

**AMENDING SECTION 165-28 OF THE VILLAGE CODE TO REGULATE DEER  
FENCING**

Be it enacted by the Village Board of the Incorporated Village of Head of the Harbor:

The Code of the Incorporated Village of Head of the Harbor, County of Suffolk, New York, is amended by:

AMENDING Section 165-28 of Chapter 165 of the Village Code which shall read as follows:

**[New Language]**

**[Language to be Deleted]**

§ 165-28      Walls and fences.

A. Structural. The yard requirement of this Part 1 shall not be deemed to prohibit any necessary terracing or retaining walls used as structural support, provided such necessary terracing or retaining wall shall not exceed seven feet in height in any required yard, and further provided that the face of the masonry walls shall be limited to natural stone or brick. The finished side of any wall within 40 feet of a lot line shall face the adjoining property or street.

B. Landscaping. The yard requirements of this Part 1 shall not be deemed to prohibit terracing or retaining walls used with landscaping, or any fences, provided such terracing or retaining wall or fence shall not exceed four feet in height in the front yard of any lot, nor six feet in height in any other yard. The finished side of any fence or wall within 40 feet of a lot line shall face the adjoining property or street.

C. Construction of such terracing, retaining, landscape walls or fences shall be subject to the review and approval of the appropriate Board, which may modify the above height requirements for fences.

D. In all events, fences shall be constructed of wood or other natural materials, except that fences consisting of plastic, vinyl, polymer or similar synthetic materials, concrete and/or chain link are permitted if the Board of Architectural Review makes specific findings that any such fence is neither reflective nor conspicuous for its synthetic qualities, that any such fence is not shiny, that any such fence avoids any institutional or commercial appearance, and that any such fence maintains a residential character and if deemed appropriate by the Board of Architectural Review any such fence shall be screened with sufficient plantings to conceal a substantial portion wherever deemed appropriate to the specific location and setting of such fence.

**E. Deer fencing standards. Notwithstanding the standards set forth in this Section, the following shall apply to deer fencing.**

**(1) No deer fence shall be taller than eight feet, except that support posts may be up to nine feet tall. If a deer fence is installed on top of a wall or another fence, as an extension or otherwise, the total height of the barrier shall not exceed the foregoing height restriction.**

**(2) Any deer fence installed adjacent to a public or private road or public place shall be installed with adequate vegetative screening to shield it from public view.**

**(3) Deer fences shall be designed in a manner and constructed of materials generally accepted in the industry for the construction of deer fences. Deer fences shall be colored to blend in with surrounding vegetation or landscaping. In selecting the materials and colors for a specific deer fence, the applicant shall give specific consideration to the effectiveness of the materials, concealment of the fence, and associated aesthetic impacts. In no event shall a deer fence be constructed of razor wire, barbed wire, chicken wire, cloth, canvas, or electrically charged fencing.**

**(4) Deer fences shall have the same minimum front yard setback as required for main buildings in the subject property's zoning district. In no case shall the deer fence be closer to street than the main building. For properties with multiple street frontages, the minimum front yard setback for the yard facing the side of the main building shall be twenty feet. There is no setback requirement for deer fences in side or rear yards.**

**(5) All deer fences installed in the Village shall comply with the intersection visibility requirement set forth in § 165-29 of the Village Code.**

**(6) The Board of Architectural Review shall consider the following non-exhaustive list of factors on every application pursuant to this subsection:**

**(a) Whether the proposed deer fence meets the standards set forth in this subsection.**

**(b) Whether the proposed deer fence will have an adverse visual or aesthetic impact on public roads or spaces, or on adjoining properties in the Village.**

**(c) Whether the proposed deer fence will be adequately screened to mitigate adverse visual or aesthetic impacts.**

**(d) Whether the deer fence, as proposed, would present a public health or safety hazard.**

**(e) Whether the deer fence will result in some other negative impact on the surrounding environment.**