



# Fences & Walls

April 2020

*City of Milan*  
*Building Department Guide to*  
*Fences & Walls*



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**City of Milan Building Department**

**147 Wabash Street**

**734-439-1984**

# INTRODUCTION

## Fences & Walls

The City of Milan has prepared this Guidebook to assist you in the process of your Fence or Wall project. This Guidebook contains important information that will help you understand requirements for fences and walls. We have included details for areas that have generated confusion or delays in the past. The information is presented in a start-to-finish sequence to guide you as you progress through your project.

The following information is provided:

**Zoning Ordinance**.....Page 1-4

**Inspection Requests** .....Page 5

- Contains details required for requesting an inspection, making sure your job is ready for inspection, the times inspections are done and what inspection reports mean.

This Guidebook contains many procedures and requirements. We urge you to read through it completely. It may save you valuable time in completing your project. We hope this Guidebook is helpful and we encourage you to provide us with any suggestions you may have as we continue to work toward improving our permitting process. Please call the City of Milan Building Department at 734-439-7089 if you have any questions.

**Note: This Guidebook is only intended to be a guide and is not all inclusive of the Building Code. For complete details of all requirements, consult the City of Milan Zoning Ordinance Section 7.30. The information in this Guidebook is subject to change without notice.**

## **ZONING ORDINANCE SECTION 7.30**

### **Fences & Walls**

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- 1. Construction and Maintenance.** Fences and walls shall be securely constructed in conformance with this Section and all applicable building codes and shall consist of durable, weather-resistant materials as approved by the Building/Zoning Official. Masonry piers may be used as part of a fence installation with the approval of the Building/Zoning Official. Fences and walls shall be maintained in good order, painted, rust proofed or otherwise protected against damage and decay to present an orderly appearance.
- 2. Hazards.** Fences and walls shall not be erected in a manner that obstructs free and clear vision or would be a hazard to traffic or pedestrians. Fences and walls shall not be erected within public rights-of-way.
- 3. Orientation of Finished Side.** Fences that have one (1) finished or decorative side shall be oriented with the finished or decorative side facing outwards towards adjacent parcels and away from the interior of the lot to which the fence is associated. Masonry walls shall be finished in a similar manner on all sides.
- 4. Site Drainage and Utilities.** Fences and walls shall not be erected in a manner that obstructs the free flow of surface water within or across the lot to which it is associated or the adjacent lots. Fences and walls shall not be erected in a manner that causes damage to underground utilities.
- 5. Position on Boundary Line.** Fences and walls, including, but not limited to posts, foundations and overhanging elements, shall be located completely within the limits of the lot to which they are associated.
- 6. Height and Location Requirements.**
  - **Chain Link Fence**
    - Maximum Height: Side and Rear = 5 Feet \*
    - Minimum Yard Setback = See Below \*\*
  - **Living Fence**
    - See Below \*\*
  - **Ornamental Fence**
    - Maximum Height: Side and Rear = 6 Feet \*
    - Minimum Yard Setback = See Below \*\*
  - **Privacy Fence**
    - Maximum Height: Side and Rear = 6 Feet \*
    - Minimum Yard Setback = See Below \*\*
  - **Rail Fence**
    - Maximum Height: Side and Rear = 5 Feet \*
    - Minimum Yard Setback = See Below \*\*
  - **Industrial Fence**
    - Maximum Height: Side and Rear = 5 Feet \*
    - Minimum Yard Setback: Side and Rear = 10 Feet

- **Decorative Wall**
  - Maximum Height: Side and Rear = 4 Feet \*
  - Minimum Yard Setback = See Below \*\*
- **Obscuring Wall**
  - Maximum Height: Side and Rear = 6 Feet \*
  - Minimum Yard Setback = See Below \*\*

\* All required setbacks for fences and walls shall be measured from the property line or existing street right-of-way line. Height of such fences or walls shall be measured from the grade level to the highest point of the fence or wall.

\*\* Fences and walls located within required side and rear yards may be erected on the property line with the submission of written consent from all adjacent property owners or a letter from a licensed surveyor to the Building/Zoning Official verifying the location of lot boundaries.

**Please Note:**

- **Fences and walls are not permitted within the required front yard of any zoning lot.**
- **In the case of a corner lot, a fence may be permitted in all rear and side yards. Within the side yard that fronts the street, a fence may be permitted if it is beyond twenty-five (25) feet of the public street right-of-way line and does not project past the front principal building corners. For the purpose of this Section, the side yard that fronts the street is the yard along the street not designated as the front street in the plat, the address or by the Zoning Board of Appeals**

**Prohibited Fences and Walls.** The following fences and walls are prohibited by the City:

1. The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
2. No fences in any zoning district shall contain an electric charge or be connected with electric current.
3. Obscuring walls, except where for the purpose of establishing a buffer between adjacent land uses or ensuring public safety, the Planning Commission may approve such walls as part of an approved site plan.
4. Wire fences, including chicken wire.
5. Any fence or wall unlawfully installed, erected or maintained.

