted a review of the proposed action and

WHEREAS the matter was referred to the Suffolk County Planning Commission for review pursuant to General Municipal Law section 239-m; and

WHEREAS, on February 26, 2024, the Suffolk County Planning Commission staff issued a letter of local determination; and

WHEREAS, a public hearing was held by the Village Board of Trustees on February 8, 2024 and March 14, 2024, at which time all persons either for or against said amendment were heard; and

WHEREAS, the Board of Trustees of the Village of Southampton has determined that this proposed local law is considered an "Unlisted Action" under 6 NYCRR Part 617.4 provisions of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Southampton Village Planning Director, prepared a Short Environmental Assessment Form Parts I and a Full EAF Form Part 2 dated February 6, 2024 which identified no, or small impact may occur and a Full EAF Form Part 3 which determined there would be no significant adverse impacts on the environment;

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby assumes Lead Agency status as there are no other involved agencies and issues a Negative Declaration pursuant to SEQRA as there are no significant negative environmental impacts anticipated by this zoning amendment; and be it

FURTHER RESOLVED, that Local Law No. 12 of 2024 is hereby adopted.

Department:
Category:

Village Hall
Resolutions

Sponsors:
Functions:

Financial Impact

Body

Voting

Motioned: William Manger

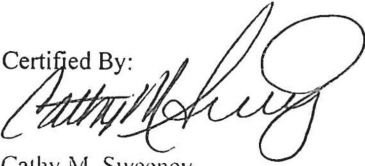
Seconded: Gina Arresta

Y: William Manger, Gina Arresta, Robin Brown, Roy Stevenson, Leonard Zinnanti

N: None

A: None

Certified By:



Cathy M. Sweeney

Village Clerk

Incorporated Village of Southampton

**NOTICE OF ADOPTION OF A LOCAL LAW
AMENDING CHAPTER 116 TO ADDRESS ALL PLAYING COURTS AND ESTABLISH
NEW STANDARDS AND SETBACKS FOR SAME**

WHEREAS, the Board of Trustees of the Village of Southampton is considering A Local Law Amending Chapter 116 to address all playing courts and establish new standards and setbacks for same; and

WHEREAS, the Village of Southampton’s Planning Director, has conducted a review of the proposed action and

WHEREAS the matter was referred to the Suffolk County Planning Commission for review pursuant to General Municipal Law section 239-m; and

WHEREAS, on February 26, 2024, the Suffolk County Planning Commission staff issued a letter of local determination; and

WHEREAS, a public hearing was held by the Village Board of Trustees on February 8, 2024 and March 14, 2024, at which time all persons either for or against said amendment were heard; and

WHEREAS, the Board of Trustees of the Village of Southampton has determined that this proposed local law is considered an “Unlisted Action” under 6 NYCRR Part 617.4 provisions of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Southampton Village Planning Director, prepared a Short Environmental Assessment Form Parts I and a Full EAF Form Part 2 dated February 6, 2024 which identified no, or small impact may occur and a Full EAF Form Part 3 which determined there would be no significant adverse impacts on the environment;

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby assumes Lead Agency status as there are no other involved agencies and issues a Negative Declaration pursuant to SEQRA as there are no significant negative environmental impacts anticipated by this zoning amendment; and be it

FURTHER RESOLVED, that Local Law No. 12 of 2024 is hereby adopted as follows:

LOCAL LAW NO. 12 OF 2024

A LOCAL LAW amending Chapter 116 of the Village Code of Southampton to address all Playing Courts and the requirements and restrictions for same.

SECTION 1. Legislative Intent

The Board of Trustees recognizes that Pickleball is the fastest growing sport in the United States and, indeed, in the Village. In addition, the relatively unknown sport of Padel ball has gained a following in the Village. At the same time, the Board is aware that use of pickleball courts and

padel tennis courts has resulted in an increase in complaints due to the increase in noise generated by playing these sports. These code amendments seek to minimize the impact all playing courts have on neighboring properties by increasing the setbacks and establishing new standards for these courts. In addition, the amendments provide guidance for the conversion of tennis and other playing courts to pickleball or padel ball courts by setting similar standards and setbacks.

Section 2. Amendment

Village Code § 116-2(B) of the Village Code of the Village of Southampton is hereby amended by adding the underlined words and organizing the definitions alphabetically:

CLUB, MEMBERSHIP OR COUNTRY, GOLF COURSE, NONPROFIT

A not-for-profit corporation, as defined in § 102 of the Not-For-Profit Corporation Law of the State of New York, not located contiguous to an ocean beach and established for the principal purpose of engaging in outdoor sports such as golf, tennis, pickleball, padel ball, swimming, fishing or similar activities but not including any form of aviation, outdoor track, skeet or target shooting or boating. The activities of such a club shall be limited to its members and their guests and shall not be extended to the general public.

PICKLEBALL COURT/PADEL BALL COURT

A structure wholly or partially outdoors consisting of a playing area of whatever composition used to engage in the game of pickleball and/or padel ball. A backstop, if constructed, consisting of netting, fencing or similar material and designed to prevent the passage of play balls shall be part of any pickleball or padel ball court.

