

June 6, 2023

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF  
WESLEY HILLS, TO REVISE THE ZONING LAW IN RELATION  
TO THE REGULATION OF CABANAS.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESLEY HILLS, as follows:

Section 1. The definition of “BUILDING, ACCESSORY”, contained in Section 230-5 of the Code of the Village of Wesley Hills, is hereby amended to read as follows:

BUILDING, ACCESSORY- A building subordinate to the main building on the lot and used for purposes customarily incidental to that of the main building or of another accessory building or structure on the same lot. Where an accessory building is attached to the main building in substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

Section 2. The following definition is hereby added to Section 230-5 of the Code of the Village of Wesley Hills, to follow the definition of ‘BUSINESS OR PROFESSIONAL OFFICE’, to read as follows:

CABANA- An accessory building that is accessory to an in-ground swimming pool.

Section 3. Section 230-140 (2) of the Code of the Village of Wesley Hills is hereby amended to read as follows:

- (2) The following shall be considered accessory buildings and structures for the purposes of this section: sports courts (including but not limited to basketball courts, tennis courts and platform tennis courts), swimming pools, cabanas, garages for passenger vehicles or one vehicle with commercial registration under 5,000 pounds’ gross vehicle weight, greenhouses, playhouses, garden houses, toolhouses, stables, barns, swing sets and other outdoor recreational equipment, and solar energy collectors.

Section 4. Section 230-140 (4) (a) of the Code of the Village of Wesley Hills is hereby amended to read as follows:

- (a) Accessory buildings and accessory structures permitted under this section shall comply with the front yard, side yard, and rear yard requirements and the building coverage, impervious surface ratio, and height limitations specified in §230-17 of this chapter, except that (1) sports courts (including but not limited to basketball courts and tennis courts) and in-ground swimming pools may be located not closer than 15 feet to a side lot or rear lot line, and (2) cabanas may be located not closer than 15 feet to a side lot line or a rear lot line if they satisfy all of the additional requirements that are specified in Subsection 0 (7) .

Section 5. Section 230-140 (4) (a) (6) of the Code of the Village of Wesley Hills is hereby amended to read as follows:

- (6) The maximum number of accessory buildings allowed on any lot shall be two. However, only one cabana shall be permitted on a lot as one of those accessory buildings.

Section 6. Section 230-140 of the Code of the Village of Wesley Hills is hereby amended by adding thereto a new Subsection 0 (7), to read as follows:

- (7) Cabanas are permitted to be located closer to the side lot line or the rear lot line than the side yard and rear yard requirements specified in § 230-17 of this chapter if they shall meet all of the following requirements:
  - (a) The cabana shall not exceed 500 square feet with a maximum interior space of 400 square feet.
  - (b) The cabana shall not be located closer the 15 feet to a side lot line or a rear lot line.
  - (c) The cabana shall not be located more than 15 feet from the patio of the swimming pool to which it is accessory.
  - (d) The cabana shall not exceed one story of habitable space, shall not contain a loft or attic space except for mechanical equipment, and shall not contain a kitchen or cooking facilities of any kind.

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- (e) The cabana shall not exceed 15 feet in height measured from the pool patio elevation to the highest point of the roof of the cabana and shall not contain an accessible roof deck.
- (f) The cabana shall not have vision windows facing into the side or rear of the lot if a residence on the adjacent lot is within 50 feet of the cabana.

Section 7. This local law shall take effect ten days after publishing, posting and filing with the Secretary of State.