**PERMITS REQUIRED**  
**Zoning Ordinance Section 7.30**

**Permits Required.** A Zoning Permit shall be required for all work performed in association with the construction, alteration or relocation of a fence or wall, except where otherwise specified herein.

1. Fences and Walls for which a Zoning Permit is **NOT REQUIRED:**
  - A. Repairs. Repairs to an existing fence or wall with no structural changes.
  - B. Gates. The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.
  - C. Short Lengths of New Fence. Construction of less than eight (8) feet of new fence, provided that such work is in compliance with the provisions of this Section and all applicable Building Codes.
  - D. Living Fences. Planting of continuous hedgerows or similar landscape features.
  
2. Permit Application. Applications for permits shall be made upon forms provided by the Building Department. The following information shall be provided with the application:
  - A. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements and setback dimensions. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
  - B. Written consent of all adjacent property owners, or a letter from a licensed surveyor to the building official verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
  - C. Other information that the Building/Zoning Official may require to show full compliance with this and all other City Ordinances.
  - D. The applicant will remit payment for the Zoning Permit as established in the City's Official Fee Schedule by resolution of the City Council.
  
3. Legal Nonconforming Fences and Walls. All existing nonconforming fences or walls shall be permitted to continue as such until removed, extended or altered, at which time such fences or walls shall be made to conform to the provisions of this Section.
  
4. Removal of Illegal or Damaged Fences or Walls. Damaged or illegal fences or walls shall be immediately repaired, replaced or removed by the owner, agent or person having the beneficial use of the building or structure upon which said fence or wall shall be found. Upon identification of a damaged or illegal fence or wall, the Building/Zoning Official shall order the property owner to remove such or make repairs within ten (10) days.

**Fences on Public Land.** Fences which enclose public parks, playgrounds, and buildings shall be permitted in any required yard in any zoning district. Fences which enclose public utility installation shall not be permitted within a required front yard or within any required side yard in any residential zoning district, but may be permitted in any required yard of any other zoning district.

**Appeals.** Upon appeal in writing by any person directly or indirectly affected hereby, the Building and Safety Board of Appeals of the City may, after a hearing in accordance with the established procedure of the Board, in its sound discretion, and in the interest of the public health, safety and welfare of the inhabitants of the community, reduce or remit the requirements of this Section for construction of fences in individual cases.

**Violations.**

1. Violation of any provision of this Section shall constitute a Municipal Civil Infraction. Upon an admission or determination of responsibility for such municipal civil infraction, the violator shall be subject to a civil fine and costs in amounts specified in the Official Municipal Civil Infraction Fines and Costs Schedule adopted by resolution of the City Council. Each day that a violation of any provision of this Section is permitted to exist shall constitute a separate violation or infraction.
2. The penalties specified in this Section shall be in addition to and not in lieu of any other remedy that the City may have at law and/or in equity.

**Open Storage.**

1. There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored, except in LI District and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential zone, special purpose or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.
2. Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners, and where necessary, if the wall or fence is not properly maintained, money shall be put in escrow for repair and maintenance so as to not allow disrepair to continue.

# **INSPECTION REQUESTS**

## **Fences & Walls**

### **Contact the Building Department to schedule the inspection.**

- At this time, you will be required to provide the following information:
  - **The Street Address of the job site.**
  - **The Permit Number.**
  - **The type of Inspection you are requesting.**

Inspections will be done Monday through Friday. Inspections may be available outside the normal business hours by special arrangement.

**A request to cancel an Inspection needs to be called into the City of Milan Building Department at 734-439-7089 before 9:00 a.m. on the day of the requested Inspection.**

**Please make sure your project is ready for your inspection. If your project is not ready for an inspection, the inspection will not be completed, and a \$55.00 re-inspection fee may be charged. The following items shall be completed or in place at the time of the inspection:**

- Safe access to the job site and throughout the area to be inspected.
- The job ready for inspection.
- The street address and lot number posted and visible from the street.
- Temporary soil erosion control properly installed (if applicable).
- The street kept clean.
- All construction materials and debris contained on the project property.

### **Inspection results will be left on site after each inspection has been completed.**

**Green Tag –** Your Inspection has been approved.

**Inspector's Report –** Your Inspection has not been approved. The Report will contain a list of items that need to be addressed before calling for a re-inspection. A \$55.00 re-inspection fee will be charged for any items not corrected at the time of the second inspection. Inspections shall be approved before proceeding with the next phase of your construction project.

It is your responsibility as the permit holder to check the job site for the inspection results. Please read the information on all Inspection Reports. If you have any questions regarding this information, call the City of Milan Building Department at 734-439-7089.

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