

Adopted 11/03/14

LOCAL LAW 15 of 2014

**AMENDING THE ZONING CODE
WITH RESPECT TO DEER FENCES**

Be it enacted by the Board of Trustees of the Village of Irvington as follows:

Section 1: Paragraph 4 of § 224-11.B (One-Family Residence Districts: **Exceptions to yard requirements**) is amended to read as follows (new language in *italics*):

- (4) Cornices or cantilevered roofs may project not more than 2 ½ feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard.
- (5) *Fences and walls.* Except as provided in § 224-48¹ hereof, fences or walls not over 6 ½ feet in height may be erected anywhere on the lot. Fences or walls with a height in excess of 6 ½ feet shall conform to the requirements set forth herein for buildings.
- (6) *Deer exclusion fences.* Notwithstanding ¶ (5) above, deer exclusion fences may be erected anywhere on the lot, except as provided in § 224-48 hereof, provided all of the following requirements are met:
 - (a) *The fence may not exceed 8 feet in height.*
 - (b) *The fence may be no closer to the street than the main facade of the house facing the street.*
 - (c) *If the fence is in a required yard, the Architectural Review Board may require that it be screened by vegetation to conceal the fence and/or diminish its mass. If new vegetation is required, it must be installed simultaneously with the fence. The ARB may require a bond to insure the survival of new plantings.*

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Section 224-48 regulates visibility at intersections.

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- (d) *The fence material must be black coated wire weld or black coated woven wire. The fence posts must be either (i) round or square black metal fence posts with a minimum diameter or width of 2 ", or (ii) round or square wood posts with a minimum diameter or width of 4" . Fence posts must be equal to the height of the fence, spaced no greater than 8 feet on center, and set in concrete.*
- (e) *The ARB may waive the requirements of paragraph (d) for a deer exclusion fence surrounding a garden plot or similar limited area, as long as no portion of the fence is located in a required yard.*
- (f) *Electric or energized fencing is prohibited.*
- (g) *An application for the fence must be made to the Board of Architectural Review (ARB) and must include a survey showing the perimeter of applicant's property, photographs sufficient to permit the ARB to evaluate the on-site and nearby off-site conditions, a sample of the fencing material, and the required application fee.*
- (h) *Notice of such application must be given to all adjacent property owners (including those across a street) at least two weeks prior to the ARB meeting at which it is to be considered. Proof of such notice must be submitted at or prior to the ARB meeting.*
- (i) *The ARB must make a finding that the proposed fence will not adversely impact neighboring properties or the character of the neighborhood.*

Section 2: Paragraph 2 of § 224-19.B (Multifamily Residence District: **Exceptions to yard requirements**) is amended to read as follows (new language in *italics*):

- (1) Cornices or cantilevered roofs may project not more than 2 ½ feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard.
- (2) Garages so designed as to allow the use of the roof thereof as part of the grounds may be erected in side or rear yards not nearer than four feet to any property line, provided that the average height of such wall or walls thereof which face a side lot line or a rear lot line is not in excess of 6 ½ feet above the average level of such lot line.
- (3) *Fences and walls.* Except as provided in § 224-48 hereof, fences or walls

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not over 6 ½ feet in height may be erected anywhere on the lot. Fences or walls with a height in excess of 6 ½ feet shall conform to the requirements set forth herein for buildings.

(4) Deer exclusion fences. Notwithstanding ¶ (3) above, deer exclusion fences may be erected anywhere on the lot, except as provided in § 224-48 hereof, provided all of the following requirements are met:

- (a) The fence may not exceed 8 feet in height.*
- (b) The fence may be no closer to the street than the main facade of the house facing the street.*
- (c) If the fence is in a required yard, the Architectural Review Board may require that it be screened by vegetation to conceal the fence and/or diminish its mass. If new vegetation is required, it must be installed simultaneously with the fence. The ARB may require a bond to insure the survival of new plantings.*
- (d) The fence material must be black coated wire weld or black coated woven wire. The fence posts must be either (i) round or square black metal fence posts with a minimum diameter or width of 2 ", or (ii) round or square wood posts with a minimum diameter or width of 4" . Fence posts must be equal to the height of the fence, spaced no greater than 8 feet on center, and set in concrete.*
- (e) The ARB may waive the requirements of paragraph (d) for a deer exclusion fence surrounding a garden plot or similar limited area, as long as no portion of the fence is located in a required yard.*
- (f) Electric or energized fencing is prohibited.*
- (g) An application for the fence must be made to the Board of Architectural Review (ARB) and must include a survey showing the perimeter of applicant's property, photographs sufficient to permit the ARB to evaluate the on-site and nearby off-site conditions, a sample of the fencing material, and the required application fee.*
- (h) Notice of such application must be given to all adjacent property owners (including those across a street) at least two weeks prior to the ARB meeting at which it is to be considered. Proof of such notice must be submitted at or prior to the ARB meeting.*

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- (i) *The ARB must make a finding that the proposed fence will not adversely impact neighboring properties or the character of the neighborhood.*

Section 3: Paragraph A(1) of §224-66 (Site development plan approval required) is amended to read as follows (new language in *italics*):

Site development plan approval by the Planning Board shall be required for:

- A. The erection of any building, as defined in § 224-3, including on any lot which has received limited site development plan approval, except for:
 - (1) a fence or retaining wall projecting above the ground not more than three feet at the higher ground level and not more than 6 ½ feet at the lower ground level, *except that site development plan approval shall not be required for a deer exclusion fence meeting the requirements of § 224-11B(6) or § 224-19B(4).*

Section 4: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 5: This local law shall take effect upon filing with the Secretary of State.