PLAYING COURT

A structure, or part thereof, which is designed or used for playing sports and consists of a playing surface of 375 square feet or more. All associated netting, fencing, backstops and other improvements shall be considered part of the playing court. Tennis courts, basketball courts, handball courts, racquetball courts, volleyball courts, ice rinks, pickleball courts, padel ball courts and other similar facilities shall be deemed included in this definition. A basketball “court” located on a driveway is not a “playing court” for purposes of this Code.

TENNIS COURT

A structure whole or partially outdoors consisting of a playing area of whatever composition used to engage in the game of tennis. A backstop, if constructed, consisting of netting, fencing or similar material and designed to prevent the passage of tennis balls shall be part of a tennis court. For the purposes of this code, a playing court with lines suitable for playing pickleball shall be deemed a pickleball court.

Section 3. Amendment

Village Code § 116-9 of the Village Code of the Village of Southampton is hereby amended by adding the underlined words and deleting the strikethroughs:

§116-9 Placement of accessory buildings and uses.

A. In all districts.

(11) A tennis court, pickleball court, padel ball court or other playing court shall be deemed a structure and subject to the provisions of this chapter relating to structures. Such a tennis court, pickleball court, padel ball court or other playing court may be installed and maintained on a lot in any district as an accessory use for purposes customarily incidental to the principal use conducted on the lot, provided that:

(a) Such tennis court, pickleball court, padel ball court or other playing court is installed in the rear yard or a side yard of the premises (if the tennis court, pickleball court, padel ball court or other playing court is an outdoor ~~tennis~~ court).

(b) ~~Such~~ A tennis court shall not be installed nearer than 20 feet to any lot line.

(c) A new pickleball or padel ball court shall not be installed nearer than 30 feet to any lot line and shall be subject to review by the Building Inspector and the Planning Board pursuant to in § 116-9(A)(11)(j).

(d) The conversion of a legally existing tennis court or playing court into a pickleball court or padel ball court shall be permitted if the existing court is located a minimum of 30' from all property lines only if the court meets the standards set forth by the Building Inspector and the Planning Board pursuant to in § 116-9(A)(11)(j).

(e) Any tennis court, pickleball court, padel ball court or other playing court that met the conditions of the code prior to the enactment of these amendments but does not meet the standards herein as of the effective date of these amendments shall be deemed a pre-existing non-conforming use and subject to all provisions applicable thereto.

(e) ~~(f)~~ The area of the tennis a playing court shall be included in computing the building area of the lot for the purpose of determining compliance with the maximum building area percentage requirements of this chapter.

~~(d)~~ (g) No lights or other illumination of any kind shall be installed, used or maintained in connection with the use or maintenance of an outdoor ~~tennis~~ playing court.

~~(e)~~ (h) The fencing or barrier around a tennis court shall not exceed eight feet in height at the ends and for a distance from the ends of 20 feet on the sides toward the center, and, except for such parts of the side, the height along the side shall not exceed four feet. Such height shall be measured from the playing surface.

(f) (i) No permit for the construction of a tennis court shall be issued until the site and landscape plan therefor shall have been approved by the Building Inspector. Such plan shall provide, among other things, the screening of such tennis court and its fence from the view from adjoining parcels, and the required landscaping shall, unless otherwise specifically provided, be deemed to be a continuing condition to use of the tennis court. The Building Inspector, in consultation with the Planning Board, shall adopt and publish minimum landscape and screening specifications, including the sinking of the tennis court and provisions for adequate drainage to control stormwater runoff. The Building Inspector shall refer such plan to the Planning Board for its review and approval in the event the Building Inspector finds that the owner's plan does not provide adequate screening, buffering and/or stormwater runoff controls, or if the owner seeks to vary the specifications.

(j) No permit for the construction of a pickleball court or padel ball court shall be issued until the site and landscape plan therefor shall have been approved by the Planning Board and the Building Inspector. Such plan shall provide, among other things, for appropriate sound attenuation mechanisms, the screening of such courts and any fence from the view from adjoining parcels, and the required landscaping and sound attenuation mechanisms shall, unless otherwise specifically provided, be deemed to be a continuing condition to use of the pickleball court or padel ball court. The Building Inspector, in consultation with the Planning Board, shall adopt and publish minimum sound attenuation, landscape and screening specifications, including the sinking of the tennis subject court and provisions for adequate drainage to control stormwater runoff. The Building Inspector shall refer such plan to the Planning Board for its review and approval of the plan for adequate sound attenuation, screening, buffering and/or stormwater runoff controls, or if the owner seeks to vary the specifications.

(g) (k) A lot shall not contain more than one tennis playing court. However, a playing court may be used for multiple sports.

Section 4. Amendment

The proposed Local Law is enacted pursuant to NYS Village Law 70700, as well as Municipal Home Rule Law §10(1)(ii)(a)(11) and (12).


Section 5. Severability

If any clause, sentence, paragraph or part of this Local Law, or the application thereof to any person, firm or corporation, or circumstance shall be judged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect or impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law, or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule.

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
<u>Y</u>	_____	Mayor Manger	<u>Y</u>	_____	Trustee Stevenson
<u>Y</u>	_____	Trustee Arresta	<u>Y</u>	_____	Trustee Zinnanti
<u>Y</u>	_____	Trustee Brown			



Cathy M. Sweeney – Village Clerk

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF SOUTHAMPTON
CATHY SWEENEY, VILLAGE CLERK

Dated: March 14, 2024